



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES
MATTERS OF PUBLIC IMPORTANCE

Human Rights

SPEECH

Tuesday, 10 October 2006

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Questioner
Speaker Ciobo, Steven, MP

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Mr CIOBO (Moncrieff) (4.58 pm)—I am also pleased to rise in support of the general terms of the MPI that is before the House this afternoon:

The importance, on the fourth annual World Day Against the Death Penalty, for Australia to continue to advocate strongly and consistently for the abolition of the death penalty, and for the promotion of human rights both at home and abroad.

I am pleased that the matter of public importance takes note of the continuation of the strong advocacy and the consistency of this advocacy under all three major political parties in this chamber. As a nation, and as a people, we have a proud track record of being advocates in opposition to capital punishment and of being advocates in support of fundamental and basic human rights.

Indeed, in speaking in the chamber today, I am proud of the fact that the party that I represent has as its bedrock individual rights and the concerns of individuals over those of the collective and over those of the state. I have argued in my party room and in other Liberal Party fora that I believe those who are concerned with human rights and matters such as capital punishment can take stock of the Liberal Party as being the natural party to advocate for such positions. However, I do not intend to dwell on partisan areas. I simply highlight this as a matter of track record.

In speaking on the matter of public importance that is before the House today, I am mindful of the fact that Australia has had, for some 40-odd years now, a proud tradition of being opposed to the death penalty. We are a signatory to the International Convention on Civil and Political Rights and its second optional protocol, which requires Australia to abolish the death penalty in its jurisdiction and ensure that no-one within its jurisdiction is subject to the death penalty. In fact, in this country each jurisdiction has, independently and separately, abolished the death penalty. It has not been used in Australia since 1967. It was formally abolished by all jurisdictions, with the last state, New South Wales, abolishing the death penalty in 1985.

I am mindful of the fact that opposition to capital punishment and to the death penalty is not universal. I am also mindful of the fact that there are a substantive number of Australians who would be in support of the reintroduction of capital punishment. That is not my personal point of view, and I would suggest that it is not the point of view of the majority of members who make up the House of Representatives. Notwithstanding that, in being an advocate for opposition to capital punishment, I need to provide sound reasons and arguments as to why I hold the position that I hold.

I understand comprehensively that some Australians would take the view that the Bali bombers, for example, deserve to be sentenced to death. Again, it is not a point of view that I share. Notwithstanding that, those of us who stand opposed to capital punishment must be strong advocates for why we are opposed to it. That advocacy must rise above mere examples of saying, 'Well, because it's right.' The basis on which we hold the position that all of us have been talking about today must be promulgated in such a way as to compel other Australians to join us.

In the same way that we must meet that test within Australia, we as a nation must also meet that test internationally. We sit in a region of the world in which there are a number of countries that still maintain, in active service and on their books, the death penalty. In the last 10 years, in a number of countries we have seen the successful abolition of the death penalty. Cambodia, Nepal, Timor-Leste, Bhutan and recently the Philippines—to which the Attorney-General made reference—have all, in the last 10 years, abolished the death penalty. I am certainly very pleased about that.

As a nation we have work to do with our other surrounding neighbours, in highlighting to them what we believe to be the inadequacies involved in maintaining the death penalty on their books. But that is a dialogue that I believe needs to be put strongly with the passage of time. I am also mindful of the fact that many nations hold the view—in their view legitimately—that the death penalty is something which they as sovereign states have the right to impose. So our advocacy, in the first instance, must surely involve protecting what we believe are the fundamental rights of Australians who may be sentenced to death in other nations.

This government has a very proud record of doing just that—as, indeed, have governments of other political persuasions in Australia’s history. There have been many instances when the Prime Minister, the Minister for Foreign Affairs, the Leader of the Opposition, the shadow minister for foreign affairs and others have highlighted to foreign governments our belief that the death penalty is the wrong outcome. The government’s policy is that we will always make representations and seek clemency on behalf of any Australians who are sentenced to death. That stands as an absolute. Notwithstanding that, the second priority for this government and for the opposition, in opposing capital punishment, will be to start to address the matter of other foreign nationals who may be sentenced to death, and highlighting the reasons why we believe they should not be so sentenced.

In taking up that argument, we must be mindful of the fact that within those sovereign states it is the view of their governments—and most often it will be a duly elected government—that the death penalty should remain. Whether it is a country such as Indonesia, which actively practises the death penalty, or a great democracy such as the United States, we must be mindful of the fact that that remains as a legitimate point of view in their law. Therefore, while I note the arguments that the opposition have put forward regarding the position that the Prime Minister has taken, I do not agree with them. I believe it is only natural for the government, the Prime Minister and others to say that our first priority is to act as an advocate in seeking clemency for Australians who are detained abroad and who are facing the death penalty. Our second priority is to then look at persuading sovereign governments in other jurisdictions that they should change their policy. They are distinct priorities, and I think it is justifiable that they remain distinct.

In the few minutes remaining to me, I turn to a second area covered in the matter of public importance that is before the House today which other speakers have not really touched upon—that is, the notion of human rights. I have mentioned in this House my belief in a bill of rights, so I am pleased to speak about what I believe to be the fundamental and inherent right of all Australians to have human rights—subject, of course, to the need for the state to be able to function with peace, order and good government.

Australia, under both political parties, has a proud track record of protecting and promoting human rights. We certainly take human rights and our obligations under international covenants and under our own laws very seriously. Domestically, the government has consistently stood by the rights and responsibilities of all Australians under federal antidiscrimination laws and ensured that legislation and programs comply with those laws. In addition, the government has taken many major and far-reaching initiatives in the area. Significant among them are the Age Discrimination Act 2004; standards that we have developed for transport and education for those with disabilities; the improvement of the Sex Discrimination Act 1984 to clarify protections that are provided and afforded to pregnant women; as well as developing Australia’s national framework for human rights, the national action plan.

Internationally, Australia has a very long tradition of supporting human rights around the world and was closely involved in the development of the international human rights system from its inception. For example, we contributed to the crucial negotiations on the UN charter to ensure that human rights were placed alongside peace, security and development as the primary objectives of the United Nations. We also participated in the eight-member committee charged with drafting the Universal Declaration of Human Rights. Our heritage in this regard is long and very proud, and I am certainly pleased to be part of a people and of a nation that will continue this advocacy both for human rights and in opposition to the death penalty.

The DEPUTY SPEAKER (Mr Jenkins)—Order! The discussion has concluded.