

# SEXUAL VIOLENCE AGAINST CHILDREN AND ADOLESCENTES: DEMYSTIFYING THE INDIVIDUAL LOGIC OF THE VICTIMIZATION PROCESS

A VIOLÊNCIA SEXUAL PRATICADA CONTRA CRIANÇAS E ADOLESCENTES: DESMISTIFICANDO A LÓGICA INDIVIDUAL DO PROCESSO VITIMIZATÓRIO

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## ABSTRACT

This article focuses on sexual violence perpetrated against children and adolescents, with considerable complications in Brazil in recent years. It is justified by the scope of the theme and the connection with different segments of human life, through the impacts caused by the traumatic event. The problem of the study focuses on the demonstration of the social roots of sexual violence, on the hypothesis that it is a manifestation of gender violence and the relations of power and domination established within societies, without disregarding the psychological influence of (individual) conduct. To face a reality that appears timid, albeit with accentuated frequency, it is necessary to *discover it*, whose visibility is possible even through the debate and academic research, objectives of this study. Through the hypothetical-deductive method, with exploratory research technique, the article was divided into three moments, reaching the considerations that Brazilian society coexists with the paradox of the legal protection of children and adolescents, at the same time that it promotes adultization, the spectacularization of their bodies (especially the female ones) and the blaming of the victims, notably in cases of sexual violence.

**Keywords:** Sexual abuse. Human rights of children and adolescents. Spectacularization of bodies. Pedophilia. Social practice.

## RESUMO

*O presente artigo tem como temática a violência de natureza sexual perpetrada contra o público infantojuvenil, com consideráveis intercorrências no país brasileiro nos últimos anos. Justifica-se pela abrangência do tema e pela conexão com distintos segmentos da vida humana, através dos impactos causados pelo evento traumático. A problemática do estudo se concentra na demonstração das raízes sociais da violência sexual, pela hipótese de sê-la manifestação da violência de gênero e das relações de poder e de dominação estabelecidas nos seios das sociedades, sem desconsiderar o papel psicológico da conduta (indi-*

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vidual). Para enfrentar uma realidade que se apresenta tímida, embora com acentuada frequência, faz-se necessário descobri-la, cuja visibilidade é possível inclusive pelo debate e pela pesquisa acadêmica, objetivos deste estudo. Através do método hipotético-dedutivo, com técnica de pesquisa exploratória, o artigo foi dividido em três momentos, chegando às considerações de que a sociedade brasileira convive com o paradoxo da proteção legal de crianças e adolescentes, ao mesmo tempo em que fomenta a adultização, a espetacularização dos seus corpos (especialmente os femininos) e a culpabilização das vítimas, notavelmente nos casos de violência sexual.

**Palavras-chave:** Abuso sexual. Direitos humanos infantojuvenis. Espetacularização dos corpos. Pedofilia. Prática social.

## 1. INTRODUCTION

The family space, formed through the historical institution that is the family, is a field in which multiple relationships are practiced, whose extension, today, exceeds the models historically defined as ideals. In contemporaneity, the bonds that make up the institution are sustained through affection, which made it possible to recognize homoaffective and single-parent relationships (exemplificatively) as authentic synonyms of family. However, it is within this same cultural structure that major conflicts can arise, especially in the occurrence of inequality of rights and duties, linked to the use of force and violence. When it is revealed the occurrence of abuses in the family environment - precisely in which we seek protection, affection and welcome - harmful portraits emerge in the form of violence against children, marital violence and violence against the elderly (POTTER, 2016).

In this study, attention is directed to the first type of violence mentioned above, which occurs in the family environment, as well as outside it. Its practice can occur in various ways, such as mistreatment, abandonment and neglect, and also in a sexual way, this being the crucial point that welcomes here. This phenomenon involves different ways, which go beyond the immediate sphere of the notion of rape, as by the release of video that contains scenes of pornography involving children or adolescents. Although such cases do not appear to occur in the same intensity as other crimes, such as those that affect property, the perception is illusory and is largely due to one of the characteristics of such a form of violence: it occurs within dimensions that do not allow its visibility, either by the nature of the fact, or by the family secret.

Based on these initial elements, this article has as its theme the sexual violence perpetrated against children and adolescents, with considerable complications in the Brazilian country in recent years. Its justification arises from the scope of the theme, to the point of being a true phenomenon (negative), for causing pain and suffering to its victims; as well as the dimensions related to it, which include a set of human needs hampered by the violent act.

For this, the research method adopted is the hypothetical-deductive, in line with that proposed by Karl Popper (MARCONI; LAKATOS, 2003). The present investigation has a gap in scientific knowledge, a problem to conduct the investigation, following its hypothesis (provisional solution), which is confirmed, refused or corroborated at the end. In casu, the guiding problem of the research consists in: are the causes of sexual violence against boys and girls, especially in Brazil, individual (such as psychic pathologies)? The hypothesis developed

and confirmed in the results is that, although individual factors interfere in people's violent actions, social causes are essential for maintaining the current violent state, based on the way in which society trivializes child sexualization, stimulates the exposure of bodies (especially female), adultizes and blames the victims. It should also be said that in the victimization process society ends up occupying the role of revitalizer, because it amplifies the trauma experienced by the victim of violence, due to perquisitions, blame and protective omission.

Victimization or victimization process consists of the complex act by which one is elected to the condition of target object, in the face of which conducts are practiced. In this process, there are forms of victimization - or modalities of objectification of the subjects - that unfold in primary, secondary and tertiary. Such forms are related to the moment of violence and who practices it. Primary victimization consists of the first phase of the traumatic process, which occurs by the practice of fact, of crime; it is the immediate sphere of this process, the "first violence" (MOROTTI, 2017; PAPLOWSKI, 2018).

The secondary refers to the suffering generated by the legal system itself, given the inadequate use of investigative procedures or care, for example, performed by school units, guardianship boards, care teams, Judiciary (among others). This form of victimization is also recognized as revitalizing, because it amplifies the trauma experienced, dilates victimization and violates, in consequence, the fundamental rights of those who have already been offended. Tertiary victimization, in turn, is the circumstance in which suffering is practiced by society, especially in the stigmatization and blaming of the victim (PAPLOWSKI, 2018; POTTER, 2016).

To achieve these considerations, the research technique is exploratory (covering doctrines, news, artistic clippings and judicial decision, through the previous collection of content by the author), without performing a specific case study. In order to narrate the status of the Brazilian country as legal protector of childhood and youth and also of the social responsibilities involved, the research technique also included observing normative devices, like the 1988 Federal Constitution and the Federal Laws of n. 13,431/2017, 11,340/2006 and 8,069/90, dividing the study into three moments.

Sexual violence as a social practice is revealed in the study through subtle demonstrations, especially through the media, as in television media and in musical lyrics. In order to combat this scenario, in addition to demystifying taboos that cover the subject, it is important to discuss and research the impasse, real objectives of research, in order to promote the dialogue aware of the role of each human being in the generation and interruption of violence, especially as consumers of products and services which, more often than not, encourage it against children and adolescents.

## **2.A VIOLÊNCIA COMO UM FENÔMENO HISTÓRICO, BIOPSISSOCIAL E REPRESSOR DE NECESSIDADES**

Every day, intimate contexts and affection provoke deep suffering in the space of interpersonal relationships. However, the social space also acts as an active subject in relations

of violence, especially when it is guilty of the victim, intolerant and silent to the multiple and constant violent actions directed against children and adolescents. On the normative level, its violent condition stems from the omission in the constitutional duty established by article 227, caput, of the Federal Constitution of the Republic, 1988 (with wording given by the Constitutional Amendment n° 65, of 2010):

It is the duty of the family, society and the State to ensure that children, adolescents and young people have the right to life, to health, to food, to education, to leisure, to professionalisation, to culture, to dignity, respect, freedom and family and community coexistence, besides putting them safe from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression. (BRASIL, 2020, s.p., highlighted).

Living free from cruel, exploitative and oppressive treatment is the inherent right of every human being, even with the affirmation expressed by the Statute of the Child and the Adolescent, Federal Law 8.069/1990, in its fifth<sup>2</sup> article. However, although it is forbidden any offense to fundamental rights, especially as to the children of Ojuvenis, the practical plan is not encouraging<sup>3</sup>. Thus, from the moment someone behaves with violence directed at the infant, in addition to violating his right to live free from any treatment, the agent has just repressed several needs of the abused, among them that of physical integrity and personal freedom (BARATTA, 1993).

It is through this understanding of Violence that we can report it as a way of nullifying the other as a Subject. In addition to the multiple verifiable omissions in society as supposed protective agent of childhood and adolescence, many of the social bases run through complex processes of disruption, or, in reverse, these issues have recently become visible. With the family it is no different (and this is said not because the logic of the traditional family has been undergoing changes, which is significantly positive and humanitarian, but because it is from the family structure that repeated psychic and social problems arise).

On the subject, Luciane Pötter (2016) notes that violence against children and adolescents is not recent, on the contrary, it accompanies the history of humanity, manifesting itself in various ways: "[...] the more we go back in history (and even today in some peoples) the greater the chances of observing that violence against children and adolescents and the lack of legal protection were (and are) common" (PÖTTER, 2016, p. 68). In the author's words, specifically in relation to sexual violence, what emerges is what is recognized by "incest", which "[...] may be the most extreme form of sexual abuse, involving an adult's relationships with a child or adolescent in the family context" (PÖTTER, 2016, p. 68).

Faced with the pact of silence that often prevails in the contexts of intra-family sexual violence, most of the nefarious acts of abuse were (and continue to be) concealed. Family

2 "Art. 5th No child or adolescent shall be subject to any form of negligence, discrimination, exploitation, violence, cruelty and oppression, punished in the form of the law any attack, by action or omission, on their fundamental rights" (BRASIL, 2020, s.p.).

3 Although the secret is one of the characteristics of the practice of sexual abuse, more specifically when intrafamilial, there are situations in which acts of sexual violence become clear to the public. And it is from these complications that the assiduity with which children and adolescents are sexually victimized becomes noticeable. Only in September 2017 (in one of the semesters of conducting the research), in an example, two major events occurred in the state of Rio Grande do Sul and became public. Both occurred in the capital of Rio Grande do Sul: one of them in a supermarket, at which time the author of the fact, counting more than 62 years, approached the infant and touched parts of the girl's body, being all the acts practiced recorded by the surveillance camera of the place (PAGANELLA, 2017). The other, in turn, took place in a virtual way, when a medical student (27 years old) held in his home a computer containing more than 12 thousand photographs of children and adolescents in pornography, being the object seized upon enforcement of search warrant and seizure (SPERB, 2017).

dysfunction, in this context, arises in opposition to the view that the family is visualized, as being the sacred and harmonic space, the "home, sweet home". Dysfunction allows us to see this structure as a promoter of pain, without any condition to effect the healthy and worthy existence of its members. Thus, affection and violence intersect, whose consequences can hardly be measured, a scenario that requires the meeting of different areas of study for its confrontation (such as Psychology, Social Service, Sociology and Law). Rape appears in this space as the ultimate expression of sexual violence, sometimes accompanied by pedophilia.

Maria Cecília Minayo (1994) teaches that violence is one of the problems that have long permeated social theory and the political and relational practice of humanity. "No society is known where violence has not been present" (MINAYO, 1994, p. 7). In fact, currently, situations that portray violent behaviors causing extreme disgust have become more visible, as is the case of the subject under study. However, following the example of aggressive behavior, the history of the peoples of humanity confers the knowledge of their presence from remote periods.

Such violence is not related only to a scientific branch, because it is expressed in the legal, social, philosophical and psychological fields. The search for understanding the essence of the phenomenon of violence is long-standing, as the author explains; however, today it is practically unanimous the idea that violence is not inherent to the human condition and that it has no biological roots. "It is a complex and dynamic biopsychosocial phenomenon, but its space for creation and development is life in society. Therefore, to understand it, one must appeal to historical specificity" (MINAYO, 1994, p. 7). To add to the classification of violence as a biopsychosocial phenomenon, the Italian jurist Alessandro Baratta (1993) understands it as repression of needs, in any of its forms, and violation or suspension of human rights.

Brazilian philosopher Marilena Chaui (2019, s.p.) assimilates the theme of violence with ethics. This is because they are diametrically opposed: ethics understands the subject as being rational and free, whereas violence simplifies it as a thing, by disregarding his will and freedom. In his own words:

[...] Violence opposes ethics because it treats rational and sensitive beings, endowed with language and freedom as if they were things, that is, irrational, insensitive, dumb, inert or passive. Insofar as ethics is inseparable from the figure of the rational subject, voluntary, free and responsible, treat him not as human but as a thing, making him violent in the five senses in which we gave this word. (CHAUI, 2019, s.p.).

Thus, Chaui (2019) and Baratta (1993) converge in their considerations because they relate violence as a form of imposition, whose conduct disregards the human condition of the abused subject, holder of rights, rationality, will and dignity. In fact, the development of the human species accompanies great events guided by atrocities. It is for such reasons that violence is considered and commonly referred to as a phenomenon, of such an extent that it is expressed on the universal plane, not being restricted to a certain epoch or society. Having regard to the multiplicity of relations established between individuals and the social dynamics that this entails, the inclusion of violence as a persistent and complex fact, not restricted to a social group or period of history, it follows that violence is considered a social phenomenon, not related to individual and biological human nature, but to collectivity.

Sexual violence, as a nerve point of approach in this investigation, surpasses the act of rape and penetrates into more subtle webs. Normatively, there is in Brazil (2020), through Law nº 11,340 of 2006, also known as the Maria da Penha Law, mention to the different ways in which sexual violence is perpetrated, which are:

Art. 7. They are forms of domestic and family violence against women, among others: [...] III - sexual violence, understood as any conduct that constrains her to witness, maintain or participate in unwanted sexual intercourse, through intimidation, threat, coercion or use of force; which induces it to market or otherwise use its sexuality which prevents it from using any contraceptive method or which forces it into marriage, pregnancy, abortion or prostitution by coercion, blackmail, bribery or manipulation; or that limits or annuls the exercise of sexual and reproductive rights. (BRASIL, 2020b, s.p.).

The context involving children and adolescents is more specific, encompassing several behaviors that reach the sexual integrity of those, also recalling that this nature of infraction has an intense harmful potential in the psychological aspect, bearing in mind that, in addition to all the disgust that the fact alone already causes, the victims are notably fragile people (either because of their young age, physical condition or developmental stage).

When drawing a parallel on such a phenomenon with gender issues, the link seems to be mistaken, at least in a more simplistic view. This is due to the belief that the gender approach is restricted to adults, in typical domestic and family violence relationships. Between these two worlds that inhabit social life (the childish and the childish), coexist the significant power relations, responsible for the link between violence and gender, in a considerable number of cases.

It is from an early age that typical gender-biased manifestations are imposed, many of them covered up by "naturalness". They consist of an ordered<sup>4</sup> symbolic set of behaviors, preferences, games, colors (and even the expectation of activities considered "obligatory"), which differentiate girls and boys in rights and duties. Campaigns to combat gender inequality in childhood are carried out with commitment by the non-governmental organization "Plan International", which defends the rights of children, adolescents and young people, in Brazil, since 1997, developing campaigns focusing on the promotion of gender equality, thus combating various forms of violence against children and adolescents.

In a research by the Collective Não Me Kahlo, on the construction of femininity, data from a study conducted by Plan International Brasil were listed, verifying that from an early age "the girls learn that they must take care of the house, while their siblings are playing, watching TV or studying, they are washing dishes, tidying the beds or earning their first broom". The survey also considered concrete data on the reality of the country: "A study conducted with Brazilian women aged 6 to 14 years concluded that 81.4% of them make their own beds,

4 The meaning and symbolic term, as power, come from the studies developed by the sociologist Pierre Bourdieu (1989), when analyzing the informal relations of power. Symbolic power assumes a condition of invisibility, present between the lines of social relations. It operates through systems also symbolic, such as language, and symbols (by senses and representations). Symbols are part of how reality and the world are seen, including by repetition, understood as "[...] elements that, in the anthropological sense, produce meanings and meanings in the social field, so that they create social integration' [...]" (BURCKHART, 2017, p. 208-209) and consensus on an order in society. "Reproduction is the condition by which the symbolic diffuses, producing its effects on a large scale" (BURCKHART, 2017, p. 209), creating what Bourdieu calls habitus. Through them, values are consolidated and integrate the culture, which can produce instruments of domination and its legitimation, especially in the field of gender in patriarchal societies. For more information about this power, see the work "The symbolic power", by Pierre Bourdieu (1989).

while only 11.6% of the boys do the same. They not only devote more time to the task, but are charged unevenly” (LARA; RANGEL; MOURA; BARIONI; MALAQUIAS, 2016, p. 17).

These disparities are accentuated in adult life, in which multiple domestic and family relationships are demarcated by woman's submission and man's independence. An intra-family space is built to exercise power by the male figure, based on remote social and cultural constructions, initiated in the childhood phase and reinforced in adult life.

Data from the Federal Government's Epidemiological Bulletin (BRASIL, 2018) affirm the majority presence of the male figure in the condition of sexual abuser of children and adolescents, which reinforces the importance of inserting gender in this discussion. The perpetrator of violence, in this case, avails himself of abuse to manifest power and dominion over a body. The specificity of the infantojuvenil case is that the abused person is severely vulnerable, especially in physical and psychic conditions, as a child or adolescent. Sexual abuse is therefore the ultimate form of domination by the male figure,

That is, contrary to the will of the woman or child, the man has sexual intercourse, thus proving his ability to submit to another party (be it children or adults) to domination. In other words, man subjects the child to submissive sexual intercourse, thus proving the dominant ideology in which he has no right to desire and the right of choice. [...] Powerless in their situation, the only way they find to exercise their male power is against those who are in a position inferior to their, not only economic, but gender. (SANFELICE, 2011, p. 93).

The understanding of gender is also designated by social identification, which can transcend the binary classification between female and male. Based on this form of identification of the subjects, the system was constructed based on inequality between rights and duties, initially through the division of labor (DUSSEL, 2013). This division is still present in Brazilian society, in which, due to being a girl or a woman, many obstacles arise for the realization of fundamental rights. Also comes stipulated roles, in the form of stereotypes, consigning that certain behaviors, accessions and rights focus on one figure: the male.

In a research carried out by Monique Soares Vieira (2016) on sexual violence against children, it was emphasized that inequalities were accentuated with the capitalist economic system, which led to the trivialization of the human being and the dehumanization of personal relations. As for sexual violence, he pointed out its naturalization, stemming from a patriarchal system (in which the dominating agent, endowed with authority, focuses on the figure of man); still, the objectification of the child and the adolescent, as property of the family. Recently, this view about the infant has been modified, especially on the legal plane with the advent of the Statute of Children and Adolescents. On the other hand, there remains an outlook that disregards the psychic constitution of the child and the adolescent, making them easily submissive, dominated and objectified. That is, these two visions are present today: one protective and the other rapist.

It is observed that the interindividual violence (of which the sexual one is the most radical example) is not the exclusive result of maladjusted, violent or abusive personalities. To a great extent it reflects the culture of violence (in any of its forms) present in society, in which the other, by not being seen as an equal, despite their differences, becomes the object of control, power, domination. Moreover, it is emphasized that it is not delimiting that only girls are the target of violence in their sexual form; however, daily, reports, indexes and news reports

emphasize that gender inequalities affect female children and adolescents with much higher incidence than those of males.

### 3. SEXUAL VIOLENCE AS A MANIFESTATION OF POWER, NOT DESIRE: THE RAPE CULTURE

"No one ever knows if I'm dying to laugh or cry... so my verse has this almost noticeable tremor... Life is sad, the world is crazy! Nor is it worth killing yourself for it. Nor for anyone. For no love... Life continues, indifferent!" (QUINTANA, 2005, p. 114). It is never one of the poems that integrates the work "The color of the invisible", by Mario Quintana. The writing is compatible with the theme under analysis, in that the daily encounter with reports of sexual violence makes believe that the world is effectively "crazy", and life, for those who suffer the indelible pains and marks of this violence, is certainly sad, inhuman and indifferent.

Among the framework of sexual violence, rape is the best known form. It is representative of this kind of violence, carrying the characteristics of being repugnant, sick, vilipendious and painful, at the same time indescribable and traumatic. Despite this, its practice is not only common, but trivialized, to the point of affirming the existence of a "rape culture", in both senses that the expression allows. The rape culture is present in a context that, from so common and frequent cases, its practice becomes naturalized. On the other hand - which does not disregard the previous one, but complements it -, the expression corresponds to the guilt of the victims of such acts, because sexual violence is supposedly part of a behavior of men (NIELSSON; WERMUTH, 2018).

Nielsson and Wermuth (2018) analyze the massive presence of sexual violence in the country, both today and in the past. That is, since the period in which the Tupiniquin lands were colonized, with the abuse of indigenous women, followed by those who were forced to enter the territory. Notwithstanding the fact that this scenario has not changed at the present time, in its true roots, the conclusion that "rape" integrates cultural logic is not from Brazil, whose term "[...]" was first used by American feminists in the 1970s and suggests that a certain society cultivates beliefs and conventions that naturalize sexual violence against women" (NIELSSON; WERMUTH, 2018, p. 174).

The act of rape is present in an individual and collective way, being considered, the latter, a collective characteristic that denounces rape as a cultural character, in the sense of anthropologist Debora Diniz, a professor at the University of Brasilia (COLLUCCI, 2017). Data from the Ministry of Health released by the newspaper Folha de São Paulo show that, in Brazil, per day, there are an average of ten collective rapes. Acre, Tocantins and the Federal District lead the rates per one hundred thousand inhabitants (COLLUCCI, 2017). However, the conclusions of the research may be even more alarming, given the fact that occurrences of this nature often do not come to the attention of public bodies (which is recognized by underreporting). Its possible factors are: the guilt of the victim, especially in sexual crimes (as one of the circumstances that repress the police record of the fact); the violence practiced by the public apparatus itself, in the form of evidence production; without forgetting social tolerance (COLLUCCI, 2017; PAPLOWSKI, 2018).



According to Daniel Cerqueira, a researcher at IPEA (Institute of Applied Economic Research), these data are only a portion of the effective occurrences: "unfortunately, it is only the tip of the iceberg. Sexual violence against women is an invisible crime, long taboo behind this lack of data" (COLLUCCI, 2017, s.p.). And he adds: "Many raped women do not press charges. Sometimes they do not even speak at home because there is a culture of blaming them even if they are the victims" (COLLUCCI, 2017, s.p.). As with adult women, it is repeated in the face of children and adolescents, by a complex and multifaceted set of motives, such as fear, guilt, lack of understanding of reality and also the syndrome of secrecy. Acknowledging this fact also means acknowledging that the figures may be higher.

The perpetration of rape in general, from 2011 to 2016, practically doubled in Brazil. In 2011, about 12,087 cases were recorded from data from health units. In 2016, this number reached 22,804 (COLLUCCI, 2017). In a Technical Note issued by IPEA in March 2014, from the analysis of records of the Information System of Notifiable Diseases (SINAN), managed by the Ministry of Health, it was found that on average 527 thousand attempts or cases of rape consummated in the country occur annually, of which 10% are reported to the police (CERQUEIRA; COELHO, 2014). Again, the margin of real quantitative ignorance of sexual violence that occurs in the Brazilian country is evident, which causes greater need to discuss the issue. There is also the possible absurd proportion of cases of the type, a circumstance devoid of parallel social discussion, except for certain cases that are recognized as the apex.

The number speculated by IPEA (of 527 thousand occurrences) is extremely serious and reveals that, in one hour, about sixty people are victims of the attempt or consummation of rape in Brazil. The same research showed that, among the victims, approximately 90% of the cases are women; as for the age of the victims, 70% are children or adolescents (only 30% are older than 18 years). He also indicated that "the overwhelming majority of aggressors are male, regardless of the age group of the victim, and women are perpetrators of rape in 1.8% of cases, when the victim is a child" (CERQUEIRA; COELHO, 2014, p. 9). The gender circumstances that mostly demarcate the victims and aggressors converge to the discussion about how gender stereotypes influence the behavior and lives of people in today's society.

It is estimated that during childhood and youth the aggressors are those who have greater contact with the child or adolescent, precisely those who have affection and/or familiarity with the abused. However, the scenario changes in the course of the age of the victimized person:

[...] 24.1% of children's abusers are their own parents or stepfathers and 32.2% are friends or acquaintances of the victim. The unknown individual gradually becomes the main perpetrator of the rape as the victim's age increases. In adulthood, it accounts for 60.5% of cases. Overall, 70% of rapes are committed by relatives, boyfriends or friends/acquaintances of the victim, which indicates that the main enemy is inside the home and that violence is born within the homes. (CERQUEIRA; COELHO, 2014, p. 9).

From this perspective, the constant relationship of closeness that the perpetrator of sexual violence has with the offended person is clear, especially when the victim is a child. Often, aggressors record violence in the form of videos and photographs, as if the horrendous practice were a merit. The guilt, pain and shame fall, on the contrary, on the offended person, while the perpetrator demonstrates to exercise control over the body of others without remorse. The social environment, upon becoming aware of such facts acts as perquiridor of the causes

of violence, but paradoxically, it questions the habits, the clothing and the behavior of the abused person, mostly female. "We call this guilt of the victim, behavior directly related to the rape culture" (LARA, RANGEL; MOURA; BARIONI; MALAQUIAS, 2016, p. 164).

Lara, Rangel, Moura, Barioni and Malaquias (2016) analyze sexual violence against women as a symbolic violence, through which rape does not manifest itself directly, but through habits, speeches that justify and tolerate certain acts of abuse. This culture (co) exists in a country that criminalizes its practice, including as a heinous crime, subject to more severe repression. The authors maintain that, like domestic violence, rape is only the extreme visualized, that is, the tip of the iceberg, "whose part submerged and that gives support to all this are subtle violence, naturalized and reproduced in common sense" (LARA, RANGEL; MOURA; BARIONI; MALAQUIAS, 2016, p. 165). They are the same conducts that invisibly reinforce the male superiority over the female and intensify, from then on, diverse practices truculentas, even if they leave no material traces.

It can be said that rape represents rather the exercise of power over the body than the satisfaction of sexual desire. To put it another way: that rape is based on social and cultural issues above those of a psychological order. In the contexts of sexual violence in the face of children and adolescents, "this violence manifests, concretely, a power relationship that is exercised by the adult or even not adult, but stronger", in a "[...] process of appropriation and domination not only of destiny, discernment and the free decision of these, but of their person as another" (FALEIROS, 1998, p. 43).

In this same perspective, Vera de Andrade (2005) argues that desire is not a basic element to the practice of rape: "it is known, today, [...] that this is not a conduct focused, primarily, on the satisfaction of sexual pleasure (unbridled lust), as also advocates the official Criminal-Legal and Crime discourse and common sense" (ANDRADE, 2005, p. 95-96). It also points out that the space in which sexual violence occurs most frequently is within the domestic space, in the context of the previously constituted relations between offender and offended, with the use of sexuality being a mode of expression of power relations. continues and points out that:

Women have begun to realize that rape (as well as mistreatment, incest, prostitution, sexual harassment at work, etc.) are phenomena of a power structure, existing between men and women, and the argument of individual violence was giving way to the argument of structural violence. (ANDRADE, 2005, p. 96).

That's how the portrait repeats itself. The characters change, but the scenario is the same: intra-family sexual violence (which is also perpetrated externally to the core relations) against children and adolescents has been going on for a long time. It happens that their practice, from the beginning, is veiled, in the same way that little credibility is given to the word of the child, seen in this context as seductive and malicious or, still, as fanciful.

## 4. SEXUAL ABUSE AGAINST CHILDREN AND ADOLESCENTS: APPROACH TO PAEDOPHILIA AND OTHER BASIC CONCEPTS

Countless researchers(s) who study this theme want in their works, beforehand, a world of more love and respect for children and adolescents. It is not new to affirm the doctrinal, legislative and scientific recognition of the peculiar conditions of development on the children and adolescents. If it were not enough, the academy discusses daily about their rights, however not always under the eyes of the violence they suffer, but about their "plus" (understood as the added protection promoted by the doctrine of integral protection). In opposition to the debate, however, regarding the phenomenon of sexual violence, silence prevails. Anthony Giddens (2008), regarding the visibility of the problem, says that child sexual abuse has gained space for discussion in recent decades and that, faced with taboos concerning sexuality, this practice was uncommon. However, it did reveal a frighteningly banal fact. Nowadays, both the knowledge of sexual violence and the existence of protection mechanisms have become more accessible by the media in general.

The understanding of sexual violence against children requires the use of specific basic concepts, such as abuse, sexual exploitation and pedophilia (specific objective of this section). This will be possible through normative analysis (from law to thesis), jurisprudential (from a certain judicial decision), doctrinal (in the scope of psychology and law) and news collected when the research is carried out (which includes the production of journalistic materials).

The realization of sexual violence is due to what it preferred to call normatively exploitation and sexual abuse, different forms of that. The first has a close relationship with the idea of remuneration and compensation, which does not exclude the violating character of the conduct, especially if practiced against the public mentioned here, taking into account the physical and mental conditions of development of children and adolescents. The sexual act, in exploitation, is an exchange, which can be observed through values or gifts, over objectifying the infant. Regarding abuse, it can be any situation in which the infant is used "for sexual gratification of others" (PÖTTER 2016, p. 97). In this scenario there is not the character of the child as a commodity (as in the case of sexual exploitation), but as an object for adult sexual satisfaction or stimulation, usually occurring in conjunction with psychological violence, in the form of threats. In this regard, Law 13,431, of April 4, 2017, in force since April 2018 - which establishes mechanisms to control institutional violence (resulting from the process of investigation of violence) -, distinguishes sexual exploitation abuse in its article 4, item III, in verbis:

Art. 4o For the purposes of this Law, without prejudice to the typification of criminal conduct, are forms of violence: [...]

III - sexual violence, understood as any conduct that constrains the child or adolescent to practice or witness carnal conjunction or any other libidinous act, including exposure of the body in photo or video by electronic means or not, comprising:

a) sexual abuse, understood as any action that is used of the child or adolescent for sexual purposes, whether carnal conjunction or other libidinous

act, performed in person or by electronic means, for sexual stimulation of the agent or third party;

b) commercial sexual exploitation, understood as the use of the child or adolescent in sexual activity in return for remuneration or any other form of compensation, independently or under the patronage, support or encouragement of a third party; whether in person or by electronic means. (BRASIL, 2020c, s.p., grifted).

In this regard, it is worth noting the normative mention that indicates the characterization of violence even if it is not done in person, that is, if practiced by electronic means (as in social networks). In both, in exploitation or abuse, present is the character of domination and abuse of power over the children's bodies, which are subjected to the will and interest of the abuser, induced to maintain the relationship, injuring the right to live in conditions free from any violent, aggressive or offensive behavior. "It is a violation of universal human rights and the rights peculiar to the developing person, denying to it the right to healthy development of its sexuality" (CHILDHOOD, 2017, s.p.). The criminalization of harmful conduct depends on the current legal system, which is governed by the principle of legality. It should be noted that the form called "sexual abuse" is not nationally typified as a crime. It is, in fact, an expression to characterize several other acts, such as rape.

Pedophilia, on the other hand, is not a criminalizing norm in itself, but a psychic behavior. It's on the medical before the legal. According to the psychoanalytic doctrine, pedophilia is characterized by deviation, disorder in sexual conduct. It is sometimes referred to as perversion, whose term was initially approached by Sigmund Freud (CASTRO; BULAWSKI, 2011). The World Health Organization, in its International Register of Diseases<sup>5</sup> (ICD 10), catalogues pedophilia as a sexual preference disorder (F65.4). It is from psychoanalysis that the relationship of pedophilia with the impotence of the individual is also extracted, which sustains a "pedophile" act to exercise its sexuality over someone of greater vulnerability. "As a sexually inhibited person, the agent tends to choose as a partner a vulnerable person, possessing an illusion of potency" (CASTRO; BULAWSKI, 2011, p. 8). It is in this way that it exerts the idea of dominance, control and power, without the need of effective contact or sexual act with the infant, sufficing, to be considered clinically as a pedophile, the agent that nourishes constant and obsessive desire, sexual fantasies and/or attraction to children or adolescents (CASTRO; BULAWSKI, 2011).

Há que se observar, no entanto, que nem todas as pessoas que violentam sexualmente crianças e adolescentes são pedófilas, porquanto para assim incorrerem haverá de se fazer presente a patologia e seus elementos caracterizadores (tais como a reiteração de atos, atração sexual compulsiva e obsessiva por infantes e adolescentes, entre outros). Do mesmo modo, ser pedófilo não significa ser abusador, necessitando exteriorizar sua conduta e atingir direitos de outrem para assim ser caracterizado, seja através de contato físico ou virtual. Pontua-se que há pessoas portadoras do desvio sexual que, no decorrer de toda sua vida, jamais violaram a dignidade sexual de infantes, apenas nutrindo na sua esfera íntima a perturbação sexual.

5 The International Statistical Classification of Diseases and Related Health Problems, or ICD, is the international standard for recording, analyzing, comparing (among others) diseases and deaths. The document is the basis for identifying global health trends and statistics, developed by the World Health Organization (WHO). For each state of health a single category is assigned, which corresponds to a code. A new version will come into force from 2022 (11th version) (PAHO, 2020).

Embora considerada doença, pairam constantes dúvidas a respeito da possibilidade de cura, cuja incidência doutrinária repousa na impossibilidade. Nessa toada, Denis Caramigo (2017) observa a inexistência de cura para a pedofilia e que, quem dela padece, “[...] deve ter acompanhamento clínico constante para que não exteriorize a sua patologia. Há de se dizer que nem todo pedófilo é um ‘criminoso’. Só comete crime aquele que exterioriza a sua pedofilia” (CARAMIGO, 2017, s.p.).

Em uma rica análise social do fato, Jane Felipe (2012) estuda a pedofilia como prática social contemporânea, visivelmente no cenário nacional, na medida em que vige uma proteção normativa a crianças e adolescentes, ao mesmo tempo em que há a disponibilização dos seus corpos, sobretudo os femininos, como desejáveis (ao que denomina de espetacularização dos corpos e da sexualidade) – comportamento que se apresenta através de letras musicais, imagens editadas por revistas, meios de comunicação, dentre outros. Em suas palavras, são vislumbradas contradições que se mostram interessantes nas sociedades contemporâneas,

[...] because, at the same time as laws are being put in place to protect children and adolescents from ill-treatment, neglect, abandonment, sexual violence/abuse, sexual exploitation and paedophilia, this same society legitimises certain social practices, whether through the media - advertising, novels, humorous programs -, or through music, films etc., in which the children's bodies are visibilized in an extremely erotic way, through expressions, gestures, clothes and talks, ways of being and behaving. Bodies placed as objects of desire and consumption. (FELIPE, 2012, p. 32).

In this regard, there is the case of the “hypersexualization” of 13-year-old actress Millie Bobby Brown, a member of the cast of the American series “Stranger Things”.<sup>6</sup>The girl, when seen on the screens, presents herself as a child, beginning her adolescent period. However, his social media profiles, the magazine covers he starred in, and the series’ promotional images denote being an adult person, much older than he appears. This phenomenon is called “adultization”, which is the anticipation of the end of childhood. In a report prepared by the Collective Non Me Kahlo (ALVAREZ, 2017), which addressed the issue from the critical point of view, it was possible to identify the specific issues in Millie’s images, with clothing intentionally organized by the television production, aiming to appear to be an adult person as a form of social acceptance. “This shows us how the entertainment industry subtly encourages childhood sexuality. Although not in an explicit way, this influences children to feel the need to be sensual” (ALVAREZ, 2017, s.p.).

The mismatch pointed out by the educator Jane Felipe (2012) becomes easily noticeable, because the advances aimed at children and adolescents in rights and guarantees ends up camouflaging the paradoxical social context that sexualizes them constantly, in addition to imprinting them the “desire to be an adult” as natural and typical of every child. And that doesn’t just refer to the Brazilian reality, it’s a global behavior. There is, in this step, an inversion of roles, since, to be accepted socially (emphasizing the fuss about the female bodies), the girls must be endowed with sexual behaviors, polemically, a slender and attractive body.

6 In free translation, “Stranger Things” means “stranger things”. The series is a production of global provider Netflix and has, until June 2020, three seasons. Science fiction develops from the disappearance of a young boy, when the whole city undertakes searches to find him. However, what it presents are secrets, supernatural forces and a girl.

That is, it is for the acceptance by the male audience, which visualizes it as an object of desire and for the satisfaction of personal interests.

The local reality, the Brazilian one, also has its contexts of early erotization of girls, as is the case of Gabriella Abreu Severino (or MC Melody). The girl, born in 2007, is a singer of the pop and funk styles, whose rise in the music world became a very commented case, especially in 2015, when she was eight years old. Despite her young age, Gabriella was already inserted in an adult and sexual universe, recording music videos in which she sang lyrics with high sexual content (DEBORA, 2018). Family negligence in this sense and the individual and collective impact that hypersexualization causes promote distorted views about the girl itself, as well as about other children, who understand an acceptance profile and tend to reproduce it. Consequently, childhoods are driven by careless personal/social conduct, the media and the "appreciation" of their content by the public.

Another important theme in this set of debates is incest. This is because, when assessing statistical data that indicate the large number of cases involving sexual violence within the family, this also implies the observation of what relationship the aggressor has with the person being raped. Incest is a sexualized relationship that occurs between people in the same family. As a possible cause of incestuous family dynamics is the crisis of family structure (PÖTTER, 2016). Together, economic and social conditions also exert influence, such as the lack of physical space and the use of psychoactive substances (with emphasis on alcohol). In specific terms, incest is also known as intrafamily sexual abuse.

The presence of marital crises, as well as the lack of love of parents or guardians, father or mother sexually disturbed, subverting the norms, values and social expectations of family members end up weakening relationships and fostering violence that harms family members, especially children and adolescents. Dysfunction in the family structure can thus lead to incest. (PÖTTER, 2016, p. 69).

Pedophilia and incest as contemporary social practices are present not only in the television segment, but also in music, with popular acceptance that leads us to believe in the lack of social perception of the pretension of lyrics. In line with the above, about the double scenario that is observed in Brazil, because infants enjoy legislative protection at the same time that there is incentive to expose their bodies, the band "Bidê or Balde"<sup>7</sup> released in 2000 a song that became controversial. The song's lyrics, called "And why not?" has been the subject of discussion for apologising for paedophilia and incest, as well as for trivialising violence against juvenile offenders:

I'm loving my girl  
And how I love your skinny little legs  
I'm singing to my girl  
To see if I can talk her into my  
And why is that?  
Your blood is like mine, it's like mine  
Your name I gave

7 Band formed in Porto Alegre, in the state of Rio Grande do Sul, in 1998. In the rock genre, he participated in the project "Acústico MTV: Bandas Gaúchas", by MTV Brasil.

I've known you since birth  
And why is that?  
I'm loving it  
See my little girl  
With some colleagues  
Hers from high school  
I'm in love  
For my little girl  
The way she talks, look,  
The way she walks.  
(BEOLCHI, 2018, s.p.).

The evidence of incest encouragement is emphatically given when the lyrics mention "Why not?" , if your blood is equal to mine, if your name was I who gave, making clear a bond of affiliation between the one who speaks and the girl (the one with skinny legs, accompanied by colleagues). The sound of the musical lyrics causes disgust, since the character of a certain desire nurtured by a father for his daughter, which aims for the infant to "enter into mine". Undeniable, therefore, is the reference, the incentive and the trivialization of intra-family sexual violence.

Faced with the flagrant offense to children's fundamental rights, the Public Ministry of the State of Rio Grande do Sul, through the Specialized Prosecution of Children and Youth of the District of Porto Alegre, promoted Public Civil Action in the face of the musical group, from Acit Comercial Fonográfica and Sony Music Entertainment. In access to the decision-making content of the instrument<sup>8</sup> aggravation appeal , brought by the parquet, judged by the Seventh Civil Chamber of the Court of Justice of Rio Grande do Sul, in December 2005, it is noted that it was partially provided. The goal was to get, in the first place, a ban on the release of CD's of Banda Bidê or Balde ("Acústico MTV Bandas Gaúchas" and "Se Sexo é o Que importa, só o Rock é sobre Amor"), in addition to the track of said song that was on DVD, through state media outlets, under penalty of daily fine for the benefit of the State Fund for the Rights of Children and Adolescents. In addition, it was postulated as an anticipation of guardianship notification of the record companies and the band for publication of a press release, as well as gathering digital content in the market, under penalty of fine (RIO GRANDE DO SUL, 2018). It is necessary to transcribe part of the statement of reasons given by the Rapporteur (Judge Ricardo Raupp Ruschel), who well analyzed the view addressed here:

As you can see, it is not a question, to the evidence, of poetry of fatherly love, but that carnal love "for my girl", since no father nourishes "adoration of his skinny legs" and does not need to "sing... to see if I convince her to enter mine". Ratifies such an interpretation the circumstance of the known suppression, of the original text, of the word "no" of the verses of the chorus: "Thy blood (no) is equal to mine... Your name (no) was I who gave..." revealing an effective confession of the provocative, offensive and criminal purpose, offending the fundamental rights to dignity, respect and freedom, as human persons, of children and adolescents, so clearly set out in Article

8 Of nº 70013141262, Seventh Civil Chamber, Court of Justice of RS, Rapporteur: Ricardo Raupp Ruschel, judged on Dec 7. 2005.

227, caput, CF, and ratified in Articles 3 and 4 of Law 8.069/90. (RIO GRANDE DO SUL, 2018, s.p.).

In addition, Judge Luiz Felipe Brasil Santos narrates that it is necessary “[...] note that the musical lyrics under examination, although not ostensibly pornographic, is more serious than this, as it contains a clear suggestion that pedophilia and incest are perfectly acceptable behaviors (and why not?)”, and adds: “when we all know that it is an unhealthy manifestation of personality (technically a perversion’), which causes deep and indelible trauma in its victims, who will carry for a lifetime” (RIO GRANDE DO SUL, 2018, s.p.).

The insertion of sexual violence into the family environment is not always accompanied by force. It is sometimes naturalized, which occurs without the perception of its occurrence, especially when we are talking about children, given the peculiar cognitive development. At the same time, the psychological representation of the father figure (authority for the infant) must be taken into account, in addition to the fact that the parent represents the righteous, correct and ideal bearer of the discourse of truth (which can make it seem that incest is something normal). Thus, the existence and acceptance of musical lyrics that encourage incest can become even more pernicious in the context of intrafamily violence, because they corroborate the acceptability and normality of abuse. Regarding, the eminent Judge Luiz Felipe weaves that:

Note this remark that the so-called “subtle coercion” constitutes, in many cases, the strategy of incestuous parents. In fact, it is precisely in this context that works, called “artistic”, like this one, are inserted, because, to the extent that it seeks to present incest as something absolutely normal and acceptable (“AND WHY NOT?”), contribute to the “subtle coercion” reaches its abject purpose. Note that for the child, the father, being the greatest authority figure, is the bearer of the discourse of truth. Therefore, what he says is, in principle, right and fair. In this way, especially in young children, incest may seem, at first, to be absolutely right and normal, because it is thus presented by the father. This strategy is greatly reinforced if works that seek to trivialize this conduct are considered acceptable. (RIO GRANDE DO SUL, 2018, s.p.).

Since the deed was processed under secrecy of justice, it was not possible to assess the terms of his sentence, subsequently drawn up. However, as an injunction, there was no ban on the dissemination and commercialization of the content, but it remained imposed the need to convey that the lyrics contain stimulus and trivialization to sexual violence against children, as well as fine on billing. The song has been re-recorded, with some modifications.

Subtly, coexistence in society is accompanied by the historical, cultural and social habit that sexualizes infants. Watching over the dignity of children, the National Council of Justice, in October 2017, launched the campaign “Children Do Not Date”, in order to provoke the debate on the subject under consideration, rooted in the most diverse societies (BRAZIL, 2018). Such behavior, which early attributes the development of sexuality to children, represents what is known as adultization, that is, the suppression of the childhood and adolescence phase by the insertion of conceptions of adult life. On the other hand, it is healthy to emphasize that the visibility of such problems still faces many challenges, especially in the domestic environment, where there are difficulties for a conscious and reflective dialogue. Not least because, following the example of the practice of incest, before narrated, many of these corrosive acts are practiced in the midst of unstructured families . If it already shows such failure, what about the dignity of children?



Many of the issues discussed here, therefore, are concealed in two ways, either through the secrecy that prevails in the violent environment, or through social concealment (with emphasis on the media industry). It becomes crystal clear one of the steps necessary to face sexual violence (especially if considered in its intrafamily sphere): make it visible. And, for it to be discovered, the breaking of the "pact of silence" is essential. However, it is not possible to blame only the offended person for facing the cruel process that he endures, thus it is necessary to take preventive measures that address the causes of the phenomenon, whose depth goes far beyond what approaches the distracted eyes. Its impediment also needs important changes in the cultural aspect, since the customary practices have been rooted, since a long time, violence, especially of gender, marked by relations of power and domination, as specifically observed in a previous moment (on the rape culture).

## FINALS CONSIDERATIONS

Considered a crime, traumatic event and even disease, violence surrounds large fields, whose emphasis in this brief study was given in the sociological sense. The transcendence of the phenomenon of sexual violence of the exclusive discourses that justify it in the field of (in)human consciousness, to sustain pathologies and desires, allowed it to be rethought as a social phenomenon, through the problem of trivialization of violence itself, female body, gender issues, rape culture, among others.

In the social space, many causalities emerge from deeper origins than initial understandings may believe. These are situations that most often develop in a veiled way, among them violence, especially in its sexual form. In order to discuss it, especially the one practiced against children and adolescents, feel it and face the turmoil, that the present work was developed.

In the family environment and close relationships with children and adolescents, the majority of cases of this type are concentrated, affecting equally the various social and economic classes. Violence itself, which unfolds in so many ways of being, has in the sexual form the extreme painful character, being repeatedly accompanied by other modalities, such as the psychological one. In this sense, there is the pact of silence, which is a great characteristic of the process of intra-family violence and ensures its maintenance. Pedophilia, on the other hand, is a disease that affects a number of abusers, but not its entirety, and is present in various ways in social behavior, reproduced by the media.

In fact, it becomes clear the erotization of children's bodies on the national stage, along with the struggle for the integral protection and realization of human rights to the infantojuvenile population. It was found that, from the data collected by IPEA (2014), 88.5% of the cases of rape recorded female victims and more than half of them were younger than thirteen years, which, without hesitation, is extremely alarming, in view of the devastating psychological consequences, especially for people in training. As for the author, the majority of aggressors are male, regardless of the age of the offended person, whose records point to authorship by women in less than 2% of cases (CERQUEIRA; COELHO, 2014). The same research also shows

that people close to them are often perpetrators of violence (such as parents, stepfathers, friends and family members).

As the age of the victim increases, the unknown individual also fits into this horrendous list, whose causes vary and are accentuated in the contexts of dysfunctional families (in the sense drawn by Luciane Pötter) with a history of violence and psychological and social disturbances. However, it is well known that, due to the particularities of crimes of this nature, many facts do not even come to the attention of public bodies, which is called underreporting.

Sadly, the victimization process does not end with the primary act of violence, and what is called re-victimization, consistent with the repetition of violence, which is equally painful to the victim, led by the public bodies responsible for the protection of victims and prosecution. The social space sometimes also appears as a repeater of violence (such as when blaming the victim). In addition to silence, the identification of facts encounters strong obstacles. Rape, more corrosive mode of violence on screen, has more ease to be characterized, this because of physical signs, noting that it affects not only girls, but also boys, currently facilitated by the worldwide network of computers.

By the frequency and duration of this phenomenon, which accompanies the history of humanity, it is possible to state that cultural issues are at the root of the problem and are inserted in this scenario by disregarding the human condition of others, the objectification of being through violence and the domination of bodies as typical behavior of patriarchal culture. Emphasizing the social aspect of the problem does not mean disregarding the relationship with other areas, which was constantly emphasized in the study. The intention, in this feeling, is to remake the path dominated by hegemonic discourse, of which certain conducts find support exclusively in pathological logic and desire, so as to make it possible to understand how culture and human relations create conflicts and are silent to situations of bitterness and consternation. Making the problem visible is a major step forward, and for that it is necessary to discuss it.

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