

**Second Optional Protocol to the International Covenant  
on Civil and Political Rights, aiming at the abolition of the death penalty**

**Adopted and proclaimed by General Assembly resolution 44/128 of 15 December  
1989**

***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,

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.

### ***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, the competence of the Human Rights Committee to receive and consider communications from individuals subject to its 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.

## **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.

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*New York, 15 December 1989*

Status as of 1 December 2006:

Signatories: 34, Parties: 60.

Participant	Signature	Ratification, Accession (a), Succession (d)
Andorra	5 Aug 2002	22 Sep 2006
Australia		2 Oct 1990 a
Austria	8 Apr 1991	2 Mar 1993
Azerbaijan		22 Jan 1999 a
Belgium	12 Jul 1990	8 Dec 1998
Bosnia and Herzegovina	7 Sep 2000	16 Mar 2001
Bulgaria	11 Mar 1999	10 Aug 1999
Canada		25 Nov 2005 a
Cape Verde		19 May 2000 a
Chile	15 Nov 2001	
Colombia		5 Aug 1997 a
Costa Rica	14 Feb 1990	5 Jun 1998
Croatia		12 Oct 1995 a
Cyprus		10 Sep 1999 a
Czech Republic		15 Jun 2004 a
Denmark	13 Feb 1990	24 Feb 1994
Djibouti		5 Nov 2002 a
Ecuador		23 Feb 1993 a
Estonia		30 Jan 2004 a
Finland	13 Feb 1990	4 Apr 1991
Georgia		22 Mar 1999 a
Germany	13 Feb 1990	18 Aug 1992
Greece		5 May 1997 a
Guinea-Bissau	12 Sep 2000	
Honduras	10 May 1990	
Hungary		24 Feb 1994 a
Iceland	30 Jan 1991	2 Apr 1991
Ireland		18 Jun 1993 a
Italy	13 Feb 1990	14 Feb 1995
Liberia		16 Sep 2005 a

Liechtenstein		10 Dec 1998 a
Lithuania	8 Sep 2000	27 Mar 2002
Luxembourg	13 Feb 1990	12 Feb 1992
Malta		29 Dec 1994 a
Moldova		20 Sep 2006 a
Monaco		28 Mar 2000 a
Montenegro <sup>2</sup>		23 Oct 2006 d
Mozambique		21 Jul 1993 a
Namibia		28 Nov 1994 a
Nepal		4 Mar 1998 a
Netherlands	9 Aug 1990	26 Mar 1991
New Zealand	22 Feb 1990	22 Feb 1990
Nicaragua	21 Feb 1990	
Norway	13 Feb 1990	5 Sep 1991
Panama		21 Jan 1993 a
Paraguay		18 Aug 2003 a
Philippines	20 Sep 2006	
Poland	21 Mar 2000	
Portugal	13 Feb 1990	17 Oct 1990
Romania	15 Mar 1990	27 Feb 1991
San Marino	26 Sep 2003	17 Aug 2004
Sao Tome and Principe	6 Sep 2000	
Serbia		6 Sep 2001 a
Seychelles		15 Dec 1994 a
Slovakia	22 Sep 1998	22 Jun 1999
Slovenia	14 Sep 1993	10 Mar 1994
South Africa		28 Aug 2002 a
Spain	23 Feb 1990	11 Apr 1991
Sweden	13 Feb 1990	11 May 1990
Switzerland		16 Jun 1994 a
The Former Yugoslav Republic of Macedonia		26 Jan 1995 a
Timor-Leste		18 Sep 2003 a
Turkey	6 Apr 2004	2 Mar 2006
Turkmenistan		11 Jan 2000 a
United Kingdom of Great Britain and Northern Ireland	31 Mar 1999	10 Dec 1999
Uruguay	13 Feb 1990	21 Jan 1993
Venezuela (Bolivarian Republic of)	7 Jun 1990	22 Feb 1993