



## Ratification Kit

# Burkina Faso

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

**Burkina Faso abolished the death penalty for ordinary crimes** when adopting its new Penal Code in **June 2018**. Although some people are still under death sentence, **the last execution in Burkina Faso was in 1988**.

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 become party to this Protocol.**

### **What are the international commitments already taken by Burkina Faso to ratify the Protocol?**

Burkina Faso demonstrated its commitment as regards the abolition of the death penalty by voting in favor of the **eight UN General Assembly resolutions for a moratorium** on the use of the death penalty in 2007, 2008, 2010, 2012, 2014, 2016, 2018 and 2020. In 2018, Burkina Faso also co-sponsored the resolution.

Burkina Faso participated in the **Universal Periodic Review** of the **Human Rights Council** in **2018** and supported the recommendations to fully abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The **Human Rights Council** would inevitably commend Burkina Faso if it ratified the Protocol before its next review in October 2023.

In its Concluding Observations in **2014**, the **Committee Against Torture** recommended that Burkina Faso ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

In its Concluding Observations in **2016**, the **Human Rights Committee** also recommended that Burkina Faso accede to 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.” **Burkina Faso acceded to the International Covenant on Civil and Political Rights in 1999** and is therefore competent to ratify this Protocol.

Among the obligations incumbent upon Burkina Faso 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 partially fulfilled** by Burkina Faso which abolished the death penalty for ordinary crimes. It may consequently ratify the Protocol.

The President is entitled to sign and ratify international treaties (Article 148 of the Constitution). However, treaties which modify legislative provisions can only be ratified through a law (Article 149 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 was abolished for ordinary crimes.

We therefore encourage Burkina Faso to abolish the death penalty for all crimes and to unreservedly 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, Burkina Faso 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 Burkina Faso 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: <https://worldcoalition.org/campagne/just-one-more-step-ratifying-international-and-regional-protocols/>*