



children: unseen victims of the death penalty

Why this matters: The impact of the parental death sentence on children

The psychological and emotional trauma experienced by a child when their parent is sentenced to death or executed is well-evidenced to have long term and often devastating impacts. This trauma can occur at any and all stages of the capital punishment of a parent, from arrest through to the aftermath of execution, and the effects manifest in differing ways depending on circumstances like gender and age, and the broader familial and community reaction to the situation. Children are commonly found to suffer physical symptoms like loss of concentration, loss of appetite and insomnia, and typical behavioural reactions include anger, low self-esteem, and violence, including to themselves. Severe mental health problems, including delusional beliefs and post-traumatic stress disorder, can occur, as well as the development of alcohol or drug dependencies, or involvement in criminal activity.¹ The cycles of hope and disappointment during appeals processes, and the repeated need to anticipate and prepare for the possible execution, can be highly emotionally distressing. The impact on the child is often long term, whether or not the parent is eventually executed. The stigma surrounding the death penalty, especially with cases that garner notoriety and press scrutiny, can increase confusion for the child. They may find it challenging to hold feelings of love for a parent when those feelings are shown to conflict with the public opinion of their parent's actions, and the State's belief that those actions warrant their death.

As abolitionist activists, you can use the example of the impact on children of the parental death penalty as part of your broader abolitionist messaging, highlighting that the execution of an individual does not only affect them, but all those around them. You can emphasise that in States that use the death penalty a passive condolence of the practice is an active rejection of the rights and the dignity of these children by all.

What does international law say?

The UN Human Rights Committee, which oversees the implementation of the International Covenant on Civil and Political Rights, has said: 'States parties... should...refrain from executing parents to very young or dependent children.'² This creates a presumption against the execution of those with dependent children.

States have a duty to uphold the rights of all children, including those whose parents are sentenced to death or executed. However, research indicates that the parental death sentence leads to the abuse of numerous child's rights. The right to freedom from torture and other ill-treatment, the prohibition of discrimination, the right to health, the right to education, the right to information, the principle of non-separation of a child from the parents, the right to protection from mental violence, and the right to an adequate standard of living, may all be compromised by a parental death sentence.

States have a responsibility to take the child's best interests into account when making a decision that affects them.³ In the case of a parent's potential sentencing to death there is therefore a requirement for 'an evaluation of the possible impact (positive or negative) of the decision on the child', and a justification of a decision that shows 'that the right has been explicitly taken into account.'⁴ To comply with the Convention on the Rights of the Child, this evaluation must be performed for every child who will be affected by a parental death sentence.⁵

Further detail and sources can be found in *Protection of the Rights of Children of Parents Sentenced to Death or Executed: An Expert Legal Analysis* by Stephanie Farrior.⁶

As an abolitionist activist, what can you do?

- Engage with the content from the 2019 World Day Against the Death Penalty, which has 'Children: unseen victims of the death penalty' as its theme.

Follow their suggestions to:

1. Organize a demonstration, like a sit-in
2. Hold a public debate or a film screening
3. Host an art exhibition on this theme
4. Take action in a school or university, inviting a speaker or hosting a discussion
5. Encourage people to share messages to affected children on social media and to raise awareness of the issue using **#nodeathpenalty**

You can find more information on the 2019 World Day at worldcoalition.org/worldday

- Hold a vigil to read the testimonies of children whose parents have been sentenced to death or executed to make others in your community aware of this preventable harm that is perpetuated by States through the ongoing use of the death penalty.
- Amplify the voices of children whose parents have been sentenced to death or executed, ensuring their full and informed consent.
- Use the research and case studies of the impact of the parental death penalty on children to engage child's rights groups and organisations to join as vocal members of the abolitionist movement.

Endnotes

1 For a compilation of research on the effects of the parental death sentence on children, please see Brett, Rachel, Robertson, Oliver (2013), 'Lightening the Load of the Parental Death Sentence on Children' (Quaker United Nations Office, Geneva). Available at: quno.org/resource/2013/6/lightening-load-parental-death-sentence-children

2 UN Human Rights Committee, General Comment No.36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life (2018), para.49

3 UN Committee on the Rights of the Child, General Comment No.14 in the right of the child to have his or her best interests taken as a primary consideration, UN Doc. CRC/C/GC/14 (2013)

4 Ibid

5 UN Committee on the Rights of the Child, General Comment No.14 in the right of the child to have his or her best interests taken as a primary consideration, UN Doc. CRC/C/GC/14 (2013) (para.28). All but one State has ratified the Convention on the Rights of the Child, and are all therefore bound to the best interests of the child principle. The United States has signed but not ratified the treaty; there are nevertheless cases in which the CRC has been used effectively in US courts in the defence of children's rights.

6 Stephanie Farrior (2019), Protection of the Rights of Children of Parents Sentenced to Death or Executed: An Expert Legal Analysis (Quaker United Nations Office, Geneva). Available at: quno.org/resource/2019/2/protection-rights-children-parents-sentenced-death-or-executed-expert-legal-analysis

