



Ratification Kit

The Dominican Republic

Why is it important for the Dominican Republic to accede to the United Nations Protocol to abolish the death penalty?

The Dominican Republic **abolished the death penalty for all crimes in 1966**, in accordance with Article 8 (1) of its Constitution which refers to the “inviolability of life” and sets out that “consequently, neither the death penalty nor torture or any other repressive punishment or procedure [...] may be imposed.”

The Constitution is the legislative reflection of a country’s supreme values and it provides human rights guarantees to all individuals under its jurisdiction. Countries which include abolition of the death penalty in their Constitutions demonstrate the importance they attach to this issue.

Acceding to this UN Protocol is extremely important; both nationally and locally, because it is the only text with worldwide reach aiming to abolish the death penalty.

By acceding to this treaty, the Dominican Republic will demonstrate its attachment to the most important **democratic values and human rights**.

Acceding to 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 the Dominican Republic to accede to the Protocol?

On 27 January 2012, the Dominican Republic demonstrated its desire to move towards total abolition of capital punishment by ratifying the **Protocol to the American Convention on Human Rights to abolish the death penalty**. This Protocol provides for the abolition of capital punishment under all circumstances in times or war as in peacetime.

The Dominican Republic also expressed its commitment as regards abolition of the death penalty by voting in favour of the five **UN General Assembly’s Resolutions on a moratorium on the use of the death penalty** in 2007, 2008, 2010, 2012 and 2014.

The Dominican Republic participated to the **Universal Periodic Review** of the **Human Rights Council** in 2009 and 2014.

The Dominican Republic noted the 2009 and 2014 recommendations to ratify the Second Optional Protocol and said: "in Dominican Republic the ratification of an international treaty is assumed with great rigor. Many institutions are involved and we need time for consultation and for studying the constitutionality of the treaty, to ensure compatibility between international obligations and our national legislation."

What is the procedure to be followed as regards internal law?

According to Article 7.3 of the Protocol, it "shall be open to accession by any State that has ratified the Covenant or acceded to it."

The Dominican Republic acceded to the International Covenant on Civil and Political Rights in 1978 and can therefore become party to the Protocol.

To accede to the Protocol, a State must express its consent to be entirely bound by the provisions of a Treaty by depositing a written instrument of **accession without previously signing the Treaty**.

Among the obligations incumbent upon the Dominican Republic following accession to 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 the Dominican Republic in practice.

The Dominican Republic may therefore now unreservedly accede to the Protocol.

According to Articles 128.1 and 93.1 of the 2010 Constitution, the President has the power to sign international treaties with the prior approval of the National Congress.

The instruments of accession have then to be deposited with the UN Secretary General (Article 7.4 of the Protocol).

What are the legal obstacles to accession?

There are no legal obstacles as the death penalty has been abolished in the Dominican Republic's internal legislation.

We strongly encourage the Dominican Republic to accede to this Protocol.

How can accession to the Protocol be applied?

The Protocol shall come into force three months after the instruments of accession have been deposited with the UN Secretary General (Article 8.2 of the Protocol).

According to Article 3 of the Protocol, the Dominican Republic 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: <http://www.worldcoalition.org/protocol>