

URGENT ACTION

BRAZIL MUST NOT LET CHILDREN BE TRIED AS ADULTS

A proposed constitutional amendment in Brazil will change the age at which children can be tried as adults from 18 to 16 years. This will violate a number of national and international laws, including Brazil's obligation to protect the rights of the child.

The proposed constitutional amendment PEC 171/1993 under consideration in Brazilian Congress will change article 228 of the Brazilian Federal Constitution that establishes that children accused of infringing the law must be taken before the juvenile justice system. The law intends to lower that age from 18 to 16 years. The proposal was already passed by the Commission of Constitution and Justice in March this year, and is currently being evaluated by a Special Commission of the House of Representatives, which - as it is publically known - will approve the proposal within the next few days. After being approved by the Special Commission, the proposal will be voted on in the House of Representatives.

Lowering the age at which children can be tried as adults from 18 to 16 years violates a number of national and international laws, including the obligation to protect the rights of the child. Children accused of infringing the law are entitled to all fair trial rights that apply to adults, as well as to additional juvenile justice protections set forth in the Convention on the Rights of the Child and other international standards. The Brazilian Statute for the Child and Teenager (Law 8.069) establishes 18 years as the age at which individuals can be tried by the ordinary justice system and establishes that individuals who commit offences between the ages of 12 and 18 will be treated by a juvenile justice system called the Social Educational System (Sistema Socio-Educativo). The Statute outlines a number of disciplinary measures for those juveniles, including deprivation of liberty in special juvenile institutions.

Every person under the age of 18 at the time of the alleged commission of an offence must be treated in accordance with the rules of juvenile justice. Authorities should not try children as adults. The justice system's treatment of children must be consistent with the fact that children differ from adults in their physical and psychological development and must take into account the best interests of the children. The State must ensure that children's' rights to life, survival and development, as well as their rights to be heard and to be free from discrimination are protected.

Please write immediately in Portuguese, Spanish, English or your own language:

- Urging the Brazilian House of Representatives to reject the proposed constitutional amendment PEC 171/1993 that lowers the age at which children can be tried as adults from 18 to 16 years;
- Urging them not to approve any laws that contravene the Convention on the Rights of the Child or that are not in accordance with the State's human rights obligations.

PLEASE SEND APPEALS BEFORE 19 JUNE 2015 TO:

President of House of Representatives

Eduardo Cunha
Praça dos Três Poderes
Câmara dos Deputados. Gabinete 510 -
Anexo IV, Brasília, DF
CEP: 70160-900, Brazil
Fax: +55 61 3215 2510
Email:
dep.eduardocunha@camara.leg.br
Facebook: /DeputadoEduardoCunha
Twitter: @DepEduardoCunha
Salutation: Dear Congressman

President of Human Rights Commission of the House of Representatives

Paulo Pimenta
Praça dos Três Poderes
Câmara dos Deputados. Gabinete 552
Anexo IV. Brasília, DF,
CEP: 70160-900, Brazil
Fax: + 55 61 3215 2552
Email: dep.paulopimenta@camara.leg.br
Facebook: /deputadofederal
Twitter: @DeputadoFederal
Salutation: Dear Congressman

And copies to:

President of CONANDA (National
Council of the Rights of the Child and
Teenager)
Setor Comercial Sul - B, Quadra 9, Lote
C, Edifício Parque Cidade Corporate,
Torre "A", 8º andar
Brasília, DF, CEP: 70308-200, Brazil
Fax: +55 61 20259604
Email: conanda@sdh.gov.br

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Brazil has the highest number of homicides in the world, with 56,000 homicide victims in 2012. Of those victims, 30,000 were youth, and among the youth, 77% were black. The vast majority of homicides remain in impunity, as only 5-8% of homicides are brought to justice. Impunity and a permanent sense of injustice fuel the cycle of violence. However, Brazilian authorities' recent response to the high number of homicides and the crises in public security have been conservative, including enforcing measures to increase incarceration, a more repressive model of policing, relaxing the control of arms circulation and the changes to the age at which children can be tried as adults.

Besides the highest number of homicides, Brazil also has one of the highest numbers of people in prison, with over 580,000 people in prison in December 2013. In seven years (between 2005 and 2012) this number increased 74% and, considering the current proposals of intensification of the so called "war on drugs" and overall increase in time of imprisonment for several crimes, it is likely that this number will keep increasing every year.

Brazil's prison system is known for its endemic overcrowding, degrading conditions, torture and violence. A recent example is the case of the prison of Pedrinhas, in the northern state of Maranhão where, in 2013, 60 detainees were murdered. More than 18 were killed in the prison between January and October 2014. Videos of beheadings were broadcast in the media. An investigation into the incident was continuing at the end of the year.

Institutions that deprive juvenile offenders of their liberty in Brazil present similar conditions of overcrowding, degrading conditions, torture and violence. In 2012, around 20,000 juvenile offenders were serving time in such institutions.