[ENGLISH VERSION]

OPEN LETTER TO THE BRAZILIAN AUTHORITIES

To the President of the Chamber of Deputies

To the President of the Federal Senate

To the leaders of the National Congress of Brazil

Geneva, Switzerland, 4 November 2026

RE: OMCT expresses profound concern regarding efforts to lower the age of criminal responsibility in Brazil and warns of the potential for serious human rights violations

Dear Brazilian Authorities,

The World Organisation Against Torture (OMCT)[1] expresses **its grave concern and firm opposition to legislative initiatives that seek to lower the age of criminal responsibility in Brazil**, particularly following the serious developments in the Federal Senate on 3 November 2026.

On 3 November 2026, during consideration of Proposed Constitutional Amendment (PEC) No. 18/2025, known as the Public Security PEC, the Federal Senate voted by 38 to 36 to separate Amendments Nos. 84 and 87, both concerning the age of criminal responsibility, so that they could proceed as distinct constitutional proposals.

[1] The World Organisation Against Torture (OMCT) is an international non-governmental organisation, based in Geneva, Switzerland, dedicated to preventing and combating torture and other cruel, inhuman or degrading treatment. With a network of around 200 organisations in more than 90 countries, the OMCT works to protect victims, defend human rights and combat impunity, with a particular focus on vulnerable groups, including children and young people.

Amendment No. 84 would lower the age of criminal responsibility to 16 as a general rule, and to 14 in certain cases. Amendment No. 87 would make adolescents aged 16 and over criminally liable for offences classified under Brazilian law as heinous crimes.

Separating the amendments would allow them to proceed independently, and potentially more quickly. This development comes amid political alliances that cross traditional party lines, while the threat these measures pose to the fundamental rights of children and adolescents remains unaddressed.

OMCT is particularly concerned by the prospect of an exceptional legislative timetable that would shorten the intervals required under the ordinary procedure. The proposals could also be referred to the Chamber of Deputies and linked to Proposed Constitutional Amendment (PEC) No. 32/2015, which likewise seeks to change the age of criminal responsibility.

Expediting measures with such far-reaching human rights implications, without an open, transparent and evidence-based public debate, would further undermine democratic scrutiny and the constitutional protection afforded to children and adolescents.

A threat to Brazil's international obligations

OMCT recalls that Brazil is a party to the Convention on the Rights of the Child, the American Convention on Human Rights and the United Nations Convention against Torture. These treaties require special protection for children and adolescents and safeguards against cruel, inhuman or degrading treatment.

Under the Convention on the Rights of the Child, deprivation of liberty must be a last resort and used only for the shortest appropriate period. The Convention also requires age-appropriate treatment and a specialised juvenile justice system.

The United Nations Committee on the Rights of the Child has reaffirmed that juvenile justice systems should apply to everyone under the age of 18, irrespective of the seriousness of the offence.

OMCT also draws attention to recommendations addressed to Brazil by international human rights bodies, including the Committee against Torture and the Committee on the Rights of the Child, opposing proposals to lower the age of criminal responsibility.

Article 228 of Brazil's Federal Constitution provides that persons under the age of 18 are not subject to adult criminal liability. This safeguard must be read alongside the principles of comprehensive protection, absolute priority for children's rights and non-retrogression in the protection of fundamental rights.

Lowering the age of criminal responsibility would depart from the principle of comprehensive protection by placing adolescents within a justice system designed for adults. It would conflict with international juvenile justice standards and Brazil's duty to afford children and adolescents special protection.

Lowering the age of criminal responsibility would heighten the risk of torture and institutional violence.

OMCT's concerns are compounded by conditions in Brazil's prison system. In 2023, in its decision on ADPF No. 347, the Federal Supreme Court found that the prison system was in an unconstitutional state of affairs, marked by widespread and systematic violations of fundamental rights.

Overcrowding, degrading conditions of detention, institutional violence and persistent reports of torture and ill-treatment show how far the system falls short of providing safe and adequate conditions of custody.

Bringing adolescents into the adult criminal justice system, even if they are held in separate facilities or wings, would expose them to greater risks of violence, torture and other cruel, inhuman or degrading treatment, as well as to organised criminal networks.

The Brazilian State must not seek to remedy the failures of its public security policies by sending more adolescents into a prison system whose structural human rights violations have already been recognised by the country's highest court.

Lowering the age of criminal responsibility is not an effective response to violence. Instead, it risks entrenching exclusion, institutional violence and reoffending, while weakening opportunities for education, social reintegration and safer futures.

Disproportionate racial impact and widening inequality

OMCT also warns that the proposals would have a disproportionate racial impact. According to official figures presented by Brazilian civil society organisations to the Inter-American Commission on Human Rights, 73.7 per cent of adolescents deprived of liberty in Brazil's socio-educational system are Black, including those classified as *preto* or *pardo*.

The same figures indicate that most adolescents deprived of liberty come from low-income families, underscoring the links between structural racism, social inequality and disparities in the justice system.

Lowering the age of criminal responsibility would therefore be likely to fall particularly heavily on Black adolescents from low-income families and marginalised urban communities, who already face disproportionate exposure to lethal violence, criminalisation and violations of their fundamental rights.

OMCT considers it unacceptable that young Black Brazilians, long denied adequate protection and opportunities for development, should once again bear the brunt of policies that expand criminalisation and incarceration.

Efforts to tackle violence must put the protection of life first. They must also prevent torture, confront institutional racism, strengthen social policies and ensure accountability for human rights violations committed by state agents.

Reoffending, first contact with the socio-educational system and violent offences

OMCT stresses that the debate over the age of criminal responsibility must not be driven by the mistaken assumption that adolescents account for most violence in Brazil. Data on the socio-educational system presented by civil society organisations show that offences such as murder account for 9.8 per cent of cases resulting in deprivation of liberty, while rape

accounts for 0.2 per cent. These percentages describe the types of offence associated with custodial measures; they do not indicate adolescents' share of all crimes recorded in Brazil.

The figures presented also suggest that adolescents were involved in 4.86 per cent of homicides recorded in Brazil, and that homicides attributed to adolescents fell by 12.6 per cent between 2024 and 2025. The underlying sources, scope and methodology of these figures should be checked before publication. Subject to that verification, they challenge attempts to use individual high-profile cases to justify a constitutional change affecting all adolescents.

Claims about reoffending require particular methodological care. A return to the socio-educational system, a further offence and a subsequent criminal conviction are not interchangeable measures. Equally, the proportion of adolescents entering the system for the first time can only be established from individual records covering a clearly defined period and geographical area. Without those parameters, a single national reoffending rate or first-entry rate would be misleading.

A young person's first contact with the system should be an opportunity to provide protection, keep them in education, secure access to healthcare, strengthen family and community ties and offer support after completion of a measure. Expanding detention at the expense of effective prevention and reintegration may reinforce institutionalisation and expose adolescents to further violence. OMCT therefore calls on the authorities to publish clear national data, disaggregated by race or colour, age, gender, type of offence, first entry and return to the system, so that policy is guided by evidence rather than punitive rhetoric.

Brazil must strengthen its socio-educational system, not weaken its safeguards

Brazil already has a specialised framework for dealing with adolescents who come into conflict with the law. The Statute of the Child and Adolescent and Law No. 12,594/2012 established the National Socio-Educational Assistance System (SINASE).

This framework provides for measures that hold adolescents accountable, including measures involving deprivation of liberty, while retaining an educational purpose, procedural guarantees and a focus on social reintegration.

Violations of rights within the socio-educational system itself are a reason to reform and strengthen it, not to transfer adolescents into the adult prison system.

The effective implementation of the National Socio-Educational Assistance Plan 2026–2036 must therefore be a priority for Brazil, backed by adequate funding, independent oversight, measures to prevent torture and meaningful civil society participation.

A renewed warning to the inter-American human rights system

OMCT recalls that, at a public hearing held in Panama on 28 October 2026, Brazilian and international civil society organisations raised their concerns about proposals to lower the age of criminal responsibility in Brazil before the Inter-American Commission on Human Rights.

They warned that the proposals could breach Brazil's international commitments, reinforce racial disparities and expose adolescents to serious harm by bringing them within the adult criminal justice system.

It is especially troubling that, only days after that hearing, the National Congress has taken steps that could open new legislative routes for measures threatening adolescents' fundamental rights.

Brazil must not disregard the recommendations of international human rights bodies or treat constitutional protections for children and adolescents as bargaining chips in political negotiations.

Urgent appeal to the Brazilian National Congress

Considering the seriousness of these developments, OMCT calls on the Chamber of Deputies and the Federal Senate to:

1. Reject all proposals to lower the age of criminal responsibility, including measures arising from Amendments Nos. 84 and 87 to PEC No. 18/2025 and PEC No. 32/2015, and maintain 18 as the minimum age for entry into the adult criminal justice system.

2. Refrain from using exceptional or expedited legislative procedures that curtail public debate, transparency or careful examination of the constitutional, social, racial and institutional consequences of these proposals.
3. Uphold Brazil's international obligations, in particular those arising from the Convention on the Rights of the Child, the American Convention on Human Rights and the Convention against Torture.
4. Keep adolescents within a specialised juvenile justice system, retain the educational purpose of socio-educational measures and prevent their transfer into the adult criminal justice system.
5. Strengthen SINASE and implement the National Socio-Educational Assistance Plan 2026–2036, with sufficient resources, public participation and effective measures to prevent and address torture.
6. Take concrete action against institutional racism and to protect Black young people, recognising that increased incarceration falls disproportionately on adolescents who have long faced marginalisation.

OMCT also calls on the federal executive to reaffirm publicly its commitment to maintaining the age of criminal responsibility at 18 and to act in accordance with Brazil's international human rights obligations.

Public security cannot be secured at the expense of fundamental rights. Protecting children and adolescents is not a political concession: it is a constitutional duty and an international obligation of the Brazilian State.

OMCT will continue to monitor these proposals closely. Lowering the age of criminal responsibility would mark a serious setback for human rights protection and increase adolescents' exposure to institutional violence, torture and ill-treatment.

The Chamber of Deputies and the Federal Senate have a historic responsibility to prevent that setback.

It would expose adolescents to further violence within a prison system that the Brazilian State itself has recognised as structurally harmful to fundamental rights, without addressing the underlying challenges of public security.

Yours faithfully,

World Organisation Against Torture (OMCT)