Network against Domestic Violence:

Mapping out the implementation of the Maria da Penha Law in the Contagem – Belo Horizonte Metropolitan Area.

Sergio Parreiras
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Abstract

The purpose of this dissertation is to examine the implementation process of Law 11.340/06, commonly known as the Maria da Penha Law, through a macro-study conducted in the Contagem–Belo Horizonte metropolitan area. Law 11.340/06 was created in 2006 by the Brazilian government to curb and prevent domestic violence in the country. This newly created law is important because domestic violence accounts for 70% of all homicides against women in Brazil. In order to conduct this study, the researcher traveled to Brazil during the month of November 2011, to collect data from interviews, seminars, events, newspapers, published reports, a questionnaire, and field observations. The researcher discovered that several agencies from all three levels of the government formed the Network against Domestic Violence to enforce Law 11.340/06 and to assist abused women. However, despite many positive changes, the agencies continue to face strong resistance. The lack of political will is the major factor driving the performance of these agencies and the implementation of Law 11.340/06.

Nyckelord/Keywords

Domestic Violence, Maria da Penha, Implementation of Law 11.340/06, Network against Domestic Violence, Brazil.
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Violence is not merely killing another. It is violence when we use a sharp word, when we make a gesture to brush away a person, when we obey because there is fear. So violence is not merely organized butchery in the name of God, in the name of society or country. Violence is much more subtle, much deeper, and we are inquiring into the very depths of violence (Jiddu Krishnamurti
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Chapter 1 Introduction and Method

The implementation of the Maria da Penha Law-11.340/2006 is a significant advance in the struggle against violence against women in Brazil. This law is a sophisticated legal document that formally guarantees women’s rights. Undoubtedly, since 1970 the Brazilian feminist movement has been engaged in this struggle in order to bring visibility to this serious social problem that affects women from all social backgrounds in the country, and has been a power force behind the implementation of the law. The Law 11.340/06 demands fundamental changes in several institutions involved with public security, public policies, legal and educational systems, and society in general. Moreover, the law was a response to the unsustainable situation of impunity in the country where men murdered their wives/partners in the name of love and were acquitted free under the presupposition that this was their right to kill in the name of honor.

Unfortunately, Brazil has a reputation for writing sophisticated laws but lacks the commitment to fully implement these laws. However, as will be shown, the Maria da Penha Law is the result of an interaction of national and international actors engaged in the struggle against violence against women, which gives a unique characteristic to this important advance of women’s rights in the country.

In other words, this interaction may create sufficient pressure to push the Brazilian state to a position of real commitment to enforce the law in its essence, which could be a significant step towards bringing justice to women in situations of violence. This dissertation is an attempt to investigate the process of implementation of the Law 11.340/2006 in a micro-field research conducted in the Contagem-Belo Horizonte area. It asks the main question: How is the Maria da Penha Law being implemented in the Contagem-Belo Horizonte Metropolitan Area? However, it is important to define the term “being implemented” in this dissertation, as a practical process how Law 11.340/06 is being executed by Network against Domestic Violence, a set of organizations which provide services for women in situations of violence, in the Contagem- Belo Horizonte area.

During a period of five weeks, I visited and interviewed people working for agencies involved in the process of implementation of the Maria da Penha Law, particularly the Referral Center to Help Women Victims of Domestic Violence, Espaço Bem me Quero and the Women’s Police Station of Belo Horizonte, and followed their struggle to assist women in situations of violence. These agencies are part of the Network against Domestic Violence. It was essential to register their voices concerning the implementation of the law. This dissertation maps out how these particular agencies are working in order to implement the Maria da Penha Law.

Research Methods and Presentation of the Field

During the month of November 2011, I visited Contagem to conduct a short field study. My purpose was to investigate how Law 11.340/06 is being implemented in the Contagem-Belo Horizonte area. In order to obtain relatively unbiased data and to obtain the voice of my participants, my methodology consisted of interviews with open-ended questions, informal conversations, and participation in seminars, and events with different individuals involved with the implementation process of Law 11.340/06. Although empirical, this ethnographic study establishes an overview of how Law 11.340/06 is being implemented and some of the challenges faced by the agencies and actors engaged in the process. Moreover, I also collected data through a survey given to a female chief of police. In summary, data was collected and presented in order to expose the ongoing process of implementation of Law 11.340/06 in the Contagem–Belo Horizonte area. As Scheper- Hughes (1992)
states, the work of an anthropologist is by its very nature empirical: otherwise we would not bother to go into the field (Scheper-Hughes 1992: 23).

Contagem is an important city in the state of Minas Gerais and the country of Brazil due to its Industrial Park and strategic location. The State of Minas Gerais is one of the 27 units of the Federative Republic of Brazil and is located in the Southeast region along with the states of Espírito Santo, Rio de Janeiro, and São Paulo. The state occupies an area of 586.528 km², which makes Minas Gerais the fourth largest state in territorial extension in the country. In comparative terms, the State of Minas Gerais is larger than France. According to the 2010 census, the total population is 19,597,330 consisting of 50.8 % of women and 49.2 % of men (Brazilian Institute of Geography and Statistic-IBGE).

Contagem’s Industrial Park is located 25 km from Belo Horizonte, 445 km from the state of Rio de Janeiro, and 600 km from São Paulo. Currently the city’s population is 603,442 inhabitants with 51.5 % of women and 48.5 % of men (IBGE, 2010).

I chose Contagem for this study because in 2006 it participated in a regional consortium to implement programs designed to stop violence against women. The consortium also incorporated a bilateral project between Brazil and Canada with the objective to establish an inter-municipal shelter facility to assist women facing physical or psychological violence or those who suffered some type of life-threat from their partners.

This innovative transnational cooperation project, developed through the partnership between The Brazilian Ministry of Cities and the University of British Columbia, brings an uniqueness to the city of Contagem (Contagem on Line 2011:1). Moreover, I grew up in Contagem. Although I left 20 years ago to live abroad, I continue to visit the city almost annually. Because of this, I decided to investigate how the municipality of Contagem works towards the implementation of the Maria da Penha Law.

Prior to my arrival, I communicated with two people in Contagem who provided me with information about the implementation of the law in the city. Undoubtedly, through our exchange of emails, it became clear that the Referral Center to Help Women Victims of Domestic Violence, Espaço Bem me Quero and the Women’s Police Station of Contagem would be the starting points.

The Espaço Bem me Quero was chosen because of its obvious mission, which is to help women in situations of violence. The Women’s Police Station was chosen due to a controversial statement I read on the website Rede Social Maria da Penha that stated, “The law is not applied in Contagem, I am tired of asking for my safety. The Women’s Police Station in Contagem remains in silence” (Woman’s statement, Website Rede Social Maria da Penha). Thus, I was informed by one of the informants about some negative attitudes perpetrated by some officers of Polícia Militar¹ when addressing incidents of domestic violence.

In addition, I read the report made by the O Observe, Observatório de Monitoramento da Lei Maria da Penha (Observatory to Monitor the Maria da Penha Law) created in September 2007, which consists of a consortium of twelve organizations. This consortium includes a research center and nongovernmental organizations with representations in all five of Brazil’s regions. The Observe is a pioneer initiative in the country and stands out by proposing a methodology for monitoring the application of the Maria da Penha Law with solid indicators, which can be used as references to other initiatives for monitoring of the law. I also read articles about the Maria da Penha Law in which several judges in the country argued that the law was unconstitutional because of the special treatment given to Brazilian women. The judges argued that the 1988’s Brazilian Constitution already established equality between men and women.

Additionally, prior my trip to Contagem, I visited ROKS, Riksorganisationen för kvinnomjuk och tjejer i Sverige, a shelter for women whose main office in downtown Stockholm. My purpose for visiting the shelter was to learn how a women’s shelter operates and is organized. In addition, my visit

¹ The Polícia Militar is responsible for preventing criminal conduct and ensures the public order through ostensible patrolling. This ostensible patrolling is done by car, foot, horseback, bicycle and air, in order to cover different modalities: for example domestic violence, urban and interstate transit, schools, sports, music events etc. Every state of the union has its own Polícia Militar.
was an opportunity to understand domestic violence from a Swedish perspective because Sweden is known worldwide for its advances in matters of gender equality. I also had the opportunity to visit several agencies involved in the process of implementation of the Maria da Penha Law. Through conversations, observations, and participation in some of the events promoted by some of these agencies, I was able to acquire pertinent information about the process of implementation of Law 11.340/06 and its difficulties. Finally, I came in contact with literature produced by these agencies regarding Law 11.340/06 and gender violence. This literature is used to advance the promotion of the law and gender equality. Thus, it was important to disclose and register some of the concerns and experiences of the individuals that I met during the field work. Relevant information for this dissertation was acquired in three seminars and four workshops that I participated. These events were promoted by the Network against Domestic Violence.

**Outline of the Dissertation**

This dissertation addresses the implementation process of the Maria da Penha Law in the Contagem-Belo Horizonte metropolitan area through the Network against Domestic Violence. Chapter 1 provides a short introduction and explanation about the research method and presentation of the field. Chapter 2 discusses background and previous studies on the Maria da Penha Law. Chapter 3 gives information about some of the agencies involved with the process of implementation of the Maria da Penha law in the city of Contagem: Espaço Bem me Quero, Women for Peace, and Women’s Police Station of Contagem, how they operate, and the challenges they face. Chapter 4 gives information about some agencies involved with the process of implementation of the Maria da Penha Law in the city of Belo Horizonte: Women’s Police Station of Belo Horizonte, Núcleo de Defesa da Mulher-NUDEM, and Policia Militar, how they operate, and the challenges they face. Chapter 5 concludes the paper with reflections, and three challenges for the law, namely the unconstitutionality of the law, the role of the media, the problem of criminalization and rehabilitation of the aggressor, and a finally a section on final considerations.
Chapter 2 – Background and Previous Studies

Yes, it was my husband! I was sleeping with my two children and suddenly I woke up with this sharp pain on my face. It was a punch that he gave me. He seemed crazy, screaming, scaring the children. Everything happened so fast, after beating me, he said that he would go to the bar to drink “uma cachaça” and then come back to kill me (Extract from conversation, Belo Horizonte’s Women Police Station, November, 2011).

Domestic violence is a universal social problem in which women suffer physical, psychological, sexual, moral, verbal abuse, and patrimonial damages. Unfortunately, in many cases domestic violence can too easily escalate from a slap and name calling to the death of the abused woman. Domestic violence occurs against women from all social backgrounds. Research indicates that the victim often knows the perpetrator, a husband, partner, boyfriend, or family member usually commits this type of violence (Stanko 1990:78, Hume 2008:63). This phenomenon is significant because the familial and close-knit relationships among these family members often create a culture of silence in which the perpetrator can continue the abuse. The victim of domestic violence decides not to report the aggressor because of fear, concern for her children, or lack of financial resources and state support. During the last four decades the matter of domestic violence has become recognized as an important issue in Brazil. Women’s movements and civil societies in the Western World have engaged in discussions on such topics. As the sociologist Tracey Peter (2006) suggests, “By challenging the previously held notion that violence against women is a hidden family matter, these insurgent organizations saw domestic violence as a social problem, affecting women from all socio-demographic backgrounds (Peter 2006: 1).” Thus, “In 1993, The United Nations, through the adoption of the Declaration on the Elimination of Violence against Women, provided the first official definition for this type of violence” (Spieler 2011:123) as follows:

Any act of gender based violence that results, in, or is likely to result in, physical, sexual, mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life (Spieler 2011:123).

In Brazil, protests for the advancement of women’s causes developed in the 1970’s. The Women’s Movement, for instance, staunchly opposed the idea that quarrels between husbands and wives are private matters and outside parties should not intervene. The members of the Women’s Movement held posters displaying the famous phrase of the movement, “The one who loves, does not kill.”, and went to the streets to protest against the acquittal of men who murdered their wives or ex-wives in defense of their perceived legitimate honor (Mulheres da Paz 2010: 113). The situation intensified in 1979 after the acquittal of a man named Doca Street who killed a woman named Angela Diniz, because she decided to end their relationship. Doca Street was the son of a wealthy industrialist from São Paulo and considered by the media to be a playboy, had a loving relationship with Angela. A Pantera de Minas, or the Panther of Minas, was the nickname given to Angela because of her beauty. She was considered an independent woman by the standards of those days. Yet she was killed because she told Street that she would reconcile with him if he could agree with her having other partners (Extracted from Revista Veja, Outubro 1979). Protests and mobilization occurred after the acquittal, and despite the country’s military dictatorship, the government, in a unique move, helped to advance women’s rights. Htun, a professor of Political Science states, “By the late 70’s, Brazilian President

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2 Cachaça – is an alcoholic beverage made from fermented sugar cane juice.
General Ernesto Geisel affirmed the right to family planning without coercion” (Htun 2003:58). The government then legalized divorce in 1977 and amended the marital property law for greater protection for women (Htun 2003: 73). In 1988, “Brazil promulgated a new constitution where there is a clause that declares men and women to be equal in family matters, and had several other provisions resulting from feminism lobbying” (Htun 2003:123).

In the quest to promote equality in family matters, another important obstacle needed to be dealt with: the Brazilian Civil Code. According to Htun, “The Civil Code had hardly been reformed since its adoption in 1916” (Htun 2003:127). Htun continues by saying that “the Civil Code discriminated against women because it recognized the husband as head of community property, and his will prevailed in the event of a spousal disagreement” (Htun 2003:127, Pimentel and Verucci: 1981). This disparity between the new constitution and the old set of rules in the Civil Code mobilized the newly formed Brazilian Women’s Center (CMB) to action. They proposed a list with some changes and traveled to Brasilia to testify in the Chamber of Deputies. It is pertinent to state their claims here:

The feminists claimed that the civil code violated principles of gender equality and failed to reflect women’s roles in society. CBM feminists declared that the “Brazilian women today face a dilemma: society asks for their participation everywhere—in the labor force, as homemakers, as mothers, as voters—yet the equality granted them in the constitution is taken away by the civil code (Htun 2003: 127, Centro da Mulher Brasileira 1975).

Continuing in this struggle to advance the cause of women and stop violence against women, in 1985 Brazilian society created the Women’s Police Station. The Women’s Police Station is an innovative Brazilian institution created specifically to address matters of domestic violence and violence against women. Later it also became jurisdiction of the Women’s Police Station crimes against children and elderly. The Women’s Police Station is a monumental achievement and a pioneer innovation in response and commitment to the international agenda to protect human rights, curb violence against woman, and adapt public policies in order to prevent, punish, and eradicate gender violence (Normas Tecnicas 2006: 16). Interestingly, the city of Belo Horizonte was the second capital to create a Women’s Police Station. Umbelina Lopes, a public defender of this pioneer project in the fight against gender violence, wrote about her experience at that time:

Delegacia de mulheres (Women’s Police Stations) were created in a sad moment of the country’s history because in the early 80’s it became fashionable to kill women and acquit these murders under the allegation of legitimate defense of the honor. Many women were killed by mere suspicion of adultery. The honor of her husband or partner was washed with blood. During the trials the victims turned into defendants, and defendants, into victims. How much injustice has been done during this time and how many murders acquitted (Lopes 2005:19 –my translation).

Simultaneously, the country was working towards the democratization process and there was a preoccupation to improve the country’s image after the dictatorship regime. Brazil signed several important international treaties to improve human rights and the rights of women. In 1994, the Inter-Convention on the Prevention, Punishment, and Eradication of Violence against Women, known as the Convention of Belém do Pará held in Brazil, defined violence against women “as any act or conduct, based on gender, which causes death, or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere” (Spiler 2011: 129,130). Moreover, Article 7 specified the role of the state in advancing the causes of women. The article states “… state parties have a duty to pursue by all appropriate means and without delay, policies to prevent, punish, and eradicate such violence” (Spierer 2011: 130).

In 1995, Brazil ratified the treaty. Three years later, in 1998, the Women’s Movement in Brazil changed strategy by using the resource of international litigation and filed a petition to the Inter American Commission on Human Rights (IACHR) on behalf of Maria da Penha, a victim of domestic violence. In fact, in the process of transitioning from a dictatorship to a democracy, the strategy to advance women’s rights and citizenship expanded by incorporating them in the Constitution of 1988. In this democratic environment, the Women’s Movement further updated its strategy by going global
as a form to advance and enforce their rights established in the constitution. “Feminist activism has also gone global, a shift made possible by changes in communication technologies and by three decades of UN conferences that brought women together to debate, share experiences, and build networks” (Jaquette 2009: 7). As a result of this process, the Maria da Penha case which will be discussed in detail in the next session was brought to IACHR which then condemned the Brazilian State of negligence and failure to take action against domestic violence (Piovesan and Pimentel 2002: A3). Moreover, another important achievement in the struggle against violence against women in the country had to do with the civil code. According to Spieler – “The Civil Code was enacted in 2002, revoked the former civil code and gave equal treatment to men and women in all spheres” (Spieler 2011: 136).

2.1 The New Law

In 2006, President Lula signed 11.340/06, commonly known as Maria da Penha Law. The Maria da Penha Law is a legal document created to curb and prevent violence against women in Brazil. Unfortunately, Brazil has a tradition of having advanced and sophisticated laws but lacks an everyday practice to implement these laws (Goldstein 2003: 55, Patai 1991: 556).

2.1.1 Maria da Penha Case

Maria da Penha became a symbol of struggle in the fight against domestic violence because of her determination to bring justice to her case. She also challenged the impunity scheme among Brazilian courts when males perpetrated violence against women. Nevertheless, President Lula signed the Law 11.340/06 and named it the Maria da Penha Law to honor her life and struggle.

Born in 1945 in the city of Fortaleza, Ceará, pharmacist Maria da Penha was married to a university professor M.A.H.V., a Colombian-naturalized Brazilian, and had three daughters. During their marriage, Maria suffered constant aggressions and intimidations, but she did not react, because she was afraid and concerned about her three daughters. After having been almost murdered twice, she bravely decided to report her husband. Unfortunately she paid a heavy price for this action. First, Penha’s husband shot her while she was sleeping and alleged that a robbery had been committed. Subsequently, Penha became a paraplegic, because the bullet penetrated her spine destroying the third and fourth vertebrae. The act was considered premeditated on the basis that a few days before he had tried to convince his wife to acquire a life insurance policy naming himself as the beneficiary. In addition, five days before she had signed a blank sale receipt for the vehicle of her property at the request of her husband (Cunha-Pinto 2011:23). Then, after returning home from the hospital, her husband tried for the second time to kill her by electrocution and drowning. The Brazilian justice condemned M.A.H.V. for the two homicide attempts, but thanks to repeated appeals resources, he managed to stay free (Mulheres da Paz 2011: 113). As prosecutor Piovesan comments, “The case offered a dramatic example of impunity and the ineffectiveness of the Brazilian judicial system in the face of domestic violence against women” (Piovesan 2009:114). However, on August 20, 1998, Maria da Penha herself with the support of the Center for Justice and International Law (CEJIL-Brazil) and the Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM-Brazil) filed a petition to the Inter-American Commission on Humans Rights (IACHR) under the Organizations of American States (OAS). In 2001, IACHR published a report 54/2001 stating that the commission declared the Brazilian state guilty of negligence and omission in relation to domestic violence and made several recommendations in the specific case of Maria da Penha. Among them was a revision of the public policies regarding domestic violence (Cunha and Pinto 2011:25, Piovesan 2009:114, Mulheres da Paz 113).


2.1.2 Understanding the Law 11.340/06

The Law 11.340/06 was created to curb and prevent violence against women. This action was a response to the Brazilian state and society, speaking out against this serious social problem that is responsible for “70 % of the total homicides against women in Brazil, normally perpetuated against women aged 15-44, and costing the country 10, 5 % of its Produto Interno Bruto”-(PIB) (Piovesan and Pimentel: 2007, 1). It requires the country to act on the recommendations made by the Inter-American Commission on Human Rights-(IACHR), Convention on Elimination of Discrimination against Women–(CEDAW), and it is in tune with the demands of the Brazilian Women’s Movement and society in general. The law was the result of an intense process of discussion and proposals made by several feminists and NGOs, reformulated by an inter-ministerial working group, coordinated by the secretariat of polices for women, and sent by the federal government to the national congress that unanimously approved the law (Lopes: 2011, 7).

In full the law has 46 articles, and introduces many innovations and important mechanisms to improve and empower women’s condition in their struggle to live a life of dignity without violence. Among these innovations was the creation of special courts for domestic violence; the decisions that women can only waive a complaint before a judge; that a woman must be accompanied by a lawyer or a public defender in all procedural acts; and that a woman who is victim of domestic violence will be notified of procedural acts, especially when the offender either enters or leaves prison. Moreover, the law determines forms of domestic violence against women as physical, psychological, sexual, moral, or patrimonial damage, and states that if domestic violence is committed against women with physical disabilities, the penalty will be increased by one third (Lopes: 2011, 9,10).

2.1.3 Articles of Law 11.340/06

Below are translated articles from 11.340/06–the Maria da Penha Law. The intention is to give a sense of the magnitude of the social function embedded in the law, especially for those not familiar with the complexity of Brazilian society. Brazil is a society full of contrasts, where poverty, inequality, impunity, corruption, and abuse of power by the rich against the poor are still present. Yet this society is able to democratically approve a law of this kind. Perhaps a quote published in a report made by Immigration and Refugee Board of Canada helps to better illustrate the complex situation of human rights and legal matters in the country:

The main problem in Brazil is the huge gap separating human rights as legally inscribed in law from their effective exercise or guarantee in practice. Despite Brazil’s right-based written constitution and apparently sophisticated system of judicial enforcement, in Brazil, domestic violence laws are frequently violated with impunity (Extracted from Immigration and Refugee Board of Canada, summary of a lecture, Murdoch University, Australia, October 2008).

Art. 1 This law creates a mechanism to curb and prevent domestic violence and violence against women in accordance with §8–Article 226 of the Federal Constitution, the Convention for the Elimination of All Forms of Violence against Women-CEDAW, the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women-“Convention of Belém do Pará” and other international treaties ratified by the Federative Republic of Brazil. It provides for the creation of special courts for domestic violence against women, and for assistance and protective measures for women in situations of domestic violence.

Art.2 Every woman, regardless of class, race, ethnicity, sexual orientation, income, culture, educational level, age, and religion, shall enjoy the fundamental rights inherent to a human being, and have the opportunities and facilities to live without violence, where the woman has the right to preserve her physical and mental health and improve her moral, intellectual and social health.
Art. 3 All women shall be guaranteed the conditions for the effective exercise of the rights to life, safety, health, nourishment, education, culture, housing, access to justice, sport, leisure, work, citizenship, liberty, and respect to live in family and community.

Art. 5 The purpose of this law, is to define violence against woman and family as any action or omission based on gender which causes her death, injury, physical suffering, sexual, psychological, or moral harm, or patrimonial damage.

Art. 6 Domestic violence against a woman constitutes a form of violation of human rights.

Art. 8 The public policy that seeks to curb domestic violence against women shall be coordinated by actions articulated by the Union, States, Federal District, Municipalities, and by non-governmental actions.

2.2 Other Studies on Laws against Domestic Violence in Brazil

There are relevant academic discussions concerning legislation about the implementation of the Maria da Penha Law (Nobre and Barreira, 2008; Dantas and Méllo, 2008; Bandeira, 2009; Cortizo and Goyeneche, 2010), and especially concerning Law 9099/1995 and the creation of the special criminal courts (JECRIM). These authors write about the criminalization features of the law, the issues regarding victim and aggressor, the performance of the Women’s Police Station as a social agency, the prison system, the matter of reconciliation, and understanding about the new dynamic of the Brazilian family.

The social function of the police and legal system beyond representation, the limits of criminal actions, and the application of the legal system as an instrument of mediation of conflicts in the Women’s Police Station as a form to combat violence against women is elaborated by Nobre and Barreira (2008). Through a theoretical approach the situation of men that committed crimes against women, the criminalization embedded in the Law 11.340/06, and a prison system that is inefficient to the rehabilitation process are some points presented by Dantas and Méllo (2008). From 1976 to 2006, emphasizing the strategy used by the Brazilian feminist movement in the last three decades to eradicate violence against women, the inefficiency of Law 9.099/95 as a mechanism to curb domestic violence, and the importance of the implementation of Law 11.340/06 is discussed by Bandeira (2009). Finally, the argument about the cultural complexity involved in the implementation of the law, especially regarding matters of private and public spaces is raised by Cortizo and Goyeneche (2010). These are topics that pertain to society in general and should not be reduced to the academic world.

2.2.1 Law 9.099/95 – JECRIMs

The Juizados Especiais Criminais (JECRIMs), or Special Criminal Courts, were created in 1995 with objectives to provide the population with access to the legal system and to simplify legal procedures by engaging the parties in dispute into a process of reconciliation. According to Law 9.099/95, this reconciliation process becomes possible if the crime committed did not have a penalty that exceeded two years of incarceration (Nobre-Barreira 2008:142 - my translation). In other words, these were crimes considered as lower offensive potential; therefore, reconciliation seemed to be a practical solution to these crimes because of the slowness of the Brazilian judiciary system. According to Bandeira, Law 9.099/95 was created to “solve” crimes of low offenses where reconciliation was a response to increase legal procedural efficiency. The common crimes committed and brought to the Women’s Police Station, such as injuries of the body and threats, were treated in the framework of Law 9.099/95, under the Special Criminal Courts – JECRIMs. “The JECRIMs were not designed to deal with crimes against women and domestic violence. However, since its implementation about 70% of its cases
were about violence against women. Moreover, it is important to state that 50% of these cases ended in reconciliation signed by both parts” (Bandeira 2009: 417– my translation).

To elaborate on this polemic issue, sociologist Bandeira referenced criticisms about the process of reconciliation by Campos (2001) and Barsted (2006) and the feminist movement regarding Law 9.099/95. They suggested that crimes of violence against women under Law 9.099/95 have lost their character of crimes of public action. Crimes of public action imply that any person could denounce crimes committed against women. But under Law 9.099/95 these crimes were conditioned to the victim’s representation, that is the victim needed to request a representação, a formal request from the victim to the delegada, a female chief of police to initiate the criminal investigation and legal procedures against the aggressor. Law 9.099/95 applied by judges throughout the country had a significant negative side affect. Women decided not to report the violence committed against them due the trivialization of the sentence. As penalty the aggressor received the donation of a Cesta Básica—a basket full of food items such as rice, beans, oil, butter, eggs, pasta, coffee, and et cetera to an orphanage. Another perverse side effect of the reconciliation process embedded in Law 9.099/95 related the fact that if an agreement was reached, the investigation process was stopped. Law 9.099/95 interrupted the police investigation when couples signed an agreement to end their conflict. If reconciliation took place, and an agreement was signed, the problem was supposedly solved.

Unfortunately, the signing of an agreement is not a guarantee that the problem is resolved (Bandeira 2008: 402-417). Subsequently, the application of Law 9.099/95 resulted in abused women not reporting their aggressors; therefore, it was not a solution for crimes of violence against women. This is well expressed by Barsted (2006):

Taking into consideration the nature of domestic violence and the power relationship present in these crimes, when Law 9.099/95 began to be used to include threats and physical aggressions on the list of offenses of lower potential, it encouraged the withdrawal of women, through the hearings of conciliation, from suing their husbands or partners. These women’s decisions also helped reinforce the culture of impunity, in which men assaulted women (Barsted 2006: 78 – my translation).

Bandeira (2008) comments the classification of threats and physical aggression as crimes of lower offensive potential to be a failure. Mentioning Campos (2001), she argues that the law was centralized on the defendant, usually men. As a result, women victims of violence normally did not receive the proper attention to their claims, and often were asked the question: Do you want to continue discussing the matter? Bandeira also states that behind this process of reconciliation was the hidden idea of ensuring the maintenance of family ties (Bandeira 2008: 417-418).

A similar conclusion was reached by a research study made by Carrara, Vianna and Enne (2002), in Rio de Janeiro. They demonstrated that despite of the speed, the JECRIMs was not an effective response and resolution in the trials of cases of violence against women. Their research showed that the judges’ opinions contained in the cases were lacking of “política judicial”–judicial policy on the subject, leaving it to the discretion of each prosecutor or judge to interpret the facts within a network of meanings and values, which results in emptying the public character of domestic violence. Generally, according to the author, the cases were filed with insufficient or precarious evidences. Legal interpretations of the facts, in many cases, came to give co-responsibility to the women, as if they had contributed to these violent practices. Besides that, many women gave up on the prosecution process and the prosecutors ended up shelving the case for lack of representação/ representation of the complainant (Nobre-Barreira 2008: 142-143, Carrara, Vianna, Enne 2002).

Prosecutor Danni Sales Silva (2002) suggested that the Law 9.099/95 introduced a specific criminal prosecution in the Brazilian jurisdiction based on orality, informality, procedural efficiency, and speed. The law emphasized whenever possible reconciliation or transaction, with the reparation of damage suffered by the victim and the application of non-custodial sentences. Silva continues that in the text of Law 9.099/95, there was no allusion to violence against women. However, it became recurrent jurisprudence to use the Law 9.099/95 for prosecuting cases of domestic violence, which were then considered as crimes of lower potential offenses, and resulted in pecuniary penalties, such as
the payment of Cestas Básicas by the aggressor. Silva (2002) affirms that, “The excessive and almost exclusive use of Law 9.099/95 for the trial of domestic violence generated strong criticism, and in November 2004 the Executive Power submitted to the National Congress the bill No 4.559/2004.” Bill 4.559/04 sought to create a mechanism in order to curb violence against women in accordance with Paragraph 8 of Article 226 and international treaties ratified by the Federal Republic of Brazil. In 2006, this bill was approved by the National Congress and sanctioned by the President of the Republic to the Law 11.340/06 –better known as the Maria da Penha Law. From that moment on, domestic violence against women came to be defined as a crime específico/a specific crime. As a crime, it requires the state to punish the aggressor if convicted. This punishment may become an ordeal to judges to apply the law due to the chaotic state of the prison system in the country.

Psychologists Dantas and Mélio (2008) discuss the criminalization of the Maria da Penha Law and the punitive character of the law against the male defendant. They question the prison system in the country as unable to provide human rehabilitation. Cortizo and Goyenche (2010) make similar statements and suggest that the Maria da Penha law is extremely punitive, because it introduces new crimes and expands the criminal law, imposing custodial sentences that are unlikely to be effective from the psychosocial and socio-cultural standpoint. The sociologists Nobre and Barreira (2008) make a relevant point regarding the punitive aspect of the Maria da Penha Law and the prison system in the country:

It is unsustainable to defend, the idea that the penalty of imprisonment has had a rehabilitative function in the face of historical experiences. Considering the Brazilian criminal justice system, one could say that its function has been only to isolate the offenders from social life and submit them to institutional violence practiced by the police in the prison system, which is one of the areas in which the Brazilian state violates human rights the most (Nobre-Barreira 2008: 155-156, my translation).

Cortizo and Goyenche (2010) write about the importance of a multidisciplinary team at the Women’s Police Station to intervene with programs that provide help to the victims and their aggressors, such as reflective groups, and helping victims with access to services provided by Networks against Domestic Violence. This is significant, according to the anthropologist Rifiotis (2004), as many women in situations of violence believe that registering an occurrence stops the violence. Rifiotis (2004) observed that many of the occurrences were registered as scenes of conflict between couples, which requires a multidisciplinary team and police officers trained to identify these cases of minor offense and provide the appropriate assistance. Consequently, the Women’s Police Station becomes more than an institution to reprimand crime, but also a space to provide information about gender violence, its deconstruction, and a relevant place to promote cultural changes. In summary, the Women’s Police Stations are important social agents helping with the promotion of cultural changes through its multidisciplinary team and trained staff who provide services to women in situations of violence and their aggressors.

Nobre and Barreira (2008) make a similar point when writing about the Women’s Police Station in the city of Aracaju, state of Sergipe where a two years-long conflict mediation experiment was conducted. Regarding the performance of police officers where they stated: “The function of the police goes beyond crime repression, and should include the defense of citizenship and the protection of human rights, and also the construction of these rights” (Nobre-Barreira 2008: 139 – my translation).

Certainly, these considerations about the Women’s Police Station and the importance of its extension as an institution that also provides space for mediations, is problematic. It demands from the delegadas and the agents dealing with women in situations of violence efforts that go beyond their duties. All these authors agree that the work at Women’s Police Station is not just about criminal investigation and the gathering of evidences to confirm the materiality or authorship of a crime. There is a need for social considerations when providing services to women in situations of violence and their aggressors. These new implications might result in dissatisfaction felt by the police officers because they see these news attributions as being extrapolicial.

These previous studies show the evolution process since the creation of the Women’s Police Station, JECRIM, and the implementation of the Maria da Penha Law in 2006. Undoubtedly, “…there
is a consensus that the Maria da Penha Law came to answer the inadequacies of Law 9,099/95, how it was applied in relation to violence against women (Bandeira 2009: 420 – my translation).” Moreover, “The Maria da Penha Law represents a milestone in the fight for women’s rights. It means a victory for women’s movements, and an advancement in respect to legal recognition of equality through a specific treatment in relation to the different segments and social situations” (Cortizo-Goyenche 2010: 104 – my translation).
Chapter 3 Network against Domestic Violence in Contagem

This chapter deals with some of the agencies involved with the process to curb and assist women in situations of violence in the city of Contagem, and their programs to empower women. These agencies are: Espaço Bem me Quero, Women of Peace, the Women´s Police Station of Contagem, and programs such as Speak Woman, Open Schools, and Feirarte. It will also address some of these agencies’ challenges and difficulties implementing Law 11.340/06.

3.1 The Espaço Bem me Quero

The Espaço Bem me Quero is a referral center that offers psychological and legal assistance to women in situations of violence, financed by Contagem’s City Hall. It is located in downtown Contagem and was created to assist women in situations of violence. It was the result of the COPOM-Coordination of Policies for Women established in the city of Contagem in 2005. The COPOM was institutionalized with the responsibility for the elaboration, implementation, monitoring and evaluation of actions, activities, services, programs and projects aimed at the empowerment of the women of Contagem. In March of 2007, as the work and actions developed, Espaço Bem me Quero opened and participated in the pioneer regional consortium to implement public policies for women in collaboration with the Brazilian cities of Belo Horizonte, Betim, Sabará, and institutions such as Ministry of Cities, University of British Columbia-Canada, and Special Secretariat of Policies for Women of the Presidency of the Republic of Brazil (Campos 2011: 1, Reis 2011: 39).

The referral center Espaço Bem Me Quero is an agency that offers several services to women in situations of violence: including psychological care, social assistance, and legal counseling. The city of Contagem finances the center through the City Hall, but the center´’s staff applies to the government and international agencies for special programs. In addition, the center is concerned with the empowerment of women as well as improving both their self-esteem and economic autonomy. The center is also open for several hours a day, specifically on Monday to Friday from 8:00 a.m. until 17:00 p.m. All services are provided free of charge. The center belongs to Municipal Network against Domestic Violence in the city of Contagem and is also connected to the Network against Domestic Violence in the metropolitan area of Belo Horizonte. The center uses these alternatives to refer its clients to different agencies in the network according to their needs.

The staff of the Espaço Bem me Quero consists of six women: a lawyer, a psychologist, a manager, an administrative assistant, and two clerks. All participants are 35 years of age or older. According to one staff member of Espaço Bem me Quero, “…men do not work at the center as a way to maintain the women’s and staff’s safety. In addition, it is also a way to avoid intimidations or the revival of violence suffered by women who come to us” (Staff’s Bem me Quero, Contagem, November 2011 – my translation). The women who seek help from the center come spontaneously or are referred from different entities in the struggle against domestic violence such as Polícia Militar, the Women’s Police Station, church and community leaders, the Child Protection Agency, Women for Peace, hospitals, health centers, Centro de Referência Especializada de Assistência Social (CREA).

The center recently ended a cooperation program in partnership with Italy and The European Union called 100 Cita to promote gender equality. This partnership also had the support of the Center of Studies and Research on Women (NEPEN) of the Federal University of Minas Gerais. The cooperation among the center, 100 Cita, and NEPEN, indicated the commitment of the center to search for alternatives and academic support to discuss gender equality. A better understanding on gender
equality is essential to make a positive impact on the implementation of the Maria da Penha Law. A staff well prepared in matters of gender violence and equality is able to provide the women with crucial information about the implications of the social construction of gender.

One example of the cooperation described above in dealing with the matter of gender equality was the implementation of programs such as Escolas Abertas (Open Schools), participated in by 32 schools located in communities considered more at risk for violence. Escolas Abertas promotes many activities such as a music workshop, sports, recreation, handicraft, and other themes that can empower women. This project creates the possibility for local communities to occupy the public space and help with the reduction of school violence. Another example of this collaboration was the workshop where the American movie Precious, was exhibited and its themes of prejudice, discrimination against women, beauty stereotypes, sexism, machismo, and racism were discussed among the participants (De Souza and Diniz 2011: 5, 11, 20).

All these activities coordinated by the Espaço Bem me Quero have a majority women´s participation, and also provide women with the resources to protect themselves against gender inequality. The center also has a space for discussion of Afro-Brazilian history and culture, and a section to address human trafficking where information is provided for those seeking help. Through these activities the center provides a space for women, especially abused women, to receive information about matters of gender violence, its history, its social construction, and how to protect against violence. These are important tools to initiate the process of empowerment and liberation of an abusive situation. This interaction between the center and its clients is a positive step in the direction of a cultural change in the city.

The center also educates and displays information on the recent decisions of the Brazilian government to help Brazilian women in situation of violence abroad. The Brazilian government has established three direct hotlines to Portugal, Spain, and Italy where Brazilians suffering from domestic violence or as victim of human trafficking can call for help free of charge. The center’s staff is prepared to assist women and their relatives involved in such activity. When a woman arrives at the center, she is heard by the manager of the center, a lawyer, and a psychologist. A form is filled out with demographic data such as birth date, birthplace, marital status, occupation, education level, religion, and description of the forms and length of abuses. The multidisciplinary staff then evaluates and analyzes the information, and a decision is made to help this woman out of her situation of violence.

3.1.1 Ways of Working- Psychological Care at Espaço Bem me Quero

At the Espaço Bem me Quero, there are two basic alternatives available for a woman to access psychological care: she can have individual sessions with the center’s psychologist, or she can participate in a therapeutic group of abused women under the supervision of the center’s psychologist. “The invitation to the group occurs during the first psychological meeting or the first psychosocial interview. It is always offered the opportunity to continue with the individual psychological meetings, or the group alternative” (Oliveira 2011: 5).

The therapeutic group, Mexendo no Vespeiro (Stirring the Hornets’Nest), named by the participants in the group, offers the possibility for women in situations of violence to talk about their experiences. With the mediation of the center’s psychologists and occasionally the help from psychology students from the universities, the women of the group discuss topics such as their disenchantment with marriage, their lack of family support, abuses by their mother-in-law, institutional violence committed against them, their economic dependence, and the despair of living in such a situation. Through this exchange of experiences and with the guidance of the psychologist, they become aware of the resources available to them and learn how to better understand and improve their situation.

\[ The work done by the center is done by its staff because of possible legal disputes; the center is not allowed to use the help of volunteers. There is a risk of a volunteer/s participating with the preparations of events or performing some type of activities for the center to claim employment. \]
I attended a session of the group on December 6, 2011, and the impression I received from the women indicated that the group therapy sessions served as a positive source of support to face the situation of violence in which they live. In fact, some of the women who had participated in the group for longer periods referred to the space as their second home.

_Mexendo no Vespeiro_, started March 10, 2008, and since its creation, meetings are held weekly for a period of an hour and a half–two hours totaling 159 meetings with an average of five women per session. Overall 140 women have benefited from these sessions, and 763 consultations have been realized so far (Oliveira 2010: 4-5 - my translation). Here is how the psychologist and founder of the group described it:

The task proposed to the group was the collective elaboration of strategies to combat gender violence. This is the thread running through all the sessions and the topics presented frequently by these women were/are from issues such as maternity, the affective relationship between the participants and their partners and family members, the situation of women in society, machismo, and the performance of the other organizations belonging to the Network against Domestic Violence (Women Police Station, Public Defenders Office, Military Police and others). (Oliveira 2011: 5, my translation).

### 3.1.2 Legal Counseling at Espaço Bem me Quero

It is pertinent to introduce the legal services offered at Espaço Bem me Quero with a sample of the speech made by the lawyer at an educational seminar about the center, the women’s struggle, gender violence, and the importance of the Maria da Penha Law.

Women have always been and remain “an object” for men. We find that funny when reading comics and see the pre-historic man dragging his prey by the hair – a woman, object of his desire, to the cave. Then we think this happened a long time ago. Women have won the right to say “no” to her partner. Unfortunately the answer is no. Through centuries women have struggled to be able to say no, however, just open the newspapers and see that almost nothing has changed. Women continue to be victimized by their husbands, partners, and boyfriends. If a woman says no or decides to end the relationship – they are then persecuted, threatened, and killed. They become the news! At the Bem me Quero we heard numerous testimonies of women who suffered physical and moral violence. They were dragged by the hair to bed in order to satisfy the desires of the offender. They were raped by those who should give them love, affection, and protection. But after sex, they were kicked out of bed as something dirty and disposable. Then begins the cycle of aggression…until very recent in our country, the killing of spouse/partner (crime of passion) was defended in court with the thesis –“The Legitimate Defense of Honor”! Whose’ honor, the killer, who thought to have the right to kill and be acquitted because he had been passed over. After the trial, to our dismay and disgust, the thesis was accepted and the murderer left the court unpunished. I do not know if you guys remember the phase: “the one who loves does not kill, does not humiliate, does not mistreat”. It was a form to protest and reject these atrocities used by the feminists during that period. But today, we have a law that changes this state of affairs –law 11.340 –Maria da Penha Law (Bem me Quero´s Lawyer, Contagem, November 2011, my translation).

I attended one of these seminars and observed that the majority of the people in the audience were women from all different social classes, ages, races, educational levels, and organizations. This is also a forum to demonstrate the range of activities conducted by the center’s legal counseling in its attempt to help women in situations of violence with its commitment to the empowerment of women. The center can promote its mission and work, but the center cannot knock on someone’s door and offer its services. Therefore, when a woman seeks help from the center, and the data form is completed, only then can she be taken to the legal counseling session.

The center’s lawyer spends about an hour and a half in her first meeting with the victim to find out information on the woman’s situation and advise her on the best alternative to pursue in her case.
Consequently, other appointments are scheduled in order to follow her case and advise the woman during the process of litigation. The lawyer covers numerous issues and demands such as: informing the woman of her legal rights, advising the woman on how to collect evidence to prove cohabitation with her partner and her eligibility for legal benefits, and guidance on how and where to go for a paternity test. The woman also receives information on child alimony, divorce, and patrimonial assets. Moreover, the center’s lawyer advises the woman on how to report an act of violence committed against her to the Women’s Police Station.

The center’s lawyer explains to the woman the importance of seeking judicial representation when making a report to the Women’s Police Station, and she also explains according to the Law 11.340/06 the various types of violence that might have been perpetrated against her physical, psychological, sexual, and patrimonial damages.

In addition, the center’s lawyer informs the woman how to act when the husband/partner/boyfriend does not respect the restraining order and to contact the police immediately. Unfortunately, according to the center’s lawyer a considerable number of men do not obey restraining orders. Finally, the center’s lawyer advises and assists with the preparation of the legal process based on the resolution taken by the woman against her aggressor. Moreover, based on the information provided by the woman to the center’s lawyer, the lawyer advises her to seek shelter with a family member or friend out of the city or state, or in a more serious situation recommends battered women’s shelters.

At this time of my field research, it is fundamental that a woman reporting her husband/partner/boyfriend or aggressor to the Women’s Police Station in a case of domestic violence should then seek judicial representation. Representation means that a legal process will be initiated through the judiciary system. That is crucial because it is not enough just to make the report and think that after the report the aggressor will cease all forms of violence. In fact, a considerable number of women make the report in order to put some sort of pressure on the aggressor hoping the involvement of the police would serve as a sufficient deterrent to the aggressor. Unfortunately, that is not often the case.

The legal counseling of the Espaço Bem me Quero makes a point to emphasize this matter to the women who seek help with the center and simultaneously demystify the idea that it is enough to make the police report. It is necessary to ask for judicial representation at the Women’s Police Station. The center and its legal counseling team conduct most of this work. According to the Brazilian Federal Constitution every individual, Brazilian or Foreign, has the fundamental right to access to justice. Therefore, the Brazilian state must provide free legal assistance through the Public Defense Office. Unfortunately, in many instances, cities and states do not have the resources to provide free legal assistance.

The city of Contagem, for example, has a Public Defense Office, but it is not operational because of a lack of public defenders. Public defenders are lawyers, and they must have at least two years of legal experience. The public defender is independent and has the authority to act in the best interest of the citizens, including acting against the state without receiving any chastisement. So far the state, which is responsible for the testing and hiring of public defenders, has failed to meet this task.

The city of Contagem does not provide this crucial assistance to its inhabitants, which is guaranteed in the country’s Constitution and one of the most important innovations of the Maria da Penha Law. As result, the legal counseling of the center files its cases on behalf of its clients with the Ministério Público (Public Prosecutor Office). It is the responsibility of the Ministério Público to defend the individual’s inalienable rights to life, liberty, and health. The Ministério Público also has the functions of overseeing the implementation of the law, protecting the public patrimonial, and the guarantee the rights in the constitution. Unfortunately, without the help and support of the Public Defense Office, many women have had their cases stopped because they cannot afford private lawyers.

In other words, the legal services provided by Espaço Bem me Quero can help by putting together the legal process for its clients; but it is up to the client to seek further legal assistance that establishes a violation of one of the rights embedded in the Maria da Penha Law, determined in Article 28. It is established in Article 28 - Law 11.340/06 that “Guaranteed to every woman in situations of domestic violence access to services of the Public Defense Office or Free Legal Assistance, under the law, through a specific and humane care.” In addition, the city of Contagem does not have a Court for
Domestic Violence which is also a violation of Article 14 of the Maria da Penha Law. Again, it is determined in Article 14 – Law 11.340/06 that:

The Courts for Domestic Violence/ Family against a woman, organ of ordinary justice with civil and criminal competence, may be created by the Union, in Federal District and Territories, and States for the process, trial, and execution of causes arising from domestic violence/ family against a woman (Maria da Penha Law Article 14, my translation).

This reality imposes difficulties in executing a more effective way to assist these women in seeking help from the center’s legal counseling and openly discussing the effective implementation of the law in the municipality. However, the lawyer from the center is optimistic about the law, and she considers the law almost perfect. She also stated that it is necessary to have sensibility to deal with the women who seek help from the center, because it is not just a matter of legal orientation, but the ability and predisposition to listen. She mentioned two cases to demonstrate how violence affects women and their families and the importance of listening to them:

“Mother”, asked the child.” Are we going to hell? Father keeps saying that we all are going there. Where is this place?” Or there is a case involving a police officer who refused to provide his wife, who was suffering with cancer, with his pay check stub, so she could seek help at the military hospital. (Espaço Bem me Quero’ Lawyer, Contagem, November 2011, my translation).

Finally at the seminar, the lawyer from the Espaço Bem me Quero introduced me to a group of women members of the Mulheres da Paz (Women for Peace). The group Mulheres da Paz is a pioneer project in the city and has an important interaction with the center. Two of its members received care at the center and were recommended to participate in this program.

3.1.2 Challenges to Overcome

The Espaço Bem me Quero’s staff reported major challenges they face when trying to implement services in accordance to the Law 11.340/06. First, there is a lack of Public Defenders in the NUDEM of Contagem. Second, there is still a weak link between the center and the Women’s Police Station of Contagem. Third, the city still does not have a special court specializing in crimes against women, especially domestic violence. Finally, women have difficulties when notifying authorities about the non-compliance concerning protective measures from aggressors. When the woman calls and reports the violation of the protective measures, the police take a long time to respond which enables the aggressors to escape (Staff’s Espaço Bem me Quero, Contagem, November 2011 – my translation).

3.2 Mulheres da Paz – (Women for Peace)

The Mulheres da Paz (Women for Peace) project is an initiative of the National Program for Public Security with Citizenship (PRONASCI) under the coordination of the city of Contagem. The project was designed to use life experiences, strength, and knowledge about the daily routine of communities with high levels of violence. There are 300 Mulheres da Paz divided in 8 groups and working in different regions of the city of Contagem. The group that I met has 30 women with an age range of 25 to 35 years old, representing different professions and educational levels. The Mulheres da Paz received educational training in order to help them to work as a link between the municipality, state, and their communities. There are no fixed working hours, the Mulheres da Paz work until the determined task is completed. The program is funded by the national government and coordinated by the city of Contagem.
The program articulates policies of public security with social actions and searches to prioritize and prevent the causes that lead to violence. In order to become a *Mulher da Paz* one must be at least 18 years old, have completed at least a fourth grade education, or demonstrate ability to read or write, and have a maximum household income of two minimum wages. It is also important in the process of selection of these women to focus on leadership capacity, commitment, bonding, and the acceptance into the community, and the ability to communicate.

The project aims to use the women’s life experiences and strength, in association with their knowledge of the place where they live, as instruments to combat situations that could lead to crime and violence. Their target group is youth exposed to violence. However, the *Mulheres da Paz* is also important to identify women who suffer from domestic violence and recommend them to the *Espaço Bem me Quero*, other agencies connected to the Network against Domestic Violence, or programs sponsored by the *PRONASCI*.

### 3.2.1 Ways of Working

After selection, each participant of the *Mulheres da Paz* receives a scholarship of $282.00 a month for a full year, to learn about legal concepts, citizenship, government, and the *Maria da Penha* Law. The participants are obliged to have a minimum 85\% of attendance in their preparatory courses in order to complete the course and receive their scholarship money.

Meeting with them was a powerful experience because they told me about their appreciation for the courses and the knowledge acquired in the program. Knowledge about the law, legal rights, citizenship, gender violence, the Network against Domestic Violence, and the *Maria da Penha* Law is important because now they use it in their communities by helping abused children and women in situations of violence. They know how and where to go to find placement for youths in need of drug treatment and how to access *Espaço Bem me Quero*.

According to the women of Mulheres da Paz, through classes, they learn how to be more diplomatic in establishing a sort of working relationships with, for instance, the drug trafficker where he allows them to go around the community and provide services for those in need. They also learned how to interact with local politicians and government agencies. In our meeting there were six women and one man, and one of the woman told me, “Before *Mulheres da Paz* I did not know where to send people in need, now I know (*Mulher’s da Paz* Statement, Contagem, November 2011, my translation).”

### 3.2.3 Challenges to Overcome:

Two of the challenges facing the women of *Mulheres da Paz* are consumerism and poverty, which are two strong elements pushing the youth to drug trafficking and crime. One female member of *Mulheres da Paz* stated, “It is rich people that keep the drug trafficking running; not poor people, one just needs to come to our community at night and notice the cars movement” (*Mulheres da Paz* Statement, November 2011, my translation). There is often a misconception that people who live in poor communities are bad people involved in crimes and drugs, as result they have difficulty finding employment. In a circular fashion, the youth often choose a life of crime and drug trafficking, which only further perpetuates the misconception.

Our meeting took place on December 2, 2011, but the women were concerned about the continuation of the program next year. It was almost the end of the year, and they did not know at that time if the program would continue the following year. This issue concerns the Federal Government policies to the decentralization process. The government initiates and finances social programs such as *Mulheres das Paz*, then expect the cities or municipalities to carry on with those programs. However, these programs do cost money, and many cities and municipalities have their budget already compromised. Consequently, there is need for federal assistance to keep these programs running.
Therefore, a program such as Mulheres da Paz which has the possibility to empower women to perform services relevant to their communities and the great potential to reduce violence and crime, may not continue.

Moreover, there are risks and considerations to be made about the Brazilian government in creating sophisticated laws but not enforcing them. One wonders if the same could occur with social programs such as Mulheres da Paz considering that President Dilma announced significant cuts in the budget for public security after a year in office. During the first year of President Dilma’s government the PRONASCI suffered the largest cut since its creation in late 2007. It was granted R$2.094 billion for 2011, but only half of this sum was paid to the various projects by the Ministry of Justice. It was a contradiction of campaign promises to expand collaboration with states and municipalities in this area. The cut was of R$1.036 billion impacting programs through the country (Fabrini 2012: 1).

Another important element of the program Mulheres da Paz is the definition of gender violence written in their manual book, which the students in the program used to study. It is necessary to reinforce the principle that the concept of gender is explained to these women from all sorts of backgrounds, especially poor and marginalized women living in these areas with high levels of violence. Therefore, I reproduce here the definition of gender violence taught to the Mulheres da Paz:

Violence based on gender, to better understand this expression, it is necessary, to first understand the concept of sex, gender and its difference. The concept of sex is connected to the physiological difference of female genitalia (women have a vagina) and male (men have a penis). Gender is a category created to analyze the relations between women and men and how they are constructed culturally and socially. Through this category, it is possible to realize that women are discriminated against in society and that they suffer violence simply for being born women. Women would be taken as “fragile and docile”, when men were virile, strong and providers. This stereotype is old, and has always been more or less present in every moment and community. This imposition of roles created a power hierarchy, subordinating women to men. Gender violence is one of the expressions of this division of powers which limits not only lives of women, but also men, for example, restricting their ability to manifest their feelings, through crying, the softness and beauty, caring for children and the house (Mulheres da Paz 2010: 113, my translation).

According to this group of Mulheres da Paz, there are several challenges in their struggle to improve the quality of life in their communities: poverty, unemployment, poor housing, violence, better schools, and better communication between the community’s residents and the police. However, the group emphasized the power, influence, and control of the local drug-dealer in their communities as a serious impediment. In order to perform their jobs, the Mulheres da Paz need to consult and ask permission from the local drug-dealer to perform their duties in the communities. Moreover, the group is extremely concerned with the possibility of the program being discontinued in 2012.

### 3.3 Other Programs in Contagem

In Contagem there is also the project Fala Mulher/a project that encourages women to speak out against gender violence. It is a monthly activity sponsored by the City that provides a space for women to discuss themes related to women’s rights and achievements. Feirartes is a project created in the city to provide opportunities to public servants to commercialize handicraft products in which economic independence is fundamental for gender equality and empowerment of women. These programs are coordinated by COPOM (Coordination for Policies for Women) which aims to promote gender equality in the city of Contagem. In doing so, these programs are designed to help with the breaking down of gender stereotypes of social roles attributed to women and men, bringing visibility to matters of violence against women while promoting employment and income to women which could lead to their economic independence (De Souza and Diniz: 2011, 4,5).
In fact, economic dependence is a major obstacle for women who want to leave their situation of violence, a fact reported in several studies and the experience noticed by the staff of Espaço Bem me Quero, Mulheres da Paz and several actors involved with the Network against Domestic Violence. In fact, Simone de Beauvior in her classic work The Second Sex made reference to the importance of this, noting that, “It is through work that woman has been able, to a large extent, to close the gap separating her from the male; work alone can guarantee her concrete freedom” (Beauvoir, Borde and Chevallier 2009, 737). The staff of “Espaço Bem me Quero” and the coordinator of the COPOM informed me about these programs. In addition, during the seminar to celebrate the conclusion of the program100 Cittá, I was able to meet several women from these two programs, especially women within the program Feirartes. At this seminar, the women displayed and sold some of their handicraft products.

3.4 Women´s Police Station of Contagem

Sadly, I was not able to visit or speak to the staff of the Women’s Police Station of Contagem, because the civil police force was on strike. As a result, the Women’s Police Station of Contagem was closed and cases of domestic violence were taken to the ordinary police stations. I felt, however, that it was necessary to observe a Women’s Police Station which led me to the city of Belo Horizonte. Despite the strike, the Women’s Police Station of Belo Horizonte was operating according to its regular schedule—open 24 hours/seven days a week. In contrast with the Women’s Police Station of Contagem that is open from Monday until Friday, 8:00 a.m. until 6:00 p.m. It is closed on weekends, which is problematic because there is compelling data indicating that most violence against women occurs during the night, starting Friday going through the weekend and holidays (Observatório 2010: 23).

Without having the possibility of observing the Women’s Police Station of Contagem, I decided to observe the Women’s Police Station in Belo Horizonte. The Women’s Police Station is an essential institution to support, protect, initiate, and promote crucial services for the women victims of domestic violence. If the victims of domestic violence receive a decent and humane treatment as the Law 11.340/06 requires when seeking help at the Women’s Police Station, one could argue that such interaction, victims and law, could lead to a positive impact for the success of the implementation and consolidation of the Maria da Penha Law.
Chapter 4 Network against Domestic Violence in Belo Horizonte

In this chapter one finds information about the Network against Domestic Violence in the city of Belo Horizonte. The agencies described here have a significant role in implementing the Law 11.340/06 and helping women in situations of violence. These agencies are being adapted by the state and members of the Network against Domestic Violence in order to find a protocol to apply the new law but face several structural problems. The Women´s Police Station, Núcleo de Defesa da Mulher - NUDEM, and the Polícia Militar of Belo Horizonte are the institutions of focus in this chapter, which deals with their structural organization, how they operate, and some of the major challenges they face.

4.1 The Woman`s Police Station in Belo Horizonte

The Women´s Police Stations are part of the structure of the civil police, which are institutions that belong to the system of public security of the state. The stated purpose of the Women´s Police Station, in accordance with constitutional provisions, is the study, planning, execution and control of the private functions of the police, and the investigation of criminal infractions, with exceptions of those within the jurisdiction of the military and the union. The Women´s Police Station must offer a qualified service and be open continuously 24 hours a day, including Saturdays, Sundays, and holidays, especially in the municipalities where there is only one Women´s Police Station (Norma Tecnica 2006: 21).

According to the delegada (female chief of police) of the Women´s Police Station of Belo Horizonte, there are five teams on duty: in each team there is one delegada, two clerks, three or four detectives and one penitentiary agent. To qualify for the position of detective or clerk, the applicant must prove that he or she has completed high school. The shift lasts 12 hours, and there are approximately 60 police officers working at the Belo Horizonte`s Women´s Police Station, and some are on leave or vacation. The same delegada stated that in her team, “There are four women and three men, and the age is around 30-35 years old” (Statement from the Female Chief of Police, Belo Horizonte, November 2011).

4.1.1 Ways of Working at the Women´s Police Station of Belo Horizonte

I arrived at 10:30 a.m. at Women`s Police Station in Belo Horizonte. I introduced myself to the delegada and told her about my research. She was nice and voiced no objections about research being conducted. She introduced me to the people working with her that day. The staff was composed of several male and female civil police officers, a number of clerks, and two psychologists. The Women´s Police Station of Belo Horizonte has nine female chiefs of polices, and they work in shifts of 12 hours. I had full access to the facility, and I was able to talk to some of the officers on duty.

Around noon, I participated in one interview where the delegada was helping a women victim of domestic violence. Her husband had beaten her and had made several threats on her life, and this situation had happened before. She was therefore offered the possibility of going to a shelter. The victim refused because she works, has a son in elementary school, and goes to school as well. If she...
decided to go to the shelter, she would not be able to go to work or, school, and her son would possibly need to be transferred to a school close to the shelter. Even though the shelter is an alternative, according to the delegada, most women refuse to go there because of the disruptions in their lives. Moreover, these women believe that by involving the police, they are sending a strong message for the aggressor to stop the abuse. In addition, they feel angry and resent their situation. So, it is not unusual for them to make comments like this one made by the abused woman in session with the delegada, “It is an absurd that I need to go a shelter, stop working, stop going to school, and take my son from his school, when my ex-partner is in liberty, unpunished, and making my life a hell” (Victim’s Statement, Belo Horizonte’s Women’s Police Station, November: 2011 – my translation).

A few days later, I was able to speak to a female manager of the Bemvinda –Centro de Apoio a Mulher -Welcome Support Center for Women in Belo Horizonte where its staff takes women with imminent threats to their lives to Casa Abrigo Sempre Viva -The Always Alive Shelter.

She told me that there is a misconception about this issue and that there is a need for better communication within the Network against Domestic Violence. It is a priority of the shelter to protect the women in fear of their lives. However, each case is unique; therefore there is a possibility after a careful evaluation to allow a woman resident of the shelter go to work or attend school, reported the female manager at BemVinda.

Back to my first day of observations, the delegada informed me that her staff for the day was already compromised, because one of her agents on duty needed to escort a prisoner to a hospital. The man tried to kill his partner and then tried to commit suicide; therefore, the agent needed to both accompany and guard the man. As a result, the team needed to compensate for the absence of the agent by working harder which created a stressful situation because of the numbers of occurrences that day.

It was about 11:00 a.m., and there were about 12 women and six men waiting to be heard to make a report. Some needed to have their bodies examined by the coroner, some needed to report a crime, and others were waiting to speak to delegada. There was also a particular disturbance on this day because the delegada supervisor for the Women’s Police Station wrote a brief memo asking the staff for financial contributions to build a cell in an area outside the main building. The actual cell is located inside the main building between the two rooms used by police officers and clerks to take statements from victims and aggressors.

Some female police officers had complained to the Women’s Police Station’s supervisor, because they were afraid that the cell was located in a place that compromised their safety and the privacy of victims reporting a crime. The danger, they argued, is that the cell is not safe enough, because it is possible to force open the cell door. In addition, as the female police officers informed me, “Most of these men are brought to the Women’s Police Station under the influence of alcohol, drugs, and rage. Some are psychopaths, mad, and their behavior is unpredictable.” She continued saying, “If there is a problem, by the time help would come, it could be too late” (Female Agent’s Statements, Belo Horizonte’s Women’s Police Station, November 2011, my translation). In fact, there is a door separating the main reception and the small room where the two offices and the cell are located. If this door is closed, and there is a conflict, it is difficult for police officers in the main reception to hear possible requests for help by those agents or victims in need.

The delegada supervisor informed me that she had asked for help from the maintenance office to build the cell, but they informed her that they did not have material available. So the delegada proposed a money collection among the employees to buy the material for the construction of the new
cell. Most of the staff on duty disagreed with the collection of money to build the cell, and one of the agents was collecting signatures to report to their union.

4.1.2 Challenges to Overcome

Throughout the month of November 2011, I spent in total 34 hours in the Women’s Police Station of Belo Horizonte visiting on different days and shifts. By the time I left, the new cell was not built. Money collections are not unusual at the Women’s Police Station. The busy delegada that I was following that day told me, “We need to collect money to buy coffee and the same applies for buying printer ink. But we carry on with creativity to overcome these problems. In fact, wastepaper baskets and plastic bags are needed too” (Female Chief of Police, Belo Horizonte’s Women’s Police Station, November 2011, my translation). These observations above resonate with the research published by Secretária Nacional de Segurança Publica do Ministerio da Justiça (National Secretariat of Public Security of the Ministry of Justice / SENASP/MJ) about the profile of Women’s Police Stations in the country. Accordingly, “The Women’s Police Stations generally does not have political prestige with authorities of public security at the municipal, state, and federal levels” (Norma Técnica 2006: 18). In her master thesis Menezes (2008) wrote about the treatment received by the victims at the Women’s Police Station of Belo Horizonte. She discussed structural problems, male police officers’ behavior, the lack of training programs and analyzed some cases. She concludes:

It is necessary when helping the victim, to consider what is involved in her complaint or her withdrawal of it, including, in this analysis, the role of the Women’s Police Station as an entity which reproduces or questions stereotypes—and as an institution that has the function to effectively inform people what the procedures are when making a police report/complaint where information could be missed and the person could become unprotected. In this case, the Women’s Police Station needs to recognize women as subjects of rights and not just as “privileged” for having a law that protects them “disproportionately” (Menezes 2008: 152).

In November 2010 the Observatório published detailed research about serious problems found at the Women’s Police Stations in the country. Among its considerations, they reported that “At the Women’s Police Station in Belo Horizonte, women wait six to eight hours to receive care, to register a police report, and if necessary go through medical examinations at the coroner’s office (Observatório 2010: 36, Pasinato, 2010)”. Unfortunately, five years after since the report made by SENASP/MJ, these serious problems still persist, as I was able to observe during my hours at the Women’s Police Station in Belo Horizonte, especially on November 16, 2011.

The day before, November 15, was a national holiday where Brazilians celebrated the Proclamation of the Republic. According to data provided by Normas Técnicas (2006), during weekends and holidays the incidents with domestic violence increases; therefore, one would expect that a special scheme will be put in place. On November 16, I arrived at the Women’s Police Station at 10:00 a.m. There was already a group of women waiting to make police reports. Among these women, there was a woman with two children, a seven year old boy and a five year old girl. She took the children from the house and came to the Women’s Police Station because her partner had hit her and threatened to kill her. They were informed by one of male civil police officers that the computer system was down and there was someone working on it. The woman and her children left the Women’s Police Station at 10:15 p.m. back to her house after a small money collection was made, so she could pay the bus fair. She and the other women never made the police report because the computer system was still out and there was not a special scheme in place to attend extra volume of occurrences due to the holiday. After more than 12 hours waiting, she decided to go home because the children were tired and hungry, and she hoped that her partner would be asleep. This case demonstrates the seriousness of the situation at the Women’s Police Station. It is a violation of this woman’s rights and her children as to the Maria da Penha Law, Article 11, section III, states that “…the police authority must provide transport to the victim and her dependents to a shelter or safe place when her life is at risk”. Before leaving Brazil, I
left a survey with 8 questions to the delegada where I asked her about equipment, staff training, and opinions on the Maria da Penha Law. She responded and in summary observed:

The structure is simple and the lack of resources is an impending problem for the Women’s Police Station. It does not take much effort to notice, that the equipment available is insufficient to provide satisfactory service to the victims. Requests are always transmitted, even showing an increase in the number of occurrences, but our boss - The Female Supervisor of the Women’s Police Station - sometimes finds herself with her hands tied due to scarcity of resources and the enormous demands. Considering the magnitude, complexity and importance of the issue, more resources should be available to institutions set up to protect women. Yes, sometimes courses about domestic violence and how to treat the public are given, but not regularly. The lack of human resource is an aggravating factor. My perception of the causes of domestic violence based on my four years as female chief of police is that it is a social problem. Financial dependence is still the major cause. However, one cannot put aside the emotional and overwhelming concern of the victims in undoing the family scope. These are the majors complicating factors and barriers influencing the victims’ decision-making. As far as the aggressor is concerned, unemployment and alcoholism should be noted as important factors. In fact, the problem is more a social matter than a police matter. Despite all the obstacles that we face, we have tried to implement and enforce this innovative law, achieving significant numbers of services rendered and assistance to the victims, plus hundreds of procedures referred to the justice monthly (Female Chief of Police’s Statement, Belo Horizonte’s Women’s Police Station, November 2011, my translation).

The lack of resources is a serious problem for the Women’s Police Station because it directly affects how the services are provided to the women in situations of violence. The Women’s Police Station needs the state’s support and resources to comply with its duties and provide proper and humane services. Considering what has been written about structural problems with the Women’s Police Station and the statement made by the delegada, the state seems to neglect its role by not providing the adequate resources that would enable the Women’s Police Station to implement the law in its essence. Simultaneously, the Women’s Police Station in Belo Horizonte is overwhelmed with an increases of occurrences regarding domestic violence, lack of resources, and the fact that often people forget that it is within the jurisdiction of the Women’s Police Station to investigate crimes against children and the elderly, according to the coordinator for the Women’s Police Station of the State of Minas Gerais in a public audience at the Assembléia Legislativa/Legislative Assembly - Human Right Commission on November 28, 2011. Moreover, the coordinator for the Women’s Police Stations of the state of Minas Gerais in the same public hearing stated that, “Lack of resources, special courts specialized in crimes of domestic violence, and commitment of the state to provide resources to the Women’s Police Stations are some of the serious problems for the Women’s Police Station of Belo Horizonte”.

4.2 NUDEM (Public Defense Officer of Belo Horizonte/ Center of the Defense of Women/Núcleo de Defesa da Mulher)

NUDEMs are institutions of the state with the purpose of providing full and free legal assistance to women, especially women in situations of violence. The NUDEM of Belo Horizonte is open Monday to Friday from 8:00 a.m. to 18:00 p.m. The NUDEM’s staff that I met is formed of two public defenders (a female and male), a female social worker, a female receptionist, and I was informed by the female public defender that NUDEM has the help of trainees. But, I was not able to find out how many and their functions.

It is established in the Brazilian Federal Constitution Article 134 that the Public Defense Office is an essential institution to the legal system of the state, especially as an instrument to provide free assistance to those in need. According to the Maria da Penha Law, the Public Defense Office shall act
in a coordinated and integrated form with the judiciary, public prosecutor, and with areas of public security in order to implement public policy that seeks to curb domestic violence against women – Article 8, section III. Article 30 also ensures that every woman in a situation of domestic violence has access to its services under the law.

The Public Defense Officer, NUDEM, of Belo Horizonte is located a few blocks south of the Woman’s Police Station. Therefore, a victim of domestic violence whether they received services at the Women’s Police Station or not can easily go to NUDEM and receive or ask for more specific legal orientation or further procedures about her situation.

4.2.1 Ways of Working

Among other services NUDEM provides complete and free legal assistance to needy women or any woman in situation of domestic violence, sexual harassment, social vulnerability, or cases of women in trafficking. NUDEM institutes follow-up in actions concerning protective measures and restraining orders. It is also a part of NUDEM’s activities to provide assistance in cases of legal separation, recognition or dissolution of stable unions–when a couple lives together during a period of time but is not legally married; matters of alimony; child/children custody; paternity test and others. Psychosocial care, in order to empower and provide new possibilities for these women, is another service provided by NUDEM.

Undoubtedly, NUDEM provides a range of important services for women in situations of violence, but it suffers from structural problems such as a small staff to deal with a high volume of cases. There is a female receptionist along with one social worker to assist the two public defenders (one male and one female) with their cases. Thus, according to the female public defender, in order to provide its services, NUDEM depends on trainees, often students of law or psychology from the universities. These trainees provide many important tasks for NUDEM. However, when the trainees become acquainted with the work, they leave either because their training period is over, or because they found better work alternatives (Female Public Defender’s statement, NUDEM’s Belo Horizonte, November 2011).

The statement above regarding trainees was given by one of the public defenders during a seminar in Belo Horizonte to celebrate the five years of the Maria Penha Law. This public defender, in my visit to NUDEM, made a point to inform me about the importance of the police report and representação/representation. Representação is needed to initiate the judicial process against the aggressor. As mentioned before, according to her, there is a misconception because many times the police report is made but not representação. The time it takes to try a case is a serious concern and the courts need to act quickly. There are two courts of justice, the 13th and 14th, to deal with matters of domestic violence in Belo Horizonte. The number of cases waiting for trial is close to 40,000 between the two courts. The female public defender stated that the situations in rural areas of the state are worst because of lack of state support for women in situations of domestic violence.

I also spoke to the social worker of NUDEM. We spoke about many topics concerning women in situations of violence that had come to NUDEM looking for assistance. The topic of economic dependence became evident in our conversation. In her experience financial dependence is a major concern in dealing with women who seek assistance at NUDEM. Most women stay in these abusive relationships, because they did not finish school, and they stay home taking care of their children. Therefore, it becomes harder to get a good job without an education. Thus, they live in a house that belongs to their husbands’ families. Often, they do not have help or support from their own families or relatives, because these individuals claim that domestic violence is a private matter. Some say, according to the NUDEM’s social worker, “Sometimes it is alright for a husband to show his wife her place.” She then commented on the need for public policies to help these women become economically and emotionally stronger. “Perhaps, when they reach economic independence they will be able to break the cycle of domestic violence. So, empowerment is necessary, but the woman must have an assertive attitude. She cannot wait until help falls from the sky” (Statement from NUDEM’s Social Worker, Belo Horizonte, November 2011). The social worker continues, “At the same time, we need to be patient because it takes time for them to deviate from traditional cultural norms and also to
trust us. Many times the victims have difficulties in expressing themselves. So, we make it a point to listen and sometimes a single word can turn into a life story” (NUDEM’s Social Worker, Belo Horizonte, 2011).

After I finished speaking to the social worker I went to NUDEM’s reception to organize my notes. Then, I remembered a conversation that I had with a woman in her late 20’s at that reception a few days before, and I believe that exchange illustrates the issue of financial dependence already mentioned above. This woman said that she works as a bakery clerk, and she earns the minimum wage. In November 2011, the minimum wage was R$ 545.00 /€ per month and a person needs to work 40 hours weekly in order to receive this amount (Martello 2011: 1). She also needs to pay two bus fares to go from her house to downtown Belo Horizonte where the bakery is located and then make the way back. The bus fare is R$ 2,45/€. Therefore, she spends R$4,90/€ per day to go to work and return home. It costs her R$24.50/€ a week, and if one multiplies by four, the monthly cost is the amount of R$98.00/ 40,30€.

She has a small child who is taken to neighbors to be cared for a half day, she pays R$60.00/24.70 € a week, R$ 240.00/99 € monthly. Monday to Friday her sister-in-law takes the child back to the house where the grandmother looks after the child. With the money left over, she needs to buy clothing for her son, shoes, school supplies, and maybe a toy, feminine care product for herself, medicine when the child gets sick. She also needs to save money for a computer course along with many other expenses. Her husband only buys the essentials, which are rice, bean, pasta, sugar, salt, oil, milk, fruits and vegetables, and he pays electricity, gas, and water. She states, “He does not understand or see that the boy needs shoes, sandals, all the things that I buy for him with my salary. He buys the essential and the rest he spends at the bar with his friends, and then he gets drunk, comes home, and hits me. I cannot go on like this, and I need help to solve my situation. And I hope that people here at the NUDEM can help me. It is not easy because after we built our barracão5, my husband’s family said that I could leave, but my son will stay with them and I will not get a penny from the barracão we built. So, it is not easy because I am trying to rent a place for me and my son, but it is very difficult. First, it is not easy to find a barracão available. Second, when I find the rent is high considering how much I earn. When the area is not bad, the rent can cost up to R$250.00/103 € a month, which is already close to half of my salary. Most owners do not like to rent for separated woman with children. It becomes harder when they know that the ex-husband is violent and in order to avoid confusion, they just do not rent. There are families with better financial resources competing for the same place; therefore, it is easy for them to get it instead of me. If I rent a place, I need to pay for daycare or for a person to take care of my son, and that cost money and my salary is not enough. Remember, I still need to pay for electricity, water, gas, food, clothing and etc. I say that because I do not trust my husband, and I know that he probably will make everything difficult for me. He will probably not help me with the bills. So, it is complicated because I work, but my salary is not enough for me to take a decision just like that. I need to consider many things, but while I do that, he continues abusing me. I think that deep inside, he knows that I have no place to go. So, I want to talk to people here, and see how that can help me. I need to stay in this situation until I finish the computer course and get a better job with better pay, so I can move out with my son. I just hope that he does not kill me until then! So, I hope the people here in NUDEM can get my information so that they can put together a case that I can take to the judge and fight for my rights” (Extracted from a conversation, NUDEM’s Belo Horizonte, November 2011).

In order to break the cycle of violence in which she is stuck, this woman needs assistance from the state’s public policies. Certainly, the possibility of putting her child in the state’s day care would be helpful and is guaranteed in the Brazilian Constitution as a social right established in Article 7-item 25 (free assistance to sons and daughters and dependents from birth until age 5 to childcare and pre-school).

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5 The value in Euro is based on the exchange rate between the Real and Euro on November 30th, 2011, which was 0,4141Http://finance.yahoo.com/

5 A Construction made of bricks or wood which normally has a small kitchen, living room, a bedroom, and the bathroom can be inside or outside.
4.2.2 Challenges to Overcome

As the NUDEM’s social worker stated, “There is a need for an intermediate shelter for women in the same situation as that of the women employed at the bakery, where women could go for a period of time until they find a house to live. This is necessary, so as to minimize the disruptions to their live while allowing them to work, go to school, and be certain that their children are safe. Moreover, we should not forget programs such as Bolsa Familia and Vale Transportes, access to loans for finance public housing, and even cultural benefits” (NUDEM’s Social Worker, Belo Horizonte, November 2011, my translation). In addition, according to the female public defender, a small staff and the need for the implementation of a special court specialized in violence against women and especially against domestic violence are major challenges to NUDEM of Belo Horizonte.

4.3 Polícia Militar and its First and Second Programs to Curb and Prevent Domestic Violence

The Polícia Militar is an institution of the state committed to social defense and linked to the system of public security. According to the institution, its mission is to ensure human dignity, freedoms, and fundamental rights, and to contribute to the social peace and to make the state of Minas Gerais a better place to live. The Polícia Militar of Minas Gerais has 46,000 police officers on active duty. Out of this number, 10% are women. Several programs, among them, the Second Response Program (Police of Domestic Violence) are innovative in their attempts to curb domestic violence, victimization, and ensure the dignity of women in situations of violence. The working hours of the Program Second Response is 10-hours shifts and each team works a shift.

The Polícia Militar of Minas Gerais is an important institution in the struggle against domestic violence and violence against women. Primarily, its mission is to prevent criminal activities. However, the Maria da Penha Law has expanded its mission by stipulating responsibilities, attributions, and competencies described in its Article 10, which states, “Under imminent suspicion or practice of domestic violence, the police authority that comes in contact with occurrence will adopt, immediately, appropriate legal arrangements”. Therefore, the Polícia Militar needs to restructure its organization and culture by paying more attention to the victims of domestic violence (Moreira 2006: 23).

Unfortunately, there were reports made by abused women about the unpleasant treatment they received when seeking assistance from the Polícia Militar. These abused women reported some of these unpleasant experiences when seeking assistance at the Network again against Domestic Violence. For instance, this is what one abused woman said during a meeting with Mexendo no Vespeiro at Bem me Quero, “You know, I believe that the police should be more polite, more serious, because we need help from them, so they have to help anyway, but they should be a little bit more polite, at least how to treat people, have a conversation with us, but they do not” (Women’s statement, Bem me Quero, November 2011).

During my field research, I had the opportunity to spend about 40 hours with the Polícia Militar, and especially with the Second Response Team. Together we attended two seminars and a movie session followed by a debate and interviews.

In my first interview, I met a female sergeant that received me well and for two hours we spoke about the implementation of Maria da Penha Law in the metropolitan area of Belo Horizonte and the rest of the state. A fundamental point in our conversation, was about a pioneer program adopted by the Polícia Militar where she and other female Lieutenants were in charge. The program is divided into two phases: the first response and the second response and coordinated by the special police unit of the Police of Domestic Violence (PDV). This pioneer program, “Has the possibility to revolutionize the Polícia Militar by changing its gender culture” (Female Sergeant,
PDV, Belo Horizonte, November 2011). These changes related to the matters of gender in the Polí<ref>Polícia Militar</ref> and regard interaction between the victim of domestic violence and the Polí<ref>Polícia Militar</ref> officers attending an occurrence and are significant to the implementation of the Maria da Penha law, and also to reduction of domestic violence. This approach is discussed by Moreira (2006) in a master’s dissertation that inspired such programs. In the introduction of the dissertation Moreira stated, “The Public Security Management has historically chosen to focus on the criminal and his rehabilitation. Little or no effort is extended in order to satisfy the interests and needs of victims of crime. However, the victim is an important actor in this process” (Moreira 2006: 23). Lieutenant Colonel Cicero N. Moreira wrote the master thesis that inspired the Program Second response, and he is known among his peers as Colonel Cicero.

Colonel Cicero N. Moreira was in charge of 5th Battalion of the Polí<ref>Polícia Militar</ref> and he chose the sub-area 10th Special Company to conduct his research because he noticed that most of the police occurrences for that area were related with domestic violence. He identified and wrote about the Victimização/Victimization process. Victimização/Victimization, a crime repeated several times against the same victim/s or target, is a complex phenomenon that can manifest in many ways during a period of time (Moreira 2006: 24).

He decided to write about this topic and the Victimização process for three reasons: first, it was an area of high incidence of domestic violence; second, this area presented more residential characteristics; and third, this area was considered an area of risk in Belo Horizonte with a high incidence of violent crimes.

In order to narrow down the research Moreira chose the years of 2004 and 2005 to conduct the study. He faced difficulties such as lack of statistical data, the inexistence of an identification system of victims and repeated offenders, and the inexistence of specific codification used by the Polí<ref>Polícia Militar</ref> for cases of domestic violence. His research question was: “Is the response by the Polí<ref>Polícia Militar</ref> in cases of domestic violence (described here as verbal assault, threats, aggression, injury of the body, attempted murder, and murder) in sub-area 10th of the 5th Battalion sufficient to reduce repeated victimization?”

Moreira concluded that the response of the Polí<ref>Polícia Militar</ref> was not sufficient for the reduction of repeated victimization. He suggested the creation of the Police of Domestic Violence (PDV) whose functions would be to identify victims and repeated aggressors. After this identification, PDV would make regular visits to the victim/s and provide assistance to stop the violence. Another function would be to introduce the Network against Domestic Violence to the victims. Moreover, Moreira says that it is important to provide information, educational material, campaigns of prevention, and to organize a network of protection. In summary, Moreira’s research together with the implementation of the Maria da Penha Law caused an important change in the Polí<ref>Polícia Militar</ref> and its approach towards dealing with occurrence of domestic violence.

In fact, the female Sergeant in charge of the Police of Domestic Violence reported in our conversation that 70% of the occurrences registered in the research area investigated by Moreira were related to domestic violence. The response of the military force was not satisfactory because the problems persisted and sometimes attempted homicide/homicides were committed against victims whom the police had visited before. In this Sergeant’s opinion, it was necessary to correct this situation by providing training to Polí<ref>Polícia Militar</ref> officers to deal with cases of domestic violence and establish a procedure to meet the occurrence of domestic violence and especially marital domestic violence.

4.3.1 Ways of Working: First and Second Response Programs

O Programa Primeira Resposta-The First Response Program is designed to all Polí<ref>Polícia Militar</ref> officers where they will receive special training sessions on gender and its construction, on the Maria da Penha Law, and how to effectively write a police report that can be used by the civil police and the judiciary system to gather evidence against the aggressor of domestic violence.

O Programa Segunda Resposta is coordinated by a female police officer, with 32 police officers in the unit. There are 13 female officers and 19 male officers, and the ages of these officers range from
21 to 45 years of age. As far as education, the members of the Second Response Program have the following profile, 100% have completed high school, and 45% of these members are attending or have completed college. The police officers of the Second Response Program that completed college have bachelor degrees in Law, Human Resources, Education, Biology, Physical Education, Literature, Psychology, and Physiotherapy. Moreover, the Second Response Program is formed by a group of officers that volunteer to this special unit because of their interest in matters of domestic violence. They help coordinate the training for the officers in the First Response Program and are the special unit that will visit home where officers of the First Response responded to a domestic violence issue the day before. This visitation is to make sure that the victim is fine. In addition, if she needs assistance she will receive services offered by the Network against Domestic Violence. As a norm, a triage process takes place. They first visit the homes where the occurrence indicated high risk/life threat. Moreover, they will come periodically to the homes until they feel that the victim is better and that the situation is under control. In addition, the Second Response program promotes different types of educational activities in order to learn more about domestic violence.

I participated in one of these activities when the entire unit and several individuals from different agencies of The Network against Domestic Violence in the Belo Horizonte area watched the Spanish movie (Te Doy Mis Ojos/Take My Eyes) written and directed by Icíar Bollain. This movie session took place at the Catholic University under the guidance of two teachers from the Department of Sociology. After the movie, a debate took place about the film.

The Second Response Unit and several people from different agencies of The Network against Domestic Violence commented about the film and their experiences with domestic violence in their everyday work situation. The teachers coordinated the debate and raised several points portrayed in the film regarding the cycle of domestic violence. The participants related to this cycle and they also noted the difficulties in breaking it.

4.3.1.1 The Cycle of Violence and its Phases

In handling domestic violence against women, one is not dealing with an isolated or sporadic case. Most often it is a case of continue victimization and repetitive alternative phases. In general, the cycle of domestic violence has three phases: the building up the tension, the outbreak of violence, and the honeymoon.

In the first phase, the building up of the tension, the abuser becomes progressively angrier. The victim notices the tension and tries to calm him down by being gentle and helpful, able to anticipate his behavior based on previous experiences with violence. At this stage minor incidents can occur such as verbal abuse, destruction of objects, and these are situations the aggressor quickly tries to correct. Usually, the victim forgives and assumes responsibility for the incidents. The victim rarely becomes angry, and she fears that her anger may serve to escalate the violence of the aggressor. The offender is aware that she would leave. He tries to keep her captive by being more aggressive, possessive, and controlling. The tension builds to the point where the aggression is inevitable.

The second phase, explosion of violence, is the most violent and short phase in the cycle of violence. It is marked by severe attacks. Lack of control and destruction distinguishes the two phases and can start with trying to “teach a lesson” to the victim without the intent of attacking her physically. When the incident is over, the attacker often cannot fully understand what happened or cannot remember the assault. The victim usually does not react with anger for fear of a greater degree of violence. Although many victims are assaulted by the end of this phase, they consider themselves “lucky” for surviving. Sometimes the victim, noticing the elevation of tension, provokes the aggression by choosing the time and place, because she knows that this phase is short and soon after, the rewards comes, the honeymoon phase.

The third phase, the honeymoon, is a period of calm. When the period of physical violence is over, the aggressor demonstrates fear of losing his companion. The aggressor is always apologetic and remorseful. He can become extremely helpful and committed in his behavior. He can promise anything to demonstrate his guilty and passion. He also promises not to harm and to start behaving like
the man with whom the victim one day fell in love (Polícia Militar’s brochure, Belo Horizonte, 2011).

4.3.1.2 Seminars

A few days later, I participated in the full day seminar–training for a group of Polícia Militar officers from the Belo Horizonte area and several cities of the state. The female coordinator of Police of Domestic Violence opened the seminar:

Two fishermen were in their boat fishing and suddenly two children appeared almost drowning – swimming in the river. One of the fishermen jumped in the water to help the children, but suddenly more children appeared, and more. The fisherman who was in the water began to swim towards the shore and the other fisherman though that he went mad and asked him. Where are you going? And the fisherman replied: I am going to see who is throwing the children into the water.

After this short introduction, the female sergeant continued by saying “Domestic violence has been throwing many children into the river. We need to reflect, and adopt a commitment of change. Therefore, we take the first step here today, like the fisherman that decided to find out who was throwing the children into the river” (Sergeant’s Speech, Belo Horizonte, November 2011). However, it was at this seminar that a member of the Second Response Unit spoke about the Maria da Penha Law and its importance. He emphasized the need for changes in behavior when dealing with occurrence of domestic violence, and that it is important and necessary to listen to the victim.

The purpose of the seminar was to talk about the adoption of a protocol. This protocol requires military police intervention during other moments of the cycle of domestic violence with the intention of “breaking the cycle of domestic violence” and protecting the victim. The Polícia Militar male officer from the group “Second Response”, then commented on the general procedures recommended when attending an occurrence of domestic violence which was also printed in the brochure produced by the Polícia Militar, distributed in this seminar:

- “Seek to establish a relationship of trust with the victim.
- Try not to judge the person that you are attending. Prejudice is the biggest obstacle to communication. Do not treat the victim like a child.
- Do not jump to conclusions. Try to hear and understand. Each occurrence is unique, and singular. Even for you, it may seem like the previous one – but no. Do not guess, listen!
- Consider the limitations of the victims. Be aware of misinformation. You probably may be the only agent of the state who had appeared in such a location” (Serviço de prevenção à Violência Doméstica Protocolo de Atendimento, Impresso na Seção de Produção-CMI-DAI, Belo Horizonte, Setembro 2011).

As it was explained in this seminar, it is essential to have the information, testimonies, and described impressions correct when producing the Boletim de Ocorrência/BO – police report because it is fundamental to the female chief of police of the Women’s Police Station, to the prosecutor, and for the judges to make the right decisions. The speaker who was a male officer of the Second Response Program explained that when the Polícia Militar officer arrives at the scene and makes the initial contact:

It is important to ask to see/speak to the person who requested the service. You need to insist on talking to the victim, do not leave the scene without speaking to the victim. Observe the conditions of the site, do not allow yourself to become impressed with the person who answered even if she/he is calm and stated that everything is fine. Then schedule a return to the place on the same day for
evaluation. Moreover, during this contact, you need to identify potential weapons, separate the victim from the aggressor, and evaluate the conditions of the victim including questioning about injuries not visible. It is crucial during this process, to separate the witness from the victim, keeping them a distance so that the other party cannot to listen or intimidate. If children are present, interview the children separately. Ensure their safety and privacy. Question the victim about previous attacks, their frequency and severity. Continue by questioning the victim and aggressor if they are feeling pain, even if they do not display visible injuries. Carry on by documenting the conditions of the victim and the suspect’s size in relation to each other and the evidence of injury. Many aggressors do lie about injuries. Some make cuts on themselves and accuse the woman of odd behavior. Especially with the arrival of the police officer, the woman feels empowered, and she may scream and curse because the police office is there to protect her (Extracted from Second Response officer’s speech, Polícia Militar Seminar, Belo Horizonte, November 2011, my translation).

The same panelist also informed the audience about Medidas Protetivas/ Protective Measures, a right established in the Maria da Penha Law Articles 18, 19, 20, 21, 22, 23 and 24. All these articles are aimed to protect the victim from the aggressor by legally creating a mechanism of defense where the aggressor cannot come in contact with the victim. For instance, these articles determined that a judge could suspend the aggressor’s weapon permission, asked him to leave home, be arrested during the criminal investigation. The woman victim of domestic violence may request the justice to implement these Protective Measures for her protection. Within 48 hours, the chief of police must forward the request to be heard and decided on by a judge.

Moreover, the Polícia Militar male officer from the group Second Response also emphasized in his presentation that violence is a cultural problem, the matter of private versus public, the matter of violence’s invisibility, and the victims’ fear. He stressed the importance to inform the women who make the police report to follow up with the Women’s Police Station. The women in situations of violence must be oriented to go to Women’s Police Station and seek their rights, and they must be informed about finding help with the Network against Domestic Violence. Finally, he asked the police officers to reflect on the quality of their services when attending victims. He made a comparison with the work done by a police officer when registering a car collision:

Two cars crashed, and one of the cars had a headlight damaged. The police was called, and shortly the police officer is on the scene. The police officer observes the scene. Then, the police officer secures the area—signaling. The police officer continues by listen the people, drivers, passengers when applicable, and witnesses. The police officer is cautious to separate these individuals in order to listen to their testimonies. He listens carefully. Ask questions: it that right? Are you sure? Please wait, let me listen to him/ her first. Are you hurt? Is anybody bleeding? Does anybody need medical attention? After taking to all the testimonies, he makes an assessment of material damages. He makes his detailed reports, and he even draws the car’s positions, and indicated the area damaged. Finally, the police officer informs the people to report the incident to their car insurance company or follow legal procedures. Notice the quality of our service to a material thing, a car headlight. So, we need to do a better job when providing services to a woman in situation of domestic violence. We should not put material things over a person. We should not arrive at an occurrence of domestic violence, see some scratches and simply write that the parts mutually hurt each other (Extracted of seminar, Officer Second Response, Belo Horizonte, November 2011).

After his presentation, another Policia Militar male officer gave a presentation about legal matters of the Maria da Penha Law. He is also a member of the Second Response Unit and has a law degree. He made several points about the Maria da Penha Law, but emphasized two essential points about the definition of domestic violence established in Article 5 where the word omissão/omission is extremely relevant. First, if one knows about a situation that can cause death, injuries, physical injury, sexual or psychological, moral, and patrimonial damages and does not take action that becomes a matter of domestic violence according to the law. Therefore, the Polícia Militar needs to have a pro-active attitude regarding domestic violence. And society can call the national telephone number 180 free of charge and anonymously to report situations of domestic violence. Second, the law establishes as domestic violence in Article 5, section III any intimate relationship, in which the aggressor lives or has
lived with the victim, regardless of cohabitation: ex-boyfriends, ex-partners, ex-husbands, and any ex-
-those somehow had an intimate relationship with the victim, if he/she caused any act of violence
according to the law, and that constitutes a crime of domestic violence. I would argue that if one
compares the definition of domestic violence adopted by the United Nation and the definition of
domestic violence according to the Maria da Penha, an extension of women rights and protections has
occurred in the case of Maria da Penha.

After his presentation, the director of Secretaria de Estado de Desenvolvimento Social -
Coordenadoria Especial de Políticas Publicas para Mulheres (Secretariat of Social development –
Special Agency for Public Policies for Women of the State of Minas Gerais) gave her presentation.
She spoke about gender and its social construction. She defined gender violence very similarly to the
definition used by Mulheres da Paz which demonstrated consistency among the members of Network
against Domestic Violence. I noticed other agencies and actors defining gender violence along the
same lines. She went on to say that it is necessary to deconstruct gender stereotypes and that women
are as capable as men. To emphasize this point, she mentioned a new reality in the country, and in
Minas Gerais: women being hired as construction workers and performing well in those fields
dominated by men and considered a macho universe in the country.

After that, the psychologist for the Polícia Militar gave her presentation. She also addressed
the matter of gender equality, and she made a point that it is fundamental to actively listen to the victims.
She especially emphasized that when a woman seeks help, she wants to be heard.

Following this presentation, we all were asked to perform an activity. We watched a short film
where a drunken man was walking along this country road toward his house, and a teenage girl saw
him. She rushed inside her house and told her mother. The mother quickly gave some money to the
girl and told her to go out and buy bread. They were both afraid. The mother showed the girl a path to
take because she did not want the man to see the girl leaving.

After the movie, we were asked to write a Boletim de Ocorrência, or a police report. Then, the
lawyer from the Second Response Unit who had earlier given a presentation about the Maria da Penha
Law, demonstrated to the audience how to write a proper police report. He emphasized the information
that cannot be missing from a police report such as the victim’s complete address, the description of
the scenario, and the perceptions of the victim.

The seminar was almost complete when high ranking officers from the Polícia Militar of the State
of Minas Gerais arrived and supported the new approach adopted by the institution regarding domestic
violence. They mentioned Lieutenant Colonel Cicero and his research and its importance for the
creation of the First and Second Response Program under the supervision of the Police of Domestic
Violence. Finally, to close the seminar, a male Major of the Policia Militar with more than twenty
years of service in the corporation spoke, and it was a revealing speech. I believe that is pertinent to
reflect on it:

Ladies and gentlemen this seminar is very important because inspires us to reflect on our own
values, for example, we know now that there is no room for prejudices anymore. Prevention is the
word of the day. Reprimand will always exist in the police force, but now we use uma
repreensão/qualificada-qualified reprimand. Therefore, it is extremely important to embrace this
program; Police of Domestic Violence-PDV developed by Colonel Cicero, because is an indication
of a new era in our institution. And whoever is against this new way of thinking is driving in the
wrong direction. There is no turning back! I know, there are people that prefer the old days. But I
remember the beginning of my career and we used repreensão/ reprimand as a tool to fight crime.
For instance, let me tell you a story, my unit and I were patrolling a region located in the north-east
area of Belo Horizonte and it was about 11.00 pm. We were driving slowly checking the
neighborhood, when a group of young people that were standing in the corner of this street called us
Gambé – “a public employee who earns little money”. After hearing the insult, we had a discussion
among ourselves. As you know, usually there are four people in a vehicle when on patrol. We
decided to go back and teach those young people a lesson. We went around, made a turn, and came
back to the corner where they were; we then, stopped, left the car, and started kicking those boys.
Then, we got one of them, put him in the back of police car and drove around with him. We released
him in neighborhood far away. But from the moment we took him out of the police car, we started
to kick, punch, slap, and beat him with our battons. We were parked by a ravine, and we threw him
down it and we watched him for a while. We then noticed that the young man did not move or make a sound. We became concerned, and went down to the ravine and found the young man bleeding. We decided to take him to a hospital because if we left him there, he could die. However, we put together a story to cover and protect ourselves before taking him to the hospital, see my friends, old days. Some years ago, not so long, I was invited to speak in a seminar in a city close to Belo Horizonte. And among the staff of the seminar, there was this very helpful person. He made sure that I had water and so on. Later, toward the end of the seminar, he said that he knew me and he would never forget me. You know, in our business we met a lot of people, and I could not remember him. Then, I apologized and told him that I could not remember him. He then lifted his shirt and showed me this big black spot in his back. And He said that I was the person responsible for that big black spot in his body, results of that night we beat and threw him down in the ravine. I was speechless, so ashamed (Extracted from seminar, Police Military Major, Belo Horizonte, November 2011).

In his concluding remarks the Major asked the police officers in the audience to embrace the new project, Police of Domestic Violence, and follow the new path of the institution.

4.3.2 Challenges to Overcome

However, on November 2011, two members of Policia Militar became suspects in the murders of two homeless and addicted women. They killed one, and the second one survived pretending to be dead. These women were living in an abandoned gas station. If proven guilty, the actions of those men are a clear contradiction to the new proposal of the Policia Militar. This situation is just one of the challenges faced in implementing the Maria da Penha Law. Moreover, according to the female coordinator of the Program Second Response the challenges that they face are: (1) change in institutional culture; (2) precariousness of the communication between services, (3) and insufficient responses from other organs.
Chapter 5 – Concluding Reflections

The implementation of the Maria da Penha Law is an important achievement of Brazilian society. It is the combination of efforts from different segments of this society, in which the Brazilian Women’s Movement was a fundamental force to promote visibility and the need of changes on the matter of women in situations of violence. Unfortunately, Brazil is recognized as a country that has written sophisticated laws but traditionally lacked enforcement and implementation of these laws. One wonders if the Maria da Penha Law is going to follow along this path. I decided to investigate the process of implementation of the law in the city of Contagem, asking the following question: How is the Maria da Penha Law being implemented in Contagem? To answer such a question, I went to Contagem to conduct a short amount of field research, in which I met people involved with the process of implementation of the law through a Network against Domestic Violence. However when in Contagem, I had to include the city of Belo Horizonte and some of its agencies involved with the process of implementation of the law, because the Women´s Police Station in Contagem was closed. In both cities, Contagem and Belo Horizonte I was able to collect pertinent information about the implementation process of the Law 11.340/06. With the information gathered, I decided to map the agencies and the actors working with the practical forms of implementation of Law 11.340/06, describe this process in the making, and some of the major challenges faced by the agencies trying to help women in situations of violence. Having mapped out some of the major institutions working together in the implementation of the Maria da Penha Law in the Contagem-Belo Horizonte metropolitan area, in this chapter, I discuss 3 important challenges concerning the implementation of the law: a debate about the unconstitutionality of the law, media reports on domestic violence, and the problem of criminalization of the aggressor.

5.1 Challenges Ahead

5.1.1 Judges and the Unconstitutionality of the Maria da Penha Law

Several judges throughout the country have challenged the Maria da Penha law as unconstitutional. In the last five years, since its implementation, many arguments against the law have been written. As stated before, the metropolitan area of Belo Horizonte received national attention when a judge from the city of Sete Lagoas in his deliberation in a case of domestic violence called the law “diabolical”. Moreover, when asked by a colleague if he would attend the seminar concerning the five years of the implementation of the Maria da Penha Law, another judge from a domestic court of the city of Belo Horizonte replied that he probably would not and said, “As a judge, I need to be sozinho/alone in order to judge my cases. And if I interact with the people of the Network against Domestic Violence, they could try to influence my decisions. Therefore, I rather stay distant, in order to perform my job” (Extracted from Judge´s statement, Belo Horizonte, November 2011). Eventually, he attended the seminar and caused a commotion when he had the platform to speak, and he initiated his speech by invoking biblical verses. This fact becomes more relevant because one of the seminar guest speakers
who had spoken previously was Silvia Pimentel. She was one of the jurists that wrote the Maria da Penha Law, and currently she is the chairperson of the Office against All Kind of Discriminations for the United Nation.

In addition, at the same seminar on the same day, a young female judge from the state of Rio de Janeiro spoke with great enthusiasm about the importance of the Maria da Penha Law and the need for judges to leave their offices and get a real sense of modern times. Undoubtedly, this scenario describes the confusion in the judges’ views and understanding about their roles in the matters of domestic violence. The implementation of the Maria da Penha Law in its essence demands a reevaluation from judges about how gender and violence against women is addressed in the courts. But there are many judges who consider the law as unconstitutional, because they argue that it gives a status of privilege to women. Therefore, it is proper to add to this discussion several points made by Cunha and Pinto (2007) where they quoted De Page who wrote about the role of judges:

The judge shall not be deaf to the demands of reality and life, the law is a norm essentially alive. The judge is destined to govern men, that is, beings that move, think, act, and change. The end of law should not be the immobilization or crystallization of life, but maintain intimate contact with it, follow it in its evolution and adapt it... In other words, the interpretation of the law should not be formal, but above all, real, humane, and socially useful (Cunha and Pinto, 2007: 42).

Cunha and Pinto also make a remarkable point about the peculiar condition of women in situations of domestic violence. They state the need for judges to be in tune with the real situations of women, as the case of the bakery clerk described before in chapter 4, “Women in situations of domestic violence are devalued and discredited in their arduous domestic labor. They are beaten at home, without someone to run for help, often, they depend on the aggressor affectively, familiarly, or financially” (Cunha and Pinto, 2007: 45 - my translation).

Furthermore, Cunha and Pinto raise the matter of the judges who in the past were believed to be representative of the ability to see all. In fact, the Code of Bavaria, 1812, forbade judges to interpret the law. But time has evolved. It is important for judges to have a good sense of the matters of the day and apply the law fairly:

Attachment to ethical values or religion is a tremendous mistake for a judge; for example, a judge who fails to recognize, the existence of homosexual relationships that demands protection under the law. They have always existed but the need for their protection today is greater then they were fifty years ago, in the face of the emergence of new rights, new relations and realities inconceivable to those times (Cunha and Pinto, 2007: 42 – my translation).

Certainly, these matters about judges and their positions when applying the Maria da Penha Law may generate contradictions for some time, but judges cannot dispute the unconstitutionality of the law anymore. The Supreme Federal Court unanimously confirmed on February, 2012, the constitutional validity of the Maria da Penha Law.

5.1.2 The Role of Media in the Spread of Information about Measures Combating Domestic Violence

The media has an important role on matters of domestic violence because it can promote or help eliminate stereotypes, especially regarding gender issues. According to the psychologist Signorini (In Rangel 2009:1), cases of domestic violence are being discussed in the media. However, these cases are portrayed as spectacular, in order to attract the public’s attention, but with no intention of discussing the complexity of the problem. Consequently, continues Signorini, the media trivializes the issues regarding domestic violence by not adopting an educative approach which could lead to prevention
against domestic violence. Signorini’s findings reflect the results of a study conducted by ANDI – Comunicação e Direitos that will be discussed in this text later.

For example, during my period of research in the field, I was able to follow the Brazilian Soap Opera Fina Stampa produced by Rede Globo. In this soap opera, the matters of domestic violence and gender issues are part of the plot. In this soap opera there was a private driver for a rich woman who abused his wife, and the same rich woman had a butler who was gay. There is also a poor young man who lived in a poor neighborhood and in order to make extra money to take a rich girl out, he went out with older men. This soap opera is shown Monday through Saturday right after the news on primetime television.

So, I asked the psychologist in charge of the Lesbians/Gay and Tranvestites at the Women’s Police Station about the community’s reaction in relation to the soap opera. She said that the community is divided where one group sees the depictions as positive, because at least they are portrayed on national television, and people would recognize them as people. Another group opposes the representations, because they believe that the soap opera is promoting stereotypes which is a disservice to their cause (Psychologist’s Statement, Belo Horizonte Women’s Police Station, November 2011).

As far as newspapers, it is relevant to introduce some data relating how the Maria da Penha Law, domestic violence, and violence against women are described in this type of media. Therefore, it is pertinent to make reference to a research conducted by ANDI – Comunicação e Direitos/ Communication and rights and Instituto Patrícia Galvão/ Institute Patricia Galvão in association with Observatório Brasil de Igualdade de Gênero (Eixo Comunicação e Mídia) – Brazil Observatory for gender Equality (Axis Communication and Media) published in September 2011. In order to conduct the research, 16 Brazilian newspapers had their editorial productions analyzed during the year of 2010 and in all five Brazilian regions. The research indicates that the coverage of domestic violence, violence against women, and the Maria da Penha Law is questionable because it does not reveal the complexity of such a theme, where most articles are published in the police page. Moreover, “This coverage is jeopardized because 73% of the articles tend to individualize the problem. In other words, the coverage is limited to personal cases, rather than a perspective that encompasses the public dimension of the question, demanding answers from different instances of the State and society in general” (Resumo Executivo 2011: 3, 4 – my translation).

In addition, according to Resumo Executivo 83% of the articles written about violence against women do not elaborate on the issues of violence against women, or offer reliable criticism about the theme. Thus, these articles do not offer proposals or solutions for the problem. Undoubtedly, this data indicate lack of concern and preparedness of journalists to engage in an investigative journalism that could bring about dialog on the lack of public policies or cases of success regarding violence against women and the Maria da Penha Law. That is the reality of the written media, where 86% of articles written about violence against women do not mention any legislation created to protect women. Despite the implementation of the Maria da Penha Law since 2006, the media has had difficulties covering the Network against Domestic Violence. According to ANDI’s findings, 96% of the articles analyzed do not make reference to services and agencies which provide help for women in situation of violence (Resumo Executivo 2011: 6, 8 – my translation).

5.1.3 The Problem of Criminalization and Rehabilitation of the Aggressor

The dilemma concerning the criminalization of violence against women through the implementation of the Maria da Penha Law in opposition to the conciliatory procedure of the Law 9.099/95 still has its pertinence regarding the imprisonment of the aggressor. Unfortunately, based on empirical observations one may argue that judges and the population in general have a pessimistic view about the prison system in the country especially regarding the violation of human rights, as Nobre and Barreira (2008) have noted in chapter 2. The aggressor is often also a husband/partner/boyfriend/family member/who might have a job, a permanent address, no previous criminal records, and a good social behavior in other spheres of life. The question that judges ask themselves is what to do with such an individual. The prison system in the country lacks funding and politicians are often reluctant to allocate money to public security. As a norm politicians like to spend public money in big
constructions such as buildings, roads, and bridges, as a way to impress voters and maintain themselves in office. As a result, the prison system in the country is commonly known as “a university to produce criminals”. After his/her sentence a person who is sent to the prison system in Brazil may come out more knowledgeable about crimes because of the abuses suffered and because programs for rehabilitation are either absent or not effective. On that note, the Women’s Police Station of the city of Belo Horizonte through the department of psychology which is part of the multidisciplinary staff put together a proposal for a project called Dialogar also mentioned in chapter 4.

As Cortizo and Goyeneche (2010) stated in their article, “There is a need to free our fellow men too, they are also victims of this system that does not allow them to cry or show emotions” (Cortizo and Goyeneche 2010: 108 – my translation). Consequently, the project Dialogar from the Women’s Police Station is a demonstration that the civil police understand the need to incorporate social aspects in the treatment of women in situations of violence. However, the project is still on paper, because the Women’s Police Station has not received the financial support and approval of the state to implement the Dialogar program.

Despite the recent implementation of the Maria da Penha Law, one may argue that this debate about the criminalization of the law and the need to reflect on the male aggressor is relevant, especially if one considers the point raised by Dantas and Mêlo (2008) when they criticize the re-education or recuperation of the male aggressor under the custody of the Brazilian prison system. Little is done to help this male aggressor to reflect on his crime of violence against women. Moreover, once this male aggressor commits a crime against women, he will be stigmatized as the rotten part of society. So, it is important to look at the situation of the male aggressor and the mechanism that trigger his violent act. In the complex process to help women in situations of violence and finally curb violence against women, it is essential to help men to reflect about gender violence and its causes.

5.2 An Ongoing Process

To put into perspective the struggles in the process of implementation of the Maria da Penha Law, one should not forget that the law has been in effect for almost six years. However, among many interesting events in relation to the implementation of the law, 2012 is a year of remarkable achievements. First, the Superior Tribunal de Justiça / Higher Court of Justice decided that the Maria da Penha Law is not unconstitutional. Second, the same Court in a recent decision eliminated the need for juridical representação/ representation. As previously stated on chapter 3, representação occurs when a woman who made a police report at the Women’s Police Station about a crime committed against her in accordance to Article 7 of the Maria da Penha Law needed to ask the delegada for representation. In other words, representation was a formal request to initiate a criminal process against the aggressor. With the recent decision of the Superior Tribunal de Justiça, the police report made to the police authority is sufficient to demonstrate the will of the victim of violence in pursuing a criminal action against the offender. Therefore, nowadays it is only necessary to have the police report in order to start a criminal process, and there is no need for representation anymore.

Also, recently the National Congress approved the creation of a CPI – Comissão Parlamentar Mista de Inquérito (CPMI)/Joint Parliamentary Commission of Inquiry to investigate the difficulties in applying the Law Maria da Penha and to discuss what actions can be enhanced to combat violence against women. The commission will have 180 days to complete the task, which would end on August 2012. Congresswoman Jô Moraes (PCdoB-MG) of the Communist Party of Brazil/Minas Gerais is in charge of this commission.

In sum, these are significant advances to the implementation of the law. But there are still fundamental factors that the Brazilian state, civil society, and politicians need to work to fully implement the law in its essence. Bandeira (2009), established a list of several items that need to take place in order for the Maria da Penha Law to advance in its implementation: political will, adequate training of the juridical staff, material resources, and pedagogical instructions of the operators of the
The law requires formal and substantive structural changes such as the creation of legal services necessary for the operation of public policies to support and protect women in situations of violence.

5.3 Final Considerations

This dissertation looked at Law 11.340/06 created by the Brazilian state and society to curb and prevent domestic violence. It asked the main question: How is Law 11.340/06 being implemented in the Contagem-Belo Horizonte area? During a period of four weeks, from November 2 until December 6, 2011, I interviewed employees of different multi-leveled governmental agencies and through their experiences learned about some of the efforts and challenges they encountered. In my interactions with members of the Network against Domestic Violence, with some victims of domestic violence, and during the process of writing this dissertation other relevant questions appeared. For example, during the period that I interviewed employees working with the Network against Domestic Violence, I found a great deal of optimism with the implementation of the Law 11.340/06, but I also found people already frustrated with it. Therefore, several questions can be raised. Will future agencies experience high levels of frustration such as the levels exhibited by the Women’s Police Station coordinator of the state Minas Gerais? If so, how can frustration interfere with the services provided for abused women? Moreover, can the current and predicted economic success of Brazil and favorable projection for the future be used by the government to expand public policies such as social programs that will assist abused women? If so, how can these policies affect everyday practices of the Women’s Police Stations? If the state allocates more resources and embraces a social commitment to support and develop the Women’s Police Stations, can this approach be seen as contradictory to the economic model where neo-liberal policies imply a reduction of the state? Can this process lead to populism or to the rethinking of the concept of state, a state that understands that investments in social programs, gender education, and distribution of wealth are crucial for the state’s development and ability to compete in a global market?

It is also important to note the interaction of employees of the multi-leveled governmental agencies that belong to the upper and middle classes dealing with poor women who live in the slums. Can these employees see these women from a different and more respectful perspective? Can these new perspectives help improve the services for poor and abused women? Economic dependency is a determinant factor in cases of domestic violence. Many poor women endure violence against them and their children because they do not have the financial resources, family, or state support to leave their situations of violence. Consequently, these poor women stay in abusive relationships where beatings are a frequent form of abuse. Moreover, will the implementation of Law 11.340/06 help liberate Brazilian men from patriarchal influences? Can the implementation process of Law 11.340/06 result in a new posture of judges working with cases of domestic violence? Will the Polícia Militar be able to accomplish an internal cultural gender change? If so, how will this internal cultural gender change reflect on Brazilian society in general?

In comparative terms, if the Law 11.340/06 is enforced in its essence and the country’s economic growth allows the Brazilian women to become more independent, could Brazilian women adopt a posture of extremism and see men as weak? Will changes in cultural values heighten sexual tensions? Can a successful implementation of the Law 11.340/06 result in a new family dynamics?

Although there are a magnitude of challenges and questions left open, Law 11.340/06 is a remarkable achievement. It is the response of the Brazilian state to curb and prevent the problem of domestic violence, which is responsible for 70% of total homicides committed against women in Brazil. The implementation of Law 11.340/06 still faces many hurdles and raises many important questions. Lack of political will is, according to respondents who gave testimonies to this dissertation, a fundamental problem.
References


Santana, de V. Silvane and Silva, da P. Reinaldo, (2011). “Projeto Dialogar, Departamento de Orientação e Proteção a Família Divisão Especializada de Atendimento a Mulher, ao Idoso e ao Deficiente Físico- Delegacia Especializada de Atendimento a Mulher”


**Internet Sources**


Piovesan and Pimentel, Lei Maria da Penha: inconstitucional não é a lei, mas a ausência dela, 2007, Carta Maior, accessed in February 2012.

Appendix A

Below one may find a list with the agencies that belong to the Network against Domestic violence in the Belo Horizonte – Contagem metropolitan area. Other cities also included are: Sabará, Nova Lima, and Lagoa Santa.

**Organs / Institutions of Care**

<table>
<thead>
<tr>
<th>Organ / Institution</th>
<th>Services Offered</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bemvinda- Centro de Apoio a Mulher (reference center for women in situations of violence).</strong></td>
<td>Psychological care, social and legal orientation to women in situations of violence. Workshops on gender. Workshops on legal orientation.</td>
</tr>
<tr>
<td><strong>Centro Risolota Neves de atendimento (Reference center)</strong></td>
<td>Provides care exclusively to women who suffer from any kind of violence. Confidential individual care in the following areas: psychology, social, and legal.</td>
</tr>
<tr>
<td><strong>Conselho Estadual da Mulher (State Board of Woman)</strong></td>
<td>Forward women’s demands for Network against violence. Offers material on issues of interest to women, especially about the Law Maria da Penha. Conducts training for women. Conducts campaigns and mobilization in favor of topic concerning women. Municipal council for women’s rights. Make available the CDI – Center of Documentation and Information for realization of gender studies and research. Make available the Center of Digital Inclusion, which offers computer training to the elderly people. Makes available the site-www.conselhos.mg.gov.br/cem for consultations and register demands.</td>
</tr>
<tr>
<td><strong>Consortcio Regional de Promocao da Cidadania – Mulheres das Gerais – (Regional Consortium for Promotion of Citizenship)</strong></td>
<td>Cities that belong to the Regional Consortium – Belo Horizonte, Contagem, Betim, and Sabará. Mission: it is to plan, promote, and implement actions and programs to the members of the consortium, respecting diversity and common interests of the municipalities in the consortium, in a collaborative way in order to prevent and confront all forms of violence against women. Casa Abrigo Sempre Viva (The Always Alive Shelter) is part of the consortium.</td>
</tr>
<tr>
<td><strong>Coordenadoria Especial de Politicas para Mulheres de Contagem (COPOM)</strong></td>
<td>Develop, coordinate, and implement policies that ensure the specific needs of women and collaborate in addressing the differences in forms of gender discrimination in the city of Contagem. Coordinate the service of care to women in situations of violence – Espaco Bem me Quero.</td>
</tr>
<tr>
<td><strong>Coordenadoria Municipal dos Direitos da Mulher de lagoa Santa /Minas Gerais – (COMDIM)</strong></td>
<td>Reception, orientation, referrals, and psychosocial and legal care to women in situations of violence. Provide care to the victims of domestic violence, and referral of victims to the Women’s Police Station for representation with requests for protective measures. Legal follow –up. Offers material on issues of interest to women, especially on the Maria da Penha Law. Routing of the demands of women for the municipality network against violence against women. Offers lectures and training courses for women, health agents and members of the network against violence against women.</td>
</tr>
<tr>
<td><strong>Defensoria Pública de Minas Gerais –NUDEM/</strong></td>
<td>Promote full and free legal assistance to needy women in situations of violence, including the follow –up of actions of protective measures.</td>
</tr>
<tr>
<td>Organization</td>
<td>Services</td>
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</tr>
<tr>
<td>Coordenadoria Especial de Políticas Públicas para a Mulher - CEPAM</td>
<td>It aims to develop, coordinate, evaluate, and implement actions of public policies of the state toward women. Make referrals to the Center Risoletta Neves.</td>
</tr>
<tr>
<td>Delegacia Especializada de Mulheres de Belo Horizonte</td>
<td>Prepares the police report. Prepares the expedient of protective measures and sent it to a judge – (It should be done within 48 hours after the police report is registered). Through police investigation, investigate the crime and sent it to the courts to future application of penalty to the offender, if necessary. Forward the victim to the coronary office. Delivery warrants arrest, and search and seizure. Arrest the aggressor if in flagrant offense. Provide legal advice and psychological care for the victim and the offender for free. In case of sexual violence, the adoption of police procedures, make the referral of the victim to hospitals to receive care and necessary medication.</td>
</tr>
<tr>
<td>Espaco Bem me Quero – Atendimento á Mulher em Situação de Violência</td>
<td>Psychosocial and legal care for women in situations o violence. Follow – up and monitoring the cases treated by the center.</td>
</tr>
<tr>
<td>Programa Mulher em Atencão Especial – MAE / Secretaria Municipal de Ação Social da Prefeitura Municipal de Nova Lima/Mg</td>
<td>Provide care, orientation, referral and psychosocial and legal assistance to women in situations of violence in the city of Nova Lima.</td>
</tr>
<tr>
<td>Policia Militar de Minas Gerais - PMMG</td>
<td>Prevention of violence against women through monitoring and visits with the multidisciplinary team of the cases identified by PMMG, aiming to break the cycle of violence. Referral of women victim of violence to hospitals, reference centers, and other organs. Orientations to the woman victim of violence about her rights, especially according to the Law Maria da Penha – 11.340/06. Imprisonment of the offender in the act and take him or her to the Women´s Police Station. Compliance with the terms of imprisonment, search and seizure. Registration of the police report. Referrals of reports, the more complex cases, to the public prosecutors and partners of the Network against Domestic violence. Mapping of sites, where there are highest incidences of violence against women. Identification of offenders and repeat victims. Study of occurrences, actions directed to the offenders, victims, and to the sites of higher incidences, through a work with the multidisciplinary team and others of the Network against Domestic Violence.</td>
</tr>
<tr>
<td>Promotoria de Justica de Defesa dos Direitos da Mulher</td>
<td>Services to the victims. Forwarding the requests for protective measures. Request for preventive prison of the offender, if he / she does not obey the court order. Initiation of criminal proceedings against offenders. Realization of court hearings. Supervision and monitoring of entities responsible to provide services for women.</td>
</tr>
<tr>
<td>Superintendência de Políticas Públicas para Mulheres de Sabará – Minas Gerais</td>
<td>Elaboration, coordination, and execution of plans, programs, and projects related to women’s topics in the city, social inclusion and productive, protective assistance to women, encouraging culture and tourism.</td>
</tr>
<tr>
<td>Instituto ALBAN</td>
<td>Reflective group for men and women involved in situations of violence, court referral or voluntary participation</td>
</tr>
</tbody>
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