

Human Rights Council – 42<sup>nd</sup> session

Explanation of Vote

Amendment L.39 to HRC42 Resolution on the Question of the Death Penalty

27 September 2019

We cannot accept amendment L.39, to insert a new paragraph before operative paragraph 1, referring to the role of domestic debates.

We recognise the use of the death penalty is a challenging issue, and we recognise that governments grapple with the balance between perceived public opinion and the global trend towards abolition of the death penalty.

However, by focusing on domestic debates and omitting reference to international law obligations, this paragraph does not reflect the full range of factors states must consider when deciding whether to apply a moratorium on the death penalty, or abolish it, or retain it.

Further, the proposed paragraph gives undue weight to public opinion in favour of the death penalty, when there is a range of evidence, from across the world, which shows that the public is far less resistant to the abolition of the death penalty than is often portrayed. This body of evidence, covering countries as diverse as Japan, Malaysia and Zimbabwe, shows that the public would accept abolition if the government so decided. Public support for the death penalty wanes once abolition is implemented.

The proposed amendment also does not recognise that abolition can be a decision based on courage and on the conviction that governments must lead from the front. The decision is much more complex than articulated by the proposed paragraph and it would be inappropriate to suggest otherwise.

Finally, Mr President, we do not dismiss the importance of domestic debates but consider, for the purposes of this resolution, this is adequately covered by preambular paragraph 28.

Australia will vote against this amendment, and we urge members of this Council to do the same.