Australian Government

Australia's Strategy for Global Abolition of the Death Penalty

2026

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Foreword by the Minister for Foreign Affairs



Senator the Hon Penny Wong
Minister for Foreign Affairs

Australia's opposition to the death penalty, in all circumstances and for all people, is a longstanding and principled commitment shared by successive Australian Governments. It is grounded in our enduring belief in the inherent rights and dignity of every person.

Australia is recognised as a global leader in advocacy efforts to end the use of the death penalty. We raise abolition of the death penalty as a priority human rights issue wherever it will be helpful to do so. We draw on the strength of our bilateral relationships to have frank but respectful dialogues, share our perspectives and, where appropriate, offer our assistance, including on law reform.

In November 2025, the Prime Minister and I appointed the Hon Mark Dreyfus KC MP as Australia's Special Envoy for International Human Rights. As Special Envoy, Mr Dreyfus leads the Government's advocacy for the abolition of the death penalty, including the implementation of this Strategy.

Australia will continue to stand alongside all those working to advance abolition and support lasting reform in our region and around the world.

Foreword by the Special Envoy for International Human Rights



Hon Mark Dreyfus KC MP
Australia's Special Envoy
for International Human Rights

As Australia's Special Envoy for International Human Rights, I am proud to lead Australia's advocacy for the global abolition of the death penalty.

Since the launch of the previous Strategy in 2018, Australia has made a significant contribution to global abolition efforts. These include co-leadership of the 2022 UN General Assembly resolution calling on states to establish a moratorium on executions; bilateral advocacy with the large majority of retentionist countries; and sustained work with partners to build cross-regional support for abolition.

In April 2026, the Australian Government welcomed findings from the Joint Standing Committee on Foreign Affairs and Trade Human Rights Subcommittee's Inquiry into Australia's efforts to advocate for the worldwide abolition of the death penalty. The Committee identified valuable opportunities to further strengthen Australia's advocacy. This refreshed Strategy responds to that ambition.

Through my role as Special Envoy, I will play a special advocacy role for abolition of the death penalty. The Government will deliver an annual statement to Parliament outlining Australia's efforts. In addition, under this refreshed Strategy, Australia will deepen our engagement with civil society; counter the disproportionate and/or discriminatory application of the death penalty on certain individuals; work to counter efforts in multilateral forums to subvert international human rights obligations; and ensure the international engagement of all Government departments and agencies is aligned with Australia's strong opposition to the death penalty in all circumstances for all people.

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Australia's opposition to the death penalty

Australia's opposition to the death penalty, in all circumstances for all people, is a core pillar of our international human rights advocacy. It is a longstanding and principled position of successive Australian governments.

Australia's last execution occurred in 1967, and the death penalty was formally abolished in all Australian jurisdictions by 1985. In 1990, Australia acceded to the *Second Optional Protocol to the International Covenant on Civil and Political Rights*, aiming at the abolition of the death penalty ahead of the treaty's entry into force in 1991. In 2010, Australia's Parliament passed *the Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act 2010*, prohibiting the reintroduction of capital punishment.

Australia opposes the death penalty because:

- it is not an effective deterrent
- it is irrevocable – any mistake or miscarriage of justice in the imposition of the death penalty is irreversible and irreparable
- it denies any possibility of rehabilitation to the convicted individual
- it is unfair – being disproportionately used against people in vulnerable situations, including people facing economic or educational disadvantage, people with intellectual, cognitive or psychosocial disability, and other marginalised or minority groups.

The use of the death penalty internationally affects Australia. A number of Australian citizens have been sentenced to death overseas, and some executed. Others await trials which could result in the imposition of the death penalty.

This Strategy is not intended to provide guidance on supporting Australians at risk of facing the death penalty overseas. That function is guided by the Department of Foreign Affairs and Trade's (DFAT) Consular Handbook.



Australia's policy goals

Australia is a global leader in advocacy efforts to end the use of the death penalty in all circumstances.

While our firm goal is global abolition of the death penalty in law and practice, we recognise that retentionist countries take varied paths towards full abolition.

Australia's international engagement therefore focuses on the following policy goals, as appropriate to the relevant context:

- end the mandatory use of the death penalty and advocate for appropriate discretion in sentencing
- end the imposition of the death penalty for crimes committed by persons below eighteen years of age and executions of pregnant women (both of which are prohibited under Article 6 of the *International Covenant on Civil and Political Rights* (ICCPR)), and of people with intellectual, cognitive or psychosocial disability
- recognise and address the unique and heightened risk, impacts and discriminatory application of the death penalty on persons who may be in situations of vulnerability, including people with intellectual, cognitive or psychosocial disability, foreign nationals, women and ethnic minority groups
- increase the number of abolitionist countries and prevent the reintroduction of the death penalty where it has been abolished
- increase the number of countries with an official moratorium on the use of the death penalty and prevent resumption of executions where moratoria exist
- increase commutations of existing death sentences
- advocate for universal adherence to the *Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2)* which prohibits use of the death penalty and obliges each State Party to take all necessary measures to abolish the death penalty within its own jurisdiction (Article 1, *ICCPR-OP2*)
- increase countries' compliance with obligations under international law relating to imposition of the death penalty (see: **Annexure** to this Strategy), including ensuring that individuals facing a death sentence can access adequate legal representation and that their rights to a fair trial and due process are realised at all stages of legal proceedings
- reduce the number of crimes attracting the death penalty, especially where inconsistent with international legal obligations relating to imposition of the death penalty, including for acts which do not meet the threshold of 'most serious crimes' under the ICCPR, particularly drug-related offences, political activities, exercise of freedoms of opinion and expression, practising or not practising a religion or belief, or because of an individual's sexual orientation or gender identity
- improve the conditions and treatment of prisoners on death row
- increase transparency on the application of the death penalty, including release of comprehensive and disaggregated statistics on the use of the death penalty, and information on crimes attracting the death penalty
- increase adherence to the Economic and Social Council of the United Nations' *Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty*, which details international standards to be applied in countries that still impose the death penalty
- ensure that Australia's international engagement including our international crime cooperation activities are aligned with Australia's strong opposition to the death penalty, and that all agencies take measures to reduce risks of exposing individuals to a real risk of the death penalty.

Lessons from our work to date

Our work involves identifying opportunities for, and the risks of, engagement and advocacy across bilateral and multilateral contexts. We collaborate with likeminded countries, international institutions and civil society.

Key lessons from our efforts to date include the following:



engagement at a global level is important, including to show that we have a consistent, principled policy – we stand against the death penalty in all circumstances



advocacy is most likely to result in real change when it is tailored to local context



risks and opportunities are heavily localised – country-specific plans are essential for real change



certain groups face a heightened risk of the death penalty



locally-driven reforms are most likely to be successful and sustainable



our overseas embassies and missions, as well as civil society, have critical knowledge of local contexts, including in terms of identifying levers for change in specific circumstances



progress is often incremental, and different countries will take different paths – reducing the number of crimes that attract the death penalty, or abolishing mandatory sentencing, can represent a meaningful step towards full abolition



we must always bear in mind the 'do no harm' principle, to ensure our engagement does not put individuals or their families at risk, especially when considering public commentary



we must bear in mind the wishes of the families of individuals subject to the death penalty



showcasing the success of Australian advocacy needs to be carefully calibrated based on the local context and can be counter-productive



data on the application of the death penalty is difficult to obtain with varying levels of reliability – this makes it difficult in some countries to identify whether certain groups are at a higher risk



we must keep supporting research to inform our understanding of trends and current areas of concern regarding the use of the death penalty, which may inform our country-specific strategies.

Increasing our engagement

Working in collaboration with civil society partners, we will broaden and deepen our engagement. We will ensure local and regional engagement is appropriate for local and regional contexts and match it with global engagement in multilateral forums.

The Government will deliver an annual statement to Parliament about Australia's work to advocate for the global abolition of the death penalty.

The Government has also appointed a Special Envoy for International Human Rights to reinforce Australia's deep commitment to the global promotion and protection of human rights, and to take a special advocacy role for the abolition of the death penalty.

The Special Envoy for International Human Rights will boost Australia's engagement on this issue by:

- leading Australia's advocacy against the death penalty and representing Australia at major global abolitionist events, including the World Congress Against the Death Penalty
- leading engagement in Australia and our region with civil society on death penalty issues
- contributing to awareness-raising activities domestically about Australia's stance on the death penalty.

In addition, under this refreshed Strategy, Australia will:

- deepen our engagement with civil society through ongoing substantive engagement
- enhance advocacy against the disproportionate and/or discriminatory application of the death penalty on individuals facing economic or educational disadvantage, people with intellectual, cognitive or psychosocial disability, women, foreign nationals, and LGBTQIA+ people
- work to counter efforts in multilateral forums to subvert international human rights obligations
- ensure the international engagement of all Government departments and agencies is aligned with Australia's strong opposition to the death penalty in all circumstances for all people.

Bilateral advocacy

Australia is open and unequivocal in its condemnation of the death penalty. We make bilateral representations to all countries that retain the death penalty, including close partners.

Australian ministers, government representatives and officials, including the Special Envoy for International Human Rights, will continue to raise abolition of the death penalty as a priority human rights issue wherever appropriate when undertaking official duties both in Australia and overseas, including during Australia's bilateral human rights dialogues. Parliamentarians may also raise Australia's opposition to the death penalty during their own international engagements.

In most cases, Australia's representations will be private, giving consideration to specific context and circumstances, with a view to maximising the success of our advocacy. However, public statements such as media releases, open letters or other public comments will also be used when appropriate, or to complement private representations. Australia may also make representations in coordination with other likeminded countries. The Government will also advocate to retentionist countries through the Universal Periodic Review mechanism of the UN Human Rights Council[1].

Australia's embassies and high commissions ("Australian missions") in retentionist countries will maintain bilateral strategies on abolition of the death penalty that are tailored to specific circumstances in each country and take into account the opportunities and risks that arise from each context. These strategies will include regular reporting on advocacy activities, legal developments, statistics, significant cases, public and political attitudes, civil society engagement and prospects for reform. Australian missions in countries that have abolished the death penalty will also monitor political developments for any indicators towards the re introduction of the death penalty.

In their representations, Australian officials may raise individual cases of foreign nationals facing the death penalty. Given the large number of individuals executed every year, it is not viable to raise every case. However, officials may raise cases when the strict conditions for the use of the death penalty required under international law have not been met, where international action on the case is widespread, where it has been assessed that making representations or public statements would not be counter-productive to the individuals concerned or the broader abolitionist cause, or where Australia's representations may have particular resonance: for example, where the victims or targets of a crime are Australian or where Australia was the intended destination of a crime.

[1] dfat.gov.au/international-relations/themes/human-rights/universal-periodic-review

Multilateral and regional advocacy

Australia will demonstrate global leadership and drive advocacy for the abolition of the death penalty in multilateral and regional forums.

Australian missions with multilateral and regional responsibilities play a critical role in this advocacy, including in advocating against the weakening of international norms on the death penalty.

In multilateral and regional forums, Australia's actions will include:



working closely with regional and cross-regional groups, including countries that have recently abolished the death penalty or have taken steps towards abolition



advocating for, leading, contributing to, and co-sponsoring resolutions, statements and side events that advocate for abolition of the death penalty, including at the UN Human Rights Council, the UN Commission on Narcotic Drugs, and the UN General Assembly (as a member of the Inter-Regional Taskforce which presents the biennial UNGA resolution on the death penalty)



making recommendations on the death penalty at the Universal Periodic Review of retentionist countries



supporting technical cooperation activities in multilateral forums aimed at abolition of the death penalty



leveraging the leadership of the Special Envoy for International Human Rights for targeted engagement with multilateral initiatives



countering efforts in multilateral forums to subvert international human rights obligations



promoting widespread accession and adherence to international law instruments central to abolition of the death penalty, particularly the *Second Optional Protocol to the ICCPR* (noting that accession to the Optional Protocol imposes no additional reporting requirements on countries)



developing and maintaining relationships with civil society, human rights defenders and relevant UN agencies to advance global abolition of the death penalty



working with civil society and abolitionist countries in the Indo-Pacific to identify collective advocacy efforts and make progress toward abolition in our region



monitoring and reporting on multilateral developments where the death penalty is relevant, such as drug policy and organised crime, across a variety of forums



supporting the mandates of the UN Special Rapporteurs on Extrajudicial, Summary or Arbitrary Executions; and on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and using their reports as a means to apply pressure.

Public diplomacy and civil society engagement

Public diplomacy

Public diplomacy is a core element of Australia's advocacy in opposition to the death penalty and is essential for fostering public understanding of Australia's commitment to abolition. DFAT uses tools, including social media, cultural diplomacy and media engagement, to inform and influence attitudes towards the death penalty.

The Government will deliver an annual statement to Parliament about our work to advocate for the global abolition of the death penalty. This will provide an opportunity to articulate Australia's strong opposition to the death penalty, highlight the Government's advocacy efforts, and recognise developments globally.

Australian missions consider appropriate public diplomacy activities throughout the year – taking into account what is assessed to be most influential in the local context – including in association with the World Day Against the Death Penalty on 10 October.

Missions will also consider coordination of activities with likeminded countries and non-governmental organisations that are working against the death penalty. Missions may also facilitate constructive discussions between prominent and influential actors both for and against abolition to advance debate in support of abolition in countries of accreditation.



Civil society and stakeholder engagement

Civil society plays a key role in advocacy efforts and contributes to global abolition by monitoring and documenting developments, sharing expertise and knowledge, supporting affected individuals, and engaging in local decision-making processes.

Stakeholders can also provide valuable insights into the relative effectiveness and/or risks around different forms of advocacy in specific country contexts and local circumstances.

DFAT officials in Canberra engage with civil society actors on abolition of the death penalty through regular and ad hoc engagement, including consultations with civil society ahead of each UN Human Rights Council and United Nations General Assembly Third Committee session. These consultations enable the Government and civil society to exchange assessments of global developments, priorities and opportunities for coordinated action.

In recognition of the distinct nature of death penalty abolition, DFAT will also hold an annual dedicated civil society consultation session on abolition of the death penalty to build upon our general and ongoing engagement with civil society.

Recognising the important role that regional and global gatherings play in bringing together global abolitionist movements, we will continue to engage with events such as the World Congress Against the Death Penalty, drawing on the leadership of the Special Envoy for International Human Rights.

Australian missions will also continue to maintain and build links with civil society organisations (CSOs) advocating against the death penalty, with specific relationships tailored to country contexts and local circumstances.

Australia is committed to supporting and working alongside pro-abolition CSOs including by providing funding where possible.

This may involve funding National Human Rights Institutions and CSOs to deliver activities that further global abolition of the death penalty, particularly in our region, including:



promotion of effective pro-abolition arguments to support advocacy to key stakeholders and activities which increase public support for abolition of the death penalty



technical capacity training and networking to leverage the expertise of local CSOs or key stakeholders



legal or academic research/analysis, including of data, trends, and current areas of concern to inform actions and advocacy (for example, in relation to addressing heightened risks and impacts of the death penalty on certain groups, or specific barriers to accession to the *Second Optional Protocol to the ICCPR*)



technical support to foreign governments to implement abolition (for example, supporting timely and thorough reviews of sentences following abolition of the death penalty).

Whole of Australian Government Collaboration

DFAT has primary responsibility for Australia's international advocacy for abolition of the death penalty.

Other Australian Government departments and agencies that have an international presence or relationships with relevant international government partners must ensure that their international engagement is aligned with Australia's strong opposition to the death penalty in all circumstances for all people.

In line with Australia's international obligations, all Australian agencies will take measures to reduce risks of exposing individuals overseas to a real risk of the death penalty when cooperating with foreign governments.

Specific mitigation measures will be discussed between relevant agencies, taking into account the context and risks.

International agreements and arrangements

Draft agreements or instruments between Commonwealth departments/agencies and foreign governments are reviewed prior to finalisation, and death penalty risks that may be present will be considered as part of this review. For example, Australia may refuse to provide or may place conditions around the provision of information and financial or technical assistance in situations where the death penalty could be applied. State/territory and local governments also have obligations under Australia's Foreign Arrangements Scheme to notify (or seek approval for) agreements or other instruments with foreign governments.

International crime cooperation

Australia's international crime cooperation arrangements accord with Australia's position on the death penalty and Australia's international obligations, including to not remove a person to another country where there is a real risk the person may face the death penalty.

The Government supports robust and effective operational oversight of decisions in death penalty matters.

Police-to-police cooperation usually occurs at the earliest stage of an investigation, before any person is charged with an offence. In cases where police-to-police cooperation is likely to result in an identified person (regardless of nationality) being detained, arrested, charged or prosecuted for a death penalty offence, Australian assistance may be limited and will be considered in accordance with Australian Federal Police (AFP) operational governance and safeguards.

Ministerial oversight will continue to be an important and principled safeguard integral to meeting public expectations around death penalty considerations. The AFP's *National Guideline on International police-to-police assistance in death penalty situations* specifically requires ministerial approval ahead of cooperation in any case in which an identified person, regardless of nationality, has been arrested or detained for, charged with, or convicted of, an offence that carries the death penalty.

AFP operational governance and safeguards will continue to be reviewed regularly to ensure they respond to emerging challenges and operational requirements and continue to adhere to Australia's human rights obligations and commitment to the global abolition of the death penalty.

There are also safeguards in our approach to ***mutual legal assistance***, which is the process by which countries seek evidence from other countries for use in criminal proceedings. Ministerial oversight will remain critical and, where a person has been arrested, charged or convicted in respect of an offence for which the death penalty may be imposed in a foreign country, the Attorney-General must refuse the request for assistance unless they are of the opinion that, having regard to the special circumstances of the case, the assistance should be granted. This may include where a foreign government requesting assistance gives a credible and reliable diplomatic assurance that the death penalty will not be imposed or carried out. Even where a person has not been arrested or charged, the Attorney-General may refuse the provision of mutual legal assistance if they believe the provision of the assistance may result in the death penalty being imposed on a person, underlining the importance of ongoing ministerial oversight.

Where a foreign country seeks the ***extradition*** of a person from Australia in respect of an offence for which the death penalty may be imposed, Australia can only extradite the person if the Attorney-General is satisfied that either the person will not be tried for the death penalty offence or, if tried, the death penalty will not be imposed or carried out. This may be the case where a foreign government requesting assistance gives a credible and reliable diplomatic assurance that the death penalty will not be imposed.

Trade of goods and services

The Australian Government restricts the trade of goods which have no practical use other than for the purpose of capital punishment. This is achieved primarily through the application of border controls. Australia will continue to take measures to ensure its trade practices do not facilitate imposition of the death penalty, in line with our membership of the global Alliance for Torture-Free Trade.

Awareness-raising within Australia

The Government will also consider opportunities to reinforce its position on the death penalty domestically to ensure that Australians continue to understand how and why Australia advocates for abolition of the death penalty.

As well as the Government's annual statement to Parliament, this may include periodic social media engagement, Ministerial or Special Envoy statements, and other awareness raising activities domestically about Australia's stance on the death penalty.

International law and other international frameworks

Australia is a party to the core international human rights treaties that protect the right to life and require States Parties to abolish the death penalty.

Australia acts consistently with its obligations, including by having abolished the death penalty and ensuring that no person within our jurisdiction is executed.

For retentionist countries, the death penalty may be imposed only in limited circumstances and only if strict guarantees and standards are upheld. Details of relevant legal obligations and frameworks follow.

International Covenant on Civil and Political Rights (ICCPR)

The *International Covenant on Civil and Political Rights* (*ICCPR*) protects the right to life[1] and sets out the strict conditions under which the death penalty can be imposed in retentionist countries – being only for 'most serious crimes' in accordance with the law in force at the time of the commission of the crime[2].

The *ICCPR* explicitly prohibits the death penalty for crimes committed by persons under 18 years old or pregnant women[3]. It also establishes that the death penalty can only be carried out pursuant to a final judgment rendered by a competent court[4] and that anyone sentenced to death shall have the right to seek pardon or commutation of the sentence[5]. Other relevant protections under the *ICCPR*, applicable to all persons facing criminal charges, include the right to a fair and public hearing by a competent, independent and impartial tribunal established by law[6], the presumption of innocence[7], the right to have one's conviction and sentence reviewed by a higher tribunal[8], and the right to be brought promptly before a judge upon arrest or detainment on a criminal charge[9].

The *ICCPR* has near-universal adherence and is ratified by over 170 countries. While the *ICCPR* permits use of the death penalty in limited circumstances, it also provides that this cannot be invoked by parties to delay or prevent abolition of the death penalty, aiming to ensure all countries remain on a path towards abolition[10].

[1] Article 6(1);
[2] Article 6(2);
[3] Article 6(5);
[4] Article 6(2);
[5] Article 6(4);
[6] Article 14(1);
[7] Article 14(2);
[8] Article 14(5);
[9] Article 9(3);
[10] Article 6(6).

Second Optional Protocol to the ICCPR

The *Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2)* provides that no-one within the jurisdiction of a State Party shall be executed.

The *ICCPR-OP2* also obliges its States Parties to take all necessary measures to abolish the death penalty within their jurisdictions. Currently, approximately 90 countries are States Parties to the *ICCPR-OP2*, including Australia.

Human Rights Committee's General Comment on the 'most serious crimes'

In 2019, the body of independent experts that monitors implementation of the ICCPR, the Human Rights Committee, published *General Comment No. 36 on Article 6 of the ICCPR*. While General Comments are not legally binding, they are developed to help inform countries' interpretation of their international law obligations.

The General Comment states that the meaning of 'most serious crimes' must be read restrictively and appertain only to crimes of extreme gravity involving intentional killing. It explains that crimes not resulting directly and intentionally in death, including corruption and other economic and political crimes, armed robbery, and drug and sexual offences, although serious in nature, can never serve as the basis for imposition of the death penalty.

The General Comment also states that countries that have ratified the *ICCPR* and abolished the death penalty are barred from reintroducing it.

Economic and Social Council of the UN (ECOSOC) Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty

In 1984, the Economic and Social Council of the United Nations (ECOSOC) adopted resolution 1984/50 *Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty (Safeguards)*. While these Safeguards do not impose binding obligations on countries, they provide guidance to countries that have not abolished the death penalty on the limited circumstances in which it may be imposed. The Safeguards explain that the scope of 'most serious crimes' is limited to 'intentional crimes with lethal or other extremely grave consequences.' The Safeguards also provide that the death penalty should not be carried out pending any appeal or other proceeding relating to pardon or commutation of the sentence. Where capital punishment occurs, it shall be carried out so as to inflict the minimum-possible suffering.

Death penalty and torture or cruel, inhuman and degrading treatment or punishment

In some circumstances, there may be a link between the death penalty and torture or cruel, inhuman and degrading treatment or punishment. Australia supports further examination of this relationship at all stages of death penalty cases, including from the time accused persons are questioned by law enforcement or detained prior to sentencing, and at all times of imprisonment pending execution.

Death penalty and non-refoulement

Under international human rights law, Australia, as an abolitionist country, is obliged not to return (refoule) a person to a country where there is a real risk they would face torture, or cruel, inhuman or degrading treatment or punishment, or other irreparable harm, including the death penalty. Whether Australia's non-refoulement obligations will be engaged in any given case is a question of fact, which is assessed on a case-by-case basis alongside legal advice.

UN General Assembly and Human Rights Council resolutions

Since 2007, the United Nations General Assembly has adopted biennial resolutions calling on all UN Member States to establish moratoria on executions with a view to abolishing the death penalty. Australia is a member of the Inter-Regional Taskforce that presents the text. The global trend towards abolition has been evident in the gradually increasing numbers of votes in favour of the resolution: 123 in 2020, 125 in 2022 and 130 in 2024.

The UN Human Rights Council (HRC) also considers a biennial resolution on the question of the death penalty. While the HRC resolution does not seek outright abolition, it seeks to enable discussions between countries, including those with retentionist positions, on the human-rights aspects of imposing the death penalty through a biennial panel discussion during the high-level segment of the HRC.

Australian Government
Department of Foreign Affairs and Trade

