



Parliamentarians for Global Action
Acción Mundial de Parlamentarios
Action Mondiale des Parlementaires

PGA Submission on Australia's Advocacy for the Abolition of the Death Penalty

Parliamentarians for Global Action is a network of more than 1300 parliamentarians from 143 Parliaments across the world, who in their personal capacity and in the framework of their mandate, support international justice, the Rule of law, democracy and Human Rights. On 15 July 2013, the Executive Committee of PGA, in collaboration with the International Law and Human Rights Programme of PGA, decided to establish the Global *Parliamentary Platform for the Abolition of the Death Penalty*.

Despite numerous initiatives undertaken by parliamentarians worldwide, and with the support of dedicated international and national human rights organizations, for many years there had been no international grouping or network of parliamentarians devoted to abolition of the death penalty. Parliamentarians for Global Action (PGA), as the largest transnational network of individual parliamentarians promoting the respect of Human Rights, is ideal to make a difference on the abolition of the death penalty, including supporting, enhancing and maximising the impact of country-specific initiatives, through the creation of the Parliamentary Platform for the Abolition of the Death Penalty as well as targeted campaigns in selected countries to ensure concrete advancement of abolition processes (see below).

This unprecedented platform constitutes for Parliamentarians around the world, but also for the public, a space of information, exchange, and awareness-raising on the issue of the death penalty, so as to overcome misconceptions and misperceptions on capital punishment and, as appropriate, in the field of crime prevention and justice for victims. It also aims to promote abolitionist initiatives and allow Parliamentarians to receive technical assistance and the support that they may need.

Since 2015 (when PGA received the support from the UK, Australia and Switzerland), the Platform and the targeted campaigns merged into the *PGA Campaign for the Abolition of the Death Penalty*, the goal of which is to put in place legislative reforms abolishing the death penalty through the implementation, if necessary, of a moratorium and intermediate measures to restrict the fields of application of the death penalty and strengthen the standards of its use. At the international level, PGA's campaign works for the ratification of legal norms prohibiting the death penalty, particularly the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty, and maximal support for the resolutions of the United Nations General Assembly (UNGA) on the moratorium on the use of the death penalty.

Against this background, PGA is making the following recommendations to the Joint Standing Committee on Foreign Affairs, Defence and Trade on Australia's Advocacy for the Abolition of the Death Penalty:

- 1. Draft and issue a public and comprehensive strategy on the abolition of the death penalty** with clear and specific goals. Priority countries (not only in

Asia) could be set out in the document. The strategy should notably receive the input of Parliamentarians and PGA would be delighted to provide specific input, should the Standing Committee deem it useful and appropriate.

The strategy should include specific actions to be undertaken by the DFAT and other relevant actors, including with the collaboration of civil society organisations that may receive the support of the DFAT.

The document should be shared with government officials and Australian diplomats around the world.

A public progress report could be published every year, with information on the actions taken by Australia, including through its funding to relevant civil society organisations.

- 2. Strengthened bilateral diplomacy around the abolition of death penalty:** when travelling abroad or when receiving foreign delegations, Australian officials (government, parliamentarians etc) should systematically raise the issue of the death penalty formally and informally, publicly and/or discretely, according to the circumstances so that it is clear this is a priority for Australia.

The use of parliamentary diplomacy should be reinforced. The DFAT could transmit memos and relevant documentation to parliamentarians travelling to countries that still retain the death penalty, so they have sufficient elements and information to raise the issue. The Australia All-parliamentary group should play a leading role, supported if necessary by Parliamentarians for Global Action, who could help providing relevant information and contacts of Parliamentarians in countries with democratic or quasi-democratic status.

If possible, the issue should be detached from the possible execution of Australians so as to reaffirm the principled commitment of Australia to abolition as such. Also, if possible, this concern should be voiced out publicly so as to gather more media and public attention.

This diplomacy and advocacy should be aimed at generating political will to launch reforms (abolition, reduction of the number of sentences and ensure better standards of use, including more transparency), establish a moratorium (*de jure* or *de facto*), commute sentences, ratify the OP2 ICCPR and support the UNGA resolution on a moratorium on the use of the death penalty, etc.

This advocacy should also not be confined to the Asia region but should reach out to all regions of the world.

- 3. React more vocally and urge publicly governments** to abolish the death penalty, or when they take steps to lift a moratorium or adopt further measures reinforcing the use of the death penalty. Conversely, welcoming publicly abolitions, moratoriums or any process in that sense, could signal the importance Australia attaches to the issue, which could encourage other countries in the verge of abolishing or taking any related measures
- 4. Support if and when possible non-death penalty clauses in trade agreements.**

As set out in point 2. include the abolition of the death penalty in the issues to be raised by trade delegations.

5. **Support further synergies between involved/relevant actors:** UN, ASEAN, abolitionist countries (particularly in the region) but also parliamentarians, civil society, experts, judiciary, academics, religious leaders, students etc.

This should notably entail further support to civil society efforts, with a relevant budgetary allocation.

6. **Reinforce multilateral advocacy in international fora on the abolition of the death penalty**

In the UN system use the Universal Periodic Review of the Human Rights Council to systematically recommend States to abolish the death penalty and/or take steps to reduce the number of crimes carrying the death penalty, commuting sentences, establish moratorium, ratify the OP2 ICCPR etc

Continue to lead efforts on the adoption every 2 years of the UNGA resolution on a moratorium on the abolition of the death penalty in order to gather maximum support for its adoption.

7. **Support independent studies on the impact effectiveness of the death penalty** globally and by regions as a deterrent to crime.
8. **In the framework of cooperation and development assistance** for the strengthening of judicial, criminal and penitentiary systems as well as on fighting drug trafficking, to ensure that no action can be used to encourage the use of the death penalty and that this assistance **contributes to reduce the use of the death penalty.**

In the view of PGA, it is absolutely essential that the rights of victims of serious crimes – who are almost always victims of gross violations of human rights (in peace time) and of international humanitarian law (in armed conflict) – are upheld and respected: Victims and affected communities by serious crimes are supportive of the death penalty only when prisons and other detention facilities are failing to stop convicted persons and even accused persons from escaping. Escape is conducive to re-occurrence of atrocity crimes (e.g. crimes of sexual and gender-based violence in DR Congo), and victims may support the death penalty and even “mob-justice” in case the justice system (especially the penitentiary system) is ineffective. Therefore, in critical countries like the DR Congo, it is an imperative to accompany death penalty abolition campaigns with credible development cooperation Programmes to upgrade the Rule of Law.

9. **Adopt measures forbidding the use of products that could be used to administer the death penalty abroad**, in particular exports of drugs for use in lethal injections.