



## FWCC Oral Statement to be delivered at the 42<sup>nd</sup> session of the Human Rights Council

### General Debate Item 3: Children of Parents Sentenced to Death or Executed

This Council has:

Acknowledge[d] the negative impact of a parent's death sentence and his or her execution on his or her children, and urge[d] States to provide those children with the protection and assistance they may require;<sup>1</sup>

In its recent General Comment the Human Rights Committee said:

States ... should ... refrain from executing ... parents to very young or dependent children...<sup>2</sup>

Children of parents sentenced to death or executed are included in two reports just delivered to this session of the Council<sup>3</sup> but they are too often invisible to those with duties to uphold their rights. On 10 October the World Day Against the Death Penalty's theme of Children: The Unseen Victim's of the Death Penalty<sup>4</sup> is a chance to bring more visibility to these children than ever before.

Various actors have duties to uphold the rights of these children, our Briefing Tools for Practitioners<sup>5</sup> highlight some actions they should take, for example:

- Sentencers: refrain from sentencing a parent to death in line with the Human Rights Committee General Comment.
- Defence lawyers: at sentencing stage highlight the potential impact on the children of sentencing their parent to death and ask for their best interests to be taken into account.
- Legislators and policy makers: establish sentencing guidelines that require best interests of the child assessments when a parent is sentenced.

Until the death penalty is abolished, we call on all States that retain it to put an end to the harms they do when they sentence a parent to death. We call on all States to join us in marking the World Day against the Death Penalty by ensuring not just that these children are seen but that their rights are no longer violated.

ENDS

Delivered by Lucy Halton

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<sup>1</sup> Human Rights Council Resolution 22/11: Panel on the human rights of children of parents sentenced to the death penalty or executed, A/HRC/RES/22/11, para. 1

<sup>2</sup> Human Rights Committee General Comment 36: The Right to Life, CCPR/C/GC/36, para. 49

<sup>3</sup> Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty: identifying challenges and good practices, A/HRC/42/28, para. 36

High-level panel discussion on the question of the death penalty - Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/42/25, para.37

<sup>4</sup> For more details see: <http://www.worldcoalition.org/worldday.html>

<sup>5</sup> Quaker United Nations Office (2019) [Briefing Tools for Practitioners—Children: unseen victims of the death penalty](#)

These short briefings for defence lawyers, sentencers, legislators, teachers, media, prison staff and activists are based on our more detailed publications:

Oliver Robertson and Rachel Brett (QUNO, 2013) [Lightening the Load of the Parental Death Sentence on Children](#)

Stephanie Farrow (QUNO, 2019) [Protection of the Rights of Children of Parents Sentenced to Death or Executed: An Expert Legal Analysis](#)