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

Samoa has abolished the death penalty for all crimes in 2004 and has never carried out any execution.

Acceding to 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.

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 Samoa to accede to the Protocol?


Samoa participated to the Universal Periodic Review of the Human Rights Council in 2011 and 2016. In 2011, Samoa accepted the recommendations made by Brazil and France to ratify the Second Optional Protocol. In 2016, as the recommendation to ratify the Protocol was anew addressed by France, Uruguay, Montenegro and Portugal, Samoa noted it and declared that it would “undergo consultations with relevant authorities on the ratification of the Optional Protocol of ICCPR”.

Samoa has to submit its first report to the Human Rights Committee. The Human
Rights Committee would certainly welcome its accession to the Protocol prior to its 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.” Samoa acceded to the International Covenant on Civil and Political Rights in 2008 and it is therefore competent to accede to this 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 Samoa 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 the country. It may therefore now unreservedly accede to the Protocol.

According to the Constitution of Samoa, the Parliament is competent to accede to international treaties.

The instrument of ratification or accession must then be deposited with the UN Secretary General (Article 7.4 of the Protocol).

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

There is no legal obstacle as the death penalty has been abolished in Samoa Constitution.

We therefore encourage Samoa 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, Samoa 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: [http://www.worldcoalition.org/protocol](http://www.worldcoalition.org/protocol)