



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 media practitioners, the stories of children given in their full and informed consent can offer nuance and accuracy to reporting on the death penalty, whilst guidance for appropriate media reporting can help to limit the stigma and discrimination endured by children because of the possible actions of their parents and the media interpretation of them.

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, mean the families of those who have been sentenced to death or executed often become indirectly stigmatised, facing social isolation and rejection. This can be exacerbated by media reporting that fixes families in a spotlight and associates them explicitly with the prosecution of their family members. Responsible reporting takes account of the vulnerability of a child whose parents may be sentenced to death or executed, and seeks to uphold that child's right to non-discrimination by refraining from reporting in a way which would exacerbate the stigma they may experience.

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.³

As a member of the media, what can you do?

- Support abolition by amplifying the voices of those affected by the death penalty, including the children of parents sentenced to death or executed, ensuring the full and informed consent of all before using their stories.
- Help to sensitise the public to the impact of the parental death sentence on children.
- Create guidance for appropriate media reporting of all stages of the death penalty process, starting with arrest, to ensure that children are not directly or indirectly stigmatised by media reporting.
- Stop the use of demonising language, which cultivates unnuanced public opinion of people sentenced to death or executed and their families, and share non-sensational, fact-based descriptions of events and testimonies.
- Stop intrusive reporting practices that can further disturb children and exacerbate their trauma during trial and sentencing.
- Include trigger warnings on all non-news media material that depicts death row or executions to alert those who might wish to avoid such representations because of their lived experience as family members of individuals who have been sentenced to death or executed.

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 Stephanie Farrior (2019), Protection of the Rights of Children of Parents Sentenced to Death or Executed: A 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

