



## Ratification Kit

# Haiti

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

**Haiti abolished the death penalty for all crimes.** Article 20 of the Constitution of Haiti provides that the death penalty is abolished in all cases. The last known execution took place in 1972.

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 Haiti to accede to the Protocol?**

Haiti also demonstrated its 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.**

Haiti participated in the **Universal Periodic Review** of the **Human Rights Council** in 2011 and 2016 and accepted the recommendations to ratify the Second Optional Protocol to the International Covenant to Civil and Political aiming at the abolition of the death penalty. The **Human Rights Council** would inevitably commend Haiti if it ratified the Protocol prior to its next review.

In its Concluding Observations in **2014**, the **Human Rights Committee** recommended Haiti to ratify the Second Optional Protocol to the ICCPR.

### **What is the procedure to be followed as regards 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.” **Haiti ratified the International Covenant on Civil and Political Rights in 1991** and is therefore competent to ratify this Protocol.

Among the obligations incumbent upon Haiti 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 Haiti in practice. It may therefore now **unreservedly** ratify the Protocol.

The President of the Republic is competent to sign international treaties then submit them to the National Assembly for ratification (Article 139 of the Constitution). The National Assembly is fully competent to approve a treaty (Article 98.3 of the Constitution).

The instruments 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 of Haiti.

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

### **How can ratification to 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, Haiti 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 Haiti to ratify the **Protocol to the American Convention on Human Rights to abolish the death penalty**.

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