ESTUDOS DE PSICOLOGIA
Psychological Studies

THEORETICAL ARTICLE

Social Psychology

Editor
Raquel Souza Lobo Guzzo

Support
Conselho Nacional de Desenvolvimento Científico e Tecnológico (Process nº 133589/2020-0).

Conflict of interest
The authors declare that there is no conflict of interest.

Received
October 16, 2022

Version final
June 30, 2023

Approved
January 31, 2024

The speech of children and adolescents in special testimony: violence entangled in the courtroom

A palavra infantojuvenil no depoimento especial: a violência enredada no tribunal

Mariana Ribeiro Melo[1], Laura Cristina Eiras Coelho Soares[1]

[1] Universidade Federal de Minas Gerais, Faculdade de Filosofia e Ciências Humanas, Programa de Pós-Graduação em Psicologia. Belo Horizonte, MG, Brasil. Correspondence to: M. R. MELO. E-mail: <melomribeiro@gmail.com>.

Article based on the dissertation by M. R. MELO, entitled "*Violência sexual contra as crianças e os adolescentes: tessitura de repercussões sociais e judiciais*". Universidade Federal de Minas Gerais, 2022.

How to cite this article: Melo, M. R., & Soares, L. C. E. C. (2025). The speech of children and adolescents in special testimony: violence entangled in the courtroom. *Estudos de Psicologia* (Campinas), *42*, e220124. https://doi.org/10.1590/1982-0275202542e220124

Abstract

Objective
The present article aims to comprehend how child sexual abuse and the testimony of victims are approached in legal proceedings utilizing the Special Testimony technique.

Method
To achieve the objective, the authors examined judicial decisions published by the Court of Justice of Minas Gerais. Through documentary analysis, 21 sentences were collected, and content analysis was employed, integrating the data with the literature on Special Testimony and the field of Legal Social Psychology.

Results
The observations encompassed the child's testimony as the sole piece of evidence, the influence of the media on legislative and judicial processes, the significance of documents and positions from Psychology in the courts, as well as the noteworthy manner in which the child articulates their speech.

Conclusion
Psychology is called upon to formulate positions and guide practices while carefully considering the limits and objectives of its intervention.

Keywords: Child abuse, sexual; Judgment; Minors.

Resumo

Objetivo
O presente artigo teve como objetivo apreender como a violência sexual contra criança e o seu testemunho são abordados nos processos que utilizam a técnica do Depoimento Especial.

Método
Como metodologia optou-se pela busca por decisões judiciais publicadas pelo Tribunal de Justiça de Minas Gerais. Foram coletadas 21 sentenças por meio da análise documental e utilizou-se a análise de conteúdo articulando os dados com a literatura sobre Depoimento Especial e o campo da Psicologia Social Jurídica.

Resultados
Percebeu-se a oitiva da criança como prova única, a influência da mídia nos processos legislativos e judiciais, a importância dos documentos e posicionamentos da Psicologia nos tribunais, bem como a notoriedade de como a criança articula sua fala.

Conclusão
A psicologia é convocada a tecer posicionamentos e a conduzir práticas, sendo necessário ponderar os limites e os objetivos da sua atuação.

Palavras-chave: *Abuso sexual de menores; Julgamento; Menores de idade.*

Child abuse[2] is a topic of extensive discussion. Such cases may garner media attention and elicit public outcry (Sousa, 2017), pressuring authorities for answers and solutions. In this context, the testimony of children in situations of violence has become an issue to be addressed in order to safeguard developing individuals facing such exposure. In 2017, a national norm was created that distinguished the testimony of child victims or witnesses of violence from that of adults. Thus, under the argument of seeking a process that accommodates the peculiarities of this stage of human development, Law No. 13,431 (Presidência da República, 2017) was approved. This practice was named "Special Testimony" (ST) and establishes: "the procedure for hearing a child victim or witness of violence before a police or judicial authority" (Presidência da República, 2017, art. 8º).

Non-revictimization is often advocated as a strategy to mitigate traumatic experiences, emphasizing the timing and manner in which a child discloses their account of events. To achieve this, computers, microphones, cameras, and a specialized room containing toys are used to make the process more welcoming. These procedures have sparked disagreements regarding their legitimacy and the contribution of Psychology to this practice. For example, Brito and Parente (2012) argue that some professionals envision that the practice would facilitate the production of evidence, ensure the child's right to be heard, create a welcoming environment for the child, and guarantee that the interview would be conducted by qualified professionals. As a result, they argue that these measures would combat impunity, prevent revictimization, and enhance the efficiency of the testimony. Conversely, other professionals perceive that the practice would violate professional ethics by equating interrogation with psychosocial listening, turning the right to testify into an obligation for the child, ignoring the possibility of false accusations, making the child co-responsible for sanctioning the accused, and prioritizing the aggressor's punishment as part of the technique, conflicting with psychological practice (Brito & Parente, 2012).

The theoretical discussion on the subject is not only relevant but essential for capturing the complexity of violence against children and adolescents. The years of ST practice, even before its regulation, led to extensive discussions[3]. These include comparisons with experiences in other countries (Coimbra, 2014), analyses of the effects of the practice on the involved subjects (Ramos, 2015), considerations on the use of protocols in conducting ST (Pereira, 2016), reflections on the tumultuous context of legislation approval (Arantes, 2017), and examinations of the psychosocial effects proposed by the legislation (Leitão et al., 2022).

[2] The term "child" was preferred when referring to individuals up to 18 years old, considering the average age of the cases analyzed, which was 11 years.

[3] In this paper, it is not possible to embark on the journey of conflicts, as it would deviate from the original scope. For additional information on the historical relationship between Psychology and Special Testimony, the following literature is suggested: Brito and Parente (2012).

Before the promulgation of the national regulation of special testimony (Presidência da República, 2017), Brito and Pereira (2012) conducted an analysis of judgments to ascertain how special testimony was being considered in judicial decisions. Their findings revealed that the testimony often occupied a prominent position in judgments due to the absence of other evidence. Child testimonies often played a decisive role in judicial decisions, attributing legal responsibility to the children.

The speech of these children may carry significance beyond the judicial realm. Caruth (1995) presents a perspective that emphasizes the integration of traumatic event content, not solely for testimony purposes but also for the process of healing. Pollak (1984, p. 6) further argues that "in order to report one's suffering, a person needs, above all, to find a listener". This perspective underscores the importance of listening to their narrative, avoiding framing it as testimony and steering away from a preconceived and structured approach. Instead, it empowers the individual to express their story.

Despite the lack of consensus on the practice, legislation has propelled the application of ST nationwide. The objective of this article is to comprehend the utilization of the speeches of children and adolescents in Special Testimony, as depicted in judicial decisions post the promulgation of the regulating law (Presidência da República, 2017). When is speech legitimized? What elements render the account questionable for judges and legal professionals? Can the testimony of a child or adolescent genuinely address an objective truth?

Method

The proposal of this investigation stems from the examination of the research conducted by Brito and Pereira (2012), who investigated the practice of ST through the analysis of court rulings. The objective was to assess how child testimony had been treated at the appellate court level in São Paulo, Rio de Janeiro, and Rio Grande do Sul. The aforementioned research was conducted before the promulgation of Law No 13,341 (Presidência da República, 2017), and the authors highlighted the prominence of child testimony in trials precisely due to the absence of other evidence (Brito & Pereira, 2012).

Seeking to contribute to this body of work, we delved into the findings by analyzing judgments from the Tribunal de Justiça de Minas Gerais (TJMG, Court of Minas Gerais) following the formal and national institutionalization of the ST practice, which resulted from the approval of the aforementioned law. The goal is to assess the recurrence of previous findings, analyzing changes that have occurred, and adding new data on how testimony is perceived in the courtroom. It is important to clarify that a sentence is a judge's decision, rendered at the trial court level (first instance), deciding the case or not (Guimarães, 2019). Unlike judgments, sentences may contain more detailed information about the case, such as the date of the incident, excerpts from the Special Testimony, the origin of the accusation, the victim's age, quotes about the children's statements, and the relationship between the victim and the accused. These were the data analyzed in this work, justifying the choice of the sentence format.

To conduct this research, the term "special testimony" was searched on the TJMG website. Thirty-two sentences were found, of which 11 were excluded, resulting in 21 decisions for analysis. Exclusions were based on two criteria: some were mere repetitions, while others pertained to crimes outside the scope of Law No. 13,431 (Presidência da República, 2017). Consequently, the term "special testimony" carried a different meaning than the focus intended for analysis in this article.

Documents hold a crucial position within the judiciary. Lemos et al. (2014) underscore that the historical examination of these archives facilitates an understanding of social practices. They assert that the "notion of evidence is linked to a specific way of treating traces as facts and reliable records of events, supposedly neutral and without any bias situated in the time and place in which it was produced" (Lemos et al., 2014, p. 428). Additionally, the authors comment on the truth status that these documents have gained with the intensification of legal processes. In light of the above, we deem judicial decisions to hold immense value for this research; they transcend mere sentencing records, serving as archives that encapsulate the history, knowledge, and ideals of a society and an era.

Results

From the analysis of the sentences, it was observed that, on average, the period between the date of the incident (at its first occurrence) and the sentencing was twenty months. The sentence does not necessarily imply the end of the case, and therefore, it cannot be considered as the conclusion of the case. It is important to emphasize that all sentences were pronounced after the promulgation of Law No 13,432 (Presidência da República, 2017). Despite this law encompassing other forms of violence, such as institutional and psychological violence, in the collected material, there was a prevalence of cases involving sexual abuse.

Only two cases involved female defendants, while all others had male defendants. As per the victims: 16 were female, three were male, and in two cases, this information was not provided. The age of the victims was mentioned only in 16 out of the 21 documents, with an average age of 11 years. This age observation is significant, as only two victims were over 14 years old, categorizing the other cases as rape of a vulnerable person.

In one of the sentences, an internment detention order was given as a security measure. This is a penal sanction aimed at promoting the treatment of the defendant through internment in a custody hospital. In the majority of the remaining cases, the defendants were sentenced to imprisonment, with an average sentence of ten years. Only five were acquitted.

In most cases, abuse occurred within the family environment. Regarding ST, 16 cases employed the procedure. Among those cases that did not employ ST, various reasons were cited, including the need for a psychosocial study, system malfunction, the victim's preference, lack of regulation on the date of the hearing, and, notably, the judge's decision based on the aim of minimizing harm and ensuring the accused's right to adversarial proceedings. It became evident that, in instances where ST was employed, judges frequently relied on the child's testimony to determine the guilt or acquittal of the defendant in the absence of other evidence:

> Yes. It is true that technical evidence is not the only reliable means to prove the criminal materiality, especially given the existence of scientific studies proving that sexual intercourse can occur without the hymen being ruptured. Therefore, the victim's testimony, in such cases, will be of utmost importance to achieve procedural truth and will result in a conviction when it is consistent, coherent, and harmonious with other evidence in the case records. (Tribunal de Justiça de Minas Gerais, 2019a, p. 3)
>
> Regarding materiality, it is pertinent to note that libidinous acts other than carnal knowledge do not always leave traces. In these situations, it is understood that the existence of the crime can be demonstrated by other means of proof, especially through the coherent account of the victim, since such illicit conduct, by its very nature, is practiced clandestinely. (Tribunal de Justiça de Minas Gerais, 2019a, p. 7)

In the five cases where the defendant was acquitted, all decisions were based on a lack of evidence, as the victims, including the accuser, denied the incident during the special testimony on the day of the hearing. As evident in the following excerpts:

> The victim's testimony today in the special testimony room was firm, not mentioning any acts of sexual abuse or similar, thus lacking sufficient evidence for a conviction. (Tribunal de Justiça de Minas Gerais, 2019b, para. 5)
>
> Concerning the attribution of the crimes, based on the statements provided today by the victim RCSS through the special testimony available through the National Council of Justice (CNJ) system, it becomes evident that there is no foundation for assigning guilt to the accused. The victim denied the occurrence of sexual abuses by the former stepfather, refuted any complicity on the part of the mother, as well as denied any incidents of torture. It is worth noting that, from the images, there is no indication that the victim appeared apprehensive, as if someone were instructing them to lie about their previous accusations. (Tribunal de Justiça de Minas Gerais, 2019c, para. 6)

Discussion

The ST proved to be decisive in acquitting or penalizing the defendant based on the victim's words. In the two instances where the child denied the crime in the special testimony, the defendant was acquitted. Thus, it can be inferred that the affirmation of the crime is considered valid, while denial is deemed inconclusive, resulting in acquittal.

The child's affirmation assumes the nature of an event that occurred, was verified, and is deemed true. Nevertheless, it is essential to problematize the judiciary's pursuit of truth. Felman (2014) questions whether the judgment genuinely seeks truth or strives for an outcome resembling a definitive resolution. Felman (2014) asserts that this resolution serves as a mechanism for the judiciary to try to bridge the gap created by the lack of understanding in the face of trauma:

> The law requires that the witness be able to narrate a story in the past, recount an event in the past perfect [...] but needs to relive it in the present, through an infinite traumatic repetition of a past that is not past, that has no closure, and from which one cannot distance oneself. (Felman, 2014, p. 205)

There are often arguments that the child's speech, gathered through ST, was crucial to proving that the incident occurred, sometimes in conjunction with other testimonies, as emphasized by the magistrates:

> Yes. The statements made by the victim are in harmony with the other testimonies in the case records and deserve credit for the confidence, clarity, and details they provide about the defendant's actions. It is worth noting that jurisprudence lends credibility to victims' statements in crimes against morals, especially when corroborated by other elements. (Tribunal de Justiça de Minas Gerais, 2018b, para. 45)
>
> It is observed that the victim narrated the facts with confidence and total coherence with the testimonies provided by the other witnesses, making it clear in the records the illicit conduct assumed by the agent. The authorship was demonstrated by the oral evidence collected, with the records containing a cohesive probative context, sufficient for the application of the Penal Law. Indeed, despite the defendant's denial, the victim clarified with firmness in the special testimony room that the accused touched her breasts and thighs, and in the extrajudicial phase, she also stated that the accused touched her buttocks, thus proving the crime under Article 213 of the Penal Code. (Tribunal de Justiça de Minas Gerais, 2019d, para. 4)
>
> It is noticeable that during the child's testimony, she feels embarrassed to mention that the defendant touched her intimate part (vagina) and speaks with a tearful voice. In crimes against sexual dignity, the victim's word takes on special relevance. In this regard, consider the guidance of the esteemed TJMG. (Tribunal de Justiça de Minas Gerais, 2020a, Foundation section, para. 14)

The majority of cases relied on a decision from the Superior Court of Justice (STJ) on the subject: "In the case of rape and indecent assault, the victim's testimony, corroborated by reliable testimonial evidence, has relevant probative value and justifies conviction when in harmony with other evidence" (Superior Tribunal de Justiça, 2002, p. 262). However, in most cases, there were no other proofs presented; only the child's account served to prove the violence.

However, it is evident that the testimony extends beyond the child's individuality. Pollak adds to this, asserting that "the work of memory is inseparable from the social organization of life" (Pollak, 1984, p. 14). When testimony is treated as merely an individual transmission, it overlooks the historical and cultural context of violence, leaving unassimilated sections that become incomprehensible gaps subject to attempts at tribunal codification:

> The attempt to gain access to a traumatic history, then, is also the project of listening beyond the pathology of individual suffering, to the reality of a history that in its crises can only be perceived in unassimilable forms. (Caruth, 1995, p. 156)

Additionally, we cannot fail to highlight the issue of victim accountability: "on their shoulders, lies the weight of condemning relatives, with the numerous ramifications that the situation brings about" (Brito & Pereira, 2012, p. 291). It is worth noting that, at times, the right to speak can be confused with the obligation to speak (Brito & Parente, 2012).

The Alleged Truth of Testimony

The recurrence of certain factors that judges relied on to credit the victim's account was observed, such as clarity, coherence, firmness, absence of confabulation, and the use by children of specific terms such as "buttocks" and "wee-wee":

> Although surrounded by feelings and symptoms resulting from the violence, the adolescent's account is coherent and clearly narrates the occurrence of repeated episodes of sexual abuse. During the evaluative process, it was not possible to perceive any secondary motivations that could suggest confabulation or uncertainty regarding the narrated facts. Thus, the data collected during the assessment indicate the occurrence of chronic and prolonged intrafamilial sexual abuse, since the time when K. was still a child. [...] The psychologist responsible for the special testimony informed on page 169 that she did not perceive "any secondary motivations that could suggest confabulation or uncertainty regarding the narrated facts. (Tribunal de Justiça de Minas Gerais, 2019e, para. 22)
>
> However, in a firm counterpoint, the victim herself, heard in a special testimony, pointed to the accused as the perpetrator of the serious acts described in the complaint. L.S.F., even at such a young age, confirmed to psychologist L.F.F. that Wanderson was in prison because he had beaten her mother and because he had put his hand on her "buttocks and wee-wee" (page 74). (Tribunal de Justiça de Minas Gerais, 2020b, para. 23)

In general, the magistrate seeks the victim's truth by aligning the child's ST with other information, such as the child's statement at the time of the accusation, the testimony of witnesses, and even some parts of the defendant's account, as well as the firmness in their speech and the words uttered. It is important to remember that in this practice, the child occupies two positions: that of a victim and of a witness (Coimbra, 2014), making the supposed extraction of truth from their words even more complex. This author further adds that: "Testimony is not simply what recovers the past, but also what, to some extent, establishes it, an attempt to make sense when often that would not commonly be possible" (Coimbra, 2014, p. 317).

Obtaining this account is complex, and for this purpose, protocols that attempt to minimize biases and reduce harm to the child are recommended. Van der Kolk and Van der Hart (1995) suggest

that inferences about traumatic events, such as the cases of violence in question, can only be made a posteriori. This is because some experiences are so traumatic that they do not find existing mental structures to integrate into, resulting in a fragmented and dissociated return. From this, we can ask whether protocols in ST could impact this elaboration of what happened, given the urgency in attempting to evoke memories and emotions for judicial purposes. With the pursuit of a presumed objectivity in conducting ST, there is a risk of fitting plural experiences into a standardized mold.

When including a protocol in the psychological field, attention must be paid to its potential for standardization. Individuals feel and experience things differently, and this uniqueness should be noticed and respected in the judicial system. In the practice of ST, there is a predominant interest in optimizing and standardizing the method of questioning children and adults, described by Pereira (2016) as the search for supposedly error-free and easily applicable instruments that, in turn, create a situation where extreme responsibility is placed upon the child.

The consistency in the victim's account was a crucial factor in the sentences rendered. Inconsistency, however, was sometimes perceived as a source of doubt, while, at other times, it was viewed as a natural confusion on the part of the child:

> Right. Although the victim's testimony appears secure in pointing out the existence of lewd acts perpetrated by the defendant, it must be recognized that the manner in which these events occurred was not adequately outlined. Indeed, while it is understandable not to demand a detailed description of factual events from a child, it is noted, firstly, that this court is not confident regarding the existence of any kind of penetration of the offender's sexual organ, nor of conduct that aligns with typical sexual acts such as carnal knowledge, anal or oral intercourse, or anything of the sort. (Tribunal de Justiça de Minas Gerais, 2020c, para. 14)
>
> Nor would it be plausible for the child, still lacking sexual vocabulary, to reproduce such significant facts with a wealth of details. The timid and hesitant posture adopted by the victim during her testimony with the social worker (p. 140) does not undermine the credibility of her accounts. It should be considered that the notable embarrassment expressed in court may stem from a reaction to such a vile occurrence. (Tribunal de Justiça de Minas Gerais, 2019f, p. 13)

Silence becomes an object of investigation in the pursuit for its meaning. Laub (1995) observed that some Holocaust survivors only managed to speak about the events 40 years later, and the imperative to speak is intertwined with the impossibility of expression, causing silence to often prevail over the truth. Some individuals go as far as reporting that, even when they could articulate something, it was still but a fragment compared to the totality of the facts. If for an adult the account of the events is still so obscure and challenging to access, for a child, still in the process of development, to speak clearly about a traumatic event without doubts or hesitations or to have their speech seemingly coherent as truth is significantly elusive.

The law strives to uncover an objective truth to render its verdict; however, in doing so, it extends beyond the boundaries of its subject matter and delves into intrapsychic issues. As pointed out by Mendes et al. (2021), intrapsychic phenomena are complex, and when appropriated by the judiciary, they can result in a reductionist and decontextualized practice. Sampaio (2017) questions whether there will be room for a psychology that does not tend to imprison the subject in fragmentations of the psychological totality and epistemological reduction since "[...] psychology must point to what is essentially human: history, movement, transformation" (Sampaio, 2017, p. 51).

The interface between heterogeneous subjects should not be treated simplistically. Oliveira (2020) emphasized that the collaboration between psychology and law does not take on a static

form, lacking a fixed essence. The author suggests the perspective of an "interferential field" (Oliveira, 2020, p. 207), which enables a "play on differentiation, that is, permanent variation that prevents both homogenization and subjection of one knowledge to another". Therefore, it is about not finding an exact and procedural measure to reconcile knowledge but integrating it in a way to position and reposition differences.

Another point that requires attention is that in three sentences the judge mentions that the defendant was removed from the hearing at the request of the victim. The request was made due to the victims mentioning that they would feel fearful and embarrassed to testify in front of the defendant. Despite ST presenting itself as an alternative to this encounter, it is noted that there is still embarrassment for the victims. Moreover, it is observed that this exposure is not limited to the courts. The media, for example, has influenced how individuals understand violence. In one of the sentences, a soap opera scene is used to depict the mother's position regarding her partner - the defendant in the case - and her daughter, the victim:

> On another note, as insightfully pointed out by the Prosecutor, the position adopted by the victim's mother in fervently defending the accused did not go unnoticed by the incautious psychologist, a typical stance in cases of sexual abuse perpetrated by parents or stepfathers, currently portrayed in the prime-time soap opera on Rede Globo – 'O Outro Lado do Paraíso' (The Other Side of Paradise), in which the character Lorena does not believe in the accusation made by Laura, who was molested in childhood by her stepfather, Police Chief Vinícius. (Tribunal de Justiça de Minas Gerais, 2018a, para. 40)

It is worth noting that the judge's assertion lacks a scientific foundation, as it is based solely on the portrayal of such an experience by characters in a soap opera. Sousa (2017) investigated judicial cases with significant media coverage and observed that there has been a focus on the victim, on the avoidant components of the crime, eliciting harsher penalties and denouncing lenient legislation. These media and social repercussions also reach the national congress, influencing the drafting of laws and impacting judicial decisions.

This upheaval mirrors the impending erosion of the foundation and stability of society, which the judiciary dreads. Confronted with a perceived threat, the legal system fears falling short in its accountability to society (Felman, 2014). In attempting to make sense and reduce the threat through decisions, there is a risk that the verdict itself becomes traumatic, as it denies the "trauma that was supposed to be remedied by the judgment" (Felman, 2014, p. 115), and thus does not propose effective protection for the victims.

In view of the above, it is argued that various moments in the judicial process can be considered to represent traumatic spaces, and the traumatic situation does not end with the testimony or the verdict, highlighting the importance of commenting on follow-up/referral procedures.

Regarding the referral procedures stemming from the practice of ST, one point reiterated in the literature is the lack of information about such a procedure (Ramos, 2015). While some protocols, recommendations, and resolutions envision support for those involved in the case, there is no uniformity regarding referral procedures and practices (Santos & Coimbra, 2017). From the perspective of psychology, referral would be one of the fundamental aspects of ST, given that the repercussions of the accusation do not end with the verdict. As highlighted by Ramos (2015), both the traditional method and ST:

> [...] need discussion not only about the method itself but also about the care provided to the child, the accused, and the family in the aftermath of their statements and sentencing. This moment is as or even more important than the moment of the DSD[4]/ST. (Ramos, 2015, p. 153)

[4] DSD is the Portuguese acronym for *Depoimento Sem Dano* (Harmless Testimony), which was the previous term for what is now referred to as Special Testimony.

For this, it becomes important to coordinate with existing devices. As emphasized by Coimbra (2014, p. 369): "It is not something that, once agreed upon, would remain functional forever. This system requires periodic adjustments and presupposes, consequently, some degree of proximity and coordination among the actors involved".

Thus, when reflecting on the role of psychology and potential child protection, following the enactment of the new legislation, Specialized Listening is provided as a procedure associated with Special Testimony: "For the purposes of this Law, the child and the adolescent will be heard about the situation of violence through specialized listening and special testimony" (Presidência da República, 2017, Art. 4º, V, § 1º). Britto et al. (2019) observe that the term Special Testimony appears more frequently than the term Specialized Listening in legislation and associate this discrepancy with the emphasis given to the former term. This prevalence in the text reflects the secondary status assigned to Specialized Listening, as defined in Law No. 13,431 – an interview limited to what is deemed necessary for its purpose within the framework of the protection network (Presidência da República, 2017). This fact becomes relevant because Specialized Listening aims at support (Conselho Federal de Psicologia, 2018) and not at judicial inquiry or truth-seeking.

Specialized Listening becomes even more important when we approach speech as pivotal in the path to protection. Laub (1995), through his work interviewing Holocaust survivors, reports that "The survivors did not only need to survive so that they could tell their stories; they also needed to tell their stories in order to survive" (Laub, 1995, p. 63). This symbolization is necessary to integrate the experience of the traumatic event into the individual's way of life, enabling other ways of expressing this struggle (Laub, 1995).

Moreover, it is not the child's responsibility to be clear and define the issue, as violence is commonly an entanglement of meanings constructed a posteriori. Listening makes this symbolization possible, and we agree with Ramos (2015, p. 153) in his inquiries: "does ST apply to all cases of alleged sexual violence against children? And, if so, will it be conducted in a standardized way? In what situations should we act differently?".

Paths to Child and Adolescent Protection

The tasks of the judiciary involve interdisciplinary practices since "judgment involves something larger than the law" (Felman, 2014, p. 100). In this regard, it is worth noting how magistrates consider the role of psychology in Specialized Testimony:

> In this case, the hearing was conducted with the assistance of a professional in the field of psychology, which alone qualifies her for the performance of the impugned act [author's emphasis] and, although it is recognized that the procedure was not carried out in strict compliance with what Law 13,431/17 dictates, it was done as closely as possible to ensure both the minimization of harm to the minor and the accused's right to adversarial proceedings. (Tribunal de Justiça de Minas Gerais, 2018b, p. 3)

Despite the apparent prestige, what is observed are fragmented uses of knowledge in interdisciplinary relationships, without the development of joint work with equitable contributions. Considering the demands of the judiciary, it is worth reflecting on how the work of psychology can find a space for critical practices within the institution.

Santos and Coimbra (2017) pointed to other roles that psychology can take in this practice, such as emotional support, accompanying those involved, and evaluating the child's conditions to undergo ST. We must remember Psychology's commitment, which is to subjective truth, and it should be attentive to the limits of its practice, weighing the boundaries and objectives of its actions, as its considerations may attain the status of truth.

Conclusion

With the aim of understanding how child sexual abuse and their testimony are addressed in legal proceedings utilizing the ST technique, the importance of psychology documents and positions in the courts, along with the child's expressions and articulation, becomes apparent. In this quest, some points proved noteworthy: the child's testimony as the main piece of evidence, the media's influence on legislative and judicial processes, as well as the arguments for validating or invalidating the truth raised by the child due to its supposed consistency. The results showed that the issues discussed in the literature prior to the legislation remained, such as the pursuit of convincing facts and the emphasis on testimony in judgments.

The judiciary seeks to master the issue, revealing a lack of understanding towards trauma and often placing the responsibility for testimony and verification squarely on the child. Beyond the inherent social dimension, the assimilation of the occurrence of violence is labyrinthine and often performed after the fact. This process encounters another issue when attempting to codify the form that the child uses to express themselves. Commonly, testimony is accompanied by silence or difficulty in being expressed, making it difficult to extract meaning. Moreover, it is understood that, at times, the judiciary may end up propelling decontextualized and reductionist practices.

We emphasize that the role of psychology can and should be broader, considering that intervention and referrals are an important part of the complexity arising from violence. Also, the traumatic situation does not end with the verdict. Talking about what happened can become a matter of survival, but psychological listening cannot be equated with testimony. Additionally, other roles of psychologists working in ST need to be further developed.

Given the socio-historical and cultural nature of violence against children and adolescents, it is suggested that more research be conducted to understand how legal actors in other regions of the country have used the practice of ST after its promulgation. To explore facets that may arise from territorial diversity is to resist the intended universalization and reductionism to deal with the issue, as well as sharing ways to expand the role of psychologists.

The demands for protection are valid; however, it is crucial to ensure that access to rights is not solely tied to expert reports or legal spaces. To navigate this complexity, we must avoid reducing the social to the individual. It is essential for forensic psychology not to become overly individualized, as entering the private domain may inadvertently confer legitimacy as a specialized knowledge. Furthermore, it is important to note that the friction between two fields does not imply hindrance; instead, it represents a necessary movement for the diversity of the psycho-legal domain without necessarily implying submission.

References

Arantes, E. M. M. (2017, abril, 22). *Valeu a pena aprovar o Projeto de Lei no 3792, de 2015, sem nenhuma Audiência Pública?* Notas sobre os discursos do presidente para o rei e a rainha da Suécia. Empório do Direito. https://emporiododireito.com.br/leitura/valeu-a-pena-aprovar-o-projeto-de-lei-n-3792-de-2015-sem-nenhuma-audiencia-publica-notas-sobre-os-discursos-do-presidente-para-o-rei-e-a-rainha-da-suecia

Brito, L. M. T., & Parente, D. C. (2012). Inquirição judicial de crianças: pontos e contrapontos. *Psicologia & Sociedade, 24*(1), 178-186. https://doi.org/10.1590/S0102-71822012000100020

Brito, L. M. T., & Pereira, J. B. (2012). Depoimento de crianças: um divisor de águas nos processos judiciais? *Psico-USF, 17*(2), 285-293. https://doi.org/10.1590/S1413-82712012000200012

Britto, A., De Paula, L., & Soares, L. (2019). Depoimento especial e escuta especializada nos casos de abuso sexual: repercussões da judicialização da práxis psicológica. In F. Amorim, J. Isabel, & M. Saadallah (Orgs.), *O fazer da psicologia no sistema único de assistência social* (pp. 152-168). Conselho Regional de Psicologia-Minas Gerais.

Caruth, C. (1995). Introduction: recapturing the past. In C. Caruth (Ed.), *Trauma*: *explorations in memory* (pp. 151-158). Johns Hopkins University Press.

Coimbra, J. C. (2014). Depoimento especial de crianças: um lugar entre proteção e responsabilização? *Psicologia: Ciência e Profissão, 34*(2), 362-375.

Conselho Federal de Psicologia. (2018). *Nota técnica sobre os impactos da lei nº 13.431/2017 na atuação das psicólogas e dos psicólogos*. Conselho Federal de Psicologia. https://crpsc.org.br/noticias/nota-t-cnica-do-cfp-sobre-os-impactos-da-lei-n-13-431-2017-na-atua-o-das-psic-logas-e-dos-psic-logos/#conteudo

Felman, S. (2014). *O inconsciente jurídico*: *julgamentos e traumas no século XX* (pp. 100-205). Edípro.

Guimarães, D. T. (2019). *Dicionário técnico jurídico* (22nd ed.). Editora Rideel.

Laub, D. (1995). Truth and testimony: The process and the struggle. In C. Caruth (Ed.), *Trauma*: *explorations in memory* (pp. 61-75). Johns Hopkins University Press.

Leitão, C. L., Neves, A. L. M., Sila, I. R., & Silva, C. R. (2022). Violência sexual e a "escuta especializada" de crianças e adolescentes: reflexões (im)pertinentes. In L. C. E. C. Soares, L. S. Moreira, A. L. M. Neves, & J. P. P. Barros (Orgs.), *Psicologia social jurídica*: *articulações de práticas de ensino, pesquisa e extensão no Brasil* (pp. 258-277). Abrapso Editora.

Lemos, F. C., Galindo, D., & Costa, J. M. (2014). Contribuições de Michel Foucault para analisar documentos e arquivos na judicialização/jurisdicionalização. *Psicologia em Estudo, 19*(3), 427-436. https://doi.org/10.1590/1413-73722233006

Mendes, J. A. A., Almeida, M. P., & Melo, G. V. L. R. (2021). Abandono afetivo parental: uma (re)visão crítica, narrativa-sistemática da literatura psico-jurídica em português. *Psicologia Argumento, 39*(105), 657-688. https://periodicos.pucpr.br/psicologiaargumento/article/view/26924

Oliveira, R. G. (2020). Rachando o campo psi-jurídico: pistas para (des)caminhos formativos. *Mnemosine, 16*, 195-211. https://doi.org/10.12957/mnemosine.2020.57661

Pereira, J. B. (2016). *O uso de protocolos de entrevista no depoimento judicial de crianças* (Dissertação de mestrado, Universidade do Estado do Rio de Janeiro). http://www.bdtd.uerj.br/handle/1/15399

Pollak, M. (1984). Memória, esquecimento, silêncio. *Estudos Históricos, 2*(3), 3-5. https://bibliotecadigital.fgv.br/ojs/index.php/reh/article/view/2278/1417

Presidência da República (Brasil). (2017). *Lei nº 13.431, de 04 de abril de 2017*. Estabelece o sistema de garantia de direitos da criança e do adolescente vítima ou testemunha de violência e altera a Lei nº 8.069, de 13 de julho de 1990 (Estatuto da Criança e do Adolescente). http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2017/lei/L13431.htm

Ramos, S. I. S. (2015). *Depoimento especial de crianças*: *multiversos em cena* (Tese de doutorado, Universidade Federal do Rio de Janeiro). https://site.cfp.org.br/wp-content/uploads/2017/02/Silvia-IgnezSilva-Ramos-Tese-de-Doutorado.pdf

Sampaio, C. R. B. (2017). Psicologia e direito: o que pode a psicologia? Trilhando caminhos para além da perícia psicológica. In M. Therense, C. F. B. Oliveira, A. L. M. N. Neves, & M. C. H. Levi (Orgs.), *Psicologia jurídica e direito de família*: *para além da perícia psicológica* (pp. 17-59). UEA Edições.

Santos, A. R., & Coimbra, J. C. (2017). O Depoimento judicial de crianças e adolescentes entre apoio e inquirição. *Psicologia*: *Ciência e Profissão, 37*(3), 595-607. https://doi.org/10.1590/1982-3703004032016

Sousa, A. M. (2017). Leis em (com) nomes de vítimas: a ampliação do Estado polícia e a produção de subjetividades na contemporaneidade. *Estudos e Pesquisas em Psicologia, 17*, 951-969. http://pepsic.bvsalud.org/scielo.php?script=sci_arttext&pid=S1808-42812017000300009&lng=pt&tlng=pt

Superior Tribunal de Justiça (Brasil). (2002). *HC 15258/SP*, 6ª Turma, Rel. Min. Vicente Leal, j. 22.05.2001, DJ 11.06.2001, p. 262.

Tribunal de Justiça de Minas Gerais (Brasil). (2018a). *Processo no 0104882-45.2017.8.13.0433*. Juiz de Direito: Nalbernard Bichara. DJ 23 de fev. de 2018.

Tribunal de Justiça de Minas Gerais (Brasil). (2018b). *Processo no 0110831-84.2015.8.13.0024*. Juiz de Direito: Luis Fonseca. DJ 30 de out. de 2018.

Tribunal de Justiça de Minas Gerais (Brasil). (2019a). *Processo no 0017185-32.2016.8.13.0720*. Juiz de Direito: Daniele Teixeira. DJ 08 de jun. de 2019.

Tribunal de Justiça de Minas Gerais (Brasil). (2019b). *Processo no 0203534-40.2015.8.13.0313*. Juiz de Direito: Antônio Oliveira. DJ 06 de dez. de 2019.

Tribunal de Justiça de Minas Gerais (Brasil). (2019c). *Processo n. 0018748-84.2017.8.13.0313*. Juiz de Direito: Antônio Oliveira. DJ 17 de set. de 2019.

Tribunal de Justiça de Minas Gerais (Brasil). (2019d). *Processo no 0117124-37.2019.8.13.0313*. Juiz de Direito: Antônio Oliveira. DJ 27 de nov. de 2019.

Tribunal de Justiça de Minas Gerais (Brasil). (2019e). *Processo no 0014626-04.2018.8.13.0051*. Juiz de Direito: Pedro Barcelos. DJ 12 de nov. de 2019.

Tribunal de Justiça de Minas Gerais (Brasil). (2019f). *Processo no 0068483-29.2017.8.13.0720*. Juiz de Direito: Daniele Teixeira. DJ 06 de jun. de 2019.

Tribunal de Justiça de Minas Gerais (Brasil). (2020a). *Processo no 0116932-93.2018.8.13.0231*. Juiz de Direito: David Cardoso. DJ 31 de jan. de 2020.

Tribunal de Justiça de Minas Gerais (Brasil). (2020b). *Processo no 0114973-77.2019.8.13.0223*. Juiz de Direito: Mauro Yamane. DJ 28 de abr. de 2020.

Tribunal de Justiça de Minas Gerais (Brasil). (2020c). *Processo no 0051703-83.2019.8.13.0351*. Juiz de Direito: Eriton Magalhães. DJ 30 de abr. de 2020.

Van der Kolk, B. A., & Van der Hart, O. (1995). The intrusive past: the flexibility of memory and the engraving of trauma. In C. Caruth (Ed.), *Trauma*: *Explorations in memory* (pp. 158-182). Johns Hopkins University Press.

Contributors

Conceptualization: M. R. MELO and L. C. E. C. SOARES. Methodology: M. R. MELO and L. C. E. C. SOARES. Writing–original draft: M. R. MELO and L. C. E. C. SOARES. Writing–review and editing: M. R. MELO and L. C. E. C. SOARES.