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Program: 25rd HRC Side Event
International Actions With The View To Abolishing The Death Penalty

Format: Panel

Organizations: Permanent Missions of Algeria, Argentina, France, Italy, Mexico, Norway, Switzerland and the International Commission Against the Death Penalty

Speakers: Mr. Didier Burkhalter, President of the Swiss Confederation and Head of the Department of Foreign Affairs; Mr. Héctor Timerman, Minister of Foreign Affairs and Worship of Argentina; Mr. Benedetto Della Vedova, State Secretary for Foreign Affairs of Italy; Mr. Steffen Kongstad, Permanent Representative of Norway to the United Nations in Geneva; Mr. Jorge Lomónaco Tonda, Permanent Representative of Mexico to the United Nations in Geneva; Mr. Ivan Simonovic, Assistant Secretary General for Human Rights of the United Nations; Ms Ruth Dreifuss, Member of ICDP and former President of the Swiss Confederation; Ms. Alison Hannah, Executive Director of Penal Reform International (PRI)

Moderator: Mr Alberto Pedro D'Alotto, Permanent Representative of Argentina to the United Nations, Geneva

Given that each speaker spoke with the same agenda...reports to abolish the death penalty worldwide...a summary of their talks follows rather than a breakdown per speaker, with a focus on how the death penalty affects the children of those persons sentenced to death or who are executed.

In 2007, the UN General Assembly took a significant step towards the abolition of capital punishment when it called for a worldwide moratorium on the death penalty.

Since that landmark vote, the trend against capital punishment has become stronger. Its influence is felt in every region and across all legal systems, traditions and religions. Approximately 160 countries have either abolished the death penalty or no longer practice it.

Prior to the UN moratorium, and as a result, the global trend towards worldwide abolition of the death penalty has increased other the past two decades with a sharp acceleration since early 1990s onwards. Indications show

that opposition to the death penalty is not exclusive to any particular region, political system, world religion, culture or tradition.

In looking at some case studies, abolition of the death penalty was achieved in a country by examining the role played by the various parties who are involved in process such as government officials, the courts, the media, professional organizations, religious bodies and NGOs.

Studies show that the abolishment of the death penalty in some countries can be associated with a break in a repressive past such as at the end of the apartheid in South Africa, the end of the Duvalier regime in Haiti, the ceasefire and peace agreement after major human rights violations in Cambodia. Further, Mexico, Argentina and Turkey report having achieved abolishing the death penalty at the end of periods of martial law or by changing the codes of military justice from their statutes. Presidents who use their right to grant clemency or impose a moratorium on executions in countries such as France, Mexico, Mongolia and the Philippines have allowed such action to pave the way for legislative or constitutional repeal of the death penalty in their countries.

According to the Penal Reform International proponents of the death penalty frequently do so in the name of the victims. Proponents argue that victims of violent crimes and their loved ones should have the right to see justice carried out through execution of the criminal. What the proponents do not consider is that their argument can be seen as undermining the voices of those victims who oppose the death penalty. It can also be said that proponents' views perpetuate the myth that justice is focused solely on the idea of revenge rather than the principles of deterrence, rehabilitation and public safety.

The Working Group on Children of Incarcerated Parents reports that their research consistently connects a parent's death sentence or execution with major psychological and emotional implications. Children of parents sentenced to death or executed have observed reactions such as low self-esteem, embarrassment about oneself, lying to oneself or others about the situation, inability to explain the situation to others, loss of appetite and in some cases developing eating disorders. They also suffer from loss of interest in playing and school. They have poor school performance, loss of concentration, loss of sleep, nightmares (particularly about the parent), bedwetting, halt of menstruation and numerous psychosomatic pains.

The children of parents sentenced to death are forced into a conflict with the State. It is reported they become disillusioned about the role of the State and in many cases develop a harmful relationship with the State.

When thinking of the rights of the child, one must also consider the challenges a child faces when visiting a parent on death row. The child must pass intensive security procedures and then has only limited contact with the parent. Witness to the parent's suffering and mental anguish resulting from the ever-present threat of execution causes agonizing grief to children of prisoners.

In addition to State discussions on efforts to abolish the death penalty, at the side event, was reference to the International Commission Against the Death Penalty (ICDP) report, *How States Abolish the Death Penalty*. To learn more about the ICDP go to http://issuu.com/icdp/docs/report_english

Summary and relation to FAWCO

FAWCO's dedication to the rights and fair treatment of children should not exclude this nearly invisible population, yet I have never heard reference to these victimized children. Regardless of whether the number of people who are sentenced to death or executed each year is public knowledge or not, the children are not

counted. This report is a call to action for FAWCO to notice these children as part of the Convention of the Rights of the Child.

Adopted under the Convention are four core principles: non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child. Every right spelled out in the Convention is inherent to the human dignity and harmonious development of every child. Children of persons' sentenced to death or executed are vulnerable and, in most cases, in dire need of emotional and financial assistance which can easily place them under the Convention.

On March 21, 2013, the United Nations Human Rights Council held a panel on the human rights of children of parents sentenced to death or executed. The Council acknowledged the "negative impact of a parent's death sentence on his or her children." The panel urged States to provide these children with the protection and assistance they require. (Resolution A/HRC/RES/22/11, adopted without a vote.)

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