



## Ratification Kit

# Marshall Islands

### **Why is it important for the Marshall Islands to ratify the United Nations Protocol to abolish the death penalty?**

The **Marshall Islands abolished the death penalty for all crimes**. Article II, section 6(1) of the Constitution provides that “no crime under the law of the Republic of the Marshall Islands may be punishable by death.” This section 6 is dedicated to cruel and unusual punishment.

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.

Ratifying 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 Marshall Islands to ratify the Protocol?**

The Marshall Islands strongly expressed their commitment as regards abolition of the death penalty by voting in favor of the **seven UNGA Resolutions for a moratorium on the use of the death penalty** in **2007, 2008, 2010, 2012, 2014, 2016** and **2018**. The country also co-sponsored all the resolutions, except in 2018.

The Marshall Islands participated in the **Universal Periodic Review** of the **Human Rights Council** in **2010** and **2015** and accepted recommendations addressed by the

Human Rights Council in favour of the ratification of the Protocol. The country will participate in the Universal Periodic Review on **November 2020**. The Human Rights Council, **of which the Marshall Islands are currently a member**, would inevitably commend the Marshall Islands if they ratified the Protocol.

### **What are the steps to be taken as regard to internal law?**

According to Article 7.2 of the Protocol, it “is subject to ratification by any State that has ratified the Covenant or acceded to it.” **Marshall Islands acceded to the International Covenant on Civil and Political Rights in 2018** and are therefore competent to ratify this Protocol.

Among the obligations incumbent upon the Marshall Islands 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 the Marshall Islands since the death penalty is abolished in the Constitution. They may therefore now **unreservedly** ratify the Protocol.

The Cabinet is responsible for negotiating international treaties, but none can be accepted without the approval of the

parliament in accordance with article V, Section 1(3)(d) of the Constitution. However, no international treaty accepted after the effective date of the Constitution may have the force of law in accordance with Article V, Section 1(4) of the Constitution.

The instrument of ratification must then be deposited with the UN Secretary General (Article 7.2 of the Protocol).

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

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

We therefore encourage Marshall Islands to ratify this Protocol as soon as possible.

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

The Protocol shall come into force three months after the instruments of ratification have been deposited with the UN Secretary General (Article 8.2 of the Protocol).

According to Article 3 of the Protocol, the Marshall Islands must submit reports to the Human Rights Committee covering the measures they have 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>*