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# Children of parents sentenced to death

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English   Français   Español

QUNO expresses its appreciation to Irish Aid for funding QUNO's work on women in prison and children of prisoners.

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## Foreword

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*They're going to kill him because he killed somebody, so when they kill him, who do we get to kill?*

A ten year old's question, learning of her father's execution in the USA.<sup>1</sup>

The UN Committee on the Rights of the Child devoted its 2011 Day of General Discussion to 'Children of Incarcerated Parents'. These children have committed no crime. Yet – as hundreds of participants who work with these children around the world came to testify – they are directly and powerfully impacted by their parent's involvement with the criminal justice system. Over the course of the day, it became apparent that several issues within this neglected field require further consideration. One such issue was the differentiated impact of different crimes and sentences. Amnesty International prepared a written submission to raise awareness of the impact of a parent's death sentence on children.<sup>2</sup> It focused on situations that occur in violation of existing international standards on the use of capital punishment, namely secrecy surrounding detention on death row and execution.

However, whether or not a parent's death sentence has been lawfully applied, their children are affected. Quakers oppose capital punishment in all circumstances, but this paper focuses on the children of parents sentenced to death. It begins to explore the diverse and multi-faceted impacts of the death sentence on the children of the accused. As such, it is one of a series of papers from the Quaker United Nations Office (QUNO) on the children of prisoners.<sup>3</sup>

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1 Murder Victims' Families for Human Rights, Susannah Sheffer and Renny Cushing, *Creating More Victims: How Executions Hurt the Families Left Behind*, 2006, p.9.

2 Available at: [http://www2.ohchr.org/english/bodies/crc/discussion2011\\_submissions.htm](http://www2.ohchr.org/english/bodies/crc/discussion2011_submissions.htm) (accessed 5 January 2012).

3 See *The Impact of Parental Imprisonment on Children*, Oliver Robertson, QUNO, 2007; *Pre-Trial Detention of Women and Its Impact on Their Children*, Laurel Townhead, QUNO, 2007; *Children Imprisoned by Circumstance*, Oliver Robertson,

## ***Introduction***

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*No one has studied how the execution of an immediate family member impacts children. We don't even know how many children have an immediate family member on death row in the US. Worse, we don't know the effect that having a parent executed will have on their impressionable lives and the cost society may pay for that impact.*<sup>4</sup>

Robert Meeropol, 2003.

Robert Meeropol's parents, Ethel and Julius Rosenberg, were executed by the USA government in 1953, under the Unconstitutional Espionage Act. He was six years old.

Little attention has been given to the children of those sentenced to death or executed. The scant existing evidence indicates that they suffer a uniquely traumatic, profoundly complicated and socially isolating loss. For children in some countries, especially where the death penalty is routinely used in cases of domestic violence, the parental death sentence often means the start of a life on the street. These children may lose both their parents. For children in other countries, the parental death sentence means a violent and isolating bereavement, with a subsequently unsupported grieving process and likely long-term repercussions.

There is an urgent need to examine the effects of the capital punishment system in its entirety – including the social, economic and psychological impacts that shape the lives of the children of those executed or under sentence of death. Since the death of the child's parent or his/her incarceration on death row is the direct result of State action, the State in

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QUNO, 2008; *Orphans of Justice*, Jean Tomkin, QUNO, 2009; *Children Need Dads Too*, Jenny Rosenberg, QUNO, 2009.

<sup>4</sup> Robert Meeropol, *An Execution in the Family*, (St Martin's Griffin, New York), 2003, p.6.

question has the responsibility to ensure that child the care and protection that he or she may require.<sup>5</sup>

A wide range of access, methodological and ethical issues make research into this topic exceptionally difficult. However, existing studies are not simply lacking the appropriate scale and rigour. The impacts on the children of the accused seem to have been almost entirely overlooked. In criminal justice systems that are primarily concerned with identifying and punishing the individual offender, and secondarily with his or her welfare, the perspective of the offender's child as rights-bearer and victim is routinely omitted. With regards to capital punishment, when this routine neglect is compounded by the complex mechanisms of shock, shame, stigma, repression and isolation, the innocent child becomes completely invisible.

In the absence of any study with representative samples, well-validated measures and appropriate comparison data, the hypothesis that parental death penalty causes psychosocial difficulties for children seems reasonable. This paper will raise awareness of some of the issues facing the child. It will consider and elaborate on each of these issues in as much detail as the current literature permits. Directions for future study will be highlighted.

Primarily, the aim is to encourage and enable States to take responsibility for the full impacts of their criminal justice systems, including the unintended harm that they may inflict. Understanding the repercussions that the death penalty has on the children of the accused is essential to identifying what interventions, assistance or policy changes could prevent and/or mitigate their suffering.

While the focus of this paper remains the impacts of the death sentence on the children of the accused, it is important to consider how far the repercussions extend both out into communities and over generations. Beyond the children immediately impacted by the loss of a parent, capital punishment has a huge symbolic significance. Studies have repeat-

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<sup>5</sup> This general duty has been specifically enshrined, *inter alia*, in Article 20 of the UN Convention on the Rights of the Child.

edly shown that children's exposure to violence can predict attitudes justifying their own use of violence<sup>6</sup>. What attitudes do children living in societies using the death penalty develop regarding conflict and the use of violence?

## ***Existing research on the impacts of the death sentence on the children of the accused***

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Like the vast majority of death penalty scholarship, the few studies that do exist are based on experience in the USA. This author has not located any formal study of the impacts of the death penalty on children and/or families from any other country in the world. In order to supplement existing research, this paper draws on limited anecdotal evidence: the opinions of people working with the children of long-term prisoners or those sentenced to death, short videos taken with handheld cameras and posted online, newspaper articles and reports.

All existing studies<sup>7</sup> are descriptive accounts, based on availability (convenience) samples, where no comparison groups were used and no

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6 Spaccarelli, Coatsworth and Bowden, 'Exposure to serious family violence among incarcerated boys: Its association with violent offending and potential mediating variables', *Violence and Victims*, Vol.10, 1995, pp.163-182; Carlson, Outcomes of physical abuse and observation or marital violence among adolescents in placement, *Journal of Interpersonal Violence*, Vol.6, 1991, pp.526-534; Jaffe, Wilson and Wolfe, 'Promoting changes in attitudes and understanding of conflict resolution among child witnesses of family violence', *Canadian Journal of Behavioral Sciences*, Vol.18, 1986, pp.356-366.

7 Radelet, Vandiver and Berardo, 'Families, Prisons and Men with Death Sentences: The Human Impact of Structured Uncertainty', *Journal of Family Issues*, 1982, pp.593-612; Smykla, 'The Human Impact of Capital Punishment: Interviews with Families of Persons on Death Row', *Journal of Criminal Justice*, 1987; Vallejo, C., *Death Sentence Experience: The Impact on Family Members of Condemned Inmates*, (California State University), 1995; King & Norgaard, 'What about our families? Using the impact on death row family members as a mitigating factor in death penalty sentencing hearings', *Florida State University Law Review*, 1999, Vol.26, pp.1121-1173; Susan Sharp, *Hidden Victims: the effects of the death penalty on the families of the accused*, (Rutgers) 2005; Murder Victims' Families for Human Rights, *Creating More Victims: How Executions Hurt the Families Left Behind*, 2006.

baseline data was collected.<sup>8</sup> All consider the effects of death sentences and executions on the families of condemned prisoners. To the best of our knowledge, this is the first paper to specifically raise awareness of the child as rights-bearer and victim. It draws on evidence of the impacts on families in order to explore the impacts on children.

A child's well-being is undoubtedly enmeshed in the well-being of the families, households and communities in which he or she lives. When a mother, uncle or sibling suffers a violent bereavement, it is unlikely that the child will not suffer too. However, this paper focusses on the child and aims to raise awareness of his or her need for special care and protection, especially when a parent's death penalty means the start of a life on the street. Children experience grief, emotional and psychological trauma differently from adults, and are likely to need special assistance.<sup>9</sup>

Studies to date have all used qualitative research methods and in-depth interviewing techniques. This is appropriate to such an emotionally-charged and sensitive topic.<sup>10</sup> However, there are limits to an exclusively qualitative approach. Because of the sample size and lack of random sampling methods, generalisations cannot be made. In-depth interviewing is also more prone to interviewer-bias, perhaps especially around such a controversial issue as the death penalty. The interviewer must therefore be aware of their own preconceived ideas about how children experience the capital justice process, and attention must be given to design data collection instruments and conduct interviews so as to minimise bias.

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8 For an overview of existing research prior to 2000, see Vandiver and Berardo, 'It's like dying every day': The Families of Condemned Prisoners, in *Families, Crime and Criminal Justice*, Vol. 2, 2000, pp.339-358.

9 See Dygregov, *Grief in children: A Handbook for Adults*, (Jessica Kingsley Publishers), 1991, 2008; Cohen, J., Mannarino, A., Deblinger, E., *Treating Trauma and Traumatic Grief in Children and Adolescents*, (Guildford Press, New York), 2006.

10 'Many social situations (experiencing grief over the loss of someone or something one cares deeply about, for example) may be masked in everyday interaction and thus be directly apprehensible through intensive interviewing' (Lofland and Lofland, in Susan Sharp, *Hidden Victims: The effects of the death penalty on families of the families of the accused*, (Rutgers), 2005, p.23).

This paper suggests that some quantitative research is also required in order to seriously address the needs of this neglected population. A balance should be struck between allowing the 'forgotten victims' to tell their stories, expressing their own unique experiences, and the more quantitative counting, measuring and evaluating of impacts.

## ***Issues to consider***

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### **The scale of the impacts**

How many children are directly affected by a parent's death sentence and/or execution? How many people are sentenced to death and/or executed and how many children do they have? Beyond the immediate children and family, how wide does the circle of affected people extend? Are the effects limited to those living at the time, or do the impacts reach into future generations?

### **Impacts on children**

Detailed research into impacts of the parent's death sentence on children is needed. How does it affect the child emotionally and behaviourally? How does this vary according to age and developmental stage? How is the child's development affected? (Emotional, behavioural, cognitive). How does the death penalty affect families more generally (carers and family systems), with indirect implications for the child's well-being?

### **Grief**

How do children grieve and process their loss? How long does this grieving process last? What assistance or interventions might best support

their grieving processes? It will be necessary to track such processes over time, interviewing subjects on more than one occasion.<sup>11</sup>

## The nature of the crime

How does the child's experience vary according to the nature of the (alleged) crime? Is the parent a political prisoner? Does the child believe their parent to have been wrongly convicted? When parents are convicted of the same crime in different cultural contexts, how do children's experiences vary?

## Comparison groups

No existing study has used comparison groups. There is a need for research with the methodological sophistication to distinguish the effects of parental death sentence from the effects of other factors in these children's lives.<sup>12</sup> It is likely that there are pre-existing differences between the children of parents on death row and their peers, which may contribute to their difference in outcome. Indeed, the few studies on the backgrounds of condemned prisoners in the USA indicate that they frequently suffered childhoods fraught with poverty and high levels of violence, neglect, drug and alcohol abuse, mental illness and other dysfunctions.<sup>13</sup>

Evidence repeatedly suggests that other condemned prisoners from around the world have at least their extreme poverty in common with

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11 Susan Sharp is the only researcher to have attempted this to date. She reinterviewed fourteen of her sixty-eight participants, five both before and after execution (*Hidden Victims: the effects of the death penalty on the families of the accused*, 2005, p.19).

12 In social psychological research terms, we need to distinguish between selection, mediating and moderating effects. These occur when extraneous variables influence the relation between an explanatory variable (parental death sentence) and an outcome variable (child adjustment). See Baron and Kenny, 'The Moderator-Mediator Variable Distinction', in *Social Psychological Research: Conceptual, Strategic and Statistical Considerations*, *Journal of Personality and Social Psychology*, Vol.51, No.6, 1986, pp.1173- 1182.

13 Haney, C. 'Mitigation and the Study of Lives: On the Roots of Violent Criminality and the Nature of Capital Justice'; Lewis et al., 'Neuropsychiatric, Psychoeducational and Family Characteristics of 14 Juveniles Condemned to Death in the United States', *American Journal of Psychiatry* 14, Vol.5, 1998, pp.584-589.

these North American prisoners.<sup>14</sup> Their children presumably share this underprivileged position.

How do the experiences of these children compare with: a) the experiences of children whose parent has been given a long-term prison sentence? b) the experiences of children whose parent has been murdered? c) the experiences of children whose parents have died of natural causes?

## Representative samples

In order to speak authoritatively about how the death penalty affects children and work more effectively for States to recognise, support and consider their needs, a study that is representative of all those accused of a capital offence within a country is needed. Studies thus far have been unrepresentative for two main reasons (beside the fact that they have all been based in the USA). First, all have been limited to children and family members who maintain contact with the parent on death row. What about children whose families break contact? Indeed, how frequently do children stay in contact with a parent on death row?

Second, participation in studies has been limited to family members who choose to participate and be identified as related to someone either convicted or accused of a capital crime. It has been observed that those who volunteer are often those who are actively involved in campaigning or advocacy.<sup>15</sup> Commenting on the unrepresentative nature of her own study, Susan Sharp notes that most participants who came forward were white, despite the fact that nearly half the individuals on death row in the USA are African-American. She suggests that African-

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14 Emmanouil Athanasiou, Asia Programme Officer at the International Federation for Human Rights, observes, 'In almost every one of the fifty-eight countries still retaining the death penalty, poverty has the same parameters (...) Rich people pay good lawyers and get good representation. Poor people end up with lawyers not even specialised in the death penalty' in Rebecca Lowe, *The Ultimate Price of Poverty*, International Bar Association, 2011, p.2.

15 Susan Sharp, *Hidden Victims: The effects of the death penalty on the families of the accused*, (Rutgers University Press) 2005, p.21.

Americans are less likely to become activists for economic reasons (proportionately more African-Americans are from lower socioeconomic groups, where more time must be spent meeting basic needs, and fewer people have access to a computer etc.), and that families from such groups are less likely to remain in close contact with the prisoner due to transportation difficulties.<sup>16</sup>

In addition to the economic and practical reasons highlighted by Sharp, there may also be cultural factors meaning that family members from some ethnic, racial, religious and socioeconomic groups are more likely to become involved in activism. Moreover, there is an element of interviewer-effect.<sup>17</sup> The majority of researchers have been white and based at universities, which could influence who feels sufficiently comfortable to come forward and speak about such a sensitive and personal issue. Finally, it may be that the belief in the family-member's innocence and determination to fight, rather than accept, the sentence makes participants more likely to come forward.

## ***Children of parents sentenced to death or executed compared with the children of other long-term prisoners***

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An expanding body of research suggests that parental incarceration is associated with a range of significant negative outcomes for many children.<sup>18</sup> It is likely that children with a parent accused and/or convicted

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<sup>16</sup> As above, 2005, p.21.

<sup>17</sup> 'Interviewer-effect' is the bias that may appear in research findings because of the social nature of the interview.

<sup>18</sup> 'These include: 'depression, hyperactivity, aggressive behaviour, withdrawal, regression, clinging behaviour, sleep problems, eating problems, running away, truancy and poor school grades' (Boswell and Wedge 2002; *Centre for Social and Educational Research* 2002; Johnston 1995; Kampfner, 1995; Sack et al. 1976; Sharp and Marcus-Mendoza 2001; Shaw 1987) in Joseph Murray, 'The effects of imprisonment on families and children of prisoners', in *The Effects of Imprisonment*, Alison Leibling and Shadd Maruna (eds.), (Cambridge University Press),

of a capital crime also experience many of these negative effects, possibly to a greater degree.

Part of the reason for some States' increased interest in the children of prisoners is the recent attention to the connection between the maintenance of incarcerated parents' ties to their children and a number of positive outcomes, for both the prisoners and the wider criminal justice system. Established outcomes include reduced disciplinary problems when in custody, reduced mental health problems both during imprisonment and after release, greater likelihood of family reunification and reduced recidivism.<sup>19</sup> However, children are not merely 'ties' to be maintained in order to facilitate offender management and reintegration. The case of children whose parents are sentenced to death highlights the inadequacy of this purely instrumental approach. Since there will be no release or reintegration, these parent-child relations may be seen as a 'lost cause'. These children have their own rights and needs, which should be recognised and fulfilled.

The literature on the children of the incarcerated around the world makes frequent mention of the stigma, discrimination and shame that these children suffer. In the light of historically high global incarceration rates, it could be argued that this is likely to be attenuated as parental incarceration becomes more 'normal', even 'cool' and 'tough' in some cultural contexts.<sup>20</sup> Conversely, it could be suggested that stigma may increase because those communities with the highest incarceration rates are often also those which suffer from the highest crime rates.<sup>21</sup>

However, the stigma of the death penalty is particularly strong. It is the ultimate punishment that a society can inflict. In the People's Republic

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2005, p.446.

19 In the UK, for example, the Social Exclusion Unit showed that families are one of the most important factors affecting prisoner's rehabilitation after release: See '*Reducing Re-offending by ex-prisoners*', Social Exclusion Unit, London, 2002.

20 Schwartz, M. And Weintraub, J., 'The prisoner's wife: A study in crisis', *Federal Probation*, Vol. 38, 1974, pp.20-27.

21 Braman, D. *Doing Time on the Outside: Incarceration and Family Life in Urban America* (Ann Arbor: University of Michigan Press), 2004.

of China, a social worker remarked 'children of convicts are considered themselves to be criminals. These children bring bad luck. No one wants to take care of them and they end up on the street.'<sup>22</sup>

In the USA, as in some other countries, execution attracts disproportionate media attention, which can add to the child and family's feelings of exposure and humiliation. The sister of a man who was executed in Oklahoma said, 'there were blurbs on the television for the entire ten years. I can't tell you the hell it put my mother through and is still putting her through.'<sup>23</sup> The death penalty remains a relatively unusual punishment with an enormous symbolic significance. In many countries, its comparative rarity coupled with its heightened media attention compound the stigma.

In States parties to the UN Convention on the Rights of the Child<sup>24</sup>, the child has the right to be free from all forms of discrimination based on the status of his or her parent(s) (Article 2). Given the strong stigma attached to capital punishment, this right may be violated when a parent is executed or incarcerated on death row.

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22 Morning Tears, the People's Republic of China, documentary, 2011. Available at <http://www.youtube.com/watch?v=e1dLAAWEFtg> weblink: see [www.morningtears.org](http://www.morningtears.org)

23 In Susan Sharp, *Hidden Victims: The effects of the death penalty on families of the accused*, (Rutgers), 2005, p.36.

24 As of January 2012, 193 countries have ratified the UN Convention on the Rights of the Child. This includes all members of the United Nations except Somalia (who have announced plans to ratify it) and the United States of America. See United Nations Treaty Collection, and Reuters, 'Somalia to join child rights pact', 20 November 2009, available at: <http://af.reuters.com/article/topNews/idAF-JOE5AJ0IT20091120> (accessed 10 January 2012).

## ***Children of parents sentenced to death compared with children of parents who died of natural or accidental causes***

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While the death of a parent or relative is often a painful loss, the knowledge that the death was caused by the deliberate actions of another human being(s) is distinctly traumatic and difficult to deal with, especially for a child.

In a short video taken with a handheld camera and posted on the internet, Iman Shirali says:

*It's been twenty seven years. Me and my family have lost someone not due to a driving accident but due to a bullet shot by this regime.*<sup>25</sup>

His father was executed in 1982, when Iman was just six months old, for opposing the Islamic Republic of Iran.

Addressing the UN Commission on Crime Prevention and Criminal Justice, Marlene Young, President of the World Society of Victimology quoted statistics on victimisations around the world and then observed: 'These numbers do not take into account the families and friends who will also suffer loss, pain and trauma as the result of the violation of a loved one.'<sup>26</sup>

Young is referring specifically to the impact of a loved one's being murdered as opposed to dying of natural causes. Lu Redmond, homicide grief expert in the USA has estimated that there are seven to ten close relatives – not including significant others, friends, neighbours and

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25 Iman Shirali, Video made by the son of a man executed in 1982, available at <http://www.youtube.com/watch?v=L1ICIPY3oE&feature=related> (accessed 9 January 2012).

26 Marlene Young, Action on UN Standards and Norms and Victims' Issues, in *Creating More Victims: How Executions Hurt the Families Left Behind, Murder Victims' Families for Human Rights*, 2006, p.1.

co-workers – for each victim.<sup>27</sup> Redmond refers to those left behind as ‘homicide survivors’, suggesting that their relationship with the primary victim will cause them to suffer for the rest of their lives.<sup>28</sup>

This paper suggests that research should be done to estimate the numbers of children, relatives and people in general, who are affected by a death sentence or execution.

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27 Redmond, L. *Surviving: When Someone You Love Was Murdered*. (Clearwater: Psychological Consultation and Educational Services), 1989.

28 Redmond, 1989, as above.

## ***Victims in need of recognition and support***

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*There are two sets of victims. The victim's family and the family of the person on death row.*

'Jason', brother of a man executed in Oklahoma in 1998.<sup>29</sup>

*Once the parent got caught, really nobody want [sic] them – even the families, the relatives, the neighbours.*

Kon Wei, Social Worker at Morning Tears Children's Village, an orphanage in Xi'an, the People's Republic of China, for children whose parents have been executed or given life sentences.<sup>30</sup>

In some countries, death certificates of the executed list 'homicide' as the cause of death.<sup>31</sup> The shock and violence of the deliberate killing of a parent is exceptionally traumatic. There are important similarities between the experiences of the children of murder victims and the children of the executed.

Evidence suggests that executions harm surviving children and families, and that therefore these children are indeed victims. However, as a group, the children of the executed are often not perceived as such by the wider society. They do not receive the recognition, support and assistance that the advocacy organisations and service professionals of the victims' rights movement work to provide for the family members

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29 Susan Sharp, *Hidden Victims: The effects of the death penalty on the families of the accused*, (Rutgers University Press), 2005, p.39.

30 Morning Tears Children's Village, documentary, available at: <http://www.youtube.com/watch?v=oeZgorio674> weblink: see [www.morningtears.org](http://www.morningtears.org) (accessed 11 January 2012).

31 House Bill 93 (taking effect September 1, 2005) requires the death certificates of inmates executed by the Texas Department of Criminal Justice to be classified as death caused by 'judicially-ordered execution'. Before HB 93, cause of death was listed as 'homicide'. See 79(R) HB 93 Senate Committee Report – Bill Analysis, available at <http://www.capitol.state.tx.us/Home.aspx> (accessed 11 January 2012).

of murder victims. Because not legally considered to be victims in any of the fifty-eight countries that use the death penalty, any support that might be available for medical expenses, counselling or funeral expenses is not available to the children and family of the person who receives the death penalty.<sup>32</sup>

In countries where a parent's death sentence often means homelessness for the child, governments have been officially blind to their needs and neglected to provide alternative care.<sup>33</sup> States parties to the UN Convention on the Rights of the Child are required to provide care when a State action (the parent's execution or incarceration on death row) causes the child to be deprived of his or her family environment (Article 20). In the People's Republic of China, the government has recently begun to acknowledge this responsibility by signing a contract with Morning Tears to build more homes for children.<sup>34</sup>

Murder Victims' Families for Human Rights (MVFHR) is a group of family members of murder victims who maintain that 'the death penalty does not help us heal and is not the way to pursue justice for victims'<sup>35</sup>. A 2006 MVFHR report argues that the families of the executed can also be viewed as victims under the UN Declaration of Universal Principles of Justice for Victims of Crime and Abuse of State Power.<sup>36</sup> In order that they achieve this recognition, the popular narrative of victimisation will need to be reoriented.<sup>37</sup> Conventionally, it begins with the crime and ends with the 'closure' or 'justice' of the execution. For the children of the executed, the killing of their parent is anything but 'closure'. They need

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32 Rachel King, *Capital Consequences: Families of the Condemned Tell Their Stories*, (Rutgers), 2005, p.10.

33 Until recently, this was the case in the People's Republic of China. See Morning Tears Newsletter, Vol. 6, 3, 2011, p.1. Available at [www.morningtears.org](http://www.morningtears.org)

34 Morning Tears Newsletter, Vol. 6, 3, 2011, p.1. Available at [www.morningtears.org](http://www.morningtears.org)

35 Murder Victims' Families for Human Rights, 2009. See <http://www.mvfhr.org/>

36 Susanna Sheffer and Renny Cushing, *Creating More Victims: How Executions Hurt the Families Left Behind*, Murder Victims' Families for Human Rights, 2006.

37 As above, 2006, p.3.

support in the aftermath of the execution if they are to cope with the effects of violence and trauma.

The Filipino Department of Social Welfare and Development have acknowledged this, announcing in a recent press release:

*[T]he children of one of three Filipino drug mules executed in China last week are showing positive signs of adjusting to their mother's death (...) the counselling sessions conducted by our social workers have helped Sally Villanueva's family members cope with and recover from the traumatic effects of Sally's execution<sup>38</sup>*

## **Children of the murdered compared with children of the executed**

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As noted above, there are similarities between the experiences of children of murder victims and children of the executed, and it can be argued that both groups are victims in need of recognition and support. However, there are also important differences between the violent bereavements that these two groups suffer.

When a parent has been murdered, the child must come to terms with the fact that an individual (or a group of people) has taken their parent's life. When the parent is executed, the State itself is the perpetrator as opposed to an individual murderer. How are children affected, psychologically and emotionally, by the knowledge that their parent was or will be killed by 'the State'?

In most countries, bureaucratic arrangements and elaborate execution protocols distribute the responsibility for imposing the death penalty across a range of actors (prosecutors, judges, jurors, appeal courts, of-

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<sup>38</sup> April 5, 2011, available at <http://www.gmanetwork.com/news/story/216924/news/nation/dswd-executed-drug-s-children-adjusting-to-mom-s-death> (accessed January 10, 2012).

ficials able to grant clemency, prison guards, soldiers, doctors, nurses etc.). 'Karen,' a nurse who has participated in fourteen executions at a prison in Georgia, USA, said 'I don't know that I consider anybody an executioner, even the people that I know who push the drugs (...) I look at it as the State as the executioner'.<sup>39</sup>

Christina Lawson describes her ten year old daughter trying to understand that her father's death was caused by 'the State of Texas':

*She sometimes felt as though that encompassed everyone she encountered. She told me one day when she went to school she felt like everyone was guilty, like she was walking around murderers because the people of Texas had killed her father.*<sup>40</sup>

These children see one protector/provider figure (the parent) killed by another potential protector/provider (the State). This is likely to cause considerable internal conflict, depending to some extent on the cultural context and the child's previous relationship with the State. The children and families of the executed speak of feelings of profound alienation and a betrayal of trust.

At the time of his schizophrenic brother's execution, Bobby Fitzsimons was serving in the US Navy. He told reporters: 'The country I fight for just murdered my brother'. Ida Reid's brother was executed in 2004. She continues to protest his innocence. Ida said 'I'd always believed in the system. I participated, did my part. But now I don't believe in it, and that's really sad'.<sup>41</sup>

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39 This view is not uncontroversial. The American Medical Association, for example, state that they oppose doctors helping the government carry out executions because a physician is 'dedicated to preserving life' (Resolution, 1980). The Hippocratic oath states 'I will give no deadly medicine to anyone if asked'. See 'Do no harm?' NOW, PBS, available at <http://www.pbs.org/shows/228/> (accessed January 15 2012).

40 Murder Victims' Families for Human Rights, *Creating More Victims: How Executions Hurt the Families Left Behind*, 2006, p.15.

41 Murder Victims' Families for Human Rights, as above, 2006, p.16.

## ***Grief: unsanctioned, unresolved and disenfranchised***

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We all experience grief and loss in a social context, and social support is a crucial factor in the resolution of grief. The bereaved need support - for the reality of their loss, but also because 'loss entails a loss of self-validation, [so] the starting point for recovery is the validation of the loss itself'.<sup>42</sup> Social support serves to validate loss, grief, and the bereaved themselves as legitimate grievers.

'Disenfranchised grief', according to Kenneth Doka, a leading expert on grief counselling and psychotherapy,

*refers to losses that people have that aren't always acknowledged or validated or recognised by others. You can't publicly mourn, receive social support or openly acknowledge those losses.*<sup>43</sup>

The concepts of disenfranchised grief and nonfinite loss have been applied to the situation of the children and families of death row inmates.<sup>44</sup> In a North American context, Sandra Jones and Elizabeth Beck highlight the ways in which 'the circumstances surrounding an execution leave the family members of those condemned to death outside the 'grieving rules' that exist (...) Family members are also 'disenfranchised' from their grief, as society does not socially validate their pain'. Interviews with twenty-six family members of death row inmates indicate the following common responses: isolation due to stigma and their own feelings of criminalisation; intensified conflict between family members with dif-

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42 Martha Fowlkes, 'The Morality of Loss – The Social Construction of Mourning and Melancholia', in *Contemporary Psychoanalysis*, Vol. 27, 1991, p.532.

43 *Kenneth Doka on Grief Counselling and Psychotherapy*, interview on for psychotherapy.net, available at: <http://www.psychotherapy.net/interview/grief-counseling-doka> (accessed 10 January 2012).

44 Jones, S. and Beck, E. *Disenfranchised grief and nonfinite loss as experienced by the families of death row inmates*, 2006-2007; Vol. 54(4), pp.281-99. Omega (Westport).

ferent grieving styles; diminished self-esteem; shame; diffused and specific feelings of guilt; and a chronic state of despair.

William Hocker explores this form of grief, referring to it as 'unsanctioned' and 'unrecognised', identifying the following characteristics:

- Social stigma, embarrassment and secrecy on the part of the bereaved.
- Absence of mourning rituals, communal celebration, recognition and funeral rituals, which normally provide a means to express cultural beliefs and values.
- Delayed grief and the restraining, stifling and frustration of emotional responses.
- Economic and legal problems.
- Emotional problems, where the disenfranchised nature of the loss can lead to emotions being exaggerated.<sup>45</sup>

Ambiguous loss is often associated with unresolved grief: where uncertainty surrounding a loss can effectively 'freeze' the grieving process.<sup>46</sup> The status of the loved one is somehow unclear, 'dead or alive, dying or recovering, absent or present',<sup>47</sup> or indeed on his or her way to be executed or about to be exonerated. In cases of ambiguous loss, incomplete recovery will be more common, often leading to lifelong mental health problems.<sup>48</sup>

Secrecy surrounding detention on death row and execution in some countries can certainly lead to ambiguous loss, unresolved and disenfranchised grief in the children and families of the sentenced. Writing of ambiguous loss more generally, Pauline Boss notes:

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45 Hocker, W. 'Characteristics of unsanctioned and unrecognised grief, and appropriate helping strategies', in Pine et al. (eds) *Unrecognised and unsanctioned grief: The nature and counselling of unacknowledged loss*, 1990, pp.104-117.

46 Boss, P. *Ambiguous loss: Learning to live with unresolved grief*, Cambridge, MA, (Harvard University Press), 1999.

47 As above, 1999, p.6.

48 As above, 1999.

*Not only is there a lack of information regarding the person's whereabouts, there is no official or community verification that anything is lost – no death certificate, no wake or sitting shiva, no funeral, no body, nothing to bury. The uncertainty makes ambiguous loss the most distressing of all losses.<sup>49</sup>*

One might suggest that this combination of uncertainty and disenfranchisement (where grievors are unsupported and society does not 'validate' their pain) potentially makes the loss of a loved one to the death penalty uniquely devastating.

## ***Different crimes, different contexts, different responses***

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The impacts on children and families are likely to differ according to the crime for which the parent or relative received the death penalty, and how this is perceived in the particular cultural context. It may also vary according to whether the child and family believe their loved one to be wrongly convicted. The grief of the children and families of executed political prisoners, for example, may be less 'disenfranchised'. This is an area for further study, but one might suggest that the children of executed political prisoners potentially experience less conflict and confusion because the killing of their parents can, in some contexts, be rationalised and understood to fit a world-view – the aggressor (a regime or system) can be known and confronted. Their grieving processes may, to some extent, be sanctioned and recognised by those around them.

Iman Shirali, for example, is articulate in his rage and keen to challenge perceived injustice. He describes his childhood in Iran without his father:

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<sup>49</sup> As above, 1999, p.6.

*I have never voted and I never will, because I didn't want to have the Islamic Republic's stamp on my birth certificate right next to my father's name, where it says 'Iman Shirali, son of Iraj (...)' I never went out to shout 'Give me back my vote!' You know why? Because I always thought if I am going to go out and shout, I will have to shout 'Give me back my father! Give me back my childhood! Give me back my adolescence!'<sup>50</sup>*

In other cultural contexts, this may not be possible. The impulse to reject or confront authority may be there, but its expression may not be overtly political or even conscious. Robert Meeropol's parents were executed in the USA for conspiracy to commit espionage during the Cold War. He writes:

*My earliest distinct memories are of visiting my parents on death row (...) I had a sense that 'they' were out there, 'they' were powerful and that 'they' were attacking 'us'. I grew up with a generalised sense of anxiety (...) frightened and with a suppressed need to attack those who had attacked my family.<sup>51</sup>*

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50 Iman Shirali, *Children of the Executed*, video, available at: <http://www.youtube.com/watch?v=8zUP79BVGil> (accessed December 10, 2011).

51 Robert Meeropol, *An Execution in the Family*, (St Martin's Griffin), 2003, p.18.

## ***Perception of victimisation and disparities in the administration of the death penalty***

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A considerable body of evidence supports the argument that the death penalty around the world is discriminatory, and is used disproportionately against the poor and members of certain minorities, racial, ethnic and religious communities.<sup>52</sup>

It is not within the scope of this paper to explore debates around the inequitable application of the death penalty. However, we can note that for the affected children the belief that their poverty, race, ethnicity, religion and/or minority identities contributed to the death sentence of their parent is likely to increase their perception of victimisation. This may be turned outwards and expressed as anger and hatred of the State, regime or wider society. Or it may be turned inwards, against themselves and their families (why are we poor? why am I black?) potentially increasing any shame and isolation they may experience.

## ***Emotional and behavioural responses: shame, guilt and anger***

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*Maybe the parent did something wrong, or they choose [sic] the wrong way to solve the problem, but a kid they really feel hard [sic] to understand those things and they don't know why the parent just abandoned them.*

Kon Wei, Social Worker at Morning Tears, the People's Republic of China<sup>53</sup>

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52 See, among others, William Schabas, 'Arbitrariness and Inequality', in *The Death Penalty as Cruel Treatment and Torture: Capital Punishment challenged in the world's courts*, (Northeastern University Press), 1996, pp.57-79; David Baldus et al., 'Racial Discrimination and the Death Penalty in the Post-Furman Era: An Empirical and Legal Overview', in *Cornell Law Review*, 1998, pp.1638-1671.

53 See Morning Tears, documentary, <http://www.youtube.com/watch?v=oeZgorio674> (accessed December 16, 2011).

The idea of shame is often linked to physical vulnerability.<sup>54</sup> Witnessing or imagining your parent's execution demonstrates his or her vulnerability in the most vivid way imaginable. For the child, seeing their parent so belittled and powerless may cause confusion, anger and guilt.

A possible direction for future study might be a comparison of children who see or are aware of their parent's capital punishment with those who witness violence, especially domestic violence. Children who see one parent beaten or abused by another can witness that caregiver as belittled and powerless, like the child who sees or is aware of his or her parent's execution. Research into child witnesses' understanding of domestic violence shows that school-aged and adolescent children may wonder what they could have done to prevent or stop it, often feeling guilt that they could not protect the parent who suffered the violence.<sup>55</sup>

Moreover, it is likely that a significant proportion of these children have suffered both a parent's capital punishment and domestic violence (witnessed or experienced).

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54 (At least in Western culture.) For the Ancient Greeks, shame was etymologically linked to the body – see, for example, the treatment of nakedness and sexuality in Homer's tales. In the Bible, Genesis tells of Adam and Eve who 'were both naked (...) and were not ashamed'. Having eaten the apple, they knew of their nakedness and shame came into existence.

55 See, among others, Drell et al. 'Posttraumatic Stress Disorder', in Zeanah (ed.), *Handbook of infant mental health*, (New York: Wiley), 1993, pp.291-304; Pynoos et al. Issues in the developmental neurobiology of traumatic stress, *Annals of the New York Academy of Science*, Vol.821, 1997, pp.176-193.

For more than half of the children living in the Morning Tears children's villages in the People's Republic of China, one parent was murdered by the other.<sup>56</sup> Koen Sevenants, director of Morning Tears said:

*When one parent murders the other one, you can be sure that this is usually preceded by domestic violence, which is traumatising for the child (...) A little girl that watches her mother being abused by her father considers this far worse than if she was beaten up herself.*<sup>57</sup>

Studies from around the world consistently indicate that child witnesses of violence in their homes and communities exhibit a range of behavioural and emotional problems, as well as cognitive development problems and longer-term mental health (e.g. depression, trauma-related symptoms, low self-esteem etc.).<sup>58</sup> A considerable body of evidence suggests that these children are at greater risk of becoming both perpetrators and victims of violence.<sup>59</sup>

In terms of the child's cognitive development, we should examine the attitudes that the children of those sentenced to death assume regarding the use of violence and conflict resolution. Research should be undertaken to compare children whose grief is more or less disenfranchised (children of political prisoners; those who protest their parent's innocence; those whose parent is unquestionably guilty of a crime that carries a heavy stigma, e.g. rape, paedophilia, terrorism, depending to some extent on the context; and those in different cultural contexts, who may direct anger outwards or inwards).

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56 See <http://www.youtube.com/watch?v=oeZgorio674> (accessed December 16, 2011).

57 Personal communication, September 2011.

58 Kolbo, 'Risk and resilience among children exposed to family violence', in *Violence and Victims*, Vol. 11, 1996, pp.113-127.

59 Bell, 'Exposure to violence distresses children and may lead to their becoming violent', *Psychiatric News*, 1995, pp.6-18.

As mentioned above, studies have shown that children's exposure to violence can predict attitudes justifying their own use of violence.<sup>60</sup> Adolescent boys incarcerated for violent crimes who had been exposed to family violence were shown to believe more than their peers that 'acting aggressively enhances one's reputation or self-image'.<sup>61</sup>

By extension, such findings invite us to ask what children learn from the capital punishment system. It could be suggested that the death penalty is the ultimate collective affirmation that violence, in the form of State-authorised killing, resolves conflict. What do children learn from this?

Moreover, how wide into our communities do these impacts extend? The evidence suggests that children of the accused are indirect or secondary victims of their parent's execution or incarceration on death row. It could be suggested that all children living in retentionist societies suffer the repercussions of the capital punishment system.

## ***Intergenerational trauma***

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Acknowledging the uniquely traumatic nature of the death penalty and its symbolic significance, its impacts are likely to be felt beyond the immediate parent-child relationship, both out into wider society and over time. Over how many generations do these impacts extend?

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60 Spaccarelli, Coatsworth and Bowden, 'Exposure to serious family violence among incarcerated boys: Its association with violent offending and potential mediating variables', *Violence and Victims*, Vol.10, 1995: pp.163-182; Carlson, 'Outcomes of physical abuse and observation or marital violence among adolescents in placement', *Journal of Interpersonal Violence*, Vol.6, 1991: pp.526-534; Jaffe, Wilson and Wolfe, 'Promoting changes in attitudes and understanding of conflict resolution among child witnesses of family violence', *Canadian Journal of Behavioral Sciences*, Vol.18, 1986: pp.356-366.

61 Spaccarelli, Coatsworth and Bowden, 'Exposure to serious family violence among incarcerated boys: Its association with violent offending and potential mediating variables' *Violence and Victims*, Vol.10, 1995, p.173.

Research has been carried out into the mechanisms by which violent trauma and related psychopathology involving parents and children are transmitted or communicated across generations.<sup>62</sup> Other researchers have located individual experience in a wider social and political context, demonstrating parallels between apparently 'private' traumas that take place within the family and more 'public' traumas, such as war and terrorism.<sup>63</sup> A possible direction for future research could be the application of these ideas to the children and families of those on death row or executed.

As the child or adolescent develops a sense of their own identity and their place in their community, it can be very difficult to know that a relative or ancestor – a part of them – was deemed 'evil' or 'wrong' and therefore unworthy of a human life by that same community. Barbara Allen's uncle was executed in Texas in 1999. Her teenage son never knew his great-uncle, but she speaks of his 'acting out' behaviour and heavy drug use as a teenager. Aged sixteen, her son got a tattoo with his great-uncle's initials encircled in flames.<sup>64</sup>

It is also reasonable to suggest that traumatised parents bearing unresolved grief (such as the adult child of an executed parent) are rarely available, responsive and consistent parents, especially when they have not been able to access counselling or psychotherapy.

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62 See Daniel Schechter, *September 11: Trauma and Human Bonds*, (New York: Taylor and Francis) 2003; Schechter and Serpa, 'Applying clinically-relevant developmental neuroscience towards interventions that better target intergenerational transmission of violent trauma', in *The Signal: Newsletter of the World Association of Infant Mental Health*, 19(3), 2011, pp.9-16.

63 Judith Herman, *Trauma and Recovery: The Aftermath of Violence – from Domestic Abuse to Political Terror*, (New York: Basic Books), 1997.

64 Murder Victims' Families for Human Rights, *Creating More Victims: How Executions Hurt the Families Left Behind*, 2006, p.9.

## ***A cruel, inhuman and degrading treatment or punishment?***

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*To be a mother or father and watch your child going through this living hell is a torment more painful than anyone can imagine*

Parents of those on death row in South Africa, in a petition to then President Botha, 1988.<sup>65</sup>

In the context of enforced disappearances, both the UN Human Rights Committee and the European Court of Human Rights have acknowledged that family members of persons deprived of their liberty can also be victims of violations committed against their loved one, in particular cruel, inhuman or degrading treatment or punishment.<sup>66</sup>

Secrecy surrounding detention on death row and execution, and the failure to return the bodies to the family, are clear violations of both international standards on the use of the death penalty<sup>67</sup> and the human rights of the children and family of the executed.<sup>68</sup>

In some countries, death row inmates are not informed of their upcoming executions, nor are their children and families or lawyers.<sup>69</sup> The Hu-

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65 In 'State Cruelty Against Families', Amnesty International, AMR 51/132/2001, September 2001.

66 *Quinteros v Uruguay* (1983) UN Doc CCPR/C/19D/107/1981 para. 14; *Kurt v. Turkey*, European Court of Human Rights, Case No. 15/1997/799/1002, judgment of May 1998, paras. 133-4.

67 Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, adopted by the UN Social and Economic Council, 1984.

68 Human rights violated include: the right to be free from cruel, inhuman and degrading treatment; the right to family life and the right to religion. See Amnesty International's written submission to the UN CRC Day of General Discussion 2011, available at: [http://www2.ohchr.org/english/bodies/crc/discussion2011\\_submissions.htm](http://www2.ohchr.org/english/bodies/crc/discussion2011_submissions.htm) accessed 9 January 2012.

69 Belarus, Botswana, Egypt and Japan, among other states, See Amnesty International, 'Ending Executions in Europe: Towards abolition of the death penalty in Belarus', EUR 49/001/2009, March 2009; Amnesty International, 'Death Sentenc-

man Rights Committee has stated that, with regard to the International Covenant on Civil and Political Rights (ICCPR), 'the failure to notify the family and lawyers of the prisoners on death row of their execution [is] incompatible with the Covenant'.<sup>70</sup> The Committee view these practices as having the effect of 'intimidating or punishing the families by leaving them in a state of uncertainty and distress, amounting to a violation of Article 7 of the ICCPR'.<sup>71</sup>

The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has stated that: 'Refusing to provide convicted persons and family members with advance notice of the date and time of execution is a clear human rights violation (...) These practices are inhuman and degrading and undermine procedural safeguards surrounding the right to life'.<sup>72</sup>

Some States do not return the bodies of executed prisoners to their families.<sup>73</sup> In Belarus, Svetlana Zhuk, mother of executed prisoner, Andrei Zhuk, told Amnesty International of her unresolved grief at not knowing the location of her son's body. She recounts how Andrei's eight year old son often stands silently in front of his father's portrait: 'What he thinks about now, I don't know'.<sup>74</sup> By denying children and families a burial or cremation, this exacerbates their distress, complicating their trauma and grieving process. It can be seen to violate the right to

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es and Executions' 2010, ACT 50/001/2011, March 2011; Amnesty International, 'Egyptian man executed amid questions over murder conviction', March 2010; Amnesty International, Japan: 'Hanging by a thread: Mental Health and the death penalty in Japan', ASA 22/005/2009, September 2009.

70 Concluding Observations of the Human Rights Committee: Japan, UN document CCPR/CO/79/Add.102, 19 November 1998, para. 21.

71 E/2005/3, para. 125.

72 Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, UN Doc. E/CN.4/2006/53/Add.3, 24 March 2006, para.32.

73 Belarus, Botswana and Vietnam, Amnesty 2011.

74 Amnesty International, 2010, in Amnesty International, written submission to the Committee on the Rights of the Child Day of General Discussion, 2011, available at: [http://www2.ohchr.org/english/bodies/crc/discussion2011\\_submissions.htm](http://www2.ohchr.org/english/bodies/crc/discussion2011_submissions.htm) (accessed 4 January 2012).

family life, the right to manifest one's religion, as well as the right to be free from cruel, inhuman and degrading treatment.

In other countries, the children of the judicially condemned know their loved one's location, but not their fate. A considerable body of jurisprudence has developed in support of the argument that 'death row phenomenon' and 'death row syndrome' (the emotional distress suffered by prisoners on death row and the subsequent manifestation of psychological illness that can occur<sup>75</sup>) can constitute cruel, inhuman or degrading punishment.<sup>76</sup>

By extension, it can be argued that the suffering of the prisoner is also, to some extent, inflicted on the children of the condemned, violating their human rights. They too endure the vicissitudes of hope and despair, as their parent's sentence may be reversed, commuted and reinstated over a lengthy appellate process.<sup>77/78</sup>

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75 Harrison, K. and Tamony, A. 'Death Row Phenomenon, Death Syndrome and their effect on capital cases in the US', *Internet Journal of Criminology*, 2010.

76 See, for example, *Pratt and Morgan v. The Attorney General of Jamaica*, 3 SLR 995, 2 AC 1, 4 All 749 (Privy Council, 1993), *Soering v. UK*, 11 Eur. Hum. Rts. Rep. 439 (1989) (European Court of Human Rights), in Canada: *Minister of Justice v. Burns and Rafay*, 2001 SCC 7 (S.C. Canada, 22 March 2001), in Uganda: *Kigula and Others v. Attorney General*, 2006 S. Ct. Const. App.No.03; in Zimbabwe: *Catholic Commission for Justice and Peace in Zimbabwe v. Attorney General*, No. S.C. 73/93 (Zimb. June 24, 1993). In 2010, the ECHR expanded its judgement in *Soering v. UK*, in the case of *Al Saadoon and Mufdi v. UK*. The Court found that the UK had violated Article 3 merely by exposing the applicants to the threat of capital punishment.

77 In the US, most notably, the modern death penalty is characterised by a long delay between sentencing and execution. Death row inmates typically spend 14 years awaiting execution. This average wait has been steadily increasing, from 50 months in 1977 to 169 months in 2009. Many prisoners have been on death row for over a quarter of a century (Death Penalty Information Centre, 2008; US Bureau of Justice Statistics: 2010). This protracted anxiety and solitude can be seen as another punishment altogether, distinct from the death penalty itself. In other countries or regions (such as the Caribbean), it has been acknowledged that any longer than 5 years on death row constitutes 'cruel, inhuman and degrading treatment' and must therefore be commuted to life imprisonment (1993, Privy Council Ruling).

78 If this is seen to constitute cruel, inhuman and degrading treatment, States

Psychologists and lawyers have argued that prolonged incarceration on death row can trigger delusions, suicidal tendencies and insanity (see *Soering v. UK*, European Court of Human Rights, 1989). The inhuman and degrading conditions which a death row inmate can suffer include: the conditions on death row itself (which may be tantamount to solitary confinement); the effects of knowing that he or she will die – the execution itself and the ritual of the execution; and delays in the appeal and review procedures.

All of these conditions potentially impact on the children of the accused. The following examples illustrate the extraordinary levels of stress and trauma that the children and family may undergo.

In the USA, in April 2001 and again in May, Jay Scott, one of eleven children, was minutes from execution in Ohio when courts granted stays. On the second occasion, the catheters were already in his arms, ready to receive the lethal injection needles. In June, on the State's third attempt, the execution of Jay Scott went ahead. His brothers, George and Charles, and sister, Diane, attended, mentally preparing to watch their loved one's execution only to see the process halt twice at the last minute, before finally going ahead.<sup>79</sup> This author found no information regarding related minor children, but with ten adult siblings, it is highly likely that Jay had nieces and nephews.

In Belarus, Andrei Zhuk's mother was informed that her son had been shot. Shortly after learning this news, Andrei Zhuk's father was in hospital, having suffered a heart attack.<sup>80</sup>

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parties to the UN Convention on the Rights of the Child have the legal obligation to take all appropriate measures to promote the child's physical and psychological recovery and social integration (Article 39, UN CRC).

79 <http://www.drc.ohio.gov/web/Executed/executed25.htm> accessed 4 January 2012; Amnesty International, United States: State Cruelty Against Families, AMR 51/132/2001, 4 September 2001.

80 Amnesty International, Belarus executes two men: Andrei Zhuk and Vasily Yuzepchuk, EUR 49/004/2010, 22 March 2010.

Joseph Ross, a volunteer chaplain in Indiana, USA, wrote of Jerry Bivin's last hours before execution in 2001.<sup>81</sup> Ross sat with Jerry, Jerry's mother, brother and sister-in-law to share Jerry's last meal. Shortly afterwards, Jerry's mother, took an overdose. She was being kept alive in intensive care in a State hospital, while the State put her son to death. The chaplain also wrote of Jerry's last conversation with his niece, who had just given birth to a child: 'She was in her hospital bed and he was in the death house's holding cell. She was nursing her new-born child and he awaited execution.'<sup>82</sup>

In 1995, Bettye Roberson wrote, 'If my son gets executed, a part of me will die with him. Every day I have lived with that threat for the past eight years (...) This is the true torture of the death penalty.'<sup>83</sup> Brian Roberson was executed in 2000, after thirteen years on death row.

In the light of these family members' experiences, it seems clear that the suffering associated with a death sentence and execution do not remain restricted to the individual convict.

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81 Joseph Ross, 'A Perspective on Gerald Bivin's execution', *Prison Reflections*, 21 March 2001.

82 As above.

83 Amnesty International, United States: State Cruelty Against Families, AMR 51/132/2001, 4 September 2001.

## Conclusion

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The pain and harm inflicted on children when a parent is imprisoned has been referred to as 'institutionalised child abuse'.<sup>84</sup> When a parent is executed, this pain and harm is likely to be greatly exacerbated.

The existing evidence suggests that the death penalty generates more victims, possibly affecting whole communities and multiple generations. There is strong international support for child rights, reflected in the fact that the UN Convention on the Rights of the Child is the most widely ratified human rights instrument in the world.<sup>85</sup> To date, very little attempt has been made to research and understand the full impacts and consequences that a parent's death sentence has for a child, both in order to provide the special care and protection that he or she may need, and to understand how far the repercussions may extend beyond the immediate family.

The child psychologist, John Bowlby, used to regularly remind his students that 'a society that values its children must cherish their parents'.

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84 Roger Shaw, *Children of Imprisoned Fathers*, (London: Hodder and Stoughton), 1987.

85 As of January 2012, every country in the world had ratified, accepted or acceded, to the CRC except the United States and Somalia. See footnote 24.



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