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Backgrounder

Canada 's accession to the United Nations *Second Optional Protocol to the International Covenant on Civil and Political Rights*, aiming at the abolition of the death penalty

In furtherance of Canada's support for the international trend towards abolition of the death penalty, Canada became a party to the United Nations *Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty* on November 25, 2005.

What is an Optional Protocol?

An "Optional Protocol" to a United Nations treaty is an additional document added to an existing treaty, sometimes years after the treaty has come into force. An optional protocol can include more detail about matters that were in the original treaty, or it can deal with specific issues that have come up since the treaty was written. The optional protocol can add rights and obligations that were not in the original treaty. Also, the protocol can provide for procedures related to the treaty.

What is the aim of this Optional Protocol?

The United Nations (UN) *Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty* has the express objective of abolishing the death penalty. It requires countries that become parties to it to:

- Not execute anyone within their jurisdiction; and,
- Take all necessary measures to abolish the death penalty within its jurisdiction.

Canada has abolished the death penalty for most crimes in 1976 and for all crimes in 1999. As an abolitionist country, Canada meets the above-noted requirements of the Protocol.

The Second Optional Protocol does not expressly prohibit the extradition or removal of individuals to countries where they face the death penalty without assurances that the death penalty will not be sought or imposed. Since a 2001 decision of the Supreme Court of Canada, the government's general practice is to obtain assurances prior to removal in cases involving the death penalty.

History

The Second Optional Protocol was adopted by the United Nations General Assembly on December 29, 1989. Canada voted in favour of this Protocol. It entered into force on

July 11, 1991. As of October 7, 2005, there were 55 states that were parties to the Second Optional Protocol.

Protecting the Right to Life through Abolition of the Death Penalty

The Second Optional Protocol builds on provisions in the Universal Declaration of Human Rights (article 3) and particularly article 6 of the [International Covenant on Civil and Political Rights](#)

(ICCPR) protecting the right to life. The Optional Protocol has the express objective of abolishing the death penalty. By ratifying the Optional Protocol, the Government of Canada is reaffirming its commitment to protecting human rights and in particular, promoting the abolition of the death penalty internationally.

Other measures to protect human rights

Canada is a party to the six principal United Nations human rights treaties and various protocols to these treaties. By virtue of its adherence to these instruments, Canada is required to submit periodic reports to the UN on measures that have been undertaken by federal, provincial and territorial governments that serve to implement those treaties.

In addition to today's announcement, Canada continues to be a strong and active supporter of the principles enunciated in the [Universal Declaration of Human Rights](#), and has ratified the following main United Nations human rights treaties and protocols: the [International Covenant on Civil and Political Rights \(ICCPR\)](#), the [Optional Protocol to the ICCPR](#), the [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#), the [International Convention on the Elimination of All Forms of Racial Discrimination \(ICERD\)](#), the [Convention on the Rights of the Child \(CRC\)](#), the [Optional Protocol to the CRC on the Involvement of Children in Armed Conflict](#), the [Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography](#), the [Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#), the [Optional Protocol to the CEDAW](#), and the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(CAT\)](#).

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**Department of Justice
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