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USA: Clemency authorities and legislators must act to prevent executions of child offenders

"The US Supreme Court's refusal to reconsider the constitutionality of executing people who were children at the time of their crimes places a renewed responsibility on state legislators and clemency authorities to prevent any more of these internationally illegal executions from occurring in the USA," Amnesty International said today.

Yesterday the Supreme Court rejected the appeal of Scott Hain, who is on death row in Oklahoma for a crime committed when he was 17 years old. The Oklahoma Attorney General immediately sought an execution date for Scott Hain.

"The international prohibition on the execution of child offenders -- those under 18 at the time of the crime -- is respected by almost every country on earth", Amnesty International added. "The world has agreed that we must not give up on children, no matter what crimes they commit".

In his first national radio address of the year on 4 January, President Bush spoke of "our fundamental belief in the promise of every child". During the United Nations General Assembly Special Session on Children last May, the USA described itself as the "global leader in child protection". Yet the United States carried out the only three executions of child offenders reported in the world last year, and accounts for 70 per cent of the known worldwide total of such executions in the past five years (12 of 17).

"It is now accepted around the globe, even by executing countries, that the attributes of youth such as immaturity, impulsiveness, and poor judgment, render the death penalty an utterly disproportionate punishment against children", Amnesty International said, adding that evidence continues to emerge that brain development continues into a person's 20s.

US Supreme Court precedent still allows the execution of people who were 16 or 17 at the time of the crime. In October 2002, four of the Court's nine Justices described the execution of child offenders as a "shameful practice" which should be ruled unconstitutional.

"While we await a fifth Justice to come out against this indecent and internationally illegal practice, politicians -- particularly legislators and clemency authorities in those states which still allow such executions -- should work to ensure that no more child offenders are put to death in the United States", Amnesty International said. "This includes the President, who himself failed to oppose four such executions in Texas during his governorship there. He should do the right thing now he is a leader on the world stage and speak out against such use of the death penalty in his country."

In his 4 January radio address, President Bush spoke of the government's commitment to raising educational standards in the United States, citing the No Child Left Behind Act, which he signed into law on 8 January 2002.

"The profile of the typical condemned teenager in the USA is of a child left behind", Amnesty International noted.

"The average child offender on death row is not a youngster from a stable, supportive background, but rather of a mentally impaired or emotionally disturbed adolescent emerging from a childhood of abuse, deprivation and poverty," the international human rights organization said.

Background

Several treaties prohibit the use of the death penalty against defendants who were under 18 at the time of the crime, including the Geneva Conventions, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and the American Convention on Human Rights. Violations of this prohibition have been condemned by UN bodies, and in October the Inter-American Commission on Human Rights found that "this proscription binds the community of States, including the United States. The norm cannot be validly derogated from, whether by treaty or by the objection of a state."

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