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INSTITUTIONAL VIOLENCE IN CRIMES AGAINST SEXUAL DIGNITY WITHIN THE JUDICIARY[1]

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ABSTRACT

This article analyzes institutional violence in the context of crimes against sexual dignity, with emphasis on the performance of the Brazilian Judiciary. The research is based on the understanding that the revictimization of women, and vulnerable groups through discriminatory practices and discourses in criminal proceedings, constitutes a serious violation of human rights and the dignity of the human person. The actions of public agents who reproduce stigmas, neglect sensitive listening or blame the victim show how the justice system can become a space for symbolic and institutional violence. The approach to the topic is based on international treaties such as the Convention of Belém do Pará, on national legislation, especially Law No. 12,015/2009 and the Maria da Penha Law, and on documents such as the Protocol for Judgment with a Gender Perspective of the CNJ. The study is justified by the persistence of patriarchal judicial practices that hinder effective access to justice for victims of sexual violence. As objectives, it seeks to critically analyze judicial decisions, identify revictimizing practices and point out institutional alternatives based on gender equality and fundamental rights. Methodologically, a qualitative approach is adopted, through bibliographic review, documentary analysis and study of jurisprudence. In short, the article shows that, despite legislative advances, the justice system still reproduces discriminatory and revictimizing practices against women victims of sexual crimes. The patriarchal legal culture still compromises the effectiveness of fundamental rights.

Keywords: Institutional violence. Revictimization. Gender. Human rights.

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INTRODUCTION

Institutional violence, especially in the context of crimes against sexual dignity, reveals itself as one of the most perverse forms of human rights violations, especially when practiced within the justice system itself (CAVICHIOLI, 2022).

This paper aims to critically examine the performance of the Brazilian Judiciary in cases involving victims of sexual crimes, with emphasis on the practices of revictimization, victim blaming and reproduction of gender stigmas.

The research is limited to the analysis of institutional violence committed by public agents in the context of criminal proceedings, having as its central axis the treatment given to vulnerable groups and victims of sexual violence.

The justification for the study lies in the finding that, although the Brazilian legal system has legal and normative instruments aimed at the protection of women, such as the Maria da Penha Law, Law No. 12,015/2009 and international treaties such as the Convention of Belém do Pará, there is still a significant distance between normative theory and judicial practice (SOUZA, 2017).

For Cavichioli (2022), Law No. 12,015/09 brought relevant changes to the Brazilian criminal system, unifying the criminal conducts of rape and violent indecent assault in the same criminal figure, now called rape.

The permanence of discriminatory practices, sexist discourses, and the absence of an intersectional and gender-sensitive approach aggravate the vulnerability of victims and compromise the effectiveness of justice. Thus, the present research seeks to contribute to the academic and institutional debate on the urgent need for cultural transformation in the justice system (OLIMPIO, 2022).

The general objective of this work is to analyze the mechanisms by which the Judiciary can be an agent of institutional violence in cases involving crimes against sexual dignity. As specific objectives, it is intended to: (I) examine the forms of revictimization and prejudice present in judicial decisions; (II) identify the main challenges faced by victims in accessing justice; and (III) present good practices and normative instruments, such as trial protocols with a gender perspective, which aim at humanization and equity in criminal proceedings.

The methodology adopted is qualitative in nature, based on bibliographic review, documentary analysis and study of selected jurisprudence. Doctrinal, normative and jurisprudential sources that deal with institutional violence, the human rights of women, other vulnerable groups and the performance of the justice system will be used. It seeks, with this, to carry out a critical and interdisciplinary analysis, which unites elements of Law,

Legal Sociology and Gender Studies, contributing to the reflection and transformation of the national legal scenario.

INSTITUTIONAL VIOLENCE: CONCEPT AND CONFIGURATIONS

DEFINITION OF INSTITUTIONAL VIOLENCE

Institutional violence can be understood as any action, omission or conduct practiced by public officials, or by those acting on behalf of the State, that results in abuse, negligence, discrimination, embarrassment, revictimization or any form of violation of rights within the scope of the provision of public services, that is, it is the practice of illegal acts or omissions by public agents that should protect citizens, and may occur in public or private institutions (LIRA, 2021).

Secondary victimization, also called institutional violence, is especially serious because it is perpetrated precisely by those who, in theory, have the duty to protect the victim in the context of the investigation or judicial process: public agents. Because it is a conduct practiced by official State bodies, this form of revictimization tends to provoke a feeling of helplessness and frustration even more intense than the violence initially suffered (primary victimization) (CUNHA; ALBECHE, 2022).

In this context, it is essential that any violations of rights or attacks on the dignity of the victim, which occur during their search for protection in state institutions, be formally denounced.

Law No. 14,321/2022 defines institutional violence as the conduct of public agents who subject victims of criminal offenses or witnesses of violent crimes to unnecessary, repetitive, or invasive procedures, capable of leading them to relive, without justified need, the situation of violence, or other circumstances potentially generating suffering or stigmatization. The practice constitutes a crime, whose sanction is imprisonment from three months to one year, in addition to a fine (CUNHA; ALBECHE, 2022).

Sanctioned in March 2022, the aforementioned rule amended the Abuse of Authority Law (Law No. 13,869/2019), with the introduction of article 15-A. The new legal provision provides for an increase in the penalty by two-thirds if the public agent allows third parties to intimidate the victim of violent crime, causing undue revictimization. In addition, if the intimidation is practiced directly by the public agent in the course of the investigation or process, the sanction may be applied twice.

Thus, significant progress has been made in the recognition and protection of the rights of victims of crimes against sexual dignity, especially with regard to the prevention

and confrontation of institutional violence. Next, a historical overview of the configuration and treatment of this theme in the Brazilian legal and social context will be presented.

HISTORY AND PANORAMA IN BRAZIL

For Bernaski and Sochodolak, (2018), institutional violence in Brazil is a phenomenon historically rooted in the power structures of the State, reflecting deep social inequalities, authoritarian practices, and an institutional culture marked by impunity and the naturalization of abuses.

It is a form of violence practiced by state agents — whether they are police officers, public servants, health, justice system, or social assistance professionals — in the exercise of their functions, usually against people in situations of social, economic, racial, or gender vulnerability (OLIMPIO, 2021).

Since the colonial period, the use of institutionalized force for social control has been a recurrent practice, especially against black, indigenous, and poor populations. During the military regime (1964–1985), this logic was aggravated with the systematization of political repression and the use of torture as an instrument of the State. Even after redemocratization, these practices were not completely demobilized, being observed, to this day, in different sectors of public administration (BERNASKI; SOCHODOLAK, 2018).

In the contemporary context, institutional violence takes different forms: from violent police stops, negligence in essential public services, to the revictimization of people in judicial proceedings, especially in cases involving gender violence and crimes against sexual dignity. The perpetuation of this type of violence stems, in part, from the absence of effective public accountability policies, inadequate training of public agents, and the institutional culture of discrediting victims (SANCHES; BATISTA, 2025).

The enactment of Law No. 14,321/2022, which typifies institutional violence as a crime, represented a normative advance by formally recognizing the existence of this type of abuse within the state apparatus. However, its effectiveness still depends on the internalization of this concept by legal operators, the training of the professionals involved and the strengthening of control and accountability mechanisms (CUNHA; ALBECHE, 2022).

THE ACTIONS OF THE STATE AND HUMAN RIGHTS VIOLATIONS

The State, as a sovereign entity and guarantor of fundamental rights, has the constitutional duty to ensure the dignity of the human person, a principle enshrined in article 1, item III, of the Constitution of the Federative Republic of Brazil of 1988. This

precept constitutes one of the pillars of the Democratic Rule of Law and guides the actions of public authorities in the promotion of justice, equality and the full protection of individuals, especially those in vulnerable situations.

Notwithstanding the constitutional commitment to the promotion of fundamental rights, the Brazilian historical trajectory reveals that, on several occasions, this mission has been contradicted by institutional practices that perpetuate the systematic violation of human rights. This reality affects, in a more accentuated way, groups in vulnerable situations, who often face a state system that, instead of protecting them, contributes to their marginalization and revictimization. (BERNASKI; SOCHODOLAK, 2018).

The State's action, when marked by omissions, abuses of power or the reproduction of discriminatory practices of a structural nature, can constitute serious violations of fundamental rights. Such transgressions not only compromise the precepts established in the domestic legal system, but also affront norms enshrined in international human rights treaties and conventions to which Brazil is a signatory, evidencing a mismatch between the commitments assumed at the normative level and their effectiveness in institutional practice (OLIMPIO, 2021).

In these situations, the state apparatus itself ceases to fulfill its protective function to become a violating agent, compromising the population's trust in public institutions. Human rights violations can occur in different ways: from the absence of adequate public policies, through the slowness of the justice system, to more explicit acts, such as abusive police stops, revictimizing procedural practices, and institutional negligence in the care of victims. Such practices reveal a face of the State that perpetuates inequalities and silences voices, especially when it affects marginalized populations — such as women, black people, indigenous people, LGBTQIA+ people, and residents of the peripheries (DE MEIRA; RAMOS, 2022).

For the authors, in crimes against sexual dignity, these violations become even more sensitive, since the victim, when seeking protection from the justice system, may be subjected to procedures that expose her again to suffering – such as invasive interrogations, discrediting her report and omissions by authorities.

Institutional revictimization represents, therefore, not only a failure to fulfill the state's duty, but a serious affront to the dignity of the human person. Such a practice is absolutely incompatible with constitutional principles and with the commitments assumed by Brazil in the national and international scenario, especially with regard to the protection of human rights and the promotion of social justice.

CRIMES AGAINST SEXUAL DIGNITY: A LEGAL AND SOCIAL APPROACH

CLASSIFICATION AND LEGAL PROVISION (CP, LAW 12.015/2009)

Law No. 12,015/2009, published on August 7, 2009 and entered into force in the Brazilian legal system on August 10, 2009, promoted significant changes in criminal legislation with regard to crimes against sexual dignity. This rule represented a milestone in the reformulation of the legal treatment given to these crimes, incorporating important advances in order to ensure greater protection for victims (SOUZA, 2017).

In addition to substantially changing the Penal Code, the law also modified provisions of the Statute of the Child and Adolescent (ECA), expanding the protection of children's rights in the context of sexual crimes. In addition, it brought relevant changes to Law No. 8,072/1990, which deals with heinous crimes, including certain conducts of a sexual nature in the list of crimes considered extremely serious and deserving of a more severe legal regime (CAVICHIOLI, 2022).

According to Souza (2017), first, the law changed the nomenclature of Title VI of the Brazilian Penal Code, where it was previously designated as "Crimes Against Customs", with the new wording, it began to adopt the terminology of "Crimes Against Sexual Dignity".

Law No. 12,015/2009 also amended the text of article 213 of the Penal Code of 1940, which now provides for the crime of rape as follows:

> Article 213. To compel someone, through violence or serious threat, to have carnal intercourse or to practice or allow another libidinous act to be performed with him:
> Penalty - imprisonment, from 6 (six) to 10 (ten) years.
> Paragraph 1 - If the conduct results in bodily injury of a serious nature or if the victim is under 18 (eighteen) or over 14 (fourteen) years of age: Penalty - imprisonment, from 8 (eight) to 12 (twelve) years.
> Paragraph 2 - If the conduct results in death:
> Penalty - imprisonment, from 12 (twelve) to 30 (thirty) years (BRASIL, 2009).

According to normative and jurisprudential evolution, the crime of rape is no longer characterized exclusively by carnal intercourse, but also covers the practice of any libidinous acts committed through violence or serious threat. This conceptual expansion represents a significant advance in the protection of sexual dignity, by recognizing different forms of violation of the victim's physical and psychological integrity.

PSYCHOLOGICAL AND SOCIAL IMPACTS ON VICTIMS

Crimes that attack sexual dignity provoke, in the victims, profound consequences that transcend the immediate physical damage, intensely affecting their emotional, subjective and social dimensions. These are violations that compromise the victim's

psychic integrity and self-esteem, generating lasting trauma and hindering their full reintegration into social and institutional spaces (MELO, 2023).

These types of violence, due to their invasive and degrading nature, often culminate in serious psychological disorders, such as depression, anxiety, post-traumatic stress disorder, sleep difficulties, in addition to promoting social isolation and feelings of guilt and shame. Such consequences not only affect the immediate well-being of the victims, but also compromise their ability to recover and reintegrate emotionally, perpetuating the cycle of trauma for a long period (SIQUEIRA; BORGES, 2023).

For Olímpio (2021), emotional suffering intensifies even more when the victim, when seeking support and justice, faces revictimizing procedures within the institutions, such as insensitive questioning, distrust of their report, or inappropriate public exposure.

Institutional violence, in this scenario, acts as an element that aggravates the situation, intensifying the trauma and undermining trust in the judicial system. When the State, through its agents, does not offer the victim the proper welcome and empathy, emotional recovery is complicated and may even be interrupted. The perception of helplessness or of being judged by those who should offer protection can generate a new level of pain, often more persistent than the original violence (MELO, 2023).

In the social sphere, those who suffer abuse often deal with stigma, discrimination, and a tendency to silence, which harms their personal, work, and family interactions. The culture of distrust and the attribution of blame to the victim, which still persists in various segments of society and, unfortunately, also in institutions, represents an impediment to complaints being made and justice to being sought, favoring the continuity of impunity (SIQUEIRA; BORGES, 2023).

Thus, for Simões and Da Luz (2016), the consequences of crimes against sexual dignity, accentuated by the violence of institutions, go beyond the individual sphere and have repercussions on society, profoundly influencing the way in which justice, citizenship and human dignity are understood. To effectively deal with this issue, it is necessary not only to promote efficient criminal responses, but also to develop comprehensive public policies that offer shelter and reparation.

RE-VICTIMIZATION IN CRIMINAL PROCEEDINGS

Revictimization is the process by which a person who has already experienced a traumatic situation, such as a crime, abuse, or other form of violence, is again exposed to similar experiences or new episodes of suffering, often caused by the actions of others.

This new form of victimization can even occur in the institutional context, during legal or judicial procedures that, instead of ensuring protection and shelter for the victim, end up reinforcing violence and oppression, prolonging the initial trauma and amplifying the suffering of the vulnerable person, that is, instead of protecting and welcoming the victim, they end up reproducing dynamics of violence and oppression (DE OLIVEIRA, 2023).

In this context, it deepens the psychological and emotional damage already experienced by the victim, hindering their recovery process and generating lasting impacts on their mental health and well-being. In view of this, it is essential that there are public policies and institutional practices aimed at qualified listening, welcoming and preventing revictimization, ensuring victims a dignified and prejudice-free treatment (SIQUEIRA; BORGES, 2023).

Therefore, it is possible to assimilate Brazil as a stage of tolerance to the practice of so-called institutional violence. This, in the lesson of Olímpio (2021) apud, Taquete (2007, p. 95):

> [...] is that practiced, by action and/or omission, in institutions that provide public services such as hospitals, health centers, schools, police stations, the Judiciary, among others. It is perpetrated by agents who should guarantee humanized, preventive and damage repair care. In the field of institutional violence, we can find from the broadest dimension, such as the lack of access to health services and the poor quality of the services provided, to even more subtle but no less violent expressions, such as the abuses committed due to the unequal power relations between professional and user (OLIMPIO, 2021, *apud* TAQUETE, 2007, P.95).

Based on this definition, it is essential to emphasize that, in addition to acts and omissions, institutional violence can also be practiced through connivance, negligence or lack of technical competence on the part of public servants or those who act on behalf of the State in the provision of public services. Such conducts, when they cause damage or injury to those who use these services, constitute forms of institutional violence, representing a violation of the state's duties to protect, zeal, and guarantee human dignity (MELO, 2023).

THE ROLE OF THE JUDICIARY IN CRIMES AGAINST SEXUAL DIGNITY

ANALYSIS OF JUDICIAL DECISIONS AND JURISPRUDENCE

The Judiciary plays a fundamental role in the realization of the fundamental rights of victims of crimes against sexual dignity, being responsible for guaranteeing due process, ensuring the full protection of the victim and ensuring the accountability of aggressors, in accordance with the principles of justice and equity (SANCHES; BATISTA, 2025).

However, the analysis of judicial decisions shows a contradictory scenario, in which, despite normative and institutional advances, attitudes that perpetuate stigmas, prejudices and gender stereotypes, deeply rooted in the Brazilian legal culture, still prevail, compromising the full effectiveness of the victims' rights. (DE MEIRA; RAMOS, 2022).

For Santos and Andrade (2025), in several judgments, it is possible to identify practices of institutional revictimization, in which the victim herself is subjected to vexatious or disrespectful situations during the course of the judicial process.

Reports of trials in which the victim's clothing, moral conduct or intimate life are questioned are manifestations of a patriarchal logic that inverts roles and delegitimizes women's suffering. Such postures compromise not only the impartiality of the trial, but also the effectiveness of the right to dignity and full protection (OLIMPIO, 2021).

According to De Oliveira, (2023):

> (...) During the evidentiary instruction, victims and witnesses are often asked repetitive, inappropriate, unnecessary, provocative, degrading, humiliating, offensive, vexatious and invasive questions, which have the potential effect of degrading, belittling and belittling them as a person with dignity. In addition, they are often subjected to diligences that do not protect their honor, privacy and intimacy, such as the confrontation and simulated reconstruction of the facts, and that have the power to expose the victim and the witness to negligible contact with the defendant and can provoke the revival of the traumatic situation that he suffered or witnessed, awakening triggers that until then had remained dormant (DE OLIVEIRA, 2023).

More recent jurisprudence, however, points to a gradual movement of change, albeit incipient, with decisions that recognize the seriousness of institutional violence and revictimization in the procedural sphere.

Some courts have positioned themselves more sensitively to the issue, recognizing the importance of qualified listening, the preservation of the victim's intimacy and the adoption of less invasive procedural practices. Even so, the application of these guidelines is not uniform, revealing the urgent need for continuous training of magistrates and legal operators, in addition to the effective implementation of specific protocols for cases of sexual violence (STF, 2024).

RESPONSIBILITY OF THE JUDICIARY BEFORE THE CONVENTION OF BELÉM DO PARÁ, THE CF/88 AND THE MARIA DA PENHA LAW

The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, known as the Convention of Belém do Pará, was adopted by the OAS on June 9, 1994 and approved by Brazil on September 1, 1995, through

Legislative Decree No. 107, and ratified on November 27 of the same year (SIMÕES; DA LUZ, 2016).

This international instrument recognizes violence against women as a violation of human rights and fundamental freedoms, limiting the full exercise of these rights.

By stating that the eradication of violence is an essential condition for individual development and for the equal participation of women in all spheres of life, the Convention stands out as a legal and political tool for the protection and emancipation of women, guiding Member States to adopt effective measures for prevention, accountability, and reparation (CAVICHIOLI, 2022).

The Convention of Belém do Pará defines violence against women as any act or conduct based on gender that causes death, harm or physical, sexual or psychological suffering, both in the public and private spheres.

The law covers different forms of violence, including those that occur in the domestic environment, in the community, or even practiced or tolerated by the State and its agents. It is categorically stated that every woman has the right to live free from violence in all social spaces (CAVICHIOLI, 2022).

In Article 4, the Convention establishes fundamental rights, such as the right not to be subjected to torture, to have one's dignity and family protected, and to have equality before the law. It also ensures rapid access to justice, religious freedom, the right to association, and full participation in the country's public and political life.

The Maria da Penha Law (Law No. 11,340/2006) recognizes domestic and family violence against women as a crime, representing a fundamental legal framework in the fight against various forms of gender-based aggression (SIMÕES; DA LUZ, 2016).

The rule establishes a broad set of rights aimed at protecting women in situations of violence, covering measures for prevention, assistance and accountability of aggressors. In addition, it defines the specific attributions of each public agency, promoting integrated action between the justice system, public security, health, social assistance, and other sectors, in order to ensure an effective, welcoming, and humanized response to victims (OLIMPIO, 2021).

The Law was able to promote the formal recognition of women's vulnerability in domestic, family and affective relationships, as well as instituted the symbolic force of punishment in the legal redefinition of violence as an act harmful to collective values and feelings, definitively shifting the problem from the sphere of private life to the public sphere (SIMÕES; DA LUZ, 2016).

The Federal Constitution of 1988 brought important advances in the protection and promotion of women's rights, consolidating fundamental principles such as formal equality between men and women. Among the rights ensured, the expansion of women's civil, social, and economic guarantees, the recognition of equal rights and duties in marital relationships – including stable unions – and the affirmation of the principle of non-discrimination on the basis of sex (OLIMPIO, 2021) stand out.

The Magna Carta also prohibits discriminatory practices in the workplace and ensures rights related to sexual and reproductive health, recognizing women's autonomy in relation to contraception and maternity. These provisions represent an important advance towards gender equality in the Brazilian legal system. (TAVASSI; RE; BARROSO; MARQUES, 2021).

INSTITUTIONAL VIOLENCE PRACTICED BY THE JUSTICE SYSTEM

THE ROLE OF THE PUBLIC PROSECUTOR'S OFFICE, THE PUBLIC DEFENDER'S OFFICE AND THE JUDICIARY

In the context of institutional violence in cases of crimes against sexual dignity, the role played by the organs essential to the judicial function of the State. The Public Prosecutor's Office, the Public Defender's Office, and the Judiciary are to ensure the rights of victims and ensure the effectiveness of justice (OLIMPIO, 2023).

However, such institutions, although vested with authority and responsibility, do not always act in a manner that is free from discriminatory practices or insensitive to the specificities of these crimes, which can result in processes marked by re-victimization and the weakening of trust in the judicial system (ABREU, 2024).

Created by the Federal Constitution of 1988, the Public Defender's Office is "essential to the jurisdictional function of the State", and is responsible for the "promotion of human rights and the defense, at all levels, of the needy". The authors Siqueira and Borges (2023), cite:

> As an example of institutional violence that we seek to illustrate, it is possible to cite the case of Mariana Ferrer, which gained prominence in the national news and led to important legislative changes. This is a criminal case involving a São Paulo businessman accused of having sexually abused Mariana Ferrer, in the city of Florianópolis/SC. Throughout the procedural process for the investigation of the crime, the victim goes through moments of embarrassment and humiliation in the hearings, caused mainly by the defense lawyer, under the complacent gaze of the magistrate and the member of the Public Prosecutor's Office (SIQUEIRA; BORGES, 2023)

In this way, the criminal process is revealed as a privileged space for the reproduction of state violence, which may end up discouraging women from seeking the protection of their rights from the justice system.

Thus, established by the Federal Constitution of 1988 as an essential function of justice, the Public Prosecutor's Office is governed by article 127, which defines it as "a permanent institution, essential to the jurisdictional function of the State, which is responsible for the defense of the legal order, the democratic regime and the inalienable social and individual interests". In this way, the Public Prosecutor's Office plays a crucial role in promoting justice, monitoring legality and guaranteeing fundamental rights, especially of victims in vulnerable situations.

In this sense, the judiciary, as an essential function for the administration of justice, is provided for in the Federal Constitution of 1988, which establishes in its article 92 that the Judiciary is composed of several jurisdictional bodies, and the judges are responsible for ensuring the judicial provision in an impartial, fast and effective manner. Article 93, on the other hand, regulates the principles that govern the judiciary, including the guarantee of independence, impartiality and respect for fundamental rights. Thus, magistrates have the constitutional duty to apply the law with justice and equity, promoting the protection of human rights and ensuring the dignity of the human person at all stages of the judicial process.

Trust in judicial institutions is shaken precisely when they become the stage for practices that constitute institutional violence against women, compromising the legitimacy of the Judiciary and its protective function. It is essential to highlight that the Judiciary, as guardian of the Constitution, must ensure that the professionals responsible for the protection of fundamental rights guarantee equitable access to justice for men and women, as provided for in the Federal Constitution.

COPING INSTRUMENTS AND GOOD PRACTICES

TRIAL PROTOCOLS WITH A GENDER PERSPECTIVE (E.G. CNJ)

The challenges imposed by institutional violence in the justice system, especially in cases involving crimes against sexual dignity, the adoption of trial protocols with a gender perspective is a fundamental tool for the transformation of the judicial culture and the promotion of a more equitable, empathetic and effective performance.

Such protocols seek to guide magistrates in overcoming gender stereotypes and in the construction of decisions that respect the human rights of vulnerable groups, according to constitutional and international guidelines.

In this sense, the Protocol for Judgment with a Gender Perspective, prepared by the National Council of Justice (CNJ), stands out, which establishes interpretative and methodological parameters to be observed by members of the Judiciary in the judgment of cases involving gender inequalities.

> In accordance with the Democratic Rule of Law, the contemporary conception of impartiality adds a new point of view: the objective perspective of impartiality, which is the promotion of a jurisdictional activity under the focus of "substantial due process of law". Thus, impartiality ceases to deal only with issues related to the subjectivity of the judge, to encompass the very pursuit of a fair process, from the point of view of the procedure (CNJ. 2021).

The document proposes a critical reading of the norms, emphasizing the need to recognize the historical structures of oppression that affect women and vulnerable groups, and to break with judicial practices that perpetuate discrimination and revictimization. The CNJ protocol is supported by international commitments assumed by Brazil, such as the Convention of Belém do Pará and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Its application contributes to the realization of the right to equality and non-discrimination, in addition to being an important instrument in combating the patriarchal institutional culture still present in the justice system.

For Siqueira and Borges (2023), the continuous training and training of legal operators — including magistrates, members of the Public Prosecutor's Office, public defenders, lawyers, and other servants of the justice system — is an essential step in confronting institutional violence and in consolidating judicial action committed to human rights.

In this context, it is essential to include the gender perspective in training processes, in order to deconstruct discriminatory stereotypes historically rooted in legal practices and decision-making processes.

For Martins (2022), the special testimony requires more and more caution on the part of the magistrate, who must, as far as possible, follow the parameters outlined by the legislation and the protocol adopted by the CNJ.

Such training initiatives should address content such as the Convention of Belém do Pará, CEDAW, the Protocol for Judgment with a Gender Perspective of the CNJ, as well as topics related to social vulnerabilities, revictimization and substantial equality. The objective is to promote a critical understanding of the social reality of women and other vulnerable groups, contributing to more sensitive, fair decisions in line with constitutional principles (MARTINS, 2022).

The lack of technical preparation and sensitivity to gender issues can contribute to practices that reinforce victim-blaming and perpetuate subtle or explicit forms of institutional violence. Therefore, investing in periodic and mandatory training, aimed at humanizing justice and ensuring equal access to rights, represents an urgent and strategic measure for the construction of a more inclusive, democratic and effectively fair system (SIMÕES; DA LUZ, 2016).

GUARANTEE OF FUNDAMENTAL RIGHTS AND DIGNITY OF THE HUMAN PERSON

The guarantee of fundamental rights and the promotion of the dignity of the human person are essential pillars of the Democratic Rule of Law, as provided for in article 1, item III, of the Federal Constitution of 1988. This principle, elevated to the category of the foundation of the Republic, imposes on the State the duty to ensure the physical, psychic and moral integrity of all individuals, with special attention to those in situations of vulnerability, such as victims of crimes against sexual dignity (OLIMPIO, 2021).

This commitment, however, is not limited to the internal plan. Brazil, as a signatory to several international human rights treaties, assumes legal obligations that reinforce the protection of human dignity. Among these instruments, the American Convention on Human Rights (Pact of San José, Costa Rica), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará) stand out. Such regulations impose on the State the duty to adopt legislative, administrative, and judicial measures that ensure access to justice, the full protection of victims, and the effective accountability of aggressors (SIMÕES; DA LUZ, 2016).

In this scenario, it is imperative that the organs of the justice system, especially the Judiciary, the Public Prosecutor's Office and the Public Defender's Office, act based on a gender and human rights perspective, promoting an inclusive, equitable justice system committed to the eradication of institutional violence and the realization of the dignity of the human person as the supreme value of democratic coexistence.

CONCLUSION

The analysis of institutional violence in crimes against sexual dignity within the scope of the Judiciary shows the persistence of discriminatory practices that compromise the effectiveness of justice and the fundamental rights of victims. Although the Brazilian legal system includes a range of legal and constitutional provisions aimed at protecting the

dignity of the human person — such as the Federal Constitution of 1988, Law No. 12,015/2009, the Maria da Penha Law (Law No. 11,340/2006) and, more recently, Law No. 14,321/2022 —, it is observed that its application still encounters obstacles in institutional structures marked by stigmas, gender prejudices and stereotypes.

The phenomenon of revictimization, although legally reprehensible, is repeatedly reproduced in the course of investigative and judicial procedures, especially when victims are subjected to unnecessary, invasive or delegitimizing conduct by agents of the State. This reality reveals not only operational failures, but also a legal culture that sometimes resists the incorporation of a gender and human rights perspective in judicial practices.

In view of this, it is imperative to strengthen public policies to confront institutional violence, the adoption of trial protocols with a gender perspective, as well as the continuous training of magistrates, members of the Public Prosecutor's Office, public defenders and other legal operators. Only in this way will it be possible to transform the justice system into a truly accessible, egalitarian space that respects the dignity of victims, in line with the commitments assumed by Brazil at the constitutional and international levels.

In this sense, it was seen that the CNJ, in order to confront violence against women within the scope of the Judiciary, instituted a protocol for judgment with a gender perspective, which is a necessary measure to understand the influences of social inequalities in the Judiciary and, thus, ensure a fair trial.

In short, the existence of legal norms aimed at the protection of victims of sexual crimes does not ensure, by itself, their full effectiveness in concrete reality. The analysis reveals that women are still frequently treated by the Judiciary from a blaming perspective, being subjected to processes of institutional revictimization that perpetuate discriminatory practices and reinforce the culture of rape. This dissonance between the normative provision and practical action highlights the urgency of structural and educational measures that promote a cultural change in the justice system, in order to guarantee respect for the dignity, integrity and fundamental rights of victims.

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