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### **Romeo and Juliet Law: Challenges of Implementing in Brazil**

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It is still very difficult to talk about Romeo and Juliet Law in Brazil for four fundamental reasons. To begin with, we still have a very tragic history of sexual abuse, crimes of domestic violence, exploitation of children and youth. The figures reveal that 444.056 girls from 10 to 19 years gave birth in 2009. Therefore, any more liberal idea that is presented sounds politically incorrect and, in these terms it is quickly rejected. Secondly, Brazil is considered to be one of the countries best known for its large-scale sexual tourism, mainly involving children and adolescents victims of this cruel practice. The Superior Court of Justice (STJ) has received severe international criticism, particularly from 2009-2012, due to a trial that resulted in the acquittal of a man who had sexual relations with three girls who declared themselves to be "sex workers," though they were 12 years of age. This decision was rendered due to lack of adequate legislation. Thirdly, it is important to point out that the legislation has changed a great deal in efforts to be applied more protectively. In fact, the STJ has increasingly tried to demonstrate its progressive intentions to perhaps "clean up" its image that has been stained in the past by the international press. Moreover, the Supreme Federal Court (STF), which together with the STJ make up the highest courts in the country, have tried to do the same. Lastly, Brazil presents a culture of early erotization of its children and adolescents. In television, "cultural" programs, and fashion, 12-year-old girls appear to be 18. Having sexual intercourse at a young age has become the norm. Children have become mothers and fathers at only 10 years of age. Clandestine abortions, and related deaths, are recurrent and have become a public health problem, especially in terms of very young pregnant girls. This is compounded by the prevalence of violence against women, that continues to increase and generate unstructured families, health problems, high levels of public spending, and individual tragedies.

It is important to point out that the Brazilian legislation intended, based on law n. 12.015 from 2009, to intervene in several areas (social, cultural, and legal) and make societal improvements, especially regarding sexual offenses involving children and adolescents. Currently, the sexual exploitation of children and adolescents under 18 years of age is seen as a crime in article 218-B of the Penal Code, including a client who knowingly has sex with the minor. The conduct, both that of the client and the pimp, are considered "hideous", according to law n. 8.072/90, that is they present the highest level of social and legal disapproval, raising the severity of the penalty up to 10 years of prison. Another major change was the adoption of the concept of a vulnerable victim, in article 217-A of the Penal Code. This applies to rapes with victims under 14 years of age, with or without violence. The legislation is undoubtedly now more protective in this regard, punishing these rapists up to 15 years of imprisonment, apart from labeling the conduct as "hideous," which entails more rigorous enforcement of sentence. Hence, it is evident that legal protection is now in place

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and its relevance is no longer an issue. However, in the context of the country, as discussed briefly above, young people tend to engage in sexual acts very early. In fact, it is common for young people 12 or 13 years of age to initiate some type of sexual contact, usually with school friends at parties with their group of friends. Many even with the knowledge and consent of their parents, who prefer that the young couple stay together in the same room in the summer beach house, rather than on the streets, in motel rooms or cars, where they could easily be the victims of robberies or even of homicides, given the high rates of everyday violence in the country. The fact that Brazilian legislation (law n. 8069/90) conceptualizes an adolescent as over 12 years old and under 18, raises an important issue. If two 13-year-olds, for example, each have sexual intercourse, would they both be simultaneously considered rapists and victims under the new legislation that addresses rape of vulnerable individuals? In this case, several state courts have understood that the case must be more closely analyzed, because if there is consent it should not be seen as a crime. However, the higher courts (STF and STJ) have a much more conservative and restrictive view, rejecting such an interpretation and imposing the criminalization of this conduct, with a more protective intention. Therefore, it is not possible to apply the so-called Romeo and Juliet Law in Brazil, accordingly STJ and STF. The Romeo and Juliet law tries to minimize the legal understanding of the crime of rape when the alleged victim and supposed perpetrator have both consented and have an age difference of less than three or five years, depending on which state within the United States. This avoids labels of "rapist" and "hideous crime" (as well as all of the consequences this may represent) for young people who are not really criminals. It should be noted that the rule does not apply when the victim does not consent, or when the victim is a child. The Romeo and Juliet rule was also adopted in Spain, from mid-2015. In Brazil, at this moment, there is not enough room for discussion or analysis of empirical data. In fact, many injustices have been committed in the name of this "pseudo protection".

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