

Beyond the Life Sentence – A Children's Rights Lens on Sentencing for Murder

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Abstract

Children around the world who have been found responsible for murder continue to be sentenced to indeterminate or long periods of detention. This is in contravention of children's rights standards which urge a ban on the life sentence and require that detention is used only for the shortest appropriate period of time. Nonetheless, the public and victims of crime have a legitimate interest in the protection of public safety and appropriate accountability for serious offending. Further, there is little guidance on what a rights compliant approach in such cases might involve. This work builds on previous studies of how children are sentenced for murder across the common law world and extends the analysis to a selection of European civil law jurisdictions. It explores and applies recent updated guidance from the Committee on the Rights of the Child and seeks to develop a framework for a children's rights and human rights compliant approach to such cases.

Keywords

youth justice – child justice – murder – sentencing – children's rights

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