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Thirty-ninth session
Agenda item 98 (c)INTERNATIONAL COVENANTS ON HUMAN RIGHTS: ELABORATION OF A
SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON
CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF
THE DEATH PANALTYNote by the Secretary-General

1. At its thirty-fifth session, the General Assembly, in its decision 35/437 of 15 December 1980, took note of the draft resolution entitled "Measures aiming at the ultimate abolition of capital punishment (draft Second Optional Protocol to the International Covenant on Civil and Political Rights)", 1/ and decided to consider at its thirty-sixth session under the item entitled "International Covenants on Human Rights", the idea of elaborating a draft of a second optional protocol to the Covenant. It also requested the Secretary-General to transmit the draft resolution to Governments for their comments and observations and to report to the Assembly at its thirty-sixth session.
2. At its thirty-sixth session, the General Assembly, in its resolution 36/59 of 25 November 1981, took note of the report of the Secretary-General on the item (A/36/441 and Add.1 and 2) and invited Member States to submit further comments and observations on the draft resolution referred to in paragraph 1 above, to be included in the report to be submitted by the Secretary-General to the General Assembly at its thirty-seventh session.
3. At its thirty-seventh session, the General Assembly, in its resolution 37/192 of 18 December 1982, took note of the report of the Secretary-General (A/37/407 and Add.1) and requested the Commission on Human Rights to consider the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, at its thirty-ninth and fortieth sessions and to submit, through the Economic and Social Council, a report to the Assembly at its thirty-ninth session.
4. At its fortieth session, by its resolution 1984/19 of 6 March 1984, 2/ the Commission on Human Rights, recalling General Assembly resolution 37/192, decided

to transmit to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the draft of a second optional protocol, together with all the pertinent documents and material from the Commission and the Assembly, and invited the Sub-Commission to consider the idea of elaborating a draft of a second optional protocol at its thirty-seventh session and to submit its views thereon to the Commission at its forty-first session. In the same resolution, the Commission also invited the Sub-Commission to consider establishing a sessional working group at its thirty-seventh session to consider the idea of elaborating a draft of a second optional protocol; requested the Secretary-General to inform the General Assembly at its thirty-ninth session of the action taken by the Commission at its fortieth session and by the Sub-Commission at its thirty-seventh session; and decided to consider this matter further at its forty-first session.

5. At its thirty-seventh session the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1984/7 of 28 August 1984, taking note of the draft of the second optional protocol and the pertinent documents from the General Assembly and the Commission on Human Rights requested the Commission on Human Rights to recommend to the Economic and Social Council to authorize the Sub-Commission to entrust Mr. Marc Bossuyt with the preparation of an analysis concerning the proposition to elaborate a second optional protocol, taking into account the documents considered and the views expressed in the Assembly, the Commission and the Sub-Commission in favour or against the idea of elaborating such protocol; and to present on the basis of his analysis recommendations for further consideration by the Sub-Commission at its thirty-ninth session under the agenda item entitled "The administration of justice and the human rights of detainees".

Notes

1/ Official Records of the General Assembly, Thirty-fifth Session, Annexes, agenda item 65, document A/35/742, para. 20.

2/ Official Records of the Economic and Social Council, 1984, Supplement No. 4 (E/1984/14), chap. II.A.
