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Endorse the United Nations Protocol
to Abolish the Death Penalty

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WORLD COALITION AGAINST THE DEATH PENALTY

Ratification kit

Burundi

Why is it important for Burundi to accede to the United Nations Protocol to abolish the death penalty?

Burundi is **abolitionist for all crimes since the revision of its penal code in April 2009**. A de facto moratorium on executions has existed since 2001, and in December 2006 a presidential pardon commuted all death sentences.

Acceding to 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. 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 Burundi to ratify the Protocol?

Burundi demonstrated its commitment as regards abolition of the death penalty by voting in favor of **five resolutions of the General assembly of the United Nations aiming a moratorium on the application of death penalty** in 2007, 2008, 2010, 2012 and 2014. However, Burundi voted against the sixth resolution of the United Nations in 2016, was absent during the vote in 2018 and 2020, and abstained in 2022.

Burundi participated to the fourth cycle of the **Universal Periodic Review** (UPR) of the UN Human Rights Council in May 2023. The State received 9 recommendations to ratify the Protocol. Burundi will provide responses on the status of these recommendations no later than the 54th session of the Human Rights Council. Burundi has previously accepted such recommendations during the 2nd and 3rd cycle of the UPR

For its next review by the **Human Rights Committee**, the State's report dated September 2020 indicated that "both chambers of Parliament voted [to pass] the bill on the ratification [of that text] in first lecture. All that remains is the promulgation by the President."

Burundi submitted its second report to the **African Commission on Human and Peoples' Rights**, which recommended to the government of Burundi in 2013 to ratify the Second optional Protocol to the ICCPR.

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." **Burundi acceded to the International Covenant on Civil and Political Rights in 1990** and it is therefore competent to accede to this Protocol.

Among the obligations incumbent upon Burundi 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 the Constitution, the President signs and ratifies international treaties (art. 289). Some treaties (i.e. peace treaties, trade agreements, treaties related to international organisation, treaties that involve State finances…) can only be ratified after a law is passed by the legislative power (article 290).

What are the legal obstacles to accession?

There is **no legal obstacle** as the death penalty has been abolished in Burundi national legislation.
The text for the ratification of the Second Optional Protocol has already passed before the Parliament, which adopted it.
We therefore encourage the President to ratify 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, Burundi 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 urges Burundi to adopt an **African Protocol** for the abolition of the death penalty.

For more information, contact the World Coalition Against the Death Penalty and visit the website: https://worldcoalition.org/campagne/just-one-more-step-ratifying-international-and-regional-protocols/