

National Laws

Legislation of Interpol member states on sexual offences against children

Brazil - Brésil - Brasil

Brasilia

The information on this page is up to date as of spring 2006

I. Ages for legal purposes

Age of simple majority

In Brazil, according to the Article 9th of the Brazilian Penal Code, the person needs to be 21 (twenty one years old) to be qualified to acquire all the civilian life acts.

Age of consent for sexual activity

According to the information provided by the Medical Service of the Federal Police Department, which were narrated by a gynaecology, the woman's body only will be prepared to the procreation, after the puberty, when the initial alterations occurs in the woman's body at the age of 9 to 10 years; the following step is the first menstruation, when the girls is 10 to 15 years old; after all these processes the organism is prepared to procreate, so is presumed that this is the ideal age to the sexual activity.

Age of consent for marriage

According to the Article 1.517 contained in the New Civil Code (Law 10.406/2002 on January 11th, 2003) man and women that are 16 years old can marry, but it is necessary with both parents' authorization or their legal representatives while the civil majority is not reached.

Article 9th Civil Code: at the age of 21 (twenty one) years old, the minority finishes, and the citizen is capable to execute all the acts of the civil life.

Clause; Happening a parent's divergence, is applicable what is disposed on the main paragraph contained on the article 1.631.

Article 1.631 Brazilian Civil Code - Main clause; if the parents diverge regarding the familiar authority is assured to anyone appeal to the judge, in order to solve disagreement.

II. Rape

What constitutes the offence of rape under Brazilian Legislation?

According to the Article No 213 of the Brazilian Penal Code (Executive Law No 2.848, 7th December, 1940, composition given by Law No 7.209, 11th July, 1984) what constitutes crime of rape the fact to constrain a woman to the bodily carnal knowledge, by means of violence of serious threat.

What Legislation governs these offence(s)?

The Executive Law No 2.848, 7th December 1940, composition given by the Law No 7.209 on 11th July, 1984

The 1st Article, Law No 8.072/90, in conformity with the 5th Article, XLIII contained in the Federal Constitution considers hideous the crime of rape, as much as it's simple form (Art. 213 Criminal Code) and its qualified form (Art. 223 Criminal Code).

What are the different categories of sexual offences provided for in your country's Laws? (Sexual intercourse with a girl under 13, incest, buggery, indecency, etc).

Crimes against the sexual freedom: rape, violent indecent assault, sexual possess by means of fraud, violent indecent assault by means of fraud and sexual harassment.

What legislation covers these categories?

The Brazilian Penal Code (Decree-Law no 2.848, 7 December, 1940, according the Law's reform No 7.209, on 11th July, 1948).

IV. Child Prostitution

What are the different offences/ categories of child prostitution provided for by your country's Laws?

The Expression Child Prostitution is not useful in Brazil, but was replaced for 'Childish -Juvenile Sexual Exploitation'. We can join as 'Childish-Juvenile Sexual Exploitation' crimes categories distinguished in the Brazilian Penal Code: seduction - Article 247.

The act to seduce virgin women under the age of eighteen (18) or above the age of fourteen (14) and have carnal intercourse with her taking advantages of her inexperience or justifiable confidence: Punishment: Imprisonment of 2 - 4 years.

V. Child pornography

Child Pornography is an issue of great concern to the Brazil Government and Brazil has legislations against it such as the Child and Teenager Statute (Law No 8.069, on 13 th of July 1990), in which its article 241 says: 'Take photographs or publish explicit sex scenes or pornographic images involving children or adolescents: – Punishment: 1 to 4 years of reclusion.'

VI. Internet

Concerning crimes against children using the Internet, the Law operators use the existent Child and Teenager Statute (see above)