

# Enhancing Australia's Global Advocacy for Abolition of the Death Penalty



## Building the human rights foundation for Australia's anti-death penalty advocacy

To strengthen its abolitionist stance on the death penalty, Australia must incorporate a human rights framework into its advocacy approach. Australia must identify the death penalty as a violation of the right to life and should condemn capital punishment as torture, because of the methods used and the length of time convicted persons are kept on death row. It must be unacceptable to Australia that some countries execute people for "crimes" that are either not criminal or are not regarded as "most serious" crimes under Australian law.

### The problem

While the trend over recent decades had seen a reduction in executions and an increase in the number of countries which had stopped or paused the practical of capital punishment, 2015 saw a significant rise in executions worldwide.

2015 was also the year that saw the execution of Australian citizens Andrew Chan and Myuran Sukumaran, who were sentenced to death in Bali, Indonesia for smuggling heroin in 2005.

Capital punishment fails to solve the problem of violence, failing victims and their families by trapping them within a perpetual cycle of killing and implicating society in an act of revenge. The practice undermines the value of human life and human rights norms. There is no remedy for capital punishment if a person is later found to have been innocent. Since 1973, 122 people have been released from death row having been proved innocent in the United States alone, demonstrating that no legal system is safe from error.

Capital punishment also reflects a racialised hierarchy that is heavily class-biased with 95 percent of those on death row in the USA too poor to afford their own legal representation.



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## A World without the Death Penalty

Associate Professor Amy Maguire undertakes comparative analysis of Australian and international legal sources to examine the death penalty and abolition in different jurisdictions.

In 2016, the Joint Standing Committee on Foreign Affairs, Defence and Trade released '*A World without the Death Penalty: Australia's Advocacy for the Abolition of the Death Penalty*'. Dr Maguire provided written and oral evidence to this inquiry. The Committee's recommendations to the Commonwealth government were consistent with Dr Maguire's submissions, for example:

- Recommendation six: Where appropriate and especially in relation to public messaging, Australian approaches to advocacy for abolition of the death penalty should be based on human rights arguments and include the right to life.

## Research impact

In 2018, the Commonwealth responded to the Report with a whole-of-government '*Strategy for Abolition of the Death Penalty*.' The strategy emphasises the Australian Government's support for the universal abolition of the death penalty. It makes recommendations for diplomatic efforts to advance this goal, including that Australian ministers and officials should raise abolition of the death penalty as a priority human rights issue.

The Committee's recommendations to government drew heavily on Dr Maguire's submissions to the inquiry, evidenced by multiple citations to her work. The government's response supported the Committee's submissions and was formalised into a policy strategy. Dr Maguire was invited to Amnesty International's 2015 panel on World Day Against the Death Penalty and she has stimulated community engagement as the top ranked author on The Conversation for death penalty coverage. She has also shaped public understanding through TV and radio interviews with ABC stations, Joy FM Melbourne and 2SER Sydney. Dr Maguire's article 'Why does international condemnation on human rights mean so little in Australia?' received 670 retweets on twitter and 4000 mentions on Facebook. Her scholarship was published in the highly ranked journal *Current Issues in Criminal Justice* and she is now building an international collaborative research team on global abolition.

## Milestones

**2006:** 'Murdering Myths: The Story behind the Death Penalty (book review) *British Journal of Criminology*.

**2015:** Invited panellist at the World Day against the Death Penalty event, hosted by Amnesty International Australia: 'Working for death penalty abolition through human rights advocacy.'

**2015:** Conversation article titled 'What more can Australia do to end the death penalty worldwide?'

**2015:** Conversation article titled 'Moratorium or not, Indonesia could be abandoning the death penalty.'

**2015:** Conversation UK article titled 'Barbaric and futile: world must do away with state-sponsored killing.'

**2015:** Radio Interview, 'The death penalty and human rights' Joy FM Melbourne.

**2015:** Radio Interview, 'Why the death penalty doesn't work as punishment' 1233 ABC Radio Newcastle.

**2016:** Lowy Institute Interpreter article titled 'Australia should take a stand on Veloso.'

**2016:** Lowy Institute Interpreter article titled 'Australia can do better in advocating against the death penalty worldwide.'

**2016:** Conversation article titled 'Why does international condemnation on human rights mean so little to Australia?'

**2016:** Conversation article titled 'As Indonesia conducts more executions, Australia's anti-death-penalty advocacy is still lacking.'

**2016:** Australia's Advocacy for the Abolition of the Death Penalty: Submission 40 to the Inquiry of the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, Parliament of Australia.

**2016:** 'Pope Francis' death penalty abolition advocacy,' Radio Interview 2SER Sydney.

**2016:** Journal Article 'The Bali Nine, Capital Punishment and Australia's obligation to Seek Abolition' *Current Issues in Criminal Justice*.

**2018:** Conversation article titled 'Despite a reduction in executions, progress towards the abolition of the death penalty is slow.'

**2018:** Conversation article titled 'As Thailand resumes executions, Australia must push its abolitionist stance.'

**2018:** Australia's Strategy for Abolition of the Death Penalty is publicly released.

### To learn more about this research program:

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