

## HUMAN RIGHTS WATCH

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May 7, 2009

Members of the Louisiana State Legislature  
Louisiana State Capitol  
900 North 3<sup>rd</sup> Street  
Baton Rouge, LA 70802

## Re: Human Rights Watch supports House Bill 715

Dear Members of the Louisiana State Legislature:

Human Rights Watch urges you to vote in favor of House Bill 715, which would provide persons who were 15 or 16 years old at the time of their crime an opportunity to apply for a parole hearing upon reaching their 31<sup>st</sup> birthday. The bill would affect, among others, children who have been sentenced to life in prison without possibility of parole. Human Rights Watch opposes life without parole for juveniles because it is cruel, inappropriately harsh, and a violation of US treaty obligations.<sup>1</sup>

Human Rights Watch has been analyzing life without parole sentences for children since 2004. Our research has culminated in four publications: [\*The Rest of Their Lives: Life Without Parole for Child Offenders in the United States\*](#) (a 2005 report on juveniles sentenced to life without parole throughout the United States); [\*Thrown Away\*](#) (a 2005 report on life without parole for juveniles in Colorado); [\*When I Die They'll Send Me Home\*](#) (a 2008 report on life without parole for juveniles in California); and [\*The Rest of Their Lives: Life Without Parole for Youth Offenders in the United States in 2008\*](#) (updated executive summary). Based on our research, we urge you to support House Bill 715 for three main reasons.

First, in *Roper v. Simmons*, the United States Supreme Court recognized that the significant differences between juveniles and adults “render suspect any conclusion that a juvenile falls among the worst offenders.”<sup>2</sup> Given their lack of maturity, susceptibility to peer pressure, and incomplete character development, the Court said, even a heinous crime committed by a juvenile is not “evidence of irretrievably depraved character.”<sup>3</sup>

<sup>1</sup> In this letter the terms “juveniles,” “youth,” and “children” refer to persons under age 18.

<sup>2</sup> 543 U.S. 551, 570 (2005).

<sup>3</sup> *Ibid.*

The sentence of life without parole was created for the worst criminal offenders, who are deemed to have no possibility of reform. While the crimes they commit can cause undeniable suffering, juvenile offenders are not the “worst of the worst.”

Moreover, Human Rights Watch estimates that 59% of the youth serving life without parole in the United States received this sentence for their very first offense—they had no juvenile or adult criminal record whatsoever prior to the offense that resulted in their life sentence. We also estimate that 26% of the youth serving life without parole in the United States received it for aiding and abetting or for felony murder—that is, they did not personally cause the death of the victim.

Second, the United States is the only country in the world that sentences youthful offenders to life without parole. There are currently more than 2,500 persons in the United States serving life without parole for crimes they committed before age 18; to our knowledge, not a single youth is serving this sentence anywhere else in the world. Louisiana currently has 335 youth serving this harsh sentence; only Pennsylvania and Michigan—both much larger states—have more.

International human rights 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. Indeed, this practice violates US treaty obligations. The Human Rights Committee (the oversight and enforcement body for the International Covenant on Civil and Political Rights, ratified by the United States in 1992) has said that “[t]he Committee is of the view that sentencing children to life sentences without parole is of itself not in compliance with article 24(1) of the Covenant.” Moreover, the Committee Against Torture (the oversight and enforcement body for the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by the United States in 1994) has stated that life without parole sentences for youth “could constitute cruel, inhuman or degrading treatment or punishment” in violation of the treaty.

Third, we are deeply concerned that racial discrimination enters into the determination of which youth serve life without possibility of parole sentences, and which youth enjoy the possibility of release. In Louisiana, at least 79% of juveniles serving life without parole are black, although African Americans constitute only 30% of Louisiana’s population. Last year the Committee on the Elimination of Racial Discrimination (the oversight and enforcement body for the International Convention on the Elimination of All Forms of Racial Discrimination, a treaty ratified by the United States in 1994) concluded that, in light of the racial disparities in the sentencing of youth to life without parole, “the persistence of such sentencing is incompatible with article 5(a) of the Convention. The Committee therefore recommends that the [United States] discontinue the use of life sentence without parole against [youth offenders], and review the situation of persons already serving such sentences.”

Children can and do commit terrible crimes. When they do, they should be held accountable and face appropriate consequences. But children are different from adults, and the punishment imposed for their offenses should reflect their age and level of development. At a minimum, laws should preserve the opportunity for parole for juvenile offenders, and the ability to review whether someone sentenced to life in prison as a child has been rehabilitated.

For the foregoing reasons, Human Rights Watch urges Louisiana to eliminate the sentence of life without parole for children by enacting House Bill 715.

Please do not hesitate to contact me if I can provide any further information.

Very truly yours,

A handwritten signature in black ink, appearing to read "David C. Fathi". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David C. Fathi  
Director, US Program