

Human Rights Watch

Children's Rights

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Members of the Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Dear Representative:

I am writing on behalf of Human Rights Watch to urge your support for H.R. 2289, the Juvenile Justice Accountability and Improvement Act of 2009. This legislation addresses fundamental problems in the sentencing of juveniles to life without parole in the United States, a practice that violates international law, is plagued by racial disparities, and is inappropriately applied to youthful offenders.

Human Rights Watch has investigated the use of life without parole for youth throughout the United States since 2004. We have found that while there are at least 2,574 people who were convicted of crimes committed as children sentenced to life without parole in the United States, there is not a single individual serving this sentence in the rest of the world.

Based on our research, we support the passage of H.R. 2289 for three main reasons: the sentencing of juveniles to life without parole is frequently disproportionate, it is racially discriminatory, and it violates international law.

First, the sentence of life without parole was created for the worst criminal offenders. But Human Rights Watch estimates that 59 percent of the youth serving life without parole in the United States received this sentence for their very first offense—they had no prior criminal convictions whatsoever, arising from either juvenile or adult courts. Our research has also found that approximately 26 percent of the youth sentenced to life without parole had not actually committed a murder and were convicted for their role in aiding and abetting or participating in a felony. In these cases, someone else was the primary actor in committing the crime.

Recent developments in neuroscience support the view that life without parole is not an appropriate sentence for juveniles. Research has found that teens do not have adults' developed abilities to think, to weigh consequences, to make sound decisions, to control their impulses, and to resist group pressures. Their brains are anatomically different, still evolving into the brains of adults. While juveniles can commit the same acts as adults, by virtue of their immaturity they are not as blameworthy or culpable. At the same time, their age and level of development make them uniquely amenable to rehabilitation compared to adults. For these reasons, it is singularly inappropriate to sentence juveniles to die in prison without any opportunity for rehabilitation.

Second, we have serious concerns that racial discrimination and disparities plague the sentencing of youth to life without parole throughout the United States. 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. Many states have racial disparities that are far greater. Among the 26 states with five or more youth offenders serving life without parole for which we have race data, the highest black-to-white ratios are in Connecticut, Pennsylvania, and California, where black youth are between 18 and 48 times more likely to be serving a sentence of life without parole than white youth.

Finally, we support H.R. 2289 because the US practice of sentencing youth to life without parole violates international law. International law prohibits life without parole sentences for those who commit their crimes before the age of 18, a prohibition that is universally applied outside of the United States. Oversight and enforcement bodies for two treaties to which the United States is a party (the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination) have found the practice of sentencing juvenile offenders to life without parole to be a clear violation of US treaty obligations.

The Juvenile Justice Accountability and Improvement Act of 2009 provides a measured approach to juveniles sentenced to life without parole. It would end such sentencing for juveniles charged with federal crimes, and would give incentives to individual states to provide meaningful access to parole hearings or other review for youth offenders who have served at least 15 years of their sentence.

H.R. 2289 will still allow states and the federal government to ensure that young offenders receive serious punishments to hold them accountable for actions that have caused enormous suffering to victims and their families. However, the bill also reflects the reality that children are different from adults, and the punishment imposed for their offenses should reflect their age and level of development. By providing the opportunity for parole hearings or other review, the bill gives youth an incentive to work toward rehabilitation in prison. Such reviews would also provide a necessary opportunity for victims and their families to be heard.

H.R. 2289 would bring the United States closer to compliance with its treaty obligations and internationally recognized standards of justice. It would recognize that youth are different from adults and provide incentives for rehabilitation that reflect their unique ability to change. Human Rights Watch urges you to support this bill.

Sincerely,

David C. Fathi
Director, US Program

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