



Life Imprisonment and Harsh Sentences for Juveniles: A Critical Analysis under International Human Rights Law

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Abstract

This study critically examines the imposition of life imprisonment and harsh sentences on juveniles through the lens of international human rights law. Employing a normative-qualitative and comparative framework, the research analyzes core international instruments—including the Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture (CAT)—alongside relevant case law and global jurisprudential trends. The findings reveal a significant compliance gap between established international standards and domestic implementation, particularly in jurisdictions that continue to enforce juvenile life imprisonment without parole. The study argues that such sentencing practices contravene fundamental human rights principles, including the best interests of the child, and constitute cruel, inhuman, or degrading treatment under international law. Moreover, these approaches are scientifically untenable, ignoring developmental and neuroscientific evidence underscoring juveniles' capacity for rehabilitation. In contrast, progressive reforms in Europe and Latin America reflect a growing shift toward restorative justice and child-centered penal models. By integrating normative analysis with comparative insights, this research contributes to academic and policy discourse on juvenile justice, offering actionable guidance for realigning domestic legal frameworks with international human rights obligations. It ultimately emphasizes the urgent need for states to abandon punitive sentencing in favor of rehabilitative approaches that are both rights-compliant and empirically grounded.

Keywords: Life imprisonment; Juvenile justice; Human rights law; Convention on the Rights of the Child; Compliance gap; Restorative justice

Introduction

The phenomenon of life imprisonment and severe sentences imposed on children remains a worrying practice in several countries (Comfort, 2007; de la Vega & Leighton, 2007; Hoang & Trinh, 2024; Kahan, 1996; van Zyl Smit, 2006). According to a report by Human Rights Watch (2022), there are thousands of children around the world serving life sentences, particularly in the United States, which, as of 2016, had recorded more than 2,300 children sentenced to life without parole. Although the United States Supreme Court, through its ruling in *Miller v. Alabama* (2012), has begun to restrict this practice, in reality, many countries still allow legal loopholes that make it possible for children to receive disproportionate sentences. This phenomenon raises serious questions about the compatibility of this practice with countries' international obligations to protect children's rights.

The urgency of this research stems from the growing global awareness of child protection within the criminal justice system, in line with the commitments outlined in the Convention on the Rights of the Child (CRC). Article 37 of the CRC explicitly prohibits the imposition of life imprisonment without the possibility of parole for children. However, the reality on the ground shows a contradiction between normative commitments and empirical practices. This contradiction highlights that the issue of child protection extends beyond legal recognition, necessitating a critical examination of its implementation at the national level. In other words, this research is essential for demonstrating that international human rights standards have not been fully integrated into the juvenile criminal justice systems of many countries.

Although there has been a lot of research on child protection and the criminal justice system, most studies are still limited to normative legal analysis in one country or theoretical studies on the principle of the best interests of the child (Collins, 2017; Falch-Eriksen & Backe-Hansen, 2018; Keddell, 2017; Mulvey et al., 2004; Zermatten, 2010). There is still a lack of research that comprehensively examines the practice of life imprisonment and severe punishment for children from a comparative cross-country perspective, emphasizing its relevance to international human rights instruments. This is where the research gap lies: there is a need for critical analysis that links actual practices with universal standards to assess the extent to which countries comply with their international obligations.

Against this background, this study aims to: (1) identify the practice of imposing life sentences and severe punishments on children in various countries, (2) analyze their compliance with international human rights instruments, and (3) provide normative and practical recommendations related to juvenile criminal law reform within the framework of international human rights. The contribution of this research is not only academic in enriching the literature on human rights-based juvenile criminal law, but also practical in providing a basis for policymakers to formulate legal policies that are more in line with international obligations to protect children's rights.

Research Objectives

This study aims to provide a more comprehensive understanding of the practice of imposing life imprisonment and severe punishment on children within the framework of international human rights law. In particular, this study aims to expose how various countries continue to maintain practices that are normatively contrary to international provisions, particularly as outlined in the Convention on the Rights of the Child (CRC) and other international human rights instruments. By critically examining these practices, this study not only describes the existing legal reality but also tests the consistency between normative standards and their implementation at the national level.

Furthermore, this study aims to highlight the gap between international legal commitments and domestic practices that still give rise to violations of children's rights. Thus, this study is expected to strengthen the normative argument for a paradigm shift from a repressive approach to a more rehabilitative model of justice for children. In an academic framework, this research contributes to the enrichment of literature on juvenile criminal law from an international comparative perspective. Meanwhile, in the practical realm, this research provides policy recommendations that can serve as a

reference for countries in formulating juvenile criminal law reforms that align more closely with their international obligations.

Research Methodology

This study employed a normative qualitative approach (Du Toit et al., 2017), focusing on doctrinal and comparative analysis (Abdul Raof et al., 2025). This approach was chosen because the issue of life imprisonment and severe punishment for children is primarily related to the interpretation of international legal norms and their compatibility with practices at the national level. In other words, this study aims to link the normative dimensions of international human rights instruments with the practical realities of their implementation in various jurisdictions.

The research data were obtained from two main types of sources. First, primary sources consist of international legal instruments such as the Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR), and the Convention against Torture (CAT). In addition, General Comments from the UN Human Rights Committee and essential decisions from international judicial institutions, including the European Court of Human Rights, were used as normative references. Relevant domestic court decisions, such as *Miller v. Alabama* in the United States, were also used as a basis for examining actual practices at the national level. Second, secondary sources included academic literature, journal articles, books, and reports from international institutions such as UNICEF, Human Rights Watch, and Amnesty International, which provided empirical descriptions and critical perspectives on this issue.

The analysis was conducted in stages to ensure methodological consistency. The first stage involved identifying international legal instruments that directly or indirectly regulate the treatment of children within the criminal justice system. The next stage involved doctrinal interpretation, focusing on key principles, including the best interests of the child and the prohibition of cruel, inhuman, or degrading treatment. Furthermore, a comparative approach was employed by examining legal practices in countries that still impose life sentences on children, in contrast to jurisdictions that have abolished them. In this way, the study was able to highlight variations in practice and measure the degree of state compliance with international standards.

To maintain the validity of the results, this study applied source triangulation techniques. Legal instruments, academic literature, and empirical reports from international organizations were combined to obtain a more complete picture. The research process was also designed to be replicable, through steps such as collecting international legal instruments, tracing cases at the national level, comparing practices between countries, and compiling a critical analysis of their compatibility with international human rights norms.

The limitation of this study lies in the absence of direct field data collection from juvenile prisoners and law enforcement officials. However, this limitation is offset by the use of extensive and diverse secondary sources, allowing the analysis to provide a comprehensive and relevant picture of the issues under study.

Result

Mapping Global Practices of Life Imprisonment for Children

This analysis reveals that despite declining at the international level, the practice of imposing life without parole (LWOP) on children persists in several jurisdictions, with the United States as the

epicenter (Knight, 2025; Sivakumar, 2021; Yun, 2011). Data from Human Rights Watch and The Sentencing Project as of early 2016 estimated that more than 2,300 children under the age of 18 were serving LWOP sentences. This situation persists despite the US Supreme Court's rulings in *Miller v. Alabama* (2012) and *Montgomery v. Louisiana* (2016), which declared such sentences unconstitutional, except in the most extreme cases. Thus, the continuation of this practice not only demonstrates resistance at the state level but, more importantly, reveals a fundamental gap between national constitutional standards and universal international human rights norms that prohibit cruel treatment.

Contrary to the trend in the US, Europe has consistently moved towards the absolute abolition of this punishment (Bessler, 2025; Savelsberg, 1994; Tonry, 2009). The landmark decision of the European Court of Human Rights (ECtHR) in the case of *Vinter and Others v. United Kingdom* (2013) laid the foundation by establishing that life imprisonment without the prospect of release violates human dignity and is therefore contrary to Article 3 of the European Convention on Human Rights. As a result, European countries are not only required to revise their legal frameworks, but have also made the principles of rehabilitation, reintegration, and recovery the main orientation of their juvenile justice systems.

While these two poles exhibit polarization, the global map becomes even more complex when examining practices in Africa and Asia. In some countries in these regions, colonial-era legal frameworks often still allow for severe punishment of children (Alter, 2021; Bigon & Njoh, 2015; Mattei, 1997; Nesiah, 2003; Richardson, 2000). Still, their implementation in practice is relatively rare and tends to be sporadic. This sharp disparity reflects not only differences in criminalization philosophies but also the degree of implementation (internalization) of international human rights standards such as the Convention on the Rights of the Child (CRC) into domestic legal systems. Therefore, it can be concluded that the treatment of children who commit serious crimes is still greatly influenced by the local legal, political, and cultural context, which creates a fragmented and incoherent global landscape.

Inconsistency with International Human Rights Standards

Normatively, the practice of imposing life sentences on children is directly contrary to the core of international human rights law (Dyer, 1026; Freeman, 2014; Schabas, 1996; Van Den Brink & Lynch, 2021; Van zyl smit et al., 2014). First, Article 37 of the Convention on the Rights of the Child (CRC) explicitly prohibits life imprisonment without the possibility of parole for children.

Second, the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT) universally prohibit all forms of cruel, inhuman, or degrading treatment (Shkembi & Dura, 2013). This category is inherently attached to sentences that view a child's future as closed. Therefore, the application of sentences that de facto eliminate the possibility of rehabilitation not only violates the fundamental principle of the best interests of the child, but also contravenes the principle of non-derogable rights that cannot be reduced under any circumstances.

More than just a normative violation, this incompatibility is substantive and fundamental, as it ignores the unique developmental characteristics of children. Contemporary neuropsychological research, as stated by Steinberg (2013), provides a strong scientific basis for the notion that children's cognitive capacities, particularly in terms of impulse control, risk assessment, and decision-making,

are not yet fully mature (Defoe et al., 2015; Kramers-Olen, 2015; Nigg, 2017; Shkembi & Dura, 2013). Based on these findings, the imposition of final and irreversible punishments such as life imprisonment constitutes structural injustice. Such punishment arbitrarily closes off the potential for reform and behavioral change that is very likely to occur as the child matures neurologically and psychologically. Thus, it can be concluded that this punishment not only violates written law but also violates the principle of living justice by ignoring the child's right to develop and be given a second chance.

The Tension Between Public Interest and Child Protection

This analysis further reveals the fundamental tension between the public's desire for security and the state's obligation to protect children's rights (Daiute, 2008; Ezer, 2004). In cases of serious crimes such as premeditated murder or terrorism, the argument of national security is often used by the state to justify maintaining life sentences for child offenders. However, this retributive approach is inherently contradictory to the core philosophy of juvenile justice, as mandated by international standards, which is centered on rehabilitation and reintegration. In other words, the state is ignoring the main objective of the juvenile justice system when it imposes sentences that permanently close the door to rehabilitation (Cullen Prof., 2013).

This tension reflects a deeper conflict of values within the criminal justice system: a tug-of-war between meeting society's demands for security and complying with international legal obligations to ensure humane and restorative treatment for children. As argued in academic discourse by Cipriani (2018) and Liefwaard (2020), states cannot legitimately set aside *ius cogens* (peremptory norms) principles of child protection to respond to temporary public pressure (Lim & Mitchell, 2023). Therefore, the real challenge is not to choose one side, but to design a juvenile justice system that achieves a proportional balance (Weijers, 1999). This system must be able to ensure meaningful accountability for children who commit serious crimes, without sacrificing their fundamental rights to grow and develop and get a second chance.

Reform Trends and Paradigm Shifts

Despite the existence of several countries that persist with old practices, the global map shows an undeniable trend of reform towards the abolition of life sentences for children (Frampton, 2022). This paradigm shift has manifested itself in various forms. In the United States, the landmark *Miller v. Alabama* ruling triggered significant changes, although its implementation has been uneven and still leaves legal loopholes (Scott, 2013). In contrast, regions such as the European Union and Latin America have shown a more progressive and consistent approach, adopting a juvenile justice system that is fully oriented towards restorative justice and upholds the principle of rehabilitation (Aisyah & Fahrudin, 2024; Brydensholt, 2006; Gabbay, 2005; Massaro, 2013; Menkel-Meadow, 2007; Nazim et al., 2024; Tyler, 2006).

These legal changes did not occur in a vacuum, but are a direct reflection of the evolution of international human rights law doctrine, which is becoming increasingly absolute (Buergenthal, 2006; Carozza, 2003). This doctrine now places rehabilitation and social reintegration as the primary objectives—not merely complementary ones—of every juvenile justice process (Ajibade, 2025; Fatihah, 2024; Ghoul, 2025; Jumantoro & Novemyanto, 2025; Walgrave, 1995). Referring to these developments, it can be concluded that the global mainstream is moving toward the consolidation

and harmonization of international human rights standards into domestic criminal law. However, the pace and depth of implementation still show wide variations, reflecting the continuing tug-of-war between national legal sovereignty and the universal imperative of child protection.

Discussion

The results of this study reveal a significant gap between international human rights law norms and the practice of imposing life sentences and severe punishments on children in various countries (Antai et al., 2024; Cliquennois et al., 2021; Laia, 2024; Mahendra & Emovwodo, 2023; Thoreson, 2022; Tonry, 2022). This discrepancy essentially reinforces Cipriani's (2018) earlier finding that although almost all countries have ratified the Convention on the Rights of the Child (CRC), the implementation of its principles still faces serious obstacles in domestic practice (Freeman, 2010, 2014; Lynch & Liefwaard, 2020).

This situation creates a normative dilemma: countries acknowledge their international obligations, yet continue to engage in practices that contradict those obligations. From a criminal law theory perspective, these findings show that countries that still maintain life sentences for children tend to adhere to a retributive paradigm that emphasizes punishment.

In fact, developments in modern criminal law theory, as explained by von Hirsch (1993) and Tonry (2011), have emphasized the need to consider proportionality and the capacity for reform of the perpetrator, especially children (Ashworth, 2017; Bagaric & Gopalan, 2015; Brown Coverdale, 2025; Lacey, 2021; Lacey & Pickard, 2013; Tonry, 2006). Thus, the application of life imprisonment for children can be viewed as a distortion of the objectives of punishment, as it negates the opportunity for rehabilitation and social reintegration.

Furthermore, this analysis reveals that the public security approach employed by several countries as a basis for imposing severe penalties on children is not entirely consistent with international obligations. The argument that life imprisonment is necessary to protect society from serious crimes, such as premeditated murder or terrorism, is fundamentally contrary to the principle of the best interests of the child, which is fundamental to the CRC. As emphasized by the UN Committee on the Rights of the Child in General Comment No. 24 (2019), the best interests of the child must be a primary consideration, even in the most serious cases of law violations.

The discourse on children's rights in the criminal justice system is also closely related to psychological development theory. Several studies in developmental psychology, as stated by Steinberg (2013), confirm that children have cognitive and emotional limitations in decision-making (Steinberg & Icenogle, 2019). Therefore, imposing a sentence that permanently eliminates the possibility of change or rehabilitation is tantamount to ignoring scientific evidence regarding children's capacity for reform. In other words, this practice is not only legally problematic but also contradicts empirical evidence in the social sciences.

On the other hand, reform trends in various countries, particularly in Europe and Latin America, show a paradigm shift towards a restorative justice approach. This shift is in line with legal theories that place the punishment of children in the framework of protection and rehabilitation, not merely deterrence. This supports Liefwaard's (2020) argument that effective juvenile justice must be based on the integration of human rights with the principle of social reintegration (van der Laan & Zeijlmans, 2025).

Thus, this study confirms and reinforces the literature that emphasizes the importance of a rehabilitative orientation in the juvenile justice system. Ultimately, this discussion underscores the significance of international human rights law as a normative instrument that serves not only as a guideline but also as a powerful global advocacy tool to promote national policy change.

Practices in the United States following the *Miller v. Alabama* ruling show that international pressure and developments in global legal doctrine can drive domestic legal reform, even though its implementation still faces obstacles. Thus, this study highlights the importance of harmonization between international instruments and national policies in establishing a juvenile justice system that is fair, proportionate, and humane.

Scientific Novelty and Research Contribution

This study offers scientific novelty by highlighting the issue of life imprisonment and severe punishment of children through a dual perspective: normative analysis based on international human rights instruments combined with comparative studies across jurisdictions. Most previous studies tend to focus on national case studies or are limited to doctrinal analysis of the Convention on the Rights of the Child (CRC). In contrast, this study presents a more holistic analysis by linking actual practices in various countries with universal standards, while also revealing the compliance gap between international norms and domestic implementation. This is a significant contribution to the literature on juvenile criminal law and international human rights, as it offers an evaluative framework that can be applied across countries.

In terms of scientific contribution, this study broadens the understanding of how the tension between retributive and rehabilitative paradigms in juvenile sentencing is interpreted differently by various jurisdictions. By incorporating developmental psychology perspectives and modern sentencing theory, this study not only confirms previous literature (e.g., Steinberg, 2013; Liefwaard, 2020) but also adds a new dimension that emphasizes the urgency of a transdisciplinary approach in discussing child protection issues. Thus, this study contributes to strengthening the academic argument that juvenile sentencing must be positioned within a human rights-based approach that emphasizes dignity and the potential for reform.

In addition to its academic contribution, this study also has practical implications. First, it provides normative recommendations for countries that still impose life sentences or severe punishments on children, aligning their domestic regulations with international obligations. Second, this study can be a reference for policymakers, international organizations, and civil society actors in promoting juvenile criminal law reform, particularly through advocacy in international forums. Third, this study creates an opportunity for the development of evidence-based policy by integrating findings from legal science, developmental psychology, and international human rights.

Thus, the novelty of this study lies in its comprehensive, integrative, and comparative analytical approach, as well as its contribution in bridging theory and practice. This study not only reaffirms the relevance of international human rights norms but also provides a conceptual and practical framework to ensure that children are no longer subject to punishment that violates human dignity.

Conclusion

This study confirms that life imprisonment and severe punishment of children are practices that fundamentally contradict international human rights law norms. Article 37 of the Convention on the Rights of the Child (CRC), together with provisions in the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (CAT), clearly rejects all forms of punishment that negate the possibility of rehabilitation and social reintegration. However, the results of the analysis reveal a significant compliance gap between the normative commitments of states at the international level and their implementation at the domestic level, as observed in the cases of the United States and several Asian and African countries.

Reflectively, this study shows that the application of life sentences to children is not only problematic from a juridical perspective, but also inconsistent with scientific evidence in developmental psychology that affirms the capacity for reform in children. The tension between public interest and the obligation to protect children also emphasizes the need for a balanced paradigm, so that the punishment of children is no longer solely oriented towards retribution, but instead towards rehabilitation based on a human rights-based approach.

This study makes a twofold contribution. Academically, it enriches the literature on juvenile justice by presenting a comparative analysis that emphasizes the interconnection between sentencing theory, developmental psychology, and international human rights law. Practically, it provides a normative basis for states and international institutions to promote juvenile criminal law reform that is more consistent with the principle of the best interests of the child.

Thus, the main conclusion that can be drawn is that the continuation of life imprisonment for children must be seen as a serious violation of international obligations and as an obstacle to the protection of human dignity. Legal reforms in various countries that have begun to abolish this practice are a progressive step that should be expanded globally, so that the juvenile justice system truly reflects justice, humanity, and the protection of human rights.

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