



FWCC Oral Statement to be delivered at the 30th session of the Human Rights Council

Item 3 General Debate: Cruel, Inhuman and Degrading Treatment of Children of Parents Sentenced to Death or Executed

Friends World Committee for Consultation (Quakers) would like to draw the attention of the Council to reports before this session which identify the cruel, inhuman and degrading treatment experienced by children of parents sentenced to death or executed.

The ninth quinquennial report of the UN Secretary General on 'Capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty' notes that:

To the extent that the conduct of the authorities when an execution takes place disregards the effects on the family members or is intentionally cruel and degrading, violations of the prohibition of cruel, inhuman and degrading treatment may be committed of which the family members are the victims.¹

The yearly supplement of the Secretary General to this report notes that the Committee Against Torture has said that "refusal to provide notice of the date and time of execution to convicted persons and their family members was a clear human rights violation".² This report recommends that:

States should consider developing measures to minimize the harm suffered by other persons affected by the death penalty, including family members of convicts³

Pending the abolition of the death penalty this cruel, inhuman and degrading treatment of children should be minimized by implementing actions called for by this Council:

- 1) Taking the best interests of the child into account in prosecutorial and sentencing decisions in all cases including capital cases⁴
- 2) Ensuring that children whose parents or parental caregivers are on death row, the inmates themselves, their families and their legal representatives are provided, in advance, with adequate information about a pending execution, its date, time and location, to allow a last visit or communication with the convicted person, the return of the body to the family for burial or to inform on where the body is located, unless this is not in the best interests of the child;⁵

The quinquennial report also reiterates the recommendations of the Human Rights Council Panel on this issue, including:

- convening an expert seminar to investigate the issue further; and
- the development of further guidance.

We call on the Council to ensure follow up to these recommendations and help to minimize the suffering of children of parents sentenced to death or executed and to prevent violations of their rights.

¹ 'Capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty: Report of the Secretary-General', E/2015/49 of 13 April 2015, para. 121

² 'Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty: Yearly supplement of the Secretary-General to his quinquennial report on capital punishment', A/HRC/30/18 of 16 July 2015, para. 52

³ 'Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty: Yearly supplement of the Secretary-General to his quinquennial report on capital punishment', A/HRC/30/18 of 16 July 2015, para. 60

⁴ 'Resolution adopted by the Human Rights Council: Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers, A/HRC/RES/29/6 of 21 July 2015, para. 4; 'Resolution adopted by the Human Rights Council: Rights of the child', A/HRC/RES/19/37 of 19 April 2012, para. 69

⁵ 'Resolution adopted by the Human Rights Council: Rights of the child', A/HRC/RES/19/37 of 19 April 2012, para. 69