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Treaty Series No. 39 (2000)

Second Optional Protocol  
to the  
International Covenant on  
Civil and Political Rights  
aiming at the abolition of the  
Death Penalty

(Adopted at New York on 15 December 1989)

[The United Kingdom instrument of ratification was deposited on 10 December 1999  
and the Protocol entered into force for the United Kingdom on 10 March 2000]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
April 2000*



**SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT  
ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION  
OF THE DEATH PENALTY**

*The States Parties to the present Protocol,*

*Believing* that abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights,

*Recalling* article 3 of the Universal Declaration of Human Rights adopted on 10 December 1948 and article 6 of the International Covenant on Civil and Political Rights adopted on 16 December 1966,<sup>1</sup>

*Noting* that article 6 of the International Covenant on Civil and Political Rights refers to abolition of the death penalty in terms that strongly suggest that abolition is desirable,

*Convinced* that all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life,

*Desirous* to undertake hereby an international commitment to abolish the death penalty,

*Have agreed* as follows:

**ARTICLE 1**

1. No one within the jurisdiction of a State Party to the present Protocol shall be executed.
2. Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction.

**ARTICLE 2**

1. No reservation is admissible to the present Protocol, except for a reservation made at the time of ratification or accession that provides for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.
2. The State Party making such a reservation shall at the time of ratification or accession communicate to the Secretary-General of the United Nations the relevant provisions of its national legislation applicable during wartime.
3. The State Party having made such a reservation shall notify the Secretary-General of the United Nations of any beginning or ending of a state of war applicable to its territory.

**ARTICLE 3**

The States Parties to the present Protocol shall include in the reports they submit to the Human Rights Committee, in accordance with article 40 of the Covenant, information on the measures that they have adopted to give effect to the present Protocol.

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<sup>1</sup> Treaty Series No. 6 (1977) Cmnd 6702.

#### ARTICLE 4

With respect to the States Parties to the Covenant that have made a declaration under article 41, the competence of the Human Rights Committee to receive and consider communications when a State Party claims that another State Party is not fulfilling its obligations shall extend to the provisions of the present Protocol, unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession.

#### ARTICLE 5

With respect to the States Parties to the first Optional Protocol to the International Covenant on Civil and Political Rights adopted on 16 December 1966<sup>1</sup>, the competence of the Human Rights Committee to receive and consider communications from individuals subject to jurisdiction shall extend to the provisions of the present Protocol, unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession.

#### ARTICLE 6

1. The provisions of the present Protocol shall apply as additional provisions to the Covenant.
2. Without prejudice to the possibility of a reservation under article 2 of the present Protocol, the right guaranteed in article 1, paragraph 1, of the present Protocol shall not be subject to any derogation under article 4 of the Covenant.

#### ARTICLE 7

1. The present Protocol is open for signature by any State that has signed the Covenant.
2. The present Protocol is subject to ratification by any State that has ratified the Covenant or acceded to it. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified the Covenant or acceded to it.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

#### ARTICLE 8

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

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<sup>1</sup> Miscellaneous Series No. 4 (1967) Cmnd 3220.

#### ARTICLE 9

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

#### ARTICLE 10

The Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

- (a) Reservations, communications and notifications under article 2 of the present Protocol;
- (b) Statements made under articles 4 or 5 of the present Protocol;
- (c) Signatures, ratifications and accessions under article 7 of the present Protocol;
- (d) The date of the entry into force of the present Protocol under article 8 thereof.

#### ARTICLE 11

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Australia	Accession	02 Oct 1990	02 Jan 1991
Austria	Signature	08 Apr 1991	
	Ratification	02 Mar 1993	02 Jun 1993
Azerbaijan <sup>1</sup>	Accession	22 Jan 1999	22 Apr 1999
Belgium	Signature	12 Jul 1990	
	Ratification	08 Dec 1998	08 Mar 1999
Bulgaria	Signature	11 Mar 1999	
	Ratification	10 Aug 1999	10 Nov 1999
Colombia	Accession	05 Aug 1997	05 Nov 1997
Costa Rica	Signature	14 Feb 1990	
	Ratification	05 Jun 1998	05 Sep 1998
Croatia	Accession	10 Sep 1995	12 Jan 1996
Cyprus <sup>2</sup>	Accession	10 Sep 1999	10 Dec 1999
Denmark	Signature	13 Feb 1990	
	Ratification	24 Feb 1994	24 May 1994
Ecuador	Accession	23 Feb 1993	23 May 1993
Finland	Signature	13 Feb 1990	
	Ratification	04 Apr 1991	04 Jul 1991
Georgia	Accession	22 Mar 1999	22 Jun 1999
Germany <sup>6</sup>	Signature	13 Feb 1990	
	Ratification	18 Aug 1992	18 Nov 1992
Greece <sup>3</sup>	Accession	05 May 1997	05 Aug 1997
Honduras	Signature	10 May 1990	
Hungary	Accession	24 Feb 1994	24 May 1994
Iceland	Signature	30 Jan 1991	
	Ratification	07 Apr 1991	07 Jul 1991
Ireland	Accession	18 Jun 1993	18 Sep 1993
Italy	Signature	13 Feb 1990	
	Ratification	14 Feb 1995	14 May 1995
Liechtenstein	Accession	10 Dec 1998	10 Mar 1999
Luxembourg	Signature	13 Feb 1990	
	Ratification	12 Feb 1992	12 May 1992
Macedonia, The FYR of	Accession	26 Jan 1995	26 Apr 1995
Malta <sup>4</sup>	Accession	29 Dec 1994	29 Mar 1995
Mozambique	Accession	21 Jul 1993	21 Oct 1993
Namibia	Accession	28 Nov 1994	28 Feb 1994
Netherlands <sup>7</sup>	Signature	09 Aug 1990	
	Ratification	26 Mar 1991	26 Jun 1991
New Zealand	Signature	22 Feb 1990	
	Ratification	22 Feb 1991	22 May 1990
Nicaragua	Signature	21 Feb 1990	
Norway	Signature	13 Feb 1990	
	Ratification	05 Sep 1991	05 Dec 1991
Panama	Accession	21 Jan 1993	21 Apr 1993
Portugal	Signature	13 Feb 1990	
	Ratification	17 Oct 1990	17 Jan 1991
Romania	Signature	15 Mar 1990	
	Ratification	27 Feb 1991	27 May 1991
Seychelles	Accession	15 Dec 1994	15 Mar 1995
Slovak Republic	Signature	22 Sep 1998	
	Ratification	22 June 1999	22 Sep 1999
Slovenia	Signature	14 Sep 1993	
	Ratification	10 Mar 1994	10 Jun 1994
Spain <sup>5</sup>	Signature	22 Feb 1990	
	Ratification	11 Apr 1991	11 Jul 1991
Sweden	Signature	13 Feb 1990	
	Ratification	11 May 1990	11 Aug 1990
Switzerland	Accession	16 Jun 1994	16 Sep 1994
Turkmenistan	Accession	11 Jan 2000	11 Apr 2000

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
United Kingdom <sup>8</sup>	Signature	31 Mar 1998	
	Ratification	10 Dec 1999	
Uruguay	Signature	13 Feb 1990	
	Ratification	21 Jan 1993	21 Apr 1993
Venezuela	Signature	07 Jun 1990	
	Ratification	22 Feb 1993	22 May 1993

NOTES:

<sup>1</sup> Reservation upon Accession: The Republic of Azerbaijan, adopting the Protocol, in exceptional cases, adopting the special law, allows the application of the death penalty for the grave crimes, committed during the war or in condition of the threat of war.

<sup>2</sup> Reservation upon Accession: The Republic of Cyprus in accordance with article 2.1 of the Protocol reserves the right to apply the Death Penalty in time of war pursuant to a conviction of a most serious crime of a military nature committed during wartime.

<sup>3</sup> Reservation upon Accession: Reservation subject to article 2 for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.

<sup>4</sup> Reservation pursuant to article 2, Malta reserves the right to apply the death penalty to persons subject to the Malta Armed Forces Act (Chapter 220 of the revised edition of the Laws of Malta,) which Act provides that the death penalty may be awarded in exceptional and serious cases defined therein, but only in times of war.

<sup>5</sup> Reservations upon Ratification: Pursuant to article 2, Spain reserves the right to apply the death penalty in the exceptional and extremely serious cases provided for in Fundamental Act No. 13-1985 of 9 December 1985 regulating the Military Criminal Code, in wartime as defined in article 25 of that Act.

On 13 January 1998, the Government of Spain notified the Secretary-General that it had decided to withdraw its reservation upon ratification.

<sup>6</sup> The German Democratic Republic signed and ratified the Protocol on 7 March 1990 and 16 August 1990, respectively.

<sup>7</sup> Also for the Kingdom of Europe, the Netherlands Antilles and Aruba.

<sup>8</sup> Also in respect of the Bailiwick of Guernsey, the Bailiwick of Jersey and the Isle of Man.

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