Passagens. Revista Internacional de História Política e Cultura Jurídica Rio de Janeiro: vol. 16, nº 3, setembro-dezembro, 2024, p. 416-431.

https://doi.org/10.15175/1984-2503-202416305

Articles

The attributions of public policies in the educational system for the prevention of sexual violence against children and adolescents

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Abstract

Sexual violence against children and adolescents is a problem whose scars can last a lifetime. In this sense, the general objective of the research is to analyze the attributions of public policies in the educational system for the prevention of sexual violence against children and adolescents based on the existing guidelines in the BNCC regarding sexuality in schools. With this overall purpose, specific objectives were developed in the subdivisions of the research work: to verify the right to education for children and adolescents in Brazil; to contextualize how the BNCC addresses the theme of sexual violence against children and adolescents. The research question guiding the study is: given the existing guidelines in the BNCC (National Common Curricular Base) regarding sexuality in schools, what are the attributions of public policies in the educational system for the prevention of sexual violence against children and adolescents? The deductive approach is used as the method of analysis, with the monographic procedure as the method of investigation, while the bibliographic technique is employed for research. It is evident that the educational system, through schools, acts as an important instrument for public policies to confront various violations of rights occurring during childhood.

Keywords: children and adolescents; educational system; public policies; sexual violence.

As atribuições das políticas públicas do sistema educacional para a prevenção da violência sexual contra crianças e adolescentes

Resumo

A violência sexual contra crianças e adolescentes é uma problemática cujas cicatrizes podem perdurar por toda a vida. Nesse sentido, o objetivo geral da pesquisa é analisar as atribuições das políticas públicas do sistema educacional para a prevenção da violência sexual contra crianças e adolescentes a partir das diretrizes existentes na BNCC sobre a temática sexualidade nas escolas. Com tal finalidade geral, desenvolveram-se os objetivos específicos nas subdivisões do trabalho: verificar o direito à educação de

Recebido em 20 de julho de 2023 e aprovado para publicação em 4 de agosto de 2024.

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crianças e adolescentes no Brasil; contextualizar o modo pelo qual a BNCC aborda a temática sexualidade nas escolas e demonstrar o papel do sistema educacional na promoção de direitos para o enfrentamento da violência sexual contra crianças e adolescentes. O problema que orienta a pesquisa dispõe, diante das diretrizes existentes na BNCC (Base Nacional Comum Curricular) sobre a temática sexualidade nas escolas, quais as atribuições das políticas públicas do sistema educacional para a prevenção da violência sexual contra crianças e adolescentes? O método de abordagem é o dedutivo, tendo como método de procedimento o monográfico, enquanto a técnica de pesquisa utilizada é a bibliográfica. Constata-se que o sistema educacional por meio da escola atua como importante instrumento de políticas públicas para o enfrentamento das diversas violações de direitos ocasionadas no período da infância.

Palavras-chave: crianças e adolescentes; políticas públicas; sistema educacional; violência sexual.

El papel de las políticas públicas del sistema educativo en la prevención de la violencia sexual contra niños y adolescentes

Resumen

La violencia sexual contra niños y adolescentes es un problema cuyas cicatrices pueden durar toda la vida. En este sentido, el objetivo general de esta investigación es analizar el papel de las políticas públicas del sistema educativo en la prevención de la violencia sexual contra niños y adolescentes, a partir de las orientaciones existentes en la Base Curricular Nacional Común (BNCC) sobre el tema de la sexualidad en las escuelas. Con este objetivo general en mente, se desarrollaron objetivos específicos en las subdivisiones del trabajo: verificar el derecho a la educación de niños y adolescentes en Brasil; contextualizar la forma en que la BNCC aborda el tema de la sexualidad en las escuelas y demostrar el papel del sistema educativo en la promoción de los derechos para enfrentar la violencia sexual contra niños y adolescentes. El problema que orienta la investigación es, dadas las directrices existentes en el BNCC sobre el tema de la sexualidad en las escuelas: ¿cuáles son los deberes de las políticas públicas del sistema educativo para prevenir la violencia sexual contra niños y adolescentes? El método de abordaje es deductivo, y el método de procedimiento es monográfico, mientras que la técnica de investigación utilizada es bibliográfica. Se encontró que el sistema educativo, a través de la escuela, actúa como un importante instrumento de política pública para enfrentar las diversas violaciones de derechos que ocurren durante la infancia.

Palabras clave: niños y adolescentes; políticas públicas; sistema educativo; violencia sexual.

Le rôle des politiques publiques du système éducatif dans la prévention des violences sexuelles envers les enfants et les adolescents

Résumé

La violence sexuelle à l'encontre des enfants et des adolescents est un problème dont les cicatrices peuvent durer toute une vie. En ce sens, l'objectif général de cette recherche est d'analyser le rôle des politiques publiques du système éducatif dans la prévention de la violence sexuelle envers les enfants et les adolescents, en se basant sur les lignes directrices existantes dans le National Common Curriculum Base (BNCC) sur le thème de la sexualité à l'école. Avec cet objectif général à l'esprit, des objectifs spécifiques ont été développés dans les subdivisions du travail : vérifier le droit à l'éducation des enfants et des adolescents au Brésil ; contextualiser la façon dont la BNCC aborde la question de la sexualité dans les écoles et démontrer le rôle du système éducatif dans la promotion des droits pour lutter contre la violence sexuelle à l'encontre des enfants et des adolescents. La problématique qui guide la recherche est la suivante, compte tenu des lignes directrices existantes dans le BNCC sur le thème de la sexualité à l'école : quels sont les devoirs des politiques publiques dans le système éducatif pour prévenir la violence sexuelle à l'encontre des enfants et des adolescents? La méthode d'approche est déductive et la méthode de procédure est monographique, tandis que la technique de recherche utilisée est bibliographique. Il a été constaté que le système éducatif, par l'intermédiaire de l'école, constitue un instrument de politique publique important pour lutter contre les diverses violations des droits qui se produisent pendant l'enfance.

Motsclés : enfants et adolescents ; politiques publiques ; système éducatif ; violence sexuelle.

教育系统的公共政策在预防针对儿童和青少年的性暴力方面的责任

摘要

针对儿童和青少年的性暴力很可能会给受害者留下终生创伤,是一个严重的犯罪问题。根据巴西国民教育基础 课程大纲 (BNCC)中关于性议题的指导原则,本文分析了教育系统的公共政策在预防针对儿童和青少年的性暴 力的作用和责任。为此,作者从三方面着手调查:首先,分析巴西儿童和青少年的受教育状况;其次,结合国 民教育基础课程大纲 (BNCC)中有关的规定——尤其是在学校里开展性教育和防范性暴力的讨论——展示教育 系统在维护儿童和青少年的权益、打击针对儿童和青少年的性暴力方面的作用;最后,参考 BNCC的有关规 定,作者梳理了巴西教育系统在预防针对儿童和青少年的性暴力方面的具体经验和教训。本论文的研究方法是 演绎法,充分利用各类文献资料,对课题进行深入讨论。本文的结论是,教育系统实施的公共政策,是打击针 对儿童和青少年的性暴力的重要途径,是防范各类侵犯儿童权利行为的重要工具。

关键词:儿童青少年;公共政策;教育系统;性暴力

Die Rolle der öffentlichen Politik im Bildungssystem bei der Verhütung sexueller Gewalt gegen Kinder und Jugendliche

Zusammenfassung

Sexuelle Gewalt gegen Kinder und Jugendliche ist ein Problem, dessen Narben ein Leben lang bleiben können. In diesem Sinne besteht das allgemeine Ziel dieser Untersuchung darin, die Rolle der öffentlichen Politik im Bildungssystem bei der Prävention von sexueller Gewalt gegen Kinder und Jugendliche zu analysieren, und zwar auf der Grundlage der bestehenden Leitlinien der National Common Curriculum Base (BNCC) zum Thema Sexualität in der Schule. Mit diesem allgemeinen Ziel vor Augen wurden in den Teilbereichen der Arbeit spezifische Ziele entwickelt: Überprüfung des Rechts auf Bildung für Kinder und Jugendliche in Brasilien; Kontextualisierung der Art und Weise, in der der BNCC das Thema Sexualität in der Schule behandelt, und Aufzeigen der Rolle des Bildungssystems bei der Förderung der Rechte zur Bekämpfung sexueller Gewalt gegen Kinder und Jugendliche. Die Fragestellung, die die Untersuchung leitet, lautet angesichts der bestehenden Richtlinien des BNCC zum Thema Sexualität in der Schule: Welche Aufgaben hat die öffentliche Politik im Bildungssystem, um sexuelle Gewalt gegen Kinder und Jugendliche zu verhindern? Die Herangehensweise ist deduktiv, die Vorgehensweise monographisch und die verwendete Forschungstechnik bibliographisch. Es wurde festgestellt, dass das Bildungssystem durch die Schule ein wichtiges Instrument der öffentlichen Politik ist, um gegen die verschiedenen Rechtsverletzungen in der Kindheit vorzugehen.

Stichworte: Kinder und Jugendliche; öffentliche Politik; Bildungssystem; sexuelle Gewalt.

Introduction

The theme of this research deals with sexual violence against children and adolescents, focusing on the attributions of public policies in the educational system for its prevention.

The problem that guided this investigation questions the attributions of public policies in the educational system for the prevention of sexual violence against children and adolescents, considering the existing guidelines in the BNCC (National Common Curricular Base) regarding sexuality in schools.

To address this issue, a hypothesis was presented, suggesting that the BNCC serves as a guiding document for approaching various teaching topics during the school years of children and adolescents. Any omission of students' interests can have crucial impacts on their future. Specifically, in the case of sexuality, it is initially addressed in the early grades, in the first year of elementary school. However, there is no continuation of this initial approach between the first and seventh years of elementary school, which negatively impacts the subject's treatment and hinders the progress of discussions, becoming an obstacle to preventing sexual violence against children and adolescents. Consequently, strategic actions in public policies by the educational system are necessary to confront this problem that disrupts rights during childhood.

The research adopts a deductive approach, starting from a general analysis of the attributions of public policies in the educational system for the prevention of sexual violence against children and adolescents, based on the guidelines provided in the BNCC regarding sexuality in schools.

The research method involves the use of bibliographic research, investigating theses, dissertations, journals, books, and scientific articles related to the topic, collected from databases such as the Coordination for the Improvement of Higher Education Personnel (CAPES) Theses and Dissertations Bank, the Brazilian Digital Library of Theses and Dissertations of the Brazilian Institute of Information in Science and Technology (IBICT), the Periodicals Portal of the Coordination for the Improvement of Higher Education Personnel (CAPES) and Google Scholar.

The overall objective of this investigation is to analyze the attributions of public policies in the educational system for the prevention of sexual violence against children and adolescents, based on the existing guidelines in the BNCC regarding sexuality in schools.

To address the research problem, three specific objectives were developed, leading to the organization of three chapters in order to examine the right to education of children and adolescents in Brazil; contextualize how the BNCC approaches the topic of sexuality in schools; and demonstrate the role of the educational system in promoting rights to confront sexual violence against children and adolescents.

The right to education of children and adolescents in Brazil

Education is a process that extends beyond the mere transmission of knowledge from teachers to students within the confines of the school environment. It encompasses more than that; it is the result of knowledge seeking, aiming to understand phenomena through the teacher's role as a mediator of extracurricular knowledge capable of equipping children with various forms of perceiving reality. This preparation involves instilling values, attitudes, concepts, habits, ideas, and skills. Throughout the journey of acquiring knowledge, the teacher serves as the instrument through which children embark on the path of unrestricted knowledge acquisition.

In Brazil, education is realized through processes that involve various segments of society, stimulating and involving individuals in work practices, family life, and societal interactions. It is particularly facilitated through institutions dedicated to educational development, fostering a dialogue with professional practices. The current model of education is the product of a historical and cultural process that has evolved from breaking away from practices that catered to the interests of economic and governmental elites of a certain period. As a result of a paradigm shift away from antidemocratic governments, the right to education in a universal, free, and democratic manner is a recent social achievement. This awakening has underscored the significance of knowledge acquisition for the betterment of living conditions (Melo, 2012, p. 63).

Officially, Brazil had its first contact with educational practices during the colonial period, where Jesuits acted as responsible figures for transmitting knowledge to the indigenous population in the interests of the Portuguese crown. Education was intertwined with the process of colonization and an alleged attempt to civilize the legitimate discoverers of Brazilian lands who were already inhabiting the region. The educational context was far from being a right, as it was aligned with practices of domination, with a religious character aimed at fulfilling selective interests (Oliveira, 2019, p. 31).

With the advent of reforms within the Portuguese Empire, particularly the Pombaline reforms, education assumed an absolutist character, serving the purpose of maintaining state power and increasingly moving away from the development of the citizen. Until the establishment of a democratic government, education was developed based on the interests of the dominant classes in the periods leading up to the 1988 Federal Constitution (Oliveira, 2019, p. 32).

During the Brazilian Empire, there was an unsuccessful attempt to structure the school system according to its selectivity, with investments in education being made available only to a privileged few. However, education was not prioritized in the government's agenda, leading to a lack of organization and long-term planning for improving the education system. The focus was on short-term solutions for political and economic issues of interest to the dominant classes rather than a comprehensive and sustainable development approach (Oliveira, 2019, p. 32).

The absence of strategic planning continued during the republican period, reflecting the imperial system, although more educational opportunities were created. However, these opportunities still followed the same restrictive and exclusionary perspective. While primary education was initially advocated for as free of charge, the implementation models were characterized by educational practices that were disconnected from the needs of society. Moreover, this period was marked by a significant increase in the illiteracy rate as a consequence of the government's lack of interest in organizing an educational plan (Melo, 2012, p. 43).

During the Estado Novo (New State) period, the inequalities in the educational system became even more apparent due to the fragmentation of education. The education provided to the elite differed significantly from that given to the working class. The rationale behind this distinction was the belief that it was necessary to prepare some individuals to issue orders while others were meant to be the recipients of those orders. This approach aimed to maintain a socially peaceful and stagnant context, without opposition to the interests of the ruling groups of the time (Melo, 2012, p. 66).

The division of education triggered concerns among the population, leading them to demand their rights. During the dictatorial period, reforms in the educational system were initiated, but they were characterized by authoritarian features and shared the same immediate objectives as previous governments. The main goal was to prepare a workforce rather than fostering the development of working-class consciousness. The focus was on combating ideologies that questioned the government's actions. As the military dictatorship declined and democracy gradually took hold, education gained prominence in political agendas, eventually becoming a right for all (Melo, 2012, p. 75).

The education has become a constitutional social right in the Brazilian legal system through Article 6 of the Federal Constitution of 1988. It is a right for all and a duty of the State, with its main objectives being the full development and exercise of citizenship, as stated in Article 205 of the CF/88. Article 206 of the constitutional text presents a set of principles that govern education, starting with access to education with equality of conditions for all individuals, guaranteeing the right to education and learning, embracing freedom of teaching, learning, thought, research, art, knowledge, and pluralism of ideas, seeking to ensure the standard of quality in education, and emphasizing the valorization of education professionals through a salary commensurate with the demands and responsibilities of the profession (Melo, 2012, p. 87).

On the other hand, Article 208 deals with the means by which the right to education will be realized in Brazil, ensuring free education for children and adolescents, as well as for those who did not have the opportunity to receive education at the appropriate age, covering education in different educational stages, from basic to higher education in a universal and

progressive manner, encouraging research and artistic production and guaranteeing access to education for all individuals. It also provides special assistance to people with disabilities, prioritizing their access to education in the regular education system (Melo, 2012, p. 88).

In the Child and Adolescent Statute (ECA), despite having a specific chapter addressing education rights, it also regulates the subject matter previously discussed in the Federal Constitution of 1988, but the theme is also addressed in a scattered manner, which is why it has been regulated in different ways throughout the statutory text, considering it is one of the main documents that regulate the rights inherent to childhood. Especially regarding the right to education and non-violence, Article 18-A addresses the subject in a way that no mechanism based on physical punishment, cruel or degrading treatment should be used in the educational process to educate, correct, or discipline children and adolescents (Barbosa, 2020, p. 80).

The Convention on the Rights of the Child, ratified by Brazil through Decree No. 99.710 on November 21, 1990, addresses the theme in the sense that its Member States must be instructed to protect children and adolescents to prevent violations of rights during childhood, aiming at proper physical, psychological, and moral development. Furthermore, they must safeguard the period of human development against exploitative economic activities, as well as activities considered harmful to health in their entirety (Barros, M., 2016, p. 125).

The right to education addressed in the constitutional text and regulated in the Statute of the Child and Adolescent (Brasil, 1990), especially concerning Article 227 of the Federal Constitution (Brasil, 1988, art. 227) is marked by a paradigm shift regarding the peculiarities of childhood. This is because it refers to the normative instrument that forms the basis for understanding the rights of children and adolescents, breaking away from the concept of irregular situation and recognizing them as subjects with rights. This approach is known as the theory of integral protection, which is based on the best interests of the child, considering the shared responsibility of the family, society, and the State in ensuring the right to education, safeguarding boys and girls against all forms of violence (Custódio, 2008, p. 32).

Regarding specific legislation on the right to education, the National Education Guidelines and Framework Law (LDB), Law n^o 9.394 (Brasil, 1996), serves as the foundation for understanding educational approaches, taking into account the regional and local characteristics of society, as well as the social and political reality. The educational period is divided in the LDB into higher education and basic education, which includes early childhood education, elementary education, and high school. The LDB is responsible for organizing and regulating national education guidelines, transferring to educational institutions the tasks of developing and implementing educational proposals, including linking schools to social practices through measures of promotion, awareness, prevention, and combating all forms of violence during childhood. Recently, there was a necessary change in the document to expand the scope of the LDB to include human rights and the prevention of all forms of violence against women, children, and adolescents as cross-cutting themes.

The context of the theme of sexuality in schools based on the National Common Curriculum Base (BNCC)

The National Common Curricular Base is the main instrument for guiding the path to be followed by each stage of education. Driven by Article 210 of the Federal Constitution (Brasil, 1988) and Article 26 of the Law of Guidelines and Bases of National Education, the BNCC resulted from the need for strategies to standardize teaching methods in line with the National Education Plan (Brasil, 2017).

The current National Education Plan (PNE), in effect from 2014 to 2024, has a tenyear characteristic, meaning it was approved to achieve goals, fulfill objectives, or come as close as possible to the success of its proposed guidelines. These guidelines include overcoming inequalities in education, universalizing education, eradicating illiteracy, emphasizing education for work and citizenship, democratizing public education, promoting cultural, scientific, humanistic, and technological advancement in Brazil, with a focus on improving the quality of education. The plan presupposes progress and not regression, especially concerning contemporary topics in society (Brasil, 2017).

The theme of sexuality in schools is one of the current educational issues of social interest listed in the National Common Curricular Base as a Transversal Contemporary Theme. Transversality is mandatory in the curricular inclusion of educational institutions, aiming to systematize content seen in theory applied in the classroom, with the goal of developing students as citizens and enabling them to recognize and address situations experienced or witnessed in society, such as sexual violence against children and adolescents, along with the methodologies proposed by the educational system for its prevention (Barbosa, 2020, p. 45).

Sexual violence is a silent form of rights violation, a complex and difficult-to-detect phenomenon, especially since it has a higher occurrence rate within the family environment, where there are greater restrictions that hinder identification and reporting to the relevant support networks for public policy action. Despite the significant numbers of this type of violence, there exists a hidden figure driven by cases that do not become public knowledge (Moreira; Custódio, 2019, p. 133).

This form of violence leaves lasting scars that often perpetuate through generations due to the absence of factors that prevent the break in the cycle of violence. Many of these factors relate to lack of awareness of one's own rights, how to deal with the situation, fear of reporting the violation, and disbelief in protection agencies, combined with a lack of perspective on changing the context of sexual violence (Moreira; Custódio, 2019, p. 133).

As a contemporary theme, sexuality should be approached by expanding beyond the biological aspects of the human body, considering all diversity and peculiarities that should not be limited to concepts and teachings that do not align with temporal advancements in society. Interdisciplinarity should be present in the transmission of current topics for understanding and effectively combating phenomena that affect society, which is why the content in the BNCC should provide support for human development throughout all stages of education (Barbosa, 2020, p. 38).

Although Brazil does not have specific legislation to make the discussion of sex education and sexuality mandatory in school curricula, there are documents that guide the development of the theme as a necessary transversal topic for achieving the purposes of education. Similarly, schools have autonomy to construct their internal curriculum through their Political-Pedagogical Plan (PPP), but the curriculum needs to align with the normative framework established in the BNCC. The latest version of the National Common Curricular Base, promulgated in 2017, does not provide a satisfactory treatment regarding proposals for addressing sex education throughout the basic education trajectory. This is because the theme is silenced when its analysis is limited to the final years of elementary education, only including the Science subject in the eighth grade (Barbosa, 2020, p. 43; 48).

The BNCC guides the subject of science for the early years of elementary education to address a specific unit related to life and its evolution in the first year. The objective is to provide knowledge about the human body and promote respect for diversity. For this purpose, it proposes the development of skills that encourage the discovery of bodily functions and respect for diversity within the school environment (Brasil, 2017).

From the second to the sixth year, the BNCC continues to guide approaches related to life and evolution but no longer addresses issues pertaining to the human body and respect for diversity. In other words, there is an initial proposal that allows for the introduction of themes related to sex education and sexuality. However, the subject initiated in the first year is silenced throughout the subsequent five years of elementary education, going against the trajectory of education for human and social development. The initial theme should have evolved with the advancement of the early grades, as this progress presupposes intellectual and social maturity (Brasil, 2017). Regarding the approach to Science in the final years of elementary education, the BNCC mentions the importance of children and adolescents taking ownership of issues related to their own bodies and respecting the bodies of others, including the necessary care for sexual and reproductive health. However, it does not address the methods for effectively providing this care, mainly due to the stagnation of topics that were not addressed in the early grades (Brasil, 2017).

In the seventh grade, the BNCC proposes the objective of addressing public health programs and indicators, but it limits itself to generic discussions about disease incidence. It is in the eighth grade of elementary education where the approach becomes relatively effective, as it proposes the discussion of reproductive mechanisms and sexuality by analyzing the changes that occur during puberty. It also addresses sexually transmitted diseases and teenage pregnancy, concluding the limited discussions on sexuality and sex education. However, starting from the ninth grade up to the final years of high school, the subject returns to a state of omission, which is present for a significant part of the school years (Brasil, 2017).

The BNCC, as an important document responsible for guiding educational issues in school environments, ends up taking a stance contrary to addressing various violations of rights during childhood, especially regarding sexual violence. This is due to the regression of approaches that limit themselves to the biological and physiological aspects of the human body without effectively contributing to human development (Barros, S.; Ribeiro, 2012, p. 169).

Sex education in schools should move beyond being restricted to the disciplinary aspect of science and adopt an interdisciplinary approach that is integrated with all proposed subjects in education. Considering the relevance of the subject, hiding the topic of sexuality would be regressing on a contemporary issue that demands constant innovation and updating. These issues should be continuously discussed to avoid compromising the educational process introduced in the early years and then reintroduced only in the later years of elementary education. Therefore, sex education, as well as discussions about sexuality and gender education, are considered taboo in society, and the stigma surrounding these themes can be diminished if the approaches initiated in the early grades are continued (Ippolito; Wille, 2014, p. 136).

To achieve this, it is necessary to address transversal topics strategically, considering the age group of each child and adolescent to adapt the language and approach of the subjects according to each person's intellectual maturity. Sex education cannot be neglected over a significant period of time, as it would hinder the proposal of knowledge objectives concerning the unit theme related to life and evolution. In other words, the discussion and interpretation proposed in the skills would be impaired due to the temporal gap where the topic was overlooked.

The role of the educational system in promoting rights to address sexual violence against children and adolescents

The educational system, especially when represented by the school, acts as a significant instrument of public policies for transforming the local reality, considering its close proximity to society, which allows for greater coordination in identifying and addressing situations that require immediate responses to complex situations, such as violations of rights during childhood caused by sexual violence.

It is in schools that children and adolescents spend the majority of their time, engaging in a process of socialization that involves building relationships, emotional bonds, intellectual and cognitive development, as well as the development of skills and values. It is a space with the potential to play a leading role in promoting and defending rights, aiming to strengthen the network of support and improve public policies for childhood (Barros, S.; Ribeiro, 2012, p. 178-179).

As part of primary prevention efforts, the school environment has the capacity to implement strategic actions to prevent sexual violence by conducting educational activities for awareness and self-defense, focusing on topics related to sexual education, sexuality, and gender. This is because the unique characteristics of schools empower them to act as key players in collaborating with other institutions in the support system, even though these organizations may operate independently (Barros, M., 2016, p. 200). The school,

In addition to being the social institution that is closest to children and adolescents physically, the school is the result of a social construction. By fulfilling its educational role, it conveys the values, norms, and rules of society. Therefore, it holds a strategic position. Education, especially in schools, is part of the set of public policies and actions that integrate and have responsibilities within the comprehensive protection network for children and adolescents (Ippolito; Wille, 2014, p. 133).

Being a place of reference for children and adolescents, the school, as a space of support and democratization of education, must act as a facilitating agent in providing information based on the promotion and defense of rights. This is because there is a need for a break with the education model based on conservative conceptions, which need to be eliminated in favor of building critical perspectives for preventive actions, as well as creating alternatives that aim at consolidating conditions of support and protection for individuals in peculiar conditions of human development (Ippolito; Wille, 2014, p. 133).

In this context, there arises the need to foster the protagonism of children and adolescents who must actively engage with issues related to childhood, especially those that correspond to age-related aspirations and contemporary subjects in society, as active participation is a form of exercising citizenship. For this reason, it is important to include young people in the educational policy agenda to provide effectiveness to the issues that concern the ultimate recipients of school actions, enabling the transformation of the school space through child empowerment (Lucas; López; Villoria, 2020, p. 249).

Contemporary themes address emerging issues in society, and they are equally of interest to children and adolescents, which is why they should be included in the school environment. The inclusion of these themes can occur through strategies that seek to break away from conventional teaching, considering current topics from a social, cultural, and historical perspective. In other words, distancing from an approach that is specific and sporadic. In the case of topics related to gender and sex education, this involves moving away from focusing solely on the biological aspects of the human body during a specific school period (Barros, S.; Ribeiro, 2012, p. 169).

For the strategic execution of contemporary themes, such as sex education and gender studies, characterized as cross-cutting topics, they can be effectively implemented through an interdisciplinary, transdisciplinary, and cross-cutting perspective as a category of addressing subjects that are currently transmitted in a restrictive and limited manner due to being intertwined with an education method seen as outdated for neglecting social advancements. As gender and sexuality issues are components of cross-cutting topics, it involves discussing themes that are present in everyday social life through flexibility and interaction that permeate all areas of education with approaches related to citizenship that are not limited to a particular discipline, nor does it require the curricular incorporation of a specific subject for addressing cross-cutting topics (Barros, S.; Ribeiro, 2012, p. 167-168).

Approaching these themes together makes the school's role in addressing situations of sexual violence effective, especially because the school works in a multidisciplinary way, acting as a facilitating instrument for the development, transmission, and innovation of educational strategies. It can focus on bringing families together with society within the school space, ensuring triple protection for the rights of children and adolescents through shared responsibility, thus enhancing comprehensive and effective protection (Rocha; Lemos; Lirio, 2011, p. 279).

As a preventive alternative in the school environment, there arises the need for carrying out pedagogical activities aimed at empowering children with rights promotion for selfprotection and self-care during childhood. The implementation of specialized listening through the establishment of prevention and support protocols becomes an essential resource with multiple purposes in the fight against rights violations (Ippolito; Wille, 2014, p. 137).

Specialized listening is grounded in fundamental rights and guarantees, characterized as an interview procedure conducted by entities within the support network, restricted to obtaining only the necessary information from the child or adolescent victim or witness of violence. It is a necessary method that should take place in a welcoming and suitable environment to prevent the process of re-victimization and institutional violence, as well as to minimize the impacts caused by situations of violence (Moura; Mello, 2021, p. 6-7).

As a prevention tool, specialized listening, when carried out in the school environment, acts as a facilitating agent in addressing sexual violence. This is because the closeness between teachers and students provides an opportunity for open dialogue and the transmission of information aimed at helping children and adolescents understand situations that may potentially violate their rights. These insights should be integrated into cross-cutting themes to be more effectively taught, ensuring that gender education, sexual education, and education on sexuality are addressed with the goal of combating social inequalities based on misinformation about the differences imposed between men and women. Similarly, sexual education requires moving away from outdated conceptions in favor of presenting scientifically accurate information, considering the context of diversity and following a logical sequence that should permeate all stages of education, taking into account the age group of each student to better tailor the language used in the approaches (Moura; Mello, 2021, p. 6-7).

Specialized listening conducted by professionals within the educational system must operate on the premise that, during the dialogue, the professional needs to remain immune to questioning or judgment. They should also act with impartiality during the educational process, as failure to do so may compromise the success of the listening procedure. For this reason, strategic planning is essential to enable the establishment of comprehensive and integral strategic actions, providing education professionals with joint, continuous, and interdisciplinary training. This aims to foster network communication for the appropriate implementation of specialized listening in schools as a preventive method against various violations of rights against children and adolescents during childhood (Moura; Mello, 2021, p. 7).

Conclusion

In Brazil, there is a denial of everyday needs. This denial begins primarily in the history of education, where education, when available, was a privilege for a few. The denial

of education persists across generations in a place where, in theory, a paradigm shift should occur through the deconstruction of concepts through teaching and information. However, even in schools, this issue is not addressed in the daily curriculum. This is because the curriculum often reflects a conservative and backward education that avoids addressing cross-cutting issues such as sex education, sexuality, and gender education, which creates barriers to addressing various rights violations.

Gradually breaking away from the institutional culture responsible for transmitting conservative and backward knowledge is a necessary action that should begin with the reformulation of the Common National Curriculum Base (BNCC) to include contemporary topics, such as sex education, education on self-care and self-protection, at all stages of education, according to each student's age group and considering the use of language. This aims to promote actions to address sexual violence against children and adolescents, starting with schools that play a primary preventive role against various rights violations during childhood.

How to cite this article:

ABNT

SOUZA, Ismael Francisco de; MAGALHÃES, Débora Karoline de Oliveira. The attributions of public policies in the educational system for the prevention of sexual violence against children and adolescents. *Passagens: Revista Internacional de História Política e Cultura Jurídica*, Niterói, v. 16, n. 3, p. 416-431, set.-dez. 2024. <u>https://doi.org/10.15175/1984-2503-202416305</u>

APA

Souza, I. F., & Magalhães, D. K. O. (2024). The attributions of public policies in the educational system for the prevention of sexual violence against children and adolescents. *Passagens: Revista Internacional de História Política e Cultura Jurídica*, 16(3), 416-431. doi: <u>https://doi.org/10.15175/1984-2503-202416305</u>

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Publisher responsible for the evaluation process:

Gizlene Neder

References

BARBOSA, Luciana Uchôa. *A metodologia da problematização como estratégia pedagógica para o desenvolvimento profissional docente em educação para a sexualidade.* 2020. 150 f. Tese (Doutorado em Educação em Ciências) – Programa de Pós-graduação Educação em Ciências: Química da Vida e Saúde, Universidade Federal do Rio Grande do Sul - UFRGS, Porto Alegre, 2020. <u>http://hdl.handle.net/10183/210528</u>

BARROS, Marilene Maria Aquino Castro de. *A participação da escola no enfrentamento da exploração sexual contra crianças e adolescentes em municípios impactados por grandes projetos mineiro-metalúrgicos*: um estudo de caso em Juruti (PA). 2016. 251 f. Tese (Doutorado em Educação) – Programa de Pós-Graduação em Educação, Universidade Federal do Pará, Belém, 2016. <u>https://repositorio.ufpa.br/jspui/handle/2011/8379</u>

BARROS, Suzana da Conceição de; RIBEIRO, Paula Regina Costa. Educação para a sexualidade: uma questão transversal ou disciplinar no currículo escolar? *Revista Electrónica de Enseñanza de las Ciencias*, v. 11, n. 1, p. 164-187, 2012. https://dialnet.unirioja.es/servlet/articulo?codigo=5647133

BRASIL. Presidência da República. Casa Civil. Subchefia para Assuntos Jurídicos. *Constituição da República Federativa do Brasil de 1988*. 1988. Disponível em: <u>https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm</u>. Acesso em: 10 set. 2024.

BRASIL. Presidência da República. Casa Civil. Subchefia para Assuntos Jurídicos. *Lei n*° 8.069, de 13 de julho de 1990. Dispõe sobre o Estatuto da Criança e do Adolescente e dá outras providências. 1990. Disponível em: https://www.planalto.gov.br/ccivil_03/leis/l8069.htm. Acesso em: 10 set. 2024.

BRASIL. Presidência da República. Casa Civil. Subchefia para Assuntos Jurídicos. *Lei n*° *9.394, de 20 de dezembro de 1996*. Estabelece as diretrizes e bases da educação nacional. 1996. Disponível em: <u>https://www.planalto.gov.br/ccivil_03/leis/l9394.htm</u>. Acesso em: 10 set. 2024.

BRASIL. Ministério da Educação. *Base Nacional Comum Curricular*. 2017. Disponível em: <u>http://basenacionalcomum.mec.gov.br/images/BNCC_EI_EF_110518_versaofinal_site.pdf</u>. Acesso em: 10 jun. 2022.

CUSTÓDIO, André Viana. Teoria da proteção integral: pressupostos para a compreensão do direito da criança e do adolescente. *Revista do Direito*, Santa Cruz do Sul, n. 29, p. 22-43, jan.-jun. 2008. <u>https://doi.org/10.17058/rdunisc.v0i29.657</u>

IPPOLITO, Rita; WILLE, Rosiléa. A escola como o espaço mais próximo da revelação da violência sexual e o cuidado de crianças e de adolescentes. In: SANTOS, Benedito Rodrigues dos; GONÇALVES, Itamar Batista; VASCONCELOS, Gorete (Org.). *Escuta de crianças e adolescentes em situação de violência sexual*: aspectos teóricos e metodológicos: guia para capacitação em depoimento especial de crianças e adolescentes. Brasília: EdUCB, 2014. p. 131-146.

LUCAS; Antonia Picornell; LÓPEZ, Estrella Montes; VILLORIA, Cristina Herrero. El protagonismo de la infancia em la política educativa. Propuesta desde Castilla y León. In: SELLER, Enrique Pastor *et al* (Ed.). *Familias, identidades y cambio social em España y Portugal. Siglos XIX-XXI*: perspectivas comparadas europeas. Cizur Menor: Thomson Reuters Aranzadi, 2020. p. 245-261.

MELO, Josimeire Medeiros Silveira de. *História da Educação no Brasil.* 2. ed. Fortaleza: UAB/IFCE, 2012.

MOREIRA, Rafael Bueno da Rosa; CUSTÓDIO, André Viana. O papel das políticas públicas na promoção de ações de sensibilização sobre violência sexual contra crianças e adolescentes. *Revista Jurídica Direito e Paz*, Lorena, v. 2, n. 41, p. 123-144, 2º sem. 2019.

MOURA, Vera Lúcia Braga de; MELLO, Anair Silva Lins e. *Material informativo e educativo para profissionais de educação*: orientações para a realização de escuta especializada de crianças e adolescentes no contexto escolar. Recife: Secretaria de Educação e Esportes de Pernambuco (SEE), 2021.

OLIVEIRA, Luiz Felipe Cândido de. *Poder político e educação na história do Brasil*: Império e Primeira República. 2019. 158 f. Tese (Doutorado em Educação) – Programa de Pós-Graduação em Educação, Pontifícia Universidade Católica de Goiás, Goiânia, 2019.

ROCHA, Genylton Odilon Rêgo da; LEMOS, Flávia Cristina; LIRIO, Flávio Corsini. Enfrentamento da violência sexual contra crianças e adolescentes no Brasil: políticas públicas e o papel da escola. *Cadernos de Educação*, Pelotas, n. 38, p. 259-287, jan./abr. 2011. Disponível em: <u>https://periodicos.ufpel.edu.br/index.php/caduc/article/view/1550</u>. Acesso em: 10 set. 2024.