



Human Rights Advocates

P.O. Box 5675, Berkeley, CA 94705 USA

Issues in Juvenile Justice: Juvenile Sentencing and Detention Practices

Human Rights Council

16th Session

Agenda Item 3: Annual Full-Day Meeting on the Rights of the Child

Contact Information:

**Dana Marie Isaac, Frank C. Newman Intern
Representing Human Rights Advocates through
University of San Francisco School of Law's
International Human Rights Clinic**

Tel: 415-422-6752

dana.isaac@gmail.com

Professor Connie de la Vega

delavega@usfca.edu

Introduction

International treaties have consistently mandated that separate requirement and standards be in place for juveniles in the criminal justice system.¹ These treaties require that the age of the offender and their status as a minor be considered at sentencing.² The United Nations treaties have further prescribed age requirements for extreme sentences such as the death penalty and life without parole.³ Despite these requirements countries continue to practice sentencing schemes that ignore the age of the offender. While there has been much progress in eliminating the death penalty for juveniles, a few continue to be sentenced to death and wait on death row while thousands of others will spend the remainder of their lives in prison for crimes that occurred while they were minors. Treaties have further mandated that the detention of juveniles should be of last resort, for the shortest appropriate period of time and that all children must be separated from adults. Despite this, children continue to be held in adult prisons in countries across the globe. The continued sentencing and detention of juveniles regardless of their age has a detrimental impact on juveniles. Countries should immediately stop such practices, and should instead comply with their obligations under international law.

Part 1: The Age of the Offender Must Be Considered When Sentencing Juveniles

Sentencing is a critical part of the juvenile justice system. The sentence that a juvenile receives will determine the rest of their lives, and can range from rehabilitative treatment to the death sentence. The United Nations has consistently recognized that minors possess a lower level

¹ U.N. Convention on the Rights of the Child, 1577 UNTS 3, art. 37(a), (Nov. 20, 1989) [hereinafter CRC]; U.N. Rules for the Protection of Juveniles Deprived of Their Liberty, G.A. Res. 45/113, U.N. Doc. A/RES/45/113, Rule 2 (Dec. 14, 1990); United Nations Guidelines for the Prevention of Juvenile Delinquency (“Riyadh Guidelines”) G.A. Res. 45/112, U.N. Doc. A/RES/45/112, para. 46, (Dec. 14, 1990)

² See the Convention on the Rights of the Child, the International Convention on Civil and Political Rights and the Convention Against Torture and Other Cruel, Unhuman or Degrading Treatment or Punishment

³ Human Rights in the Administration of Justice, in Particular Juvenile Justice, U.N. H.R.C., 10th Session, U.N. Doc. A/HRC/RES/10/2, para. 11(Mar. 25, 2009) ; CRC, art. 37(c).

of culpability in their crimes because of their status as minors, and has therefore consistently mandated that the age of the offender be taken into consideration during sentencing.⁴

A. Juveniles Cannot Be Sentenced to the Death Penalty under International Law

The death penalty has consistently been viewed as the harshest punishment that an individual can receive under any sentencing scheme. A sentence of death is so extreme that many countries prohibit the practice altogether, recognizing that the death penalty robs individuals of their “inherent right to life”.⁵ This penalty becomes more extreme as applied to juveniles: international law has recognized a fundamental difference between children and adults.⁶ Despite the atrociousness of such a crime, countries continue to sentence juveniles to the death penalty.

1. International Law and Treaties Prohibit the Death Penalty for Juveniles

Sentencing juvenile offenders to death has long been prohibited by international law, and there has been substantial progress in complying with these obligations. The United Nations Convention on the Rights of the Child (CRC), signed by every country except for the United States and Somalia, states that a child is anyone under the age of 18, and absolutely prohibits the death penalty.⁷ Article 6, paragraph 5 of the International Convention on Civil and Political Rights (ICCPR) prohibits the death penalty as applied to offenders under the age of 18. The weight of these requirements has consistently been stressed by the Human Rights Council, which has requested that countries ensure that capital punishment not be applied for offenses committed by individuals under the age of 18.⁸

⁴ Human Rights in the Administration of Justice, in Particular Juvenile Justice, U.N. H.R.C., 10th Session, U.N. Doc. A/HRC/RES/10/2, para. 11(Mar. 25, 2009) ; CRC art. 37(c).

⁵ The International Convention on Civil and Political Rights, art 6(1).

⁶ Human Rights in the Administration of Justice, in Particular Juvenile Justice, U.N. H.R.C., 10th Session, U.N. Doc. A/HRC/RES/10/2, para. 11(Mar. 25, 2009) ; CRC art. 37(c).

⁷ CRC, art. 1

⁸ Human Rights in the Administration of Justice, in Particular Juvenile Justice, U.N. H.R.C., 10th Session, U.N. Doc. A/HRC/RES/10/2, par. 11(Mar. 25, 2009)

The prohibition against the death penalty as applied to juveniles is widely practiced across the globe. Six years ago the United States came into compliance with international norms by banning the death penalty as applied to juveniles in the Supreme Court case of *Roper v. Simmons* in 2005.⁹ The overwhelming majority of states do not sentence juveniles to the death penalty and the prohibition against sentencing children to die has become accepted. Norms that are universally recognized and accepted by the international community are considered *jus cogen* norms, from which no country can derogate.¹⁰ The prohibition of the death penalty has reached such a level of international acceptance, and is a *jus cogen* norm.

2. The Age of 18 Must Be Recognized As the Age of Majority

The ICCPR recognizes that no one under the age of 18 can be sentenced to the death penalty and article 37(a) of the CRC recognizes that a child under the age of 18 shall be sentenced to capital punishment.¹¹ In an effort to comply with these treaty obligations there have been recent improvements to recognize 18 as the age of majority, notably Sudan which amended its laws in January of 2010 to establish the age of adulthood at 18 nationwide.¹² The legislature of Saudi Arabia also recently enacted a measure raising the age of adulthood from 15 to 18, but unfortunately the Saudi cabinet has yet to pass the measure into law and judges therefore continue to base the determination of adulthood on physical signs of puberty at the time of the trial.¹³ In Iran, puberty is still determined by Sharia law; boys are considered adults and can be

⁹ *Roper v. Simmons*, 543 U.S. 551 (2005)

¹⁰ Vienna Convention on the Law of Treaties, art. 53, 1155 U.N.T.S. 331, (May 23, 1969).

¹¹ Committee on the Rights of the Child, Children's rights in Juvenile Justice, General Comment No. 10, art. 75, U.N. Doc. CRC/C/GC/10 (2007).

¹² Human Rights Watch, Publications, "Iran, Saudi Arabia, Sudan: End Juvenile Death Penalty," October 8, 2010. Available at: <http://www.hrw.org/en/news/2010/10/09/iran-saudi-arabia-sudan-end-juvenile-death-penalty>.

¹³ Human Rights Watch, Publications, "Iran, Saudi Arabia, Sudan: End Juvenile Death Penalty," October 8, 2010. Available at: <http://www.hrw.org/en/news/2010/10/09/iran-saudi-arabia-sudan-end-juvenile-death-penalty>.

sentenced as such when they reach the age of 14 years and 5 months; girls are considered adults at the age of 8 years and 8 months.¹⁴

It is imperative that countries take the step necessary to codify the requirements under the CRC and the ICCPR and require that the age of majority be 18 nationally.

3. Countries Must Halt All Executions of Juvenile Offenders

Three countries continue to sentence juveniles to the death penalty: Iran, Saudi Arabia and Sudan.¹⁵ In 2009 these three countries executed 8 juveniles: Iran executed 5 youths, Saudi Arabia 2 and Sudan 1. 2010 showed a marked improvement in this practice, throughout the entire year only 1 juvenile identified as Mohammad was executed in a secret hanging in Marvdasht prison in Shiraz, Iran for a crime committed at the age of 17.¹⁶ There remain, however, 130 juveniles on death row in Iran.¹⁷

Human Rights Advocates urges these countries to immediately halt all executions of juvenile offenders, and to pass national legislation banning the sentence in its entirety. When banning the death sentence as applied to juveniles, these countries should pass legislation recognizing a juvenile as any offender under the age of 18.

B. International Law Recognizes a Prohibition Against a Sentence of Juvenile Life Without Parole

A sentence of life without parole affirmatively states that the offender will die in prison. Such a sentence affords no opportunity for an individual to be rehabilitated, to grow and succeed, or to ever leave the confines of prison. A sentence of life without parole is particularly atrocious as applied to a juvenile offender who committed a crime during their minority since it is

¹⁴ Human Rights Watch, Publications, "Iran, Saudi Arabia, Sudan: End Juvenile Death Penalty," October 8, 2010. Available at: <http://www.hrw.org/en/news/2010/10/09/iran-saudi-arabia-sudan-end-juvenile-death-penalty>.

¹⁵ Human Rights Watch, Publication, "Iran: Events of 2009," Available at: <http://www.hrw.org/en/world-report-2010/iran>.

¹⁶ Human Rights Watch, Publications, "Iran, Saudi Arabia, Sudan: End Juvenile Death Penalty," October 8, 2010. Available at: <http://www.hrw.org/en/news/2010/10/09/iran-saudi-arabia-sudan-end-juvenile-death-penalty>.

¹⁷ *Id.*

effectively a death sentence: the juvenile will spend the rest of their lives in prison with no possibility of ever showing that they have been rehabilitated. Because of the extremity of such a determination, international law has recognized that a juvenile offender should not be sentenced to life without parole.¹⁸

1. International Law and Treaties Prohibit the Life Without Parole for Juveniles

Juvenile life without possibility of parole is expressly prohibited by international law and treaties: article 37(a) of the CRC expressly forbids sentencing children under the age of 18 to a life sentence without the possibility of parole. Further, the ICCPR requires that an individual's status as a minor be taken into account in sentencing.

The prohibition against juvenile life without parole is so widely practiced that it reached the level of a *jus cogen* norm.¹⁹ Currently, 11 countries have laws that allow for juveniles to be sentenced to life without parole.²⁰ In actuality however, 10 of the 11 countries do not sentence juveniles so harshly in practice.²¹ Antigua and Barbuda, Argentina, Australia, Belize, Brunei, Cuba, Dominica, Saint Vincent and the Grenadines, the Solomon Islands, and Sri Lanka have laws that allow for a sentence of life without parole to be imposed, however they do not have any offenders serving such a sentence.²² The United States is therefore the only country in the world that continues to sentence juveniles to life without parole.²³ Since only one country in the world sentences juvenile to life without parole, the prohibition against such a sentencing is universally recognized and accepted by the international community and is *jus cogen* norm from which no country can derogate.

¹⁸ CRC. art. 37(a).

¹⁹ Vienna Convention on the Law of Treaties, art. 53, 1155 U.N.T.S. 331, (May 23, 1969).

²⁰ Brief for Amicus Curiae Supporting Petitioners, *Graham v. State of Florida and Sullivan v. State of Florida*, 130 S. Ct. 2011 (2010) (Nos. 08-7412, 08-7621) pg. 17

²¹ *Id.*

²² *Graham v. State of Florida*, 130 S. Ct. 2011 (2010).

²³ Brief for Amicus Curiae Supporting Petitioners, *Graham v. State of Florida and Sullivan v. State of Florida*, 130 S. Ct. 2011 (2010) (Nos. 08-7412, 08-7621) pg. 17

2. Countries Must Prohibit a Sentence of Life Without Parole for Juveniles

The United States remains the only country in the world that continues to sentence juveniles to life without parole.²⁴ The United States has made progress in eliminating juvenile life without parole in the recent Supreme Court decision of *Graham v. Sullivan* ruling that juveniles cannot be sentenced to life without parole for non-homicide offenses.²⁵ Despite the *Graham* decision, the state of Florida still has no parole system in place for offenders sentenced after 1 October 1983.²⁶ Florida abolished their parole system in the wake of sentencing reform, and as such the Florida legislature is still attempting to rework a new system for granting parole. There are currently 77 juveniles serving life without parole for non-homicide crimes in the state of Florida.²⁷ In reality the ruling of *Graham* and its practical application waits in limbo while the Florida attempts to create a new parole system. HRA urges the United States to put in place a measure that ensures that the 123 juveniles sentenced for non-homicide crimes have meaningful access to the parole system and that it take steps to eliminate the sentence for all offenders under the age of 18.

The United States still allows life sentences for homicide crimes which currently affects 2,466 juveniles.²⁸ Even though *Graham* represents significant progress in eliminating juvenile life without parole, the majority of children serving life without parole sentences will remain locked up for the rest of their lives, with no chance to go before a parole board.

²⁴ Brief for Amicus Curiae Supporting Petitioners, *Graham v. State of Florida and Sullivan v. State of Florida*, 130 S. Ct. 2011 (2010) (Nos. 08-7412, 08-7621) pg. 17

²⁵ *Graham v. State of Florida*, 130 S. Ct. 2011 (2010).

²⁶ Florida Parole Commission: "Parole and Post Release." Available at: <https://fpc.state.fl.us/Parole.htm> (Accessed January 30th, 2011).

²⁷ *Graham v. State of Florida*, 130 S. Ct. 2011, 2024 (2010).

²⁸ Human Rights Watch, News, "*State Distribution of Juvenile Offenders Serving Juvenile Life Without Parole (JLWOP)*," Oct. 2, 2009. Available at: <http://www.hrw.org/en/news/2009/10/02/state-distribution-juvenile-offenders-serving-juvenile-life-without-parole>. (Last Visited Feb. 5, 2011)

This sentence exists in the federal system as well: the United States federal justice system has approximately 38 juveniles serving life without parole.²⁹ Data concerning the number of juveniles sentenced to life without in the federal system is scarce and difficult to discover. Because of the scarcity of information, it can be inferred that these data discrepancies are in part due to classification differentiations in the federal system.³⁰ Under the United States' three strikes law, and individual convicted of three felonies must be sentenced to life without parole.³¹ Many juveniles receive their first or second "strike" while a juvenile, and their last "strike" as an adult. These juveniles are sometimes counted in juvenile life without parole statistics, and are sometimes counted in adult life without parole statistics.³² Further, some juveniles commit crimes before the age of 18, but are sentenced by the federal government once they attain the age of majority.³³ The federal system once again occasionally considers these offenders as serving a juvenile life without parole sentence, and occasionally considers them as adult offenders receiving an adult sentence.³⁴ Because of this lack of consistency in record keeping at the federal level, the exact number of federal offenders serving life without parole is unknown,³⁵ although it is estimated to be around 38 individuals.³⁶ HRA urges the United States to halt the practice of sentencing juveniles to life without parole and urges the federal Bureau of Prisons to keep

²⁹ The number of federal offenders serving juvenile life without parole sentences is approximate since accurate federal data is not available. The Campaign for the Fair Sentencing of Youth: "Stats by State". Available at: <http://www.endjlwop.org/the-issue/stats-by-state>.

³⁰ US Department of Justice: Federal Bureau Prisons. Letter to Ashley Nellis dated April 22, 2010: *BOP Data For Juveniles Sentenced to Life Without Parole*. Letter is in the author's possession.

³¹ 18 U.S.C. § 3559(c)

³² Inferred from US Department of Justice: Federal Bureau Prisons. Letter to Ashley Nellis dated April 22, 2010: *BOP Data For Juveniles Sentenced to Life Without Parole*.

³³ *Id.*

³⁴ *Id.*

³⁵ Interview with Kyra Millich, interim direct of the University of San Francisco's Project To End Juvenile Life Without Parole, February 15, 2011.

³⁶ The Campaign for the Fair Sentencing of Youth: "Stats by State". Available at: <http://www.endjlwop.org/the-issue/stats-by-state>.

accurate data and information indicating whether or not an individual is serving a sentence for juvenile life without parole.

C. All Sentencing Schemes Must Consider the Age of the Offender

Under article 14(4) of the ICCPR “in the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.”

Similarly, under the Convention Against Torture (CAT), and the Convention on the Elimination of Racial Discrimination (“CERD”) the age of the juvenile and his status as a minor at the time of the offense must be considered at sentencing. These treaties embody an understanding that juveniles have a diminished amount of culpability because of their decreased age. Despite this, many countries continue to employ sentencing schemes that do not require that the age of the offender be considered. It is important that the age of the offender be considered at sentencing because juveniles represent a distinct and separate group from adults with a diminished capacity.

1. Countries Continue to Sentence Juveniles under Adult Sentencing Schemes

Several countries that did not previously consider the age of the offender have taken steps to ensure that the age be taken into consideration at the time of sentencing. Hungary passed legislation on 21 July 2010 lowering the sentences of juveniles and requiring that minors be tried in juvenile court.³⁷ Despite this initial progress, problems remain with the sentencing of juveniles arrested in Hungary during protest participation.³⁸ These children continue to be sentenced under adult laws despite progress in mandating that a separate juvenile sentencing system be used.³⁹

India’s federal Juvenile Justice Care and Prevention Act passed in 2000 mandating

³⁷ *Children Release from Prison Trying to Rebuild Their Lives*, Today’s Zaman, August 14, 2010. Available at: <http://www.todayszaman.com/news-218989-101-children-released-from-prison-trying-to-rebuild-their-lives.html>.

³⁸ *Children Release from Prison Trying to Rebuild Their Lives*, Today’s Zaman, August 14, 2010. Available at: <http://www.todayszaman.com/news-218989-101-children-released-from-prison-trying-to-rebuild-their-lives.html>.

³⁹ *Id.*

separate sentencing for juvenile offenders was created specifically to comply with the CRC.⁴⁰ The Act lays out a separate framework for protecting juveniles: authorities are required to produce anyone who is underage before special juvenile courts and the bail provisions are more flexible.⁴¹ Unfortunately, even though the Act was enacted 11 years ago, this law has not been implemented in practice.⁴² Juveniles in India continue to be sentenced along adult sentencing schemes, in contradiction to their requirements under both the CRC and their own federal legislation under the Juvenile Justice Care and Prevention Act.

At present in Indonesia children as young as 8 can be tried for adult crimes under the Juvenile Justice Act (JJA) passed in 1997.⁴³ Despite widespread criticism, the government has continued to defend the Act and it continues in effect.⁴⁴ The severity of this Act was illustrated in July of 2010 when 10 children between the ages of 12 and 16 were found guilty of gambling for playing a coin toss game.⁴⁵

In the United States some individual state guidelines do not require that an offender's age be considered during sentencing. The United States system allows for three separate sentencing schemes that do not take account of the offender's age. First, some states sentence the juvenile based solely on the crime. The state of Florida, for example follows a mandatory sentencing scheme for juvenile offenders that does not consider their age; once a child is indicted they are "tried and handled in every respect as an adult" and once convicted the "child shall be sentenced

⁴⁰ Human Rights Watch, Publications: "India: Implement Juvenile Justice laws in Kashmir," Available at: <http://www.hrw.org/en/news/2010/07/21/india-implement-juvenile-justice-laws-kashmir>.

⁴¹ *Id.*

⁴² *Id.*

⁴³ Heru Andriyanto, *Indonesia's Juvenile Law System Offers Little Justice for Children*, Jakarta Globe, February 21, 2010. Available at: <http://www.thejakartaglobe.com/news/indonesias-juvenile-law-system-offers-little-justice-for-children/359974>

⁴⁴ *Id.*

⁴⁵ *Id.*

as an adult”.⁴⁶ The state of Pennsylvania follows a similar sentencing scheme that does not require that the age of the offender be taken into account; judges look only at the crime committed and are forced to sentencing based on the crime alone.⁴⁷

Second, some states allow the prosecutor the discretion to determine whether or not they will file in adult court or juvenile court. California, for example, affords the prosecutor complete discretion to file in adult court, thereby allowing them to bypass any system that would take into account the age of the offender.⁴⁸

Thirdly, some states allow for a juvenile’s case to be transferred from the juvenile system to the adult system. In Arkansas if the juvenile is at least 14 years of age and commits a felony, they are be transferred to an adult court and tried as an adult.⁴⁹ Similarly, Missouri allows for a discretionary transfer of a juvenile’s case so long as they are above the age of 12.⁵⁰ This has had a dramatic impact in Missouri where a disproportionate number of black youth are prosecuted for serious crimes in adult court as opposed to juvenile court.⁵¹ In 2008, African-American teens in Missouri were defendants in 57% of prosecutions in adult courts despite the fact that they make up only 14% of state residents between the ages of 12 and 17.⁵² These numbers show the devastation that discretionary transfers can have on juvenile offenders; juvenile of color are disproportionately transfer to adult courts systems that do not consider their age.⁵³ All three

⁴⁶ Fla. Stat. Ann. § 775.082

⁴⁷ 18 Pa. Cons. Stat. Ann. §§ 1102, 9711.

⁴⁸State of California: Office of the Legislative Analyst, *Juvenile Crime, Outlook for California Part V*, available at: www.lao.ca.gov/1995/050195_juv_crime/kkpart5.aspx

⁴⁹ Ark. Code Ann. § 8-27-318 (2008).

⁵⁰ Mo. Ann. Stat. § 211.071

⁵¹ Black Voices News: *Black Juveniles Tried As Adults at Alarming Rate in Missouri*, February 14th, 2011, available at: www.blackvoicenews.com/news/news-wire/45715-black-juveniles-tried-as-adults-at-alarming-rate-in-missouri.html (accessed February 16, 2011).

⁵² *Id.*

⁵³ Black Voices News: *Black Juveniles Tried As Adults at Alarming Rate in Missouri*, February 14th, 2011, available at: www.blackvoicenews.com/news/news-wire/45715-black-juveniles-tried-as-adults-at-alarming-rate-in-missouri.html (accessed February 16, 2011).

schemes allow sentencing to proceed against juveniles without any consideration for the age of the offenders circumventing the requirements of international law.

Part 2: Juveniles Must be Detained in Separate Facilities from Adults

Under article 37 of the CRC the deprivation of liberty for juveniles should be of last resort and for the shortest appropriate period of time. Under the Committee on the Rights of the Child state parties must take adequate legislative and other measures to reduce the use of pretrial detention.⁵⁴ Under subsection (c) of article 37 of the CRC and under Article 10(2)(b) of the ICCPR every child deprived of liberty shall be separated from adults and shall not be placed in an adult prison or other facility. The ICCPR further states in article 10(2)(b) that juveniles “shall be separated from adults” during pre-trial detention. These separation requirements embody a belief that the penological purpose of incarcerating juveniles is for rehabilitation, a goal that cannot be accomplished in an adult prison facility.

In the Jammu and Kashmir provinces of India the High Court directed the local governments to set up juvenile courts and observation homes separating juveniles from adults under the Public Safety Act enacted in 2000.⁵⁵ These regions, however, have not taken other steps to implement and fully comply with the Act; children continue to be detained with adults in adult facilities.⁵⁶

⁵⁴ CRC/C/GC/10 page 21.

⁵⁵ Human Rights Watch, Publications: “India: Implement Juvenile Justice laws in Kashmir,” Available at: <http://www.hrw.org/en/news/2010/07/21/india-implement-juvenile-justice-laws-kashmir>.

⁵⁶ *Id.*

Under the JJA in Indonesia, children as young as 8 can be detained in police cells.⁵⁷ Currently no clear guidelines are in place on how to treat juvenile offenders who are awaiting trial, and it has become police custom to detain the children in adult facilities.⁵⁸ In 2006 an 8 year old boy was sent to an adult prison in North Sumatra on charges of assault for a fight that took place when the child was 7.⁵⁹ Once convicted, the Act allows for juveniles to serve their sentencing in adult facilities.⁶⁰ In January of 2010 a 9 year old boy was arrested for stealing a bicycle and was detained in an adult facility with adult criminals.⁶¹ President Yudhoyono of Indonesia stated in February of 2010 that he hoped to review the laws and regulations governing juvenile offenders;⁶² HRA urges Indonesia to undertake the stated review of the juvenile laws.

In Zimbabwe adults, juveniles and mothers with their children share the same prisons as they await trial for their crimes. Because Zimbabwe allows small children to remain with their mothers who have committed crimes, Zimbabwe prisons are home juveniles who have committed no crimes, but are being detained with their mothers. A Zimbabwe prison currently houses a 4 year old child born there while her mother still awaits trial.⁶³ Conditions within juvenile systems remain unsafe. Despite having a separate juvenile detention system, Brazil's juvenile detention centers are overcrowded, and juveniles experience abuse, filth and a lack of education,

⁵⁷ Heru Andriyanto, *Indonesia's Juvenile Law System Offers Little Justice for Children*, Jakarta Globe, February 21, 2010. Available at: <http://www.thejakartaglobe.com/news/indonesias-juvenile-law-system-offers-little-justice-for-children/359974>

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Zimbabwe: Children doing time with their mothers*, Irin News, August 11, 2010. Available at: <http://www.irinnews.org/Report.aspx?ReportId=90137>

rehabilitation and vocation resources.⁶⁴ The conditions of the prisons in Brazil show a heightened use of pretrial detention in deplorable conditions.

Recommendations

15. Human Rights Advocates recommends that the Human Rights Council:
 - a) Organize an all day panel at the March 2012 meeting to address the issues of juvenile sentencing, including the death penalty, life without parole and consideration of the juvenile's status as a minor, as well as juvenile detention.

16. Human Rights Advocates urges all states to:
 - b) Abolish the practice of sentencing juveniles to the death penalty and to establish the national age of adulthood at 18 years.
 - c) Abolish the practice of sentencing juveniles to life without the possibility of parole and ensure that all children are able to come before a parole board.
 - d) Keep adequate records of the number of juveniles serving life without parole as well as the crimes that they have committed.
 - e) Create and implement a separate sentencing system for juvenile offenders that takes into account their age.
 - f) Maintain detention facilities for juvenile offenders separate from those for adults. These facilities should be clean and safe.

⁶⁴ Human Rights Watch, Publications: "Brazil: Youths Abused in Rio's Detention Centers," Available at: <http://www.hrw.org/en/news/2004/12/06/brazil-youths-abused-rio-s-detention-centers>