



Ratification Kit

Peru

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

Peru abolished the death penalty for ordinary crimes only. Article 140 of the Constitution of Peru provides that “[t]he death penalty shall only be applied for the crimes of treason in wartime and terrorism, in accordance with the laws and the treaties to which Peru is bound”.

As the Constitution is the legislative reflection of a country’s supreme values, those which limit the application of the death penalty in their Constitutions demonstrate the importance they attach to this issue.

Ratification of the **Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)** 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 Peru to ratify the Protocol?

Peru also demonstrated its commitment as regards abolition of the death penalty by voting in favor of **seven UN General Assembly resolutions for a moratorium on the use of the death penalty in 2008, 2010, 2012, 2014, 2016, 2018 and 2020.**

Peru participated in the **Universal Periodic Review** of the **Human Rights Council** in **2017** and accepted the recommendations to ratify the Second Optional Protocol to the International Covenant to Civil and Political, aiming at the abolition of the death penalty. Peru stated that “[w]ith regard to the recommendations relating to the promotion and ratification of various international human rights treaties, [it] expresses its intention to take the necessary action to facilitate the incorporation of those

instruments into domestic law.” The Human Rights Council would inevitably commend Peru if it ratified the Protocol prior to its next review.

What is the procedure to be followed 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.” **Peru ratified the International Covenant on Civil and Political Rights in 1978** and is therefore competent to ratify this Protocol.

Among the obligations incumbent upon Peru 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 partially fulfilled** by Peru. It may consequently ratify the Protocol.

The President of the Republic is entitled to ratify international treaties, yet any treaty concerning human rights issues must be approved by the Congress prior to ratification (Article 56 of the Constitution).

The instruments of ratification must then be deposited with the UN Secretary-General (Article 7.2 of the Protocol).

What are the legal obstacles to ratification?

Only reservations for the most serious crimes of a military nature committed in time of war are allowed prior to the ratification (Article 2.1 of the Protocol). **Peru must abolish the death penalty for terrorism to ratify the Protocol.**

We therefore encourage Peru to fully abolish the death penalty and to ratify this Protocol as soon as possible.

How can ratification to 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, Peru must submit reports to the Human Rights Committee covering the measures it has adopted to give effect to the Protocol.

The World Coalition Against the Death Penalty also encourages Peru to ratify the **Protocol to the American Convention on Human Rights to Abolish the Death Penalty**.

For more information, contact the World Coalition Against the Death Penalty or visit its website: <http://www.worldcoalition.org/protocol>