

1.6 TALKING ABOUT PREVENTION IN BRAZIL AND AUSTRALIA: PRIMARY, SECONDARY, AND TERTIARY APPROACHES

Wania Pasinato¹⁸

Thiago Pierobom¹⁹

The legal framework to face gender violence against girls and women comprises concerns on prevention, protections for women in danger and perpetrator accountability. In Brazil, the Maria da Penha Law prescribes, in its article 8, a broad range of interdisciplinary, multisectoral and integrated policies in the fields of justice, public security, social assistance, health, education and labour. Education campaigns on schools and in society in general, the inclusion of contents related to human development, the introduction of gender, race and ethnicity equity in the school curriculum, a specialised perspective on gender, race and ethnicity in assistance services, as well as the suppression of gender-stereotyped roles in the media are also main concerns. While the Brazilian practitioners have focussed on responses from the criminal justice system to address domestic and family violence against women, the holistic approach of the Maria da Penha Law should not be disregarded.

In Australia, it was founded in 2008 the National Council to reduce violence against women and their children, which published a strategy report (AUSTRALIA, 2009). This document contributed to the elaboration of the National Plan to Reduce Violence against Women and their Children 2010 – 2022, called the National Plan (AUSTRALIA, 2011). There are many institutions joining forces to find a solution for domestic violence, one of them is the Australian National Research Organisation for Women's Safety – ANROWS, created in 2013 as a strategy of the National Plan to reduce domestic violence.

Specialised literature fosters a threefold perspective on prevention policies: primary, secondary, and tertiary (WHO, 2002; OUR WATCH et al., 2015; PASINATO et al., 2019). Primary prevention policies, known as prevention policies, are those aimed at reaching the primary causes of gender violence on the whole society, related to the gender-stereotyped roles that normalize violence as a form of discipline when breaching these sexist expectations. Secondary prevention policies, also known as early intervention, target individuals belonging to a risk group to suffer or perpetrate gender violence or when the violence is

¹⁸ Sociologist and independent consultant in projects related to violence against women, gender, criminal justice, women's police stations, and public policies to face gender and family violence.

¹⁹ Associate Professor in the Doctor of Laws Program of UniCEUB, Research Fellow of Monash Gender and Family Violence Prevention Centre, Senior Prosecutor in Brasilia.

in an early stage, to avoid its escalation. They are usually related to health and psychosocial programs, especially to foster screening and referral for support programs, to avoid the escalation to more severe forms of violence. Finally, tertiary prevention, or response, embraces long term interventions to mitigate the impacts of violence and prevent recidivism, due to the usual cyclic character of gender violence. Policies related to policing and criminal justice answers to promote accountability are usually comprised in this tertiary prevention level, as well as some interventions on health services and psychosocial assistance related to overcome the trauma of violence.

Primary prevention, targeted in society in general, aims to deconstruct gender inequality, to denounce and prevent all forms of gender violence, and to inform on Law, services, and procedures for intervention when violence has happened. In Brazil, it may be classified into three strategies: education, awareness campaigns and opinion polls. Education encompasses formal school education (see the text of FERREIRA, in this collection) and educational actions as lectures, seminars and courses for community leaders, practitioners on women's rights and media professionals. An example of the formation of community leaders is the program Popular Law Promoters (PLP), which began in Brazil in the 1990s by the feminist NGO Themis, inspired by a Peruvian experience. The methodology developed by NGO Themis was replicated in many Brazilian states (see the text of CAMPOS, in this collection). Regarding education actions focussed on media professionals, in the first decade of 2000, the Patricia Galvao Agency (APG), a feminist organisation, in partnership with National Secretary of Women's Policies (SPM) and other institutions, promoted several seminars and guidelines on how the media should address gender violence against women in the news (see: <<https://agenciapatriciagalvao.org.br/imprensa/>>).

There have been several awareness campaigns to promote the Maria da Penha Law, the network of services and the hotline for information or denounces (Call 180). These campaigns were promoted by SPM in partnership with NGOs and institutions enforcing the Maria da Penha Law. For example, the campaigns "Where there is violence, everybody loses" (APG and SPM, 2004 and 2006) and "Stop hiding" (APG and SPM, 2005), both with National TV broadcasting. Some campaigns had a targeted audience, as the campaign "Commitment and Attitude for the Maria da Penha Law – the law is stronger" (SPM, 2011), targeted on justice system practitioners, to raise awareness and proper Law enforcement. There was the campaign "16 days of activism for the end of violence against women" (NGO Agende, 2004 and on), that joined a world campaign which begins on November 25, but in Brazil, it is anticipated to 20 November, when it is celebrated the Black Awareness Day. The campaigns "men for the end of violence" (2008) and "Women own their lives" focussed on rural women, from fields and forests (2009). Finally, opinion polls are focussed on the perception of population on the Maria da Penha Law and forms of gender and family violence. There were 15 surveys between 2004 and 2013 on these issues (ARTICLE 19 BRAZIL, 2015; PASINATO and LEMOS, 2017).

In Australia, the National Plan (AUSTRALIA, 2011) was followed by three-year action plans, which specify goals for short terms focussed on strengthen professionals who work in the field, integrating systems, sharing information to foster effectiveness of evidence and monitoring performance. The aim is to bring attitudinal and behavioural change at the cultural, institutional, and individual levels, with a focus on young people (AUSTRALIA, 2011, p. 10).

The National Plan has six general outcomes: *i*) that communities become safe and free of violence, *ii*) that relationships become respectful, *iii*) the strengthen of Indigenous communities, *iv*) that services can meet the needs of women and their children who are facing violence, *v*) effectiveness of justice system responses, *vi*) that perpetrators stop the violence and become accountable for their acts (AUSTRALIA, 2011, p. 14-29). Related to primary prevention, one of the main guidelines is the report Change the Story (OUR WATCH et al., 2015), which played an essential role in shaping reforms in Australian institutions and fostering public policies focussed on the prevention of gendered violence in all Australian states. It fosters a broad range of programs focussed on sociocultural change patterns of tolerance of violence against women in several areas of social life, such as workplace, schools, community organisations, sports clubs, media, popular culture and other (OUR WATCH et al., 2015, p. 9). Other States have launched their plans and strategies to promote gender equality and primary prevention policies (see VICTORIA, 2016a, 2016b).

Since 1985, Brazil was world pioneer on creating its first Women's Police Station, a specialised police service to offer friendly support to file a complaint and to advance access to other specialised services for women. In the 1990s it was created the first Specialised Reference Centres for Women, some shelter houses and health services for victims of sexual violence and for legal abortion. After 2003, the foundation of the SPM was conducive to create, for the first time in the country, a national policy to face violence against women (BRAZIL, 2005). This policy aimed to increase specialised services, articulate the multisectoral networking, produce technical guidelines, and finance practitioners training. In the secondary prevention branch, the National Pact to Face Violence against Women (BRAZIL, 2007-2013) is the strategy to manage the implementation of the national policy. It laid down the strengthening of a multisectoral response.

The first edition of the national pact (BRAZIL, 2007) had four axes: *i*) consolidation of specialised services and implementation of the Maria da Penha Law; *ii*) promotion of sexual and reproductive rights and to face the feminisation of AIDS and other sexually transmitted diseases; *iii*) face sexual exploitation and trafficking of women; and *iv*) promotion of rights for women in prison. The first network of services understood violence against women beyond the domestic violence definition, providing support to victims of other forms of gender violence. In the second edition of the National Pact (BRAZIL, 2011a) the axes were broadened: *i*) implementation of the Maria da Penha Law; *ii*) expanding

and strengthening of the network of services; *iii*) guarantee of citizen safety and access to justice; *iv*) guarantee of sexual and reproductive rights and to face sexual exploitation and trafficking on women; and *v*) guarantee of autonomy of women in a situation of violence and expansion of their rights.

One of the characteristics of this second edition was the separation of the axes of implementation of the Maria da Penha Law and the structural organisation of specialised services, in order to stress that services should provide support for beyond domestic and family violence. The Pact allowed the expansion of a network of services, such as: Specialised Women's Centres, Shelter Houses, Specialised Magistrate's Courts (with criminal and civil jurisdiction, and interdisciplinary assistance), Specialised Prosecution Offices, and the National Gender Violence Hotline (Call 180), specialised health services for sexual violence and legal interruption of pregnancy, Specialised units in immigration support services to face trafficking of women. The Specialised women's centre (*Centro de Referência Especializado de Atendimento à Mulher - CRAM*) have a strategic role to stop family violence, offering psychosocial support for women, legal aid and promotion of employability. These centres are guided by the guidelines of multidisciplinary approach, promotion of women's and practitioner's safety, identification of types of violence and multiagency work, mapping the local network of partners (BRAZIL, 2011b).

Besides these National Pacts, there were three National Plans for Women's Policies (BRAZIL, 2004, 2007, 2012), aiming to "provide contributions to consolidate gender policies, highlighting the mainstreaming in all Government policies" (BRAZIL, 2012, p. 7). These plans were preceded of conferences with intense participation of women's movements; the conference preceding the first plan had the participation of more than 120 thousand women (BRAZIL, 2004, p. 13) and the conferences preceding the second and third plan had more than 200 thousand women each (BRAZIL, 2007, p. 17; 2012, p. 9). In these documents, the gender mainstreaming is considered as a theoretical background to understand the social structures that promote inequality, and as a set of concrete actions and policies. It consolidates the directive of Government interagency shared responsibility, with coordination of the SPM, settling objectives, goals, plans of actions and concrete actions in different areas to promote gender equality and face gender violence. There was also a commission to monitor the plan's implementation. Despite there was a fourth conference in 2016, which approved a new plan, it was not implemented and, since then, women's policies lost their main strategic framework.

During the III National Plan, Brazilian Federal Government created, through the program "Woman living without violence" (BRAZIL, 2013), the project of the House of the Brazilian Woman. It's a one-stop-shop centre, with shared administration from the three levels of government, integrating the above mentioned psychosocial and employability services with a Women's Police Station, specialized prosecution office and legal aid, a monitoring patrol

unit for the protective orders, short term sheltering and transport for other services. The House for Brazilian Women (*Casa da Mulher Brasileira*) centres were designed to reduce women's pilgrimage through services, with a holistic approach to domestic and family violence, inducting prevention, and better articulation of services. They should operate according to the guidelines of completeness of services, promotion of autonomy, humanised support, solidarity, empowerment, respect, prevention of re-victimisation, inclusion and accessibility, professional confidentiality, promptness and efficiency and systematisation of data (BRAZIL, 2013). These houses should be built in all 27 Brazilian capitals, but up to the beginning of 2020, they have been launched only in 7 capital cities: Campo Grande, Brasilia, Curitiba, Sao Luis, Boa Vista, Fortaleza, and Sao Paulo.

Although this network of services, current support for survivors is a challenge. The reduction of funding support from the Federal, State and Local Governments have led to a fragilised network and weak integration of services, distancing them from the legal model of an integrated and multisectoral response (ASSIS and DESLANDES, 2019). Despite the promising project of the House of the Brazilian Woman, since 2016 Federal Government have discontinued its funding. The contingency of shared budgets has led some of the houses to shut down (as in Brasilia) and many other do not operate with the full range of services as projected. Some of them were not built in central areas, leading to low demand by women living in peripheral areas, and there was also a low adaption to the local needs. Other similar State experiences of integrated centres have shown the frustration of women, lack of monitoring of cases, contradictory demands on psychosocial services for protection versus production of criminal evidence, lack of openness for local feminist and women's movements, and limitations to the proper articulation of services (SOUZA et al., 2019).

In Brazil, tertiary prevention policies are related to the intervention orders (*medidas protetivas de urgência*), designed to protect woman, preventing the perpetrator from approximating or contacting her, as well as to imposing him certain obligations to decrease the risk of recidivism, as perpetrators programs. Research has shown resistance of the justice system to grant these orders and to integrate them with an interagency response (PASINATO et al., 2016; DINIZ and GUIMIERI, 2016). A current trend of backlash is a restrictive conception of "gender-based violence" by courts, requiring concrete evidence of "gender motivation" and considering in the Maria da Penha Law only conflicts related to men's failure to accept the end of an intimate relationship, thus excluding other conflicts related to children custody or allowance or estate division. This opinion disregards international documents that consider gender-based violence a "violence that is directed against a woman because she is a woman or that affects women disproportionately" (UN, 1992, item 6) and which historically includes all forms of violence in the family against a woman (UN, 1992, item 23). Instead of recognizing the gender relations within family violence, as prescribed by international treaties and the Maria da Penha Law, a lack of gender sensitivity currently denies due protection to Brazilian women.

Despite that, there are some positive experiences on tertiary prevention policies. To enhance interventions orders effectiveness, many states have created Monitoring Patrols by the Military Police and by City Guards (in charge of the preventive policing), to visit women and perpetrators in high-risk, orienting victims to have a security plan and to access the network of services, as well as assuring perpetrator's compliance to the order (FBSP, 2019; GROSSI and SPANIOL, 2019). They are usually called "Maria da Penha Patrols". Some States have created emergency cell phone devices for recipients of the orders, to apply for immediate protection of police in case of danger, as well as monitoring electronic devices for perpetrators (PASINATO et al., 2019). Beyond these answers on policing and justice, the Specialised Centres for Women (CRAM) play an important role in providing psycho-social support for women to overcome trauma and to rebuild their future with autonomy and self-confidence.

Since the Law n. 9099/1995 there were pioneer experiences with groups of perpetrators for men who were authors of violence. After the Maria da Penha Law, that provided guidelines for the creation of perpetrator's programs and other multidisciplinary interventions for perpetrators, many States have developed these programs, with promising potential for the prevention of recidivism (PITANGUY and LINHARES, 2019; BEIRAS et al., 2019). Although, the lack of national minimum standards fosters a miscellaneous of local experiences, contrasting in structure, financing and methodology (PITANGUY and LINHARES, 2019). Research indicates the need to ensure a gender theoretical frame and minimum standards related to capacitation, ongoing monitoring and evaluation, and the integration of these programs in the network of specialised services, with appropriate referrals (BEIRAS et al., 2019).

An important strategy to promote individualised response and coordination of services/institutions on secondary and tertiary preventions have been the risk assessment and management protocols. These instruments are recommended by National documents (BRAZIL, 2016; UN WOMEN et al., 2016). Some experiences in the cities of Brasilia and Canoas created local models of risk assessment form, with an integrated protocol for risk management (AVILA, 2018; STREY and JARDIM, 2019). A team of experts funded by the European Union designed to the National Council of the Prosecution Office, a national model for risk assessment (LISBOA et al., 2019; BRAZIL, 2019). Later, the National Councils of the Judiciary and the Prosecution Office approved a different model (BRAZIL, 2020).

Despite approving a common and national form is a progress, this model has limitations, as the lack of a compact layout, missing some important risk factors (as the condition of elderly woman or social isolation of the woman), joining two different risk factors in one same question and mixing risk factors with information of needs, thus hampering the assessing and classification of risk factors in each case. It turns this current instrument in a form for only risk identification, rather than risk assessment and management, with

practical limitations to promote women's safety. Furthermore, risk management protocols should have a perspective on local services available and their integration to meet the survivor's needs for protection.

In the Australian State of Victoria, the review of the effectiveness of primary, secondary, and tertiary prevention policies was scrutinised by the Royal Commission into Family Violence report (VICTORIA, 2016c). It produced a massive report with seven volumes, which involved 13 months of hearings with 220 experts and 44 discussion sessions. The Commission analysed in detail international trends to combat domestic violence and made 227 recommendations to the State. It evaluated how to prevent family violence, early intervention, support for survivors and perpetrator accountability, responses from police, penitentiary and legal system, government, and community organisational responses and how to best evaluate and measure success. Probably one of the main differences between Australia and Brazil is the massive investment in Australia to promote research designed to evaluate the effectiveness of policies and to produce knowledge to improve best practices. One of the main institutions to boost research in this field is ANROWS, an independent organisation aimed to produce evidence-based research that can be transferred to other contexts, guiding the construction of public policies and practices focussed on reducing the rates of violence against women.

Considering the state-of-art in Brazil, it would be recommended to advance in the following areas:

- Provide financing at adequate levels for the network of specialised services in the protection of women in situations of violence, with the objective of increasing their reach and guaranteeing the expansion of specialised services in psychosocial care and health.
- Develop protocols for better integration of services, with clear rules about referrals and the duty of each service/ institution to engage in cooperation.
- Federal Government to resume the funding of the House of the Brazilian Woman project, with adequate adaption to local needs and openness to the dialogue with feminist and women's movements.
- Raise awareness of justice professionals on the importance of granting intervention orders, which must have duration for enough time to cover the risk of recidivism.
- Change the current case Law to consider all forms of family and domestic violence against women are gender-based violence, thus requiring the enforcement of the Maria da Penha Law.

- Spread projects of monitoring patrols for intervention orders (Maria da Penha Patrols) and emergency cell phones, with due integration with the network of specialised services.
- Promote studies to entrench minimum standards for perpetrators programs, related to structure, funding, methodology, capacitation, monitoring and evaluation. Special attention shall be given to a gender theoretical frame.
- Review the national risk assessment form approved by the National Councils of the Judiciary and the Prosecution Office, as soon as possible, in order to facilitate the counting of risk factors, with a forecast of risk classification in line with international surveys.
- Disseminate the use of risk assessment forms coupled with integrated risk management protocols for the various services that assist women at risk, built collectively at the local level using a national model, allowing national comparisons and production of evidence to improve public policies.

REFERENCES

ARTICLE 19 BRAZIL. **Violence against the woman in Brazil:** access to information and policies. Sao Paulo: Article 19 Brazil, 2015.

ASSIS, T. F. de; DESLANDES, S. F. The perception of professionals about the specialised network of services to support women who experience intimate partner violence. *In:* PASINATO, W.; MACHADO, B. A.; ÁVILA, T. P. (eds.). **Prevention policies to face violence against women. São Paulo: Marcial Pons, 2019. p. 159-179.**

AUSTRALIA. **National plan to reduce violence against women and their children.** Canberra: Commonwealth of Australia, 2011.

AUSTRALIA. **Time for action.** Canberra: National Council to Reduce Violence against Women and their Children, 2009.

ÁVILA, T. P. Networking articulation to protect women in situation of domestic violence. *In:* BRAZIL. **Violence against the woman:** a glance from the Brazilian Prosecution Office. Brasilia: National Council of the Prosecution Office, 2018. p. 141-163.

BEIRAS, A.; NASCIMENTO, M.; INCROCCI, C. H. M. C. Reflexion groups: notes on challenges to build accountability, reduction of violence and effectiveness of programs for perpetrators of violence against women. *In:* PASINATO, W.; MACHADO, B. A.; ÁVILA, T. P. (eds.). **Prevention policies to face violence against women. São Paulo: Marcial Pons, 2019. p. 275-298.**

BRAZIL. **I National Plan of Women's Policies.** Brasília: SPM, 2004.

BRAZIL. **II National Plan of Women's Policies.** Brasília: SPM, 2007.

BRAZIL. **III National Plan of Women's Policies: 2013-2015.** Brasília: SPM, 2012.

BRAZIL. **Joint Resolution n. 05, from 3 March 2020:** creates the National form of risk assessment for the Judiciary and the Prosecution Office. Brasília: National Council of the Judiciary and National Council of the Prosecution Office, 2020.

BRAZIL. Ministry of Justice and National Secretary for Women's Policies. **National guidelines on criminal investigation with gender perspective.** Madrid: EuroSocial, 2016.

BRAZIL. **National Pact to Face Domestic Violence.** Brasília: National Secretary of Policies for Women, 2011a.

BRAZIL. **National Pact to Face Violence Against Women.** Brasília: National Secretary of Policies for Women, 2007.

BRAZIL. **Network to Face Violence Against Women.** Brasília: SPM, 2011b.

BRAZIL. **Orientations to use risk assessment form FRIDA.** Brasília: CNMP, 2019.

BRAZIL. **Program woman, living without violence.** Brasília: National Secretary of Policies for Women, 2013.

DINIZ, D.; GUMIERI, S. Implementation of intervention orders of the Maria da Penha Law in the Federal District between 2006 and 2012. *In*: PARESCHI, A. C.; ENGEL, C. L.; BAPTISTA, G. C. (eds.). **Human rights, vulnerable groups and public security.** Brasília: Ministry of Justice and Citizenship, 2016. p. 205-231.

FBSP – FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA (ed.). **Best practice to face violence against women: experiences on policing and justice system:** case library FBSP 2018. São Paulo: FBSP, 2019.

GROSSI, P. K.; SPANIOL, M. I. Maria da Penha Patrols on the State of Rio Grande do Sul: analysis of advances and challenges of a five-year pioneer experience of this prevention policy to gender violence. *In*: PASINATO, W; MACHADO, B. A.; ÁVILA, T. P. (eds.). **Prevention policies to face violence against women.** São Paulo: Marcial Pons, 2019. p. 298-328.

LISBOA, M.; TEIXEIRA, A.; PASINATO, W. **Risk Assessment form for the National database of domestic violence**: a tool to face domestic violence against the woman. [Lisbon?]: European Union, 2019.

OUR WATCH; ANROWS; VICHEALTH. **Change the story**: a shared framework for the primary prevention of violence against women and their children in Australia. Melbourne: Our Watch, 2015.

PASINATO, W.; GARCIA, I. J.; VINUTO, J.; SOARES, J. E. Intervention orders for women in situation of domestic violence. *In*: PARESCI, A. C.; ENGEL, C. L.; BAPTISTA, G. C. (org.). **Human rights, vulnerable groups and public security**. Brasília: Ministry of Justice and Citizenship, 2016. p. 233-265.

PASINATO, W.; LEMOS, A. K. Lei Maria da Penha e prevenção da violência doméstica e familiar contra a mulher. *In*: VIZA, B.; SARTORI, M. C.; ZANELLO, V. (orgs.). **Maria da Penha Vai à Escola**: educar para prevenir e coibir a violência doméstica e familiar contra as mulheres. Brasília: TJDF, 2017. p. 11-23.

PASINATO, W.; MACHADO, B. A.; ÁVILA, T. A. P. (eds.). **Prevention policies to face violence against women**. São Paulo: Marcial Pons, 2019.

PITANGUY, J.; BARSTED, L. L. Violence against women and perpetrators: the accountability programs. *In*: PASINATO, W.; MACHADO, B. A.; ÁVILA, T. P. (eds.). **Prevention policies to face violence against women**. São Paulo: Marcial Pons, 2019. p. 253-274.

SOUZA, L. T.; VELOSO, M. M. X; PINHEIRO, I. The experience of the Pro-Paz Woman: reflexions on the limits and potentials of integrated centres. *In*: PASINATO, W.; MACHADO, B. A.; ÁVILA, T. P. (eds.). **Prevention policies to face violence against women**. São Paulo: Marcial Pons, 2019. p. 227-252.

STREY, M. N.; JARDIM, R. T. Risk assessment and management for women in situation of domestic violence: the experience of the network of services of Canoas City. *In*: PASINATO, W.; MACHADO, B. A.; ÁVILA, T. P. (eds.). **Prevention policies to face violence against women**. São Paulo: Marcial Pons, 2019. p. 181-203.

UN WOMEN et al. **Brazilian National Guidelines on Femicide**: investigating, prosecuting and judging violent deaths of women with a gender perspective. Brasília: UN Women Brazil, 2016.

UNITED NATIONS. **General recommendation n. 19**. Committee on the Elimination of Discrimination against Women. 1992.

VICTORIA. **Ending Family Violence:** Victoria's plan for change. Melbourne: Department of Premier and Cabinet, 2016a.

VICTORIA. **Royal Commission into Family Violence:** report and recommendations. Melbourne: RCFV, 2016c.

VICTORIA. **Safe and strong:** A Victorian gender equality strategy. Melbourne: Department of Premier and Cabinet, 2016b.

WHO – World Health Organization. **World report on violence and health.** Geneva: WHO, 2002.