



Ratification Kit

Cambodia

Why is it important for Cambodia to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights?

Cambodia is an abolitionist country for all crimes since 1989 and has not carried out any executions since 1988. Its Constitution explicitly forbids the death penalty in Article 32.

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.

Ratification of this 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 Cambodia to ratify the Protocol?

Cambodia demonstrated its commitment as regards abolition of the death penalty by voting in favor the **seven UNGA Resolutions for a moratorium on the use of the death penalty in 2007, 2008, 2010, 2012, 2014, 2016 and 2018.**

Cambodia participated in the **Universal Periodic Review of the Human Rights Council** in 2019. During the Universal Periodic Review in 2014, Cambodia accepted the recommendations to ratify the

Protocol, then noted them stating that these recommendations “are under consideration among the inter-ministerial in order to make sure they reflect the situation on the ground and in line with national, regional situation.” However, in 2019, Cambodia accepted the recommendations to ratify the Protocol. The **Human Rights Council** would inevitably commend Cambodia if it ratified the Protocol.

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.” **Cambodia ratified the International Covenant on Civil and Political Rights in 1992** and is therefore competent to ratify this Protocol.

Among the obligations incumbent upon Cambodia 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 Cambodia. It may therefore now **unreservedly** ratify the Protocol.

According to the Constitution, the King sign and ratify international treaties after them being approved by the National Assembly and the Senate (Article 26 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 the Constitution of Cambodia.

We therefore encourage Cambodia 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, Cambodia must submit reports to the Human Rights Committee covering the measures it has adopted to give effect to the Protocol.

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