

The International Consensus Against Trying Youth as Adults



There is a global consensus that children should not be held to the same standards of criminal responsibility as adults.

- In the United States, in more than half of the 50 states in America, as well as in the District of Columbia, a child – in many places, as young as 7 – can be prosecuted in the adult criminal justice system and be subject to lengthy sentences.¹
- Nearly every nation in the world other than the U.S. refuses to subject young children to trial as adults or to adult-level mandatory minimum policies.²
- Even in those rare instances where prosecution in adult court is possible, criminal judges do not have the option to impose excessively long sentences on these children. The available sentences are noticeably shorter than those that American judges can apply when children are tried as adults. For example, life without parole for juveniles is a sentence available only in the United States.³

Punishing children violates international norms of human rights and juvenile justice, and yet the United States continues to lead the world in both policies and practices aimed at treating youth as adults.

- International law recognizes that children are entitled to special protection and treatment in a variety of international instruments such as the U.N. Convention on the Rights of the Child (CRC) or the International Covenant on Civil and Political Rights.⁴
- The United States has disregarded international law and norms providing that children should be treated differently than adults. As of 2006, 191 countries had ratified the U.N. CRC but the U.S. never ratified the CRC on the grounds that it would fundamentally undermine parental rights and authority.⁵

The consequences of the harsh treatment of youth in the United States is directly reflected in the numbers and rate of youth incarcerated across the globe.

- According to a study by John Muncie at the Open University in the U.K., the United States has the highest total number of youth incarcerated as well as the greatest rate of juvenile incarcerations per 1000 juveniles in the world.⁶

References

Notes 1-4: Deitch, Michele, et.al. (2009). *From Time Out to Hard Time: Young Children in the Adult Criminal Justice System*, Austin, TX: The University of Texas at Austin, LBJ School of Public Affairs, available online: <http://www.utexas.edu/lbj/news/story/856/>.

Notes 5-6: Muncie, J. (2008). The 'Punitive Turn' in Juvenile Justice: Cultures of Control and Rights Compliance in Western Europe and the USA. *Youth Justice*, 8(2), 107-121, available online: <http://yji.sagepub.com/cgi/content/abstract/8/2/107>.