

# International Human Rights Optional Protocols

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In addition to the eight core international human rights treaties currently in force, this publication includes the ratification status and information about the seven main Optional Protocols. These protocols establish mechanisms and additional legal commitments which aim to ensure that the rights set out in the core international human rights treaties are fully realised.

Upon ratification a state may choose to place a reservation on articles contained within an Optional Protocol. When Optional Protocols establish individual complaint mechanisms, the Committee cannot investigate complaints that relate to treaty articles with reservations against them.

Information contained in the 2008 edition of this publication on the core international human rights treaties can be found on pages 141–146.

The seven human rights Optional Protocols are:

- [Optional Protocol to the International Covenant on Civil and Political Rights \(ICCPR OP\)](#)
- [Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty \(ICCPR OPDP\)](#)

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- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW OP)
  - Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)
  - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC OPAC)
  - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC OPSC)
  - Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD OP)

## Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR OP)

*(came into force: 1976)*

The ICCPR OP is open to signature and ratification by those states that are party to the ICCPR. The Human Rights Committee monitors the implementation of the ICCPR. The Protocol establishes an individual complaints mechanism that allows the Committee to receive and consider individual complaints. The Protocol gives individuals whose countries have accepted both the treaty and the Protocol the recourse to remedy when their state violates the rights protected by the ICCPR. All domestic remedies must have been exhausted or be unavailable for a case to reach the Committee. The Protocol also allows third parties to bring a complaint to the Committee on behalf of individuals.

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

*(came into force: 1991)*

The ICCPR OPDP is open to signature and ratification by those states that are party to the ICCPR. The Protocol commits states actively to progress towards the abolition of the death penalty within their borders. States may only enter a reservation permitting the use of the death penalty in time of war and only after a conviction has been made for a serious crime of a military nature committed during wartime. State parties are required to provide regular updates to the Human Rights Committee on the measures being taken to abolish the death penalty.

## Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW OP)

*(came into force: 2000)*

The CEDAW OP is open to signature and ratification by those states that are party to CEDAW. The Protocol permits the Committee on the Elimination of Discrimination against Women, which monitors CEDAW, to receive and consider individual complaints by women or by a third party acting on their behalf. The Protocol also establishes an inquiry procedure permitting the Committee to inquire into situations of grave or systematic violations of the rights contained in CEDAW.

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## Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)

*(came into force: 2006)*

The OPCAT is open to signature and ratification by those states that are party to CAT. The Protocol established the Subcommittee on Prevention of Torture (SPT). The SPT has a mandate to visit places of detention to examine treatment by speaking privately to individuals in custody, lawyers, doctors, government officials and other relevant persons. The Subcommittee can recommend measures to be taken to improve the treatment of detainees in places such as police stations, prisons and mental health institutions. OPCAT also requires state parties to establish independent national preventative mechanisms for the prevention of torture, which the SPT may assist and advise to strengthen.

## Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC OPAC)

*(came into force: 2002)*

The CRC OPAC expands on the provisions to protect children made in the CRC to increase the protection of children during times of armed conflict. The Protocol directs state parties to take all feasible measures to ensure that those under the age of 18 do not take part in direct hostilities, and that voluntary recruitment is ensured for those under the age of 18. As such, each state is required to submit a binding statement upon ratification declaring the age at which it will permit voluntary recruitment into its national armed forces and a description of the measures it has adopted to ensure that recruitment is not forced. Within

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two years of ratifying the Protocol a state must submit an initial report to the Committee on the Rights of the Child detailing efforts it has taken to give effect to the Protocol. Thereafter, a state is required to submit information relevant to the Protocol within its CRC reports. A state not party to CRC may still ratify the Protocol, and in such cases is required to submit a report to the Committee on the Rights of the Child every five years.<sup>1</sup>

### Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC OPSC)

*(came into force: 2002)*

The CRC OPSC expands on the provisions made in the CRC to protect children against sexual and non-sexual exploitation. The Protocol creates an obligation on states to criminalise activities related to the sale of children, child prostitution and child pornography and to punish perpetrators of these offences. The Protocol also obliges a state to provide child victims legal, medical and financial support. Within two years of ratifying the Protocol a state must submit an initial report to the Committee on the Rights of the Child detailing the efforts it has made to give effect to the Protocol. Thereafter a state is required to submit information relevant to the Protocol within its CRC reports. A state not party to CRC may still ratify the Protocol, and in such cases is required to submit a report to the Committee on the rights of the child every five years.<sup>2</sup>

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<sup>1</sup> All Commonwealth states are party to the CRC. Therefore the date of the last report shown for this Optional Protocol in the country pages that follow is the submission date of the initial report.

<sup>2</sup> Ibid

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## Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD OP)

*(came into force: 2008)*

The CRPD OP is the newest Protocol and is open to signature and ratification by those states that are party to CRPD.

The Protocol allows the Committee on the Rights of Persons with Disabilities, which monitors the CRPD, to receive and consider individual complaints when all domestic recourse has been exhausted. The Protocol also allows third parties to bring a complaint to the Committee on behalf of individuals.