



## Ratification Kit

# Congo

### **Why is it important for the Congo to accede to the United Nations Protocol to abolish the death penalty?**

The **Republic of Congo** adopted a new Constitution by referendum in 2015, specifying in its Article 8 that “the death penalty is abolished”. Prior to the adoption of the new constitution, the country had been abolitionist in practice, as the last known execution traced back to 1982.

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 is extremely important, both nationally and locally,

because it is the only text with worldwide reach aiming to abolish the death penalty.

Ratification 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 Congo to accede to the Protocol?**

Congo demonstrated its commitment as regards the abolition of the death penalty by voting in favour of the six **UNGA Resolutions** of 2007, 2008, 2010, 2012, 2014 and 2016 for a moratorium on the use of the death penalty. Furthermore, Congo has co-sponsored all resolutions since 2008.

Congo participated to the second cycle of the **Universal Periodic Review in 2013** and supported the recommendations to ratify the Second Optional Protocol to the ICCPR. The **Human Rights Council** would certainly welcome their implementation before its next review in November 2018.

Congo submitted its initial report to the **Committee Against Torture** in 2015: in its Concluding observations, the Committee recommended the State to ratify the Second Optional Protocol to the ICCPR.

### **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.”

**Congo ratified the International Covenant on Civil and Political Rights in 1983** and it is therefore competent to accede to this Protocol.

Among the obligations incumbent upon Congo 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

Congo, which abolished the death penalty in its Constitution.

It may therefore now **unreservedly accede** to the Protocol.

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

There is **no legal obstacle** as the death penalty has been abolished in the new Constitution of Congo.

We therefore strongly encourage Congo to accede to this Protocol as soon as possible.

### **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, Congo 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 Congo to support the adoption of an **African Protocol** on the abolition of the death penalty.

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