



Ratification Kit

El Salvador

Why is it important for El Salvador to ratify the Protocol to the American Convention on Human Rights to Abolish the Death Penalty?

El Salvador abolished the death penalty for ordinary crimes only. Article 27 of the Constitution provides that “the death penalty shall be imposed only in cases foreseen by the military laws during a stage of international warfare”.

As the Constitution is the legislative reflection of a country’s supreme values, those which limit the application of 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 El Salvador in favor of abolition?

El Salvador 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 2014** – 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". El Salvador **ratified the American Convention on Human Rights in 1978** and is therefore competent to ratify this Protocol.

Among the obligations incumbent upon El Salvador 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 partially fulfilled** by El Salvador in practice as the use of the death penalty is limited to crimes committed in times of war. It may consequently ratify the Protocol.

The Legislative Assembly is entitled to ratify international treaties signed by the Executive (Article 131.7 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?

Only reservations for "extremely serious crimes of a military nature" are allowed prior to the ratification (Article 2.1 of the Protocol).

We therefore encourage El Salvador to fully abolish the death penalty and to ratify unreservedly 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).

For more information, contact the World Coalition Against the Death Penalty and visit its website: <http://www.worldcoalition.org/protocol>