

Research on death penalty as a deterrent, restorative justice, inmate education and moratoriums

In reviewing how Australia currently engages internationally to promote abolition of the death penalty, I believe that we need to work with the other Second Optional Protocol countries to eradicate capital punishment treating it much like a "disease" that is search for a cure.

It is well known that the death penalty impacts disproportionately on the poor, disadvantaged, marginalised, desperate, isolated, uneducated or oppressed people in most cases. Economic crimes such as drug trafficking are not deterred by death sentences, especially with younger participants whose fear-to-consequences ratio is out of balance, designed by nature to be that way. Economic challenges will continue to draw more risk takers into this line of business.

Australia should begin to offer viable sentencing alternatives, supported by evidence and promote the rationale of moving away from capital punishment if we hope to erode its use as a preference for certain crimes. This is a long haul commitment and can begin with a regional forum followed by a moratorium, either firmly declared or developing as a work in process. Focusing on our region, working with organisations such as the Asia Pacific Restorative Justice Forum, we should encourage academic research/study to identify suitable sentencing alternatives. I believe we can also begin to highlight suitable pathways including inmate education with productive programs to restore and reform not only the participating inmates but those around them.

Vocational programs that benefit or pay back the offended community can be a successful treatment regime. Instead of being killed, inmates can work in community gardens for food production for the poor, in assembly work, recycling/sustainable projects, arts programs that pay for drug rehab programs, etc. Educating inmates and putting their time to productive use has the ability to change the culture of prisons, benefitting society as a whole. Prisons should be used as educational/vocational facilities and production environments to benefit the community while teaching skills, empathy, respect and giving people with long sentences (instead of killing them) a job to perform under the prison management. Imagine sentencing someone to a lifetime of academic achievement and contribution to the community (which includes the internal prison community).

Working with the region and the UN, Australia should advocate for worldwide abolition by partnering up with the Philippines, Nepal, Bhutan, Philippines, Cambodia, Timor Leste and Mongolia and perhaps Brunei, Myanmar and South Korea focusing uniting with countries that have or commit to sign the Second Optional Protocol. Australia should include provision of academic scholarships in criminology, anthropology, psychology and sociology, encouraging Masters and PhD candidates to particularly study criminology and capital punishment in regards to deterrents, alternatives and case studies that illustrate a different but effective and humane sentencing. Australia should encourage universities in these countries to take an interest in this work by offering partnerships in these areas of study. These relationships already exist in most places between Australian universities and other institutions in our region.

There is evidence surrounding the Chan and Sukumaran legacy with many successful rehabilitated inmates as a result of their positive intervention and influence. This process could have continued benefitting others for many, many years. The education programs conducted since 2009 are a good illustration of the potential value of death row inmates who can serve a long term commitment in prison and can learn empathy and remorse with the potential of mentoring others in a reformative way.

There is no question that the execution of Chan and Sukumaran brought out broad global interest in death penalty reform. This attention managed to directly contribute to Mary Jane Veloso's life being spared because of the delays which allowed other evidence to come forward, but it was so very close. In fact, Sukumaran and Chan's contribution to highlighting the death penalty "plague" through their death is a legacy that must be formally studied along with the restorative justice that they exemplified while in prison.

Further steps:

- **Engaging with international institutions and likeminded countries** - Australia can encourage academic assessment and research with international institutions from likeminded countries which have signed the Second Optional Protocol (SOP) to formally dispel the myth of the death penalty as a deterrent. Australia should adopt a very active Second Optional Protocol strategy to encourage uptake by non-SOP countries. Capital punishment practice should be treated like a disease that needs a global cure.
- **Cooperating with non-government organizations**- Australia should openly work with and provide funding/support to other groups which promote humanitarian approaches and right to life agendas in death penalty countries (humanitarian discussion groups, not for profits, forums, academic/educational groups, supportive media such as the Jakarta Globe and Jakarta Post and associations and festivals such as ASEAN Literary Festival in Indonesia, a strong advocate for human rights/right to life).
- **Bilateral engagements and other diplomatic activities**- Australia should openly encourage all global signatories to the Second Optional Protocol to provide some support to countries that choose to abolish the death penalty or agree to commit to a moratorium with a timeline for abolition. Preferred scholarships, targeted trade arrangements, diplomatic advantages, funding, free visas, faster track for immigration, etc., should be considered. Australia should work more vigorously and openly with the UN and take a regional approach to the worldwide abolition and commit to a "cure campaign" as a matter of doing business.

Australia should consistently represent itself in all diplomatic relationships stating openly and regularly that it intends "to undertake hereby an international commitment to abolish the death penalty" as a matter of primary importance. Australia must now show leadership and never again refer to its position on the death penalty as "some consular issue" or a "speed bump in our relationship". Australia must set an example to other countries that this is an important factor in the relationship and offer support to countries who wish to move toward abolition, the right to life and human rights in open practice. Australia must now speak out publicly about all executions and repeat the commitment to eliminate the death penalty globally so that Australians at home also understand this commitment.

Other appropriate means - Australia has the ability to develop a requirement for any 18-25 year old who wishes to travel to a country with death penalty for drug crimes, that anyone from this group must attend a workshop that discusses the culture, expectations and consular support as well as the consequences for breaking the law in a country with the death penalty. Failing to address the risk posed from this group without active intervention could be viewed as negligent. Undertaking this instruction as a condition of travel and exit from Australia to a country that applies the death penalty, especially for drug crimes could be an active deterrent and would be viewed as favourable by destination countries in our region. Parents will thank Australia for this policy (was suggested by an Australian travel agent).

Australia must negotiate and secure prisoner transfer agreements with death penalty countries to return prisoners to their country of origin to serve time or parole in their own country rather than be killed. Passports should be revoked, and travel banned to overseas destinations for a set period of time. They should also be banned from travel to the death penalty country permanently where they committed the crime.

Australia's Advocacy for the Abolition of the Death Penalty

29/09/2016

Australian government should openly challenge "voodoo polls" that purport to represent the entire country's opinion on the death penalty. It is time for Australia to educate Australian citizens about ICCPR and SOP. Most have no idea. More education at home is needed too.

Attachments and important links (other information available upon request)

1. **"Prison residents, relationships, rehabilitation and redemption in Kerobokan Prison, Bali"** - A short paper by SiYi Chen & Daphne Choi with support by Prof. Brian Steels, presented at the Indonesia Council Open Conference, Deakin University
2. **Australian Government Department of Foreign Affairs and Trade letter of support** - Justin Brown, on behalf of Minister of Foreign Affairs, the Hon Julie Bishop
3. **"Kerobokan Projects initiated by Myuran Sukumaran and Andrew Chan 2009-2013"** - A summary of education activities by Myuran Sukumaran and Andrew Chan with the support of Mary Farrow
4. **<http://jakartaglobe.beritasatu.com/opinion/commentary-scholars-study-prison-restorative-justice-bali/>**
5. **<http://www.abc.net.au/radionational/programs/breakfast/jakarta-globe-responds-to-indonesian-executions/6429952>**
6. **<http://jakartaglobe.beritasatu.com/news/unbearable-irreversibility-death-penalty/>**
7. **<http://jakartaglobe.beritasatu.com/opinion/editorial-death-penalty-no-place-society/>**
8. **<http://www.thejakartapost.com/news/2015/03/02/commentary-calling-national-referendum-capital-punishment.html>**

Regards,

Mary Farrow

