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RATIFICATIONS OF INTERNATIONAL TREATIES TO ABOLISH THE DEATH PENALTY

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DEATH PENALTY: RATIFICATION OF INTERNATIONAL TREATIES

The community of nations has adopted four international treaties providing for the abolition of the death penalty. One is of worldwide scope; the other three are regional.

States may become parties to international treaties either by *acceding* to them or by *ratifying* them. *Signature* indicates an intention to become a party at a later date through ratification.

By becoming state parties to international treaties, governments assume obligations under international law to respect, protect and fulfill provisions as outlined in the treaties. They also commit to implement at national level their treaties obligations in order to facilitate the enjoyment of human rights under their jurisdiction. States are also bound under international law to do nothing to defeat the object and purpose of treaties which they have signed.

In 2008 five countries became party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty: Argentina, Chile, Honduras, Rwanda, Uzbekistan.

Argentina and Chile also ratified the Protocol to the American Convention on Human Rights to abolish the death penalty. When ratifying both the treaties, the State of Chile formulated a reservation that gives the country the possibility to apply the death penalty in time of war for extremely serious crimes of a military nature.

Following are short descriptions of the four treaties and current lists of **states parties** and countries which have **signed but not ratified** the treaties.

1. Second Optional Protocol to the International Covenant on Civil and Political Rights

The *Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty*, adopted by the UN General Assembly in 1989, is of worldwide scope. It provides for the total abolition of the death penalty but allows states parties to retain the death penalty in time of war if they make a reservation to that effect at the time of ratifying or acceding to the Protocol. Any state which is a party to the International Covenant on Civil and Political Rights can become a party to the Protocol.

States parties: ALBANIA, ANDORRA, ARGENTINA, AUSTRALIA, AUSTRIA, AZERBAIJAN, BELGIUM, BOSNIA-HERZEGOVINA, BULGARIA, CANADA, CAPE VERDE, CHILE, COLOMBIA, COSTA RICA, CROATIA, CYPRUS, CZECH REPUBLIC, DENMARK, DJIBOUTI, ECUADOR, ESTONIA, FINLAND, FRANCE, GEORGIA, GERMANY, GREECE, HONDURAS, HUNGARY, ICELAND, IRELAND, ITALY, LIBERIA, LIECHTENSTEIN, LITHUANIA, LUXEMBOURG, MACEDONIA, MALTA, MEXICO, MOLDOVA, MONACO, MONTENEGRO, MOZAMBIQUE, NAMIBIA, NEPAL, NETHERLANDS, NEW ZEALAND, NORWAY, PANAMA, PARAGUAY, PHILIPPINES, PORTUGAL, ROMANIA, RWANDA, SAN MARINO, SERBIA(including KOSOVO), SEYCHELLES, SLOVAKIA, SLOVENIA, SOUTH AFRICA, SPAIN, SWEDEN, SWITZERLAND, TIMOR-LESTE, TURKEY, TURKMENISTAN, UKRAINE, UNITED KINGDOM, URUGUAY, UZBEKISTAN, VENEZUELA.

total: 70

Signed but not ratified: GUINEA-BISSAU, NICARAGUA, POLAND, SAO TOMÉ AND PRINCIPE

(total: 4)

2. Protocol to the American Convention on Human Rights

The *Protocol to the American Convention on Human Rights to Abolish the Death Penalty*, adopted by the General Assembly of the Organization of American States in 1990, provides for the total abolition of the death penalty but allows states parties to retain the death penalty in wartime if they make a reservation to that effect at the time of ratifying or acceding to the Protocol. Any state party to the American Convention on Human Rights can become a party to the Protocol.

States parties: ARGENTINA, BRAZIL, CHILE, COSTA RICA, ECUADOR, MEXICO, NICARAGUA, PANAMA, PARAGUAY, URUGUAY, VENEZUELA

(total:11)

3. Protocol No. 6 to the European Convention on Human Rights

Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms ["European Convention on Human Rights"] concerning the abolition of the death penalty, adopted by the Council of Europe in 1982, provides for the abolition of the death penalty in peacetime; states parties may retain the death penalty for crimes "in time of war or of imminent threat of war". Any state party to the European Convention on Human Rights can become a party to the Protocol.

States parties: ALBANIA, ANDORRA, ARMENIA, AUSTRIA, AZERBAIJAN, BELGIUM, BOSNIA-HERZEGOVINA, BULGARIA, CROATIA, CYPRUS, CZECH REPUBLIC, DENMARK, ESTONIA, FINLAND, FRANCE, GEORGIA, GERMANY, GREECE, HUNGARY, ICELAND, IRELAND, ITALY, LATVIA, LIECHTENSTEIN, LITHUANIA, LUXEMBOURG, MACEDONIA, MALTA, MOLDOVA, MONACO, MONTENEGRO, NETHERLANDS, NORWAY, POLAND, PORTUGAL, ROMANIA, SAN MARINO, SERBIA(including KOSOVO), SLOVAKIA, SLOVENIA, SPAIN, SWEDEN, SWITZERLAND, TURKEY, UKRAINE, UNITED KINGDOM
(total: 46)

Signed but not ratified: RUSSIAN FEDERATION
(total: 1)

4. Protocol No. 13 to the European Convention on Human Rights

Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms [European Convention on Human Rights] concerning the abolition of the death penalty in all circumstances, adopted by the Council of Europe in 2002, provides for the abolition of the death penalty in all circumstances, including time of war or of imminent threat of war. Any state party to the European Convention on Human Rights can become a party to the Protocol.

States parties: ALBANIA, ANDORRA, AUSTRIA, BELGIUM, BOSNIA-HERZEGOVINA, BULGARIA, CROATIA, CYPRUS, CZECH REPUBLIC, DENMARK, ESTONIA, FINLAND, FRANCE, GEORGIA, GERMANY, GREECE, HUNGARY, ICELAND, IRELAND, LIECHTENSTEIN, LITHUANIA, LUXEMBOURG, MACEDONIA, MALTA, MOLDOVA, MONACO, MONTENEGRO, NETHERLANDS, NORWAY, PORTUGAL, ROMANIA, SAN MARINO, SERBIA(including KOSOVO), SLOVAKIA, SLOVENIA, SWEDEN, SWITZERLAND, TURKEY, UKRAINE, UNITED KINGDOM
(total: 40)

Signed but not ratified: ARMENIA, ITALY, LATVIA, POLAND, SPAIN,
(total: 5)