



Australian Government

Australian Government response to the
Joint Standing Committee on Foreign Affairs, Defence and
Trade's Human Rights Subcommittee report:

Inquiry into Australia's efforts to advocate for the worldwide
abolition of the death penalty

April 2026

Introduction

The Australian Government thanks the Committee for its report and recommendations regarding Australia's efforts to advocate for the worldwide abolition of the death penalty.

The Government also recognises the valuable contributions made to the inquiry by civil society organisations.

The Government has agreed, fully, in part or in principle, with all of the recommendations made by the Committee.

Australia's opposition to the death penalty is longstanding and principled. There is no conclusive evidence that the death penalty deters crime, and any mistake or miscarriage of justice in the imposition of capital punishment is irreversible. The death penalty is also disproportionately imposed on individuals in vulnerable situations.

145 countries have now abolished the death penalty in law or in practice. 113 are abolitionist for all crimes while 23 are abolitionist in practice and nine are abolitionist for ordinary crimes only. The move towards global abolition reflects the growing consensus that the death penalty has no place in modern society. Despite this, the number of annual executions worldwide is the highest in almost a decade. This underscores the significant need for Australia's continued advocacy efforts.

The Government regularly uses bilateral, regional and multilateral mechanisms to urge all countries, including close partners, to abolish capital punishment in law and in practice. We also work alongside civil society and likeminded governments.

Australia has raised its opposition to the death penalty in retentionist countries through regular bilateral representations, and statements against the death penalty in relevant multilateral forums. This has included making recommendations or comments on reform to 78 of 84 UN member states that retain the death penalty in law through those countries' most recent Universal Periodic Reviews (a UN Human Rights Council mechanism that periodically examines the human rights records of each UN member state).

The Government is committed to strengthening its advocacy on the death penalty, which is an important part of Australia's broader efforts to advance the protection and promotion of human rights within our region and globally.

The recommendations of the Committee have informed the development of a revised Strategy for Abolition of the Death Penalty. This revised strategy will ensure the document remains effective, reflects current international and legal developments since 2018, and more broadly guides whole of government engagement on abolition of the death penalty.

In November 2025, the Government appointed the Hon Mark Dreyfus KC MP as Australia's Special Envoy for International Human Rights. As Special Envoy, Mr Dreyfus undertakes an enhanced advocacy role for the abolition for the death penalty, including implementation of the revised Strategy.

Response to the recommendations

Recommendation 1

The Subcommittee recommends that the Australian Government continues to advocate for the abolition of the death penalty in all retentionist countries through bilateral, multilateral and regional fora, and with a particular focus on the Asia-Pacific region.

This advocacy should consider canvassing support for a coalition of like-minded abolitionist countries in the Asia-Pacific region to work together on advocating for the abolition of the death penalty regionally.

Response:

The Government **agrees with this recommendation.**

Australia undertakes a principled and global approach to its advocacy on the death penalty, urging all retentionist countries to take steps towards complete abolition.

The Government will continue to advocate for the global abolition of the death penalty through bilateral, multilateral and regional mechanisms. This includes but is not limited to bilateral representations, formal dialogues, and use of regional, plurilateral, and multilateral forums and processes, including the United Nations, World Congress Against the Death Penalty, and region-specific forums.

As part of these efforts, the Government will pursue opportunities to partner with likeminded abolitionist countries in the Indo-Pacific region on collective advocacy efforts, including potentially delivery of joint representations and statements through or in the sidelines of regional forums. Such partnerships will be dependent on the capacity and willingness of relevant countries to engage in collective advocacy, as well as the anticipated effectiveness of these advocacy efforts.

The Government will also consider options to elevate its general advocacy strategies within the Indo-Pacific region, including strengthening engagement with governments and parliaments, as well as prominent and influential civil society actors and international organisations.

Recommendation 2

The Subcommittee recommends that the Australian Government, recognising that the path to abolition may be incremental, advocates for a reduction in the categories of crimes that carry the death penalty in retentionist countries and for discretion in sentencing. This should include the development of strategies to advocate for:

- *the abolition of the death penalty for drug-related crimes, which the United Nations notes do not constitute ‘most serious crimes’, and*
- *the abolition of the mandatory death penalty for all crimes, in recognition that courts contemplating imposing death sentences should have the discretion to consider mitigating circumstances.*

Mechanisms that could be utilised for such advocacy include United Nations fora, such as the Universal Periodic Review and the Commission on Narcotic Drugs.

Response:

The Government **agrees with this recommendation.**

The Government recognises that retentionist countries' progress towards complete abolition of the death penalty may be incremental and that different paths are taken towards this goal. This recognition is articulated in Australia's Strategy for Abolition of the Death Penalty alongside the specific goals of Australia's advocacy, which includes a focus on the reduction in the number of crimes that attract the death penalty in each retentionist country, and the abolition of the death penalty for drug-related crimes.

These are longstanding components of the Government's advocacy against the death penalty, which are raised regularly by the Government's officials overseas with relevant retentionist countries and in Australia's engagement in multilateral mechanisms. For example, the abolition of the death penalty for drug-related crimes is raised consistently in Australia's high-level statement and broader engagement at the annual United Nations Commission on Narcotic Drugs (CND).

As part of these efforts, the Government will continue to work to strengthen its advocacy against use of the death penalty for drug-related crimes as well as advocacy on the abolition of the mandatory death penalty for all crimes, including where appropriate by developing forward plans to increase advocacy efforts on these specific issues in relevant bilateral and regional advocacy, as well as continued use of multilateral mechanisms and forums to raise awareness, including at the CND and relevant ASEAN forums.

The Government will continue to use the United Nations Human Rights Council's Universal Periodic Review process (UPR) to encourage reform on these specific matters, noting that Australia has made recommendations or comments relating to reform on the death penalty to 78 of 84 UN member states that retain the death penalty in law in their most recent UPRs.

The Government will also encourage and support the sharing of recent reform experiences and processes related to the abolition of the mandatory death penalty and the abolition of the death penalty for drug-related crimes, particularly in our region.

Recommendation 3

The Subcommittee recommends that the Australian Government provide an annual statement against the death penalty, to be delivered in Parliament and across multiple platforms. The statement should:

- *Be a joint statement by the Minister for Foreign Affairs and the Attorney General.*
- *Reinforce the Department of Foreign Affairs and Trade's Strategy for Abolition of the Death Penalty and allow the Australian Government to clearly articulate Australia's stance on the death penalty and global abolition.*
- *Highlight Australia's advocacy activities in bilateral, multilateral and regional fora.*
- *Recognise progress in abolishing the death penalty in retentionist states, while also detailing regressive initiatives taken by states.*

Response:

The Government **agrees with this recommendation.**

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

Recommendation 4

The Subcommittee recommends the Australian Government in consultation with civil society organisations, consider the development of a strategy for domestic education and awareness raising to reinforce Australia's opposition to death penalty and its efforts to advocate for its abolition worldwide.

This work could include multicultural groups and associations in the development of resources to engage with diaspora communities in Australia about Australia's global stance on the death penalty.

Response:

The Government **agrees with this recommendation in principle.**

The Government recognises the importance of ongoing domestic education and advocacy to ensure the public's understanding of Australia's position as an abolitionist country and its strong opposition to the death penalty. The Government will consider opportunities to promote and raise awareness of Australia's opposition to the death penalty, and the reasons for this opposition, through future outreach efforts.

Recommendation 5

The Subcommittee recommends that the Australian Government consider providing adequate funding for civil society organisations to more accurately gather data on trends and current areas of concern regarding the use of the death penalty.

The data will provide the Department of Foreign Affairs and Trade with valuable insights to better formulate country specific engagement strategies for the abolition of the death penalty.

Response:

The Government **agrees with this recommendation in principle.**

The Government is committed to supporting and working alongside pro-abolition civil society organisations as part of its advocacy efforts for the global abolition of the death penalty and recognises the valuable insights and expertise that these organisations contribute.

The Government will continue to support civil society organisations where possible, including to gather data and assess trends and current areas of concern regarding the use of the death penalty.

Recommendation 6

The Subcommittee recommends that the Attorney-General's Department consult Capital Punishment Justice Project, who have global expertise and experience working with anti-death penalty networks worldwide, regarding the list of lawyers provided by Australian Missions to ensure the competency and qualifications of the local lawyers engaged to represent Australian nationals in capital cases.

Further, the Department of Foreign Affairs and Trade consider the engagement of specialist legal support services such as the Capital Punishment Justice Project to monitor the progress of trials involving Australian nationals and, where appropriate, to support the work and advocacy of local capital defence lawyers.

Response:

The Government **agrees in part with this recommendation.**

The Government will continue to consult Capital Punishment Justice Project, noting its expertise on death penalty issues and relevant legal representation, about the composition of the list of local lawyers for Australians provided by Australia's missions overseas.

It is beyond the scope of the Australian Government's consular role to engage legal advice for Australians directly. DFAT will continue to engage and communicate with civil society organisations and/or legal support services on death penalty abolition advocacy and, where appropriate and with the consent of the relevant clients, on individual death penalty cases.

Recommendation 7

The Subcommittee recommends that the Australian Government undertake annual reviews of the mechanisms and operations of the Australian Federal Police's Sensitive Investigations Oversight Board to ensure the processes are sufficient and that they adhere to Australia's human rights obligations and commitment to the global abolition of the death penalty.

This should include reviewing the AFP National Guideline on International Police-to-Police Assistance in Death Penalty Situations to ensure that potential death penalty situations are being appropriately overseen by the Sensitive Investigations Oversight Board.

The annual review should be conducted by an independent person appointed by the Attorney-General in consultation with the Minister for Foreign Affairs.

Consideration should be given to expanding the membership of the Board to include experts external to the Australian Federal Police.

Response:

The Government **agrees in part with this recommendation.**

The Government supports robust and effective operational oversight of the AFP's decisions in death penalty matters, and will examine appropriate ways that a regular review can take place.

The AFP is an independent statutory agency, and the AFP Commissioner is responsible for the AFP's governance arrangements and performance of functions. The AFP's governance framework and processes for providing assistance to foreign law enforcement in death penalty situations are consistent with Australia's longstanding opposition to the death penalty, as well as international human rights obligations.

The AFP undertakes periodic review of its implementation of the *National Guideline on International police-to-police assistance in death penalty situations* (the National Guideline), generally every 3 years. Additionally, the National Guideline may be updated as required to respond to emerging challenges and operational requirements.

In January 2024, the National Guideline was re-published noting decisions to provide assistance in matters involving the death penalty would be made at the Deputy Commissioner level after review by the AFP Sensitive Investigations Oversight Board (SIOB). This change, instigated in May 2023 at the request of the Attorney-General in his capacity as the minister responsible for the AFP, elevated the level of decision-making and strengthened oversight of decisions to provide assistance in cases with death penalty considerations.

The Government accepts that the AFP's Guidelines should be reviewed regularly to ensure they remain appropriate. The AFP will also continue to undertake periodic reviews of all governance instruments to ensure Terms of Reference and National Guidelines are fit for purpose.