



## Ratification Kit

# Congo

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

The **Republic of Congo** is **abolitionist for all crimes** since the adoption of a new Constitution by referendum in **2015**. Article 8 of the Constitution provides that “the death penalty is abolished”. Prior to the adoption of the new Constitution, the country had been abolitionist in practice, as the last known execution took place in 1982.

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 (ICCPR) 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 Congo to ratify the Protocol?**

Congo demonstrated its commitment as regards the abolition of the death penalty by voting in favor of the **six UNGA Resolutions for a moratorium on the use of the death penalty** in **2007, 2008, 2010, 2012, 2014** and **2016**. Furthermore, Congo has co-sponsored all resolutions **since 2008**. In 2018, the country abstained in the vote on

the UN moratorium and did not co-sponsored it.

Congo participated in the **Universal Periodic Review** of the **Human Rights Council** in **2018** and supported the recommendations to ratify the Second Optional Protocol to the ICCPR. The **Human Rights Council** would inevitably commend Congo if it ratified the Protocol.

In its Concluding Observations in **2015**, the **Committee Against Torture** invited Congo to ratify the Second Optional Protocol to the ICCPR.

### **What are the steps to be taken 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.” **Congo ratified the International Covenant on Civil and Political Rights in 1983** and is therefore competent to ratify this Protocol.

Among the obligations incumbent upon Congo 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 Congo, which abolished the death penalty in its Constitution. It may therefore now **unreservedly** ratify the Protocol.

The President of the Republic can sign and ratify international treaties with the approval

of the Parliament (Article 217 of the Constitution). The Constitutional Court can judge the conformity of international treaties with the Constitution (Article 175 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 Constitution of Congo.

We therefore encourage Congo 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, Congo 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 Congo to support the adoption of an **African Protocol** on the abolition of the death penalty.

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