



Ratification Kit

Madagascar

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

Madagascar is a new abolitionist country in law. On 10 December 2014, for the World Human Rights Day, the National Assembly of Madagascar adopted a bill that abolishes the death penalty.

The last execution in the country took place in 1958.

The ratification 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, in law or in practice, ratify this Protocol.**

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

Madagascar committed to ratify the United Nations Protocol to abolish the death penalty by signing it on 24 September 2012.

Madagascar also demonstrated its commitment as regards abolition of the death penalty by voting in favour and co-sponsoring the six **UNGA Resolutions** of 2007, 2008, 2010, 2012, 2014 and 2016 for a moratorium on the use of the death penalty.

Madagascar participated to the **Universal Periodic Review** of the **Human Rights Council** in 2010 and 2014.

In 2014, it accepted the recommendations to ratify the Second Optional Protocol.

The **Human Rights Committee** (in 2007) and the **Committee against Torture** (in

2011) invited the State party 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.”

Madagascar ratified the International Covenant on Civil and Political Rights in 1971 and signed the Second Optional Protocol in 2012. It is therefore competent to ratify this Protocol.

Among the obligations incumbent upon Madagascar 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 Madagascar, which abolished the death penalty in its Constitution.

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

What are the legal obstacles to ratification?

There is **no legal obstacle** as Madagascar is an abolitionist country and as the last execution took place in 1958.

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

How can ratification of 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, Madagascar 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 Madagascar 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>