

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/cruel-punishment-for-juveniles-still-not-unusual>

Public Facing Advocacy Writing

Today's Supreme Court ruling in [Graham v. Florida](#) is undoubtedly a victory for Eighth Amendment advocates. But at Vera, a national leader in advancing fairer and more effective sentencing policies, we know that it only scratches the surface of what is a much wider domestic human-rights problem.

While today's decision will allow for the possibility of parole review of 100 prisoners currently serving life for a non-homicide crime, it does nothing to affect the sentences of the more than 2,000 other prisoners serving juvenile-life-without-parole (JLWOP) sentences for crimes involving a homicide. Most of these people are first-time offenders, and up to a quarter of them are serving mandatory sentences for felony murder crimes, often involving an adult co-defendant. Those inmates can still expect to die in prison without any opportunity to be rehabilitated into society.

Today's decision reflects the high courts growing recognition that adolescents are unable to achieve the mental state necessary to be convicted of certain crimes reserved for adult offenders. It acknowledged as much in 2004's *Roper v. Simmons* when it held that the [Eighth Amendment](#) precluded juveniles from receiving a death sentence. Both *Roper* and *Graham* acknowledge that international consensus can be taken into account in determining the limits of our own Constitution's prohibition against cruel and unusual punishment.

Since Israel's recent abolition of the practice, the United States now stands alone in its continued imposition of JLWOP. This sentence runs afoul of numerous international treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. The Convention on the Rights of the Child (CRC) expressly prohibits JLWOP; as of 2008, the United States is the only country besides Somalia that has failed to ratify the CRC. Studies have shown that race is a critical factor determining whether or not a juvenile offender will receive a LWOP sentence. [The Center for Law and Global Justice](#) reported that African American children are on average 10 times more likely than white children to be sentenced to life without parole, and in certain states the rate is up to 20 times.

Vera's [Center on Sentencing and Corrections](#) and its [Center on Youth Justice](#) work to reduce over-incarceration and promote public safety using evidence-based models rather than purely punitive approaches to criminal justice. It's clear to us that policymakers should extend the perspective behind the *Graham* decision to all [juveniles](#) serving life without parole.

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