

03 June 2015

Statement by civil society organisations calling on the government of Brazil to refrain from adopting the draft constitutional reform bill proposing to lower the age of criminal majority 18 to 16 years of age.

We the undersigned civil society organisations, call on Brazil to refrain from adopting the proposed reforms that would lower the age that children can be tried as an adult (the “age of criminal majority”) from 18 to 16. The reform would violate Brazil’s obligations under the United Nations Convention on the Rights of the Child (UNCRC) and would be an ineffective means of addressing offences committed by children.

Under the UNCRC, States have specific obligations towards children involved in the criminal justice system: deprivation of liberty should be a last resort and for the shortest period of time (article 37), and must focus on rehabilitation and reintegration, rather than simply punishment or retribution (article 40). Lowering the age of criminal majority sends a negative signal to society and the affected children alike, and fails to prioritise their particular needs as children.

This reform proposal responds to an issue of public safety and negative media repercussion of certain crimes committed by juveniles. Such a reform merely addresses the effects and not the causes of the issue, excluding a number of key variables in the generation of crime. In order to respond to children in conflict with the law effectively, States should promote the use of alternative measures such as diversion and restorative justice, serving not only the best interests of these children, but also the short- and long-term interest of society as a whole (UNCRC General Comment No.10). Brazil has been a pioneer of children’s rights within Latin America, with its Estatuto da Criança e do Adolescente (Code for Children and Adolescents) and currently provides a good example by setting the age of criminal majority at 18 years of age. We call on Brazil to continue leading by example, and reject the draft bill proposing the lower the age of criminal majority from 18 to 16 years of age, respecting the human rights of the child and fulfilling international obligations.

Signed by:

Defence for Children International (DCI); Child Rights International Network (CRIN); Amnesty International; Human Rights Watch (HRW); Organization against Torture (OMCT); Penal Reform International (PRI); Terre des Hommes (TdH); World International Catholic Child Bureau (BICE); World Vision.



**Defence for
Children International**
the worldwide movement for children's rights

CRIN

CHILD
RIGHTS
INTERNATIONAL
NETWORK

OMCT

SOS-Torture Network



bice
International Catholic
Child Bureau
Dignity and rights of the child
For each child, a future

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Terre des hommes

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World Vision