



## Ratification Kit

# Togo

### **Why is it important for Togo to accede to the United Nations Protocol to abolish the death penalty?**

Togo has **abolished the death penalty for all crimes in its Penal Code in June 2009** and the last execution in the country took place in 1978.

Acceding to 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.

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 Togo to accede to the Protocol?**

Togo demonstrated its commitment as regards abolition of the death penalty by voting in favour of the **UN General Assembly resolutions for a moratorium on the use of the death penalty** in 2010, 2012 and 2014.

Togo submitted a report to the UN **Human Rights Council**, within the framework of the first cycle of the **Universal Periodic Review**. During the review, in October 2011, Spain, Moldova, Uruguay and Argentina recommended that Togo ratify the Protocol.

Togo accepted the recommendations and the Human Rights Council would certainly welcome its ratification to the Protocol prior to its next review in 2016.

Togo submitted its second report to the **Committee Against Torture** in 2012. In its concluding observations, the Committee Against Torture invited the State party to consider ratifying the core United Nations human rights instruments to which it is not yet a party, namely: the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

### **What are the steps to be taken 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.”

**Togo acceded to the International Covenant on Civil and Political Rights in 1984** and it is therefore competent to accede to this 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 Togo 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 country.

It may therefore now unreservedly accede to the Protocol.

According to Art.137 of the Constitution, the President signs and ratifies international treaties and according to Art.138, treaties related to international organisation and that involve human rights can only be ratified after a law is passed by the legislative power .

### **What are the legal obstacles to accession?**

There are **no legal obstacles** as the death penalty has been abolished in Togo national legislation.

We therefore encourage Togo to accede to the Protocol as soon as possible.

### **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, Togo 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>*