



**Children:
unseen victims
of the death penalty**



**10 OCTOBER 2019
WORLD DAY AGAINST
THE DEATH PENALTY**

Children: unseen victims of

On 10 October 2019, the World Coalition Against the Death Penalty and abolitionist organizations around the world will celebrate the 17th World Day Against the Death Penalty. Coinciding with the 30th anniversary of the Convention on the Rights of the Child, this year is dedicated to children whose parents have been sentenced to death or executed.

Since the late 1970s, the global abolitionist movement has won crucial victories. Today, 142 countries- more than two thirds in the world- are abolitionist in law or practice.

While few studies have been done to quantify the number of children who have a parent who has been sentenced to death or executed, Amnesty International's 2019 annual report stated that at least 19,336 people were known to be under sentence of death worldwide at the end of 2018 and at least 690 were believed to have been executed in that year.

The UN Convention on the Rights of the Child (CRC), which celebrates its 30th anniversary on 20 November 2019, enshrines the rights of children, but the children of parents sentenced to death or executed continue to be profoundly affected by capital punishment. The World Coalition recognizes that the well-documented psychological and emotional trauma experienced by a child when a parent is sentenced to death or executed has long-term and often devastating impacts. This trauma can occur at any and all stages of the parent's criminal procedure: arrest, trial, sentencing, time on death row, announcement of the execution date, the execution itself, and its aftermath.

THE DEATH PENALTY IN LAW AND PRACTICE

- **106 countries have abolished the death penalty for all crimes.**
- **8 countries have abolished the death penalty for ordinary crimes only.**
- **28 countries are abolitionist in practice.**
- **56 countries are retentionist.**
- **In 2018, the top 10 executioners were China, Iran, Saudi Arabia, Vietnam, Iraq, Egypt, the USA, Japan, Pakistan and Singapore.**
- **Despite its prohibition under international law, some countries continue to execute people who were younger than 18 at the time of the offence. In 2019, South Sudan, Iran and Saudi Arabia have been suspected of violating this law.**

The repeated cycles of hope and disappointment during appeals processes, and the repeated need to anticipate and prepare for a possible execution, can cause extreme emotional distress, and may dominate a child's life for several years.

the death penalty

The experience of having a parent sentenced to death affects each child differently, including children within the same family, depending on factors like their personality and circumstances, the reactions of those around them, and the wider public response to the situation, including the scrutiny of media coverage.

UNITED STATES

Dr Chris Brown

“ My father [Gary Brown] was sent to death row in the U.S. state of Alabama when I was six years old. Sentencing in Alabama is arbitrary and capricious, and though my dad was the least culpable of three men involved he was the only one sentenced to death. I grew up with the stigma and shame of having a father on death



row. I learned to dread the moment when people would ask about my family or what kind of work my parents did. I was shamed and denied opportunities when people knew the truth about my family. In 2002, while I was in college, he received an execution date; he then received a stay of execution from the U.S.

Supreme Court eight hours before he was scheduled to die. We felt like pawns in a political game. In 2003 he received a new execution date, and with a new governor in office we were put through a sham of a clemency hearing that made a mockery of both our family and justice. Finally, on April 24, 2003, my dad was killed. We waited throughout the day for news that never came.

Then we saw the news articles that reported what he said, what he ate, and what he had left for me as an inheritance. Every private detail became public record to be consumed and commented on by the masses. My father and I shared a tremendous faith, which helped him face death with dignity and helped me recover in the years that followed. His death gained nothing and cost much.” ■

BELARUS

Aliaksandra Yakavitskaya

“ A month after the execution [in 2016], I received a letter - just a piece of paper - notifying me of the fact that the death sentence had been carried out (...). It [wa]s very hard to realize that it had happened since my father's [Henadz Yakavitski] personal belongings had not been returned to us, neither have we seen his body.. According to the law, we were not allowed to bury it. We were neither informed of his place of burial. Hence, I still have a feeling that he's still out there, (...) alive and well (...) Until now, we continue wondering in what cemetery is he buried. We can only guess. Without having the possibility to visit his grave, we go to pray to our family grave.



A lot of rumors exist concerning what happens to the bodies of the executed, and nobody knows for sure since it is classified information. (...)

It was hard to recover from the shock after reading some comments on the Internet about my daughter, who is four years old, claiming she has to undergo the same fate as my father since she has his genes.” ■

Source: <https://www.youtube.com/watch?v=wkm50C7zslE>, interview completed by Amnesty International and sent by FIDH

UGANDA

James Twesigye

“ I come from (the) Isingiro district in western Uganda. I am an only child to both my mom and dad, but they have other children from other spouses. My father was imprisoned when I was still very young, and I don't remember seeing him in my earlier years. My mom decided to take me to my paternal aunt because she had got married elsewhere, I think because she couldn't wait for my dad who was on death row.



I didn't know that my father was alive until Wells of Hope intervened; I grew up with my aunty telling me that my father was killed; at one point, I asked my aunt where my father was and all she told me was he was in prison and later died there.

Life was so miserable, and I had really lost hope in life and especially my dream of becoming a doctor had been buried since I was no longer in school. So, all along I knew that I

had no father and my mom had got married elsewhere, I had no one to brighten my future. I feel very bad and scared that one day my father will be killed in prison because I have now built a relationship with him, we have so many plans together. I request government to remove the death penalty and also help children because they are innocent...”

Namulemo Rehema

“ I am 17 years old (...) My father was sentenced to death when my mother was 8 months pregnant, this is what she told me and she doesn't want us to talk about it, I had never seen my father for all those years before joining Wells of Hope.

I lived with my mom but after life [became] so hard for them, my mom decided to leave me with my granny so that she could go to Kampala and work. I feel scared and at times stressed when I start thinking about the fact that one day my father will be hanged in prison and I feel sad that I will not have that opportunity again to even share a meal with him, I want to request government to listen to what the family says about the inmate and do thorough investigations before a person is put on death row.”



Ndago Winnie

“ [I am] 18 years old and I come from a family of eighteen children; my father was sentenced to death in 2012 (...) The situation worsened at home when villagers who were angry at the family destroyed and stole our property. They even looked for his children and other family members so that they could kill them. They referred to every family member as a murderer because of our father. (...) None of us went to school anymore because our father was imprisoned 'whenever I saw other children happily going to school every morning, tears rolled down my cheeks because I admired going to school again too'. My life changed in 2013 when Wells of Hope reached out to our family. I feel government should abolish the death penalty because it's us the children that suffer and if you kill a person you haven't dealt with the problem and also put in place measures to support children who have a parent on death row.”



Source: Testimonies collected by Wells of Hope Ministries and Foundation for Human Rights Initiative (FHRI)

IRAN

Syed Homan Mousavi

“ I was born in prison, on Yalda, the night of the winter solstice, in 1986. A month earlier, my father had been arrested on fake charges of cooperating with a banned opposition group. He was taken to Adelabad Prison of Shiraz and was executed within weeks. By then, my mother and my aunt had been arrested as well. My mother gave birth in Adelabad Prison, and I spent the first two years of my life inside the prison. In 1988, my mother was executed as part of a five-month wave of mass executions of political prisoners. For the rest of my life, the shadow of my parents' executions hung over me. I was raised by my aunt after she was released from prison. An older brother and sister had been placed among other relatives and lived far away. My upbringing was difficult, marked by poverty and neglect. There was no fatherly hand on my shoulder, no motherly affection. I wished that they would throw a birthday party for me and that someone would buy me a gift,



but it never happened. I was 12 when I received my first summons to the Shiraz division of the Intelligence Ministry. I had done nothing wrong to attract the gaze of the security services. This was my everyday dark story as a child.

They wouldn't let me study at university, although I got permission after they forced me to sign a commitment letter to avoid any political activity at university.

It was April 2010, nearly a year after the disputed presidential victory of Mahmud Ahmedinejad sparked massive street protests and thousands of arrests. I was one of them. I was arrested for participating in and documenting the Green Movement protests. I cried throughout the incident. I felt so much pressure, and finally, the interrogation ended after spending seven months at a cell in the Evin prison's infamous Section 209 under tortured

where they told me every single day that "we're going to execute you like your parents." I was thinking they might come back and take me to the gallows at any moment, it had already happened to my family. I was raised with the understanding that innocent people can be captured and executed.

In the end, my trial was over in 20 minutes without any lawyer. My sentence: three years in prison, a prohibition from all state universities, fines, and 74 lashes.

I really felt like I had no regrets about having gone onto the street to film the demonstrators, to help make sure the world heard their voices. It was a good feeling." ■

Source: Testimony collected by Abdorrahman Boroumand Center for Human Rights in Iran and by Iran Human Rights)

Poem by Christina Tafero, daughter of Sonia "Sunny" Jacobs, sentenced to death in 1976 and exonerated in 1992 and Jesse Tafero, executed in 1990

Written for the occasion of the 7th World Congress against the Death Penalty in Brussels in 2019.

An innocent child,
a baby so pure.
My life was a sickness
for which there was no cure.
In the blink of an eye they were
taken away
and from that day on,
my life would never be the same.
Safe and secure in my mother's
arms,
I was torn away and subject to harm.
A baby I was,
lost and alone.
My mother and Father may never
come home...
My arms are spread,
please Momma STAY,
Daddy I LOVE YOU.....will you be
home today???
Soon my love, soon...is all I would
hear
but those days grew farther, and life
was unclear.
More tragedy and loss is what I
would face.
Battered and bruised....with tears
down my face.
Momma COME HOME,

I can't yet my love, but SOON BABY
SOON.....
That was a bluff.
For you never came....
and I was lost in this game of life,
with nothing but heartache and
strife.
When they murdered my Father my
heart broke in two.
I wanted to die.....TO BE WITH YOU.
I tried,
and I failed
but my courage prevailed.
I was damaged too.
So they sent me away.....
JUST... LIKE... YOU.
Years gone by I would not see your
face.
Hear your sweet voice,
or feel your embrace.
Then one day out of the blue,
they said my Mother was FREE AND
COMING FOR YOU!!!!
MY HEART filled with joy
and my eyes filled with tears.
Finally, FINALLY after all these
years.

MY very best friend
and one half of my heart.
We can build a new life
and have a new start.
Let FREEDOM ring to the beat of my
heart.
They say that time heals
and this my friends is true.
FORGIVENESS and LOVE will see you
through.
And although there are obstacles in
my way
and all the repercussions from that
fateful day.
The pain hurt and anger are still
very real
and maybe one day my soul will be
healed.
But I'm not alone,
there's many of us.
Who have overcome the injustices
placed upon us.
WE ARE NOT VICTIMS
WE ARE NOT WEAK
WE are STRONG individuals
with a voice to speak.
Sharing our Stories,
Sharing our pain.
Just like in this room today.

International human rights standards

When a legal decision is made to execute a parent, that decision impacts their children. In international human rights law, it is a well-established principle that the best interest of the child should be a paramount consideration in any decision that impacts a child. It is therefore necessary to consider how a parent's death sentence will impact the child and to take this into account when deciding on sentencing, commutation and pardon.

Convention of the Rights of the Child (CRC), Article 3, Subsection 1

"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration."

There has been a growing acknowledgment in international standards that sentencing a parent to death and executing a parent results in emotional trauma, creating the risk that the following protections in the CRC will be violated:

1. Right to health
2. Right to education
3. Principle of non-separation of children and their parents

In 2013, the UN Human Rights Council adopted resolution 24/11, in which it *"[a]cknowledges the negative impact of a parent's death sentence and his or her execution on his or her children and urges States to provide those children with the protection and assistance they may require."*

And in 2018, the Human Rights Committee's general comment No.36

made an explicit recommendation for States not to execute parents of young and dependent children: *"States parties [...] should [...] refrain from executing parents to very young or dependent children."*

10 reasons to end the use of the death penalty

1

No State should have the power to take a person's life.

2

It is irrevocable.

No justice system is safe from judicial error and innocent people are likely to be sentenced to death.

3

It is inefficient and does not make society safer.

It has never been conclusively shown that the death penalty deters crime more effectively than life imprisonment.

4

It is unfair.

The death penalty is discriminatory and is often used disproportionately against people who are poor, people with intellectual or psychosocial disabilities, and members of racial and ethnic minority groups. In some places, the imposition of the death penalty is used to target groups based on sexual orientation, gender identity, political opinion, or religion.

5

Not all murder victims' families want the death penalty.

A large and growing number of victims' families worldwide reject the death penalty and are speaking out against it, saying it does not bring back or honor their murdered family member, does not heal the pain of the murder, and violates their ethical and religious beliefs.

6

It creates more pain,

particularly for the relatives of the person sentenced to death, including children, who will be subjected to the violence of forced mourning.

7

It is inhuman, cruel, and degrading.

Conditions on death row and the anguish of facing execution inflict extreme psychological suffering, and execution is a physical and mental assault.

8

It is applied overwhelmingly in violation of international standards.

It breaches the principles of the 1948 Universal Declaration of Human Rights, which states that everyone has the right to life and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. On seven occasions, the United Nations General Assembly has called for the establishment of a moratorium on the use of the death penalty.

(Resolutions 62/149 in 2007, 63/168 in 2008, 65/206 in 2010, 67/176 in 2012, 69/186 in 2014, 71/187 in 2016 and 73/175 in 2018).

9

It is counterproductive,

because by instituting the killing of a human being as a criminal solution, the death penalty endorses the idea of murder more than it fights it.

10

It denies any possibility of rehabilitation.

10 Things

you can do to end the death penalty

- 1 Organize a demonstration:** a sit-in, a 'die-in', a flash mob. Include teddy bears and toys in your demonstration to represent the unseen victims highlighted by this World Day
- 2 Take action in a school or university** to create awareness amongst similar age groups (invite a speaker or read testimonies to provoke discussion, etc.)
- 3 Encourage people to draw images or write letters** as if they were addressing children who have a parent who has been executed or sentenced to death. Publish them online using **#nodeathpenalty**
- 4 Organize a public debate** and a movie screening with families of people sentenced to death, exonerees, their lawyers and experts
- 5 Organize an art exhibition** (of artwork made by people sentenced to death, of photographs of death row, of drawings or posters) or a theatre performance
- 6 Join the events** prepared for the abolition of the death penalty worldwide
- 7 Donate to a group working to end the death penalty**
- 8 Follow the social media campaign** on Facebook, Instagram and Twitter: **#nodeathpenalty** (in the picture or video, display a teddy bear or a toy to represent the unseen victims of this World Day)
- 9 Mobilize the media** to raise awareness of the issue of the death penalty
- 10 Participate in "Cities Against the Death Penalty/Cities for Life"** on 30 November 2019

TO FIND OUT MORE

Find out everything about World Day
against the Death Penalty at
www.worldcoalition.org/worldday.html

including:

- The 2019 World Day poster
- The Mobilization kit
- Detailed factsheets on the death penalty around the world
- The 2018 World Day Report
- Resources for lawyers, judges and legislators

The World Coalition Against the Death Penalty is an alliance of more than 150 NGOs, bar associations, local authorities and unions.

The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. The World Coalition gives a global dimension to the sometimes-isolated actions taken by its members on the ground. It complements their initiatives, while constantly respecting their independence.

The World Coalition Against the Death Penalty created the **World Day against the Death Penalty** on 10 October 2003. For the 17th World Day, the World Coalition would like to help activists worldwide rally to oppose the death penalty and unite behind the struggle for universal abolition.



www.worldcoalition.org



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