

LOBBYING KIT FOR MEMBERS

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Campaign for the Ratification of International and Regional Protocols Aimed at Abolition of the Death Penalty

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Introduction

The Second Optional Protocol is the only universal international treaty that prohibits executions and provides essential mechanisms to entrench the abolition of the death penalty in the world. It is a key instrument to abolish the death penalty. Through widespread ratification, it has the potential to ultimately outlaw the death penalty.

As of 25th September 2017, 85 States out of the 169 State parties to the ICCPR and out of the 141 abolitionist States in law or in practice have ratified the Second Optional Protocol (Azerbaijan, Brazil, Chile, El Salvador and Greece with a reservation) and 2 States (Angola and Gambia) have signed the Protocol but have not ratified it yet.

Why Campaigning for the Ratification

The Second Optional Protocol to the ICCPR and the regional protocols are key tools to reinforcing and securing abolition of the death penalty worldwide:

- → **abolitionist countries in law** irrevocably abolish the death penalty regardless of future changes in government and political situation;
- → abolitionist countries in practice commit to ban executions, to commute death sentences and to take all necessary measures to abolish the death penalty within their jurisdiction;
- → for retentionist countries, a growing number of ratifications will put increasing pressure on retentionist States to stop executions.

Towards universal ratification

The Second Optional Protocol to the ICCPR is the only universal instrument aiming at abolishing the death penalty, but there are also regional protocols for which the World Coalition is campaigning.

The main objective of the World Coalition Against the Death Penalty and its members is to continue to raise awareness about these mechanisms and encourage their ratification. First of all, the project consists in increasing the number of ratifications in order to reach a "critical mass". The objective is to reach ten additional ratifications of the Second Optional Protocol by the UN member States in five years.

To view the list for the current 5-year period: www.worldcoalition.org/protocol.

Using the kit

The objective of the kit is to advise on a step-by-step basis how to conduct advocacy with policy-makers, at every step of the ratification process. It includes specifically advice to conduct missions, model lobbying letters and a model press release.

Campaign tools

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- The model lobbying letters and the model press release included in this kit are examples aiming at helping the organisations in their advocacy work and action planning. The organisations are encouraged to adapt this material by taking into account the situation of the given country and most importantly, to include any information that could enhance the advocacy work.
- **The information leaflet** gives details about the importance of the Protocol and the reasons for a ratification campaign;
- **The ratification kits** are for policy-makers and give, country by country, the ratification procedure and the arguments to convince target countries to adopt the Protocol;
- **The questions and answers** on the protocol allow for a greater knowledge of the Protocol;
- The legal glossary explains the complexity of international law terminologies.

All these tools are available in French, English, Spanish and Arabic on the website: www.worldcoalition.org/protocol

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Presentation of the Campaign

Through the lessons learnt from the progress made since 2009 and as a result of the evaluation of the campaign completed in 2017, the campaign has evolved to be more efficient.

A universal tool with regional equivalents

The Second Optional Protocol to the ICCPR is the only universal instrument aiming at the abolition of the death penalty, but there are also regional protocols for which the World Coalition is also campaigning:

- → Protocol 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) concerning the Abolition of the Death Penalty is the first regional abolitionist treaty. It has been signed by all 47 Member States of the Council of Europe and ratified by 46 of them. This text provides for the abolition of the death penalty, but still allows States to maintain it for crimes committed in time of war or of imminent threat of war;
- → **Protocol 13 to the ECHR**, adopted in May 2002, ratified by 44 of the 47 States and signed by an additional one State, abolishes the death penalty in all circumstances and without possible reservations. Thus it goes beyond the range of the Second Optional Protocol to the ICCPR.
- → The Protocol to the American Convention on Human Rights (ACHR) to Abolish the Death Penalty was adopted in 1990 by the Organisation of the American States (OAS). Like the Second Optional Protocol, it aims at abolishing capital punishment, with the same possibility for States "to apply the death penalty in wartime in accordance with international law, for extremely serious crimes of a military nature". It has been ratified to date by 13 of the 22 State parties to the ACHR out of the 35 Member States of the OAS.

The World Coalition and its members are also working for the adoption by the African union of a **Protocol to the African Charter on Human and Peoples' Rights** on the abolition of the death penalty.

The UN Protocol and the regional Protocols are key mechanisms that share the same objective: strengthen and entrench the abolition of the death penalty in the world.

Target countries and strategies

The ratification campaign consists above all in increasing the number of ratifications each year. A list of target countries is therefore drawn up and actions are encouraged and conducted each year. At first, the campaign focused on "easy targets", abolitionist countries who had already committed to ratify, but needed a final push. Now that the World Coalition has reached a time when almost all the easy targets have ratified the protocol, the campaign will focus on target countries that will need more persuasion and are very likely to take longer to ratify.

The choice of the countries for each lobbying period is based on several criteria:

- → The tendency to ratify (commitment with intergovernmental organisations);
- → Vote for the UNGA resolutions for a moratorium on the use of the death penalty;

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- → Political opportunities (reaction of the government, future elections, political crisis, public view about the death penalty, etc.);
- → Ratification of international instruments relating to Human Rights (done or to be done etc.);
- → Schedule of forthcoming reviews (UPR, Human rights Committee, ACHPR,;
- → Internal legal obstacles (complexity of the ratification process etc.);
- → Campaign capacities of the members of the World Coalition (presence of the members of the World Coalition or affiliated members);
- → Other local partners identified for the campaign coming from the civil society;
- → Relationships between the civil society and the government (tendency to work together, will of the government etc.);
- → Open to dialogue at an international level;
- → Geographical balance and strategic value.

According to these criteria, 10 countries are targeted for the next 5 years, with two priority countries per year: Angola, Armenia, Cambodia, Congo, Cote d'Ivoire, Guinea, Haiti, Morocco, Samoa and Suriname. This list will evolve as ratifications advance.

These choices are not definitive: The World Coalition wants to be reactive and constantly reviews its strategy in case of possible changes and political opportunities. The actions taken by member organisations, the information given by local partners as well as the conclusions of lobbying missions will allow the World Coalition to refine its strategies for each target country.

Prevent the reintroduction of the death penalty

The Second Optional Protocol to the ICCPR and the regional protocols are key tools to reinforcing and securing abolition of the death penalty worldwide.

- → Abolitionist countries in law irrevocably abolish the death penalty regardless of future changes in government and political situation. This is critical now in a context where abolitionist countries threaten to adopt legislation that would allow for the death penalty, namely, the Philippines and Turkey.
- → Abolitionist countries in practice commit to ban executions, to commute death sentences, and to take all necessary measures to abolish the death penalty within their jurisdiction. Benin and Mongolia are successful examples of countries which were abolitionist in practice when they ratified the UN Protocol and then abolished the death penalty in law.

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Strengthening the follow up of the ratification campaign

- → The World Coalition encourages the countries that have ratified the Second Optional Protocol but not the corresponding regional protocol to do so, and vice-versa, in order to enhance the value of these protocols:
- Bolivia, Colombia and El Salvador have ratified the Second Optional Protocol to the ICCPR, but not the American Protocol;
- **Canada** has ratified the Second Optional Protocol but not the American Convention for Human rights, nor its Protocol to Abolish the Death Penalty.
 - → The World Coalition also encourages moreover the withdrawal of existing reservations as done by Cyprus, Spain and Malta in 2003, 1998 and 2000. As of September 25th 2017, only 5 countries are concerned: Azerbaijan, Brazil, Chile, El Salvador and Greece.

The role of member organisations of the World Coalition

The diversity of stakeholders with which the World Coalition is working in the context of this campaign, constitutes its key asset:

- → Member organisations of the World Coalition;
- → Local partners;
- → Leaders of target countries at capital levels;
- → Intergovernmental organisations;
- → Group of countries officially supporting the campaign called the "Friends of the Protocol".

Actions of members of the World Coalition in this campaign have diversified and have intensified since the launch in 2009. More members have been involved in the campaign, either through sending lobbying letters, participating to on-site missions or by disseminating information and recommendations about the ratification of the Second Optional Protocol. Others have been used as relay for intergovernmental organisations or local partners. This involvement has significantly increased the impact of the ratification campaign.

The World Coalition has always operated in complementarity with its members and this campaign reflects this: The Secretariat of the Coalition coordinates actions, ensures an expertise and a support, provide updated and multilingual campaign materials but it is up to the members to conduct actions.

The World Coalition helps its members in their actions by keeping them informed through its website and the publication twice a year of a document entitled "Update of the ratification campaign". It summarises the latest evolutions of the campaign including the status of the ratifications, actions conducted by the World Coalition and its members, it also suggests actions and give a schedule for the next target countries.

The role of the members of the World Coalition in this campaign is essential, it is to:

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- → Make the protocols known by disseminating the campaign materials in order to raise awareness about the importance of the ratification;
- → Participate in lobbying letter campaigns and write official letters in order to put pressure on governments;
- → Organize advocacy actions at capital levels and participate in advocacy missions in target countries according to their geographical localization;
- → Enhance the partnerships with intergovernmental organisations;
- → Work and establish relationships with local partners in target countries.

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Campaigning for the ratification

Every member organisation of the World Coalition does not have the same working methods, nor the same means or the same field of expertise. But each has a role to play in this campaign. You will have to operate differently according to:

- → The country where your organisation is based (if you are in a country targeted by the campaign or not)
- → The type of organisation (national coalition, network or federation, bar association, local NGO, international NGO, city, union...)
- → Your expertise and competence (about a target country, about key players, about lobbying in general, about regional and international intergovernmental organisations...)

Concerning the five activities suggested below, the first two are easy to carry out by everyone; you have to make people aware of the protocols and send lobbying letters. The following three activities are specifically for organisations, which are either located in target countries, or related to local partners, or in touch with intergovernmental organisations.

Spreading information about the protocols

One of the main objectives of the World Coalition's campaign is to make the international and regional protocols against the death penalty better known from the perspective of the general public, the media and the policy-makers.

Since 2009, some members specialised in the field of social networking took the information sent every two months by the secretariat of the World Coalition from the document entitled "Update of the ratification campaign" and relayed it on Twitter and Facebook by encouraging the general public to participate to the letter writing campaign.

Other organisations such as FIACAT and some ACAT have started to raise the issue of ratification of the Protocol in each of their interventions as far as the death penalty is concerned.



You, too, can spread the information!

To increase the visibility around this campaign, you are kindly invited to disseminate the World Coalition's documents introducing the protocols by translating them into your language, if necessary, through:

- → Your website;
- → Blogs, forums, Facebook, Twitter and other social networks;
- → Your monthly or weekly newsletter in soft or hard copy;
- → Press releases, letters to the editors or press article if you work with the media.

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Sending lobbying letters to the government of the target countries

International pressure is one of the key elements of this ratification campaign. Sending official letters coming from all around the world will show the importance of this ratification for the international civil society. The more the targeted countries will hear about the protocols, the more they will be likely to ratify them.

Since 2010, calls were made by the Secretariat of the World Coalition every two months with model letters and contact details of the recipient for each country. Most of the members that replied are organisations that did not have any specific relationships with the target countries. The Secretariat of the World Coalition will now make two calls per year. The strategy of the World Coalition consisting in asking its members to send letters to target countries turned out to be successful with an increasing number of responses obtained from target countries. The World Coalition and its members have indeed received responses from the government of Latvia, Bolivia (letter from the Minister of Justice and the

responses from the government of Latvia, Bolivia (letter from the Minister of Justice and the President of Bolivia), of the Dominican Republic, of Angola (letter from the Minister of Justice stating that the procedure has been initiated) and Poland. These responses were essential in order to prepare the lobbying missions and to identify the key contact points to meet. They have also showed that the ratification process has been initiated in nearly all target countries.

This letter campaign is therefore on the right track and is easy to be carried out by everyone.



Writing to policy-makers

- → If you don't have any relationship with the target countries, twice a year, you will be invited to send official letters to exert pressure on governments. Twice a year, the Secretariat of the World Coalition will send a reminder with model letters attached and contact details of the recipients for each country.
- → If your organisation is located in a target country, you can write to them independently by using model letter n°1.

Organising advocacy actions at capital levels

The meetings with government officials are often the most efficient means to find out about the government position and to convince policy-makers to ratify the Protocol. To reflect the diversity of the World Coalition, members are invited to participate to these missions in the target countries depending on the countries where their office is. For example, for missions in Poland, European members will be contacted; for missions in Angola, African members, etc.

This activity is therefore addressed more to member organisations having their head office located in the target countries or in neighbouring countries of the target countries.

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To participate to one or several missions:

- → Get in touch with the World Coalition's secretariat
- → The secretariat will organise the mission according to the campaign's schedule and to your availabilities
- → You may also organise it yourself by using the model letter n°2.

A few pieces of advice for the mission:

- → Once the meeting is arranged, read and prepare the ratification kit for governments to bring to the meeting. It will be useful during the meeting: governments are not likely to have an expert understanding of the Protocol. These materials may also contain answers to government concerns that you can address at the meeting.
- → When attending the meeting, concentrate on finding out from the government the following:
 - 1. What is the government's position on the Protocol?
 - 2. Why, being an abolitionist country, has it not ratified it yet?
 - 3. What legislation is necessary to ratify or accede to the Protocol?
 - 4. Ask for information about the timetable for drafting and passing the necessary legislation.
 - 5. Urge the government to speed up examination and processing of this legislation.
- → After the meeting, send an e-mail to thank the people you met by summarising briefly their commitments; then, write a more comprehensive report and send a copy to the secretariat of the World Coalition to share what you learnt and help increasing the impact of the campaign.

Working with local partners

Since 2011, members of the World Coalition have served as relay in order to get in touch with local civil society in countries where the World Coalition does not have direct members. Indeed, a lot of member organisations of the World Coalition are also federations and have at their disposal a wide network of NGOs in the world. Thanks to the International Federation for Human Rights (FIDH), the World Coalition was able to identify local partners in El Salvador or in Cambodia. Thanks to FIACAT, the same was done with the ACAT Burundi, Côte d'Ivoire and Benin. The same apply for Bar associations: the Paris Bar or Puerto Rico Bar Association have a privileged access to Bar associations of target countries and have build bridges between the World Coalition and local civil society.

The work with the local partners has often enabled the development of a strategy more adapted to the circumstances. However, this first contact has not systematically resulted in an active participation of the national civil society in the ratification campaign, either in developing a national ratification strategy, or by identifying and sharing its political contacts or by participating to lobbying missions.

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In the future, the World Coalition should enhance its relationships with local NGOs and involve them more directly, especially for abolitionist countries in practice.



Mobilize local partners

If your organisation is part of a network, a federation or a coalition and has affiliates or groups or sections in one or several target countries, you can take the campaign forward by:

- → Involving relevant national civil society: human rights organisations, church, unions, lawyers, and judges...
- → Encouraging the development of a national ratification strategy, including by targeting governmental agencies and governmental decision-makers.
- → Identifying and maintaining contacts with political leaders and representatives of government in order to promote political support for the campaign.
- → Participating to lobbying missions in the country.

Enhancing partnerships with international organisations

Since 2009, members of the World Coalition, especially international NGOs working with intergovernmental organisations such as the UN, the OSCE, the African Commission on Human and Peoples' Rights or the Inter-American Commission on Human Rights, have spread information and recommendations of the campaign at different levels.



Working with international organisations

If your organisation regularly works with one of these bodies, you can take forward the campaign by:

- → Talking about the Protocol in your alternative reports on target countries;
- → Making recommendations for the ratification;
- → Making oral statements for the ratification;
- → Organising meetings with representatives of target countries to those bodies;
- → Organising side events during human rights sessions.

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Follow up on ratifications

Congratulate any new ratification

The ratification is the main objective of the campaign. It is therefore essential to make it known to the public. Once a country ratified the Protocol, the next step is the publication.



- → **Send a press release** by using the *model press release* attached.
- → Write to policy-makers with who you have been in touch, for example if you wrote letters or participated in advocacy missions.

Cross-check if all steps were followed

The campaign does not end when one of the above-mentioned protocols has been ratified, but when the death penalty is abolished in national law.



To ensure that the abolition is definitive, here are a few steps easy to follow:

- → Did the country ratify the Second Optional Protocol to ICCPR and the related regional protocol (for member States of the Council of Europe and the Organisation of American States only)?
- → Did the country ratify international and regional protocols with a reservation?
- → Did the country abolish the death penalty in its national legislation?

If the answer is "no" to one or several questions, write a letter to the new State party by using model letter n°3 to congratulate the state for the ratification of the protocol and ask for the ratification of related regional or international protocol, the removal of the reservation and/or the abolition in the national law.

Results

Don't forget to send reports to the Secretariat of the World Coalition about actions and commitments taken. This approach aims at increasing the efficiency of the campaign and its impact on other countries.

Contact the World Coalition:

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www.worldcoalition.org

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APPENDICES

Model Letter 1: to government and decision-makers in the target countries

Everything between square brackets [...] must be replaced. To complete this letter, please refer to the ratification kit of the target country (www.worldcoalition.org/protocol), tables of ratifications updated (www.worldcoalition.org/A-universal-tool-with-regional-equivalents) and the Death Penalty Worldwide Database (www.worldcoalition.org/worldwide-database).

[Title and Name],

I am writing to urge your government to take steps to ensure the prompt ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights by [country].

As of [date], [85] States have ratified the Second Optional Protocol. This tendency is in accordance with the general trend towards the universal abolition of the death penalty. [141] countries are abolitionist in law or in practice. [make sure that these figures are up to date]

The World Coalition Against the Death Penalty launched a ratification campaign for this Protocol to ensure that all states ratify this Protocol. This Protocol aims to abolish the death penalty, which is an inhuman, cruel and degrading treatment, violating the fundamental right to life. Universal ratification will ensure that there are no more executions in the world and it will also protect the right to life at the international level.

Accordingly, I am writing to urge your government to join the international effort to abolish the death penalty by ratifying the Second Optional Protocol to the ICCPR and the Protocol [name of the relevant regional protocol] as soon as possible;

[name of the country], abolished the death penalty in [year] and has not executed anyone since [year]. It has already ratified the International Covenant on Civil and Political Rights as well as [name of the international treaties ratified by this country]. It also voted in favour of the United Nations resolutions for a moratorium on the use of the death penalty in 2007, 2008, 2010 2012, 2014 and 2016. Therefore, the ratification of the Second Optional Protocol should only be a formality.

You will find enclosed a leaflet of information on the Protocol and I will be more than happy to answer any question you may have regarding this Protocol.

I am looking forward to receiving your answer. Yours sincerely.

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Model Letter 2: for a meeting request

Everything between square brackets [...] must be replaced. To complete this letter, please refer to the ratification kit of the target country (www.worldcoalition.org/protocol), tables of ratifications updated (www.worldcoalition.org/A-universal-tool-with-regional-equivalents) and the Death Penalty Worldwide Database (www.worldcoalition.org/worldwide-database).

[Title and Name],

I am writing to you as a member of the World Coalition Against the Death Penalty to request a meeting with [name of the person you want to meet with] to discuss the process of ratification by your country, [name of the country], of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming to abolish the death penalty.

The World Coalition was created in Rome on 13 May 2002. Its aim is to strengthen the international dimension of the fight against the death penalty and its ultimate objective is to obtain definitive abolition of executions in those countries where the death penalty is in force and to reduce the use of capital punishment as a first step toward abolition.

The Second Optional Protocol is the only international treaty of worldwide scope to prohibit executions and provides a key tool for securing abolition of the death penalty worldwide; once a State ratifies the Protocol, there is no going back, the death penalty is irrevocably abolished in that country regardless of changes in government and political situation. Once the majority of countries worldwide have ratified, the Protocol will serve as the instrument that outlaws the death penalty in international law.

Accordingly, I would like to meet with you to discuss the possibility of your country, [name of the country], ratifying the Second Optional Protocol.

[Name of the country] abolished the death penalty in [year] and has not executed anyone since [year]. It has already ratified the International Covenant on Civil and Political Rights as well as [name of the international treaties ratified by this country]. It also voted in favour of the United Nations resolutions for a moratorium on the use of the death penalty in 2007, 2008, 2010, 2012, 2014 and 2016.

Therefore, the ratification of the Second Optional Protocol should only be a formality.

I am looking forward to receiving your reply. I would be grateful, when doing so, if you could supply us with a brief summary of your position and of the ratification process.

Yours sincerely.

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Model Letter 3: for the abolition in law, the ratification of the relevant regional Protocol and/or the lifting of a reservation

Everything between square brackets [...] must be replaced. To complete this letter, please refer to the ratification kit of the target country (www.worldcoalition.org/protocol), tables of ratifications updated (www.worldcoalition.org/A-universal-tool-with-regional-equivalents) and the Death Penalty Worldwide Database (www.worldcoalition.org/worldwide-database).

[Title and Name],

On behalf of [name of your organisation] and of the World Coalition Against the Death Penalty, I welcome [name of the country]'s recent ratification of the Second Optional Protocol to the International Covenant on Political and Civil Rights (the Protocol).

As of [date], [85] States have ratified the Second Optional Protocol. This tendency is in accordance with the general trend towards the universal abolition of the death penalty. 141 countries are abolitionist in law or in practice. [make sure that these figures are up to date]

However, your country ratified it with a reservation and I am writing to urge your government to take steps to ensure the lifting of the reservation made at the time of the ratification on [date of ratification/accession].

The World Coalition Against the Death Penalty is working to ensure that all states ratify the Protocol. Universal ratification will ensure that there are no more executions in the world and will also protect the right to life at the international level.

[name of the country] has abolished the death penalty for ordinary crimes in [year] and has not executed anyone since [year]. It has not been at war with any other country since [year]. It has already ratified the International Covenant on Civil and Political Rights as well as [name of the international treaties ratified by this country]. It also voted in favour of the United Nations resolutions for a moratorium on the use of the death penalty in 2007, 2008, 2010, 2012, 2014 and 2016.

The next step is thus **[delete accordingly]** the abolition of the death penalty for all crimes, including in times of war, the ratification of the **[relevant regional protocol]** and the lifting of the reservation on the ratification of the Second Optional Protocol.

Yours sincerely.

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Model Press Release

[Use your letterhead]

[NAME OF THE COUNTRY] RATIFIED THE UNITED NATIONS PROTOCOL TO ABOLISH THE DEATH PENALTY

FOR IMMEDIATE RELEASE: DATE

Press release – [Name of your organisation]

[Name of your organisation] congratulates [name of the country] for the ratification of the Second Optional Protocol, the [date of the event]. The ratification occurred after the Parliament [modify accordingly] approved the Protocol in [month/year] and the President signed it [modify accordingly] in [month/year].

The Second Optional Protocol is the only international treaty of worldwide scope to prohibit executions and provides a key tool for securing abolition of the death penalty worldwide.

[Answer the questions: Why and how the ratification has been possible? Explain the historical and the context in which the ratification took place.]

[Name of the country] has abolished the death penalty in [date] and has committed no execution since [date]. It has ratified [treaties and dates].

[Name of your organisation] urges the government on [name of the country] to enact effective implementing legislation as soon as possible, [if it has not already been done] and encourages other countries to take the same step.

Contact:

First name Surname

Email address

Telephone number

Name of your organisation was created in [date] to [objectives of your organisation].

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