

TEN YEARS OF MARIA DA PENHA LAW: Advancements and Shortcomings in Confronting Gender Based Violence Against Women in Brazil*¹

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In August, 2016, Brazilian women celebrated ten years of the passage of Maria da Penha Law (LMP), one of the most comprehensive legislation packages to confront domestic Violence Against Women (VAW) in the world.² Sanctioned by former President Lula da Silva during his first mandate (2003-2007), the law was formulated by a consortium of Brazilian feminist NGOs and lawyers and debated in women's forums across the country before being presented to - and approved by - the National Congress.

Responding to nearly forty years of feminist campaigning for effective means of confronting and preventing VAW in Brazil (Barsted 2007, 2016, Gomes et al 2009), LMP was inspired on international conventions, plans of action and platforms for women's rights (Bandeira and Almeida 2015). It recognizes different forms of violence - i.e. physical, psychological, moral, sexual and patrimonial - and defines not only punitive measures against aggressors,

but also much needed protective and supportive measures in tending to the victims, as well as important preventive measures at large (Sardenberg 2011).

Since the passage of LMP, significant advancements were made in the development of institutional mechanisms and campaigns to confront VAW, with considerable positive results (Campos 2015). There has been a reduction of nearly 10% of femicides practiced within the domestic sphere (IPEA 2015). LMP has also contributed to the construction of a new consciousness about VAW, leading to increases on the number of reported occurrences. Due to successful campaigns led along the last ten years, nearly 98% of the adult population in Brazil now has some knowledge of LMP (Dias 2016; Pasinato 2011a). The inner workings of the Law are still not well known among the populace, but most people are aware that it is geared towards protecting women, making it one of the most 'popular' laws in the country (Campos 2015, Bandeira and Almeida 2015, Instituto AVON, IPSOS, 2011).

Despite these and other important achievements registered since the sanctioning of LMP, a considerable gap between law and practice still remains. Indeed, data relating to the incidence of VAW in Brazil shows that it is still an extremely serious problem, impacting the lives of women of all walks. As the "Chronometer of Violence Against Women" elaborated by Agência Patrícia Galvão (2015) informs us, in Brazil: a) 5 women are battered at each 2 minutes; b) 1 is raped at each 11 minutes; c) 1 femicide occurs at each 90 minutes; d) an average of 179 reports of physical aggression are registered daily; and e) nearly 13 female homicides are committed per day.³ In point of fact, in 2013 Brazil had an average rate of 4.8 female homicides for each 100 thousand women, a rate 2.4 times higher than the average rate of 2 female homicides in a pool of 83 nations. Not surprisingly, Brazil had the fifth highest average rate in this pool, only ranking behind El Salvador, Colombia, Guatemala, and Russia.

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¹ O documento foi elaborado para a ONU, motivo pelo qual optamos por manter a formatação original, que não obedece às normas da ABNT.

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² Thus named in honor of Maria da Penha Maia Fernandes, a teacher from the State of Ceará, whose appeals to local Police Stations and courts to protect her from her husband had gone unheard. He was left free to come home and shoot her, leaving her paraplegic. In 1998, the Brazilian government was finally condemned for 'negligence and omission' in acting upon several complaints filed by her against her former husband fifteen years before. In 2002, he was finally incarcerated for attempted murder, but nearly twenty years after the shooting that put her in a wheelchair for life.

³ <http://www.agenciapatriciagalvao.org.br/dossie/o-dossie/>

In great part, these high rates spring from the numerous shortcomings that still prevent the implementation of LMP in the spirit in which it was formulated – that is, to save women’s lives (Sardenberg, Tavares and Gomes 2016). In addition to meeting considerable resistance, particularly within the judiciary system, it faces the shortcomings of federalism: LMP is a Federal Law and thus of national scope, but depends on state and municipal organs and agencies to be properly implemented. This has given rise to different local policies and practices that often fall short of fulfilling the aims of the law (Sardenberg, Tavares and Gomes 2016). Moreover, the overall shortage of budgetary allocations for its proper implementation (Aparecida Gonçalves in Carta Capital 2012), together with the absence of cross-agencies coordination through the chain of services, delays the needed procedures. And yet, due to the lack of compatibility among existing data on cases, processes, victims and aggressors, important for monitoring procedures, the State’s response in making the needed changes is often limited (Alves, Dumaresq and Silva 2016). These structural constraints, along with the workings of the ‘culture of violence’, so deeply ingrained in the construction of masculinity in Brazil (Segato 2003, Machado 1998, 1999), respond for the still alarming rates of violence against women, despite the advancements brought about by LMP (Sardenberg and Grossi 2015).

In face of this situation, a Mixed Congressional Investigation Committee on Violence Against Women (CPMI) in Brazil, involving both House of Representatives and the Senate, was created through request n.4/2011, and installed in March of 2012. It had the stated purpose of investigating the situation of VAW in the country, also checking on the charges of omission on the part of the State in relation to the non application of the existing instruments to protect women in a situation of violence. The investigations ran for close to eighteen months, period in which the Commission held twenty-four public audiences, visited several government agencies, talked to activists and analyzed hundreds of documents. The final report, approved on July 2014, delineates the situation, state by state, listing the major problems faced in each one and elaborating specific recommendations to confront

them (Campos 2015).⁴ Among its major conclusions, figures the need for Brazil to take serious action in relation to the issue of VAW, “particularly to reduce femicides practiced by intimate partners and to eradicate state tolerance in the procedures regarding the trials of these crimes” (Campos 2015: 545, my translation).

It is not surprising then that after ten years of the passage of LMP, a number of questions regarding its implementation remain opened, as seen in the telling outburst of Télia Negrão (2016, my translation), former president of the Feminist Health Network, in Facebook:

“After ten years of Lei Maria da Penha, it is necessary to debate and evaluate it. Why so many women continue to die? Why violence continues to grow especially against black women? Why is it so difficult to implement public policies that save lives? Why do judges resist this law so much? Why do police stations for battered women, one of the first public policies created in 1980, continue to be so unsatisfactory? Let’s debate!”

The purpose of this background paper is to look at some of the issues raised by Negrão and other feminist activists and scholars regarding means to confront VAW in Brazil. More specifically, the paper will bring together information regarding both the advancements as well as the shortcomings of the implementation of LMP, in order to formulate recommendations for a more effective confrontation of VAW, both in Brazil and abroad.

We know that there are important services and agencies put to work in that direction, but, we may ask: How effective cross-agency coordination operates in relation to the service under examination? To what extent the services reach (or do not reach) the most marginalized groups of women? What kind of training is offered to service providers? Are there service quality/standards/protocols to be followed? To what extent are they in fact followed? What are the underpinning principles of service provision (respect for women, rights-based, holistic etc) at hand? To what extent are they put to work?

These issues gain special importance in face of the judicial-parliamentary coup d’etat that ousted

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<http://www.senado.gov.br/atividade/materia/getPDF.asp?t=130748&>

democratically elected President Dilma Rousseff, the first woman to occupy the presidency in Brazil, in May, 2016. One of the first acts of now-President Michel Temer, an active participant in the coup, was to dissolve the Secretary of Human Rights, Public Policies for Women and for the Promotion of Racial Equality, in which the Secretary of Public Policies for Women had been housed. The Secretary has become a minor sector within the Ministry of Justice, now under the hands of a misogynist. Consequently, funds for confronting violence against women have been cut severely – indeed, the whole program is facing the risk of being dismantled!⁵

But let us not forget: Brazil is a very large country, sub-divided in twenty-six states, which, under the federalist regime, do have a large degree of autonomy in implementing federal legislation. In this paper, therefore, we will also look at those who were more successful in advancing the implementation of LMP, trying to identify the ‘good practices’ at work.

Violence Against Women (VAW) in Brazil

VAW in Brazil is widespread and comes in many different forms: sexual harassment and exploitation, rape, torture, psychological violence, physical aggression, stalking and femicide, among other brutal acts. The Map of Violence for 2015, compiled by Flacso (2015), revealed that in spite of the passage of LMP the number of female homicides in the country has been growing. In 2003, for example, there were 3.937 women victims, these numbers rising to 4.762 in 2013, which corresponded to a 21% rise in a decade.⁶

Let it also be noted that the same Map showed that a little over 50% of the killings of women registered in that year (2013) were committed by family members,

⁵⁵ For instance, the budget item “Incentive to Policies for Women’s Autonomy” went down nearly 63%, and the one on “Promotion of Equality Policies and Women’s Rights” was reduced 33% in relation to the previous year. The highest losses, however, hit the “Assistance to Women in Situation of Violence”: it went down 74%! <http://www.pt.org.br/temer-promove-desmonte-nas-politicas-de-protecao-as-mulheres/>

⁶ <http://www.mapadaviolencia.org.br/>

33,2% of the total killings being practiced by a partner or ex-partner (boyfriends, fiancés, husbands). That is to say, they resulted from domestic violence against women, from intimate partners in particular, which classifies them as femicides. In 2013, this averaged the equivalent to four (4) femicides per day (Flacso 2015).⁷

The Map of Violence also revealed that, along with sexism, racism is also a fundamental factor in causing severe harm to women in Brazil. Data compiled in that study shows that the number of violent deaths in the case of Black women went up 54% between 2003 and 2013, whereas, during the same period, the number of homicides of white women actually went down 9,8%. One of the factors that could possibly explain these differentials is black women’s greater exposure to urban violence. Centuries-old processes of racial discrimination have held blacks in the lower social-economic brackets, forcing them to live in areas known for high crime rates and thus to be at greater risk of falling victims of urban violence. In addition, in cases of domestic violence, black women hesitate in calling the police. As Kimberlè Crenshaw (1994:100) observes: “Women of color are often reluctant to call the police, a hesitancy likely due to a general unwillingness among people of color to subject their private lives to the scrutiny and control of a police force that is frequently hostile.”

Data for incidences of VAW in Brazil for 2014, recently published in the ‘Panorama da Violência Contra Mulheres no Brasil’ (Panorama of Violence Against Women in Brazil), organized by the ‘Women’s Observatory Against Violence’ (Brasil DataSenado 2017),⁸ confirmed these tendencies, revealing as well the need to consider regional variations – even state-wise contrasts – in addressing the issues at hand. Based on data available through the System of Information on Mortality issued by the Brazilian Ministry of Health for that year, the study calculated the rate of female homicides at 4.6% for each 100 thousand women in the country, showing that

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http://www.mapadaviolencia.org.br/pdf2015/MapaViolencia_2015_mulheres.pdf

⁸ An organ of the Brazilian Senate created as a result of the workings of the CMPI.

62% of these victims were black. Moreover, in some states - Amapá, Pará, Roraima, Pernambuco, Piauí and Espírito Santo - the rates of homicide of black women were three times higher than those corresponding to white women. The study further showed that, between 2006 and 2014, while lethal violence against white women was reduced in 3%, it went up 20% for non-white women.

Another important factor to consider in looking at the information revealed by the Map of Violence is age. Young women are much more at risk of being murdered by their partners and ex-partners than older women. Surveys conducted in 2005, 2007, and 2010, for instance, consistently revealed that 20 to 29 years old is the most vulnerable age bracket in regards to VAW, responding for nearly 40% of the cases surveyed.⁹ However, women over seventy are also at higher risks, falling victims of close family members such as children and grandchildren, who seek to rob the elderly of their pensions and retirement funds (Azevedo 2016).¹⁰

No doubt, the race, class and age differentials observed indicate the need to work with an intersectional perspective when dealing with VAW, so as to reveal forms and rates of violence specific to different groups (Crenshaw 1994, Yuval-Davis 2006). In particular, this perspective makes it possible to visualize how other matrices of oppression, such as racism, economic inequality, ageism, and homophobia, for instance, intersect sexism, placing women at greater levels of vulnerability to violence, according to their positionality – resulting from their gender, race, class, ethnicity, etc position - in a given socio-historical context (Sardenberg 2015).¹¹

⁹ <http://institutoavantebrasil.com.br/com-que-frequencia-e-idade-as-mulheres-sofrem-violencia-domestica-com-a-palavra-a-vitima/>

¹⁰ Note, however, that some studies have shown that among the elderly as a whole, older men are at greater risk than older women, being often victimized by sons and grandsons (Oliveira et al 2012).

¹¹ The analysis of data on mortality of women in Brazil caused by aggression for the period 2011-2013, conducted by IPEA (Garcia and Silva 2016) confirmed these tendencies, revealing that most of the victims were adolescents and young women (45% between 10 a 29 years old), black women (64%), and women residing in the Midwest, Northeast and North regions. It also indicated that 28,1 of the obits occurred at home and on weekends (35,7%), which suggests a pattern of domestic violence against women.

Information pertaining to the incidence of sexual violence in the form of rape in Brazil also shows alarming rates and regional contrasts. The ‘Panorama’ study (DataSenado 2017) revealed that 58.438 cases of rape were reported in Brazil in 2014, a rate of 48.1 cases per 100 thousand women. The highest rates came from states in the North and South regions, the states of Acre, Mato Grosso do Sul and Roraima with rates twice higher than the national average. In contrast, Espírito Santo, Goiás, Paraíba and Rio Grande do Norte, states which respond for the highest rates of female homicide, were precisely the ones that showed the lowest rates of sexual violence. Yet, as observed in the Panorama study, it is fundamental to “deepen the analysis to understand if this pictures a distinct configuration of violence in these states, or if it is a consequence of other variables, such as cultural or operational issues which can influence the levels of filing or of sub-notification of sexual violence occurrences.”

According to data computed by the 10th Edition of the Brazilian Public Safety Annual Report (FBSP 2015), there were 45.460 reported cases of rape in 2015, 24% of them in the major cities, coming to a rate of 5 rapes per hour. This total reflected a 9,9% reduction in the number of reported cases in the previous year, however, the Brazilian Forum of Public Safety (FBSP), responsible for the elaboration of the report, stresses that this does not necessarily mean a reduction in the number of rapes committed, given that underreporting of this type of crime is considerably high. As claimed by Samira Bueno, the Forum Director: “The crime of rape is the one that presents the highest rates of underreporting in the world, which makes it difficult to evaluate if in fact there was a reduction of the incidence of this crime in the country” (in Terra Notícias 2016).¹²

The Forum estimates that there were between 129,9 and 454,6 thousand incidences of rape in Brazil in 2015, an estimation based on international studies which show that, on average, only 35% of rape victims actually do report this crime. In this case, underreporting comes as a result of fear of suffering

¹² <http://www.forumseguranca.org.br/produtos/anuario-brasileiro-de-seguranca-publica/10o-anuario-brasileiro-de-seguranca-publica>

further reprisals or due to the belief that the police would not really do anything about it.

Unfortunately, this belief is not unfounded. For example, in early September, 2016, just a few weeks after the celebrations of the 10th anniversary of the LMP, a young wife mother of a toddler living in São Paulo posted a video on Facebook showing a rape attack she suffered at four o'clock in the afternoon, right at her front door. She was able to free herself and scream for help which led the attacker to flee before the police attended the neighbors' call. She promptly filed a complaint at the local Police Station for Battered Women (DEAM), but received a rather cold treatment and was told that there was not much chance of finding her attacker. Unsatisfied with this response, she and her husband began to carry out their own investigations, obtaining videos from local surveillance cameras and launching a successful social media campaign that had the attacker in jail within a week.¹³

Note should be made to the fact that, within the last few years, cases of 'gang rape' have begun to catch media attention, bringing the issue of sexual violence to the pages of social networks. For instance, a campaign launched in October, 2015, by the Project 'Think Olga',¹⁴ created to study sexual violence in Brazil, had a very strong – and positive – response. Within a few days, the hashtag '#primeiroassedio', referring to reports of the first instances of sexual harassment suffered by women, had been replicated over 82 thousand times. Researchers with the project analyzed 3.111 stories shared through Twitter, verifying that 9.7 years old was the average age in which the reporting women first suffered sexual harassment; but with a considerable large number of testimonies reporting first molestations starting between 5 and 7 years old. The study also computed and analyzed the words most commonly appearing in the reports, listing among them: "home, father, man, school, buttocks, uncle, mother, penis, bus, neighbor,

masturbating, underpants, I ran, he tried" (Moraes 2015).¹⁵

Lei Maria da Penha

Of course, high incidences of VAW against women – and girls - in Brazil are not a new phenomenon. VAW is ingrained in Brazilian culture with deep historical roots, being a part of Brazilian society since the early colonial period in the 1500s. Indigenous women, hunted in the hinterlands, and enslaved black women, originally brought from Africa, suffered sexual violence from white men along with other forms of violence impinged against their people as a whole, while the sexuality of white women was strictly controlled (Stolke 2006). Patriarchal ideology is the major element in gender construction in Brazil, institutionalizing VAW in the patriarchal colonial family to the point of placing women's lives on the hands of fathers, brothers and husbands: they could have their women killed to 'defend the honor of the family'. Until a few decades ago, in fact, a husband could still claim 'legitimate defense of honor' and be found 'not-guilty' for the femicide of his wife.

It was one such case in Rio de Janeiro, in the late 1970s, that of Angela Diniz (a young 'socialite' killed by her lover who was absolved on the basis of the argument of 'defense of honor'), that stirred up the emergence of women's struggles against the customary impunity of wife batters and murderers.¹⁶ The movement spread to other major cities around the country, giving visibility to the centuries old practice of VAW in Brazilian society.

A first response to this movement was the creation of Police Stations for the Defense of Women (DDMs or Delegacias Especiais de Atenção a Mulher - DEAMs), the first one being created in São Paulo in 1985, with

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<http://jconline.ne10.uol.com.br/canal/mundo/brasil/noticia/2015/10/29/relatos-de-abuso-sexual-se-multiplicam-nas-redes-sociais-205844.php>

¹³ For discussions on issues of sexual violence in Brazil, see, among others: Machado (1998, 1999), Segato (1999).

¹⁴ <http://thinkolga.com>

¹⁶ He was brought to trial again in 1981 and found guilty, serving fifteen years in jail. It was only in 1991 that the Brazilian Supreme Court outlawed the use of the honor argument (Ardaillon and Debert 1987; see also Corrêa 1983).

several others to follow in different state capital cities across the country (Aquino 1999, 2006, Barsted 2006, 2007, Diniz 2006, Pandjarian, 2006). However, the criminalization of VAW in Brazil is quite recent. It was only with the establishment of a Special Secretary of Public Policies for Women (SPM), with cabinet status, in 2003, that a national policy to confront VAW began to be elaborated and implemented, and only after the sanctioning of LMP, in August of 2006, that is, more than 30 years later, that VAW was finally criminalized in Brazil (Barsted 2006, 2007, 2016, Pasinato 2015, Santos, C. M. 2010).

Up to the years 2000, Brazil's policies for confronting VAW were centered on the DEAMs and Women's Shelters, privileging, as such, on the one hand, penal responsabilization of the abusers in the area of public safety, and on the other, an assistentialist policy geared to women in limit life-threatening situation. More specifically, it was a fragmented policy, without a federal organ with the needed resources and authority to execute it (Santos, C.M. 2015). Besides, the previous legislation regarding domestic violence tended to make it a trivial occurrence, placing it in the petty crimes category with very minor penalties to abusers (Sardenberg 2011, Barsted 2006, 2016). Consequently, the major thrust in LMP was in fact to criminalize domestic violence by creating new courts with new attributes and increasing sentences. Yet LMP also aimed to protect the victims of abuse and provide assistance to them and their children, through the rehabilitation of abusers including.

Indeed, as previously noted, LPM is an innovative and comprehensive legislation package inspired on international conventions and on feminist perspectives regarding violence against women and means to confront and prevent it. LPM enlarges the concept of violence recognizing its different forms, such as physical, sexual, psychological, moral, and patrimonial violence. It also enlarges the concept of 'family', recognizing same-sex unions. Furthermore, it defines not only punitive measures against aggressors, but also protective and assistance measures in tending to the victims, besides important preventive measures at large, among them, the monitoring of legislation implementation.

LMP calls for the creation of special courts in all Brazilian states and in the federal district (Brasília), establishing that courts should work closely with the police authorities, as well as with other agencies included in the network of services such as: shelters for battered women, reference centers, health centers, job training and employment agencies, public defender offices and prosecution offices, defining specific roles and tasks for each of the agencies (Sardenberg et al 2010). In addition, the new law also spells out the need for preventive and educative measures, including the promotion of studies and surveys to systematize data to evaluate the efficacy of the new measures; implementation of programs at all levels aiming to eradicate domestic and family violence against women; and educational campaigns focusing on human rights, gender and race equity, and on the new legislation, among other related issues (Sardenberg 2011).

According to SPM's perspective, for its effective implementation, LMP relies on the formation of two networks: 1) a network of 'confronting' VAW, which includes institutions and governmental and non-governmental services and the community at large, including feminist and women's movements; and 2) a network of 'assistance', part of the 'confronting' one, constituted by different services and actions that should be well articulated and integrated, with emphasis on health services, public safety, access to justice, social assistance and education (Santos, C.M. 2015). In addition, to ensure the implementation of the new law package, SPM formulated a National Pact for Confronting Violence Against Women, negotiated with each state governor, which included clauses regarding: 1) guarantees for the implementation and application of LMP in the State; 2) enlargement and strengthening of the networks of services for women in situation of violence; 3) guarantee of security policies and access to justice; 4) guarantee of exercise of sexual and reproductive rights and combat against sexual exploitation and traffic of women; and 5) guarantee of the autonomy of women in situation of violence and amplification of their rights (Campos 2015).¹⁷

¹⁷ Not part of LMP, but operating as an important means of obtaining information about it is the 'Call 180' (Ligue 180), a national hotline to tend to the public on issues concerning violence against women. Established by SPMulheres in 2006 to operate all

As noted earlier, in 2012, in face of the rise of violence against women and the high level of cruelty impinged in several cases which gained media attention, a Congressional Investigation Committee on Violence Against Women (CPMI) was created, combining membership from both the Senate and House of Representatives. Focusing on information and analyses regarding the period 2004-2011, the CPMI gathered data and heard experts, researchers, practitioners, and government agencies representatives from all over the country, regarding violence against women and the shortcomings, challenges and advances made in combating it in the different states. One of the major findings was the chronic shortage of funding granted to the implementation of the policies and agencies to that end. It was also observed that the funds were not distributed equitably on a national level: “The transfer was conditional on adherence to the Pact, existence of a State Basic Integral Plan (PIB), and on the presence of a state women’s policy agency and the submission and approval of special projects” (Campos 2015:522, my translation)

Note that in the states in which there were adequate Women’s Policies Agencies, such as a Special Secretary, there were more investments in confronting violence and a better articulation of state policies (Campos 2015). These agencies are still not present in all states, thus rendering the transfer of funds - and with it, the enlargement of the network of services - more difficult. In point of fact, there is centralization of transfers to capital cities and metropolitan regions, particularly those in the Southeast.

As observed in different studies (Pasinato 2011b, Santos, C.M. 2015), so too the CPMI’s Final Report verified that the network of services provided is deficient, marked by a lack of qualified professionals and by their concentration in major cities and regions, thus, not reaching all women, particularly not those in the countryside and in small towns. In the following sessions, we will look more closely at what this Report

and other studies have shown regarding these shortcomings and limitations.

Police Stations for Battered Women (DEAMs)

In the mid-1980s, after two decades of military rule in Brazil, a process of re-democratization of the country was launched counting with the effective participation of feminist and women’s organizations (Sardenberg and Costa 2014, 2017). As part of the dialogues established with the rising opposition, feminists negotiated the creation of the first Police Station for Women’s Defense in the city of São Paulo. According to feminist demands at the time, it was staffed primarily by women and deemed to provide ‘specialized’ services to battered women. Soon after, similar Police Stations were created in other state capital cities, this experience being also disseminated among other countries (Sardenberg 2011).

Known as Delegacias de Defesa da Mulher-DDMs, in the Southeast, and as Delegacias Especiais de Atenção à Mulher- DEAMs, throughout the North and Northeast, these precincts have been the focus of a great number of studies and reports.¹⁸ This is understandable for, in Brazil, they stand not only as the first, but also as still the major means of access to justice for women in situations of violence (Sardenberg et al 2010). In this regard, they fulfill a dual role. On the one hand, as judicial police, DEAMs must register criminal occurrences, issue ‘occurrences bulletins’, and carry out the needed investigation procedures. Their task is to gather technical evidence and witnesses to fundament the cases and complaints to be sent to the Prosecution Offices and as such, initiate the criminal procedures up to their judicial closings (Sardenberg 2011). On the other hand, however, they are meant to offer ‘specialized’ assistance to women in situations of violence, that is, offer them ‘differentiated’ assistance, with warm reception and non-discrimination.

over the country, ‘Call 180’ has been growing steadily in channeling information and advice and receiving complaints about services to women victims of violence (Sardenberg et al 2010, Bonetti, Pinheiro e Ferreira, 2016).

¹⁸ See, for example, Soares 1999; Amaral, Letelier, Góis and Aquino, 2001; Debert and Gregori 2002; Hautzinger, 2007; Pasinato and Santos 2008; Saffioti 2012; Riffiotis 2012.

On the original proposal, one of the components of this ‘specialization’ referred to the constitution of a body of police women, in the belief that their presence would facilitate the filing of complaints. Note that this understanding of ‘specialization’ originated from the assistance offered by feminist organizations, in Brazil and abroad, to women in situation of violence, usually through special counseling and sheltering. Thus, so too in the case of the DEAMs, in LMP ‘specialization’ includes the principle of precincts for the exclusive reception of women, or, if not possible, with personnel trained in tending to women, with an emphasis on cases of abuse in conjugal and family relations, as well as of sexual violence, and on the integration of other forms of assistance - such as psychological, juridical and social – thus providing women with access to information and orientation to help them escape from the situation of violence (Sardenberg 2011; see also Sardenberg et al 2010).

LMP has extended the role of DEAMs (and thus the amount of work involved), by allowing the police authority to arrest the aggressor in the act in case of any of the forms of domestic violence against the woman. It also allows the police authority to request that the judge determine several urgent measures, within 48 hours, which, depending on the specific situation, may include suspension of the aggressor’s license to carry a weapon, removal of the aggressor from the home and similar restraining orders (Brasil SPM 2006).

It is estimated that at present there are more than 450 DEAMs in Brazil, bringing to a total of close to 500 precincts and special posts of this order throughout the country. However, as most other women’s machinery, so too in this case they are concentrated in larger cities. In point of fact, the CPMI estimated that such machinery exists in only 1,72% of Brazil’s municipalities, which leaves out rural areas, the hinterlands in particular, meaning that access to DEAMs is practically a privilege of urban women (Brasil CPMI 2013). As stated in the cited document, the concentration of women’s machinery, particularly those linked to the network of services for women in situation of violence, “...does not reach the majority of women, particularly those that live in regions of difficult access, such as rural areas, forests, indigenous

communities and those on riverbanks, quilombolas (maroon communities) and in the poorest municipalities” (Brasil. CPMI 2013:48, my translation)¹⁹

Even at that, those living in poor neighborhoods in the outskirts of big cities also have difficulty in filing their complaints, especially for shortage of money to pay for transportation fees. To circumvent such problems, a few cities, such as Porto Alegre, have offered an itinerant service on a bus going around the city to reach these neighborhoods (Gomes et al 2009).

Since these stations are not under federal rule, but rather part of state security systems which differ significantly, there is no homogeneity regarding the quality of the services offered. SPM, along with the Secretariat of National Security (SENASP), elaborated a guide, known as ‘Norma Técnica for DEAMs’, later adapted to tend to the implementation of LMP, suggesting procedures to be followed in that direction.²⁰ However, studies have shown that, despite this attempt at standardization of the services provided, DEAMs may vary considerably, according to: 1) the types of assistance offered beyond police matters; 2) the type of police intervention at work besides the strictly ‘police matters’ (such as conflict mediation and those of a more pedagogical and preventive character); and 3) the types of crimes that are within their jurisdiction. Some work only with those pertaining to domestic or family violence, others with all gender-based crimes against women, independent of the relationship between victim and abuser (Pasinato and Santos 2008: 13).

A survey conducted by OBSERVE (Observatory for the Monitoring of the Application of Maria da Penha Law) in 2009, including all the existing DEAMs in all the state capitals and the Federal District of Brasilia at the time, found that most fell way short of providing the qualified, ‘specialized’ assistance to women in a situation of violence (Gomes et al 2009; Sardenberg et al 2010). They not only lacked the necessary equipment, but, most of all, they lacked trained and

¹⁹ On Violence Against Indigenous Women, see Rosa (2016), and Bascom (2014).

²⁰ <http://www.spm.gov.br/lei-maria-da-penha/lei-maria-da-penha/norma-tecnica-de-padronizacao-das-deams-.pdf>

qualified personnel to provide the expected assistance. This was even more evident in a study conducted by OBSERVE among women who had filed complaints in DEAMs in 9 different cities (Sardenberg et al 2010). The women interviewed related that little information was passed on to them, a situation which was confirmed by field observations carried out by the OBSERVE research team. In point of fact, it was noted that in a particular DEAM the wrong information was given to women filing the complaint! At another, it was learned that the men responsible for driving the women to go for examinations and health assistance actually sexually harassed the younger ones, thus submitting them to re-victimization.

Indeed, the CPMI on Violence Against Women in Brazil stressed that, despite the growing number of DEAMs throughout the country, the existing stations are in a process of ‘scrapping’, that is, they lack the needed equipment, such as police cars to carry out their assignments, for instance, or even access to digital recording of information: in many cities, this is done manually. They also lack the needed personnel, not offering, as such, 24 hours services, and operating with long delays in the proceedings. The Committee observed as well a generalized lack of training and motivation on the part of the workforce, high numbers of sick leaves, and the common feeling that the work at the DEAMs is a dead end position, with no prestige.

In this regard, the findings of Cecilia M. Santos’ (2015) study of DDSs in São Paulo, Brazil’s largest city and the one with the greatest number of such police stations, are important to consider. She notes that even with the increasing role of DDMs in the application of LMP, their institutional position has not necessarily changed. In the eyes of the police, violence against women, particularly domestic violence, is still seen as a minor problem, not even as a ‘crime’, which translates into contempt towards DDMs. In point of fact, an assignment to work in a DDM is seen as ‘punishment’; DDMs have hardly any institutional and political power within the Secretary of Public Safety, occupying a low position in terms of priorities and budgeting.

Cecilia M. Santos also verified that, besides one or two occasional lectures on the subject matter, there is no

specific training in the Police Academy in São Paulo for work in confronting VAW.²¹ To be sure, in response to mounting complaints regarding the type of reception offered by DEAMs (DDMs in São Paulo) to victims of violence, a brief, special training course was offered to the staff.²² Yet, all the instructors came from the Police Academy, with no participation, say, of feminists - for example, those who teach courses on gender and violence at prestigious law schools in the state. Moreover, the perspective brought about was ‘familist’ rather than ‘feminist’, inspired on the terms of a ‘restorative justice’ that seeks ‘mediation’ and ‘conciliation’. As noted by the same author, in cases of domestic violence, “this model of justice can lead, as it occurs in many DDMs and used to occur in the Special Criminal Courts (JECRim), to the reconciliation of the couple and loss in terms of the protection of the rights of the woman” (Santos, C. M. 2015:585-586).²³

Cecilia M. Santos reports that she was first alerted to the mentioned distinctions in approaches – feminist vs familist - while conversing with the coordinator of a feminist-aligned training program for women from lower-income neighborhoods, who confided that the major problem in working with the reference centers for women was their connection to social assistance policies. Whereas public policies for women were formulated by SPM within a ‘feminist’ framework, seeking to contribute to the empowerment of women, their implementation often fell in the hands of social assistance agencies, whose objectives were more

²¹ A study carried out by Saffioti (2002) indicated that in 1998, São Paulo offered training courses for DEAM agents, but the were short courses. According to Bandeira, Almeida and Campelo (2006), such courses only began to be offered on a more regular basis from 2000 on, with the realization of special courses in 2002 and 2004 in all different states. However, the survey carried out by Observe (2010) showed that few people working in DEAMs had taken such courses.

²² But it is well to note that in Rio Grande do Norte a feminist research center of the Federal University of Rio Grande do Norte was commissioned to offer a special training course to different government agencies involved in the network of services in Natal, in order to help it get it going (Queiroz et al 2014).

²³ Sadly, similar observations have been made by other researchers studying DEAMs in Bahia (Tavares 2015), Santa Catarina (Rifiotis 2015), and, as we shall see a few sections ahead, in the case study carried out in the interior of the State of São Paulo.

aligned with the preservation of ‘family values’, thus of a ‘familist nature’.

In the course of her research in DDMs and with different organs and agencies in the network of services in support of women in situation of violence in São Paulo, Cecilia M. Santos was referred to two more types of approaches - ‘gender’ and ‘intersectionality of gender/race/class’ – the contrasts among the four different perspectives being defined as follows:

“According to the interviewees, the feminist perspective conceives violence as a problem related to the patriarchal structure, in contrast with the familist perspective, in which violence is understood as a deviant behavior within the family or as problem of moral or religious order. The feminist approach associates the causes of violence against women to the unequal power between men and women, expressed in male dominance. Feminist intervention, therefore, is social and political, centered on ‘women’ so that they can transform their position from that of subaltern to one of agents entitled to rights. Familist intervention centers on the ‘family’ and seeks to “reinstatate the family.”

“The gender perspective is similar to the feminist, but is not based on a structural view of patriarchy; rather, it relies on a cultural approach to social constructed roles attributed to men and women. It believes that male dominance has to be deconstructed, but not reducing this to a change in the social and cultural role that places women in a subaltern position. It considers that men, as much as women, need psychological assistance to transform their violent practices. Thus, the focus of the intervention falls on the reconstruction both of femininities as well as masculinities. Despite these differences, however, feminist groups, with a few exceptions, have not began to work in the field of masculinities, continuing to work primarily with women and from a feminist perspective, even when changing their vocabulary from “violence against women” to “gender violence”.

(.....). The intersectional approach to violence is similar to the feminist one in certain aspects, given that it is also based on a structural view of the domination of women. But it considers the intersection of several systems of oppression, such as patriarchy, racism and capitalism, and it also incorporates the gender perspective and the need to work with men, perpetrators of violence” (Santos, C.M. 2015:585, my translation).

Santos reports that cross-agencies coordination among the different services and agencies in the networks she studied was characterized sometimes by conflicts (termed by her ‘short-circuits’) due to their contrasting views on violence against women, at other instances, by a total lack of communication among agents or even lack of reciprocal knowledge (what she termed ‘lack of connection lines’), and at times by a productive communication and communion of views regarding

violence (which placed them ‘on line’).²⁴ For her, the major factors responsible for this variation were to be found on the institutional position of each service, the professional and additional training of the agents involved, and on the specific history of each of the different services, which involved when, how, and by which groups they came into operation.

As noted earlier, she found in São Paulo a disconnection between the DDMs and the judiciary – both more inclined to familist approaches – and the other organs and agencies in the network. For the most part, DDMs seemed to be more closed to the dialogue with other organizations (both governmental and non-governmental), dealing with VAW. In point of fact, police agents received very little training – or none whatsoever – in this area, knowing very little about the network of services beyond the criminal sphere. As Cecilia M. Santos states:

“There is greater openness as to the contact with the Judiciary and Prosecution Offices, giving the impression that DDMs respect these institutions, which operate in the sphere of Law, not valuing the organizations that integrate the area of social assistance. In addition, DDMs do not see themselves as service that contributes to ‘breaking with the cycle of violence’. DDMs’ role is that of criminal investigation and implementation of protective measures for women. That is, their role is of ‘combating’ violence.” (2015: 596, my translation).

Despite all of these shortcomings, DDMs/DEAMs remain the most well-known – thus the major – doorway to justice in the case of VAW. They should thus open their doors to other services as well, particularly those of social assistance, such as reference centers, but this has not been observed in most cases (Pasinato 2011b; Santos, C.M.- 2015). At best, as Santos notes, DEAMs are tuned in to the Special Courts, yet, even still, the volume of processes that are returned to the police by the courts due to errors in collecting evidence and so forth, indicates that communication between these agencies is still far from the ideal as well (Pasinato 2011b).

Of course, there are successful experiences – such as that of Salvador, Bahia - in which DEAMs work close together not only with the courts, but also with other agencies in the institutional support networks. In

²⁴ On cross-agencies networks, see also: Carreira and Pandjarian 2003, and Pasinato 2011b.

Salvador, this network was activated by local feminists long before the passage of LMP, as part of both the Women's Forum as well as the Forum Against Violence, through the creation of the 'Network Work Group' (Grupo de Trabalho da Rede), known as the 'GT da Rede'. This group is an important space for the sharing of experiences of all participants, including practitioners, activists, students and researchers. The group created sub-groups to take on special tasks, among them, the elaboration of a 'shared protocol' including all participating services as well as a registration file for each case, standardizing appointments, follow ups and the circulation of information about them within the cross-agencies network (Santos, Kalil and Lobo 2016).

This sub-group, known as the 'Information Sub-GT', is formed by representatives of eleven different agencies/organs in the local institutional network, as follows: the two existing DEAMs in Salvador (one in the neighborhood of Brotas, the other of Periperi); the Instituto de Perinatologia da Bahia (Iperba), a public maternity hospital; the two different offices of the 'Projeto Viver', which is geared to persons in Situation of Sexual Violence; the Reference Center Loretta Valadares; the Shelter House (Casa Abrigo) for Battered Women; the Special Court for Domestic and Family Violence Against Women; GEDEM- the Group of Action in Defense of Women of the Prosecution Offices; and NUDEM, the Specialized Group for the Defense of Women of the Public Defense Office. It brings together representatives from different levels of government (municipal, state, and federal), as well as from different professional backgrounds (police chiefs, lawyers, psychologists, social workers, nurses, etc), having successfully achieved a high degree of cross-agencies coordination in confronting violence against women in Salvador (Pasinato 2011b, Santos, Kalil and Lobo 2016).

Special Courts, Special Public Defense and Public Prosecution Nucleus

One of the major innovations brought by LMP was the creation of Special Courts for Domestic and Family

Violence, with civil and penal competence to address family issues derived from violence against women. This came as a direct response to Law 9.099/95 and its 'Juizados Especiais Criminais' (the Special Criminal Courts), known by the acronym "JECRIMs", which tended to minimize and trivialize violence inflicted upon women. "In the name of "agility" in solving the cases, the conciliators did not determine the imprisonment of offenders, applying minor sentences, more often than not, the payment of menial fines to redress the offense" (Sardenberg et al 2010:08).

Contrary to this practice, LMP removes from the special criminal courts the competence to judge crimes of domestic violence against women, forbids pecuniary sentences, establishes that the woman must be accompanied by attorney or public defender in all the procedural acts, and alters the penal procedure code to allow the judge to decree preventive custody when there is risk to the physical or psychological integrity of the woman, also allowing the judge to determine the obligatory attendance of the aggressor in recovery and re-education programs (Brasil SPM 2006). Furthermore, it creates as well the clause of 'protective measures' to be expedited by judges on recommendation by the judiciary police, stressing that the Special Courts should have a 'multidisciplinary staff', including social workers and psychologists, to support the victims and inform the judges in their rulings. It also pointed at the need for the creation of public defense and prosecuting nucleus specifically geared to confronting VAW, providing the needed assistance to women in a situation of violence.

Of course, all of these measures have proven to be essential in criminalizing domestic violence and establishing adequate juridical procedures to follow suit (Dias 2007). Yet, all of these changes and innovations have placed a major demand on the judiciary, which, in most instances, is not equipped to adequately respond. More specifically, here is the case of a federal law which must be implemented by each state judiciary system, thus depending on the 'political will' of local judges. As a consequence, the response has been slow. For instance, in 2013, seven years after the sanction of LMP, the number of LMP-linked machinery within the judiciary system was still quite low: only 66 newly created special courts, 27 adapted

courts, 64 specialized prosecutors nucleus and 36 public defense nucleus (Campos 2015).

In point of fact, the number of existing judiciary 'agencies' is notably insignificant in face of the demand. Besides, they are concentrated in state capital cities, operate in most cases without the required multidisciplinary staff, and do not have enough personnel to carry out the daily work, a situation which leads to an excess of overdue processes and even to their annulment due to the statute of limitations (Campos 2015). This problem is widely recognized; as stated by Jefferson Puff (2012:01) in an article about LMP²⁵: "Actually, what impedes the country's advancement towards the elimination of violence against women is the Judiciary System in processing caseworks with extreme slowness." In the same article, Puff reproduces the opinion of Wânia Pasinato, researcher on VAW in Brazil, for whom the "Brazilian Judiciary System simply is not prepared to apply legislation to protect women" (Puff 2012:04). It only deals with the criminal aspect of the issue, denoting the lack of knowledge of the new law – or lack of interest in carrying it out – on the part of judges, men and women alike.

Indeed, contrary to what is delineated in LMP, the combination of civil and criminal competencies in the existing courts is rather an exception. As noted, most courts operate without a multidisciplinary staff, and only in terms of the criminal sphere, which forces women to access family courts in separate processes in order to get child support, carry out divorce proceedings and so forth, something which LMP attempted to avoid. Meanwhile, there seems to be an inverted logic at work in the jurisdictional side. As put by Carmen Campos (2015:524, my translation):

"It is as if the reality of violence should adapt itself to the Judiciary Power and not the latter to social reality. Jurisdictional procedures present themselves not as a State duty as women's right, but instead, as a 'half-baked right', a 'half right'. As such, the women have rights, but not that much."

In this regard, it is important to note that one of the major innovations of LMP is the provision of protective orders, particularly restraining orders, to be issued by the special courts. These orders aim to

protect the integrity of women in a situation of domestic violence, providing different types of protective measures according to the specific case. Studies have shown, however, that restraining orders, in that the abusers are instructed to stay away from the women involved, are the most common type requested and issued (Diniz and Gumieri 2016, Barbosa 2014). Yet the processes are often slow and, in certain cases, only come through after the woman is victimized – even murdered (Barbosa 2014). In Salvador, Bahia, for example, the interval between the 'fact' (aggression or threat of aggression) and the formalization of a request for a 'protective measure' varied from one to four days. But there were exceptions: in one case the interval lasted 23 days and in another, 67 days (Pasinato et al 2016). As noted by Pasinato et al (2016:233), the processes reveal the "traditional way justice applies to Maria da Penha Law, disregarding its innovative character and the integral approach that is required for the care and protection of victims." In general, women's views are disregarded, "the situations of vulnerability and risk they face are disconsidered and judicial intervention does not respond adequately to the situation of violation of human rights that should help combat." As such, the protective measures become just pieces of paper, having only a symbolic effect in containing the violent behavior of aggressors.

Yet, in many cases, the orders are refused on the basis of a supposed 'lack of sufficient information' to evaluate the request, which can be translated as not enough trust on what the victim relays consists in a real threat (Diniz and Gumieri 2016). Even at that, judges are more likely to issue restraining orders than those that deal with family and assets rearrangement, such as alimony, legal separation and child visitation restrictions. For Débora Diniz and Sinara Gumieri (2016:206), who analyzed process dealing with these protective measures in the Federal District of Brasília, this resistance may be due to "the familistic approach of the judicial response to domestic violence, which might be restricting access to protective measures that imply intervention in the order of the home." As observed as well by Madge Porto and Francisco Costa (2010:479, my translation), who analyzed the

²⁵<http://www.bbc.co.uk/portuguese/noticias/2012/11/121123_imp_unidade_maria_da_penha_jp.shtml?s>.

perception of VAW on the part of judges, on the basis of rulings formulated after the sanctioning of LMP:

“... magistrates perceive violence against women as a component element in the relationship between men and women - as a fact that does not pose a danger to women and which is not covered by the legal statute and thereby does not constitute a crime. There is an acclimation of the social standing defined for women by the patriarchal society and the consequent invisibility of the different forms of violence women suffer, which hinders their access to justice.”

This view is in agreement with that expressed by Senator Ana Rita, one of the members of the CPMI: “Law Maria da Penha (Law 11.340/2006) is one of the most modern (laws) in the world, but, even at that, it bumps into the Judiciary” (AGÊNCIA SENADO 2012a:01). Her position is reinforced in an article published in a special edition by *Jornal O Globo* (2012:01) under the title, “Violence Against Women Worsens” (“Piora violência contra mulheres”), where she states that “many judges deny protective measures so as not to empty homes in their jurisdiction”, adding that:

“Law Maria da Penha was created to protect women. What view of the family do these judges defend in ignoring the violence practiced against women in their own homes? These interpretations go against Maria da Penha Law and against the decisions of the Supreme Court in the reaffirmation of Maria da Penha Law as a tool in the defense of women’s rights. Internal mechanisms of the Judiciary Power should stay tuned to personal views which go directly against legal provisions” (O GLOBO 2012:1-2, my translation).

Indeed, recent field studies of routine practices of judiciary operators in the State of Santa Catarina indicate that, in conducting audiences related to ‘domestic and family violence against women’, they are oriented by the personal ‘styles’ of the presiding judges, and by their own values and conceptions regarding gender, family, and justice, which lead to the enactment of practices that go against feminist expectations in campaigning for LMP (Rifiotis and Lago 2015).²⁶ To make use of Cecilia M. Santos’ (2015:585, my translation) words, we could speak of a ‘bipolar legal-political culture’ on women’s rights in Brazil, in that it is “regulated, on one hand, by the gender/woman regime of the policies for women, and, on the other hand, by the family regime of the social

assistance and public security sectors.” Likewise, we could say that the networks of services to assist women in situation of violence also are sub-divided in two: one which links those in the legal-political structure, such as DEAMS, special courts, and public defense and prosecuting nucleus, and, another, linking reference centers, shelters and health services, with little exchanges between these two networks.

It is well to note that many cases of domestic violence against women were treated as of minor importance by the courts, such as those dealt with by JECRIMs prior to the sanctioning of LMP, coming, eventually, to be reviewed by higher courts. Indeed, according to Terezinha Nunes and Gabriela Hita (2016), who analyzed these cases, their ‘elevation’ to higher courts came precisely as a result of resistance on the part of the minor criminal courts in abandoning “the old practices in support of Law no.9.099/95,” which trivialized domestic violence, aggravating the already tenuous situation faced by victimized women. For Nunes and Hita (2016), LMP demands more of judicial agents, beginning with a change of mentality towards the conception of violence against women as a violation of their human rights.

One of the major issues in this regard pertained to the type of intimate relationship that was to be regarded as included in LMP. There was great resistance even on the part of higher courts in accepting the application of LMP to any “affective intimate relationship”, denoting the predominance of ‘familist’ vision in the courts, as defined earlier. There was a strong current which denied coverage of the law to ex-companions and ex-boyfriends, restricting its application only to cases of women in conjugal relationships. This excluded application of the law in the case of sisters, mothers, daughters, mothers-in-law and the like, who are also often victims of domestic violence. It also excluded those women who did not remain passive in face of violence, going against a patriarchal ideology of women’s proper behavior in the family (Nunes and Hita 2016).

Fortunately, a more inclusive perspective regarding domestic violence eventually prevailed in the higher courts, but not without active lobbying on the part of

²⁶ Three different ‘personal styles’ were identified: “Tutelary”, “Arbitral” and of “Moral reparation”.

feminist groups. Feminist lobbying was also crucial in the recognition of the Constitutionality of LMP, particularly insofar as the need for the creation of special courts was concerned (Cruz 2016). Likewise, women's lobbying was needed to ensure the creation of the specialized courts in different states. Indeed, women's organized struggles were not only fundamental in turning VAW visible, but also in the elaboration, implementation, and monitoring of the application of LMP (Sardenberg 2011). This is certainly the needed element in bringing the judiciary up to the task of applying the Law according to its inner principles!

In Brazil, women's struggles have found support in the National Conferences of Public Policies for Women organized by the Federal Government (in 2004, 2007, 2010 and 2016), each of them counting with the direct and indirect participation of close to 300,000 women nationwide (Sardenberg and Costa 2014). In these Conferences, women discussed and approved the National Plans of Public Policies for Women, among which were included many of the important issues figuring in LMP. Once formulated into the respective National Plans as policies to be implemented, they became legitimate goals of women's struggles at the state and municipal levels, such as the creation of Special Courts and other similar equipments as in the case of Reference Centers.

Reference Centers

Reference Centers were one of the major demands of feminist movements back in the 1970s, but only since the passage of LMP have they been created in greater numbers. Whereas in 2003 there were only 36 such centers, by 2011 there were already 187, although most of them concentrated in state capital cities. In 2012, the CPMI verified the existence of 202 such centers throughout the country, a figure which has shrank since then, given the cutback on programs to curtail violence against women at work since the new government took hold.

Originally, these centers were planned to operate as entryway to support services to battered women,

offering access to counselling, legal services and therapy. A guide – 'Norma Técnica' or Technical Norm²⁷ - for their operation was elaborated by SPM (2006, my translation), where they are defined as:

"...essential structures to the program of prevention and confronting violence against women, in that they aim to promote a rupture with a situation of violence and the construction of citizenship by means of wide actions of interdisciplinary assistance (psychological, social, juridical, of orientation and information) to women in situations of violence. They should take the role of articulators of governmental and non-governmental organism that integrate the network of assistance to women in a situation of social vulnerability as a result of gender based violence".

In this respect, these centers are expected to offer permanent harbor to women who need assistance, following up and monitoring the actions of other agencies that constitute the network of assistance, thus carrying out referral procedures. The Technical Norm guide for Reference Centers takes on a feminist perspective, spelling out that the assistance offered should be based on the questioning of gender relations based on the domination and oppression of men over women, "which has legitimized and reproduced gender inequalities and gender based violence" (Brasil SPM 2006:15, my translation).

They are supposed to offer the women professional counseling on critical moments, as well as psychosocial assistance and juridical assistance, all free of charge. Reference centers should also develop prevention activities, training for the staff, establish close articulation with other agencies in the network of services, and compile data regarding their clientele.

To tend to these functions, the centers should have a minimum staff of eleven professionals, as follows: a coordinator, two secretaries at the reception, a psychologist and a social worker for the initial assistance, a lawyer for juridical assistance, another social worker for social assistance and another psychologist for psychological counseling, an art-therapist, an educator to deal with children, one person to be in charge of general services and one for security. In many cases observed, however, centers must do with just one psychologist and a social worker, and the

²⁷

<http://www.observatoriodegenero.gov.br/menu/publicacoes/outros-artigos-e-publicacoes/norma-tecnica-de-uniformizacao-centros-de-referencia-de-atendimento-a-mulher-em-situacao-de-violencia/view>

occasional services of a lawyer or law school interns. It has also been noted that the functions are not established as 'permanent', requiring a public selection, but rather temporary positions paid by projects.

As observed in other countries, so too in Brazil reference centers, ran by volunteers, were the first kind of assistance offered women in situation of violence (Campos 2013). In Brazil, the first of such centers – known as SOS Mulher – was created in the city of São Paulo in October, 1980, as a result of the discussions of the also 'first' Committee to Fight Violence Against Women, which was formed by the different feminist groups active in São Paulo (Gregori 1993, Verardo 1993). During the first year, SOS Mulher assisted more than 700 cases, varying from threats to actual physical violence, rape and incest (Verardo 1993). The idea was to offer women 'specialized' services, particularly a 'kind ear' to listen to their complaints before defining the type of assistance they needed. It was to be run by volunteer feminists, who would 'pay duty' taking turns, but the idea was to operate according to the consciousness awareness groups, in that women should share their painful experiences with others, for a collective understanding of violence as a social phenomenon.

SOS Mulher in São Paulo lasted three years (1980-1983), a period in which two more such centers were created in the cities of Belo Horizonte and Rio de Janeiro, neither of which lasting very long as well. The problem was that it was a volunteer service which received no funding, making its operation difficult, as those involved in the assistance were also working people, with limited time. Despite their brief existence, the centers showed their importance, not only in bringing to light the phenomenon of domestic violence, but also of offering women in situation of violence a means of sharing their painful experience with others in similar situation and receiving different forms of assistance to overcome the violence suffered.

The SOS experience was fundamental, as well, in pressuring the State to view violence against women as a severe social problem, in need of adequate policies to confront it (Soares 2015, Tavares and Delgado 2012). Women who sought regular police stations to file

domestic violence complaints met with institutional violence – with sexist responses on the part of the police. As such, the Police Stations for Battered Women were a supposed solution, in that they were to offer 'specialized' assistance. But it was not until after the creation of the Special Secretary of Public Policies for Women in 2003, by the Lula da Silva government, that reference centers were to be created, to redress, in part, the shortcoming of Police Stations. Note, however, that the creation of the centers was not – and still is not – an 'automatic policy: it results from the pressure of local feminist and women's movements and negotiations with local government.

Indeed, the Centro de Referência e Atenção à Mulher Loretta Valadares – CRLV, in operation in Salvador, Bahia, is a good example. Though figuring on the agenda of the Forum to Confront Violence, a feminist local network, for a long time, the Center was only created in 2005, with the election of a new mayor who, at the time, had the support of progressive parties. As part of this support and under the pressure of local movements, he then created Superintendência Municipal de Políticas para Mulheres – Municipal Superintence of Policies for Women, nominating a long time feminist, who was part of the network, as the Superintendent. She then, with the support of local movements, pressured the mayor for the creation of the Reference Center, counting as well with the support of SPM and the government of the State of Bahia.

While she remained Superintendent, the CRLV took on a feminist perspective, having as director another long time feminist who had also been a member of the network. The staff for the center was specially selected and well trained, offering psychological, social and juridical counseling to women in situation of violence. One of the major concerns was precisely the training of the staff, thus, one period per week was dedicated to meetings to discuss the caseworks, particularly those more complex and which demanded an interdisciplinary approach as to the follow ups (Pasinato 2011a). To care for children while the mothers were under counseling or participating in other the center, the director appointed a man, trained in pedagogy, so that the children could be in contact with a man who did not act violently. The director also actively tried to engage with directors and personnel in

other agencies linked to the network of assistance to women in situation of violence, so that there would be more cross-agency exchange and planning (Soares 2015).

When the Mayor changed policies and parties, taking a swing to the right, the Superintendent was fired and a new one, who was not recognized by feminists, took over. She was soon substituted by a third one who was far from upholding a feminist position, appointing as the Director of the Center someone who had no previous training, nor any type of activism in confronting violence against women. With the election of a new mayor from the right, but who nominated a new Superintendent, closer to the women's movements, more support was given to the Center. However, the new Director took on a more familist perspective in running the services, foregoing the much needed special training to the staff and other personnel in charge of attendance (Soares 2015).

In contrast, in the city of Canoas, Rio Grande do Sul, a more progressive mayor contracted a feminist organization to create the local Reference Center (Negrão and Jardim 2013). This organization formulated the project and trained the personnel, monitoring the services offered, so as to guarantee that it remained operating according to the Technical Norms formulated by SPM (2006).

A study of local agencies networks carried out by OBSERVE – the Observatory for Monitoring the Application of Maria da Penha Law in 2010 (Pasinato 2011) in five capital cities (Belém, Rio de Janeiro, Porto Alegre, Salvador and Brasília), found that all of them had reference centers, all of them following the technical norms set by SPM, but, even then, showing great variation according to local policies and types of support. It is interesting to note, for example, that in the city of São Paulo there are three major centers, ran by the mayoralty, as well as several other smaller ones, spread throughout the city ran by the Secretaria Municipal de Assistência e Desenvolvimento Social – SMADS.²⁸

²⁸

http://www.prefeitura.sp.gov.br/cidade/secretarias/politicas_para_a_s_mulheres/centros_de_atendimento/index.php?p=144279

Despite variation and shortcomings, the Reference Centers are regarded as an essential equipment in confronting VAW, and one which is even highly regarded by women who seek them (Soares 2015). The problem is that there are still too few of these centers throughout the country, most operating with very reduced budgets, and almost none in smaller cities. In these instances, the CREAS – Centros de Referência Especializada em Assistência Social (Specialized Reference Centers for Social Assistance), which are usually agencies linked to Secretaries of Social Assistance, take on the role of the Centros de Referência that focus on assisting women in situation of violence. In some cases, centers ran by non-governmental organizations – even of a religious nature - have also been brought into the network by means of specific commissioned assignments (Santos, C.M. 2015).

Battered Women's Shelters and Halfway Houses

Throughout the world, providing temporary shelter to battered women in life threatening situations of domestic violence has been one of the very first policies enacted in confronting VAW. In the US and Europe, shelter houses of this nature made their appearance during the 1970s, together with the creation of 'hotlines' (Soares 1999). Ran at first by volunteers, usually women active in feminist and women's movements, they soon became part of national policies to confront VAW, receiving needed funding and personnel to provide the service.

In Brazil, a similar route has been followed, though with a delay of a decade. However, shelter houses have been a major demand of feminist and women's movements since the mid-1980s. The first such shelter – the Centro de Convivência para Mulheres Vítimas de Violência Doméstica- COMVIDA – was created in the city of São Paulo, in 1986. It lasted only three years, due to lack of continuous financial support, a problem which befell other similar early initiatives (Falcão, 2008).

During the 1990s, a few other shelter houses, or 'casas abrigo', were created in different cities and regions:

Casa-Abrigo in Santo André, (1990) and Casa Helenira Rezende de Souza Nazareth (1991), both in São Paulo; Casa Abrigo Viva Maria (1992) in Porto Alegre, Rio Grande do Sul; Casa do Caminho (1992) in Fortaleza, Ceará; Casa-Abrigo do Distrito Federal (1996), in Brasília, and Casa-Abrigo Sempre-Viva (1996) in Belo Horizonte, Minas Gerais (Silveira 2006, Pinheiro 2012).

A profile of Casas Abrigo elaborated by Lourdes Rocha (2007) revealed that in 2004 there were 75 such shelters, as follows: 57 in operation, 07 being implemented, 08 under construction and 03 deactivated. According to the survey, 81.40% of the shelters were part of public services, linked mostly to municipal governments, but only 10 of them were supported exclusively by municipal funding. In point of fact, most counted with multiple sources of funding; even at that, they met with difficulties in carrying out their functions.

According to SPM (Brasil – SPM 2009) in 2003 there were a total of 42 shelters (casas abrigo), in the country. These shelters represented a first phase in the sheltering policies for women in risky situations of violence, a phase in which they were not, in fact, a national policy, but rather the result of local initiatives. In 1996, following recommendations from the Beijing Platform of Action, a National Program to Prevent and Combat Domestic and Sexual Violence Against Women – the Programa Nacional de Prevenção e Combate à Violência Doméstica e Sexual à Mulher – was formulated and launched. It included the provision of federal funding for the construction of shelters, to be administered by the National Council for Women’s Rights (Conselho Nacional dos Direitos da Mulher – CNDM), then linked to the Ministry of Justice (Falcão 2008).

In 2002, in order to discuss the situation of existing shelters and formulate recommendations for the creation of new ones, the Secretaria Nacional de Direitos da Mulher – SEDIM, created that year by President Fernando Henrique Cardoso, organized a national meeting with the participation of shelter directors and coordinators. The example of Casa Viva Maria, in operation in Porto Alegre since 1993, became a model for new ones. However, it was not until 2003,

with the creation of SPM under President Lula da Silva’s first term, in fact, and, more specifically, after the sanctioning of LMP, in 2006, that a national policy regarding shelter houses for women in situation of violence was formulated, making shelters an essential service in the network of assistance. For that purpose, and in order to guarantee uniformity and good quality services, a “Termo de Referência para Casas-Abrigo”, that is, specific guidelines were formulated for the creation and operation of shelter houses (Brasil SPM 2006). With the sanctioning of LMP, in August of 2006, a revision of these guidelines became necessary. But it was only in 2011, already under President Dilma Rousseff’s first term, that revised guidelines for the creation and operation of these shelters were elaborated and published under the title: Diretrizes Nacionais de Abrigamento às Mulheres em Situação de Violência (Brasil SPM 2011c), or ‘National Guidelines for Sheltering Women in Situation of Violence.’²⁹

In these guidelines, SPM extends the concept of ‘sheltering’, noting that it refers to different possibilities (services, programs, benefits) of temporary shelter to women in situations of gender-based violence, including domestic violence and traffic of women, and in need of protection. For SPM, ‘sheltering’ does not refer only to a safe place to stay, such as shelter and halfway houses, but also includes other sheltering measures and provisions, such as special programs and benefits which “ensure the physical, social and psychological well-being of women in situation of violence, as well as safety for her and her family” (Brasil SPM 2011c:9). In this respect, the guidelines for ‘sheltering’ include an array of ‘recommendations’, both for the actual shelter, as well as in terms of provisions of different services and programs catering to the women and her children in need of safe shelter.

The Guidelines delineate two basic types of sheltering services. The first, named ‘Casas de Acolhimento Provisório’ (Provisional Refuge Houses), an innovation for Brazil, provide non-secretive temporary shelter, up to 15 days, for women in life-threatening

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<http://www.spm.gov.br/sobre/publicacoes/publicacoes/2011/abrigamento>

situations of violence and their children. The ‘Provisional Refuge’ should ensure the physical and emotional integrity of the women, analyzing her specific situation and the needed proceedings. The second, the already well known ‘Casas Abrigo’, or Shelter Houses, are secretive safe shelters provided for women in life-threatening situations of violence and their minor children (under 18 years old), for the period of up to 180 days, during which provisions should be made to return the women and their children to a safe living situation. This would include juridical provisions for child-support, legal separations and divorces, social assistance in job training and placement, education means for the children, and psychological counseling for the family.

Both types of shelter are to be a public service, meaning free of charges and provided by local governments (municipal, state or both together), with the support of federal funding. Casas-Abrigo should include their own multidisciplinary staff to assist on legal, social, and psychological/emotional assistance, whereas Casas de Abrigamento Provisional should provide the women assisted with access to the existing network of services.

In 2011, when the Guidelines were elaborated and approved, SPM verified the existence of 72 Casas-Abrigo in Brazil, the majority (that is, 25 of them) situated in the Southeast and South (with 13 houses) Regions. Some shelters were run by municipalities, others by state governments, but, in either case, they usually did not dispose of generous budgets, often operating understaffed. Most were linked to social services bureaus, whereas a few were ran by Security and Justice secretaries.

According to the CPMI on Violence Against Women, which inventoried these services in 2012-2013, there were 71 Casas-Abrigo in operation at the time, that is, one less than the SPM listing. Carmen Campos (2015), who was a special consultant to CPMI, noted that, despite the new policy regarding the two types of sheltering, Casas-Abrigo were still the major public policy for the sheltering of women in risky situations. She observed, however, that this service was rarely sought out by the women involved. Several factors contributed to that effect, among them: “the

confinement and rigid disciplining which characterizes Casas-Abrigo; the rupturing, even if temporary, of the ties; the non-provision of educational, cultural and work activities that do not fall on the traditional ‘handcrafting’; the lack of privacy, rupture of the school activities of sons and daughters, among others,” all of which lead the women into choosing to run risks rather than staying at the Casas-Abrigo (CPMI apud Campos 2015: 527, my translation).

Campos also observed that the material conditions in some of the houses visited by the Commission were deplorable – “no paint, huddled beds, no privacy, cracked walls, etc” – and the training offered had nothing to do with the real employment needs of the sheltered women and their children. Furthermore, in some cases, the women arrived by taxi, which, together with the constant reshuffling of security personnel, the needed secrecy, and, as such, safety of the house was compromised.

One of the main problems affecting the operations of these houses is the periodical change of government (municipal, state, and federal as well), which may translate into reduction or even total withdraw of support. The Casa-Abrigo operating in Salvador, Bahia, is a case in point. The house was created in 2000, with the name ‘Casa Abrigo Pousada de Maria’, by the ‘first lady’ of the State as part of the Social Volunteers (‘Voluntarias Sociais’) Program, a non-profit non-governmental organization, but linked to the government, since usually headed by ‘first ladies’. The initiative counted with support from the National Council for Women’s Rights (Conselho Nacional dos Direitos da Mulher – CNDM) and the Ministry of Justice. Originally, it offered 15 vacancies to women, with the possibility of housing 60 children. It counted with a large multidisciplinary staff, and with the support of different government agencies. It did not, however, engage with the local women’s movements, being created without any discussion in the local Women’s Forum (Falcão 2008).

Up to May, 2002, the house had already catered to a total of 140 women in situation of violence. However, with the change in the state government and lack of interest on the part of the new ‘first lady’ in carrying out the work, the situation in the Pousada de Maria

began to deteriorate. It was de-activated in mid-2003, due to complaints by the women sheltered about the conditions of the house. In April of that year, there was only one woman sheltered in the house and the deplorable situation was brought to the attention of the media. Local feminist and women's movements then began to pressure for the re-opening of the house, demanding adequate funding to its operation. A commission was articulated to formulate a project for the re-opening of the house, counting with the support of SPM. The house was re-inaugurated in 2004, with a new name: "Casa Abrigo Mulher Cidadã" (Falcão 2008, Santos, C.R. 2014).

Different from the previous 'shelter', the re-inaugurated one counted with a multidisciplinary staff, specifically trained for the work. However, administrative problems undermined the work. By 2004, the shelter operated with only 25% of the vacancies filled (Falcão 2008). A major problem in that direction was the lack of networking between the different agencies, particularly with the DEAM. Yet, despite the problems former shelter residents, interviewed by Virginia Falcão valued the sheltering as a fundamental experience in helping them overcome the situation of violence.

The study conducted by Candida Ribeiro Santos (2014) in this shelter house during 2013-2014 showed that the administration of the house was still a problem. The house continued to operate way under its capacity, with little interchange with other agencies, and with a staff not properly trained. In other words, it is within the conditions found in other houses surveyed by CPMI.

Regarding the new policies for sheltering, that is, those pertaining to Provision Refuge Houses, note should be made as to the recent inauguration (in December, 2016) of the 'Casa de Passagem da Mulher Paulistana da Zona Norte Rosângela Rigo'. It is regarded as a major advancement in that it offers 24 hours assistance, with short stay shelters to women in situation of violence. The new equipment is provided by the Mayoralty of the City of São Paulo. A real problem, since the present mayor has not been re-elected, while the new one promises to cut down spending, vouching to do away with all human rights

agencies in the city, the Municipal Secretary of Public Policies for Women including.

Health Services for Women in Situation of Violence

It is now a well established fact that living in a situation of violence can be extremely stressful, even if it does not involve physical violence. Women who live in a situation of violence, particularly conjugal violence, tend to suffer more health problems than those who do not. Indeed, conjugal violence has been associated with greater incidence of gynecological problems, depression, suicide, unwanted pregnancies and sexually transmitted diseases, gastrointestinal discomfort and a host of other health problems. Moreover, studies have shown a high prevalence of violence against women during pregnancy, resulting in miscarriages, still births and low birth weight (Schraiber and D'Oliveira 1999, Diniz et al 2004, WHO 2001). They have found as well a high correlation between voluntary abortions and domestic violence, violence responding for the desire to end the pregnancy (Diniz et al 2011).

In analyzing public policies and services regarding issues of violence against women and health, however, it is important to look both at the care offered to women in a situation of violence, as well as the provision of health services as a means of identifying and reaching out to women who experience violence, particularly domestic violence. Whereas women who suffer physical and sexual violence tend to use health services more than others, health professionals are not always prepared, nor willing, to identify and register these incidences of violence in the patient's medical records (Andrade and Fonseca 2008).

A survey carried out in the 1990s in a public health center in São Paulo that tended to primary care showed that 57% of the women treated reported some instance of physical violence in their lives. However, only 10% of these cases were registered on the women's medical records, although it was apparent that the medical personnel recognized the situation through the prescriptions they issued: 24% of the women in situation of violence treated received tranquilizers and

pain-killers, whereas only 9% of those with no reported incidence of violence did so (Schraiber & D'Oliveira, 1999).

During the 1990s, health policies regarding the incidence of violence were basically restricted to the identification of such cases through the introduction of routine questions in the triage for different types of services, such as emergency, prenatal care, gynecological procedures, mental health, and so forth. The purpose was to register these cases and offer proper referral to other agencies. As noted above, however, health professionals did not always feel compelled to register cases.

In 2003, after the creation of SPM, new health policies regarding violence against women were to be put into practice. Law no.10.778, sanctioned on November 2003, established the need for 'compulsory notification', obliging public and private health services to notify suspect and confirmed cases of any type of violence against women.³⁰ As such, all health professionals and public and private health institutions are now obliged to notify such cases, with penalties for those who fail to do so.

Nevertheless, a survey conducted among a group of nurses found that they had great difficulty not only in reporting violence, but actually in caring for patients victims of violence, particularly in the case of sexual violence, for lack of appropriate training and psychological support on the part of the institution (Leal and Lopes 2005). As expressed by Saliba et al (2007:25, my translation), "notifications are powerful instruments of public policy, since they help to scale out the issue of violence in the family", however, as they add: "consciousness awareness of their importance, discarding preconceived ideas and the appropriate training to diagnose situations of violence are necessary conditions for health professionals to be able to detect and notify, to whom it is due, this reality that presents itself in such an expressive manner in their daily dealings, independent of their area of activity."

A study of public health centers in Belo Horizonte, Minas Gerais, for the period of 2001-2011, revealed that of the 21 centres in the sample, only 14 were in fact complying with the instructions of notifications in the case of VAW. As excuses for not doing so, the non-compliant centers claimed lack of knowledge of the compulsory notification and of its importance, as well as lack of time in face of the volume of work, and the fragility of the technical training of the professionals in such matters (Kind et al 2013).

Similar findings were revealed in another study, this time conducted in major public hospitals in the city of Campos dos Goytacases, in Rio de Janeiro. The study correlated the cases of sub-notification to the lack of the needed training on the part of health professionals in identifying instances of VAW, stressing the need for the inclusion of theoretical and practical training on such matters in the curricula of health professional schools (medical, nursing, psychology, etc.). Lack of training leads to ignorance and uncertainties as to the proper procedures to take when such problems arise in their daily practice (Monteiro apud Cordeiro et al 2015). The same conclusions were formulated by Gomes and Erdmann (2014) in their study conducted in Florianópolis, Santa Catarina: despite demonstrating theoretical knowledge on the issue of VAW, health professionals surveyed showed difficulties in identifying it in the cases presented.

The Ministry of Health has formulated and published special recommendations for notifications in case of suspected or confirmed VAW.³¹ However, it is clear that this is not enough; indeed, specific training for health professionals is a must in such situations, and should be included in the curricula (Andrade and Fonseca 2008). The relevance of such training is confirmed in the observation that community health agents, who only have secondary education at the most but who have been trained, successfully identify and offer referrals to women in situation of violence (Lira et al 2012). The introduction of this type of training in the health professions should also have positive effects in promoting greater networking between health

³⁰ Brazil. Law 10.778, November 24, 2003. Available at: <http://www.planalto.gov.br/CCIVIL/LEIS/2003/L10.778.htm>
Accessed on 25 November 2016.

³¹ <http://portalsaude.saude.gov.br/index.php/component/content/article?id=15887&catid=>

services and other agencies offering assistance to women in situation of violence.

It should be noted, as Télia Negrão (2016) reminds us, that the National Policy for Integral Attention to Women's Health (Política nacional de atenção integral à saúde da mulher –PAISM BRASIL, 2004) defines among its goals the promotion of attention to women and adolescents in situation of domestic and sexual violence, including the prevention of Sexually Transmitted Diseases (STDs), with specific guidelines. She also notes that a special plan to confront the feminization of HIV and other STDs, with a gender perspective, was launched in 2007, however, it has yet to be implemented as a wide-ranging strategy.

This is not really surprising: a study conducted by the Ministry of Health along with Febrasgo- the Brazilian Federation of Gynecological and Obstetrical studies (Faúndes 2008) revealed that of 884 hospitals and emergency units surveyed who attested to following all the proceedings spelled out in the Ministry of Health Guidelines as to Sexual Violence Against Women, only 430 (representing 48%) did in fact do it, and only 107 of 807 units had actually conducted full examinations in the previous 10 to 14 months. Among the reasons for not proceeding according to the guidelines were lack of information, training, infrastructure and materials, as well as beliefs and options classified as 'conscience objections'. For Negrão, these results clearly show that the "interface with health is a failure in confronting the consequences of violence in women's lives", as the access to the services provided is not readily available to all. More specifically, this study showed that the Penal Code and Maria da Penha Law are not being applied as they should in the case of women who suffer sexual violence.

Indeed, there are specific protocols for the notification and proceedings in the cases of violence against women recognized by public health providers, guaranteeing special attention to women victims of sexual violence by means, among other procedures, of provision of a special 'kit' containing the 'day after

pill'.³² A law-project presented by religious fundamentalists in Congress threatens the continuation of these services, a threat that has incited strong protest on the part of feminist and women's movements throughout the country.

In Brazil, women victims of sexual violence have experienced for long the situation of re-victimization, as no provisions existed for termination of the resulting pregnancies, even though this was included in the Brazilian Penal Code since 1940.³³ In point of fact, it was only in 1989, under the pressure of feminist movements, on the one hand, and of severe contrary reactions on the other, that the City of São Paulo began to offer specialized attention to instances of sexual violence, including pregnancy interruption, in Hospital Jabaquara, as per the Penal Code (Talib and Citeli 2005).

But, as Negrão (2016) observes, it was not until 2003, with the creation of SPM, that the Ministry of Health began to update protocols and standardize the implementation of sexual and reproductive health rights for women, with an emphasis on human rights. Since then, these services have been offered in the different major cities – but not 'automatically'. Local feminist and women's movements have been forced to stage protests and/or negotiate with local authorities the implementation and provision of the service. Furthermore, patriarchal conservatism, strong in the National Congress and Senate, particularly since the 2014 elections, is pushing forth law projects that could set back many of women's hard fought rights. Indeed, CFemea, a feminist non-governmental organization set in Brasilia and monitoring what happens in Congress, has identified close to 30 projects which ran contrary to women's sexual and reproductive rights (Negrão 2016).

In accordance with these patriarchal tendencies, local and state parliaments are also trying to curtail – or even block completely – the distribution of emergency

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<http://www.spm.gov.br/central-de-conteudos/publicacoes/publicacoes/2015/norma-tecnica-versaoweb.pdf>

³³ Art. 128, inciso II (1940), according to which abortion is not a crime when pregnancy results from rape or is life-threatening to the woman.

contraceptives (day after pills), such as observed in the interior of São Paulo (Arlha, Lapa, and Pisaneschi 2010). And in the city of Salvador, Bahia, the municipal council recently passed a law establishing an official municipal day for the fight against abortion in all cases.

The View from Small Town - Brazil

If such problems are strongly affecting what happens in terms of the application of LMP in capital cities, what can we expect of small towns? What kind of assistance is being offered to women in a situation of violence away from the big centers?

In order to address these questions, a small field study was conducted in Pindamonhangaba, also known as 'Pinda', a town of an estimated total of 162,000 people in the interior of the State of São Paulo, located at approximately 100 miles from the capital city of the same name, on the highway that leads to Rio de Janeiro. The town became an independent villa in 1705 and grew while the culture of coffee thrived in the area, gaining the status of township in 1849. But its industrial development is still recent, dating from the 1980s onward, while the upsurge of the population taking place since the 1990s, with the expansion of new industries in the area.

According to data registered in the SPM site,³⁴ there are 44 municipal councils for women's rights in the State of São Paulo, Pinda being among the townships that do have them. It was created on November 10, 2009, by Law No. 4.985, which spells out its duties and rules for composition, combining both governmental as well as non-governmental representatives.³⁵ Since its beginning, however, great part of those integrating the said council are from evangelical denominations, which, at least in Brazil, do not support a progressive stance in relation to women's

rights, particularly insofar as sexual and reproductive rights are concerned.

The president at the moment is linked to the nursing school of one of the local universities (an Evangelical university - Fundavic – Fundação Universitária Vida Cristã), bringing the university's support to council activities, such as the 'Pink October' Campaign which is geared towards building awareness in regards to breast cancer. The Council also engages in campaigns towards awareness and prevention of Violence Against Women, such as the '16 Days' campaign, as well as on celebrations of March 8, International Women's Day, with several photos of the campaigns and celebrations on the Council's Facebook page.³⁶ But no mention is made as to the 'September 28' – Latin American Day for the Legalization of Abortion, or other similar campaigns for women's reproductive rights.

Of course, the council merely reflects what happens in the town as a whole: no feminist organizations, no feminist movement, despite the rather active groups in Taubaté, a town 10 minutes away. But it is well to note that the town of Pinda has a DDM which was created in 1993 and has been active for over 23 years under the direction of the same police chief since its creation. The station is now housed in an old office building (originally, it was in an old house), previously occupied by the Bureau of Motor Vehicles (Detran). It is equipped with old, weary furniture, but very clean and well organized. The reception is friendly and usually tends to the women without much delay. Fourteen people work there, but only four are regular state police personnel, whereas the others are either municipal civil servants, stationed there by agreement between state and municipal government, or cleaning personnel, outsourced. There is also a group of student interns from and volunteers from the nearby universities who take turns rendering their support. Yet, the station is only opened from 9 am to 6 pm, and only from Monday through Friday, being closed during weekends when, as known, partners are home and tend to drink a lot, alcohol catalyzing the eruption of VAW.

³⁴ http://www.spm.gov.br/assuntos/conselho/conselhos-estaduais-e-municipais-das-mulheres-1/estados/sao_paulo

³⁵ <https://leismunicipais.com.br/a/sp/p/pindamonhangaba/lei-ordinaria/2009/498/4985/lei-ordinaria-n-4985-2009-dispoe-sobre-o-conselho-municipal-dos-direitos-da-mulher-e-da-outras-providencias>

³⁶ <https://www.facebook.com/CMDMPinda/?fref=ts>

As observed in other small towns and DDMs in the city of São Paulo, so too the Pinda one tends not only to women, but also to children, adolescents and the elderly in situation of violence. The head psychologist, a municipal civil servant who has been working at the DDM since its inception, is in charge of working primarily with children and adolescents who have suffered sexual violence, although she does work with women as well, having gone through special training – but years ago. The Police chief speaks highly of her – “She is the best in the entire region!” – and she, in return, of the chief. But neither seems to be in very good terms with the President of the Women’s Council – “She carries out a lot of activities, but we do not associate much”, explained the Police Chief.

The Chief affirmed that, despite the non-existence of a Special Court for Domestic and Family Violence Against Women in the town of Pinda, the DDM does have a very good working relationship with the courts, particularly with one judge who nearly always expedites the solicited restraining orders without much ado. And in the absence of specialized defense nucleus and prosecuting nucleus, the local Bar Association (OAB) stands in for the women seeking legal advice. About 200 complaints are filed per month, around 70 of them becoming processes, as many of the complaints are what the DDS terms “queixa social”, that is, social complaint, such as fights among neighbors, and the like, a type of complaint that is many times registered by the elderly. All the VAW complaints, however, particularly those that fall within LMP are carried out to the fullest, many with the issuing of restraining orders.

As observed in other instances, so too in this case the juridical-penal agencies – court and DDS - does not seem to work very closely with the social agencies, in this case, the City Social Services Agency. According to the Director of this Agency, who is responsible for the local CREAS – Centro de Referência em Assistência Social, which operates as the local reference center, neither the DDS, nor the Court, send referrals to them. The psychologist at CREAS spoke of the shortage of personnel – four people, including the receptionist – and the problems faced with follow ups, besides one referral interview. They have no groups for exchange among the women in situation of violence,

not much chance to work with the women and their families. And very little time for networking with the DDMs or the local courts. She could not say much, she claimed, without getting permission from the Director of Social Services... But the Director of Social Services affirmed to be overwhelmed with work – not enough personnel, she said, too many meetings, too many reports to conclude (change of government!); she would call to set up a meeting after she returns from vacation, she said.

She did inform that the local Secretary of Health is beginning to implement – finally! – a system of notification of suspected and confirmed cases of VAW in town. It was difficult to do so, however, because health professionals still needed to be trained for that.

Women who sought the DDS have complained about the slowness of the proceedings, and the rather ‘business-like, no compassion’ type of reception they encountered. A teenager, who was followed by a man indecently exposing himself, complained that she was dismissed without much ado, because she stated that did not believe she could recognize the aggressor. Another whose daughter has been molested said she procured the DDS but decided to file the complaint at the town next door, where she was told they offered a much better reception and services overall. Others have stated that the Police Chief was more interested in running for City Council, then helping women in distress (by the way, she was not elected). But all agreed that she was ‘tough’, and tended to take matters with her own hands, in the style that has characterized other women police chiefs (Bahia 2001).

It is important to note that there is no shelter house for battered women in Pinda, nor in the neighboring towns. However, there has been much effort on the part of a commission to confront violence, organized in the next-door town of Taubaté, for the creation of a Regional Shelter House for the area known as ‘Vale do Parahyba’, or Parahyba River Valley.³⁷ Certainly, Regional Reference Centers and Special Courts may also be a good solution to bringing these services and equipments nearer women in smaller towns. But, of

³⁷ <http://guiataubate.com.br/noticias/2016/7/comissao-de-combate-a-violencia-contra-a-mulher-e-criada-na-camara>

course, access to these services would depend as well on the availability of regional means of transportation at little or at no cost to the women involved - a must, particularly in the case of low income women.

To be sure, it is well to stress that Pinda is among the relatively few municipalities in Brazil which count with a DDM and other agencies tending to women in situation of violence. Indeed, in a recent meeting of the supporting network of agencies and services to VAW victims, organized by the local CREAS (Centro de Referência Especializada de Assistência Social), there were more than 25 participants, representing more than 6 local agencies, even though most of them had no knowledge of the competences of the different agencies involved. At our suggestion, a guide listing these agencies and organs and the services they offer is now being organized, as a means of building greater cross-agencies coordination.

Let it be observed that the situation regarding this network in Pinda – although still not ideal - is certainly much better than in most small towns in other regions. For instance, Parry Scott et al (2016) report that although there are fourteen DEAMs in the State of Pernambuco, most municipalities do not have access to this type of equipment. This is the case of the rural area in which they conducted a study aiming to analyze “institutional networks and inter-relational networks which rural women put into action to face violence in municipalities of the Pernambucan Sertão.” In this region, women who decide to file a domestic violence complaint can only depend on the local ‘common’ police precinct, and, in certain cases, on the police battalions, seen as more agile in following through with proceedings. Yet, as the authors observe, in many cases, these police agents are also part of the personal social network of the women involved, denoting the confluence of institutional and interrelational networks.

The cited researchers reported that women’s attempts to file complaints in the ‘common’ police precincts were very rarely effective. There was a certain ‘discomfort’ whether in reporting incidences of violence to a stranger – an ‘outsider’ acting as police chief -, or to a person from the community, even a relative, too close to the situation to be trusted by the complaining women. In point of fact, in either case,

attending police agents often attempt to ‘counsel’ the women into not following through with the complaints, arguing that the ‘locking up’ of husbands/partners could translate into greater financial difficulties and to the destruction of the ‘family unit’, where women belong (Scott et al 2016:859).

As these authors observe, close ties within the community, particularly those of kinship, do not always translate into support to the women in situation of violence. They cite a case in which the attending police agent was a relative of the aggressor, tipping him as to the complaint filed so as to help him escape impending arrest. Of course, this situation is not exclusive to police agents, but to all agents serving in the institutional network, leading to what Scott et al identify as a “porosity between networks, which has repercussions on the political, legal and operational logic of facing violence.” They further argue that “both networks have contradictory postures. There are moments of aid/support and also of the refusal of support/help in avoiding and escaping from violent situations.” They conclude by noting that: “Proposals for the implementation of policies for ‘women of the country and of the forest’ should pay attention to some of these porous links between networks, especially those which create vulnerability and deter possibilities of guarantees of human rights for women” (Scott et al 2016:870).

Findings and Resulting Initiatives

From the previous discussions it should have become evident that, despite the importance of LMP, its implementation is a complex issue. It leaves much to be desired: we are still a long ways from eradicating VAW in Brazil. Government officials, at all levels, are quite aware of this situation and open to suggestions towards finding solutions. Indeed, during President Lula da Silva’s and President Dilma Rousseff’s terms in office, particularly through the Secretary of Public Policies for Women, there was much conversation going on between academia, activists and government, discussing the finding and means to try to solve the problems identified.

One important initiative in this direction was the launching of a public tender for the organization of a consortium of university research centers and feminist organizations to monitor the implementation of LMP. OBSERVE, the successful consortium bidding, brought together 12 feminist institutions, organizations and networks, to devise methodological approaches to monitor the implementation of LMP. A pilot-study conducted on Women's Police Stations (DEAMs) and Courts for Domestic Violence Against Women in five major city-capitals (Rio de Janeiro, Salvador, Belém, Porto Alegre and Cuiabá) and in Brasília showed that despite some "good practices" at work, a number of problems were obstructing the application of the law in the cities studied. It also revealed the lack of data and /or incompatibility of existing information on cases, processes, victims and aggressors, important for the computation of statistics. To a large extent, this results from lack of appropriate training and knowledge of the law, and the need for data compilation, on the part of officials and clerical workers in the different agencies and organs involved, combined with poor articulation among these agencies and practitioners in the carrying out of the needed procedures. This not only limits the State's response in confronting domestic violence against women, but also shortchanges the compiling of data needed for monitoring it.

On the basis of the results and recommendations of this Project, the Special Secretariat – SPMulheres created an award – the Good Practices Award in the Implementation of Maria da Penha Law. OBSERVE's recommendations have also brought changes in the Technical Norms (Norma Técnica) to be used by Battered Women's Police Stations all over the country.

Likewise, information gathered by OBSERVE and other research efforts have made evident the problem of data collection regarding VAW in Brazil and the application of LMP. Most agencies do produce data, but not enough, and, what is worse, the data collected is not compatible for lack of methodological standardization of the information. In response to this problem, on July/2016, the National Congress launched a project focused on the creation of a data bank for production of data and compatibilization of the existing information, under the National Policy of Statistical Information on Violence Against Women –

"Política Nacional de Informações Estatísticas Relacionadas à Violência contra a Mulher" (Pnainfo).³⁸

Another study conducted by OBSERVE under the coordination of Wânia Pasinato (2011b), showed that, indeed, cross-agencies networking is at best limited. The study covered five capital cities – Salvador, Rio de Janeiro, Porto Alegre, Belém and Brasília. Salvador presented the best results, but only because long before the sanctioning of LMP and its emphasis on networks, the local Women's Forum was already engaged in such activity, through participation in the local Forum to Confront Violence, the Network for Confronting Violence Against Women in particular. Counting with representatives of the different existing agencies in the city – e.g. DEAM, Reference Center, Casa Abrigo, etc. – and participants in the Women's Forum, this network met monthly to discuss issues regarding confronting and preventing VAW in Salvador (Pasinato 2011b). After LMP was sanctioned, the Forum to Combat Violence devised a protocol to facilitate the process of 'walking by' the services for women in situation of violence (Santos, Kalil and Lobo 2016).

Aware of the existing problems in effecting cross-agency coordination in most cities, as well as the need to extend the network of services to groups of women who had previously been disregarded, SPM formulated the Program: "Mulher, Viver sem Violência" (Woman, To Live Without Violence), launched in August, 2013, by President Dilma Rousseff.³⁹ This Program was constituted of six different strategies to confront VAW in a more concerted effort:

1. House of the Brazilian Woman (Casa da Mulher Brasileira)
2. Enlargement of the Central Women's Answering Service (Central de Atendimento à Mulher – Ligue 180)
3. Organization and Humanization in Assisting Victims of Sexual Violence

³⁸ <http://www2.camara.leg.br/camaranoticias/noticias/DIREITOS-HUMANOS/512547-COMISSAO-APROVA-CRIACAO-DE-BANCO-DE-DADOS-NACIONAL-SOBRE-VIOLENCIA-CONTRA-A-MULHER.html>

³⁹ <http://www.spm.gov.br/central-de-conteudos/publicacoes/publicacoes/2015/diretrizes-gerais-e-protocolo-de-atendimento-cmb.pdf>

4. Centers For Women in Dry Frontier Regions
5. Continuous Consciousness Awareness Campaigns
6. Mobile Units for Assisting Rural and Forest Women

Of all these actions, Casa da Mulher Brasileira was the 'chief car', getting most of the attention. It was presented as a 'public space' which concentrates the different services for an integrated and humanized assistance to women. According to former Ministra Eleonora Menicucci, the Casa da Mulher Brasileira revolutionizes the existing models for confronting violence against women, in that it 'integrates, enlarges and articulates' public machinery geared towards women in a situation of violence. By concentrating the different services in one single space, it facilitates women's access to them. And it also stimulates greater interchanges among the different agencies, avoiding duplications in actions and procedures and thus offering a more concerted assistance to women in a situation of violence.

Inaugurated in January, 2015, the Casa da Mulher Brasileira in the city of Campo Grande, Mato Grosso, assisted nearly 10 thousand women over the period of 12 months. According to the House Director, there were 57.411 visits and referrals, 875 incarcerations, 2.234 restraining orders, and 5.901 psychosocial sessions. The toy library tended to 1.587 children while the mothers were being assisted. The Public Defense Nucleus offered 1.976 juridical assistances and the Provisional Shelter housed 201 women and 101 children.⁴⁰

During President Dilma Rousseff's term, the Program, particularly the Casa da Mulher Brasileira, received much support, with several houses being built in different capital cities. However, with the coup that ousted the President, federal support for this program has dwindled considerably, and will continue to go down even more: a major law project to cut funding for health and education for the next twenty years was approved by both Houses of Parliament in early December, 2016. Already the Casa da Mulher Brasileira in Campo Grande – the Program's Model

House – is suffering the effects of cutbacks, having many of its activities suspended and the laying off of nearly 50 workers.⁴¹ Yet, it still represents a very important initiative on the part of the government in responding to the observed shortcomings in cross-agencies coordination.

Another important and effective governmental response to research findings was the formulation and approval of the 'Femicide Law', sanctioned by President Dilma Rousseff in March, 2015. Responding, in particular, to data analysis in regards to the Map of Violence discussed earlier, this law amended the Brazilian Penal Code such as to redefine "femicide" as a type of qualified homicide. It is now included it in the list of "hateful crimes"—that is, among those which are considered extremely grave and deserving more severe sentences, with no possibility of bail or of sentence reduction. According to the new law, domestic violence against women is now classified as a "crime qualifier," carrying sentences up to two and a half times longer than those for "simple" homicides (Sardenberg and Costa 2017).

Let it be noted that this change represents an important advancement in the fight against gender-based VAW, resultant from the work of 'state feminism' machineries, pressured by feminist and women's movements. Indeed, pressure on the part of these movements also resulted in an important response from the Ministry of Education, during the last year of Dilma Rousseff's presidency: the 2016 annual ENEM, a national exam equivalent to the ACT exams, not only had a question citing Simone de Beauvoir, but also figured as essay theme "The Persistence of Violence Against Women in Society," requiring more than five million youngsters to reflect upon this serious national problem (Sardenberg and Costa 2017).

Finally, to close this section with an optimist note, it is well to observe that activism on the part of feminist and LGBT (Lesbian, Gay, Bisexual and Transsexual) movements has led to the inclusion of violence against

⁴⁰ <http://www.spm.gov.br/noticias/casa-da-mulher-brasileira-de-campo-grande-atendeu-quase-10-mil-mulheres-em-2015>

⁴¹ <http://www.campograndenews.com.br/cidades/capital/sem-receber-empresa-demite-50-terceirizados-da-casa-da-mulher>

transsexuals and travestites within the parameters of LMP, in the same manner that it applies to women.⁴²

Some ‘Good Practices’ and Successful Initiatives

Let it be stressed that despite the noted shortcomings and limitations in the implementation of LMP, it still represents an enormous progress in the struggle against VAW in Brazil, operating as tool for women – and now, also transsexuals and travestites - to break with a situation of domestic violence. Moreover, some states and cities have forged ahead with successful initiatives which deserve recognition and closer attention as ‘good practices’ to be emulated.

Some of these ‘practices’ were identified by the survey conducted by Observe- Observatório de Monitoramento da Lei Maria da Penha (Gomes et al 2009), whose results were passed on to the then operating Secretary of Public Policies for Women (SPM), linked to the Presidency of the Republic. In response to these findings, SPM launched an annual prize to be bestowed to agencies and organizations promoting ‘good practices’ in the implementation of LMP.

One of the main initiatives in that direction identified was the ‘Itinerant DEAMs’ in operation, first in the city of Porto Alegre, and then reproduced in other cities as well. An initiative of the local Porto Alegre DEAM Police Chief, the Itinerant DEAM was installed in a microbus which, once a month, visited city neighborhoods with the highest rates of occurrences, namely, Restinga, Rubem Berta and Vila Safira, areas housing mostly low-income families. This facilitated the filing of domestic violence complaints on the part of those women, too poor to afford paying for transportation to the city center, where the DEAM operated (Gomes et al 2009).

Another early initiative configured as a ‘good practice’ was the creation, in 2008, of a General Coordination of DEAMs in the State of Rio de Janeiro, which worked

⁴²<http://www1.folha.uol.com.br/colunas/monicabergamo/2016/08/1797829-lei-maria-da-penha-podera-valer-em-agressoes-a-transsexuais-e-travestis.shtml>

close together with the State’s Superintence of Women’s Rights - SUDIM/RJ, the Commission for the Safety of Women, and with the two then newly created Special Courts. One of the major tasks of this General Coordination was to standardize the proceedings for the application of LMP by all DEAMs and District Police Precincts operating in the State of Rio de Janeiro. And to ensure the proper handling of the procedures and the ‘specialized’ treatment towards women who sought their assistance, it began to organize special training courses for the personnel involved (Gomes et al 2009).

Training programs were also developed by the Police Academy in Rio de Janeiro in cooperation with feminist NGOs and with the State Council for Women’s Rights – CEDIM/RJ, similar programs being developed in other states as well, with the support of SPM. Likewise, Courts of Justice in different state capitals also came to offer training programs for their personnel, and in certain instances – such as in Brasília – sensitive training courses on violence against women to ‘community agents’, who worked together with women in low-income neighborhoods (Gomes et al 2009).

One of the best initiatives regarding the Judiciary was to be found in Cuiabá, capital city of the State of Mato Grosso, pioneer in the creation of Special Courts for Domestic and Family Violence Against Women in the country. The State of Mato Grosso also figured as the first to offer special training to ‘operators of the law’ and clerks in the judiciary on the application of LMP, and also the first to launch a wide campaign to publicize the new law (Pasinato 2010).

In celebration of the 10th anniversary of LMP, the National Council on Justice – CNJ launched a campaign to identify ‘good practices’ in the Judiciary System, in the application of LMP.⁴³ Among those programs/projects of initiative by Courts of Justice in different states deemed as successful initiatives, figures the Radio Program “Justiça por Elas” (Justice for women) promoted by the Court of Justice of the State of Amapá (TJ-Amapá) in association with the University Radio of the Federal University of Amapá,

⁴³ <http://www.cnj.jus.br/programas-e-acoas/lei-maria-da-penha/boas-praticas>

and meant to be a communication tool for women to “consolidate their rights” and “confront crimes in the domestic sphere.”

Another relevant initiative credited by CNJ was the Program “Maria da Penha goes to School” promoted by the Court of Justice of the Federal District and Territories (TJ-DF), consisting of sensitivity training courses on VAW and LMP offered to educators, teachers, school psychologists and social workers, and the like, with the participation of law operators. The final report states that the program reached a total of 2.074 participants from 32 different schools in the Brasília metropolitan area, including more than 90% of teachers associated with the Regional Education Coordination⁴⁴

In São Paulo, through Project Fênix, the Courts of Justice convened a partnership with the Public Health Network, so as to guarantee the needed psychological and medical assistance to women victims of violence, particularly those who suffer physical violence with lasting physical scars, granting them access to plastic surgery.⁴⁵

The Courts of Justice in the State of Sergipe had four relevant initiatives recognized by CNJ, among them, one geared to the development of institutional networks to assist women in situation of violence in regions of the interior of the State, rural areas including, so as to provide women in these areas with the needed support.⁴⁶

Some Final Considerations and Recommendations

Violence Against Women still runs rampant in Brazil, demanding greater attention on the part of government, at all levels, and from civil society at large in order to confront it. For certain, adequate legislation is a crucial

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<http://www.cnj.jus.br/files/conteudo/arquivo/2016/09/7c3f557c7864109c89b3e8f07e2290ce.pdf>

⁴⁵<http://www.cnj.jus.br/files/conteudo/arquivo/2016/08/cf6bbdc2af17b7799903695a873379b2.pdf>

⁴⁶

<http://www.cnj.jus.br/files/conteudo/arquivo/2016/08/b9a13310807a12385e653939103e76ed.pdf>

step in that direction, and LMP encompasses a complex and pertinent law package with all the needed elements to support women in situation of violence. However, studies have shown that independent of the specificities of domestic violence legislation in different countries, their effectiveness depends on: appropriate training of all service providers; cross-agency coordination; public opinion support; monitoring of policies by Civil Society Organizations; and adequate budgets at all levels - local, state, and federal (Sardenberg 2011).

In reviewing the issues covered in the previous sections, it becomes evident that despite the important advancements brought about with LMP in confronting VAW in Brazil, and in spite of the relevant initiatives enacted in the implementation and application of LMP, such as the ones described in the course of this paper, many shortcomings have limited its potential efficacy. Of course, a number of factors can affect – either favoring or acting against - the adequate implementation LMP, but below we will list and discuss those that have been identified by different researchers and the recent workings of the CMPI:

The Need for More Adequate Funding:

The major problem is precisely the shortage of funding to carry out the actions needed for the full and adequate implementation and application of the law package in question. This, in turn, reflects lack of political will, and more specifically, the low priority given to the eradication of violence against women by all levels and branches of government, particularly since the ousting of President Dilma Rousseff. She had formulated a policy of ‘zero tolerance’ regarding violence against women, setting special funding for the ‘Woman, To Live Without Violence’ Program, particularly for the constructions of ‘Casas da Mulher Brasileira.’ Since the new government took over, however, neo-liberal policies in favor of a ‘minimum state’ have already led to the dismantling of women’s policy agencies at the federal level, an example which unfortunately will probably trickle down to states and municipal governments as well.

Yet, to guarantee the effectiveness of domestic violence legislation, provision of funding – adequate funding - is essential. Budgeting for programs and

agencies involved in providing the much-needed services to women in situation of violence should be undertaken at all levels of government – local, state, and federal – according to the nature of respective agencies and government organs. This is an important instance in which women’s organizing and lobbying for provisions in favor of domestic violence legislation is called upon.

In this regard, it is important to stress that, in Brazil as elsewhere, women’s organizing, particularly feminist organizations, have been essential to turn public the harmful and deleterious nature of violence against women for society as a whole, as well as for formulating, implementing and monitoring domestic violence legislation. Indeed, without feminist and women’s organizations pressures, there would be no confronting VAW. To guarantee the flow of needed funding for agencies and programs, continuous organizing in that direction will have to remain on the agendas of feminist organizations.

This means that donor institutions should offer continuous support to feminist organizations and their initiatives to confront domestic violence (Sardenberg 2011). This is more important in the case of Brazil now, since the present government has removed most of its support to such initiatives, having dismantled women’s policy agencies and cut down funding to human rights programs at large.

The Need for Women’s Policy Agencies

In its Final Report, the CPMI on Violence Against Women in Brazil suggests that there is a strong positive correlation between the existence of Women’s Policy Agencies in the different states, such as Secretaries of Policies for Women, and an overall greater transfer of federal funds to them, and thus of the enactment of initiatives to confront violence against women, an observation that also applies to municipalities. Aware of such facts, SPM, during the Lula da Silva government as well as Dilma Rousseff’s, promoted the creation of such agencies. However, most of them are concentrated in the larger cities, particularly capital cities. Incentives should be given for the creation of these agencies in smaller towns,

those designated as ‘pole towns’ (cidades polo) in particular, so as to ensure more support to women in rural areas and other areas of difficult access.

The Need for More Agencies in Support of Women in Situation of Violence:

The same observations would apply to the agencies in support of women in situation of violence. There are not enough DEAMs, Special Courts, Reference Centers, Shelter Houses, etc., to meet the demand for their services. This translates in delays in tending to the needs of women in situation of violence, increasing risks to them. Moreover, the concentration of the few existing agencies in the larger cities, leaves great part of the female population with little or no access to justice in cases of situation of violence. Women’s organizations have thus an important role in pressing local governments to create these agencies – with itinerant services to areas of difficult access.

The Need for Adequate Infrastructure:

We have seen that a common problem faced by the agencies operating in the network of services to women in situation of violence is the lack of adequate installations and equipment, including computers, motor vehicles and the like. In some cases, the equipment is there, however, it is outdated or broken, impossible to use. Or, in the case of installations, they might be dilapidated, such as observed in the case of Shelter houses. Pressure is thus needed at all levels of government so as to ensure the needed funding for infrastructure.

The Need for Trained Personnel:

Lack of personnel trained to carry out the needed functions also stands among the major shortcomings encountered by the CPMI in the diagnosis of all the different Brazilian states. This affects the Judiciary as well as DEAMs and social assistance agencies all over the country, thus shortchanging the assistance due to women, according to LMP. This is even more so, given that, in most cases, service providers do not have

the adequate training to give the women the specialized attention they deserve.

According to OBSERVE's research findings, confirmed by those of the CPMI, two lines of special training – and awareness-raising – are needed to all service providers, particularly those working directly with women in situation of violence. The first pertains to the 'technical' knowledge regarding the application of LMP, and of the different proceedings to get the fastest response to these women. For example, DEAMs need to train providers to execute higher quality police proceedings. As we noted elsewhere, "police inquiries and petitions for protective measures are the major instruments of police action under Maria da Penha Law, and if adequate proceedings are not executed, protective measures cannot be issued, causing delays that can further threaten women's lives" (Sardenberg 2011:7).

The other type of special training service providers must have pertains to the modes of delivery they should make use of in order to effectively reach and tend to the women who seek help. This has to do with 'gender awareness-raising', a necessary step in the training of all those involved in providing help to women who are victims of violence. This is specially so in the case of providers at DEAMs: a number of studies have registered that besides receiving very little information regarding procedures and proceedings of the case, the women are often treated with rudeness by police agents of all levels. The outcome is the re-victimization of victims – something which could be potentially avoided by specialized training (Sardenberg et al 2010, Sardenberg 2011).

We have seen in the previous sections that this lack of appropriate training is also one of the major drawbacks of health providers in effectively complying with the notification of suspected or confirmed cases of violence in the patients' medical records. Certainly, health providers would need both lines of training, as well, and so would those providing services through the judiciary system.

As we have delineated elsewhere (Sardenberg 2011), this special training could come in the form of:

- “• promotion of continued training to police officers, deputies and clerks, as well to personnel and professionals in other network agencies, focusing especially on those who have more direct contact with women who seek assistance;
- promotion of workshops for Justice system workers (starting with judges) on domestic violence against women;
- promotion of professional development by means of career re-structuring in the police force, offering special incentives for participation in training courses and workshops in the area of human rights with concentration on women's rights;
- introduction of obligatory courses on women's rights and legislation regarding domestic violence against women in curriculum of Law Schools and Police Academies.”

Let it be noted that this issues should be part of the training of all police personnel, and not only for those in DEAMs/DDMs. Since, at present, it seems unfeasible to have a specialized precinct to tend to women in situation of violence, it is necessary that all police precincts have trained personnel to offer women the needed attention.

The Need for Better Cross-Agency Coordination:

Appropriate training would also contribute to a smoother networking between agencies providing support to women in a situation of violence. As we have observed, lack of a better oiled cross-agency coordination can lead to a slowdown in the procedures prescribed, placing the women in greater risk, especially when restraining orders are needed. Lack of the specialized training also shortchanges cross-agency proceedings in referring women to shelter houses and providing legal and psychological assistance, crucial to victims of violence. Lack of routine communication among the service providers is in fact one of the main shortcomings in the implementation of LMP, and one that needs to be overcome so as to strengthen each of these services in offering women in a situation of violence adequate support.

The experience of Salvador shows that the organization of a group of representatives from the agencies involved, along with the participation of activists, meeting regularly to discuss the effective implementation of the law, could contribute to the gradual development of cross-agencies routines to expedite support to the women who seek the services.

It is important to point out, however, as we have done elsewhere (Sardenberg 2011), that cross-agency collaboration does not usually occur without government intervention to encourage it. Cross-agency coordination, in operation with 'mandated networks' seems to bring more positive results, and should be encouraged (Commonwealth Secretariat 2004: 71). In this sense, it is fundamental to encourage the effective articulation of professionals and agencies that constitute the network of services to women in situation of violence, through the creation of committees and study groups (Carreira and Pandjarian 2003). The point is to promote cross-agency coordination and program development with the common mission of handling cases expeditiously so as to guarantee safety of victims as paramount. Collaboration between the different agencies should make it easier for victims to navigate the system and access the needed services, avoiding re-victimization.

The Need for Standardized Data Collection

Monitoring and evaluation should be part of all policies, but it is particularly essential in the case of domestic violence, given the cultural and organizational resistance to it. Furthermore, it is important that monitoring be undertaken by civil society, particularly women's and feminist organizations active in the struggle to end domestic violence. Along with the women victims, these organizations are the main stakeholders; many were behind the formulation of the legislation in force. Nevertheless, OBSERVE's experience has revealed that this process can be made difficult, especially as a 'culture of accountability' is usually lacking in the agencies providing services. Indeed, in accordance with OBSERVE's findings, so to the CMPI verified a generalized lack of standardized and reliable statistical data regarding the incidence of violence against

women. This problem limits the possibility of effective monitoring of the implementation and application of the law and, as such, limits as well responses on the part of the State to redress the shortcomings. In point of fact, there is no "monitoring culture" on the part of the agencies involved, and as such, not much relevance is placed on the production of data for that purpose. As such, promoting the development of such a culture, and systematic data keeping at all levels, should be part of policies aiming to confront domestic violence. Support is also needed for the promotion of studies, surveys and continuing research on domestic violence against women.

The Need to Build Public Opinion in Support of Domestic Violence Legislation

It is important to stress that, In countries where a 'culture of machismo' and the construction of violent masculinities is still strong, as in the case of Brazil, it is crucial to promote the implementation of comprehensive anti-violence and conflict resolution curricula in schools that address domestic violence. Likewise, it is also necessary to promote campaigns to raise public awareness on domestic violence and bring the issues involved, including in existing legislation, to public discussion. These campaigns should address attitudes about domestic violence, as well as inform people about the laws and services available to women in situation of violence (Sardenberg 2011).

As noted in a previous paper (Sardenberg 2011), in Brazil, since the passage of LMP in 2006, the annual campaign of the 16 Days of Activism to End Violence Against Women has addressed issues concerning the new legislation. There have been other government sponsored campaigns, songs that were composed, and government input in popular soap operas to raise awareness about domestic violence and LMP with positive effects. Indeed, public opinion surveys within the last few years have shown that public awareness regarding LMP Law has grown considerably (Instituto Avon 2009). Public opinion in favor of the new legislation has also had a positive impact in terms of its application in some recent high profile cases. Yet, it is well to keep clear that our work has only begun.

The Need to Support Feminist Organizations

Finally, we come to what is probably the most important recommendation arising from our conclusions. In Brazil, as observed in many other countries around the world, laws are now in place making domestic violence against women a crime. However, as we have seen here in relation to LMP, implementation often lags behind legal reforms. The experience from Brazil has shown that women's organizing has played a fundamental role in the formulation, implementation, and monitoring of policies to confront domestic violence against women. Indeed, "women's organizing is vital not only to get laws on the statute books, but can also play an important role in monitoring the implementation of these policies and holding governments to account in making domestic violence legislation more effective" (Sardenberg 2011). Thus, supporting feminist and progressive women's organizations in their campaigning to confront violence against women is a crucial and urgent need!

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