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Brazil ratifies the Enforced Disappearance Convention but fails to make a key declaration

Amnesty International welcomed Brazil's ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (Enforced Disappearance Convention). The Convention aims to establish the truth about enforced disappearances, bring perpetrators to justice and provide full reparations to victims and their families.

The treaty will enter into force on 23 December 2010, after Iraq became the 20th country to ratify it, and for Brazil on 30 December 2010 – a month after the deposit of the instrument of ratification at UN Headquarters.

However, Brazil did not make the declaration recognising the competence of the Committee on Enforced Disappearances to receive complaints from or on behalf of victims or states when the national authorities fail to fulfil their obligations, as some other states did in the Americas. This is particularly disappointing as there remain over 140 cases of enforced disappearances, which occurred during the military regime, which remain unresolved. Brazil should not be afraid of a treaty body supervision of its compliance with a human rights treaty.

An enforced disappearance takes place when a person is arrested, detained or abducted by a state or agents acting for the state. The authorities then deny that the person is being held or conceal their whereabouts, thereby placing them outside the protection of the law.

Although this step is an important one in Brazil in the fight against impunity, the lack of recognition of the Committee on Enforced Disappearances competence is a major step backward, moreover when Brazil had already recognised years ago the much wider jurisdiction of the International Criminal Court to investigate and prosecute enforced disappearances that were part of a widespread or systematic attack on a civilian population.

Amnesty International urges Brazil to promptly make enforced disappearance criminal under national law, implement fully the Convention and recognise the competence of the Committee on Enforced Disappearances.

Twenty-one states have ratified the Disappearances Convention: Albania, Argentina, Bolivia, Brazil, Burkina Faso, Chile, Cuba, Ecuador, France, Germany, Honduras, Iraq, Japan, Kazakhstan, Mali, Mexico, Nigeria, Paraguay, Senegal, Spain and Uruguay.

See also: "Landmark enforced disappearances convention to enter into force", <http://www.amnesty.org/en/news-and-updates/landmark-enforced-disappearances-convention-enter-force-2010-11-25>