

Human Rights Watch

Children's Rights

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On Thursday, Georgia plans to execute Alexander Williams, who is mentally ill and was a juvenile ---age 17 --- at the time of his crime.

This execution would be the fifth of a juvenile offender nationwide this year, and the first such execution in Georgia since 1993.

International human rights law flatly prohibits the execution of a person for a crime he or she committed when under the age of 18.

This international prohibition on the execution of juvenile offenders reflects the reality that children are different than adults. They lack an adult's experience, perspective, judgment, maturity, and restraint. With help, even the most errant may be rehabilitated.

But the United States is out of step with international consensus. It is one of only two nations that has not ratified the Convention on the Rights of the Child --- the other is Somalia, which lacks a functioning government.

Since the U.S. Supreme Court reinstated the death penalty in 1976, a total of 17 juvenile offenders have been put to death. Approximately 70 more now sit on death row.

No other nation in the world comes close to this shameful record, making the United States the worldwide leader in juvenile executions. In fact, the only other countries known to execute juvenile offenders are Iran, Nigeria, Pakistan, Saudi Arabia, and Congo.

China and Yemen, among the last holdouts, banned juvenile executions in 1997.

The Supreme Court last addressed the constitutionality of executing juvenile offenders in 1989. In its decision in *Stanford v. Kentucky*, the court found that imposing the death penalty on 16- and 17-year-old offenders was not contrary to "evolving standards of decency" because there was no national consensus against the execution of juvenile offenders. Thus, the "standard of decency" of almost every other country is higher than that of the United States when it comes to the death penalty.

But a national consensus against the juvenile death penalty is emerging. Today, of the 38 states that retain the death penalty, 15 states and the federal system restrict the death penalty to adult offenders. Georgia and four other states prohibit the execution of offenders who were 16 or younger at the time of their crimes.

Last year, Montana abolished the death penalty for those younger than 18 at the time of their crimes. The Florida Supreme Court ruled that the imposition of the death penalty on 16-year-old offenders was cruel and unusual punishment in violation of the state constitution.

Abolishing the death penalty for juvenile offenders would not excuse them of criminal responsibility. Those who are convicted can be imprisoned for life. Life imprisonment is sufficient to express society's outrage at horrible crimes, to hold offenders accountable and to protect society from further violence.

Even for adults, being guilty of a capital crime is not enough to warrant the death penalty. U.S. law reserves it only for the most blameworthy offenders, based on consideration of their background, character, motivation, and the circumstances of their crimes.

Adolescents simply cannot meet that standard of blameworthiness. As the Supreme Court recognized when it struck down the death penalty for 15-year-olds in 1988, "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 an adult."

Putting to death those who were minors at the time of their crimes and also suffer from mental illness violates the most basic principles of justice and morality. The Georgia Board of Pardons and Paroles should take the first step to uphold these standards by commuting Alexander William's sentence to life in prison. The legislature should follow by prohibiting the death penalty for juvenile offenders.

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