



AUSTRALIA'S INPUT: SECRETARY-GENERAL'S REPORT ON A MORATORIUM ON THE USE OF THE DEATH PENALTY

Australia commends the Secretary-General for undertaking this report on the implementation of the General Assembly's resolution 75/183 on a moratorium on the use of the death penalty.

Australia opposes the death penalty, in all circumstances and for all people. Australia's opposition to the death penalty is a long-standing, bipartisan policy position. All jurisdictions in Australia abolished the death penalty by 1985. In 2010, the Australian government passed legislation that prohibited the reintroduction of capital punishment.

Reflecting our commitment to universal human rights, we believe as a matter of principle that the death penalty has no place in the modern world. It brutalises human society, is degrading, and is an affront to human dignity.

In particular, we oppose the death penalty because:

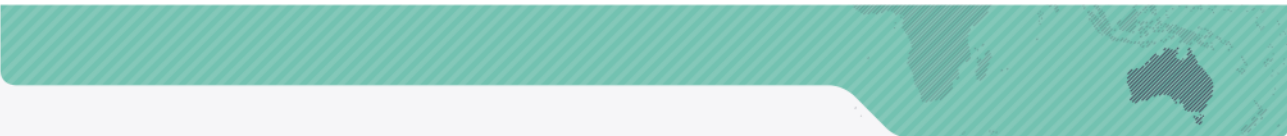
- there is no conclusive evidence that the death penalty deters crime
- it is irrevocable – any miscarriage or failure of justice in the implementation of the death penalty is irreversible and irreparable
- it is unfair – it is used disproportionately against the poor, people with intellectual disabilities and minority groups.

The international trend is strongly in favour of global abolition – we want this to continue and strongly advocate, both bilaterally and multilaterally, for the abolition of the death penalty to retentionist countries, as well as those considering reintroducing the death penalty. As a continuation of this work, Australia looks forward to presenting, with Costa Rica, the biennial resolution on a moratorium on the use of the death penalty to the General Assembly for renewal at its seventy-seventh session.

While Australia's Strategy for the Abolition of the Death Penalty advocates for global abolition, we recognise that for some countries the move towards abolition will be gradual. A staged, sequenced approach may be most effective, depending on particular country circumstances. As a result, Australia has tailored its strategy and includes a number of specific goals, ranging from improving the conditions and treatment of prisoners on death row, to encouraging universal adherence to Second Optional Protocol to the International Covenant on Civil and Political Rights (OP2-ICCPR). We commend States which have taken any steps to minimise the impact of the death penalty, including enacting a moratorium on the death penalty or abolishing the death penalty.

In parallel with our advocacy for the global abolition for the death penalty, Australia is a strong advocate for the rights of Australian citizens who have been sentenced to death or are potentially facing the death penalty overseas. The Australian Government actively monitors developments and provides consular, legal, and diplomatic assistance to these Australians and their families through individual case management strategies. We offer financial assistance for legal costs, and vigorously support clemency pleas by any Australians who are still sentenced to death at the end of the court process.

We are firmly of the opinion that the use of the death penalty is unfair. The inequities in the administration of the death penalty are well established; people with disabilities, the poor, the uneducated, and the marginalised do not often have access to the resources necessary for the fair exercise of judicial power.



These groups are also often subjected to discrimination which impacts their right to a fair trial. This is a penalty largely reserved for people from lower socio-economic groups.

The disproportionate use of the death penalty on these groups, whether direct or not, has broader implications for society and social inclusion. It is a violation of international standards and enables systemic discrimination against people in some of the most vulnerable situations.

Comprehensive safeguards are a vital prerequisite to assess whether the death penalty is being carried out in compliance with international human rights law. Without it, it is not possible to ensure that those in detention awaiting execution are being treated humanely and afforded appropriate legal and procedural protections in accordance with international human rights law.

Australia strongly urges countries which retain the death penalty to:

- ensure that people facing a death sentence have adequate assistance to legal counsel, and that their rights to a fair trial and guarantees of due process under Article 14 of the ICCPR are realised;
- increase adherence to the United Nations 'Safeguards guaranteeing protection of the rights of those facing the death penalty', which enumerates the minimum standards to be applied in countries which still impose the death penalty (see Economic and Social Council resolution 1984/50 of 25 May 1984); and
- increase transparency in the application and imposition of the death penalty, including by reporting the numbers of people sentenced to death and executed.