



Ratification Kit

Burundi

Why is it important for Burundi to ratify the United Nations Protocol to abolish the death penalty?

Burundi abolished the death penalty for all crimes when adopting its new Penal Code in **April 2009**. The country has observed a de facto moratorium on executions since 2001 and the President commuted all death sentences in December 2006.

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 of 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 Burundi to ratify the Protocol?

Burundi demonstrated its commitment as regards abolition of the death penalty by voting in favor of **five UN General Assembly resolutions for a moratorium on the use of the death penalty** in **2007, 2008, 2010, 2012** and **2014**. However, Burundi voted against the resolution in 2016, and was absent at the vote in 2018 and 2020.

Burundi participated in the **Universal Periodic Review** of the **Human Rights Council** in **2018** and mentioned that ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty was of **priority national**

interest and as such will take all necessary measures to implement it. The **Human Rights Council** would inevitably commend Burundi if it ratified the Protocol.

In their Concluding Observations in **2014**, the **Human Rights Committee** and the **Committee Against Torture** recommended that Burundi ratify the Second Optional Protocol to the ICCPR.

In **2013**, the **African Commission on Human and Peoples' Rights** recommended that Burundi 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.” **Burundi acceded to the International Covenant on Civil and Political Rights in 1990** and is therefore competent to ratify this Protocol.

Among the obligations incumbent upon Burundi 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 Burundi. It may consequently **unreservedly** ratify the Protocol.

According to the Constitution, the President is entitled to sign and ratify international treaties (Article 276 of the Constitution).

However, treaties which modify legislative provisions shall only be ratified through a law (Article 277 of the Constitution).

The bill allowing the ratification of the Second Optional Protocol **has already been approved by the Parliament**.

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 in law.

We therefore encourage Burundi to ratify the 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, Burundi 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 Burundi 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: www.worldcoalition.org/protocol