



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER



# *Ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (OP2 ICCPR)*

*A toolkit*

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## About the Toolkit

*The 75th anniversary of the Universal Declaration of Human Rights celebrated in 2023 is an occasion to renew the ground-breaking commitments made by States when they adopted the text in 1948. The Declaration has inspired the norms and standards that are embodied in the core human rights treaties and their optional protocols. These instruments aim to realize the rights contained in the Declaration, by making human rights universal legal entitlements with legally binding obligations for States.*

*Ratifying these instruments is an essential means to translating the human rights enshrined in the Declaration into reality on the ground, while conveying a message of commitment to human rights to the international community.*

*Human Rights 75 is an initiative led by UN Human Rights and its partners. It seeks, among others, to promote universality and renewed commitment, including through a campaign advocating for the ratification of the core human rights treaties and their optional protocols. In this context, States are called upon to demonstrate their commitment to the protection and respect of human rights by ratifying outstanding human rights instruments.*

*This toolkit presents the benefits of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (OP2 ICCPR). It answers questions on its content and application, provides a simplified version of the provisions of the Optional Protocol and offers practical information on ratification and accession of treaties.*

## Why Ratify?

The Second Optional Protocol to the International Covenant on Civil and Political Rights is an international human rights treaty that aims to abolish the death penalty.

Ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (OP2 ICCPR):



**1. Reaffirms the State's commitment to guarantee the most fundamental human right, the right to life.** The death penalty cannot be reconciled with full respect for the right to life, and abolition of the death penalty is both desirable and necessary for the enhancement of human dignity and progressive development of human rights.

**2. Reflects the State's compliance with the International Covenant on Civil and Political Rights and development of international human rights law,** as reflected in the Human Rights Committee's General Comment No. 36 confirming that, "the States parties to the Covenant that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future."

# Why Ratify?



**3. Enables the State to be part of the growing international consensus on the abolition of the death penalty**, as many States have moved away from the capital punishment, acknowledging the risk of irreversible judicial error, the ineffectiveness of the death penalty as a deterrent, and considering it as a cruel, inhuman or degrading form of punishment.



**4. Strengthens the rule of law and promotes strong justice systems in line with international human rights standards**, including by facilitating justice sector responses that seek the resocialization and rehabilitation of perpetrators to prevent and address root causes of crime, while still ensuring that perpetrators of crimes are held accountable.

**5. Upholds the United Nations Secretary General's call for universal ratification of the Second Optional Protocol**, as well as numerous recommendations by the United Nations Human Rights Treaty Bodies and the Universal Periodic Review.

# Frequently Asked Questions



## ***Should the State abolish the death penalty prior to ratification or accession?***

*The Second Optional Protocol requires States to take all necessary measures to abolish the death penalty within their jurisdiction once they become Party to it. No one within the jurisdiction of the State Party shall be executed.*

## ***Is it sufficient to introduce a moratorium on a death penalty?***

*Moratorium on the use of the death penalty is an important step in the direction of full abolition of the death penalty. The Second Optional Protocol requires the State parties to take all necessary measures for the abolition of the death penalty, which includes its legal abolition.*

## ***Are there any reservations allowed under the Second Optional Protocol?***

*Reservations or derogations are not permitted under the Second Optional Protocol, except for the entry of a reservation at the time of ratification or accession in accordance with Article 2, which 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.*

## ***Does the Second Optional Protocol establish separate reporting obligations?***

*States Parties to the International Covenant on Civil and Political Rights and to the Second Optional Protocol shall include information on implementation of the Second Optional Protocol within their reports on the implementation of the International Covenant on Civil and Political Rights that they submit to the Human Rights Committee.*

# Simplified Version

## *Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (OP2 ICCPR)*



Entry into force: 11 July 1991, in accordance with article 8(1).

Registration: 11 July 1991, No. 14668

Status as of August 2024: Signatories : 40. Parties : 91

*Procedural provisions of the Optional Protocol have been omitted.*

### **Abolition of the death penalty (Art. 1):**

*No one within the jurisdiction of the State party shall be executed. Each State Party shall take all necessary measures to abolish the death penalty.*

### **Reservations (Art. 2):**

*States cannot make reservations to the 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.*

### **Reporting to the Human Rights Committee (Art. 3):**

*When submitting reports to the Human Rights Committee in accordance with article 40 of the Covenant, States shall include information on measures they have taken to abolish the death penalty and implement the Protocol.*

### **Inter-state communications (Art. 4):**

*For States Parties to the Covenant that have made a declaration under article 41 of the Covenant, the Human Rights Committee shall be competent to receive and consider complaints by a State party against another State party regarding violations of the Protocol, unless a statement to the contrary was made during ratification or accession.*

# Simplified Version

## **Individual communications (Art. 5):**

*For States parties to the first Optional Protocol to the Covenant, the Human Rights Committee shall be competent to receive and consider complaints by individuals against a State party regarding violations of the Protocol, unless a statement to the contrary was made during ratification or accession.*

## **Reservations or derogations (Art. 6):**

*The provisions of the Protocol shall apply as additional provisions to the Covenant. Without prejudice to the possibility of a reservation under article 2 of the 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.*



# Process for Ratification and Accession

## What is ratification?

When a State ratifies an international human rights treaty, it legally commits to implement its provisions. By depositing instruments of ratification, a State expresses its consent to be bound by the treaty. Ratification is preceded by the signature of the treaty. Upon the signature, the State is obliged not to act contrary to the object and purpose of the treaty. The State may use the time between the signature and ratification to enact the necessary legislation to ensure the application of the treaty nationally.

## What is accession?

Accession is the act by which a State accepts to become a party to a treaty that has already been negotiated and signed by other States. It has the same legal effect as ratification. Accession usually takes place after the treaty has entered into force.

## What are the steps for formalizing a ratification or accession?

Model instruments of ratification or accession can be found on the [United Nations Treaty Collection](#) website. These templates are available in all six UN languages. The date indicated in the instrument of ratification or accession is the date on which the State becomes bound by the treaty. More information is available in the [Treaty Handbook](#). The annexes to the model instruments of full powers, ratification and accession are also available in this toolkit.

Once completed and signed by the competent authority in the State, e.g., the Head of State or Government or the Minister for Foreign Affairs, the signed copy of the original instrument can be emailed to [treatysection@un.org](mailto:treatysection@un.org) for deposit. However, the originals must be delivered to the Treaty Section as soon as they arrive at the Permanent Mission in New York. The Depositary Unit office is at 2 UN Plaza, 323 E 44th Street, 5th Floor, Room DC2-0500, Tel: 1-212 963 504. New York, NY 10017 USA.

The Permanent Representative in New York may deliver instruments of ratification or accession. There may be a ceremony for the deposit of instruments ([pictures](#)). Alternatively, the Government may wish to deposit the instruments at the Treaty Event held during the opening of the General Assembly, which will provide a high-level setting for this treaty action and give visibility to the Government's commitment to human rights.

ANNEX I

**MODEL INSTRUMENT OF FULL POWERS**

**(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)**

**FULL POWERS**

\_\_\_\_\_  
I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

**HEREBY AUTHORIZE** [name and title] to [sign <sup>2</sup>, ratify, denounce, effect the following declaration in respect of, etc.] the [title and date of treaty, convention, agreement, etc.] on behalf of the Government of [name of State].

Done at [place] on [date].

[Signature]

\_\_\_\_\_  
<sup>2</sup> \* Subject to the provisions of the treaty, one of the following alternatives is to be chosen: [subject to ratification] or [without reservation as to ratification]. Reservations made upon signature must be authorized by the full powers granted to the signator

ANNEX II

**MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL**

**(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)**

**[RATIFICATION / ACCEPTANCE / APPROVAL]**

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**WHEREAS** the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

**AND WHEREAS** the said [treaty, convention, agreement, etc.] has been signed on behalf of the Government of [name of State] on [date],

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

**IN WITNESS WHEREOF**, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[Signature]

ANNEX III

**MODEL INSTRUMENT OF ACCESSION**

**(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)**

**ACCESSION**

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**WHEREAS** the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned [treaty, convention, agreement, etc.], accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

**IN WITNESS WHEREOF**, I have signed this instrument of accession at [place] on [date].

[Signature]

