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TESTIMONY WITHOUT HARM IN SEXUAL CRIMES: AN ANALYSIS OF THE EFFECTIVENESS OF LAW APPLICABILITY, NUMBER: 13,431/2017

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Abstract: The testimony without harm is extremely important, as it has its benefits, which are reflected in the legal and psychological aspects resulting from its application. In the legal sphere, it becomes fundamental in order to guarantee the progress of the legal process, providing greater efficiency in terms of the evidence set, since the conduct of the hearing aims to protect the child from exposure, providing greater security and adequate dialogue, enabling better data extraction regarding the facts reported. Crimes against children's sexual dignity have a strong impact on their psychological and personal development. In this context, this research aims to expose the importance of testifying as a victim; The bibliographical, exploratory and descriptive review was used as a research method based on scientific articles, theses, doctrines, legislation, books and the like. The research aims to look at the consequences of sexual crimes involving children and adolescents. Their consequences also reflect the family environment and everyone that makes it up, which will be part of not only the victim's childhood period, but also in their adult phase, if you are not offered specialized treatment and care. Therefore, it is crucial that the judicial system understands how essential specialized assistance is in these cases, considering that the victim's testimony is a type of elementary evidence and that the witnesses in these cases in most of the crimes that occur are children or adolescents. The research was developed based on the bibliographic review methodology through analysis of scientific articles, doctrine, legislation relating to the proposed topic. The results obtained point to the need to apply legislation as a way of preserving children and adolescents who are victims or witnesses of violence and present their narratives in a safe, protected and welcoming manner, as they must be treated by the Judiciary with absolute priority.

Keywords: Child sexual crimes, testimony without damage, child sexual abuse, criminal law.

INTRODUCTION

The issue surrounding child sexual abuse is a complex issue, due to the vulnerability of the victim, the vast majority of which occur in closed places without the presence of others, being a crime of great gravity, which is subject to a large criminal sanction.

Such violence is a serious issue, in which more and more debate is needed on the topic within society, since child sexual abuse has major consequences on the victim's mental and physical health, generating traumas in their development that can be reflected by its entire existence. (BRAZIL, 2022)

Childhood is a phase in which the child develops his personality, psychologically generating changes in his behavior and personality. In view of this, it is important to emphasize the importance of combating child and adolescent sexual abuse, and discovering such a crime in order to alleviate the damage caused to the victim and provide better mental and physical health for the victim. (BRAZIL, 2022)

In cases of child sexual abuse, most of the time the victim's testimony becomes the only means of evidence available to the judiciary, thus, the undamaged testimony confers aspects in which there is procedural regularity in relation to the accused, thus being subjected to a fair trial, without violating the principles of broad defense and contradictory proceedings.

In relation to the psychological aspect, this theme is of great importance because the method used to extract the victims' reports aims primarily to protect the psychological integrity of the child; is the means that aims to listen to the child or adolescent victim of sexual abuse in an individualized and cautious manner, with the help of a team made up of

trained professionals in the field of psychology and social assistance, in order to avoid future trauma to the victim.

Given this context, this article tends to demonstrate the importance of testimony without harm within the Brazilian legal system as well as its impact on crimes against children's sexual dignity, guaranteeing testimony and specialized assistance to the victim. This is an exploratory and descriptive research, based on a bibliographical review based on doctrines, already published articles, statistics and scientific publications, with its descriptors being child sexual abuse, testimony without harm, sexual crimes, child sexual abuse, criminal law.

BRAZILIAN LEGAL SYSTEM: HISTORICAL EVOLUTION OF LEGAL PROTECTION DEVICES FOR CHILDREN AND ADOLESCENTS

Care about protecting children and adolescents against violence is recent in world history. In Roman Law, the family power had the right of life and death over their children, so children and adolescents were submissive to the national power, with the application of cruel punishments in the education of their children.

Flávio Schmidt, states in relation to the emergence of law that:

“Law was born together with civilization, combined with the history of society, in the form of customs that became mandatory. This happened due to the need for a minimum of order and direction, of rules of conduct, with the aim of regulating coexistence between men and providing harmony in human relationships.” (SCHIMDT, 2020, p. 448)

In the colonial period there was no protection aimed at children and adolescents, in order to meet the interests of the Portuguese Crown, children were catechized according to

their customs. (ALBERTON, 2005)

In 1549, a company called the Society of Jesus, formed by religious people, arrived in Brazil in order to evangelize the inhabitants, this group defended morals and good customs, in this same period the Portuguese brought orphan girls to Brazil to marry the subjects of the Crown who lived in Brazil, where they were subjected to sexual abuse, yet the life expectancy of children during this period was very low, around 14 years.

Ramos reports that “(...) children were considered a little more than animals, and they believed it was necessary to use all their labor power immediately”.

Maurício Neves (2006) argues that the Political Constitution of the Empire of Brazil of 1824 makes no reference to the protection and guarantee of the fundamental rights of children and adolescents. However, in 1830 the first minor doctrine emerged in the Criminal Code, remaining in the Penal Code of 1890, both in force in the Federal Constitution of 1824, so there was no type of protection or mention based on constitutionality with regard to legal evolution. of the rights of children and adolescents.

In 1927, the Minors Code was instituted, which brought changes regarding the understanding of the culpability, responsibility and discernment of children and adolescents. In this same Code, the term “minor” began to be used for the first time, in which it was used to designate children and adolescents who found themselves in situations of material or moral need. (VERONESE, 1997)

“[...] he managed to embody laws and decrees that, since 1902, proposed to approve a legal mechanism that gave special emphasis to the issue of minors. It altered and replaced obsolete concepts such as those of discernment, culpability, responsibility, further stipulating that child care must move from the punitive to the educational sphere. (VERONESE, 1997, p. 10)

During this period, responsibility for minors still rested with the State, in which they applied some types of corrections to children and adolescents in order to prevent eloquence.

For Alberton (2005), this Code referred to children and adolescents under 18 years of age, in situations of abandonment and delinquency, this being an important milestone as punishment for committing infractions is no longer seen as a form of punishment, taking on an aspect of educational punishment through assistance and behavioral re-education, with the State's duty to take care of these minors.

In 1934, there was the first mention of the rights of children and adolescents established by the Federal Constitution of 1934, in Title IV referring to "Economic and Social Order", in its article 138. (ALBERTON, 2005)

With the promulgation of the Federal Constitution of 1934, issues related to the protection of child and youth labor, repression of night work by minors under 16 years of age and prohibition of work in unhealthy environments and industries for minors under 18 years of age, also providing for support for maternity and infancy. (LIBERATI, 2002)

In 1937, then President Getúlio Vargas promulgated the Constitution of the United States of Brazil, which brought several innovations, including social protection for children and youth, in its article 16, section XXVII, which provides for the Union's competence, the power to legislate regarding standards relating to the protection of the health of children and adolescents. In its article 127, it also mentions that childhood and youth are the State's duty to care for and guarantee their fundamental rights and guarantees, also guaranteeing access to free public education.

Given this context, it is clear that during the Estado Novo, with the new Constitution of 1937, the State took upon itself the

responsibility for guaranteeing such rights of children and adolescents.

Jesus states when commenting on Article 127 of the 1937 Constitution:

"Childhood and youth must be the object of special care and guarantees by the State, which will take all measures designed to ensure them physical and moral conditions for a healthy life and the harmonious development of their faculties. The moral, intellectual or physical abandonment of children and youth will result in serious misconduct on the part of those responsible for their care and education, and creates the State's duty to provide them with the comfort and care essential to their physical and moral preservation. Miserable parents have the right to invoke the aid and protection of the State for the subsistence and education of their offspring." (JESUS, Op. Cit., p. 50.)

With the institution of the Penal Code of 1940, it brought changes to the Minors Code, deliberating on criminal liability at 18 years of age. (LIBERATI, 2002)

In 1941, the SAM (Minor Assistance Service) was established, which was responsible for providing support to minors, as Liberati (2002) explains:

"Socially support abandoned and delinquent children in need, centralizing the execution of a service policy, of a corrective-repressive-assistance nature, throughout the national territory. In fact, the SAM was created to comply with the measures applied to offenders by the judge, becoming more of an institution administrator than, in fact, a policy for assisting offenders." (LIBERATI, 2002, p. 60)

The author João Batista Saraiva states: "(...) this responsibility was based on the condition of immaturity of the minor, until then subject only to corrective pedagogy without distinction between delinquents and abandoned ones".

This way, the juvenile assistance service operated as a penitentiary system for adolescents

and children, in which adolescent offenders were separated from minors in a situation of abandonment, so that adolescent offenders were admitted to reformatories and for those who were in abandonment situation were sent to learn some type of job.

In the 1960s, with the extinction of the Minor Assistance Service, the National Foundation for the Welfare of Minors (FUNDABEM) was established, in the midst of a turbulent political scenario resulting from the 1964 military coup, in contradiction with the directives of the SAM, FUNDABEM prioritized programs aimed at integrating minors into the community.

In 1979, the Minors Code was established, based mainly on what was established in 1927, with the same welfare and repressive objectives. In the 1980s, with the promulgation of the Federal Constitution of 1988, the search for democracy was consolidated, thus giving greater emphasis to the protection and guarantee of the fundamental rights of children and adolescents, giving the family and society the responsibility for guaranteeing such rights. rights, removing the full responsibility it had from the State, article 227 of the 1988 Legal Diploma provides:

“Article 227. It is the duty of the family, society and the State to guarantee children, adolescents and young people, with absolute priority, the right to life, health, food, education, leisure, professionalization, culture, dignity, respect, freedom and family and community coexistence, in addition to keeping them safe from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression.” (BRAZIL, CF, 1988)

In the same vein, § 4 of the aforementioned provision also provides for legal sanctions regarding abuse, violence and sexual exploitation of children and adolescents.

In 1988, with the promulgation of the Constitution of the Federative Republic of

Brazil, it brought new implementations based on democracy, allowing the realization of new rights that did not exist until then, bringing major social transformations to the country.

Soon after the promulgation of the Magna Carta in 1988, the Statute of Children and Adolescents was drawn up, aiming to guarantee children and adolescents fundamental rights and guarantees provided for in the Federal Constitution, such as physical integrity, social development, survival, protecting them through of legal provisions on ill-treatment, violence, sexual exploitation and oppression.

There was then a mobilization of society and organizations that defended such rights for the implementation of the “Children’s Amendment, National Priority”, in which children and adolescents delivered more than one million collected signatures to the National Congress, thus approving article 227.

This way, the Statute is the result of the mobilization of society together with social organizations in defense of the fundamental rights and guarantees of children and adolescents, legitimizing these rights.

Only in 1990 was Law 8,069, dated July 13, 1990, sanctioned, being a historic milestone in the defense of the rights of children and adolescents, guaranteeing and protecting such rights of Brazilian children and adolescents, becoming known as ECA (Child and Adolescent Statute).

The trajectory of the ECA is closely linked to the end of the Military Dictatorship as well as the process of redemocratization in the country.

In 1988, with the promulgation of the Federal Constitution and in 1990 with the elaboration of the ECA (Child and Adolescent Statute), the theory of integral protection of children and adolescents was adopted in the legal system, which brought great advances this year. to combat the crime of child sexual abuse.

Rangel highlights the changes made by legislators on the topic:

“The new legal system no longer aims, primarily, at social order and the control of less favored classes and social pathologies, in a hygienist approach, but rather at “the best interests of the child”, or the “best interests of the child”, considered a person in a peculiar state of development and subjects of rights. Its rules cover not only poor or abandoned children, as the previous doctrine did, but all children and adolescents”

The article 201, item VIII of the Child and Adolescent Statute provides that it is the duty of the Public Prosecutor’s Office to “ensure effective respect for the rights and legal guarantees guaranteed to children and adolescents, promoting appropriate judicial and extrajudicial measures”. Being an addition to article 129, II, of the Federal Constitution of the Republic, in this context the ministerial body must receive petitions, complaints or representations from interested parties, investigate complaints, visit establishments where children and adolescents are at risk, complain to public authorities regarding educational and health policies, among other requirements in the context of the Statute (NIGRO, 2015)

Antônio Cezar Lima da Fonseca states:

“In Brazil, the Penal Code provides for sexual violence against children and adolescents. The matter was regulated either directly (law no. 2252/54, crime of corruption of minors – article 218 of the Penal Code), or indirectly (aggravating in the crime committed against a child, article 61, II, h, Penal Code or in the presumption of violence in crimes against customs, article 224 of the Penal Code). The effective punishment of aggressors was almost lost in the trampling of norms.” (FONSECA, 2001, p.144)

There has been great progress in defending the rights of children and adolescents, resulting in the Statute of Children and Adolescents, which helps combat violence against these

individuals, ensuring their rights are preserved, rights that were not previously respected, it is clear that there is still a long way to go, but in comparison the legislation brought new public policies to help combat child sexual crimes, allowing for more severe sanctions to be applied.

CHILD SEXUAL ABUSE

The term “child abuse” refers to the victim of the crime of sexual abuse, which, according to the Brazilian legal system, is defined as a natural person, in the age range from zero to twelve years of age, which is called “child”, above that age range, up to the age of 18, is called children and adolescents. (BRAZIL, ECA, 1990)

For Childhood (2019), sexual violence occurs in the relationship or sexual game between adults and a child or adolescent, aiming to satisfy this adult, which may involve physical, verbal threats, manipulation or seduction.

Noguera (2020, p.20) states that sexual violence is part of the cycle of violence, more than that, for a better understanding of the topic, it is essential to carry out a study on the aggressor as well as the particularities involved in the crime.

Specifically, the term “abuse” is defined as any action that violates the rights of others, which disrespects their own will. In this context, sexual abuse is the sexual act perpetrated against the will of others. (GRECO, 2015)

Criminal law provides for the age of the victim related to the crime of sexual abuse, with the victim being 14 years old, according to article 217-A of the Brazilian Penal Code: “Article 217-A. Having sexual intercourse or carrying out another libidinous act with a minor under 14 (fourteen) years of age: Penalty - imprisonment, from 8 (eight) to 15 (fifteen) years.” The provisions being amended by Law 12015/09, thus dealing with crimes against

sexual freedom, according to Greco (2015), crimes of child sexual abuse are classified as a heinous crime.

DATA COLLECTION ON CHILD SEXUAL ABUSE FROM 2019 TO 2021

According to data from the MMDFDH (Ministry of Women, Family and Human Rights), in the first five months of 2022, 4,486 reports were registered regarding violations of Human Rights, 18.6% of which were reports from victims of sexual violence. (OLIVEIRA, 2022).

In 2021, a survey was carried out, in which 18,681 reports were identified, with 60% of these reports being victims between 10 and 17 years old, 74% being girls. It also pointed out that in 8,494 of the cases, the victim and the aggressor lived in the same family environment, 3,330 cases occurred within the victims' homes and 3,098 lived in the aggressor's home. The data collected also reported that 2,617 of the aggressors were stepfathers and stepmothers, 2,443 of which were the father as the aggressor and 2,044 of the reports were the mother as the aggressor. (OLIVEIRA, 2022)

In a survey carried out by UNICEF (United Nations Children's Fund), in the years 2017 and 2022, 179,277 cases of rape of vulnerable people were registered in Brazil, with the victims' age range being up to 19 years old, with an average of 45 thousand cases per year. Within these numbers, 62 thousand victims were children aged up to 10 years. (OLIVEIRA, 2022)

Still in a survey carried out by The Economist Intelligence Unit, together with the Childhood OAK Foundation and Carlson Family Foundation, Brazil was ranked 13th among 60 countries in combating child and adolescent sexual violence, even with such high rates in the records as In the TIC Kids

online survey in 2018, it was estimated that less than 10% of cases of child and adolescent sexual assault were reported, meaning the rate could be even higher.

In 2021, 48.4% of reports of sexual violence against children and adolescents were made through the reporting hotline, call 100, and were anonymous. (BRAZIL, 2022)

Secretary Maurício Cunha also reports that the abuser could be someone close to the family, according to the survey carried out in 2021, the most frequent reports are that the abuser has the most contact with the victim being 8,494, the victim's house continues with 3,330 and the suspect's home with 3,330 reports. Of these, the stepfather and stepmother appear with 2,617 reports and the father with 4,443 reports, while the mother continues with 2,044 reports of major suspects in the cases, around 60% of the records made, the victims' age range is from 10 to 17 years old, around 74% of these victims are girls.

In a report published by the Brazilian NGO SafeNet in 2023, it was revealed that the number of crimes of this nature broke a record: in 2023 there were 71,869 new reports of child sexual abuse, a significant increase of 77% compared to the year 2022 and the highest number in the historical series, which began in 2005. This result was alarming, as it saw that since 2019 there has been an increase of 87% in volume of reports of child sexual abuse material.

The data indicate a large increase in crimes involving children and adolescents, in many cases occurring within the family environment, with the main aggressors being stepfathers and stepmothers. Such crimes leave serious consequences for the victims, reflecting in their adulthood, such as: the development of disorders anxiety, depression, bipolarity and other psychological disorders.

Gonçalves (2016) states that in crimes of rape of a vulnerable person what is taken into

consideration is the biological factor of the victim's age, however for Greco (2015) such a crime is not only related to the presumption of violence, as there is a prohibition of acts sexual activity carried out with minors under the age of fourteen.

Up to the age of fourteen, abuse is evident, considering the presumption of the victim's lack of understanding and discernment regarding sexual acts, for consent to be valid.

The incidence of child sexual abuse is often high within the family context, with the perpetrators being parents, stepfathers, brothers and uncles.

“We consider intra-family sexual abuse or abusive incest to be relationships with sexual connotations between parents and children, children or adolescents, within the family, whether the ties that unite them are blood, related or civil. We designate “father” as the individual who assumes paternal authority within the family (biological father, adoptive father, stepfather, etc.)” (RANGEL, 2008, p. 19)

Mathews et. al. (2020) highlights that sexual violence against children and adolescents occurs within the family environment, much of it perpetrated by people who must fulfill the role of protecting these victims.

According to Malan, Mirza (2020) forms of violence are considered: (i) physical; (ii) psychological: involves any discriminatory, disrespectful or derogatory conduct that compromises psychological or emotional development; (iii) institutional: perpetrated by a public or affiliated institution.

Child sexual abuse goes beyond the sexual act, including any libidinous act that is perpetrated by the aggressor on the victim's body, including kissing, touching, rubbing against the victim, masturbation, among other types of actions, such acts can be perpetrated within the family as well as outside the family environment.

DEFINITION AND CHARACTERISTICS OF THE DAMAGE-FREE STATEMENT, IN ACCORDANCE WITH LAW 13.431/17

Law 13.431/17, in Brazil, established the system of guaranteeing the rights of children and adolescents who are victims or witnesses of violence, and among its measures, the testimony without harm stands out, this approach aims to protect the individual during the process of listening, minimizing the emotional and psychological impact of the experience of violence.

This law establishes guidelines for specialized listening to children and adolescents who are victims or witnesses of violence, guaranteeing the full protection and absolute priority of these individuals; it envisages the creation of an integrated service network, involving different sectors, such as health, social assistance, public security, education and justice, to offer comprehensive support to victims.

Testimony without harm is one of the fundamental tools of this law, providing a welcoming and safe environment for children or adolescents to express themselves, without victimization or embarrassment. The law also establishes protection measures for victims, guaranteeing the confidentiality of information, respect for intimacy and dignity of the individual, in addition to promoting psychosocial support throughout the process.

Until 2003, the method of protection in the legal environment was unknown, José Antônio Daltoé, Judge of the Court of Justice of Rio Grande do Sul, at the time a magistrate, implemented the No Harm Testimony Project in the Children and Youth Court of the city of Porto Alegre., in which electronic methods and assistance from psychologists and social workers were used in the judicial testimonies of victims of child sexual violence. (SCHIMDT, 2020, p.507)

The search for damage-free testimony arose from the difficulty of the judiciary in extracting the truth about the facts that occurred in a way that did not further harm the victims, providing specialized instruction, reception and improvements with regard to psychological and legal aspects, providing applicability of more effective legislation. (NUCCI, 2021)

For Schmidt (2020):

“[...] testimony without harm, whose origin was due to a need to hear child victims of sexual violence, who became cornered and revictimized in the face of the formality of criminal procedural rules, added to the impunity of agents due to the victims’ often silence in not wanting to report their sufferings.” (SCHIMDT, 2020, p.577)

The creator of ‘‘*Depoimento Sem Dano*’’ (*No Damage Testimony*) tells the author Flávio Schmidt one of the moments that engaged him in the search for a method that would preserve the victim according to the report:

“[...] In the first days of work, I had to listen to a girl of approximately seven years of age, who was allegedly a victim of sexual abuse by her stepfather, a man over twenty years of age [...] no matter how much effort I did it to be welcoming, and even though the accused was removed from the courtroom during the testimony, little or no information was obtained [...] (SCHIMDT, 2020, p.515)

Daltoé reports that:

“[...] The biggest memory I have of that moment was the girl’s absolute discomfort in that environment. She didn’t stay calm on the chair in front of me, she looked at the ceiling insistently, she mumbled some sounds that couldn’t be understood.” [...] SCHIMDT, 2020, p.515-524)

The unharmed testimony, or special testimony, aims to gather evidence from the victim, in this case a child or adolescent, being a less harmful means, which seeks to avoid future psychological damage and trauma.

It is worth mentioning that in most cases this method is the best way to elucidate the crime and promote the appropriate criminal sanction.

“Although the 1985 Declaration of Basic 14 Principles of Justice for Victims of Crime and Abuse of Power does not refer to children, they soon felt the need to extend their rights in this field. In 2000, the optional protocol to the Convention on child trafficking, prostitution and child pornography dedicated its article 8 to the rights and protection measures of child victims, recognizing not only the importance of the right to participation, but also respect for procedural rules and the adequacy of measures to the needs and interests of children.” (Araújo, 2013, p.94).

Therefore, based on the difficulties regarding the crimes presented, as well as the circumstances of the victims and the need, this improvement was introduced, considering protection against trauma caused during the course of the process.

The statement is an interview procedure regarding possible violence against children and adolescents, with the aim of protecting the victim by guaranteeing their rights, such as care and reception, this procedure is carried out by institutions within the promotion and protection network, being formed by a professional team trained in the areas of education, health and guardianship councils, as well as social assistance professionals.

Silva (2020) states that:

“Special testimony is a mixed evidence method, as although it is similar to personal testimony or testimonial evidence, it also has characteristics of expert evidence, such as the possibility of being accompanied by technical assistants who can formulate new questions. Another point to highlight is that police or judicial authorities must always be accompanied by a professional, who must also assist in prior planning for the participation of children or young people in such conduct and protect them from

inappropriate behavior eventually adopted by other people and bodies. active in the process. (SILVA, 2020, p.13)

The legislation came to standardize and organize the rights and guarantees of children and adolescents who are victims of sexual violence, creating ways to contain and prevent such types of violence. (SCHIMDT, 2020)

The author further highlights that:

“The system will work in an integrated and coordinated manner, guaranteeing the necessary care and protection of children and adolescents who are victims or witnesses of violence, which must (a) establish, preferably within the scope of the children and adolescents’ rights councils, the committee of collegial management of the care and social protection network for children and adolescents who are victims or witnesses of violence, with the purpose of articulating, mobilizing, planning, monitoring and evaluating intersectoral network actions, in addition to collaborating to define service flows and improving the integration of said committee; (b) define the service flow; It is (c) create local intersectoral groups to discuss, monitor and forward cases and suspected or confirmed violence against children and adolescents.” (SCHIMDT, 2020, p.721)

The special testimony procedure involves the hearing of the victim, children or adolescents, before police professionals as well as the judiciary, with an investigative nature, in order to determine the facts of violence suffered by the victim.

FINAL CONSIDERATIONS

Child sexual abuse crimes have their complexities, they also have specific aspects related to psychological and emotional issues present in the aggressor’s motivation as well as in the victim’s response to the crime.

‘It is important to highlight that most crimes occur within the family environment, by aggressors who have a duty to protect these

victims, father, mother, stepfather, stepmother, brothers, uncles or people close to the victim.

With the promulgation of the Federal Constitution of 1988, the rights of children and adolescents began to be defended and ensured, being implemented through the Child and Adolescent Statute, legitimizing the guarantees and fundamental rights of this population, being the duty of the State, the family and society defend and protect these rights.

It is noted that in the crime of child sexual abuse, the victim’s testimony is essential in order to obtain evidence, and in these cases in most crimes the victim is the only witness to the concrete fact. It is essential that judicial sentences are based on evidence, as the materiality of this evidence demonstrates the real truth of the facts regarding a crime, so the magistrate can use his judgment to hand down the sentence, in most cases the material evidence do not exist because crimes occur clandestinely, without the presence of third parties.

The consequences of the crime of child sexual abuse go beyond the perpetration of the crime, affecting not only the victim but the entire family environment and those who are part of it, such psychological consequences will be carried throughout the development of this victim until his adult life, even more so when This victim is not given adequate treatment, generating a cycle of abuse, in which the abused becomes the abuser.

Therefore, it is concluded that it is increasingly necessary to exercise caution when approaching a child or adolescent victim of sexual abuse, so it is necessary for the judiciary to understand how fundamental a differentiated hearing is, aiming to obtain real information about the facts without exposing the victim.

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