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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Academic Council on the United Nations System, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 August 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Concern for children of parents sentenced to the death penalty

The Academic Council on the United Nations System (ACUNS) and the International Commission of Catholic Prison Pastoral Care (ICCP) are deeply concerned about the children of parents condemned to die. These children have committed no crime, yet their lives are likely to be devastated and the effects of these state executions remain with the innocents forever. Their plight requires much greater attention than it has been granted in the past. We salute the work of the Quaker United Nations Office and the Norwegian Government for furthering research on this topic.

The International Commission of Catholic Prison Pastoral Care has not only prepared guidelines for preparing the prisoner for his/her imminent execution and the separation from his loved ones, but individual pastoral care workers are daily consoling those whom he/she leaves behind. Religious organizations not only arrange for and officiate at the funerals and remembrance ceremonies, but also provide practical assistance for the widows/widowers, support to the families, including schooling for the children, counseling, and recreational opportunities.

The Academic Council on the United Nations System has joined the campaign to abolish death penalty worldwide and organized a major conference in Vienna and side-events at the UN Commission on Crime Prevention and Criminal Justice, as well as published regularly updates on executions and changes of legislation. ACUNS has taken a strong position on that the death penalty should not be applied for non-lethal crimes (i.e. drug-related offences). Among the arguments to support this is that the children of the executed parent actually suffer a greater loss than the victims of the offence committed by the parent. The devastating effect of the death penalty on children of the executed is mostly neglected in any discourse about capital punishment. Even more worrisome, the children's perspective is rarely taken into account, even by campaigners.

The other major concern that ACUNS has is "femicide" and the fact that 40-70 percent of the murders of women are linked to husbands/intimate partner/family related violence. If it is the woman who has killed her husband (even if in self defense or if she had been otherwise provoked), in the end the child may lose both parents. In this case, the child is the son/daughter of both the victim and the offender. This may be impossible to reconcile, particularly if the child has been a witness to the violence or the father is accused of pedophilia or other horrendous crimes. Of course, it can be equally traumatic for the child, if the mother kills the father.

In some countries, prisoners on death row are denied any or limited contact with their families. For children, this break of parental connections means uncertainty and feelings of abandonment. In other jurisdictions, pregnant women are exempted from the death penalty until they give birth and stop breastfeeding. These children will live with their mothers until they are executed. Studies have been done in Iran, where ordinary children have watched a public execution and indicated that 52% exhibited one of the symptoms of post-traumatic stress disorder, while 12% were diagnosed as having chronic PTSD.

The long-term and intergenerational impacts of the death penalty on family members is an under-researched area. The onset may be delayed by years and unresolved grief and trauma may make it more difficult to become good parents in later life.

What is evident is that the intense fear, helplessness, guilt, revenge, embarrassment, lying, lack of concentration, and low self-esteem will lead to loss of interest in school, violence (including self-harm), misbehavior, vandalism, self-isolation, loss of interest in playing, psychosomatic pain, aggression, alcoholism, drug use and criminal behaviour.

ICCP and ACUNS Vienna held a two day conference about “equal opportunities for youth”. What is also clear is that the young people who end up in juvenile detention are mostly poorer and come from disturbed family situations. ACUNS is working together with the Austrian Ministry of Justice to find alternatives for those in conflict with the law.

The need to find appropriate support for those that are already in trouble, but also for the traumatized innocent children of executed parents is both difficult and different for each individual. Nonetheless, sufficient resources should be made available and research conducted on what works and what does not. Because societies have decided to execute persons, these tragedies should not be borne on the backs of their children. Nor should this misfortune be compounded by other societal consequences.

States have responsibilities to all their citizens, but particularly toward their youth through various international conventions, but also through their own constitutions and legislation. Yet, this specific group of children is perhaps the most neglected, not only at a national level, but also at the international level. We support the idea to bring together representatives of all the appropriate human rights mechanisms/treaty bodies/Special Rapporteurs in a symposium to discuss how each might make recommendations to governments to alleviate the plight of these innocents and to make sure that this issue does not fall off the UN agenda.

QUESTION: Can the United Nations request countries to review the family situation, number and age of the children, when considering the sentencing of a person charged with a crime subject to the death penalty?

QUESTION: Which UN inter-governmental bodies, but also which UN Agencies and Departments should be seized on this matter??

QUESTION: What kind of inter-disciplinary study could be envisaged to cover all the aspects of issues of the children confronting the execution of their parents???
