



Ratification Kit

Samoa

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

Samoa has abolished the death penalty for all crimes in 2004 and has never carried out any execution.

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.

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 ratify this Protocol.**

What are the international commitments already taken by Samoa to ratify the Protocol?

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

Samoa participated in the **Universal Periodic Review** of the **Human Rights Council** in 2011 and 2016. In 2011, Samoa accepted the recommendations to ratify the Second Optional Protocol. However, in 2016, Samoa noted the recommendations but declared that it would “undergo consultations with relevant authorities on the ratification of the Optional Protocol of ICCPR”. The **Human Rights Council** would inevitably commend Samoa if it ratified the Protocol prior to its next review.

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.”

Samoa acceded to the International Covenant on Civil and Political Rights in 2008 and it is therefore competent to ratify this Protocol.

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

The instrument of ratification must 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 Samoa Constitution.

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