

Human Rights Watch

Children's Rights

<https://www.hrw.org/news/2004/04/27/end-juvenile-executions-new-hampshire>

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Letter from Human Rights Watch to NH Governor Craig Benson

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Letter to Governor Craig Benson, urging him to sign legislation passed by both houses of the New Hampshire legislature that would ban the execution of people who were under age 18 at the time of the offense.

We urge you to sign SB 513 into law and eliminate the death penalty for persons who were under the age of 18 at the time of the offense. As you are well aware, the New Hampshire legislature passed the bill by a considerable margin, making clear that it is time to end the practice of subjecting children to the ultimate, irreversible punishment.

The United States is the only country that continues to claim the legal authority to execute juvenile offenders. Elsewhere around the world, even in societies with harsh criminal justice systems, the law acknowledges the immorality and injustice of imposing death uniquely irreversible punishment for crimes committed by children. Since 2002, there have been only six executions of child offenders in the world: one in China, one Iran, and four in the United States (three in Texas and one in Oklahoma).

International treaties and customary international law forbid capital punishment for offenders under the age of 18 at the time of the offense for which they were convicted. This standard reflects the reality that children are different from adults; that they lack the experience, judgment, maturity, and restraint of an adult; and that with help even the most errant can be rehabilitated. As the Supreme Court recognized in 1988 when it struck down the death penalty for fifteen-year-olds in *Thompson v. Oklahoma*, The reasons why juveniles are not trusted with the privileges and responsibilities of an adult also explain why their irresponsible conduct is not as morally reprehensible as that of any adult.

Internationally, the near total isolation of the United States on this issue has very real costs for U.S. diplomatic interests, as well as the standing of the United States in the world. When nearly every country in the world rejects the practice of subjecting children to the death penalty as unjust and barbaric, the United States defends the dwindling minority of U.S. states that retain the practice at its peril. It strains relations with key allies at a critical time, and undermines the ability of the United States to champion democracy and human rights around the world. Signing this bill into law will send a strong signal to the rest of the world that United States believes in children's rights, even as it acts to ensure appropriate punishment for juvenile offenders.

Human Rights Watch opposes capital punishment in all circumstances. The death penalty is a form of punishment unique in its cruelty and is inevitably carried out in an arbitrary manner, inflicted primarily on the most vulnerable the poor, the mentally ill, and persons of color. The intrinsic fallibility of all criminal justice systems assures that even when full due process of law is respected, innocent persons may be executed.

For the above reasons, we urge you to sign SB 513 into law.

Sincerely,

s/

Wendy Patten

U.S. Advocacy Director

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