

Rapes in Brazil: A Routine of Fear. Case Report

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Abstract: *The aim of this work was to scrutinize the actual national situation concerning rapes and their consequences over the Brazilian society, particularly over children and teenagers, more exposed to the risks. This work also reports the most recent and famous case of a multiple agent rape who attacked a 16-year-old girl causing national commotion and requests for the competent authorities.*

1. Introduction

Rape in Brazil is considered a heinous crime. Despite the designation, the staggering statistics of a woman being raped every 11 minutes in Brazil became known and debated by everyone in the light of the Olympics. The frequency of sexual assaults was highlighted after the repercussions of collective rapes in Rio and Piauí in May 2016 and printed posters in acts carried out in several states. The number, however, is acknowledged to be underreported and, according to experts, can be up to ten times higher, with an estimate of more than half a million women per year suffering some sort of sexual violence. The ratio, then, would be almost one abuse per minute. Researchers at the federal government's Institute for Applied Economic Research (Ipea) estimated that, based on research data from 2013, 0.26% of the population had suffered some form of sexual abuse, a figure equivalent to 527,000 people -10% come to the attention of the police. The numbers are far greater than those who arrive at the police, no doubt. "Women are embarrassed to have to go through the social judgment and the authorities and end up not denouncing," said prosecutor Maria Gabriela Prado Manssur, a specialist in coping with violence against women in the Public Prosecutor's Office of the State of São Paulo.

Gender violence is a direct reflection of the patriarchal ideology, which explicitly demarcates the roles and power relations between men and women in all grounds. As a byproduct of patriarchalism, the culture of machismo, often disseminated implicitly or surreptitiously, places women as the object of men's desire and property,

which ends up legitimizing and feeding various types of violence, among which, rape and emotional abuse. This happens in two ways: by the imputation of guilt to the victim (at the same time that he places the victim as a victim); and by the reproduction of the structure and symbolism of gender within the Criminal Justice System (SJC) itself, which victimizes women twice. Ataulfo Alves, Brazilian composer and singer of immortal sambas like "Ai que Saudade da Amélia" and "Mulata Assanhada", admittedly one of the most ardent composers in relation to popular sayings of his time, is perhaps a good example of how machismo and the culture of domination passes not only to be admitted, but even romanticized and admired in society.

Songs of marches from Frevo in Pernambuco, by the composer Capiba, announced that "the time that the woman only said : please do not hurt me anymore" As well pointed Andrade⁴ (2004, 62), legislation and the exercise of control and power by the SJC reflects and perpetuates the culture of machismo. The attempted overcoming of the patriarchal heritage is relatively recent in western history and begins only with the feminist movement of the late nineteenth and twentieth century [Blay, 2003]. In Brazil, only the first few decades have witnessed the first steps towards this direction. Indeed, in the Civil Code of 1916, the man was the head of the family and the woman was considered "relatively incapable." Until the 1970s, the thesis of "legitimate defense of honor" was allowed to acquit the person who murdered her spouse, as in the famous Doca Street case in 1979, which was strongly denounced by the feminist movement. During this same period, the legal context was debated whether the husband could be an active subject of the crime of rape against his wife⁵, since it was the duty of the spouses to have sex and please their husbands. In the wake of the feminist movement of the 1970s and 1980s, under the Federal Constitution of 1988, women began to play a role of equality in functions within the family sphere. Nevertheless, until 2009, rape was still classified as a crime of private action against

the costumes. In the words of Menicucci et al. (2005: 377), what would constitute a crime would be "aggression to society through the female body. It is as if the man (father or husband) was touched in his moral integrity by the sexual violence experienced by the woman". Since the enactment of Law No. 12,015 of August 7, 2009, rape⁶ has become a crime against sexual dignity and freedom. Only in recent years has the legislator explicitly recognized sexual dignity and freedom as a protected legal right, in which every human person, regardless of his sex, has the right to claim respect for his sex life, but obligation to respect the sexual choices of others [Maggio, 2013]

As documented in the literature, there are grave consequences of rape, both in short and long terms, which extend in the physical, psychological and economic fields. In addition to injuries that the victim may suffer in the genitals (especially in cases involving children), when there is the use of physical violence, also often bruises and fractures occur that, in the limit, may lead to the death of the victim. Rape can lead to unwanted pregnancy and lead to sexually transmitted infections (STDs). In psychological terms, rape may result in several disorders, including "depression, phobias, anxiety, illicit drug use, suicide attempts and posttraumatic stress syndrome", Faúndes et al. (2006), the conjunction of physical and psychological consequences still leads to loss of productivity for the victim, but also imposes a negative externality on society in general.

Despite the relevance of the issue, whether in relation to the guarantee of the most fundamental rights, or in relation to the social consequences of sexual violence, and particularly of rape, few quantitative empirical studies were produced in Brazil, certainly partly due to the difficulty of obtaining consistent and minimally qualified data on the phenomenon. Notable exceptions are due to Drezett et al. (2001), Ribeiro et al. (2004), Sudário et al. (2005), Menicucci et al. (2005), Vargas (2008) and Facuri et al. (2013). However, all the studies cited above were based on a restricted sample located in some municipality or hospital unit. To our knowledge, this is the first empirical study with national coverage that seeks to analyze the phenomenon of rape, with respect to the characterization of the victim and its relation with the perpetrator, as well as with regard to the treatment offered by the Unified Health System and potential consequences of crime. Particularly, in this paper, we analyze, through logistic regression models, the constraints associated with the probability of the victim: 1) suffering repeated rapes; 2) contracting STDs; 3) undergo prophylactic treatment against STD; 4) do legal

abortion; and 5) be referred by the health unit to other public agencies.

2. Rape in Brazil

2.1. Database: Notification of Injury Information System

The analysis produced in this study is based mainly on the microdata of the Notification Disease Information System (SINAN), managed by the Department of Health Situation Analysis (DASIS), Health Surveillance Secretariat (SVS), Ministry of Health (MS). SINAN was developed in the early 1990s with the objective of standardizing the process of registration, consolidation and sharing of disease data and compulsory notification (DNC) diseases in Brazil. The data are collected from the Notification / Individual Investigation Form, which is filled in the units of the Unified Health System, whenever there is suspicion of the occurrence of a compulsory notification health problem. Violence cases began to be related between 2006 and 2008, when surveillance was implemented in referral services for violence (reference centers for violence, STD / AIDS reference centers, specialized outpatient clinics, maternity hospitals, among others). As of 2009, the Violence and Accident Surveillance System (VIVA) became part of the SINAN NET Notification of Injury Reporting System, available to all municipalities in the country. Notifications of domestic violence, sexual violence and other violence began to be made in a standardized and universal manner, with the publication of Administrative Rule MS / GM No. 104, dated January 25, 2011. Thus, only from this year was the information of the associated grievances to violence strictly comparable, not allowing an analysis of the temporal evolution of related events.

2.2. Descriptive Statistics In the United States.

According to Tjaden and Thoennes (2006), 0.2% of individuals are raped each year (0.3% women and 0.1% men) and the police reporting rate is estimated at 19.1%. In Brazil, no interviews were conducted in specialized studies on the topic of sexual violence at the national level⁸ which, by their nature and the taboos involved, need careful methodology, so that the interviewees can truly report the information. However, in 2013, IPEA conducted a questionnaire on victimization, within the scope of the Social Perceptions Indicators System⁹ (SIPS), which contained some questions on sexual violence¹⁰. Based on the responses, it was estimated that each year in Brazil, 0.26% of the population suffers sexual violence, which indicates that there are 527,000 attempts or cases of rape

consumed annually, of which 10% are reported to the police¹¹. This information is consistent with data from the Brazilian Public Safety Forum (FBSP) Yearbook of 2013, which pointed out that in 2012, 50,617 cases of rape were reported in Brazil. However, this statistic should be looked at with caution, since, as has been pointed out previously, perhaps the methodology used in the SIPS is not the most adequate to estimate the prevalence of rape, and can only serve as an estimate for the lower limit of Prevalence of the phenomenon in the country. In 2011, 12,087 cases of rape in Brazil were reported in SINAN, which is equivalent to about 23% of the police total in 2012, according to data from the FBSP's Yearbook 2013. As in 2011 there were 3,901 municipalities in Brazil with less than 20,000 inhabitants, possibly a large portion of these small municipalities did not have specialized health service. The great exception among large municipalities is São Paulo, which registers this information in a proprietary system, not counted in SINAN.

The Victims

Regarding total notifications in 2011, 88.5% of the victims were female, more than half were under 13 years of age, 46% did not have a complete elementary education (among the victims with known schooling, this index rose to 67%), 51% of the individuals were black or brown and only 12% were or had been previously married. Finally, more than 70% of the rapes victimized children and adolescents. This is absolutely alarming and serious, due to the psychological devastating consequences, since the process of building self-esteem - which takes place at such stage - will certainly be compromised, causing innumerable vicissitudes in the social relationships of these individuals.

The Aggressors

It can be observed that the proportion of cases involving more than one aggressor is greater when the victim is a teenager, and is smaller when the victim is a child. One disconcerting fact is that nearly 15% of the SINAN rapes were committed by two or more perpetrators. Number of aggressors involved by age group of the victim usually changes in the number of aggressors, being a single aggressor, two or more aggressors or ignored number. Usually when involving children, about 83, 30% involves one single aggressor, followed by attacks by teenagers (79.7%) and finally adults (78.8%).

Teen rape in Rio de Janeiro

The 16-year-old girl who suffered a collective rape in Rio de Janeiro testified to police in may 2016. According to *Veja* magazine, which had access to the girl's statements, she claims to have been abused by several men in a surrounding community of Jacarepaguá. The rape was consumed somewhere inside Morro da Barão, specifically in Praça Seca, and a video exposing the act was available in the internet right after.

The girl reported to police that she left at dawn on a Saturday to meet a 19-year-old boy, nicknamed Peton, whom she had been dating for three years. After entering his home, she said she only remembers waking up on the following day (Sunday) in another house in the same community with 33 men armed with rifles and pistols in front of her. She said she was doped and naked and added that she had to wear a men's outfit and to take a taxi home, whose fare was paid by her mother. In the testimony, the teenager also said that she felt intense internal pains and that she was deeply shocked. The girl will be heard again to help identify the attackers. Police said she admitted using ecstasy and smelling lollipops, but said she did not consume anything on the night of the attacks.

Two men who posted the video on the internet were identified. A third, who made a selfie with the girl stretched out in bed after the rape, is also being sought. Delegate Alessandro Thiers begs anyone who has any information which might help in the identification of the authors to contact through his e-mail: alessandrothiers@pcivil.rj.gov.br.

Investigation

As for the video posted on Twitter, the investigations are still being conducted by the Computer Crime Repression Office of Rio de Janeiro (DRCI). The pictures show the girl unconscious. In the recording, a man says that "some 30 guys went through it." Feminist militants took the case to the State Attorney's Office of the State of Rio de Janeiro (MP-RJ), and an anonymous report was made with the video, as well as screenshots of social networks.

The account that initially released the video was blocked from Twitter, after a series of denunciations. Safernet, a non-profit organization dedicated to the defense and promotion of human rights on the internet, asks that images not be shared so as not to expose the victim even more, and says that he is also taking action.

Famous women rape victims

One of the most pertinent characteristics of rape is the social and global reach that such crime achieves. The list of currently famous women who have suffered some form of sexual harassment is vast, but when one approaches the subject of rape as a non-consensual carnal conjunction, the list is drastically reduced due to the stigma and shame insurgency attempt to make the subject public. So, in 1979, singer, actress and writer Madonna said she was raped in New York on the terrace of her apartment with a knife around her neck at the Woman of the Year 2016 award. In a video clip that exposes sexual abuse committed at American universities, whose song titled "Till it Happens to You" alerts from drugs used in drinks to leave the victims unconscious until the accomplishment of the act associated with the shame by having been violated. The list also goes on in Pernambuco where the Brazilian swimmer Joana Maranhão reported painfully, in local and national media, having been raped by her coach as a girl, continuing with other important names like the singer Kesha, the Brazilian former top model Monique Evans and Xuxa, the actress Cláudia Jimenes, continuing with Oprah Winfrey, Andressa Urach ... And many others.

Conclusions

We point out that the ideology of patriarchy and its macho expression - explicitly or surreptitiously disseminated in diverse cultures, the media and the criminal justice system - reinforces certain patterns of conduct that often lead to gender-based violence, and in particular, to rapes. This phenomenon is of concern in Brazil, in view not only of its short- and long-term consequences on the victims, but also on society as a whole. In addition to productivity losses, the violence that arises mainly within homes reinforces a pattern of learning that is shared on the streets. We estimate that, every year, at least 527 thousand people are raped in Brazil. From these cases, only 10% come to the police. In the absence of a database that would allow to deepen the analysis on this phenomenon in the country and that was representative of the entire population, we examined in detail the SINAN / MS microdata for the year of 2011. Obviously, we know that such analysis is conditional to the fact that the rape victim sought the public health facilities. Therefore, the results should be viewed with caution, since there may be some process of self-selection, which causes a particular type of victim to report to the authorities. In SINAN's records, 89% of the victims are female, generally with low schooling, and children followed by adolescents represent

more than 70% of the victims. In 50% of total incidents there is a history of previous rapes. This is an alarming data, as rape is known to cause long-term consequences, such as depression, phobias, anxiety, illicit drug abuse, suicide attempts and posttraumatic stress disorders.

Regarding the situational elements related to such events, one third of the cases is associated with the ingestion of alcoholic beverages. Coercion for threat, physical force and beating is the pattern, with only greater changes when the victim is an adult and the offender unknown, in which case the firearm was present in 23.3% of the crimes. On the temporal pattern of occurrences, one detail draws attention to the fact that the prevalence of rape follows inversely to that of violent lethal incidents, such as homicides, traffic accidents and others, as verified by Cerqueira (2013)², which occur more frequently on the weekends and in spring and summer months. In the case of rapes, the frequency is higher in the winter and on Mondays. Crimes involving vaginal penetration in adolescents between the ages of 14 and 17 result in a high pregnancy rate, which occurs in 15% of cases. Possibly this indicator, above the one found in the literature, is due to repeated events, considering the history of intrafamily sexual violence. Among the adult women who became pregnant, 19.3% had a legal abortion. This indicator drops to 5% when the victim is between 14 and 17 years old. The practice of legal abortion is only possible when both the victim and the legal guardian agree with the procedure. Given that a significant portion of teen rapes is perpetrated by the parents or stepfathers themselves, these two facts may help explain the lower rate of legal abortions in this age group. In the present study, it was also investigated the conditioning factors associated with the probability of the victim: 1) suffering repeated rapes; 2) contracting STDs; 3) undergo prophylactic treatment against STDs; 4) do legal abortion; and 5) be referred by the health unit to other public agencies. The likelihood of the victim suffering recurrent rapes is positively associated with the abuser's dominance relation to the victim. That is, the lower the chance of the victim being able to report the offender, the greater the likelihood that rape is recurring. In particular, when the offender is familiar, the chance of recurrence is 3.47 times greater in relation to the situation in which the victim knows the perpetrator, not being this relative, spouse, or boyfriend. Residing outside the urban area makes the likelihood of recurrent rapes increasing by 20%. Our calculations about the likelihood of the victim contracting STDs as a result of rape are fully in line with what has been demonstrated in the medical literature. Some results that deserve to be highlighted are: i)

unknown aggressors cause the chance of contracting STD to increase 45% in relation to the situation in which the victim knows the aggressor, since it is not a relative, spouse, or boyfriend; ii) victims who suffered injuries to the genitals are likely to contract STD 46% higher than victims without this type of lesion; And (iii) recurrent rape increases the chances of STDs by 43%. Regarding the analysis of the likelihood of the rape victim being treated for STD prophylaxis, in general the results were compatible with the procedure established by the Ministry of Health. However, it is inexplicable that individuals with lower education experience receive differential treatment in the Brazilian Health System - SUS (Sistema Único de Saúde), which reveals an inequality incompatible with the principle of universality and isonomy of the alleged system. Another point worth mentioning is the lower chance of treatment by residents in rural areas, which should be reflecting the scarcest conditions of qualified provision of public services in these regions, as well as the other public institutions in Brazil. Finally, about the likelihood of the victim being referred to other public agencies, such as police, public prosecutor or others, the result is that, if the perpetrator was a spouse or boyfriend, such chances decrease by 45% in relation to the cases where the perpetrator is known, albeit unrelated. As in situations involving adult individuals this is considered as a personal decision; and so there is no need for the health system to make such a complaint. This indicator reveals, to a certain extent, the state's difficulty in breaking a cycle of violence that occurs within homes. Social development and the guarantee of basic rights of dignity and sexual freedom go beyond the retrograde culture of machismo and the framework of sexual violations, which poses as an enormous challenge to the Brazilian state. It is dramatic to realize that 15% of cases of rape reported by the Ministry of Health were committed by two or more people and that 11.3% of rapes involving children were committed by the parents themselves, who should protect them. It is a picture that reveals a serious collective disease, of a society in a pre-civilizing stage.

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