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United States: Shameful isolation -- US leads worldwide execution of child offenders

The USA's willingness to execute prisoners for crimes committed when they were children puts it in a world of its own, Amnesty International said today, as it published a new report on global adherence to the ban on the death penalty against child offenders - - those under 18 at the time of their crimes.

"Two thirds of the world's known executions of child offenders in the past decade occurred in the USA, including the only four in the past 18 months," Amnesty International said. "This is now the only country that openly continues to carry out such executions within the framework of its regular criminal justice system."

"The execution of child offenders has become rare relative to the wider use of capital punishment, with the USA by far the leading perpetrator."

The organization recorded 22,588 executions in 70 countries between 1994 and 2002. Nineteen of these executions were of child offenders, put to death in five countries. Twelve of these internationally illegal killings occurred in the USA.

"Questions have been raised about the USA's commitment to international standards of justice since 11 September 2001. Here is the prime example of a longer-standing US tendency to adopt a selective approach to international human rights law," Amnesty International said.

The international community has adopted four human rights treaties of worldwide or regional scope which explicitly exclude child offenders from the death penalty. This exemption is also contained in the Geneva Conventions and their two Additional Protocols. The ban is so widely recognized and respected that it has become a principle of customary international law.

In today's report, Amnesty International calls for the prohibition to be recognized as a peremptory norm of general international law (*jus cogens*), binding on all countries regardless of which treaties they have or have not ratified, and regardless of any conditions they may have attached to such ratifications. The Inter-American Commission on Human Rights reached this conclusion last October in a case of an inmate on death row in Nevada for crimes committed when he was 16.

"Half a century after the Fourth Geneva Convention was adopted, three and a half decades since

the adoption of the International Covenant on Civil and Political Rights, and over a decade since the Convention on the Rights of the Child came into force, it is surely time for the USA to admit that it is clinging to an unacceptable practice of the past," Amnesty International said.

The UN Convention on the Rights of the Child has been ratified by 192 countries, and is the most widely ratified human rights treaty in history. No state party has entered a specific reservation to its provision excluding child offenders from the death penalty. The USA made such a reservation when it ratified the International Covenant on Civil and Political Rights in 1992. This US reservation has been widely condemned, including by several other countries as well as the expert body set up to oversee implementation of the treaty.

Background

In 2002, a US government delegation told the United Nations General Assembly Special Session on Children that the USA was "the global leader in child protection". Meanwhile, some 80 prisoners await executions on US death rows for crimes committed when they were 16 or 17. There is also concern that a Canadian national currently held at the US Naval Base in Guantánamo Bay could yet face the death penalty if selected for trial by military commission. Omar Khadr was reported to have been 15 years old when he was captured in Afghanistan in 2002. He may be a suspect in the shooting of a US soldier.

For a fully copy of the report "The exclusion of child offenders from the death penalty under general international law", please see:

<http://web.amnesty.org/library/index/engact500042003>

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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