

REFLECTIONS ON PREVENTION POLICIES FOR GENDER BASED VIOLENCE AGAINST WOMEN AND GIRLS: DEBATES IN BRAZIL AND AUSTRALIA

Edited by:
Thiago Pierobom de Ávila
Aline Yamamoto
Cristina Elsner de Faria
Jude McCulloch
Kerry Carrington

Support:



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**Brasilia
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***Reflections on Prevention policies for gender based violence against women and girls:
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Reflexões sobre políticas de prevenção à violência de gênero contra mulheres e meninas: debates no Brasil e na Austrália

Edited by

Thiago Pierobom de Ávila / Aline Yamamoto / Cristina Elsner de Faria / Jude McCulloch / Kerry Carrington

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TABLE OF CONTENTS

FOREWORDS

Foreword by the Public Prosecutor's Office of the Federal District of Brazil	7
Foreword by UN Women Brazil Country Office	9
Foreword by the Australian Embassy in Brazil.	11

INTRODUCTION

Introduction	14
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SECTION 1 – Frameworks to Approach Gender Based Violence Against Women and Girls Prevention Policies

1.1 The Federative Pact and Prevention Policies to Face Violence Against Women: a compared approach between Brazil and Australia	21
<i>Ana Paula Antunes Martins, Cristina Elsner de Faria, Henrique Marques Ribeiro and Renato Saeger Magalhães Costa</i>	
1.2 Policy development/co-ordination in a federal context: Australian perspective.	33
<i>Heather Nancarrow</i>	
1.3 Measuring economic costs of violence against women	39
<i>Heather Nancarrow</i>	
1.4 Why economists should study domestic violence?	46
<i>José Raimundo Carvalho and Victor Hugo de Oliveira</i>	
1.5 Brazilian and Australian frameworks for preventing and responding to family violence, particularly intimate partner violence and femicide	56
<i>Jude McCulloch, Jasmine McGowan and JaneMaree Maher</i>	
1.6 Talking about prevention in Brazil and Australia: primary, secondary, and tertiary approaches	65
<i>Wania Pasinato and Thiago Pierobom de Ávila</i>	

SECTION 2 – Prevention Policies: Thematic Areas

2.1 Education	77
<i>Gisella Lopes Gomes Pinto Ferreira</i>	
2.2 Social assistance and violence against women in Brazil	91
<i>Fabírcia da Hora Pereira and Mariana Fernandes Távora</i>	

2.3 Public shelter policies for Brazilian women	96
<i>Liz Elaine de Silvério e Oliveira Mendes</i>	
2.4 Health policies and violence against women in Brazil: Normative framework for prevention and challenges	102
<i>Tais Cerqueira Silva and Mariana Fernandes Távora</i>	
2.5 Women's Police Stations: Unique innovations from the Global South	109
<i>Kerry Carrington</i>	
2.6 Specialised Domestic Violence Courts: The Australian perspective	117
<i>Heather Douglas and Sophie Blatcher</i>	
2.7 Programs for perpetrators of violence against women within Brazilian prevention policies to gender-based violence	123
<i>Mariana Fernandes Távora</i>	
2.8 Domestic violence and restorative justice in Brazil	129
<i>Carmen Hein de Campos and Jacqueline Padão</i>	

SECTION 3 – Intersectionality: Prevention Policies for Racial and Marginalised Groups of Women

3.1 Intersectionality of gender and race in the Brazilian context.	134
<i>Joana Luiza Oliveira Alencar</i>	
3.2 Women with disability and prevention policies to face gender violence: from recognition to guidelines for policies	138
<i>Ana Paula Antunes Martins</i>	
3.3 Intersectionality and Brazilian priority populations: Violence against young women and girls	146
<i>Gisella Lopes Gomes Pinto Ferreira</i>	
3.4 Reflections on the “re-victimisation” of migrant women by legal and social systems	154
<i>Ana Borges Jelinic</i>	

SECTION 4 – Technology and New Forms of Gender and Family Violence

4.1 Technology-facilitated domestic and family violence (TFDFV)	162
<i>Bridget Harris</i>	
4.2 Brazilian trends to face violence against women on the internet	170
<i>Valéria Scarance</i>	

SECTION 5 – Case Studies: Good Practices of Prevention Policies on Gender Based Violence Against Women and Girls

5.1 One Win Leads to Another	177
<i>Raíssa Vitório Pereira</i>	
5.2 The Brave Is Not Violent	183
<i>Raíssa Vitório Pereira</i>	
5.3 Panic Device in Vitória City	187
<i>Carmen Hein de Campos</i>	
5.4 App PLP 2.0 in Porto Alegre City	192
<i>Carmen Hein de Campos</i>	
5.5 The Legal Dating Project and My Artificial Intelligence Friend (MAIA)	196
<i>Valéria Scarance</i>	

FOREWORDS



FOREWORD BY THE PUBLIC PROSECUTOR'S OFFICE OF THE FEDERAL DISTRICT OF BRAZIL

Gender-based violence facing is a Federal District and Territories Public Prosecutor's Office (Ministério Público do Distrito Federal e Território- MPDFT in Portuguese) commitment directly related to the defense of life, equality, and justice. Amongst various areas of crime combat in which the Office works, domestic violence against women has become a permanent challenge, either due to the complexity of the reported cases as well as the continuous rise in new ones, which requests increasingly effort and resources.

In this context, when observing the challenges to effectiveness in tackling violence within family environment, we are urged to settle partnerships that enhance the problem confrontation involving public institutions, civil society, universities, and even international cooperation.

This is what we have been doing for few years from now, encouraging the professional development in the institution. In 2017, prosecutor Thiago Pierobom engaged in a post-doctoral program at Monash University, in Melbourne, Australia. Besides the research development, he has created a network that resulted in an important cooperation between Brazil and Australia for coping gender violence. Since then, with the support of the Federal District and Territories Public Prosecutor's Human Rights Office (NDH – Núcleo de Direitos Humanos in Portuguese), several seminars and professional exchange programs made possible international good practices sharing and development of new findings and knowledges.

The reader has in hand a publication that is the above referred works outcome and it aims to contribute to rescue the women's dignity who suffer domestic violence, especially those exposed to even worse conditions: black, poor, disabled, immigrants and other marginalized groups of women. These discriminator's factors are intertwined with gender issues and they increase the risk of violence to which all women are exposed, simply because they are women.

The production of this Brazilian and Australian collection of expert's ideas on Prevention of Violence against Women hopes to contribute to the dissemination of good practices to improve the fight against this serious human rights' violation.

It is a publication as innovative as well necessary. It brings reflections on the federative structure of public policies to combat violence against women, a theme that approximates Brazilian and Australian legal systems. It also analyzes the economic costs of domestic violence and the comprehensive protection of different prevention policies levels perspectives.

It analyzes intersectionality that accentuate the risk of new episodes of violence, as well as the new forms of violence facilitated by technologies. Finally, successful and innovative case studies are presented to inspire similar initiatives.

In the past two years, the Federal District and Territories Public Prosecutor's Human Rights Office, especially the Gender Office (Núcleo de Gênero in Portuguese), received institutional support and team reinforcement to chart public policies aimed to preventing violence against women in Federal District. It is an innovative measure in the Brazilian context that resulted in a public civil action which objective was to improve local policies to prevent and mitigate gender base violence. The Human Rights Office's professionals active participation in this publication allows good practices dissemination regarding women's empowerment and protection, as well as the learning from the successful Australian experiences.

The publication of this collection shows sensibility from every government institution towards its mission, which is justice promotion. I congratulate the professionals involved, especially for this international cooperation, which places Federal District and Territories Public Prosecutor Office at the human rights protection forefront.

Through this document we address an encouraging message for constant improvement to all professionals and researchers. Federal District and Territories Public Prosecutor Office is an engaged partner in this day-to-day struggle for the affirmation of women's human rights.

Fabiana Costa

Attorney General

Public Prosecutor's Office of the Federal District of Brazil

FOREWORD BY UN WOMEN BRAZIL COUNTRY OFFICE

Violence against women and girls is a grave violation of human rights. It causes immediate and long-term multiple physical, social, economic, sexual and mental consequences for women and girls. It has a devastating effect on women's well-being and prevents women and girls from fully participating in society. It has negative consequences for women, their families, the community and the country at large. It has tremendous costs, from greater health care and legal expenses and losses in productivity, impacting national budgets and overall development.

Despite the important advances achieved in the last 30 years in terms of legislation, public policies and the production of information and knowledge on this topic, the existing data shows that violence against women and girls continues to assume characteristics of a global pandemic.

In Brazil it has not been different. Since the democratization process in the 1980s, the country has built measures to eliminate violence against women and girls, strongly marked by the establishment of specialized services to survivors of violence. The country also has advanced legal provisions, such as the Maria da Penha Law.

However, both here and worldwide, such efforts have not been sufficient to change adverse social norms, attitudes and behaviors that perpetuate gender, race and other inequalities and cause compound discrimination, which represent the root causes of violence against women and girls.

In addition to ensuring equal access to justice for those who have suffered violence, holding perpetrators of violence accountable and providing access to quality services, it is necessary to adopt a systemic and comprehensive approach to prevent violence before it occurs and intervene early in contexts of recurrent violence.

Recognizing a value and importance of experiences and good practices on preventing multiple forms of violence against women and girls, UN Women Brazil Country Office partnered with the Brazil-Australia project to promote dialogue and to knowledge sharing between researchers, professionals and academics from both countries, that can contribute to public policy making. This publication is one of the results of this partnership, through which we seek to further amplify the knowledge sharing of the reflections and lessons learned so far.

Women's and girls' right to live free from violence is upheld by international agreements such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) the 1993 UN Declaration on the Elimination of Violence against Women and the 2030 Agenda for Sustainable Development.

The elimination of violence against women and girls requires consolidation of multi-pronged partnerships, more investment, more knowledge, more impetus and more collaborative work. UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women, is a trusted partner to governments, civil society, media and academia in guaranteeing women and girls the right to live free from violence.

Our special thanks to the authors who dedicated their time to share this journey with us and our recognition to the Australia Embassy in Brazil, the Public Prosecutor Office of the Federal District and Territories, and all institutions involved in the project.

We wish everyone a great reading!

Anastasia Divinskaya

Representative of UN Women Brazil Country Office

FOREWORD BY THE AUSTRALIAN EMBASSY IN BRAZIL

The Australia Brazil Research Policy Exchange Gender Policy Report is the result of an academic collaboration more than a year in the making. The report chapters reflect the independent – of government - views of the authors on current policy debates, innovative ideas and best practices to strengthen systemic approaches to ending gender-based and family violence in Australia and Brazil. I commend the authors for their commitment to ending gender-based violence, their contribution to Australia-Brazil relations, and their significant output in spite of the challenges of remote work during the COVID-19 pandemic.

Gender equality and preventing violence against women and girls are key priorities for the Australian government. Globally 243 million women and girls are affected by sexual or physical violence every year, while in Australia, one in three women over the age of 15 will experience physical violence, and almost one in five will experience sexual violence. In response, Australia's National Plan to Reduce Violence Against Women and their Children 2010-2022 brings together government and community efforts to achieve a real and sustained reduction in, and prevention of, family, domestic and sexual violence. In Brazil, the Australian government has supported a number of initiatives to promote gender equality and end gender-based violence, including the research exchange in June 2019 that led to the establishment of this independent and self-sustaining research alliance.

Violence against women and girls is a serious issue at any time, but particularly now during the COVID-19 pandemic, making this report all the more timely. The evidence is clear that social isolation measures increase the risks of gender-based violence, while the economic impacts of the pandemic disproportionately affect women. For this reason, the Australian government has prioritised protecting the most vulnerable, including women and girls, in Partnerships for Recovery: Australia's COVID-19 Development Response. I hope this collaborative research will contribute to broader conversations about combatting the increase in gender-based violence in Australia and Brazil related to COVID-19.

This alliance works because it leverages the similarities between Australia and Brazil. We share federal systems, with responsibilities divided between local, state and federal governments. We are vibrant democracies, open about our strengths and potential areas for improvement. And while we have robust systems in place to help prevent gender-based violence, there will always be areas where we can do more, for example, in response to emerging issues such as the economic impacts of violence, and technology and coercive control.

This report continues a fruitful academic partnership between Australia and Brazil. I wish the contributing researchers and institutions ongoing success as they progress this important work.

Timothy Kane

Australian Ambassador to Brazil

INTRODUCTION



INTRODUCTION

This collection of articles is the fruit of a joint project implemented between Brazilian and Australian researchers and professionals committed to the work of gender and family violence prevention and response. With the support of the Australian Embassy in Brazil and the United Nations Entity for Gender Equality and the Empowerment of Women Brazil Country Office, an innovative project was designed to support research exchange and strengthen academic collaboration, as well as foster a collaborative network of experts and professionals, with the aim to enhance debate on gender and family violence prevention and extract lessons from both countries' policy experiences.

The Brazil-Australia Partnership on Preventing Domestic and Gender-based Violence project included several institutions. Amongst those institutions, it is important to highlight the role played by the Gender Equality Cabinet of the Public Prosecutor's Office of the Federal District (MPDFT), along with the Monash Gender and Family Violence Prevention Centre and the School of Justice of Queensland University of Technology in Australia, in the organization of international conferences and the coordination of this collection.

This initiative also had the active participation of the São Paulo Public Prosecutor's Office (MPSP), the Pontifical Catholic University of São Paulo (PUC-SP), the Research Group on Criminal Policies of the Law Faculty at the University Center of Brasilia (UnICEUB), the Superior School of the Public Prosecutor of the Union (ESMPU), the Institute for Applied Economic Research (IPEA), the Center for Studies and Research on Women at the University of Brasilia (UnB) and the Gender Observatory of the Brazilian Senate. From the Australian side, the project was financially supported by the Council on Australia Latin America Relations (COALAR), and additionally to the institutions previously mentioned, it also had the participation of Australia's National Research Organisation for Women's Safety (ANROWS) and RMIT University.

In June 2019, as part of the Project's planning, a delegation of Australian professionals from governmental institutions, non-governmental organizations, academic and justice sectors came to Brazil (Brasilia and São Paulo) to explore the Brazilian policy framework and analyse program cases. Following it, in December 2019, a delegation of Brazilian experts went to Australia (Brisbane and Melbourne) to participate in expert workshops and conferences, as well as visit Australian successful programs for violence prevention.

As a result, the project allowed an in-depth policy dialogue and advanced debates related to measuring the costs of domestic violence, as well as its impact on the economic growth. It also created opportunities to share good practices in gender equality policies, particularly primary prevention approaches, and to promote an integrated approach across the

justice, public security and public health systems. The aim is to establish collaborative arrangements between both countries, contributing to policy development on gender and family violence prevention in Brazil and Australia.

KEY FIGURES

Preventing violence against women is a global priority and one of the targets of the UN Sustainable Development Goals. The World Health Organization highlights violence against women as a major global public health concern.

In Brazil, there is an upward trend in cases of femicide in the context of domestic and family violence against women. In 2019, there were 1,326 murders of women in this context, a growth trend of 7.1% compared to the previous year (FBSP, 2020, p. 13). The COVID-19 pandemic worsened the situation: in the first half of 2020 there was an increase of 1.9% in femicides in the context of domestic and family violence compared to the same period last year (FBSP, 2020, p. 12). In Australia, one woman per week is killed as a result of intimate partner violence – local NGO Our Watch considers this a national emergency and public safety issue. In Brazil there are an alarming four killings per day. According to the Brazilian “Map of Violence against Women” (WAISELFISZ, 2015), Brazil has the fifth-highest rate of femicide in the world after to El Salvador, Colombia, Guatemala and Russia.

In addition to being a violation of human rights, violence against women generates huge underlying social, health, productive and economic costs. Domestic violence has been experienced by 1.6M Australian women aged 15 and over, and around 150,000 women annually (ABS, 2018). Consulting firm PriceWaterhouse Coopers estimated that the overall cost of domestic violence in Australia is AUD \$21.7 billion annually (PWC et al., 2015).

The PriceWaterhouse Coopers’ study estimated the proportion of women in Australia who have suffered violence in 2014-15 (1,032,835 women) and calculated the costs of: loss of quality of life (pain, suffering or life); healthcare (including psychological treatment for depression and anxiety); loss of productivity; immediate physical harm; psychological harm to children exposed to violence; public security; justice sector; and victim support mechanisms.

In Brazil, according to a prevalence study on domestic violence against women in 9 capitals of the Northeast States 27 per cent of women have experienced psychological intimate partner violence and 17.3 per cent have experienced physical intimate partner violence at some point in their lives (CARVALHO and OLIVEIRA, 2016). The study estimated the economic impact of absenteeism caused by domestic violence to be BRL 975 million yearly. The cost would be even higher if the study considered expenses related to social security, healthcare and public services, such as social support services, legal costs and policing.

Australian research and experience measuring the economic cost of violence against women could contribute to developing a broader methodology to measure the costs of violence against women in Brazil.

INTERNATIONAL BENCHMARKS

In Australia, *Family Law Act 1975 (Cth)* was the first legislation to define domestic violence. Since then every state and territory in Australia has introduced laws to address domestic violence. In 2009 the Council of Australian Government launched its first national action plan 2009-2021 to reduce violence against women and children. Following it, state governments have held several inquiries or royal commissions into domestic and family violence and invested almost AUD \$900 million in programs (RCFV, 2016; SPECIAL TASKFORCE ON DOMESTIC AND FAMILY VIOLENCE IN QUEENSLAND, 2015; STANDING COMMITTEE ON SOCIAL ISSUES, 2012). Nevertheless rates of hospitalisation for domestic violence and homicides of female victims by partners or ex-partners remain a huge challenge for Australian jurisdictions (AHIW, 2018). There is much that Australia can learn from other countries to better prevent gender-based violence. This is why the partnership and learning from other countries, such as Brazil, are so important.

The Australian states of Victoria and Queensland are at the forefront of implementing innovative policies to address domestic violence matters through the civil and criminal justice systems. For example, in 2015 Queensland established a specialised domestic violence court in South Port (and soon to be expanded to other cities) which deals exclusively with domestic and family violence matters. It has specialised staff with experience in these matters and coordinates with a network of integrated support services. Victoria has two domestic violence courts, in Ballarat and Heidelberg with a similar model to Queensland. The Gender and Family Violence Prevention Centre at Monash University, in Melbourne, is internationally renowned for its excellence in research.

In parallel to Australia's federal and state governments' focus on tackling domestic violence, a strong academic research focus has also emerged providing a growing evidence base for policies aimed at preventing and responding to gendered violence and better understanding its causes. A number of Australian universities are delivering specific undergraduate courses on preventing domestic violence, creating a new academic discipline. This background has generated keen interest from Brazilian professionals seeking to develop their skills in this new field and look for opportunities for academic collaboration.

In this regard, a key recommendation of the Council of Australian Governments Advisory Panel is to "recognise Australian and international best practice in addressing violence against women and their children" and "provide opportunities to identify, develop and share innovative and integrated approaches" (COAG, 2016, p. xviii). However, most Australian

policy-makers and scholars have not considered the innovative approaches from developing and middle-income countries to the prevention of gender-based violence, such as women's police stations and the criminalisation of femicide. In 1985, Brazil was the first country in the world to establish dedicated police stations to receive the victims of gender-based violence. Evidence shows that specialised essential services for women subjected to domestic violence are effective in curbing the growth of femicide rates in Brazil.

Brazil has implemented innovative policies to prevent and respond to domestic and family violence against women, especially following the introduction of the groundbreaking Maria da Penha Law. These innovations include the National Pact to end violence against women launched in 2007, the Houses of Brazilian Women (one-stop centres with specialised services for women subjected to violence), and the Maria da Penha Patrols by the Military Police. Since 2006, Brazil has established courts and prosecutors specialised in addressing cases of domestic violence, with strategies for integrating the justice system with other essential services for women, such as programmes for perpetrators and emergency protective measures. The Maria da Penha Law has also contributed to a growing academic interest to develop research focussed on gender-based violence.

Another Brazilian policy response is the criminalisation of femicide. This is a unique Latin American phenomenon (femicide is also an offence in other 17 countries in the region), which led to innovative practices in Brazil, such as the development of guidelines for justice sector professionals. The National Council of Public Prosecutors created and manages a national database of domestic violence. For these reasons, it is also in Australia's interest to foster institutional collaboration and research networks with Brazilian institutions.

BOOK PRESENTATION

This collection consolidates the results achieved by the exchange project, and systematises the key discussions and lessons learnt from Brazilian and Australian experts and practitioners dedicated to preventing gender-based violence on a daily basis. We hope this initiative fosters a collaborative research network, engaging researchers, practitioners and institutions from both countries, and creates an opportunity to further develop innovative public policies to prevent domestic and gender-based violence.

The articles selected cover a wide range of topics, organized in five sessions. The first section is dedicated to the debate about economic, political and legal frameworks design and implementation of gender-based violence prevention policies. Understanding the organizational culture of each countries' institutions and the basis upon which the debates have been built is essential to assure the success of any new policy or program.

The second section brings in-depth discussion in relation to prevention policies implemented both in Brazil and in Australia. It is organized by thematic areas and reflects the categorisation of policies, as primary, secondary and tertiary prevention policies. The third section is dedicated to exploring intersectionalities of gender and family violence prevention policies, and especially how to nuance its implementation to support racialised and marginalised groups of women. This subject is central to decision-makers who need to adapt a policy to target specific locations or community groups.

The fourth section reflects a growing concern related to virtual violence and the use of technology in gender-based violence. Though requiring further research, the experts contributing to this collection decided to highlight this new form of gender-based violence. The final section analyses best practice gender and family violence prevention policies and programs, which can serve as inspiration for practitioners and decision-makers in their aim of and everyday activities preventing gender-based violence.

This document is produced in two identical versions, in Portuguese and English, in order to maximize the exchange of ideas between Brazil and Australia and, hopefully, inspire positive experiences in other countries as well. We hope that this collection of articles may serve to enrich the debate on gender-based violence, enhance practices adopted in Brazil and in Australia, and further strengthen ties of cooperation in academic and technical fields.

Enjoy the reading!

Thiago Pierobom de Ávila
Aline Yamamoto
Cristina Elsner de Faria
Jude McCulloch
Kerry Carrington
(Editorial Board)

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SECTION 1

FRAMEWORKS TO APPROACH GENDER BASED VIOLENCE AGAINST WOMEN AND GIRLS PREVENTION POLICIES



1.1 THE FEDERATIVE PACT AND PREVENTION POLICIES TO FACE VIOLENCE AGAINST WOMEN: A COMPARED APPROACH BETWEEN BRAZIL AND AUSTRALIA

Ana Paula Antunes Martins¹

Cristina Elsner de Faria²

Henrique Marques Ribeiro³

Renato Saeger Magalhães Costa⁴

INTRODUCTION

Brazil and Australia are countries that, though distant and diverse in economic, political, and cultural aspects, share a relevant similarity that brings them closer: their organisation as Federative States. Why does this matter? In what way does Federalism as a form of State organisation contribute to the effectiveness of public policies? How does State organisation influence public policy, especially those aimed at overcoming gender violence?

Federalism is a political system in force in only 28 countries worldwide, that correspond to approximately 40% of the world population (ANDERSON, 2009). Federative Systems are characterised by the union of political entities with the aim to organise the management of a national territory politically and administratively, anchored in a cooperative governance among different actors involved in the design and execution of public policy. This system may present itself in diverse formats, some bottom-up and participative, others more centralised and top-down. Though this form of State organisation is not the most common, Federalism is typically found in countries with democratic regimes, with a numerous population and/or a big territorial extension, or yet in countries whose history reveals the aggregation of territories formerly run independently. Countries in post-conflict situations or in the process of democratic consolidation usually opt for the Federative System.

Models of Federative Pact and their implementation vary from country to country. In some cases, the Federative model is more centralised, while in others there is more autonomy

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⁴ Lawyer. Doctoral candidate and casual academic in Law at the University of Queensland. Author of a series of juridical articles, and the coordinator of the book "Public Law: Great Topics" (2017).

attributed to the Federal Units. Variations also exist in their competencies, sometimes there are shared jurisdictions, while in others cases it is possible to see a more pronounced fragmentation. There are also distinctive models when it comes to the federal representative process, some are parliamentary and others presidential. Such a variety means that there is no 'best' Federative System. The study of institutional arrangements and models of public policy deliverance are pivotal to the understanding of formulation, implementation, and evaluation mechanisms of public policies, as it also helps to experiment with new public policy approaches inspired by international best practices.

Both Brazil and Australia, big democratic federations situated in an extensive and diversified territory (in terms of climate, geography, culture, ethnicity, and race), have committed to gender equity and eradicating the violence against women. They also share similar challenges to the State's capacity to guarantee the offer of public services and population access in the most different locations in the territory, including remote regions. This requires a model of Federative System that allows for the balance between an expected coordination in a State policy and a needed flexibility to attend local demands and respect regional specificities.

BRIEF CONCEPTUALISATION ON FEDERALISM

The meaning of Federalism is very ample and controversial. The debate concerning the meanings of the term "federal", deserves a closer look. John Quick and Robert Garran (1901), two great scholars in Australian constitutionalism, identified four main dimensions in the concept of "federal". The first flows from the Latin word *foedus* (etymological origin of "federal"), meaning pact, covenant or alliance. Federal, therefore, goes back to the covenant among independent entities united to form a collegiate political body, respecting the individual identity of its founding entities.

In the second sense, according to Quick and Garran, Federalism is taken to be the nature of the political body that was created after the pact. The term "federal" traces back to what comes from the union of states, and not to the alliance itself. The third and fourth meaning analysed by Quick and Garran, contrary to the previous dimensions, refer to the federal government, and not to the organisation of the political entities or its genesis as a State. In the third sense, "federal" is understood as a dual system of government, in what refers to the distribution of power among different instances of the Executive branch. In the fourth and last sense, "federal" relates to the structure and composition of government institutions created by the Constitution.

In synthesis, the way and the context in which a Federative System is built directly impacts the origin and type of government institutions, decision-making processes, levels of autonomy and centralisation (ARONEY, 2009). Therefore, in as much as there are structuring similarities among different Federative States, as is the case with Australia and Brazil,

there is also an ample spectrum of Federative Systems, implying the existence of distinct concepts, practices and relevant policies in each of them.

FEDERALISM IN BRAZIL AND AUSTRALIA

Australia and Brazil are federative countries organised in territorial subdivisions – the states – endowed with a certain autonomy. In both cases, by means of the pact, an entity of national character was conceived: Union, in Brazil; and the Commonwealth, in Australia. This is, therefore, a democratic and decentralised arrangement, in which autonomous political entities – in both cases, former colonies of imperial regimes – exist side by side or make an agreement for the creation of a federal unit. However, as indicated by Aroney (2016), the peculiarities observed in the political-administrative organisation of each country go back to the formation of the Federative System.

One of the main inspirations to the design of modern federative countries was the Constitution of the United States of America. In that context, and as stated by the Founding Father, James Madison, the American Constitution was endowed with a character of “partially federal, partially national” (ROSSITER, 1961). Such a model and inspiration may be seen in Australia, as well as in Brazil.

In Australia, the formative process of the federal entity occurred through an aggregation movement (centripetal). The aggregation occurs when autonomous entities - the pre-existing colonies - opt to gather and conceive a Commonwealth. Enacted in 1901, the Constitution of Australia was the result of decades of debates and constitutional conventions driven by representatives of the Australian colonies. There was a clear intention in the constituents to establish a federative pact that included constitutional structures, guaranteeing the autonomy and diversity of the colonies (ARONEY, 2009). To this effect, the synthetic Australian Constitution provides limited powers to the Commonwealth, reserving for the federated states (municipalities do not integrate the federal structure in Australia) the larger share of legislative attributions.

In Brazil, the formation was mostly via a disaggregation process (by devolution). It means that a centralised and unitary national entity – the Empire, while temporarily in the country – subdivided itself to distribute competencies to smaller entities, providing them with political autonomy limited to a determined territory. The evolution of the hereditary captaincies into provinces, and of the provinces into states under the constitutional monarchy regime of 1824, evidences the longevity of Brazil’s federative characterisation by devolution. More recently, with the Constitution of 1988 and the consequent “Administrative Reform of the State”, the municipalities begin to integrate the federative structure, thus acquiring their own and specific competencies.

Another relevant distinction in the formation of the Brazilian and the Australian Federative Systems resides in the juridical system adopted by each one. Brazil is historically a part of the juridical system known as civil law, while Australia belongs to the common law tradition. Within the common law system, the development of case law is a primary legal source, as are the judicial interpretations of the constitutional text. In other words, the Australian constitutional history developed from a progressive increment of the powers of the federal entity by the courts. In the beginning of the Federation, the constituent states had more power than the Commonwealth, but in time the latter began to assume more protagonism. In Brazil, in spite of the decentralisation brought by the Administrative Reform of 1990, the historical process reveals a highly centralised federative arrangement, in which, in time, the federal entity gained a certain prominence in the process of adapting and implementing national policies.

These factors combined – the constituting process of the federation, the legal system and the historical-cultural influences on government institutions – point to relevant distinctions in the responsibilities of the federated entities since the conception up to the implementation of public policy, as well as in the effectiveness of its results. In Australia, the judicial decisions taken by the original composition of the High Court of Australia, dating back to 1903, consolidated the principles of reserved power, according to which all powers not expressed in the Constitution are attribution of the States, prohibiting the Commonwealth to legislate on them; and implying intergovernmental immunities, that provide for the protection of States against interferences on the part of the Commonwealth. These two principles are fundamental for the interpretation of the federative Australian structure, since they express the original intention of the constituents in assuring the normative autonomy of the states, admonishing the Commonwealth to restrain itself to its limited field of action.

In 1920, however, with the paradigmatic decision in the *Engineers Case* (*Amalgamated Society of Engineers vs. Adelaide Steamship Co Ltd* (1920) 28 CLR 129), an alteration of the federative balance was conceived. The attributions of the Federative entity were enlarged, and partially re-established by the doctrine created by the *Melbourne Corporation Case* (*Melbourne Corporation vs. Commonwealth* (1947) 74 CLR 31). Note, hereafter, that the Australian constitutional history developed itself following a progressive increment in the powers of the federal entity. If, at the beginning of the Federation, the constituent states possessed greater power in deterrence the Commonwealth, in the development of history the latter began to assume a more prominent role.

Currently, the Commonwealth exercises a conciliatory role in the dialogue and convergence of the states' positions in propositions of national directives, as does the "National Cabinet", for example. However, the legislative centre and responsibility for the effective application of public policy remain in the realm of the states. In other words, the federative Australian

model entrusts to the states the implementation and effectiveness of public policy. What is finally observed in Australia is a partially national model (with financial and directive prominence of the *Commonwealth*) and partially federal (with a greater part of material and legislative attributions to the states, as well as the responsibility for implementation of policies and their results).

In Brazil, the historical trajectory points to a highly centralised federative arrangement, different in this sense from what occurred in Australia. The historical roots of the Brazilian Federalism also trace back to the colonial period and the decentralised model adopted by the Portuguese crown. The establishment in 1824 of a constitutional monarchy regime is evidence of the longevity of this centralised trace of Brazil's federal system.

As a response to the historical centralising tendencies that preceded the Federal Constitution of 1988, the contemporary formatting of the Federative System tried to design mechanisms to ensure a greater decentralisation of powers – among the federated entities, as well as between government institutions of the same entity. This fact is evidenced by the adoption of measures since the early 1990s, when the *modus operandi* of the Brazilian Public Administration underwent a substantial reform permeated by the conception that delivery of public services should be decentralised, in order to be more democratic, equal and socially fair. Another motivation was to make policy implementation more efficient by delegating authority to the states, at the same time as the practices of control and monitoring by society would also gain effectiveness (ARRETCHE, 1996; FARAH, 2001; ABRUCIO, 2010).

This said, the Brazilian administrative reform transferred a group of relevant attributions in public policy management, previously concentrated at the federal government, to state and municipal levels. However, this expansion of attributions on the part of subnational entities, in a country as heterogeneous and unequal as Brazil, soon faced situations of low technical, managerial, and financial capacities on the part of most municipalities. The expressive inequities and regional heterogeneity gradually induced, over the last two decades, to a movement back to centralisation of decision making on the part of the federal government, specifically in what concerns management of social public policies.

This centralisation process was materialised in the “creation of systems, plans or national programs with incentives for adherence by subnational entities, combined with specific requirements to be met by these entities, such as (...) the standard on policies execution” (LOTTA, GONÇALVES and BITEMAN, 2014, p. 15). Consequently, even with different degrees of institutionalisation, delivery of public services was reorganised following a logic of big national systems, or at the least the construction of national plans and public policies.

Considering this, it is worth mentioning, because of these historical nuances and unfolding from the constitutional evolution of the countries, that the characterisation of each Federal State allows for countless practical distinctions. These practices directly impact the

conformation of institutions and their organisational cultures, the political arrangements for the execution of programs in the national sphere, and the distribution and balance of powers among federated entities. It is, therefore, of foremost importance to make evident historic, constitutional, political and legal developments of Australia and Brazil in what they reveal of their heterogeneity, in spite of the fact that they partake in the same federative principle of political and administrative organisation in their government institutions and mechanisms of formulation and execution of policies.

FEDERAL DESIGN AND THE POLICIES TO COMBAT VIOLENCE AGAINST WOMEN IN BRAZIL AND AUSTRALIA

In what concerns social policy, the complexity inherent to the problem of violence against women stands out (UN WOMEN, 2015). Because it requires an articulation of a number of essential services provided by different actors and sectors (such as education, health, police, justice and social services), the policies to combat violence against women have become object of both federal entity of Brazil and of Australia. The expectation is that these services, when carried out in a coordinated manner, may contribute to stopping violence and to mitigate its consequences on the well-being, health, and security of women victims of violence.

It is in this context, when reflections on the best ways to articulate many different fronts of action required by policy to combat violence, raising its effectiveness, that the discussion about Federative Systems and their distinctive models of political and administrative organisation gain relevance. An analysis of the role assumed by the Union (in the Brazilian case) and by the Commonwealth (in the Australian one) points to differences much beyond those identified in the formation of the Central Government. A series of differences can be observed ranging from the form of political coordination and responsibility on the part of the federated entities to the process of designing national policies and the autonomy attributed to each federated entity in their execution, including converging efforts from ample groups of governmental and non-governmental actors.

In Brazil, violence against women became a public issue only in the early 1970 decade, because of efforts by the feminist movement. But it was only in the following decade that the State assumed responsibility in formulating and implementing policies in this area. In 1985, it was inaugurated, in São Paulo, the first Police State of Women Defence (DDM). But it was only in 2006 that the Law Maria da Penha (LPM) was approved, providing the main existing legal framework to combat domestic and family violence against women in the country. On top of dealing with mechanisms to ensure punishment to the aggressor, LPM brought general guidelines for institution on comprehensive public policy to combat violence against women (ARTICLE 19, 2015).

More recently, the Law on Femicide (BRAZIL, 2015) was enacted, impacting institutional practices and the workings of services delivered in the supporting network, becoming a global reference in countering violence against women. In spite of the notable advances in the promotion of public policy for women in situations of violence, the biggest current concerns are centred in the maintenance and expansion of the protection network, as well as on more equitable access to services, given the profound and structural racial and ethnic inequalities in Brazil.

The assistance network for women in situations of violence reflects the characteristic of the Federal Government's centrality combined with management by delegation to disaggregate attributions (federative model by devolution) analysed in the formation of the Federative System in the national sphere, the organ responsible for external control of the Judiciary, the National Council of Justice (CNJ), seeks to construct and disseminate guidelines for action of the state's judiciary in assisting women in violent situations (BRAZIL, 2018). The CNJ and the National Council of the Public Prosecution Office (CNMP) approved, in partnership, the Joint Resolution n. 05/2020, instituting the "National Form for Risk Assessment", currently being disseminated in the country. It is worth mentioning that CNMP also has a relevant role in developing prevention practices against violence, that include orientation for the incumbent State Public Prosecution Office on combating gender violence.

In the realm of the Federal Executive, through the Secretariat of Policy for Women (SPM), the National Policy to Combat Violence against Women was launched. To make it operative, in 2007 came the National Pact for Combating Violence against Women (with a new and revised edition in 2011) that consists of an agreement between federal, state and municipal governments to plan and implement actions pertaining to the national policy (BRAZIL, 2007). Another important point is that the main public policies for women, including those on violence, were formulated grounded on processes of social participation, by means of public conferences carried out in municipalities, states and at national level (from 2003 to 2015). This openness to participation makes evident the efforts of the Federal Government to put in place mechanisms to ensure the greater decentralisation of power in the formulation of public policies.

Either in disseminating legal guidelines by institutions of the Federal entity, or by means of executing strategy for public policy, structures under the guard of the national system, the policy to combat violence against women has gained space in the Federal Government's agenda, suffering with discontinuity of actions or lack of priority in the face of other relevant national themes. However, the efforts employed to induce a greater political decentralisation – object of the administrative reform of the 1990 decade – should also be reviewed with an aim to ensure not only participative mechanisms of policy formulation, but also to entrust states and municipalities with the execution of planned actions, pressing them to assume more responsibility for results obtained.

The federative design in Australia also presents clear impacts on political strategy and implementation of policies to combat violence against women. The predominant characteristic observed is the aggregation, in which states are protagonists in formatting and implementing policies, and therefore assume responsibility for effects of adopted measures. Important yet to signal that the Australian Constitution does not possess a roll of fundamental rights. No federal *Bill of Rights* or any other such charter on human rights exists. In effect, Australia is the only country of Occidental tradition in the world without such a charter, leaving to the Commonwealth the observance of international treaties of which Australia is a signatory. Some federated entities, however, possess laws guaranteeing the fundamental rights of its citizens (Charter of Human Rights), as is the case of the state of Victoria, Australia Capital Territory, and more recently, the state of Queensland.

This means that a deeper analysis on legal treatment of combating violence against women would need to appreciate all distinct nuances of each state, beyond a general overview on the attributions of the Commonwealth. It is fitting, though, to analyse only the last aspect, aiming at a more comprehensive panorama of the role of the federal Australian entity in fighting violence against women. Among the powers assigned to the Commonwealth, articles 51 and 52 of the Australian Constitution contain a restrictive list of attributions relating to marriage and the protection of children, under the perspective of family law (FAMILY LAW ACT, 1975). It is under this authority that the federal entity has legislated on domestic violence.

By means of the Family Law Act a national treatment is given to combating violence against women, highlighting an emphasis of the Australian legislation on domestic, family and sexual violence. This serves not only to allow the Commonwealth to produce actions and formulate guidelines on the theme, anchored in participative processes with distinct federated entities; but also fulfills the need for a legal base for the states that, as previously mentioned, are entities responsible for producing laws and moulding them accordingly with local needs. In other words, from the legal framework of the Commonwealth, the federated entities assume the role of adapting their laws and norms to the reality of their territory, and also become the main actors in the execution of actions, responsible for results produced in their locality.

Reflecting on the perspective of the responsibilities of the federal entity, two courses of action adopted by the Commonwealth should be noted. The first, considered more direct, in which assertive actions are executed in combating violence against women. The second, more discreet, in which the Federal Government fosters private and third sector initiatives in this area.

In the first perspective presented, actions in prevention and the educational role exercised by the Commonwealth are worth mentioning, characterising a primary form of prevention of violence against women. It is standard to use audio-visual media to raise awareness among

different community groups. The federal entity takes responsibility not only to equip public institutions with means necessary to repress violence, but also invests in preventive and educational measures for the population, including targeting regions with higher rates of crimes against women in such initiatives.

Also deserves mention the role of the Australian federal government in the elaboration of the National Plan to Reduce Violence Against Women and their Children²⁰¹⁰⁻²⁰²²⁵, that resulted in a coordinated work with states by means of the Council of Australian Governments Advisory Panel on Reducing Violence Against Women and their Children. Based on a consultation process and on common ground among federated entities, a national plan to counter violence against women was formulated, containing six action areas and 28 recommendations. This resulted in the implementation of a national counselling program for women victims of violence; the creation of a 24-hour hotline for victims; the destination of a specific budget for countering domestic violence, and an increase in marketing and propaganda on the issue. Important to signal that in Australia norms related to police action and criminal law, differently from Brazil, are a state attribution. In the area of family law, there is a federal legislation on intervention orders, one of the main legal frameworks for countering domestic and family violence against women (VAW).

Currently the Third Plan of Action, conceived following the National Plan, is being implemented, and the Australian government – by means of ANROWS⁶ – commits to developing and putting in place a national risk assessment system, as well as principles for its management, aiming to guarantee the security of children and other family members at risk or exposed to violence.

Beyond that, fostering and destination of public budgets to private entities are the second course of action adopted by the Commonwealth to combat violence against women. There are many NGOs and agencies that handle cases of violence against women. Such organisations in the social field receive direct financial help from the federal government, by means of destination and approval of sums of the federal budget, based on an agreement of actions and interventions to be delivered by each beneficiary institution. There are currently six networks of private or third sector organisations receiving money annually from the federal budget, all of them focussed on combating domestic violence and supporting victims of such crimes.⁷

5 <<https://www.dss.gov.au/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022>>

6 The Australian National Research Organisation for Women's Safety. A national guide containing principles for risk assessment was developed, grounded in evaluation instruments based in evidence from a directive matrix for management of identified risk. More information available at: <<https://www.anrows.org.au/research-program/national-risk-assessment-principles/>>

7 The networks (or alliances) mentioned are: Economic Security4Women (eS4W); Equality Rights Alliance (ERA); Australian Women Against Violence Alliance (AWAVA); National Rural Women's Coalition (NRWC); National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA); e Harmony Alliance. Jointly, they include more than 120 organisations for the promotion of the rights of women, including the protection against violence.

As private institutions receiving public money, they must prove performance by means of reports. The Commonwealth is responsible for the monitoring of actions implemented and the evaluation of results, most frequently carried out by consultation with the final beneficiaries of policies, combined with information of the system of risk assessment of domestic and familiar violence provided by ANROWS.

FINAL CONSIDERATIONS

It was not the focus of this chapter to produce a study on the federative genesis and evolution of Australia and Brazil. However, it is of foremost importance to make evident how legal-historical development in both countries impose a model apparently homogeneous, at first, but when seen in a little more depth, reveals its heterogeneity. For this reason, an effective analysis of strategies to implement public policies of prevention of violence against women, require, to begin with, full comprehension of the way in which constitutional and historical design resulted in distinct models of Federalism, in Australia and Brazil.

It is based on the comprehension of dynamics of Federative Systems for the political-administrative organisation of the territory that a comparative analysis of policies to reduce gender-based violence may be better put to use, in extracting lessons and rethink ways and alternatives to policies in Brazil and Australia.

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1.2 POLICY DEVELOPMENT/CO-ORDINATION IN A FEDERAL CONTEXT: AUSTRALIAN PERSPECTIVE

*Heather Nancarrow*⁸

POLICY DEVELOPMENT/COORDINATION IN A FEDERAL CONTEXT: AUSTRALIAN PERSPECTIVE

INTRODUCTION

The Commonwealth of Australia comprises a federation of six states (Queensland, New South Wales, Victoria, Tasmania, South Australia, and Western Australia) and two territories which have self-government (Northern Territory and Australian Capital Territory). Local government councils (or municipalities) operate in each of the six states and the Northern Territory.

The states and territories have primary responsibility for policy and program responses to domestic and family violence and sexual violence, including civil and criminal law, policing, crisis intervention, perpetrator interventions and corrective services (prisons, probation and parole), as well as associated social policy areas such as housing. However, the federal government has responsibility for Family Law, which deals with laws affecting marriage (*de facto* and *de jure*) and associated matters such as divorce, property settlement, residency for children of the relationship, and parenting orders, where such matters are not agreed by the parties. Domestic and family violence is a factor in such many cases; therefore, some Commonwealth law intersects with state and territory law responding to domestic and family violence. Notably, no Australian jurisdiction has law dedicated to addressing violence against women (i.e. domestic violence and sexual assault laws are also available to men who meet threshold criteria, such as being in a relevant relationship and subjected to an act proscribed in the law).

The federal government funds programs such as Family and Relationship Services, which “aim to strengthen family relationships, prevent breakdown and ensure the wellbeing and safety of children through broad-based counselling and education” (<https://www.dss.gov.au/families-and-children-programs-services-parenting-families-and-children-activity/family-and-relationship-services>).

Local governments have traditionally not engaged in the provision of human services, including a response to domestic and family violence or sexual violence: however, they

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are increasingly involved in primary prevention work (addressing the structural causes of violence against women – gender inequality – to stop violence before it starts). Municipalities in Victoria have been doing such work for many years and that state has the strongest record on primary prevention of violence against women of all states and territories of Australia. In March 2020, Victoria passed the Gender Equality Act 2020 which requires the Victorian public service, local government, universities and other organisations to develop a Gender Equality Action Plan every four years and report every two years on their progress in implementing their plan. This follows the Commonwealth’s Workplace Gender Equality Act 2012 (replacing the Equality Opportunity for Women in the Workplace Act 1999).

FEDERAL COORDINATION OF EFFORTS TO ADDRESS VIOLENCE AGAINST WOMEN

Although the Commonwealth does not have primary responsibility for domestic and family violence and sexual violence law or policy, it currently provides national leadership and coordination through a 12-year National Plan to Reduce Violence against Women and their Children 2010-2022 (the National Plan), which focuses on domestic and family violence and sexual assault/violence. The blueprint for the National Plan (Time for Action) was prepared by the members of the National Council to Reduce Violence against Women, comprising 10 non-government experts in this field, established by the Australian Prime Minister in 2008. It provided the basis for the National Plan delivered by the Council of Australian Governments (COAG), a mechanism for negotiating action on significant national policy concerns requiring agreement between the federal, state and territory governments.

The National Plan focuses on achieving six national outcomes:

- Communities are safe and free from violence.
- Relationships are respectful.
- Indigenous communities are strengthened.
- Services meet the needs of women and their children experiencing violence.
- Justice responses are effective.
- Perpetrators stop their violence and are held to account

The National Plan established three national organisations to support its goals: i) Australia’s National Research Organisation for Women’s Safety (ANROWS), to build the evidence to support policy and practice; ii) Our Watch, to develop and implement national primary prevention initiatives (addressing the primary drivers of violence against women to stop it before it starts); and iii) 1800RESPECT, a national, free telephone counselling and referral service.

The National Plan is implemented over a series of four 3-year action plans, developed by agreement between the heads of the federal, state and territory governments, under the leadership of the federal government and in consultation with the non-government sector. The fourth and final action plan of the current National Plan commenced in July 2019. It identifies five priorities for action over the next three years, focusing on: *i*) primary prevention, *ii*) supporting Aboriginal and Torres Strait Islander women and their children, *iii*) respecting lived experience and knowledge of diverse women, *iv*) responding to sexual violence and sexual harassment, and *v*) improving support and services system responses.

INTERSECTORAL TOOLS FOR INTEGRATING SERVICES

Some locations, in some states, have coordinated community level responses to domestic and family violence, which are driven by the community services sector and based on the Duluth, Minnesota model (i.e. centred on a legal response through police and courts to hold perpetrators of violence accountable, with counselling and support services for victims and education programs for perpetrators). More recently, governments have established initiatives aimed at providing a holistic, integrated, or coordinated community services, or justice response. For example, Family Safety Victoria has established The Orange Door, safety, and support hubs, which bring together in one building specialist support workers, family services, Aboriginal services, and services for men who use violence. Similarly, such services, plus police and corrective services, are co-located in the one building, coordinated by Women's Safety Services in Adelaide, South Australia, to reduce the burden on families affected by domestic and family violence (DFV) in seeking a range of services.

Most Australian jurisdictions have established mechanisms to co-ordinate risk assessment and risk management (safety planning), although this is focussed mainly on families where the risk of serious harm or lethality is considered high. High Risk Teams in Queensland, for example, share information about families at greatest risk of immediate harm or fatality across a number of agencies, including police, corrective services, the health and housing departments, perpetrator intervention programs, and counselling and support services for women. The teams coordinate immediate actions by these agencies to improve the safety of victims and their children and hold perpetrators to account. A key feature of managing high risk is information sharing across relevant government and non-government agencies, requiring specific legislation and protocols to overcome privacy laws. Such teams, under various names, exist in all Australian jurisdictions.

HOW TO ALLOCATE BUDGET IN THE CONTEXT OF COST CUTTING POLICES?

As noted above, the states and territories have primary responsibility for responses to domestic and family violence and sexual violence, so budget allocation fluctuates by jurisdiction. Large investments in preventing and responding to violence against women have followed major investigations, such as Victoria's Royal Commission into Family Violence (2016), resulting in 227 recommendations and an investment of more than AUD 2 billion; and the Queensland Premier's Special Taskforce on Domestic and Family Violence (2015), resulting in 140 recommendations and significant investment (total unknown). A national plan should not replace but provide a co-ordinating framework for state/territory plans that can yield additional resources and respond to more local contexts.

Political cycles also contribute to fluctuations in budget allocation. For example, prior to the federal election in 2019, the Australian Government announced a \$328 million package of initiatives (Our Investment in Women's Safety) as its commitment to the Fourth Action Plan of the National Plan, if it was re-elected (which it was). Of that, \$68.3 million was dedicated to primary prevention activity, \$64 million for 1800 RESPECT, \$82.2 million to improve frontline services, \$78.4 million for safe places, and \$35 million for support and prevention strategies for First Nations (Aboriginal and Torres Strait Islander) communities. This is the largest investment by the Australian Government in any of the four action plans of the National Plan. The total national investment for crisis, service, and legal responses, predominantly state and territory responsibilities, is not known.

KEY CHALLENGES AND RISK MITIGATION STRATEGIES

The 12-year National Plan is ambitious in its vision and longevity: it requires continued commitment from consecutive governments in nine jurisdictions (the Commonwealth, states and territories of Australia), at various stages of maturity in prevention and response to violence against women. The risks associated with continued commitment were partially mitigated by having a series of four 3-year action plans, negotiated through COAG. This means that commitments are periodically re-negotiated and able to reflect new political and policy priorities.

Increased awareness and confidence in systems to respond effectively to violence against women results in increased reporting to police and other agencies, giving the impression of increased rates of violence. The Australian Bureau of Statistics periodic Personal Safety Survey (ABS, 2017), indicates rates of intimate partner violence have remained static over time, while the ANROWS-led National Community Attitudes towards Violence against Women Survey (WEBSTER et al., 2018) show improvements in Australians' knowledge of attitudes towards violence against women and gender equality.

Overall, homicide rates are declining in Australia as elsewhere. Domestic homicides account for approximately 45% of all homicides, with women most victims. In 2015-16, the intimate partner homicide rate reduced to 0.26 per 100,000, the lowest since 1989-90 (GOLDSWORTHY, 2019). Nevertheless, every week in Australia, on average, a woman is killed by a man, most often a current or former partner of the deceased. Such homicides have led to concern that too much is being invested in primary prevention strategies (e.g. increasing gender equality), predicted to result in a decline in femicide in the medium to long term. Both longer-term primary prevention and immediate response to keep women safe in the present are required and in place. Funds allocated to early intervention, crisis response and support are predominantly state and territory funds, and not as visible as the recent injection of Commonwealth funds for primary prevention.

Effective measurement of the outcomes of early intervention, crisis response and recovery support for women and their children is needed and a ‘what works’ framework is under development by ANROWS to address this need. This could ameliorate concerns that the plan “is not working” in the face horrific weekly femicides, increased disclosures (reporting) and increased media attention giving the appearance of increased violence.

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1.3 MEASURING ECONOMIC COSTS OF VIOLENCE AGAINST WOMEN

Heather Nancarrow⁹

INTRODUCTION

The earliest Australian attempt to measure the economic costs of violence against women appears to be the study conducted by Roberts (1988) for the Queensland Domestic Violence Taskforce, which used a case study approach to measure direct and indirect costs of intimate partner violence (IPV). The costs were estimated to be more than \$AU1 million for the twenty women who participated in the study. More robust methodologies for measuring such costs have subsequently been developed incrementally by economists, in collaboration with experts in the violence against women field, as access to necessary data improved. There have been four such studies published since Roberts' early report: i) Access Economics (2004); ii) National Council to Reduce Violence against Women and their Children (the National Council) (2009a); iii) Price Waterhouse Coopers (2015); and iv) KPMG (2016).

The National Council's report, *Time for Action* (2009b), provided the blueprint for the Council of Australian Governments' (COAG) *National Plan to Reduce Violence against Women and their Children 2010-2022* (the National Plan). To support COAG's consideration of the blueprint, the National Council commissioned KPMG to conduct its economic costs study. The most recent costing report by KPMG (2016) was commissioned by the Australian Government Department of Social Services to support implementation of the Third Action Plan of the National Plan.

APPROACHES TO ECONOMIC COSTS STUDIES IN AUSTRALIA

DATA SOURCES

Apart from Roberts' (1988) early study, expert judgement and victim recall have not been used in Australian endeavours to measure economic costs of violence against women since they produce results that are less representative of the wider population and provide a less robust evidenced base (WALBY and OLIVE, 2014). Various data sources and measures have

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been used to determine cost calculations. They include the Australian Institute of Health and Welfare's (AIHW) Burden of Disease studies, AIHW's Total Health Price Index, ABS Crime Statistics, the Consumer Price Index and the World Health Organisation's (WHO) Disability Adjusted Life Years Measure.

Prevalence strongly affects the measurement of the social and economic impacts of domestic and family violence. The Australian Bureau of Statistics' (ABS) Personal Safety Survey (PSS), funded by the Australian Government Department of Social Services, is a periodic national survey designed to measure change over time in personal safety (specifically rates of violence) in the population. The PSS measures lifetime (since the age of 15) experience of violence/abuse, and experience of violence/abuse in the 12 months preceding participation in the survey.

METHODOLOGIES

Australian studies on the economic costs of violence against women have used mixed methods research design, including:

- **Accounting Approach:** Multiplies the unit cost of a service by the number times the service was used and sums these across sectors to derive a cost estimate. This requires the calculation of the prevalence rate of violence against women (Ashe et al. 2017).
- **Quality of Life Losses:** the use of the Disability-Adjusted Life Years (DALY) and Years of Life Lost (YLL) methods as published by WHO and AIHW. It calculates the present value of future years lost due to illness, injury or premature death.
- **Population Attributable Fractions:** utilised to measure the total health costs for female victims, perpetrators of violence and children. This is used as a method to calculate burden of disease.
- **Willingness to Pay:** A trade-off between risk and money that was utilised by studies which predated the Access Economics (2004) report. Discontinued use due to the empirical difficulties in measurements. An example of a willingness to pay measure is the Department of Prime Minister and Cabinet's (OBPR, 2018) 'best practice' Value of Life estimate of \$AU 195,000 per year.
- Within this broader approach, the four Australian economic costs studies since 2004 identified seven costs categories. The cost categories, consistent with international approaches (WALBY and OLIVE, 2014), account for direct and indirect costs associated with violence including:
 - Pain, suffering and premature mortality

- Health
- Production-related
- Consumption-related
- Administrative and other
- Second generation
- Transfers.

CONCEPTUALISATION OF VIOLENCE AGAINST WOMEN

Conceptualisations of violence against women, including the range of contexts (e.g. intimate partner violence, family violence) and types of violence (e.g. physical violence, sexual violence, psychological abuse), have also evolved over time. It is important, therefore, to consider differences in the scope of conceptualisations of violence when analysing Australian endeavours to measure the social and economic costs of violence against women.

Australian studies, particularly those conducted by KPMG, have conceptualised domestic and family violence as “all forms of direct and indirect violence, in the form of physical, sexual and emotional violence and stalking, committed against women and their children in the context of domestic or family relationships.”

RESULTS

The economic costs are divided into the seven cost categories as noted above and illustrated in Figure 1, below. An expanded definition of emotional abuse and stalking incorporated in the PSS between 2005 and 2012 accounts for the significant increase in cost between the National Council (2009) study and the KPMG (2016) study. Taking this into account, the cost estimates in 2016 have remained largely consistent between 2009 and 2016 (KPMG, 2016).

Figure 1: The social and economic costs of VAW women as measured by key commissioned reports.

Cost categories	Access Economics (2004)	National Council to Reduce Violence against Women and their Children (2009)	PwC (2015)	KPMG (2016)*
Pain, suffering and premature mortality	3,521.00	3,883.00	10,406.6	10,400.0
Health	388.00	445.00	1,355.5	1,400.0
Production-related	484.00	609.00	2,031.9	1,900.0
Consumption-related	2,575.00	3,542.00	4,316.9	4,400.0
Administrative and other	480.00	555.00	1,721.8	1,700.0
Second generation	220.00	280.00	300.7	333.0
Transfers	410.00	569.00	1,515.6	1,600.0
Total	8,078.00	13,600.00	21,648.0**	21,722**

* The 2016 KPMG report is an updated version of the National Council to Reduce Violence against Women and their Children 2009 report

** Between 2005-2012 the Personal Safety Survey (PSS) expanded the definition of emotional abuse and stalking.

Australian studies (ACCESS ECONOMICS, 2004; NATIONAL COUNCIL, 2009; PWC, 2015; KPMG, 2016) consistently show that the largest economic cost burden is carried by victims – the women subjected to violence. The smallest burden is attributed to insurance providers, followed by employers, perpetrators, children, State and Territory governments, the community, and the Commonwealth Government (KPMG, 2016).

KPMG (2016) also analysed the distribution of the economic costs of violence against women (VAW) in Australia among the states. Its report notes that the difference between states is broadly consistent with population levels as per prevalence levels reported within the Personal Safety Survey: that is, New South Wales, Victoria and Queensland account for the majority of the estimated cost.

LIMITATIONS OF ECONOMIC COSTS RESEARCH

Walby and Olive (2014) provide detailed commentary on generalised potential issues with the data source types used for economic costs analyses. KPMG (2016) recognised similar limitations of the data sources and methodology used for their report that could have affected their cost estimates.

Data from the Personal Safety Survey (PSS) is the main source of prevalence data for cost calculations in Australian studies. Limitations surrounding the prevalence data can lead to underrepresentation for example, specific cohorts including Aboriginal and Torres Strait Islander, and CALD cohorts are known to be limited by sample size. Women with disability, and CALD women may be underrepresented due to issues around communication. Non-reporting of experiences of violence can sometimes be attributed to reasons including safety and lack of communication. In addition, KPMG (2016) recognises that differences in prevalence and incidence methodology for reporting across data sets could lead to difficulties in reconciling different measures.

Further, there is a risk that the report underestimated the total cost of violence due to inaccuracy on the need for intensive service provision, underreporting of violence to police and in survey data, that it may underrepresent certain groups for whom data is insufficient. Moreover, the assumptions that underpin the cost calculations were first defined up to 20 years ago. Further research and analysis are needed to ensure that the assumptions continue to reflect the latest available data.

Measuring an aggregated loss of income approach may result in misunderstandings regarding the prevalence of IPV within Australia. This was evident in KPMG's (2016) report where it was noted that the prevalence rates for physical assault, physical threat, sexual assault, and sexual threat decreased between 2005 and 2012 as reported in the PSS. However, the overall number of victims and costs increased due to population growth. Similarly, an expansion to the scope of definitions of emotional abuse and stalking included in the Personal Safety Survey between 2005 and 2012 resulted in a significant increase in cost estimates. Consequentially, ineffective comparisons of studies may occur if the definition is not effectively conceptualised according to context and differences between conceptualisations of studies being noted.

Finally, the limited availability of underlying cost data is a limitation for the estimation of costs. Improved availability of costs by sectors such as the health and justice systems, could play a key role in further refining and strengthening the costing approach. This would provide more nuanced insights into the costs of violence across the sectors.

IMPLICATIONS FOR FUTURE RESEARCH AND POLICYMAKERS

Broadly, there has been a recognition of the need to continue to strengthen and expand the evidence base for future cost estimates (KPMG, 2016). There is a need to further develop strategies to improve the collection and collation of national prevalence data. Similarly, there is a need to build a better evidence base of state-level prevalence data for violence against women. Australia measures prevalence at a national level, although states and territories have primary responsibility for service delivery: a national scope limits the impact

on state and territory policy direction. Overall, a more robust evidence based would help deliver better policy outcomes and identify gaps that can be used to target research and service delivery. Through strengthening the understanding of the risks of violence faced by these cohorts, services could also be better targeted to meet the victim's needs.

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1.4 WHY ECONOMISTS SHOULD STUDY DOMESTIC VIOLENCE?

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There seems to be some misunderstandings about the potential that economic analysis could bring to our knowledge of the causes and consequences of domestic violence. Both within and outside the economics profession there are voices that echo that position. Indeed, economists seem to be much more sceptical of their own potential contributions and moral obligations towards the issue of domestic violence than non-economists do. With that in mind, we present a couple of important issues surrounding the domestic violence agenda in a way that hopefully will catch the attention of scholars interested in applying their economic knowledge to one of the most pressing problem of our times: domestic and familiar violence against women.

More than one-third of women worldwide have experienced physical or sexual abuse and, in most of the cases, they have been victims of their own partners (WHO, 2013). The economic costs of domestic violence against women are estimated to be between 5% and 14% of the GDP in industrialised economies and low-income countries, respectively (Waters et al., 2004). In Brazil, the cost of domestic violence was 10% of the GDP in the late nineties (WATERS, 2005).

Domestic violence negatively affects women's health in all its dimensions: it compromises their physical health (CAMPBELL, 2002; CAMPBELL et al., 2002), mental health (MEEKERS et al. 2013; WHITE and SATYEN, 2015) and reproductive health (SARKAR, 2008; AKYÜZ et al., 2012; FANSLOW, 2017). The negative consequences of domestic violence for women's mental health can lead to substances abuse (KAYSEN et al., 2007) and more dramatically to suicidal attempts/ behaviour (DEVRIES et al., 2011)¹². The extreme consequence of domestic violence is femicide (CAMPBELL et al., 2003). Thus, domestic violence exhibits a high capacity of deteriorating women's human capital.

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12 For instance, physical violence can result in physical trauma (e.g. fractures, lacerations, puncture and so on), physical disability, and femicide in the most extreme cases. Women who experience sexual violence can also experience unintended/unwanted pregnancy, (unsafe) abortion, pregnancy complications and miscarriage, sexual transmitted diseases (including HIV) and infections in the reproductive system, painful sexual intercourse and sexual dysfunction. Moreover, violence against women is also associated to several psychological disorders (e.g. depression, anxiety, eating and sleeping disorder, including suicide attempts), and health risk behaviour (e.g. harmful alcohol and substance abuse, multiple sexual partners, low rates of contraceptive and condom use, etc.) (WHO, 2013).

Not only women's health is threatened by domestic violence, but their socioeconomic status is also negatively affected by partners' abusive behaviour. Women's labour market outcomes are hindered by domestic violence as well, both in developed and developing countries. Lloyd (1997) shows that women who reported partners' abuse were more likely to have experienced unemployment, held more jobs and to report more health problems in Chicago (US). Farmer and Tiefenthaler (2004) shows that violence has a negative impact on the labour market productivity of working women in Minneapolis (US), but it does not decrease women's labour force participation. Tolman and Hui-Chen Wang (2005) find that domestic violence reduced women's annual work hours in 10% in Michigan (US). Sabia et al. (2013) show that sexual violence is associated with a 6.6 percent decline in female labour force participation and a 5.1 percent decline in wages in the US. In Bolivia, Canavire-Bacarreza and Avila (2010) find that women who frequently suffer aggression or psychological violence exhibit 1.5% larger probability of leaving their job when compared with their counterparts.¹³ A plausible mechanism is that domestic violence reduces women's work capacity by depleting women's mental and physical health (TOLMAN and HUI-CHEN WANG, 2005; SABIA et al., 2013).

Domestic violence has also strong implications for women's bargaining power and, therefore, for resource allocation within the household. Violence or the threat of violence can be regarded as an aspect of the "threat point" in a cooperative bargaining model or as part of "punishment strategy" in a non-cooperative game (TAUCHEN and WITTE, 1995; LUNDBERG and POLLAK, 1993, 1994, 1996). In this framework, a wife's employment status or potential earnings, or the attractiveness of her alternatives outside marriage can determine the incidence of marital violence.

Some studies have shown that women's labour force participation enhances their bargaining power or diminishes their contact with abusive partners, reducing their exposure to domestic violence (BOWLUS and SEITZ, 2006; BHATTACHARYYA et al., 2011; CHIN, 2012). Nonetheless, women in societies with predominant view of the male gender role may experience a greater risk of partner abuse if they participate on the labour market. In other words, women's participation in the labour force may induce male backlash, once men feel their traditional gender role threatened (HEATH, 2013; COOLS and KOTSADAM, 2017). In some situation, economic abuse in the form of labour market sabotage is perpetrated by husbands in order to avoid women's labour market participation (ANDERBERG and RAINER, 2013).

Alesina et al. (2016) investigates how economic and cultural factors influence current spousal violence in African countries. The authors find that social norms developed in

¹³ According to Canavire-Bacarreza and Avila (2010), beaten women are those women who were pushed, punched, kicked, assaulted with something harmful, or forced to have sex by her husband. While psychological violence against woman occurs if her husband accused her of unfaithfulness, tried to limit her contact with family, tells her "you are good for nothing", threatened her with "he will leave the house", or tells her "he would not give you economical support".

ways that viewed women as productive, equal to men, these gender roles bring about less intra-family violence. Nevertheless, spousal violence against women increases while they become economically independent (e.g. participation in the labour market).

The literature also provides evidence that domestic violence serves as an instrument to undermine wives' autonomy and ensure an allocation of resources that is more aligned with husbands' preferences (ESWARAN and MALHOTRA, 2011; FAKIR et al., 2016), or to extract resources (BLOCH and RAO, 2002). Farmer and Thieffenthaler (1997) show that women's incomes and other financial support received from outside the marriage (family, welfare, shelters, divorce settlements, etc.) will decrease the level of violence in intact families because they increase the woman's threat point. On the same line of reasoning, women benefited with additional resources from cash, vouchers and food transfers¹⁴ are less likely to be victims of controlling behaviour, emotional, physical and/or sexual abuse from their partners (BOBONIS et al., 2013; HIDROBO and FERNALD, 2013; HIDROBO et al., 2016).

In Mexico, while small transfers decrease violence by 37% for all households that participates of the program *Oportunidades*, large transfers increase the aggressive behaviour of husbands with traditional views of gender roles, probably because their wife's entitlement to a large transfer threatens their identity (ANGELUCCI, 2008). In Brazil, on the other hand, *Bolsa Familia* increases partners' violence against women (MOREIRA et al., 2016). Moreover, battered and sexually abused women are more likely to strategically default on their loans relative to those who did not experience such violence in Bangladesh (SHAHRIAR, 2016).

Another important issue is the role microfinance programs might have on domestic violence. Although there is an extensive literature on the benefits of microcredit programs for poverty reduction (BANERJEE, KARLAN and ZINMAN, 2015) and increased empowerment of women (KIM et al., 2007), the same cannot be stated in relation to the potential impacts of microcredit on the level of domestic violence.

While authors such as Schuler et al. (1996) and Pronyk et al. (2009) argue that participation in microcredit programs reduces the prevalence of domestic violence, other authors such as Schuler, Hashemi and Badal (1998) argue the opposite. However, those negative results might be due to insufficient methodological care (STEELE et al., 2001) and, more recently, Bajracharya and Amin (2013). These authors argue that most evaluations of the impacts of microcredit programs on empowerment and domestic violence used cross-section data only, and more severe, did not control the inherent sample selection biases.

Domestic violence can also be sensitive to macroeconomic changes in the labour market. Aizer (2010) finds that the decline in the gender wage gap in California (US) over the past

14 Not to mention the impact of microfinance.

13 years can explain nine percent of the reduction in violence against women (i.e. women hospitalisation for assault), suggesting that policies which serve to narrow the male-female wage gap also reduce violence and the costs associated with it. However, economic crises in the UK exposed women to more partners' violence, especially for those women who faced a greater risk of unemployment than men as documented by Anderberg et al. (2015).

Not only labour market status and household efficiency may be impacted by domestic violence, but also marriage market. The intergenerational model of domestic violence (IMDV) proposed by Pollak (2004) predicts that domestic violence is sensitive to the probability of a violent husbands marry women who are more likely to remain in violent marriages. Pollak's predictions are in line with the theory of intergenerational transmission of domestic violence (KALMUSS, 1994; HINES and SAUDINO, 2002), in which children who witnessed violence between parents will experience violence in their own marriage. Moreover, women may suffer with time inconsistency preferences regarding the decision of dropping a violent relationship, resulting in an increase in the reporting of battering to the authorities in California (US) and a decrease in the murder of the violent partner (AIZER and DAL BÓ, 2009). Nonetheless, abused women are 1.7-5.7 times more likely to divorce in Canada (BOWLUS and SEITZ, 2006). Changes in the law of divorce, allowing unilateral divorce and reducing costs, contribute to a reduction from 27% to 36% in the spousal conflicts comparing married to unmarried couples in Spain (BRASSIOLO, 2016).

Therefore, all this evidence clearly supports the necessity of economists to study the phenomena of domestic violence and propose public policies that can effectively reduce it. However, good analysis requires good data.

Indeed, the Survey of Socioeconomic Conditions and Domestic and Family Violence against Women (PCSVDF^{Mulher}) is an interinstitutional and international effort to build a unique dataset that enables the study of domestic violence, the allocation of resources in the household, women and children's health, and child development, and the interrelationships among them through an interdisciplinary approach. It started in June/2015 with a budget from *Secretaria Especial de Políticas para as Mulheres/Ministério da Justiça, Brazil* (SPM). The project received the due approval by the Brazilian Scientific Ethical Committee (Approval Number 53690816.5.0000.5054). Along its way, it also received accessory financial support from Institute for Advanced Studies in Toulouse, France (IAST), and the World Bank, Washington.

PCSVDF^{Mulher} used Computer-Assisted Personal Interviewing (CAPI) data collection technology provided through the World Bank's Survey Solutions. The second innovation of our project is the fact that we managed to develop a questionnaire able to approach the issue of gender violence from a real interdisciplinary perspective.

After a long period of discussion and development of the questionnaire, which lasted approximately nine months, we ended up with an instrument structured as the following sections:

- Form for household selection
- Form for administration – random numbers
- Form for selecting women (fsw) – characteristics of household members
- Women’s questionnaire (wq) – general and reproductive health
- Norms, awareness/knowledge about violence against women and the Maria da Penha Law
- The interviewed woman and her partner
- Bargaining power
- Experiences of domestic violence (current partner, former partner [most recent] or any former partner)
- Experiences with violence unrelated to partner
- Assessment of matching, subjective and counterfactual expectations
- Supplementary section

The breadth and interdisciplinary structure of the questionnaire support our vision of approaching domestic violence from a modern, rigorous, and interdisciplinary perspective. We employed a methodology based on the best international studies on victimisation and gender violence. More specifically, as to aspects of gender violence questions and interview protocols, we want to mention the World Health Organisation’s study Multi-country Study on Women’s Health and Domestic Violence against Women (WHO, 2005).

We developed PCSVDF^{Mulher} as a longitudinal dataset and applied it to more than 10,000 households located in the nine capitals of the northeast region of Brazil. Thus, a fundamental innovation offered by this project consists in building a longitudinal database on gender violence in North-eastern Brazil, containing data collection “waves”. PCSVDF^{Mulher} Wave 1 has already been collected (March-June 2016), as well as PCSVDF^{Mulher} Wave 2 (March-June 2017), and PCSVDF^{Mulher} Wave 3 (June-November 2020). We are confident we built an unprecedented interdisciplinary and high-quality dataset that will reward our efforts and move us into a privileged baseline for future investigations.

The PCSVDF^{Mulher} was designed with such perspective and can effectively add to this existing literature, and its longitudinal format allow us to further address identification issues inherent to it. In essence, not only economists but sociologists, criminologists, psychologists, public health, epidemiologists, gender studies specialists and justice and

law scholars can effectively find in PCSVDF^{Mulher} a good empirical benchmark to advance their analysis on the causes and consequences of domestic violence.

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1.5 BRAZILIAN AND AUSTRALIAN FRAMEWORKS FOR PREVENTING AND RESPONDING TO FAMILY VIOLENCE, PARTICULARLY INTIMATE PARTNER VIOLENCE AND FEMICIDE

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This chapter considers the different legal and policy approaches to family violence, including femicide, in Australia and Brazil, and the implication of these differences for the safety and security of women. Violence against women globally is pervasive, takes many forms and occurs in a wide range of contexts. Family violence, however, is the most common type of violence against women and intimate partner violence is the most common type of family violence. Intimate partner violence occurs between married and *de facto* couples, cohabiting or separated, and in boyfriend/girlfriend relationships, whether ongoing or past.

Femicide is the most extreme and visible form of male violence against women and the most extreme type of intimate partner violence. Diana Russell used the term femicide at the International Tribunal on Crimes Against Women in 1976 to refer to the intentional “killings of females by males because they are females” (RUSSEL, 2001). In Latin America, femicide and feminicide are the accepted terms for such crimes (AVILA, 2018). Femicide occurs in a range of contexts including intimate partner violence, armed conflict, dowry disputes, sexual violence, and the protection of family ‘honour’ (UNITED NATIONS, 2016, p. 10).

A broader definition includes the responsibility of States for femicides (VIVES-CASES et al., 2016) through the propagation of discriminatory or exclusionary laws or policies, and/or the failure of state agencies to act and to protect. It is estimated that on average 137 women across the world are killed by an intimate partner or family member every day (UNITED NATIONS OFFICE OF DRUGS AND CRIME, 2018). Over a 12-month period,

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this equates to the killing of 50,005 women worldwide. In 2013, Brazil was fifth in the international ranking of female homicides, with per capita rates for homicides eight times greater than for Australia (AVILA, 2018, p. 16). In 2019, the Inter-American Commission on Human Rights reported that an average of four women a day were killed in Brazil (REUTERS, 2019). In Australia, on average, one woman a week is murdered by her current or former partner (OUR WATCH, 2020).

Over the past decades, both Australia and Brazil have invested significantly in addressing family violence, especially intimate partner violence. The Australian state of Victoria, for example, in 2015 undertook a thirteen-month Royal Commission into Family Violence. In 2016, it produced an eight-volume report including 227 recommendations (STATE GOVERNMENT OF VICTORIA, 2016). The Victorian government committed to implementing every recommendation and has since invested \$2.7 billion dollars of government funds in radically reforming the family violence prevention and response landscape (VICTORIAN GOVERNMENT, 2020). This investment has included targeted funding and commitment to frontline support programs for victim/survivors, perpetrator intervention programs, research, behavioural change campaigns, greater information sharing about family violence risk, criminal justice reform including courts, police and corrections and law reform activities. There has been a changed ‘Whole of Government’ approach working to connect all aspects of family violence response. The Commonwealth government has also committed to addressing family violence.

The May 2008 formation of the National Council to Reduce Violence against Women and their Children (the National Council) to develop an evidence-based plan for reducing violence against women and their children was a milestone in the national process. The National Council report *Time for Action: The National Council’s Plan for Australia to Reduce Violence against Women and their Children 2009–2021* recommended that all Australian governments agree to a long-term plan to reduce violence, with the Commonwealth Government taking a leadership role (AUSTRALIAN GOVERNMENT, 2020). Government commitment to end violence against women has been driven by decades of work by feminist activists to expose previously hidden, ignored, or marginalised issues of violence against women, especially family violence (see, for example, McCULLOCH, 1985). Both Australia and Brazil have declared violence against women, particularly family violence, an epidemic. While Brazil and Australia both have several innovative and progressive policies, laws, and programs in place that address violence against women the approaches diverge in several significant respects.

The overarching framework for understanding and responding to violence against women and family violence differs between Australia and Brazil. Australia broadly takes the “gendered lens” as key to understanding and responding to family violence (see, for example, VICTORIAN GOVERNMENT, 2018). This approach means gendered power dynamics are

considered an underlying driver for such violence and that preventing such violence for future generations ultimately lies in addressing gender inequality at every level.

The “gendered lens” also recognises and highlights the evidence that women are overwhelmingly the victims of family violence and men overwhelming the perpetrators. Brazil broadly employs a similar “gendered lens”. However, its approach to family violence is more firmly embedded in a human rights framework. The centrality of the human rights framework is connected to the relatively recent creation of Brazil’s new Constitution, passed in 1988 following the removal of the authoritarian military dictatorship by a free election in 1985. As in Australia, feminist activism has driven the reform agenda. Brazil’s contemporary approach to family violence was developed out of a complaint made to the Inter-America Commission on Human Rights that accused the Brazilian Government of neglecting victims of domestic violence.

The complaint involved the case of Maria da Penha who was shot by her husband in 1983 while sleeping. She survived and subsequently her husband again tried to kill her by attempting to electrocute her in the shower. The two attacks left her a paraplegic. It took seven years before her husband was tried in the courts, and although he was sentenced to 15 years imprisonment, the conviction was overturned on appeal. He was later tried twice more – once in 1996 and again in 2001. He served only two years in prison. As a result of the Commission’s findings, Brazil introduced the Maria da Penha Law. This law is gendered in the sense that it is specifically formulated to protect women from family violence. Its ground-breaking provisions include the establishment of domestic violence courts, and the requirement that 24-hour shelters be provided for victims.

Part of the gender specific approach includes the establishment of women only police stations (see CARRINGTON, this volume). Gender specific family violence laws and responses, that assume, consistent with the research evidence, that women are the overwhelming victims of family violence and men the perpetrators, overcome issues related to the potential misidentification or criminalisation of victims that can occur when such laws are gender neutral. However, gender specific laws can raise issues for atypical cases where men are the victims of women or when family violence occurs in same sex relationships.

Although there is an understanding in Australia that family violence is gendered, family violence laws are gender neutral. This means, that unlike the Brazilian legal and policy approaches, they do not assume that women are the victims and men the perpetrators of intimate partner violence. The gender-neutral approach raises the risk that women who report violence at the hands of their male partners may themselves be accused of being the aggressor. This can happen in several ways. Where a woman seeks a civil intervention order to prevent future violence, the male perpetrator can seek a similar order in retaliation. Such retaliation may amount to a continuation of coercive control (see STARK, 2013, on

coercive control) where it ensnares the woman in expensive, stressful, and time-consuming legal processes.

These tactics may delay or even thwart the woman's attempt to seek protection because there is no presumption the woman is the victim and proof of what has taken place may be difficult to produce. Police called to a family violence incident may in some circumstances mistakenly identify the woman as the primary or predominant aggressor, regardless of which party called for assistance. This can happen, for example, where the man presents as calm and lucid while the woman, because of being the victim of violence, appears angry, aggressive, or distraught. Women may wrongly be perceived to be the primary or predominant aggressor where they have acted in self-defence or lashed out in fear as a result of a pattern of violence and/or coercive control perpetrated by their male partner. Not considering or understanding the underlying power differential and dynamics of family violence, police may look only to the isolated incident and perceive the female victim as a perpetrator (see REEVES, 2018; ULBRICK and JAGO, 2018).

All these issues play out particularly perniciously for Australian First Nations women who bear the burden of criminalisation because of gender-neutral family violence laws combined with the continuing impacts of colonial relations of power. This power dynamic sees Australia's First Nations people under-recognised as victims of crime and overpoliced and over prosecuted as perceived offenders (CUNEEN, 2001; NANCARROW, 2019). This dynamic of criminalisation of First Nations victims of family violence is relevant Australia-wide but has resonance in Australia's southern states, where most First Nations women have non-Indigenous male partners. Partly as a result of gender neutral laws, women victim/survivors of family violence are sometimes re-victimised by the very laws and systems that are designed to protect them (see, for example, FLAT OUT INC., 2015).

Different approaches to mothering in Brazil and Australia are also evident in the state's response to family violence. In Brazil, it is rare for the state to place a women's children in state care. In Australia, mothers who report family violence may risk having their children removed where such children are seen as at risk. Child Protection assessments have often focussed on whether mothers, as the primary victims of family violence, are sufficiently "protective". Such an approach means that separation of mother and children was often an outcome for women who reported family violence, rather than the provision of support and services designed to keep women and their children safe and together. Where women have the burden of additional discrimination, such as disability, the risk of child removal increases (MAHER et al., 2018).

This policy approach has been particularly harmful to and punitive towards First Nations women and their children in the context of "stolen generations" where First Nations children were systematically removed from their parents and placed in state care (REED, 2006). First Nations children continue to be removed from their mothers at rates well

above the general population (see, for example, COMMISSION FOR CHILDREN AND YOUNG PEOPLE, 2016).

The more explicit embedding of gender in policy approaches to family violence is also evident in policing in Brazil. In Australia, policing family violence is broadly speaking ‘mainstreamed’ in that all police are required to undergo training in family violence response and policing family violence is considered core business. Within this overarching framework, there exist specialist family violence units and police. Since 2015, the police organisation in Victoria (one of Australia’s most populous states) has included a Family Violence Command, made up of approximately four hundred police. The Command is made up of both male and female family violence specialists. Since 2019 the Victorian Police Training Academy includes a state-of-the-art Centre of Learning for Family Violence. As Carrington (this volume) sets out, in contrast, Brazil has women only police stations that specialise in family violence.

Another reflection of the difference in approach to violence against women is that Brazil (along with fifteen other Latin American countries) includes the crime of femicide in law. The crime of femicide prosecutes all intimate partner homicides as femicides. In Australia, consistent with its adherence to gender neutral laws, there is no law specific to the killing of women by men. All unlawful killings are prosecuted as homicide – the killing of one person by another. Specific femicide laws have several advantages where states and legal systems have historically not treated the killing of women by men, especially intimate partner homicides, as seriously as other types of homicide. The term femicide emerged to register the importance of gender and sex in the patterns of homicide across the globe. The term ensures that the nature, extent, and impact of patriarchal social relations in these killings is not lost. As both Dekeseredy (2019) and Sheehy (2018) have cogently argued, non-neutral terminology is central to avoiding what Fraser (2009) has called the “cunning of history” in silencing the feminist concern with oppression (see also PEASE, 2019). Femicide laws make the killing of women an aggravating circumstance to be considered in sentencing.

The laws mean that such cases are prosecuted by experts in gendered violence. Femicide sentences that highlight the gendered nature of the crime and communicate denunciation and general deterrence serve an educative and symbolic function. In Australia, historically and continuing, the circumstance of a man killing a woman, particularly an intimate partner, is often perceived, either explicitly or in affect as a mitigating factor in sentencing. In line with this, defences to homicide have often been interpreted in ways that allow men who have killed their partners to avoid being convicted of murder on the basis that they were provoked or were acting to defend themselves. Typically, these defences are argued and applied in ways that excuse, minimise or falsely mutualised male violence against female partners, essentially holding women responsible for or complicit in the lethal violence inflicted upon them (see MAHER, 2014; MAHER et al., 2005; FITZ-GIBBON and

PICKERING, 2012). Such legal framing of homicide/femicide reflects and reinforces the hierarchical gender relations of power that underpin and drive violence against women.

Where homicide laws are gender neutral, as in Australia, the level and nature of lethal violence against women may be obscured. In 2016, under the leadership of the Special Rapporteur on violence against women, the United Nations (UN) called for the establishment of femicide watches or observatories in every country arguing that:

“Unless there is accurate and comparable data collection on a given crime, there will be no proper understanding of it and no effective strategy with which to combat it. Having clear data helps law makers and government officials win the public’s support for tackling it through targeted prevention and investigation resources.”

The existence of femicide laws enables the collection of more accurate data on this type of violence against women. In Australia, data on femicide is extremely difficult to access and is not consistently collected across jurisdictions, making it difficult to collate over time and between different states and territories.

While gender specific laws have a few advantages, laws alone are not the answer to violence against women and family violence (see, for example, WALKLATE et al., 2018). Although such laws have raised awareness of gender-based violence in Brazil, the extent to which they have prevented such violence or more generally improved women’s safety and security are debatable. According to Human Rights Watch, for example, only seventy-four domestic shelters exist in Brazil, which has a population of two hundred million. Last year the Inter-America Commission on Human Rights voiced a protest at Brazil’s lack of progress stating that:

“It is inadmissible that women with protection orders are murdered, that they do not have sufficient shelters or that their complaints are not taken into consideration.”

Political and historical differences between Australia and Brazil are reflected in how measures to combat gender-based violence have developed and the forms they have taken – with local women’s activism and feminist analysis playing an important role in both places. Despite these different histories and circumstances both countries are considered leaders in innovative approaches to addressing family violence and there are opportunities for the continuation of mutually beneficial exchange of best practice approaches.

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

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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

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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, solidarity, 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.

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SECTION 2

PREVENTION POLICIES: THEMATIC AREAS



2.1 EDUCATION

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INTRODUCTION

Education is paramount to prevent gender-based violence among all age cohorts, children, adolescents, adults, and especially among young people as it is a developmental period in which they are forming their relationships and identities. While young people are the age group most vulnerable to violence, prevention actions during this stage of life are crucial and have the best potential to prosper (POLITOFF et al., 2019). In this vein, education initiatives can prevent present and future violence, thus, having a generational impact. Education supports young people not only to identify and learn about gender-based violence, but also to promote and “establish positive gender expressions and relationship practices” (POLITOFF et al., 2019, p. 5) free of rigid stereotypes that drive violence against women and girls (KEEL et al., 2017). Hence, education initiatives are fundamental examples of primary prevention policies to address gender-based violence against women and girls. Schools are considered key settings to promote education about gender-based violence as it is the primary place of socialisation for children and young people.

Brazil conceptualises education as a human right as outlined in conventions ratified by the country. This perspective is reflected on the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women, known as the Belém do Pará Convention, adopted in 1994 by the Organisation of American States in Belém do Pará (BRAZIL, 1996) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) adopted in 1979 by the United Nations General Assembly (BRAZIL, 2002). The fundamental role played by education as a primary prevention policy to end violence against women and girls is highlighted in these conventions as well as in several Brazilian policies.

In 1998, the National Curriculum Parameters (NPC) was the first education document to embrace this perspective in the country (BRAZIL, 1998a, p. 99; PASINATO and LEMOS, 2017, p. 19). It emphasised that the discussion about gender relations in schools is crucial to promote change, combating authoritarian relations and challenging rigid standards of conduct established for men and women (PASINATO and LEMOS, 2017, p. 19-20). The PCN defined gender relations as a cross-cutting theme within education. That means: a theme to be addressed across all subjects at school because it is matter of urgency which is questioning how the reality is being constructed, and demanding changes at the macro-social and individual levels (BRAZIL, 1998b, p. 26; NASCIMENTO and ARRUDA, 2015,

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p. 5; PASINATO and LEMOS, 2017, p. 19-20). Consequently, this matter requires learning and teaching content related to these two dimensions (BRAZIL, 1998b).

The First, Second and Third National Plans of Public Policies for Women reinforced this approach and the need to address gender and race inequalities (BRAZIL, 2004, 2007, 2013). The First National Plan of Public Policies for Women adopted gender mainstreaming (*transversalidade*) as a guiding principle (BRAZIL, 2004). This concept was also reiterated in the following plans, as well as in the foundational resource (BRAZIL, 2016a) and final report of the Fourth Conference of Public Policies for Women (BRAZIL, 2016b). The gender mainstreaming concept comprehends violence against women and girls as gendered. It highlights the government responsibility, and accountability, to overcome gender inequalities by developing and implementing effective prevention policies directed to women and girls at all government levels (CASTILHO and CAMPOS, 2018; FERREIRA, 2020). This concept is also present in the Maria da Penha Law (BRAZIL, 2006). According to Pasinato, independent consultant specialist in public policies and gender, interviewed for my thesis, the Fourth Conference Public Policies for Women was a moment of evaluation and consolidation of previous plans, leading to the development of actions to increase the integration of policies for women in all areas, including education (FERREIRA, 2020). However, due to the political context – the impeachment of the then-president Dilma Rousseff –, this conference did not result in a new National Plan of Public Policies for Women, as has previously occurred in the past (FERREIRA, 2020).

The provisions mentioned in this section call for gender and intersectional approach in prevention, encompassing other categories that with gender, increase women and girls' vulnerabilities, including primary race, ethnicity and age (BRAZIL, 1996, article 19; 2002, article 5, item b; 2006, article 8, item VIII; BRAZIL, 2004, 2007, 2013, 2016a, 2016b). Provisions from each of these documents are outlined below.

BELÉM DO PARÁ CONVENTION

The Belém do Pará convention recognised that all women have the right to be educated free from discrimination (article 6, item b). It also stated that all States parties must seek to remove barriers to education, encourage the end of prejudice and bias, as well as ideologies and social structures that can legitimate and exacerbate violence against women (BRAZIL, 1996, article 8, item b).

CEDAW

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) suggests that all member States adopt measures to eliminate discrimination and

gender stereotypes at all levels and in all forms of education, including by encouraging the education of males and females together and by modifying books and school programs and adapting teaching methods (article 10, item c). Recommendation 35 emphasises “the active participation of all relevant stakeholders, such as representatives of women’s organisations and marginalised groups of women and girls” (CEDAW, 2017, article 30) in the design and implementation of effective measures for preventing gender-based violence against women, including:

- Integration of content on gender equality into curricula at all levels of education, both public and private, from early childhood onwards and into education programmes with a human rights approach; the content should target stereotyped gender roles and promote the values of gender equality and non-discrimination, including non-violent masculinities, and ensure age appropriate, evidence-based and scientifically accurate comprehensive sexuality education for girls and boys.
- Awareness-raising programmes that promote an understanding of gender-based violence against women as unacceptable and harmful, provide information about available legal recourses against it and encourage the reporting of such violence and the intervention of bystanders; address the stigma experienced by victims/survivors of such violence; and dismantle the commonly held victim-blaming beliefs under which women are responsible for their own safety and for the violence that they suffer (...) (CEDAW, 2017, article 30, item b, subitems I and II).

THE NATIONAL CURRICULUM PARAMETERS (NCP) – 1998

The NCP officially established gender and sexuality education in all Brazilian school curriculum (SILVA, 2013; VIANNA and UNBEHAUM, 2016). While the document named this cross-cutting theme as sexual orientation, critics outlined its focus on sexuality education, in which gender and sexuality topics were subordinated to three main points: body, health and sexually transmitted disease (VIANNA and UNBEHAUM, 2016) According to these parameters, educators should provide scientific information to students to increase their awareness of their own body and prevention of sexually transmitted diseases, unintended adolescent pregnancy and sexual abuse.

While adopting at times an essentialist perspective in some of its provisions (see below, ALTMANN, 2001, p. 580-581; VIANNA and UNBEHAUM, 2016), the NCP contributed to the combat to all forms of discrimination. The inclusion of the cross-cutting theme sexual orientation in schools aimed to make the students able to (BRAZIL, 1998b, p. 91):

respect for diversity, beliefs and behaviours related to sexuality, as long as they are aligned with the human right of dignity; understand the pursuit of pleasure as a healthy dimension of human sexuality; recognise the influence

of culture on male and female roles and taking a stand against discrimination associated with these [stereotyped] roles; protect themselves from coercive sexual intercourse [rape] and sexual exploitation; recognise mutual consent as fundamental to take advantage of pleasure in a relationship for two; and identify and express their feelings and desires, respecting other's feelings and desires.

In addition, the NCP promoted a discussion on topics such as the diversity of behaviour of men and women, due to the time and place where they live; the relativisation of traditional concepts associated with the masculine and the feminine; the need to treat of the opposite sex with respect; the recognition and respect for the many and varied expressions of the feminine and the masculine.

MARIA DA PENHA LAW

According to its article 8, Maria da Penha Law aims to promote studies and research, statistics and other relevant information, with a perspective of gender and race or ethnicity, concerning the causes, consequences and frequency of domestic and family violence against women, for the systematisation of data, to be unified nationally, and the periodic evaluation of the results of the adopted measures. It also provides a legal framework to promote and implement educational campaigns targeting domestic and family violence against women, as well as disseminate instruments that protect women's human rights, directed to school students and society more broadly. Information about the Maria de Penha Law and the instruments that protect women's human rights is also to be disseminated under these guidelines (article 8, item V).

Still, regarding the development of educational programs, the Law encourages activities that promote ethical values and respect for all, from a gender, race, or ethnicity perspective. As per the school curricula, at all levels of education, it is reassured the relevance of promoting debates on human rights, gender and race or ethnicity equality, including problems of domestic and family violence against women.

THE BRAZILIAN FIRST NATIONAL PLAN OF POLICIES FOR WOMEN

The first national plan was published in 2005 and aims to promote an inclusive and non-sexist education. It encourages the incorporation of gender, race, ethnicity and sexual orientation issues in the formal and informal education, to combat gender, race and ethnic stereotypes in the culture and communication. It also determines the inclusion of gender, race, and ethnicity issues in the school curricula, promoting change of educational practices and materials that promote discrimination and stereotyped perspectives.

The plan constitutes a foundation to calls for development and further implementation of affirmative actions and policies, to enable the access and permanence of indigenous, black people and *quilombolas* to all level of education systems. It assures that training and knowledge of gender issues is provided to education professionals and promotes the visibility as well for women's contribution to the construction of human history.

THE BRAZILIAN SECOND NATIONAL PLAN OF POLICIES FOR WOMEN

The second national plan reinforced an inclusive education, non-sexist, non-racist, non-lesbophobic and non-homophobic, to create a more just society in which the human rights of all are in fact respected. For that purpose, it promotes specific actions targeting marginalised groups of women, either due to their economic exploitation, vulnerable social condition, racism, physical or mental disability, age group and generation identities, territoriality, sexual orientation, among others. It assures the offering of work training for young and adult women, including in scientific and technological areas, aiming to reduce gender inequality in careers and professions.

THE BRAZILIAN THIRD NATIONAL PLAN OF POLICIES FOR WOMEN

The third national plan advances even more in recognising the need to combat patriarchal practices rooted in social relations, as well as in public and private institutions. It states that education is key to address gender, race, ethnicity, age, sexual orientation, and geography inequalities, amongst other forms of violence and discrimination. Therefore, it encourages the design of training programs to school's stakeholders, from students to principals.

THE FOUNDATIONAL RESOURCE AND REPORT OF THE FOURTH CONFERENCE OF PUBLIC POLICIES FOR WOMEN

The fourth conference highlighted the importance of racial perspective in Brazil and the need to deconstruct the view that there is a "model of woman". It recognises that women are multiple and diverse. It also understands that discrimination is specific to each social category, including class, race/colour, ethnicity, sexual orientation, generation, regionality, religiosity, gender identity, among others. As a result, the debates concluded that this plurality is what constitutes the Brazilian reality and is represented by women in its diversity.

Along with these lines, a recommendation is to determine that racism must be understood and associated with sexism, including homophobic manifestations present in different societies as well as in Government systems marked by the patriarchal history and practices.

It emphasises the intersection of race and gender as essential to comprehend the situation of black women in the public sphere and to contribute to the expansion of democracy, equality, and social justice.

It also recommends the inclusion of gender issues in the National Curriculum in all educational spheres. For that purpose, it encourages the promotion of debates for the reformulation of municipal plans and education campaigns, fostering the inclusion of non-sexist, non-lesbophobic and non-racist approaches to education, according to existing legal frameworks.

It recommends that the Ministry of Education includes the discipline of Human Rights contemplating Gender Relations as mandatory in undergraduate courses from public and private universities, encouraging the implementation and strengthening of extension projects aimed at women's rights and continuing education in communities.

EDUCATION PROGRAMS IN BRAZIL

The above documents provide clear and inspiring guidelines highlighting the crucial role of education strategies for preventing gender-based violence against women and girls in Brazil, emphasising the need to incorporate this content in the school curricula. Thus, these guidelines are aligned with the international and Australian literature (FLOOD, 2019; OUR WATCH, ANROWS, VICHEALTH, 2015; UN WOMEN, 2016).

In the past, Brazil developed important education initiatives aligned with the abovementioned perspective (FERREIRA, 2020; UN WOMEN, 2017). For example, in 2004, the Federal Government launched the program School Without Homophobia (*Escola Sem Homofobia*) (BRAZIL, n.d, p. 7-17; UN WOMEN, 2017). In 2005, the Ministry of Science and Technology and the National Council of Scientific and Technological Development (CNPq, n.d.), along with the Secretariat of Public Policies for Women, created the Women and Science (*Mulher e Ciência*) program. Also in 2005, the Secretariat of Public Policies for Women, the Secretariat of Public Policies for Racial Equality, the Latin American Centre on Sexuality and Human Rights (2017), the Ministry of Education, and the British Council designed and implemented the course Gender and Diversity in the School (*Gênero e Diversidade na Escola*). This course was available to all workers from the public education system and focussed on addressing gender, race, sexuality, sexual orientation inequalities and discrimination. It adopted a sociocultural, historical, educational, and political perspective as a pathway to explain how these forms of discrimination, together, can exacerbate social inequalities (FERREIRA, 2020; LATIN AMERICAN CENTER ON SEXUALITY AND HUMAN RIGHTS, 2017). Consulted for my Masters by research, Pasinato indicates that the intersectional approach adopted by this education program foregrounded race and

ethnicity inequalities, particularly experienced by black people in the country, as a means to address discrimination and gender inequalities (FERREIRA, 2020).

Despite these important and previous initiatives and the clear guidelines provided by the policies analysed in this section, there is currently a paucity of education initiatives in Brazilian schools focussed on preventing gendered violence. The existing ones were often created by the Courts, legal and health professionals, and non-profit organisations with limited resources and lack of monitoring and evaluation (FERREIRA, 2020). The development and implementation of education programs in schools have been negatively impacted by the exclusion of word gender from the National Plan of Education in 2014 – a result of conservative lobbying and resistance from political and religious fundamentalist groups, patently violating human rights and legal provisions (AVILA, 2017; CASTILHO and CAMPOS, 2018; FERREIRA, 2020; LEÃO, 2019).

These groups sought to spread panic and misinformation by using a false concept termed ‘gender ideology’. The key problem with this term is that gender is not an ideology. It is a concept adopted in the prevention policies targeting gender-based violence, to expand the quality of education and rights of students, promoting a democratic and inclusive educational environment and society (FERREIRA, 2020; VIANNA and UNBEBAUM, 2016, p. 97). In education programs, this concept intended not to teach ‘how to be a boy or a girl’, nor to destroy a family, as asserted by conservative groups, but how to welcome all forms of sexuality and gender identities and any family structure (FERREIRA, 2020; VIANNA and UNBEBAUM, 2016, p. 97).

In this context, it is important to note that some of the current education initiatives, such as the ones led by the Brazilian Courts, were created to address, in a certain extent, the gap left by the Federal government in not develop and implement education-prevention policies (Interview with Pasinato). These education and similar programs are notable because they reflect creativity and resilience, particularly considering the challenging political context, and the barriers imposed by the dearth of financial and human resources (FERREIRA, 2020). However, they are not enough. Ideally, as prescribed by the policies, and recognised by the majority of advocates interviewed in my Masters by research, this primary prevention policy should be State-funded (as the programs created in the past) and part of all schools curricula at the national, state, and city levels (FERREIRA, 2020).

By doing so, the problems raised by Pasinato concerning the programs created by the Courts would have the best potential to be successful. These problems include: the lack of common guidelines and evaluation; their main focus on violence and not necessarily on deconstructing gender stereotypes; and the fact that they do not necessarily adopt a feminist gender perspective and are often individual projects, lacking political force to promote social transformation policies (Personal communication with Pasinato, 2020). Additionally, Pasinato contends that while these programs are useful to promote Maria

da Penha Law in schools, they are limited by the legal definition of domestic and family, which does not recognise other forms of gender-based violence as such, for example:

We have the problem in Brazil of drug trafficking (...) and organised crime. We know about the violence that women suffer in these environments; some of these situations result in death: many girls die as in the context of war. They die because their body is in dispute, a dealer will invade the other's area, but before invading the other's territory, he takes the dealer's girlfriend, rapes and kills her. It is the same logic of war, the woman's body as a territory of dispute. Alternatively, some girls enter the space of the traffic and occupy roles that are [seen as] masculine, [and] they are much more vulnerable there [than males in this role]. Then, when these women and girls take this role, they are also killed for that. [From the male traffic dealer's perspective] they are in an inappropriate place [for women]. (Interview with Pasinato)

The backlash prompted by conservative and political groups has affected not only education programs in schools, but also universities and research programs, cutting research scholarships particularly related to Humanities and Social Sciences (MACHADO, 2020). As a result, these cuts in higher education, and lack of investment affect the production of knowledge and evidence-based initiatives focussed on preventing gender-based violence among young and adult people. An aggravator is the inertia of the Ministry of Women, Family and Human Rights to manage its budget. In this case, Zigoni (2020) argued that the problem is not a lack of funding, but a failure in managing its budget. According to her, in the first four months of 2020, this Ministry used only 0.13% of its assigned budget. Therefore, it is urgent a better and effective investment in policies to prevent and respond to violence against women and girls.

EDUCATION PROGRAMS IN AUSTRALIA

Australia identified education environments like schools as key places to teach “what gender-based violence looks like and how it can be prevented” (OUR WATCH, 2020) and to achieve behavioural changes across generations (OUR WATCH et al., 2015; QUEENSLAND GOVERNMENT, 2016). The Australian Fourth-Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022 reinforced the importance of primary prevention as a mean to stop gender-based violence where it starts and the need to encompass initiatives focussed on children and young people (2019, p. 4-5). In this vein, Respectful Relationship Education was developed, particularly in Victoria state, as an initiative in schools and care centres to address the drivers of violence against women (PARTNERS IN PREVENTION, 2018). Respectful Relationship Education involves a whole school approach “which sees schools as both education institutions and workplaces, to

create a future free from gender-based violence” (PARTNERS IN PREVENTION, 2018, p. 3). Australia is a signatory of the Convention on the Elimination of All Forms of Discrimination against Women (COMMONWEALTH OF AUSTRALIA, 2019), yet McGowan, McCulloch and Maher (2020) suggested that compared to Brazil the human rights approach to addressing violence against women has not been as fully embraced by Australia.

While Brazil is facing abrupt setbacks and resistance to promote gender equality in education settings, schools in Australia, through the Department of Education and Training, have plenty of support from the government. It includes training for staff, resource kit, teaching and learning materials (PARTNERS IN PREVENTION, 2018; STATE OF VICTORIA, n.d). In this vein, Brazil should review its past initiatives, such as School Without Homophobia which provided similar resources for educators (BRAZIL, n.d). Overall, in Australia, the Respectful Relationship Education has been embraced by the government, Catholic and independent schools in Victoria state.

However, there are also challenges to implement this strategy, including (KEDDIE and OLLIES, 2019):

addressing misinformation, resistance and backlash – for example that respectful relationships education is about “gender engineering” or that it alienates and shames boys and men acknowledging the complexities of violence against women as intersecting with poverty, Indigeneity, ethnicity, culture, and disability, among other factors adequate funding to support ongoing professional learning for school leaders and teachers in relation to implementing a whole-school approach supporting schools to work with and educate families supporting schools to better respond to disclosures and violence-related trauma.

Despite these challenges, the initiative is evaluated as key. In this vein, Professors Keddie and Ollies proposed “Let’s make it mandatory to teach respectful relationships in every Australian school” (2019).

RECOMMENDATIONS

Develop and implement an informed and effective school curriculum addressing gender and other inequalities (encompassing an intersectional approach) and promoting gender equality and respectful relationships. In this vein, Brazil should review the initiatives created in the past and foster research to create a school curriculum tailored to its context, focussed on develop in school-based programs involving (FLOOD, 2019, p. 75): *i*) a whole-school approach; *ii*) a program framework and logic; *iii*) effective curriculum delivery; *iv*) relevant, inclusive and culturally sensitive practice; and *v*) impact evaluation.

Develop education policies in schools, digital platforms, media, social campaigns, among other settings focussed on (FERREIRA, 2020):

- Raising awareness in identifying and preventing IPV.
- Engaging young people and promoting reflection.
- Developing resources with stakeholders' collaboration and deciding what language to use in materials.
- Promoting youth empowerment, leadership, and accountability.
- Building partnerships with other stakeholders.

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2.2 SOCIAL ASSISTANCE AND VIOLENCE AGAINST WOMEN IN BRAZIL

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The Brazilian Federal Constitution of 1988 set a new paradigm in relation to the understanding of the Brazilian State on public policy in Social Assistance. According to Article 194 of the Constitutional text, Social Assistance, Health and Pension Systems together compose Social Welfare, that “comprises an integrated whole of actions initiated by the Government and the society, with the purpose of ensuring the rights to health, social security and assistance” (BRAZILIAN FEDERAL CONSTITUTION, 1988, Art. 194).

The sole paragraph expresses that it is incumbent upon Government, as provided by law, to organize social welfare, based on the following objectives: *i*) universality of coverage and service; *ii*) uniformity and equivalence of benefits and services for urban and rural populations; *iii*) selectivity and distributiveness in the provision of benefits and services; *iv*) irreducibility of the value of the benefits; *v*) equitable participation in funding; *vi*) diversity of the financing basis; *vii*) democratic and decentralised character of administration, by means of a quadripartite management, with the participation of workers, employers, retirees, and the Government in the collegiate bodies. (BRAZILIAN FEDERAL CONSTITUTION, 1988, Sole Paragraph of Art. 194)

Before the enactment of the Federal Constitution of 1988, social assistance initiatives were provided by philanthropic institutions, by means of volunteer actions, or by charitable work – many of them connected to religious institutions. However, in the heart of Brazil’s re-democratisation process, in the 1980s, after decades of military dictatorship, social society pressured the National State to recognize social assistance as a fundamental public policy for the expansion and consolidation of rights.

Therefore, what we now know as public policy in social assistance is a result of organisation and mobilisation of Brazilian society to combat poverty and inequality. Social Assistance as a consequence of this movement was recognised by the Constitution of 1988 as “public policy, duty of the State and right of the citizen that needs it” breaking with a previous

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“conservative paradigm and conceptions of its benevolent and charitable character” (BRAZIL, 2011, p. 12).

The regulation of social assistance policy called for by the Constitution came with Law n. 8742 of September 7, 1993, known as the “Organic Social Assistance Law” (LOAS). According to Article 1 of LOAS “Social Assistance, right of citizen and duty of the State, is a non-contributive Social Welfare policy, that provides the social minimum, realised through a group of integrated actions of public and societal initiative, to guarantee the fulfillment of basic needs”. This brings the State to the central role in conducting social assistance policy to guarantee the following objectives (BRAZIL, 1993, Art. 2):

I - Social protection that aims at guaranteeing life, harm reduction and prevention of risks, in special: a) the protection of family, maternity, infancy, adolescence and old age; b) the support to needy children and adolescents; c) the promotion of integration into the labour market, d) the habilitation and rehabilitation of people with disability and the promotion of their integration into community life; and e) the guarantee of 1 (one) minimum salary monthly benefit to people with disability and to the elderly that prove unpossessed of means to provide their own or to have it provided by their family.

Following the enactment of LOAS came the publication of the National Policy of Social Assistance (PNAS, 2004), providing principles and directives to implement the Unified Social Assistance System (SUAS), establishing the following objectives: *i)* the promotion of services, programs, projects and basic social protection benefits and, or, especially to families, individuals and groups in need; *ii)* the contribution to the inclusion and the equity of users and specific groups, expanding access to means and basic and special social assistance services, in urban and rural areas; *iii)* the guarantee that the actions in the realm of social assistance are focussed on family, and guarantee familiar and communitarian interaction.

These objectives shall be materialised by means of services, specific payments, programs, projects and benefits, with priority to territories with higher vulnerability indicators, in scaled levels of protection. For this reason, social assistance policy is organised in basic and special levels of protection, articulated with a network of services.

The social protection aims to (BRAZIL, 2004, p. 33):

(...) prevent risk situations by means of developing the potentialities and acquisitions and strengthening family and community ties. It aims at population living in social vulnerability situations resulting from poverty, deprivation (lack of income, precarious or non-existent access to public services, among others) and, or, weakening of affective bonds – relational

or of social belonging (age, ethnic, gender, or disability discrimination, among others).

According to PNAS (2004), SUAS possesses a decentralised participative model, co-financed by the three government spheres – Federal, State and Municipal – and the Federal District. Actions of SUAS are organised in two types of protection – basic and special – executed by public units by means of the Centres of Reference of Social Assistance (CRAS), the Special Centres of Reference of Social Assistance (CREAS), the Specialised Centres of Reference for Street Population (Centro POP) and by the covenant SUAS network.

The CRAS and CREAS are public units within SUAS for providing the needs of groups, families, and individuals in the context of social vulnerability and risk. The CRAS possesses the following objectives: prevention of family rupture and community bonds; mapping potentialities and strengthening protective function of the family; access to benefits, programs of income transference and social assistance services; and assistance of individuals and social groups that find themselves in contexts of risk and social vulnerability.

The CREAS offers specialised services for the protection and need-fulfillment of individuals and families in situations of threat or serious violation of rights, such as, for example, children, adolescents, youngsters, elderly and women. The rights violations may be physical, psychological or sexual violence, human trafficking, removal from family context as a result of intervention orders; personal or social risks associated with drug use, child labour; ethnic-racial or sexual orientation discrimination.

According to SUAS Census (CENSO SUAS), taken by the Ministry of Social and Agrarian Development (MDSA) in 2016, Brazil had 8240 CRAS, 42% of them in municipalities with up to 20 thousand inhabitants. The data points out to the existence of 2521 units of CREAS in the country.

Considering the vast extension of the national territory and the considerable coverage of CRAS and CREAS, these services are privileged spaces with the biggest population outreach in social assistance policy. For reaching a good part of the Brazilian population, these services can be utilised as strategic to foster action to promote gender equality and the prevention and combating of violence against women. After all, no other public equipment combines this outreach capacity of CRAS and CREAS with a mission to provide for the needs of people in risk or social vulnerability.

Moreover, the objectives and regulatory directives orienting these services' existence are in accordance with Law Maria da Penha (LPM) and with international treaties to which Brazil is signatory. This way, it can be understood that actions to promote gender equality between men and women from a human rights perspective can be organised and executed in the sphere of CRAS and CREAS, even because they act in areas of intersectionality and

amplitude in the territories, allowing for their coverage to deliver a more comprehensive, profound and integrated outlook on social demands already overseen in these territories.

There are risks, however. Due to the fact that Law n. 12345/2011 orients the focus of social protection on family, maternity, adolescence and old age (BRAZIL, 2011), that interpretation may result in actions with exclusive attention on family and maternity issues at the expense of protection of women (GROSSI, GASPAROTTO, DUARTE, BITTECOURT and OLIVEIRA, 2015). It is necessary to remember that CRAS prevails in SUAS structure, being a non-specialised service, bringing a pressing need to establish written national guidelines to orient these services interventions from a gender equality perspective.

It is also necessary to invest and equip CRAS and CREAS following the dictates of the Basic Operational Norm for Human Resources of SUAS (BRAZIL, 2006). The NOB-RH/SUAS establishes the necessity to provide Reference Teams taking into consideration the number of families and individuals referenced in the territory, as well as the type of needs and acquisitions that must be guaranteed to them.

Furthermore, professionals working at CRAS and CREAS must be offered, by the Public Power, continuous training and study in the area of gender and violence against women to act, jointly, with actors in the sphere of primary, secondary, as well as tertiary prevention.

In this sense, primary prevention may develop educational and pedagogical practices to promote gender equality. On secondary prevention or precocious intervention with women victims of violence, immediate assistance can be offered by means of benefits or emergency pays, as well as by cross reference to other policies in the area of Health and Public Security. On the level of tertiary prevention or response, at the point when a violation of rights has already occurred, programs could be built as well as welcoming groups of women, as well as other for the reflection and punishment of the authors of violence, suggesting in this case that these groups should be integrated into the specialised network of services for women.

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2.3 PUBLIC SHELTER POLICIES FOR BRAZILIAN WOMEN

*Liz Elaine de Silvério e Oliveira Mendes*²³

INTRODUCTION

The alarming rates of violence against women in Brazilian society are connected to the gender regimes subsumed into its colonial and patriarchal heritage. Since the 1970s, women's social movements have been fighting for public policies to prevent, eradicate and punish gender-based violence and ensure access to justice for girls and women. The main denunciation of the feminist movements was the impunity of the murders of women perpetrated by their husbands (MACHADO, 2016).

In the mid-1980s, in Brazil, the first public policies were implemented for the protection of women in the context domestic violence, under intense international pressure by the United Nations (UN), especially after the country acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

In 1986, the first specialised police station for the protection of women and the first shelter were opened, both in the city of São Paulo (BANDEIRA, 2014; BRAZIL, 2011b). In 1988, the new Federal Constitution expressly ensured equality between women and men, while the last reservations to CEDAW were waived.

Within the framework of the inter-American system for the protection of human rights, Brazil has adhered to the Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women (Convention of Belém do Pará, 1994). This was the first binding treaty in the world that recognised violence against women as a violation of human rights and constituted a parameter for the struggle of feminist movements for specific legislation to protect women against gender violence.

Despite this, it was only in 2003, with the creation of the National Secretariat for Policies for Women (SPM), that national policy plans for women started, with the mainstreaming of the gender perspective in the formulation of strategic public policies for the protection women in all municipalities.

The public policy of shelters for women is one of the public policies for the prevention of femicide (BRAZIL, 2011b). The challenges of this public policy proposal continue to be the difficulty of covering the national territory, the rigid routine of shelters, the lack of

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integration with other social policies, the inadequate training of public agents and the absence of risk management after the departure of women from the shelter.

Although the discontinuity in training public agents for women's shelter services is a problem in Brazil, there is a certain reliability in services, due to the internalisation of some gender perspectives. The control work by civil society, through women's rights councils, non-governmental organisations, and government bodies, such as public ministries and public defenders, is fundamental to the preservation of women's human rights in shelter services. In some countries, the feminist movement looks with suspicion at the work of shelter institutions. In Turkey, for example, "It is not uncommon (...) for employees of state-run shelters (...) to contact the husbands of women who have sought refuge and try to convince them to return to their families" (TOKTAŞ and DINER, 2011). Feminist women's organisations argue that even if shelters are administered by the state, they must be managed according to feminist principles.

A SUMMARY OF SHELTERS AND SHORT-TERM HOMES

Shelters and short-stay homes are places administered by public entities that are available to women and children, if they are at risk of suffering severe forms of violence, such as femicide, serious bodily injury, death threats, stalking, continuous deprivation of liberty, torture, slavery, trafficking, rape, sexual abuse, among others. In Brazil, until the 1990s were the non-governmental and religious organisations that provided some protection and support services to women victims/survivors of violence, in the form of charity or philanthropy, without public budget or guidelines. Over the years, the feminist movements began to demand public policies financed by the State and committed to feminist principles, starting gradually the phase of the "institutionalisation" of public policies to combat the gender violence.

There are some differences between shelters and short-term homes or other types of public facilities for the temporary protection of women at risk of violence and social vulnerability. Both services operate primarily in public establishments linked to highly complex social assistance services. The public services provided in the shelters are long-term and with a secret location, where women are totally imprisoned. On the contrary, in short-stay homes, as the name implies, women stay for short periods and are not prohibited from receiving visitors or going out to work. Shelters receive women and their dependents in situations of domestic and family violence and short-stay homes receive women in different situations of gender violence. In fact, despite the differentiation proposed in 2011 by National Guidelines (BRAZIL, 2011), few short-stay homes have been implemented in Brazil. In Brasília, in the country's capital, for example, this type of public establishment never existed. It therefore seems urgent to rethink or even unify these two service proposals.

UNDERSTANDING THE SHELTER POLICY FOR WOMEN IN BRAZIL

The Maria da Penha Law (LMP, 2006) includes, as one of the measures to protect women, the emergency referral to appropriate public services to prevent physical, psychological, moral, patrimonial, and sexual violence, whether real or imminent. Public Ministries have the legal competence to request public health, social assistance and security services in emergency situations and, besides that, their members must inspect all public and private establishments in the country for the care of women in context of gender violence, immediately adopting the appropriate administrative or judicial measures in situations of verified irregularities. The LPM establishes the possibility that all tiers of the Federation – National, State, Federal District and Municipal governments – may create and manage shelter houses and short-stay homes.

The Social Assistance Organic Law (*Lei Orgânica da Assistência Social* – LOAS, 1993) set the situations covered by social assistance that justify sheltering in public institutions and provides for the possibility of granting financial benefits for situations of temporary vulnerability and public calamity, and organically integrate the guarantees of the Social Assistance System (SUAS). The National Council of Social Assistance (CNAS), through Resolution n. 109, of November 11, 2009, defines shelter houses as being special services of high complexity (BRAZIL, 2011a).

In 2011, the SPM established the National Guidelines for shelter policy redefining the possibilities of provisional reception for women at imminent risk of death (BRAZIL, 2011a). In addition, shelter policy, in the context of National Guidelines, is not limited to the services of shelter houses, hostels or short-stay homes, but also includes other protection measures, such as temporary assistance contributions and psychological, legal and health care.

The main guiding principles of the National Guidelines are equality and respect for diversity, women's autonomy, secular (laic) State, universality of public policies, social justice, and accountability. The public policy must comply with the treaties and agreements ratified by Brazil on the human rights of women. Beyond that, the public policy guidelines must pay attention to the intersectionality of class, race, ethnicity, and gender violence. Action programs must link the areas of health, education, social assistance, housing, work, human rights, and justice, with the continuous training of public agents.

Sheltering is indicated in situations of extreme risk of death to support women and their dependents. In the Federal District and municipalities, professionals in the network to confront gender-based violence offer a risk assessment form to women with reports of violence. Based on the analysis of risk factors, admission to the shelter or similar institution is offered and explanations of emergency protective measures are also explained. Women decide whether to go to the shelter. Prosecutors can recommend entering a shelter in the face of a high risk of death, without obligation. In any case, it is recommended that the

public prosecutor monitor the risks and the compliance with the protection measures that may be imposed on the perpetrators.

SOME CONSIDERATIONS ABOUT THE CURRENT PROBLEMS AND CHALLENGES OF SHELTER POLICY IN BRAZIL

There is no reliable data on the number of shelters and short-stay homes in Brazil. Some articles and reports suggest that there are between 70 and 80 of these locations. There is also no adequate monitoring of public policy on shelters for women. In 2018, the SPM held a workshop in Brasilia to review the parameters of national policy, built in 2011. Some issues generated huge controversies, preventing the revision of the document. The issue of secrecy, for example, has generated disagreements. While some people defended the need for shelter houses to be located in secret places, with no possibility for women to go out to work or receive visitors, other people understood that the secrecy of shelter houses was impractical in small municipalities. They also understood that the secrecy of the place and the requirement for the confinement of women transformed the shelters into total institutions, such as asylums and penitentiaries, which violated the human rights of women, depriving them of their paid activities and the affection of friends and relatives.

Another impasse was the question of the type of violence that should authorize entry into shelters. While some people argued that this equipment should only deal with gender-based violence caused by intimate partners, others argued that shelters should allow access to women at any risk of femicide, regardless of whether the authors were people from the community or strangers. There was also controversy over the possibility that transgender, indigenous and immigrant women could also enter shelter houses, with the most varied arguments for and against (BRAZIL, 2011a).

These discussions did not generate formal reports, nor did they result, so far, in updating the shelter policy by the SPM, which weakens this social policy proposal, considering the most varied forms of violence that Brazilian women are subjected to and the scarcity of public policies for prevention femicides.

It is necessary to recognize that, since 2016, with the establishment of maximum limits for public spending on social assistance, the SPM has been forced to reduce its budget and work teams, with losses for several action programs. Municipalities and states stopped to receive the public budget from the SPM to maintain the functioning of some essential public services for women in the context of femicide risk, resulting in the loss or discontinuity of many public policies for women across the country, including shelter policy or similar.

A recent Brazilian literature review on shelters and affective and social networks that included 33 articles published, between 2004 and 2015, at the CAPES Periodic Portal (Coordination for the Improvement of Higher Education Personnel - CAPES) showed “positive aspects of the women’s permanence at the shelters like the support provided by their professionals, as well as the negative aspects which made their lives difficult after they left the shelters, such as finding a job” (KRENKEL and MOREÉ, 2017). In other side, social and affective networks were pointed as an important resource in coping with violence, especially through the original family support and friendship.

United Kingdom, Australia and New Zealand have developed different approaches to protect and support women and children, overcoming the traditional shelter policy, through strategies or programs focussed on remain victims/survivors at home. The success of the “stay at home” model, however, depends on four critical conditions: excluding the perpetrator from, and maximizing women’s safety at home; highly integrated response between local service providers; prevention strategy to support and inform a women of her housing options before the situation reaches crisis point; and recognition of the vital role of women’s economic security (BEAVIS, 2017). The “stay at home” government response model seems like a great proposal to be tested in Brazil. This approach, in addition to keeping women and children safe and connected to their emotional and social support networks, integrates the main public policies to empower women and break the cycle of violence.

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2.4 HEALTH POLICIES AND VIOLENCE AGAINST WOMEN IN BRAZIL: NORMATIVE FRAMEWORK FOR PREVENTION AND CHALLENGES

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In 1983, the theme of violence against women was included in the Integrated Women's Health Assistance Program (PAISM), incorporating sexual and reproductive rights of women in its actions, following the global trend in the feminist movement (MINAYO, SOUZA, SILVA and ASSIS, 2018). In 2004, PAISM was transformed into the National Policy for Integrated Women's Health Assistance (BRAZIL, 2004), giving priority to women and adolescents in contexts of violence (MINAYO et al., 2018).

Over the past eighteen years, Brazil promoted a series of advances in its legal framework, assuming in the aftermath of international legislations, the necessity to focus attention of public health system on gender violence, as a serious social problem and severe violation of Human Rights (SCHRAIBER, 2001; BRAZIL, 2019). The national framework is distributed among laws and technical regulations for primary, secondary, and tertiary prevention. This article briefly explores some of the main Brazilian norms pertaining to the prevention of violence against women.

In the field of primary prevention, attention to epidemiological ends may be observed when, in 2003, notification of cases of violence against women became mandatory with an aim to share information within the sanitary system as established by Law n. 10778/2003 (BRAZIL, 2003).

From the enactment of Law n. 10778/2003 up to 2018, a total of 1,282,045 cases of violence against women, children, elderly, indigenous populations and LGBTI (BRAZIL, 2019) had been reported. It is important to realise that even though the law came into force in 2003, the Vigilance System of Interpersonal and Self-Provoked Violence (VIVA/SINAN)²⁶ only

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26 This system is part of the national health monitoring and has as its scope "knowing the magnitude and gravity of violence by means of producing and disseminating epidemiological information and defining public policy to combat such violence such as strategies and interventions in prevention, assistance, and protection of people in violent situations", according to information extracted from the official Health Ministry website: <<http://www.saude.gov.br/vigilancia-em-saude/vigilancia-de-violencias-e-acidentes-viva/vigilancia-de-violencias/viva-sinan>>. Retrieved: August 26, 2020.

began to register cases in 2009. It was only in 2011, with the publication of Norm MS/GM n. 104, of January 25, 2011, that notification became effectively compulsory throughout the national territory (BRAZIL, 2019).

Along with an increase in the number of notifications in that period, a growing number of municipalities reported at least one case of violence against women during the year (BRAZIL, 2019). In 2011, 38% of the country's municipalities had notified cases in the system, while in 2018 this percentage reached 79% (BRAZIL, 2019).

Between 2011 and 2018, more than half of notifications (53.4%) corresponded to young women between 15 and 39 years old. Among children (0 to 9 years old), an elevated proportion of neglect/abandonment can be observed (34.5%), followed by sexual violence (29.8%). For the group of adolescents between 10 and 14 years old, sexual violence was the most common type of notification (42.3%). Within the ages of 15 to 29 and 30 to 59, physical violence stood out with proportions of 60.3% and 62.3%, respectively. For the population of 60 years old or more, physical violence also prevailed (43.4%), with a significant proportion in cases of neglect/abandonment (25.0%) (BRAZIL, 2019).

In terms of secondary prevention, the Decree n. 7958, from March 13, 2013 (BRAZIL, 2013), provided guidelines for professionals at the Unified Health System (SUS)²⁷ on how to treat victims of sexual violence following directives for humanised assistance and qualified listening²⁸. Another significant step taken by the health system in combating sexual violence was the enactment of Law n. 12845/2013, making the integrated treatment of people in situation of sexual violence mandatory within SUS (BRAZIL, 2013a).

After the referred legislation came into force, the Ministry of Health included, in the National Registration of Health Establishments (CNES), a specialised service for the support of people in situation of violence (Code 165) that enabled the provision of the following services directed towards gender violence: *i*) integral attention to people in situation of sexual violence (Code 286); *ii*) ambulatorial attention to people in situation of sexual violence (Code 425); *iii*) termination of pregnancy allowed by law (cases of rape and fetal anencephaly, in a total of 101 health units). The possibility of registering the service by speciality was a significant advance for policies to prevent sexual violence, since only those under CNES may receive public funding to deliver such services²⁹.

The referred services registered a tendency of increase between 2014 and 2018, except for ambulatorial attention, that has been falling since 2017 (BRAZIL, 2018). The registered

27 SUS is the Brazilian universal public health system, that offers since primary attention to hospital care. It focuses on "health with quality of life, aiming at the prevention and the promotion of health", according to information extracted from the following website: <<https://www.saude.gov.br/sistema-unico-de-saude>> Retrieved: March, 2020.

28 Before enacted the referred decree, guidelines for humanised and not re-victimising treatment was already available on the part of health professionals, by means of *Norma Técnica de Prevenção e Tratamento dos Agravos Resultantes da Violência Sexual contra Mulheres e Adolescentes* (2012), with its first edition published in 1999.

29 Information extracted from the following website: <<http://cnes.datasus.gov.br/>>. Retrieved: March, 2020.

growth shows many regional disparities, however, especially in the Brazil's Northeast Region, where some capitals did not have any service registered to receive victims of sexual violence (BRAZIL, 2018).

Beyond the creation of service, it is necessary to look to its quality, following criteria such as good governance, calling for openness, integrity, and accountability on the part of public management (CADBURY, 1992). As affirmed by Tejasdas (2012), the mere normative provision for social protection (rights guarantee) is not enough, making it imperative that this protection be effectively materialised. One such example of a lack of correspondence between rights provided and those effectively delivered is the research started in 2018 (ongoing) by the Psychosocial Sector upon demand from the Unit to Combat Violence and Sexual Exploitation against Children and Adolescents (NEVESCA) of the Public Prosecution Office of the Federal District (MPDFT)³⁰. Preliminary results point that the level of services of integral attention to people in situation of sexual, family or domestic violence in the region, in spite of an expansion in terms of its unit numbers, do not correspond to the proportion needed to account for the growth of notifications in the local registration system (SINAN) in the Federal District, presenting also deficiencies in terms of human resources available.

Furthermore, the referred research verified a slow pace of institutionalisation of services to attend victims of sexual, familiar, and domestic violence, that up to 2019 existed only as a mere program provision. Edit n. 942, of November 18, 2019 (FEDERAL DISTRICT, 2019), finally qualified the existence of such services. Follow-up on the actual institutionalisation of such services is pivotal to guaranteeing its continuity.

In terms of the actual response to the practice of violence (tertiary prevention), between 2013 and 2019, there were new important normative advances in the health field, such as: i) Law n. 13239, of December 30, 2015, that brought about the offer and actual delivery within SUS of reparatory plastic surgery for lesions and sequels resulting from violent acts practiced against women (BRAZIL, 2015b), regulated by the inter-ministerial Edit n. 331, of March 8, 2016 (BRAZIL, 2016); ii) the Decree n. 7958/2013, establishing guidelines for health professionals on how to treat victims of sexual violence in the network of services connected to SUS (BRAZIL, 2013); iii) the inter-ministerial Edit SPM/MJ/MS n. 288/2015, that brought orientation for organising and integrating the treatment of victims of sexual violence by public security agents and the SUS professionals, focusing on the humanisation of treatment and registration of information, as well as the collection of vestiges of sexual violence (BRAZIL, 2015); iv) the Edit n. 1662/2015, that defined the eligibility criteria for services to collect vestiges of sexual violence within SUS (BRAZIL, 2015a).

30 The study in comment was solicited in the sphere of the administrative process number n. 08190.168529/17-81, ongoing at NEVESCA/MPDFT, established to follow up on the Research Program on Assistance and Vigilance of Violence – PAVs, currently transformed into the Specialised Centres of Attention to People in Situation of Sexual, Family or Domestic Violence – CEPAV.

Finally, and still in the field of tertiary prevention, it is important to remember the recent sanction of Law n. 13931/2019 (BRAZIL, 2019), that obligates health professionals to make an external communication to the police authority, in all cases of suspicion or confirmation of violence against women. The legislation came into force in March 10, 2020, and still lacks the publication by the Ministry of Health concerning the orientation for health professionals on cases of external communications about situations of violence against women that should be reported. According to the law, all the following types of violence are object of compulsory notification: *i*) suspected or confirmed case of domestic/intra family, sexual, self-provoked, human trafficking, slave labour, child labour, legal intervention and homophobic violence against women and men of all ages; *ii*) cases of violence outside family/ communitarian, in these cases only those violence committed against children, adolescents, women, elderly, disabled people, indigenous and LGBT* population shall be notified.

Regardless of the advances on the part of the Brazilian State such as the mentioned regulations for the integral treatment of women in situation of violence by the Health System, some challenges still lay ahead: *i*) integrate the health network into the other networks acting on combating violence against women (social assistance, public security and justice); *ii*) spread within the health system attention to women in situations of violence (including effective primary attention in health and the network of psychosocial and mental health); *iii*) establish guidelines for risk management of health units, with an aim to prevent femicide (in special, the intimate type); *iv*) prepare mental health professionals to assist cases of sexual violence (especially those working in the psychosocial attention network); *v*) guarantee treatment for the indirect victims of femicide in the Health System; *vi*) guarantee treatment for the many types of violence against women in the specialised services of attention to sexual violence registered in CNES; *vii*) implement Law n. 13931/2019 on the external communication of the Health System to the police authority in cases of violence against women, as well as defining the scope of such communication; *viii*) oversee structure (human and material resources) to services of integral attention to people in situation of domestic, sexual and family violence; *ix*) foster the institutionalisation of specialised services of attention to people in situations of violence to guarantee the sustainability of public policy of violence prevention.

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2.5 WOMEN'S POLICE STATIONS: UNIQUE INNOVATIONS FROM THE GLOBAL SOUTH

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Women's Police Stations are unique innovations from the Global South that emerged in the second half of the 20th century to specifically address violence against women, the very first from Brazil in 1985 (CARRINGTON et al., 2020). There are variations among the models used in different countries. Typically, women's police stations offer a 365-day emergency response service, employ uniformed and armed officers, have the authority of the state, and the same powers and training as general police. Unlike traditional policing models, they typically have additional specialist training to respond to gender violence, they work from dedicated police stations or converted houses that provide childcare and children friendly spaces.

They are designed to receive victims, not offenders, and seldom have holding cells. They have emergency provisions of clothing and other items for women and children. They employ multi-disciplinary teams of police, social workers, lawyers, psychologists and counsellors who work collaboratively with other organisations (such as local government, religious, educational, childcare and community organisations) to provide a holistic response to victims/survivors of gender-based violence (JUBB et al., 2010; CARRINGTON, 2020; PASINATO, 2015). In some countries like Argentina, they have a legislated mandate to engage in community prevention.

This is what differentiates women's police stations from the segregated female police units that emerged alongside all-male police units to oversee the arrest, charging and custody of women and children in predominantly English speaking societies of the global north in the early to mid-20th century (CARTON, 2015; NATARAJAN, 2008), at a time when policing was otherwise considered a masculine occupation (PRENZLER and SINCLAIR, 2013). The following provides a brief overview of the emergence of women's police stations and a summary of their virtues and limitations.

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THE EMERGENCE OF WOMEN'S POLICE STATIONS

The first specialist police stations designed to respond specifically to violence against women emerged in Latin America in São Paulo, Brazil, in 1985 (JUBB et al., 2010; HAUTZINGER, 2002; PASINATO, 2015; PEROVA and REYNOLDS, 2017; SANTOS, 2004, p. 50), closely followed by Argentina in 1988 (CARRINGTON et al., 2020) and India in 1992. In India, the first all-female police units designed to respond to violence against women were introduced in Tamil Nadu (NATARAJAN, 2005, p. 89). By 2013, there were 479 all women police units (AWPU) established to deal with domestic violence and dowry disputes in India (AMARAL et al., 2018).

The establishment of *Delegacia da Mulher* (DDMs - Women's Police Stations) in Brazil emerged during a period of re-democratisation. In 1983 the democratic state established the State Council on Feminine Condition (SANTOS, 2004, p. 35). This council followed the principles of participatory democracy by including actors from social movements in new hybrid state/society partnerships to address social problems that affect women. Most notably, *SOS-Mulher* (SOS Women), an activist group that had campaigned in support of the victims of domestic and sexual violence since the early 1980s welcomed the proposal to establish Women's Police Stations (SANTOS, 2004, p.36). This was despite feminist qualms about collaborating with the coercive arm of the state to bring about effective interventions to end violence against women (NELSON, 1996). By 2010, Brazil had established around 475 DDMs (JUBB et al., 2010). Since the passing of the Maria da Penha Law, the role of DDMs has become more important (SARDENBERG et al., 2010:4).

The Province of Buenos Aires in Argentina established its first *Comisaría de la Mujer* (CMF) in 1988 and by the end of 2018 had 128 stations and another 16 specialist units. In that year they responded to approximately 257,000 complaints of domestic violence and 7,000 complaints of sexual assault (CARRINGTON et al. 2020). CMFs account for one in five of all police stations in the Province and, since 2009, have had a legislated mandate to prevent gender violence, under the National Law to Prevent, Punish and Eradicate Violence against Women (Law n. 26485). The definition of domestic violence is broad and includes what would be regarded as coercive control (CARRINGTON et al., 2020). CMFs have their own command structure and report to their own Commissioner providing a unique career structure (CARRINGTON et al., 2020), not available to women integrated in traditional policing models (NATARAJAN, 2008, p. 18; PRENZLER and SINCLAIR, 2013).

Women's police stations in Latin America historically have played a role in both legitimising the democratic rule of law by the state, in addition to widening women's access to justice. Since then, thousands of women's police stations have been established across the world – in Bolivia, Ecuador, Nicaragua, Peru, and Uruguay, and more recently in Sierra Leone, India, Ghana, Kosovo, Liberia, the Philippines, South Africa and Uganda (JUBB et al., 2010; AMARAL et al., 2018; NATARAJAN, 2008). Most research has focussed on the

all women police units in India (NATARAJAN, 2008; AMARAL et al., 2018), *Delegacia da Mulher* (DDM) in Brazil (HAUTZINGER, 2003; JUBB et al., 2010; SANTOS, 2004, p. 50; PASINATO et al., 2010; PASINATO, 2015; PEROVA and REYNOLDS, 2017) and *Comisaría de la Mujer* (CMF) in Argentina (CARRINGTON et al., 2019, 2020). The virtues and limitations of the model are briefly summarised below.

REFLECTIONS ON THE LIMITS AND VIRTUES OF WOMEN'S POLICE STATIONS

Women's police stations have several documented virtues and limitations. The most significant virtue is that they overcome some of the systemic problems experienced by women reporting incidents of gender violence within traditional models of male dominated policing. While the proportion of women entering policing has grown over the last century, policing remains a male dominated profession, where masculine culture is pervasive (LOFTUS, 2008, p. 757; PROKOS and PADAVIC, 2002, p. 242). This culture of front-line policing impacts adversely in many ways on women who attempt to report gender-based violence. It especially deters women from reporting gender-based violence to the police and may even lead to their ridicule and re-victimisation.³²

There is a growing body of evidence that specialised police forces designed to respond to gender-based violence will ameliorate some of the systemic problems with traditional policing models by widening women's access to justice (AMARAL et al., 2018, p. 3; MILLER and SEGAL, 2018; NATARAJAN, 2005; JUBB et al., 2010; HAUTZINGER, 2003, 2007). Empirical studies of women's police stations in Latin America and India have consistently shown that women are more comfortable reporting to women police in a family friendly environment (JUBB et al., 2010; MILLER and SEGAL, 2018; HAUTZINGER, 2003; SANTOS, 2004; NATARAJAN, 2005, p. 91). This body of research suggests they enhance women's willingness to report, which then increases the likelihood of conviction, reduces re-victimisation and enlarges access to a range of other services such as counselling, health, legal, financial and social support (JUBB et al., 2010; SANTOS, 2004, p. 50; PEROVA and REYNOLDS, 2017).

32 "The culture of masculinity that pervades front-line policing has serious adverse implications for how police typically respond to gender-based violence (DOUGLAS, 2019; GOODMAN-DELAHUNTY and GRAHAM, 2011; LOFTUS, 2008; PROKOS and PADAVIC, 2002; PRENZLER and SINCLAIR, 2013; PRUITT, 2013). Male officers can use the authority of their position as well as the authority of their gender to exercise power in interactions with women as citizens (MARTIN, 1999, p. 118). There are many documented shortcomings of how that impacts on the experiences of victims of gender violence seeking police support. These include: ambivalence and lack of empathy toward the victims of domestic and sexual violence (DOUGLAS, 2018; DOUGLAS, 2019; ROYAL COMMISSION, 2017, p. 382-388; TAYLOR et al., 2013, p. 98-99, p. 107); failure to provide women with adequate information (SPECIAL TASKFORCE, 2015, p. 230; STANDING COMMITTEE ON SOCIAL ISSUES [STANDING COMMITTEE], 2012, p. 167; WESTERA and POWELL, 2017, p. 164-165); lack of referral to appropriate support services in emergency and non-emergency situations (RAGUSA, 2013, p. 708; WESTERA and POWELL, 2017, p.164-165); victim blaming (DOUGLAS, 2019; GOODMAN-DELAHUNTY and GRAHAM, 2011, p. 36-37; TAYLOR et al., 2013, p. 99, p. 108, p. 154), reluctance to believe or take victims' complaints seriously (DOUGLAS, 2019; POWELL and CAUCHI, 2013, p. 233; ROYAL COMMISSION, 2017, p. 504; SPECIAL TASKFORCE, 2015, p. 251; TAYLOR et al., 2013, p. 102, 156), 'siding with the perpetrator' and regarding victim's complaints as 'too trivial and a waste of police resources' (SPECIAL TASKFORCE, 2015: 251)". (CARRINGTON et al., 2020, p. 61)

At the same, women's police stations provide new jobs for women and, for the first time, a career structure in policing, a deeply masculinist field of employment for men who in the main consistently fail to take women's complaints of violence seriously (SANTOS, 2004, p. 34). However, this research also cautions against the essentialist assumption that female police are always naturally better at communicating and receiving female victims of violence simply because of their gender. Policewomen can also part of a wider institutional culture of policing that is militarised and masculinised (OSTERMANN, 2003, p. 477).

In the 1990s, Hautzinger conducted an ethnographic study of Women's Police Stations in the State of Bahia, Brazil. She argued that DDMs were haunted by a contradiction. On the one hand, DDMs essentialise women police as naturally empathetic to women. On the other hand, they are encultured in a masculinist profession of policing where sexist values, such as those that lead to victim blaming, are internalised (HAUTZINGER, 2003, p. 246-247). In 2016, Hautzinger, reflecting on her research, now argues that between 1985 and 2006 the effectiveness of Brazil's Women's Police Stations was undermined by chronic resource shortages, partly due to the droves of women seeking assistance, creating backlogs and increasing waiting times for access to justice (HAUTZINGER, 2016).

Another consistent criticism of women's police station has been their chronic shortage of resources (CAMPOS, 2015; CARRINGTON, et al., 2020; HAUTZINGER, 2002, 2016; JUBB et al., 2010; NELSON, 1996; PEROVA and REYNOLDS, 2017; SANTOS, 2004). In part, this reflects the under-valuing of women's police within a wider gendered institution of policing. But it also reflects the political and economic context of developing countries in the global south, where police stations everywhere are under resourced, and hence implementation of specialised police stations fell short of that envisaged (HAUTZINGER, 2003, p. 248).

Despite these short-comings, women's police stations represent one of the most extensive institutional responses to gender violence by the Brazilian state and play a critical role in sensitising communities to the fact that violence against women is a crime (HAUTZINGER, 2003, p. 248; 2016, p. 577-82; PASINATO, 2016). A recent evaluation of DDMs (women's police stations) in Brazil assessed shifts in female homicide rates in 2074 municipalities from 2004 to 2009, controlling for several variables. The presence of a women's police station (DDM) was the main variable.

The evaluative study found that where DDMs existed the female homicide rate dropped by 17 per cent for all women, but for women aged 15-24 in metropolitan areas the reduction was an astonishing 50 per cent (or 5.57 deaths reduction per 100,000) (PEROVA and REYNOLDS, 2017, p. 193-194). On this basis, Perova and Reynolds (2017, p. 188) concluded that "women's police stations appear to be highly effective among young women living in metropolitan areas". The limitation with this study is that it used female homicide rates as a proxy for the rate of femicide, in the absence of any other available data. While effective, the main problem is that DMMs are unevenly distributed across Brazil, concentrated in the

Southeast region, therefore widening access to justice for less than 10 percent of Brazilian precincts (SARDENBERG et al., 2010, p. 4).

An ARC funded research team³³, I am leading, discovered that women's police stations (CMF) in Argentina prevent gender-based violence in three main ways (CARRINGTON et al., 2019, 2020). Firstly, by working with victims and perpetrators to prevent re-victimisation and reduce the number of high-risk cases escalating to femicide³⁴. Second, women's police stations work in a coordinated fashion through *Mesas Locales* with other municipal and provincial agencies, such as the gender policy units. A significant benefit of working collaboratively with other agencies is the reduction of duplication, the more effective use of scarce resources and the sharing of information crucial to preventing gender violence within their locality. Third, women's police stations prevent gender violence through the large-scale educative influence of their community engagement activities, which challenge the norms that sustain violence against women. You can learn more about this research through the project website (<https://research.qut.edu.au/pgv/>).

CONCLUDING REMARKS

There is a growing body of evidence about the important role of women's police stations in widening access to justice for victims of gender-based violence (CARRINGTON et al., 2019, 2020; NATARAJAN, 2005; AMARAL et al., 2018; HAUTZINGER, 2003; 2007; JUBB et al., 2010; PEROVA and REYNOLDS, 2017). While not without limitations, specialised women's police forces in the post-colonial societies of the Global South widen access to justice, empower women to liberate themselves from the subjection of the cycle of domestic violence thereby preventing re-victimisation. Through community policing, CMFs disrupt the patriarchal norms that sustain gender violence. As a by-product, they also provide women in the global south a career in law enforcement framed from a gender perspective. It is possible that other nations elsewhere in the world, including the Global North, could learn from this unique model of policing gender-based violence that first emerged in Brazil.

33 The study used a triangulated methodology that involved semi-structured interviews, field research, policy analysis and observations of community prevention work with 100 staff – including police officers, social workers, lawyers and psychologists – from a stratified sample of 10 women's police stations in the Province of Buenos Aires. This project is led by Kerry Carrington and funded by Australian Research Council Discovery Grant 2018-2021 (DP180101241).

34 Argentina has an offence called 'femicide' which carries a more severe punishment than murder.

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2.6 SPECIALISED DOMESTIC VIOLENCE COURTS: THE AUSTRALIAN PERSPECTIVE

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INTRODUCTION

The introduction of specialised domestic violence courts is part of the move towards more problem-solving focussed courts in many countries (LABRIOLA et al., 2009). In the last thirty years, there has been a worldwide proliferation of specialist courts to respond to the specific challenges associated with drug and alcohol issues, mental health issues, gambling, and domestic violence (KING, 2007).

Several problems have been identified in the way mainstream courts respond to domestic violence. Key concerns include that those working in the justice system are not sufficiently trained to recognise domestic and family violence and its risks, the justice response is not co-ordinated, victims are not well-supported, perpetrators are not held to account, there are high recidivism rates of perpetrators, and lengthy case processing times (MAZZEROLLE et. al., 2018, p. 57). Overall, the concern is that justice processes fail to keep women safe and, in some cases, contribute to their risk (KOSHAN, 2018). Specialised domestic violence courts aim to respond to these concerns.

COMMON FEATURES OF SPECIALISED DOMESTIC VIOLENCE COURTS

While there is no standard model for specialised domestic violence courts, they tend to share several common features that aim to address the shortcomings of mainstream justice processes and to increase the safety of victims of domestic violence. Common features include (BOND et al., 2017; HAGEMAN-WHITE et al., 2015; LABRIOLA et al., 2009):

- Collaboration with community-based programs and other justice agencies (e.g., community-based support services, men's behaviour change programs, child protection services, corrections services).

35 Heather Douglas, Professor of Law at the University of Queensland, researches legal responses to violence against women and leads Australia's National Domestic and Family Violence Bench Book.

36 Sophie Blatcher studies Psychology and Law at the University of Queensland and has an interest in research and practicing Forensic Psychology.

- Judicial/court monitoring of orders to ensure safety of victims and perpetrators compliance with court orders.
- Referral of the victim to appropriate support services.
- Referral of the perpetrator to specialist services and programs.
- Specialised training for staff, including court registrars and magistrates.

Some specialised domestic violence courts have purpose-built facilities that include separate waiting rooms for victims and alleged perpetrators, childcare facilities, and specialist registry services (BOND et al., 2017; HENNESSY, 2019).

Specialised domestic violence courts were first established in the United States in the 1970s (TSAI, 2000). In 2009, Labriola and colleagues identified 208 domestic violence courts across the US. Specialised domestic violence courts are now common across Canada (KOSHAN, 2018; URSEL et.al., 2008), the United Kingdom (HAGEMAN-WHITE et al., 2015), and increasingly in Australia.

SPECIALISED DOMESTIC VIOLENCE COURTS IN AUSTRALIA

Hageman-White and colleagues (2015) observe there is a culture in Australia that looks across borders to see what works and then to adapt models to the local context. This has been the case with the introduction of specialised courts in Australia.

In the Australian Capital Territory (ACT), the integrated justice response to domestic violence – the Family Violence Intervention program (FVIP) – has been in place since the 1990s (CUSSEN and LYNEHAM, 2012). Focussed on the criminal justice process, its core elements include: police and prosecution departments are pro-charge, pro-arrest and there is a presumption against bail; there is early provision of support to victims, there is coordinated case management, there is a focus on rehabilitation of offenders and data gathering to facilitate research and improvement. The FVIP approach is also reflected in the response of another Australian State, Tasmania, which has had a similar program in place since 2004.

In 2016, the Royal Commission into Family Violence in Victoria delivered a wide-ranging report into all aspects of the response to domestic violence in Victoria. Recommendation 61 states that “the Victorian Government legislate to ensure that subject to exceptional circumstances and the interests of the parties, all family violence matters are heard and determined in specialist family violence courts” (RCFV, 2016). To that end, Victoria commissioned specialist premises to be built to house specialist domestic violence courts, with the first one opening in 2019 (HENNESSEY, 2019). In her press release, opening the first of these courts, which includes safe waiting spaces and childcare, the Victorian Attorney

General stated that “a large team of specially trained magistrates, operational staff, family violence practitioners, partner agencies and other court-based services will work together to deliver a coordinated response” (HENNESSEY, 2019).

Due to the constitutional arrangements in Australia, some matters including criminal law, civil domestic violence protection orders and child protection are dealt within the state and territory justice systems and courts. Other matters, that can be very relevant in the context of domestic violence, including immigration and family law, are dealt with nationally (AUSTRALASIAN INSTITUTE OF JUDICIAL ADMINISTRATION, 2019). Australia’s specialist domestic violence courts respond to state and territory matters, mainly civil domestic violence protection orders and criminal matters, and this creates some limitations for the model in the Australian context.

THE SOUTHPORT SPECIALIST DOMESTIC AND FAMILY VIOLENCE COURT MODEL.

In February 2015, the Special Taskforce on Domestic and Family Violence in Queensland delivered its report on domestic violence in Queensland, Australia. Recommendation 96 of the report (2015) stated: “The Queensland Government establishes specialist domestic violence courts in legislation with jurisdiction to deal with all related domestic and family violence and criminal/breach proceedings”. Since 2016, several specialised domestic violence courts have been introduced across Queensland. The first was the Southport Specialist Domestic Violence Court. After a successful evaluation of the Southport Court (BOND et al., 2017), more specialised domestic violence courts have been introduced in Queensland.

Drawing directly on the most recent review of Southport Domestic Court (BOND et al., 2017), we provide an overview of the court model and its processes. We explore its key features, explain what it does well, and consider how it might be improved.

GENERAL DESCRIPTION

The Southport Specialist Domestic and Family Violence Court commenced in September 2015. The specialist court handles both civil applications for protection orders, and criminal matters related to domestic and family violence (e.g., contraventions of conditions of civil protection orders)³⁷ within the Magistrates Court jurisdiction. In the twelve-month period, September 2015 to August 2016, Southport received 3,548 civil applications and dealt with 1,487 contraventions of domestic violence protection order conditions.

³⁷ The legislation regulating civil protection orders in Queensland is the Domestic and Family Violence Protection Act 2012 Qld. The definition of domestic and family violence is found in its section 8, which determines whether criminal matters are domestic and family violence matters.

Key features of the Southport model are outlined below (BOND et al., 2017, p. 2-3):

- Two specialist magistrates who hear all civil domestic violence order applications, and contraventions of orders and domestic violence related criminal charges.
- Specialist support for both victims and perpetrators is available at the courthouse (e.g., specialist police prosecutors, duty solicitors, civil and criminal duty lawyers).
- A local support service, the Domestic Violence Prevention Centre, provides court support for women at the courthouse five days a week, services include safety planning, accompanying and supporting women in the courtroom, and providing resources.
- Support for male respondents to civil protection orders is provided by a Men's Liaison Court Worker.
- Dedicated safe room for women applicants for civil protection orders.
- Specialist information desk – this desk is managed by two volunteers who assist with daily waiting lists, provide parties with a check-in point to access court support and duty lawyers and a central coordination point for registry staff, duty lawyers, police prosecutors and court support workers when determining preparedness of respondents and applicants³⁸.
- Specialist court registry – the specialist registry manages and coordinates files, paperwork, and lists and responds to queries about the court's processes and the status of matters before the court.
- Weekly stakeholder meetings which are attended by at least one specialist magistrate, registry staff, duty lawyers, domestic violence court support workers, Queensland Corrective Services, police prosecutions representative.
- A security officer is located on the same floor as the specialist court.

WHAT THE SOUTHPORT MODEL DOES WELL (BOND ET AL., 2017, P. II)

- The weekly stakeholder meetings – the weekly meetings are solution-focussed and are described as “a positive forum in which concerns, grievances and ideas could be openly discussed and debated” (BOND et.al., 2017, p. 49).
- Significantly more victims, and defendants, reported using a publicly funded lawyer and a greater proportion of defendants reported accessing a court support worker.
- Victims report a more positive experience.

³⁸ The information sharing associated with the stakeholders' meetings in the specialised courts is supported under Part 5A of the *Domestic and Family Violence Protection Act 2012*, Qld.

- Participants generally reported better access to information and greater levels of understanding about the court processes and outcomes.
- Specialist magistrates – improved consistency in court process and outcomes; they have an in-depth knowledge of the legislation and good knowledge of legal and procedural issues; they understand the dynamics and impacts of domestic and family violence; they respond well to the diversity of victims and perpetrators.
- Increased perpetrator accountability and validation of victims' experiences and the wrongfulness of perpetrator behaviour.

LOOKING TOWARDS THE FUTURE

- In their review of the Southport Specialist Domestic Violence Court, Bond et. al., (2017, p. ii) identified several features of the court that might be improved:
- Better recognition of diversity – victim/aggrieved and perpetrator/respondent (e.g. gender, disability, type of violence, and culture) – and the need for diverse/appropriate responses and support.
- Develop the criminal jurisdiction's role and response.
- Develop a structured pro-active contact approach with both victims and perpetrators before and after court, rather than relying on victim or perpetrator-initiated contact with support and services.
- Further research is needed on the effectiveness and appropriateness of perpetrator responses.

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2.7 PROGRAMS FOR PERPETRATORS OF VIOLENCE AGAINST WOMEN WITHIN BRAZILIAN PREVENTION POLICIES TO GENDER-BASED VIOLENCE

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An analysis of interpretative frames on gender equality's policy in Brazil is presented in this chapter, regarding programs destined to authors of domestic violence against women. First, it is important to highlight that even though these programs are diversified in terms of methodologies and theoretical bases, they have shown potential in preventing violence and protecting women (AMADO, 2014). Mackay et al. (2015) stress some of their positive effects: *i*) contribute to the referral of women to support services; *ii*) bring inputs to a more refined violence risk assessment; *iii*) collaborate in a widespread cultural and political process to deconstruct structural gender discrimination.

In Brazil, there are records of experiences with authors of violence in the sphere of secondary and tertiary prevention in at least 30 cities (NOTHAFT and BEIRAS, 2020). Research carried out between 2015 and 2016 by the Non-Governmental Organisation Citizenship, Study, Research, Information and Action (CEPIA), indicated that 10 Brazilian capitals present some kind of initiative directed to authors of violence with potential to act as mechanism to prevent gender violence (PITANGUY and LINHARES, 2019). Some of these initiatives were object of investigation and had a positive evaluation. For example, a quanti-qualitative research by Silva (2016) indicated that attention to men authors of violence in the Federal District (DF) Program showed positive impact in the masculine perception on domestic violence against women.

Another recent study conducted with pioneer services for authors of violence, the Centres for Treatment to Family and Authors of Domestic Violence (NAFAVD) in DF and the Program to Prevent and Combat Domestic and Intrafamilial Violence (PPVCDI) from the municipality of Blumenau, in Santa Catarina State (SC), created in 2003 and 2004, respectively, pointed out that “in cases where women are still with their spouses” the interventions by these services have showed to be preventive policies for recidivist violence (NOTHAFT, 2020, p. 204).

It is important to highlight that investing in programs for authors of domestic violence as part of the strategy to combat gender violence integrates international instruments

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for the protection and promotion of women's rights. Some of them are binding, alike the one's signed in the form of conventions, pacts, and agreements, demanding specific proceedings to enter into force within each signatory State. While others possess a directive character in the normative framework and materialise in the form of declarations and recommendations. The way these programs are contemplated by international and national instruments explains why some countries have a more developed trajectory in the matter than others (STOCK, 2018). Next, a brief overview of how these programs for authors of domestic violence have been contemplated in Brazil.

To better understand the Brazilian context, it is necessary to observe the "Inter-American Convention on the Prevention, Punishment and Eradicating of Violence against Women" (1994), known as Convention of Belém do Pará, that brings a generic provision for rehabilitation and of education programs for men, without specifying the context of violence against women referred to as being domestic or otherwise. In articles 7, item "d" and 8, item "b", the Convention orients the adoption of legal measures that require the author to refrain from the practice of violence against women and encourages the States to adopt actions to modify social and cultural patterns, by means of formal and informal programs in all educational levels.

Stock (2018) examined documents produced by a special committee formed by the Follow-Up Mechanism Agency (MESECVI), in regard to the Convention of Belém do Pará, and concluded that a clear manifestation on the possibility of States assuming programs for authors of violence in a rehabilitating format was lacking, and detected the presence of a condemnation in the use of probation mechanisms, meaning a suspension of the criminal process, as if it referred to an extrajudicial conflict resolution, even though a probation is much closer to a rehabilitation model than to an actual extrajudicial conflict resolution.

In Brazil, the development of programs for authors of domestic violence is connected to the Law Maria da Penha (LMP), approved in 2006, which does not mean that they have only appeared after its implementation. Research aimed at mapping such programs identified that from a total of 19 initiatives: 21.1% started activities between 1999 and 2002; 36.85%, between 2003 and 2011; and 31.6%, after 2012 (BEIRAS, 2014). It is possible that interventions prior to 2006 results from the country's commitment to international treaties, especially the Convention of Belém do Pará, in 1994, that brought generic guidelines for rehabilitation and education programs for men.

The LMP, however, is certainly the first legal national instrument to include programs for authors of domestic violence among strategies to prevent gender violence. In its article 35, it makes clear the possibility for Federal, State, Municipal and the Federal District Governments to create and promote the "centres of education and rehabilitation for aggressors", failing to define the format of such measures. Amado (2014) explains that the inclusion of these articles in LMP occurred as a result of women victim participation in

the process, where they defended it as a valid experience with promising results, but met with a certain degree of opposition on the part of the feminine consortium that managed to approve the law.

The author infers that one of the reasons for such resistance was grounded on the relational aspect of the gender concept that had not been expanded in Brazil to the field of relations established around the social construction of manhood, narrowing the possibilities of including this theme in public policy. It is most likely connected to this fact that only in 2008 the extinct National Secretariat for Women Policy (SPM) of the Presidency, defined “General Guidelines for the Services of Responsibilisation and Education of the Aggressor” (BRAZIL, 2008), in a document that generally refers that activities must have a mandatory and pedagogical character – and not of treatment of the author – and will be financed by the National Penitentiary Department (DEPEN) of the Ministry of Justice and Public Security.

To Amado (2014), the extinct SPM did not follow the programs closely, and did not see them as priority, but as an activity aligned with a punitive perspective, reason why it made the option to anchor the program in DEPEN. Report of the National Mechanism to Prevent and Combat Torture (MNPCT) (BRAZIL, 2018) refers that the investment of the National Penitentiary Fund was given to the States and DF in a homogeneous form, as over 70% of them were destined to the construction of penitentiary establishments and only 0.17% of the amount was directed to “alternative penal policies, electronic monitoring, programs of work education and/or support for the return to freedom” (p. 135). Therefore, it is possible to consider that in Brazil the lack of priority to penal alternatives collaborated for maintaining in uncertainty the directives for the programs for authors of domestic violence.

Another factor that contributes to the lack of a national policy for authors of domestic violence was the gradual weakening of SPM over the last years. In 2015, in “a context of strong political, economic and institutional instability in the country” brought about the fusion of all secretariats understood as transversal, SPM among them (MARCONDES, DINIZ and FARAH, 2018, p. 47), “representing downgrading of the role of the human rights of women with risks of setback on the advances conquered” (BANDEIRA and AMARAL, 2017, p. 53).

These risks materialised because of subordination, and in 2018, changed from SPM to the so-called Ministry of Human Rights. In that year, Decree n. 9586 (BRAZIL, 2018a) was edited and instituted the national system of policy to women and the national plan to prevent domestic violence, in which there was an orientation for Brazil to expand and strengthen public policies in the area of women rights and the combat of all forms of violence, yet to be seen. On its article 9, items XII and XVIII of the refereed decree, the objective of prevention of repeat offence by aggressors in crimes of domestic violence and the promotion of programs for these young authors appears. However, no document in the former Ministry of Justice and Citizenship refers to such objectives.

Necessary to mention that currently SPM is part of the Ministry of Family, Women and Human Rights, where no actions aimed at the authors of domestic violence remain⁴⁰, suggestive of disregard with this theme. Without a national policy for authors of domestic violence, the Brazilian context reflects a multiform reality. According to Beiras (2014, p. 60), “it is possible to perceive a predomination of programs in government and juridical institutions, an aspect also possibly influenced” by the enactment of LMP, determining the creation of specialised courts for processing crimes of domestic violence against women.

The brief examination of the referred national and international legal instruments regarding programs for authors of domestic violence makes clear that they were built within a legal framework that considered violence against women in the domestic environment as a human rights violation. However, they bring a rather diffuse scenery, that on one hand organises these programs as rehabilitation strategies, and at others as an educational service. In the first scenario, the programs are associated with a punishment, as a specific prevention strategy, aimed in fact at to avoid recidivist crimes in the domestic environment of the author. In the second scenario, the objective is to reach individuals not connected to criminal proceedings in the Justice System, as part of a strategy more aligned with secondary prevention.

Rather in the field of secondary or tertiary prevention, the programs in Brazil demand the construction of a national policy contemplating either in conceptual terms, or in ways of strategies and mechanisms to counter violence, the structure of gender relations in their four dimensions: power, production, symbolism and cathexis. The dimension power is what demands a discussion in the realm of personal universes, such as identity, parenting, family and sexual life, but also calls for a reflection on the political sphere, where women suffer restrictions in their security, housing and access to institutional power, accumulating a “patriarchal dividend” (CONNELL and PEARSE, 2015, p. 269).

In the field of production, it is vital to understand that gender relations are built within a process of accumulation that tends to favour men, putting them, for example, ahead of women in salaries and leadership posts. In their turn, dimensions of cathexis regard the imbrication of discussions on woman and manhood, that in sexist societies such as the Brazilian remain confined to dualities that maintain gender inequality. In the symbolic realm, we find language spoken, written, or drawn into bodies, normally stuck to processes that condition a male-centric order (CONNELL and PEARSE, 2015).

To conclude, it is possible to observe that the Brazilian reality still demands the elaboration of a national policy for authors of violence contemplating secondary and tertiary prevention, from a critical gender perspective, the only one with potential to take down gender inequality. The fact that Brazil possesses some localised knowledge, including some with

40 Information extracted from the website, retrieved: January 28, 2019: <http://www.mdh.gov.br/politicas-para-mulheres>

positively evaluated experiences (SILVA, 2016; NOTHAFT, 2020), may constitute relevant input for the design of a national reference policy. It is a path yet to be taken.

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2.8 DOMESTIC VIOLENCE AND RESTORATIVE JUSTICE IN BRAZIL

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The Brazilian law on Domestic Violence (known as Maria da Penha Law)⁴³ is a new paradigm on combating domestic violence for many reasons, among which could be mentioned: a break with punitive logic, since the law contains a full treatment perspective (prevention, assistance and reduction of violence); the establishment of urgent intervention orders in favour of women and/or against the aggressor; an integral, multisectoral and multidisciplinary policy to face the problem; the creation of courts specialised in domestic violence within the Judiciary; the provision of multidisciplinary teams in the specialised courts; the understanding that violence against women is a human rights violation; the establishment of preventive measures (educative) to transform the culture of violence against women; and strengthen the network of services to assist women in violent situations.

It is the purpose of the present article to discuss how specialised courts have used practices considered to be restorative in their character in cases of domestic violence with the support of the National Justice Council (CNJ).⁴⁴

Since the enactment of Law Maria da Penha, the Judiciary has conceded thousands of intervention orders. According to CNJ, in 2017, 236,641 measures were granted (BRAZIL, 2018, p.11). Still citing the same study, in 2017, 452,988 new cases of domestic violence cases entered the Judiciary (BRAZIL, 2018, p. 12). The high number of proceedings contrasts with the reduced numbers of specialised courts. According to CNJ, in 2017, only 122 of such courts existed (BRAZIL, 2018, p. 7). This represents an immense distortion within the Judiciary Branch, making the special courts in bigger capitals accumulate over five thousand proceedings, resulting in a slow and highly weary jurisdictional service to women. Furthermore, only 72 of the abovementioned courts possessed exclusive psychosocial services. Showing a deficit in the structure of the specialised domestic violence courts.

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43 The name given to the law is part of a symbolic reparation to Maria da Penha Fernandes *vs.* Brazil. *Comissão Interamericana de Direitos Humanos*. Caso 12051. Relatório 54/01. Online: <<https://www.cidh.oas.org/annualrep/2000port/12051.htm>>

44 National Justice Council - organ in charge of following up and monitoring the delivery of jurisdictional services in Brazil.

One of the solutions presented by CNJ to reduce domestic violence was to stimulate the use of Restorative Justice, practice introduced in 2005, by means of pilot projects, in the States of São Paulo, Rio Grande do Sul and the Federal District. Since then, there has been an expansion of these practices in all criminal courts. Restorative Justice initially dealt with violations by adolescents, for example, using the circle practices. However, in 2010, with the visit of Kay Pranis to Brazil, they were replaced by peacemaking circles (PALLAMONA, 2009, 2018). This is currently the most observed restorative practice in the country (BRAZIL, 2019). Guidelines to this practice have been elaborated by Boyes-Watson and Pranis (2011), under the denomination “Heart of Hope: A Guide for using peacemaking circles to develop Emotional Literacy, Promote Healing, and Build Healthy Relationships”.

The use of Restorative Justice in domestic violence cases is controversial, many feminists point to problems in its utilisation in domestic violence (CAMPOS and PADÃO, 2018). The authors analysed for this article practice “Peacemaking Circles” in the specialised court against domestic violence in the State of Rio Grande do Sul. Interviews were carried out with women participating in the circles and with professionals responsible for ministering the practice.

Only 0.5% of cases in the court, over a three-year period, were selected for the circular practices, making it a residual intervention. Generally, the invitation to participate is understood by women as an attempt to reconcile and, taking into account the state of emotional vulnerability of victims, this usually strikes them as an intimidation, that the woman would hardly be able to turn down. No pattern of referral was noticed among cases, regardless the degrees of gravity. The practices take place in a format of family therapy, offering familiar reconciliation as a response that overburdens the woman due to a lack of gender perspective in the practice. In many cases, the maintenance of family and spousal relationships seemed more important than holding the aggressor responsible for the violence committed.

The sessions are perceived by most of the women interviewed as talks, therapy or even as an attempt of reconciliation of couples. On the other hand, for other women, the participation in the circle was only an act on the part of the aggressor that tried to come through as a “good guy”, downgrading the violence practiced. Some women did not feel backed up in their denunciation of violence. Others were still receiving life threats at the time the restorative process took place, being naturally afraid of aggressive behaviour.

It can be noticed that the models of peacemaking circles, after previous experiences in the juvenile courts, were incorporated into domestic violence without any differentiated thought or methodology, lacking a gender perspective. The study concluded that what the domestic violence courts are practicing, in the perception of women, is not Restorative Justice but couple therapy and reconciliation. Holding the aggressor responsible for the violence, one of the objectives of Restorative Justice is not the aim of these practices. It

indicates, on the other hand, an aim to preserve family ties underpinning the circles without understanding of what Restorative Justice means and what it seeks to offer.

The use of the “Guide in The Heart of Hopes” presents a theoretical and methodological deficit in the sense that it works with ideas of peace without handling concepts of restorative justice, since it does not propose the responsabilisation of the aggressor or the reparation of the harm or conflict concerned, but focuses on the emotional development and search for the true self.

Therefore, these practices have shown to be very problematic in the cases of domestic violence, making it seem that all depends on the development of emotional intelligence or the promotion of personal healing. Meaning that overcoming domestic violence depends on individual processes unrelated to the violent socialisation processes at large. Therefore, solely dependent on the individuals involved in the situation. Once more, this perspective ignores socially produced violence, the banalisation of violence against women, and its naturalisation by the Justice System, transforming all things in a psychological question of emotional intelligence and healing (CAMPOS, 2012). The practice of peacemaking circles minimises the necessity of public policy to counter domestic violence, by stressing the development of the true self in the individuals, founded on mythical and mystic conceptions.

Thus, it represents a clear deviation of finality when the Judicial Branch uses circular practices that do not correspond to its legal responsibilities. Building upon these considerations, it is possible to formulate the following improvements to the Justice System:

- The Judicial Branch should not endorse mythical or mystic practices, but offer Justice based on legal guidelines.
- The legal principles of Law n. 11340/2006 (Law Maria da Penha) contemplate psychosocial interventions for victims and aggressors to prevent the reiteration of violence.
- The judicial interventions in the context of family and domestic violence against women must have special attention not to replicate gender stereotypes centred and not to induce the reconciliation of the family, but instead promote adequate responsabilisation of the author of violence, considering the needs of security for women.
- According to documentation in the research conducted and described in this article, the so-called restorative practices have proven inadequate in the context of family and domestic violence against women.

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SECTION 3

INTERSECTIONALITY: PREVENTION POLICIES FOR RACIAL AND MARGINALISED GROUPS OF WOMEN



3.1 INTERSECTIONALITY OF GENDER AND RACE IN THE BRAZILIAN CONTEXT

*Joana Luiza Oliveira Alencar*⁴⁵

The myth of racial democracy vigoured for a long time and still influences Brazilian social structures. The fact is that we still live in a country in which racism can be observed daily in all spaces, public and private, and is evidenced from the conception of public policy, in the way the State treats black people up to the intimate and family relations.

The Violence Atlas (IPEA and FBSP, 2019) analyses data of one decade – from 2007 to 2017 –, and according to that the quantity of homicides of white women grew 1.7% when those regarding black women have risen at an alarming 60.5%, in absolute numbers. Based on this, the publication underpins once more the difficulty of the Brazilian State to guarantee public policy to all its citizens and highlights another dramatic number: 66% of women victims of lethal violence in 2017 were black. Comparing the inequality between black and non-black women victims of homicides, the Atlas shows that between 2007 and 2017, the homicide rates of non-black women grew 4.5%, while the same numbers for black women rose 29.9%.

Research shows that it is fundamental to consider the category race/colour in the production of violence analysis. When aggressions committed against women are observed, it is perceptible that blacks have been more vulnerable to all types of violence. Reinforcing the significant difference as well between violence perpetrated against people of both sexes. To women, the violence occurs overwhelmingly in their homes, while in the case of men it happens in public places. The analysis shows how concerning it is the rise in deaths of black and indigenous women (IPEA and FBSP, 2019).

A growing number of research has pointed to the growth of violence in general and of the domestic one, in particular, that happens to black women, and also to white women, at a much lower level. This indicates the extent of the vulnerability in which black women live, suffering because of sexism and of racism, both present in our society. Public policy has to consider the specificities of women, be them black, indigenous, disabled, elderly, all these segments need to have their needs considered at the conception of laws, programs and actions on the part of the public power. On top of this, training and sensibilisation of public agents urgently demands a deeper understanding on themes of gender and race, not only

⁴⁵ Research and Planning Expert – Institute of Economic Applied Research (IPEA).

in these preparations, but also in the educational structure that needs to internalise these topics, very little known and recognised by public agents and also by society in general.

Bernardes (2018) underlines that, according to the map of violence, between 2003 and 2013, the femicide of white women fell 10% while that of black women rose 54%. The author understands that Law Maria da Penha (LMP), in force since 2006, has served to reduce violence against white women, but brought about a very diverse effect to black women. Taking into consideration the dimension of racism, sexism and classicism as structural to social life and the fact that humans are given different hierarchical levels according to race and gender, a public policy that is designed from a viewpoint that does not recognise such social markings reproduces existing inequalities.

On top of this, the picture of gender and race inequality, of 2011, already pointed to another identified barrier to black women victims of domestic and familiar violence as having greater difficulty to access the police authority for denunciation. The research indicated that 61% of white women who suffered aggression had gone to the police, while 51.9% of black women had done so. When asked the motivation for not seeking the police, 27% did not want the police involved in the case and 23% feared retaliation (IPEA, 2011).

Taking into account that historically excluded and massacred populations have great difficulty in receiving public services in the area of security and of guaranteeing their rights to be protected as citizens, it is not surprising that many black women allege fear of denunciation, among other reasons, like previous negative experiences with the coercive power of the State.

An aspect indicated by Bernardes (2018) as a factor of ignoring racial aspects in LMP was that specific marks of racism present in domestic violence were not accounted for in the choices resulting in the law, as for example the centrality of actions by the Judiciary in its formulation, at the cost of preventive actions, that even though present, were not prioritised. The accounts of women interviewed indicate a great difficulty to get away from the aggressor for lack of a safe shelter, food, and support for the children, actions conducted most times by the Executive Power, that still needs to advance a lot in the construction of preventive and support actions directed to women victims of domestic and family violence. Among the vulnerabilities of black women in situations of domestic violence, the research highlights: general difficulty to access public services, with Health, Education and Social Assistance equipment, as well as the racism they face on the part of public institutions, and in social and private environments.

The racial exclusion is present even in the judicial arena, as in the cases of patrimonial violence, greatly affecting black women, economic aspects of domestic violence still leave many without a guarantee of adequate food and with a loss of assets. The non-inclusion of

racist violence as a form of psychological violence, be it in the configuration of the crime or inserted in other Judiciary actions, are also observed by the researcher (BERNARDES, 2018).

This said, it is necessary to adapt public policies to the specificities of population groups. Public policies exist to guarantee rights to every citizen, and at the same time, need to focus on a target group, resulting in actions that do not reach equally all publics, with serious danger of leaving out important sectors of the population. As seen, when it comes to policy to face domestic violence against women, one of the aspects that need to be looked after in the Brazilian case is the situation of black women and their specificities.

In research carried out in the realm of the Brazilian Judiciary, Silveira et al. (2014) noticed what was called the invisible quality of the racial aspect on the part of public servants, greater even than the denial of the gender problem itself. What obviously needs to be evidenced, since what is not seen will not be corrected. The fact is that Brazil is a racist country and this needs to be considered in the elaboration and execution of every public policy, and in the daily work of public servants. This is the only possible way to eliminate inequalities in the development of an effective policy to combat domestic and family violence against women.

The combat of race and gender inequality require structuring and continuous action on the part of the State, such as:

- Give priority to the policy to counter racism and sexism, facing old and complex questions impregnated in the social and State structure, this involves the creation of permanent instances to plan, implement and articulate actions against racism and sexism, in the realm of the Executive, Legislative and Judiciary Branches.
- Foster research on these themes and elaborate permanent demographic data that include the categories of race and gender.
- Make effective the teaching of African Brazilian History and Culture and other related topics in all levels of education, with the due production of didactic materials and teacher training, as already determined by law (Law n. 10693/2003) (GELEDES, 2013).
- Formulate policies of gender and racial equality promotion, as for example, quotas for universities and public services, with the aim to promote affirmative actions, beyond guaranteeing access, but also to make permanence of students in university courses possible and elaborate strategies to counter institutional racism (IPEA, 2019).
- Include themes of gender and race in the training and preparing courses for all public services, with the objective to align egalitarian treatment of all citizens and to eliminate institutional racism and gender discrimination in public services.

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3.2 WOMEN WITH DISABILITY AND PREVENTION POLICIES TO FACE GENDER VIOLENCE: FROM RECOGNITION TO GUIDELINES FOR POLICIES

*Ana Paula Antunes Martins*⁴⁶

The intersection between gender and disabilities is a theme in construction for the Social Sciences as well as for the public policies to combat violence. Even though epistemological gender approaches and studies on disabilities are not recent, the specialised literature has emphasised, since the 1990 decade, the necessity to promote theoretical and methodological meetings (MAGNABOSCO and SOUZA, 2019).

One of the biggest concerns in this field of study derives from reports on reception of women in violent situations, that have identified singular and very pronounced vulnerability in women with disabilities. This article, therefore, intends to present and discuss the basis, from a feminist and human rights epistemology, for the full recognition of the rights of citizens with disabilities in State services. Bringing to attention international guidelines for the prevention of gender violence against women with disabilities, grounded on reports from international organisations acting in the theme.

The necessity to establish specific directives in treating gender violence is recognised in the United Nations Convention on the Rights of Persons with Disabilities (CRPD) that, in 2007, emphasised “that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation” (CRPD, Preamble, line q).

The report produced by the International Network of Women with Disabilities when referring to gender violence, highlights that, on top of violence committed against women in general, the following acts and attitudes may constitute violence against women with disabilities:

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Table 1. Violence against women with disabilities:

Forced isolation, confinement, or concealment within own family house
Forced and coercive application of psychotropic drugs
Threat of forced and coercive institutionalisation
Creation of situations or pretexts to justify an institutionalisation or stripping of legal capacity
Denial of necessities and intentional neglect
Retention of mobility devices, communication equipment or medication
Threats of neglect or of cancelling support for assisting animals
Exposure to physical discomfort or constraining situations for a long period of time
Violation of privacy
Rape or sexual abuse by caretakers
Forced abortion
Forced sterilisation

Source: Elaborated by the author based on: INTERNATIONAL NETWORK OF WOMEN WITH DISABILITIES, 2010.

Even though not all the forms of violence listed above are exclusive to women or people with disabilities, they are most often committed against them. It is important to recognize that violence practiced against women with disabilities does not follow a pattern, due to the multiple kinds of existing disabilities.

Women with disabilities are not a homogeneous group. On the contrary, they are composed of people with highly varied disabilities and conditions. According to the document *The empowerment of women and girls with disabilities: towards full and effective participation and gender equality* (UN WOMEN, 2018), the diversity of women and girls with disabilities also includes multiple identities and intersectionality, such as questions of class, ethnicity, race, religion, refugee condition, migration, LGBTQI+, people living with HIV, young or elderly women, among others. Considering this multiplicity allows for a non-stereotyped look capable of perceiving complexities and singularities in the promotion of public policies.

Depending on the kind of disability and on the intersectionality conditions, the exposure to situations of gender violence may be greater or smaller. Sexual violence is one of the main forms of gender violence and can be more common in those situations in which the physical condition of the woman makes it difficult or impossible to react or among women and girls with intellectual disability. This does not mean, in any way, that rape cannot happen with any women, with or without disability. But it is important to have attention, by means of careful listening upon reception in the services and data analysis, especially in police inquiries, to the forms of vulnerability that may be amplified when the victim is a woman with disabilities. Women and girls dependent on domiciliary care, for example, are in a condition of high vulnerability for the perpetration of sexual violence. In turn,

elderly women with senility and dementia are largely exposed to physical and patrimonial violence. All these conditions at the same time increase subjection to gender violence and make denunciation harder as well as access to public agents and institutions.

Patrimonial violence, that women in general are subject to, reaches in a special way woman with disabilities. Limitations on mobility, that strike most people with physical or visual disability, are deepened in countries where urban infrastructure is precarious. These environmental barriers amplify the vulnerability of women with disabilities to economic forms of violence. On one side there are the prejudice and discrimination of the work world, that promotes impoverishment. And on the other side, the lack of accessibility in the streets and public transportation that augments the dependency for carrying out basic activities like going to a bank, a supermarket or another activity that involves handling of money. These situations increase the exposure of women with disabilities to patrimonial violence in their domestic and family relations, because they limit the exercise of economic autonomy and decision making.

Many times, the combination between domestic and institutional violence is present when the victims are people with disabilities. This occurs as a result of State neglect and of organisations derived from a culture that makes people with disabilities invisible. The same occurs, in a distinct proportion, in relation to women, whose problems and difficulties were restricted to the private sphere until the advent of the feminist movements and of legislations pro-equity and to combat domestic violence.

Even though international directives exist, and most countries have specific legislation to protect women and people with disabilities, the combination of these two risk factors in the same person significantly magnifies human rights violations.

People with disabilities compose a social group submitted to discriminations in the work-space, in schools and universities, in political and community participation, including in health services. When these neglects are intertwined with gender violence, they heighten the gravity of human rights violation. As is the case, for example, of women with disabilities submitted to sexual violence and violations of their reproductive rights, as the sterilisation without consent that occurs many times in response to a request by the family without judicial authorisation. In such a situation, the woman suffers a violence explained by the intersectional dimension of her identity, that is, for the combination of two vulnerabilities to which the same person is submitted: gender and disability.

To understand the main challenges to the promotion of rights of women with disabilities, the very concept brought by the International Convention (CRPD) must be remembered. The text emphasises that “Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with

others” (CDPD, 2007, art. 1). This concept, of a non-strictly biological nature, but manifestly social, underpins that disability generates restriction of rights only when it is faced with environmental barriers that hamper participation and equality. Therefore, the key to promotion of equality is in the attention given to these barriers and not to the physical impairments. It can be inferred that it is not the differences between people that produce the violation of rights, but the way these differences are converted into inequalities.

Any policy aimed at promoting equality in opportunities and in combating gender, race, social, sexual, physical and mental inequalities, among others, must analyse, in detail, the gears that produce the violence and the form in which distinct vulnerabilities combine in the act of interpersonal and institutional interactions. It is necessary that States promote, by means of its universities and research centres, social investigations that reveal the gears of violence against women with disabilities, using quantitative and qualitative approaches that generate information and increase the visibility of the many identities of women with disabilities.

On top of that, the importance of monitoring public policy to counter violence against women with disabilities must be considered. This involves the constant and effective production of data in the specialised services and in the non-specialised, with the due registration of the characteristics of denouncing women, that must include questions of disability. This information must be registered in systems that allow for the compilation and analysis in aggregated and disaggregated forms, to generate general and specific reports, by service and by woman received, for example. It is worth emphasising the importance that these data must be accessible by means of reports and synthesis produced frequently by institutions, as well as shared with researchers and public interest institutions. The access to information is essential to follow-up public policy, that tends to be perfected when social control is present.

In respect to monitoring, the CRPD determines the following: “In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.” (CRPD, art. 16, item 3).

The articulation of supporting services for women in violent situations is crucial to measuring and reducing risk. When faced with a violence perpetrated against a woman with disability, it is necessary to consider this network more broadly, including public agents that deal with services not specialised in gender violence. This involve the promotion of articulation among services destined to people with vulnerability in every territory and, especially, to stimulate training courses in two themes: gender violence for public agents in general (including the non-specialised in the area); and violation of rights of people with disability for the services specialised in violence against women. The exchange of

such knowledge and experiences on marks of gender and disability may sensibly increase the capacity of States and institutions to deal with the phenomenon.

The promotion of formative courses to agents in public service for women and people with disability must be accompanied by the establishment of protocols on how to receive and adapt the physical infrastructure of institutions, in order to allow the accessibility of women in dignified and equal conditions for listening and denunciation. National surveys on the conditions of police stations, referral centres, courts and other institutional spaces have a fundamental role in measuring the real challenges to be faced by States. The protocols on how to receive victims, to be defined by law, must require the registration on disabilities and on the effects of violence⁴⁷.

On the production of information and quality of assistance, CPRD states (CDPD, art. 16, item 2):

States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

Finally, it is necessary to consider that, especially in the Global South, marked by post-colonial sociabilities, one of the factors that lead to physical disability is violence itself (CONNELL, 2016), that many times may be derived from an attempted femicide. As was the case, for example, of the pharmacist Maria da Penha, that named the Brazilian law dealing with family and domestic violence. After receiving a bullet in her back, fired by her former husband, while she was asleep, Maria da Penha became paraplegic. This was one of two attempts of femicide on the part of her husband that lead to her condition as a person with disability. As what happened to Maria da Penha, the genesis of disability must also be understood as a risk factor, as well as having its own social conditionings⁴⁸.

The availability of quality public services for people with disabilities requires intense and permanent processes of social participation, especially of women, to whom the prevention policies of gender violence are directed. We are not only treating here, therefore, their mere nomination among other identities, but their incorporation as women with disability in all steps of decision making, since the formulation of public policy up to its evaluation. Keeping open forums of participation and dialogue with users of public equipment is one

47 In Brazil, beginning in 2019, the Law n. 13836 altered LMP, making it mandatory to inform on the Police Record of Occurrences if the victim possesses some form of disability.

48 On the theme, see: CONNELL, R. Os corpos do sul e as deficiências. In: **Gênero em termos reais. São Paulo: nVersos, 2016.**

of the most important strategies to meet their demands in the construction of a more fair and egalitarian society.

All perfecting measures of attention to women with disability aim to face the phenomenon of ableism as a violence form. This concept refers to discriminations derived from the idea that “bodies without disabilities are worth more than disabled ones. This hierarchy is related to the ideal body, based on a corporal normativity that oppresses and excludes all bodies that do not fit in the established patterns” (LUIZ, 2020).

Ableism, therefore, far from being a subjective conception on people with disabilities, possesses significant effects on their lives. It is especially important to identify when these notions are present in the actions of state agents. The main consequences of ableism are: *i*) the responsabilisation of people with disability for their condition; *ii*) the notion that people with disability need to be cured, what expresses a desire to standardize bodies; *iii*) the neglect of State and society in the access to assets and rights; and *iv*) the deepening of inequality based on conditions of disability (GUIA MULHERES COM DEFICIÊNCIA: GARANTIA DE DIREITOS PARA O EXERCÍCIO DA CIDADANIA, 2020).

In short, the development of public policies for women with disability, in conformity with international guidelines on the rights of women and of people with disability, requires:

- Production and analysis of quantitative and qualitative data on the forms of violence perpetrated and experienced by women with disability, in the inter-personal and institutional spheres.
- Production of public policy based in evidence on gender violence against women with disability.
- Access to information on assistance to women with disability in public equipment specialised or not on gender violence.
- Monitoring and publicising of public policies to combat violence against women, disaggregated by information on women with disability.
- Promotion of articulation among networks of services to women in situations of violence with protection networks of the rights of people with disability.
- Carrying out formative professional courses on gender and disability, for professionals in the specialised and unspecialised services.
- Expansion of knowledge about the history of women with disability that report to public services, that includes the type of disability, how it came about and the forms of violence to which she was submitted in her present or past relations. Identify if the disability is or not a result of previous violence.

- Increase mechanisms of listening and social participation of women with disability in the different state institutions, to make more democratic the decision-making process on public policy.
- Provision of State budget (and its respective execution) aimed at empowering women with disability
- Adoption of an intersectional perspective on all decision processes evolving public policy for women with disability, what requires a constant mapping of conditions of expansion and of vulnerabilities.

It is worth highlighting that these directives must be adapted to local and national realities, considering the regional diversity present in many countries. The promotion of public policies must consider particularities of the territory, as well as the capacities of local power and resources of social mobilisation present in the networks of assistance and combat of violence. For this, a mapping of practices becomes a useful resource for communication and production of solutions (IDB, 2019).

The availability of resources, such as access and adequate assistance to women with disability in the Justice System, is a form to identify vulnerabilities in order to promote the development of their potentials, once restriction of access to Justice tends to impact fundamental rights as a whole. It is about, therefore, dealing with the theme of violence against women with disability based on a social paradigm. “The proposal of this model is to modify the structures that cause and reinforce disability, more than to treat the lesions resulting from them” (MAGNABOSCO and SOUZA, 2019, p. 2), which means that State and society must promote public policies of diversity, that do not hold people with disability responsible for their exclusion or violence suffered.

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3.3 INTERSECTIONALITY AND BRAZILIAN PRIORITY POPULATIONS: VIOLENCE AGAINST YOUNG WOMEN AND GIRLS

*Gisella Lopes Gomes Pinto Ferreira*⁴⁹

INTRODUCTION

Violence against women and girls is defined as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (UN, 1993). This broad term encompasses a variety of forms of violence, such as intimate partner violence, family violence, controlling behaviours, stalking, sexual assault, and harassment (POLITOFF et al., 2019).

Evidence from Brazil and Australia suggest that young people (aged 16 to 24 years)⁵⁰ are the age cohort most vulnerable to gendered violence (FBSP, 2019⁵¹; HARRIS et al., 2015). However, research has consistently shown that youth lack understanding of how violence, especially intimate partner violence, manifests and its prevention, resulting in the normalisation or naturalisation of violence, and difficulties to seeking help (MURTA et al., 2019; TAYLOR et al., 2017). Usually, patterns of possession, jealousy, power and control, mainly seen through controlling behaviours, are mistaken by young people as signs of love and caring (MARTINS, 2017; SANTOS and MURTA, 2016; TAYLOR et al., 2017).

Besides, the use of technology in dating and friendships practices has been increasing dramatically in recent years, particularly amongst youth (POLITOFF et al., 2019; UN, 2018). This field deserves attention, as social media and apps can be a space where young people can experience controlling behaviours and image-based abuse. These digital experiences of violence raise concerns as they can predict further sexual and physical violence among young cohorts (TAYLOR et al., 2019).

49 Mphil in Justice from Queensland University of Technology, Australia and LLB from *Universidade Federal de Minas Gerais*, Brazil. Her research explores the prevention of gendered violence in youth cohorts in Brazil.

50 Studies have adopted a diversity of age range to refer to young people.

51 This Brazilian study surveyed only 897 women, while the Australian one surveyed over 1,761 people aged 16-24 years (Politoff et al., 2019).

THE INTERSECTION OF GENDER AND AGE GROUP

Violence against women and girls is part of women's life cycle. In youth the co-occurrence of family violence (including sexual violence) and youth intimate partner violence can happen, being the former a risk factor to the latter (FLOOD, 2019; WAISELFISZ, 2015; WHO, 2017). Violence against women and girls is rooted in gender inequality (OUR WATCH, ANROWS and VICHEALTH, 2015). Gender drivers like rigid stereotypes of masculinity and femininity that frame male as strong, controlling, limit women and girls' independence, as they are framed as fragile and submissive to male. These stereotypes are reinforced by the media, which often romanticise control and strict gender stereotypes (AGÊNCIA PATRÍCIA GALVÃO, n.d.; SUTHERLAND, McCORMACK, PIRKIS, EASTEAL, HOLLAND and VAUGHAN, 2016).

The high risk of young women and girls to gender-based violence must be understood through an intersectional approach which highlights the intersection of axes of subordination. In this case, primarily gender and age, increase young women and girls' vulnerability to violence (CRENSHAW, 1989). Other categories, like class, race, and ethnicity along with the former two, amplify young women and girls' vulnerabilities to violence (CRENSHAW, 1989; RIBEIRO, 2016). In this vein, gender-based violence impacts and consequences are worse for young women and girls. Adolescence is a developmental period in which people are frequently engaging in their first relationship, and previous experience of violence and abuse can affect future relationships in adult life (CARVALHO and OLIVEIRA, 2017; POLITOFF et al., 2019; TAYLOR et al., 2017).

IMPACTS AND CONSEQUENCES OF YOUTH INTIMATE PARTNER VIOLENCE

- Alcohol and drug abuse
- Depression and post-traumatic stress disorder
- Early pregnancy and risky sexual behaviour
- Risk of suicidal behaviour and suicide
- Victimisation during adulthood

These consequences can be worsened given that young people tend to do not seek for help and have little knowledge about supporting services, face feelings of shame and guilty, and are often constricted to conservative views that intimate partner violence is a private matter (BARREIRA et al., 2013; MARTINS, 2017; MURTA et al., 2019; TAYLOR et al., 2017).

PREVENTING VIOLENCE AGAINST YOUNG WOMEN AND GIRLS

While youth is seen as a period of higher risk of violence, this stage of life is also a crucial moment for intervention with potential for success (POLITOFF et al., 2019). In this vein, the development of primary prevention policies with a gender lens, such as education programs in schools outlining respect, gender equality, non-discrimination and sex education are fundamental (BRAZIL, 2006; CEDAW, 2017).

Brazil has clear guidelines to implement these policies in education settings and an explicit understanding of violence against women and girls as a violation of human rights (BRAZIL, 1996, 2002, 2006). This framework includes the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women, known as the Belém do Pará Convention, adopted in 1994 by the Organisation of American States in Belém do Pará (BRAZIL, 1996) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), adopted in 1979 by the United Nations General Assembly (BRAZIL, 2002)⁵². However, political, and religious fundamentalist groups have been violating these guidelines and undermining the development of in-schools' programs.

Consequently, they are violating legal and human rights and imposing a barrier in the combat against violence against women and girls (CASTILHO and CAMPOS, 2018; LEÃO, 2019)⁵³. Education programs focussed on prevention in schools are scarce in Brazil. The Courts and legal advocates have developed most of the existing initiatives in Brazil (i.e. Federal District, Minas Gerais and Piauí states), and few non-profit organisations like Promundo Brazil (FERREIRA, 2020). Most of these programs have done remarkable work especially in a challenging political context and scarcity of human and financial resources. These obstacles, along with lack of evaluation, impact their operations and effectiveness (FERREIRA, 2020).

Additionally, specific policies for all women and girls in the country seem not to be a government priority. The last National Plan for women in the country, the Third National Plan of Public Policies for Women 2013–2015, was published in 2013, and since then, a new plan was not published, despite the efforts to elaborate a new one in 2016, as a consequence of the impeachment of the then-president Dilma Rousseff (BRAZIL, 2013, 2016). The fifth conference to discuss a new plan is scheduled for November 2020, seven years after the publication of the Third National Plan (BRAZIL, 2019), but until the closure of the current paper no further information about the conference was released.

By contrast, Australia has a current National Plan to Reduce Violence against Women and their Children 2010–2022, which is implemented and evaluated continuously through Action Plans (COUNCIL OF AUSTRALIAN GOVERNMENTS, 2011). The country devel-

⁵² See Ferreira's contribution in the Education section for a detailed overview of education policies in Brazil.

⁵³ Also refer to the section above for an analysis of the impacts of this backlash and discussion about education Programs in Brazil and Australia.

oped a primary prevention framework adopting a gender perspective, Change the Story (OUR WATCH et al., 2015) and in schools' strategies known as Respectful Relationships (GLEESON, LEARNEY, LEUNG and BRISLANE, 2015). The latter initiative is particularly strong in Victoria state and encompasses topics like respect, gender equality, healthy relationships, and non-violence as a powerful way to address gender-based violence.

The Australian strategies targeting young people are aligned with its National Plan. Australia seems to be leading in the primary prevention sector. However, more efforts are needed as resistance can also be found in the country. Young people understanding that domestic violence is gendered has been declining compared to evidence from previous years (POLITOFF et al., 2019). Hence, more efforts are needed in this arena to correctly address and prevent violence (GLEESON, LEARNEY, LEUNG and BRISLANE, 2015; POLITOFF et al., 2019).

Finally, it is important to note that education has a fundamental role in preventing violence against women and girls. Yet efforts from other spheres of life, such as family, communities, media, workplaces, sport, digital spaces must work together with education to address violence and reinforce the same and consistent message of gender equality and respect. That means, prevention initiatives should be comprehensive engaging all socialisation settings (FLOOD, 2019; OUR WATCH et al., 2015). Policies should be also attentive not only to prevent violence among young people before its occurrence (primary prevention), but also to respond and support them after the violence occurred (secondary and tertiary prevention).

RECOMMENDATIONS

- Develop prevention initiatives which are informed, comprehensive (using multiple strategies and multiple settings across the life course), engaging and relevant (informed by the target group and tailored to different groups and communities) (FLOOD, 2019; OUR WATCH et al., 2015)
- Develop key actions to address gender drivers of violence against women and girls.
- Challenge condoning of violence against women.
- Promote women's independence and decision-making in public life and relationships.
- Foster positive personal identities and challenge gender stereotypes and roles.
- Strengthen positive, equal and respectful relations between and among women and men, girls and boys.
- Promote and normalise gender equality in public and private life. (OUR WATCH et al., 2015, p. 9).

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3.4 REFLECTIONS ON THE “RE-VICTIMISATION” OF MIGRANT WOMEN BY LEGAL AND SOCIAL SYSTEMS

Ana Borges Jelinic⁵⁴

The qualities within the adversarial arena that are defined as indicative of credibility (such as consistency, being factual and rational as opposed to emotional) may be skewed towards norms that have gender and victim biases. Those trained in the law learn to see the world in particular ways which come to be seen unproblematically as the only truth there is. Research on the understandings of domestic violence held by registrars and magistrates suggests that proceedings continue to be embedded within, and contributing to, non-feminist narratives about women and violence. (AILWOOD, EASTEAL e KENNEDY, 2012, p. 95)

The Ailwood et al.’s quote above refers to narratives and practices that commonly prevent most women from achieving justice in the legal system, particularly concerning cases that involve gender violence, such as domestic and family violence (DFV). In these cases, often the legal system can work amplifying the perpetrator’s voice, rarely contradicting it. This dynamic has legal and psychological impact on women’s lives. Previous studies have indicated more than half of the women applying for protective court orders reported severe Post-Traumatic Stress Disorder (PTSD) and severe depression symptoms. These numbers are likely the result of DFV compounded with the legal process which includes revisiting the story of abuse and having to see the perpetrator in court.

The silencing of women’s voices by the legal system and experiences of re-victimisation limit the effectiveness of any law intended to reduce or eliminate DFV. Therefore, they are ongoing concerns when designing public policy. A particular example of the difficulties in this area can be observed when considering migrant women.

In Australia, migrant women can access some services offered to Australian nationals, including the legal system, however, the visa migrant women hold will determine many of their entitlements, regardless the levels of violence they experienced.

Migrant women on uncertain visa status must engage with the Department of Immigration if they intend to remain in Australia after experiencing DFV. Different from many other Anglophone countries like the US, Australia has no option to access permanent residence

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for migrant women that separated due to DFV, besides women on the partner visa pathway (sponsored women). In this case, sponsored women can apply for the DFV provisions in the item 1.5 in Migration Regulations 1994, a process that involves presenting to the Department of Immigration proof there was a genuine relationship and proof of DFV.

If the Department of Immigration is not convinced there was 'relevant' DFV, an independent expert (IE) can be called. The IE role in analysing claims of DV is a great example of the risk of re-victimisation in a legal process, particularly in issues specific to sponsored women.

The IE is a professional (usually a psychologist or social worker) who is paid by the Department of Immigration to assess a case when the department is not satisfied that the evidence provided by the sponsored person was enough to prove DFV. This IE is then responsible for interviewing the sponsored woman, reading all the evidence provided to the Department and deciding as to whether there was 'relevant' DFV or not.

Anglophone countries with similar immigration legislation to Australia, like Canada and the US, have chosen to engage specialised teams to assess all of women's claims in case of DFV, removing the need for women to re-tell their stories multiple times, while increasing the reliance on women's stories as evidence, in an attempt to avoid re-victimisation. Australia's decision to maintain the IE's role demonstrates how even after many legal reforms, there is low trust in evidence presented by women and no regard for the psychological impact of re-telling potentially traumatic experiences of violence, particularly in an adversarial environment.

IE's will interview sponsored women and challenge the evidence in a private environment (counselling rooms or even board rooms), for a couple of hours, with limited accountability. This procedure has raised questions in research regarding procedural fairness and the level of expertise held by an IEs. These concerns are highly relevant as the regulation 1.23 of the Migration Regulations requires the decision-maker in the Department of Immigration to accept the IE's opinion as correct. This regulation means that some visa decisions are ultimately made by private contractors (as the IEs' decisions are binding) and not by the Department.

There is no legal requirement for the company contracted to undertake the IE assessments to have specialised experience assessing DFV nor special training in immigration law. Consequently, the IE's assessment often ignores important data, leading to the silencing of sponsored women and consequently, visa refusals. They ignore how several behaviours can constitute DFV legally, besides cognitive, and psychological factors, such as, the impact of stress and even trauma on memory and the effect of time in memory recall. Most IE's will interview women over one year after their experience of DFV.

IE's are also not trained to work cross-culturally, an issue observed in the choice of mental health assessments and the (often inappropriate) engagement with interpreters. The cross-cultural issue is amplified by the fact that the way people understand their relationships and what constitutes abuse, and the way people express those understandings are heavily influenced by gender and culture.

Symptoms of depression and Post-Traumatic Stress Disorder can worsen among those seeking legal intervention, including immigration procedures. This is a great concern because the legal system is fundamental for many women to escape DFV. If legal processes are perceived as "too difficult" or damaging to women, there is an increased chance they will disengage from the process and return to the perpetrator.

SOCIAL ASSISTANCE

Migrant women also face barriers when it comes to social assistance that can directly impact women's chances to escape abuse. The visa held by migrant women in Australia is fundamental to determine women's financial entitlements, work rights and study subsidies. For instance, if a sponsored woman separated after acquiring a temporary residence visa, she is entitled to financial support through the state welfare system (Centrelink), access to free English classes and support to look for fulltime work. However, if she separated while holding a bridging visa, even if in exactly the same partner visa pathway, she would not be entitled to financial benefits from the usual Government streams regardless of the length of the relationship, the level of abuse perpetrated or the hardship she may experience. Alternative sources of financial support are rarely available. Moreover, there is no access to government funded English classes or support for the woman to look for work.

Women applying for protection visas (refugee status) that experience DFV may not be allowed by the Department of Immigration to move into a women's shelter, as protection visa applicants' address must always be known to the authorities and approved. This structure means that visa processing delays will have a direct negative impact on women's financial and accommodation support in the country.

Access to practical support will be at government or non-government social services' discretion. That is, while there are services available to all, some shelters and charities have to offer their services to women without an income or in varied visa situations at their discretion and, due to their funding guidelines, at great financial cost to small not-for-profit and charities when women have no income at all. The distance between legal rights and their application is also an ongoing discussion in immigration law research, as migrant women and DFV services may be unaware of women's entitlements or how to proceed to acquire those when they exist.

Issues like this have been addressed in other Anglophone countries but not Australia. In places like Canada and New Zealand, the access to financial and material support is more consistent. Many migrant women identify material and financial needs as major concerns and often these needs determine women's willingness to stay or leave a relationship, or progress with a visa application. The ASPIRE project from the Australia National Research Organisations for Women's Safety (ANROWS) identified in recent research, migrant women with restricted access to support services such as medical services and welfare, for prolonged periods of time. For many women, this resulted in high levels of stress, undermining physical and mental health.

Migrant women's financial stability is further reduced due to difficulties with the recognition of foreign credentials and employment, besides language barriers. Numerous studies have concluded that women's difficulty in receiving necessary services due to their visa situation is one of their main barriers to leaving an abusive partner, besides fear of deportation. The lack of services and financial support is often perceived by women as further proof of the perpetrators' power and it can be understood by women as the state siding with the perpetrator.

Consequently, providing financial support to migrant women (on uncertain visa status) helps to ensure they are in a better place to seek safety and pursue their visa applications. Financial support to all migrant women would also result in certainty for service providers that they could house or support all migrant women without being financially penalised for doing so. This is particularly important in Australia, as visa applications can take an extensive amount of time, often exceeding one year, and support services may end up supporting migrant women on uncertain visa status for most or all that period.

In summary, while engaging with legal and social services is fundamental for women's long-term health and safety, the engagement with these services can often be restricted or traumatic. This is due to limitations imposed on women's visas, the regulations, and biased processes around the professional spaces where these services are delivered or the professional's distrust or lack of training when working with survivors of DFV. While most research indicated the importance of offering such services to survivors of DFV, studies seem to also identify the problems with these services' readiness to attend and listen to migrant women.

Recommendations in this area are:

- Domestic violence aware and trauma informed specific training for court personnel and decision makers in legal processes.

- The elimination of independent experts in the DFV assessments of migrant women on partner visas (Family Violence Provisions) and a reshaping of the assessment system as a DV specialist unit inside the Department of Immigration.
- Offer of social and health services for survivors beyond the time of separation taking into consideration the long-lasting effects of abuse and the re-victimisation experienced in the legal processes.
- An increase on the offer of multilingual information packages for migrants and advertisements in multicultural and community media emphasising migrant's rights and women's rights and options in case of DFV.
- Addressing visa processing delays to reduce waiting times, increasing the chances women can progress with their visa and access safety.
- The abolishing of waiting times for social security entitlements when the women is accessing them after DFV and extend those entitlements to women holding all visas.
- The offer of a visa for survivors of DFV regardless the visa they come from with benefits attached to this 'Victim of violence' visa, to be held while waiting the processing of permanent residence in the country. It would spouse similar protection principles to the trafficking people's frameworks or the US legislation, VAWA – Violence Against Women Act.

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SECTION 4

TECHNOLOGY AND NEW FORMS OF GENDER AND FAMILY VIOLENCE



4.1 TECHNOLOGY-FACILITATED DOMESTIC AND FAMILY VIOLENCE (TFDFV)⁵⁵

*Bridget Harris*⁵⁶

Digital media and devices are increasingly used by abusers to coerce, control and entrap targets. Behaviours facilitated through technology are not divorced from but inextricably connected to other forms of harm. In the interest of preventing violence and safeguarding and empowering victim/survivors, this is a crucial field of enquiry.

IDENTIFYING AND DEFINING TFDFV

TFDFV involves perpetrators using technology to abuse and stalk victim/survivors (FRASER, OLSEN, LEE, SOUTHWORTH and TUCKER, 2010; MASON and MAGNET, 2012). Most commonly, targets are current or former intimate partners. A victim/survivor's children, subsequent romantic partners, friends, and family members can also be subjected to TFDFV. Perpetrators use physical property (devices such as phones, computers, GPS trackers), virtual or electronic accounts (including email accounts, social media profiles, online customer accounts, or institutional education or employment accounts), software or platforms (like Facebook, Twitter, Instagram, YouTube). TFDFV can be achieved by force, coercion, deception, or stealth (DRAGIEWICZ et al., 2018; DRAGIEWICZ et al., 2019; HARRIS and WOODLOCK, 2019, and forthcoming).

TFDFV is an umbrella term, encompassing a range of behaviours, including the use of technology to enact other forms of abuse (such as sexual abuse and financial abuse) and to facilitate traditional (in person) stalking (see also BARTER et al., 2017; MARGANSKI and MELANDER, 2013). Additionally, TFDSV can include but is not limited to:

- The sending or posting of abuse acts or communications using technology which are intended to harass or defame the victim/survivor.
- Causing an unauthorised function or impairing an authorised function on a device owned by a victim/survivor.

⁵⁵ This paper directly draws from and was also published as a Centre for Justice Brief (Queensland University of Technology), authored by Bridget Harris, released in 2020.

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- Publishing a victim/survivor's private information (doxing) or sexualised content without consent of a survivor.
- Impersonation of victim/survivor or another person in an attempt to intimidate, harass, defraud, or steal the victim/survivor's identity.
- Using technology to monitor the activities, movements, or communications of the victim/survivor (DOUGLAS, HARRIS and DRAGIEWICZ, 2019; HARRIS, 2018).

Some of the acts facilitated using technology in an abusive relationship may be present (and innocuous in) non-abusive relationships. Using technology to check a partner's location, for example, can be problematised or normalised, depending on the environment in which it occurs. Encouraging children to turn on video phone functions might be enabling parental connection. Yet when the request is made by an abuser, to family members who have relocated for their protection, it has dangerous undertones (DRAGIEWICZ et al., 2019; HARRIS and WOODLOCK, forthcoming). The methods that abusers use to exert control and to intimidate can have individualised meanings and manifestations, because of a victim/survivor's history, perceptions, and experiences. Sexualised slurs sent through text message, or, references to family members or events, for instance, can trigger or distress a victim/survivor who has experienced sexual assault or trauma in the past (HARRIS and WOODLOCK, forthcoming; WOODLOCK, 2013).

Unpacking what constitutes TFDFV can help victim/survivors, support workers and criminal justice agents understand, identify, and combat the phenomena (HARRIS and WOODLOCK, forthcoming). In naming and outlining behaviours, education, training, and prevention campaigns can be developed; legislation initiated; policy and practice (such as pertaining to risk assessment) crafted. However, TFDFV is not unchanging. New technologies emerge and so do new techniques of perpetration (HARRIS, 2018).

DIGITAL COERCIVE CONTROL

The concept of digital coercive control⁵⁷ (HARRIS and WOODLOCK, 2019) provides a theoretical and practical framework to examine TFDFV. This phrase specifies the relevant method (digital), intent (coercive behaviour) and impact (control) evoked. Drawing on Stark's (2007) model of 'coercive control', it highlights dynamics and patterns of behaviour in violent relationships as opposed to individual incidents, including those not typically regarded as 'serious' by justice agents. Here, TFDFV is situated within a wider setting of intersectional, structural inequalities. It recognises that violence is gendered, with women overwhelmingly represented as victim/survivors and men as perpetrators, who use coercive control in efforts to maintain and reinforce their status and power (HESTER, 2010;

⁵⁷ This has also been termed 'technology-facilitated coercive control' by Dragiewicz et al., 2018.

STARK, 2007). TFDFV is not separate from, but inextricably connected to ‘offline’ abuse. It is, quite simply, another element of domestic and family violence and is bonded to the broader cultural values and practices that gender violence (WOODLOCK, 2017).

Stark’s (2007) model incorporates technology, though it is not without limitations (like applicability to Indigenous women’s and LGBTIQ⁵⁸ experiences, see DOUGLAS, HARRIS and DRAGIEWICZ, 2019; HARRIS and WOODLOCK, forthcoming). Importantly, Stark (2007) incorporates the ‘spatially diffuse’ tactics and techniques of male violence against women, such as isolation, intimidation, threats, shaming, gaslighting, surveillance, stalking and degradation (STARK, 2007). TFDFV is spaceless, transcending geography (Harris, 2016). Technologies enable immediate and constant contact, creating a sense of perpetrator omnipotence and omnipresence (STARK, 2012; WOODLOCK, 2013). Consequently, TFDFV can deter women from seeking assistance and can elevate danger (HAND, CHUNG, and PETERS, 2009). This is exacerbated when abusers use technology to overtly or covertly monitor and regulate women, creating a condition of ‘unfreedom’ and ‘entrapment’ (see HARRIS and WOODLOCK, 2019; STARK, 2008).

PERPETRATOR STRATEGIES

Navarro (2015) distinguishes between ‘low-tech’ and ‘high-tech’ approaches utilised by offenders to execute cyber-abuse and cyber-stalking. Low-tech strategies do not require advanced technological knowledge or resources, whereas high-tech strategies can draw on specialised techniques and digital media (like spyware⁵⁹, screen-loggers⁶⁰ or keystroke loggers⁶¹). Studies have documented the presence of both, though it can be difficult to discover and differentiate between the two (DRAGIEWICZ et al., 2019). Victim/survivors may believe abusers rely on high-tech means, but their information and access may be easily obtained (like through a ‘find my friend’ app, which does not shield intentions to locate another person, see HARRIS and WOODLOCK, forthcoming).

Access to devices and intimate knowledge of a person can enable perpetrators to open a device or guess account or security information, with very little skill (DRAGIEWICZ et al., 2019). Worryingly, high-tech tools and software can be easily acquired through basic internet searches and may be aided by male-peer support structures (see DeKESEREDY and SCHWARTZ, 1993, which, in patriarchal societies, develop, share, and reinforce ideologies and values which justify, legitimise and normalise violence). Peer support networks can be

58 Lesbian, gay, bisexual, transgender, intersex and queer, see also Stark, Hester Donovan, 2019.

59 Spyware tracks online computer usage and attempts to delete search histories and emails

60 Screen loggers capture computer screens intermittently

61 Keystroke loggers document typed keys to obtain copies of personal identification numbers, passwords, email and internet site addresses entered

found both ‘offline’ and ‘online’ and are certainly fostered by technology (DeKESEREDY and SCHWARTZ, 2016; HARRIS, 2020; SALTER, 2017).

Thus, perpetrators can establish isolated or sustained contact with individual and groups – through websites, apps, and gaming networks – that provide information, assistance, and encouragement to facilitate high-tech abuse. While abuse may be covert, it may also be overt, with perpetrators revealing (at least some) practices in efforts to intimidate or deter women from disclosing violence, seeking assistance, or ending relationships (DRAGIEWICZ et al., 2019). Moreover, abusers may use the visibility afforded by social media platforms to attack, shame, and intimidate women before an audience (HARRIS and WOODLOCK, 2019 and forthcoming).

NEGATIVE IMPACTS

The already tenuous idea that violence can be ‘escaped’ is weakened by the spacelessness of TFDFV (HAND, CHUNG, and PETERS, 2009; HARRIS, 2016, 2018). Technology’s ability to transcend borders and boundaries and deliver immediate, constant, and sometimes anonymised or clandestine contact and surveillance creates a pervasive and oppressive condition of ‘unfreedom’ (HARRIS and WOODLOCK, 2019; STARK, 2007, 2012). Additionally, digital media provide new channels for persons enacting violence to invade victim/survivors’ lives, and to escalate and amplify their abusive behaviours (DIMOND, FIESLER and BRUCKMAN, 2011; SOUTHWORTH et al., 2005). This means that, as the uptake of digital media and devices increases, so too does their potentially harmful presence in intimate relationships. We use (and typically rely heavily) on technologies in educational, employment, social and civil engagement.

These platforms serve as a literal lifeline for some, such as people with a disability (WOODLOCK et al., 2014; WOODLOCK, MCKENZIE, WESTERN and HARRIS, 2019), or those geographically or socially isolated (in regional, rural and remote locations, GEORGE and HARRIS, 2014; HARRIS, 2016). Technology can provide essential contact with informal and formal supports and frontline responders in times of disaster (like flood, fires, droughts, see PARKINSON, 2011) and crisis (such a pandemic: COVID19). Consequently, restriction to, abuse or co-option of technology can infringe on a person’s livelihood, wellbeing, and safety. Frustratingly, victim/survivors are tasked with the heavy – seemingly constant – burden of safety planning and often expected to change their use of technology or, disengage from using technology entirely (HARRIS, 2018; HARRIS and WOODLOCK, 2019).

TFDFV causes short and long-term impacts and repercussions on a victim/survivor’s physical, psychological, and emotional health (GEORGE and HARRIS, 2014; HARRIS and WOODLOCK, forthcoming). There are also potentially fatal consequences of violence. In Australia, over one third of all homicide and related offences occur in the context of family

and domestic violence (ABS, 2018), which equates to approximately one woman killed each week of the year, in these settings (AUSTRALIAN DOMESTIC AND FAMILY VIOLENCE REVIEW NETWORK, 2018). Abusive and obsessive contact and stalking via technology has been identified as an emerging trend across domestic and family violence homicide and filicide cases (DEATH AND FAMILY VIOLENCE REVIEW AND ADVISORY BOARD, 2017; DWYER and MILLER, 2014). Recently, the NSW Death Review Team (2017, p. 134) found abusers stalked victims in 39% of cases, prior to the final assault, noting over 50% of cases “included the abuser using technology to stalk the victim, such as persistent text messaging, checking the domestic violence victim’s phone, and engaging with the victim on social media/dating sites under a false identity”.

CONCLUSION

TFDFV needs to be recognised in the context and dynamics of an abusive relationship, but has distinct features, impacts and manifestations that cannot be overlooked. Gaining insight into these behaviours is vital in addressing and ultimately combatting domestic and family violence. While attention here, has been on negative features of technology, it is also engaged by victim/survivors, services, and criminal justice agents, and can aid in prevention, advocacy, regulation, and empowerment opportunities. Victim/survivors and advocates have shown innovation and ingenuity in employing digital media to access or deploy information, guidance, and representation. Prevention and education programs have been developed and delivered using technology (HARRIS, DRAGIEWICZ and WOODLOCK, 2021).

There are challenges – the ‘digital divide’, for instance – yet technology, potentially, can overcome social and geographic isolation, barriers to disclosing violence and help-seeking and limited organisational resources and capacity (HARRIS, DRAGIEWICZ and WOODLOCK, 2021). In Australia, we are fortunate to have a pioneering non-government organisation, WESNET and a leading government, organisation, e-Safety effecting change and enhancing responses to TFDFV. These are fields worthy of funding and that warrant attention. Criminal justice agents have adopted technology in training, investigation, and regulation of domestic and family violence generally and TFDFV, specifically (HARRIS, 2018). Technology poses dangers but can be harnessed by those combating domestic and family violence.

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4.2 BRAZILIAN TRENDS TO FACE VIOLENCE AGAINST WOMEN ON THE INTERNET

*Valéria Scarance*⁶²

Brazil is a connected country: 70% of the population – 126.9 million people – have access to the internet. This access is everywhere, since it comprehends 49% of the rural population and 48% of classes D and E. The cell phone is the most used means of access, utilised by 97% of this population.

People use cell phones for many different reasons but, mostly, to share messages, content, texts, videos. According to a study by the Brazilian Institute of Geography and Statistics (IBGE, 2018) concerning access to the internet in Brazil:

- 82.9% of people access internet using a broadband.
- 78.3% using a mobile band and 61.4% both ways.
- 95.5% send and receive text and voice messages or images.
- 83.8% talk either in video calls or voice calls.
- 81.8% watch videos, programs, series, or films.
- 66.1% send or receive email.

While the internet facilitates the interaction among people, thanks to its agility, it also potentialises the risk of violations. Just like all spaces, public and private, the internet is also an arena of sexism and discrimination against women. People of all ages, including youngsters, share content using the internet as a power space.

In this sense, research conducted by Avon Institute and DataPopular (2014) with 2,046 youngsters, ages from 16 to 24 in all Brazilian geographic regions, revealed that 28% of men have shared images of naked women and 41% received photos/imagens of women they know:

- 59% of men and 47% of women received photos/videos of naked women they do not know.
- 41% of men and 32% of women received photos/videos of naked women they know.

⁶² Prosecutor and Chair of the Gender Equality Cabinet of the Office of the General Attorney of São Paulo. Doctor of Laws and Professor of Criminal Law at PUC/SP University.

- 11% of women and 28% of men shared these images

These attitudes do not reflect the absence of law, but a sexist and patriarchal culture. The Brazilian Constitution in its article 5, item X, states that “the privacy, private life, honour and image of persons are inviolable, and the right to compensation for property or moral damages resulting from their violation is ensured”. Law Maria da Penha (LPM) established the right of women to RESPECT in its article 3, alongside fundamental rights such as life, security, health, and others.

This right has an individual and a collective dimension:

- Individual dimension: the right to respect consists in the intervention of the State in face of specific violence. Under this aspect, the law defines the forms of violence against women, prohibiting the exclusive imposition of financial retribution and legal agreements allowed for in Law n. 9099/1995 (articles 5 to 7, 17 and 41) as the only form of punishment for such offenses.
- Collective dimension: corresponds to symbolic violence, referring to the prohibition of reproducing in the media stereotyped gender patterns. Article 8, item III, reads: “the respect, in the media, of ethical and social values of people and family, to curb stereotyped roles that make legitimate or exacerbate domestic and family violence”.

The most harmful form of violence against women on the internet is the publicity of intimate content, conduct known as “vengeance pornography”. Publicity of pictures, videos and scenes of nudity most usually happen in an affective context, in the moment of rupture of the relationship and is accounted for in LPM where this behaviour is considered a violation of intimacy as a psychological form of violence⁶³.

In the penal aspect, the violation of intimacy may be framed in the following crimes:

UNAUTHORISED REGISTRATION OF SEXUAL INTIMACY

Someone filming, photographing, or registering any content of nudity or sex without authorisation is committing a crime. In terms of Article 216-B of the Brazilian Penal Code, it can be punished with detention of six months to a year and fines for the conduct of “producing, photographing, filming or registering, by any means, content with scenes of nudity or sexual or libidinous act with intimate and private character without authorisation from participants”. The same punishment is applied for the montage of pictures, videos, or other forms of registration to insert someone in a scene.

⁶³ Article 7, item II, with text given by the Law n. 13772/2018.

PUBLICITY OF INTIMATE CONTENT

The conduct known as “vengeance pornography”, that consists in making public intimate content to get back at a former girlfriend or partner, is also included in law. In terms of Article 218-C of the Brazilian Penal Code, it constitutes a crime punishable with one to five years of detention, for publicising by any means scenes of sex, nudity, or pornography. The punishment is augmented in one-third to two-thirds if the agent maintained an intimate relation of affection to the victim or if the act of publicity had the aim of vengeance or humiliation.

SEXUAL EXTORTION

Sexual extortion is the demand for financial advantage in exchange for not publicising intimate content. A conduct practiced against women and youth all over the world. In Brazil, the crime is foreseen in Article 158 of the Brazilian Penal Code, punishable with four to ten years of reclusion plus fine, being typified as “for someone, by means of violence or serious threat, and with an aim to obtain for himself or others wrongful economic advantage, to do, tolerate or let someone do something”.

Some people use the expression “sexual extortion” for the conduct of the agent that subdues the victim into having sex. However, “extortion” is a term related to patrimonial crimes, the best way to name this other type of conduct would be virtual rape, addressed in the following section.

VIRTUAL RAPE

Rape, in its virtual modality, was admitted for the first time in Brazil in 2017, in a decision uttered by the Justice of Piauí State. In the concrete case, the agent used a fake profile in Facebook and, by means of threats, forced the victim to send nude pictures and scenes of masturbation and introduction of objects in the vagina (PIAUI, 2017). For the first time in Brazil, there was an understanding that for the practice of rape to occur, physical contact is not necessary.

The crime of rape is defined by the Article 213 of the Brazilian Penal Code, punishable with six to ten years of reclusion. The conduct consists of “constraining someone, by means of violence or serious threat, to have carnal conjunction or to practice or allow the agent to practice any other libidinous act”. If the victim is younger than fourteen years old, the rape of a vulnerable would occur, with increase of punishment to eight to fifteen years in jail (article 217-A).

CONSEQUENCES TO THE VICTIMS

As highlighted in the article “Revenge porn: the virtual femicide on the Internet” (FERNANDES, 2016), the publication of intimate images brings serious and many times irreversible consequences to the victims. According to Franks (2016), the possible harms are described:

VIOLENCE ON THE INTERNET

Figure 1 - Consequences to the victims (Revenge Pornography)

51% suicidal thoughts
49% suffer harassment or persecution online
30% suffer harassment or persecution outside the internet
93% intense suffering
82% strong impact in social and work life
54% difficulty to study and work
42% need psychological help
38% damage in relations with friends
34% damage in family relations

To potentialize damages to the image, reputation and to the woman’s everyday life, these virtual criminals publicises offenses and personal information on the victim to make her easily identified and located:

VIOLENCE ON THE INTERNET (REVENGE PORNOGRAPHY)

Figure 2 – Victim information publicised

59% full name
49% profile or social media
26% e-mail
20% phone number
16% home address
14% work address

COMPENSATION FOR MORAL DAMAGE

On top of the criminal process, the violation of intimacy on the internet generates a right for civil compensation. This can be obtained by two ways: a criminal process or a separate civil action. In the criminal suit, the compensation may be established in the decision itself, if it has been called for by the Public Prosecution Office now of offering the complaint. According to the Brazilian Code of Penal Process:

“Article 387. The judge, at proffering the condemnation sentence:

Item IV - will establish the minimum amount for compensation for the damage caused by the conduct, considering the losses suffered by the offended”

According to understanding from the Superior Court of Justice (STJ) (BRAZIL, 2018):

in cases of violence against women practiced in the domestic and familiar realm, it is possible to establish the minimum compensation value as reparation for moral damages, as long as there is an expressed request on the part of the accusation or of the offended part, even if the amount is not specified, and independently of procedural instruction.

It is also possible to compensate for the damage by means of a separate civil action. In this case, it is possible to seek compensation not only from the former partner, but also in relation to others that may have shared the image/scene of revenge pornography.

URGENCY MEASURES OF PROTECTION

Finally, the victim may ask, based on LMP, a protective and separate measure to stop the publication of the imagens/scenes by the agent. In case the measure is not observed, this configures the crime described in article 24-A of LMP, punishable with detention of three months to two years. In this hypothesis, the police authority may not allow bail (second paragraph).

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SECTION 5

CASE STUDIES: GOOD PRACTICES OF PREVENTION POLICIES ON GENDER BASED VIOLENCE AGAINST WOMEN AND GIRLS



5.1 ONE WIN LEADS TO ANOTHER⁶⁴

Raíssa Vitório Pereira⁶⁵

The following two case studies (chapters 5.1 and 5.2) were developed by UN Women Brazil country office. This document aims to foster knowledge sharing between countries to support good practices in preventing violence against women and girls (VAWG). This documentation supports the UN Women Brazil Country Office's strategy, built in 2018, on prevention and response to violence against women and girls as a commitment to the achievement of the Sustainable Development Goal 5 for Gender Equality and Empowerment of Women and Girls (SDG 5).

The strategy focuses on SDG target 5.2 that aims to eliminate all forms of violence against women and girls in both public and private spheres until 2030. The global mounting evidence, as well as the country-based analysis, showcases the examples of a systemic approach of preventive action and intervening in contexts vulnerable to violence before it occurs and adopting educational tools proved effective. Among the rest, these include social marketing alongside capacity-building of specific groups; increasing awareness of mixed-gender groups on gender stereotypes; and multilevel actions combining reporting mechanisms and advocacy campaigns involving teachers, educators, students, parents, and their communities.

This educational approach streamlines UN Women projects presented in the cases:

- One Win Leads to Another (OWLA) which empowers girls and young women through sports (Chapter 5.1).
- *Valente Não É Violento* (The Brave Is Not Violent) which offers teachers tools to work with adolescents to deconstruct gender stereotypes (Chapter 5.2).

Both initiatives were developed in 2015 and have been implemented since then. They have adapted along the evolving context in which they are implemented⁶⁶.

⁶⁴ The author acknowledges Aline Yamamoto and Maria Carolina M. Farracini for the review of this document.

⁶⁵ Raissa Vitorio Pereira is Technical Assistant to the Ending Violence Against Women team at UN Women Brazil and holds a master's degree in Gender Studies from SOAS, University of London.

⁶⁶ Gender inequality remains a problem in all aspects in Brazil: from women's participation in power and decision-making to gender-based violence. Political violence against women and hostility against specific groups such as gender advocates, LGBTQI+, indigenous and black people has achieved extreme forms in recent years. A growing influence of conservative groups over political agendas lead to the mainstreaming of the so called "gender ideology" critique.



Picture credit: UN Women / Lucía Prieto

ONE WIN LEADS TO ANOTHER

The One Win Leads to Another (OWLA) programme leverages sport and life skills education to build leadership and empower adolescent girls from peripheral communities. This promising practice creates safe spaces for girls to practice sports and reflect about their future. It gives them tools and knowledge to challenge gender stereotypes and adverse social norms. The expected impact is that sports reduce harmful gender stereotypes and norms and related behaviours, as the key causes for violence against women and girls.

KEY RESULTS

OWLA had a transformative effect in the perceptions of more than 1,000 girls about their roles as agents of change, and it impacted the way violence was perceived and no longer tolerated by the girls outside the programme setting, and within their households and communities. Situations that were not previously regarded as violent were identified and challenged; taboo themes started being discussed with friends and family members. The families and the communities also benefit indirectly from the program by receiving messaging and knowledge about gender-based violence (GBV) and gender equality.

In 2019 the programme caused a positive influence⁶⁷ in the practices of organisations implementing it: sport institutions fostered new partnerships with community associations; parents and community members engaged in gender-related conversations; girls and women occupied public and private spaces – mostly sport areas – previously used only by men and boys; and more girls accessed community and local sport leagues.

BACKGROUND

Launched in 2015, the OWLA programme was implemented in 20 Olympic Villages in the 2016 Rio Olympic Games. Through a partnership between UN Women, the International Olympic Committee (IOC), Empodera and Women Win – non-government organisations, this Olympic legacy programme had over 800 beneficiaries in its first phase and will have assisted over 900 girls in its second one.

Violence is part of daily life for women and girls in Brazil: more than half of rape survivors are as young as 13 years old; black women are 61% of femicide victims – almost twice the rate for white women – and 50.9% of those under domestic violence situation (FBSP, 2019).

At puberty, girls are also receiving less incentive to practice sports in comparison to boys at the same stage of life. In Brazil, the sport practice dropout rate among adolescent girls is 34.8 per cent, while 19.3 per cent among boys (BRAZIL, 2015). Therefore, OWLA has become a promising opportunity for intervention to reverse the cycle of violence by means of girls' awareness and empowerment. Sport can be a tool for empowerment. Girls can develop ownership and understanding over their bodies, as well as confidence and leadership skills. Girls practicing sports challenge socio-cultural norms and gender stereotypes in rooted notions of masculinity and femininity. Sports provide a natural social platform to share information, educate girls about women's human rights, and foster their self-esteem and self-efficacy. Girls playing sport can become leaders and role models, and they can use their voices and be heard. Finally, sport practice makes girls healthier and stronger.

HOW IT IS IMPLEMENTED

The OWLA programme methodology⁶⁸ operates based in two pillars: providing the girls with an access to sport practice and developing their life skills. Discussions are contextualised to the realities of adolescent girls living in the periphery of Rio de Janeiro city, Brazil.

67 OWLA results assessment by Jane Moura and Thaís Olivetti of Empodera – Transformação Social pelo Esporte (OWLA Partner).

68 Inspired by Women Win's GOAL methodology, adapted to the Brazilian context by Empodera.

Focusing on girls as agents of change, the curriculum (OWLA, online) is composed of 4 modules for a total of 40 sessions, around 2 hours each. The first hour is dedicated to a regular sport practice while the second is an in-depth exercise of an OWLA curriculum topic, exploring the following themes:

- Self-esteem and leadership development.
- Health, sexual and reproductive rights.
- Eliminating violence against women and girls.
- Financial abilities and planning your future.

Through OWLA education curriculum, girls learn to think about themselves as capable and equal individuals, who can overcome discrimination and be real life leaders. The application of the OWLA methodology requires the construction of emotionally and physically safe spaces for girls. Safe spaces must be free of any physical or emotional threat⁶⁹ to ensure privacy and confidentiality as a sharing arena. It is a girls-only space. Parents, relatives, and other people not associated to the programme can be removed from the implementation space, if necessary. The location needs to be accessible and familiar for the girls – preferably within their communities.

The OWLA curriculum is an open educational source, therefore, all its methodological tools are freely accessible by anyone anywhere. In this sense, girls are potential multipliers of gender equality, prevention of gender-based violence, and the OWLA methodology itself. They go through a three stage of development: *i*) prepare: as individuals they develop self-confidence and become aware of their skills and talents as well as their leadership potential; *ii*) practice: they connect and interact with girls in their organisations, learning how to team up and resolve conflicts and build healthy relationships; and *iii*) play: they take action and influence other girls from their community by applying the skills previously developed.

Indeed, the OWLA programme goes beyond its open access curriculum. UN Women and Empodera have been building capacity of organisations and facilitators. Women's groups, NGOs, sport clubs, federations and other communitarian organisations have accessed the workshops and coaching assistance provided by the programme. Over 10 facilitators each year go through a longer learning process and become accredited as Master Trainers. The

69 Ensuring girls are safe physically requires: no harmful or dangerous objects during sports practice and/or discussion; an accessible first aid kit; proper sport equipment for the girls; ground rules for games and activities as well as fair play; non-violence policy; capacitated personnel (PE teachers and facilitators); awareness of the neighbourhood and its potential risks; ensure girls are hydrated and well fed; adequate toilets and dress rooms; engage girls in the discussion of safety in sport practice. Ensuring they are safe emotionally requires: engage girls to discuss safety risks and solutions; engage girls in the elaboration and agreement of a code of conduct; facilitator/PE be aware of bullying situations, rumours, and problematic behaviour to mediate them; teach non-violent communication and other strategies for peaceful conflict-resolution; private sessions and in internal spaces; create a girls-only space; encourage diversity and inclusion; allow girls to discuss sensitive subjects the way they feel more comfortable; moderate the involvement of family and community in the space – banishment of regular spectators during discussions and classes, if needed; adopt a zero tolerance to sexual harassment and abuse – ensure participants and facilitator know how to access the proper reporting channel and essential services, if needed. We also encourage organisations to adopt a policy for safeguarding children in sport.

goal is to significantly increase the pool of professionals and organisations capable of working on gender and sport.

Additionally, since most community organisations struggle with funding, OWLA provides financial and technical support for selected organisations to implement and consolidate gender-responsive sports approaches within their practices and management. In short, the grants aim to consolidate organisations' capacities to deliver the programme and to mitigate the risks and vulnerabilities to violence, such as adjusting their practice hours, involving the community, providing suitable material and equipment for the chosen sport practice.

LESSONS AND RECOMMENDATIONS

Sport has a multiplier effect on a wide range of development outcomes from health to education, leadership, and more. The combination of safe spaces and holistic life skills lessons prompt the girls' autonomy, knowledge and ownership over their bodies, as well as confidence to access essential services and to curtail forms of violence against women and girls in their communities.

Implementation in Rio de Janeiro peripheral communities showed that the intensified policing and the confrontation between police forces and organised crime groups have created an extremely high level of insecurity that directly affects the routine of the programme beneficiaries and facilitators. Often programme activities had to be rescheduled due to shootings in the communities where they are implemented.

When applying surveys with beneficiaries, Likert, and Binary scales – initially intended to be used to grasp detailed data on the girls' improvements – are confusing to most of the girls. For the future, the programme is preparing surveys based on behavioural straightforward questions, in which girls' chosen attitudes can be graded more points or less in relation to the expected improved behaviour.

In the long term, increased empowerment of girls translates into more productive societies with greater enjoyment of rights. Community members – including boys, peer girls, and caregivers/parents – will have improved attitudes related to girls' leadership and positive masculinities.

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5.2 THE BRAVE IS NOT VIOLENT

*Raíssa Vitório Pereira*⁷⁰

In 2015, UN Women developed the Brave Is Not Violent (BINV) curriculum, under the framework of the UN Secretary General Campaign UNITE to End Violence against Women, also coordinated by UN Women. The BINV curriculum offers teachers tools to work with adolescents to deconstruct gender stereotypes and sexist behaviours, highlighting that ending VAWG is the responsibility of all.

BACKGROUND

In partnership with Instituto Avon in 2018, the BINV programme trained high school teachers to apply the curriculum in Bahia (BA) and Rio Grande do Norte (RN) states, Brazil. The education departments alongside the support of department of policies for women of each respective state addressed the schools that would benefit of the project. In total, 68 teachers of middle and high schools were instructed in the curriculum by a UN Women consultant in two 36 hour-in person workshops – one for each state. In Natal (RN), 38 teachers were instructed, 10 schools and 1,700 students received the project, while in Juazeiro (BA), 30 teachers, six schools, and 1,062 students received the BINV curriculum activities under the project. The engagement and interest of the government of Bahia to integrate the BINV content in the curriculum of every school across the state has a considerable propulsive force in the project.

The effectiveness of the curriculum was evaluated during a pilot implementation stage in six schools in Juazeiro, Bahia, for an average of two months, in the second half of 2018⁷¹.

KEY RESULTS

Overall, there was an increase of student's awareness of laws and essential services on VAWG and knowledge on supporting survivors of violence. In this topic, the change was significant for middle school students – both boys and girls – particularly on the 180-hotline service. Most of them have not heard about it and its provision of essential services for survivors of violence via the 180-hotline. The BINV aims at making students actors of

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⁷¹ BINV Evaluation conducted by Marcio Segundo, UN Women consultant.

change in stopping the cycle of violence, breaking down the romanticised perceptions of violence and showing the available tools and services for reporting and assistance. The 180-hotline is the national and free channel of the federal government for pressing charges in case of violence against women and girls, for accessing essential services network, and for guidance on their rights and legislation, forwarding the cases to other channels when needed.

At the end of the project, the evaluation showed that half of the BINV students affirmed they changed their behaviour in some positive way: increase awareness on VAWG and on the importance of reporting VAWG, as well as reduction in the use of discriminatory language. Most BINV students claimed that the engagement with the curriculum and its topics should be delivered in a longer period, showing eagerness to learn more and have more time to reflect upon the contents explored.

HOW IT IS IMPLEMENTED

During adolescence, concepts, values, and social behaviours are built – a moment full of reflections and questions. In this sense, school environment can make students engage with and reflect upon ideas of gender equality.

The BINV curriculum is composed by 6 lesson plans (21 hours total) – each one has two sections: one on legal and political marks on gender stereotypes and discrimination; and another on pedagogical activities to be implemented in class. The lesson plans explore the following topics:

- Sex, gender, and power
- Violence and its interfaces
- Gender stereotypes and sports
- Gender stereotypes, race/ethnicity, and media
- Gender stereotypes, career and professions: differences and inequalities
- Vulnerability and prevention

The lessons reflect upon what it means “to be a man” and “to be a woman”, and how these social roles are socially constructed and based on several forms of inequalities, discrimination, and violence. Breaking down such understandings aims at nurturing better forms of relationships and identity-building to end all forms of discrimination and violence against women and girls.

LESSONS AND RECOMMENDATIONS

In general, the BINV curriculum had no major positive change in high school boys or middle school students. High school girls who were in a relationship increased their perception of what constitutes violent behaviours – qualitative observation, which would explain the slight increase in the numbers for psychological abuse, or even, this new perception could have led to a reduction of physical abuse into psychological one in case it had attempt to change the power dynamics in their actual relationships. Unfortunately, the current data set does not allow us to reach a final explanation for such increase in psychological abuse. Boys did not present major positive changes in attitude.

Regarding the specific lesson plan on “Violence and its interfaces”, violent attitudes and behaviours were perceived as negative by high school girls and boys as well as middle school girls. No major positive changes in attitudes and behaviours on this lesson plan were identified for middle school boys. However, in terms of intended impact of this plan, high school boys presented a noticeable change in attitude acknowledging the different forms of violence. This lesson plan was effective in reducing victim blaming and other sexist arguments around physical violence and rape, particularly when these occur in domestic environment.

When assessing the effectiveness of the lesson plan on “Sex, gender, and power”, it was found that the training had the most positive impact in high school students and middle school girls. It is noticeable how the BINV curriculum has changed the perceptions over traditional roles – such as marriage and maternity – for girls in high school. Among boys in high school, there was a noticeable positive change in attitudes towards rejecting gender traditional roles and the use of violence. However, students in middle school did not present any major positive changes in attitudes, except for attitudes regarding homophobia and transphobia in which middle school girls showed more equitable attitudes.

When it comes to “Gender stereotypes and sports”, it did not have the intended impact in high school students. One possible explanation could be the lack of high school girls’ participation in PE classes – one school under BINV project did not have a sport field and most public sport courts in the city were mostly used by boys. Among middle school boys, significant positive effect in attitude was identified, while middle school girls showed a slight positive change.

The lesson on “Gender stereotypes, race/ethnicity, and media” did not impact as intended either, except for one question about stereotypes on afro hair. Most girls and boys started to perceive afro hair in a more positive way than before the intervention. This suggests that the short-time engagement with this lesson was not enough to break it down deep-rooted racism and prejudice.

The contents related to “Gender stereotypes, career and professions” had effect upon girls in high and middle school. They showed a positive change with equity attitudes regarding gender inequalities in the work sector. Overall, it did not have the intended effect for boys since they did not present positive changes in attitudes. It could be assumed a possible resistance of boys’ acknowledging unequal opportunities for men and women, particularly for leadership positions.

When it comes to sexual rights in the lesson plan about “Vulnerability and prevention”, there was a slight positive change in attitude for girls in high school in perceiving the proposition of preservative use as an equal possibility for men and women, but no effects were caused for boys. Overall, those high school girls who showed positive attitudes towards safe sex from start had maintained it throughout assessment. No changes were identified for high school boys. For middle school girls, there was significant change in those attitudes while a minor change for the boys on the same school level.

The BINV assessment concludes that debating gender social norms and stereotypes is a key element in a strategic prevention of VAWG. Educational activities have the potential to influence positive while working with both men and women to strengthen equal and respectful relationships. Simultaneously, the curriculum demonstrated fragilities in breaking down gender stereotypes in sports, sexuality, and racism. For this reason, UN Women is revising the BINV curriculum.

5.3 PANIC DEVICE IN VITÓRIA CITY

*Carmen Hein de Campos*⁷²

Information technology is part of daily life. The cell phone is no longer a device for making calls but possesses countless functions, as for example, allowing conversation over social media, and the instant sharing of pictures, documents, among an infinity of other possibilities, including direct access to services from the police and the Judiciary.

The two apps analysed in this Chapter and the following 5.4 have been developed as supportive technology to make effective urgency intervention orders provided by the law to combat domestic and familiar violence in Brazil (Maria da Penha Law), including keeping the aggressor away from home, the prohibition of coming close to the victim and her family, or of maintaining contact by any form or mean, among other possibilities of intervention orders.

The analysed initiatives are:

- Panic Button in the State of Espírito Santo (Chapter 5.3)
- PLP 2.0 in the State of Rio Grande do Sul (chapter 5.4)

PANIC BUTTON IN THE STATE OF ESPÍRITO SANT

The app is a public security device (DSP) whose use is granted by the Special Court of Domestic Violence in the city of Vitória, State of Espírito Santo (ES), to women with intervention orders and in risk situations. The object is guaranteeing the full compliance of the aggressor with the intervention orders provided by LPM. This promising initiative furnishes a technological device as a valuable instrument for women's security. It is expected that the use of technology generates a positive impact in the system of security and justice, making more agile and easy the access of women to legal protection.

MAIN FINDINGS

The Button is a relatively easy app to use and can be carried inside the purse. When pressed, it allows the police to track the exact location of the woman and immediate knowledge of the aggressor's non-compliance with the intervention order.

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Research found that using the app transmitted a safety sensation in 93% of the cases when it was pressed. Among them, 11% resulted in the flagrant prison of the offenders. Another positive aspect observed: women that did use DSP do not relate new aggressions (TAVARES and CAMPOS, 2018, p.402).

The project foresaw the concession of 100 devices, but in total only 61 devices were conceded, 23 returned and 2 were lost. The devices were pressed 23 times, being six of them not called for. (TAVARES and CAMPOS, 2018, p.410). On average, women have stayed for a year with the device.

In 2013, the Judiciary Branch of the State of Espírito Santo received the Innovare Prize of best judicial practice for its innovative character and its creation inspired other similar experiences in the country (COMPROMISSO E ATITUDE, 2013).

BACKGROUND

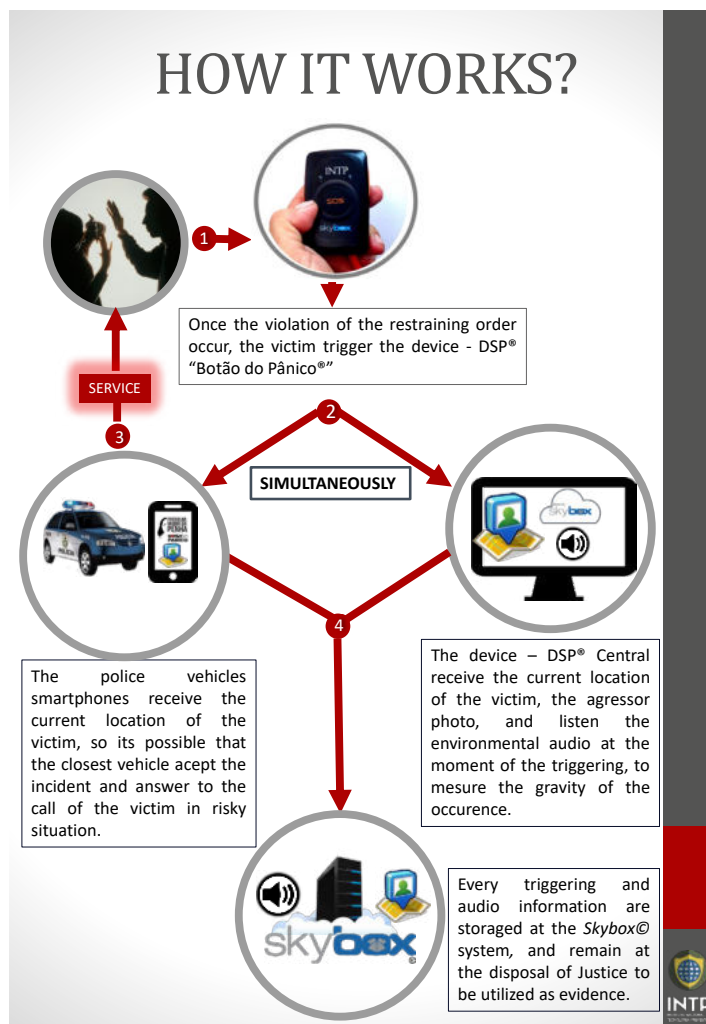
The rates of women's death in Brazil are among the highest in the world. In 2018, 4519 women were murdered in the country, 68% of them were black, bringing projections of femicide in Brazil to an average of one every two hours. (FBSP and IPEA, 2020). One of the instruments foreseen in the law to guarantee the protection of women are the intervention orders. In 2017, 236,641 such measures were granted by the Judiciary Power in the country (BRAZIL, 2018, p.11). However, their mere concession is not enough, being necessary to guarantee that they were followed. In this sense, the use of technology may be decisive in the prevention of violence, allowing a fast response on the part of the police to guarantee women's security.

Launched in 2013 as an Experimental Project for Monitoring the Compliance of Urgency Intervention Orders in favour of Women Victims of Domestic and Family Violence, the Panic Button was developed in 2012 by the National Technology Institute (INTP) in partnership with Espírito Santo's Court of Justice (TJES) and the Municipality of Vitória (PMV) with the objective to support the effective application of intervention orders granted by the Specialised Domestic Violence Court of Vitória. The pilot project took place between April 2013 and September 2014, exclusively in the municipality of Vitória (ES). The 'Button' has been distributed by the Municipality of Vitória since 2016.

HOW IT IS IMPLEMENTED

The Button is a Preventive Security Device (DSP) consisting of a micro transmitter GSM with an integrated GPS that allows for the capture of background noise from the moment of its activation, guaranteeing the registration of the facts occurred when the device is in

use, facilitating police mobility. All the information on the victims, the offender, and the situation of breaking the intervention orders stored and can be used afterwards as proof of fact (TAVARES and CAMPOS, 2018, p. 399). In the drawing below, it is possible to visualise the working of the device.



Source: INTP/SA

The project pilot intended on distributing 100 buttons to women. However, only 61 were granted. The request is made at the Woman Police Station (DEAM) upon the request of an intervention order or at the Public Attorney. The request is analysed by the multidisciplinary team of the Judiciary Power that drafts a report, examined by the Public Prosecution with a favourable or negative opinion. The concession is then authorised by the court. INPT delivers the button and orients the women on how to use it and after this point there will be a follow-up on the case on the part of the multidisciplinary team (TAVARES and CAMPOS, 2018, p. 408-409).

The multidisciplinary team of the Specialised Domestic Violence Court, when analysing the concession of the panic button, considers the history of the case, the types of violence and the degree of vulnerability of the victim. Objective criteria are to be a resident in the

municipality of Vitória, be at least 18 years of age and have an issued intervention order. Subjective aspects include the woman's manifestation of interest in receiving the device and a risk evaluation based on the possibilities of intervention order breaching, as well as potential risk of repeated aggressions.

The concession of the 'Button' follows the operational flow below:

- Request in the Women's Police Station or in the Women's Centre at the Public Attorney
- Analysis of request by the court with the solicitation being forwarded for the multidisciplinary team
- Presentation of report on the request by the multidisciplinary team
- Emission of the Public Prosecution's opinion on the matter
- Report of technical viability on the part of INTP and Municipal Guard (Municipality)
- Concession of Panic Button by the Special Court on Domestic and Family Violence
- Delivery of the Button by INTP's team
- Follow-up of by the multidisciplinary team

In general, women remain over a year with the device, suggesting the necessity of close follow-up on the part of the multidisciplinary team (TAVARES and CAMPOS, 2018, p. 408-409).

LESSONS AND RECOMMENDATIONS

Domestic and family violence against women is a daily practice in women's lives, very hard to be broken in a patriarchal society. When a woman accesses the Justice System seeking an intervention order, therefore, a quick response prioritising her security is necessary. In this sense, the technology of the Panic Button is an important ally, allowing for women to quickly demand the Justice System when needed.

However, the concession of the device came below the expected number, because the Judiciary Power did not concede the 100 Buttons initially planned and only 23 activations of the Button (triggered by 19 women), demonstrates a low rate of usage. There is no information available on the 42 devices not activated. Even though, the Button transmits a security sensation, according to almost the totality of those women that did use it. In 2015, after the project was finalised, 36 devices were still in the hands of women, even though they were notified to turn them in.

The Panic Button demonstrated to be a promising practice, but the evaluation of its effectiveness in prevention of new types of violence could be better understood if more qualitative information provided by the users were available, contributing to improving its use and correcting eventual distortions.

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5.4 APP PLP 2.0 IN PORTO ALEGRE CITY

Carmen Hein de Campos⁷³

The PLP 2.0 had its technology developed under the coordination of non-governmental organisations Themis⁷⁴ and Geledés⁷⁵ in partnership with *Instituto Conceptu Protótipos e Sistema* to help oversee the adequate compliance with intervention orders granted by the Special Court on Domestic and Family Violence in Porto Alegre city (RS). The PLPs act voluntarily in their community, promoting a network of support, offering a qualified listening, and helping women in situations of domestic violence. The PLPs project has received many prizes, including the National Human Rights Prize of 1996.

The aim was to reduce the response time of the police, create a network of information and support, expand the accessibility to the network of care to women victims of family, sexual or domestic violence and to engage civil society in the fight against these violations. Its perspectives are promising because it has the potential of providing a quicker response on the part of authorities and of creating a network of support.

MAIN RESULTS

Between 2016 and 2020, the Special Court on Family and Domestic Violence in Porto Alegre city made 42 devices available, a reduced quantity considering the number of intervention orders issued in the period. For example, 15902 such interventions were granted by the court only in 2019.

Security is an aspect reported as positive by eight out of nine women interviewed by Themis, corresponding to 88.8% of them. The reason for this evaluation is that police get quickly to the place of occurrences when PLP is used (THEMIS, 2020).

The change in the aggressor was also observed as positive by 66.7% of the users of PLP. Those who participated in the program consider the app important to create a bond between the users and PLPs, responsible for the follow-up of the 42 women that use the app.

73 Doctor in Criminal Sciences, Professor at the Master Program of the Law School at Centro Universitário Ritter dos Reis (UniRitter). Researcher on the theme of violence against women.

74 Themis Gênero, Direitos Humanos e Acesso à Justiça. Available at: <www.themis.org.br>

75 Geledés, Instituto da Mulher Negra. Available at: <www.geledes.org.br>

BACKGROUND

The app was idealised, initially, to answer the Public Call Challenge of Social Impact, promoted by Google in 2014, in which PLP 2.0 was one of the winners. It was adopted in the State of Rio Grande do Sul in 2016 by means of a Technical Cooperation Agreement with the Executive Power, the Judiciary Power (Court of Justice of Rio Grande do Sul State - TJRS), State Public Attorney, State Public Prosecution Office, the Association of Judges of Rio Grande do Sul (AJURIS) and Themis.

The app was developed by *Instituto Conceptu Protótipos e Sistema* in partnership with the NGOs Themis and Geledés. It started as a pilot project in Restinga, one of the biggest neighbourhoods in the capital, with an ambition never realised of expanding to other localities.

The concession of the app depends on the analysis of the violence situation by the Special Court on Domestic Violence. Once the actual risk is verified, the Court grants the use of the app, installed in the users' cell phone.

When activated, the app calls on the Military Police (PM) that sends an alert signal to the PLPs in the region. The PLPs are the leaders and activists of the community that receive training in human and women's rights provided by the NGO Themis through the Training Project of Popular Legal Promoters, that exists since 1993.

The app PLP 2.0 is a promising practice and its impacts in the creation of a network of support to women could be better investigated. However, in 2020, the project started to be re-evaluated by the NGO and is currently suspended.

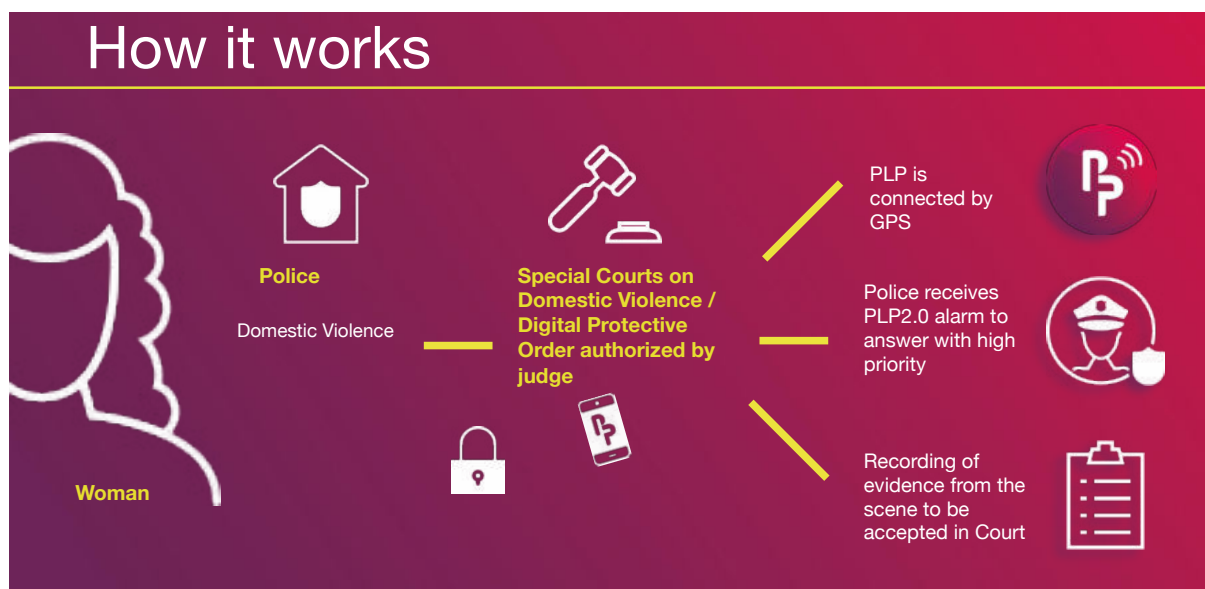
HOW IT WORKS

The functioning of the app is simple. A woman possessing an intervention order activates it when a violation occurs, by pressing the button in the app for 5 seconds. This, in turn, sends an alert to the PM that will give top priority to going over to the place where the victim is at that moment (THEMIS, 2020). The PLPs in the region will also be alerted, to follow-up on the case afterward. The connection between the PLPs and women in situations of domestic violence has as its objective creating a network of support and information, with an aim to facilitate access to Justice and to public services. This is an innovation of Project PLP 2.0 in relation to the Panic Button, since on top of alerting the police (PM), the app also activates the network of support constituted by PLPs.

The address of the place where the victim is located will reach the PM by means of a GPS location, making it unnecessary for the women to inform anything in the moment she uses PLP 2.0. The app also allows for women to register small occurrences with a lower risk

potential, with the aim of producing proof for process instruction on cases of domestic violence (THEMIS, 2020).

The users are selected among those with intervention orders issued for the use of the platform by the Special Court on Domestic Violence of Porto Alegre, according to the degree of vulnerability and risk to which they are exposed (THEMIS, 2020).



Source: Themis, 2020.

To use the app, women must sign a term of responsibility, with the main objective of preventing false alarms. On top of that, they receive a User Manual of PLP 2.0, and public servants at the Special Court also give out orientation to them on how to utilize it (THEMIS, 2020). After receiving authorisation for use, the woman may download the app by using Google Play or App Store.

LESSONS AND RECOMMENDATIONS

The project possesses low cost of reproduction because it depends only on the existence of a cell phone where it can be installed. The technology used was simple, to make its access and actualisation easy.

The engagement of women from the community – PLPs – is a differential of the app, allowing for support and qualified listening as well as the participation of civil society in the case follow-up. The reduced number of authorisations to use the app raises questions on the criteria used to analyse risk, the interest of the Justice System in its maintenance and expansion and in articulating with other institutions, especially the police.



Source: Themis.

The PLP 2.0 is a promising practice that should be expanded. Its impact needs to be better analysed. There is a need to understand why in four years there was such a reduced number of authorisations to use the app and what is the expectation of the Judiciary Power and the Security System on the project.

The community engagement through PLPs and NGOs in the conception and follow up is one of its relevant aspects, but may also be a factor of tension, that may be understood as a control on the part of social movements on public institutions, making adherence on part of these institutions difficult.

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5.5 THE LEGAL DATING PROJECT AND MY ARTIFICIAL INTELLIGENCE FRIEND (MAIA)

Valéria Scarance⁷⁶

PROJECT #NAMOROLEGAL

MAIA – MY ARTIFICIAL INTELLIGENCE FRIEND

In Brazil, every year the rates of violence against young women rise. According to research, 66% of women ages between 16 and 24 have suffered sexual harassment and 42% some violence (FBSP, 2020). The risk of death is 86 times greater for women ages between 20 and 29 years with previous violence cases.

Law Maria da Penha (LPM) provides in article 8, item IX, for an approach to gender, race, and violence context against women in all school levels, a determination seldom followed. As a result, young people still reproduce discriminatory and sexist behaviours in their relations.

Young people have the greatest difficulty in recognizing violence and in setting limits. Be it for a lack of experience, or for passions characteristic of such age, youngsters submit more rapidly to isolation and control.

Data of research carried out in 2014 implemented by Instituto Avon with 2046 young people of ages from 16 to 24 all over the country revealed the following: 43% of them have witnessed violence against their mothers and 47% interfered to defend them; 64% of these young people have repeated the pattern with their partners; 66% of women suffered violence or control on the part of the partner.

To change this situation, the Gender Centre of the Public Prosecution Office of the State of São Paulo (MPSP) started the project #NAMOROLEGAL⁷⁷ to prevent violence in dating relationships since the beginning of the domination process, utilising as strategy a language attractive to young people and the help of a bot named MAIA – that stands in Portuguese for my artificial intelligence friend.

⁷⁶ Prosecutor and Chair of the Gender Equality Cabinet of the Office of the General Attorney of São Paulo. Doctor of Laws and Professor of Criminal Law at PUC/SP University.

⁷⁷ In Portuguese, “legal” means both legal (lawful) and nice (cool), therefore the name plays with the double meaning of the word in the context of relationships.

The booklet was idealised and elaborated by Valéria Scarance, with the collaboration of Marília Taufic, Daniela Saldanha and Fabio Scarance Goulart, and with graphic design by Renata dos Santos Bastos.

In developing the bot MAIA, the project counted on the partnership of: Microsoft, Elo Group and Ilhasoft, following a previous partnership between Microsoft and The Public Prosecution Office outlined in a cooperation agreement with a greater finality.

HOW IT IS IMPLEMENTED

TARGET GROUP

Young women, especially between ages of 16 and 24, since this is the group of biggest victimisations. Teachers and other professionals in the education system, and professionals of the support and combat network to counter violence are also included.

STRATEGIES

The project #NAMORO LEGAL draws on two tools to raise awareness and prevent violence, especially femicide of young women:

- Virtual booklet #NamoroLegal, with seven Dating tips, representing stages of an abusive relationship. The booklet was developed with a playful and modern written and visual language, it does not possess references to stigmatizing terms such as “victim”, “aggressor” and “violence”, a word only mentioned in the last tip, when a situation of alert of danger already exists. Because it is a virtual document it is easy to share in groups and schools. The booklet was launched on June 12, 2019 (Valentine’s Day in Brazil) in digital form and may be found on the website of the Public Prosecution Office and on the project’s own site. For the launching, 1,000 copies of the publication were printed in partnership with Microsoft.
- Creation of a virtual friend MAIA, in partnership with Microsoft, Elo Group and Ilhasoft to dialogue with young people in text messages, offering tips on abusive relationships, dating, dangers, “safe territories”, independence, isolation and other aspects, based on the booklet’s data. MAIA came out on March 17, 2020 in a specific website until the closing of the present article.



Source: MPSP

RESULTS

The booklet was spontaneously shared all over the country in a few days and reached the most important media in Brazil in television, radio, and electronic magazines. Two specific media programs dedicated one entire episode to the booklet: the podcast from *Revista Cláudia* (the biggest and oldest women magazine in Brazil) and a TV show on *Cultura* (main educational channel in Brazil) named Mother Talk.

The project has inspired Federal Bill n. 4318/2019 that institutes a national Legal Dating campaign.

Between March and June 2020, the bot MAIA interacted with 1600 girls.

In June 2020, in partnership with Avon Institute, the pocket version of the booklet from #NAMOROLEGAL was launched, available in electronic format, due to the pandemic.

Up to September 2020, 516 accesses to the pocket guide were registered. The material is available at: <<https://institutoavon.mkt.tools/guianamorolegal>>

The digital booklet was also shared by e-mail with all the students in Law School at the Pontifical Catholic University of São Paulo (PUC-SP), up to 3200 students.

The booklet may be printed by authority or organisation upon request to the Gender Centre at MPSP, as long as the printing costs are covered by the requester that also assumes the responsibility to not reproduce the material partially or alter its content.

During the launching period, up to March 2020 (when the activities ceased due to the pandemic), partnerships with eight institutions and seven states (Ceará, Pernambuco, Piauí, Santa Catarina, São Paulo, Rio Grande do Norte e Rio Grande do Sul) were closed, resulting in the distribution of over fifty seven thousand booklets.



Source: MPSP

LESSONS AND RECOMMENDATIONS

Prevention of violence against young women demands specific strategies, with written and visual language appropriate to this age group.

The project #NamoroLegal innovated in treating violence in a lighter, more attractive way, and at the same time offered content capable of orienting young people in their relationships.

The booklet may be accessed from anywhere, including by cell phone, shared in groups, and used as supporting material for teachers and professionals in the support network of assistance.

STRONG POINTS

- The Campaign #NAMOROLEGAL identified and treated the main stages of domination in relationships with “dating tips”, acting strategically on the prevention of violence.
- The content includes homo and heterosexual relationships.
- Campaign with young people as its clear target group.
- The material may be shared in digital form or printed by those interested after authorisation from the Public Prosecution Office.

WEAK POINTS

- Lack of financial resources to print the material.
- Launching of MAIA with a set time (to be evaluated), in face of the need to constantly follow-up on the artificial intelligence content for which there is no permanent budget available.
- Suspension of school activities due to COVID 19.

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