

POSITION PAPER

Executing Juvenile Offenders: A Fundamental Failure of Society

Position Paper of the Society for Adolescent Medicine

The Society for Adolescent Medicine (SAM) and the American Academy of Pediatrics (AAP) have the protection of the health and well-being of adolescents as a primary goal. With this joint policy statement, SAM and AAP express our strong opposition to the juvenile death penalty and call upon the United States Supreme Court, the federal government, and states to abolish the practice of executing juvenile offenders.

SAM and AAP have previously affirmed the importance of ensuring the health and well-being of young people who are involved in the juvenile and criminal justice systems [1,2]. It is well established that the vast majority of adolescents involved in these systems suffer from serious psychological and physical health problems and are more likely than the general adolescent population to have been victims of child abuse or neglect and to have experienced school failure or learning disabilities [1–3].

For more than a century, the juvenile justice system has been based on the principle that young people who commit crimes should have an opportunity for rehabilitation and treatment. The imposition of the death penalty for juvenile offenders represents the ultimate rejection of that principle. The execution of offenders who were under age 18 at the time of their crime is expressly prohibited by international law in several treaties, such as the United Nations' Convention on the Rights of the Child, the American Convention on Human Rights, the International Covenant on Civil and Political Rights, and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War, and numerous resolutions and reports by other international bodies such as the European Union, the United Nations Economic and Social Council, and the United Nations Sub-Commission on Human Rights [4–6].

The Society for Adolescent Medicine and the American Academy of Pediatrics add our voices to the emerging national and international consensus opposing the death penalty for juvenile offenders. SAM and the AAP are committed to working with other professionals to address the comprehensive health care needs of young people in the context of their families, schools, and communities. We view the execution of juvenile offenders as the most fundamental failure of society to provide young people with the supports they need to grow up to lead healthy, responsible, and productive lives.

Prepared by:

Madlyn C. Morreale, M.P.H.
*Center for Adolescent Health & the Law
 Chapel Hill, North Carolina*

References

1. Society for Adolescent Medicine. Health care for incarcerated youth: Position paper of the Society for Adolescent Medicine. *J Adolesc Health* 2000;27:73–5.
2. American Academy of Pediatrics. Policy statement: Health care for children and adolescents in the juvenile correctional care system. *Pediatrics* 2001;107:799–803.
3. Council on Scientific Affairs, American Medical Association. Health status of detained and incarcerated youths. *JAMA* 1990;263:987–91.
4. de la Vega, C. Amici Curiae urge the U.S. Supreme Court to consider international human rights law in juvenile death penalty case. *Santa Clara L Rev* 2002;42:1041–58.
5. United Nations, Office of the High Commissioner for Human Rights. Convention on the Rights of the Child. Available at: <http://www.unhchr.ch/html/menu3/b/k2crc.htm>. Accessed May 13, 2004.
6. European Union. EU memorandum on the death penalty. Available at: <http://www.eurunion.org/legislat/DeathPenalty/eumemorandum.htm>. Accessed May 13, 2004.