

No. 07-8436

In The
Supreme Court of the United States

CHRISTOPHER PITTMAN,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

**On Petition For Writ Of Certiorari
To The Supreme Court Of South Carolina**

**BRIEF OF *AMICI CURIAE* PENAL REFORM
INTERNATIONAL, DEFENCE FOR CHILDREN
INTERNATIONAL, COLUMBIA LAW SCHOOL
HUMAN RIGHTS CLINIC, BLUHM LEGAL CLINIC
AND THE WORLD ORGANIZATION
FOR HUMAN RIGHTS USA
IN SUPPORT OF PETITIONER**

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INTEREST OF *AMICI CURIAE*¹

Please see attached Appendix 1.

SUMMARY OF ARGUMENT

Protecting the human rights of children, including the rights of young children in the criminal justice system, is one of the core goals of the international community. The importance of the issue is demonstrated both by the number of key international instruments that address the issue and by the large number of nations that have accepted these instruments. The United States is a party to some of these instruments and a signatory to others. It is significant to the United States' standing in the world community that this nation be viewed as respecting the human rights of its most vulnerable citizens, and construe its domestic law, to the extent possible, consistent with the requirements of international law.

As this Court has noted with respect to examining cruel and unusual punishment of a citizen, "The opinion of the world community, while not controlling

¹ The parties were notified ten days prior to the due date of this brief of the intention to file. The parties have consented to the filing of this brief. Letters of consent have been filed with the Clerk. No counsel for a party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than *amicus curiae*, its members, or its counsel made a monetary contribution to its preparation or submission.

... does provide respected and significant confirmation,” of an Eighth Amendment violation. *Roper v. Simmons*, 543 U.S. 551, 578 (2005); *See also Lawrence v. Texas*, 539 U.S. 558, 573 (2003).

Relevant to Petitioner’s case, there exists a global consensus that children cannot be held to the same standards of responsibility as adults, based upon a recognition that children are entitled to special protection and treatment in our world. At odds with this opinion of the world community, South Carolina has subjected Petitioner to be treated and punished as an adult for a crime committed when he was a 12-year-old child. In allowing the prosecution and requiring the sentencing of Petitioner as an adult, the State of South Carolina has excluded Petitioner from the protection of juvenile courts based on the nature of the offense, without consideration of age, maturity, culpability or inherent rehabilitative prospects of a child, and without taking steps to ensure special protection and treatment based upon his status as a child.

Trying Petitioner as an adult, and sentencing him to a mandatory minimum 30-year sentence without consideration for parole, violates international norms recognizing the right to special protection and the principle of the “best interests of the child.”² These norms and principles are reflected in

² International Covenant on Civil and Political Rights [hereinafter ICCPR], Art. 24, CRC, Art. 20(1), American Convention on
(Continued on following page)

international instruments establishing the need for criminal procedures that take into account the status and special needs of juveniles,³ preference for imprisonment of the shortest appropriate duration,⁴ limits on the treatment of juveniles as adults for trial and mandatory sentences without consideration of the child's age, mental capacity, and culpability,⁵ and

Human Rights [hereinafter American Convention], O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123, entered into force July 18, 1978, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 (1992), Art. 19; Convention on the Rights of the Child (hereinafter CRC), Nov. 20, 1989, Art. 3(1) 1577 U.N.T.S. 3, 28 I.L.M. 1448.

³ CRC, Art. 37(c) (“[e]very child deprived of liberty shall be treated . . . in a manner which takes into account the needs of persons his or her age.”); ICCPR, Art. 14(4); American Convention, Art. 5(5); United Nations Standard Minimum Rules for the Administration of Juvenile Justice, adopted by the United Nations General Assembly Resolution 40/33 of November 29, 1985 [hereinafter Beijing Rules], Rule 5.

⁴ CRC, Art. 37(b) (“[t]he arrest, detention or imprisonment of a child . . . shall only be used as a measure of last resort and for the shortest appropriate time.”), Beijing Rules, *supra* note 54, Rules 17(b) & 28; United Nations Guidelines for the Prevention of Juvenile Delinquency, adopted by the United Nations General Assembly Resolution 45/112 of December 14, 1990 <http://www.un.org/documents/ga/res/45/a45r112.htm> [hereinafter Riyadh Guidelines], Rule 46.

⁵ American Declaration on the Rights and Duties of Man (hereinafter American Declaration) Art. VII.

assurances of a rehabilitative goal for juvenile offenders.⁶

Additionally, South Carolina stands virtually alone in the world in the harsh punishment that it meted out to Petitioner. The vast majority of countries have established the age for criminal responsibility well beyond the age of Petitioner when he committed the offense.



REASONS FOR GRANTING THE PETITION

I. The Court Should Grant Certiorari to Address an Issue of Central Importance to the International Community in General and *Amici* in Particular

The international instruments addressing the human rights of children, many of which the United States is a party or signatory to, set norms which should be considered in construing domestic law in this area.

⁶ CRC, Art. 40, ICCPR, Arts. 10(3), 14(4), Beijing Rules, *supra* note 54, Rules 19, 23, 26.

II. The Court Should Grant Certiorari to Determine Whether the Eighth Amendment Permits a Sentence for a 12-Year-Old Child that Has Almost Universally Been Found to Violate International Standards

A. Sentencing a 12-Year-Old Child to a Mandatory Minimum Term of 30 Years Without Possibility of Parole Violates the American Declaration on the Rights and Duties of Man, the American Convention on Human Rights, the International Convention on Civil and Political Rights, and the Convention on the Rights of the Child.

1. Imposition of a Mandatory Minimum Adult Sentence of 30 Years Without Possibility of Parole on Petitioner Violates His Right to Special Protection Under the American Declaration

A child's right to special protection is a well-established principle of international law and is reflected in all major human rights treaties concerning the rights of the child. This Court has acknowledged that international and comparative law may be persuasive sources of authority for questions arising under the Constitution. To this point, Article 19 of the American Convention establishes that "Every minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state." Much in accord with

this Court's reasoning in *Roper, supra*, this special protection of children is derived "from the specific situation of children, taking into account their weakness, immaturity or inexperience."⁷ Other treaties and international instruments also recognize a child's rights to special measures of protection based on immaturity, impulsivity and undue peer pressure influence which are the very markers of adolescent development.

Like the American Declaration, other international law instruments also recognize that the right to special protection applies to children who come into conflict with the law. Art. 37(c) of the CRC requires that "[e]very child deprived of liberty shall be treated . . . in a manner which takes into account the needs of persons his or her age."⁸ The International Covenant on Civil and Political Rights, Art. 24 provides that ("[e]very child shall have . . . the right to such measures of special protection as are required by his status as a minor."). Regard for the special needs of the child are also reflected in standards that require

⁷ Inter-American Court Of Human Rights, *Advisory Opinion OC-17/2002* [hereinafter OC-17/2002], *Of August 28, 2002*, Requested By The Inter-American Commission On Human Rights *Juridical Condition and Human Rights of the Child*, ¶60, http://www.corteidh.or.cr/seriea_ing/index.html.

⁸ Convention on the Rights of the Child, Arts. 3 & 20(1) (the "most rapidly and widely ratified international human rights treaty in the world," ratified by 193 nations, as well as numerous international decisions and standards).

the treatment of a juvenile result from a proportionate balance of the circumstances and the juvenile status.⁹

The criminal trial of a 12-year-old under adult procedures followed by the imposition of a mandatory minimum, non-reviewable 30-year sentence with no consideration of his child status violates two fundamental international norms that underpin the international standards for the treatment of children: the right to special protection and the duty of states and their bodies to take into account the best interests of the child. These norms are established in the ICCPR which is one of “the most important human rights instruments adopted since the U.N. Charter and the Universal Declaration of Human Rights,”¹⁰ and ratified

⁹ Beijing Rules, *supra* note 54, 5.1 concerning the “Aims of Juvenile Justice” provides “The juvenile justice system shall emphasize the well-being of the juvenile and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence.” Rule 14.2 requires that court and other proceedings concerning a juvenile offender “be conducive to the best interests of the juvenile,” and Rule 17 provides that any disposition by a competent authority shall be guided by the principle of proportion – consideration of “the needs of the juvenile as well as the needs of society” (Rule 17.1(a)) and that “the well-being of the juvenile shall be the guiding factor in the consideration of her or his case” (Rule 17.1(d)). *See also* OC-17/2002, *supra* note 62, ¶61 (“it is necessary to weigh not only the requirement of special measures, but also the specific characteristics of the situation of the child.”)

¹⁰ International Covenant on Civil and Political Rights (ICCPR), Art. 24 (“Every child shall have . . . the right to such

by the United States along with 159 other nations.¹¹ By trying Petitioner as an adult and sentencing him to the mandatory adult sentence, South Carolina has failed to take into consideration the best interests of the child or provide the special protection required for children within the justice system.¹²

Petitioner's trial and sentencing did not take into account his special status or his needs as a juvenile.

measures of protection as are required by his status as a minor, on the part of his family, society and the State."); Opening Statement by Matthew Waxman on the Report Concerning the ICCPR to the U.N. Human Rights Committee, July 17, 2006, at <http://www.state.gov/g/drl/rls/70392.html>.

¹¹ Office of the High United Nations High Commissioner on Human Rights, International Covenant on Civil and Political Rights, Status of Ratification, Convention on the Rights of the Child (CRC), Art. 3.

¹² American Declaration, Art. VII ("[A]ll children have the right to special protection, care and aid."); American Convention, Art. 19 ("Every minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state."); Beijing Rules, Rule 14.2; Principle 10 of the International Conference on Population and Development, adopted from September 5 to 13, 1994 in Cairo, Egypt (1994); Inter-American Court Of Human Rights, *Advisory Opinion OC-17/2002* [hereinafter *OC-17/2002*], *Of August 28, 2002*, Requested By The Inter-American Commission On Human Rights *Juridical Condition and Human Rights of the Child*, ¶113, http://www.corteidh.or.cr/seriea_ing/index.html.

Indeed, because the sentence imposed was a mandatory minimum, the judge was not allowed to exercise discretion to consider the appropriateness of the length of the 30-year sentence for a child. This process violates international norms and standards which requires that juveniles be sentenced to imprisonment as a last resort and then for the shortest time necessary.

The right to special protection under Art. VII of the American Declaration, recognizes that children should be incarcerated for the shortest possible duration. Article 37 of the CRC establishes that imprisonment of persons under 18-years-old must be for the shortest appropriate period of time.¹³ Similarly, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ["Beijing Rules"] provide that "Restrictions on the personal liberty of the juvenile shall be imposed only after careful consideration and shall be limited to the possible minimum."¹⁴ The commentary to Rule 17 states that the rule "implies that strictly punitive approaches are not appropriate." Rule 28 emphasizes

¹³ Article 37(b) ("The arrest, detention or imprisonment of a child . . . shall be used only as a measure of last resort and for the shortest appropriate period of time); see Rights of the Child, Commission on Human Rights Resolution 2000/85, E/CN.4/RES/2000/85, ¶36(b) (calling upon States "[t]o take appropriate steps to ensure compliance with the principle that depriving children of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time . . .")

¹⁴ Beijing Rules, *supra* note 54, Rule 17.1(b).

the need to grant conditional release “to the greatest possible extent” and “at the earliest possible time” to juveniles that are imprisoned.¹⁵ The Riyadh Guidelines¹⁶ also emphasizes alternatives to incarceration for children such as Petitioner.¹⁷ The U.N. Human Rights Commission’s most recent resolution on the Rights of the Child re-affirms that international standards require that incarceration be for the shortest appropriate time.¹⁸

A 30-year sentence is clearly not the shortest appropriate sentence and suggests that rehabilitation

¹⁵ Beijing Rules, *supra* note 54, Rule 28: “Frequent and early recourse to conditional release. 28.1 Conditional release from an institution shall be used by the appropriate authority to the greatest possible extent, and shall be granted at the earliest possible time.” The commentary explains that “Circumstances permitting, conditional release shall be preferred to serving a full sentence.”

¹⁶ Riyadh Guidelines, *supra* note 56.

¹⁷ The Riyadh Guidelines, *supra* note 56, Rule 58 suggests that law enforcement and other relevant personnel should be familiar with and use “to the maximum extent possible, programmes and referral possibilities for the diversion of young persons from the justice system.”

¹⁸ The Committee’s 2005 Resolution on the Rights of the Child calls upon States to “ensure compliance with the principle that depriving children of their liberty should be used only as a measure of last resort and for the shortest appropriate time, in particular before trial, recalling the prohibition of life imprisonment without possibility of release.” U.N. Human Rights Commission, 61st Sess., Supp. 3, U.N. Doc. E/CN.4/2005/135 (2005), Res. 2005/44, at ¶27, http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-2005-44.doc.

was not a consideration, much less goal, of the sentence in clear violation of international treaty obligations and norms.¹⁹

2. Petitioner's Sentence Constitutes Cruel, Infamous or Unusual Punishment (Art. XXVI) and Violates the Right to Humane Treatment (Art. I) as Set Forth in the American Declaration

Article XXVI of the American Declaration provides that every person accused of an offense has the right "not to receive cruel, infamous or unusual punishment."²⁰ Given the greater vulnerability, lesser maturity and consequent lesser moral and legal culpability of persons under 18 years of age, the mandatory imposition of the adult sentence of a

¹⁹ CRC Art. 40; ICCPR Art. 10(3) & 14(4); Beijing Rules 19, 23, 26; *see also* Case 12.285, *Domingues v. United States* [hereinafter *Domingues*], Report No. 62/02, at ¶83 (requiring states to "ensur[e] the well-being of juvenile offenders and endeavor their rehabilitation."); *see also* I/A Court H.R., Villagran Morales and others ("Street Children") Case [hereinafter *Street Children Case*], Judgment of November 19, 1999, Annual Report 1999, ¶197 (obligating states to endeavor toward minors' rehabilitation).

²⁰ American Declaration of the Rights and Duties of Man, American Declaration of the Rights and Duties of Man, O.A.S. Res. XXX, adopted by the Ninth International Conference of American States (1948), reprinted in *Basic Documents Pertaining to Human Rights in the Inter-American System*, OEA/Ser.L.V/II.82 doc.6 rev.1 at 17 (1992) <http://www.cidh.org/Basicos/basic2.htm>.

minimum of 30 years without possibility of parole constitutes cruel, infamous and unusual punishment.²¹ Art. 7 of the ICCPR also recognizes that, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Article 16 of the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment requires that States Parties undertake to prevent “acts of cruel, inhuman or degrading treatment or punishment.” Similarly, Article 3 of the European Convention on Human Rights and Fundamental Freedoms (“European Convention”) prohibits inhuman or degrading treatment or punishment. Each of these prohibitions are implicated in the sentencing at issue here.

Because a child’s moral and mental maturity is different from an adult, equating a child with an adult for purposes of severe forms of punishment is not appropriate. The right to humane treatment recognized under Article 5 of the American Convention specifically requires that minors subject to criminal proceedings be “treated in accordance with their status as minors.”

The United States has indicated general support for special criminal procedures for children when it

²¹ American Convention on Human Rights, Art. 5, O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123, entered into force July 18, 1978, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 (1992) <http://www.cidh.org/Basicos/basic3.html>.

ratified the ICCPR. ICCPR Article 14 requires, “in the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of their rehabilitation.”²² When the United States ratified the ICCPR, it attached a limiting reservation that stipulates:

That the policy and practice of the United States are generally in compliance with and supportive of the Covenant’s provisions regarding treatment of juveniles in the criminal justice system. Nevertheless, the United States reserves the right, in exceptional circumstances, to treat juveniles as adults, notwithstanding paragraphs 2(b) and 3 of article 10 and paragraph 4 of article 14.²³

The circumstances surrounding this reservation indicates that it was intended to permit – on an exceptional basis – the trial of children as adults and the incarceration of children and adults in the same prison facilities. According to the United States Senate Committee on Foreign Relations, the reservation was included because, at times, juveniles were not separated from adults in prison due to their criminal backgrounds or the nature of their offenses.²⁴

²² ICCPR, *at* art. 14(4).

²³ United Nations Treaty Collections, International Covenant on Civil and Political Rights, U.S. Reservations, Declarations and Understandings: Reservations, ¶5 (emphasis added); 138 Cong. Rec. 54781-01 (Daily Ed. April 2, 1992).

²⁴ United States, *Senate Committee on Foreign Relations Report on the International Covenant on Civil and Political*
(Continued on following page)

The reservation is not about the length or severity of sentences for juveniles and it should not be read to condone the harsh sentencing of juveniles involved in serious crimes as if they were adults.

There is nothing in the reservation to suggest that the United States reserved the right to sentence children as harshly as adults who commit similar crimes, and there is nothing to suggest that Petitioner warranted such exceptional treatment. Indeed the very mandatory nature of the sentence (without any individualized consideration) precludes any assertion that there was something unique or exceptional about Petitioner's case to warrant this type of punishment.

The American Convention not only requires consideration of juvenile status but also authorizes special tribunals for juveniles subject to criminal proceedings. For example, Art. 5 of the American Convention states that "[m]inors while subject to criminal proceedings shall be separated from adults and brought before specialized tribunals, as speedily as possible, so that they may be treated in accordance with their status as minors."

Rights, 31 I.L.M. 645, 651 (1992) ("Although current domestic practice is generally in compliance with these provisions, there are instances in which juveniles are not separated from adults, for example because of the juvenile's criminal history or the nature of the offense. In addition, the military justice system in the United States does not guarantee special treatment for those under 18.").

The Beijing Rules specifically address the need for special procedures for juveniles in its Rule 6, which also focuses on the need for judicial discretion in the treatment of juveniles:

6.1 In view of the varying special needs of juveniles as well as the variety of measures available, appropriate scope for discretion shall be allowed at all stages of proceedings and at the different levels of juvenile justice administration, including investigation, prosecution, adjudication and the follow-up of dispositions. 6.2 Efforts shall be made, however, to ensure sufficient accountability at all stages and levels in the exercise of any such discretion. 6.3 Those who exercise discretion shall be specially qualified or trained to exercise it judiciously and in accordance with their functions and mandates.

According to the commentary to Rule 6,

Rules 6.1, 6.2 and 6.3 combine several important features of effective, fair and humane juvenile justice administration: the need to permit the exercise of discretionary power at all significant levels of processing so that those who make determinations can take the actions deemed to be most appropriate in each individual case; and the need to provide checks and balances in order to curb any abuses of discretionary power and to safeguard the rights of the young offender. Accountability and professionalism are instruments best apt to curb broad discretion.

Taking a youth's age into consideration is consistent with universal recognition that children have lesser culpability than adults as this Court recently held:

Juvenile offenders cannot with reliability be classified among the worst offenders. First, as any parent knows, and as the scientific and sociological studies . . . tend to confirm, a lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults. . . . The second area of difference is that juveniles are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure. . . . The third broad difference is that the character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed. These differences render suspect any conclusion that a juvenile falls among the worst offenders. The susceptibility of juveniles to immature and irresponsible behavior means their irresponsible conduct is not as morally reprehensible as that of an adult.²⁵

²⁵ *Roper v. Simmons*, *supra* note 75, at 1195; See also *Domingues*, *supra* note 59, at ¶67, noting prohibitions on the execution of children are "based on the idea that a person who has not reached the age of eighteen years is not fully capable of sound judgment, does not always realize the significance of his actions and often acts under the influence of others, if not under constraint," *citing* International Committee of the Red Cross, Commentary on the Fourth Geneva Convention Relative to the

(Continued on following page)

In addition to raising questions about relative culpability, differences between children and adults raise serious questions about the ability of children to understand and participate in adult criminal proceedings.

B. Sentencing a 12-Year-Old Child to a Mandatory Minimum Term of 30 Years Without Possibility of Parole Violates Customary International Law

In order to establish a norm of customary international law, there must be a concordant practice by a number of states with respect to a situation that falls within the domain of international relations, a continuation of the practice over a considerable period of time, a conception that the practice is required by or consistent with prevailing international law, and general acquiescence by other states.²⁶ As discussed below, the near universal acceptance of the CRC, including provisions concerning the treatment of juvenile offenders, establishes the existence of customary international law.

The CRC also requires that a state's decision to incarcerate a child "shall be used only as a measure of

Protection of Civilian Persons in Time of War (J.S. Pictet ed., 1958), at 346-347.

²⁶ *Domingues, supra* note 59, at ¶36.

last resort and for the shortest appropriate period of time.”²⁷ A child who has committed a crime is to be treated in a manner that takes into account “the child’s age and the desirability of promoting the child’s reintegration and the child assuming a constructive role in society.”²⁸ States are to use a variety of measures to address the situation of children in conflict with the law, including “care, guidance and supervision orders; counseling; probation; foster care; education and vocational training programs and other alternatives to institutional care.”²⁹ The treaty also anticipates the need for regular and accessible procedures in which a child can “challenge the legality of the deprivation of his or her liberty.”³⁰ Punishing a youth offender with such a long prison sentence, offering little motivation of rehabilitation, and scant opportunities for learning, violates each of these provisions.

The CRC has near universal acceptance, with 192 out of a total of 194 countries joining as parties. The United States and Somalia³¹ are the only two

²⁷ CRC, *at* art. 37(b).

²⁸ CRC, *at* art. 40.1.

²⁹ CRC, *at* art. 40.4.

³⁰ CRC, *at* art. 37(d).

³¹ According to the United Nations’ agency for children, UNICEF, Somalia is currently unable to ratify the CRC because it lacks a recognized government. See UNICEF, “Frequently Asked Questions,” http://www.unicef.org/crc/index_30229.html, accessed on January 23, 2008.

countries in the world that have not ratified the CRC, although both have signed it.³² As a signatory to the CRC, the United States may not take actions that would defeat the convention's object and purpose.³³

The U.S. government has proclaimed commitment to the CRC's principles. When Ambassador Madeline Albright, as the U.S. Permanent Representative to the U.N., signed the CRC on behalf of the United States in 1995, she declared:

The convention is a comprehensive statement of international concern about the importance of improving the lives of the most vulnerable among us, our children. Its purpose is to increase awareness with the intention of ending the many abuses committed against children around the world . . . United States' participation in the Convention reflects the deep and long-standing commitment of the American people.³⁴

³² The United States signed the CRC on February 16, 1995, and Somalia signed on May 2, 2002.

³³ See Vienna Convention on the Law of Treaties, art. 18, concluded May 23, 1969, 1155 U.N.T.S. 331 (entered into force on Jan. 27, 1980). Although the United States has signed but not ratified the Vienna Convention on the Law of Treaties, it regards this convention as "the authoritative guide to current treaty law and practice." S. Exec. Doc. L., 92d Cong., 1st Sess. (1971), p. 1.

³⁴ "Remarks by Ambassador Madeline K. Albright, United States Permanent Representative to the United Nations on the Occasion of the Signing of the U.N. Convention on the Rights of the Child," U.S. Press Release (February 16, 1995).

The United States has reaffirmed this commitment on subsequent occasions. For example, in 1999 Ambassador Betty King, U.S. Representative on the U.N. Economic and Social Council stated:

Although the United States has not ratified the Convention on the Rights of the Child, our actions to protect and defend children both at home and abroad clearly demonstrate our commitment to the welfare of children. The international community can remain assured that we, as a nation, stand ready to assist in any way we can to enhance and protect the human rights of children wherever they may be.³⁵

In addition to violating international human rights standards, trying Petitioner as an adult and subjecting him to a mandatory minimum 30-year sentence without possibility of parole is out of step with the practice of the U.S.'s peer countries, primarily Western democracies. (See Appendix 2) Consistent with international norms and treaties, most peer countries do not allow children, usually defined as youths under the age of 18, to be tried in adult courts. Second, when juveniles in peer countries are sentenced to prison terms, whether under youth or adult

³⁵ "Statement by Ambassador Betty King, United States Representative on the Economic and Social Council, to the Plenary of the 54th Session of the General Assembly on the Tenth Anniversary of the Convention on the Rights of the Child," November 11, 1999 http://www.un.int/usa/99_112.htm, accessed on July 22, 2005.

sentencing laws, they serve significantly shorter sentences than the mandatory minimum 30-year sentence without possibility of parole that was imposed in this case.

In Germany, France, and Finland, for example, no individual can be tried as an adult for a crime committed when that individual was younger than 18.³⁶ These practices are consistent with international norms and treaties, including the Convention on the Rights of the Child, which prohibits treating children under 18 years of age as adults.³⁷

In some European countries, the minimum age of criminal responsibility is 16- or 18-years-old, and it follows that individuals younger than the age of criminal responsibility cannot be tried as adults.³⁸ For example, in Belgium the minimum age of criminal

³⁶ Center for the Prevention of Youth Crime (ed.), *Prevention of Youth Crime in Germany: Educational Strategies*, 2004 http://www.dji.de/bibs/_8_prevention_1.pdf; *See, e.g.*, Catherine Blatier, *An Analysis of Legal Intervention Concerning Minors in France*, Child and Youth Care Forum, October 2000 <http://www.springerlink.com/content/m7425163747381g0/fulltext.pdf>; *Crime and Society: A Comparative Criminology Tour of the World*, Finland, <http://www.rohan.sdsu.edu/faculty/rwinslow/europe/finland.html> (implies that under 18 cannot be tried as adults. Juvenile offender is defined as a person below the age of 21 at the time of the offense).

³⁷ Convention on the Rights of the Child, Article 37(b)-(c)(b).

³⁸ The European Network of Ombudspersons for Children (ENOC), *Juvenile Justice: Europe's children's champions challenge governments to respect young offenders' rights*, 17 Oct. 2003 <http://www.crin.org/enoc/resources>.

responsibility is 18 with specific exceptions for responsibility beginning at 16.³⁹ Even in those countries where juveniles can be tried as adults in certain circumstances, 12-years-old is an unusually young age at which to allow waiver of juvenile jurisdiction. In Canada, a juvenile may be sentenced as an adult beginning at age 14 only for specified presumptive offenses such as first degree murder.⁴⁰ The Netherlands restricts adult treatment of juvenile defendants to individuals who were 16 or 17 at the time the crime's commission and subject to certain conditions,⁴¹ and its criminal justice system allows discretion to apply juvenile penal law to individuals 18 or older, up

³⁹ Catherine Van Dijk, Els Dumortier & Christian Eliaerts, *Survival of the Protection Model? Competing Goals in Belgian Juvenile Justice*, International Handbook of Juvenile Justice, 2006, available at <http://www.esc-eurocrim.org/files/ch08.pdf> ("In Belgium, juveniles under the age of 18 years have no criminal responsibility (with some exceptions as from the age of 16 . . .). There exists no lower age limit to the jurisdiction of juvenile law.").

⁴⁰ Youth Criminal Justice Act, S.C. 2002, c.1, s. 62. *See also* Concluding Observations for Canada, CRC/C/15/Add.268, 20 October 2005, ¶56; Youth Justice in Canada, 31 Crime & Just. 185 (2004); Compassion, Human Rights and Adult Sentencing Under the Y.C.J.A., 14 W.R.L.S.I. 71 (2002).

⁴¹ Criminal Code Articles 77b, 77c. *See also* Reservation to CRC, Article 37(c), Netherlands ("The Kingdom of the Netherlands accepts the provisions of article 37 (c) of the Convention with the reservation that these provisions shall not prevent the application of adult penal law to children of sixteen years and older, provided that certain criteria laid down by law have been met.").

to 21-years-old.⁴² In Australia, the age at which a juvenile can be tried as an adult is either 17 or 18 depending on the state.⁴³ In Sweden, youths under 15 cannot be tried in court at all, let alone as adults.⁴⁴

Many non-Western countries and emerging democracies also do not try children as adults. Albania, for example, does not try as an adult anyone under 18 at the time a crime was committed.⁴⁵ Tanzania does not allow anyone under 16 to be tried as an adult.⁴⁶

South Carolina's law allowing a 12-year-old to be tried and sentenced as an adult is in stark contrast to

⁴² Criminal Code Article 77d.

⁴³ In Queensland, an individual can be tried as an adult at age 17 and cannot be given adult imprisonment sentence under 17. Concluding Observations for Australia, CRC/C/15/Add.268, 20 October 2005, ¶73(c); First report by Australia to CRC, 1995 ¶160. In the Northern Territory, juveniles under 18 cannot be tried as adults. Second and third periodic reports of States parties due in 1998 and 2003, Australia, RC/C/129/Add.4, 29 December 2004, ¶74.

⁴⁴ "Up to the Age of 18, Children in Trouble," 2001 <http://www.bo.se/files>. The report also notes that it is uncommon for children aged 15 to 17 to be sentenced to prison.

⁴⁵ Written Replies by the Government of Albania Concerning the List of Issues (CRC/C/Q/ALB/1) Received by the Committee on the Rights of the Child Relating to the Consideration of the Initial Periodic Report of Albania, CRC/C/11/Add.27, 16 Dec. 2004, ¶10(c).

⁴⁶ Concluding Observations for Tanzania, CRC/C/TZA/CO/2, 21 June 2006, ¶69.

the range of practices in other countries. Because most peer countries do not even try 12-year-olds as adults, there is little possibility of a 30-year mandatory prison sentence. A typical juvenile sentence in countries complying with international treaties includes fines or brief time spent in a juvenile facility.⁴⁷ In the United Kingdom, children may be tried as adults and sentenced to prison terms called tariffs. However, upon reaching a minimum term, the child is eligible for periodic reviews which consider whether he has been rehabilitated and may be released.⁴⁸ In contrast, Petitioner will not receive the benefit of such review.

Even in countries that allow juveniles to serve penal sentences, the length of the sentence imposed on Petitioner is highly unusual given his age and the length of the sentence. In Chile, for example, minors aged 14 to 16 can receive penal sentences of up to 5 years.⁴⁹ Bosnia and Herzegovina also restricts prison

⁴⁷ See, e.g., Catherine Blatier, An Analysis of Legal Intervention Concerning Minors in France, Child and Youth Care Forum, October 2000, available at <http://www.springerlink.com/content/m7425163747381g0/fulltext.pdf>; Center for the Prevention of Youth Crime (ed.), Prevention of Youth Crime in Germany: Educational Strategies, 2004 http://www.dji.de/bibs/_8_prevention_1.pdf.

⁴⁸ See *Regina v. Sec'y of State for the Home Dep't ex parte V & T*, [1998] A.C. 407, 423-27 (H.L.) (explaining how the U.K. instituted the flexible sentence of "detention during her Majesty's pleasure" specifically for child offenders).

⁴⁹ Concluding Observations for Chile, CRC/C/CHL/CO/3, 23 April 2007, ¶71.

sentences for juveniles, and 16- to 18-year-olds can receive a maximum prison sentence of 10 years.⁵⁰

Even those countries that provide civil liberties and social privileges to its citizens at a much younger age than the United States, still limit the permissible state sanctioned punishments to juvenile sentencing or maximum terms of punishment to less than half the mandatory minimum sentence meted out to Petitioner.⁵¹ The length of Petitioner's sentence stands out even when compared to countries like Jordan and Algeria, which themselves impose relatively harsh punishments on children. In Jordan, minors can receive prison sentences of no more than 12 years.⁵² Algeria limits the sentences imposed on 13-year-olds to 20 years.⁵³ Therefore, it appears that even in countries where sentencing of children does not comport with international norms and treaties,

⁵⁰ Concluding Observations for Bosnia and Herzegovina, CRC/C/15/Add.260, 21 September 2005, ¶74(g).

⁵¹ *See*, for instance, Jordan which fixes the age of criminal responsibility at 7 years, yet restricts punishment for minors to a maximum of 12 years. Appendix 2, p. 6.

⁵² Concluding Observations for Jordan, CRC/C/JOR/CO/3, 29 September 2006, ¶94. ("Despite the information from the State party that efforts are being made to raise the age of criminal responsibility to 10 years, the minimum age of criminal responsibility is still too low (7 years)").

⁵³ Concluding Observations for Algeria, CRC/C/15/Add.269, 12 October 2005, ¶80.

such sentences are still significantly shorter than the one imposed on Petitioner.



CONCLUSION

For the reasons stated above, Petitioner's writ should be granted.

Respectfully submitted,

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Penal Reform International (PRI) is an international non-governmental organization working on penal and criminal justice reform worldwide. PRI seeks to achieve penal reform by promoting the development and implementation of international human rights instruments. Given the risks faced by juveniles in detention and its damaging impact on a child's development, PRI's work places considerable emphasis on juvenile justice reform. In the U.S., as in all the countries where it works, the organization advocates strongly for the acceptance in domestic law and policy of international norms that recognize a child's particular needs and vulnerabilities and seek to minimize the use of custodial prison sentences.

Defence for Children International (DCI) is a global movement dedicated to the promotion and protection of children's rights as recognized in the United Nations Convention on the Rights of the Child, its optional protocols, and all other relevant international human rights instruments. In particular DCI aims to make the situation of children and juvenile justice in the world known internationally, promoting actions that aim to strengthen national juvenile justice systems and guarantee the rights of children in conflict with the law.

Columbia Law School Human Rights Clinic (Columbia Clinic), to bridge theory and practice, provides students with hands-on experience working on active human rights cases and projects. Working in partnership with experienced attorneys and institutions engaged in human rights activism, both in the

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United States and abroad, students contribute to effecting positive change locally and globally. In recent years, the Columbia Clinic has worked on several matters concerning human rights issues in the United States.

The Bluhm Legal Clinic trains law students to be skilled, ethical, and reform-minded professionals. Several faculty members in the Bluhm Legal Clinic specialize in child-centered advocacy, working with courts, local communities and non-governmental organizations to advance the rights of children. In particular, the Center for International Human Rights (CIHR) and the Children and Family Justice Center are engaged in research and advocacy regarding the United States' international legal obligations to protect the rights of children.”

The World Organization for Human Rights USA is part of the World Organization Against Torture international network, and focuses on U.S. compliance with international human rights standards. Our group is the only international human rights organization in the U.S. that uses litigation as the primary means for bringing public attention to human rights compliance needs in this country, and for obtaining remedies for abuses. Human Rights USA submitted several briefs to the U.S. Supreme Court on the juvenile death penalty issue, filed and won the only successful case to date challenging the policy of rendition to torture (the Abu Ali case), and brought the successful case last year against Yahoo!, challenging the policies of U.S. corporations that contribute to

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major human rights abuses in foreign nations where they do business.

COUNTRIES WHERE WHAT HAPPENED TO OUR CLIENT COULD NOT HAVE HAPPENED AND WHY NOT

Country	Minimum Age of Criminal Responsibility	Other Protections for Children	Citation
Albania	18	Limits possible sentence to 20 years	ALBANIA WRITTEN REPLIES (CRC/C/Q ACB/1) REC. 16 DEC. 2004 10(C) COMMITTEE ON THE RIGHTS OF THE CHILD, INITIAL PERIODIC REPORT OF ALBANIA CRC/C/11/ADD. 27
Algeria	13		UNICEF, THE PROGRESS OF NATIONS 56 (1997).
Andorra	16		Mike Molan, Criminal Law 82 (3d ed. 2005)
Argentina	16		UNICEF, THE PROGRESS OF NATIONS 56 (1997).
Australia	10	Juvenile justice and sentencing schemes vary across the Australian states. For petitioner's offense, the states range from discretionary sentencing to a mandatory term of 20 years without parole. We have not found any report of a child petitioner's age or younger being tried as an adult and subjected to a long mandatory term.	<p>Urban, Gregor. "The Age of Criminal Responsibility," available at: http://www.aic.gov.au/publications/tandi/ti181.pdf (Accessed at 11/29/07)</p> <p>N. Terr. Youth Justice Act § 82(3); N.S.W. Crimes (Sentencing Procedure) Act § 21; W. Austl. Crim. Code § 282; S. Austl. Youth Offenders Act § 29(4); S. Austl. Crim. Law (Sentencing) Act § 32(5); Queensland Criminal Code § 305; Austl. Cap. Terr. Crimes (Sentencing) Act § 32 (all available at http://www.austlii.edu.au/).</p>

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Austria	14		Urbas, Gregor. "The Age of Criminal Responsibility," available at: http://www.aic.gov.au/publications/tandj/ti181.pdf (Accessed at 11/29/07)
Belgium	18	Specific exception for certain crimes at 16 http://www.es.european.org/files/ch08.pdf	Urbas, Gregor. "The Age of Criminal Responsibility," available at: http://www.aic.gov.au/publications/tandj/ti181.pdf (Accessed at 11/29/07)
Bosnia	16	Max 10 year sentence	
Brazil	18		Human Rights Watch, "2003 Cruel Confinement: Abuses Against Detained Children in Northern Brazil," available at: http://www.hrw.org/reports/2003/brazil/ and UNICEF, THE PROGRESS OF NATIONS 56 (1997).
Bulgaria	14		European Forum for Urban Safety. "EFUS 'Country Profile: Bulgaria." Available at: http://www.fesu.org/index.php?id=97 . Accessed: 12/03/2007
Burundi	13		Defence for Children International, Kids Behind Bars – A Study on Children in Conflict with the Law 40 (2003)
Canada	14		Youth Criminal Justice Act 2002, c. 1 §§ 2(1)(a), 61
Chile	14	Sentencing limited to max 5 years	
China	14		UNICEF, THE PROGRESS OF NATIONS 56 (1997).

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Columbia	18		UNICEF, THE PROGRESS OF NATIONS 56 (1997).
Costa Rica		Maximum sentence for minors between 12 and 15 years of age is 10 years.	Defence for Children International, Kids Behind Bars – A Study on Children in Conflict with the Law 46 (2003)
Czech Republic	15		European Forum for Urban Safety. "EFUS 'Country Profile: Czech Republic." Available at: http://www.fesu.org/index.php?id=739 . Accessed: 12/03/2007
Dem. Republic of the Congo	16		
Denmark	15		Urbas, Gregor. "The Age of Criminal Responsibility," available at: http://www.aic.gov.au/publications/tandj/ti181.pdf (Accessed at 11/29/07)
Egypt	15		UNICEF, THE PROGRESS OF NATIONS 56 (1997).
Estonia	15		Hansard, HL Deb, vol 564, col WA 82, 27 February 1995. Cited in: Hong Kong Law Reform Commission. "The minimum age of criminal responsibility in other jurisdictions." The Age of Criminal Responsibility in Hong Kong [1999]. Available at: http://www.hklii.org.hk/hk/other/hkirc/cp/1999/01/3.html#Heading580 . Accessed: 12/03/2007.

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Finland	15		Urbas, Gregor. "The Age of Criminal Responsibility," available at: http://www.aic.gov.au/publications/tandi/ti181.pdf (Accessed at 11/29/07)
France	18		UNICEF, THE PROGRESS OF NATIONS 56 (1997).
Germany	18		UNICEF, THE PROGRESS OF NATIONS 56 (1997).
Ghana	12	A juvenile must be detained in the juvenile system	Defence for Children International, Kids Behind Bars – A Study on Children in Conflict with the Law 52 (2003) (citing Criminal Procedure Code of Ghana, Act 30, § 346(2))
Greece	13		European Forum for Urban Safety. "Justice for Minors: Summary Report, 2000." Available at: http://www.fesu.org/index.php?id=789 . Accessed: 12/03/2007
Herezegovina	16	10 year maximum sentence	
Honduras	12	The maximum sentence for a violent offense is 8 years	http://www.childrenlegalcentre.com/shared_assets/files/916CEBA3-3559-41D4-AB1C-5884162F3C53_FULLTEXTFromPapertoPracticeENGLISHReadOnly.doc

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Hungary	14		Hong Kong Law Reform Commission. "The minimum age of criminal responsibility in other jurisdictions." The Age of Criminal Responsibility in Hong Kong [1999]. Available at: http://www.hkii.org.hk/hk/other/hkirc/cp/1999/01/3.html#Heading580 .
Iceland	15		Urbas, Gregor. "The Age of Criminal Responsibility;" available at: http://www.aic.gov.au/publications/tandi/ti181.pdf (Accessed at 11/29/07)
India	7	Children aged 17 or younger are handled in the juvenile justice system where the sentencing authority has full discretion to impose custodial or non-custodial sentences.	India Juvenile Justice Act 2000, § 15; see also Ved Kumari, <i>Children and the Criminal Justice System</i> (2007), http://infochangeindia.org/agenda8_19.jsp (explaining that even serious offenses must be handled under the Juvenile Justice Act).
Indonesia	8	Offenders aged 12 and younger should be referred back to parents or legal guardians.	Defence for Children International, <i>Kids Behind Bars – A Study on Children in Conflict with the Law</i> 56 (2003)
Iran	15 for MALES (9 for females).		UNICEF, <i>THE PROGRESS OF NATIONS</i> 56 (1997).
Italy	14		UNICEF, <i>THE PROGRESS OF NATIONS</i> 56 (1997).

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Japan	14		Ikenaga, Tomoki. "Reconsideration of Japan's Revised Juvenile Act, and Considerations Regarding Juvenile Reform. Working Paper. Center for the Study of Law and Society Jurisprudence and Social Policy Program. University of California, Berkeley (2005) (citing Japan's Revised Juvenile Act, art. 20 (1), (2) (2001)).
Jordan	7	Limits sentence a minor can receive to 12 years	
Kyrgyz Republic	14		Defence for Children International, Kids Behind Bars – A Study on Children in Conflict with the Law 65 (2003)
Latvia	14		European Forum for Urban Safety. "EFUS 'Country Profile: Latvia." Available at: http://www.fesu.org/index.php?id=118 . Accessed: 12/03/2007
Lithuania	14		European Forum for Urban Safety. "EFUS 'Country Profile: Lithuania." Available at: http://www.fesu.org/index.php?id=809 . Accessed: 12/03/2007
Luxembourg	18		Urbas, Gregor. "The Age of Criminal Responsibility," available at: http://www.aic.gov.au/publications/tandi/ti181.pdf (Accessed 11/29/07)

Macau	16		<p>Hong Kong Law Reform Commission. "The minimum age of criminal responsibility in other jurisdictions." <u>The Age of Criminal Responsibility in Hong Kong [1999]</u>. Available at: http://www.hkii.org.hk/hk/other/hkirc/cp/1999/01/3.html#Heading580. Accessed: 12/03/2007.</p>
Mauritius	14		<p>Hong Kong Law Reform Commission. "The minimum age of criminal responsibility in other jurisdictions." <u>The Age of Criminal Responsibility in Hong Kong [1999]</u>. Available at: http://www.hkii.org.hk/hk/other/hkirc/cp/1999/01/3.html#Heading580. Accessed: 12/03/2007.</p>
Mexico		<p>Generally, the youngest age at which a person can be held responsible for a crime is 18 years. In Mexico City and in the federated states, youths from ages 11 to 17 who commit a crime (in the adult sense of the term) are dealt with under State tutelage in terms of the Treatment Law for Underage Violators</p>	<p>United States Department of Justice, "World Factbook on Criminal Justice Systems: Mexico," available at: http://www.ojp.usdoj.gov/bjs/pub/ascii/wfcjstmx.txt (Accessed 11/29/07)</p>
Netherlands	12	<p>Offenders under the age of 16 are always subject to special juvenile provisions that provide for discretionary sentencing.</p>	<p>Dutch Penal Code, Art. 77a-h, available at http://www.legislationline.org/legislation.php?tid=160&lid=959 (last visited 12/03/07).</p>
New Zealand	10	<p>Minimum sentence for murder is 10 years, for double murder 17 years.</p>	<p>New Zealand Ministry of Justice website, Youth Justice: How the System Works (http://www.justice.govt.nz/youth/aboutyj.html)</p>

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Northern Ireland	10	Offenders under the age of 18 are sentenced to a term of "during the pleasure of the Secretary of State."	Justice (Northern Ireland) Act 2002, §§ 63, 65; Criminal Justice (Children) (Northern Ireland) Order 1998, § 45(1).
Norway	15		Urbas, Gregor. "The Age of Criminal Responsibility," available at: http://www.aic.gov.au/publications/tandi/ti181.pdf (Accessed at 11/29/07)
Peru	18		UNICEF, THE PROGRESS OF NATIONS 56 (1997).
Philippines	15		Philippines enacts law on juvenile justice system, May 16, 2006 (citing Juvenile Justice and Welfare Act), available at: http://www.unicef.org/philippines/archives/news/060405.html
Poland	13		UNICEF, THE PROGRESS OF NATIONS 56 (1997).
Portugal	16		Urbas, Gregor. "The Age of Criminal Responsibility," available at: http://www.aic.gov.au/publications/tandi/ti181.pdf (Accessed at 11/29/07)
Romania	14		Hansard, HL Deb, vol 564, col WA 82, 27 February 1995. Cited in: Hong Kong Law Reform Commission. "The minimum age of criminal responsibility in other jurisdictions." The Age of Criminal Responsibility in Hong Kong [1999]. Available at: http://www.hklii.org.hk/hk/other/hkirc/cp/1999/01/3.html#Heading580 . Accessed: 12/03/2007.

Russian Federation	14		UNICEF, THE PROGRESS OF NATIONS 56 (1997).
Slovakia	15		Hansard, HL Deb, vol 564, col WA 82, 27 February 1995. Cited in: Hong Kong Law Reform Commission. "The minimum age of criminal responsibility in other jurisdictions." The Age of Criminal Responsibility in Hong Kong [1999]. Available at: http://www.hklii.org.hk/hk/other/hklrc/cp/1999/01/3.html#Heading580 . Accessed: 12/03/2007.
Slovenia	14		Hansard, HL Deb, vol 564, col WA 82, 27 February 1995. Cited in: Hong Kong Law Reform Commission. "The minimum age of criminal responsibility in other jurisdictions." The Age of Criminal Responsibility in Hong Kong [1999]. Available at: http://www.hklii.org.hk/hk/other/hklrc/cp/1999/01/3.html#Heading580 . Accessed: 12/03/2007.
South Africa	7	In 2004, the Supreme Court of Appeal of South Africa held that minimum sentencing legislation on serious crimes did not apply to juveniles.	Brandt v. State 2005 (2) All SA 1 (SCA) (S. Afr.) World Factbook of Criminal Justice Systems: http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcjsa.f.txt ; Human Rights Watch, "The Rest of their Lives: Life Without Parole for Child Offenders in the United States," available at: http://hrw.org/reports/2005/us1005/TheRestofTheirlives.pdf (Accessed 11/29/07)

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Spain	16 (14 in Catalonia)		<p>Urbas, Gregor. "The Age of Criminal Responsibility," available at: http://www.aic.gov.au/publications/tandi/ti181.pdf (Accessed at 11/29/07)</p>
Sweden	15		<p>Urbas, Gregor. "The Age of Criminal Responsibility," available at: http://www.aic.gov.au/publications/tandi/ti181.pdf (Accessed at 11/29/07)</p>
Taiwan	14	<p>In Taiwan, Article 18 of the Criminal Law provides that a child who has not attained the age of 14 years will not be punished for his act. An order will instead be made under Article 86 for him to be sent to a rehabilitation centre where rehabilitative education will be provided. A person over 14 but below the age of 18 years is criminally responsible for the crime committed, but will receive a mitigated sentence.</p>	<p>Hong Kong Law Reform Commission. "The minimum age of criminal responsibility in other jurisdictions." <u>The Age of Criminal Responsibility in Hong Kong [1999]. Available at: http://www.hkll.org.hk/hk/other/hklrc/cp/1999/01/3.html#Heading580. Accessed: 12/03/2007.</u></p>
Tanzania	16		
Turkey	12	<p>Maximum sentence for a 12-year-old is 12 years.</p>	<p>Turkish Penal Code 31(2); http://www.tbmm.gov.tr/kanunlar/k5237.html</p>

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<p>United Kingdom</p>	<p>10 (8 in Scotland)</p>	<p>Those who commit murder under the age of 18 are sentenced to a term of "during Her Majesty's pleasure." The sentencing authority then sets a minimum term with discretion to adjust the suggested "starting point."</p>	<p>Powers of the Criminal Court (Sentencing) Act, 2000, § 90; Criminal Justice Act, 2003, schedule 21 at ¶ 9.</p>
<p>Ukraine</p>	<p>14</p>		<p>United States Department of Justice, "World Factbook of Criminal Justice Systems: Ukraine," available at: http://www.ojp.usdoj.gov/bjs/pub/ascii/wfbcj ukr.txt (Accessed 11/29/07)</p>
<p>Uzbekistan</p>	<p>13</p>		<p>UNICEF, THE PROGRESS OF NATIONS 56 (1997).</p>
<p>Vietnam</p>	<p>14</p>		<p>UNICEF, THE PROGRESS OF NATIONS 56 (1997).</p>