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BRA102959.E

Brazil: Domestic violence, including information on the Maria da Penha law on domestic and family violence and its implementation (2006-October 2008)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

According to a lecturer at Murdoch University (Australia) who is an internationally known legal scholar and expert on Brazilian law, domestic violence in Brazil is a "frequent occurrence" (Lecturer 8 Oct. 2008). Similarly, Freedom House states that violence against women in Brazil is a "common problem" (2008; see also AI 2008). The United States (US) Department of State's *Country Reports on Human Rights Practices for 2007* states that domestic violence in Brazil is both "widespread and underreported" (11 Mar. 2008, Sec. 5). *Country Reports 2007* further states that, in 2006, 39,416 domestic violence cases were registered in Brazil (US 11 Mar. 2008, Sec. 5).

Maria da Penha law

Law No. 11.340 of 7 August 2006 (*Lei No 11.340, de 7 de Agosto de 2006*), which is known as the "Maria da Penha" law, came into force 22 September 2006 (Brazil 2006, 6; see also US 11 Mar. 2008, Sec. 5). According to Brazil's Special Secretariat for Women's Policies (Secretaria Especial de Políticas para as Mulheres, SPM), the Maria da Penha law, which categorizes domestic violence as a type of human rights violation (Brazil 7 Aug. 2006, Art. 6), is in conformity with the Organization for American States (OAS) *Convention to Prevent, Punish, and Eradicate Violence Against Women* and the United Nations (UN) *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) (Brazil 2006, 6). Article 5 of the Maria da Penha law defines domestic and family violence against women as

[Translation of Brazil's Special Secretariat for Women's Policies]

any action or omission based on gender that causes the woman's death, injury, physical, sexual or psychological suffering and moral or patrimonial damage:

I - in the scope of the domestic unit, understood as the permanent space shared by people, with or without family ties, including people sporadically aggregated;

II - in the scope of the family, understood as the community formed by individuals that are or consider themselves related, joined by natural ties, by affinity or by express will;

III - in any intimate relationship of affection, in which the aggressor lives or has lived with the abused woman, regardless of cohabitation.

Sole paragraph. The personal relations listed in this article are independent of sexual orientation. (Brazil 7 Aug. 2006, Art. 5)

According to *Country Reports 2007*, the new domestic violence law increases previous punishments for

committing acts of domestic violence, establishes special courts to administer cases (US 11 Mar. 2008, Sec. 5) and requires health facilities to inform police officials "regarding cases in which a woman [is] harmed physically, sexually, or psychologically" (ibid.; Brazil 28 Jan. 2008, Para. 154). The domestic violence law enables the arrest of aggressors and provides protective measures for women whose lives are in danger (Brazil 2006, 6; see also Brazil 28 Jan. 2008, Para. 148, 150).

Implementation of domestic violence laws

In 8 October 2008 correspondence, the Murdoch University Lecturer provided the following information regarding the implementation of domestic violence legislation in Brazil:

The main problem in Brazil is the huge gap separating human rights as legally inscribed in law from their effective exercise or guarantee in practice. Despite [Brazil's] rights-based written constitution and apparently sophisticated system of judicial enforcement, in Brazil, domestic violence laws are frequently violated with impunity. (Lecturer 8 Oct. 2008)

The Murdoch University Lecturer further stated that "the vast majority of criminal complaints regarding domestic violence against children and women are suspended without final conclusion" (ibid.). According to Freedom House, protective laws meant to shield women from violence are "rarely enforced" (2008).

With respect to the implementation of the Maria da Penha law, Amnesty International (AI) provides the following information in a 2008 report:

Cases brought under the 2006 "Maria da Penha" law, which criminalizes domestic violence, began going through the courts in 2007. Although the law was a major advance, lack of resources, difficulties in enforcing exclusion orders and poor support services hampered effective implementation. (2008)

In contrast, *Brazzil Magazine*, a Los Angeles-based publication that reports on a wide array of Brazilian issues (*Brazzil* n.d.), states in a 27 August 2008 article that, in 2008, the Brazilian government provided 10 million reais (approximately 6 million US dollars) to help establish women-focused courts, centres and state prosecutor's offices and 7 million reais (approximately 4 million US dollars) to establish resource centres, supply shelters and provide other women's services in support of the application of the domestic violence law. *Country Reports 2007* and Brazil's Special Secretariat for Women's Policies state that the federal government provides access to a 24-hour toll-free hotline to help women victims of violence (US 11 Mar. 2008, Sec. 5; Brazil 2006, 9; see also Brazil 28 Jan. 2008, Para. 155). According to *Brazzil Magazine*, the Center for Women's Services assisted 121,891 clients in the first half of 2008, which constituted a 107.9 percent increase compared to the same period in 2007, an increase attributed to increased awareness of the Maria da Penha law and improvements in technology and training (27 Aug. 2008). Information on where the Center for Women's Services is located, who runs it, and what services it provides could not be found among the sources consulted by the Research Directorate.

Regarding the special courts for domestic violence cases, *Country Reports 2007* indicates that

[a]t year's end [2006] a total of 140 such courts to deal with domestic and family violence had been established, along with 15 public defender positions to provide free legal assistance to victims of domestic violence. However, 13 of the 26 states had not yet instituted the special courts. From September 2006, when the law came into effect, to year's end a total of 941 arrests took place. However, there were significant regional differences -- while in the midwest region 3,501 lawsuits were filed during the year, in the Northeast only 369 lawsuits were filed. (US 11 Mar. 2008, Sec. 5)

According to Amnesty International (AI), *Country Reports 2007* and the Murdoch University Lecturer, Brazil has police stations devoted to dealing with crimes against women (AI 17 Apr. 2008, 69; US 11 Mar. 2008, Sec. 5; Lecturer 8 Oct. 2008). *Country Reports 2007* states that, in 2006, there were 394 women's police stations (*delegacias de mulher*, DEAMs) situated throughout Brazil; however, "[t]he quality of services [at the DEAMs] varied widely, and availability was particularly limited in isolated areas" (US 11 Mar. 2008, Sec. 5). Among the services provided by the DEAMs were counselling, temporary shelter, medical treatment and "assistance to the prosecution of criminal cases by investigating and forwarding evidence to the courts" (ibid.). AI provides the following information on women's police stations in a 2008 report on urban violence in Brazil:

Women's police stations are overwhelmed by the demand for their limited resources. Judges in Porto Alegre told Amnesty International of the desperate need for special courts to hear cases. The judge presiding over the Women's Court in Porto Alegre, one of the first to be set up following the

introduction of the law, said she had heard over 3,000 cases between January 2007 and May 2007. She also stated that she often would hear numerous cases simultaneously to speed the process up. (17 Apr. 2008, 69)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

- Amnesty International (AI). 17 April 2008. "Picking Up the Pieces: Women's Experience of Urban Violence in Brazil." <<http://www.amnesty.org/en/library/info/AMR19/001/2008/en>> [Accessed 2 Oct. 2008]
- _____. 2008. "Brazil." *Amnesty International Report 2008*. <<http://thereport.amnesty.org/eng/regions/americas/brazil>> [Accessed 2 Oct. 2008]
- Brazil. 28 January 2008. *Implementation of the International Covenant on Economic, Social and Cultural Rights: Second Periodic Reports Submitted by State Parties Under Articles 16 and 17 of the Covenant - Brazil*. (United Nations: E/C.12/BRA/2) <<http://www.unhcr.org/refworld/pdfid/47bd52112.pdf>> [Accessed 2 Oct. 2008]
- _____. 7 August 2006. Presidência da República. *Lei No 11.340, de 7 de Agosto de 2006*. <https://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2006/Lei/L11340.htm> [Accessed 14 Nov. 2008]
- _____. 2006. Presidência da República. *Maria da Penha Law*. <<http://brazilink.org/GENDER%20PAPERS/Maria%20da%20Penha%20Law.pdf>> [Accessed 2 Oct. 2008]
- Brazzil Magazine* [Los Angeles]. 27 August 2008. "Brazil Law Against Domestic Violence Makes a Difference." <<http://www.brazzilmag.com/content/view/9829/>> [Accessed 2 Oct. 2008]
- _____. N.d. "Contact Us." <http://www.brazzilmag.com/component/option,com_contact/catid,23/Itemid,71/> [Accessed 6 Oct. 2008]
- Freedom House. 2008. "Brazil." *Freedom in the World*. <<http://www.freedomhouse.org/template.cfm?page=22&year=2008&country=7359>> [Accessed 1 Oct. 2008]
- Lecturer, Murdoch University, Australia. 8 October 2008. Correspondence with the Research Directorate.
- United States (US). 11 March 2008. "Brazil." *Country Reports on Human Rights Practices for 2007*. <<http://www.state.gov/g/drl/rls/hrrpt/2007/100630.htm>> [Accessed 1 Oct. 2008]

Additional Sources Consulted

Oral sources: Attempts to contact a University at Buffalo Law School professor who specializes in domestic violence law were unsuccessful.

Internet sites, including: British Broadcasting Corporation (BBC), Economist.com, Feminist.com, European Country of Origin Information Network (ecoi.net), Human Rights Watch (HRW), Latin American Regional Report, United Kingdom (UK) Border Agency, U.S. Committee for Refugees and Immigrants (USCRI).


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