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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 PENALTY

Report of the Secretary-General

1. In its resolution 39/137 of 14 December 1984, the General Assembly requested the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider further 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. The Assembly also requested the Secretary-General to inform it at its forty-second session of the consideration given to this question by the Commission and the Sub-Commission. The present report is submitted pursuant to that request.
2. In its resolution 1984/19, adopted at its fortieth session, in 1984, the Commission on Human Rights decided to transmit to the Sub-Commission the draft of a second optional protocol and invited the Sub-Commission to consider it and to submit its views thereon to the Commission at its forty-first session.
3. Subsequently, the Sub-Commission, in its resolution 1984/7, recommended to the Economic and Social Council, through the Commission on Human Rights, that it authorize the Sub-Commission to entrust Mr. M. Bossuyt with the preparation of an analysis concerning the proposition to elaborate a second optional protocol. Following the recommendations of the Sub-Commission and of the Commission in its resolution 1985/46, the Economic and Social Council, in its resolution 1985/41 of 30 May 1985, authorized the Sub-Commission to entrust the Special Rapporteur with the task of preparing an analysis on the subject and to present his recommendations to the Sub-Commission at its thirty-ninth session.
4. In its decision 1987/104, the Commission on Human Rights, at its forty-third session, decided to consider further at its forty-fourth session the idea of elaborating a second optional protocol to the International Covenant on Civil and

Political Rights aiming at the abolition of the death penalty and requested the Secretary-General to inform the General Assembly of its decision.

5. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its thirty-ninth session, in 1987, had before it the report by the Special Rapporteur (E/CN.4/Sub.2/1987/20). The Sub-Commission considered agenda item 9 (e) on the elaboration of a second optional protocol together with item 9 as a whole ("The administration of justice and the human rights of detainees") and its various other sub-items at its 22nd to 27th meetings and at its 36th meeting, held from 25 to 27 August and on 3 September 1987. Statements made in those meetings are reflected in the relevant summary records, which, together with the Special Rapporteur's report, are available for consultation.

6. At the Sub-Commission's 22nd plenary meeting, on 25 August 1987, the Special Rapporteur introduced his report and at the 36th meeting, on 3 September, the Sub-Commission considered a draft resolution on the draft optional protocol aiming at the abolition of the death penalty. At that meeting and pursuant to rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, the Sub-Commission, in its decision 1987/109, decided to take no action on that draft resolution.
