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PROMOTION AND PROTECTION OF HUMAN RIGHTS

Written statement\* submitted by International Possibilities Unlimited, a non-governmental  
organization in special consultative status

The Secretary-General has received the following written statement which is circulated in  
accordance with Economic and Social Council resolution 1996/31.

[3 February 2003]

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\*This written statement is issued, unedited, in the language(s) received from the submitting  
non-governmental organization(s).

International Possibilities Unlimited and the National Coalition to Abolish the Death Penalty welcome Commission resolution (2002/77) on the question of the death penalty, which requests that particular attention is paid to the imposition of the death penalty against persons younger than 18 years of age at the time of the offence. We would encourage the Commission to also examine the imposition of the juvenile death penalty as it intersects with race. In the United States, the racial disparity in the application of the death penalty is even more pronounced with juvenile offenders than it is with adult offenders.

Of the 85 countries that continue to use capital punishment, only two countries currently impose such punishment on juvenile offenders; the United States and Iran. Over the past decade, a number of countries have abolished the practice altogether: Yemen and Zimbabwe amended their laws in 1994 to forbid the execution of juvenile offenders; China did the same in 1997; and Pakistan followed suit in 2000. Although Nigeria and Saudi Arabia officially allow juvenile executions, neither country has carried out such an execution in at least 5 years. In contrast to these progressive actions, the United States has steadily become the world's leader in executing juvenile offenders—executing more persons for childhood offenses since 1990 than all other countries combined and being the only country to execute any juvenile offenders in 2002.

The United States, by continuing to impose capital punishment on juvenile offenders, is in violation of several international human rights treaties that forbid the practice. These include the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child. Although the U.S. State Department has praised the ICCPR as “the most complete and authoritative articulation of international human rights law” since World War II, the U.S. has failed to unconditionally endorse the treaty. When the United States ratified the treaty in 1992, it filed an express reservation maintaining the right “to impose capital punishment on any person (other than a pregnant woman) duly convicted under existing or future laws permitting the imposition of capital punishment, including such punishments for crimes committed by persons below eighteen years of age.” The United States is the only nation that entered a formal reservation concerning the prohibition against juvenile executions. Moreover, the United States is one of only two countries (along with Somalia) that have failed to ratify the Convention on the Rights of the Child.

In the United States, the death penalty continues to be plagued by racial, socioeconomic and geographic biases, to which children have not been immune. In fact, the racial disparity in the application of the death penalty is even more pronounced with juvenile offenders than it is with adult offenders.

- Over the past century, approximately 75% of persons sentenced to death row for juvenile offenses in the United States have been African American or Latino.
- The racial bias even crosses gender lines. Of the ten female juvenile offenders executed in the United States, eight were African American and one was Native American. In each of these cases, the victim was white.
- Currently, 67% of all juvenile offenders on death row in the United States are persons of color.

- Of the 81 juvenile offenders currently awaiting execution, 38 are African American, 27 are white, 13 are Latino, 2 are Asian, and 1 is Native American. In other words, almost half of the juvenile offenders are African American, a group that makes up only 12.7% of the United States population.
- As of January, 2003, the last six juvenile offenders executed in the United States were African American men in the state of Texas.

An examination of the geographic distribution of juvenile death sentences across the United States reveals a dramatic concentration of such sentences in the South—a region known for its unfettered racism. Southern states account for 84% of all death sentences imposed on juvenile offenders nationwide. Only three of those states—Texas, Florida and Alabama—account for exactly *half* of the 224 juvenile death sentences imposed in the country since 1973. Texas alone accounts for more than one-third of the current population of juvenile offenders on death row and approximately two-thirds of the 21 juvenile offenders executed since 1973.

The case of Ronald Chris Foster exemplifies how racial and geographic biases often have a dramatic impact on the imposition of capital punishment on juvenile offenders. Ronald Chris Foster, a 17-year old African American, was sentenced to death in 1991 for the shooting death of George Shelton, a white clerk at a convenience store in Lowndes County, Mississippi. On the night of the shooting for which Chris was convicted, he rode his bicycle to a nearby convenience store. Intending to rob the cashier, Chris entered the store unarmed. During the attempted robbery, the clerk was shot with a gun, registered in his own name, that he kept behind the counter for protection. Despite Chris's youth, the fact that he was unarmed and the fact that racial tensions engulfed the county in which he was tried—and in clear violation of international law—Chris was sentenced to death. By all appearances, the only reasons that Chris was given the ultimate penalty for the botched robbery were race and geography. Chris was scheduled to die by lethal injection in Mississippi on January 8, 2003, his 31<sup>st</sup> birthday. Three days before his execution date, the Governor of Mississippi granted a stay pending further appeals. He remains on death row.

### Recommendations

1. We strongly urge the Commission on Human Rights to examine the juvenile death penalty and its intersection with race, globally.
2. We ask that the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerances and the Special Rapporteur on the Convention on the Rights of the Child to pay particular attention to the juvenile death penalty and its intersection with race.
3. We request that the youth focal point in the Anti-Discrimination Unit that was created by resolution 2002/68, undertake a global campaign on Juvenile Justice, paying particular attention to its intersectionality with race, and investigating the imposition of the juvenile death penalty.
4. Finally, we support the call by others to limit the membership of the Commission on Human Rights to those states who have ratified all international treaties.