



## Ratification Kit

# Burundi

### Why is it important for Burundi to ratify the United Nations Protocol to abolish the death penalty?

**Burundi** has **abolished the death penalty** in its new Penal Code in **April 2009**. There was a de facto moratorium on execution since 2001 and, in December 2006, the President commuted all death sentences.

Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights is extremely important, both nationally and locally, because it is the only text with worldwide reach aiming to abolish the death penalty.

Ratifying of the Protocol is a very symbolic act, reflecting the universal trend towards abolition of capital punishment, considered to be cruel, inhuman, or degrading treatment. **It is essential that the world's abolitionist countries ratify this Protocol.**

### What are the international commitments already taken by Burundi to ratify the Protocol?

Burundi demonstrated its commitment as regards abolition of the death penalty by voting in favor of five UN General Assembly resolutions for a **moratorium on the use of the death penalty** in **2007, 2008, 2010, 2012** and **2014**. However, Burundi voted against the resolution in 2016 and was at the vote in 2018.

Burundi participated in the **Universal Periodic Review** of the **Human Rights Council** in **2018** and mentioned that ratifying the Protocol was of priority national interest and a such will take all necessary measures to implement it. The **Human Rights Council** would inevitably commend Burundi if it ratified the Protocol.

In their Concluding Observations in **2014**, the **Human Rights Committee** and the

**Committee Against Torture** recommended that Burundi ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

In **2013**, the **African Commission on Human and Peoples' Rights** recommended that Burundi ratify the Second Optional Protocol to the ICCPR.

### **What are the steps to be taken as regards internal law?**

According to Article 7.2 of the Protocol, it “is subject to ratification by any State that has ratified the Covenant or acceded to it.” **Burundi acceded to the International Covenant on Civil and Political Rights in 1990** and is therefore competent to ratify this Protocol.

Among the obligations incumbent upon Burundi following ratification of the Protocol are the **prohibition of executions** and **withdrawal of the death penalty from internal criminal law**. These two obligations **have already been fulfilled** by Burundi. It may therefore **unreservedly** ratify the Protocol.

According to the Constitution, the President signs and ratifies international treaties (Article 276 of the Constitution). Some treaties (i.e. treaties which modify legislative provisions) can only be ratified through a law (Article 277 of the Constitution).

The instrument of ratification must then be deposited with the UN Secretary-General (Article 7.2 of the Protocol).

### **What are the legal obstacles to ratification?**

There is **no legal obstacle** as the death penalty was abolished in Burundi national legislation. The text of the ratification of the Second Optional Protocol has already passed through Parliament, which has approved it.

We therefore encourage Burundi to ratify the Protocol as soon as possible.

### **How can ratification of the Protocol be implemented?**

The Protocol shall come into force three months after the instruments of ratification have been deposited with the UN Secretary-General (Article 8.2 of the Protocol).

According to Article 3 of the Protocol, Burundi must submit reports to the Human Rights Committee covering the measures it has adopted to give effect to the Protocol.

The World Coalition Against the Death Penalty also encourages Burundi to support the adoption of an **African Protocol** on the abolition of the death penalty.

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*For more information, contact the World Coalition Against the Death Penalty and visit its website: [www.worldcoalition.org/protocol](http://www.worldcoalition.org/protocol)*