

Wednesday, 8 February 2017

Australia's contribution to the Abolition of the Death Penalty Symposium: *Communique*

On 3 February 2017, the Law Council convened a national Symposium in Melbourne to discuss how government, the legal profession and others can effectively contribute to the abolition of the death penalty overseas. Ministers, shadow ministers, members of Parliament, government officials from a range of countries, lawyers and community organisations all contributed to the event and the lead up to it.

The Symposium marked the fiftieth anniversary of the last execution in Australia, the hanging of Ronald Ryan.

Participants noted:

- (a) The strong commitment in Australia for the death penalty to be abolished worldwide, including bipartisan political support;
- (b) There is no evidence which demonstrates a link between the death penalty and the deterrence of crime;
- (c) The cruel and torturous nature of the death penalty and executions;
- (d) That no person, anywhere in the world, should ever be subjected to the death penalty. This is irrespective of their nationality, personal characteristics, the nature of the crime of which they have been convicted, or the time and place of its alleged commission;
- (e) The international trend whereby there is a decrease in the number of countries imposing the death penalty around the world – in 1977, only 16 countries had abolished the death penalty, now 142 nations have abolished capital punishment in law or practice, with 57 countries actively retaining the death penalty in law and 25 countries applying the death penalty in 2015;
- (f) Despite this trend, confirmed 2015 figures indicate that more people were executed than in any year since 1989;
- (g) That more can be done to build on Australia's current advocacy against the death penalty;
- (h) That the many avenues through which Australia's advocacy may be conducted include bilateral, multilateral, regional, United Nations, and Commonwealth initiatives. Australia can also improve its diplomatic communications about its opposition to capital punishment; and
- (i) That the Australian Government, civil society and the legal profession can engage in domestic education and relevant advocacy regarding opposition to the death penalty, particularly following major criminal acts.

Participants acknowledged the efforts of Australian Governments to:

- (j) Continue to advocate at every opportunity for the abolition of the death penalty globally;
- (k) Provide support, including financial assistance, to civil society organisations and consortia who advocate against the death penalty in retentionist countries;
- (l) Encourage all states to end capital punishment, and in the interim, to support an international moratorium on executions, the commutation of existing death sentences and the reduction of offences carrying the death penalty; and
- (m) Communicate Australia's opposition to the death penalty around the world.

Participants acknowledged that:

- (a) Australia needs to take a strong human rights approach in opposing the death penalty internationally.

Participants welcomed:

- (a) The report of the Joint Standing Committee on Foreign Affairs, Defence and Trade inquiry into Australia's Advocacy for the Abolition of the Death Penalty.

Participants applauded key recommendations of that report including its recommendations that:

- (a) Australia should develop, fund and implement a whole-of-government strategy for the abolition of the death penalty with a particular focus on countries in the Asia-Pacific Region and the United States of America;
- (b) The Attorney-General's Department conduct a review of the current legislative arrangements for extradition and mutual assistance to ensure that they uphold Australia's obligations as a signatory to the Second Optional Protocol to the International Covenant on Civil and Political Rights;
- (c) The Australian Federal Police (AFP) National Guideline on International Police-to-Police Assistance in Death Penalty Situations be amended to include a stronger focus on preventing exposure of all persons to the risk of the death penalty, with a view to codifying the Guideline into law where practicable;
- (d) Aim to strengthen Australia's international engagement in its opposition to the death penalty; and
- (e) The Australian Government provide dedicated and appropriate funding to the Department of Foreign Affairs and Trade to fund grants to civil society organisations, scholarships, training, research and/or capacity building projects aimed at the abolition of the death penalty.

Participants expressed a commitment to work collaboratively in advocating against the death penalty, both domestically and abroad.

The Law Council will continue to work with participants in the Symposium to assist them in effectively contributing to the global abolition of the death penalty.

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