

Brazilian Law: The Protection for Children and Teenagers Against Violence.

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Abstract. This article was developing a discussion about the existence of violence against children and teenagers in Brazilian territory and how the law guarantees adequate protection. The study sought to analyze violence data and the different types of aggression, qualifying and naming them, as well as quantifying this violence in Brazil. Given the data obtained, it's crucial to understand the existence of legislation that seeks to preserve and assure fundamental rights and the various laws about the subject. Highlighting the need for application and the existence of projects as a means to safeguard the enforcement of regulamentation, as demonstrated by the legal scope for insertion in the Brazilian context. This research broaches qualitative and quantitative methodologies, including data analysis and graphs, as well as a bibliographical review and documentary analysis. The parsing of data demonstrates the numerous cases of child violence, and the inspection of the law evidences the importance of legal regulation in this matter to sustain the children's rights and how its application becomes efficient for reducing them. The study will offer practical applications of existing programs and alternatives to reduce cases and ensure infant protection, as well as to strengthen the applicability of legislation in the context of violence.

Keywords. Human Rights, Brazilian Law, Children and Teenagers, Violence.

1. Introduction

Violence was not something new, unfortunately, neither for children and teenagers who were suffering different types of aggression over the years and nowadays. According to UNICEF, in a publication about education that protects against violence, stimulates almost two million kids will be killed for an act of violence until 2030.

According to the databases, the aggression against the youngest was significant in Brazil showing that these are not isolated cases, however, the reglamentation for criminalization and the security to preserve the rights were done for the legislation that seeks to improve the quality of life and protect children and teenagers.

In this sense, this article exposed existing projects in Brazil, demonstrating the concern of entities with the subject as well as the search for reducing the sad statistics of violence, collaborating in the search for protection and effective application of laws in Brazilian territory.

In conclusion, the preoccupation with regulated rights guarantee measures, the criminalization of illegal actions, and the creation of alternative programs to defend infancy against violence were effective in decreasing the catastrophic information obtained through research and protecting the youngest.

2. Research methods

This article used a quantitative methodology with a basis in appreciation of investigations about violence based on graphic accounting for the existence of aggressiveness in real life in Brazil to develop a quantitative inquisition of results.

Furthermore, this was also used as a qualitative methodology to document analyze and bibliographically observe the Brazilian law, literature review about this subject, all regimentation that guarantees security for the youngest and projects the applicability of the fundamental rights.

3. The violence against children and teenagers

It is known that in the world violence can cause bad and deeply difficult situations in people's lives. In accordance with the authors Fiorelli and Mangini about the miscellaneous faces of violence, "she takes care of the daily, disguised as outrageous behavior, challenge, disrespect; leads the most peaceful towards avoidance or escape".

To the youngest were not different, this fierceness changed their lives, influenced their development and marked your childhood, being that this violence appeared anytime and in different ways, be it physically or mentally, offenses, abysses, negligence or exploration.

3.1 Types of violence

In the world, there are different types of violence, this also happens with children, who suffer not only physically but of all types. For better research development and a more applicable conclusion, it is necessary to expose the varieties of aggression against the youngest, their nomenclatures and meanings, as well as their occurrence.

According to UNICEF, the main forms of violence were: physical, understood as offenses against the integrity and health of the body; psychological, being discrimination, humiliation, verbal aggression, bullying, disrespect; negligence or abandonment, the omission to promote the basic needs; sexual, the embarrassment for action or moments of sexual relation; traffic, transporting and kidnapping away; infant work, putting kids working illegally to make money; financial, stealing and destroying their belongings; and institutional, committed by a public agent.

3.2 Data in Brazilian territory

In addition to countless existing forms of violence against kids and the terrible influence that it leaves in their lives, the numerous ones in real life are impactful, corresponding to the Ministry of Health in Brazil: 32.211 infant deaths in the period of 2022 were counted.

According to the Atlas of Violence 2019, the sexual violence in Brazil had 184.524 cases, 51.2% of them against kids between 1 and 5 years old; abandonment and negligence registered 27.625 cases; and almost 27 million children and teenagers were suffering from privation without being assure of their fundamental rights.

Moreover, the Atlas of Violence 2020 found out the number of homicides of children and teenagers (0-19 years old) in Brazil (1980-2018) and combined it into the following graph, classifying homicide (dark blue) and homicide by firearm (light blue) against kids over the years exemplifying the growing violence: **Fig. 1** -

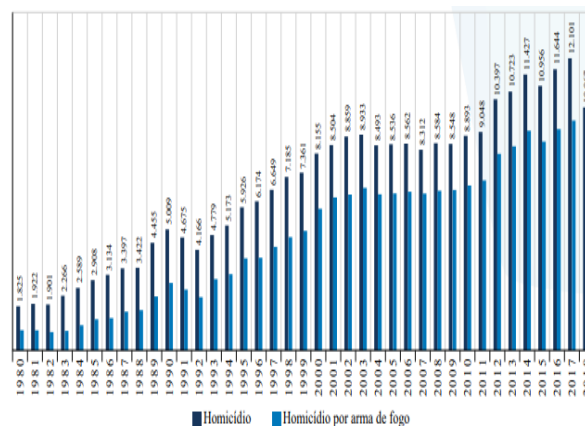


Fig. 1 - Font: Demographic Dynamics Studies and Analysis Management/IBGE and SIM/MS. Elaborated: Diest/Ipea and FBSP. Removed from Atlas of Violence 2020, page 32.

4. Brazilian law for protection

4.1 Fonts and legislation

The Brazilian legislation pursues the guardianship of the fundamental rights based on their Federal Constitution, mainly according to Article 227, which states that it is the duty of society, family and state to preserve their rights, like their life, health, alimentation, education, respect, and freedom, as well as protect them from negligence, discrimination, exploration, violence and oppression.

Besides the Convention on Children's Rights, ratified by Brazil, all the states will take appropriate measures for the security and protection of the youngest against every form of discrimination and humiliating punishment. In the country, the child until the age of 18 years old has a special regulation of rights and basic needs that are ensured for the Brazilian Statute of Children and Teenagers that fulfill the fundamental rights for the youngest.

In specialty, Article 3° talked about security and all the opportunities for their physical, mental, moral, spiritual and social development, with conditions of freedom and dignity. Also, Article 18 in the statute of children and teenagers presents everyone's duty to ensure the dignity of kids, butting them save of any inhuman, violent, terrifying, humiliating and compelling treatment.

Furthermore, the law counts with the criminalization of violence in the Brazilian penal code to avoid the illegal behaviors in society, according to Article 140, Section IV, which criminalizes offenses against the dignity of somebody, in particular against the youngest, gaining a sentence increase in these types of cases.

Even as physical and mental violence have several punishments, especially against kids, like Article 216-A, §2° and Article 217-A, which criminalize abuses and sexual violence, it is also increasing the punishment for who committed it versus kids,

seeking with this criminalization to avoid the repetition of illicit acts based on aggravated punishments in specific cases.

In that regard, there was legislation like Law Number 13.010/2014, establishing the right to have an education without physical chastisement or cruel treatment. Reinforcing the right to be educated and cared for without cruel treatment, according to Article 18-A, such as forms of correction, discipline, education or any other pretext, by parents, members of the extended family, guardians, public agents executing socio-educational measures or any person in charge of taking care of them.

Also, Law Number 13.431/2017 lays down the system of safeguards for children's and teenagers rights when they are victims or witnesses of violence, preserving their integrity with and guaranteeing a special listening about the facts and prevention against violence.

5. Project to protect

Moreover, in addition to the legal basis that guarantees protection and imposes the duty of care, several programs are being created in Brazil and inserted into people's lives to prevent violence and promote fundamental rights.

One of the governmental projects is called "Disk 100" to call and report violence against human rights. Also have a protection organ called "Guardianship Council" which is something specialized with the function of guaranteeing the respect of children's rights and to protect them.

Also have the project created by UNICEF called "Protect Brazil" which allows you to report violations of rights against children and locate protection organs in the main capitals. Another project is called "Skills for life", a guide to collaborating in the approach against violence inside and outside the school.

The search group called "Children in the Media" in the Feevale University that made formation in the school territory for an anti-discrimination education, and the system of guarantees of children rights cried to strengthen implementation of the state of children and teenagers.

In addition to inserting programs to identify this aggression, make children heard, feel safe and supported, also have legal support to guarantee the right, and pursue a reduction of the cases for greater safety.

6. Reduced data

However, between the years of 2017 and 2018, according to Atlas of Violence 2020, commemorating the anniversary of the Statute of Children and Teenagers, counting reports of homicides against the youngest demonstrated a reduction of 26%, and on attempted homicide, a

reduction of 16%.

As for infant labor, which in 1992 counted 7.7 million kids working, based on research and the applicability of the legislation mentioned before, it was demonstrated that in the year 2016, this number dropped to 1.8 million.

This demonstration of data implies evidence of the effectiveness of legislation to preserve integrity and guarantee the fundamental rights. Besides the large number of cases of violence existing in Brazil against the kids, the regulamentation was emerging to promote a better life for them with compliance with the fundamental guarantees and punishment of illicit actions to decrease violence.

With all this regulamentation and project in Brazil is visible the reduction of violence number and the effective guarantee of fundamental rights.

7. Conclusion

In conclusion, according to the evidence, in Brazil there were numerous cases of violence against children and teenagers, as well as different forms of aggression, like physical or mental, influencing and harming lives, that needed to be fought.

Otherwise, Brazilian law, over the years, has sought regulations to criminalize aggressive actions and establish the rights and basic needs that everyone in society, mainly the state, has to guarantee and has a duty to enforce laws.

Projects and program initiatives to listen to, care for and support children also prove to be effective in combating violence and serving as an aid to identify and reduce statistics, showing the importance of the subject for the society and the demand to support children and teenagers.

Concluding that, besides the large number of violences, there are legal movements from the judiciary and the existence of programs from the society who realizes the impact of violence and seeks to reduce this reality.

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