**FWCC Oral Statement to be delivered at the 40th session of the Human Rights Council**

**Panel discussion on the question of the death penalty**

Friends World Committee for Consultation (Quakers) welcomes this panel and takes this opportunity to highlight the impact of discrimination in the use of the death penalty on children of parents sentenced to death or executed and the discrimination these children experience due the death sentence and execution of their parent.[[1]](#footnote-1)

The UN Special Representative of the Secretary-General on Violence against Children has expressed concern that ‘the serious stigma associated with people sentenced to death’ is also endured by their children.[[2]](#footnote-2) It is clearly evidenced that this stigma leads in many instances to further discrimination against them, from a lack of available care givers, to social rejection and ostracization.[[3]](#footnote-3)

The Human Rights Council held a panel at its 25th session on the children of parents sentenced to death or executed. The Report of that panel called for an expert seminar to provide a ‘full examination of the applicable human rights framework’.[[4]](#footnote-4) This seminar has not yet taken place.

In its absence, we have commissioned an authoritative legal analysis of the protections that exist in international law of the rights of these children. Entitled *Protection of the Rights of*

*Children of Parents Sentenced to Death or Executed: An Expert Legal Analysis[[5]](#footnote-5),* this paper is being launched today at the World Congress Against the Death Penalty.

Through a detailed analysis of existing international law, this paper makes one thing clear: ‘The availability of alternatives to the death penalty, the importance of preventing children from experiencing discrimination, and the application of the best interests of the child principle lead to the conclusion that States retaining the death penalty should refrain from imposing it on a parent’.

Violations of the rights of children resulting from parental death sentences or executions are state-inflicted and entirely avoidable.

Therefore, our question to the Panel is:

Pending abolition of the death penalty, what support or guidance do States need to ensure that best interests of the child assessments are always conducted when sentencing a parent for a capital offence?

ENDS delivered by Luca Motta

1. This link is further elaborated in our Written Statement [↑](#footnote-ref-1)
2. Special Representative of the Secretary-General on Violence against Children, Marta Santos Pais, in OSCE Office for Democratic Institutions and Human Rights (ODIHR), *The Death Penalty in the OSCE Area, Background Paper 2017, Special Focus: Children of Parents Sentenced to Death or Executed*, p.6 [↑](#footnote-ref-2)
3. Oliver Robertson and Rachel Brett (2013) *Lightening the Load of the Parental Death Penalty on Children*  [↑](#footnote-ref-3)
4. Summary of the panel discussion on the human rights of children of parents sentenced to the death penalty or executed, A/HRC/25/33 of 18 December 2013, paras. 30-31 [↑](#footnote-ref-4)
5. Stephanie Farrior, JD, LMM (2019) *Protection of the Rights of Children of Parents Sentenced to Death or Executed: An Expert Analysis* available at https://quno.org/resource/2019/2/protection-rights-children-parents-sentenced-death-or-executed-expert-legal-analysis [↑](#footnote-ref-5)