

No. 12638

**BRAZIL
and
PORTUGAL**

**Convention on equality of rights and duties of Brazilian
and Portuguese nationals. Signed at Brasília on 7 Sep-
tember 1971**

Authentic text : Portuguese.

Registered by Brazil on 22 June 1973.

**BRÉSIL
et
PORTUGAL**

**Convention relative à l'égalité des droits et obligations entre
Brésiliens et Portugais. Signée à Brasília le 7 septem-
bre 1971**

Texte authentique : portugais.

Enregistrée par le Brésil le 22 juin 1973.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON EQUALITY OF RIGHTS AND DUTIES OF BRAZILIAN AND PORTUGUESE NATIONALS

The Government of the Federative Republic of Brazil, on the one hand, and the Government of Portugal, on the other,

Loyal to the great historical, moral, cultural, linguistic and ethnic values which unite the Brazilian and Portuguese peoples,

Determined to promote the gradual improvement, at all levels of their relations, of the legal instruments and machinery for achieving the orderly development of the Luso-Brazilian community,

Convinced that the application of the principle of equality embodied in article 199 of the Brazilian Constitution and article 7, paragraph 3, of the Portuguese Constitution meets the deepest aspirations of the Brazilian nation and the Portuguese nation,

Conscious of value for the common destinies of the two sister countries of adopting a statute which will reflect the special character of the links existing between Brazilian and Portuguese nationals and serve as an inspiration and guide for future generations,

Have resolved to conclude, in solemn testimony to their brotherly and indestructible friendship, the following Convention :

Article I. Portuguese in Brazil and Brazilians in Portugal shall enjoy the same rights and duties as nationals of those countries.

Article II. The exercise by Portuguese in Brazil and by Brazilians in Portugal of rights and duties in pursuance of the foregoing article shall not bring about the loss of their respective nationalities.

Article III. Portuguese and Brazilians covered by the statute of equality shall continue to exercise all rights and duties inherent in their respective nationalities except those which are incompatible with the national sovereignty and public policy of the State of residence.

Article IV. Rights reserved exclusively by the Constitution of each of the States for those who are nationals of the State by birth shall be excluded from the system of equal rights.

Article V. Equality of rights and duties shall be granted by a decision of the Ministry of Justice, in Brazil, and of the Ministry of the Interior, in Portugal, to any Portuguese and Brazilians applying for it, provided they have legal capacity and are permanent residents.

¹ Came into force on 22 April 1972, i.e. one month after the exchange of instruments of ratification, which took place at Lisbon on 22 March 1972, in accordance with article XVII.

Article VI. Equality of rights and duties shall cease with the expiry of the authorization to reside in the territory of the State or the loss of nationality.

Article VII. 1. Enjoyment of political rights by Portuguese in Brazil and by Brazilians in Portugal shall be granted only to persons having five years' permanent residence and shall be subject to an application to the competent authority.

2. Equality in the matter of political rights shall not be extended to persons who, in the State of nationality, have been deprived of equivalent rights.

3. The enjoyment of political rights in the State of residence shall have the effect of suspending the exercise of the same rights in the State of nationality.

Article VIII. Portuguese and Brazilians covered by the statute of equality shall be subject to the criminal law of the State of residence in the same circumstances as the nationals of that State.

Article IX. Portuguese and Brazilians covered by the statute of equality shall be subject to extradition only at the request of the Government of the State of nationality.

Article X. Portuguese and Brazilians shall not perform military service in the State of residence under article I. The domestic law of each State shall, for this purpose, determine the status of the respective nationals.

Article XI. A Portuguese or Brazilian enjoying equality of rights and duties who absents himself from the territory of the State of residence shall be entitled to the diplomatic protection of the State of nationality alone.

Article XII. The Governments of Brazil and Portugal undertake to communicate to each other through the diplomatic channel information on the acquisition and loss of the equal rights and duties regulated by this Convention.

Article XIII. Portuguese in Brazil and Brazilians in Portugal shall be supplied, for domestic use, with identity documents of the same type as those of their respective nationals, the nationality of the holder and a reference to this Convention being stated therein.

Article XIV. Portuguese in Brazil and Brazilians in Portugal who do not seek to become subject to the régime laid down in this Convention shall continue to be subject to the régime established for them in the Constitution and laws of Brazil and Portugal respectively.

Article XV. In pursuance of this Convention the contracting States shall adopt legal and administrative measures for the implementation of its provisions.

Article XVI. The Governments of Brazil and Portugal shall consult each other periodically for the purpose of considering and adopting the necessary provisions for better and uniform interpretation and application of this Convention and for the purpose of making any modification they deem advisable.

Article XVII. This Convention shall be ratified by both countries in conformity with their respective constitutional requirements and shall enter into force one month after the exchange of instruments of ratification.

The exchange of instruments of ratification shall take place in Lisbon.

Article XVIII. This Convention may be denounced on at least six months' prior notice but such denunciation shall not affect the rights of those benefiting under the Convention as long as it remains in force.

IN WITNESS WHEREOF, the undersigned plenipotentiaries have signed this Convention and affixed their seals thereto.

DONE at Brasília, on the seventh day of September, nineteen hundred and seventy-one in two copies in Portuguese.

For the Government of the Federative Republic of Brazil :
MARIO GIBSON BARBOZA

For the Government of Portugal :
RUI PATRÍCIO
