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## Between Innocence and Accountability: Juvenile Offenders and Capital Punishment

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### Abstract

The death penalty for juvenile offenders sits at the intersection of criminal law, moral philosophy, neuroscience, and international human rights. Although contemporary international law clearly prohibits the execution of persons who were below eighteen at the time of the offense, the practice has not disappeared. Amnesty International has documented 176 executions of persons who were children at the time of the offense between 1990 and 2024, across eleven countries, with Iran alone accounting for 122 of those executions. This paper examines why the gap between legal prohibition and state practice persists. It argues that juvenile capital punishment survives not because the international legal rule is unclear, but because enforcement is weak and some states continue to privilege domestic political imperatives, penal ideology, religious interpretation, and claims of sovereignty over treaty-based obligations. The study adopts a comparative socio-legal method and combines treaty analysis, court decisions, human rights reporting, and developmental neuroscience. It focuses on four case studies: the United States, Iran, Saudi Arabia, and India—to show how different legal systems have responded to the juvenile death penalty question. The United States illustrates judicial abolition through constitutional interpretation; Iran shows how a formal legal opening for individualized review can coexist with continuing executions; Saudi Arabia demonstrates the limits of headline reform when broad exceptions remain; and India shows how a retentionist death penalty system can still maintain a categorical juvenile exemption. The paper concludes that the decisive global issue is no longer norm creation but norm implementation. Effective abolition requires more than treaty ratification. It requires domestic incorporation, independent courts, transparent data, child-sensitive criminal procedure, and sustained diplomatic and civil-society pressure. The paper also argues that advances in adolescent brain science strengthen, but do not by themselves create, the case against juvenile execution. At its core, the prohibition reflects a deeper legal and moral judgment: children are developmentally distinct, more capable of reform, and therefore should never be subjected to the law's most irreversible punishment.

**Keywords:** juvenile justice, death penalty, capital punishment, child rights, human rights law, *Roper v. Simmons*, Iran, Saudi Arabia

## **1. Introduction**

Capital punishment is the most extreme punishment a state can impose. Unlike imprisonment, it is irreversible. Unlike any other sentence, it forecloses the possibility that legal error may later be corrected in a meaningful way. For that reason alone, the death penalty has long occupied a uniquely contested place in law and ethics. The controversy becomes sharper still when the condemned person was a child at the time of the offense. The juvenile death penalty forces courts and societies to answer a difficult question: can a legal system claim to protect childhood while permitting the execution of those whose crimes were committed during childhood?

In modern human rights law, the answer is meant to be clear. Article 37(a) of the Convention on the Rights of the Child provides that neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offenses committed by persons below eighteen years of age. Article 6(5) of the International Covenant on Civil and Political Rights says the same with respect to death sentences. The Beijing Rules reinforce that position in the juvenile justice context by stating that capital punishment shall not be imposed for any crime committed by juveniles. On paper, then, the prohibition is exceptionally strong. The Convention on the Rights of the Child is one of the most widely ratified treaties in the world, and the ban on juvenile execution is among the least ambiguous rules in the international human rights system.

Yet the practice has persisted. Amnesty International's 2025 compilation on executions of persons who were children at the time of the offense records 176 such executions between 1990 and 2024 in eleven countries. The geographic spread of these cases is smaller than in the past, but the persistence of the practice is normatively serious. It signals not merely disagreement over punishment, but a breakdown in the enforcement of a rule designed to protect one of the most vulnerable categories of defendants in criminal justice systems. Moreover, the contemporary pattern is heavily concentrated. Iran has accounted for the overwhelming majority of recorded juvenile executions since 1990, while other states such as Saudi Arabia have repeatedly announced reform while retaining legal pathways that leave child defendants at risk.

This paper examines the contradiction between formal prohibition and continuing practice. Its central question is not whether international law bans juvenile execution—it clearly does—but why the ban remains unevenly implemented. The paper argues that the answer lies in the interaction of four forces. The first is weak enforcement in international human rights law. Treaties generate obligations but monitoring bodies rarely possess coercive power. The second is domestic legal structure: international norms matter most where courts, legislatures, and criminal procedure systems internalize them. The third is penal ideology. States that frame punishment primarily in retributive or political terms are more likely to resist child-protective limits. The fourth is contested authority. Some governments invoke religion, public order, terrorism, or sovereignty to justify retaining punishments that violate international standards.

The paper also addresses a related question: what role should science play in this debate? Over the past two decades, developmental psychology and neuroscience have transformed legal thinking about juvenile responsibility. Research shows that the prefrontal cortex, central to impulse control, planning, and weighing long-term consequences matures later than other brain systems. Adolescents tend to be more sensitive to immediate rewards, more vulnerable to peer pressure, and less capable than adults of stable self-regulation in high-emotion contexts. These findings were not the sole basis of legal reform, but they powerfully reinforced the moral and legal intuition that children are different. The most influential judicial expression of that view appears in the United States Supreme Court's decision in *Roper v. Simmons*, which held in 2005 that the execution of offenders who were under eighteen at the time of the crime violates the Eighth Amendment.

This study is structured as follows. Section 2 sets out the research aims, questions, and method. Section 3 outlines the theoretical framework, focusing on retributive justice, rights-based child protection, deterrence, developmental culpability, and legal pluralism. Section 4 reviews the literature on international law, adolescent development, comparative death penalty scholarship, and rehabilitation. Section 5 explains the international legal architecture governing juvenile execution. Section 6 presents four case studies: the United States, Iran, Saudi Arabia, and India. Section 7 analyzes execution trends using descriptive figures and discusses what those trends reveal about the movement from norm formation to norm enforcement. Section 8 offers policy recommendations. Section 9 concludes that the prohibition on juvenile execution is best understood not as a special marginal rule, but as a test case for whether states are willing to treat childhood as a legally meaningful category even in moments of grave violence and public outrage.

## **2. Research Questions, Aim, and Method**

The primary aim of this paper is to explain the persistence of juvenile capital punishment despite near-universal legal prohibition. To do so, it addresses three research questions. First, how has international law constructed the ban on executing persons who were under eighteen at the time of the offense? Second, why do some states comply more fully than others? Third, what kinds of legal and policy interventions are most likely to close the gap between formal commitments and actual practice?

The paper advances two related hypotheses. The first is that the persistence of juvenile executions is not caused by ambiguity in legal standards, but by variation in domestic willingness and capacity to internalize those standards. The second is that the strongest durable barriers to juvenile execution arise where three conditions operate together: a categorical statutory or constitutional rule, independent judicial enforcement, and a wider juvenile justice philosophy oriented toward rehabilitation rather than exemplary punishment.

Methodologically, the paper uses a comparative socio-legal approach. It combines doctrinal analysis of treaties, statutes, and case law with empirical descriptive evidence from execution data and human rights reporting. The focus on four case studies is deliberate rather than exhaustive. The United States is important because it was one of the last major constitutional democracies to abolish the juvenile death penalty and because that abolition occurred through judicial interpretation rather than treaty compliance. Iran is essential because it remains the most significant contemporary site of juvenile execution. Saudi Arabia is included because it illustrates reform rhetoric coupled with structural exception-making. India is included because it retains capital punishment for adults but prohibits it for children, thereby showing that abolition of juvenile execution can exist even within a broader retentionist framework.

The data used in this paper come primarily from Amnesty International's annual death penalty reports and its dedicated 1990–2024 compilation on executions of persons who were children at the time of the offense; official texts from OHCHR and UN sources; court judgments; and peer-reviewed scholarship on adolescent development and juvenile justice. The descriptive charts in this paper visualize minimum confirmed counts, not complete worldwide totals. This limitation matters because China, and in some periods other states, do not publish full execution data. Therefore, all quantitative discussion should be read as documenting verified minimums rather than comprehensive global totals.

### **3. Theoretical Framework**

Any serious account of juvenile capital punishment must address a deeper dispute about punishment itself. The disagreement is not simply empirical. It reflects competing theories of justice.

#### **3.1 Retribution and proportional desert**

The retributive view holds that punishment is justified because wrongdoers deserve it. On this account, the severity of punishment should be proportionate to the gravity of the offense and the culpability of the offender. In its strongest form, retribution can support capital punishment for the most serious crimes, especially intentional homicide. Applied to juveniles, however, the retributive question becomes more complex. If proportionality requires punishment to reflect not only harm but also blameworthiness, then diminished maturity matters. A teenager who kills may cause the same irreversible harm as an adult, but if the teenager has less developed judgment, greater impulsivity, and weaker resistance to pressure, the moral case for the maximum punishment weakens. In other words, retribution does not automatically support juvenile execution; it depends on how one evaluates juvenile culpability.

#### **3.2 Utilitarianism and deterrence**

Utilitarian theories justify punishment in terms of future social benefits, especially deterrence, incapacitation, and public safety. Supporters of capital punishment often invoke deterrence, arguing that the most severe sanction may prevent serious crime. But the utilitarian

case is particularly fragile in the juvenile context. Adolescents are less likely than adults to engage in fully informed cost-benefit reasoning at the moment of action. Developmental research suggests that teenagers disproportionately discount long-term consequences when emotionally aroused or under peer influence. If so, the death penalty is especially unlikely to deter juvenile offending. Even if one accepted capital punishment in theory for deterrent reasons, the special cognitive profile of adolescents undermines its justification as applied to children.

### **3.3 Rights-based child protection**

A rights-based framework starts from the premise that children occupy a distinct legal and moral position. They are rights-bearing persons, but also persons entitled to heightened protection because of developmental vulnerability and dependency. This approach does not deny responsibility; rather, it insists that accountability for children must be structured differently from accountability for adults. International child-rights law embodies this orientation. The child is not merely a smaller adult subject to a lighter sentence. The child is a distinct legal subject whose best interests, survival, development, and reintegration into society must guide state action. From this perspective, juvenile capital punishment is objectionable not only because it is severe, but because it negates the entire child-protective logic of juvenile justice.

### **3.4 Developmental culpability**

Developmental culpability provides the bridge between moral theory and modern science. It does not claim that adolescents lack agency or cannot understand right from wrong. Rather, it argues that their responsibility is categorically different because developmental immaturity affects decision-making, impulse control, risk assessment, resistance to external pressure, and identity stability. This framework has been influential in both psychology and law. It supports a model of graduated responsibility: young offenders can be held accountable, but their punishment must reflect diminished blameworthiness and enhanced capacity for change. The juvenile death penalty is inconsistent with this model because it imposes the most final sanction on individuals whose characters are still forming.

### **3.5 Legal pluralism, sovereignty, and competing normative orders**

A final theoretical issue concerns the relationship between universal rights and domestic normative systems. In some states, criminal law draws authority from religious jurisprudence, constitutional nationalism, emergency politics, or anti-terror frameworks that do not map neatly onto international human rights norms. Governments may accept treaties while treating them as politically contingent or subordinate to local legal commitments. This does not make international law irrelevant, but it means compliance depends on translation into domestic institutions. Legal pluralism helps explain why a common treaty obligation can produce very different practical outcomes across states.

#### **4. Literature Review**

The literature on juvenile capital punishment spans at least four major bodies of scholarship: global death penalty abolition, child-rights law, developmental science, and comparative criminal justice.

The first body of work concerns the global decline of capital punishment. Hood and Hoyle's comparative scholarship remains foundational in showing that death penalty retention and abolition are shaped not only by legal doctrine but by political culture, democratization, and international pressure. Their work also demonstrates that the trend toward abolition is real, even if uneven. Amnesty International's annual reporting similarly shows a paradoxical pattern in recent years: the number of countries known to carry out executions has declined, but execution totals in some retentionist states have risen sharply. That pattern matters here because it suggests that the juvenile death penalty, too, has become more concentrated rather than broadly normalized.

The second body of work examines the specific place of children in international human rights law. Scholarship on the Convention on the Rights of the Child emphasizes that the treaty is not merely aspirational. It creates concrete obligations regarding deprivation of liberty, fair process, sentencing, and rehabilitation. General Comment No. 24 of the Committee on the Rights of the Child is especially important because it reiterates that juvenile justice rules should apply to all persons under eighteen and expresses concern about systems that transfer children into adult courts based on offense categories. The literature in this area repeatedly stresses that child rights cannot be reduced to leniency. The prohibition on juvenile execution is bound up with a broader model of dignity, development, and reintegration.

The third body of work focuses on adolescent development. Steinberg, Casey, and others have shown that adolescence is characterized by asynchrony in brain maturation. Systems related to sensation-seeking and socioemotional responsiveness develop earlier than systems of cognitive control. This mismatch helps explain why adolescents may know rules in a calm setting yet fail to regulate conduct in emotionally charged, peer-influenced contexts. Legal scholars have used this research to argue that criminal responsibility should remain meaningful but scaled. The most persuasive uses of neuroscience in law do not claim that science mechanically determines constitutional outcomes. Instead, they show that well-established developmental findings support moral and legal judgments already embedded in juvenile justice doctrine.

The fourth body of work explores rehabilitation and recidivism. Meta-analytic and review evidence suggests that intervention programs for juvenile offenders can reduce reoffending, especially when they are structured, family-engaged, skills-oriented, and cognitively informed. This scholarship does not prove that every young offender is readily reformable, but it does reject the fatalistic claim that serious juvenile offending necessarily reveals an irredeemable

criminal identity. That point is highly relevant to the death penalty debate, because capital punishment rests on a judgment that the offender is beyond legitimate hope of reform.

There is, however, an important tension in the literature. Some commentators warn that child-protective rhetoric can erode when public fear intensifies around violent youth crime. Transfer laws, terrorism laws, and exceptional sentencing rules often arise in moments when legislatures seek symbolic toughness. Comparative studies show that juvenile justice can become bifurcated: rehabilitative in ordinary cases, but sharply punitive in crimes framed as monstrous, political, or threatening to national order. This helps explain why legal systems that formally recognize childhood can still create exceptional pathways exposing minors to extreme sanctions.

The literature, in short, points toward a clear consensus in principle and a persistent enforcement problem in practice. That gap structures the rest of this paper.

## **5. International Legal Framework**

The prohibition on juvenile capital punishment is among the clearest rules in international human rights law.

### **5.1 The International Covenant on Civil and Political Rights**

Article 6 of the ICCPR protects the inherent right to life. Article 6(5) states that a sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women. The wording is categorical. It does not permit balancing, proportionality exceptions, or derogation based on crime type. General Comment No. 36 of the Human Rights Committee reinforces the idea that states retaining capital punishment face strict limits and that the right to life must be interpreted narrowly against state killing.

### **5.2 The Convention on the Rights of the Child**

The Convention on the Rights of the Child goes further by placing the juvenile death penalty ban within a broader architecture of child protection. Article 37(a) prohibits both capital punishment and life imprisonment without possibility of release for offenses committed by persons below eighteen years of age. Article 6 recognizes the child's inherent right to life and obliges states to ensure, to the maximum extent possible, the survival and development of the child. Taken together, these provisions show that the ban is not an isolated sentencing rule. It is part of a more comprehensive developmental and dignity-based framework.

### **5.3 Soft law and UN standards**

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, known as the Beijing Rules, explicitly provide in Rule 17.2 that capital punishment shall not be imposed for any crime committed by juveniles. The Havana Rules and the Riyadh Guidelines similarly stress restraint in detention, humane treatment, prevention, and social reintegration. Although these instruments do not have the same binding status as treaties, they shape

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authoritative interpretation and state practice. They also underscore that juvenile justice is meant to be a separate domain guided by child welfare and reintegration, not merely a younger branch of adult penal severity.

#### **5.4 Toward customary and peremptory status?**

A number of scholars and regional bodies have argued that the prohibition on juvenile execution has achieved at least customary international law status and may be understood as peremptory in character. The Inter-American Commission on Human Rights in the Domingues matter treated the prohibition as a *jus cogens* norm. While that position remains debated in scholarship, the key practical point is that the rule enjoys unusually broad international acceptance. Even states that violate it rarely defend juvenile execution as a positive good in principle. More often they deny the offender's age, claim legal reinterpretation, or invoke narrow exceptions. That pattern itself suggests the stigma attached to the practice.

#### **5.5 Enforcement problems**

The weakness of the international regime lies not in the articulation of the norm but in enforcement. Treaty bodies can issue concluding observations, general comments, urgent appeals, and condemnations. NGOs can document and publicize abuse. States can apply diplomatic pressure. But there is no automatic sanction for violation. In death penalty cases, this gap is especially dangerous because delay can be fatal. The rule's moral clarity therefore coexists with institutional fragility.

### **6. Case Studies**

#### **6.1 United States: judicial abolition after prolonged exception**

The United States is a crucial case because it demonstrates both the persistence of exceptionalism and the possibility of judicial correction. For decades the U.S. allowed the execution of offenders who had committed capital crimes while under eighteen. By the time of *Roper v. Simmons* in 2005, the practice had already become increasingly rare, but it had not disappeared. According to the Death Penalty Information Center and later summaries of *Roper's* impact, dozens of people remained on death row for crimes committed as juveniles, and between 1976 and *Roper*, multiple defendants had been executed for such crimes.

In *Roper*, the Supreme Court held that the Eighth and Fourteenth Amendments forbid imposition of the death penalty on offenders who were under eighteen when their crimes were committed. The Court relied on two strands of reasoning. First, it identified a national consensus against the practice by examining state laws and actual sentencing behavior. Second, it exercised independent constitutional judgment, emphasizing three characteristics of youth: lack of maturity and underdeveloped responsibility, vulnerability to negative influences and peer pressure, and the transitory, less fixed character of adolescent personality. The Court also referred to

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international opinion, not as binding law, but as confirming evidence that juvenile execution had become inconsistent with contemporary standards of decency.

Roper is often read narrowly as a constitutional death penalty case, but its significance is broader. It marked the point at which developmental difference became central to U.S. constitutional sentencing doctrine. Later cases on juvenile life without parole built on the same logic. The American case therefore shows that abolition can occur without direct treaty incorporation when domestic constitutional principles are interpreted in light of developmental science and shifting penal standards. Yet it also reveals a cautionary lesson. The U.S. did not abolish juvenile execution because international law alone compelled it. It abolished because domestic institutions eventually chose to align with the international norm.

## **6.2 Iran: legal flexibility without reliable protection**

Iran is the most important contemporary case because of scale. Amnesty International's 1990–2024 compilation records 122 juvenile executions in Iran alone, more than twice the combined total of the other ten recorded countries. In recent years Iran has remained the principal global outlier on this issue.

Iran's legal system is complex, combining statutory law with Islamic jurisprudence. In juvenile capital cases, one important development was Article 91 of the 2013 Islamic Penal Code, which allows courts in certain circumstances to consider whether a child accused of a capital offense understood the nature and consequences of the crime or had attained full mental maturity. On paper, this introduced a possible avenue for relief. In practice, however, the protection has been uneven and discretionary. Courts may rely on superficial maturity assessments, place heavy weight on confessions or contested evidence, or decline to apply the provision in ways consistent with child-rights principles.

Iran's persistence with juvenile executions is often explained through a combination of doctrinal, political, and institutional factors. First, certain categories of punishment, particularly *qisas*, are framed as rights of victims' families rather than purely public sanctions, complicating reform efforts. Second, capital punishment is deeply embedded in Iran's penal system more generally. Amnesty recorded at least 972 executions in Iran in 2024, with a sharp rise linked in part to drug offenses and political repression. In such a system, the juvenile death penalty is not an isolated anomaly but part of a broader punitive infrastructure. Third, procedural concerns remain severe. International observers have repeatedly highlighted coerced confessions, inadequate defense, opaque age determination, and unfair trials.

The Iranian case is especially instructive because it shows that partial reform can coexist with continuing abuse. Article 91 is often cited as evidence that Iran has responded to criticism. Yet the numbers show that discretionary review is not enough. Where the baseline legal culture remains capital-intensive and political incentives favor severity, a case-by-case maturity exception does not reliably protect children. The lesson is clear: juvenile protection is strongest when categorical, not when left to broad judicial discretion inside a punitive system.

### **6.3 Saudi Arabia: reform announcements and the politics of exception**

Saudi Arabia offers a different model of inconsistency. In 2020 officials announced reforms that were widely interpreted as curbing or abolishing the use of the death penalty against minors in some categories of cases. Human Rights Watch and Amnesty International, however, have repeatedly documented that alleged child offenders continued to face execution, especially in cases processed under anti-terror or protest-related frameworks and in categories not fully covered by reform announcements.

This pattern reveals the politics of exception. Reform language may create international goodwill while leaving untouched the cases the state most cares about symbolically or politically. Human Rights Watch reported in 2024 that Saudi appellate authorities had approved death sentences in cases involving alleged offenses committed when the defendants were children. The problem is not merely noncompliance; it is selective compliance. The state narrows the rule in ordinary criminal cases while preserving extreme punishment in cases framed as national security, dissent, or serious moral transgression.

Saudi Arabia's broader death penalty context reinforces the concern. Amnesty International recorded at least 345 executions in the country in 2024, roughly double the previous year and the highest annual number on Amnesty's record for Saudi Arabia. In such an environment, official claims of restraint toward juveniles cannot be assessed in isolation from the wider political use of capital punishment. Moreover, ambiguity in codification, dependence on judicial and executive interpretation, and limited transparency make it difficult to verify how reforms operate in practice.

The Saudi case demonstrates that abolition requires more than decrees and press statements. It requires accessible law, narrow definitions of capital crimes, transparent procedures, reliable age determination, judicial independence, and a bar on all exceptions for offenses committed under eighteen. Without those elements, reform remains contingent and reversible.

### **6.4 India: retention of capital punishment, categorical juvenile exemption**

India presents a contrasting case. It retains the death penalty for adults and continues to sentence people to death in "rarest of rare" cases, a doctrine associated with *Bachan Singh v. State of Punjab*. Amnesty recorded 139 death sentences in India in 2024, though no executions were recorded that year. At the same time, India's juvenile justice framework clearly bars death sentences for children.

The Juvenile Justice (Care and Protection of Children) Act, 2015 defines a child as a person below eighteen years and structures juvenile adjudication through specialized boards and child-centered procedures. Section 21 expressly states that no child in conflict with law shall be sentenced to death or to life imprisonment without the possibility of release. This rule matters because India's public discourse on youth crime has periodically turned punitive, especially after high-profile violent offenses. The 2015 Act itself permits, through preliminary assessment and

transfer mechanisms, that some sixteen- to eighteen-year-olds accused of heinous offenses may be tried in a Children's Court as adults for certain procedural purposes. Even so, the death penalty remains prohibited for those who were children at the time of the offense.

India therefore shows both the promise and the tension of hybrid systems. On the one hand, it demonstrates that a state can remain retentionist toward adult capital punishment yet maintain a categorical juvenile exemption aligned with international law. On the other hand, the transfer provisions reveal how political backlash can push systems toward adultification of adolescents in response to public outrage. The Indian lesson is that categorical statutory protection matters, but it should be accompanied by vigilance against erosion through transfer, media pressure, or public narratives that collapse adolescence into adulthood in exceptional cases.

## **7. Figures, Trends, and Statistical Analysis**

The descriptive evidence in this paper supports three broad conclusions.

First, juvenile executions are now highly concentrated rather than widely distributed. Between 1990 and 2024, Amnesty International documented 176 executions of persons who were children at the time of the offense in eleven countries. Iran alone accounted for 122, or roughly 69 percent of the documented total. The next highest totals are far smaller: the United States 19, Pakistan 9, Saudi Arabia 9, South Sudan 4, Somalia 4, Yemen 3, China 2, Sudan 2, Nigeria 1, and the Democratic Republic of the Congo 1. This concentration indicates that the global problem has become one of persistent outlier states rather than broad disagreement.

Second, the annual pattern is uneven but persistent. The highest yearly documented total in the Amnesty 1990–2024 series is 14 in 2007. Thereafter, the annual minimum generally declines but does not disappear, with recurrent spikes in Iran and isolated or emerging incidents elsewhere. The years 2023 and 2024 are especially significant because, despite the maturity of the international norm, the practice still did not vanish. In 2024 Amnesty documented eight juvenile executions: four in Iran and four in Somalia.

Third, the broader global death penalty environment matters. Amnesty recorded at least 1,518 known executions worldwide in 2024, excluding the thousands believed to have occurred in China. Iran, Iraq, and Saudi Arabia accounted for 91 percent of the known total. This matters because juvenile capital punishment is most likely to survive where capital punishment itself is politically salient, normalized, and opaque. The juvenile death penalty rarely appears in otherwise abolitionist penal cultures.

The figures included in this paper serve different analytical purposes. Figure 1 plots the yearly number of documented executions of persons who were children at the time of the offense from 1990 to 2024. It illustrates both decline and persistence. Figure 2 compares cumulative country totals and makes the Iranian concentration unmistakable. Figure 3 presents a short recent

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trendline for known global executions from 2020 to 2024, excluding China, to situate juvenile executions within the wider resurgence of capital punishment in several retentionist states.

These trends also reveal something important about advocacy strategy. When a practice becomes concentrated in a small number of states, universal rhetoric remains necessary but no longer sufficient. Advocacy must become country-specific. The reasons juvenile executions persist in Iran differ from the reasons they remain possible in Saudi Arabia, and both differ from the logic that once sustained the practice in the United States. A legal model that succeeded in one setting may fail in another if it does not address the institutional source of resistance.

## **8. Discussion**

The comparative analysis yields several broader insights.

First, domestic incorporation is decisive. International law can stigmatize, condemn, and guide, but durable protection usually emerges only when domestic legal actors give the norm internal effect. In the United States, that occurred through constitutional adjudication. In India, it occurred through statute. In Iran and Saudi Arabia, by contrast, the relevant reforms have either remained discretionary or been cut through by exceptions and political priorities.

Second, categorical rules protect children better than maturity tests or executive promises. The problem with discretionary models is that they invite precisely the kind of case-by-case severity that public outrage and political pressure produce. Once courts are told to decide whether a child was “mature enough,” the debate often shifts from age to offense facts, moral horror, or ideological labeling. The international rule rejects that move. It does not ask whether a particular minor was unusually blameworthy. It asks whether the state may ever execute a person for an offense committed before eighteen. The answer is no.

Third, neuroscience strengthens but does not replace the legal and ethical argument. Developmental science helps explain why adolescents are less culpable and more reformable as a class. It provides empirical support for doctrines of diminished responsibility. But the prohibition on juvenile execution does not depend entirely on brain scans or age thresholds in neurobiology. It also reflects a normative judgment about childhood, dignity, and the state’s obligations toward young persons. Even if neuroscience were less precise than it is, the child-rights case against juvenile execution would remain strong.

Fourth, transparency is an underappreciated issue. In death penalty systems more broadly, secrecy often protects abuse. Age disputes, coerced confessions, opaque appeal processes, and incomplete execution reporting all make international accountability harder. The fact that China’s execution totals remain secret and that other states provide only partial information reminds us that the statistics used in this paper are minimums. Transparency is not a secondary administrative issue. It is central to whether the prohibition can be monitored at all.

Fifth, the broader punitive climate matters. Juvenile execution does not survive in isolation. It survives where capital punishment is politically useful, publicly defended, and embedded in systems that value exemplary severity. Therefore, campaigns focused narrowly on juvenile cases should be connected to wider efforts to restrict and ultimately abolish capital punishment more generally.

## **9. Policy Suggestions**

The evidence in this paper supports seven policy recommendations.

### **9.1 Adopt categorical domestic bans**

States should enact explicit legal provisions stating that no person may be sentenced to death for an offense committed before the age of eighteen. The rule should not depend on offense category, judicial maturity assessment, or executive grace.

### **9.2 Eliminate exceptions in anti-terror and special security laws**

Many contemporary risks to child defendants arise not in ordinary homicide cases but in exceptional legal regimes. Anti-terror, protest, public-order, and morality laws must be brought into full conformity with the juvenile execution ban. No parallel track should exist through which children can be exposed to capital punishment.

### **9.3 Improve age determination procedures**

Where birth registration is incomplete, states should adopt child-protective age assessment rules that resolve doubt in favor of juvenility. Procedural uncertainty must never become a route to execution.

### **9.4 Guarantee specialized defense and fair trial rights**

Children accused of serious crimes need early access to trained counsel, psychological support, and child-sensitive procedures. Coerced confessions, incommunicado detention, and adult interrogation practices are especially damaging in juvenile cases.

### **9.5 Strengthen international monitoring and urgent action mechanisms**

UN treaty bodies, special procedures, and regional human rights actors should intensify urgent interventions in juvenile death penalty cases. While they lack direct coercive power, faster and more coordinated action can still matter in preventing executions.

### **9.6 Tie diplomatic engagement to measurable benchmarks**

Where juvenile executions persist, bilateral and multilateral diplomacy should move beyond general condemnation and insist on measurable reforms: publication of all juvenile death row cases, legislative repeal of exceptions, review of all pending child-offender death sentences, and independent access to proceedings.

### **9.7 Invest in rehabilitation and diversion**

States should align serious-youth-offending policy with evidence-based rehabilitation. Structured educational, therapeutic, family-based, and restorative interventions are more consistent with child-rights law and more promising for long-term public safety than purely punitive escalation.

## **10. Conclusion**

The juvenile death penalty is often discussed as if it were a remnant of an older world. In one sense, that is true. Most states have moved away from it, and international law is unambiguous in condemning it. Yet the practice has not disappeared. Its persistence shows that in human rights law, clarity of norm and security of protection are not the same thing.

This paper has argued that the prohibition on executing persons who were under eighteen at the time of the offense is one of the clearest rules in the international system. The ICCPR, the Convention on the Rights of the Child, and the Beijing Rules all point in the same direction. Developmental science reinforces the legal logic by demonstrating that adolescents differ from adults in ways that matter to culpability and punishment. Comparative case studies then show that compliance turns on domestic legal structure. The United States abolished the juvenile death penalty when constitutional interpretation caught up with developmental and moral reality. India bars it by statute even while retaining capital punishment for adults. Iran and Saudi Arabia, by contrast, reveal how discretion, opacity, exception-making, and political uses of punishment can hollow out formal commitments.

The larger lesson is that the core challenge is now implementation. The world does not need a new norm against juvenile execution. It needs stronger mechanisms to make the existing norm effective. This means categorical domestic bans, elimination of legal loopholes, child-sensitive criminal procedure, transparent reporting, and sustained international pressure. It also means resisting the temptation to collapse adolescence into adulthood whenever a crime is shocking. The point of law is not to protect rights only in easy cases. It is to hold principle in hard ones.

Capital punishment is irreversible. Childhood is incomplete. To combine those two truths in a single sentence of death is to deny the possibility that the law can distinguish between harm caused and humanity retained. A just legal system may punish children who commit grave wrongs. It may not execute them.

### Statistical Figures

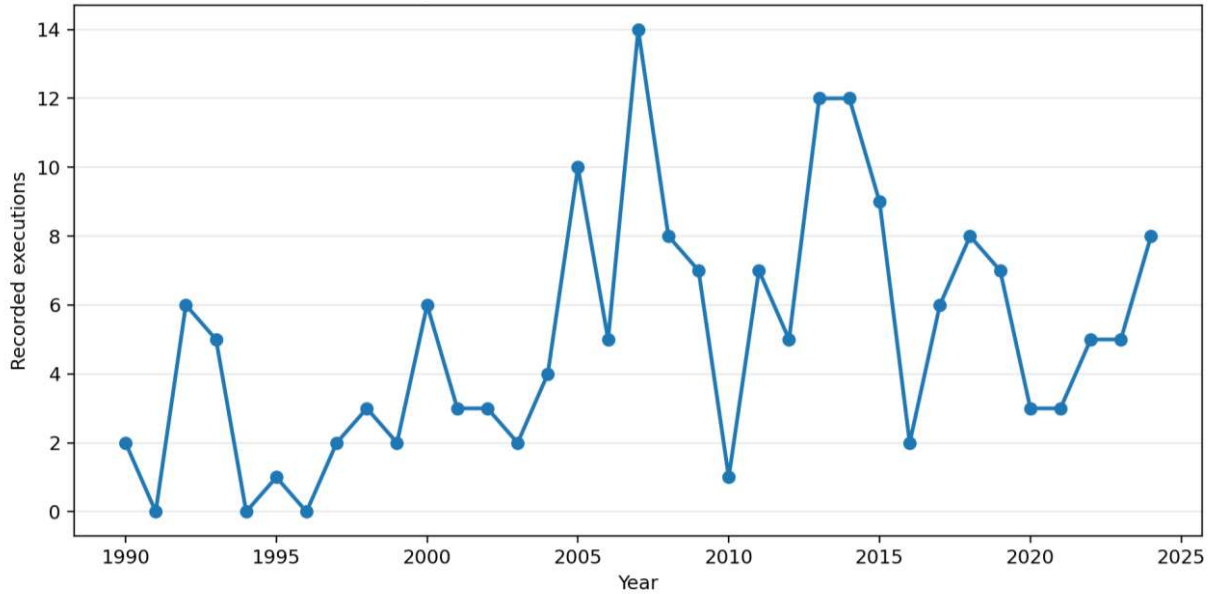


Figure 1. Documented juvenile executions by year, 1990–2024

Source: Amnesty International (2025c). The series shows documented minimum counts of executions of persons who were children at the time of the offence.

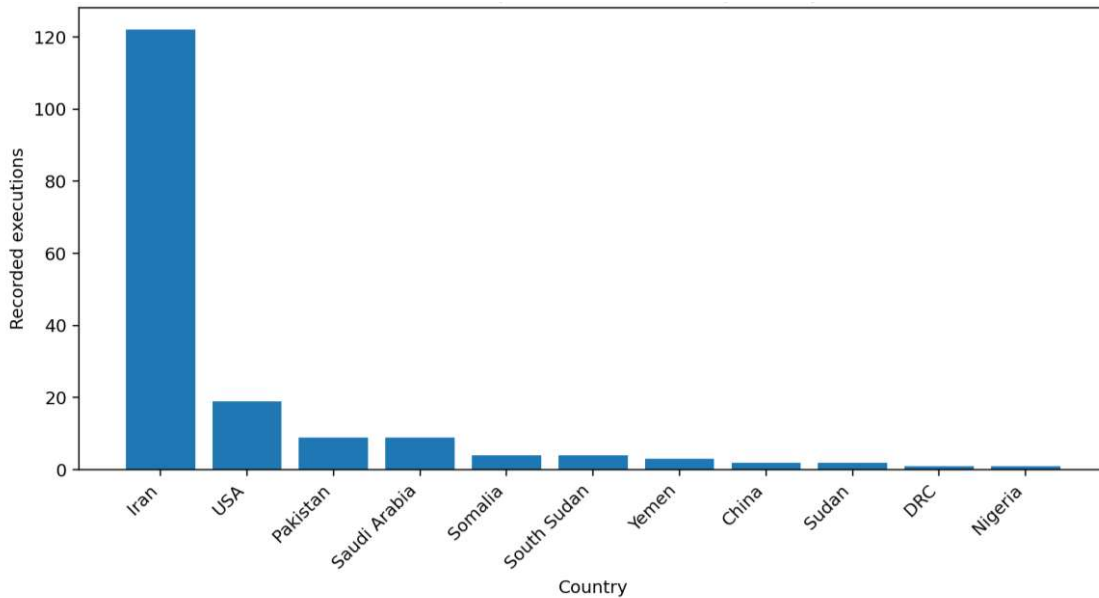


Figure 2. Cumulative documented juvenile executions by country, 1990–2024

Source: Amnesty International (2025c). Iran dominates the documented total, accounting for 122 of 176 recorded executions.

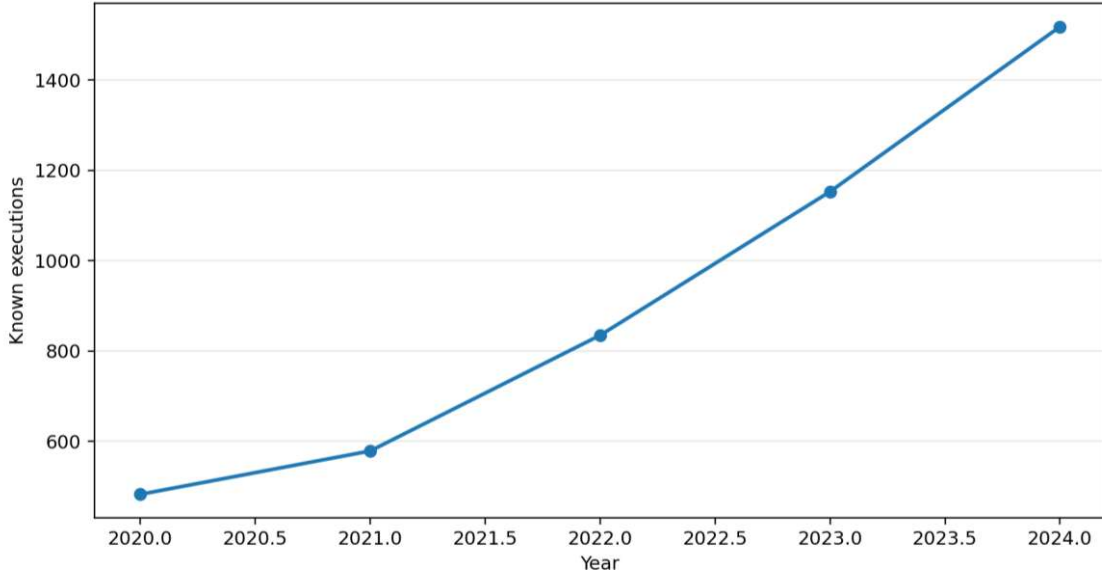


Figure 3. Known global executions, 2020–2024 (excluding China)

*Source: Amnesty International (2025b, 2025c). China is excluded because full execution totals remain classified; the figures shown are known minimums.*

**Appendix Table A. Core international legal instruments**

Instrument	Year	Key provision	Relevance to juvenile death penalty
ICCPR	1966	Article 6(5)	Prohibits imposing death sentences for crimes committed below age 18.
Convention on the Rights of the Child	1989	Article 37(a)	Bars capital punishment and LWOP for offences committed below age 18.
Beijing Rules	1985	Rule 17.2	States that capital punishment shall not be imposed for crimes committed by juveniles.
CRC General Comment No. 24	2019	Paras. 40, 88	Reaffirms full juvenile-justice protection for all persons under 18 and criticizes adult-transfer exceptions.

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