

Sexualized Violence in Brazil

Debates – Laws – Education

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a) Laws on (sexualized) violence

In Brazilian law entitled “Statute of the Child and Adolescent of 1990” (Estatuto da Criança e do Adolescente) in Article 2 states that “the child is considered as the person who has not yet completed twelve years of age and the adolescent as that between twelve and eighteen years of age”. Article 213 of the Brazilian Penal Code explicitly criminalizes rape, according to this law, rape is defined as non-consensual sexual penetration by any means. The law also criminalizes sexual assault, which is defined as any non-consensual act of sexual nature that does not involve penetration. Article 215, 216 and 217 of the Brazilian Penal Code, which criminalizes sexual abuse of children and adolescents. This law applies to any sexual act involving a child or adolescent under the age of 18, regardless of whether the sexual intercourse was consensual or not. Furthermore, Article 218 Corruption of Minors (Corrupção de Menores) addresses directly the children under the age of 14. This law applies to situations where someone profits from the sexual exploitation of another person, whether through prostitution, pornography, or other means. Also, the Brazilian Civil Code (Código Civil brasileiro) Article 1.517 makes the child marriage in this case a person under the age of sixteen regardless of their gender punishable. (International Centre for Missing & Exploited Children 2019)

Some of these campaigns against sexual violence in Brazil can be listed as follows:

- "Eu te denuncio" ("I denounce you")
- "Chega de Fiu Fiu" ("No more wolf whistles")
- "Não é não" ("No means no")
- "Un violador en tu camino" (A rapist on your way)

b) Feminist Debates

Despite of the overarching legislative laws and measures However, a research report “Panorama da violência contra as mulheres no Brasil indicadores nacionais e estaduais” published in 2016 indicates that in 2015, 18% of the women interviewed said they had already been victims of domestic violence, whether physical, sexual, psychological, moral, or equity. The high number of the victims of the sexual violence ignite hot debate with regard to the effectiveness as well as the question of accountability and impunity among particularly feminist activist and women’s organizations in Brazil. In her article “Violence Against Women in Brazil: Context and Public Policies” Luíza Luchi de Paulo Gewehr argues that “for it to be effective, these policies must necessarily include a component that seeks its cultural roots and the need to deconstruct the social norms that contribute to gender inequality”. (Luchi, Gewehr 2021)

The intersection of gender, race, and class: Many feminists in Brazil also recognize that sexual violence disproportionately affects marginalized communities, including women of color, indigenous women, and women living in poverty. There is ongoing debate about how to address these intersections and ensure that all women have equal protection and access to justice. Especially the topics regarding to racialized femicide is greatly debated. (Monteiroa, Romiob 2021)

The diversity of the feminist debates also found their foundations in many organizations in Brazil that work to prevent and address sexual violence and promote gender equality. Some examples of these organizations can be listed as below:

- Agência Patrícia Galvão
- Fórum Brasileiro de Segurança Pública
- Rede Nacional de Mulheres Negras
- Conselho Nacional de Políticas para Mulheres

c) Legal protection against sexualization, e.g. criminal law on sexual offences or a right on self-determination

Sexual self-determination is the principle that individuals have the right to make their own decisions about their sexual lives, including their sexual orientation, gender identity, and sexual behavior. This principle is recognized in Brazil, and there are several laws and policies in place to protect the rights of individuals to make their own decisions about their sexual lives.

The Brazilian Civil Code, which was amended in 2013, recognizes the rights of individuals to marry and form families regardless of their sexual orientation or gender identity. It also prohibits discrimination on the basis of sexual orientation or gender identity in a number of areas, including employment, education, and access to public services.

The Brazilian Constitution, which was amended in 1988, guarantees the rights of all individuals to equal treatment under the law and prohibits discrimination based on sexual orientation or gender identity. The constitution also expands the duty of protection of children and adolescents to the family, the society and the State and it states that in Article 227 that these entities are responsible “to ensure children and adolescents, with absolute priority, the right to life, health, nourishment, education, leisure, professional training, culture, dignity, respect, freedom and family and community life, as well as to guard them from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression”. (International Centre for Missing & Exploited Children 2019)

The Brazilian National Council of Human Rights is a government agency that works to promote and protect human rights in Brazil. It has several initiatives focused on the rights of LGBTQ+ individuals, including campaigns to raise awareness about discrimination and efforts to promote the rights of LGBTQ+ individuals to marry and form families. Furthermore, the Article 16 of the Brazilian Constitution also directly address the institutions to develop strategies particularly to combat against discrimination and sexual assaults in school and educational entities.

d) Sexual education at school

In their study “Bullying and Sexual Harassment Among Brazilian High School Students” Eros R. Desouza and J’aims Ribeiro indicate the high correlation between bullying and sexual harassments in high schools and claim they “share several key elements.” According to Desouza and Ribeiro both bullying and sexual harassment as peer violence indicate the “forms of aggression that typically occur repeatedly during a period of time and are widespread in schools across both genders” and “both have short- and long-term negative effects in terms of academic performance, social relationships, and physical and mental health of the victim” and eventually “both involve a power imbalance, actual or perceived, between the perpetrator and the victim”. (DeSouza, Ribeiro 2005)

While sexual harassment in schools as peer-violence is prevalent the gender-based violence under carried by the teachers at schools and educational institutions are also widespread in Brazil. The impact of the material and social disparities among school children in Brazil and its correlation with being victim of sexual violence became evident in their results as Flora Beatriz Proietto Terribele and Tiago Neuenfeld Munhoz show that the Sexual Violence (SV) “was about twice as high among boys and 2.5 times higher among girls in public schools compared to private schools. In both sexes, higher SV victimization was observed as the respondent’s age increased.” Furthermore, the study also indicates that “girls of skin color/race black and brown reported about 40% and 70% more SV compared to girls of skin color/race white, with no association of skin color/race with SV among boys” and girls who lived only with mothers reported the lowest frequencies of Sexual violence, a difference not observed among boys.” (Terribele, Munhoz 2021)

By analyzing the current curricula, Raphael Alves Feitosa et al. (2022) argues that the materials in elementary and secondary schools that aim to give students sexual education have been determined mostly with shallow arguments and/or not sufficient contextual information and knowledge which resulting rather an alienation among the students towards their bodies. They state that although in the last decades in Brazil, curricular documents brought great advances in the debate related to sexuality and gender education.

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