
JUVENILE LIFE WITHOUT PAROLE INFORMATION

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ACLU JUVENILE LIFE WITHOUT PAROLE STUDY RELEASED

September 14, 2004 the American Civil Liberties Union (ACLU) of Michigan released a study about juveniles serving life without parole in the State of Michigan. The report, titled *Second Chances: Juveniles Serving Life Without Parole in Michigan Prisons*, can be viewed on the Internet at:

www.aclumich.org/pubs/juvenilelifefers.pdf. A profile about Efren appears on page 16 of the report.

To learn more about the ACLU's efforts you can contact Deborah LaBelle, Project Director, Juvenile Life Without Parole Initiative. Ms. LaBelle can be contacted at:

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U.S. SUPREME COURT RULES JUVENILE DEATH PENALTY UNCONSTITUTIONAL

March 1, 2005 the U.S. Supreme Court held that the execution of juvenile offenders is "cruel and unusual punishment" prohibited by the Eighth Amendment to the U.S. Constitution. The Court also held:

[T]he overwhelming weight of international opinion against the juvenile death penalty, resting in large part on the understanding that the instability and emotional imbalance of young people may often be a factor in the crime. See Brief for Human Rights Committee of the Bar of England and Wales et al. as *Amici Curiae* 10-11. The opinion of the world community, while not controlling our outcome, does provide respected and significant confirmation for our own conclusions. (*Roper v. Simmons*, 125 S.Ct. 1183, 1200 (2005))

It should be noted that the United Nations Convention On the Rights of the Child ("CRC"), Art. 37, Nov. 20, 1989, 1577 U.N.T.S. 3, 28 I. L. M. 1448 (entered into force Sept. 2, 1990), prohibits both the imposition of the death penalty and life sentences on juveniles. The CRC was specifically acknowledged in the *Roper* opinion.

Other significant statements in the opinion were:

[There is] "sufficient evidence that today our society views juveniles, in the words *Atkins* [*v. Virginia*, 536 U.S. 304 (2002)] used respecting the mentally retarded, as categorically less culpable than the average criminal." *Roper v. Simmons*, 125 S.Ct. 1183, 1194 (2005)

[J]uvenile offenders cannot with reliability be classified among the worst offenders. *Roper v. Simmons*, 125 S.Ct. 1183, 1195 (2005)

[I]t is worth noting that the punishment of life imprisonment without the possibility of parole is itself a severe sanction, in particular for a young person. *Roper v. Simmons*, 125 S.Ct. 1183, 1196 (2005)

A full summary of the key points in the *Roper* opinion compiled by Efren, which are helpful for juveniles who are challenging sentences of life without parole, is available for review upon request.

UNITED NATIONS HUMAN RIGHTS PRESENTATION

April 8, 2005 University of San Francisco Professor Connie de la Vega, along with seven of her students, presented a human rights report on various subjects at the United Nations in Geneva, Switzerland. The report was presented on behalf of the University of San Francisco, International Human Rights Clinic, Human Rights Advocates.

The report, to the 61st Session of the United Nations Commission on Human Rights, is titled *Administration of Justice Agenda Item 13: The Death Penalty and Life Imprisonment Without the Possibility of Release for Youth Offenders Who Were Under the Age of 18 at the Time of the Offense*. Efren's case was referenced in a speech presented at the United Nations by one of the students, Angela M. Fitzsimons, which addressed the universal abolition of juvenile life without parole. An electronic copy of the speech is available upon request.

Efren's case was the only one specifically named in the speech from the USA regarding a person being sentenced to life without parole who is still in prison for a crime he was accused of committing when he was a juvenile. The following appeared in the speech:

The case of Efren Paredes, Jr. exemplifies the unfairness of trying juveniles as adults. He was fifteen when he was accused of robbing a grocery store and killing the manager; he was sentenced to life without parole despite having no prior criminal history. When Efren was tried, the judge exercised his option to sentence him as an adult. The judge's decision was based on the seriousness of the crime, Efren's apparent lack of remorse, and his denial of involvement. He remains in prison after 16 years, despite being a model prisoner, while his codefendants have all since been released.

(Angela M. Fitzsimons. *Administration of Justice Agenda Item 13: The Death Penalty and Life Imprisonment Without the Possibility of Release for Youth Offenders Who Were Under the Age of 18 at the Time of the Offense*, Part II. Juvenile Life Without Parole, §A. Juvenile Life Without Parole Violates Customary International Law. pp. 10-11. Berkeley: Human Rights Advocates (2005). Available on the Internet at: www.humanrightsadvocates.org/images/Juvenile%20Sentences.doc)

Professor de la Vega and her students raised awareness about the issue of juvenile life without parole at the Commission on Human Rights by distributing the report to delegates, making an oral statement on the issue, and talking to various delegates about the status of the juvenile life without parole sentences in their countries.

Professor de la Vega filed a brief of *amicus curiae* on behalf of the Human Rights Committee of the Bar of England and Wales, Human Rights Advocates, Human Rights Watch, and the World Organization for Human Rights USA in *Roper v. Simmons*, 125 S.Ct. 1183 (2005). The brief urged the court to abolish the imposition of the death penalty on juvenile offenders. The U.S. Supreme Court subsequently banned juvenile death penalty sentences in the country on March 1, 2005.

COLUMBIA UNIVERSITY HUMAN RIGHTS PROJECT

April 8, 2005, interns from the University of Michigan working for attorney Deborah LaBelle, project director for the ACLU Juvenile Life Without Parole Initiative, met with Efren, along with a student from Columbia University School of Law, Human Rights Clinic.

The purpose of the meeting was to discuss plans to file a petition with the Inter-American Commission on Human Rights arguing that imposing sentences of life without parole on juveniles violates the American Convention on Human Rights, Nov. 22, 1969, 1144 U.N.T.S. 143 (entered into force July 19, 1978), United Nations Convention on the Rights of the Child, Nov. 20, 1989, art. 37, 1577 U.N.T.S. 3, 28 I.L.M. 1448 (entered into force Sept. 2, 1990), and the International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976).

Efren answered questions presented to him regarding the juvenile experience in adult courts, jails and prisons. He was also afforded the opportunity to share some of the research he has conducted in the fields of adolescent development, juvenile justice, and international laws and treaties regarding juveniles and human rights. A petition is currently being drafted to be filed with the Inter-American Court of Justice in an effort to get the court to rule that the imposition of life without parole sentences on children is a human rights violation.

AMNESTY INTERNATIONAL AND HUMAN RIGHTS WATCH JUVENILE LIFE WITHOUT PAROLE REPORT

At least 2,225 individuals convicted of crimes they committed as juveniles are currently serving life terms without parole in United States prisons, according to a joint report released Tuesday, October 12, 2005 by Amnesty International and Human Rights Watch. This figure compares with a total of 12 prisoners in the rest of the world combined who were given the same sentence as children. South Africa, Tanzania and Israel are the only other three countries in the world which allow sentencing children to life without parole.

The report, titled *The Rest of Their Lives: Life without Parole for Child Offenders in the United States*, found that Pennsylvania has the highest number of juvenile crime "lifers," with 332 offenders serving life terms without parole. In second place is Louisiana, with 317. Michigan, with 306 such cases, ranks third.

The ACLU says 306 prisoners in the state are serving life sentences without a chance of parole for crimes committed before the age of 18. Almost half of them, or 146, committed their crimes while age 16 or younger. Fifty-nine percent of child offenders serving life sentences in the United States, according to the report, had no criminal record prior to the crime for which they were incarcerated. Sixteen percent were between 13- and 15-

years-old at the time they committed their crimes.

The unique position of the United States in condemning youth offenders to lifetime imprisonment is a telling expression of the immense social contradictions and official brutality which have come to characterize American society. The fact that only 12 children received such sentences outside the United States testifies to the general consensus in the rest of the world that condemning young offenders to life in prison is a brutal relic from the past. The legal systems of 132 nations other than the United States bar the practice of imposing sentences of life without parole on children.

The juvenile life without parole report can be viewed at: <http://hrw.org/reports/2005/us1005/>.

Efren's mother spoke at the press release for the report which took place in Detroit, Michigan. She was one of four parents asked to attend the event on behalf of those serving life without parole for crimes they were convicted of committing when they were children. After the event Efren's mother, step-father and a family friend, appeared on a Detroit radio talk show for an hour to discuss Efren's case. Efren's parents were also interviewed by *The Michigan Citizen* newspaper for an article which appeared in their periodical, and they were subsequently interviewed by a BBC News reporter for a segment that aired on BBC News later that evening.

To learn more about how you can help Human Rights Watch and Amnesty International abolish juvenile life without sentences across the nation, please contact:

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WAYNE STATE UNIVERSITY CENTER FOR URBAN STUDIES

During the spring and summer of 2005 independent, state-wide polling was conducted by Wayne State University Center for Urban studies.¹ The poll shows strong public support for reforming laws that allow minors to be sentenced to life without parole. In a state-wide poll, 72% of respondents said they believed adolescents under the age of 18 who commit violent offences are strong candidates for rehabilitation.

"The preliminary results of this study suggest that the people in the state of Michigan are unequivocally against locking up children for life," said Terrence Allen, Assistant Professor in the Wayne State School of Social work and co-author of the above-mentioned study.

¹Researchers at the Wayne State School of Social Work (Kubiak, Allen & King) teamed up with survey experts at the Center for Urban Studies (CUS) to ask Michigan constituents questions on sentencing juveniles for serious crimes. Each year the Center for Urban Studies conducts a general population statewide survey of Michigan residents 18 and older using random digit dialing technique. The survey consisted of 750 completed interviews.

The statewide poll found that only 5% of Michigan residents supported juveniles serving life without parole in adult facilities.²

The polling was also useful for discovering the beliefs of Michigan residents with regard to the treatment of juveniles who commit serious crimes. Only 26% of Michigan residents believe that adolescents between the age of 12 and 17 years old are as responsible as adults. More specifically, the majority of respondents did not believe that juveniles who commit violent offenses should receive the same punishment as an adult. Rather, they stated their strong belief that adolescents should be given a chance at parole even in homicide offenses.

Michigan citizens also felt strongly that adolescents 16 and younger do not belong in adult correctional facilities. Nearly 80% of respondents believed that adolescents 14, 15, & 16 should not be imprisoned in adult prisons, and over 72% believed adolescents under the age of 18 who commit violent offenses are strong candidates for rehabilitation, supporting second chances.

This polling is consistent with the results of several focus groups conducted in Grand Rapids and Southfield this year. The initial assessment demonstrated "a fairly high level of prevailing support for reform" of the current sentencing scheme for juveniles. When the four groups were provided basic facts on the waiver laws and the number of juveniles serving life without parole in Michigan, the support for change of the juvenile life without parole laws became overwhelming.

Source: Wayne State University Center for Urban Studies

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²Respondents included individuals from every county in Michigan in proportion to their size in the overall state population. Respondents were more likely to be female (36% male, 64% female), with a per capita income of \$38,113 and 79% were White/Caucasian, 16% African American, and 2% Hispanic. The mean age of respondents was 50 years old; 34% of the sample had a bachelors degree or higher.