


UNITED NATIONS SHADOW REPORT

Violations of Children's Human Rights Under the
International Covenant on Civil and Political Rights

A photograph of a person sitting on a bench in a prison cell, viewed through a metal grate. The person is wearing a light-colored jacket and dark pants. The background is a plain wall with two small windows. The text is overlaid on the right side of the image.

This report is dedicated to the more than 32,000
people incarcerated in U.S. prisons across the
country for crimes committed as children.

You Are Not Forgotten.

"The United States does not limit its treatment of children as adults to exceptional circumstances ... resulting in the violation of children's human rights at the federal, state, and local levels."

-Inter-American Commission on Human Rights, 2018



INTRODUCTION

The United States is currently incarcerating more than 32,359 people who were sent to prison for offenses committed as children. Through the continued practice of trying and sentencing children as if they were adults, the U.S. is in violation of Articles 10 and 14 of the International Covenant on Civil and Political Rights (ICCPR) which was ratified by the U.S. Senate in 1992.

Each one of the individuals we identified while conducting the research for this report has had their human rights violated.

The U.S. locks up these children for decades and, sometimes, for the duration of their natural lives. While the policies that enable this inhumane treatment of children are in violation of international law, this pattern of practice is also highly suggestive of conduct that constitutes crimes against humanity under Article 7 of the Rome Statute of the International Criminal Court.

This report details data collected on children who were committed to prison as recently as 2022 and as far back as the 1950's.

We aggregated the data across the U.S. to identify

larger themes and highlight individual states that have engaged in severe violations of children's human rights.

The story the data tells us is as tragic as the conclusions we've drawn from it. Namely, that the United States is engaged in one of the largest government-sanctioned human rights abuses against children in the world today.

Every year thousands of children, who are disproportionately children of color, are tried in the adult criminal justice system where their child status is deemed irrelevant.

Dehumanization efforts targeting Black and Brown children in America made this socially and legally acceptable. The emergence of the "Super Predator Theory" in the 1990's and political campaign slogans like "adult time for adult crime" hastened this effort and brought about drastic changes in law making it easier to treat children like adults in violation of the United States' treaty obligations.



“Both my father and my stepmother were very abusive. My first experience with direct abuse was at the age of 3 and it was from my father. I have felt hopelessness off and on my entire life, and from the age of 8 to 40, I’ve had nightmares and flashbacks.”

Anonymous woman incarcerated since childhood

MAJOR FINDINGS & NATIONAL STATISTICS

From the start of 2021 to mid-2022, Human Rights for Kids requested data from the departments of corrections in all states and the District of Columbia on individuals who are currently incarcerated in U.S. prisons for crimes they committed while under the age of 18. The data we received from 45 states tells a horrific story of the collective impact of the practice of sentencing children to adult prison terms.

Overall Impact of U.S. Policies

The U.S. is currently incarcerating 32,359 individuals who were placed in prison before they had the ability to drive, vote, or make their own independent decisions. Some were so young they were still subject to truancy laws, and far too many weren't even teenagers. They comprise 3.1% of our current overall state prison population – enough people to fill a prison in every state in the country. This number is near the total census of children in youth prisons for delinquency adjudications, which stood at 36,469 as of 2019.

Absent intervention, nearly one third of the children who entered adult prison will not exit

until they are in their 50's, having spent 40 years or more behind bars. Children who were lucky enough not to receive life sentences will spend, on average, between 14.59 to 21.72 years behind bars.

Ongoing Human Rights Abuse

The severe harms that children face when placed in adult jails and prisons have been well documented. They include physical and sexual violence, solitary confinement, lack of mental health treatment, lack of educational programming, and isolation from family. These forms of child abuse frequently follow children as they age and become adults in prison.

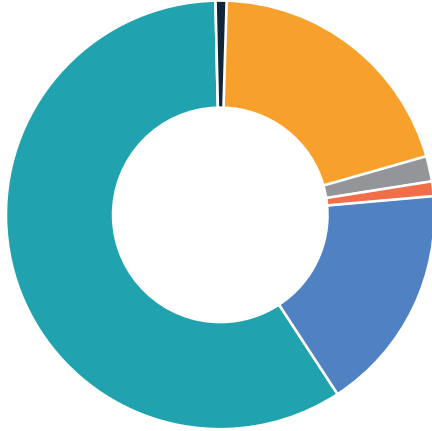
Children in adult prisons are five times more likely to be assaulted, and are nine times more likely to die of suicide than those in facilities for children. Abuse of children in prison is so pervasive that they intentionally commit infractions in order to be moved to solitary confinement to escape their abusers.



RACIAL DEMOGRAPHICS

The U.S. practice of prosecuting and incarcerating children as adults has a disparate impact on children of color. There are 25,784 individuals who are identified as people of color who have been incarcerated since childhood. This represents 79.69% of the total number of people in prison we've identified who were prosecuted and incarcerated for crimes committed as children.

Figure 1: Racial/Ethnic Breakdown (Total Count)*



KEY	RACE/ETHNICITY	COUNT	PERCENTAGE
	ASIAN AMERICAN/ PACIFIC ISLANDER	241	0.74%
	BLACK	18,819	58.16%
	HISPANIC	5,860	18.11%
	NATIVE AMERICAN	373	1.15%
	OTHER	491	1.52%
	WHITE	6,570	20.30%

*Hawaii provided no breakdown on Race/Ethnicity, and is not represented in this graph.

SEVERITY OF SENTENCE

Many children sentenced and incarcerated as adults will spend more than two decades in prison and will not re-integrate back into their communities until they are middle aged.

AVERAGE SENTENCE	YEARS
Including de facto life sentences	21.72
Excluding de facto life sentences	14.59

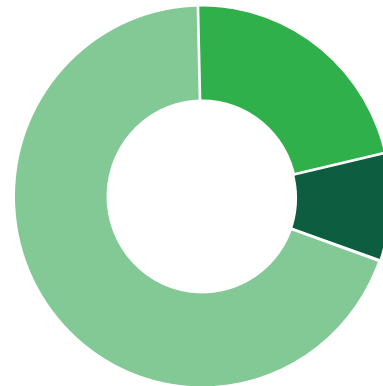


Figure 2: Nationwide Sentence Types

KEY	TYPE	CHILDREN	PERCENTAGE
	DE FACTO LIFE	3,162	9.77%
	LIFE	6,301	19.47%
	NUMBERED	22,896	70.76%

Life Sentences Imposed on Children

We found that 6,301 individuals were sentenced to a life term, some with and some without parole. This represents 19.47% of the total number of individuals who have been incarcerated since they were children.

De Facto Life Sentences Imposed on Children

Even if a child is not sentenced to a technical “life” term, he or she may be incarcerated for the duration of their natural lives. The U.S. Sentencing Commission considers a sentence over 39 years, effectively a life sentence. An additional 3,162 individuals are serving de facto life sentences. This represents 9.77% of the total population of children sentenced as adults to prison.

RACE & SEVERITY OF SENTENCE

Children of color are sentenced to longer prison terms than White children when given numbered sentences. Children of color also receive more life sentences than White children. The average longest sentence was almost 60 years greater for Black children than White children.

Figure 3: Numbered Sentences by Race/Ethnicity

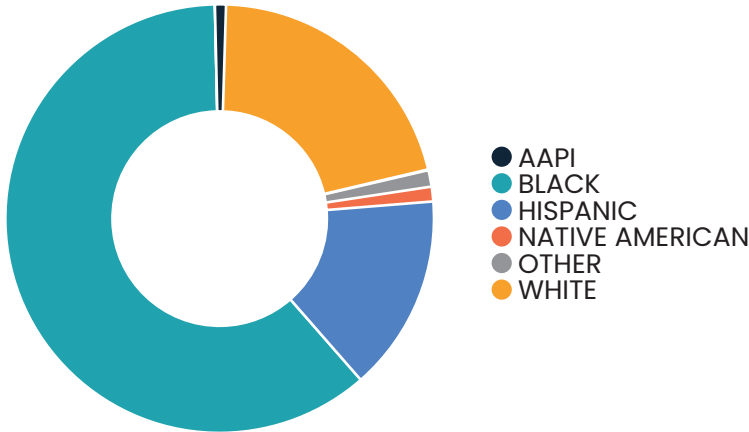
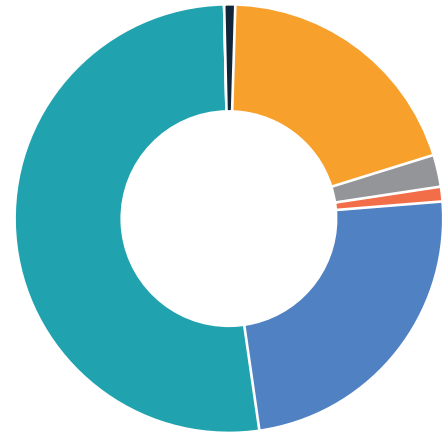


Figure 4: Life Sentences by Race/Ethnicity

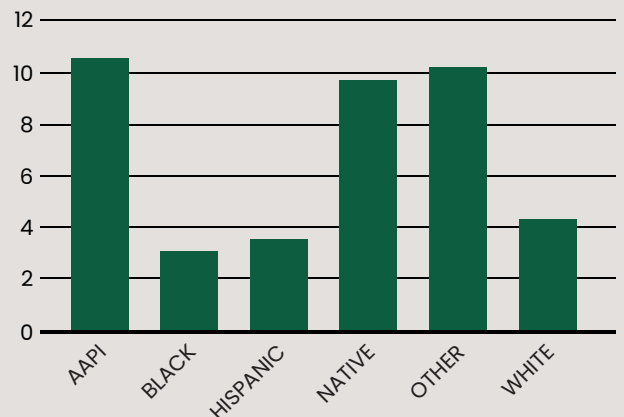


RACE/ETHNICITY	AVG. OVERALL SENTENCE	AVG. SHORTEST SENTENCE	AVG. LONGEST SENTENCE	NUMBERED SENTENCES <i>(SEE FIGURE 3)</i>	LIFE SENTENCES <i>(SEE FIGURE 4)</i>
ALL	21.66	2.13	187.40		
AAPI	36.87	10.75	76.39	0.7%	0.8%
BLACK	21.40	3.13	171.51	59.7%	51.7%
HISPANIC	22.19	3.63	93.46	16.6%	24.8%
NATIVE	19.36	10.31	81.13	1.2%	1.0%
OTHER	19.57	10.30	36.86	1.2%	2.7%
WHITE	21.72	4.21	110.57	20.6%	19.0%

Minimum Sentences

On the other side of sentencing severity, Black, Hispanic and White children have significantly lower average minimum sentences. To address potential questions about specific offenses attributed to this population, these low sentences indicate a barrier to entry in the adult system that is not specific to the most severe or violent offenses; rather, it indicates that moving children into the adult system is a pervasive practice, instead of a last resort for only the most serious offenses. The average minimum sentence is lowest for Black children, meaning they have the lowest barrier of entry to be treated as an adult.

Figure 5: Average Minimum Sentence Length By Race

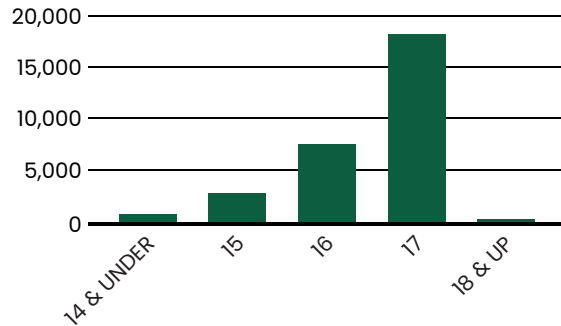


Note: Data not provided for Hawaii.

AGE DEMOGRAPHICS

The majority of children sentenced as adults – 58.28% – either committed their offense, were sentenced, or were booked into prison at the age of 17, while 16-year-olds comprised 27.43% of those in prison. Children 14 years of age and younger, comprised 3.49% of the total population.

Figure 6: Sentencing Age Breakdown

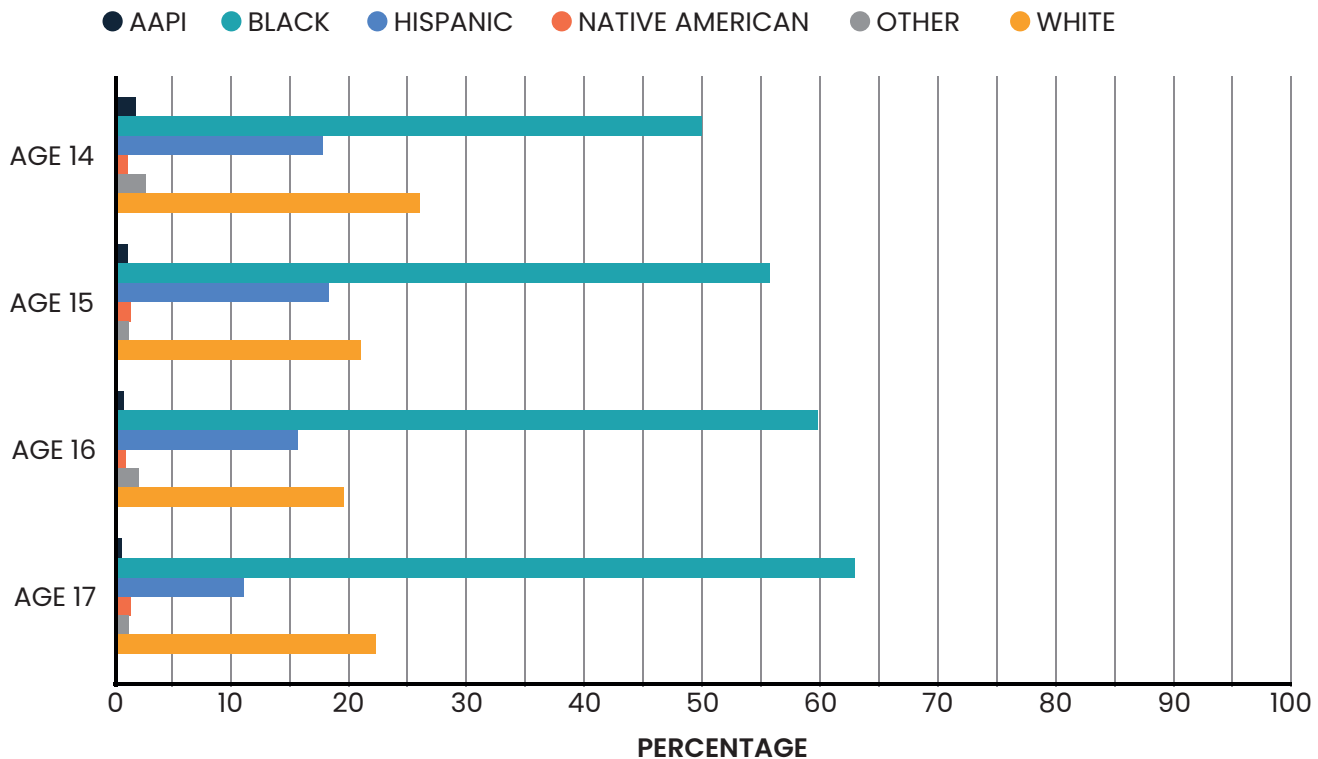


Note: Data not provided for Texas and Montana.

AGE & RACIAL DEMOGRAPHICS

Black children are the majority of youth tried, sentenced, and incarcerated as adults at every age. This trend increases as youth get older where 60% of individuals incarcerated for crimes committed at 16 or 17 years old are Black. Overall children of color make up between 73% and 80% of this incarcerated population across all age ranges.

Figure 7: Age Breakdown by Race/Ethnicity



Note: Data not provided for Hawaii, Texas, and Montana.

DECADE OF INCARCERATION

Starting in the 1980's we begin to see a significant increase in the number of children who were convicted as adults. These numbers sharply increased during the Super-Predator Era and have remained steady due to the policies of that time which made it easier to treat children as adults. It is worth noting that in recent years' children given life sentences has declined, while those given numbered sentences has increased. This is perhaps a consequence of the Supreme Court decisions in *Graham v. Florida* and *Miller v. Alabama*, which significantly limited states' ability to impose life sentences on children.

Figure 11: Children Sentenced as Adults and Incarcerated in Adult Prisons By Decade

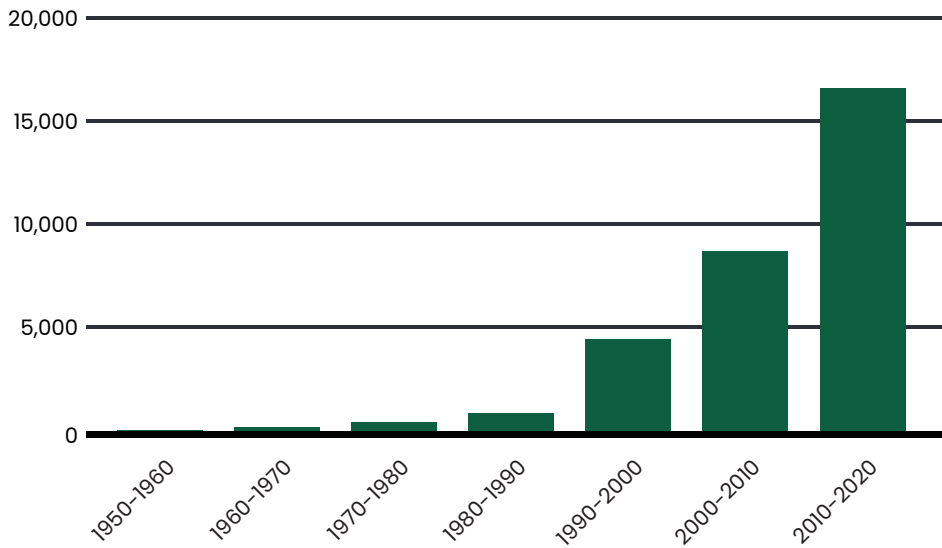
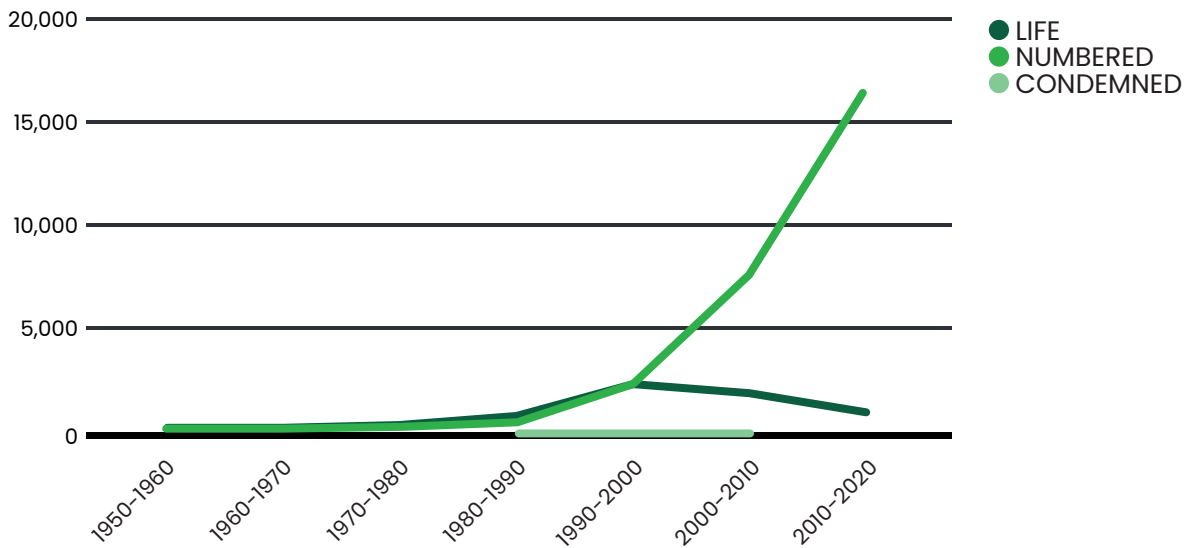


Figure 12: Sentence Type by Decade



Note: Data not provided for Nevada.

DECADE OF INCARCERATION BY RACE

There is no single visualization that conveys the impact of the Super Predator Era on children like the graphs and chart below. While the incarceration rate of people sent to prison as children remained fairly consistent across racial demographics before 1990, we see a massive increase in the number of Black children who remain incarcerated for offenses that occurred over the past 30 years. It is important to note that many of the statutory and legal changes that made it easier to send children to adult courts remain with us today.

Figure 13: Incarceration of Children by Decade and Race/Ethnicity

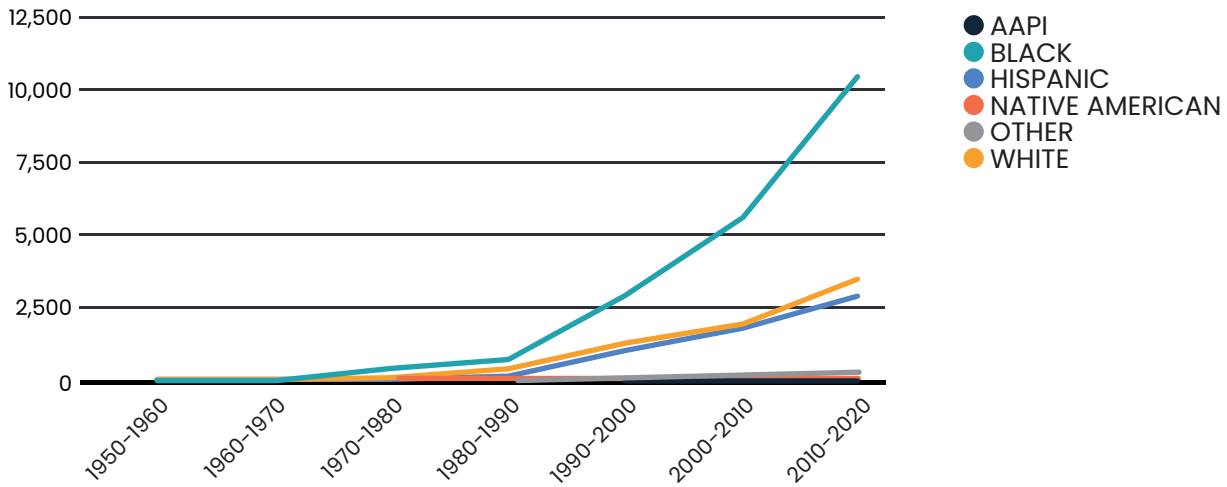
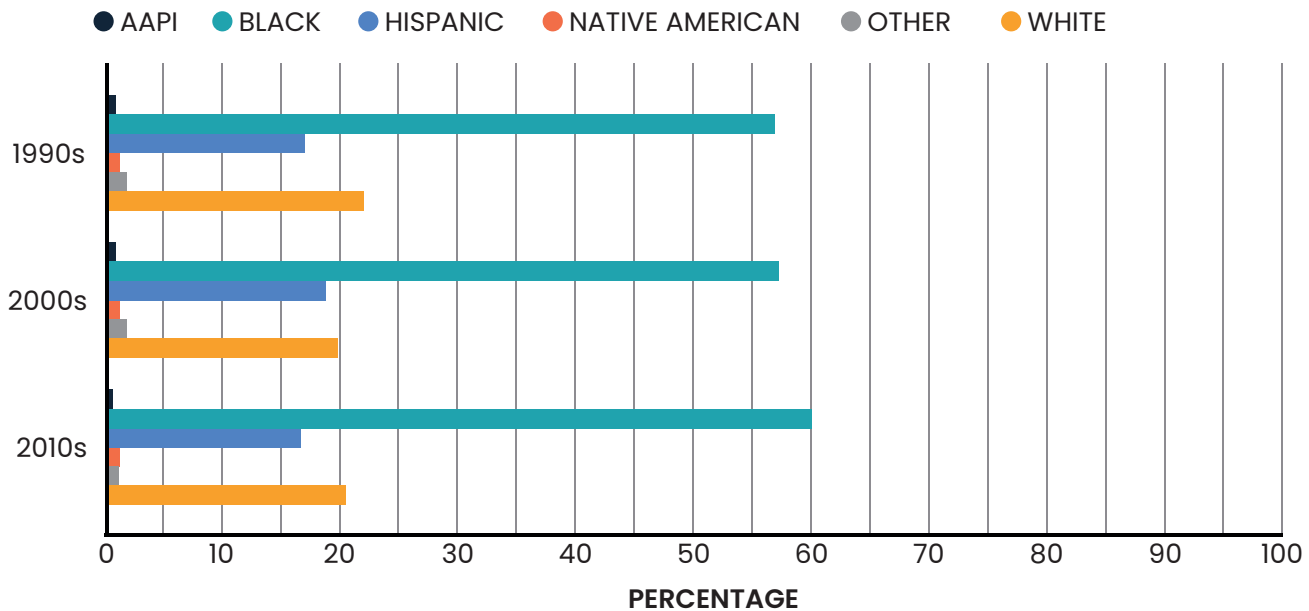


Figure 14: Sentencing Per Decade by Race/Ethnicity



Note: Data not provided for Hawaii and Nevada.

HOW STATES COMPARE TO ONE ANOTHER

The U.S. is failing its children on a national level in violation of the ICCPR. But children in some states fare far worse than in others.

We provide the following charts as a way of comparing how every state stacks up to one another based on the following parameters:

1. The extent to which the overall prison population is composed of people who have been there since childhood.
2. The state's average sentence length, including and excluding de facto life sentences.
3. The percentage of people of color in prison who have been incarcerated since childhood.



PERCENTAGE OF OVERALL PRISON POPULATION

Four states – Louisiana, Wisconsin, South Carolina and Maryland – had a significantly higher percentage of their current prison population comprised of people who are incarcerated for crimes committed as children (6% or greater). Nine states – California, Florida, Louisiana, South Carolina, North Carolina, Georgia, Wisconsin, Maryland, and Missouri – have at least 1,000 people or more serving prison sentences for crimes they committed as children.

STATE	COUNT	PERCENTAGE
LOUISIANA	2,277	7.20%
WISCONSIN	1,709	7.13%
SOUTH CAROLINA	1,139	6.12%
MARYLAND	1,132	6.09%
MISSOURI	1,091	4.19%
MISSISSIPPI	770	3.97%
IOWA	353	3.81%
NORTH CAROLINA	1,179	3.46%
TEXAS	5,272	3.33%
OREGON	484	3.24%
TENNESSEE	841	3.19%
CALIFORNIA	3,762	3.07%
ARKANSAS	532	3.00%
FLORIDA	2,638	2.75%
WASHINGTON	494	2.56%
ILLINOIS	981	2.56%
CONNECTICUT	210	2.40%
GEORGIA	1,249	2.31%
ARIZONA	933	2.28%
MASSACHUSETTS	182	2.22%
NEW YORK	749	2.19%
NEVADA	274	2.13%
NEBRASKA	117	2.06%
KANSAS	188	1.89%
MINNESOTA	180	1.80%

STATE	COUNT	PERCENTAGE
PENNSYLVANIA	822	1.80%
UTAH	118	1.77%
NEW MEXICO	115	1.71%
COLORADO	306	1.55%
SOUTH DAKOTA	58	1.53%
MICHIGAN	554	1.46%
NORTH DAKOTA	23	1.28%
ALABAMA	338	1.26%
OHIO	588	1.17%
NEW JERSEY	216	1.16%
INDIANA	214	0.79%
RHODE ISLAND	16	0.58%
OKLAHOMA	147	0.57%
WEST VIRGINIA	38	0.56%
WYOMING	11	0.44%
MONTANA	17	0.36%
MAINE	5	0.23%
IDAHO	21	0.22%
HAWAII	5	0.16%
KENTUCKY	11	0.05%
ALASKA	N/A	N/A
DELAWARE	N/A	N/A
NEW HAMPSHIRE	N/A	N/A
VERMONT	N/A	N/A
VIRGINIA	N/A	N/A

AVERAGE SENTENCE LENGTH FOR CHILDREN

Thirty-five states sentenced children to 15 years or more on average. Four states – Colorado, Utah, Indiana and Ohio – sentenced children convicted as adults to 40 years or more on average.

STATE	INCLUDES DE FACTO LIFE	EXCLUDES DE FACTO LIFE
ALABAMA	23.62	20.90
ALASKA	N/A	N/A
ARIZONA	8.65	8.65
ARKANSAS	22.39	17.23
CALIFORNIA	18.23	17.80
COLORADO	187.97	14.95
CONNECTICUT	29.84	13.29
DELAWARE	N/A	N/A
FLORIDA	19.21	15.09
GEORGIA	28.70	20.07
HAWAII	20.00	20.00
IDAHO	14.06	14.06
ILLINOIS	31.58	23.27
INDIANA	43.58	17.94
IOWA	22.07	16.56
KANSAS	17.61	14.95
KENTUCKY	15.81	15.81
LOUISIANA	19.49	13.74
MAINE	21.00	21.00
MARYLAND	25.69	17.01
MASSACHUSETTS	13.72	12.86
MICHIGAN	15.38	14.26
MINNESOTA	15.09	14.59
MISSISSIPPI	17.25	14.68
MISSOURI	15.41	14.98

STATE	INCLUDES DE FACTO LIFE	EXCLUDES DE FACTO LIFE
MONTANA	29.11	13.85
NEBRASKA	28.40	14.26
NEVADA	10.98	9.82
NEW HAMPSHIRE	N/A	N/A
NEW JERSEY	19.56	16.15
NEW MEXICO	23.65	17.34
NEW YORK	12.27	12.19
NORTH CAROLINA	13.32	11.13
NORTH DAKOTA	8.69	8.69
OHIO	41.06	21.66
OKLAHOMA	20.26	15.15
OREGON	9.53	8.84
PENNSYLVANIA	30.80	19.72
RHODE ISLAND	26.93	18.69
SOUTH CAROLINA	18.70	15.93
SOUTH DAKOTA	30.08	13.55
TENNESSEE	13.41	12.17
TEXAS	20.79	13.76
UTAH	69.75	10.78
VERMONT	N/A	N/A
VIRGINIA	N/A	N/A
WASHINGTON	15.28	13.67
WEST VIRGINIA	30.40	22.50
WISCONSIN	12.45	9.75
WYOMING	23.78	8

PERCENTAGE OF CHILDREN OF COLOR IN THE PRISON POPULATION

The prison population of people incarcerated for crimes committed as children is comprised of 80% or more people of color in nineteen states.

STATE	PERCENTAGE
CALIFORNIA	93.97%
RHODE ISLAND	93.75%
ILLINOIS	91.13%
MARYLAND	90.46%
NEW YORK	89.19%
ALABAMA	87.87%
MISSISSIPPI	86.36%
NEW JERSEY	86.11%
PENNSYLVANIA	84.55%
GEORGIA	84.55%
CONNECTICUT	84.29%
LOUISIANA	83.44%
TENNESSEE	82.76%
NORTH CAROLINA	82.53%
NEVADA	81.75%
ARIZONA	81.14%
SOUTH CAROLINA	80.95%
NEW MEXICO	80.87%
TEXAS	80.65%
MICHIGAN	78.88%
NEBRASKA	77.78%
ARKANSAS	75.75%
INDIANA	75.23%
FLORIDA	74.11%
MASSACHUSETTS	72.53%

STATE	PERCENTAGE
KANSAS	72.34%
OKLAHOMA	71.43%
COLORADO	70.92%
MINNESOTA	70.56%
OHIO	70.41%
WISCONSIN	66.94%
WYOMING	63.64%
MISSOURI	62.97%
IOWA	60.62%
UTAH	60.17%
SOUTH DAKOTA	56.90%
KENTUCKY	54.55%
NORTH DAKOTA	47.83%
WASHINGTON	43.32%
MONTANA	41.18%
OREGON	34.30%
IDAHO	33.33%
WEST VIRGINIA	26.32%
ALASKA	N/A
DELAWARE	N/A
NEW HAMPSHIRE	N/A
VERMONT	N/A
VIRGINIA	N/A
HAWAII	N/A
MAINE	N/A



U.S. TREATMENT OF CHILDREN

The United States' treatment of children in conflict with the law violates the ICCPR & Article 7 of the Rome Statute of the International Criminal Court

Over the last 75 years the United States has been deeply engaged in crafting and signing numerous treaties that put us in league with the larger international community. These treaties include the Universal Declaration of Human Rights (adopted in 1948) in which the U.S. agreed that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

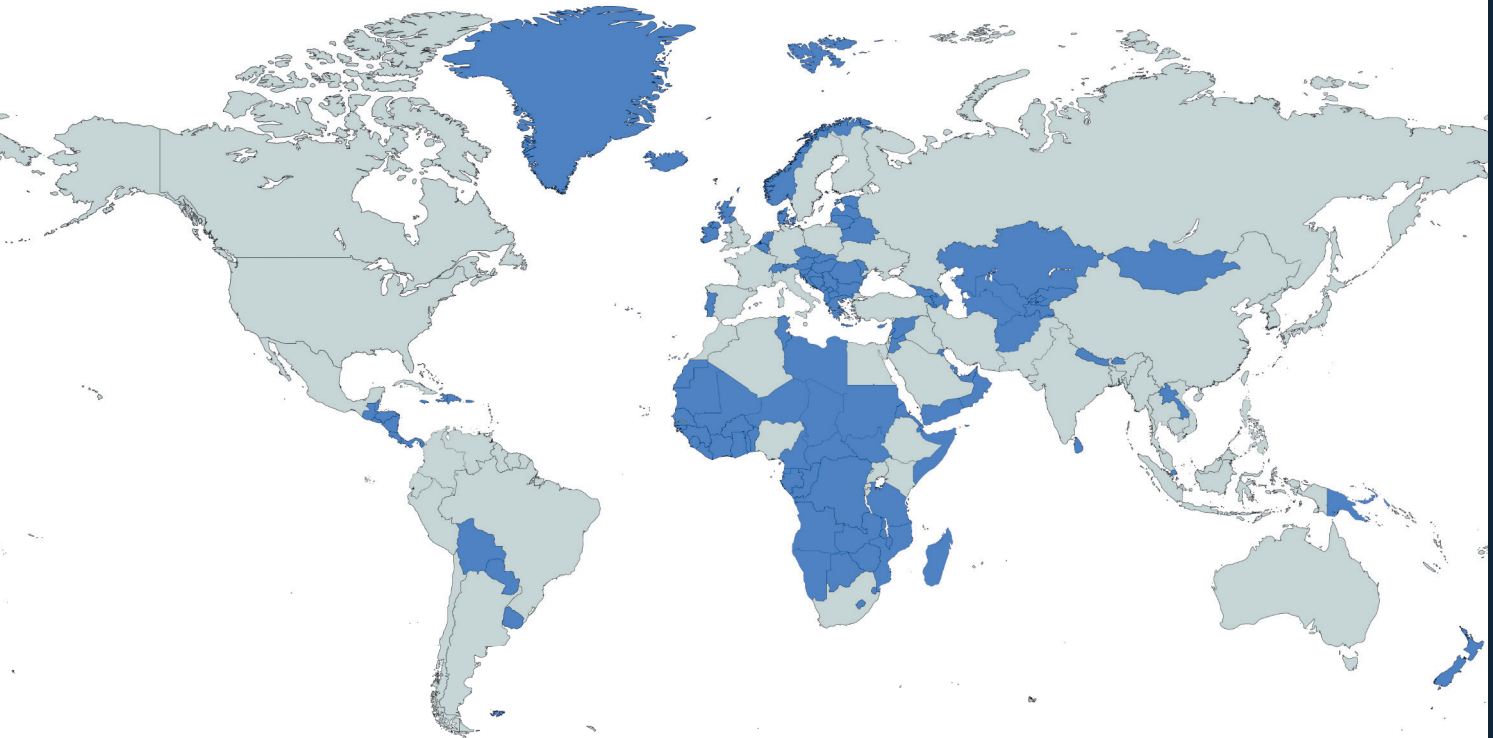
The International Covenant on Civil and Political Rights (ICCPR) states that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person,” and that prisons should be focused on rehabilitation and justice processes should take into account the age of children.

Article 10 of the ICCPR specifies that “juvenile

offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status,” while Article 14 states that procedures for children “shall be such as will take account of their age and the desirability of promoting their rehabilitation.”

During the Senate ratification of the ICCPR, the United States stated that it “reserves the right, in exceptional circumstances, to treat children as adults, notwithstanding paragraphs 2(b) and 3 of Article 10 and paragraph 4 of Article 14.”

However, the U.N. Human Rights Committee observed that “the United States does not limit its treatment of children as adults to exceptional circumstances.”



The U.S. prison population of individuals who were convicted as adults for crimes they committed as children (32,359) is greater than the total, combined prison populations of Denmark, Iceland, Ireland, Northern Ireland, Norway, Sweden and Scotland. In fact, this incarcerated population in the U.S. is larger than 171 other countries and independent territories, or, put another way, larger than the total number of people in prison in almost 80% of the countries and territories in the world. The vast majority of these individuals in the U.S. are children of color.

parole, physical and sexual violence in adult jails and prisons, and long-term placement in solitary confinement meets this standard. Every year it is estimated that approximately 53,000 children are charged in adult criminal court across the United States. This practice has resulted in the mass incarceration of more than 32,000 children nationally. Approximately 29.24% of this population are serving life or de facto life sentences (40 years or more). And most of these children – 79.69% – are racial minorities.

International human rights law recognizes that such treatment and punishment of children who have committed offenses are forms of torture pursuant to the CRC and ICCPR. Current U.S. policies and practice were driven by the now debunked and racist Super Predator Theory in an effort to target children in conflict with the law, especially Black and Brown children. As a result of a sustained multi-year effort these children were painted and seen as ‘monsters’ undeserving of human rights protections. In light of the actions and statements by mainstream media, influencers, elected officials, and members of the White House, Black and Brown children were persecuted. Their child status was ripped away from them. Instead of asking the hard, but most important questions of why and how so many children were ending up in the justice system, officials chose to systematically violate their human rights by treating them as adults and exposing them to a hellacious prison environment few could ever imagine.

To be clear, treating White children as adults in the criminal justice system is also a severe violation of human rights. Because of their status as children in conflict with the law, they were also deliberately targeted by U.S. officials. We call special attention to the treatment of Black and Brown children due to our long history of racialized justice policies, the impact of the Super Predator Era and the significant disparate racial impact produced by the resulting policies.

In the final analysis, the United States’ treatment of ALL children in the adult criminal justice system, resulting in their mass incarceration, is a violation of its treaty obligation pursuant to the ICCPR and meets the legal definition for Crimes Against Humanity under Article 7 of the International Criminal Court.

It is imperative that the United Nations hold the U.S. government and actors within its criminal justice system accountable for its treatment of children in conflict with the law. Based on the findings in this report, we believe further investigation by the international community is warranted.





Our deep appreciation goes out to our partner, Richard Ross, and his team at Juvenile-In-Justice, who provided the images and stories profiled in this report.



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