

Human Rights Watch

Children's Rights

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New Figures Show More Youth Sentenced to Die in Prison

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(Washington, DC) - The US Congress should pass a proposed law to end the sentencing of youth offenders to life in prison without the possibility of parole, Human Rights Watch said today in a [letter](#) to members of the House Judiciary Committee. At least 2,574 individuals in the United States are serving these sentences for crimes they committed before they were 18 years old. The United States is the only country that uses such sentences for crimes committed by juveniles.

On May 6, 2009, Representatives Robert "Bobby" Scott and John Conyers introduced H.R. 2289, the Juvenile Justice Accountability and Improvement Act of 2009, in the US House of Representatives. The bill would require states and the federal government to offer youth offenders meaningful opportunities for parole after serving 15 years of a life sentence.

"Sentencing juveniles to die in prison is cruel, costly, and unnecessary," said David Fathi, US Program director at Human Rights Watch. "Even youths who commit terrible crimes can grow and be rehabilitated."

The introduction of the bill coincided with Human Rights Watch's release of [new figures](#) showing that there are currently at least 2,574 persons in US prisons who were sentenced to life without parole for crimes committed before the age of 18, an increase of 90 from May 2008.

The higher number is due primarily to improvements in data reporting rather than significant increases in the number of youth sentenced to life without parole. Increases were most dramatic in California (250 total, an increase of 23), Michigan (346 total, an increase of 30), and the federal Bureau of Prisons (37 total, an increase of 35). Iowa, Louisiana, Massachusetts, Ohio, and Texas also saw increases in juvenile life without parole. The states with the largest numbers of prisoners serving this sentence are Pennsylvania (444), Michigan (346), Louisiana (335), Florida (266), and California (250).

[Research](#) by Human Rights Watch found that nationwide, 59 percent of youth serving life without parole sentences received the sentence for their first criminal conviction, and 16 percent were 15 or younger at the time of their offense. An estimated 26 percent were convicted on the basis of accomplice liability or felony murder. These are crimes in which a teenager who commits a non-homicide felony such as a robbery is held responsible for a codefendant's act of murder during the course of the crime. State laws often do not require the person convicted on this charge to know that a murder was planned or even that the codefendant was armed.

"Subjecting juvenile offenders to the harshest sentence possible fails to recognize that they are simply different from adults," Fathi said. "The evidence we have is that they are less culpable for their actions, and more amenable to rehabilitation."

Recent studies of adolescent brain development have found that teens do not have the abilities of adults to make sound decisions, control their impulses, resist group pressures, or weigh the long-term consequences of their actions.

Human Rights Watch has also found substantial racial disparities in life without parole sentences given to juveniles. On average across the country, black youth are serving life without parole at a per capita rate that is 10 times that of white youth. In Pennsylvania, which has the largest number of juvenile offenders serving life without parole, black youth are 21 times as likely to be serving the sentence as white youth.

Last year, the United Nations Committee on the Elimination of Racial Discrimination urged the United States to discontinue the use of the sentence, finding that the persistent racial disparities in sentencing were incompatible with US treaty obligations. US sentencing of youth to life without parole is also a violation of, or raises concerns under, other international treaties to which the United States is party, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Juvenile Justice Accountability and Improvement Act of 2009 would require states to provide juvenile offenders serving life

sentences with meaningful opportunities for parole at least once during their first 15 years of incarceration, and at least every three years thereafter. States that do not comply would lose a portion of their federal funding for law enforcement. The bill would also require parole hearings for juveniles given life sentences under federal law.

"Giving these juvenile offenders an opportunity for a parole hearing is not a guarantee of release," said Fathi. "But it offers them incentives for rehabilitation and brings the United States into line with internationally recognized standards of justice."

On May 4, the US Supreme Court agreed to decide whether life without parole for juveniles who have committed only non-homicide crimes violates the US Constitution's prohibition on cruel and unusual punishments. The case will be heard in the court's next term, which begins in October.

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