



## Life sentences in countries that practice inhuman sentencing.

### Antigua and Barbuda

**Life sentence for treason regardless of age:** The Treason Act (article 8)<sup>1</sup> sets a mandatory life sentence for treason offences, and the government has reported that this applies to persons under the age of 18<sup>2</sup>.

**Indeterminate sentences:** The Offences Against the Person Act (article 3) provides for detention “during Her Majesty's pleasure” for which no limits are set. The Government has stated that this allows for the possibility of life imprisonment for under 18s<sup>3</sup>.

**Juvenile courts:** Offences committed by under 18s, with the exception of murder or those allegedly committed jointly with an adult, should be heard in the juvenile court (Juvenile Court Act, art. 3)<sup>4</sup>, and there is no life imprisonment under the Juvenile Act (article 12)<sup>5</sup>.

**Magistrates' Courts:** no person under the age of 14 convicted under the Magistrates Code of Procedure or the Juvenile Act<sup>6</sup> can be sentenced to imprisonment and no person between the ages of 14 and 16 can be sentenced to more than three months imprisonment<sup>7</sup>.

**The meaning of “life imprisonment”:** An indeterminate life sentence is possible for murder and treason, so that a person convicted of those offences may never leave prison.

- Legislation may be read as allowing life without parole, but no known sentences of this have been imposed<sup>8</sup>.

### Bangladesh

**Under 16s no life imprisonment:** Article 53 of the Children Act has been interpreted as preventing life imprisonment for children under 16<sup>9</sup>.

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1 The Treason Act, Cap. 439 (<http://www.laws.gov.ag/acts/chapters/cap-439.pdf>)

2 UNCRC, State Report, September 2004 (CRC/C/28/Add.22) para. 89 (<http://www2.ohchr.org/english/bodies/crc/crcs37.htm>)

3 Ibid.

4 The Juvenile Courts Act, Cap 230 (<http://www.laws.gov.ag/acts/chapters/cap-230.pdf>)

5 The Juvenile Act, Cap. 229 (<http://www.laws.gov.ag/acts/chapters/cap-229.pdf>)

6 The Magistrates' Code of Procedure, Cap 255, art. 101 (<http://www.laws.gov.ag/acts/chapters/cap-255.pdf>)

7 Ibid. art. 103

8 University of San Francisco Law School, The Centre for Law and Global Justice ([http://www.usfca.edu/law/jlwop/other\\_nations/](http://www.usfca.edu/law/jlwop/other_nations/))

9 The Children Act 1974 ([http://www.law.yale.edu/rcw/rcw/jurisdictions/assc/bangladesh/Bang\\_Child\\_Act\\_and\\_Rules.htm](http://www.law.yale.edu/rcw/rcw/jurisdictions/assc/bangladesh/Bang_Child_Act_and_Rules.htm))

**Children aged 16 and 18 tried as adults:** the Penal Code allows for life imprisonment, always including hard labour (s.53), for a range of offences, but can this be commuted to a term not exceeding 20 years (s. 55)<sup>10</sup>.

**Special Powers Act:** range of offences for which life imprisonment is a punishment<sup>11</sup>.

**The meaning of “life imprisonment”:** The definition of “life” with regards to a life sentence is unclear. Section 57 (Penal Code) provides that a life sentence is taken to be one of 30 years when calculating “fractions” of a sentence.

Section 45 of the Penal code indicates that “life” denotes the life of a human being unless the contrary appears from the context

**Number of children involved:** In January 2000 there were four children under 15 serving life sentences in Tongi Child Development Centre and in August 2008 there was one child under 15 serving a life sentence in Jessore Child Development Centre (Ministry of Women and Children Affairs)<sup>12</sup>.

### **Barbados**

**Indeterminate sentences:** Section 14 of the Juvenile Offenders Act<sup>13</sup> prescribes detention “during Her Majesty’s pleasure” for under 18s where the death penalty would be applicable for an adult

**Persons aged 16-17 are tried as adults:** A wide range of offences are punishable by life imprisonment.

**Persons aged 14 and 15:** Are only imprisoned where “he can be suitably dealt with in any other way whether by probation, fine, corporal punishment, committal to a Reformatory and Industrial School or otherwise” (s. 13(2) Juvenile Offenders Act)

**Persons under 14:** may not be sentenced to imprisonment (s. 13(1), Juvenile Offenders Act)

### **Botswana**

**No explicit prohibition:** The Penal Code states that no person under 14 can be sentenced to imprisonment (Penal Code, s. 27(1))<sup>14</sup>, but there is no explicit prohibition on life imprisonment for older children.

- The Children Act 2009<sup>15</sup> provides for children to be sentenced to imprisonment and that a child convicted of a capital offence other than murder, shall be sentenced to “such [a] term as the court considers appropriate” (art. 89(3)). Life imprisonment is not prohibited, and no specific sentence is specified for murder.

**Indeterminate sentences:** The Penal Code (section 26(2)) prohibits the death penalty for child offenders, but provides for detention “during the President's pleasure” in its place.

10 The Penal Code of Bangladesh Act No. XLV of 1860 ([http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=11](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=11))

11 The Special Powers Act 1974, Act No. XIV ([http://bdlaws.minlaw.gov.bd/print\\_sections\\_all.php?id=462](http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=462))

12 CRC, State Report, (CRC/C/BGD/4) 23 October 2008 (<http://www2.ohchr.org/english/bodies/crc/crcs51.htm>)

13 The Juvenile Offenders Act, Cap. 138 ([http://www.unicef.org/lac/spbarbados/Legal/national/Barbados/National%20Legislation/JuvenileOffenders\\_1998.pdf](http://www.unicef.org/lac/spbarbados/Legal/national/Barbados/National%20Legislation/JuvenileOffenders_1998.pdf))

14 The Penal Code, Ch. 08:01 ([http://www.wipo.int/wipolex/en/text.jsp?file\\_id=238601](http://www.wipo.int/wipolex/en/text.jsp?file_id=238601))

15 The Children Act 2009

([http://www.aclr.info/images/stories/uploader/Publication\\_files/Acts/Botswana\\_Children\\_Act\\_08\\_of\\_2009.pdf](http://www.aclr.info/images/stories/uploader/Publication_files/Acts/Botswana_Children_Act_08_of_2009.pdf))

- There would be no limit on the term that could be served

### **Brunei Darussalam**

**Persons under the age of 14:** cannot be sentenced to imprisonment (Children and Young Persons Order, art. 44)<sup>16</sup>

**Persons between the ages of 14 and 18:** May not be detained unless “of so unruly a character that he cannot be detained in a place of detention of an approved school” (Children and young Persons Order, art. 44)

- Alternative measures to imprisonment exist for persons under the age of 18, including discharge, probation, and/or custody in a place of detention, but these measures are not mandatory (Criminal Procedure Code, art. 262)<sup>17</sup>

**Indeterminate sentences:** where a child of young person is convicted of murder, or other culpable homicide not amounting to murder, or attempted murder of voluntarily causing grievous hurt, he or she may be sentenced to be detained at His Majesty the Sultan and Yang Di-Pertuan's pleasure” (Children and Young Persons Order, art. 45)

- The same penalty exists for any offence formerly punishable by death (Penal Code, 238)<sup>18</sup>

**The meaning of “life imprisonment”:** Life sentences can last a whole life, but they are subject to parole review once per year.

### **Dominica**

**Indeterminate sentences:** in prohibiting the death penalty for persons under 18, the Offences Against the Person Act prescribes in lieu detention “during the State's pleasure” (art. 3). The Government has stated that such a person may be sentenced to life imprisonment without possibility of release<sup>19</sup>.

**Meaning of “life”:** Ch. 10:31 may allow for life without parole but no known cases<sup>20</sup>

### **Grenada**

**Persons aged 16 and 18 are tried as adults:** Life imprisonment exists for a range of offences in the Criminal Code<sup>21</sup>

**Under 16 are probably not subject to life imprisonment:** It is likely that life imprisonment would be lawful for younger children under the substitute for capital punishment provisions of the Criminal Code (s. 230).

### **Guyana**

**Indeterminate sentences:** The Criminal Law (Procedure) Act (s. 164)<sup>22</sup> provides for detention “during the President pleasure” for capital offences for persons under 18.

16 Children and Young Persons Order 2006 ([http://www.ilo.org/dyn/natlex/natlex\\_browse.details?p\\_lang=en&p\\_isn=73344](http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=73344))

17 Criminal Procedure Code Cap. 7 of 1951 (<http://www.agc.gov.bn/agc1/images/LOB/PDF/Cap7.pdf>)

18 Penal Code, Cap 22 of 1951 (<http://www.agc.gov.bn/agc1/images/LOB/PDF/Cap22.pdf>)

19 CRC State Report, (CRC/C/8/Add.48) (<http://www2.ohchr.org/english/bodies/crc/crcs36.htm>)

20 Supra. 8

21 The Criminal Code ([http://www.wipo.int/wipolex/en/text.jsp?file\\_id=253233](http://www.wipo.int/wipolex/en/text.jsp?file_id=253233))

22 The Criminal Law (Procedure) Act, Cap. 10:01 ([http://www.oas.org/juridico/spanish/mesicic2\\_guy\\_criminal\\_proc\\_act.pdf](http://www.oas.org/juridico/spanish/mesicic2_guy_criminal_proc_act.pdf))

- President's pleasure usually at the New Opportunity Corps (training school) and transferred to appropriate place of detention at 18<sup>23</sup>
- There is no explicit prohibition on life imprisonment.

**Restrictions on imprisonment for children:** The Juvenile Offenders Act<sup>24</sup> (ss. 13 and 14) proved that no person under 17 may be sentenced to imprisonment. There is an exception to this general rule in relation to murder, manslaughter or wounding with intent to cause grievous bodily harm (s. 15).

- The Criminal Law (Offences) Act<sup>25</sup> allows for murder and manslaughter to be punishable by life imprisonment. It would seem, therefore that children can be subject to life imprisonment for these offences.
- There is a lack of clarity in these provisions. With regards to the separate treatment of children under the age of 17, the relevant provisions do not use mandatory language, so such persons **may** be dealt with under the Juvenile Offenders Act

**17 years old tried as adults:** Persons aged 17 are tried as adults and life imprisonment is a penalty for some offences (See the Criminal Law (Offences) Act).

**No clear definition of life imprisonment:** The Criminal Law (Offences) Act does not define life imprisonment

### India

**Life imprisonment is prohibited in federal law:** under the Juvenile Justice (Care and Protection of Children) Act<sup>26</sup>, “no juvenile in conflict with the law shall be sentenced to death or imprisonment for any term which may extend to imprisonment for life” (s. 16).

**Jammu and Kashmir:** Children as young as 14 may be sentenced “to be kept in safe custody in such place and manner as [the Court] thinks fit”, but that the period of detention may not exceed that of the maximum period for which the juvenile could be sentenced for the offence. (The Ranbir Penal Code, s. 22)<sup>27</sup>. Life imprisonment is not expressly prohibited.

### Iran

Life imprisonment is prescribed for theft (third offence) (Islamic Penal Code, art. 201)<sup>28</sup> and for forcing another person to commit murder (art. 211). There is no explicit prohibition of life imprisonment for persons under 18.

### Kiribati

**Life imprisonment is applicable regardless of age:** Life imprisonment is specified in the Penal Code for a large number of offences, and no limitations are set with regards to age<sup>29</sup>.

**Mandatory life sentences:** Life imprisonment is mandatory for treason, instigating invasion, piracy

23 Initial State Report to the CRC (CRC/C/8/Add.47), para. 390

(<http://www2.ohchr.org/english/bodies/crc/past.htm#35>)

24 The Juvenile Offenders Act, Cap. 10:03 ([http://www.gina.gov.gy/gina\\_pub/laws/Laws/cap1003.pdf](http://www.gina.gov.gy/gina_pub/laws/Laws/cap1003.pdf))

25 The Criminal Law Offences Act, Cap 8:01 ([http://www.gina.gov.gy/gina\\_pub/laws/Laws/cap801.pdf](http://www.gina.gov.gy/gina_pub/laws/Laws/cap801.pdf))

26 The Juvenile Justice (Care and Protection of Children) Act 2000 (<http://wcd.nic.in/childprot/jjact2000.pdf>)

27 See CRIN, “INDIA: Inhuman Sentencing of Children” (<http://www.crin.org/violence/search/closeup.asp?infoID=23456>)

28 The Islamic Penal Code ([http://www.iran-law.com/article.php3?id\\_article=84](http://www.iran-law.com/article.php3?id_article=84))

29 The Kiribati Penal Code ([http://www.wipo.int/wipolex/en/text.jsp?file\\_id=195858](http://www.wipo.int/wipolex/en/text.jsp?file_id=195858))

and murder (Penal Code, ss. 47, 48 63 and 193).

### Libya

Life imprisonment is unlawful for persons under 18 years<sup>30</sup>.

### Malaysia

**Indeterminate sentences:** In prohibiting the death penalty for persons under 18, the Child Act<sup>31</sup> prescribes detention during the pleasure of the Yang di-Pertuan Agong if committed in the federal territories of Kuala Lumpur or Labuan or the Yangi di-Pertua Negeri if the offence was committed in the State (s. 97).

- Detention must be reviewed annually, but there is no prohibition on life imprisonment

**Internal Security Act<sup>32</sup>:** Offences under this Act and the corresponding Essential (Security Cases) Regulations are punished “regardless of age” (s. 3). Life imprisonment is prescribed for the offences of consorting with persons possessing arms or explosives and to the disruption of public security, public order and terrorism” (ss. 58 and 59).

### Maldives

**Life imprisonment without possibility of release:** The Government has reported that this penalty is not applicable for offences committed by persons under 18, but there appears to be no explicit prohibition (CRC/C/MDV/3, para. 608)<sup>33</sup>.

**No explicit prohibition:** Under the Regulation on Conducting Trials, Investigations and Sentencing Fairly for Offences Committed by Minors<sup>34</sup>, a child convicted of an offence punishable by imprisonment or banishment may be sent to a juvenile detention centre, a rehabilitation centre or may be placed under house arrest subject to judicial discretion (s. 17(b)). There is no explicit prohibition, however, on a sentence of life imprisonment.

**Commutation of capital punishment:** According to one source, sentences of death are usually commuted to life sentences (*Moving from aspirations to impact: NGO Shadow Report on CRC*, co-ordinated by Hama Jamiyya and Care Society with funding from UNICEF (2006), para. 120)<sup>35</sup>, and this would presumably apply to children.

**The meaning of “life imprisonment”:** under the Penal Code<sup>36</sup>, life imprisonment is taken to be 25 years for the purposes of calculating fractions of terms of punishment (art. 16). This section also provides that “[no] punishment given under this Law for a single offence shall exceed 25 years”. This limits a life sentence to 25 years *imprisonment* but it is possible that the sentence may contain restrictions beyond this.

### Nigeria<sup>37</sup>

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30 CRC, State Report, September 2002 (CRC/C/93/Add.1) (<http://www2.ohchr.org/english/bodies/crc/past.htm#33>)

31 The Child Act 2001 (<http://www.agc.gov.my/Akta/Vol.%2013/Act%20611.pdf>)

32 The Internal Security Act 1960 (<http://www.agc.gov.my/Akta/Vol.%202/Act%2082.pdf>)

33 CRC, Maldives State Report, (CRC/C/MDV/3), para. 608 (<http://www2.ohchr.org/english/bodies/crc/crcs45.htm>)

34 The Regulation on Conducting Trials, Investigations and Sentencing Fairly for Offences Committed by Minors (<http://www.agoffice.gov.mv/pdf/subrege/Minors.pdf>)

35 ([http://www.crin.org/docs/Maldives\\_HJ\\_NGO\\_Report.pdf](http://www.crin.org/docs/Maldives_HJ_NGO_Report.pdf))

36 Maldives Penal Code Act No. 1/81 (<http://www.agoffice.gov.mv/pdf/sublawe/PC1.pdf>)

37 CRIN, “NIGERIA: Inhuman Sentencing in Nigeria” (<http://www.crin.org/violence/search/closeup.asp?infoID=23890>)

**In States with legislation derived from the Children's Act 2003** there is no prohibition on life imprisonment for children

- For murder, robbery, manslaughter or wounding another person with the intent to do grievous bodily harm, children may be ordered to be detained for such period as may be specified in the order and in such a place and on such conditions as the Court may direct (art. 222 of the Children's Rights Act)

Akwa-Ibom: A child is defined in the Children's Rights Act as 16 and under, which indicates that persons aged 17 are sentenced as adults, including to life imprisonment

Northern Jigawa: Muslim children may be sentenced to life under the Sharia Penal Code 2000 and Sharia Criminal Procedure Code Law 2001 from puberty, and non-Muslim children from the age of 17 under the Penal Code 1960 and the Criminal Procedure Code

**Where the Children's Rights Act 2003 has not been adopted** the Child and Young Persons Act provides for the detention of persons under 17 "at the President's pleasure" in lieu of capital punishment

- The Criminal Procedure Act 1945 provides that 7-13 year olds shall not be imprisoned and no person between the age of 14 and 16 shall be imprisoned "if he can be dealt with in any other way whether by probation, fine, corporal punishment or otherwise" (art. 419(1)). Persons aged 9-13 may not be sentenced to imprisonment "unless the court is of the opinion that the individual in question is of so unruly a character that he cannot be detained in a convenient Government establishment or an institution or that he is so depraved a character that he is not a fit person to be so detained"(art. 432)(2)).
- Persons aged 17 or over can be tried as adults and may be sentenced to life imprisonment for a number of crimes, including treason, rioting, perjury, escaping from custody etc.
- Women aged 17 and over who are pregnant at the time of sentencing for a capital crime shall be sentenced for imprisonment for life (Criminal Procedure Act, art. 368)

Note: there is a great deal of variation with regards to laws among the Nigerian States

### **Pakistan**

**Life imprisonment for under 18s not prohibited:** The Juvenile Justice System Ordinance does not prohibit life imprisonment, though it provides for non-mandatory alternatives<sup>38</sup>.

**Life sentences for children** also exist under the Control of Narcotic Substances Act<sup>39</sup> and, probably, the Anti-Terrorism Act

**Life is defined** as the life of a human being unless contrary appears from the context

- **BUT:** s. 55 allows that life imprisonment can be commuted to a term not exceeding fourteen years by the relevant Provincial Government (for Offences under Ch. XVI, offences affecting the body and particularly life, the consent of the victim/heirs is required)
- Section 57 of the Penal Code<sup>40</sup> provides that life imprisonment is reckoned to be equivalent to 25 years in calculating sentences based on fractions thereof

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38 The Juvenile Justice System Ordinance 2000 ([www.karachieast.org/decfiles/juvenile.doc](http://www.karachieast.org/decfiles/juvenile.doc))

39 The Control of Narcotic Substances Act No. XXV of 1997 (<http://www.fmu.gov.pk/docs/laws/Control%20of%20Narcotic%20Substances%20Act.pdf>)

40 The Penal Code, Act No. XLV of 1860 (<http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>)

## Qatar

**Persons aged 16 and 17:** Are sentenced under the Penal Code<sup>41</sup>, rather than the Juvenile Act, and may be sentenced to life (“perpetual imprisonment”) for a number of crimes.

## Saudi Arabia

**No explicit prohibition on life imprisonment:** The Government has stated that minors may not be detained in public prisons and must be placed in supervised residential institutions (CRC.C.136.Add.1, para. 36)<sup>42</sup>. The law allows judges to reduce the period of detention for improved behaviour or for memorising the Koran, but there is no explicit prohibition on life imprisonment for child offenders.

## Somalia, Somaliland and Puntland

Life imprisonment is lawful for child offenders in South/Central Somalia and Puntland, but not in Somaliland.

**Children aged 14 to 17:** Can be sentenced to life imprisonment or imprisonment for 20-30 years for otherwise capital offences. If the punishment for adults would have been life, the maximum sentence is 20-24 years (articles 60 and 119, Penal Code)<sup>43</sup>.

- Children aged 14-17 shall only be so sentenced when other measure is suitable, but this would not apply to offences of murder, over which the Juvenile Court has no jurisdiction (art. 3, Juvenile Courts and Reformatories Law 1970)<sup>44</sup>

**Children Under 14:** The Juvenile Courts and Reformatories Law 1970 provides that no child under 14 should be sentenced to imprisonment,

Life imprisonment is not a punishment under Islamic law or customary law so far as CRIN is aware.

**Somaliland:** Juvenile Justice Law 2007 prohibits life imprisonment and imprisonment for longer than 15 years<sup>45</sup>.

## St Kitts and Nevis

**Indeterminate sentences:** The Offences Against the Person Act, s. 3(1): prohibits the death penalty for persons convicted of murder when they were under 18 (unclear whether the relevant date is the offence or the conviction). Children may be detained “during the Governor-General's pleasure”.

- Detention wholly discretionary, but life imprisonment without release is not ruled out. Privy Council held in *Greene Browne v The Queen*, (PC Appeal No. 3 of 1998)<sup>46</sup> that this should be read as “during the Court's pleasure”

## St Vincent and the Grenadines

**Life sentences for under 16s:** The Government has stated that in lieu of the death penalty, a person

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41 The Penal Code, Law No. 2 of 2004

(<http://portal.www.gov.qa/wps/wcm/connect/8abaea8046be1deaae97ef70b3652ad8/Penal+Code.pdf?MOD=AJPERES&useDefaultText=0&useDefaultDesc=0>)

42 CRC, State Report (CRC/C/136/Add.1), para. 36 (<http://www2.ohchr.org/english/bodies/crc/crcs41.htm>)

43 The Penal Code, Legislative Decree No. 5 of 1962 ([http://www.somalilandlaw.com/Penal\\_Code\\_English.pdf](http://www.somalilandlaw.com/Penal_Code_English.pdf))

44 See CRIN, “SOMALIA: Inhuman sentencing of children” (<http://www.crin.org/violence/search/closeup.asp?infoID=24533>)

45 The Juvenile Justice Law, Law No. 36/2007 ([http://www.somalilandlaw.com/headingjuvenile\\_justice\\_law.html](http://www.somalilandlaw.com/headingjuvenile_justice_law.html))

46 ([http://www.eccourts.org/judgments/privy\\_council/1999/GreeneBrowne\\_v\\_Queen.pdf](http://www.eccourts.org/judgments/privy_council/1999/GreeneBrowne_v_Queen.pdf))

under 16 at the time of the offence may be detained for life (CRC/C/8.Add. 18, para. 128)<sup>47</sup>.

**Persons aged 16 and 17:** Are tried as adults and can face life imprisonment for a number of offences.

**The meaning of “life imprisonment”:** Legislation could allow a sentence of life without parole, but no known juvenile is serving such a sentence. May be read as allowing life without parole, but there are no known cases<sup>48</sup>.

### Singapore

**Persons under the age of 18:** May not be sentenced to death, but a sentence of life imprisonment must be passed in lieu of capital punishment (Criminal Procedure Code, art. 314).

**Persons aged 16 and 17:** Are tried as adults and can be sentenced to life imprisonment for a number of offences under the Penal Code<sup>49</sup>.

**Persons aged 7-15:** for certain serious offences, including culpable homicide not amounting to murder, attempted murder and voluntarily causing grievous hurt, the court may sentence the offender to be detained for the duration specified in the sentence (Penal Code, art. 38). The Penal Code punishes culpable homicide and attempted murder with life imprisonment (Penal Code, art. 304 and 307).

**Meaning of “life”:** Cases decided after the case *Abdul Nasir bin Amer Hamsah* in 1997<sup>50</sup>, require a minimum term of 20 years to be served for a life sentence, at which point release would be at the discretion of the Life Imprisonment Review Board or the President's Pleasure Review Board<sup>51</sup>.

- S. 203(a): penalty for homicide is “imprisonment for life, or imprisonment for a term which may extend to 20 years”

### Sudan

**South Sudan:** S. 21 of the Child Act 2008<sup>52</sup> States that “no child shall be sentenced to ... life imprisonment”. This appears to relate to the age of the child at the time of sentencing.

**Sudan:** The Criminal Act 1991<sup>53</sup> states that persons under 18 may not be sentenced to imprisonment except for the offence of armed robbery (art. 33(3)). Armed robbery can carry a life sentence in some southern states, though only when it involves rape (art. 168).

- There is no prohibition on life imprisonment in the Child Act 2010

### Swaziland

We have been unable to establish the legality of life imprisonment as a sentence for child offenders.

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47 CRC, State Report, October 2001 (CRC/C/8/Add.18) (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G01/450/63/PDF/G0145063.pdf?OpenElement>)

48 Supra. 8

49 Penal Code, Cap 224 ([http://www.protectionproject.org/wp-content/uploads/2010/09/Singapore\\_TIP-provisions.pdf](http://www.protectionproject.org/wp-content/uploads/2010/09/Singapore_TIP-provisions.pdf))

50 ([http://lwb.lawnet.com.sg/legal/lgl/rss/landmark/%5B1997%5D\\_SGCA\\_38.html](http://lwb.lawnet.com.sg/legal/lgl/rss/landmark/%5B1997%5D_SGCA_38.html))

51 Lee and Lee Advocates, “The 'Ten or Life' Perplexity in Section 304(a) of the Penal Code- an analysis of Case Law on point” ([http://www.leenlee.com.sg/uploads/media/The\\_Ten\\_or\\_Life\\_Perplexity\\_in\\_S304\\_a\\_-\\_Christopher\\_de\\_Souza\\_01.pdf](http://www.leenlee.com.sg/uploads/media/The_Ten_or_Life_Perplexity_in_S304_a_-_Christopher_de_Souza_01.pdf))

52 The Child Act 2008 ([http://www.goss-online.org/magnoliaPublic/en/Laws--Legislation--Policies/mainColumnParagraphs/0/content\\_files/file13/16.pdf](http://www.goss-online.org/magnoliaPublic/en/Laws--Legislation--Policies/mainColumnParagraphs/0/content_files/file13/16.pdf))

53 The Criminal Act 1991 ([http://www.mpil.de/shared/data/pdf/national\\_penal\\_code\\_1991.pdf](http://www.mpil.de/shared/data/pdf/national_penal_code_1991.pdf))



- The Reformatories Act reportedly limits sentencing of juvenile adults to detention between 2 and 5 years and prohibits giving a child under 14 a custodial sentence (CRC/C/SWZ/1, paras. 82 and 460)<sup>54</sup>.
- The Criminal Procedure and Evidence Act reportedly states that a child given a custodial sentence must be detained under the Reformatories Act for 2-5 years and detention must not extend beyond the age of 18 (CRC/C/SWZ/1, para. 463).
- Imprisonment of a child under the age of 14 is prohibited (CRC/C/SWZ/1, para. 483)

### **Tonga**

**No age restrictions:** Under the Criminal Offences Act<sup>55</sup>, life imprisonment is the penalty for offences relating to the demolition of buildings, murder and inciting or assisting suicide (ss. 77, 91 and 101). No limitations are set on the age of the offender.

**Indeterminate sentences:** In prohibiting capital punishment for persons under 15 convicted of murder, the Criminal Offences Act provides for persons to be detained “during His Majesty's pleasure” (s. 40).

### **Tuvalu**

**Life imprisonment with no limitations on the basis of age:** Life imprisonment is prescribed for a large number of offences in the Penal Code and no limitations are stated for persons under 18. The sentence is mandatory for treason, instigating invasion, piracy and murder (ss. 47, 48, 63 and 193)<sup>56</sup>.

### **United Arab Emirates**

**Persons aged 16 and 17:** Where such persons would be otherwise be subject to a sentence of life imprisonment, this sentence should be reduced to term of imprisonment not exceeding 10 years (Juvenile Delinquents and Vagrants Act, s. 10).

**Persons under 16:** May not be sentenced to imprisonment (Juvenile Delinquents and Vagrants Act, s. 8)<sup>57</sup>.

### **United States**

**Life imprisonment for persons under 18:** Persons under the age of 18 may be sentenced to life imprisonment at the federal level, in all 50 States and in the District of Colombia.

**Life imprisonment without possibility of parole:** Lawful for homicide-related offences in 43 States. In Illinois, Louisiana and Pennsylvania all juvenile offenders serving sentences of life imprisonment are ineligible for parole.

- In New York juveniles can only be sentenced to life imprisonment without parole in relation to terrorism offences
- In Texas 17 is the minimum age for which offenders can be sentenced to life imprisonment without parole
- In five of those states in which it is possible to sentence persons under the age of 18 to life imprisonment there are no offenders under such sentences.

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54 CRC, Swaziland State Report, February 2006 (CRC/C/SWZ/1) (<http://www2.ohchr.org/english/bodies/crc/crcs43.htm>)

55 The Criminal Offences Act, Cap. 18 (<http://legislation.to/Tonga/DATA/PRIN/1988-018/CriminalOffencesAct.pdf>)

56 The Penal Code, Cap. 8 (<http://www.tuvalu-legislation.tv/tuvalu/DATA/PRIN/1990-008/PenalCode.pdf>)

57 See CRIN, “UAE: Inhuman sentencing of children” (<http://www.crin.org/violence/search/closeup.asp?infoID=23614>)

**Number of persons under 18 detained under a life sentence:** 2,574 persons detained under life sentences for offences committed while under the age of 18. 129 of these offenders may be subject to parole at some point in their lives, following the Supreme Court decision in May 2010 (*Graham v. Florida* 560 U.S. 2010), which held that it was unconstitutional to impose a life sentence for non-homicide related offences committed by persons under the age of 18 (figures and information on laws from The Sentencing Project, “*No Exits: The Expanding Use of Life Sentences in America*”)<sup>58</sup>.

### **Yemen**

It appears that imprisonment for life is unlawful in relation to offences committed while the offender was under 18<sup>59</sup>.

### **Zimbabwe**

**Sentences of life imprisonment without reference to age:** Under the Criminal Procedure and Evidence Act<sup>60</sup> (s. 336), life imprisonment is legal, and there is no exemption for child offenders.

**Offences for which life imprisonment is specifically prescribed:** For murder, a person under the age of 18 “shall be liable to imprisonment for life or any shorter period” (the Criminal Law (Codification and Reform) Act<sup>61</sup>, s. 47). Attempted murder, treason, insurgency, banditry, rape kidnapping, robbery and hijacking are also punishable by a sentence of life imprisonment (ss. 20, 23, 47, 64, 93, 126 and 147).

**The Children's Act:** The Children's Court does not have the power to order life imprisonment (art. 20).

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58 This article and further information available through this website ([http://www.usfca.edu/law/jlwop/other\\_nations/](http://www.usfca.edu/law/jlwop/other_nations/))

59 See CRIN, “YEMEN: Inhuman sentencing of children” (<http://www.crin.org/violence/search/closeup.asp?infoID=23453>)

60 The Criminal Procedure and Evidence Act, Cap. 9:07 ([http://www.justiceforchildrentrust.org.zw/html/Resources/NationalChildProtectionLaws/CRIMINAL\\_PROCEDURE AND EVIDENCE ACT 9 07.pdf](http://www.justiceforchildrentrust.org.zw/html/Resources/NationalChildProtectionLaws/CRIMINAL_PROCEDURE_AND_EVIDENCE_ACT_9_07.pdf))

61 The Criminal Law (Codification and Reform) Act, Cap. 9:23 ([http://www.kubatana.net/html/archive/legisl/050603crimlaw.asp?orgcode=par001&range\\_start=1](http://www.kubatana.net/html/archive/legisl/050603crimlaw.asp?orgcode=par001&range_start=1))