



CHALLENGING JUVENILE LIFE WITHOUT PAROLE:

HOW HAS HUMAN RIGHTS
MADE A DIFFERENCE?

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THE HUMAN RIGHTS INSTITUTE AT COLUMBIA LAW SCHOOL

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INTRODUCTION

Human rights standards and strategies play an important role in social justice legal advocacy in the United States. Human rights help frame new arguments, offer new venues for challenging existing policies and practices, provide opportunities for coalition-building, and afford new means to bring attention to rights violations. One example of human rights strategies at work in the U.S. is found in advocates' efforts to end a practice unique to the United States: sentencing juveniles to life in prison without the possibility of parole.

In forty-two states in the United States, a child who commits a crime can be sentenced to life in prison without the possibility of parole. There are currently approximately 2,500 individuals serving life sentences for crimes they committed when they were below eighteen years of age. For years, advocates have been working to end this practice, which is typically called juvenile life without parole, or "JLWOP."

In the past ten years, human rights strategies have played an important role in challenging states' use of the sentence. Human rights have contributed to increased media attention on the issue, two U.S. Supreme Court decisions limiting the practice, and legislative changes at the state level. This case study, based on interviews with a number of advocates working to end the practice, explores how human rights standards and strategies have helped to advance advocacy strategies to end JLWOP.

STATUS OF JLWOP UNDER U.S., FOREIGN, AND INTERNATIONAL LAW

In the United States, two recent U.S. Supreme Court decisions have limited the practice of JLWOP. In 2010, in *Graham v. Florida*, the Court struck down a state law that allowed juveniles convicted of a non-homicide offense to be sentenced to life imprisonment without the possibility of parole, finding that such laws violate the Eighth Amendment’s prohibition on cruel and unusual punishment.¹ In 2012, in *Miller v. Alabama*, the Court further held that the Eighth Amendment forbids a sentencing scheme that mandates life imprisonment without the possibility of parole for juveniles convicted of homicide-related crimes.²

Following the *Miller* and *Graham* decisions, a juvenile convicted of a homicide offense may be sentenced to life without parole if the sentencing scheme follows certain processes, including considering the youth and individual characteristics of the offender.

The United States is currently the only country in the world that sentences juveniles to life without the possibility of parole.³ A 2012 study identified nine countries, including the United States, whose laws could potentially allow for a JLWOP sentence.⁴ However, there are no known cases of the sentence being imposed outside the U.S.⁵

Life without parole sentences for juvenile offenders are widely condemned under international law. International human rights experts have found that such sentences violate the three core human rights treaties ratified by the U.S.—the International Covenant on Civil and Political Rights (the “ICCPR”), the Convention Against Torture (the “CAT”), and the Convention on the Elimination of All Forms of Racial Discrimination (the “CERD”). The Convention on the Rights of the Child (the “CRC”)—ratified by every country in the world, other than South Sudan, Somalia, and the United States⁶—expressly prohibits JLWOP.⁷ Demonstrating international opposition to JLWOP, the United Nations General Assembly has called for immediate abrogation of JLWOP sentences every year since 2006.⁸ JLWOP sentences have also been rejected by regional human rights bodies, which monitor human rights compliance in the Americas.

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HUMAN RIGHTS STRATEGIES USED IN JLWOP ADVOCACY

Advocates in the United States have used a wide variety of human rights strategies to end juvenile life without parole sentences, ranging from explicit references to international human rights treaties in litigation in U.S. courts to reshaping the language people use to discuss crimes committed by juveniles. As the examples below demonstrate, advocates have engaged human rights frameworks to advance and supplement a variety of traditional advocacy strategies, including litigation, media campaigns, and legislative advocacy, particularly with state and local officials. They have also taken the cause to the international community and documented the scope of JLWOP and its impact on individuals, families, and communities. Not all of these strategies cite to human rights law—or, indeed, even include the term “human rights”—but they are grounded in fundamental human rights principles, including fairness, equality, and human dignity, which are laid out in the Universal Declaration of Human Rights and numerous human rights treaties. As a general matter, leveraging human rights strategies requires assessing the audience and determining the most effective strategies and language. This is particularly the case in the context of the United States, where courts, policymakers, and the public may not be familiar with the international framework and how it applies to U.S. practice.

CITING TO FOREIGN AND INTERNATIONAL PRACTICE

As noted above, juvenile life without parole sentences are widely condemned in both foreign and international law. Advocates have found that educating U.S. judges and policymakers about international law and the fact that the U.S. stands alone in imposing these sentences can help encourage the elimination of JLWOP here.

IN COURTS

Citing to international and foreign law in briefs to U.S. federal and state courts informs U.S. judges about the way in which the U.S. is an outlier with regards to juvenile life without parole and demonstrates alternative approaches that have been used elsewhere.

Lawyers and advocates have invoked foreign practice and international law in briefs to the U.S. Supreme Court, as well as in state courts and lower federal courts. A group of human rights organizations and bar associations, including Amnesty International, Human Rights Watch, Human Rights Advocates, the Center for Constitutional Rights, and Columbia Law School's Human Rights Institute, filed amicus briefs in both *Graham v. Florida*⁹ and *Miller v. Alabama*,¹⁰ urging the U.S. Supreme Court to consider international and foreign law and practice in its interpretation of the Eighth Amendment's clause prohibiting cruel and unusual punishment. Advocates have submitted appellate briefs and amicus briefs citing foreign and international law and practice in a number of state court cases challenging JLWOP, including in California, Massachusetts, and Pennsylvania.¹¹

At the federal level, references to foreign and international law have historically been most effective in cases dealing with the Eighth Amendment's prohibition on cruel and unusual punishment. In *Graham v. Florida*, this approach yielded some success, as Justice Kennedy's majority opinion acknowledged the fact that JLWOP sentences have been "rejected the world over."¹² The Court continued its "longstanding practice" of looking "beyond our Nation's borders for support for its independent conclusion that a particular punishment is cruel and unusual."¹³ The Court explained the role of foreign and international law in its decision as follows:

The question before us is not whether international law prohibits the United States from imposing the sentence at issue in this case. The question is whether that punishment is cruel and unusual. In that inquiry, the overwhelming weight of international opinion against life without parole for nonhomicide offenses committed by juveniles provides respected and significant confirmation for our own conclusions.¹⁴

State courts have been a site for successful advocacy based on international and comparative law and practice, as well.¹⁵ A 2014 report co-authored by The Opportunity Agenda and Northeastern University School of Law’s Program on Human Rights and the Global Economy details how state courts consider and apply international human rights law. The report finds that “some state courts have considered and affirmatively used international law as persuasive authority for the interpretation of state constitutions, statutes, and common law. Further, individual judges regularly draw on human rights norms in concurring or dissenting opinions.”¹⁶

For example, in *Diatchenko v. District Attorney for Suffolk District*, Massachusetts’ highest court referenced international and foreign law in the context of a decision involving JLWOP.¹⁷ In *Diathchenko*, the court found that

Miller v. Alabama’s prohibition on mandatory JLWOP sentences applies retroactively and held that discretionary imposition of a JLWOP sentence violates the Massachusetts state constitutional prohibition against cruel and unusual punishment. In its decision, the court stated, “In concluding that the imposition of a sentence of life in prison without the possibility of parole on juveniles under the age of eighteen violates the constitutional prohibition against ‘cruel or unusual punishment[]’ in art. 26, we join a world community that has broadly condemned such punishment for juveniles.”¹⁸ The court went on to say, “As John Adams recognized over 215 years ago, we belong to an international community that tinkers toward a more perfect government by learning from the successes and failures of our own structures and those of other nations.”¹⁹

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Understanding that some state courts may be wary of citing to foreign and international law, advocates engaging this strategy are careful to research courts’ precedents, including individual judges’ opinions—especially at the appellate level—to determine whether a particular court is likely to be receptive to

arguments based on foreign and international law. Where a court has been receptive in the past, advocates cite those cases to encourage the court to consider foreign and international law again in their case.



For example, Naoka Carey, Executive Director of Citizens for Juvenile Justice, which works to improve the juvenile justice system in Massachusetts, states:

The Massachusetts judiciary tends to be open to hearing international arguments. In some states this would backfire, but we don't have that issue here. Our judiciary tends to be much more open to international law arguments than our state legislature because judges are more familiar with international law and have a framework for understanding how it is relevant in our cases.

Some advocates note that elected state court judges may be less receptive to foreign and international law arguments than appointed judges, because they fear that reliance on such sources could be used against them in a future election. Furthermore, some appellate judges are known to be hostile to foreign and international law arguments, and advocates report avoiding such arguments before those judges for at least two reasons: first, they want to make those arguments that will be most effective for their case and therefore avoid arguments they know will be rejected or will raise unnecessary controversy, and second, they want to avoid the risk of an opinion that sets a negative precedent.

This reflects the reality that there is some resistance within the U.S. to comparing U.S. practice to other countries, with making international agreements binding on the U.S., and with submitting U.S. practice to scrutiny by international bodies, such as the United Nations. Therefore, arguments based on international and foreign law are not always persuasive. For example, Justice Scalia has rejected citations to foreign law. In his dissent in *Lawrence v. Texas*, a case challenging Texas' "Homosexual Conduct" law, Justice Scalia disapproved of Justice Kennedy's citation to foreign law in the majority opinion.²⁰ In *Miller v. Alabama*, nineteen U.S. states and the territory of Guam filed an amicus brief urging the Supreme Court to, among other things, refrain from considering foreign law in deciding the case.²¹ In *Graham v. Florida*, sixteen members of the U.S. House of Representatives filed an amicus brief arguing that the CRC is not binding on the United States, and that the U.S. does not violate any other treaty obligations by sentencing juveniles to life without parole.²²

Furthermore, some states have gone so far as to pass legislation barring state courts from considering international, foreign, and, in some cases, Sharia law.²³ Such an amendment to the Oklahoma Constitution was struck down as violating the U.S. Constitution.²⁴ Nevertheless, at least sixteen states introduced similar bills in 2013.²⁵

Advocates are thus strategic in how they incorporate international and foreign law in U.S. litigation. As Alicia D’Addario of the Equal Justice Initiative explains:

We look closely at how and whether human rights influences the judiciary, and we tailor our arguments based on our audience. Because we represent individual children in challenging sentences that condemn them to die in prison, it is very important that we make the arguments that will be most effective for our client in a particular case.

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WITH POLICYMAKERS AND MEDIA

Legislators may also be receptive to arguments based on comparative foreign and international law. Deb LaBelle, a Michigan attorney working to end the imposition of JLWOP, notes:

U.S. citizens and lawmakers often want to believe that the U.S. is a leader in human rights, and it can be powerful for them to discover instances where we lag far behind. When we presented the statistics, Michigan lawmakers were shocked to discover that the U.S. is such an outlier on the issue of juvenile life without parole.

For this same reason, comparative law arguments can also be effective with the media. Advocates note that the media tend not to be interested in specific language from human rights treaties, but that they are interested in hearing how the U.S. compares to other countries.

CHALLENGING JLWOP IN REGIONAL AND INTERNATIONAL FORUMS

Human rights open new venues for challenging unfair treatment that may nevertheless be consistent with U.S. law. Seizing this opportunity, advocates have used regional and international forums to challenge JLWOP sentences in the United States, specifically the Inter-American Commission on Human Rights and the U.N. human rights treaty bodies. The findings and recommendations of these bodies can be used in U.S. courts and in meeting with federal, state, and local policymakers, as noted above.

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

At the regional level, the U.S. is a member of the Organization of American States (the “OAS”) and has human rights obligations emanating from the American Declaration on the Rights and Duties of Man (the “American Declaration”) and the OAS Charter.²⁶ Compliance with these obligations is monitored by the Inter-American Commission on Human Rights (the “Commission”).²⁷ The Commission hears cases, holds thematic and country-specific hearings upon request, and issues reports on human rights issues.²⁸

The Commission has rejected JLWOP sentences as a violation of human rights norms. In a 2011 report from the Commission’s Rapporteurship on the Rights of the Child, the rapporteur found that “a sentence of life imprisonment for children under the age of eighteen makes it impossible to achieve the purposes that punishment under the juvenile justice system is intended to serve, such as the child’s rehabilitation and his or her reintegration into society.”²⁹ He called on countries to “eliminate all forms of life imprisonment in the case of offenders under the age of 18.”³⁰ More recently, the Inter-American Court of Human Rights (the “Inter-American Court”) decided a case, *Mendoza et al. v. Argentina*, involving Argentina’s use of *sentencias perpetuas*—sentences under which juveniles serve at least twenty years in prison before they are eligible for parole.³¹ The Inter-American Court found that these sentences were a violation of human rights.



Currently pending before the Inter-American Commission on Human Rights is a case challenging JLWOP in the state of Michigan. *Hill v. United States*, which has been brought by the American Civil Liberties Union, the American Civil Liberties Union of Michigan, and Columbia Law School’s Human Rights Clinic, alleges that the laws and practices of the state of Michigan, by which thirty-two petitioners were charged and tried, and the imposition of their life without parole sentences violate provisions of the American Declaration, including their rights to special protection; to be free from cruel, infamous, or unusual punishment and to humane treatment; as well as their guarantees to due process and equality under the law. The case also alleges that the petitioners’ rights to education and their implicit rights to rehabilitation have been violated.³² The initial petition in the case was filed in 2006, and the Commission held a hearing on the merits of the case in March 2014.³³ The case itself has offered opportunities to raise public awareness and has provided the petitioners a platform to vindicate their human rights.³⁴

Although the findings of the U.N. treaty bodies and of the Inter-American Commission on Human Rights are not directly enforceable in U.S. courts, advocates can use these recommendations as a tool to push for change in the United States. Strong language from these bodies can be helpful with the media in demonstrating to the public where the U.S. stands in comparison to the rest of the world, and it can also be useful in litigation before state and federal courts. JoAnn Kamuf Ward, of Columbia Law School’s Human Rights Institute, explains:

International and regional mechanisms, including the Inter-American Commission on Human Rights, offer a venue for U.S. advocates to establish human rights norms that we can use in domestic advocacy. Through this feedback loop, we bring our human rights issues to regional and international bodies, for recognition that certain policies or practices do not comport with human rights. The findings and recommendations of human rights experts can then bolster advocacy efforts here at home.

The *Mendoza* case at the Inter-American Court, discussed above, is one example of this “feedback loop.” In September 2012, the Human Rights Clinic at Columbia Law School submitted an amicus brief to the Inter-American Court calling for the elimination of all forms of juvenile life sentences based on the American Declaration, the American Convention, and international and comparative

human rights standards. The brief provided relevant rules and guidelines from the international and European legal systems and urged the Inter-American Court to develop clear standards providing that all juvenile sentences must include regular and realistic opportunities for review and release. The Inter-American Court's findings—that juvenile sentences must be “as short as possible,” of determinate length, and subject to periodic review, and that children must be released once their imprisonment is no longer required³⁵—can now be used in the U.S. case before the Inter-American Commission and in U.S. advocacy efforts.

The Commission case has also presented avenues for coalition-building and grassroots mobilization. In preparation for the public hearing on the *Hill* case before the Commission in March 2014, advocacy organizations and academic institutions, including the University of San Francisco School of Law, NAACP Legal Defense and Education Fund, Human Rights Watch, Amnesty International, and Georgetown Law's Human Rights Institute, in partnership with several law firms, prepared amicus briefs for the Commission's consideration on a number of topics relating to JLWOP, including its disparate impact, international standards prohibiting JLWOP, and the relationship between JLWOP and the trend of moving juveniles into the adult criminal justice system.³⁶ Furthermore, because Commission hearings offer an opportunity for live testimony, a range of advocates and officials offered their testimony including Congressman John Conyers and retired Michigan judge Fred Mester, in addition to some of the petitioners themselves, via video testimony. The Campaign for the Fair Sentencing of Youth also submitted written testimony for the hearing, offering a state-by-state breakdown of individuals serving JLWOP. The media coverage of the hearing provided further opportunities for education and advocacy.³⁷

U.N. TREATY BODIES

At the international level, countries are required to periodically report to the U.N. treaty bodies responsible for overseeing the implementation of the human rights treaties they have ratified. As noted above, for the United States, this includes the ICCPR, the CAT, and the CERD. JLWOP sentences have been found to violate all three of these treaties.

The U.N. Human Rights Committee, which monitors countries' implementation of the ICCPR, stated in its 2014 review of the U.S. that sentencing children to life

without parole does not comply with article 24 (1) of the Covenant, which guarantees rights for children, and it recommended that the United States “prohibit and abolish the sentence of life imprisonment without parole for juveniles, irrespective of the crime committed.”³⁸

The U.N. Committee Against Torture, which monitors implementation of the CAT, recommended in the course of its 2006 review of the United States that the

U.S. “address the question of sentences of life imprisonment of children, as these could constitute cruel, inhuman or degrading treatment or punishment” in violation of Article 16 of the CAT.³⁹

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Finally, in its 2008 review of the United States, the U.N. Committee on the Elimination of Racial Discrimination, which monitors the implementation of the CERD, noted the racially discriminatory effect of JLWOP sentencing in the U.S., indicating that the practice is incompatible with Article 5 of the treaty, guaranteeing the right to equality before the law.⁴⁰

Through the shadow reporting process, advocacy organizations and coalitions, including the U.S. Human Rights Network⁴¹ and Human Rights Watch,⁴² have used recent U.S. reports to these treaty bodies to raise concerns at the international level about JLWOP, and the treaty bodies have responded with strong

language condemning the practice, as quoted above, and calling for the U.S. to take action to eliminate the practice.

In addition to the “feedback loop” described above, treaty body reviews provide an additional benefit, as described by Connie de la Vega of the University of San Francisco School of Law:

When these international bodies review our country, U.S. officials are forced to stand up and answer for JLWOP, and it forces them to acknowledge how far out of sync we are with the international community. This realization alone can be valuable because these officials may otherwise have no occasion to discover just how universally this practice has been condemned. This realization may ultimately inspire officials to make a change.

DOCUMENTATION

A core human rights approach is to document abuses, including through reliable statistics as well as personal narratives, in order to build a record that shows how policies perpetuate injustice. Advocates working to end JLWOP sentencing are using this strategy. Prior to recent documentation efforts, comprehensive statistics on JLWOP were unavailable. In the past several years, advocates have documented state and national trends in juvenile life without parole sentencing, including analyses of the race, personal histories, and crimes of offenders in several reports.

The results of these documentation efforts have been powerful. For example, Human Rights Watch has issued multiple reports on JLWOP, collecting data on individuals serving life without parole sentences for crimes they committed before they turned eighteen. The data demonstrate that approximately 2,500 individuals are currently serving such sentences.⁴³ Human Rights Watch's data also revealed serious racial disparities in the imposition of JLWOP: the organization found that in California, an African-American youth arrested for murder is over five times more likely to receive a sentence of life without parole than a white youth arrested for murder.⁴⁴ Human Rights Watch used this data to demonstrate the racially disparate impact of JLWOP to the Committee on the Elimination of Racial Discrimination,⁴⁵ and the Committee took note of this disparity in its 2008 review of the United States' compliance with the CERD.⁴⁶ The U.N. thus offered an international platform to echo the findings of U.S. advocates, and the U.N. statements have since been used in amicus briefs and policy advocacy.

As part of their documentation efforts, advocates have interviewed those serving JLWOP sentences to give a more complete picture of their personal histories, the crimes they were convicted of (and their roles), and their experiences in prison. While the U.S. has consistently claimed before international human rights bodies that it imposes JLWOP sentences only in exceptional circumstances, the data and stories collected by advocates paint a different picture, showing a greater magnitude of sentencing. Stories of offenders' experiences in prison also highlight offenders' capacity for rehabilitation and support claims that they should be eligible to have their sentences reviewed. Narratives about the underlying crimes also demonstrate that sentences are meted out in a way that does not necessarily reflect culpability, demonstrating that sentencing is influenced by myriad factors,



including the defense lawyer, the prosecutor, and whether other perpetrators entered pleas, as well as race and gender.⁴⁷

Courts have been receptive to the statistics and personal narratives made available through these documentation efforts. Justice Kennedy's majority opinion in *Graham v. Florida* cited human rights-based reports in support of the Court's decision to end JLWOP for non-homicide offenses.⁴⁸

And personal narratives from offenders serving JLWOP sentences have been used to demonstrate their humanity and to show that JLWOP sentences have not been reserved for the "worst of the worst." For example, in working to change California law regarding JLWOP, advocates used Sara Kruzan's story extensively in media and legislative advocacy. Kruzan, who was sixteen years old when she killed the man who had raped her when she was twelve and had later lured her into prostitution, was tried as an adult and sentenced to life in prison without the possibility of parole. Kruzan expressed remorse for her crime and spoke of her commitment to educate herself and to play a positive role in society.⁴⁹

The documentation strategy for JLWOP brings into relief both a strength and a challenge of the human rights framework: the universality of human rights prohibits the sentencing of any person under age eighteen to life without the possibility of parole, regardless of the nature of the underlying offense.⁵⁰ It may be most compelling to describe the most sympathetic stories in order to persuade people that JLWOP should be eliminated.⁵¹ For example, the story of a thirteen year-old first-time offender serving JLWOP because he or she participated in a crime in which an adult co-defendant killed a rival gang member may elicit more sympathy than the story of a seventeen year-old with a long criminal history who murdered a mother and her children. But the prohibition on JLWOP applies equally to both offenders. Alison Parker of Human Rights Watch acknowledges this challenge:

The reality is that children can and do commit very serious crimes. We don't attempt to gloss over that in our reports, and in fact it was important to us to acknowledge this fact. As a human rights organization, we believe strongly that there must be accountability for these kinds of crimes. But accountability for crimes committed by children does not in any way require sentencing them to life without the possibility of parole.

REFRAMING THE ISSUE

Focusing the human rights lens on the practice of JLWOP enables a new vocabulary for discussing the issue. People under the age of eighteen are considered children under international law, and referring to them as children as opposed to “juveniles” or even “teen killers,” as some refer to them, can re-orient how people conceive of those sentenced to JLWOP.⁵² Framing JLWOP as

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an issue of children’s rights can humanize and “un-demonize” them. Reminding people that they are children can also help open the door to other core human rights concepts, such as dignity and redemption. In a 2013 op-ed in the Washington Post, Jody Kent Lavy, director and national coordinator of the Campaign for the Fair Sentencing of Youth, employed this human rights language, referring throughout to children, second chances, dignity, and American values.⁵³

Talking about redemption and the rights of children to second chances has proven powerful with conservative and faith-based communities, opening the door to new avenues of collaboration and the ability to form unique coalitions. Jody Kent Lavy says, “Our organization’s Statement of Principles⁵⁴ refers to youth, fairness, rehabilitation, and redemption. Referring to human rights and also to our Statement of Principles has been effective in engaging new communities, including faith communities, the American Correctional Association, the national PTA, and more.” In fact, a group of twenty-five religious organizations and individuals submitted an amicus brief in *Graham v. Florida*, urging the Court to find JLWOP sentences unconstitutional.⁵⁵ The brief discusses redemption, rehabilitation, and forgiveness, and it cites the CRC, U.N. resolutions condemning JLWOP, and the general international consensus against JLWOP in favor of its position.⁵⁶

Finally, framing concerns about JLWOP in terms of equality and fairness has also been effective, particularly when reinforced through the documentation efforts demonstrating racial disparities in the imposition of JLWOP sentences. Nicole Porter, Director of Advocacy for The Sentencing Project, observes:

The Sentencing Project refers to both ‘fairness’ and ‘human rights’ in advocating for fair and effective sentencing practices. However, we



have found that the narrative and language of fairness really resonate with people across demographics in the United States, whereas explicitly referring to ‘human rights’ or international treaty standards is not as effective with certain audiences.

WORKING WITH THOSE MOST IMPACTED

Traditional human rights work is grounded in the experiences of those directly affected by government policies that violate human rights. In the case of JLWOP, human rights advocates work directly with individuals serving JLWOP sentences and also with the victims of their crimes, or their families. Much of the pushback against eliminating JLWOP sentences, or against making the Supreme Court decisions curtailing them retroactive in effect, comes from those concerned about the rights of crime victims and their families. But human rights advocates have found that many victims’ families are also against JLWOP. Although these families have been affected by serious crimes, they support the idea that children may warrant special treatment in the criminal justice system and should have the opportunity for rehabilitation. These families have proven to be powerful voices before courts, legislators, and the media. Groups of victims’ families came together to submit amicus briefs in both *Graham v. Florida*⁵⁷ and *Miller v. Alabama*,⁵⁸ urging the Court to find JLWOP sentences unconstitutional. An organization representing victims’ families also submitted briefs in both cases urging the opposite result.⁵⁹

In efforts to reform California state law regarding JLWOP, advocates established a working group drawing from a broad range of actors, including family members of victims and family members of individuals serving JLWOP sentences, as well as human rights advocates, people of faith, law professors, youth, formerly incarcerated persons, and former prosecutors. In 2010, the working group established a sub-group called the Victims’ Perspective Committee, which was tasked with ensuring that the group was incorporating victims’ needs and perspectives as advocacy efforts moved forward. From this subcommittee, the group created a process that ultimately became a somewhat separate group called Healing Dialogue and Action. Healing Dialogue and Action brought together groups of family members of victims and offenders, guided participants in compassionate listening, and then divided them into small groups to share their stories. These groups not only created an opportunity for healing

and understanding, but also assisted in developing strong advocates. Elizabeth Calvin of Human Rights Watch explains:

“Through the Healing Dialogue and Action process we create opportunities for healing but also build leadership among those who have been most impacted by violence and a broken criminal justice system. Advocacy for change must be grounded in and guided by the people most affected by the problems.”

Following the dialogue sessions, we asked those who were interested to join us in Sacramento to help with our legislative efforts to end the use of life without parole sentences for youth. We set up small groups—each of which included a family member of a victim, a family member of an offender, and an advocate—to meet with legislators. It meant that policymakers sat down to meet with the mother of someone who had been murdered there with the mother of someone convicted of murder. At the time the voice of victims in Sacramento was largely constrained to a narrow perspective, one focused on retribution, so to have a surviving family member there asking for sentences that reflect mercy and restraint was new in and of itself. But to have that person sitting next to, and in relationship with the mother of someone convicted of murder blew away traditional concepts of “us” and “them.” It was very powerful. There was another benefit, though, which was equally important in my opinion. Through the Healing Dialogue and Action process we create opportunities for healing but also build leadership among those who have been most impacted by violence and a broken criminal justice system. Advocacy for change must be grounded in and guided by the people most affected by the problems. I’m excited that after the passage of these bills, the Healing Dialogue and Action group is moving forward with more dialogues and opportunities for action.

The efforts in California have resulted in two recent legislative changes. Senate Bill 9 allows those who were under the age of eighteen at the time of their crime and who were sentenced to life without parole to request a new sentencing hearing.⁶⁰ It was passed in 2012 and became California law in January 2013. Senate Bill 260 is considerably broader and requires a parole board to give special consideration to the cases of people who were under the age of eighteen at the time their crime was committed and who were tried as an adult and sentenced to an adult prison sentence. The board, in considering whether to grant parole, must now give great weight to the fact that the individual was very young at the time of his or her crime.⁶¹ It was passed in 2013 and became California law in January 2014.



BEYOND ADVOCACY: TALKING WITH INCARCERATED INDIVIDUALS

Finally, invoking human rights law, language, strategies, and forums has also been helpful in working with individuals serving JLWOP sentences. Offenders gain hope and dignity from learning that their sentences have been so widely condemned outside the United States, from discovering more information about others serving the same sentence, and from hearing their cases discussed in terms of children's rights and capacity for redemption. Advocates report that offenders feel validation from these sources, even where there is no hope that their own sentence will be reviewed, partly because they hope that other children will be spared their fate. Deb LaBelle explains:

It's been very powerful in talking to youth serving life without parole to explain that their sentences constitute a human rights violation, to tell them that they are right to feel that this is wrong, that no other country sentences youth to these kinds of sentences. They really embrace the human rights language and care about the fact that children in other countries are not subject to these sentences.

Human rights mechanisms can also give a voice to individuals serving JLWOP sentences. For example, as noted above, some petitioners in the case before the Inter-American Commission on Human Rights had the opportunity to testify before the Commission via video. Participating in the case and telling their stories provided these individuals with a sense of empowerment.

CONCLUSION

Advocates have leveraged a broad range of human rights strategies in working to end juvenile life without parole sentences. While these sentences are still permissible in certain instances in the U.S. today, their use has been limited by recent Supreme Court decisions, and advocacy for legislative changes remains underway. As the examples cited in this case study demonstrate, using human rights standards and strategies in JLWOP advocacy has had the additional benefit of helping advocates to identify new partners and to build new coalitions and alliances, including with faith-based groups and victims' groups. Human rights strategies and frameworks will continue to play a role as advocates advance their work on this issue, through educating decision makers about foreign and international practice, documenting and sharing statistics and stories of those affected, representing the perspectives of victims and their families, advocating before regional and international forums, and changing the language used to describe juvenile life without parole and those affected by it.

ENDNOTES

¹ 560 U.S. 48 (2010).

² 132 S. Ct. 2455 (2012).

³ CONNIE DE LA VEGA, AMANDA SOLTER, SOO-RYUN KWON & DANA MARIE ISAAC, UNIV. OF S.F. SCH. OF LAW, CRUEL AND UNUSUAL: U.S. SENTENCING PRACTICES IN A GLOBAL CONTEXT 61 (2012), available at www.usfca.edu/law/docs/criminalsentencing.

⁴ *Id.* The countries are: Antigua and Barbuda, Argentina, Australia, Cuba, Dominica, Saint Vincent and the Grenadines, the Solomon Islands, Sri Lanka, and the United States.

⁵ *Id.*; Connie de la Vega & Michelle Leighton, *Sentencing Our Children to Die in Prison: Global Law and Practice*, 42 U.S.F. L. REV. 983, 989 (2008).

⁶ See United Nations Treaty Collection, Convention on the Rights of the Child, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en.

⁷ Article 37(a) prohibits “life imprisonment without possibility of release . . . for offences committed by persons below eighteen years of age.” General Comment No. 10 from the Committee on the Rights of the Child also prohibits JLWOP. Committee on the Rights of the Child, General Comment No. 10: Children’s Rights in Juvenile Justice, ¶ 77, U.N. Doc. CRC/C/GC/10 (Apr. 25, 2007).

⁸ Rights of the Child, G.A. Res. 67/152, ¶ 20, U.N. Doc. A/RES/67/152 (Dec. 20, 2012); Rights of the Child, G.A. Res. 66/141, ¶ 19, U.N. Doc. A/RES/66/141, (Dec. 19, 2011); Rights of the Child, G.A. Res. 65/197, ¶ 17 U.N. Doc. A/RES/65/197 (Dec. 21, 2010); Rights of the Child, G.A. Res. 64/146, ¶ 15, U.N. Doc. A/RES/64/146 (Dec. 18, 2009); Rights of the Child, G.A. Res. 63/241, ¶ 43, U.N. Doc. A/RES/63/241 (Dec. 24, 2008); Rights of the Child, G.A. Res. 62/141, ¶ 36(a), U.N. Doc. A/RES/62/141 (Dec. 18, 2007); Rights of the Child, G.A. Res. 61/146, ¶ 31(a), U.N. Doc. A/RES/61/146 (Dec. 19, 2006).

⁹ Brief for Amnesty International, et al., as Amici Curiae in Support of Petitioners, *Graham v. Florida*, 560 U.S. 48 (2010), (Nos. 08-7412, 08-7621), available at http://www.americanbar.org/content/dam/aba/publishing/preview/publiced_preview_briefs_pdfs_07_08_08_7412_PetitionerAmCuAmnestyIntl.authcheckdam.pdf.

¹⁰ Brief for Amnesty International, et al., as Amici Curiae in Support of Petitioners, *Miller v. Alabama*, 132 S. Ct. 2455 (2012), (Nos. 10-9646, 10-9647), available at http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/briefs/10-9646_petitioner_amcu_amnesty.authcheckdam.pdf.

¹¹ See, e.g., Brief of Amnesty International, Disability Rights Legal Center, Human Rights Advocates, Loyola Law School Center for Juvenile Law and Policy, University of San Francisco Center for Law and Global Justice as Amici Curiae in Support of Defendant-Appellant, *California v. Gutierrez*, No. B227606 (Cal. Sept. 18, 2013), 2013 WL 5613545; Amicus Curiae Brief on Behalf of: (i) American Civil Liberties Union of Massachusetts; (ii) Charles Hamilton Houston Institute for Racial Justice at Harvard Law School; (iii) Children’s Law Center of Massachusetts; (iv) Citizens for Juvenile Justice; (v) Francine Sherman, Director, Juvenile Rights Advocacy Project at Boston College Law School; (vi) Hon. Gail Garinger (Ret.), Child Advocate for the

Commonwealth of Massachusetts; (vii) Lawyers' Committee for Civil Rights and Economic Justice; (viii) Massachusetts Association of Court Appointed Attorneys; (ix) Massachusetts Bar Association; and (x) Seventeen (17) Law School Professors from Massachusetts Law Schools, *Diatchenko v. Dist. Attorney for Suffolk Dist.*, 466 Mass. 655 (Mass. 2013) (No. SJC-11453), 2013 WL 4737395; Brief of Appellant, *Pennsylvania v. Wiggins*, 43 A.3d 517 (Pa. Super. 2011) (No. 639 MDA 2011), 2011 WL 7076675.

¹² 560 U.S. at 80.

¹³ *Id.*

¹⁴ *Id.* at 81 (quoting *Roper v. Simmons*, 543 U.S. 551, 572 (2005)) (internal quotations omitted). Not all members of the Supreme Court agreed that foreign law was relevant to the decision. See *id.* at 114 n.12 (Thomas, J., dissenting) ("I confine to a footnote the Court's discussion of foreign laws and sentencing practices because past opinions explain at length why such factors are irrelevant to the meaning of our Constitution or the Court's discernment of any longstanding tradition in *this* Nation." (citing *Atkins v. Virginia*, 536 U.S. 304, 324-25 (2002) (Rehnquist, C.J., dissenting) (emphasis in original))).

¹⁵ Professor Martha Davis argues that state courts appropriately consider transnational law in interpreting state constitutional provisions. See Martha F. Davis, *The Spirit of Our Times: State Constitutions and International Human Rights*, 30 N.Y.U. REV. L. & SOC. CHANGE 359 (2006).

¹⁶ THE OPPORTUNITY AGENDA & PHRGE, HUMAN RIGHTS IN STATE COURTS 2014 4, http://opportunityagenda.org/files/field_file/2014.2.06.HumanRightsinStateCourts.pdf.

¹⁷ 466 Mass. 655 (Mass. 2013).

¹⁸ *Id.*

¹⁹ *Id.* (citing J. ADAMS, Preface, A DEFENCE OF THE CONSTITUTIONS OF GOVERNMENT OF THE UNITED STATES OF AMERICA (1797)).

²⁰ *Lawrence v. Texas*, 539 U.S. 558, 598 (2003) (Scalia, J., dissenting). See also *supra* note 14.

²¹ Brief of Amici Curiae State of Michigan, Eighteen (18) Other States, and One (1) Territory for Respondents, *Miller v. Alabama*, 132 S. Ct 2455 (2012), (Nos. 10-9646, 10-9647), available at http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/briefs/10-9646_respondentamcumietal.authcheckdam.pdf.

²² Brief of Sixteen Members of the United States House of Representatives as Amici Curiae in Support of Respondent, *Graham v. Florida*, 560 U.S. 48 (2010), (Nos. 08-7412, 08-7621), available at http://www.americanbar.org/content/dam/aba/publishing/preview/publiced_preview_briefs_pdfs_07_08_08_7412_RespondentAmCu16HouseMembers.authcheckdam.pdf.

²³ See Risa E. Kaufman, "By Some Other Means": Considering the Executive's Role in Fostering Subnational Human Rights Compliance, 33 CARDOZO L. REV. 1971, 1976 & n.20 (2012).

²⁴ *Awad v. Ziriax*, 670 F.3d 1111 (10th Cir. 2012) (holding unconstitutional the Save Our State Amendment, H.R.J. Res. 1056, 52d Leg., Reg. Sess. (Okla. 2010)). See also *Awad v. Ziriax*, No. 10-1186, 2013 WL 4441476 (W.D. Okla. Aug. 15, 2013) (issuing a permanent injunction against enforcement of the provision).

²⁵ Bill Raftery, *Bans on Court Use of Sharia/International Law: NC Legislature Approves Ban, Becomes Fifth Legislature to Approve Such a Bill in 2013*, GAVEL TO GAVEL: A REVIEW OF STATE LEGISLATION AFFECTING THE COURTS (July 25, 2013), <http://gaveltogavel.us/2013/07/25/bans-on-court-use-of-shariainternational-law-nc->

legislature-approves-ban-becomes-fifth-legislature-to-approve-such-a-bill-in-2013/. For an analysis of the law enacted in Kansas, see Ryan H. Boyer, Comment, “Unveiling” Kansas’s Ban on Application of Foreign Law, 61 U. KAN. L. REV. 1061 (2013).

²⁶ Human rights obligations of OAS member states derive from three documents: the OAS Charter, the American Declaration, and the American Convention on Human Rights (the “American Convention”). The OAS Charter and the American Declaration are generally considered binding on all OAS member states. The American Convention, by contrast, is binding only on those countries that have ratified it. Because the U.S. has not ratified the American Convention, the American Declaration and the OAS Charter are the source of the U.S.’s human rights obligations in the Inter-American System.

²⁷ The Inter-American System is comprised of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. Because the U.S. has not ratified the American Convention, the Inter-American Court of Human Rights does not have jurisdiction over the U.S. However, the Inter-American Commission on Human Rights has jurisdiction over all OAS member states, including the United States.

²⁸ See generally, COLUMBIA LAW SCHOOL, HUMAN RIGHTS INSTITUTE, HUMAN RIGHTS IN THE UNITED STATES: PRIMER ON RECOMMENDATIONS FROM THE INTER-AMERICAN HUMAN RIGHTS COMMISSION & THE UNITED NATIONS (2013), available at <http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/HRI%20PRIMER%20on%20IACHR%20AND%20UN%20Recs.pdf>; Caroline Bettinger-Lopez, *The Inter-American Human Rights System: A Primer*, 42 CLEARINGHOUSE REV. 581 (2009).

²⁹ Inter-Am. Comm’n H.R., Rapporteurship on the Rights of the Child, *Juvenile Justice and Human Rights in the Americas*, ¶ 363, OEA/Ser.L/V/II Doc. 78 (July 13, 2011), available at <http://www.cidh.org/pdf%20files/JuvenileJusticecover.pdf>.

³⁰ *Id.*

³¹ *Mendoza et al. v. Argentina*, Preliminary Objections, Merits, and Reparations, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 260, ¶ 154 (May 14, 2013).

³² See Brief of Petitioners, *Hill v. United States*, Case 12.866, Inter-Am. Comm’n H.R. (Sept. 4, 2012), available at https://www.aclu.org/files/assets/case_no_12866_final_observations_regarding_the_merits_of_the_case_including_annexes.pdf.

³³ A recording of the hearing is available on the Commission’s website at <http://www.oas.org/es/cidh/audiencias/Hearings.aspx?Lang=en&Session=134>.

³⁴ See Posting of Allison Frankel & Katie Haas to Blog of Rights, *Seeking a Second Chance: Children Sentenced to Life Without Parole Seek Justice Before International Tribunal* (Sept. 7, 2012), <https://www.aclu.org/blog/criminal-law-reform-human-rights/seeking-second-chance-children-sentenced-life-without-parole>.

³⁵ *Mendoza*, *supra* note 31, at ¶ 162.

³⁶ The amicus briefs are available through the Columbia Law School Human Rights Institute website at <http://web.law.columbia.edu/human-rights-institute/inter-american-human-rights-system/jlwop>.

³⁷ See Brett Wilkins, *U.S. Is the Only Nation that Sentences Children to Die in Prison*, DIGITAL JOURNAL, Mar. 28, 2014, <http://digitaljournal.com/news/crime/us-is-only-nation-that-jails-children-for-life/article/378650>; Simon McCormack, *America Is the Only Country Where a Child Can Be Sentenced to Life Behind Bars*, HUFF. POST, Mar. 27, 2014, http://www.huffingtonpost.com/2014/03/27/child-life-sentence-life-in-prison_n_5037579.html; Nicole Flatow, *Why This Human Rights Commission Is Intervening to Review Life Without Parole Sentences for Kids*, THINKPROGRESS, Mar. 26,

2014, <http://thinkprogress.org/justice/2014/03/26/3418745/why-this-human-rights-body-is-reviewing-the-us-practice-of-sentencing-kids-to-life-without-parole/>.

³⁸ U.N. Human Rights Committee, *Concluding Observations on the Fourth Periodic Report of the United States of America*, U.N. Doc. CCPR/C/USA/CO/4 ¶ 23 (Apr. 23, 2014).

³⁹ U.N. Committee Against Torture, *Conclusions and Recommendations of the Committee Against Torture: United States of America*, U.N. Doc. CAT/C/USA/CO/2 ¶ 34 (July 25, 2006).

⁴⁰ U.N. Committee on the Elimination of Racial Discrimination, *Consideration of Reports Submitted by States Parties Under Article 9 of the Convention: International Convention on the Elimination of All Forms of Racial Discrimination: Concluding Observations of the Committee on the Elimination of Racial Discrimination: United States of America*, U.N. Doc. CERD/C/USA/CO/6 ¶ 21 (May 8, 2008).

⁴¹ USHRN WORKING GROUP ON JUVENILE JUSTICE, CHILDREN IN CONFLICT WITH THE LAW: JUVENILE JUSTICE & THE U.S. FAILURE TO COMPLY WITH OBLIGATIONS UNDER THE CONVENTION FOR THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (2008), *available at* <http://www.ushrnetwork.org/sites/ushrnetwork.org/files/cerd2008juvenilejustice.pdf>.

⁴² HUMAN RIGHTS WATCH, SUBMISSION TO THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION DURING ITS CONSIDERATION OF THE FOURTH, FIFTH, AND SIXTH PERIODIC REPORTS OF THE UNITED STATES OF AMERICA 18-19 (Feb. 2008), *available at* http://www.hrw.org/sites/default/files/reports/us0208_1.pdf [hereinafter HUMAN RIGHTS WATCH, CERD SUBMISSION].

⁴³ HUMAN RIGHTS WATCH, AGAINST ALL ODDS: PRISON CONDITIONS FOR YOUTH OFFENDERS SERVING LIFE WITHOUT PAROLE SENTENCES IN THE UNITED STATES 1 (2012), *available at* http://www.hrw.org/sites/default/files/reports/us0112ForUpload_1.pdf.

⁴⁴ HUMAN RIGHTS WATCH, WHEN I DIE . . . THEY'LL SEND ME HOME: YOUTH SENTENCED TO LIFE IN PRISON WITHOUT PAROLE IN CALIFORNIA, AN UPDATE 5 n.19 (2012), *available at* <http://www.hrw.org/sites/default/files/reports/crd0112webwcover.pdf> [hereinafter HUMAN RIGHTS WATCH, WHEN I DIE].

⁴⁵ HUMAN RIGHTS WATCH, CERD SUBMISSION, *supra* note 42, at 18-19.

⁴⁶ U.N. Committee on the Elimination of Racial Discrimination, *supra* note 40, at ¶ 21 (noting “with concern that according to information received, young offenders belonging to racial, ethnic and national minorities, including children, constitute a disproportionate number of those sentenced to life imprisonment without parole”).

⁴⁷ *See* HUMAN RIGHTS WATCH, WHEN I DIE, *supra* note 44, at 13, 20-22; AMNESTY INTERNATIONAL & HUMAN RIGHTS WATCH, THE REST OF THEIR LIVES: LIFE WITHOUT PAROLE FOR CHILD OFFENDERS IN THE UNITED STATES 28, 39-43 (2005), *available at* <http://www.hrw.org/sites/default/files/reports/TheRestofTheirLives.pdf>; DEBORAH LABELLE & ANNA PHILLIPS, ACLU OF MICHIGAN, SECOND CHANCES: JUVENILES SERVING LIFE WITHOUT PAROLE IN MICHIGAN PRISONS 6 (2004), *available at* <http://www.aclumich.org/sites/default/files/file/Publications/Juv%20Lifers%20V8.pdf>.

⁴⁸ *See* 560 U.S. at 62-65, 80-81.

⁴⁹ JO BECKER, *Abolishing Sentences of Life Without Parole for Juvenile Offenders*, in CAMPAIGNING FOR JUSTICE: HUMAN RIGHTS ADVOCACY IN PRACTICE 222, 234-35 (2013).

⁵⁰ The bright-line rule created by human rights law has also presented challenges in litigation strategies, as advocates have not always agreed on the best timing or sequencing for challenging JLWOP sentences in court.

⁵¹ For a critique of the stories highlighted in reports by advocates working to end JLWOP, *see* CHARLES D. STIMSON & ANDREW M. GROSSMAN, THE HERITAGE FOUNDATION, ADULT TIME FOR ADULT CRIMES: LIFE WITHOUT PAROLE FOR JUVENILE KILLERS AND VIOLENT TEENS (2009), *available at* http://s3.amazonaws.com/thf_media/2009/pdf/sr0065.pdf.

⁵² For a critique of this language in the JLWOP context, see *id.*

⁵³ Jody Kent Lavy, Op-Ed., *Life Without Parole? No Child Deserves That*, WASH. POST, June 27, 2013, available at http://www.washingtonpost.com/opinions/life-without-parole-no-child-deserves-that/2013/06/27/d3c7db52-df45-11e2-b2d4-ea6d8f477a01_story.html.

⁵⁴ The Campaign for the Fair Sentencing of Youth, Statement of Principles, <http://fairsentencingofyouth.org/about/statement-of-principles/>.

⁵⁵ Brief for the American Association of Jewish Lawyers and Jurists, the American Catholic Correctional Chaplains Association, the American Correctional Chaplains Association, the American Friends Service Committee, Buddhist Peace Fellowship, Church Women United, the Council of Churches of the City of New York, Engaged Zen Foundation, the General Synod of the United Church of Christ, Islamic Shura Council of Southern California, Karamah: Muslim Women Lawyers for Human Rights, Mormons for Equality and Social Justice, the National Council of the Churches of Christ in the United States of America, the National Council of Jewish Women, New Jersey Regional Coalition, Office of Restorative Justice, Archdiocese of Los Angeles, Prison Fellowship Ministries, Progressive Jewish Alliance, Queens Federation of Churches, Rev. Dwight Lundgren, Sister JoAnne Talarico, Trinity United Methodist Church, and United Methodist Church, General Board of Church and Society in Support of Petitioner, *Graham v. Florida*, 560 U.S. 48 (2010), (Nos. 08-7412, 08-7621), available at

http://www.americanbar.org/content/dam/aba/publishing/preview/publited_preview_briefs_pdfs_07_08_08_7412_PetitionerAmCu26ReligiousOrgs.authcheckdam.pdf.

⁵⁶ *Id.* at 11-12.

⁵⁷ Brief of Amici Curiae of the Mothers Against Murderers Association, Robert Hoelscher, Ruth Johnson, Azim Khamisa, Bill Belke, Aqeela Sherrills, Tammi Smith, and Linda White in Support of Petitioners, *Graham v. Florida*, 560 U.S. 48 (2010), (Nos. 08-7412, 08-7621), available at

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⁵⁸ Brief of Amici Curiae of Certain Family Members of Victims Killed by Youths in Support of Petitioners, *Miller v. Alabama*, 132 S. Ct. 2455 (2012), (Nos. 10-9646, 10-9647), available at

http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/briefs/10-9646_petitioner_amcu_certain_family_members.authcheckdam.pdf.

⁵⁹ Brief of Amici Curiae The National Organization of Victims of Juvenile Lifers in Support of Respondents, *Miller v. Alabama*, 132 S. Ct. 2455 (2012), (Nos. 10-9646, 10-9647), available at

http://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/briefs/10-9646_respondentamcunovjl.authcheckdam.pdf; Brief of Amici Curiae of National Organization of Victims of Juvenile Lifers in Support of Respondent, *Graham v. Florida*, 560 U.S. 48 (2010), (Nos. 08-7412, 08-7621), available at

http://www.americanbar.org/content/dam/aba/publishing/preview/publited_preview_briefs_pdfs_07_08_08_7412_RespondentAmCuNOVJL.authcheckdam.pdf.

⁶⁰ S.B. 9, 2011-2012 Leg., Reg. Sess. (Cal. 2012), available at

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB9.

⁶¹ S.B. 260, 2013-2014 Leg., Reg. Sess. (Cal. 2013), available at

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB260.