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Human Rights Advocates

Oral statement

Rights of children and the administration of justice

Thank you Madam President.

I will address the imposition of the death penalty, life imprisonment without any possibility of release and corporal punishment on juvenile offenders, that is, persons under the age of 18 at the time of the offense.

All 3 sentences are prohibited by international law.

Yet, some States still allow capital punishment for crimes committed by child offenders. We urge all states to abolish this practice and to remove from death row all remaining persons who were sentenced to death for crimes committed before they were 18.

We also urge the United States – the only country that imposes life imprisonment without the possibility of release on minors – to afford all juvenile lifers a chance to be heard by a parole board.

In addition to death and incarceration for the duration of their natural life, child offenders often face lengthy sentences preventing their rehabilitation, as well as sentences to corporal punishment. We urge all states to abolish these sentencing practices.

Lastly, I would like to call your attention to the fact that in many states, the lack of birth registration and of adequate forensic facilities with staff trained in conducting age determinations frequently puts alleged child offenders at risk of being treated as adults. Courts sometimes impose on juvenile offenders sentences applicable only to adults, including the death penalty. This age determination problem leads to human rights violations, even though national criminal laws comply with international law. That is why we recommend that in cases where the age of a minor is in doubt, he or she be presumed to be under the age of majority until such an assumption is rebutted by the prosecution. If this burden is not met, the accused should be tried and sentenced as a juvenile. This presumption is necessary to protect children from being treated as adults in criminal justice systems.

Thank you Madam President.