



CHILD SEXUAL ABUSE: HISTORICAL ASPECTS, LEGAL AND HARM TO CHILD DEVELOPMENT

REVIEW ARTICLE

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ABSTRACT

Because it is a violence that plagues several children and adolescents in the world throughout history, child sexual abuse requires close attention, considering that it is a complex phenomenon and, in many cases, difficult to identify, being the abuser usually a trusted person of the family and who is expected to take care of the victim, as biological parents, stepfathers, uncles or close friends, for example. In addition, most cases of sexual abuse occur in the victim's own home, where little is expected of the child and adolescent to be in a vulnerable situation. Based on the factors described, this research presents the following guide question: what is sexual abuse and what are its impacts on child development? This article aimed to review the historical and legal aspects of sexual abuse, exploring the complexities of its definitions and presenting the possible effects on the victim. For this, a bibliographic review of qualitative, descriptive and exploratory character was made, raising

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reflections on the theme. It was seen that the child and the adolescent did not always have legal support, having suffered several violence without the due punishment to their aggressors. Over time, laws were being instituted and, in Brazil, the Statute of Children and Adolescents (ECA) had marked a time of determination of rights of childhood and adolescence, establishing protection mechanisms, including against violence such as sexual abuse. Finally, it was considered in this study that there is a lack of information to the population on the subject, which corroborates the reproduction of the aforementioned offense. It was observed that, considering the damage to the biopsychosocial health of the victim and his/her family, studies and prevention projects were made, as well as instituted different forms of reporting this crime. It was concluded that there is a need to prepare strategies to prepare families, professionals and institutions responsible for guaranteeing the rights of children and adolescents so that they can contribute to strengthening the fight against sexual abuse.

Keywords: Sexual Abuse, Child Sexual Assault, Child and Adolescent.

1. INTRODUCTION

When it comes to a subject present in different parts of the world and in various historical periods, sexual abuse remains today and is an important topic to be addressed, since such violence has been continuously reproduced. Waiselfisz (2012) shows that, according to the records of the Notifiable Diseases Information System (SINAN), in 2011 10,425 children who were victims of sexual abuse were treated in Brazil. In 2018, Brazil recorded at least 32,000 cases of sexual abuse against children and adolescents in 2018, the highest rate of notifications ever recorded by the Ministry of Health. Since 2011, health agents have had an obligation to compute care. Since then, the numbers grow year by year, and add up to a total of 177,300 notifications nationwide[3]. However, as denoted by Aded *et al.* (2006), it is believed that the cases identified or reported do not say about the reality of the number of cases. One reason is that, in most cases, the aggressor is very close or part of the

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victim's family; another factor is the lack of identification of the cases, or even the belief that there is no way to prove the act of abuse, understanding as concrete evidence only the medical examination. Thus, it is believed that the number of cases is much higher than estimated.

Based on the factors described, this research presents the following guide question: what is sexual abuse and what are its impacts on child development? This article aimed to review the historical and legal aspects of sexual abuse, exploring the complexities of its definitions and presenting the possible effects on the victim.

This is a bibliographic review of qualitative, descriptive and exploratory character, for which books were used as a source of data, in addition to scientific articles that were found on the search site *Google*. Some sites that present important data on the subject were also used in this research.

Considering that sexual abuse is a violence that happens in ways that usually hinder its identification, besides provoking many doubts of how to deal with it, there is a need for more research to be developed so that more and more knowledge of the mechanisms that involve this crime and, thus, more combat strategies are established. Thus, this research shows its social and scientific relevance, contributing to the clarification on the subject and for other research to be carried out from it.

2. SEXUAL ABUSE: DEFINITIONS, STORIES, LAWS

Sexual abuse is a social phenomenon that needs refined attention because it is a complex issue, which involves different problems and generates suffering for many children, adolescents and families, which is one of several types of violence. Considering the various definitions of sexual abuse, one can highlight the one given by the Ministry of Health (BRASIL, 2002, p.13):

Abuso sexual – consiste em todo ato ou jogo sexual, relação heterossexual ou homossexual cujo agressor está em estágio de

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desenvolvimento psicosssexual mais adiantado que a criança ou o adolescente. Tem por intenção estimulá-la sexualmente ou utilizá-la para obter satisfação sexual. Apresenta-se sobre a forma de práticas eróticas e sexuais impostas à criança ou ao adolescente pela violência física, ameaças ou indução de sua vontade. Esse fenômeno violento pode variar desde atos em que não se produz o contato sexual (voyeurismo, exibicionismo, produção de fotos), até diferentes tipos de ações que incluem contato sexual sem ou com penetração. Engloba ainda a situação de exploração sexual visando lucros como é o caso da prostituição e da pornografia.

Thus, being considered as an act of violence, sexual abuse can be committed in several ways, from those in which there is no physical contact of the aggressor with the child or adolescent, such as voyeurism in which the observation of the victim's nudity occurs to obtain sexual satisfaction, and exhibitionism, in which the aggressor exhibits his own sexual organs. It can also occur by displaying pornographic videos and magazines to the victim, arousing their sexuality in an early and misrepresented way; giving money, candy or gifts for the child or adolescent to allow the aggressor to abuse his body; raping her with oral sex, which is also a means of transmitting Sexually Transmitted Diseases (STDs); or even maintaining both vaginal and annaise sexual intercourse. It can occur even without the victim noting, or to the point of causing physical injury, and psychological illness. In addition, such abuse is not only committed by adult men about children: it can be perpetrated by adolescents, women, the elderly and by different people in different circumstances. This variation in ways in which sexual abuse may occur can lead to a difficulty in identifying some types of who are often not recognized by adults as such (BRASIL, 2002).

Moreover, as punctuated by the Ministry of Health (BRASIL, 2002), sexual abuse encompasses sexual exploitation, which is when it involves money, gifts, or something like this, in a commercialization of the body of the child and/or adolescent, as in the examples mentioned, which are prostitution and pornography. However, as Vega and Paludo (2015, p.48) point out, "defining sexual exploitation has been an arduous task, including for the academic field." Faleiros and Campos (2000), in an analysis of the vocabulary of the theme, identified a terminological inaccuracy. The

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authors give an example: sexual abuse was established as a sexual crime, sexual victimization, sexual abuse, sexual assault, sexual violence, sexual exploitation, sexual abuse, sexual outrage and sexual injury. In order to name intrafamily violence, the following terms were found: incest, incestuous sexual abuse, domestic sexual violence, domestic sexual abuse.

O uso sexual de menores de idade com fins lucrativos é designado ora como prostituição infanto-juvenil, ora como abuso sexual, ora como exploração sexual comercial. Por outro lado, um mesmo termo pode designar distintas realidades, como, por exemplo, o termo exploração sexual é utilizado pela OMS para designar situações de abuso sexual intra e extrafamiliar e prostituição, enquanto muitos autores o utilizam referindo-se apenas à exploração sexual comercial (FALEIROS; CAMPOS, 2000, p.4).

Thus, there are also divergences between authors regarding the appropriate vocabulary for each situation. Nevertheless, for Faleiros and Campos (2000), the use of different terms as synonyms and as if they were equivalent to the same concept, it is not only terminology, but a question of epistemological scope, that is, denounces the lack of conceptualization of the problem. This theoretical and conceptual uncertainty is due to the complexity and diversity, as well as the fact that the undo, awareness and coping with this problem are still recent, as well as the concern with childhood, as will be seen below.

In addition to occurring in different ways, child sexual abuse originates from different places on the planet and described since antiquity, as shown by Aded *et al.* (2006). However, progress in the prevention and softening of consequences was little. What may make it difficult to face the problem is the fact of passing through cultural, religious, legal and professional complexities from all over the world.

Oliveira (2006) points out that throughout history, one of the characteristics that marked human culture was negligence against children and adolescents, since there was no idea of frailty as a characteristic of childhood, and this issue was little discussed, just as there were no protection policies.



The author presents several points of history that exemplify this neglect, denoting that in many peoples of antiquity, child sexual abuse was considered normal and, moreover, many of these peoples did not distinguish between the child and the adult, as in Sparta, for example. It also states that in the West, during the Middle Ages, this distinction was also not made, and the child remained exposed to different types of punishments; "[...] as soon as she was without the need for basic maternal care, she was seen as an adult and thus grew" (OLIVEIRA, 2006, p. 11). Thus, the very young child was not considered as a human being and the mortality rate was high, a fact that was understood as a common phenomenon.

Azambuja (2006, p.3) presents that it was only at the end of the 17th century that the child began to have a distinction from the adult person. Until this time, the schools were not organized by age, being attended by children and adults in the same place. For the author, "[...] with the emergence of the understanding that childhood is a distinct phase of adult life, punishment, physical punishment, beatings through whips, sticks and irons are used as instruments necessary for education" (AZAMBUJA, 2006, p.3). In 1780, in England, parents could sentence children to hanging, under more than two hundred criminal types. In New York, in 1871, a girl suffered serious mistreatment and, as there was no place for such a complaint, the case of the girl Mary Ellen was eventually referred to the Society for the Prevention of Cruelty to Animals, so that it could be investigated by the court. The case, which caused much indignation of the population, was what incited the foundation of a society focused on the protection of the child.

According to Azambuja (2006), with respect to Brazil, the first vessels launched into the sea by Portugal, were composed of men and children orphaned by the king, who provided services during the trip and were subjected to sexual abuse by the sailors. She says that if storms occurred, the children were the first "loads" to be thrown overboard.

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Guerra *et al.* (2013) points out that until the beginning of the 20th century, the State was not concerned with developing social policies aimed at children and adolescents. Thus, the Catholic Church was the one who developed important actions to care for children and adolescents called "abandoned". The Holy Houses of Mercy not only cared for the sick and the sick, but also of children whose rights had been violated. Thus, in an attempt to reduce the number of babies conceived outside of marriage and who were abandoned even on the streets, due to social pressures of the time, the Catholic Church created the Wheel of the Exposed. It was a cylindrical device in which the child was placed and left, in order to ensure the anonymity of those who committed the abandonment.

At the end of World War I, newly built international organizations began to articulate human rights codes. New bodies have begun to pay attention to the rights of the child specifically. The newly created International Labor Agency (now the Organization) returned its conventions to guarantee the rights of working children, as well as in 1919, at the Convention on The Night Work of Adolescents (Industry); also in 1921, the Convention on Minimum Age (Agriculture). However, most of the legislation produced between the two world wars did not explain the specificity of the right of children and adolescents as distinct from the direct rights of adults (UNICEF, 2009).

The first definition of formal child rights, which was created by the nascent international organizations, originated from the work of Eglantyne Jebb who founded *Save the Children* in England in 1919, and established in Geneva in the following year, The *Save the Children International Union*, to raise funds in emergency aid to children suffering as a result of World War I. Jebb, in 1923, declared his position on the rights of the child: "[...] I believe that we must claim certain rights for the child and work for them to be recognized internationally" (UNICEF, 2009, p.4). Thus, the *Save the Children International Union* created the preliminary proposal for a declaration claiming specific rights to the child population and made the League of Nations adopt it in the Geneva Declaration of the Rights of the Child on 26 September 1924.

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Thus, the Geneva Declaration discussed five basic principles: the right to conditions for material and spiritual development; the right to priority in relieved in risky situations; right to help in circumstances of hunger, disability, illness, delinquency or orphaning; the right to training that guides the child to life in society; and the right to protection against exploitation (UNICEF, 2009).

According to the United Nations Children's Fund (UNICEF, 2009), World War II corroborated the creation of the United Nations (UN). The merger between the International Association for the Welfare of the Child, established in Brussels and the *Save the Children International* Union, resulted in the International Union for Child Welfare (*International Union for Child Welfare – IUCW*), which led the United Nations to endorse the Geneva Declaration.

The Portal Brasil[4] website shows that in 1927, the country promulgated the first Code of Minors. At the time, high-profile cases of great public repercussion prompted then-President Washington Luís to determine that 18 years should be the minimum age for offenders in prison. What happened to the 12-year-old Bernardino boy was one of those cases. In 1926, the boy, who was a shoeshine, became angry with a client due to his refusal to pay for the service provided on the streets of Rio de Janeiro. The child would have thrown paint at this guy, so she ended up in jail for four weeks. Bernardino was raped in the cell by 20 adults, which caused outrage from doctors when the boy went to santa casa.

Thus, the spread of the case caused a strong controversy, initiating a public discussion that reached the wheels of Congress, as well as the Catete Palace, where it was the federal government's place. So the president chose October 12 (Children's Day) to sign the Code of Minors, which was the first legislation in the country for childhood and adolescence specifically. An article of this code banned the Wheel of the Exposed. "With the code, the mother would have to register the child and thus deliver her to an orphanage" (BRASIL, s/d).

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The website of the Universal Declaration of Human Rights[5] (UDHR) shows that on December 10, 1948, in Paris, such declaration was proclaimed by the General Assembly of nations, through Resolution 217 A (III). It is a document that marked the history of human rights. The UDHR was developed by different representatives from various legal and cultural backgrounds from around the world, and is then a common norm so that it reaches all peoples and nations. This statement comes with the view that man has the right to a dignified life: "Whereas the recognition of the dignity inherent in all members of the human family and their equal and inalienable rights is the foundation of freedom, justice and peace in the world [...]" (UDHR, 1948).

On this occasion, the UN was more committed to discussing principles of the UDHR, but the IUCW itself defended the idea of a new document, which was specific to the rights of the child, updating the previous statement, and reiterating the principle that the child should receive what humanity has to offer best. The Declaration of the Rights of the Child was not adopted by the UN until 20 November 1959. The endorsement of the General Assembly was important, as it highlighted the need for the rights of the child to be considered separately. The Declaration of the Rights of the Child stressed the emotional well-being of the child, and guaranteed their right to be prioritized in receiving emergency protection. "Despite these changes, the 1959 document maintained a care-seeking approach, aiming to save, guard and protect the child, giving little importance to the increase of their power" (UNICEF, 2009, p.5).

Inoue and Ristum (2008) denote that violence has been the main cause of death mainly in young and child audiences. In the United States, it was not until 1960 that violence against children was seen as a medical-social problem. "[...] especially pediatricians began to deal with the theme showing the sequelae of maltreatment and discrepancies between radiological evidence on the injuries and explanations of aggressors" (MINAYO, 2002, p. 109). Although this movement within medicine provoked criticism and accusations of "medicalization of violence", it had a great influence on theoretical production, triggering research, as well as on movements in favor of the defense of children's rights. Thus, the medical field began a social

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revulsion on sexual abuse, which took consistency also from the United States, alongside strengthening the feminist movement of 1970.

The year 1973 was marked by an event that made 18 May, an important day in the calendar of the Ministry of Health, memorado to the present day. The fact is that, on this date, Nine-year-old Araceli Cabrera Crespo disappeared from the school where she studied, no longer being seen alive. The National Health Council website explains that "Araceli was beaten, raped, drugged and killed in an orgy of drugs and sex. His body, his face was mainly disfigured with acid" (BRASIL, s/d). Six days after the incident, the body was found in a vacant lot near the city center of Vitória, Espírito Santo. Such martyrdom had great significance, so this date is considered and remembered as the National Day to Combat the Sexual Abuse and Exploitation of Children and Adolescents.

Between the 1960s and 1970s, mobilization for the rights of children and adolescents was made by non-governmental organizations (NGOs), which incited great advances; in this way, these organizations urged the United Nations to declare 1979 the International Year of the Child, in a proposal to draw attention to the problem involving childhood. "Once this agreement was established, the Government of Poland submitted to the UN Human Rights Commission a preliminary text of the Convention on the Rights of the Child" (UNICEF, 2009, p.5). Thus, it was evidenced that the completion of this document would require better preparation and more time. Thus, the process lasted for a decade, considering that the drafting of a treaty involving several areas of cultural and social interpretation is a work that requires caution.

Minayo (2002) says that in the 1980s, in the field of world public health, violence presents itself as a substantive issue. The movements of specialized care and prevention arise from the recognition of morbidity and mortality through violence, as a serious problem for health in its social aspects, as well as the target of primary, secondary and tertiary care. Also in 1980, in Brazil, proposals began to be thought of,

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at the pace of the social movement that corroborated the 1988 Constitution. Only this year is the child considered a subject of rights, thanks to the Federal Constitution, and will have the United Nations Convention, in a new era of defense of the rights of children and adolescents.

Three years before this constitution, on July 4, 1985, the Regional Center for The Care of Child Abuse (CRAMI) was founded by a group composed of different professionals belonging to the Pontifical Catholic University of Campinas (PUC-Campinas), having involved representatives from various sectors of the community, such as the Brazilian Bar Association (OAB) - Campinas, Children's Court, among others. According to CRAMI's [6]own website, "Concerned about the routine cases of children arriving at public agencies, presenting marks of beatings, burns, abrasions, internal hemorrhages, this group founded CRAMI". Many of these children died, and those responsible justified it as a fall or lack of attention of the child himself. Over time, a protocol was built to attend to cases of domestic violence. From the finding of the case, data were collected and the social worker provided procedure to care in the victims' homes, aiming to have contact with the real situation and, depending on the severity of the case, refer the victim to the Childhood Court.

The CRAMI Website also informs that "the work developed by the highly qualified professionals of CRAMI began to become a reference and encouraged the opening of other CRAMIs in the state of São Paulo". By determination of the Unified System of Social Assistance (SUAS), in 2014 CRAMI extended its care to all people in situations of vulnerability and social risk, no longer being restricted to the care of children and adolescents victims of domestic violence. It is a non-governmental, non-profit entity, and has the assistance of psychologists, social workers, and social educators, which follows the mission, according to the website, of "Building a better future for children, adolescents and vulnerable victims of domestic violence".

On November 20, 1989, the UN General Assembly adopted the Convention on the Rights of the Child, entering into force on 2 September 1990. This is the most

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comprehensive of all human rights treaties and legal instruments for the protection of the rights of the child. Although there are provisions in defense of the rights of the child in international human rights equipment, the Convention is the first to cover and articulate all relevant aspects of rights important to the child, being economic, cultural, political and social. Still, it was the first international equipment that explicitly recognized that the child is a social actor possessing his own rights (UNICEF, 2009).

According to UNICEF (2009, p. 2), "By means of the provisions of the treaty, States Parties are required by law to meet the rights of all children." The Convention provides for 54 articles and is based on four basic principles: the best interests of the child; non-discrimination; respect for the child's opinions; and the right to survival and development. The broad objective it has and the importance it gives to the representation that favors the child determine the incessant pertinence of all actions aimed at meeting the rights of the child. "The Convention reaffirms and enriches human rights in a significant way" (UNICEF, 2009, p. 2). It reiterates them by directly applying to the child many of the essential principles of international human rights documents that preexisted, such as non-discrimination and universality; strengthens them by establishing and expanding devices included in other human rights equipment, clarifying the responsibilities of States Parties in relation to the child. It integrates children's rights that were not incorporated broadly. It emphasizes that the responsibility for the realization of the rights of the child should be attributed to those who have duties related to it, such as the family and the persons responsible for the child and the States Parties.

The convention has a meaning that goes beyond its legal implications. The instrument also contributed to a transformation in attitudes towards childhood. In de ver, the Convention determined the terms of childhood, setting the minimum standards for care, treatment, survival, protection, participation and development, which are the rights of all individuals whose age is under 18 years of age. His articles reaffirm that it is necessary to protect childhood as a different period of adulthood

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and establish a time during which the child grows, learns, plays and develops, so that then the rights of the child are fully realized (UNICEF, 2009).

As Lemos (2008) shows, inaugurating a new perspective of rights and duties based on the doctrine of integral protection, the Statute of children and adolescents (ECA), was promulgated in 1990, as Federal Law no. 8,069/90, guaranteeing the child and adolescent respect as people in particular development:

Art. 3º A criança e o adolescente gozam de todos os direitos fundamentais inerentes à pessoa humana, sem prejuízo da proteção integral de que trata esta Lei, assegurando-se lhes, por lei ou por outros meios, todas as oportunidades e facilidades, a fim de lhes facultar o desenvolvimento físico, mental, moral, espiritual e social, em condições de liberdade e de dignidade (BRASIL, 1990).

This law sets in place a new diagram, establishing different practices in some aspects of those provided for in the Code of Minors of 1927 and 1979. "If, in the Code of Minors, the object was the smallest; in the Statute of children and adolescents, the object is the child and adolescent as subjects of rights" (LEMOS, 2008, p.98). In this way, a new social identity called children and adolescents is inaugurated. It is not only practices that have changed, as well as the object is another.

The ECA comes with a proposal to build a model of integral protection for children and adolescents, not only being restricted to attention after the rights are violated, but before the violation happens, as provided for in its Art.70: "It is everyone's duty to prevent the occurrence of a threat or violation of the rights of children and adolescents" (BRASIL, 1990). This federal law ensures, among other aspects, the protection of the child against any type of violence, including sexual violence.

It is known that, in most cases, the abuser has a closeness to the family. As Santos, Costa and Granjeiro (2009) show, most cases of sexual abuse occur within the family, and firstly practiced by the biological parents of the victims and, secondly, by the stepfathers. This is an example of Intrafamilial Violence that, according to Araújo

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(2002), is the violence that happens in the family, involving people who or do not live in the same place, but that is not restricted only to the family, but involves subjects of common conviviality in the same domestic space, whether or not they have kinship ties. For these cases, the ECA has specificities and one of them is mentioned in Art. 101:

§ 2º Sem prejuízo da tomada de medidas emergenciais para proteção de vítimas de violência ou abuso sexual e das providências a que alude o art. 130 desta Lei, o afastamento da criança ou adolescente do convívio familiar é de competência exclusiva da autoridade judiciária e importará na deflagração, a pedido do Ministério Público ou de quem tenha legítimo interesse, de procedimento judicial contencioso, no qual se garanta aos pais ou ao responsável legal o exercício do contraditório e da ampla defesa (BRASIL, 1990).

These laws to protect children and adolescents against sexual abuse are extremely necessary, since it deals with something serious and can cause many harms to the victim, as will be pointed out below.

2.1 VICTIM DAMAGE AND POSSIBLE ACTIONS

Among the consequences that sexual abuse can cause to children and adolescents, one can highlight: cognitive, behavioral, emotional and social impairments; social isolation, exaggerated fear, difficulties in adjusting, homicidal and suicidal ideas, language deficit learning, loss of interest in games and studies, escapes from home, self-mutilation, social isolation, aggressiveness and other consequences that can seriously compromise the victim's life (SERAFIM *et al.*, 2011).

Prado and Carneiro (2005) discuss, from the perspective of psychoanalysis, about the trauma that, according to them, the term would emphasize the damage generated in the ability to symbolize and transform, as well as the corroboration of dead psychic zones, which will interfere in future generations, reaching their love choices and their perspective of achieving their sexuality. The authors discuss from two types of traumas, proposing to call them active and cumulative, and the first



remains in the psyche of the person repeatedly, especially when it comes to child sexual abuse, and may have the various manifestations, such as promiscuity, performances, psychopathic conditions, depressions, psychosomatic conditions, etc.

The cumulative trauma refers to the recurrent tension of non-fulfillment of the role of mother as a protective shield, which leaves in the development phase that the baby needs of the mother exercising his role; these maternal failures may be amenable to correction according to the maturation process. As for active trauma, "in the same way as cumulative trauma, it is treacherous, only instead of acting and settling throughout childhood and adolescence, it does so throughout life, and beyond, since it is reissued through the generations" (PRADO; CARNEIRO, 2005, p.31). Therefore, trauma can interfere and cause suffering throughout the victim's entire life, bringing several possibilities of long-term serious effects.

The relationship of the child with abusive adults, resulting in the breakdown of trust and insecurity, favors the victim not to believe in the reliability and safety of people in general, which may reflect on their future relationships. Thus, from adolescence, there are cases of victims who, in desperation for obtaining affection, end up becoming promiscuous; on the other hand, others rarely make themselves available for relationships; both cases move towards isolation and depression (PRADO; CARNEIRO, 2005).

Padilha (2002) speaks of the peculiarity of sexual abuse, pointing out that there is often no physical evidence of its consummation and then the aggressor argues that he did not force the child to do anything. "Considering this characteristic of the phenomenon seems to be fundamental in the planning of interventions for the prevention or treatment of situations of sexual, intrafamilial or extrafamily abuse" (PADILHA, 2002, p. 210). Thus, the prevention of such violence requires a knowledge of the movements that permeate the aggressions.



As already mentioned, the Ministry of Health points out that sexual abuse "presents itself on the form of erotic and sexual practices imposed on children or adolescents for physical violence, threats [...]" but complete: " [...] or induction of their will" (BRASIL, 2002, p.13). So, in fact, most cases of sexual abuse occur under threats from the aggressor, in the shadow of violence, blackmail, etc., however, inducing the will of the victim also constitutes aggression.

There is still currently an erroneous concept that considers that if the child and especially the adolescent are conniving with the sexual act, the situation would not constitute as an abuse. However, Brazilian law leaves no doubt that children and adolescents are vulnerable since, as already brought to this research, if the person is in a stage of psychosexual development earlier than the victim, it will be sexual abuse (BRASIL, 2002).

Therefore, even if the child or adolescent consents to the sexual act, this is clearly reprehensible by Brazilian legislation. Addressing sexual crimes against the vulnerable, Article 217-A of the Penal Code makes it clear that "Having carnal conjunction or practicing another libidinous act under 14 (fourteen) years: Pen – imprisonment, from 8 (eight) to 15 (fifteen) years" (HARMS, 2016, p.577).

In addition, on November 6, 2017 the Superior Court of Justice (STJ) launched summary 593, which emphatically determines that it is irrelevant to the characterization of the crime the consent or not of the victim:

O crime de estupro de vulnerável se configura com a conjunção carnal ou prática de ato libidinoso com menor de 14 anos, sendo irrelevante eventual consentimento da vítima para a prática do ato, sua experiência sexual anterior ou existência de relacionamento amoroso com o agente. (Súmula 593, TERCEIRA SEÇÃO, julgado em 25/10/2017, DJe 06/11/2017) (BRASIL, 2017).

Thus, Brazilian legislation makes it even clearer that regardless of the circumstances of acceptance or not of the child or adolescent, the factors mentioned about sexual abuse apply and are constituted as crimes.

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Moreover, the fact that the victim consents in some way can cause an increase in the feeling of guilt and aggravate emotional damage, besides corroborating his silence about the violence experienced and, in many cases, favoring the child or adolescent to continue being sexually abused. For Padilha (2002), the duration of the abuse may consist of an isolated or routine episode lasting several years without disclosure to third parties. Aggression can be done with victims of any age, from babies or very young children, to adolescence.

Furthermore, the hypotheses about the behavior of collusion with such violence are established according to the behavior of the mother, father or stepfather, or child, coming from the life story, which sometimes repeat patterns of past generations. The lack of a repertoire of self-protection may be due to inadequate models of parents, who may not have had an adequate model of their parents, and so on. "This mechanism of intergenerational repetition of risk exposure behaviors would explain why mothers, fathers or stepfathers become "blind" in relation to sexual abuse [...]" (PADILHA, 2002, p.211). That is, they cannot identify the evidence of violence.

In addition, the stage of development in which the victim finds himself has interference both in the discovery process as well as in the trial of the suspect: "Child abuse is a crime that can often only be proven by the testimony of preschool children. If a child's testimony is incorrect, an innocent adult may be punished unjustly" (PAPALIA; OLDS; FELDMAN, 2006, p. 301). As the authors rightly point out, the young child may end up "remembering" events that have not occurred; they tend to be suggestive and their speech can be induced by another person, and it is difficult to discriminate the falsehood of the speech of a child who is interviewed by someone who asks questions with biased details. This can occur mainly with children under four years of age, because at this stage children are more likely to make mistakes in remembering details of an event that varies with repetition. Nevertheless, Habigzang, Ramos and Ekoller (2011) refer to the moment of sexual abuse revelation as crucial in the victim's life, since it can cause revictimization if adults do not believe in the child's speech, and do not take appropriate protective measures,

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which should have an affective and social support network, which is composed of systems or people significant to the victim.

Nos casos de abuso sexual contra crianças e adolescentes compreende-se como constituinte da rede: família, escola, comunidade, Conselho Tutelar, Delegacia, Conselho de Direitos da Criança, Ministério Público e Juizado da Infância e Adolescência, abrigos, serviços de saúde (postos de saúde e hospitais) e assistência social (Centro de Referência da Assistência Social e Centro de Referência Especializado da Assistência Social) (HABIGZANG; RAMOS; KOLLER, 2011, p. 468).

Thus, all these institutions have the responsibility to protect the victim, striving to plan and make interventions that effectively minimize the effects of violence suffered by children or adolescents (HABIGZANG; RAMOS; KOLLER, 2011). The school stands out because it is an environment present in very important phases of the lives of children and adolescents in its development.

Still clarifying about the implication in the development of the victim of sexual abuse, Papalia; Olds and Feldman (2006) show the most common citations according to age: in preschool, anxiety, nightmares and inappropriate sexual behavior stand out; in school-age children, aggressive behaviors, school problems, fear, hyperactivity, and even mental illness are observed; finally, adolescents commonly present with depression, physical complaints, flight, illegal actions, self-destructive or suicidal behaviors, and substance abuse.

Santos; Costa and Granjeiro (2009) point out that most cases of sexual abuse occur within the family, and the most common cases of sexual abuse are practiced by the biological parents of the victims and, secondly, by the stepfathers. It is a type of Intrafamilial Violence that, according to Araújo (2002), happens in the family involving people who or do not reside in the same place, but that is not restricted only to the family, but involves subjects of common conviviality in the same domestic space, whether or not they have kinship ties. Thus, it can be affirmed that there is a risk that people will idealize a certain stereotype for such abusers, not paying to see that,

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even if they are workers, "family parents", tax payers, have a good social life, are rich, kind and educated people or who apparently educates and takes good care of their children, this does not mean that such people cannot commit sexual abuse, even if they have commendable conduct towards society.

"Most pedophiles have no criminal record and people in their lives describe them as a worker, religious and zealous caregiver of their family" (COHEN; MANNARINO, 2000a; apud HABIGZANG *et al.*, 2005, p.346).

In addition, aggressors with stereotypes seen socially as good citizens can provoke the accommodation of people not to care for prevention with children and adolescents regarding sexual abuse, as it can also confuse in the process of suspicion and identification of this violence. Moreover, depending on the relationship that the aggressor has with the family, many of the cases are not reported. For example, a mother may not report her spouse because she trusts him, not giving credit to the child or adolescent's complaint because she does not want to move away from the spouse or because she depends on the aggressor to support the family, among other situations. Williams (2002) cites another important aspect, which is the fact that sexual violence is still currently considered taboo, and often the victim himself is stigmatized and often has a feeling of guilt or shame; this, among others, is one of the reasons for the non-reporting by people who are or are not part of the victim's family.

However, Habigzang *et al.* (2005) presents the mapping of risk factors for intrafamilial sexual abuse that were identified in the legal processes of the Public Prosecutor's Office of Rio Grande do Sul - Brazil, analyzing 71 files that present the profile of the aggressors; one of the striking characteristics was that most of the aggressors were unemployed or with eventual work. "Unemployment is a risk factor for intrafamily violence, since it can generate stress and conflict among family members" (HABIGZANG *et al.*, 2005, p. 345). In addition, the caregiver ends up being responsible for the child or adolescent for most of the time, which provides more

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opportunities for the occurrence of sexual abuse. Other characteristics found in most of the abusers of this study are: low level of education, married or living maritally, alcohol or drug users, among other things. It is important to note that these characteristics were found in a percentage of the cases studied and, although they are quite common, there are many abusers who do not present any of these characteristics. Thus, it is important that adults be attentive and seek information that increases their knowledge about the subject and thus be able to create a network of protection for children and adolescents, being able not only to identify, but prevent, prevent sexual abuse from happening.

For Brino and Williams (2005), child sexual abuse can be prevented through actions that can be divided into three levels of prevention. The first level is the primary level, which aims to eliminate or reduce social, environmental and cultural factors that are conducive to acts of aggression. Thus, actions aimed at training professionals and other people directly involved with the child can be promoted, such as teachers. In addition, actions can be promoted with the at-risk population, promoting the education of children about the risks of sexual abuse.

Santos and Ippolito (2009) argue that sex education is the best way to prevent, and that despite belonging to the adult responsible for the education of children and adolescents, the responsibility to protect them against sexual abuse, a continuing education program is able to prepare children and adolescents to defend themselves against this violence.

Another means of prevention mentioned by the authors is the social inclusion of the child considered as "different", or rejected by the groups. "After the subjugation of the child to the sexual abuse suffered at home or in the neighborhood or his silence before him, there is usually a search for acceptance and affection of a loved one" (SANTOS; IPPOLITO, 2009, p.128). Thus, many of the children who were victims of sexual abuse had a low level of self-esteem, and generally grew up in isolation in



their own homes and in the community in which they live, seeing themselves as different from others and not having fundamental sexual orientations.

Aiming at prevention, Santos and Ippolito (2009) suggest to schools that they promote the sensitization of family members responsible for the education of children and adolescents, using the creativity of their educators to work with these families, encouraging them and teaching them to strengthen children and adolescents against sexual abuse; maintain a relationship of trust with the child; devote time to it, and openly listen to what the child has to say, not trivializing in cases where the abused child "breaks the silence", thinking that she must be inventing the facts and; build a social support network among family members at work to protect the child at times when the family member who is responsible for the education of the youngest has to leave the home. The authors state that: "Most acts of intra- and extra-family abuse occur when the child is alone with young people and adults in their own home or in the home of acquaintances" (SANTOS; IPPOLITO, 2009, p.129).

The second approach, according to Brino and Willians (2005), is the secondary, which aims to detect children at risk early, thus preventing the repetition of acts of violence, working to reduce the stress caused by the process in the legal system that the child goes through, considering that the posture of professionals working with the child can soften or end up producing psychological damage to the victim. The third and final approach presented by the authors is the tertiary; it aims to monitor the victim as well as the aggressor, by trained professionals, in order to prevent or mitigate losses caused by sexual abuse, as well as possible long-term sequelae.

Considering the importance of working with the prevention of sexual abuse, acting together with those responsible and/or with the child, it is possible to plan interventions aimed at primary and secondary prevention. Mothers, for example, can play a decisive role in protecting against this violence. "When they are unable to recognize the occurrence of sexual abuse and protection, the child may become more vulnerable to abuse" (BRINO; WILLIANS, 2005, p.176). Hence the importance

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of seeking ways to inform mothers about sexual abuse so that they become able to protect the child from the occurrence of this type of aggression, and the school can be a strategic place for such action, since it is an institution capable of promoting interventions taking advantage of direct contact with parents, children and adolescents.

Brino and Williams (2005) reinforce the idea that empowering children and mothers to recognize signs that sexual abuse is happening can be an action that effectively stops the occurrence of said violence. This intervention directed to the child would include the recognition of signs of approaching an aggressor, as well as the recognition of inappropriate sexual behaviors. To mothers, the action would involve recognizing behaviors that are indicators of successful abuse. When the proposal of the action is the detection of children and adolescents at risk, breaking with violent acts or their repetitions, intervening in cases already confirmed and working in the prevention of possible sequelae, this perspective fits the secondary or even tertiary prevention.

In addition to prevention, it is of fundamental importance that we know what to do if sexual abuse has already occurred. It is necessary to know how to denounce, take care of the victim giving the necessary support and referring to specialized treatments (BRINO; WILLIAMS, 2003b, p.2).

One of the ways to report, as shown on the UNICEF[7] website, is by contacting the Guardianship Council, considering that it is the responsibility of counselors to ensure the rights of children and adolescents. When receiving the notification, it is up to these professionals to analyze the origin of each case, making visits to the family. If this is confirmed, the Council shall refer the situation to the Public Prosecutor's Office.

Another means of denunciation pointed out by UNICEF is by contacting the Children and Youth Courts, in the case of municipalities that do not have the Guardianship



Council. Complaints can also be made at the Child and Adolescent Protection Police Stations and women's police stations. There is also an application for smartphones and tablets called *Proteja Brasil*, which shows the phones and location of the specialized institution closest to that of the whistleblower. In addition the application offers assistance in case of doubts about the type of violence.

Dial 100 – Human Rights is a channel in which "complaints may be anonymous or, when requested by the whistleblower, the confidentiality of the source of information is guaranteed" (BRASIL, s/d). That way anyone can report it without being identified. Denouncing is not synonymous with accusing, since it is the specialized professional who will investigate the facts. Therefore, it is important to emphasize that it is not necessary to be sure that sexual abuse has occurred for the complaint to be made. It is an act of commitment to the safety and well-being of the child and adolescent, and the omission is as serious an act as sexual abuse itself. The ECA, in a single Paragraph of Art. 70-B, determines that

São igualmente responsáveis pela comunicação de que trata este artigo, as pessoas encarregadas, por razão de cargo, função, ofício, ministério, profissão ou ocupação, do cuidado, assistência ou guarda de crianças e adolescentes, punível, na forma deste Estatuto, o injustificado retardamento ou omissão, culposos ou dolosos (BRASIL, 1990).

The Statute, then, emphasizes the responsibility of people, who are somehow involved in the life of the child and adolescent, to make the complaint in case of violation of their rights. This reaffirms the obligation to whistle up an act as serious as sexual abuse, even if it is a suspicion.

In view of these notes, it is understood that sexual abuse is a serious issue, with a broad history, which permeates political discussions, cultural values (which change according to the regions of the world, and with the historical moment), and for physical, psychological and social health issues, which can seriously compromise the lives of many children and adolescents.

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3. FINAL CONSIDERATIONS

This article aimed to address the historical aspects of sexual abuse, going through Brazilian legislation and exploring the complexities of the subject even in relation to definition and nomenclature.

It was seen that children and adolescents were not always considered as human beings who need specific respect and care and that, throughout history, various types of violence were committed against this public without punishment to the aggressors, not even the attention of the public authorities to protect these people.

Faced with several cases of cruelty and negligence, laws were being instituted in favor of children and adolescents and, in Brazil, the ECA marks the establishment of several rights, providing for the protection of minors, and requiring adults to be responsible for caring for them.

Thus, sexual abuse is one of the phenomena that has gained the attention of the State and, currently, measures to protect against such violence have been established. Studies show the biopsychosocial damages that this aggression can cause to the victim and his/her family, as well as the mechanisms that involve the practice of sexual abuse, allowing prevention strategies to be taken and that aggressors of different profiles be identified and punished.

Nevertheless, it is known that the general population still lacks knowledge about the subject, including family members and institutions that are responsible for the protection of children and adolescents such as school, for example. Moreover, the lack of clarification about this phenomenon is a factor that corroborates that this violence continues to be reproduced. There is, then, the need for more research and interventions that provide the population with more and more information on the subject, raising awareness of the engagement of all in favor of guaranteeing the rights of children and adolescents, thus enhancing the fight against sexual abuse.

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APPENDIX - REFERENCE FOOTNOTE

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