

# URGENT ACTION

## BRAZIL MUST NOT VIOLATE THE RIGHTS OF THE CHILD

**On 17 June the Special Commission of the House of Representatives approved a proposal to reduce the age at which children can be tried as adults from 18 to 16 years. The proposal will now be voted on in the House of Representatives by 30 June. If passed, it will violate a number of national and international laws, including Brazil's obligation to protect the rights of the child.**

On 17 June the Special Commission of the Brazilian House of Representatives approved the proposed constitutional amendment PEC 171/1993, which proposes to reduce the age at which children can be tried as adults from 18 to 16 years. The Special Commission approved the proposal with a few changes, specifically that children between the ages of 16 and 18 can be tried as adults in the cases of crimes of homicide, aggravated theft (for example, using a weapon while committing the theft) and "hideous crimes", which include rape and drug-related crimes. The proposal will now be voted on in the House of Representatives, whose president has promised to carry out the vote by 30 June.

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. 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 30 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. This is the first update of UA 132/15. Further information:  
[www.amnesty.org/en/documents/AMR19/1847/2015/en/](http://www.amnesty.org/en/documents/AMR19/1847/2015/en/)

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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 per cent were black. The vast majority of homicides remain in impunity, as only 5-8 per cent 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.

Further information on UA: 132/15 Index: AMR 19/1929/2015 Issue Date: 26 June 2015