



**Effective** Advocacy  
Towards **Abolition**  
of the **Death** Penalty  
in sub-Saharan **Africa**

In partnership with



**WORLD**  
**COALITION**  
— AGAINST THE DEATH PENALTY —

# Effective Advocacy Towards Abolition of the Death Penalty in sub-Saharan Africa

*« Africa has already suffered too much  
as the martyr of slavery then colonisation,  
poverty and political violence, massacres  
and genocides, to continue to apply  
the death penalty. ».*

**Abdou Diouf**

Former President of Senegal and former Secretary General  
of La Francophonie, 2010.



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# PRESENTATION

A first version of this manual was prepared by the World Coalition Against the Death Penalty as a guide for the training session on the abolition of the death penalty in sub-Saharan Africa that took place in Dar Es Salaam, Tanzania, in April 2016. The participants to the training session enhanced the manual with their local and national expertise afterwards.

In partnership with FIACAT, the manual became a capitalisation tool of the project “Contributing to the abolition of the Death Penalty in sub-Saharan Africa”.

The World Coalition and FIACAT would like to thank Anita Nyanjong, Amy Bergquist, Annette So and Elise Guillot for their valuable contribution.

The manual aims at providing civil society in sub-Saharan Africa with guidance and tools to effectively work towards abolition of the death penalty in the region. It is meant to provide the civil society involved in the campaign towards the abolition of the death penalty with effective strategies for their campaigns. The manual also shares the best practices from the members of the World Coalition Against the Death Penalty in sub-Saharan Africa regarding the challenges they face in the context of the abolitionist campaign.

The manual is divided into three chapters. The first one gives a quick historical perspective on the death penalty in sub-Saharan Africa and outlines the current situation of the death penalty in the region. The second chapter focuses on the African human rights system and its provisions on the death penalty. The last section addresses relevant advocacy strategies for the abolition campaign in sub-Saharan Africa.



# GLOSSARY

<b>Abolitionist</b>	States which have abolished the death penalty in law for all crimes.
<b>Abolitionist in practice</b>	States which still have the death penalty in their legislation, but which have not carried out executions for at least the past 10 years. Those countries observe a de facto or official moratorium on the death penalty, and are believed to have a voluntary policy of not conducting executions.
<b>Death penalty / capital punishment</b>	Practise of putting to death an individual convicted by a court (or another sentencing authority) of a capital crime.
<b>Mandatory death penalty</b>	The legislation decrees that the death penalty shall be automatically pronounced against individuals found guilty of certain crimes, regardless of mitigating factors or extenuating circumstances. It is in contradiction with a 2003 ruling of the African Court on Human and Peoples' Rights, which acknowledged that "the circumstances of the individual offence but also the circumstances of the individual offender" shall be considered before imposing a death sentence.
<b>Retentionist</b>	States which still have the death penalty in their legislation and which do not demonstrate any will to restrict the use of the death penalty.

# ABBREVIATIONS

<b>ACHPR</b>	African Commission on Human and Peoples' Rights
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>OP2</b>	Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
<b>UNGA</b>	United Nations General Assembly
<b>WCADP</b>	World Coalition Against the Death Penalty
<b>WG</b>	Working Group

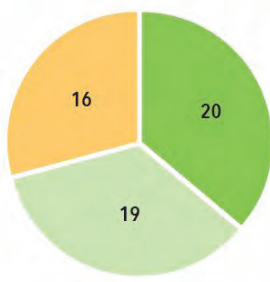
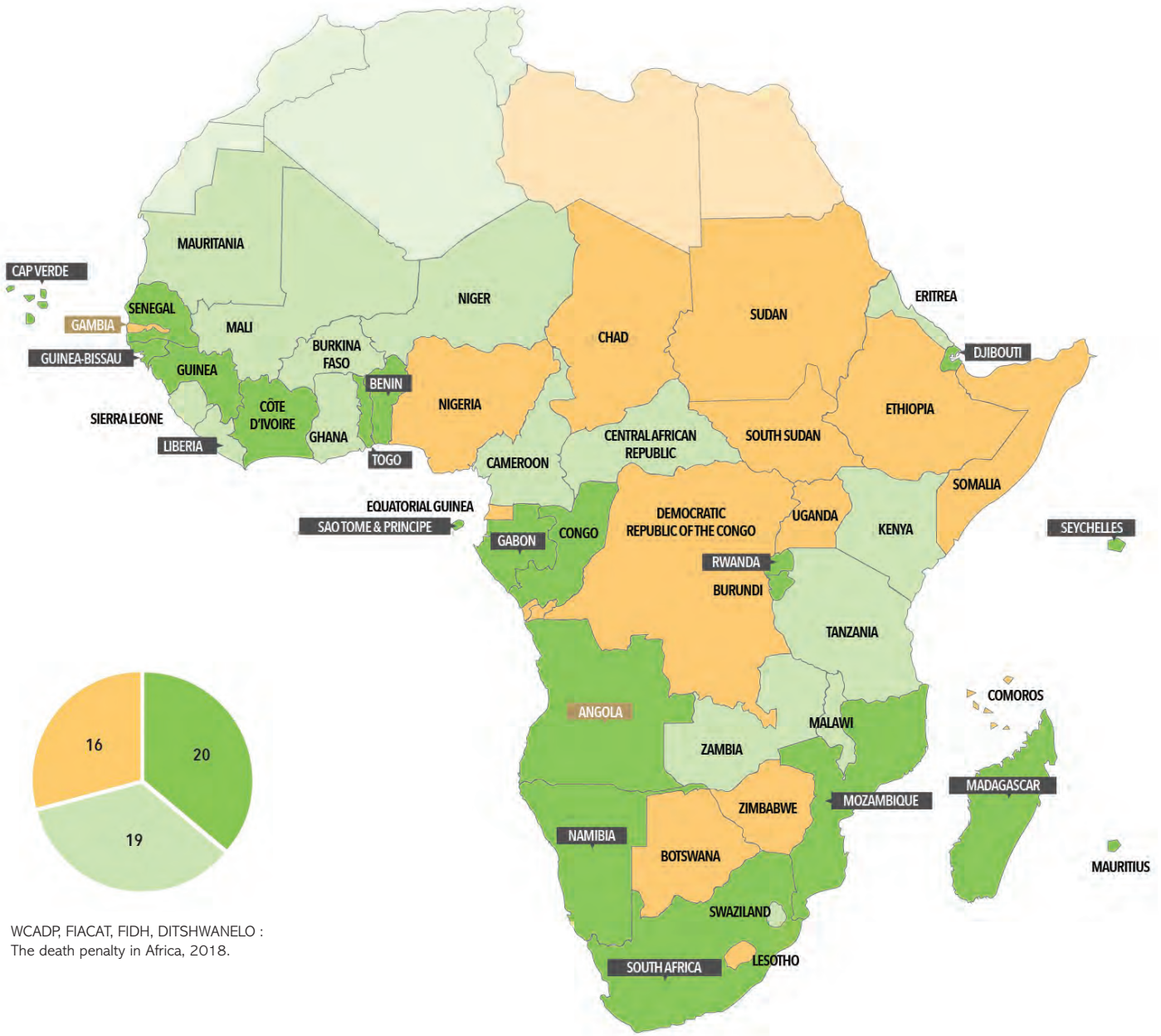
<sup>1</sup> African Court on Human and Peoples' Rights, Communication 240/2001, 2003. Available at: [http://www.achpr.org/files/sessions/34th/communications/240.01/achpr34\\_240\\_01\\_eng.pdf](http://www.achpr.org/files/sessions/34th/communications/240.01/achpr34_240_01_eng.pdf)





# Chapter I

## The death penalty in sub-Saharan Africa



WCADR, FIACAT, FIDH, DITSHWANELO :  
The death penalty in Africa, 2018.

- Abolitionist
- Abolitionist in practice
- Retentionist
- AA States parties to the Second Optional Protocol to the ICCPR, aiming at the Abolition of the Death Penalty
- AA States signatories to the Second Optional Protocol to the ICCPR, aiming at the Abolition of the Death Penalty

## 1. THE DEATH PENALTY IN PRECOLONIAL AFRICA

Although the death penalty existed in pre-colonial Africa and was applied to crimes considered serious such as patricide, fratricide and other unlawful practices, including witchcraft<sup>2</sup>, research reveals that many African societies upheld the right to life. Rather than the death penalty, the ultimate punishment was oftentimes banishment, i.e. exclusion from the community.<sup>3</sup>

In West Africa, the Manden Charter, also known as the charter of “Kouroukan Fouga” of 1222, observed by the Mandinka hunters, was a pact before which the hunters took an oath and which proclaimed the need to preserve human life and to uphold the dignity of human kind.<sup>4</sup>

Many African societies regarded the concept of humanity and togetherness. Indeed, in Southern Africa, the concept of “Ubuntu”<sup>5</sup> or human kindness was highly practiced, i.e. communities considered that their existence as human beings was dependent on the existence of the others. The concept was translated into “*you are because I am*”.

## 2. THE DEATH PENALTY IN COLONIAL AFRICA

Although Britain and France colonized most of the African continent, Portugal, Belgium and – to a lesser extent – Germany, Italy, and even Spain colonized portions of the African territory.

Besides from Portugal, which had abolished the death penalty for all crimes by 1870, all the other colonial forces included the death penalty in the colonial legislation in Africa.

Colonial influence thus allowed the introduction of the death penalty in territories where it previously was not a common part of local justice systems<sup>6</sup>.

## 3. THE DEATH PENALTY IN SUB-SAHARAN AFRICA TODAY

Among the 49 sub-Saharan countries:

**20 have abolished the death penalty:** Angola, Benin, Burundi, Cape Verde, Cote d’Ivoire, Djibouti, Gabon, Guinea, Guinea-Bissau, Madagascar, Mauritius, Mozambique, Namibia, Republic of Congo, Rwanda, Sao-Tomé and Principe, Senegal, Seychelles, South Africa, Togo.

**15 are abolitionist in practice:** Burkina Faso, Cameroon, Central African Republic, Eritrea, Ghana, Kenya, Liberia, Malawi, Mali, Mauritania, Niger, Sierra Leone, Swaziland, Tanzania, Zambia.

**14 are retentionist:** Botswana, Chad, Comoros, Democratic Republic of Congo,<sup>7</sup> Equatorial Guinea, Ethiopia, Gambia, Lesotho, Nigeria, Somalia, South Sudan, Sudan, Uganda,<sup>8</sup> Zimbabwe.

**In addition, 23 countries out of 49 voted in favour of the 2016 UN General Assembly resolution calling for a moratorium on executions.<sup>9</sup>**

## 4. FACTORS CONTRIBUTING TO MAINTAIN THE DEATH PENALTY IN AFRICA: REGIONAL EXPERIENCES

In its *Study on the question of the death penalty in Africa* (2011), the Working Group (WG) on the Death Penalty of the African Commission on Human and Peoples’ Rights identified several obstacles to the full abolition of this punishment in Africa.

For John W. Nyoka, (Tanzanian Coalition Against Death Penalty) “*political, religious and legal obstacles are the main pitfalls standing on our way in fighting the abolishment of death sentence*”.

<sup>2</sup> Chenwi L., *Towards the Abolition of the Death Penalty in Sub Saharan Africa*, 2007, p. 16.

<sup>3</sup> FIACAT, *Peine de mort au Congo: sensibiliser pour l’abolition*, 2015, p. 7.

<sup>4</sup> UNESCO, *Manden Charter, proclaimed in Kurukan Fuga*. Available at: <http://www.unesco.org/culture/ich/en/RL/manden-charter-proclaimed-in-kurukan-fuga-00290>

<sup>5</sup> In Southern Africa, it has come to be used as a term for a kind of humanist philosophy, ethic or ideology, also known as Ubuntuism or Hunhuism (the latter after the corresponding Shona term) propagated in the Africanisation (transition to majority rule) process of these countries during the 1980s and 1990s. (Wikipedia)

<sup>6</sup> For detailed information on the death penalty in precolonial and colonial Africa, see: Working Group on the death penalty *Study on the question of the death penalty in Africa*, 2011, pp. 23-27. Available at: [http://www.achpr.org/files/news/2012/04/d46/study\\_question\\_deathpenalty\\_africa\\_2012\\_eng.pdf](http://www.achpr.org/files/news/2012/04/d46/study_question_deathpenalty_africa_2012_eng.pdf)

<sup>7</sup> The last execution in DRC took place in 2003, but Amnesty International still classifies it as retentionist because there is no established practice not to carry out executions.

<sup>8</sup> The last execution in Uganda took place in 2005, but Amnesty International still classifies it as retentionist because there is no established practice not to carry out executions.

<sup>9</sup> 16 countries abstained, while 5 voted against the resolution and 5 were absent.

- **Public support for the death penalty in Africa.**

Like in other regions of the world, the death penalty is often supported by the population. The WG on the Death Penalty of the ACHPR assesses that *“the population has little confidence in the government and state agencies, [...] perceived as corrupted, inefficient and ineffective”*, while *“the police and the prison administration are generally seen as lax and encouraging impunity.”*<sup>10</sup> People thus see the death penalty as evidence that a criminal is truly facing punishment.

Beyond this lack of confidence in the justice system, Almoustapha Moussa (SYNAFEN, Niger) reports that the population is ill-informed and that there is a general ignorance of the human rights approach, aggravated by the illiteracy of the population in some regions.

Related to the first factor, elected officials can point to the death penalty to show that they are serious in addressing crime and might be afraid to abolish because of fears of being attacked as lax on crime.

- **The deterrence argument is often brought up...**

... by both the population and the governments, notably in countries experiencing high crime rates and terrorist attacks, although it has never been conclusively shown that the death penalty deters crimes more effectively than other punishments. For Nestor Toko, (Droits et Paix, Cameroon), *“Governments shall find efficient ways to fight against criminality and terrorism without violating human rights, without the death penalty”*.

- **The influence of tradition and religion.**

The WG on the Death Penalty identifies the influence of tradition and religion as an impeding factor for the abolition, stating that Islamic law, as well as African customary law often include the death penalty; moreover, the vision of the Bible on the death penalty is not clear-cut.<sup>11</sup>

- **The absence of a regional protocol.**

The African human rights system is the only one among the three judicial or quasi-judicial regional systems for human rights protection without a protocol on the abolition of the death penalty.<sup>12</sup>

There is a trend in Africa to develop its own human rights instruments. Even though a universal instrument already exists (OP2 – ICCPR), the African instrument would supplement it and take African specificities into account.<sup>13</sup>

- **The reluctance of governments that already have a moratorium on the death penalty to foreclose the option of resuming executions.**

Although the moratorium is a significant step in the process of the full abolition, it is important to encourage States to move forward, as the moratorium is not sufficient: States that have known decades of moratorium may – at any time – resume the executions.

### How to answer the deterrence argument?

Read more here:

[http://www.worldcoalition.org/media/resourcecenter/EN\\_WD2015\\_NoDeterrence.pdf](http://www.worldcoalition.org/media/resourcecenter/EN_WD2015_NoDeterrence.pdf)

## Chad

Ten people suspected of belonging to Boko Haram were executed on 29 August 2015, the day following their trial and less than a month after the adoption of the Anti-Terrorism Act of 31 July 2015.

They were convicted of carrying out twin attacks that killed 38 people in N'Djamena in June 2015. Because the Anti-Terrorism Act of 2015 was not applicable retroactively, defendants were convicted for aggravated murder on the basis of the 1967 Chadian penal Code.

The Court assigned the cases to three lawyers, but only one day before the hearing. Lawyers also struggled to represent their clients because of the numerous relocations of the trial due to safety concerns. The speed of executions left no room for judicial review or commutations. Thus, defendants did not benefit from an effective defence.

Prior to this, Chad had an unofficial moratorium in place for 12 years- the last execution in Chad had taken place in 2003.

<sup>10</sup> Working Group on the death penalty Study on the question of the death penalty in Africa, 2011, p. 51.

<sup>11</sup> Ibid, p. 51.

<sup>12</sup> Both the European and the Inter-American human rights systems have a Protocol on the abolition of the death penalty.

<sup>13</sup> Maya Sahli Fadel, Round table on the draft Protocol to the African Charter on Human and Peoples' Rights, 6th World Congress against the Death Penalty, June 2016.



# Chapter II

## The death penalty and the African human rights system

### 1. BETWEEN PROTECTION AND PROMOTION OF HUMAN RIGHTS: THE AFRICAN SYSTEM

The African human rights system has been put in place by the African Union (AU), which gathers 55 African countries, including all sub-Saharan African States.

The African Union adopted the African Charter on Human and Peoples' Rights (also called the Banjul Charter) in 1981 and set up the African Commission on Human and Peoples' Rights (ACHPR) in 1987.



Since then, the Commission ensures the promotion and protection of human and peoples' rights and interprets the African Charter.

The African human rights system includes binding charters and protocols as well as non-binding instruments or soft-law. The Charters and Protocol adopted by the African Union are binding for the States which have ratified them, unlike the African Commission's resolutions which are non-binding.

### 2. THE AFRICAN HUMAN RIGHTS CHARTERS AND PROTOCOL ADDRESSING THE DEATH PENALTY

#### African Charter on Human and Peoples' Rights, 1981<sup>14</sup>

The African Charter, which has been ratified by all sub-Saharan African States, entails important provisions related to the death penalty.

**Article 4** states that *"Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right."*

**Article 5** furthermore forbids *"torture, cruel, inhuman or degrading punishment"*.

Finally, **Article 7** proclaims the right *"to have his cause heard"* and to have a fair trial.

#### African Charter on the Rights and Welfare of the Child, 1990<sup>15</sup>

The Charter forbids the death sentence for crimes committed by juveniles, stating that *"every child has an inherent right to life"* and that *"death sentence shall not be pronounced for crimes committed by children"* (**Article 5**).

#### Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003<sup>16</sup>

The Protocol reasserts the right to life and forbids, in its **Article 4**, *"to carry out death sentences on pregnant or nursing women."*

<sup>14</sup> Available at: [http://www.achpr.org/files/instruments/achpr/banjul\\_charter.pdf](http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf)

<sup>14</sup> Available at: [http://www.achpr.org/files/instruments/child/achpr\\_instr\\_charterchild\\_eng.pdf](http://www.achpr.org/files/instruments/child/achpr_instr_charterchild_eng.pdf)

<sup>14</sup> Available at: [http://www.achpr.org/files/instruments/women-protocol/achpr\\_instr\\_proto\\_women\\_eng.pdf](http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf)

### 3. THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS (ACHPR)

The African Commission has adopted several resolutions regarding the death penalty.

#### Resolutions of the African Commission on Human and Peoples' Rights<sup>17</sup>

**Resolution 42** (adopted in 1999), calls upon State Parties maintaining the death penalty to *“limit the imposition of the death penalty only to the most serious crimes; consider establishing a moratorium on executions of death penalty; reflect on the possibility of abolishing death penalty.”*

**Resolution 136** (adopted in 2008) exhorts State Parties still retaining the death penalty *“to observe a moratorium on the execution of death sentences with a view to abolishing the death penalty”* and to ratify the OP2. It also calls upon them to *“guarantee that every person accused of crimes for which capital punishment is applicable, benefits from all the guarantees of a fair trial”*.

**Resolution 375** (adopted in 2017) on the right to life in Africa urges, inter alia, *“States parties that have not yet abolished the death penalty to immediately establish a moratorium on executions and to adopt measures aimed at the full abolition of the death penalty.”*

#### Declaration of the Continental Conference on the Abolition of the Death Penalty in Africa (the Cotonou Declaration)<sup>18</sup>

In 2014, following the first continental conference on the abolition of the death penalty organised by the ACHPR, the African Commission adopted the Cotonou Declaration.

Signed by 78 African civil society organisations; the declaration recalls that the right to life is enshrined in numerous regional and international human rights instruments, and that the ACHPR has called upon a moratorium on executions in several resolutions.

The Cotonou Declaration calls on the African Union Member States to adopt the Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty in Africa.

#### General Comment No. 3 on the African Charter on Human and Peoples' Rights: The Right to Life (Article 4)<sup>19</sup>

This general comment by the ACHPR on **Article 4** of the African Charter clarifies the scope of the right to life and notably regulates the exercise of the death penalty. The ACHPR states that the death penalty can only be imposed for the most serious crimes (understood as those committed with the intent to kill) at the end of a trial that meets the conditions of fairness (**Article 7** of the African Charter).

Those sentenced to death must also enjoy the right to seek clemency, pardon or commutation of their sentence. The execution of pregnant or breastfeeding women, children, the elderly or people with a psychosocial or intellectual disability is still a violation of the right to life. Finally, military courts must not have the power to impose the death penalty.

### 4. THE WORKING GROUP (WG) ON DEATH PENALTY AND EXTRA-JUDICIAL, SUMMARY OR ARBITRARY KILLINGS IN AFRICA

The WG on Death Penalty of the African Commission on Human and Peoples' Rights was set up in 2005 at the 38th Session of the ACHPR. Since 2007, Commissioner Sylvie Zainabo Kayitesi has served as the Chair of the Working Group, composed of three commissioners and four experts.

Its missions comprise the development of strategic plans including a practical and legal framework on the abolition of the death penalty, the monitoring of the application of the death penalty in Africa, collaboration with other partners, etc.

The WG has committed to the abolition of the death penalty in the African continent through different actions such as urgent appeals, press releases, and awareness campaigns within the African Union Member States.

In a 2011 study on the death penalty in Africa, the WG recommended *“to the African Union and to State Parties the adoption of a Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty in Africa”*. In April 2015, at its 56th ordinary session, the ACHPR officially adopted the draft protocol, which now needs to be adopted by the African Union.

<sup>17</sup> Available at: <http://www.achpr.org/resolutions/>

<sup>18</sup> Available at: <http://www.achpr.org/news/2014/07/d150/>

<sup>19</sup> Available at : [http://www.achpr.org/files/instruments/general-comments-right-to-life/general\\_comment\\_no\\_3\\_english.pdf](http://www.achpr.org/files/instruments/general-comments-right-to-life/general_comment_no_3_english.pdf)

# How to work with the African Commission and its Working Group on Death Penalty and Extra-Judicial, Summary or Arbitrary Killings in Africa?

## The African Commission

Individual communications procedures allow individuals to “highlight a violation by a State Party of one or more rights enshrined in the African Charter in relation to a death penalty case”.



It is furthermore possible to take part in the periodic review of a State Party, by sending an alternative report to the Secretary of the Commission, “highlighting the violations on the use of the death penalty in that country”.

NGOs can apply to the African Commission for observer status, so as to “participate in the ordinary sessions of the African Commission, prepare reports on the human rights situation in a given country, including on the use of the death penalty, and submit proposals” to the vote.

## The WG members

### 3 commissioners

Sylvie Zainabo Kayitesi  
(Rwanda, elected 2007)

Rémy Ngoy Lumbu  
(DRC, elected 2017)

Maya Sahli Fadel  
(Algeria, elected 2011)

### 4 independent experts

Mme Alice Mogwe  
(Botswana)

Prof. Philip Francis Iya  
(Uganda)

Prof. Carlson  
E. Anyangwe  
(Cameroon)

M. Clément Capo-Chichi  
(Benin)

The WG members are elected  
for two years (renewable).

Finally, NGOs (with or without observer status) can participate in the NGO forum and “identify possible strategies on death penalty issues and draft resolutions for consideration to the African Commission Session”. They can also engage with the ACHPR in many ways.

As an example, on 9 May 2017, during the 60th session of the ACHPR in Niamey (Niger), FIACAT, FIDH and the World Coalition, in partnership with the Working Group on the Death Penalty, organized a panel on the death penalty in Africa.

During this round table, the Minister of Justice of Niger, Marou Amadou, declared that the abolition of the death penalty “is necessary and in conformity with the modern constitutions and must be adopted” but also pointed out that the debate in Niger will be difficult. For her part, the Vice-President of the National Human Rights Commission cited the obstacles faced by abolitionist actors but reaffirmed the will of the NHRC to present itself as the bridge between civil society and the government for this purpose.

The World Coalition, represented by its members FIACAT and FIDH, took the opportunity of this panel to highlight the levers for the abolition of the death penalty in Africa and to call on the African Union Member States to support the Draft African Protocol to the African Charter on the Abolition of the Death Penalty in Africa.

At the end of the panel, the delegates from Malawi and Uganda took the floor to share their respective government's initiatives for the abolition of the death penalty.

## The WG on Death Penalty

The mandate of the Working Group includes the collection of information and the monitoring of the application of the death penalty in Africa. NGOs and activists can therefore contact the Working Group members to relay information about the use of the death penalty in an African State to encourage the WG to issue an urgent appeal against that State.

Source: Amnesty International Advocacy Toolkit, Abolition of the death penalty in West Africa. 2016. p. 24.



## Why do we need an African protocol on the abolition of the death penalty?

- From a **political** point of view, it shows the will of African governments to openly deal with the question of the death penalty and prove the importance of this issue on the continent. It reaffirms that respect for the right to life necessarily requires the abolition of the death penalty.
- From a **legal** point of view, it is binding only upon those states that ratify it and it supplements and strengthens the provisions on the right to life (Article 4) of the African Charter. It specifies the legal means to abolish the death penalty and to prevent it from being reintroduced by State parties.
- With regard to **mobilisation**, it serves as an instrument which governments, national human rights institutions, religious, traditional and customary leaders, lawyers, the judiciary, civil society organisations, the media and citizens can use as a basis for arguing for the abolition of the death penalty.

## What does the draft additional Protocol on the abolition of the death penalty in Africa say?

The preamble of the draft Protocol recalls the commitments of the African Union and its member states in favour of the abolition of the death penalty and emphasises the importance of abolition for the protection and promotion of human rights.

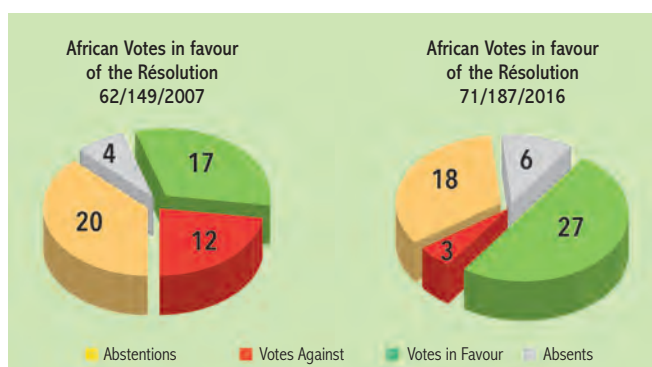
**Article 1** requires the Signatory States to commit to protecting the right to life and abolishing the death penalty while respecting their sovereignty.

**Article 3** requires States that have ratified the Protocol to establish a moratorium on executions pending the completion of the national legislative process to abolish the death penalty.

**Article 4** relates to Member States' reporting obligations to the ACHPR.

**Article 6** provides that the Protocol enters into force after 15 African Union Member States ratify or sign it.

**Articles 2** and **Article 5** deal with procedural issues.



## 5. USING INTERNATIONAL HUMAN RIGHTS LAW TO ABOLISH THE DEATH PENALTY

Beyond the African system for human rights protection and promotion, activists and NGOs can mobilize international human rights instruments in the fight against the death penalty in sub-Saharan Africa.

International human rights law provides for the protection of the right to life for all persons, based on the belief that every human being has the right to live.

Analogous to the African human rights system, international human rights law entails non-binding declarations, such as the Universal Declaration on Human Rights, and binding treaties, such as the International Covenant on Civil and Political Rights.

All international declarations, resolutions and treaties introduced below have been adopted by the UN General Assembly.



### The UN General Assembly

The UN Human Rights Council reviews the status of human rights in all countries around the world as part of the Universal Periodic Review (UPR).

The UPR is a good opportunity to put pressure on a government to take action and/or to praise a government for positive steps.

For more information on UN advocacy:

<http://www.worldcoalition.org/resourcecentre/document/id/1424340489>

## INTERNATIONAL DECLARATIONS AND RESOLUTIONS (NON-BINDING)

### Universal Declaration of Human Rights (UDHR), 1948<sup>20</sup>

The Declaration proclaims that everyone “*has the right to life*” (**Article 3**). It also states that “*no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment*” (**Article 5**).



### Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, 1984<sup>21</sup>

The safeguards reaffirm that juvenile offenders, pregnant women, new mothers, and people with mental illness shall not be put to death.

Anyone sentenced to death shall also have the right to appeal and to petition for pardon or commutation of sentence.



### United Nations General Assembly (UNGA) resolutions on a moratorium on the use of the death penalty: 2007, 2008, 2010, 2012, 2014, 2016

The UNGA resolutions, adopted every two years since 2008, renew the call for all States “*to progressively restrict the use of the death penalty and reduce the number of offenses for which it may be imposed*” and “*to establish a moratorium on executions with a view to abolishing the death penalty*”.

The text of the 2016 resolution calls upon States to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

## INTERNATIONAL TREATIES (BINDING)

### International Covenant on Civil and Political Rights (ICCPR), 1966<sup>22</sup>

**Article 6** of the ICCPR states that “*no one shall be arbitrarily deprived of his life*” and that the death penalty shall not be imposed on pregnant women or on those who were under the age of 18 at the time of the crime. The ICCPR does not expressly forbid the death penalty, but it restricts its use. **Article 7** also forbids “*torture [and] cruel, inhuman or degrading treatment or punishment*.”



### Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2), 1989<sup>23</sup>

States Parties to the Second Optional Protocol (ICCPR-OP2) “*shall take all necessary measures to abolish the death penalty within [their] jurisdiction*” (**Article 1**) and forbid executions. To ratify the OP2, a State first has to ratify the ICCPR.

To date, it is the only international treaty that tackles the issue of the abolition of the death penalty globally. The Protocol does not include a retraction procedure.

The World Coalition is leading a ratification campaign in favour of the ratification of the Protocol. To read more: <http://www.worldcoalition.org/protocol.html>



### Convention on the Rights of the Child, 1989<sup>24</sup>

**Article 37(a)** prohibits “*torture or other cruel inhuman or degrading treatment*” against children as well as the death penalty for persons who were juveniles when they committed the capital crime.

<sup>20</sup> Available at: <http://www.un.org/en/universal-declaration-human-rights/index.html>

<sup>21</sup> Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/DeathPenalty.aspx>

<sup>22</sup> Available at: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>23</sup> Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/2ndOPCCPR.aspx>

<sup>24</sup> Available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

# Benin

## Abolishing the death penalty through the ratification of OP2:

### THE SUCCESSFUL EXAMPLE OF BENIN



*African leaders and abolitionists during a continental conference against the death penalty in Cotonou, Benin.*

While retaining the death penalty in its legislation, Benin officially ratified the OP2 in July 2012. The government had signed the OP2 in 2005 and the Parliament of Benin had voted in favour of the ratification in 2011.

Alerted by FIACAT and ACAT Benin, the Constitutional Court of Benin declared on August 04, 2012 (decision Dcc 12-153) that the provisions of the Code of Criminal Procedure referring to the death penalty were unconstitutional because contrary to the provisions of the 'OP2'. It asked the National Assembly to amend the law on the Code of Criminal Procedure to remove any reference to the death penalty.

The context was favourable to abolition: Benin had co-sponsored the UNGA resolution on a moratorium on death penalty since 2007 and it had not carried out any executions for more than 15 years. Civil society also had a dynamic role: while raising awareness in society, it also targeted the institutions and met with representatives of the Supreme Court, of the Parliament, etc.

## OP2-ICCPR

As of January 1, 2018, 14 countries in sub-Saharan Africa have ratified the OP2-ICCPR and two countries signed it.

### Ratifications

- Benin
- Cape Verde
- Djibouti
- Gabon
- Guinea Bissau
- Liberia
- Madagascar
- Mozambique
- Namibia
- Rwanda
- Sao Tome and Principe
- Seychelles
- South Africa

### Signatures

- Angola
- Gambia

# Chapter III

## Advocacy Strategies on the Abolition of the Death Penalty in sub-Saharan Africa

This chapter is largely inspired from Amnesty International's *Advocacy Toolkit on the Abolition of the death penalty in West Africa* (2016)<sup>25</sup> and from Advocates for Human Rights' manual entitled *Human Rights Tools for a Changing World: A step-by-step guide to human rights fact-finding, documentation, and advocacy* (2015)<sup>26</sup>.

These two organisations are members of the WCADP.

### What is Advocacy?

As defined by Advocates for Human Rights, advocacy is “a set of organized actions aimed at influencing public policies, social attitudes, or political processes.”<sup>27</sup>

Advocacy strategies **aiming at the abolition of the death penalty** can target different publics, who all have, at various levels, leverage and influence to push for abolition.

Depending on the target chosen, strategies can involve public education, media advocacy, lobbying and legislative advocacy, appeals before human rights bodies, etc.

An efficient strategy can also entail several aspects and target different publics, i.e. be multi-faceted.

It is crucial for a good advocacy strategy to be devised with consideration of the national or local context, in order to come up with the most adapted strategy having the best chances of success.

The following sections develop the steps to conceive and put in place an advocacy strategy, adapted to the local context.

### 1. DEFINE THE GOALS OF THE ADVOCACY STRATEGY: WHAT CHANGE IS INTENDED?

**The ultimate goal remains the definitive and irreversible abolition of the death penalty in domestic law.**

Still, in the view of the full abolition of the death penalty, intermediate objectives can be set, such as:

- Establishing an official moratorium on executions (i.e. your country votes in favour of the UNGA resolution for the moratorium on the death penalty. See page 17.)
- Commuting the death sentences to prison sentences

**In Kenya, the death sentences of more than 2.500 prisoners were commuted by the President in October 2016.**

See: <http://www.worldcoalition.org/Pardon-Prisoners-On-Death-Row.html>

- Abolishing the mandatory death penalty
- Reducing the number of death sentences imposed and carried out
- Reducing the number of offences punishable by death and ensuring that legislation on the death penalty respects international human rights law (no death penalty for juveniles, pregnant women, or mentally-ill individuals)
- Ensuring compliance with internationally recognized standards for fair trials
- Ensuring that methods of execution cause the least possible amount of physical suffering and themselves do not amount to torture or cruel, inhuman, or degrading treatment or punishment

<sup>25</sup> Available at: <https://www.amnesty.org/download/Documents/ACT5042092016ENGLISH.PDF>

<sup>26</sup> Available at: [www.theadvocatesforhumanrights.org/uploads/change.pdf](http://www.theadvocatesforhumanrights.org/uploads/change.pdf)

<sup>27</sup> Advocates for Human Rights, *Human Rights Tools for a Changing World*, 2016, p. 97

- Ensuring that individuals sentenced to death are not subjected to torture or cruel, inhuman, or degrading treatment or punishment while awaiting execution.
- Ratifying the ICCPR and the OP2
- Improving transparency in criminal trials and on the application of the death penalty
- Improving public awareness of the death penalty

## 2. DEFINE THE TARGETS: WHO HAS THE POWER TO ABOLISH THE DEATH PENALTY?

**In relation with the identified goal(s), targets shall then be identified.**

The question to be answered is the following: *“who has the power to help in the process of abolishing the death penalty?”* i.e. *“who can positively influence and make a contribution towards the abolition of the death penalty?”*

Many targets, depending on the objectives set, can be identified:

- Members of the judiciary
- National human rights institutions
- Prison commissioners and wardens
- State officials, Ministers, Parliamentarians
- Journalists
- Opinion makers and leaders (influential religious and community leaders, academics, celebrities)

### Tanzanie

Children Education Society (CHESO) promotes death penalty awareness among young Tanzanians of 14 years or above. CHESO has notably developed a teachers’ guide on the death penalty, addressing several topics and proposing interactive activities with the students on: the historical background of the death penalty in Tanzania, the implementation of the death penalty, death penalty and children, death penalty and young mothers, death penalty and religions, etc.

More information: [chesociety@yahoo.com](mailto:chesociety@yahoo.com)

- The youth
- The wide public

## 3. DEVELOP CONVINCING AND CLEAR ARGUMENTATION

**For an advocacy strategy to be efficient, the message conveyed must be clear and convincing.**

- Your argumentation should include one or more reasons why the death penalty should be abolished and the positive consequences of the abolition. It should also acknowledge the potential negative consequences of the abolition and mention the alternatives to the death penalty. The recommendations should be clear and concise, as well as adapted to the target(s) you have previously identified.
- If you have identified several targets, it may be necessary to develop several sets of arguments, adapted to each interlocutor. Some reasons will be persuasive with some audiences, but not others. For many audiences, an individual story is the most powerful tool to change minds and prompt people to take action. Test your arguments with people who are not abolitionists to solicit honest feedback about whether the arguments are persuasive and how they could be improved.

**You will find resource tools with argumentations on the World Coalition’s website. For instance, the argumentation developed on death penalty for terrorist crimes:**

<http://www.worldcoalition.org/worldday.html>

## 4. ENGAGE WITH ALLIES

- Engage with all individuals or organisations which may be of help in the fight against the death penalty to share best practices, unite efforts in advocacy, organise joint actions and events. You may engage with organisations that have closer contacts with or direct access to official institutions and bodies.
- You can consider building up a national or regional coalition against the death penalty with other organisations working on the issue to amplify your voice and prevent the duplication of actions.
- You may also consider involving other relevant stakeholders, as customary and religious leaders, diplomats of other African abolitionist countries or representatives of champion states of the abolition in Africa.

SOME STEPS  
FOR THE SETTING UP  
OF A COALITION  
OR NETWORK:

- **Identify partners**

(lawyers, journalists, etc.) and contact them (individual meetings, calls, social media campaigns). Face-to-face meetings with possible members you previously identified among your contacts may be relevant to convince them to join.

- **Invite them**

to your events or meetings to present your activities and ideas.

- **Establish a network**

with the interested stakeholders → set up a board.

- **Advertise on your network**

on relevant platforms (lawyers' forum, journalists' mailing lists, etc.) **to enlarge your membership.**

- **Gather all interested persons**

in a General Assembly and discuss the goals and means for action of the network (potentially associated with a training session).

- **Encourage members to stay “on message”**

- sticking with the arguments and stories that you have determined will be most persuasive with your intended audiences, and avoiding arguments that could become counterproductive.

- **Launch common actions.**



## Cameroon

# The Lawyers network against the death penalty in Cameroon (RACOPEM)

Observing that most of lawyers in Cameroon were not interested in death penalty issues and that the Bar Council had no official position on the death penalty, a few lawyers decided to launch a network in order to engage effectively in the abolitionist struggle after having participated in a forum on the death penalty.

A board gathering 7 abolitionists was set up in July 2015. The network was then opened to other Cameroonian lawyers and a call for membership was launched.

In August 2016, a General Assembly was held to structure and organise the network (national board and regional committees).

Since then, the Lawyers network against the death penalty has conducted several activities (national conference, World Day against the Death Penalty, advocacy campaigns, etc.) and is represented in the 10 Cameroonian regions.

RACOPEM today includes 32 members.

## 5. IDENTIFY AND IMPLEMENT MEANS FOR ACTION

Depending on the target(s) chosen, different kind of advocacy activities can be conducted.

### Target 1 Officials (head of the State, State representatives, parliamentarians, ministries, etc.)

Depending on the political system of each country (presidential, parliamentary, etc.), it is very important to target the most relevant actors for the abolition of the death penalty: the head of State in a Presidential system will have more influence than in a Parliamentary system, in which MPs are crucial.

You can find here templates of lobbying letters:  
<http://www.worldcoalition.org/media/resourcecenter/KitLobbyingMembresWCADP-EN.pdf>

It may also be more strategic to target a few vocal MPs both from the ruling party and the opposition rather than to lead a wide and unfocused awareness-raising campaign among all MPs.

#### After having identified your interlocutors, you can:

##### • Send advocacy letters

Such letters can include:

- a presentation of the use of the death penalty in the country
- arguments against the death penalty i.e. why this punishment shall be abolished or a moratorium introduced
- a personal story about something the letter-writer experienced or a story another person shared with the letter-writer
- the human rights obligations of the country
- the benefits of abolishing the death penalty
- clear recommendations
- you can also address possible fears or negative consequences of the abolition of the death penalty and provide a convincing answer to them

**Be careful, these letters must be short to reach their goal. They must not exceed two pages otherwise they may not be read.**

##### • Organise a meeting with a decision maker

- **Come prepared** to the meeting, having in mind the official position on the death penalty and the current legislation, as well as the possible international human rights law obligations of the country.
- **Come with materials** (as leaflets, reports, etc.) to be distributed.
- After a short presentation of your campaign, objectives and recommendations, **allow time for discussion**. You might remind the officials of any previous commitments they made on the topic.
- **Be prepared to address counter-arguments**. To be more convincing, do not forget that policy makers have a policy agenda: your argumentation will be more convincing if it fits within it.
- **Sum up at the end of the discussion** what has been agreed upon by all parties and send a thank you email or letter including an agenda for action.
- **After the meeting**, monitor to verify whether the person has upheld his or her promises or commitments.

## Madagascar

In February 2017, FIACAT and ACAT Madagascar met with the Malagasy authorities, including Minister of Foreign Affairs Béatrice Atallah and Director of Human Rights and International Relations of the Ministry of Justice, Ms. Hanitriniaina Belalahy.

During these meetings, FIACAT and ACAT Madagascar were able to encourage the Malagasy authorities to ratify the OP2 and present the draft Additional Protocol to the African Charter on Human and Peoples' Rights on the abolition of the death penalty in Africa.

Following this mission, Madagascar ratified OP2 on 21 September 2017 and is inclined to support the draft African Protocol to its peers in the African Union.

##### • Organise an event targeting parliamentarians

**Conferences or workshops** addressed to parliamentarians can contribute to raise their awareness on the need to abolish the death penalty.

Such events can also help to connect abolitionist MPs and to build up an abolitionist parliamentary network.

## Burkina Faso



A regional Parliamentary seminar on the abolition of the death penalty in the French speaking countries of sub-Saharan Africa took place in Burkina Faso on 19 and 20 December, 2016.

The seminar, which gathered more than 200 participants, was organised by ECPM and FIACAT, members of the WCADP.

It aimed at spreading the abolitionist culture as well as strengthening the connections among the abolitionist movement – which it did successfully!

Indeed, a week after the seminar, Comorian parliamentarians set up the first network of Parliamentarians against the Death Penalty in Comoros.

### The ingredients for success?

- Sustain long-lasting relations with key actors of the abolition movement to mobilise them for such events.
- Engage with members of the government or of the Parliament to have key speakers.
- Mobilise key sponsors: ECPM and FIACAT partnered with the Burkinabé Parliament to organise the regional parliamentary seminar.

## Target 2 Judges (the Judicial system)

### Strategic Litigation

**Strategic Litigation consists of bringing cases before national courts so as to set legal precedents.** Such a strategy can also be conducted before international human rights bodies.

The strategy is particularly relevant in common law countries where the Constitution does not include provisions on the death penalty or restrictions to the right to life. The strategy will consist of showing that the death penalty as implemented in the country infringes upon constitutional standards.

Strategic litigation was successful in **South Africa** (leading to full abolition), and **Botswana**<sup>28</sup> (access to a lawyer, right to clemency).

## Nigeria

LEDAP in Nigeria : the association has, on behalf of all prisoners on death row in Nigeria, submitted a case to the African Commission: Nenna Obi, Solomon Adekunle, Godwin Pius, Thankgod Ebhos and All Prisoners on Death Row in Nigeria.

LEDAP has argued that executing the plaintiffs after they have been incarcerated for such long periods of time constitutes inhuman and degrading treatment and is a violation of Article 5 of the African Charter. LEDAP also noted the importance of using a documentary in the process of advocacy.

See the video released by LEDAP on wrongful convictions in Nigeria: <http://www.worldcoalition.org/Innocent-and-Sentenced-to-Die-Wrongful-Incarceration-on-Nigerias-Death-Row-.html>

## Malawi

The Death Penalty Project has also conducted strategic litigation successfully challenging the mandatory death penalty in Malawi. In 2005, the High Court of Malawi declared the automatic imposition of the death penalty unconstitutional. The decision was subsequently followed by the Court of Appeal in 2008.

For more information: <http://www.deathpenaltyproject.org/where-we-operate/africa/malawi/>

<sup>28</sup> Elizabeth Maxwell and Alice Mogge, *In the Shadow of the Noose*, DITSHWANELO, 2006.



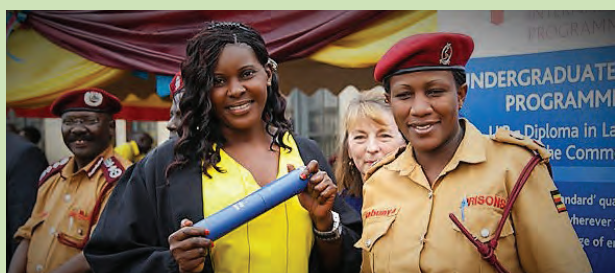
## Uganda

# Susan Kigula & 417 Others vs. Attorney General: a successful strategic litigation case

The Susan Kigula case refers to a petition filed before the Ugandan Constitutional Court on behalf of all the death row prisoners in the country, and which challenged the constitutionality of several death penalty issues. The Supreme Court consequently declared the mandatory death penalty unconstitutional.

The strategy, followed by the Foundation for Human Rights Initiative (FHRI) which represented the prisoners, involved a combination of legal proceedings with an active public campaign. The legal activities were supported by The Death Penalty Project (UK) and the campaign included:

- Getting support from relevant institutions: the prisons (the Uganda Prisons Commissioner) and the judiciary (Deputy Chief Justice).
- Engaging a prominent and outstanding law firm to submit the case.
- Conducting intensive research and preparation for the petition which enabled attorneys to submit affidavits testifying to the cruelty and inhumanity of the death penalty.
- Fundraising (to cover the legal fees and preparatory fees).
- Networking: The Civil Society Coalition Against the Death Penalty, headed by FHRI, was formed. International organisations also supported the petition, and FHRI became a member of the World Coalition Against the Death Penalty.
- Engaging with the media to pass on the campaign against the death penalty and the advancement of the petition.



*Sentenced to death, Susan Kigula obtained a law degree while in prison. She was then released and now advocates for the abolition of the death penalty.*

## Target 3 Regional human rights bodies: the African Commission and the Working Group on the Death Penalty

Also see “How to work with the ACHPR and its WG”, p. 15.

### • Initiate an individual communication procedure at the African Commission

on Human and Peoples’ Rights, or at the **African Court** on Human and Peoples’ Rights if your state has accepted the Court’s jurisdiction to receive individual complaints<sup>29</sup>.

### • Submit a shadow report to the African Commission

to contribute to your State’s Periodic Review Process.

### • Apply for the African Commission NGO observer status

(allowing your organization to speak at public discussions’ sessions of the Commission).

### • Communicate with the Working Group on the Death Penalty

(see chapter 3) and forge links with the commissioners who are part of the Working Group as well as with the experts.

### • Take part in the NGO-Forum

preceding the Ordinary Sessions of the African Commission to submit draft resolutions on the death penalty.

## The NGO Forum

Held before each ordinary session of the ACHPR and organised by the African Centre for Democracy and Human Rights Studies, the NGO forum is a platform of discussion enabling NGOs to deliberate on human rights topics and to submit a report including draft resolutions to the ACHPR.

For more information and registration:  
<http://www.acdhrs.org/ngo-forum/>

<sup>29</sup> As of 2016, 7 States have accepted this jurisdiction: Benin, Burkina Faso, Cote d’Ivoire, Ghana, Malawi, Mali and Tanzania.

## Niger

At the 61st session of the ACHPR Banjul, The Gambia, November 2017), ACAT Niger, the Nigerian Coalition Against the Death Penalty, FIACAT SYNAFEN, REPRODEVH and the World Coalition submitted to the ACHPR a position paper on the death penalty in Niger recommending to the State to abolish the death penalty in the Penal Code, to join the OP2-ICCPR and support the draft African protocol on the abolition of the death penalty.

These concerns were taken up by the Commission during the examination of Niger's periodic report.

During the debate, Niger's Minister of Justice pledged to support *“the draft African Protocol on the abolition of the death penalty in Africa and all the reforms aimed at revolutionizing the continent in the protection of human rights”*.

## Target 4 Opinion leaders

Engaging with opinion leaders (academics, journalists, religious or community leaders, celebrities, etc.) can have a multiplier effect in a strategy of awareness-raising.

### Organise workshops and discussions with opinion leaders

to raise their awareness on the abolition of the death penalty.

## FIACAT and ACAT

FIACAT and the ACATs Mali, Niger, Burkina Faso, Chad, Congo and the Central African Republic organized awareness-raising workshops in these countries to assist the States targeted towards the abolition of the death penalty. These countries had made commitments in favor of the abolition but did not abolish it because their public opinion was supposedly not ready.

The purpose of these workshops was to identify new partners, including customary leaders, religious leaders and journalists.

Following the debates, country-specific arguments were developed and widely distributed to raise awareness at the grassroots level.

Following these workshops, the Congo abolished the death penalty in November 2015, Chad adopted a Penal Code which provides for the abolition of the death penalty for ordinary crimes and Burkina Faso has adopted a draft law. Constitution which provides for the abolition of the death penalty in 2017.

## TO GO FURTHER

**Raising awareness for abolition:** Mali (2014)<sup>30</sup>, Niger (2015)<sup>31</sup>, Republic of Congo (2015)<sup>32</sup>, Chad (2016)<sup>33</sup>, Burkina Faso (2017)<sup>34</sup>, Central African Republic (2017)<sup>35</sup>.



## Tanzania

A case challenging the constitutionality of the death penalty in Tanzania is currently pending at the African Court on Human and Peoples' Rights: *Kachukura Nshekanabo Kakobeka v United Republic of Tanzania*.

For more information: <http://en.african-court.org/index.php/56-pending-cases-details/924-app-no-029-2016-kachukura-nshekanabo-kakobeka-v-united-republic-of-tanzania-details>

<sup>30</sup> Available at: <http://www.fiacat.org/IMG/pdf/Publication-Mali-bdef.pdf>

<sup>31</sup> Available at: <http://www.fiacat.org/IMG/pdf/Publication-Niger-BD.pdf>

<sup>32</sup> Available at: <http://www.fiacat.org/IMG/pdf/Publication-Congo-BD.pdf>

<sup>33</sup> Available at: <http://www.fiacat.org/IMG/pdf/Publication-Tchad-Bassedef.pdf>

<sup>34</sup> Available at: <http://www.fiacat.org/IMG/pdf/Publication-Burkina-BD.pdf>

<sup>35</sup> Available at: [http://www.fiacat.org/IMG/pdf/FIACAT\\_RCA\\_BROCHURE\\_A5\\_final-BD.pdf](http://www.fiacat.org/IMG/pdf/FIACAT_RCA_BROCHURE_A5_final-BD.pdf)

## Target 5 The wider public (public opinion)

Decision-makers often take their cues from the public, or what they think the public wants. There are many ways to raise awareness among the population:

### • Spread the information in various ways

Organise public conferences, seminars at universities or awareness-raising activities in schools, panel discussions, movie or documentary screenings, film festivals, an art or poster competition, exhibitions, etc.

### • Take action during World Day against the Death Penalty on October 10

In 2017, for the 15th World Day Against the Death Penalty, more than a hundred organizations organized actions in 8 countries, such as panel discussions, exhibitions, lobbying the authorities...



Amnesty International Benin for World Day 2016.

## Mali

### ACAT Mali and Amnesty Mali

ACAT Mali and Amnesty Mali organised a conference on October 10, 2017 at the “Maison des aînés” in Bamako to raise awareness among Malian leaders, opinion leaders and civil society about the reasons why people living in poverty are more likely to be punishable by death.

About twenty journalists (radio, television and print media) attended this conference.

Following these debates, several Malian authorities have declared themselves in favor of abolition even if there is still reluctance.

### • Develop a media strategy

Organise a workshop on the death penalty addressed to the media and journalists, publish press releases, hold press conferences, take part in radio broadcasts or television programs, organise public and non-confrontational debates that could attract the media, and establish and maintain connections with the media and journalists so that they relay your opinion pieces, the events you organise, etc. You can also launch a network for abolitionist journalists wishing to engage on that topic.

#### See the WCADP mobilization kit for World Day:

<http://www.worldcoalition.org/media/resourcecenter/EN-KitMobilisationWD2017>

Depending on the country, people mainly use radio, television or newspapers to get information. Identify the most relevant media to spread your message to the broader population.

Community media may also be relevant – and more accessible.

You can in parallel conduct an online communication campaign: publish articles on your website, have an active social networks strategy (posts on Facebook, Twitter, blogs, etc.), launch a monthly or weekly newsletter, etc.

## 6. RAISE THE FUNDS NECESSARY FOR YOUR ACTIONS

Conducting advocacy implies the mobilisation of funding: for staff (if not volunteer work) and for materials (leaflets, posters, renting of venues, etc.).

There are different ways to approach donors. Here are a few ideas to guide you:

### 1. Approach private foundations,

which may have available funding for human rights projects. Approach their local offices, in your own country or in the neighbouring ones. You can also approach the **bar associations** of your country, notably those in the capital city.

Examples: the German or US foundations, the Open Society Foundation, etc. For projects run in Member States of la Francophonie, you may approach the Organisation Internationale de la Francophonie<sup>36</sup>. If you are working in Commonwealth countries, you can approach the Commonwealth foundation<sup>37</sup>.

## 2. Get in touch with the embassies and EU delegations

of your country, even if they have not launched any call for projects. First identify the embassies that are most likely to fund death penalty related projects. They may have available funding. To that end, try to get an appointment at the embassy/delegation to present your organisation and your project and ask about opportunities for funding.

It is crucial to **develop contacts** with the representatives of the institutions: identify the key decision-makers for funding, establish and sustain relationships with them, get appointments, and invite them to your events in order to present your activities.

Examples: German embassies provide grants on human rights projects (between 20.000 and 100.000 €) and the death penalty is a priority. Belgian embassies also offer grants in the field of peacebuilding (including rule of law and human rights).

## 3. Appeal to the public for donations

You can launch a crowdfunding project, either in your country or at the international level. There are websites offering platforms to present your project and ask for funding.

## 4. Answer calls for projects

International organisations, foundations, and embassies regularly launch calls for projects. Stay vigilant and regularly check and monitor if new calls have been launched.

The European Commission (EuropeAid) has developed a database gathering calls for proposals: via “advanced search”, you can find out whether calls for which your project could be eligible have been launched.<sup>38</sup>

Coordination Sud’s website also offers a database as well as a newsletter on opportunities for funding.<sup>39</sup>

## 5. Partner with other organisations,

either local, regional or international, to build a **consortium**: such a consortium will facilitate the access to funding of international donors (EU, etc.).

## 6. Go to key events

to meet potential donors: World or Regional Congress against the Death Penalty, etc.

Some structures are **easier to access** (i.e. the requirements for funding are easier): foundations are usually more accessible than bilateral donors (embassies, etc.).

Multilateral donors (such as the EU, UN) usually have the highest requirements. Some embassies, however, may have funds available for small grants that do not have a complex application procedure.

You can also conduct a mapping of the different donors active in your region to determine which ones are the most likely to answer your calls for funding (depending on the priorities of the donor, the amount of money made available by the donor, its requirements, etc.).

### General tips

#### How to approach a donor

- **Do not consider your interlocutor as a cash dispenser but as a partner:** show your interlocutor that your project matches with his/her policy or priorities.
- **Name one person in your organisation who will be in charge of the contacts with the donors** (to maximise clarity and develop a relation of mutual trust).
- **Demonstrate how serious your project and organisation are** (detailed description of the project, with the means for action and the required resources, presentation of past successful activities).
- **Sustain contacts with your interlocutor over the long term,** including when you are not currently running a project with him/her

<sup>36</sup> See <http://www.francophonie.org>

<sup>37</sup> See <http://commonwealthfoundation.com/grants/>

<sup>38</sup> See <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?ADSSChck=1486735783970&do=publi.welcome>

<sup>39</sup> See <http://www.coordinationsud.org/financements/> ; <http://www.coordinationsud.org/newsletters/actualite-des-financements-et-des-ressources/>

## 7. ASSESS THE STRATEGY AND ITS RESULTS WITH A VIEW TO IMPROVING IT

The evaluation of your strategy is an important step: it will enable you to assess whether your action was successful against the objectives set, or if it needs to be reconceived. It will also allow you to identify which means for action are working well and which are less efficient. It may also allow you to show the impact and results of your work to donor-organisations, thus facilitating the funding of your project.

You should differentiate between evaluation of the means used (i.e. what actions have been undertaken?) and assessing their impact on your objectives (i.e. has the strategy contributed to the abolition of the death penalty?).

### The evaluation of your advocacy activities can be quantitative as well as qualitative. For instance:

- Which public sectors have been reached?
- How many meetings, seminars, conferences, film projections, etc. have been organised?
- How many people attended?
- How many people signed up to receive for more information?

- What printed materials were distributed? How many?
- How many people reported that their opinion changed after a debate or panel discussion?
- How many press releases, reports have been published?
- How much media coverage did the event receive?
- How many likes, clicks, or views did a social media or blog post receive?

Regarding the evaluation of the outcomes and impact of your advocacy strategy: As the universal abolition of the death penalty may still take a few decades, it may be helpful to consider intermediate objectives such as having a moratorium on executions, having raised awareness on the death penalty among the youth, etc.

After having considered whether the intermediate objective has been reached, look for the reasons why the campaign succeeded or failed, and how you should revise any campaigns in the future to incorporate what you have learned.

**The evaluation can also be the occasion to reflect on the obstacles encountered during the project: which actors or which circumstances are impeding the abolition of the death penalty? Is it possible to influence them?**

ADVOCACY ACTIVITIES	SHORT-TERM OUTCOME	LONG-TERM OUTCOME
<b>Meeting with the Ministry for Justice</b>	Consideration by the government of the ratification of OP2	<b>Ratification of the OP2</b>
<b>Workshop gathering religious leaders, academics, community leaders</b>	Opinion leaders made aware on death penalty issues and on the OP2	
<b>Projection of a film on the death penalty followed by a debate</b>	110 individuals made aware on death penalty issues	
<b>Organisation of a regional Parliamentary seminar gathering MPs from abolitionist and retentionist countries</b>	Creation of a transnational abolitionist parliamentary network	

Example of an evaluation table summarising the outcomes of an advocacy project.<sup>40</sup>

<sup>40</sup> Inspired from: O'Flynn: Tracking Progress in Advocacy: Why and How to Monitor and Evaluate Advocacy Projects and Programmes, 2009, p. 7.

<sup>41</sup> Available at : [http://www.achpr.org/files/instruments/general-comments-right-to-life/general\\_comment\\_no\\_3\\_english.pdf](http://www.achpr.org/files/instruments/general-comments-right-to-life/general_comment_no_3_english.pdf)

## 8. SYNTHESIS: ADVOCATING FOR THE ADOPTION OF THE PROTOCOL ON THE ABOLITION OF THE DEATH PENALTY IN AFRICA

As developed in Chapter II, an African Protocol on the abolition of the death penalty would be very relevant to push forward the fight for the abolition on the African continent.

Following the steps for advocacy strategy mentioned above, this section presents a possible campaign in favour of the adoption of such a Protocol.

### 1. Goals

- Get the Protocol on the abolition of the death penalty in Africa back on the agenda of the African Union.
- Push for its adoption by the African Union.

### 2. Targets

- The population (raise awareness and popular support), opinion leaders, and decision makers.
- The heads of States, Ministers for Justice and Foreign Affairs Ministers who will vote for the Protocol at the African Union.

### 3. Argumentaire

*For the heads of States and Ministers:*

- Emphasise that the Protocol would be binding only for the States which have ratified it (optional Protocol). The adoption of such a Protocol only opens the possibility for countries to ratify it voluntarily.
- Use General Comment No. 3 On The African Charter On Human And Peoples' Rights: The Right To Life (Article 4)<sup>41</sup>.

*For both States' representatives and the wider population:*

- Emphasise on the importance of having an African regional instrument.
- See the other arguments developed p. 18.

### 4. Engage with allies

- Mobilise champion States of the abolition in Africa to support the adoption of the Protocol.
- Join the mailing list created [africa@worldcoalition.org](mailto:africa@worldcoalition.org) aiming at sharing information on the death penalty in Africa.
- Contact the African Commission WG on the death penalty.
- Identify individuals with compelling personal stories relating to your arguments and ask them to join your campaign.

### 5. Means for action

- Organise seminars addressed to State Officials, Parliamentarians to raise awareness on the Protocol.
- Encourage the launching of a national network gathering abolitionists (lawyers, journalists, parliamentarians, etc.)
- Organise a workshop addressed to the media to inform journalists on the issue of the death penalty and on the OP2. Connect journalists with the people you have identified who have compelling personal stories related to the death penalty.
- Conduct a media campaign on the need to adopt a Protocol (aiming at raising awareness on the topic and pressuring governments): publish newsletters, posts on your website, distribute leaflets, etc.
- It is also important to identify the best timing to put the issue on the agenda in order to maximise the chances. (i.e the moments of political crisis or change of government are definitely not the most relevant)

### 6. Raise funds

- Contact the EU delegation or national embassies so as to get an appointment: present your project, your organisation and ask for funding opportunities.
- Get in touch with private foundations.

### 7. Assess the strategy

- Which activities have been conducted?
- Which public sector has been approached?
- What were the short-term outcomes of the activities undertaken?
- Has the Protocol been adopted?
- If not, what were the obstacles to the adoption?
- Is it possible to play on those hindering factors or players?

### Relevant tools

- The leaflet developed by WCADP, FIACAT, FIDH, Ditshwanelo  
[http://www.worldcoalition.org/media/resourcecenter/African-Protocol\\_leaflet-EN.pdf](http://www.worldcoalition.org/media/resourcecenter/African-Protocol_leaflet-EN.pdf)
- The WCADP lobbying kit  
<http://www.worldcoalition.org/resourcecentre/document/id/9290243685>



## CONCLUSION

In 1990, only one country had abolished the death penalty on the African continent: Cape Verde. Today, out of the 49 Sub-Saharan States, 20 are abolitionist in law and 15 are abolitionist in practice. Guinea was the last African country to join the list of abolitionist countries on 4 July 2016. In 2016, 22 executions were recorded in five African countries compared to (43 executions in 2015, 46 executions in 2014). Besides, 14 sub-Saharan African have already ratified the Second Optional Protocol on the ICCPR aiming at abolishing the death penalty and 2 countries signed it. Efforts have been undertaken to push for the adoption of a project of an African Protocol on the abolition of the death penalty.

The African Continent is a core part of the international movement towards universal abolition, which has grown since the 1980s. Whereas only 16 countries worldwide had abolished the death penalty in law for all crimes in 1977, more than two-thirds of the world's countries (141) are abolitionist in law or in practice today.

The fight for the universal abolition of the death penalty, while progressing, is not over. We hope that this manual will help abolitionists to make their voice heard and contribute to the abolition of this cruel inhuman and degrading punishment.



# ANNEXE

## RATIFICATION TABLE

Sub-Saharan States and regional and international treaties addressing the death penalty

	Statute on the death penalty	Second Optional Protocol to the International Covenant on Civil and Political Rights	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	African Charter on the Rights and Welfare of the Child	Vote on the 2016 UNGA Resolution calling for a moratorium on the death penalty
<b>ANGOLA</b>	Abolitionist in law	Signed 2013	Ratified 2007	Ratified 1992	YES
<b>BENIN</b>	Abolitionist in law	Ratified 2012	Ratified 2005	Ratified 1997	YES
<b>BOTSWANA</b>	Retentionist			Ratified 2001	NO
<b>BURKINA FASO</b>	Abolitionist in practice		Ratified 2006	Ratified 1992	YES
<b>BURUNDI</b>	Abolitionist in law		Signed 2003	Ratified 2004	NO (YES IN 2007, 2008, 2010, 2012, 2014)
<b>CAMEROON</b>	Abolitionist in practice		Ratified 2012	Ratified 1997	ABSTAINED
<b>CAPE VERDE</b>	Abolitionist in law	Ratified 2000	Ratified 2005	Ratified 1993	YES
<b>CENTRAL AFRICAN REPUBLIC</b>	Abolitionist in practice		Signed 2008	Signed 2003	YES
<b>CHAD</b>	Retentionist		Signed 2004	Ratified 2000	YES
<b>COMOROS</b>	Retentionist		Ratified 2004	Ratified 2004	ABSTAINED
<b>CONGO</b>	Abolitionist in law		Ratified 2011	Ratified 2006	YES
<b>CÔTE D'IVOIRE</b>	Abolitionist in law		Ratified 2011	Ratified 2002	YES
<b>DEMOCRATIC REPUBLIC OF CONGO</b>	Retentionist		Ratified 2008	Signed 2010	ABSENT
<b>DJIBOUTI</b>	Abolitionist in law	Ratified 2002	Ratified 2005	Ratified 2011	ABSTAINED
<b>EQUATORIAL GUINEA</b>	Retentionist		Ratified 2009	Ratified 2002	ABSTAINED
<b>ERITREA</b>	Abolitionist in practice		Signed 2012	Ratified 1999	YES
<b>ETHIOPIA</b>	Retentionist		Signed 2004	Ratified 2002	NO
<b>GABON</b>	Abolitionist in law	Ratified 2014	Ratified 2011	Ratified 2007	YES
<b>GAMBIA</b>	Retentionist	Signed in 2017	Ratified 2005	Ratified 2000	ABSENT
<b>GHANA</b>	Abolitionist in practice		Ratified 2007	Ratified 2005	ABSTAINED
<b>GUINEA</b>	Abolitionist in law		Ratified 2012	Ratified 1999	YES

Statute on the death penalty	Second Optional Protocol to the International Covenant on Civil and Political Rights	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	African Charter on the Rights and Welfare of the Child	Vote on the 2016 UNGA Resolution calling for a moratorium on the death penalty
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<b>GUINEA-BISSAU</b>	Abolitionist in law	Ratified 2013	Ratified 2008	Ratified 2008	YES
<b>KENYA</b>	Abolitionist in practice		Ratified 2010	Ratified 2000	ABSTAINED
<b>LESOTHO</b>	Retentionist		Ratified 2004	Ratified 1999	ABSTAINED
<b>LIBERIA</b>	Abolitionist in practice	Ratified 2005	Ratified 2007	Ratified 2007	ABSTAINED
<b>MADAGASCAR</b>	Abolitionist in law	Ratified 2017	Signed 2004	Ratified 2005	YES
<b>MALAWI</b>	Abolitionist in practice		Ratified 2005	Ratified 1999	YES
<b>MALI</b>	Abolitionist in practice		Ratified 2005	Ratified 1998	YES
<b>MAURITANIA</b>	Abolitionist in practice		Ratified 2005	Ratified 2005	ABSTAINED
<b>MAURITIUS</b>	Abolitionist in law		Signed 2005	Ratified 1992	ABSENT
<b>MOZAMBIQUE</b>	Abolitionist in law	Ratified 1993	Ratified 2005	Ratified 1998	YES
<b>NAMIBIA</b>	Abolitionist in law	Ratified 1994	Ratified 2004	Ratified 2004	YES
<b>NIGER</b>	Abolitionist in practice		Signed 2004	Ratified 1999	ABSTAINED
<b>NIGERIA</b>	Retentionist		Ratified 2004	Ratified 2001	ABSTAINED
<b>RWANDA</b>	Abolitionist in law	Ratified 2008	Ratified 2004	Ratified 2001	ABSENT
<b>SAO-TOMÉ AND PRINCIPE</b>	Abolitionist in law	Ratified 2017	Signed 2010	Signed 2010	YES
<b>SENEGAL</b>	Abolitionist in law		Ratified 2004	Ratified 1998	ABSENT
<b>SEYCHELLES</b>	Abolitionist in law	Ratified 1994	Ratified 2006	Ratified 1992	ABSTAINED
<b>SIERRA LEONE</b>	Abolitionist in practice		Signed 2003	Ratified 2002	YES
<b>SOMALIA</b>	Retentionist		Signed 2006	Signed 1991	YES
<b>SOUTH AFRICA</b>	Abolitionist in law	Ratified 2002	Ratified 2004	Ratified 2000	YES
<b>SOUTH SUDAN</b>	Retentionist		Signed 2013	Signed 2013	NO
<b>SUDAN</b>	Retentionist		Signed 2008		NO
<b>SWAZILAND</b>	Abolitionist in practice		Ratified 2012	Ratified 2012	YES
<b>TANZANIA</b>	Abolitionist in practice		Ratified 2007	Ratified 2003	ABSTAINED
<b>TOGO</b>	Abolitionist in law	Ratified 2016	Ratified 2005	Ratified 1998	YES
<b>UGANDA</b>	Retentionist		Ratified 2010	Ratified 1994	ABSTAINED
<b>ZAMBIA</b>	Abolitionist in practice		Ratified 2006	Ratified 2008	ABSTAINED
<b>ZIMBABWE</b>	Retentionist		Ratified 2008	Ratified 1995	ABSTAINED



# WORLD COALITION

AGAINST THE DEATH PENALTY

The World Coalition is an alliance of more than 150 NGOs, bar associations, local authorities and unions. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. The World Coalition gives global dimension to the sometimes isolated action taken by its members on the ground. It complements their initiatives, while constantly respecting their independence.



FIACAT is an international human rights NGO created in 1987. It seeks abolition of torture and the death penalty. The Federation brings together 30 national organisations, known as ACATs, from across 4 continents. 16 are active in Africa. FIACAT represents its members with international and regional bodies and strengthen their capacities.



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