



## Ratification Kit

# Bolivia

### **Why is it important for Bolivia to ratify the Protocol to the American Convention on Human Rights to Abolish the Death Penalty?**

**Bolivia abolished the death penalty for all crimes.** Article 15.1 of the Constitution provides that “the death penalty does not exist”.

As the Constitution is the legislative reflection of a country’s supreme values, those which abolish the death penalty in their Constitution demonstrate the importance they attach to this issue.

Ratification of the **Protocol to the American Convention on Human Rights to Abolish the Death Penalty** is extremely important, both nationally and locally, because it is the only treaty within the Organization of American States that exclusively aims at the abolition of the death penalty.

Ratifying the Protocol is a very symbolic act, reflecting the rooted tendency towards

abolition of capital punishment in the Americas, considered to be contrary to “the inalienable right to life” (paragraph 2 of the Preamble). **It is essential that all American abolitionist countries become party to this Protocol.**

### **What are the international commitments already taken by Bolivia in favor of abolition?**

Bolivia has already acceded to the **Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty in 2013** – the only treaty with worldwide reach aiming to abolish capital punishment.

### **What is the procedure to be followed as regards internal law?**

According to Article 3.1 of the Protocol, it “shall be open for signature and ratification or accession by any State Party to the American Convention on Human Rights”. **Bolivia acceded to the American Convention on**

**Human Rights in 1979** and is therefore competent to ratify this Protocol.

Among the obligations incumbent upon Bolivia following ratification of the Protocol is the **prohibition from applying the death penalty in its territory to any person subject to its jurisdiction** This obligation **has already been fulfilled** by Bolivia as the use of the death penalty is banned by the Constitution. It may consequently **unreservedly** ratify the Protocol.

The Pluri-National Legislative Assembly is entitled to ratify international treaties signed by the Executive (Article 158.14 of the Constitution). Ratified international treaties have force of law (Article 257 of the Constitution). Any international treaty shall require approval by referendum when it is requested by five percent of the citizens registered on the voting rolls, or thirty five percent of the representatives of the Pluri-National Legislative Assembly. These initiatives can also be used to request the signature by the Executive (Article 259 of the Constitution).

The instruments of ratification must then be deposited with the General Secretariat of the Organization of American States (Article 3.2 of the Protocol).

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

There is **no legal obstacle** as the death penalty was abolished in law.

We therefore encourage Bolivia to ratify this Protocol as soon as possible.

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

The Protocol shall come into force when the instruments of ratification have been deposited with the General Secretariat of the Organization of American States (Article 4 of the Protocol).