Why is it important for Cambodia to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights?

Cambodia has not carried out any executions since 1988. It has been an abolitionist country for all crimes since 1989. Its Constitution explicitly forbids the death penalty in Article 32. As the Constitution is the legislative reflection of a country’s supreme values, those which restrict application of the death penalty in their Constitutions demonstrate the importance they attach to this issue.

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

Ratification of this 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 Cambodia to ratify the Protocol?


Cambodia participated to the Universal Periodic Review of the Human Rights Council in November 2009 and again in 2014. During its first UPR, Cambodia accepted Brazil’s recommendation to ratify
During the second UPR, Cambodia accepted the recommendation, then sent a note saying that the “recommendations are noted and are under consideration among the inter-ministerial in order to make sure they reflect the situation on the ground and in line with national, regional situation.”

The last periodic review of Cambodia took place in January 2019 (current report review).

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

According to Article 7.3 of the Protocol, it “shall be open to accession by any State that has ratified the Covenant or acceded to it.” Cambodia ratified the International Covenant on Civil and Political Rights in 1992 and is therefore competent to accede to the Protocol.

Among the obligations incumbent upon Cambodia following accession to 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 Cambodia. It may therefore now unreservedly accede to the Protocol.

Approval or rejection of treaties belongs to the National Assembly (Art. 90). The approved legislation is then signed and promulgated by the King.

**What are the legal obstacles to accession?**

Cambodia has abolished the death penalty for all crimes in times of war as in peacetime.

There is therefore **no legal obstacle** to ratification of the Protocol.

We strongly encourage Cambodia to accede to this Protocol.

**How can accession to the Protocol be applied?**

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

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

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