



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 teachers and school administrative staff, you can seek to provide a safe space for any child in your care whose parent is sentenced to death or executed, protected from the bullying and isolation that can arise from the experience of a parental death sentence. Schools can model stability and reassurance for a child whose life is otherwise in turmoil, and can cultivate an environment of support and non-discrimination.

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.

The right to non-discrimination is central to international human rights law. It appears in the UN Charter and near the beginning of every core international and regional human rights instrument. The Convention on the Rights of the Child clarifies that a child must not be discriminated against under the category of 'birth or other status', 'other status' referring to conditions you should not have to change to avoid persecution (such as religious belief) and conditions that you cannot change, like having a parent who has been sentenced to death or executed.

This discrimination can manifest in a number of ways. The stigma of the death penalty, and the crimes associated with it, means the families of those who have been sentenced to death or executed often become indirectly stigmatised, facing social isolation and rejection. The UN Committee on the Rights of the Child has recognised that 'discrimination related to personal circumstances... excludes children from full participation in society... it affects children's opportunities and self esteem, as well as encouraging resentment and conflict among children and adults.'³ It is crucial that schools are aware of the potential for this discrimination, and that they take active steps to prevent it.

A parental death sentence can also affect a child's right to education, a right protected by numerous international treaties.⁴ The severe emotional distress of the circumstance of the parental death sentence can hinder a child's ability to learn. This may be exacerbated by the discrimination they can experience from classmates, as well as from teachers and school administrative staff. This can lead to truancy and absenteeism, as a child no longer feels safe in the school environment. The right to education is a crucial bedrock to the child's realisation of their other rights, as the Committee on Economic, Social and Cultural Rights has stated, 'education is both a human right in itself and an indispensable means of realizing other human rights.'⁵ It is paramount that it is protected for all children.

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 a teacher or school administrator, what can you do?

- Encourage and support the training of all school staff on the need for emotional support and counselling for a child whose parent is sentenced to death or executed, and how to provide both emotional and practical support and guidance.
- Engage with the child to determine the best plan of action for supporting them. Reassure the child that this process is confidential and will be led by consultation with them throughout.
- Engage with the child's care giver to foster an open dialogue about the impact of parental imprisonment, and the impact of bereavement, on a child's attendance, including absences due to visits to prison. Reassure the care giver that the conversation is supportive and confidential.
- Support children who may be affected academically, through homework clubs or extra tutoring.
- Tackle stigma and discrimination by raising awareness of the issue in school and promoting a positive, non-discriminatory school environment, helping sensitise children and teachers to the situation. There are some useful resources relating to children with a parent in prison from Families Outside available (in English) at familiesoutside.org.uk/professionals/tools-resources

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.7, Implementing child rights in early childhood (2005), para.11(b)(iv)
- 4 Convention on the Rights of the Child (art.28); International Covenant on Economic, Social and Cultural Rights (art.13); Convention on the Elimination of All Forms of Radical Discrimination (art.5(e)(v)); Convention on the Elimination of All Forms of Discrimination against Women (art.10); American Convention on Human Rights; American Declaration on the Rights and Duties of Man (art.XII); African Charter on Human and Peoples' Rights (art.17); European Convention on Human Rights, Protocol I (art.2)
- 5 International Covenant on Economic, Social and Cultural Rights (art.13)
- 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