

UNIVERSITÀ DEGLI STUDI DI PADOVA

DEPARTMENT OF POLITICAL SCIENCE, LAW,
AND INTERNATIONAL STUDIES

**Master's degree in
Human Rights and Multi-level Governance**



“MARIA DA PENHA LAW” ON MALE VIOLENCE
AGAINST WOMEN IN BRAZIL: CRITICAL ASPECTS
AND OPERATIONAL GAPS OF THE PROTECTION
AND SECURITY SYSTEM.

Supervisor: Prof. PAOLA DEGANI

Candidate: ANA PAULA RIBEIRO
FUJARRA

Matriculation No. 2005854

A.Y. 2021/2022

ACKNOWLEDGMENTS

Being a scholarship holder for a master's degree in Italy never crossed my mind. It was a gift for me in terms of my evolution as a person and because I could have been a student at the University of Padua. That is a source of pride for me.

First, I would like to thank God for this opportunity and my mother and sister for having fought so hard together with me to make this dream come true and for never letting me give up.

I would also like to thank my friend Jessica for guiding me on this master's path in Europe, making me believe that it was possible, and for all the strength during the entire master's process, including this thesis.

I want to thank my husband for all the support and encouragement and for constantly reminding me that I am capable.

I would also like to thank all the professors who added so much to my knowledge, especially my supervisor Paola Degani, for all her understanding and patience with me.

Last but not least, I would like to thank my daughter Helena, who, even though she was still in my womb, accompanied me in this thesis formulation process and put up with her mother for hours sitting in the same position, you were and will always be my most tremendous encouragement, my daughter.

TABLE OF CONTEXT:

TABLE OF CONTEXT.....3

LIST OF FIGURE.....5

ACRONYMS6

ABSTRACT.....7

INTRODUCTION8

CHAPTER 1 - Violence Against Women in Brazil: a general overview of the phenomenon10

1.1 Violence against women.....10

1.2 Violence against women from the perspective of Brazil.....12

1.2.1 Violence against black women.....15

1.2.2 The results of violence in women's lives16

1.2.3 Types of violence against women.....17

1.3 Violence Against Women in a Gender Relation’s perspective.....18

1.3.1 Women and access to the labor market in a Gender Relationship20

1.4 Analysis of the male gender in its amplitude on violence against women.....21

CHAPTER II - The role of Brazilian feminism to promote women's human rights.....24

2.1 Feminism.....24

2.1.1 International Feminist Movement24

2.1.2 Brazilian feminism.....26

2.1.3 The patriarchy.....35

2.2 The History of Human Rights.....40

2.3 Women's Human Rights.....43

2.3.1 Important Events for Women's Human Rights.....47

CHAPTER III - Law system in Brazil regarding male violence against women.....58

3.1 How was the process of implementing the judicial system in Brazil.....58

3.2 Brazilian justice in the perspective of gender and violence against women.....	62
3.2.1 Brazilian Penal Code in a historical perspective focusing on female access...	64
3.2.2 Difficulties women face in accessing Brazilian legislation.....	66
3.2.3 The historical evolution of female conquest of women in Brazilian legislation.	67
CHAPTER IV- The history, creation, implementation, and features of the "Maria da Penha" so-called Law:	70
4.1 Who is Maria da Penha	70
4.2 Bureaucratic and legal process that preceded the "Maria da Penha" Law, Law No. 11.340/06	72
4.3 How did the Maria da Penha Law - Law n. 11.340	76
4.4 Progress achieved through Law No. 11.340	77
4.5 Analysis of the most relevant articles of Law 11.340	80
4.5.1 Art. 6º On violence against women as a violation of human rights	80
4.5.2 Art. 8 º - Assistance to women in situations of domestic and family violence.	81
4.5.3 Art. 10º to 12º - Attendance by the police authority	83
4.5.4 Art. 18 º to 21º - Urgent protective measures	85
4.5.5 Art. 22º - Protective measures that oblige the aggressor	88
4.5.6 Art. 23º to 24º - From urgent protective measures to the victim	91
CHAPTER V- Data Analysis and Possible Linkage Between the Gaps in Protection and The Increasing Number of Femicides	93
5.1 Inefficiency in the application of the Maria da Penha Law	93
5.1.1 Statistical data on the flaws in the Maria da Penha Law.....	94
5.2 Joint Parliamentary Commission of Inquiry.....	97
5.3 Final analysis of statistical data	98
CONCLUSION.....	100
BIBLIOGRAPHY.....	105

LIST OF FIGURES

Graph 1 - Mortality of women due to assaults before and after the Maria da Penha Law95

ACRONYMS

CEDAW	Convention on All Forms of Discrimination Against Women
CEJIL	Center for Justice and International Law
CLADEM	The Latin American and Caribbean Committee for the Defense of Women's Rights
GDP	Gross Domestic Product
GREVIO Violence	Group of Experts on Action Against Women and Domestic
IA	Institutional Acts
IACHR/OAS	The Inter-American Commission on Human Rights of the Organization of American States
IPEA	Instituto de Pesquisa Econômica Aplicada
NGOs	Non-governmental organization
NSC	National Security Court
NSL	National Security Law
OAS	The Organization of American States
OMS	Organização Mundial da Saúde
ONU	Organização das Nações Unidas
PMDB	Partido do Movimento Democrático Brasileiro
Pnad/IBGE	Pesquisa Nacional por Amostra de Domicílios Contínua / Instituto Brasileiro de Geografia e Estatística
PT	Partido dos Trabalhadores
SIM	Sistema de Informação sobre Mortalidade
UN	United Nations
WHO	World Health Organization

ABSTRACT

Violence against women is a worldwide phenomenon that affects women of all social classes, nationalities, and ethnicities. Access to women's rights was only achieved through the many struggles of feminist movements and women's movements. Law 11,340/2006 – Maria da Penha Law was only enacted after many struggles by Brazilian women in favor of legislation that could protect them from domestic violence and punish the aggressors. In this context, this present research aims to analyze the connection between the application of the Maria da Penha Law in Brazil relation to the number of femicides that is still high. The research will be quantitative, and an analysis will be made of a 2013 IPEA survey, "Impact of Maria da Penha Law on female mortality due to aggression in Brazil, 2001-2011," by the author Garcia et al. (2013), this data will be used to analyze the number of deaths of women before and after the Maria da Penha Law came into force. The result of this research reported that the number of deaths is increasing in the country even after implementing the Maria da Penha Law. This research contributes to the academic world because it portrays the reality of several Brazilian women and how only the Law itself does not cause change. However, it must be complemented with the practical work of other governmental and institutional spheres, such as the legislative, legal, and executive.

Keywords: VAW, Maria da Penha Law, Brazilian Feminism

INTRODUCTION

Violence against women is a cultural reality in all countries and makes no distinction of age, race, or social class. In Brazil, this reality is also solid and affects many women. Moreover, it is not something new since the beginning of civilizations, the woman is placed in a position of submission and inferior to the man, who is the holder of social and family control, so the consequences of this unequal relationship result in numerous types of violations of women's rights, the violence of various types, and the difficult or sometimes almost non-existent access to their rights.

Throughout history, women organized themselves and formed feminist movements; through many struggles, confrontations, and discussions, they achieved rights and a voice in society. However, the struggle is still necessary because even though women conquer rights in the Law, in practice, due to the rooting of patriarchy in male chauvinist society, women continue to suffer prejudice, being diminished and belittled. This reality worsens when the woman is a victim of domestic violence; the woman is seen as deserving. When she seeks help from the State and denounces it, she suffers more rights violations, questioning the woman's veracity, causing her to revisit the moment of trauma.

In Brazil, after many struggles, women started to have access to laws protecting women against violence, the most important in Brazil is the Maria da Penha Law n. 11,340, which is named in honor of Mrs. Maria da Penha who, after suffering various types of domestic violence, fought in Brazil. As she did not get support, she sought international support. Only then were her demands heard, and her aggressor was punished. Today, through her struggle, countless women have the support and security to denounce their aggressors.

However, the Law on paper is structured, but in practice, due to a sexist society, which does not think about women, the Law becomes flawed and often ineffective. Even after denouncing the woman, she is still faced with the vulnerability of security

and the fear that the aggressor will attack her again and, in some instances, go after her to kill her.

This thesis is organized as follows: In the first chapter, a global and Brazilian vision of violence against women will be addressed. The second chapter portrays the feminist struggle in the international and national sphere and the main events that were important to achieve women's human rights. The third chapter discusses how legislation was implemented in Brazil since Brazil was a colony of Portugal, then what were the bad laws in favor of women's rights. The fourth chapter analyzes the Maria da Penha Law n. 11,340, how the process was to become Law, and the benefits and deficiencies of the Law. Furthermore, finally, the fifth chapter is an analysis of research that proves the ineffectiveness of the application of Law 11.340 in Brazil and how the Brazilian woman, even after the complaint, is vulnerable to the violence of the aggressor.

This research aims to analyze the relationship between the implementation of the Maria da Penha Law in protective measures, with the growing number of deaths of women from domestic violence in Brazil.

CHAPTER I - VIOLENCE AGAINST WOMEN IN BRAZIL: A GENERAL OVERVIEW OF THE PHENOMENON

1.1 Violence against women

Violence against women is a persistent factor, an action that directly violates human rights and is an obstacle to achieving gender equality (ONU, 2006). Violence against women is caused by perverse and cruel cases present in everyday life, affecting women of different social, ethnic, cultural, and religious classes. Currently, violence occupies one of the first places on the agenda of social problems (Silva MCMV, 2008) (Ministerio Da Saude, 2005).

Violence against women is a worldwide phenomenon and a way of perpetuating historical inequalities between men and women, making it difficult for women to achieve positions of power, and economic, social, political, and cultural achievements, which prevents women from growing and becoming free (Pimenta, 2011).

According to the Maria da Penha Law, domestic and family violence against women is defined as "(...) any action or omission based on gender that causes death, injury, physical, sexual or psychological suffering and moral or property damage: I - within the scope of the domestic unit (...) II - within the scope of the family (...) III - in any intimate relationship of affection, in which the aggressor lives or has lived with the victim, regardless of cohabitation" (Governo do Brasil, 2006, p. 1 and 2).

The United Nations Declaration on the Elimination of Violence against Women defines violence as "Any act of gender-based violence that causes or is likely to cause, physical, sexual or mental harm or suffering to women, including the threat of such acts, coercion or arbitrary deprivation of liberty, whether in public or private life" (UN, 1993, art. 1).

In Brazil and the world, violence against women is a public health problem, as these violent actions affect women's physical, mental health, and development and are

one of the biggest and leading causes of female morbidity and mortality (Ministerio Da Saude, 2016).

According to the World Health Organization (WHO), 35% of women in the world have suffered physical and/or sexual violence carried out by an intimate partner; that is, more than one in three women in the world have suffered some type of violence at least once (Garcia, Garcia, 2016).

According to Diniz (2003), violence against women is based on the patriarchal culture; women are taught from a young age to serve men, which reinforces the stereotype of submission and obedience to men, society demands sweetness from women, while man is required courage and aggressiveness. This entire social structure results in inequality, creating an environment susceptible to gender violence. Reaffirming this social relationship, the author Grossi (1996, p. 135), "By assigning a submissive and passive role to women, society creates space for male domination". This domination of men over women is seen socially in institutions such as the family and marriage.

Violence against women is responsible for 7% of all deaths of women in the world, aged between 15 and 44 years, so discussing this topic is necessary and important (Meneghel et al., 2011) (Garcia, et al., 2008).

Gender inequality is an inappropriate form of social history and places women as subordinate and dependent on men. This irregularity of "power" presents itself socially in the form of violence due to the relationship between domination and force (Guedes, Fonseca, 2009).

However, in addition to the patriarchal culture, another factor that reinforces violence against women is impunity and the fragility of public policies. Impunity is due to the difficulty of diagnosis and the fact that violence can occur in private spaces and silently.

Gomes et. al. (2014) states that the masking present in violence against women inside the houses makes the correct number of women who suffer violence unknown, which camouflages the magnitude of this phenomenon.

There are several items on the list of what can generate violence against women, such as the family history of violence, use of licit drugs such as alcohol by the partner, (Vieira, et al., 2011) unemployment that subjects women to a low level of socioeconomic status, the fragility of the social support offered to women (Garcia et al., 2013). However, the main cause of violence against women is the inequalities arising from the gender relationship (Signorelli, et al. 2012), where the violence suffered by women is a way of maintaining and conserving male power (Vieira, et al., 2011).

1.2 Violence against women from the perspective of Brazil

The incidence of violence against women is so high in Brazil that, according to data from the World Health Organization (WHO), the country ranks fifth in the world. The rate of femicide is 4.8 per 100,000 women (ONU, 2022).

Residential houses were considered a place of privacy, different from the street, commercial, and political areas that are considered public places, that is, this analysis reinforces the idea that what happened in private spaces was not of general interest, so it should not receive any type of intervention, let alone state intervention (Cortizo, Goyeneche, 2010).

In Brazil, violence against women has an endemic structure, which is not erratic but structured by the system of class and exploitation, being reinforced by the country's authoritarian policy, based on fear, trivialization, and naturalization of violence against women in all countries the social levels (Almeida, 2005).

Between 1980 and 2010, more than 92 thousand women were murdered, and 47.5% of the cases occurred in the last decade. Among women aged between 15 and 49 years,

65% of cases of aggression were committed by men who had or had a romantic relationship (Waiselfisz, 2012).

Chauí (2003) states that despite the fact that violence is much debated in Brazil, Brazilian society is still organized in a perspective of “non-violence”, which masks the actual reality of the country. This denial is analyzed in three spheres: that of exclusion, when the perpetrators of violence were not true Brazilians; of distinction, when violence is analyzed fleetingly and accidentally, and finally, that of real inversion, when violence arising from machismo is seen as a natural protection for the natural fragility of women, thus distorting the consequences of machismo. This analysis of violence makes society not realize that its explanations are also violent and that the real problem lies in the structure of Brazilian society.

Brazilian society is based on relationships of command and obedience, it is authoritarian, these characteristics are used to sustain patriarchal and sexist patterns the invisibility of structuring violence associated with gender inequality, which denies women rights and provides authoritarianism to men, leads to legitimization and naturalization of violence suffered by women (Chauí, 2003).

Several forms of violence against women were naturalized and legitimized, especially in the domestic spaces. The State did not take any action, because it understood these acts of violence as family conflicts; that is, the solution had to come from within the house (Angelim, Diniz, 2009).

The naturalization of violence against women is a reality so rooted in Brazilian culture, that in the country there is a “popular phrase”, (that is passed from generation to generation), “In a fight between husband and wife, do not put the spoon”, this saying addresses the issue that was addressed above, within the private environment, there should not be any kind of outside intervention. According to the authors Cortizo and Goyeneche (2010), this naturalization of violence leads to the invisibility of acts and consequently, these acts are not considered crimes, and the aggressors go unpunished.

In Brazil, the trivialization of crime with greater incidence in the country, domestic violence, generated the invisibility of crime. The sequelae do not go beyond the victim, reaching all family members, especially children, who generate a tendency to reproduce violent or submissive behaviors that they witnessed as children in adult life, perpetuating the cycle (Dias, 2007).

This naturalization further aggravates the situation of women suffering violence, because, according to the author Grossi (1996), 70% of complaints in Brazilian police stations report that the aggression occurred in a private/domestic space, being committed by husbands or partners. Therefore, many cases do not have an intervention because they are seen as private “problems,” which must have solutions from within the house.

A study carried out by the Inter-American Development Bank/IDB, in 198 (apud Guerra, 2004) revealed that the probability of a woman being assaulted in her home, in private by her partner or ex-partner, is eight times greater than the likelihood of her experiencing violence in the street, in a public place, or in her workplace.

Violence within the public space, conjugal, is seen as a cultural phenomenon, because society sees this violence as a form of disciplinary action practiced by the father/partner, to correct the wife and daughters. This way of looking at the dynamics of violence disrespects the dignity of women and facilitates impunity for aggressors (Schraiber, et al.2003).

Nowadays, due to a lack of data to accurately prove the rates of violence that women suffer, it is estimated that one in four women in the world has already been assaulted by their intimate partner, at least once. In Brazil, the data are worse, every minute a woman is assaulted by men who have an affective bond with her. Currently, 23% of women in Brazil are subject to domestic violence (Oliveira, 2007).

Violence against women is something so terrifying and shocking that, according to the Ministerio da Saude (2006), even when the woman is pregnant and experiencing

one of the most physically and emotionally sensitive times, the physical aggressions suffered do not cease; on the contrary, they only increase, in Brazil, on average, 13% of pregnant women report that the violence they suffered increased not only in quantity but in the level of aggression as well.

In a survey carried out in Rio de Janeiro, in 2003, with 749 men aged between 15 and 60 years, it was revealed that 25.4% answered that they had already used violence against women at least once, and about 40% said they had already used violence against women used psychological violence at least once against a partner, and about 51.4% confirmed that they had already carried out some type of physical, psychological, or sexual violence against women (Barker, Acosta, 2003). Another study in another Brazilian city, Recife, applied a questionnaire to 170 military recruits, asking them if there are moments when a woman deserves to be beaten, and 25% answered yes, and 18% answered that "it depends". Finally, 18% responded that they had used physical aggression against a woman (Medrado, Lyra, 2003).

According to a survey carried out by the Fundacao Perseu Abramo (2001), it stated that every 15 seconds, a woman is assaulted in Brazil, and more than two million women are beaten each year by current or former intimate partners. In the same survey, 19% of women spontaneously stated that they had already suffered some type of violence by a man and when this same question was rephrased, but with a list option citing the types of violence (threat; physical violence; sexual harassment...), this number more than doubled, reaching the percentage of 43%.

It is estimated that 3.3% of the Brazilian gross domestic product is spent on violence against women, which is three times greater than investment in science and technology. The value coattending emergency cases resulting from aggression against a woman is much higher than the cost that conventional medical procedures (Minayo, 2006).

1.2.1 Violence against black women

Violence against women is not limited by class boundaries, school level, religion, or culture... (Krug et al., 2002; Saffioti, 1999), Nevertheless, the weight of these characteristics in the experiences of violence cannot be ignored. and access to justice (Silveira, Nardi, 2014).

A study analyzed data from police reports and legal proceedings of women who suffered some type of violence in the city of Porto Alegre, southern Brazil. It was possible to analyze that most police reports are from black women. However, the number of processes of continuity of complaints against black women falls by half compared to the number of police reports, which indicates the difference in access to high levels of justice between white and black women (Silveira, Nardi, 2014).

The 2015 map of violence in Brazil, indicated that between 2003 and 2013, there was an increase in violence and femicide against black women by 54%, from 1,864 to 2,875. (Waiselfisz, 2015). In contrast to these data, the annual number of homicides of white women fell by 9.8%, from 1,747 in 2003 to 1,576 in 2013 (ONU, 2022).

1.2.2 The results of violence in women's lives

Regardless of the type of violence committed against women, it always brings destructive results to women's lives, much broader and deeper results, such as mental disorders, gastritis, body aches, unwanted pregnancy, STDs (sexually transmitted diseases), gynecological disorders, asthma, miscarriage, eating disorders, alcohol, and drug abuse, depression... (Silva, 2003)

When women are forced to undergo sexual intercourse, they feel discouraged in demanding that their partner use contraceptive methods and protection against sexually transmitted diseases (Diniz et al., 1999), which increases the risks and exposure to diseases.

The Inter-American Development Bank carried out a worldwide study that showed that violence against women generates 25% of absences at work; consequently this

factor reduces women's wages and increases the chance of illness for women and their children due to the situation of vulnerability that the woman is (Governo do Brasil, 2002).

When violence against women occurs within the home, it profoundly affects children. These children and adolescents are more susceptible to developing behavioral and emotional problems, problems with learning and concentrating at school, low self-esteem, disobedience, and other problems with physical health (OMS, 2002).

Women who live in situations of domestic violence are five times more likely to develop psychological problems than women who do not live in the same situation (GROSSI, 1996). Problems of forgetfulness, difficulty sleeping, and nervousness, were mentioned by women who suffered some type of violence (Guerra, 1997).

1.2.3 Types of violence against women

When talking about violence, the first image that comes to mind is physical violence, but violence against women is expressed in five categories:

The first and most well-known is physical violence, which is defined as any action that harms the integrity or bodily health of the woman, such as beatings, throwing goals, shaking, squeezing arms, strangulation or suffocation, injuries with sharp or perforating objects, and injuries caused by burns or firearms and torture (Instituto Maria Da Penha, 2022).

Another expression of violence is psychological violence which occurs when the aggressor generates emotional damage, which reduces self-esteem, actions aimed at harming the victim's development or controlling their decisions and beliefs (Dias et al., 2007). These actions occur through threats, embarrassment, humiliation, manipulation, isolation (when the aggressor prohibits them from studying, traveling, or talking to friends and relatives), constant surveillance, persistent persecution, insults, blackmail, exploitation, limitation of the right to go and come, ridicule, take

away the freedom of belief and distort and omit facts to leave women in doubt about their memory and sanity (gaslighting) (Instituto Maria Da Penha, 2022).

On the other hand, sexual violence occurs when the aggressor constraints, forces the victim to witness, maintain or participate in unwanted sexual relations, to use intimidation, threats, use of force, imposing the victim to trade or use their sexuality (prostitution), the Sexual violence also occurs when the aggressor prevents the victim from using contraceptive methods, or when marriage, abortion, pregnancy are imposed (Hermann, 2007), or when rape occurs, or when the aggressor forces the woman to perform sexual acts that cause discomfort or repulsion and limiting or nullifying the exercise of women's sexual and reproductive rights (Instituto Maria Da Penha, 2022).

Property violence occurs when the aggressor retains, subtracts, and destroys part or all of the objects, or personal objects, causing deliberate damage to the woman's object, or damage to work objects, personal documents, goods, and economic resources (DIAS, 2007). This violence also occurs through money control, theft, embezzlement, or when the aggressor fails to pay alimony (Instituto Maria Da Penha, 2022).

Furthermore, the fifth expression of violence against women is moral violence that is characterized by slander, insult, or defamation (Dias, 2007), the accusation of treason, issuing moral judgments about conduct, making false criticisms, exposing intimate life, lowering the woman through cursing that affects her nature or the devaluation of the victim for her way of dressing (Instituto Maria Da Penha, 2022).

1.3 Violence Against Women in a Gender Relation's Perspective

Brazilian society is strongly marked by gender relations, which is evident in the way men and women are affected by violence. Men usually suffer violence in public spaces, while women are usually murdered and suffer violence in private spaces. Most of the aggressors have an intimate relationship, being husbands or ex,-partners

and regardless of the period together, they have lived in the same house. In 2009, the National Household Sample Survey (Pnad/IBGE) concluded that 48% of women who suffered violence were assaulted in their own homes, and, in contrast, 14% of men were assaulted inside their homes (Martins et al. 2015).

Men are the primary victims of violence and therefore have the highest numbers of public safety, health and justice records. In contrast, women suffer invisible violence, because it occurs in private spaces, and is often omitted by family members and acquaintances, due to this many occurrences and complaints are not generated and are not captured in the information systems, and consequently, it generates an under-enumeration of events of violence against women (Garcia, Garcia, 2016).

The roles and attributes that are imposed by the gender issue create a hierarchical social value in the attitudes of men and women, making domination actions acceptable. Concerning the role of women, the traditional role of the mother is imposed, which is associated with the overload of accumulating responsibilities about raising children and another role imposed on women is that of a wife, which is associated with a lack of autonomy due to the question of submission to the husband, these roles are associated with “being a woman” (Venturi, 2004). The man is given the role of action, decision, and headship of the family, and paternity is summarized only in financial provision. Therefore, naturally, man occupies the place of the agent of the power of violence, having a direct historical relationship, masculinity associated with the domination of people, and conquests through wars (Lamoglia, Minayo, 2009).

Many women, for numerous reasons, cannot react in the face of a situation of violence and force themselves to remain in the marital relationship. Researchers indicate that the silence of women about violence can be a strategic way to adapt and limit violence and preserve marriage and family, because throughout life women have been conditioned and prepared to play this role; that is, for some women, the

fear of ending the marital relationship is greater than the violence they are suffering (Gomes et al., 2014).

According to Saffioti (1999), historically, the process of the cultural construction of gender inequalities was constituted by the permanent impositions of “submitting” this imposition has been rooted in women since the beginning due to a natural issue which is the inferiority of the form female physical compared to male.

The power relationship between genders is presented in two faces: potency and impotence; women are socially taught and induced to live with impotence; and men have always been associated with the gallows, places of power, and not knowing how to deal with impotence factors, it is believed that when men experience situations of impotence, they end up committing violent acts against women (Narvaz, Koller, 2006).

When thinking about the symbolic dimension of gender violence, and the question arises why women adopt a position of submission and silence in the face of violence, the reason that stands out the most is “the desire to keep the family together”, and if that fact is due to the family roles determined for the man who is the head of the family, who decides the rules to be followed by the family and the role of the woman, who is to watch over and take care of the family and children (Narvaz, Koller, 2006).

What makes the perception of domestic violence difficult is that the violence that occurs in the private sector clashes with the version of the traditional family that is socially seen as a sacred sanctuary, mother cell, and the basis of society (Soares, 1999).

1.3.1 Women and Access to the Labor Market in a Gender Relationship

Women's access to the labor market was an indisputable victory, but in this patriarchal society, even women's victories are associated with overload and submission.

Several authors (Goldani, 2002; Martin, 1995; Parella, 2001; Campos; Mioto, 2003) agree that the insertion of women in the labor market has changed the configuration of some families, the man is no longer the only provider and the woman has their traditional role being changed, with this change men feel diminished by losing the ability to provide, and this situation can make men more likely to have violent acts within their home.

Even for women working outside the home, housework, and childcare are still it remains her obligation, a reality that gave rise to the name “multiple journeys.” And this burden still generates a profit for the State of 40% of the world GDP, but women are not recognized (Cortizo, Goyeneche, 2010).

1.4 Analysis of the male gender in its amplitude on violence against women

According to Medrado and Lyra (2003), in order to analyze and understand the violence of men against women, it is essential to analyze the processes of socialization that men have in today's society and what it means to be a man in this society, which is also imposed on women. They repress their emotions, be aggressive, and resolve everything with physical violence, characteristics that are accepted as marks and a way of proving their masculinity.

This constant need for masculinity affirmation contributes to violence against women and increases male morbidity and mortality rates, mainly from external causes such as homicide, suicide and traffic accidents, and health problems linked to mental disorders. A search in the Mortality Information System/ SIM of the Unified Health System, already proves these facts and illustrates the reason why men live on average seven years less than women (Lima, et al. 2008).

Currently, in the biogenetic field, he has carried out studies to prove the relationship between male violence and genetic predispositions or related to the influence of testosterone. In any case, the importance of a scientific study like this is not highlighted, but the authors Medrado and Pedrosa (2006) claim that the strongest

inheritances are not transmitted by DNA but through symbols, language, and mainly affective ties that have the power to build or destroy.

The importance of debating about men and their gender is that when we understand men in their plurality, we understand that they are the extension of the diversity arising from human experiences and this vision breaks the paradigm that the masculine is a hegemonic model. Therefore, masculinity comes from subjective and social experiences that men are exposed to and as a cultural, social, and historical construction, it can be deconstructed and reconstructed in the process of man's "living" (Nascimento, 2001).

Michael Kaufman (1999) agrees with this analysis of man and he developed an analysis, which he named the "Seven Ps of men's violence", which focuses on analyzing and understanding the violent root of men:

- Patriarchal power: patriarchal society is dominated by men and is structured around hierarchy and violence against other men, women, and "self-violence", creating an environment whose main objective is to maintain power in the hands of men;
- Privileges: the violent actions of men do not occur only due to inequality of power, but also due to an idea of privileges that women have an obligation to grant to men;
- Permission: for Kaufman, violence against women is entirely accepted and encouraged by social norms, penal codes, and some religions, and violence by men against men is not only permitted but it is also naturalized and celebrated in sports, movies;
- Paradox of male power: to develop their powers in their individuality and socially, men build barriers of affective contact with themselves and with others;
- Psychological armor of masculinity: it represents the denial and rejection of any characteristic or aspect that may seem feminized;

- Psychic pressure: since childhood, men are induced not to express emotions or feelings of any kind, one of the only allowed feelings is anger, which happens that the other emotions are channeled into this only allowed feeling;
- Past experiences: when a man grows up witnessing and observing acts of violence carried out by other men, who can sometimes be his father, he can define them as correct and models to be followed in the future.

Nascimento (2001, also shares the same view, and developed an analysis called “the three silences,” analyzing man and violence. The first deals with the “silence about men and masculinities”, it is about the invisibility of man, when he is the object of investigation, discussion, and intervention. The second is about “the issues of the private world, affections, and intimacy, and the way they deal with them”; and the third is “to men who resort to violence as a form of conflict resolution in intimate relationships”. For the author, the understanding these silences allows the construction of actions and alternative behaviors to the traditional patterns of masculinity, thus promoting equity between men and women.

Therefore, the presence of men in various aspects and contexts of violence is clear, being a product and target of the imposed models of gender relations in a patriarchal society.

CHAPTER II - The role of Brazilian feminism to promote women's human rights

2.1 FEMINISM

2.1.1 International Feminist Movement

Feminism had its first role as a political subject of women, in France, through the participation of women in the international scenario, the French Revolution, which was an ideological and political landmark for the West and was also a landmark for women in a perspective of the position itself to claim women's rights in society, intending to bring about a structural-symbolic rupture with the mechanism that reinforces social inequalities and serves as perpetrators of capitalist patriarchal domination. In addition, there are records of women's struggle to claim the right to enlist in the military career and to be able to access weapons to fight in the revolution, a right that was only for men, even though there was a very high number of women on the streets militating against the royal power. Moreover, the Church, who were in power at the time (Gurgel, 2010) (Oliveira, 2012).

In addition to women fighting for the consolidation of popular power against bourgeois power, women began a historic battle in search of the right to participate in public life, access to the labor market, education, and political representation, due to this positioning of resistance throughout the period of consolidation of modern society, women were seen as a threat by the new bourgeois order that was born in 1793, so women's club meetings were prohibited at the time (Gurgel, 2010).

The author Riot Sarcey (2002) states that the arguments used to justify these prohibitions were because the bourgeois in power said that all inhabitants could enjoy the right of citizens. Still, not all had the right to be part of the active form of public power; women, children, and foreigners, who, from their perspective did not contribute anything to general functioning, could not influence public choices.

In addition to the bourgeois regime of the time preventing women from exercising politics, they also reaffirmed the family hierarchy as the basis for social organization and the absolute subordination to the man as head of the family. They took a stand

against the right to free love and divorce, topics that were required by women during the French Revolution. Even though women played a strong role in supporting the workers' movement, they encountered much resistance in relation to the right to work. This action generated an immediate reaction from socialist women who founded the first feminist association in 1868, named the League of Women, this confrontation lasted until 1871. In addition to actions associated with the right to work, the French revolutionaries claimed equality as a condition of citizenship. , that is, a political relationship of equality would be necessary (Gurgel, 2010).

In the 19th century, the growth of industrialization and capitalism, it had different repercussions on women's lives, but they were still excluded from access to civil and political rights. Then, women started the suffragette struggle, where women of the time claimed access to parliament and, as a result, this action would make it possible to change laws and institutions. The demand for the right to suffrage was so strong that it mobilized women from several countries for seventy years. This moment was fundamental to consolidate the political position of feminists in favor of articulating the struggle of women with the struggle for human emancipation (Gurgel, 2010).

The aggravation of the social question in the 19th century, deepened the oppression of women, but women's organizations approached, in this same period, International Congresses that defined lines of political action within communist parties. It was at one of these meetings in 1910 that the first International Women's Day took place, which, according to some feminist thinkers, started the tradition of March 8. In this context, there was a strategic articulation between the struggle for women's autonomy and self-determination, who tirelessly sought human emancipation and women's equality, against the destructive forces of capital (Meszaros, 2002).

'It is essential to address the event mentioned above because it was a significant historical landmark in the trajectory of international feminism. On March 8, 1857, in New York, women who worked in a textile factory started a strike to get better working conditions and equal pay and loads to men. However, this action was repressed with imprisonment and the factory burning when the women were inside,

resulting in the death of 130 workers. In 1910, during a conference in Denmark, March 8 was designated as International Women's Day to honor these women. However, it was only in 1975 that UN made the date official (Pinafi, 2012).

The 1960s and 1970s marked the feminist struggle over issues related to the body as sexuality and the right to abortion and the confrontation with the patriarchal model of the family because when the woman married at that time, she lost all civil rights and started to depend on her husband's authorization to do anything, such as applying for jobs. Women encountered a lot of resistance within the left-wing parties, and records claim that women were ridiculed within these organizations. In the 1980s it was defined as a very contradictory year for feminism due to the re-democratization of Latin American parents, after the military dictatorship; in this period, feminism focused on comforting patriarchy, capitalism, and traditional forms of politics. Moreover, the 1990s was marked by the challenge of transnationalization of struggles; feminists had to face an increase in the number of NGOs that replaced the old feminist groups, and at the same time had to fight against the conservative regressive ideology, which was present in this period (Gurgel, 2010).

2.1.2 Brazilian feminism

The first moment of Brazilian feminism began in the mid-nineteenth century, a very timid and conservative movement when questioned about the sexual division of the roles of men and women in society, often, the stereotype of a virtuous and maternal woman was present in arguments. The first feminist organizations were influenced by European immigrants who arrived in Brazil and shared knowledge from socialist and anarchist movements. This exchange was possible due to the incorporation of female labor in the industry, that is, the first demands were associated with work issues, such as, example, demand for better wages, combating discrimination and abuse, better hygiene and, health conditions (Costa, 2005).

Nisia Floresta Brasileira Augusta (1810-1885) is considered one of the first feminists in Brazil for having done, in 1832, a translation of the work of the English feminist

Mary Wollstonecraft, "A vindication of the rights of women," from 1790, not only translated but adapted the Brazilian reality, drawing attention to the conditions that women were subjected to at the time (Araujo, 2014).

In this same period, women got together in Ceará, formed the Society of "Senhoras Libertadoras," and fought for several reasons, but the main one was in favor of abolitionism in the province, which was the first place in Brazil to abolish slavery in 1884. Then other associations emerged; the interesting thing is that the focus of these associations was not yet turned to gender inequality struggles, but the abolitionist struggle (Bandeira, Melo, 2010).

The associations, even though they did not focus on the struggle for women's rights, were already revolutionary just because they were formed only by women, in a society that mostly only had male associations. It is believed that women were able to access this medium through three doors: the first would be through philanthropy (upper-class women), the second would be through the bonds and influences that their husbands provided, and the third would be through the artistic area, writers (Alonso, 2011).

After this period of struggle for abolition, women came together to fight for universal suffrage, which began with the play "O Voto Feminino" in Rio de Janeiro, written by Josefina Alvares de Azevedo. Even with the strong pressure and struggle of feminists, the Constitution of 1891 was promulgated without giving women the right to vote. However, this information was not very clear, because in article 70 it was written "All citizens over 21 years of age are voters", so they used the naturalization of the exclusion of women in the middle of politics not to include them (Bandeira; Melo 2010). It was through this "gap" in the interpretation of the Constitution that the head of the province of Rio Grande do Norte, Juvenal Lamartine, together with the feminist struggle, organized themselves to mobilize the parliament of his state to create and pass the state law that would guarantee women the right to vote. However, the law was not carried out or approved because it should be approved in

the Federal Senate, and be granted through federal and not state law (Barbosa, Charliton, 2012).

After much struggle, it was only in 1932, through Decree 21,076, of the Brazilian Electoral Code, that women obtained the right to vote; even though it was a great victory and advance for women, it is essential to note that only literate women could vote, this condition excluded the majority of the population of women (Araujo, 2014).

In 1937, the coup d'état, known as Estado Novo (New State), took place, a period of much authoritarianism. The setback prevented the first federal deputies Bertha Lutz and Carlota de Queiroz from being elected, thus affecting the advancement and access of many rights for women, an example of this setback was the Decree 3,199 of April 1941, which prohibited women from playing sports considered that it was something incompatible with female conditions (Bandeira, Melo, 2010).

At the end of the 1960s, the influence of European movements that fought for blacks, workers, women, and the environment strengthened the Brazilian feminist movement to resurge. Moreover, in addition to this international influence, Brazil was experiencing a period of military dictatorship in the 1970s, which gave more incentive to social movements of this period (Araujo, 2014).

The feminism of the seventies was marked by reorganization, and even with so many points of divergence between feminist groups, they had in standard autonomy concerning to the State (Schumacher, Vargas, 1993). It was unfeasible because there was no way to negotiate with the authoritarian State during the dictatorship, making it the "common enemy" of social movements (Costa, 2005).

The feminism of the 1970s is named the beginning of the second wave of feminism in Brazil; the topics discussed were the issue of the identity of the movement, for example, which women deserved more attention? Who, in fact was the real enemy, capitalism or man? In the mid-1970s and early 1980s, feminist organizations mobilized in different ways, and issues that shocked the conversational society were

put on the agenda, such as what defined the feminine, and claiming the right to enlist in the armed struggle (Vargas, Schumacher, 1993).

The current Brazilian feminism was born in the 1970s, in the international context of the implementation of the International Year of Women in 1975, which favored the discussion of guidelines on the female condition, and in contrast, in that same period, the sad context of Latin American dictatorships, which silenced the voices of people who disagreed. Returning to this moment in this political context, it is clear that the radicality imposed on the question of women always conflicting (Sarti, 2001).

In the 1970s and 1980s, the feminist movement had several actions that brought visibility to the movement, bringing to public sphere, situations, and actions that were only analyzed in the private sphere, through a lot of struggle feminists managed to wield the flag of attention and visibility of the aggressions that women were suffering (Camargo, 2000). Moreover, violence against women has come to be understood as a serious social problem, which should be fought through public policies. The 1980s were very important because they marked the first advance in the fight against violence against women, women's police stations, legal centers for women, and shelters for women who were at risk (Cortizo, Goyeneche, 2010). In the following years, several national and international conferences and conventions took place on this subject. These events were of paramount importance for developing and creating laws that sought to promote women's rights (Angelim, Diniz, 2009).

Militant feminism arises in the form of women's resistance to the military dictatorship, in the armed struggle, with the aim of elaborating policy. The participation of women in the armed struggle was not only intended to fight against the political order that was the dictatorship but was a representation of transgression of what was imposed on the role of women at the time. Women began to deny the traditional social place and began to assume sexual behavior, debate virginity and the institution of marriage, taking up arms "acting like men" and succeeding in this behavior (Ridenti, 1990).

The violence that militant women suffered during the dictatorships was not only sexual but also the relationship between mother and children was used, to use this bond as a tool to generate pain for militant women, leaving them vulnerable (Sarti, 2001).

In the process of the end of the dictatorship, for democracy, from 1982 onwards, some feminist claims were institutionalized by governments due to the interest of both parties, feminists to have their interests inserted and politicians to see this maneuver gain visibility and votes (Alvarez, 1988) (Blay, 1999).

After the end of the dictatorship, the feminist movement established a delicate relationship with the Catholic Church, and small neighborhood women's organizations gained strength as part of pastoral work inspired by Liberation Theology. Putting politicized feminist groups in constant confrontation with the Church, due to the search for hegemony within the groups. Disagreements and discussions about abortion, and sexuality, are kept within the scope of private discussions, carried out by small reflection groups, outside the public reach (Sarti, 2001).

In the first week of January 1978, the I Congress of Metallurgical Women took place, at the Metalworkers' Union of São Bernardo do Campo, in the State of São Paulo, it found it gathered more than 300 women, but at the table that coordinated the event, there were only men: Lula, Almir Pazzianoto and others. This congress suffered much resistance from the bosses, who, in response to this movement, the focus of the Congress was to demand rights for women metallurgists, such as equal pay for men and women who performed the same work, against night work, access to courses and higher positions without sexual discrimination, equal work opportunities, against the control of time to use the bathroom, by daycare centers and nurseries... After this congress, the fight against night work was unleashed (Jornal Brasil Mulher, 1978. a).

Even with all the obstacles for women to participate in trade union congresses, in 1977 the first women workers were part of the bench and pleaded for the inclusion of women in the list of possible candidates for the new direction of the São Paulo Union. The following year, several workers' strikes took place in São Paulo, but none of the women's claims made earlier was taken into account by the unions formed mostly by men, only the claim for equal wages (Jornal Brasil Mulher, 1978 b).

The 1980s were very important for feminism because this process of re-democratization made it possible to institutionalize the movement, it was not an easy process, it required a lot of debate and resistance. In this process, several feminists entered formal politics, mainly through the PT and PMDB parties (Araujo, 2014).

The issue of violence against women was highlighted in the Brazilian feminist movement in 1980 at the II Congress of Paulista Women. Then, SOS-Mulher was created in São Paulo, a while later in Rio de Janeiro and Pernambuco. They were autonomous institutions that focused on assisting and welcoming women victims of violence, offering voluntary services of psychologists and lawyers. Another work offered was reflection groups, which debated violence together with public opinion, focusing on providing the debate on violence against women (Teles, 1950).

The subject only gained credibility and began to expand throughout Brazil, when an upper-middle-class woman, married to a very renowned university professor, was stabbed by him. Furthermore, in a historical moment when violence against women was not talked about, she went to fight, and through a letter, she told with great pain and emotion what he had done. This positionally courageous movement gave strength to feminists who, until then, had denounced it, but had no concrete cases to use as an example, which allowed left-wing leaders and newspapers to claim that violence against women only occurred there in Europe and Brazilian feminists were trying to copy European feminists (Teles, 1950).

In addition to the importance that the denunciation of this case generated for Brazilian feminists, another point was about breaking the stereotype of the

aggressive man, who at that time was believed to be the poor black man, who due to alcoholism or poverty, assaulted women. However, after this case, the debate began stating that violence against women was not related to these stereotypes, but to the inequality women are subjected to in this society (Teles, 1950).

August 6, 1985, was a crucial day for Brazilian women, because Governor Montoro created, by decree, the Police Station for the Defense of women, all employees were women, including the internal and external team, and after a year of operation, the service was offered all day and all day (Teles, 1950).

A significant milestone in the democratization of the country was the 1988 Constitution, which had the presence of several movements, which demanded greater social participation, this historic moment was only possible much of struggle since the 1970s, and even after the Constitution, there was still a lot of resistance and remnants of the dictatorship in the authoritarian aspects of the State (Teles, 1950).

Two years before the 1988 Constitution came into force, deputies to the Constituent Congress were elected and out of 559 federal deputies, only 26 were women. However, this did not weaken the feminist movement, they continued to fight for their rights. On August 26, 1986, the National Meeting of Women for the Constituent Assembly took place in Brasília, promoted by the National Council for Women's Rights; 1,500 women from various areas of work, retired, black, working, and rural. This event was very important because it unified the desires of women across the country, and all claims resulted in a constitutional text. Moreover, throughout the process of formulating the Constitution, feminists and other women's groups exerted pressure, debating with politicians, in order to convince them (Teles, 1950).

In 1988, an important event took place that marked the uniqueness of the Brazilian feminist movement, which became known as the "Lipstick Lobby," led by the National Council for Women's Rights, which presented the "Women's Charter" to the constituents, which contained focused on democracy and social issues, creation of

a single health system, public and free education, agrarian reform, trade union autonomy... property, defense of women's physical and psychological integrity, redefinition of the penal classification regarding abortion. Finally, in a very subtle way, the letter offered a proposal to legalize abortion (Pinto, 2003).

The last claim mentioned above was not considered in the 1988 Constitution, but feminist pressure did not allow a setback in Brazilian law to occur because evangelical and Catholic deputies intended to apply “the right to life from conception”, in the Penal Code law of 1940, which gives the woman the right to terminate a pregnancy in the event of rape or the home of a pregnancy with a risk to the mother's life. Feminists were successful and the Penal Code was not changed (Teles, 1950).

Although the 1980s saw much progress between the feminist movement and the State, the 1990s began with demobilization, generating fragility for the movement and the precarious conditions offered to feminists in government spaces (Costa, 2005). Another important fact was the professionalization of the movement, and many feminists started NGOs focused on women's rights; this was a response to the outsourcing of social services by the State.

The feminism of the 1990s became broader, and plural and the movement became more and more institutionalized; many raised rumors of the end of the movement or the distance from the bases, but this did not happen. Even with so much criticism of NGOs, they were necessary for the movement because through them that the feminist discourse was disseminated; they were a support network for many women (Alvarez, 2009).

An essential event for the movement was the Fourth World Conference on Women; in 1995, in Beijing; there was a confrontation between institutionalized feminists via NGOs and autonomous feminists. The conference made possible an articulation with other Latin American feminist movements. These new alliances enabled the

formation of a network between the movements, with a focus on rights at a global level, thus increasing the power of women's rights defenders (Costa, 2005).

In the 1990s, there was a change in the attitude of the feminist movement due to the disappointment with institutional political practice, sexism contaminated the concepts of democracy, so it was necessary to break with previous traditions of thought radically. After this change, quotas for women candidates were adhered to, reinforcing Brazilian democracy (Miguel, 2000).

This entry of the feminist movement into politics did not take place naturally, but through a lot of conflicts, including within the movement, because this new scenario of action represented risks in the autonomy of the movement in the conception of some feminists. Therefore, deciding between institutionalizing or remaining independent from the relationship with the State and institutions generated a great debate in the feminist milieu (Paoli, 1995).

Even if some demands are incorporated into public policies, feminist pressures from outside the State are still necessary, because even within its interior, the State presents conflicts and resistance, which is why the importance of feminists inside and outside this environment (Alvarez, 1988) (Blay, 1999).

In the 2000s, feminism followed the trend of spreading more, expanding its field of struggle, and accessing other spaces, and NGOs continue to grow. The author Matos (2010) named this diffusion "horizontal circuits of feminism" due to the movement not only moving vertically - State - but also in various social and cultural movements. This year, the feminist movement took on trends towards the transnationalized movement, concerned with the intersections between race, sexuality, gender... (Cypriano, 2013).

In 2011, the movement organized the "March of bitches", as a way of confronting a police officer in Toronto, Canada, who said that if women stopped dressing like bitches, they would stop being raped, so in Brazil and other parts of the world began

a demonstration against this blaming of victims, with a focus on freedom of the female body (Carneiro apud Geledés, 2011).

After many years of struggle and resistance, women managed to achieve rights in the legislative arena, for example, “Right to suffrage; right to maternity leave; criminalization of sexual harassment in labor relations; amendment to the Civil Code, with the equality of legal rights and the right to land tenure, in urban and rural areas; Maria da Penha Law; Femicide Law; and legalization of abortion for cases of anencephaly,” but the oppression against women remains in today's society. Contemporary feminism is broader due to the inclusion of issues from other social groups in feminist debates (Silva, 2017).

Another factor that made this breadth possible was the growing generation of young activists, who have in their favor the ease of communication that current technologies offer, but as author Amélia Teles (2017) reinforces, even with this ease, the solid articulation of feminism only happens truly through face-to-face contact.

Lobato (2017) states that the militancy of current feminism is more focused on debating cultural, ideological, and structural issues, which enable the perpetuation of patriarchy.

According to Teles (2017), the main challenges of current feminist militancy are to establish “a movement that provides greater physical approximation between its activists to strengthen their solidarity ties; that extrapolates geographic, social and color/race barriers to politicize and unite subjects for the same cause; that knows how to listen to the different age experiences of activism; to think of feminism as a collective issue, and that understands the advances and limitations of these transformations when they gain dimension in the communication media of greater popular repercussion.”

2.1.3 The Patriarchy

When talking about the feminist struggle, it is necessary to address patriarchy, and all its historical structure, how it emerged and implanted itself in society and, to this day, is the main perpetrator of the inequalities that afflict women.

Amorós (1994) states that patriarchy can be understood as a type of metastable interclass pact based on the gender patrimony of men, who establish themselves as owners of the social contract in front of women, who become the contractors. Author Silvia Walby (1990) defines patriarchy as “a system of structures in which men dominate, oppress and exploit women”.

There is a similarity in the historical and archaeological origins of families and patriarchy, the name family, comes from the Latin *famulus*, which means “domestic slave”. Engels (1984), in his work “The Origin of the Family, Private Property and the State, was one of the first authors to talk about this social organism, the family, which began in Ancient Rome. In this context, the Roman family focused on the man, and the women were a supporting role, the man/patriarch had power over the woman, children, enslaved people, and vassals, and it was up to the man to decide on their right to life or death. The power of the patriarch was so absolute that the power of the State stood out about the children, who could become enslaved and be sold if the father so ordered (Engels, 1984). According to Engels, this monogamous family structure gave rise to patriarchy, inheritance through the paternal line, and the supremacy of men over women.

For Engels (1984), he states that this family structure has become a private service, where the woman is the first servant, not being part of social production, and the work of the man is the only relevant one, and if the woman does not do taking part in socially productive work, breaking with domestic, private work, gender equality will not be possible.

The author Pateman (1993) states that the individual is male, and most classical theorists, except for Hobbes, agree that women “naturally” do not have cannot themselves as individuals. For Locke (1976), reason and the law of reason are

natural, and women could not exercise the office of citizen because they are not endowed with the capacity of reason, and they are already part of a particular contract that is marriage, which reinforces that women, according to him, are not prepared to participate in a social contract. For Rousseau (1997), he states that something essential in social life is the ability to separate public interests from individual interests, and according to him, women are not able to do this, so if women participated in political decisions, a deviation from the democratic state would occur. For both authors, women should not participate in the political world. After this analysis, it becomes clear how patriarchy has strength both in the private environment and in the formulation of civil society.

Patriarchy is not an uncontroversial concept for feminist theory. This concept is still rooted in modernity, dictating how the State, especially the Brazilian one, is structured. Basically, patriarchy is constituted by the organization of domination of men over women (Pateman, 1993) (Walby, 1990).

There is controversy over when the concept of patriarchy was introduced into feminist debates, but according to radical feminist analyses, this phenomenon began in the 1970s.

According to Christine Delphy (2009), who wrote the book “Dicionário Crítico Feminista,” the author states that the word patriarchy has undergone several transformations over time and is very old; this word in its origin meant “the authority of the father.” There were three moments where this word was much debated, the first was in the 17th century, the second occurred between 1861 to the 20th century, and the third occurred in the 1960s and remains until the present day (Pateman, 1993).

The first wave of debate on patriarchy approached that the family, which was ruled by paternal authority, was an extension of power and authority relations in all ways. This idea was reinforced by the theorist Robert Filmer (1680), who claimed that the patriarchal family was more than an analogy to political power; it was precisely the

same thing, in fact, it was the only political power. Within this debate, the origin of political society was also questioned, and after debates, it was understood that origin would be derived from patriarchal families. Among these debates, the idea of a “natural” family was spread, and that political power would be the natural result of the exercise of paternity in the family environment (Pateman, 1993).

The second wave of debates on patriarchy, again addressing the origins of the patriarchal family, this debate intensified after the publication of Henry Maine's "The Old Law" in 1861, which claimed that the patriarchal family was the origin of social life and the author believed that patriarchal law would be gradually replaced by the modern idea of contract. Another publication that had great weight was Johann Bachofen's "The maternal right" in 1861, which stated that the original maternal right already existed but expired and was replaced by paternal power, that is, by patriarchy (Pateman, 1993).

The last debate on patriarchy had a turnaround in its concept, as patriarchal law was associated with sexual law, and patriarchy “lost” its original meaning of paternal law, because it moved from this logic of law only towards the familiar. The author Kate Millet (1977) made a publication that intensified the debate,; she argues that the approach to the politics of the original contract would be not only social but also sexual; that is, the modern political organization is based on freedom and equality between men and the submission of women, so for the author, the original contract eliminates the classic model of patriarchy and reinforces the contractual power of men over women (Pateman, 1993).

Feminists who defend the use of the concept of gender instead of patriarchy, because they believe that gender or gender relations in the feminist environment address more broadly the various ways that different societies and cultures establish these relationships, that is, it means that the concept does not have a time frame (Machado, 2000). Critical authors who defend the use of gender and not patriarchy, claim that this concept (patriarchy) requires an existentialist analysis, and denies the differences in class, race, and culture among women (Walby, 1990).

To reaffirm this argument, Castro, and Lavinás (1992) state that “[...] the concept of patriarchy makes it impossible to think about change, as it crystallizes male domination. It condemns the woman ... to be an object, thus incurring, paradoxically, in the same movement that the articulators of the concept want to denounce” (Castro and Lavinás, 1992 apud Machado, 2000, p. 5).

On the other hand, some feminist authors affirm the opposite and defend the non-abandonment of the term patriarchy among women, such as Carole Pateman (1993), who states that the concept of patriarchy is the only one that efficiently addresses the subjection of women. Women and that singularizes on the form of political right they exercise only because they are men. The author Sylvia Walby also reinforces this idea in her book “Theorizing Patriarchy”, 1990,; the author states that “The concept and theory of patriarchy are essential to capture the depth, diffusion, and interconnection of different aspects of the subordination of women.” Women can be developed in such a way that it understands the different forms of gender inequality across time, classes and ethnic-racial groups” (Walby, 1990, p. 2).

Author Walby strove to keep the theory of patriarchy useful, so she developed a theory of patriarchy; she defined it as “the system of social structures and practices in which men dominate, oppress and exploit women” (Walby, 1990, p.20). However, the author established two levels of abstraction of the concept. The first states that patriarchy works as a kind of system of social relation, and can be articulated to capitalism and racism, and the second level is composed of six structures: “the patriarchal mode of production, patriarchal relations in paid work, patriarchal relations in the state, male violence, patriarchal sexual relations and patriarchal relations in cultural institutions” (Walby, 1990, p.20). These structures would be autonomous, but they would have an effect on each other, the lack of one would not harm the other, but depending on the time, one could be more relevant than the other. The author Walby (1990) also defined different intensities and degrees of oppression within patriarchy, which vary depending on patriarchal structures, such as the wage gap between men and women.

For Walby (1990), there are two types of patriarchy, private and public. The private is based on relationships within the family and is perpetuated through the sexual and reproductive control of women, individually and directly (usually the father or husband), and the maintenance of this private patriarchy occurs through the exclusion of women from the environment. Public patriarchy, on the other hand, is based on structures that go beyond the home, the expropriation of women occurs in a more collective way, and this action is reproduced by institutions.

2.2 THE HISTORY OF HUMAN RIGHTS

The path taken to achieve human rights was very long, full of struggles and claims; then, we will address this historicity and how this path was.

According to the author Ketchekian (1968, apud LUÑO, 2003), the emergence of human rights presents several aspects; for some authors, human rights are a historical consequence, which resulted in the remodeling of institutions and thoughts; others claim that human rights are a result of the Christian affirmation of the moral dignity of man, another aspect that is the most accepted is that human rights emerged during peoples' struggles against systems of oppression and exploitation such as the feudal regime and bourgeois relations.

Nowadays, rights are discussed, and States are changing their Constitutions so that these rights are guaranteed. This is because these rights are permanent and inviolable; they are rights inherent to human beings (Ribeiro, Mazzuoli, 2006). However, it wasn't always like that.

According to Bonacchi and Groppi (1995), the French Revolution in 1789 was a milestone in the liberation of the population from being exploited by feudal and absolutist power. Workers at that time had a life with no dignity, and the government was centralized, among other reasons, thus generating the French Revolution, which aimed to give power to the people. King Louis XIV tried to alleviate the situation but failed. The Constituent Assembly withdrew feudal rights and formulated the Declaration of the Rights of Man in France. An important fact is that in this period

of the 1700s the first humanistic concepts were born, an example is the Declaration of the Rights of Man and Citizen in 1789, which addressed Enlightenment ideas associated with reason, but these rights were restricted to some men. (Bonacchi, Groppi, 1995). The author Hobsbawm (1996), states that this declaration is a form of the demonstration against a society that has the privileges of the nobility as its center. However, on the other hand, it is not a demonstration in favor of a democratic and egalitarian society.

The motto of the French Revolution was “Liberty, Equality, and Fraternity”. Therefore, the history of Human Rights begins in the French Revolution, where workers fought for the end of the privileges of the nobility, especially equality. (Vilarinho, 2011). In this period of transition from feudalism to capitalism, class, race, and sex were evidenced, which resulted in the social and political organization to claim their rights. However, this did not happen immediately; only in the 20th century, that there were palpable changes in Human Rights (Mirales, 2009).

Ribeiro and Mazzuoli (2006) portray other reasons that led thinkers of the time to write about human rights, at first the religious factor, which preached and influenced the population, stating that human rights were natural and were the result of God's will, but in the modern age, this logic began to be changed and the concept of natural law was replaced by rational ideas, which affirmed the population that they were free by nature, from that moment on the right was no longer recognized as a divine will and passed to be understood from reason.

The authors Campos and Correa (2012) say that other documents were also crucial for the process of creation of Human Rights, such as the Code of Hammurabi (which prevented those in power from harming the weakest), the Law of the Twelve Tables, and the Qur'an (they can be considered the precursors in the guarantee of rights). The Bill of Rights in 1689, established after the Revolution in England, had as its main objective to limit the power of the King, preserving the population from the imposition of authoritarian power (Campos; Corrêa, 2012). Second, Vilarinho (2011), in the same period of the French revolution, there was the fall of the Bastille, which

was the main symbol of French absolutism; this event was a milestone at the end of an era of repression. After that, the subjects became citizens, and the kingdom became a nation.

After all this trajectory, it was in the 20th century that an event actually transformed and implemented Human Rights because it was from that moment that democracy was present in the States, enabling freedom and changes (Lucena, 2008). Authors Ribeiro and Mazzuoli (2006) reaffirm this thought because, for them, any power that is in excess becomes an enemy of freedom and is the precursor to organizing society to resist the State and fight for change.

The author Comparato (2008) defines humanitarian law as representing the set of rules of war, which aim to reduce the suffering that wars generate in soldiers who are sick or have been arrested and also the population that inhabits that territory that suffered some military conflict. The Geneva Convention in 1864 created several laws of international scope and followed by the creation of the International Commission of the Red Cross in 1880.

Piovesan (2009) states that it is important to emphasize that Humanitarian Law was the pioneer in placing limits on the autonomy of the State, and intervening in an international scope, even when wars occurred. In 1920, after the rubble of the First World War, from the Treaty of Versailles, the League of Nations emerged, whose main objective was to generate alliances between countries, in order to promote international peace and security, act against violent acts, and defend the political independence of the member countries. The International Labor Organization (ILO), was created soon after and was of paramount importance for the defense of the rights of salaried workers (Comparato, 2008).

According to Comparato (2008), with the failure to prevent the Second World War, the League of Nations was weakened and years later was replaced by the United Nations (UN). With the end of the war that lasted from 1939 - 1945, where the world witnessed the greatest atrocities that one person can do to another, it became clear

how disposable people were for Hitler, the second war killed around eleven million people. Piovesan (2009) states that it was then that International Human Rights Law emerged through the UN to respond to these demands and ensure that this does not happen again. The UN's first action was to proclaim the Universal Declaration of Human Rights, after which the rights were propagated throughout the world.

For Bobbio (1992), only after the Universal Declaration can one have historical certainty that all humanity shared some common values, and it was possible to believe that in the universality of values, this "universal" does not correspond to something objectively given. However, something objectively accepted in the universe of men, that is, the rights of men must not only be proclaimed, but also recognized, and these rights must be protected even by the State that violates them.

Therefore, Human Rights are based on the principle of the dignity inherent to the individual, regardless of their race, color, nationality, political, social, or religious conviction. This new vision interfered in the international context, many countries modified their Constitutions so that domestic and international law could build a more effective system of the legal protection of Human Rights. The States involved when signing international treaties define obligations and responsibilities among themselves and monitor each other to ensure that what has been established is being fulfilled (Campos, 2004).

2.3 WOMEN'S HUMAN RIGHTS

As mentioned above, after the French Revolution, the Declaration of Man and Citizen was created in 1789, but. However, for author Santos (2006), this declaration has a rooted patriarchal ideology, and the rights mentioned in this Declaration are exclusive to men of the human species. As a form of protest and response, against the sexism in this Declaration, the French Olympe de Gouges, in 1791, wrote the Declaration of the Rights of Woman and Citizen. Regarding this Olympe Declaration, the authors Bonacchi and Groppi (1995) make some critical points:

In article I, the author states with the following sentence “Women are born free and remain equal to men in their rights.”, the author replaces human beings with women, to emphasize, that this Declaration of the Rights of Women is not just a masculine term for the feminine, but also addresses the importance of the union of women and men, for example in article III, it also addresses the equal protection of women's and men's rights in Article II.

International human rights law began to develop after the Universal Declaration of 1948, which established treaties for the protection of rights. Some treaties are established for general scope and others for a specific scope, as is the case of women's rights (PIOVESAN, 2012). The expression “the rights of man”, which was used in 18th-century declarations and some translations, intensified the debate over sexist language. However, some authors do not use the expression “women’s human rights” because they claim that human rights are universal and indivisible, so there is no need to make a distinction (Azambuja, 2015).

According to Azambuja (2015), human rights have a feminine aspect, concerning the absence and violations of rights, which is clear mainly in the area of sexual and reproductive rights, the largest number of poor and illiterate people are women, the most significant number of sexual violence is practiced against women and girls, includmost significant largest number of people trafficked and sexually exploited are women, there is a lack of education, and sexual and reproductive health affects women much more and the most significant number of refugees and displaced persons for reasons of war are women and their children.

From this perspective, it became clear the need to create and implement mechanisms to favor and make the life of women more dignified worldwide. This process took place slowly, the first international documents began to appear subtly from the United Nations Charter in 1945, then in the Universal Declaration of Human Rights in 1948, where the prohibition of distinguishing people by sex (Azambuja, 2015).

Barsted (2001) states that in the following decades, the 1950s and 1960s, several international conventions introduced the category of gender when addressing various topics, such as the Convention on the Political Rights of Women (1952), the Convention on the Nationality of Women Married (1957) and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962). According to Mirales (2009), as a result of this expansion in the topic of discussions on Human Rights, it became possible to bring the issue of women's human rights to the international arena.

The implementation of women's human rights is essential for women's security, even more so because so many rights violations occur in private and domestic environments. The author Renzetti et al. (2000) addresses in the following paragraph how women's rights are violated and how women all over the world are exposed to violence.

Violence against women is the most widespread violation of rights in the world. In all countries of the world, women suffer violence from the State, inside their homes, at work, or in their communities, violence that is most often carried out by people close to them (mostly by men). Violence against women is very vast, and can be rape, forced prostitution, female genital mutilation, rape, sexual harassment... did something that shamed them; dowry violence, when a woman is killed or mutilated by her husband or her husband's family, because the woman's family has not paid the desired dowry; sex trafficking in women, which, through fraud, takes women to other countries for the purpose of coerced or forced prostitution.

Women's human rights are always in discussions and debates; however, evolution and change do not always occur; specifically, violence against women, affirming this thought, Acosta and Acosta (1999), say that aggression against women has always been present in society is not something new, and that is perhaps the problem, the perpetuation of this violation, regardless of place, peace, or historical period.

Some rights are fundamental and inherent to the human being, but in the case of women, treaties and conferences focus on ensuring specific rights, such as the right to life, the right to equality, and the right to freedom, due to violations of rights that women but are exposed, such as the violence discussed above.

The right to life is fundamental and natural right, but this right is violated in women's lives at all times, resulting from other violations, such as lack of access or lack of access to health care, exposure to extreme cases of poverty, and especially the social vulnerability that expose women to violence at all times and in all places.

Based on this assumption, Campos and Correa (2012) state that conventions were created to ensure this right, as in the case of the Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women (Belém do Pará Convention – 1994), which in its Article 3 that: “Every woman has the right to a life free from violence, both in public and in private.” And also article 4, states that a woman must have the right to protect her life, her physical, mental, and moral integrity, the right to freedom and security, and not be subjected to torture.

According to Coutinho (2005), he states that even today and today there are no restrictions on the right to live in the normative area; there are several situations that put this right at risk, the woman, since the beginning does not have total control over her life or body, and without this access to absolute control, it is impossible to access the full right to live.

The right to equality is one of the most discussed in feminist agendas because as has been said a lot in the first chapters, this inequality comes from patriarchy, which is the cause of the other violations of rights that women suffer.

According to Cunha and Pinto (2008), it is unquestionable that women have historically been excluded from the legal and conceptual construction of human rights, even though all Human Rights documents and most current Constitutions determine equality between men and women. However, unfortunately, these determinations remain real only in the formal sphere, we are far from achieving this

palpable and real equality. Dias (2004) also states that even with the achievements and changes achieved through the struggle of women, equality is still far from being achieved, because women are still seen as exclusively responsible for household chores and child care. This reality can still have a double shift when the woman even working outside to help with the family income, the other domestic functions and with the children are still seen with only the functions of the mother or wife.

For Campos and Correa (2012), he states that the central objective of the struggle for women's human rights is to combat the unequal relations that women face in their daily lives. However, it is still necessary to create norms to implement this equality, mainly in domestic environments; without it, will not be possible to have democracy or real equality, because the change must come from the base.

Vilarinho (2011) states that the freedom provided for in the Letters needs a balance, and this balance is only achieved when equality is present between people of both sexes and material equality, only then will we be close to justice and as a result, it will be possible to achieve absolute freedom. Reaffirming this thought, Campos and Corrêa (2012), believe that without formal equality, there is no formal freedom, without real equality, it will only be possible to have formal freedom; that is, both freedom and equality need to be honest and material.

Bonacchi and Groppi (1995), analyze the concept of freedom that the Declaration of Women and Citizens of Olympe brings, freedom according to the author, is totally associated with justice; this link is explained because women only experienced a claimed freedom by men, which makes the situation unfair. In article IV, Olympe addresses: "The exercise of women's natural rights," which includes freedom, which is constantly limited by the tyranny of man. The author does not approach freedom in terms of harming others but demands that the freedom that belongs to women be based on the guarantee imposed by natural law.

2.3.1 IMPORTANT EVENTS FOR WOMEN'S HUMAN RIGHTS

- **UN The Convention for the Suppression of Trafficking in Women and Children (UN, 1921):**

The Convention for the Suppression of Trafficking in Women and Children was a very important Convention for the initiation of international measures to ensure the Human Rights of Women.

Due to the fact that international trafficking in women needs international agreements and treaties as it is a crime that crosses borders and countries, on 30 September 1921, in Geneva, the Convention for the Suppression of Trafficking in Women and Children took place. This was one of the first international human rights treaties that Brazil acceded to (Mirales, 2009).

- **UN International Convention for the Suppression of the Traffic in Women of full age (UN, 1933):**

A few years later, in Geneva, the Convention for the Suppression of Trafficking in Women of Adults took place in 11 October 1933, as a reinforcement to draw the attention of States to act against trafficking in women. This was also one of Brazil's first international treaties (Mirales, 2009).

- **UN Commission on the Status of Women – CSW (UN, 1946):**

Even though gender equality has been defined as a fundamental right since the United Nations Charter in 1945, many struggles and strategies were necessary to promote women's policies in governmental and international spaces. Gender issues were being considered and debated on the global human rights agenda.

One of the significant milestones for this process was when The Economic and Social Council (ECOSOC), in 21 June 1946, created the Commission on the Status of Women - CSW, which is a body that was created strictly to be responsible for women's rights, and it worked until 1987. The CSW never had the power to investigate the violations of rights committed against women, and this made it difficult to perform concerning ensuring the commitment of other countries. However, the CSW, developed normative standards and favored global awareness and also

avored the legal adequacy of countries to commit to international conventions (Guarnieri, 2010).

The Universal Declaration of Human Rights of 1948, was formulated by the recommendation of the CSW, reinforcing that both men and women must access their rights, thus consolidating a new vision of human rights, where the individual is seen from its generality and specificity (Piovesan, 2001). Another crucial role the CSW had in the elaborating the Universal Declaration of Human Rights was to ensure the language had a perspective of equality between men and women (Guarnieri, 2010). CSW was instrumental in consolidating the Convention on the Nationality of Married Women in 1957, which guaranteed a woman the right to keep her nationality even if she married a man of another nationality (Guarnieri, 2010).

According to Guarnieri (2010) the list of conventions that aimed to guarantee gender equality, which the CSW was responsible for elaborating, is long; another example was the Convention on the Political Rights of Women that the General Assembly adopted in 1962, which struggled to ensure adult women access their political rights.

Therefore, the Commission on the Status of Women was of paramount importance to establish gender equality, to combat what was socially imposed at the time, which was a man as a signifier of humanity, thus consolidating the gender perspective in international human rights.

- **UN Convention on the Political Rights of Women (UN, 1953):**

The Convention on the Political Rights of Women took place on 31 March 1953 and had a significant role for women because it brought to light issues that were reserved for the domestic and private environment, where women could break with the stigma that women had to stay at home, taking care the interests of the house. The Convention was based on article 21 of the Universal Declaration of Human Rights, which determines that everyone (men and women) has the right to access public services, participate in government-related issues and even be part of it (Pinheiro, 2010).

- **UN I World Conference on Women (UN 1975):**

The First World Conference on Women was held in Mexico in 19 June -2 July 1975, with the motto “equality, development and peace” this was the Convention that received the most reservations from member states, mainly due to the fact that it declared equality between men and women before the law (Piovesan, 2012).

Another remarkable fact about this Convention was that it took place during the International Year of Women. According to Miranda (2007), the UN declared 1975 as the International Year of Women, as a global strategic way to reduce gender inequality. The importance of establishing an international women's year results in strengthening and reinforcing the vision of women from a collective perspective, due to the sharing of problems and difficulties that women of different parts of the world face in their daily lives, it was a moment of transformation from the “individual” to the “collective” (Guarnieri, 2010).

Because this Convention takes place on such a particular date, many women from different parts of the world organize participateart. The CSW was fundamental for formulating the agenda focused on the gender perspective, which made possible greater visibility of women in the issue of human rights, resulting in the action plan that established the Decade of Women (1976-1985) (Silva, 2002).

The Conference of Mexico contributes a lot to women, both in consolidating the understanding that women's participation in political decisions and processes was of paramount importance for the development and maintenance of peace and also repeatedly asking the United Nations to elaborate a treaty at an international and mandatory level, which had effective procedures to control its implementation (Guarnieri, 2010).

- **UN The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)(UN, 1979):**

According to Santos and Marques (2014), in 18 December 1979, was a very remarkable and important year for women in the sphere of law because the

Convention on All Forms of Discrimination Against Women (CEDAW) took place, which is the leading international instrument for the fight for equality between men and women. This conference was only possible due to the struggle of the international feminist movement that sought to establish the condemnation of discrimination against women in all its facets and manifestations.

CEDAW was very important for Brazilian women because, after its ratification in 1981, violence against women gained visibility in Brazil, and so the country began to actively participate in defense of women's rights (Ramalho, Silva, Lima, & Santos, 2012).

According to Campos and Correa (2012), the main objectives of CEDAW in its articles are gender equality, ensuring that member states are complying, a quota system, seeking to change the sociocultural factors that perpetuate discrimination against women, eliminating trafficking in women, eliminate the sexual exploitation of women...

According to Piovesan (2008), after the creation of CEDAW, it was necessary to establish a form of monitoring, it was then that the Committee on the Elimination of Discrimination Against Women was created, and its functions were linked to articles 18 and 20 of the Convention, which define that the Committee analyzes the actions of the States on legislative, judicial and administrative measures (Almeida, 2002). The Committee is made up of 23 experts who were elected by the States that are part of CEDAW, which has a term of office of 4 years; their functions are disconnected from the States they are part of (Governo do Brasil, 2013).

According to Garcia (2005), the Committee develops a function of fiscal and opinionated nature, this data through the help of specialized bodies but does not make decisions. One difficulty that the Committee faces is the willingness of the State to allow the Committee to collect data because it could possibly not admit its failures to fulfill its obligations under the international agreements made.

- **UN II World Conference on Women (UN, 1985):**

In 15 - 26 July 1985, in Nairobi, the Second World Conference on Women was held and its theme was “Future-Oriented Strategies for the Development of Women by the Year 2000”. The Nairobi Conference was determined from the previous World Conference in Copenhagen. It aimed to review the goals achieved in the Decade for Women and also to establish our goals and guidelines for the next fifteen years. A warning signal was also issued because the objectives previously established for the second half of the Women's Decade were not achieved, and new strategies were defined to take place until 2000. The main purpose of this Conference was to define new measures that could help overcome the old obstacles and thus achieve victories to ensure women's human rights (Azambuja, 2015).

The most essential document developed at the Conference was the “Nairobi Forward-looking Strategies for the Advancement of Women”, which was basically an action plan aimed at ensuring and promoting equality for women on an international level. Five years after the Nairobi Conference took place, CSW developed reports that proved that the advances of the Decade for Women were minimal; even with the fact that several associated States have achieved economic progress, they have not made an effort to offer women an improvement in their three areas of focus of the Nairobi Conference which were: employment, education and women's health (Guarnieri, 2010).

- UN Vienna Conference on Human Rights (UN, 1993):

On 25 June 1993, the Vienna Conference on Human Rights took place. This Conference was significant for women because the Vienna Declaration for the Elimination of Violence Against Women was established (Trindade, 2003).

This statement stands out because it was the first time that different forms of violence were mentioned, in art. 1, violence against women is defined as any act of violence based on gender, in art. 2, the differences between physical, psychological, or sexual violence were described, which can be committed by family members, or close acquaintances of the victim, or by sexual exploiters or by the State (Azambuja, 2015)

At the Vienna Conference, the dichotomy between civil, political, social, cultural, and economic rights was overcome due to the fact that individuality and universality were adhered to. Another relevant point was the recognition that violence against women's rights can also occur in private spaces, and these violations must be considered violations of human rights, through this recognition the concept the State was the only violator of human rights ended and started to admit that private agents, husbands or partners, can also be violators (Novaes, 2001). The Vienna Conference also mandated States to ensure and guarantee women's human rights (Azambuja, 2015).

- **UN World Conference on Population and Development (UN 1994):**

On 13 September 1994, the International Conference on Population and Development was held in Cairo. This conference was important for women because it dealt with issues of sexual and reproductive rights, developing debates to ensure sexuality and sexual and reproductive health, it addressed the issue of the decision on reproduction as a fundamental right, it also stated that these sexual and reproductive rights only are possible through public policies (Piovesan, 2001). He also suggested that States review their criminal legislation on abortion, and within that topic, suggested that abortion should never be used as a form of family planning (Lucena, 2008).

The Cairo Plan of Action analyzed the situation of women and girls. It stated that the development of gender equality and equity would only occur through female autonomy in controlling their own fertility and through the elimination of all forms of violence against women. Even in the Preamble of the convention stated that it would not create new types of human rights, its Action Program was innovative by bringing up the topic of reproductive rights (Guarnieri, 2010).

- **OAS Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (The Belém do Pará Convention) (OAS, 1994):**

On 9 June 1994, the Inter-American Convention to Prevent, Punish, and Eradicate Violence Against Women took place, which is also called the Belém do Pará

Convention. This convention aims to define rights that must be guaranteed to women so that they can live a life without violence, whether this experience is in the public or private sphere, it was the first international treaty on human rights that addresses violence against women as a widespread phenomenon, which affects a high number of women regardless of their race, age and, class (Piovesan, 2012).

The Belém do Para Convention stated that violence against women is a violation of rights and also violates women's freedom. Another very positive point of the Convention was the development of valuable strategies to achieve the international protection of women's human rights, for example in art. 12 authorizes any person or NGO that is legally recognized by one or more member states to file complaints of human rights violations with the Inter-American Commission on Human Rights, but the person or institution making the complaint must comply with the rules and procedural requirements of denunciation stipulated by the American Convention and also be following the Statute and Regulations of the Commission. Moreover, this possibility of denouncing and bringing the fact to an international level imposes a certain pressure on the State to fulfill its duties, not to be politically or morally constrained if it is denounced (Piovesan, 2012).

In November 1995, Brazil ratified the Convention, this fact was fundamental because in art. 7 defines that all member states must investigate and punish violence against women and must also develop judicial measures that ensure that the perpetrator of the violence leaves and stops harassing, intimidating, or threatening the victim (Leonel, 2012). However, Brazil only started to comply with these measures when it was condemned by the Inter-American Commission on Human Rights for having tolerated the violence against Maria da Penha, due to the fact that she was denied that her aggressor is investigated by the politics and the system of justice, the country was accused of not complying with the treaties established in the American Convention on Human Rights and especially in the Convention of Belém do Pará (Bandeira, Almeida, 2005).

- **UN IV World Conference on Women (UN, 1995):**

On 15 September 1995, in China, the fourth world conference on women took place, and its theme was: “Action for Equality, Development, and Peace”, also known as the Beijing Conference. This Conference’s differential was that violence against women is seen from a gender perspective. Violence was conceptualized as any act of violence based on gender, which results in some sexual, physical, or psychological harm, and can also be acts of coercion, threat, or deprivation of liberty, and can occur in private or public environments. The Beijing Conference also aimed to report the degrees of implementation of the Strategies established at the Nairobi Conference. Another objective was to prepare a Platform for Action, focused on the areas that most needed attention that was listed at the Nairobi Conference but were not achieved until then. The IV Conference reaffirmed the commitment to women's human rights, enabling the global agenda on the progress and strengthening of the global female condition to continue (Guarnieri, 2010).

The Beijing Platform was a document developed at the Beijing Conference with the aim of defining an action strategy to promote women's human rights and correct gender inequalities. The Platform also encouraged States and civil society to pay attention to twelve areas of concern: 1 poverty, 2 inequalities in education, 3 inequalities in access to health, 4 violence against women, 5 inequalities in politics and the economy, 6 the effects of armed conflict, 7 inequality in decision-making, 8 ineffectiveness in promoting progress for women, 9 neglect in promoting women's human rights, 10 stereotyping of women, 11 gender inequality in the management of natural resources, 12 discrimination against adolescents and the violation of their rights. In these twelve areas, objectives and strategic measures were determined to achieve these objectives (Piovesan, 2012).

The Platform for Action also addressed the global context of the feminization of poverty, the constant violence against women, the exclusion of women from areas of power, and the shortage of work, which forces women to submit to precarious, poorly paid work and undervalued. The platform asserts that female emancipation is

an essential condition for social justice to occur, and society must ensure women's this freedom (Guarnieri, 2010).

Another document prepared at the Conference was the Beijing Declaration, both documents were unanimously adopted by 189 countries, and were used to establish legal advances in relation to guaranteeing women's human rights (Guarnieri, 2010).

- **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence Istanbul**

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence took place on 11 May 2011. It was a significant convention because it demonstrated the ideological and symbolic advance in theorizing on violence against women. The Convention also brought another perspective on gender violence, also including violence against men, but affirming the disproportion between the number of violence against men and against women, emphasizing that violence against women has a structural and epidemic character in all countries and violence is legitimized because it is understood as natural and inevitable by the culture of the countries. The Convention also mentions how dangerous the lives of women and girls are, due to the fact that they face so many fears and dangers in their daily lives, in familiar places such as school, family, street, and work (Sottomayor, 2015).

Eight member states of the Council of Europe took a favorable position and agreed to be bound by this Convention; Andorra was the tenth country to ratify the Convention making it possible for the Convention to enter into force. The Istanbul Convention is the first international legal instrument with the weight of the law. Signing to ratify the Convention is open to all countries, and by 2017, 40 countries were participating (Pineiro, 2020).

One of the monitoring mechanisms provided for in the Istanbul Convention is the GREVIO - Group of Experts on Action Against Women and Domestic Violence (article 66, CI) which has the function of verifying that political implementations are

being put into effect, analyzing and collecting data, adhere to protection measures, offer civil establishment to victims, investigate, accuse and procedural law and also protection measures (Grevio, 2016).

CHAPTER III - Law system in Brazil regarding male violence against women

3.1 How was the process of implementing the judicial system in Brazil

We cannot talk about Brazilian legislation without first contextualizing the history of the discovery of Brazil and how the hierarchy of power was established. In 1500 the Portuguese arrived in Brazilian lands and the first years of relationship between the Kingdom of Portugal and the lands found by them, boils down to a relationship of exploration of what the land could offer, an example is the monopoly of exportation of wood-brazil, a species of tree, from 1502, this monopoly lasted ten years (Guedes, 2012).

The substantial presence of Europeans took place from 1530 onwards; until that moment the Brazilian territory was home to and dominated by numerous indigenous nations. After the creation of the first towns, the foundation of elementary judicial structures began, such as Casa de Comarca, Notary Public and Notaries, Clerk, and Pedâneo Judge. Then, the Portuguese bureaucracy was established in Brazil through state functions, judicial functions, and representation of the Crown (Guedes, 2012).

Due to the dispute over territory between the Portuguese and the French, the Portuguese Crown, in 1532, implemented the system of Hereditary Captaincies, in parallel with the exploratory missions directed by Martin Afonso de Souza. The new territories found were donated to grantees, who had to take possession of this land, defend it and populate it; the grantees had judicial powers over the land, this power allowed the grantees to apply the death penalty on their lands, and they received a Donation Letter that gave the right to use the land and transfer it by inheritance, right over enslaved people and the exercise of jurisdiction (Lopes, 2014).

According to Prado (2011), in 1549, the general governor Tomé de Sousa installed the captaincy directly linked to the Court, in Salvador, and also built the church, the government palace, customs, the chamber house, and the jail. Gradually these Portuguese institutions multiplied. In the same period, Pero Borges, who was the

ombudsman-general, Antônio Cardoso de Barros, who was the chief prosecutor of the Treasury, and another four hundred soldiers, together instituted judicial and legislative administrations, further establishing the Portuguese bureaucracy. The sovereign's power is gradually converted into a State, having increasingly bureaucratic characteristics.

After the arrival of Tome de Souza, this power that the landowners had, was diluted and in parallel, there was a judicial action, this gradual relationship lasted until 1627, when the benefit of applying their own law on their land was revoked (Martins Junior, 1941).

In 1609, the installation of a court in Brazilian lands took place; this act was significant because before the implementation of the court, the decisions of the ombudspersons and judges of Brazil, had to be judged again and decided in the courts of Portugal. This was an essential step toward the structuring the Colony's Judiciary (Carrilo, 2003).

In 1751, D. Jose I, created a new court that offered broader and more quality service, thus accompanying the development of the Colony, which was heading south, thus dividing Brazil into two large judicial districts, only the ombudsman- general of the State of Maranhão that had direct access to the Metropolis. In 1765, the reforms of Marques de Pombal established the Juntas de Justiça, which were formed by the captaincy ombudsman and two scholars, whose function was to re-examine the decisions of ecclesiastical justice, which conflicted with secular justice. In this colonial period, the judicial structure was composed of judges of the first instance (auditors and ombudsmen), two courts of the second, and one of the last, located in the Metropolis (Martin Junior, 1941).

In 1808, the Royal Family arrived in Brazil, and the fall of the Empire took place, generating many changes in the legal area, due to the transfer of Portuguese state bodies, and the creation of bodies. In 1822, D. Joao VI left Brazil and transferred his

place to his son D. Pedro I, who declares Brazil's independence, which was a milestone for the strengthening of legal institutions in Brazil (Guedes, 2012).

In this process, the Constitution of the empire redefined the structure of the Judiciary, establishing codes and competencies; however, the Emperor could suspend the judges.

In 1824, the Political Constitution of the Empire of Brazil came into force. This Constitution, in its differential, because it was the one that contained the most extended text and was the first in the world to positively address fundamental human rights, even when dealing with rights of an individual nature, another characteristic of this Constitution was the one that was most in force for sixty-five consecutive years (Cunha, 2001).

The Constitution of 1824, following the wave of Liberalism that was present in the West at this time, therefore determined the right individuals, all civil and political rights, among others, followed the logic of guaranteeing freedom to the individual, freedom of thought, and equality. However, some youth rights are from a liberal perspective; an example is the right to free primary education and the right to public assistance (Brega Filho, 2002).

Even the Constitution of 1824, being a pioneer in addressing fundamental human rights, did not make them effective because it allowed the slavery of blacks, that is, the total absence of freedom. With the absence of democracy, the low economic, transport, and communication development made it difficult to establish fundamental rights (Brega Filho, 2002).

In 1827, legal courses were created in Olinda and São Paulo, an essential moment for the initiation of independence in the legal sphere in Brazil. In 1828 he created the Supreme Court of Justice, which was responsible for examining appeals and conflicts between the Provinces. Important legal documents were created in the following years, the Criminal Code in 1830, the Criminal Procedure Code in 1832, and the Commercial Code in 1850 (Venancio Filho, 1977).

After a long period of slave laws and many social campaigns, the Abolition of Slavery finally took place in Brazil in 1888, favoring the weakening of the Monarchy and giving strength to republican ideas. Shortly after that, the Proclamation of the Republic took place, generating many changes in the legal and judicial structure. The Republican era was remarkable due to changes in the political structure, the implementation of the federative regime, and the establishment of direct elections; the Brazilian Justice also changed, due to the influence of federalism, resulting in the creation of the Federal Justice (Guedes, 2012).

The Constitution of the Republic of 1891, known as the Constitution of the Republic of the United States of Brazil, is due to the influence it acquired from the North American Constitution (CASTRO, 2010). It was also influenced by Positivism, which separated the State from the Catholic Church, which resulted in the reorganization of obligations that were previously the Church's and became the State's; an example is a civil marriage. Another innovative factor of this Constitution was the provision of "habeas corpus, which was a fundamental instrument for guaranteeing individual rights (Bastos, 2000).

In 1930, Brazil entered a dictatorial period that lasted 15 years, after this period Brazil entered a phase of re-democratization, the 1946 Constitution was the landmark, but it did not bring very profound changes, it only provided for the installation of the Federal Resources. The 1934 Constitution, on the other hand, named the most important court in the country as the Supreme Court, which was also decisive for Electoral Justice and Military Justice (Guedes, 2012). This Constitution provided for popular action; in the Labor Law issue, it determined the prohibition of having a salary difference due to age, nationality, and sex; it also determined a minimum wage and eight hours of work. According to Miranda (1987), it was a gain for the female category because it guaranteed the female vote and the right to democracy.

According to Guedes (2012), in 1936, the Getúlio Vargas government created the National Security Court (NSC), which aimed to expand the National Security Law (NSL). The following year, the 1937 Constitution came into force, establishing

profound changes in the judicial sphere, the legislative power came to be fully controlled by the President, who had the power to enact laws, and denominates the Supreme Court as the Federal Supreme Court. The 1937 Constitution limited the fundamental rights conquered in previous years due to the absolute power of the dictator President.

According to Guedes (2012), a few years later, the Military Coup of 1964 occurs, and the era of the military dictatorship began in Brazil; profound changes occurred in the judicial area, after the application of the Institutional Acts (AI), political positions and rights were revoked. Moreover, the number of ministers of the Federal Supreme Court was expanded; only those associated with the dictatorship could occupy these seats. With the end of the military dictatorship, the Constitution of 1988 came into force, being a landmark in the country's re-democratization and redefining and organizing each Power of the Republic, the Supreme Courts, and Courts, being the Constitution in force until the present day. In 2002, a new Civil Code was implemented, which further updated the Brazilian judicial system.

3.2 Brazilian justice in the perspective of gender and violence against women

Throughout history, women have suffered discriminatory treatment from various sectors of society such as family, church, State, medicine, and sectors that have determined and imposed social and cultural functions on women, putting them in a situation of social marginality (Guerra, 2011).

This context discussed above reinforces the inequality in power relations between men and women, which results in the oppression imposed on women in various fields of human coexistence, such as religion, politics, work, and education, which distances women from achieving and enjoying a democratic rule of law. The social inequality that women suffer from the beginning to the present day is also present in the day-to-day forums, police stations, and courts and strongly influences judicial decisions. The penal system is socially presented as egalitarian, offering equal

access and functioning, but this is not how it works in reality; it is selective and is available to certain people who are part of certain social groups (Batista, 2004).

This reality is so grounded in the life of Brazilian women that, according to a 2011 study by the Avon Institute, among the women who were interviewed, only 38% said they trust legal and police protection, and 59% say they do not trust these protections in case of domestic violence.

According to Jorge (2005), due to a prejudiced legal system, the damages to women who have suffered during some type of violence or abuse do not end in the act itself but also extend to the service during the complaint, or trial, resulting in a psychological impact, which makes the woman always revisit that traumatic moment of aggression, in addition to the imposition of the stigma of forgiving or possible cause of that unfortunate event.

The reception of women at the time of the complaint is something rare; when the woman is the victim of a crime against sexual freedom, the treatment is degrading, they are seen with a look of suspicion, and many have to be photographed and provide information about their lives and her past, it is rare when the woman has emotional support. Due to these reasons, part of the feminist movement defends the need to question the penal system's refusal and seek solutions to reformulate a penal system that is synchronized with feminist goals (Andrade, 1996).

From a pretext of neutrality of law, the gender perspective for a long time extended as absent in legal interpretations and norms of Brazilian courts, the lack of institutional responses against this structural conjuncture of inequality and discrimination reinforced this posture of inequality against women (Gebrim, Borges, 2014). Due to the reflexes present in a sexist society, the law focused on limiting women in their patrimonial power, their civil capacity, and decision-making power (Montenegro, 2015).

Female autonomy was limited to Civil Law, in which in the family and matrimonial spheres, power was in the hands of the man, that he had the power to correct his

wife and children, and until some time ago, the total capacity of women was unknown. married (MELLO, 2016). For Criminal Law, the concern and possibility of pseudo access to the right only fit the woman who was a victim of some crime, not the authors of the crime, due to the stereotype that the ability to commit crimes is linked to male virility, so the Criminal norms reinforce discrimination against women, that is, criminal law analyzes and selects which women deserve victim treatment and which deserve State protection (Montenegro, 2015).

3.2.1 Brazilian Penal Code in a historical perspective focusing on female access

The first Brazilian penal code, also named as Criminal Code of the Empire of Brazil, 1830, when Brazil was no longer a colony of Portugal, has contradictions concerning the liberal discourse, due to slavery still present in the country, which resulted treatment of conflicts treated in a perspective of a police project and not a liberal project, reinforcing the punitive power, having a patriarchal and slaveholding character (Batista, 2004).

The Imperial Code was the mirror of the customs of the time, which limited the woman to a position of property of her parents and in the future of her husband; in chapter III, the code addressed the crime of adultery and stated that a married woman who betrayed would have to go to prison and be sentenced to work from one to three years, the same penalty was imposed on men, what differs is the scripture that portrays the woman as an adulteress and the man as someone who maintains an ongoing relationship with another woman, which reinforces inequality at the time of trial in court (Mello, 2016), that is, this inequality also reinforces the gender stereotype because women should preserve their sexual morals, while men can enjoy their sexuality outside of marriage, without worrying about moral judgment or the State.

Another aspect related to the gender issue in this code is when it addressed crimes that women were victims of, such as rape or kidnapping, only women considered

socially nest” or “virgins” could enjoy their right to protection from the State. This protection for “honest” or “virgin” women was not associated with protection for women who suffered violence, but with a prejudiced social cut and an imposition on institutionalized female sexuality, where the law has a paternal role, and only those women who behave sexually in the way that society expects, can have access to this right and obtain justice for the violations suffered (Martins, 2009).

The identification that criminology or criminal law makes of the figure of the victim woman is not associated with the State's concern to guarantee the rights of this woman, but in the control of the subjectivity and the body of this woman, so what really matters is to preserve morality and customs rather than the adequate security of women (Martins, 2009).

Barreto (1923), states that the Code of 1830, presents a mistaken notion about crime and criminal and the differentiation between intent and guilt, and portrays that until 1971, culpable crimes, merely culpable, did not exist in Brazilian criminal law. The author also states that in social evolution, there is no distinction between the types of law, private, public, or ecclesiastical, but everything rests around patriarchal customs. Every criminal right, like any right, has a family basis based on paternal authority.

In 1890, Brazil assumed the name Penal Code, sanctioned by the first president of the Republic, Marshal Deodoro da Fonseca. Concerning sexual crimes committed against women, this Penal Code also reinforces the idea that women are only victims when their sexual behavior is compatible with what society and families understand as honest and acceptable. In the articles that addressed abduction and rape, the definition of “honest woman” is still present, but “public woman or prostitute” was also added, that is, the distinction between socially disapproved or dignified female behaviors; however was an advance because it made irrelevant the whether the woman is a virgin or not (Montenegro, 2015).

Nevertheless, the discriminatory treatment still remains, in article 268 of the Penal Code of 1890, it provides for a sentence of 1 to 6 years for the man who rapes a “virgin or non-virgin woman, BUT honest”, and provides for a sentence of less than six months to two years if a “public woman or prostitute” is raped; that is, it is still explicit that state protection would only occur if the victim had her sexual honor evaluated positively by society. The words “honor” and “honesty” present in this Penal Code was only associated with women who were dependent on the reputation their family had at the time, while men were expected to be a citizen of good character and hardworking; that was enough. About crimes of adultery, the penalties and definitions remained the same as in the previous Penal Code (Gravon, 2011).

In 1940, Brazil assumed another Penal Code, which emerged from a time when social transformations had occurred due to the 1930 revolution and even this Penal Code was formulated in a dictatorial period, it has foundations based on the law. Democratic and liberal punitive (Batista, 2004).

The Penal Code of 1940 basically did not change anything about how the woman victim of sexual crimes was protected; the ideal of an honest woman was still present, and the disregard for women who had actions contrary to those that were socially expected.

Only in the article that deals with rape in the Penal Code of 1940, that was there a small change, where “any” woman would have the right to be protected by the State, failing to make a distinction between the honest woman and the prostitute (Montenegro, 2015). However, in practice, the conduct of women was still evaluated by law enforcement officers because the words “honest woman” and “virgin woman” are still present in other articles, which reinforced the stereotype based on motherhood and fidelity that defended the right woman. as the submissive and faithful wife, the virgin and pure single and the chaste widow (Martins, 2009).

3.2.2 Difficulties women face in accessing Brazilian legislation

One of the most significant difficulties for women in accessing the law is due to the fact that discriminatory practices persist in justice and thus are barriers for women who are victims of violence to access their rights. Many, when seeking help from the State and Justice, are discriminated against or even excluded when they do not have the financial resources to hire a lawyer, within the reasons that interfere in women's access to justice are the low level of preparation of justice operators, this is due to the low opportunity for training focused on the theme and also the lack of interest of these agents and the justice system itself (Melo, 2014).

3.2.3 The historical evolution of female conquest of women in Brazilian legislation

The achievements of women in Brazilian legislation took place through a lot of struggle, claims, and positions against the absence of the State, below are some of the important advances for women, according to Mattar and Lonchiati (2021):

The Commercial Code of 1850 made possible an advance for the financial autonomy of the woman, where the woman could be admitted as a merchant. However, when they were married, they still needed the authorization of their husbands. After the Proclamation of the Republic, significant legislation for women was enacted Decree No., 2002.

In 1932, Decree-Law 21,076 was signed by Getulio Vargas; with the renewal of the Electoral Code, women obtained the right to vote, but only women who were married, widows, and single women who declared their income (Santos, 2018).

In 1943 the Consolidation of Labor Laws was sanctioned and, a chapter was dedicated to working women, who now had rights during maternity.

In 1962, law no. 4,121, known as the Statute of the Married Woman, came into force, establishing the legal specifications of the married woman and managed to change some characteristics of the married woman in the Civil Code of 1916, with this new one the woman came to be seen as completely capable and the exercise of Patriot passed by law to be equal for both parents, but in case of disagreement between

the two, the man still had his will prevailed, but the woman could appeal in court. Law no. 4,121 also made it possible for women to choose their profession and be free to exercise it.

In the 1960s, women had free access to the contraceptive pill, which was an advance for women's sexual freedom, as they could gain some control over their bodies and lives, having the opportunity to remain in the labor market work, invest in their educational area, and expand their schooling (Santos, 2018).

According to Ferreira (1985), this law n. 4,121/61 did not bring as many advances in terms of spousal equality as everyone usually claims, but for the author Valdeana Vieira Casas Ferreira, all these "advances" present in this law demonstrate and translate the patriarchal prejudice rooted in this sexist society.

In 1977, law no. 6.515/77, known as the Divorce Law, enters into force; this law was important for women because it determined the end of restrictions on rights when the woman separated; after this law, the woman had no further obligations towards her ex-husband, but had her rights in relation to property, children, to a new union and to re-obtain her maiden name guaranteed. Another victory was that it was determined that child custody was the mother's priority. However, even the headship of the conjugal society still belonged to the man.

In the middle of the 20th century, after the approval of the International Labor Organization, equal remuneration was determined between male and female workers; unfortunately, until today, this determination is not part of the reality of many women, who even perform the same work of men, still have lower or unequal wages (Santos, 2018).

In 1988, the Federal Constitution, was a watershed in guaranteeing equal rights between men and women; in article 5, the abusive and discriminatory legal system against women was broken; it also recognized other forms of family that did not arise from marriage.

In 1990, after the creation of the Statute of Children and Adolescents, equality between father and mother was guaranteed, which favored women in the division of obligations with their children.

Then, many laws that aimed to guarantee equality between men and women emerged, the most important among them were Law nº. 9,504/07, which ended quotas so that women could take part and integrate political parties; so that through these quotas, the participation of women in government would be more frequent and numerous.

Law no. 1,340/06, known as the Maria da Penha Law, is one of the best known and most important laws in the fight to protect women against acts of domestic violence, offering tools to curb, eradicate and punish aggressors. Another fundamental law for women is Law no. 13.104/15, which typifies femicide as a crime of homicide.

In 2002, the new Civil Code, which is in force to this day, was extremely important because it determined equal treatment between spouses, breaking with the patriarchal pattern that allowed male domination over women.

CHAPTER IV- The history, creation, implementation, and features of the “Maria da Penha” so-called Law:

4.1 Who is Maria da Penha

Maria da Penha Maia Fernandes was born in Fortaleza, Ceará, on February 1, 1945, and graduated in biochemical pharmacy in 1966, from the Faculty of Pharmacy and Biochemistry of the Federal University of Ceará; in 1977 she graduated with a master's degree in Parasitology in Analyses. Clinics at the Faculty of Pharmaceutical Sciences of the University of São Paulo. The name of Mrs. Maria da Penha is very popular in Brazil because, due to the fight against violence that women are subjected to, she has become a reference for many other women who suffer from the same social situation. The struggle of Mrs. Maria da Penha for justice against her ex-husband lasted 19 years and 6 months (Instituto Maria da Penha, 2022).

To contextualize this struggle, the entire trajectory of experiences, abuses, and struggles that Mrs. Maria da Penha has trodden until today will be portrayed below.

Maria da Penha met Marco Antonio Heredia Viveros, known as a Colombian, during his master's degree at the Faculty of Pharmaceutical Sciences at the University of São Paulo in 1974; he was studying a postgraduate course in Economics at the same faculty. They started dating the year they met, and Marcos Antonio always had a very kind demeanor with everyone around him. They got married two years later and moved to Fortaleza, and they had two daughters; it was from that moment that everything changed. The aggression started when he got his Brazilian citizenship and established himself in a good job that offered good remuneration. He became very intolerant and had explosive and exaggerated behaviors not only with his wife but also with his daughters. These attitudes became frequent and fear and tension were present in the family's home daily. It was then that the cycle of violence began. First the increase in tension occurs, then the act of violence, regret, and then the affectionate behavior; in this last phase that is also popularly known as the

"honeymoon," Mrs. Maria da Penha believed in the change of her ex-partner and had her third child (Instituto Maria da Penha, 2022).

In 1983, Maria da Penha suffered a double attempt at femicide by her ex-husband Marco Antonio. The first attempt occurred when he took her back while she was sleeping; due to an event, Maria da Penha became paraplegic because she suffered irreversible injuries to the third and fourth thoracic vertebrae, she also had her dura mater lacerated and a third of her left spinal cord destroyed. , not to mention psychological and other physical traumas. However, Marco Antonio declared to the police that everything that happened to her resulted from an attempted robbery. However, it is important to note that Marco Antonio's version was later denied by the forensics. The second attempt at femicide occurred when Maria da Penha had just returned from the hospital, after undergoing two hospitalizations, two surgeries, and treatments; even though she was fragile, Marco Antonio kept her in a private prison for 15 days and even tried electrocuting her while she was taking a shower (Instituto Maria da Penha, 2022).

Furthermore, the violations of rights are not limited to femicide attempts, Maria da Penha began to analyze various behaviors of the aggressor, such as he insisted that the investigation into the alleged robbery attempt not be carried out, and he trained her to sign a power of attorney who gave him complete freedom to do anything using her name, invented fictional stories about how he had lost the couple in the car, Marco Antonio also kept several authenticated documents of Mrs. Maria da Penha, and he still had a mistress. With the help of friends and family who were worried about the severe situation that Mrs. Maria da Penha and her daughters were in, they managed to get legal support for her ,and so they planned to leave the house without this action being considered abandonment of home, to that there was no risk of losing custody of their daughters (Instituto Maria da Penha, 2022).

The violence that Mrs. Maria da Penha suffered is not limited to what her ex-husband did, but the Judiciary also committed a crime against her because the first trial of her aggressor took place only in 1991, eight years after the event of crime. The

aggressor was sentenced to 15 years in prison, but due to appeals that were requested by the defense, Marco Antonio was released from the courthouse. Despite being very fragile, Maria da Penha continued to fight for justice, and in 1994, she published her book “Sobrevivi, pode conta” (“I survived, I can tell”) where she tells facts about her life story and details about the legal process against her aggressor Marco Antonio. In 1996, the second trial took place, where the aggressor was sentenced to 10 years and six months in prison; however, one more time, this sentence was not carried out because the defense lawyers alleged irregularities in the process (Instituto Maria da Penha, 2022).

4.2 Bureaucratic and legal process that preceded the “Maria da Penha” Law, Law No. 11.340/06

The Maria da Penha law is one of Brazil’s most emblematic cases in the fight against gender violence. The elaboration of this law took place through numerous international interventions (IACHR, 2001).

In 1998, Maria da Penha, together with the Center for Justice and International Law (CEJIL) and the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM), denounced the case and the entire legal process to the Inter-American Commission on Human Rights of the Organization of American States (IACHR/OAS). Even with international litigation and serious violation of human rights and duties that were guaranteed in the documents signed by the Brazilian State, documents such as the “American Convention on Human Rights – Pact of San José of Costa Rica; American Declaration of the Rights and Duties of Man; Inter-American Convention to Prevent, Punish and Eradicate Violence against Women – Convention of Belém do Pará; Convention on the Elimination of All Forms of Discrimination against Women”, even with all these determinations that these documents impose, the Brazilian State remained silent and did not pronounce anything throughout the process (Instituto Maria da Penha, 2022).

In 2001, the Inter-American Commission on Human Rights, for the first time, applied the Convention of Belém do Pará, making the Brazilian State responsible for omitting and being negligent concerning domestic violence against women. One of the sentences that were applied against the Brazilian State was that Brazil should provide an effective outcome of the process that involved the trial of the aggressor; an in-depth investigation into the irregularity in the process that prevented the perpetrator from being held accountable and prosecuted; another sentence was the material and moral reparation of the victim for every violated right resulting from the neglect of the Brazilian justice; and demanded that the Brazilian State carry out a reform that would avoid the state tolerance and discriminatory treatment that women victims of violence in Brazil used to suffer (IACHR, 2001).

Addressing a little more about the issue of legislative reform on gender violence in Brazil, other points demanded by the Inter-American Commission on Human Rights - IACHR (2001) were:

- The Brazilian State should offer training means so that civil servants and police officers are sensitized and thus can truly understand the importance of never tolerating domestic violence.
- That the judicial process and procedure should be simplified so that the time of the judicial process can be reduced while maintaining the concern of not affecting the rights and guarantees of the process itself.
- Establish alternative forms to judicial ones, which are quick and efficient to be used in intra-family conflicts, and generate awareness about the seriousness and criminal consequences that these judicial forms could result.
- Increase the number of police stations specialized in defense of women's rights and provide them with all the necessary resources to enable the full investigation of all reports of violence against women, and also offer support to the Public Ministry in the process of preparing their court reports.

- The Brazilian State should include in the pedagogical plans information that would make it possible to expand knowledge and approach on the importance of respect for women and the rights guaranteed and guaranteed to them in the Convention of Belém do Pará.

It is necessary to emphasize that the great international pressure mentioned above, in fact, consolidated that it was necessary to formulate and implement a law in the Brazilian legal system that was dedicated to combating violence against women. However, the process of creating such a law in Brazil predates Maria da Penha's struggle for justice, years since the '70s, women gathered through feminist movements to demand a law against violence against women, in this period the feminists propagated the slogan "those who love, do not kill" (Calazans, Cortes, 2011).

Within this same theme in the 1990s and 2000s, some bills on violence against women were passed through the National Congress; some examples are - PL 3,901 of 2000 (which became Law nº 10,455/2002), and Law No. 9,099/95, which allowed the aggressor to be removed from the family/home environment, as a form of precautionary measure when domestic violence would occur; - PL 6,760/2002, which aimed to amend article 129 of the Penal Code, so that the penalty would increase in the case of a crime of bodily harm committed against a partner or spouse; PL 905/1999, which provided for a form of reconciliation focused on peace and family harmony, determining that conciliators or judges should present the benefits of having a the pacifying family action, what were the duties and rights of each one of the family and, finally, to establish the pact to stop violence, through a document signed by both parties and approved by the judge (Calazans, Cortes, 2011).

It is essential to point out that the focus attempts at legislative reforms at the time mentioned in the above paragraph were focused on making specific changes to the penal code or Law 9099 of 1995. However, none of these "possible changes" brought assertive responses to the problem of violence against women, that is, these legal measures were very far from ensuring the fight against violence from a gender

perspective, as is the case of Law 11,340 of 2006, which made it possible not only to reprimand and confront violence against women but also to prevent it, focusing on reaching the entire social problem (Lima, 2018).

Before the enactment of the Maria da Penha Law, most cases related to domestic violence against women, which occurred within the family or within the family, were judged by the Special Civil and Criminal Courts; the most used Law was Law 9099 of 1995 (which had the function of governing crimes of lesser potential, with sentences of up to two years provided for in the Brazilian Penal Code). These Special Courts emerged intending to guarantee the information to the judges and at the same time provide the possibility of offering means of conciliation, offering the parties autonomy in the judicial process, it also made available the option of alternative sentences to imprisonment, such as civil composition, criminal transaction and conditional suspension of the process, which has never been an effective solution in combating and dealing with cases of violence against women (Lima, 2018).

Before the Maria da Penha Law came into force in 2006, crimes such as light bodily harm and threats that occurred in the family environment were judged by the Law of Courts as crimes of lesser potential, being treated as crimes of car crashes, fights between neighbors, and food theft. Some penalties were limited to the simple payment of food baskets¹ and payment of fines; the police chief could not arrest the aggressor if he were caught in the act at the time of the aggression against the woman; the aggressor only needed to sign a Detailed Term of Occurrence, dispensing with the need to of witnesses, and thus obtained his freedom (Lima, 2018).

According to author Basterd (2011), Law 9,099/95 resulted in women giving up on denouncing their husbands or ex-partners aggressors, reinforcing the ideology of impunity that was a way of perpetuating the practice of aggression against women

¹ Food baskets is a box that has 13 food products, which according to the government are considered essential for a person's survival for a month (Decreto No. 399, 1938).

because the man knew he would get away with it and unharmed. On average, about 70% of the cases that the Special Criminal Courts tried were about domestic violence against women. In most of these cases, the verdict was “conciliation”, in many cases the Public Ministry was not aware of the case, and the women did not receive a qualified response from the public authorities about the violence they had suffered.

When light bodily harm was considered of low offensive potential, associated with the possibility of conflicts being resolved in a consensual way, violence against women was no longer judged and punished. The high number of cases in the Special Criminal Courts led the judges to induce the withdrawal of complaints and impose agreements between the victim and the aggressor; the judge was more concerned with reducing the amount of demand, preventing the judicial process from being installed, the reputation of the verdict is just paying for a food basket became so popular that the punitive effect came to be seen as harmless (Dias, 2009).

Due to this reality in the legal issue of Brazil in 2002, several women from feminist NGOs got together, an event that became known as “the feminist consortium,” with the primary objective of thinking and structuring a Bill that would encompass all the claims of the ideas feminists, without being restricted only to the criminal issue, and thus to effectively face domestic violence (Calazans, Cortes, 2011).

4.3 How did the Maria da Penha Law - Law n. 11.340

In 2002, as it was analyzed, it was necessary to deal with the Maria da Penha case, from a gender perspective due to violence against women, and also because it is violence against a woman, the impunity of the aggressors is reinforced, increasing the recurrence of this type of violence. Due to this social reality and the scarcity of legal measures and actions and measures that guarantee human rights and access to justice, protection, and victims, in 2002, several Feminist NGOs got together and formed a Consortium of Feminist NGOs that aimed to elaborate a law to combat domestic/family violence against women. The NGOs were: “Feminist Center for Studies and Advisory Services; Citizen Advocacy for Human Rights; Actions in

Gender, Citizenship and Development; Citizenship, Study, Research, Information and Action; Latin American and Caribbean Committee for the Defense of Women's Rights; and Legal Advice and Gender Studies, in addition to feminists and jurists specializing in the subject” (Instituto Maria da Penha, p.1, 2022).

After much debate with the Executive, Legislative, and society, the Bill n. 4,556/2004 of the Chamber of Deputies reached the Federal Senate. It started to have a different numbering (Chamber Bill No. 37/2006), approved by the Senate and Chamber was unanimous. Finally, on August 7, 2006, the President of the Republic Luiz Inacio Lula da Silva sanctioned Law n. 11,340, which is well known by the name “Maria da Penha Law” the law was baptized with that name because it was a way for the Brazilian Federal Government to honor her (Maria da Penha Institute, 2022).

The Law was a milestone in the fight against domestic violence against women, having qualitative and quantitative impacts. It was through this Law that a complete change took place in the way the Brazilian legal system dealt with violence against women, no longer seen as a something of little value and importance, associated only with the private sphere and becoming a responsibility of the State and a concern of society in general (Lima, 2018).

Today, Mrs. Maria da Penha directs the Maria da Penha Institute, which is a non-profit, non-governmental organization that is a social tool for the permanent struggle for women's rights.

4.4 Progress achieved through Law No. 11.340/06

According to Lima (2018), Law No. 11,340/06 was essential for the struggle for women's rights in the context of justice. The Law enabled advances in the following areas:

- It made violence against women a crime and typified such violence;
- Developed mechanisms to protect women who were victims of domestic and family violence, providing the option of urgent protective measures,; it also favored

multidisciplinary work that included the Assistance and Confrontation Network and the National Policy to Combat Violence against Women ;

- Enabled access to protection for women who suffered aggression within a homosexual relationship;
- Prohibited the application of penalties such as fines or food baskets to crimes committed against women and also prohibited the application of Law 9,099/95, which made it possible to decriminalize crimes of violence against women;
- The Maria da Penha Law also provides for the aggressor to be arrested immediately in the following situations: arrest in flagrante delicto, preventive detention, or conviction carried over at trial;
- The aggressors also have attention in this Maria da Penha Law because mechanisms were created aimed at the accountability, education, and resocialization of the aggressors;
- Created and implemented courts capable of judging crimes and actions related to domestic and family violence;
- Defined that all women should have access to legal assistance, and if she could not pay, this assistance should be free;
- It defined that the woman who suffered the crime of threat could only withdraw her complaint before the judge in a hearing, which will be scheduled explicitly for this purpose when requested by the interested party.

The Maria da Penha Law was essential because through it, it was possible to reaffirm existing services and the creation of other services; in total eleven services that allow women to access their rights, these services are: “i) shelter homes; ii) specialized police stations; iii) specialized public defender centers; iv) specialized health services; v) specialized centers for medico-legal expertise; vi) referral centers for psychosocial and legal assistance; vii) Courts for domestic and family violence against women; viii) multidisciplinary service team to assist the work of the Courts;

ix) specialized prosecutor cores; x) national data collection system on domestic violence; and xi) education and rehabilitation centers for offenders” (Calazans, Cortes, p. 59, 2011).

All the services mentioned above form the integral network of assistance to women who have been victims of violence and are mandatory for the Public Powers. However, for the existence and functioning of these services to be possible, they must be part of government planning, which is why the Maria da Penha Law makes it clear that the Union, the States, the Federal District, and the Municipalities must adapt their bodies so that they can comply with all the determinations that the Law makes explicit (art. 36), the Maria da Penha Law also provides that the Union, the States, the Federal District, and the Municipalities must establish budget guidelines so that it can be possible to execute these papers. It also provides for these services to be included in the budget proposals of the Judiciary, with a focus on training and maintaining the multidisciplinary care team (Calazans, Cortes, 2011).

Due to numerous facts, the Maria da Penha Law can be considered special and unique. One of the main reasons is due to the scope that this legislation has related to the protection against violations of women's human rights, especially the violation of physical, moral, psychological, sexual, and patrimonial integrity, which implemented this treatment in Brazilian public institutions, in areas of public security, the Judiciary, in the areas of homesickness, social and psychological assistance, aiming to offer protection to women in a humanized way, offering them trained and empathetic professionals concerning the problem that the victim is facing, its main objective is to break the cycle of violence and thus avoid femicide (Pasinato, 2011).

Another differential of this Maria da Penha Law is the preventive and protective character, which reaffirms that the main objective of the law is not only to punish male aggressors but to offer protection to female victims, aiming to offer them the fastest possible means of returning to a violence-free life, that is, it is legislation allied to the minimum penal model - even though it does not have the decriminalizing character of Law n. 9,099/95 – because it contains alternative solutions to the

problem of violence, without denying the possibility of imprisonment for the aggressor in cases where specialized services are not enough to prevent violence or death of women (Lima, 2018).

However, advances and new and old challenges, go hand in hand, because the services mentioned above are not a reality in all Brazilian states, the services are easily found and accessed in the great center and South and Southeast regions, and unfortunately, they are not seen and treated as priorities in the governmental planning of many states and municipalities. The number of employees is still deficient, and many do not receive team training focused on developing quality service, this r; this makes it even more challenging to implement the comprehensive service network and the national policy (Calazans, Cortes, 2011).

4.5 Analysis of the most relevant articles of Law 11.340

4.5.1 Art. 6° on violence against women as a violation of human rights

“Art. 6th. Domestic and family violence against women is one of the forms of violation of human rights” (Governo do Brasil, 2006).

Even with countless female revolutions, the cruelest of discriminations persists against women: domestic violence. To combat this discrimination, the Maria da Penha Law and give effect to the Federal Constitution in article 226, “The family, the basis of society, has special protection from the State” and in article 226, § 8: “The State shall ensure assistance to the family in the person of each of those who are part of it, creating mechanisms to curb violence within their relationships,” in addition, the Law defined the forms and types of domestic violence, and this is something relevant because the lack of social awareness about the which is domestic violence, which condemned this crime to invisibility (Dias, Reinheimer, 2011)

According to Parodi and Gama (2009), the Maria da Penha Law offers protection that goes beyond protecting only the woman but also the family and society because the suffering of women victims of violence also affects the balance of the entire community and destabilizes the family as a whole.

Therefore, the Maria da Penha Law, in addition to defining what domestic violence is, also inserted it as a form of violation of women's human rights, which made it even more possible to see domestic violence, not as something restrictive to the private and private environment, but as an obligation of the Brazilian State to respond to this demand through prevention, assistance, and reception of women who were victims of domestic violence.

4.5.2 Art. 8º - Assistance to women in situations of domestic and family violence

“Art. 8 The public policy aimed at curbing domestic and family violence against women will be carried out through an articulated set of actions by the Union, the States, the Federal District, and the Municipalities and non-governmental actions, having as guidelines:

I – the operational integration of the Judiciary, the Public Ministry, and the Public Defender's Office with the areas of public security, social assistance, health, education, work, and housing;

II - the promotion of studies and research, statistics, and other relevant information, with the perspective of gender and race or ethnicity, concerning the causes, consequences, and frequency of domestic and family violence against women, for the systematization of data, to be unified nationally, and the periodic evaluation of the results of the adopted measures;

III - respect, in the media, the ethical and social values of the person and the family to curb stereotyped roles that legitimize or exacerbate domestic and family violence, by the provisions of item III of art. 1, in item IV of art. 3 and in item IV of art. 221 of the Federal Constitution;

IV – the implementation of specialized police assistance for women, particularly in the Police Stations for Assistance to Women;

V – the promotion and implementation of educational campaigns to prevent domestic and family violence against women, aimed at the school public and society in general, and the dissemination of this Law and the instruments for the protection of women's human rights;

VI – the signing of agreements, protocols, adjustments, terms, or other instruments to promote partnerships between governmental bodies or between them and non-governmental entities, to implement programs to eradicate domestic and family violence against women;

VII – the permanent training of the Civil and Military Police, the Municipal Guard, the Fire Department, and the professionals belonging to the bodies and areas listed in item I regarding gender and race or ethnicity issues;

VIII – the promotion of educational programs that disseminate ethical values of unrestricted respect for the dignity of the human person with the perspective of gender and race or ethnicity;

IX – the emphasis, in school curricula at all levels of education, on content related to human rights, gender, and racial or ethnic equality and the problem of domestic and family violence against women.” (Government of Brazil, 2006).

When the Brazilian State ratified the international documents related to the protection of women, it assumed that it would comply with the measures determined in these documents so that women's rights could be guaranteed. However, it is only possible to exercise these obligations through public policies, an example response to these international documents was the creation of the Special Secretariat for Policies for Women in 2003 (Bianchini, 2011).

In article 8^o of the Maria da Penha Law, the guidelines accompanied by public policies are provided for with a focus on ending domestic violence against women, stating that public policies must have their action articulated between NGOs, Union, States, Federal District, and Municipalities, the participation of the State is significant to achieve this objective. Each of these dimensions needs to understand very well

about violence against women and its approaches so that it can serve each woman in her particularity and understand the diversity between them (Bianchini, 2011).

Therefore, the Law is clear when it states that it will only be possible to offer effective aspracticalto women in situations of domestic or family violence when there is synchronized work between NGOs, the Union, States, the Federal District, and Municipalities so that the woman can then ensure a multidisciplinary public policy and have assistance in all critical areas.

4.5.3 Art. 10° to 12° - Attendance by the police authority

“Art. 10. In the event of imminence or practice of domestic and family violence against women, the police authority that becomes aware of the occurrence will immediately adopt the appropriate legal measures.

Single paragraph. The provisions of the caput of this article apply to non-compliance with a deferred emergency protective measure.

Art. 11. When assisting women in situations of domestic and family violence, the police authority shall, among other measures:

I – guarantee police protection, when necessary, immediately communicating to the Public Ministry and the Judiciary;

II – refer the victim to the hospital or health center and the Legal Medical Institute;

III – provide transportation for the victim and her dependents to shelter or a safe place when there is a risk to their lives;

IV – if necessary, accompany the victim to ensure the removal of her belongings from the place of occurrence or the family home;

V – inform the offended party of the rights conferred on her in this Law and the services available.

Art. 12. In all cases of domestic and family violence against women, once the occurrence is registered, the police authority must immediately adopt the following procedures, without prejudice to those provided for in the Criminal Procedure Code:

I – listen to the victim, draw up the police report and take the representation on the term, if present;

II – collect all the evidence that serves to clarify the fact and its circumstances;

III – send, within 48 (forty-eight) hours, a separate file to the judge with the victim's request for the granting of urgent protective measures;

IV – determine that the victim's body of crime be examined and request other necessary expert examinations;

V – listen to the aggressor and witnesses;

VI – order the identification of the aggressor and add his criminal record sheet to the file, indicating the existence of an arrest warrant or record of other police occurrences against him;

VII – send, within the legal period, the records of the police investigation to the judge and the Public Ministry.” (Governo do Brasil, 2006).

Even with so many determinations regarding police assistance, not only by the Maria da Penha Law, but also, for example, in the Belém do Para Convention, the report of women who suffered domestic violence, or sexual violence and were treated exceptionally badly and with prejudice when they should have been welcomed in police stations, hospitals, and public institutions, the lack of training and qualification of the teams, reinforced by machismo and sexism perpetuate this action against women, this lack of preparation resulted in many requests from Police Delegates and Clerks whom they asked the victims to deliver the “legal subpoena” to the aggressor. Moreover, this is something that still occurs even after the Maria da Penha Law; therefore, the authorities still ask women who have suffered aggression and are often

injured, are oriented to look for their aggressor to inform him that he is being criminally prosecuted (Barbosa, Foscarini, 2011).

Another problem faced by police authorities who work in reports of aggression is when there is a case of a threat, the police rarely offer any type of protection measure, and this also extends to emergency medical care, which was time-consuming, with the excuse of the need to “gather evidence.” Due to the lack of knowledge about the types of domestic violence against women, the police often interfered to avoid the arrest of the aggressions, with the argument of promoting peace between victim and aggressor, which is why in art. 10, it is clear that the measures must be taken by the police at the time of the occurrence. Also, as will be mentioned below, the Maria da Penha Law is clear when it states that the woman cannot deliver a “legal subpoena” to the aggressor (Barbosa, Foscarini, 2011).

“Art. 21. The victim must be notified of the procedural acts related to the aggressor, especially those pertinent to the entry and exit of prison, without prejudice to the summons of the constituted lawyer or the public defender.

Single paragraph. The victim may not deliver a subpoena or notification to the aggressor” (Governo do Brasil, 2006).

The police authority must, in addition to informing the victim of all the rights he has, also offer urgent protective measures at any time or stage of the judicial process against the aggressor (Barbosa, Foscarini, 2011).

Addressing this issue in the Maria da Penha Law was of great value because the police authority is one of the pillars to ensure the safety and life of the victim who suffered public violence, and bringing the norms into this service, expanded and improved the police service.

4.5.4 Art. 18 ° to 21 ° - Urgent protective measures

“Art. 18. Once the file with the victim's request has been received, it will be up to the judge within 48 (forty-eight) hours:

I -do know the file and the request and decide on urgent protective measures; II – determine the referral of the offended party to the legal aid agency, when applicable; III – communicate to the Public Prosecutor's Office so that the appropriate measures can be taken.

Art. 19. Urgent protective measures may be granted by the judge, at the request of the Public Prosecutor's Office or the request of the victim.

§1º Urgent protective measures may be granted immediately, regardless of the hearing of the parties and the manifestation of the Public Prosecutor's Office, which must be promptly communicated.

§2º Urgent protective measures will be applied individually or cumulatively and may be replaced at any time by others of greater effectiveness whenever the rights recognized in this Law are threatened or violated.

§3. The judge may, at the request of the Public Prosecutor's Office or the victim's request, grant new urgent protective measures or review those already granted if he deems it necessary to protect the victim, her family members, and her assets after hearing the Public Ministry.

Art. 20. At any stage of the police investigation or criminal investigation, the aggressor shall be held in preventive detention, decreed by the judge, ex officio, at the request of the Public Ministry, or through the representation of the police authority.

Single paragraph. The judge may revoke pre-trial detention if, in the course of the proceedings, he finds that there is no reason for it to continue and re-enact it if there are reasons that justify it.

Art. 21. The victim must be notified of the procedural acts related to the aggressor, especially those pertinent to the entry and exit of prison, without prejudice to the summons of the constituted lawyer or the public defender.” (Governo do Brasil, 2006).

The document for requesting the urgent protective measure must contain relevant information, and information about this information can be found in the Law itself: the profession of the victim and the aggressor, name, age of the dependents, a summary of what happened, and the measure protection must be formulated and take effect within 48 hours. The risk assessment takes place through the analysis of six criteria: “(i) *the analysis of the history of situations of violence and the existence of other protective measures in favor of that woman*; (ii) *the existence of physical violence and its severity*; (iii) *the existence of sexual violence*; (iv) *the use of weapons*; (v) *making threats*; (vi) *psychological violence*.” (Lavigne, Perlingeiro, p. 296, 2011). Through the analysis of these criteria, judges decide on protective measures and allow the judge not to make an intersubjective analysis.

According to Andrade (2004), the woman the victim woman's word must be valid with its visible marks on the body of aggression, because unfortunately, the woman, in addition to facing the traumas of violence, still has her morality scoured during the police investigation or process. of denunciation, the testimony that the victim gives is followed by doubts about its credibility and veracity.

This debate does not have the objective of sacralizing the word of the victim woman as an absolute truth in all cases. However, the intention is to re-signify the female victims' testimonies so that they are treated with more respect and empathy and lose the stereotype that brings guilt for the victim and thus generates discrimination that many suffer (Prado, 2009).

The protective measure has a provisional character and can be reanalyzed or revoked regardless of the time of the process and can be replaced by others of different types, but that fit the current reality, even if it does not give a determination on the term of the protective measures, it must be in force even when there is a risk of danger of injury since the objective of the measures is to protect the victim (Lavigne, Perlingeiro, 2011).

Another form of protective measure in the most extreme cases is the preventive detention of the aggressor, which in some cases is the only way to guarantee the physical integrity of the woman, but in general, the most used measure by the State are restrictive measures, and if the aggressor does not cooperate and do not comply with these restrictive measures, in these cases it is justifiable to withdraw the freedom of the aggressor because he, with his attitude, represents a threat and danger to the woman.

4.5.5 Art. 22 ° - Protective measures that oblige the aggressor

“Art. 22. Once the practice of domestic and family violence against women is verified, under the terms of this Law, the judge may immediately apply to the aggressor, together or separately, the following urgent protective measures, among others:

I – suspension of possession or restriction of the carrying of weapons, with communication to the competent body, under the terms of Law No. 10,826, of December 22, 2003; II – removal from home, domicile, or place of coexistence with the victim; III – prohibition of certain conducts, including:

a) approaching the victim, her family members, and witnesses, setting the minimum distance between them and the aggressor;

b) contact with the victim, her family members, and witnesses by any means of communication;

c) frequenting certain places to preserve the physical and psychological integrity of the victim; IV – restriction or suspension of visits to minor dependents after consulting the multidisciplinary care team or similar service; V – provision of temporary or provisional alimony.

§ 1 The measures referred to in this article do not prevent the application of others provided for in the legislation in force, whenever the safety of the victim or circumstances require it, and the measure must be communicated to the Public Prosecutor's Office.

§ 2 In the event of the application of item I, if the aggressor is in the conditions mentioned in the caput and items of art. 6 of Law No. 10,826, of December 22, 2003, the judge will communicate to the respective body, corporation, or institution the emergency protective measures granted and will determine the restriction on the carrying of weapons, with the aggressor's immediate superior responsible for complying with the determination court, under penalty of incurring the crimes of malfeasance or disobedience, as the case may be.

§ 3 To ensure the effectiveness of urgent protective measures, the judge may request, at any time, assistance from the police force.

§ 4 The provisions of the caput and §§ 5 and 6 of art. 461 of Law No. 5,869, of January 11, 1973 (Civil Procedure Code).” (Governo do Brasil, 2006).

One of the significant milestones in the first years of the Maria da Penha Law is the application of urgent protective measures that oblige the aggressor during the criminal prosecution; this measure can be applied at any time during the police investigation or legal process. Thus, the use of the state apparatus of repression aims to guarantee the functionality of the criminal process, consequently offering broader protection to women. The set of measures that oblige the aggressor is elaborated from the legislature analysis that analyzes the aggressor's actions and the means he uses to paralyze the victim's life (Belloque, 2011).

Urgent protective measures are measures taken from a judicial determination, which has a precautionary nature and supports the woman during the process of investigation of criminal facts; meditations can be applied through suspension of firearms, restrictions on rights, especially rights related to family relationships, such as the obligation to buy food and the partial or total restriction of the right to visits to children under 18 years of age, that is, the measures that oblige the aggressor, have the objective of to guarantee the safety of the woman and other family members and at the same time prevent the aggressor from using economic issues to further harm the victim and their children during the legal and criminal process (Belloque, 2011).

It is essential to point out that the measure that suspends the power of a firearm does not necessarily need to be applied only when the aggressor used the weapon at the time of the violence. However, this suspension of the weapon is a way to end or prevent any form of intimidation or threat arising from it of the aggressor (De Souza, 2008).

Another very striking point in art. 22, is that the Law provides for the removal of the aggressor from the domicile or place that promotes coexistence with the victim, eliminating any form of communication, which can be via letter, telephone, personal or electronic messages... This measure prevents the aggressor from persecuting the victim, their children, family, and even the witnesses who proposed to testify against the aggressor because, in cases of violence, the people who surround and participate in the victim's life are often also in danger, which is why the preventive measure obliges that the aggressor is prohibited from going to certain places where the victim is frequently (Belloque, 2011).

It is common for domestic violence to be accompanied by humiliation in public places because this is a way in which the aggressor diminishes the woman's voice and self-determination and seriously offends the victim's moral integrity in protecting the public places that the victim attends, college, church, place of work, or leisure; thus, the judge can bar the presence of the aggressor to avoid threats or humiliation. Places frequented by children can also be prohibited (Belloque, 2011).

In cases where the woman dedicates herself to work taking care of the home and her children, she finds herself in a place of economic dependence on the aggressor; in these situations, it is common for the aggressor to use this circumstance to intimidate the victim and the situation worsens when the after the separation, she takes care of the children and is responsible for supporting them daily, this situation favors the woman to feel pressured and not to leave the cycle of violence, because the survival and dignity of the children are more important than your physical, mental integrity. Therefore, the fulfillment of the maintenance obligation, born in the Maria

da Penha Law is a response to this demand and the possibility of the victim denouncing and getting rid of this economic dependence (Belloque, 2011).

To ensure compliance with the measures, the judge can request the assistance of the police force at any time, but this action depends on the time it takes the police to arrive at the scene. Moreover, concerning the police force, preventive detention can occur when the aggressor fails to comply with urgent protective measures (Belloque, 2011).

4.5.6 Art. 23º to 24 º - From urgent protective measures to the victim

“Art. 23. The judge may, when necessary, without prejudice to other measures:

I – refer the victim and her dependents to an official or community protection or care program; II – determine the return of the victim and her dependents to the respective domicile after the removal of the aggressor; III – determine the removal of the victim from home, without prejudice to the rights related to goods, custody of children and food; IV – determine the separation of bodies.

Art. 24. For the patrimonial protection of the assets of the conjugal society or those of the woman's private property, the judge may determine, in a preliminary way, the following measures, among others:

I – the restitution of goods unduly subtracted by the aggressor from the victim; II – temporary ban on the execution of acts and contracts for the purchase, sale, and lease of property in common, unless expressly authorized by the court; III – suspension of powers of attorney granted by the offended party to the aggressor; IV – provision of a provisional bond, using a judicial deposit, for material losses and damages resulting from the practice of domestic and family violence against the victim.

Single paragraph. The judge must officiate to the competent registry office for the purposes set out in items II and III of this article.” (Governo do Brasil, 2006)

The judge may, at any time after verifying the violence against women, refer the victim and her dependents to an official or community protection or care program, offer the victim and dependents the condition to return to their domicile, and determine the removal of the victim from his house and decree the separation of bodies (Heerdt, 2011)

in art. 24, addresses the measures that aim to protect the victim's assets “such as the restitution of goods unduly subtracted by the aggressor; the temporary ban on the execution of acts and contracts for the purchase, sale, and lease of property in common, unless expressly authorized by the court; the suspension of powers of attorney granted by the victim to the aggressor; and the provision of provisional bond, using a judicial deposit, for material losses and damages resulting from the practice of domestic and family violence” (Heerdt, pg. 316, 2011)

One of the urgent protection measures for the victim is the separation of bodies, where the aggressor is prohibited from approaching the victim, their family members, and witnesses, with a minimum distance being determined by the judge, and the aggressor is prohibited from attending certain places, as well as the main objective is to protect the physical and mental integrity of the victim (Heerdt, 2011).

Therefore, urgent protective measures for the victim, are of a civil nature and cannot be combined with other measures, as in the case of measures that oblige the aggressor or other measures determined by the judge, respecting the complexity and particularity of each case (Dias, 2007).

CHAPTER V- DATA ANALYSIS AND POSSIBLE LINKAGE BETWEEN THE GAPS IN PROTECTION AND THE INCREASING NUMBER OF FEMICIDES

5.1 Inefficiency in the application of the Maria da Penha Law

Many forms express violence against women, but the maximum form of this act results in the death of the woman victim of violence. As discussed in the previous chapter, the Maria da Penha Law is the most important legislative tool for the fight against violence against women in Brazil. However, this law suffers from institutional, legal, and legislative obstacles, which interfere with the efficiency of its application in practice. The current chapter will discuss the relationship between the failures in implementing the Maria da Penha Law and the increasing number of femicide in Brazil.

Numerous obstacles of a structural nature influence the implementation of the law, some of them are poor management of funds or insufficient public funds, the low number of services specialized in assisting women victims of violence, the deficit in monitoring systems of data and public actions taken, especially the unpreparedness of general agents who work in the care of women in situations of violence, which ends up generating more trauma for the victim and characterizing institutional violence against women (IPEA, 2015).

As discussed in the previous chapter, the Maria da Penha Law stands out due to the measures taken to prevent violence against women; some measures are directed at the aggressor who forces him to suspend or restrict carrying a weapon and to move away from home. Moreover, approaching the victim, the measures applied to depend on the type of violence or vulnerability the woman is exposed to. The Maria da Penha Law also provides protection measures for the victim, such as referral to the protection program or follow-up to their home after the aggressor is removed or removal from home and separation of bodies. Another measure that stands out is the assistance directed to victims in the Police Stations for Assistance to Women (Governo do Brasil, 2006).

One of the differences of the Maria da Penha Law is the protective measures, which, together with the protection network, women have considerably grown their access to protection. Still, this development is limited only to the spaces for complaints and the possibility of the aggressor being judged. However, there are no evaluations regarding the impact of the criminalization of aggression, together with security and justice institutions, which results in real and adequate security for women (IPEA, 2020).

Carrying out a study on the efficiency of implementing the Maria da Penha Law is difficult in Brazil due to the scarcity of official data. There is no standard protocol model that all health institutions or legal institutions can accurately describe the characteristics of the victims, the aggressors, and the circumstances of the crime, which is why many studies adopt strategies to collect data from different sources such as: “police records, medico-legal records, judicial processes, documents from the Public Ministry and, one of the most used sources, the written press” (Pasinato, p. 233, 2011), which often results in incomplete and contradictory studies.

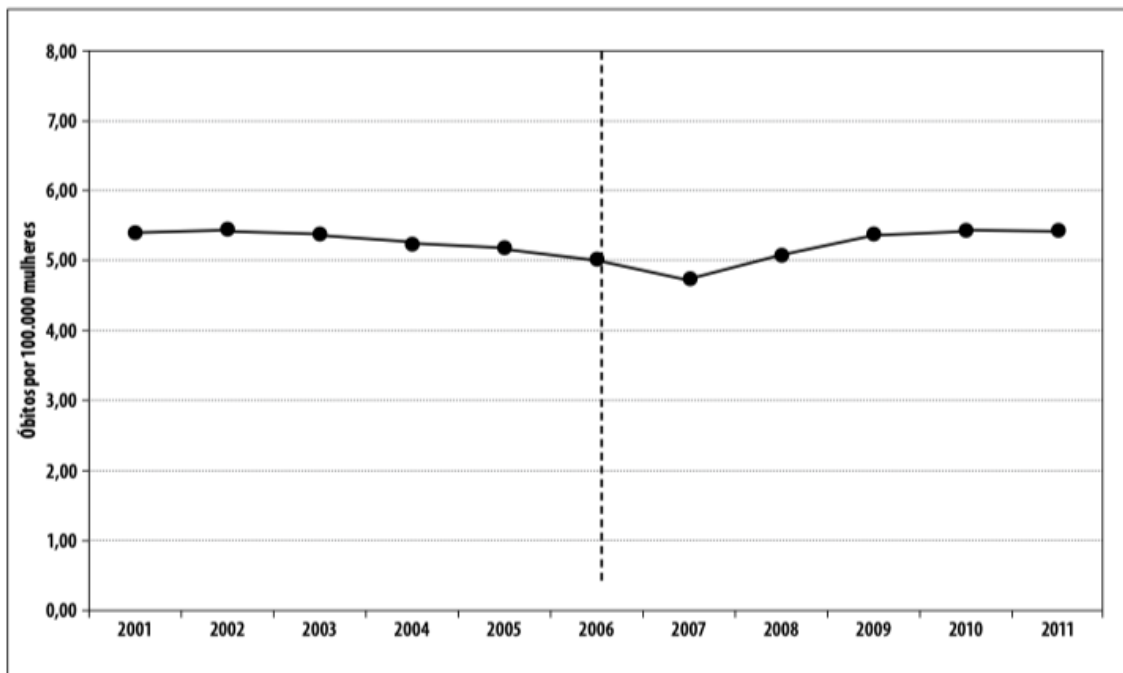
Even with all these obstacles and adversities, the Institute of Economic and Applied Research (IPEA) surveyed in 2013 to analyze the impact of the Maria da Penha Law’s impact on the number of homicides of women in Brazil, which brought alarming data that will be analyzed next.

5.1.1 Statistical data on the flaws in the Maria da Penha Law

The research that will be analyzed below was carried out by Leila Posenato Garcia, Lúcia de Freitas, and Gabriela da Silva in 2013 and is entitled “Violence against women: femicides in Brazil” the objective of this research is to analyze the impact of the Maria da Penha Law through the collection of data from the Mortality Information System (SIM) updated in May 2013. The number of deaths of women of all ages between January 1, 2001, to 31 December 2011.

The researchers also created a graph to illustrate better the information collected; the graphic follows the drawing that marks the before and after the Maria da Penha Law was sanctioned:

Graph 1 - Mortality of women due to assaults before and after the Maria da Penha Law



Lateral translation: Death per 100,000 women

Source: Graph reproduced in full: IPEA Technical Note (GARCIA et al., 2013).

From 2001 to 2011, 54.107 deaths of women were registered in SIM, that is, the average of 13.5 deaths per day resulting from aggressions in Brazil (Garcia et al., 2013).

When analyzing the graph, we can see that in 2001-2006, rates vary very little between 5.46 and 5.02 deaths per 100,000 women. However, in 2007, after the Maria da Penha Law was sanctioned, there was a minimal reduction in this rate, to 4.74 deaths per 100,000 women. However, in the following years, the death rates of

women increased again and were similar to those before the law was sanctioned (Garcia et al., 2013).

One of the possible hypotheses for this reduction in the years 2006-2007 is the effect of the wide dissemination of the Maria da Penha Law in the year that the law was sanctioned and according to some experiences when there are no continuous efforts to change the culture and how institutional practice exercised, attempts at legal reform have little effect, which may have led to an increase soon afterward (Krug et al., 2002).

According to Krug et al. (2002), another hypothesis relating to the growth in the number of deaths after the Maria da Penha Law may be due to the poor implementation of protective measures. Furthermore, the chances of there being failures in the processes in different areas such as the Judiciary or Public Defender's Office or Public Security, this failure in the system extends to prejudiced attitudes that many professionals in this area have toward the victim, which causes even more trauma and weakens the efficiency of the means of protection offered by the State.

A third hypothesis, according to Garcia et al. (2013), would be the inefficiency in applying protective measures, the low level of material and human resources, fragmentation of sectors that should work in a network, and social conservatism, which refuses to recognize women's rights and seeks to weaken the scope of the Maria da Penha Law. In addition, often, the aggressor does not receive punishment, or when he receives this punishment is light, another factor is the slowness and delay that the Judiciary acts to judge the murders of women, that is, actions that can produce in the aggressor a sense of impunity, which can reinforce the message to men that it is ok to assault a woman in Brazil because he will not receive any significant punishment.

A fourth hypothesis refers to the gender issue, which implies inequality between men and women in various social aspects, in this case, the different access to the world of work and access to education, because when women have a good level of study,

consequently manages to have a good job and be financially independent, she does not remain in abusive relationships, as is the case with many women who remain because they have nowhere to go or cannot support their children. So as not to expose them to a life of need, the woman remains in this violent relationship (Garcia et al., 2013). In Brazil, this inequality between men and women is alarming. According to Ministério da Saúde (2012), in 2010, more than 7 million women aged 10 years and over could not read or write, and the average wage income of these women was lower than the minimum wage in Brazil and even lower than the average wage income of men.

5.2 Joint Parliamentary Commission of Inquiry

As a result of the facts portrayed in the research above and the sad reality experienced by women in Brazil, the Brazilian government took the initiative to create a Joint Parliamentary Commission of Inquiry with the following objective:

“To investigate the situation of violence against women in Brazil and investigate complaints of omission on the part of the government with the application of instruments established by law to protect women in situations of violence” (Senado Federal, 2013).

After six years of the Maria da Penha Law being sanctioned and the number of deaths of women in the country not decreasing, the National Congress realized that it was necessary to investigate the issue of violence women were exposed to in Brazil. Hence, the National Congress carried out this analysis through a Joint Parliamentary Commission of Inquiry in March 2012, which lasted a year and a half. During this period, 24 public hearings were held, visits to various public institutions, dialogue with feminist movements, and analysis of documents that Brazilian states sent to the Commission were conducted (Campos, 2015).

After this analysis, the Joint Parliamentary Commission of Inquiry formulated a Final Report establishing recommendations for the Brazilian State. The Final Report

begins by highlighting the country's progress in developing institutional mechanisms to combat violence against women but also highlights, "The Brazilian State takes the fight against violence against women seriously, particularly to reduce femicides committed by intimate partners and eradicate the state tolerance in the procedure and judgment of these crimes" (Federal Senate, p. 8, 2013). He also highlighted that the specialized network is deficient, trained professionals are lacking, and services for women victims of violence are concentrated in metropolitan areas and capitals, so not all women can access these services (Campos, 2015). This Final Report contains the same points as author Garcia et al. (2013) highlighted in their study, thus confirming that the flaws in the Law are associated with how it is applied in conjunction with the legal and legislative sectors and public security sectors.

5.3 Final analysis of statistical data

Violence against women became visible in Brazil a few years ago. This was only possible through feminist struggles, just as it was only possible for the Maria da Penha Law to come into force after many struggles by Brazilian women.

Also, this struggle extends to all areas of society, bringing to the analysis the efficiency of implementation of the Maria da Penha Law; we cannot disconnect this subject from the reality in which women live, the sexist and patriarchal society, which daily puts obstacles to the women in all areas of their lives, and that as a result of this inequality, women end up facing a reality of vulnerability and violations of rights.

It is apparent in the graph above that the initial impact of the Maria da Penha Law initial impact in the year it was sanctioned and the following year, but soon after, the number of deaths grew again. This does not erase the importance of this Law in Brazil because it is a revolutionary Law that drew much attention from society and the government to the issue of violation of rights, which is the violence many women suffered and still suffer today.

However, the supposed “efficiency or inefficiency” of the Maria da Penha Law should not be stopped because the “problem” is not in the law itself but in the way it is applied as a form of access to security that the State must ensure Brazilian women. This application failure occurs in numerous spheres, such as the lack of information about women’s rights and duties the Maria da Penha Law offers and the lack of training of public agents who attend and welcome women.

Inefficiency is also present in how data and information are archived, resulting in incomplete data that makes it difficult to collect complete data for future studies that will enable a new vision of reality and new strategies can be developed to combat these social issues. Therefore, failures in the system can be noticed and corrected.

The way the judiciary works in Brazil, the law can be complete, as in the case of the Maria da Penha Law, but if the professionals involved in the process, from the complaint to the judgment, are not aware of the social and emotional issues involving women who suffer domestic violence, this offer of access to their rights will be limited. It will often have no effect, resulting in deaths, as issuing protective measures will not ensure the woman's life because she needs all spheres of society working efficiently so that she feels safe and can resume her life without fear of being attacked or killed at any time.

Therefore, the failures in implementing the Maria da Penha Law to protect women victims occur due to the Brazilian State’s failure to exercise its obligations. This omission becomes even crueler in relation to women. To prove this omission, we can recall the arduous path that Mrs. Maria da Penha faced to access her rights and obtain justice for all the suffering that her ex-husband caused. The omission of the State is expressed through flaws in the entire system that has a patriarchal basis that perpetuates gender inequality which results in numerous violations of women's rights, as in the case of violence, unfortunately, this omission of the State results in many preventable deaths of women.

CONCLUSION

This research aims to analyze the relationship between the failures in implementing the Maria da Penha Law concerning protecting women victims of violence with the increasing number of femicides in Brazil.

Some results were found in the research previously analyzed by IPEA; the problem is not in the law itself but in how the social spheres implement it. Moreover, it is not just a legal or judiciary issue; the lack of information from society about the law means that women cannot widely access the protection that the Law offers, and unfortunately, many end up losing their lives in the legal process, or before they even get help from the State, many of these lives could have been preserved if the Brazilian State had been committed to women in situations of violence.

This disregard for the issue of women in situations of violence is not something current; the history of Law 11.340/2006, named Maria da Penha Law, describes this reality of Brazilian patriarchal society, of how much women have to fight together with other women, or even through international assistance so that the Brazilian State pays due attention.

It is undeniable that the Maria da Penha Law brought many benefits to Brazilian women and drew the State's attention to the issue of violence against women. However, due to numerous obstacles to patriarchal and sexist structures printed in society, the Law cannot be used in its broadly, because it depends on collective work with other areas of the government, public policies, awareness of society, training of sectors that offer security and assistance to women.

The failures in implementing the Maria da Penha Law result from the neglect of the State of the Brazilian woman; it is necessary to articulate the legislature, the executive, and the judiciary. However, due to the patriarchal and sexist society that Brazilian women are inserted, this intersectoral work is not carried out, and without the articulation of these spheres together with social policies that allow access to education, health, and employment with a focus on reducing social inequalities and

gender, also provide better access to public policies. Brazilian women are exposed to a situation of vulnerability. Due to the fact that they do not obtain the protection that the State is obliged to offer, Brazilian women die daily from femicide, so only when these spheres mentioned above work together effectively, the Maria da Penha Law can be applied in full compliance and many women will be able to live safely, and the number of femicides in Brazil will decrease.

As analyzed in the course of the chapters, it is clear that all the progress achieved in women's rights was only possible through struggle. This struggle is still necessary today because women still suffer many rights violations in their daily lives.

The struggle for women's rights and gender equality is still necessary today because violence against women will only decrease when women leave the place of oppression and have access to the same places as men in society. The gender issue interferes in several areas of a woman's life, in the area of study and her career, which in many cases is in the background when the woman becomes a mother and is socially pressured to take care of the house and family. At the same time, the man is only responsible for providing the finances; this dynamic is problematic for the woman because she becomes dependent on this man. When he is aggressive and attacks her, this dependence becomes an obstacle for her to denounce and get rid of this reality because often, she will not be able to support her children or somewhere to take shelter with her children. So this was just an example of how gender inequality negatively affects women, and only when this reality changes can women truly live free.

Even the Maria da Penha Law came through many struggles and claims. Even though the Maria da Penha law is a tool available for use for the protection of women, the struggle is still necessary for this tool to be used effectively and entirely so that safety for women is broad.

The existence of the Law alone is not enough to reduce the death rates of women; all gears must work adequately, legislative, judiciary, and executive, both from the perspective of law enforcement, as well as networking with other professionals of the governmental institutions that welcome and support these women victims of violence, it is essential to offer women other tools, such as public policies in the area of health, education, social assistance, professional careers, so that they can have a dignified life in society and have full access to their human rights.

Failures in the implementation of the Maria da Penha law are aggravated when there are mistakes in choosing which protective measures will be used in case of women who are in danger, such as when a judge applies a protective standard where the aggressor must stay 500 meters away from the victim (which is the minimum limit), but what security does the woman have in these cases, because if the aggressor does not respect this space and the police are called, by the time the police arrive at the scene, the aggressor may have already killed the victim, in some instances, the urgent protective measure that sends the woman and her children to a protection program should be applied.

Another case is when the man is arrested because he was caught fragrant attacking the woman. Still, he can pay a very low bail and receive provisional freedom. In many cases, the aggressor is free to return to society. In some instances, he threatens, persecutes, or even kills the victim out of revenge or anger for having denounced him.

Consequently, the misapplication of protective measures and juridical and legal penalties reinforces this idea of decriminality. Men feel free to break the law and attack women because they know they will not be penalized for this, and that legislation has many flaws. Brazilian women that benefit them, thus increasing the number of aggressions and deaths of women

That is why it is so important to train judges and agents, and police officers who work in government institutions so that they can analyze each case of each woman as unique, in a singular perspective, and break with an optic of prejudice so that through the Maria Law of Penha the woman can have the maximum protection resources for her.

It's concluded that the central problem is not just the implementation of the law but how the legal system works in Brazil and who it favors, so with this way of managing the law, women remain vulnerable in Brazilian society.

Therefore, even the fact that the Maria da Penha Law is the most important in the fight against violence against women in Brazil, the failures in its implementation as a tool to protect women results in the "failure" to combat violence against women, and as a result, the number of femicides in Brazil, even with the law, remains on the rise.

This thesis's contribution is social because it unmasks the pseudo and fragile security that the Maria da Penha Law supposedly offers Brazilian women, bringing to light social and structural issues that perpetuate the oppression of men over women, reinforcing the issue of gender and inequality.

With the results found in this research, it is possible to rethink how the judiciary, legislative, and executive are articulated in Brazil to ensure they can access their rights. By better articulating these spheres, the benefits will not only be for the victims but also for their families and the women's children because violence against women does not affect only them.

This research can be applied in the future in developing new public policies related to the fight against violence against women in Brazil.

Due to the scarcity of valuable numerical data on violence against women in Brazil, this research was limited to the few data currently available.

Therefore, this thesis makes it possible for other researchers to start from my analysis and develop other points of view that have added to the Brazilian woman or the woman from another country since violence against women is not limited to borders.

I suggest that more research be done in this area. In my future doctoral thesis, I intend to delve even further into the topic of violence against women and thus develop more knowledge for the academic world.

BIBLIOGRAPHY

Acosta, M. L.; Acosta, J. A. L. (1999). *Agresión a la Mujer: Maltrato, violación y acoso*. 2. ed. Granada: Comares. 349 p.

Almeida, G. A. De; Perrone, C. M.; Colaboradores. (2002). *Direito Internacional dos Direitos Humanos. Instrumentos Básicos*. São Paulo: Atlas. 188 p.

Almeida, S. S. De. (2005). A política de direitos humanos no Brasil: paradoxos e dilemas para o Serviço Social. *Revista Praia Vermelha*, Rio de Janeiro, n. 13, p. 12-43.

Alonso, Â. (2011). *Associativismo avant la lettre - as sociedades pela abolição da escravidão no Brasil oitocentista*. *Sociologias*, n. 28, Porto Alegre.

Alvarez, S. E. (2009). *Beyond NGO-ization? Reflections from Latin America*, *Development*, n. 52, Rome.

Alvarez. S. E. (1988). Politizando as relações de gênero e engendrando a democracia. In: STEPAN. Alfred (Org.). *Democratizando o Brasil*. Rio de Janeiro: Paz e Terra. P.315-380.

Amorós, C. (1997). *Tiempo de Feminismo. Sobre feminismo, proyecto ilustrado y postmodernidad*. Madrid, Ediciones Cátedra.

Andrade, V. R. P. (2004). A Soberania Patriarcal: o Sistema de Justiça Criminal no Tratamento da Violência Sexual Contra a Mulher, *Revista Brasileira de Ciências Criminais*, São Paulo, n. 48 maio/jun.

Andrade, V. R. P. De. (1996) Violência sexual e sistema penal: proteção ou duplicação da vitimização feminina? *Revista Sequência: estudos jurídicos e políticos*, Florianópolis, v. 33, p. 87-114.

Angelim, F. P., & Diniz, G. R. S. (2009). O pessoal torna-se político: o papel do Estado no monitoramento da violência contra as mulheres. *Revista Psicologia Política*, 9(18), 259-274, available at: <http://pepsic.bvsalud.org/pdf/rpp/v9n18/v9n18a06.pdf> (accessed at 8 May 2022).

Angelim, F. P., & Diniz, G. R. S. (2009). O pessoal torna-se político: o papel do Estado no monitoramento da violência contra as mulheres. *Revista Psicologia Política*, 9(18), 259-274.

Araujo, M. G. M. (2014). *Feminismo e o Estado: relações possíveis a partir do Conselho Nacional dos Direitos da Mulher*. Brasília.. Universidade de Brasília – INB – Instituto de Ciência Política – IPOL.

Azambuja, M. P. R. De (2015). Introdução à violência contra as mulheres como um problema de direitos humanos e de saúde pública. Available: <http://www.scielo.br/pdf/sausoc/v17n3/11.pdf>. (accessed at: 30 March 2022).

Bandeira, L. E Melo, H. P. De. (2010). *Tempos e Memórias: movimento feminista no Brasil*. Secretaria de Políticas para as Mulheres, Brasília.

Bandeira, L. M. ; Almeida, T. M. C. de (2005). Organização em Rede em Uma Perspectiva Feminista. *Cadernos Agende*, Brasília - DF, v. 5, n. Dezembro, p. 99-122.

Bandeira, L. M.; Magalhães, M. J. (2019). A transversalidade dos crimes de femicídio/feminicídio no Brasil e em Portugal. *Revista da Defensoria Pública do Distrito Federal*, v. 1, n. 1, p. 26–56.

Barbosa E. M., Charliton J. Dos S. M. (2012). Gênese do Direito do Voto Feminino no Brasil: uma análise jurídica, política e educacional. *Revista Histed br On-Line*, n. 45, Campinas, 2012.

Barbosa, A. J. P., Foscarini L. T. (2011). Do atendimento da autoridade policial artigos 10º a 12º. In: CAMPOS, Carmen Hein (Org.). Lei Maria da Penha comentada em uma perspectiva jurídico-feminista. Rio de Janeiro: Lumen Juris.

Barreto, T. (1923) Estudos de Direito Vol I. Available at: <https://www.scribd.com/document/134835920/TOBIAS-BARRETO-Estudos-de-Direito-v1pdf>. (Accessed at 7 jul. 2022)

Barsted, L. L.(2001). Lei e realidade social: igualdade x desigualdade. In: AS MULHERES e os Direitos Humanos. Rio de Janeiro: Cepia.

Basted, L. L. (2011). Convenção Interamericana para prevenir, punir e erradicar a violência contra a mulher – apresentação. In: Instrumentos internacionais de direitos das mulheres.

Bastos, C. R. (2000). Curso de Direito Constitucional. São Paulo: Saraiva. 21.ª edição.

Batista, N. (2004). Introdução crítica ao Direito Penal Brasileiro. Rio de Janeiro: Revan.

Batista, N. (2009). Prefácio. In: DE MELLO, Adriana Ramos (org.) Comentários à Lei de Violência Doméstica e Familiar contra a Mulher. 2ª Ed. Rio de Janeiro: Ed. Lumen Juris.

Belloque, J. G. (2011). Das medidas protetivas que obrigam o agressor – artigo 22º. In: Campos, Carmen Hein (Org.). Lei Maria da Penha comentada em uma perspectiva jurídico-feminista. Rio de Janeiro: Lumen Juris.

Bianchini, A. (2011). Da assistência à mulher em situação de violência doméstica e familiar – artigo 8º. In: CAMPOS, Carmen Hein (Org.). Lei Maria da Penha comentada em uma perspectiva jurídico-feminista. Rio de Janeiro: Lumen Juris.

Biceglia, T. R. (2002). A Mulher E A Evolução Histórica De Suas Conquistas Na Legislação Civil E Constitucional Brasileira. Presidente Prudente – SP, Novembro.

Blay, E. A. (1999). Gênero e políticas públicas ou sociedade civil, gênero e relações de poder. In: SILVA, Alcione Leite da; LAGO, Mara Coelho de Souza; Ramos. Tânia Regina Oliveira (Orgs.). Falas de gênero: teorias. análises. leituras. Florianópolis: Editora Mulheres. p.133-146.

Bobbio, N. (1992). A era dos direitos. Tradução: Carlos Nelson Coutinho. Rio de Janeiro: Campus.

Bonacchi, G. (1995). O contexto e os delineamentos. In: BONACCIFIL, G.; GROPPI, Â. (org.). O dilema da cidadania: direitos e deveres das mulheres. São Paulo: UNESP,.

Brega Filho, V. (2002). Direitos Fundamentais na Constituição de 1988: Conteúdo Jurídico das Expressões. São Paulo: Editora Juarez de Oliveira.

Calazans, M.; Cortes, I. (2011) O processo de criação, aprovação e implementação da Lei Maria da Penha. In: CAMPOS, Carmen Hein (Org.). Lei Maria da Penha comentada em uma perspectiva jurídico-feminista. Rio de Janeiro: Lumen Juris.

Camargo, M. (2000). Violência e saúde: ampliando políticas públicas. *Jornal da RedeSaúde*, São Paulo, n. 22, nov. Available at: http://www.redesaude.org.br/jornal/html/body_jr22-marcia-camargo.html. (accessed at em 20 June 2022).

Campos, A. H.; Corrêa, L. R. (2012). Direitos Humanos das Mulheres: Doutrina, Prática, Jurisprudência, Modelos, Direito Comparado, Estatísticas, Estudo de Casos, Comentários à Lei 11.340/06 (Lei Maria da Penha), Legislação Internacional e Coletânea de Normas: Juruá. 848 p.

Campos, C. H. (2004). Justiça consensual, violência doméstica e direitos humanos. In: Strey; M. N., Azambuja, M. P. R.; Jaeger, F. P. (Org.). Violência, gênero e

políticas públicas. Porto Alegre: EDIPUCRS. v. 2, p. 63-84. (Coleção Gênero e Contemporaneidade).

Campos, C. H. (2015). A CPMI da violência contra a mulher e a implementação da lei maria da penha. Universidade de Vila Velha. Estudos Feministas, Florianópolis, 23(2): 352, maio-agosto.

Campos, M.; Miotto, R. C. T. (2003). Política de assistência social e a posição da família na política social brasileira. Ser Social: Revista do Programa de Pós-Graduação em Política Social, UnB, Brasília, n. 12, p. 165-190.

Carneiro, S. (2011). Enegrecer o feminismo: a situação da mulher negra na América Latina a partir de uma perspectiva de gênero. In: GELEDÉS, Instituto da Mulher Negra, 2011. Available: <http://arquivo.geledes.org.br/em-debate/sueli-carneiro/17473-sueli-carneiro-enegrecer-ofeminismo-a-situacao-da-mulher-negra-na-america-latina-a-partir-de-uma-perspectiva-degenero>. (accessed at 01 June 2022).

Castro, F. L. de. (2010). História do Direito: Geral e do Brasil. 8ª edição. Rio de Janeiro: Lumen Juris.

Chauí, M. (2003). Ética, política e violência. In T. Camacho (Ed.), *ensaios sobre violência* (pp. 39-59). Vitória: Edufes. Conceição, A. C. L. (2009). Teorias feministas: da “questão da mulher” ao enfoque de gênero. *revista brasileira de Sociologia da Emoção - rbse*, 8(24), 738-757.

CIDH - COMISSÃO INTERAMERICANA DE DIREITOS HUMANOS. Relatório anual n. 54/01. Caso Maria da Penha Fernandes. Available at: <https://cidh.oas.org/annualrep/2000port/12051.htm>, (accessed at: 25 august, 2022).

COE (2011). Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Council of Europe Treaty Series - No. 210. Available at: <https://rm.coe.int/168008482e>, (accessed at: 22 July, 2022).

Comparato, F. K. (2008). A Afirmação Histórica dos Direitos Humanos. 6. ed. São Paulo: Saraiva. 551 p.

Cortizo, M. and GOYENECHÉ, P., (2010). Judicialização do privado e violência contra a mulher. *Revista Katálisis*, 13(1), pp.102-109.

Costa, A. A. A. (2005). O movimento feminista no Brasil: Dinâmicas de uma intervenção política. *Gênero*, vol. 5, n. 2, Niterói.

Coutinho, S. A. B. (2005). Direitos Da Filha E Direitos Fundamentais Da Mulher. Curitiba: Juruá. 100 P.

Cunha, A. S. (2001). Todas as Constituições do Brasil – Edição Comentada. Campinas/SP: Bookseller.

Cunha, R. S.; Pinto, R. B. (2008). Violência Doméstica: Lei Maria da Penha (Lei 11.340/2006), comentada artigo por artigo. 2. ed. São Paulo: Revista Dos Tribunais.

Cypriano, B. (2013). Construções do Pensamento Latino-americano. *Estudos Feministas*, v. 21, n. 1. Florianópolis.

De Souza, (2008). Sérgio Ricardo. Comentários à lei de combate à violência contra a mulher. 2ª ed. rev. e atual. Curitiba: Juruá Editora, p. 134.

Decreto No. 399 (1938). Legislação Informatizada. Available at: <https://www2.camara.leg.br/legin/fed/declei/1930-1939/decreto-lei-399-30-abril-1938-348733-publicacaooriginal-1-pe.html>. (accessed at: 23 set. 2022).

Delphy, C. (2009). Patriarcado (teorias do). In: HIRATA, Helena et al. (orgs.) *Dicionário Crítico do Feminismo*. Tradução de Francisco Ribeiro Silva Júnior. São Paulo, Editora Unesp.

Dias, M. B. (2007). A Lei Maria da Penha na justiça: a efetividade da Lei 11.340/2006 de combate à violência doméstica e familiar contra a mulher. São Paulo: Editora Revista dos Tribunais.

Dias, M. B. (2009). A Lei Maria da Penha na Justiça: a efetividade da Lei 11.340/2006 de combate à violência doméstica e familiar contra a mulher. São Paulo: Revista dos Tribunais.

Dias, M. B., Reinheimer, T. L. (2011). Da violência contra a mulher como uma violação de direitos humanos – artigo 6º. In: CAMPOS, Carmen Hein (Org.). Lei Maria da Penha comentada em uma perspectiva jurídico-feminista. Rio de Janeiro: Lumen Juris.

Diniz Nmf, Lopes Rlm, Gesteira Sma, Alves Slb, Gomes Np. (2003). Violência conjugal: vivências expressas em discursos masculinos. Rev esc enferm USP. 37(2):81-8.

Diniz, N. M. F. et al. (1999). Mulher, saúde e violência: o espaço público e o privado. O Mundo da Saúde, São Paulo, v. 23, n.2, p. 106-112..

Engels, F. (1984). A Origem da Família, da Propriedade Privada e do Estado. Rio de Janeiro, Civilização Brasileira.

Ferreira, V. V. C. (1985) A mulher casada no direito civil brasileiro. Rio de Janeiro: Forense.

Frossard, H. (org). Available at: <http://www.observatoriodegenero.gov.br/menu/publicacoes/outros-artigos-epublicacoes/instrumentos-internacionais-de-direitos-das-mulheres/view>. (accessed at: 1 set. 2022).

Fundação Perseu Abramo. (2010). Brazilian women and gender in public and private spaces. Available at: <http://www.fpabramo.org.br/sites/default/files/pesquisaintegra.pdf>, (accessed at: 27 April 2022).

Garcia Lp, Freitas Lrs, Höfelmann Da. (2013), Avaliação do impacto da Lei Maria da Penha sobre a mortalidade de mulheres por agressões no Brasil, 2001-2011. *Epidemiol Serv Saude*.

Garcia Mv, Ribeiro La, Jorge Mt, Pereira Gr, Resende Ap. (2008), Caracterização dos casos de violência contra a mulher atendidos em três serviços na cidade de Uberlândia, Minas Gerais, Brasil. *Cad Saúde Pública*.

Garcia, E. (2005). Proteção Internacional dos Direitos Humanos: Breves Reflexões Sobre os Sistemas Convencional e Não-Convencional. Rio de Janeiro: Lumen Juris. 192 p.

Garcia, L. And Garcia, L., (2016), A magnitude invisível da violência contra a mulher. *Epidemiologia e Serviços de Saúde*, 25(3), pp.451-454.

Garcia, L. P. et. al. (2013). Avaliação do impacto da Lei Maria da Penha sobre a mortalidade de mulheres por agressões no Brasil, 2001-2011. *Epidemiol. Serv. Saúde*, Brasília, 22(3):383-394, jul-set.

Gebrim, L. M.; Borges, P. C. C. (2014). Violência de gênero: Tipificar ou não o femicídio/feminicídio? *Revista de Informação Legislativa*, ano 51, n. 202, abr./jun.

Goldani, A. M. (2002), Família, gênero e políticas: famílias brasileiras nos anos 90 e seus desafios como fator de proteção. *Revista Brasileira de Estudos de População*, v. 19, n. 1, jan./jun.

Gomes, N. P. Et. al.. (2014), Cuidados às mulheres em situação de violência conjugal: importância do psicólogo na estratégia de saúde da família. Escola de Enfermagem da Universidade Federal da Bahia, Salvador, BA. Escola de Enfermagem da Universidade Federal de Santa Catarina, Florianópolis, SC. Escola Bahiana de Medicina e Saúde Pública, Salvador, BA. Available at: <http://www.scielo.br/pdf/pusp/v25n1/07.pdf>, (accessed at 30 March 2022).

Governo Do Brasil (2006). Lei nº. 11.340, de 7 de agosto de 2006, (Lei Maria da Penha).

Governo Do Brasil. Lei 11.340 Maria da Penha, (2006). Cria mecanismos para coibir a violência doméstica e familiar contra a mulher, nos termos do § 8º do art. 226 da Constituição Federal. Diário Oficial da União, Brasília, DF, 8 ago. 2006, available at: http://www.planalto.gov.br/CCIVIL/_Ato2004-2006/2006/Lei/L11340.htm, (accessed at: 23 March 2022).

Governo Do Brasil. Ministério da Saúde. (2002). Violência intrafamiliar: orientações para a prática em serviço. Brasília.

Governo Do Brasil. Observatório Brasil de Igualdade de Gênero. O Comitê CEDAW: Comitê para a Eliminação de todas as Formas de Discriminação contra a Mulher. Available at: <http://www.observatoriodegenero.gov.br/eixo/internacional/instancias-regionais/o-comitecedaw-2013-comite-para-a-eliminacao-de-todas-as-formas-de-discriminacao-contra-amulher>. (accessed at 20 July 2022).

GREVIO -Group of Experts on Action Against Women and Domestic Violence. (2016). Questionnaire on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Strasbourg. Council of Europe. Available at: <https://rm.coe.int/16805c95b0>. (accessed at 28 July 2022).

Grossi, K. (1996), Violência contra a mulher: implicações para os profissionais de saúde. In: LOPES, M. J. M.; MEYER, D. E.; WALDOW, V. R. (Orgs.) Gênero e Saúde. Porto Alegre: Artes Médicas. p.133-149.

Guarnieri, Tathiana Haddad. Os Direitos Das Mulheres no Contexto Internacional-da Criação da ONU (1945) à Conferência de Beijing (1995) . 2010. Available at:

<http://re.granbery.edu.br/index.php?centro=resultado&curso=di&num=4>.

(accessed at 3 June 2022).

Guedes Rn, Silva Atmc, Fonseca Rmgs. (2009), A violência de gênero e o processo saúde-doença das mulheres. Esc. Anna Nery..

Guedes, J. C. (2012). Brevíssimas Notas Sobre A História Do Direito E Da Justiça No Brasil. 2012. Confluencias, vol. 13, n. 2 – Niteroi: PPGSD-UFF, novembro.

Guerra, C. (1997), Violência e poder nas relações de gênero – as cenas. Caderno Espaço Feminino, Uberlândia, v. 4, n. 4/5, p. 5-27, jan./dez.

Guerra, C. (2004), Violência conjugal e familiar: alguns dados de mundo, Brasil, Minas Gerais e Uberlândia. Brasília, DF: CFEME. Available at:<http://www.cfemea.org.br/temasedados/detalhes.asp?IDTemasDados=83>, (accessed at 13 May 2022).

Guerra, R. D. (2011). Mulher e Discriminação. Belo Horizonte: Editora Fórum.

Gurgel, T. (2010). Feminismo e luta de classe: história, movimento e desafios teórico-políticos do feminismo na contemporaneidade. Fazendo Gênero 9. Diásporas, Diversidades, Deslocamentos.

Heerdt, S. W. (2011). Das medidas protetivas de urgência à ofendida – artigos 23º e 24º. In: CAMPOS, Carmen Hein (Org.). Lei Maria da Penha comentada em uma perspectiva jurídico-feminista. Rio de Janeiro: Lumen Juris.

Hermann Lm. (2007), Maria da Penha: Lei com nome de mulher. São Paulo: Servanda.

Hobsbawm, E. J. (1996). A Revolução Francesa. Rio de Janeiro: Paz e Terra, 1996. (II).

Instituto Avon (Brasil). (2011). Percepções sobre a violência doméstica contra a mulher no Brasil. 2011. Available at:http://www.institutoavon.org.br/wpcontent/themes/institutoavon/pdf/iavon_0109_pesq_portuga_vd2010_03_vl_bx.pdf. (Accessed at em: 12 jun.2022.)

Instituto Maria Da Penha. (2022). *Tipos de violência - Instituto Maria da Penha*. Available at: <https://www.institutomariadapenha.org.br/lei-11340/tipos-de-violencia.html>, (accessed 28 June 2022).

Instituto Maria Da Penha. Available at: <https://www.institutomariadapenha.org.br>. (accessed at 1 set. 2022). BRASIL, Lei nº. 11.340, de 7 de agosto de 2006, (Lei Maria da Penha).

IPEA. (2015) Nota técnica. A institucionalização das políticas públicas de enfrentamento à violência contra as mulheres no Brasil.

IPEA. (2020). Beijing +20 : avanços e desafios no Brasil contemporâneo / organizadoras: Natália Fontoura, Marcela Rezende, Ana Carolina Querino. – Brasília. 546 p. : il., color.

Jorge, A. P. (2005). Em busca da satisfação dos interesses da vítima penal. Rio de Janeiro: Lumen Juris.

Jornal Brasil Mulher, nº 11, março de 1978.b.

Jornal Brasil Mulher, nº 13, julho de 1978.a.

Kaufman, M. (1999). The 7 P's of men's violence. Toronto: [s.n.]. Available at: <http://www.michaelkaufman.com/articles/7ps.html>, accessed at: 20 Nov. 2006.

Krug, E. G. Et Al. (2002), Violence by intimate partners. World report on violence and health. Geneva: World Health Organization. p. 87-121.

Lamoglia Cva, Minayo Mcs. (2009), *Violência conjugal, um problema social e de saúde pública: estudo em uma delegacia do interior do Estado do Rio de Janeiro*. *Cienc. saude colet.* 14(2):595-604.

Lavigne, R. M. R., Perlingeiro, C. (2011). *Das medidas protetivas de urgência – artigos 18 a 21*. In: CAMPOS, Carmen Hein (Org.). *Lei Maria da Penha comentada em uma perspectiva jurídico-feminista*. Rio de Janeiro: Lumen Juris.

Leonel, J. De O. (2012). *Aspectos Econômicos e Jurídicos da Violência Doméstica Contra a Mulher e Responsabilidade Internacional do Estado*. Brasília: Universidade Católica de Brasília,,: Saraiva. 532 p..

Lima, A. G. G. (2018). *A Legislação De Enfrentamento À Violência Contra As Mulheres E Uma Concepção De Justiça De Gênero No Brasil: uma análise da Lei Maria da Penha e do Femicídio sob a perspectiva da criminologia feminista*. Maceió.

Lima, D., Büchele, F. And Clímaco, D., (2008). *Homens, gênero e violência contra a mulher*. *Saúde e Sociedade*, 17(2), pp.69-81.

Lobato, Fernanda. *Entrevista II*. (2017). Entrevistadora: Keli Rocha Silva Mota. São Paulo.

Locke, J. (1979). *An essay concerning human understanding*. Ed. Peter H. Nidditch. Oxford University Press.

Lopes, J. R. De L. (2014). *O Direito na História: lições introdutórias*, item n. 5.2, p. 242.

Lucena, R. B. De. (2008). *Aborto, Direitos Humanos E Desigualdade De Gênero No Brasil*. João Pessoa: Universidade Federal Do Paraíba.

Luño, A. E. P. (2003). *Derechos Humanos, Estado De Derecho Y Constitucion*.8. Ed. Madrid: Tecnos.

Machado, L. Z. (2000). Perspectivas em Confronto: Relações de Gênero ou Patriarcado Contemporâneo? Série Antropologia, v. 284, p. 1-19.

Martin, C. (1995), Os limites da protecção da família. Revista Crítica de Ciências Sociais, Coimbra, Portugal, n. 42, p. 53-76.

Martins Junior. (1941). História do Direito Nacional, 2. ed. Recife: Cooperativa Editora de Cultura Intelectual.

Martins, A. P. A.; Cerqueira, D.; Matos, M. V. M. (2015), A institucionalização das políticas públicas de enfrentamento à violência contra as mulheres no Brasil. Ipea. Brasília.

Martins, S. (2009) A mulher junto às criminologias: de degenerada à vítima, sempre sob controle sociopenal. Revista de Psicologia, v. 21, n. 1, p. 111-124, jan./abr.

Mattar, D. C. S.; Lonchiati F. A. B. (2021). A legislação brasileira como ferramenta de violência de gênero contra a mulher. Diálogos Internacionais da FDCL - Vol. 1.

Medrado, B.; Lyra, J. (2003), Nos homens, a violência de gênero. In. BRASIL. Presidência da República. Secretaria Especial de Políticas para as Mulheres. Programa de prevenção, assistência e combate à violência contra a mulher – Plano Nacional. Brasília, DF. p. 68.

Medrado, B.; Pedrosa, C. (2006), Pelo fim da violência contra as mulheres, um compromisso também dos homens. Brasília, DF: AGENDE..

Mello, A. R. De. (2016) Femicídio: uma análise sociojurídica da violência contra a mulher no Brasil. Rio de Janeiro: LMJ Mundo Jurídico.

Meneghel Sn, Hirakata Vn. (2011), Femicídios: homicídios femininos no Brasil. Rev Saúde Pública.

Mézáros, I. (2002). Para Além do Capital. São Paulo: Boitempo.

Miguel, L. F. (2000). Teoria Política Feminista e Liberalismo: o caso das cotas de representação. *Revista Brasileira de Ciências Sociais*. v.15. n.44. p.91-102. out...

Minayo MCS. (2006), A inclusão da violência na agenda da saúde: trajetória histórica. *Ciênc saúde coletiva*. 200.

Ministério Da Saúde (Br). (2006), Secretária de Atenção à Saúde. Departamento de ações programáticas estratégicas. Área Técnica de Saúde da Mulher. Pré-Natal e Puerpério Atenção qualificada e humanizada – manual técnico/Ministério da Saúde, Secretária de Atenção à Saúde. Departamento de Ações Programáticas Estratégicas – Brasília: MS.

Ministério Da Saúde. (2005) Secretaria de Atenção à Saúde. Departamento de Ações Programáticas Estratégicas. Prevenção e tratamento dos agravos resultantes da violência sexual contra mulheres e adolescentes – norma técnica. Série A. Normas e manuais técnicos. Série Direitos Sexuais e Reprodutivos – Caderno 4. Brasília: MS. Available at: http://bvsms.saude.gov.br/bvs/publicacoes/prevencao_agravo_violencia_sexual_mulheres_3ed.pdf, (accessed at: 22 March 2022).

Ministerio da Saude. (2016), Instituto Sirio-Libanês de Ensino e Pesquisa. Protocolos da Atenção Básica - Saúde das mulheres. Brasília. Available at: http://189.28.128.100/dab/docs/portaldab/publicacoes/protocolo_saude_mulher.pdf, (accessed at 20 April 2022).

Ministério da Saúde (2012). Secretaria de Vigilância em Saúde. Departamento de Análise de Situação de Saúde. Saúde Brasil 2011: uma análise da situação de saúde e a vigilância da saúde da mulher. Brasília: Ministério da Saúde.

Mirales, R. (2009) Violência de Gênero: Contribuição para o Serviço Social. 270 f. Monografia (Doutorado) - Pontifícia Universidade Católica de São Paulo, São Paulo.

Miranda, P. Cavalcanti, F. (1987). Comentários à Constituição de 1967 com a Emenda n.º 1 de 1969. Rio de Janeiro: Forense, 3.^a edição, 1987. Tomo IV.

Montenegro, M. (2015) Lei Maria da Penha: uma análise criminológico-crítica. Rio de Janeiro: Renavan.

Narvaz MG, Koller SH. (2006), Mulheres vítimas de violência doméstica: compreendendo subjetividades assujeitadas. *Psico*. jan/abr; 37(1): 7-13.

Nascimento, M. (2001), Desaprendendo o silêncio: uma experiência de trabalho com grupos de homens autores de violência contra a mulher. Dissertação (Mestrado em Saúde Coletiva) - Instituto de Medicina Social da UERJ, Rio de Janeiro.

Novaes, R. (2001) (org). Direitos Humanos: temas e perspectivas. Rio de Janeiro: Mauad .p.67-75.

OAS (1994). Inter-American Convention to Prevent, Punish and Eradicate Violence against Women. Available at: <https://www.oas.org/en/mesecvi/docs/belemdopara-english.pdf>, (accessed at: 18 July 2022).

Oliveira CC, Fonseca RMGS. (2007), Práticas dos profissionais das equipes de saúde da família voltadas para as mulheres em situação de violência sexual. *Rev Esc Enferm USP* .;41(4):605-12.

Oliveira, M. A. (2012). Separações e divórcios: Elementos que fazem parte da dinâmica familiar ou elementos de “desestruturação” desta. In *Reflexões sobre a sociologia aplicada a educação* (p. 132). Teresina, Brasil: Fundação Universidade Estadual do Piauí.

OMS – Organização Mundial da Saúde. (2003), Estudio multipaíses de la OMS sobre salud de la mujer y violencia doméstica contra la mujer. Departamento Género y Salud de la Mujer. Ginebra. Available at: http://www.who.int/gender/violence/who_multicountry_study/summary_report/chapter1/es/index1.html, (accessed at: 15 June 2022).

ONU - ORGANIZAÇÃO DAS NAÇÕES UNIDAS. (2006). *In-depth study on all forms of violence against women* New York. Available at: <http://daccess-ods.un.org/TMP/8874883.html>, accessed at: 20 June 2022.

ONU. (2022), *Taxa de feminicídios no Brasil é quinta maior do mundo; diretrizes nacionais buscam solução*. Brasil. 2022. Available at: <https://brasil.un.org/pt-br/72703-onu-taxa-de-femicidios-no-brasil-e-quinta-maior-do-mundo-diretrizes-nacionais-buscam>, (accessed at: 4 June 2022).

Paoli. M. C. (1995). Movimentos sociais no Brasil: em busca de um estatuto político. In: HELLMANN. Michaela (Org.). *Movimentos sociais e democracia no Brasil: "sem a gente não tem jeito"*. São Paulo: Marco Zero. p.24-55.

Parella, S. (2001), *Las políticas familiares*. In: Adelanto, J. *Câmbios en el Estado del Bienestar: Políticas sociales y desigualdades en España*. Barcelona: Icaria.

Parodi, A. C.; Gama, R. R. (2009). *Lei Maria da Penha: comentários à Lei n. 11.340/2006*. Campinas: Russel.

Pasinato, W. (2011). *Avanços e obstáculos na implementação da Lei 11.340/2006*. In: CAMPOS, Carmen Hein (Org). *Lei Maria da Penha comentada em uma perspectiva jurídico-feminista*. Rio de Janeiro: Lumen Juris.

Pateman, C. (1993). *O Contrato Sexual*. São Paulo, Paz e Terra.

Pimenta, J. C. (2011), *Violência Contra Mulher: Um desafio para a atenção básica à saúde*. Universidade Federal de Minas Gerais. Governador Valadares. Available at: <https://www.nescon.medicina.ufmg.br/biblioteca/ imagem/3829.pdf>, (accessed at: 27 April. 2022).

Pinafi, T. (2012). *Violência contra a mulher: Políticas públicas e medidas protetivas na contemporaneidade*. Recuperado de

<http://www.historica.arquivoestado.sp.gov.br/materias/antiores/edicao21/materia03/texto03.pdf>

Pinheiro, A. C. A. (2020). *Violência doméstica e Justiça Restaurativa - uma análise após a Convenção de Istambul*. Universidade do Minho. Escola de Direito

Pinheiro, A. L. L.(2010). *Direitos Humanos Das Mulheres*. Ipea. Available at: https://www.ipea.gov.br/retrato/pdf/190327_tema_i_direitos_humanos_das_mulheres.pdf. (accessed at 23 June 2022).

Pinto, C. R. J. (2003). *Uma história do feminismo no Brasil*. São Paulo: Editora Fundação Perseu Abramo.

Piovesan, F. (2001). *A Constituição Brasileira de 1988 e os Tratados Internacionais de Proteção aos Direitos Humanos In: AS MULHERES e os Direitos Humanos*. Rio de Janeiro: Cepia, p.9-28.

Piovesan, F. (2008). *Código de Direito Internacional dos Direitos Humanos Anotado*. Brasília: Dpj. 1530 p.

Piovesan, F. (2008). *Direitos Humanos e o Direito Constitucional Internacional*. 10. ed. São Pau COMPARATO, Fábio Konder. *A Afirmação Histórica dos Direitos Humanos*. 6. ed. São Paulo: Saraiva. 551 p.

Piovesan, F. (2012). *Os Direitos Humanos da Mulher na Ordem Internacional In: Temas de direitos humanos*. 5. ed. São Paulo : Saraiva, p.31.

Prado Júnior, C. (1965). *Formação do Brasil contemporâneo*, 8. ed. São Paulo: Brasiliense.

Prado, G. (2009). *Comentários à Lei de Violência Doméstica e Familiar contra a Mulher*. 2ª Ed. Adriana Ramos de Mello (Org.). Rio de Janeiro: Ed. Lumen Juris.

Ramalho, K. S., Silva, S. T., Lima, S. M., & Santos, M. A. (2012). Política de saúde da mulher à integralidade: Efetividade ou possibilidade? *Cadernos de Graduação: Ciências Humanas e Sociais Fits*, 1(1), 11-22.

Renzetti, C. M.; Edleson, J. L.; Bergen, R. K. (2001). *Sourcebook on violence against women*. United States of America: Sage, 254 p.

Ribeiro, M. De F.; Mazzuoli, V. De O. (2006) *Direito Internacional Dos Direitos Humanos: Estudos em homenagem à Prof^a. Flávia Piovesan*. Curitiba: Juruá, 432 p.

Ridenti, M. S.(1990). *As mulheres na política brasileira: os anos de chumbo*. Tempo social. São Paulo, USP.

Rousseau, J. J. (1997). *O contrato social: princípios de direito político*. Rio de Janeiro, Ediouro.

Saffioti Hib. (1999), Já se mete a colher em briga de marido e mulher. *Sao Paulo perspec. out/dez;13(4):82-91*.

Santos, C., (2018). *A Representação Da Mulher À Luz Da Legislação Brasileira*. *Periferia*, 10(2).

Santos, D. T., & Marques, A. D. (2014). A convenção sobre a eliminação de todas as formas de discriminação contra as mulheres no Brasil: Implicações nas políticas públicas voltadas às mulheres indígenas. *Revista Di@logus*, 3(1).

Sarcey, M. R. (2002). *Histoire Du Féminisme*. Paris : La Découverte, Tristan, Flora. Union Ouvrière. Paris: Des Femmes, 1986.

Sarti, C., (2001). Feminismo e contexto: lições do caso brasileiro. *Cadernos Pagu*, (16), pp.31-48.

Schraiber LB, D'Oliveira AFPL, Hanada H, Figueiredo W, Couto M, Kiss L, et al. (2003), *Violência vivida: a dor que não tem nome*. Interface Comun Saúde Educ.

Schumacher, S., Vargas, E. (1993). Lugar no governo: álbi ou conquista? In: *Revista de Estudos Feministas*. n.2. Rio de Janeiro: Ciec/ECO/UFRJ.

Senado Federal. (2013). Comissão Parlamentar Mista De Inquérito. Relatório Final. Brasília. Available at: <https://www12.senado.leg.br/institucional/omv/entenda-a-violencia/pdfs/relatorio-final-da-comissao-parlamentar-mista-de-inquerito-sobre-a-violencia-contra-as-mulheres>, (accessed at 13 sep. 2022).

Signorelli MC, Taft A, Pereira PPG. (2012), Intimate partner violence against women and healthcare in Australia: charting the scene. *Cienc Saude Coletiva*.

Silva IV. (2003), *Violência contra mulheres: a experiência de usuárias de um serviço de urgência e emergência de Salvador, Bahia, Brasil*. Cad Saúde Pública..

Silva MCMV. (2008), *Rota crítica: os (des)caminhos trilhados por mulheres em situação de violência doméstica na busca por ajuda [dissertação]*. São Paulo (SP): Universidade de São Paulo.

Silva, M. R. T. (2002). Uma reflexão sobre a CIDM e o seu percurso como mecanismo institucional para a igualdade. *Notícias, Lisboa*, v. 64, p. 22-30, out./dez.

Silva, R. Entrevista lii. (2017). Entrevistadora: Keli Rocha Silva Mota. São Paulo, 2017.

Silveira, R. S. & Nardi, H. C. (2014). Interseccionalidade gênero, raça e etnia e a lei Maria da Penha. *Psicologia & Sociedade*; 26(n. spe.), 14-24. Available at: <http://www.scielo.br/pdf/psoc/v26nspe/03.pdf>, (accesed at: 18 April, 2022).

Soares, B. M.(1999), *Mulheres invisíveis: violência conjugal e novas políticas de segurança*. Rio de Janeiro: Civilização Brasileira.

Sottomayor, M., (2015). A convenção de istambul e o novo paradigma da violência de género. ex aequo - Revista da Associação Portuguesa de Estudos sobre as Mulheres, (31).

Teles, A. Entrevista I. (2017). Entrevistadora: Keli Rocha Silva Mota. São Paulo, 2017.

Teles, M. A. De A. (1950). Breve história do Feminismo no Brasil e outros ensaios São Paulo: Editora Alameda, 2017.

Trindade, A. A. C. (2003). Tratado de Direito Internacional dos Direitos Humanos. 2.ed. rev. e atual. Porto Alegre: Sérgio Antônio Fabris Editor, 2003. V.3.

UN (1921). INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE TRAFFIC IN WOMEN AND CHILDREN. League of Nations, *Treaty Series*, vol. 9, p. 415. Available at: <https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20VII/VII-3.en.pdf>, (accessed at 20 july, 2022).

UN (1933). International Convention for the Suppression of the Traffic in Women of Full Age. League of Nations, *Treaty Series*, vol. 150, p. 431. Available at: <https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20VII/VII-5.en.pdf>, (accessed at: 18 august, 2022).

UN (1946). THE COMMISSION ON THE STATUS OF WOMEN. Available at: <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2019/A-short-history-of-the-CSW-en.pdf>, (accessed at: 12 august, 2022).

UN (1953). Convention on the Political Rights of Women. Available at: https://treaties.un.org/doc/treaties/1954/07/19540707%2000-40%20am/ch_xvi_1p.pdf, (accessed at: 22 august, 2022).

UN (1975). I World Conference on Women. Available at: <https://www.un.org/womenwatch/daw/beijing/otherconferences/Mexico/Mexico%20conference%20report%20optimized.pdf>, (accessed at: 22 august, 2022).

UN (1979). The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Available at: <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cedaw.pdf>, (accessed at: 18 august, 2022).

UN (1985). II World Conference on Women. Available at: <https://www.un.org/womenwatch/daw/beijing/otherconferences/Nairobi/Nairobi%20Full%20Optimized.pdf>, (accessed at: 10 august, 2022).

UN (1993). Vienna Declaration and Programme of Action. Available: <https://www.ohchr.org/sites/default/files/vienna.pdf>, (accessed at: 18 august, 2022).

UN (1994). World Conference on Population and Development. Available at: https://www.unfpa.org/sites/default/files/event-pdf/icpd_eng_2.pdf, (accessed: 10 august, 2022).

UN (1995). The Fourth World Conference on Women. Available at: <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>, (accessed at: 18 july, 2022).

UN. 1993. *Declaration on the Elimination of Violence against Women*. [online] Available at: https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.21_declaration%20elimination%20vaw.pdf, (Accessed 2 July 2022).

Venancio Filho, A. (1977). *Das arcadas ao bacharelismo*. São Paulo: Perspectiva.

Venturi G, Recamán M. (2004), *As mulheres brasileiras no início do século XXI*. In: Venturi G, Recamán M, Oliveira S, organizadores. *A mulher brasileira nos espaços públicos e privados*. São Paulo: Perseu Abramo.

Vieira Em, Perdona GSC, Santos MA. (2011), Fatores associados à violência física por parceiro íntimo em usuárias de serviços de saúde. Rev Saude Publica.

Vilarinho, M. C. (2011). Mulheres Mutiladas e Mulheres Desonradas: A Importância da Luta de Mukhtar Mai e Kahdy Koita aos Direitos Humanos das Mulheres. 2011. 125 f. Monografia (Pós-graduação) - Universidade Federal de Goiás, Goiás, 2011. 58

Waiselfisz, J. J. (2012). Mapa da Violência- Atualização: homicídios de mulheres no brasil. Rio de Janeiro: Flacso; CEBELA.

Waiselfisz, J. J. (2015). Mapa da Violência: Homicídio de mulheres no Brasil. Available at: <http://www.mapadaviolencia.org.br/>, (accessed at: 20 June 2022).

Walby, S. (1990). Theorizing Patriarchy. Oxford, Basil Blackwell.