



## Ratification Kit

# Colombia

### **Why is it important for Colombia to ratify the Protocol to the American Convention on Human Rights to Abolish the Death Penalty?**

**Colombia abolished the death penalty for all crimes.** Article 11 of the Constitution provides that “there will be no death penalty”.

As the Constitution is the legislative reflection of a country’s supreme values, those which abolish the death penalty in their Constitution demonstrate the importance they attach to this issue.

Ratification of the **Protocol to the American Convention on Human Rights to Abolish the Death Penalty** is extremely important, both nationally and locally, because it is the only treaty within the Organization of American States that exclusively aims at the abolition of the death penalty.

Ratifying the Protocol is a very symbolic act, reflecting the rooted tendency towards abolition of capital punishment in the

Americas, considered to be contrary to “the inalienable right to life” (Paragraph 2 of the Preamble). **It is essential that all American abolitionist countries become party to this Protocol.**

### **What are the international commitments already taken by Colombia in favor of abolition?**

Colombia has already acceded to **the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty in 1997** – the only treaty with worldwide reach aiming to abolish capital punishment.

### **What is the procedure to be followed as regards internal law?**

According to Article 3.1 of the Protocol, it “shall be open for signature and ratification or accession by any State Party to the American Convention on Human Rights”. **Colombia ratified the American Convention on**

**Human Rights in 1973** and is therefore competent to ratify this Protocol.

Among the obligations incumbent upon Colombia following ratification of the Protocol is the **prohibition from applying the death penalty in its territory to any person subject to its jurisdiction**. This obligation **has already been fulfilled** by Colombia in practice as the death penalty is abolished. It may consequently **unreservedly** ratify the Protocol.

The Congress is entitled to ratify international treaties signed by the Government (Articles 150.16 and 224 of the Constitution).

The instruments of ratification must then be deposited with the General Secretariat of the Organization of American States (Article 3.2 of the Protocol).

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

There is **no legal obstacle** to ratification since the death penalty was abolished in law.

We therefore encourage Colombia to ratify this Protocol as soon as possible.

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

The Protocol shall come into force when the instruments of ratification have been deposited with the General Secretariat of the Organization of American States (Article 4 of the Protocol).

*For more information, contact the World Coalition Against the Death Penalty or visit its website: <http://www.worldcoalition.org/protocol>*