Why is it important for Haiti to accede to the United Nations Protocol to abolish the death penalty?

Haiti abolished the death penalty for all crimes in its Art 20 of the 1987 Constitution. The last known execution took place in 1972.

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.

Acceding to this UN Protocol is extremely important; both nationally and locally, because it is the only text with worldwide reach aiming to abolish the death penalty.

Acceding to 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 Haiti to accede to the Protocol?


Haiti participated to the first and second cycle of the Universal Periodic Review of the Human Rights Council in 2011 and 2016. At this occasion, several states recommended that Haiti accede to the Protocol.

Haiti accepted the recommendations and the Human Rights Council would certainly welcome its ratification to the Protocol prior to its next review in 2021.

In its initial report submitted to the Human Rights Committee in December 2012, Haiti stated: “with regard to the optional protocols [to the ICCPR], the Republic of Haiti plans to
include them in the legislative agenda to be submitted to the next legislature.”
During its session in October 2014, the Human Rights Committee recommended that Haiti ratifies the Protocol.

What is the procedure to be followed 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.” Haiti acceded to the International Covenant on Civil and Political Rights in 1991 and can therefore become party to the Protocol.

To accede to the Protocol, a State must express its consent to be entirely bound by the provisions of a Treaty by depositing a written instrument of accession without previously signing the Treaty.

Among the obligations incumbent upon Haiti 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 Haiti in practice.
Haiti may therefore now unreservedly accede to the Protocol.

According to the Constitution reviewed in 2012, the President has the power to sign international treaties with the prior approval of the Parliament.

The instruments of accession have then to be deposited with the UN Secretary General (Article 7.4 of the Protocol).

What are the legal obstacles to accession?

There are is no legal obstacle as the death penalty has been abolished in the Haiti’s internal legislation.

We strongly encourage Haiti 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, Haiti 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 Haiti to ratify the Protocol to the American Convention on Human Rights to abolish the death penalty.

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