

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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