

COMITÊ LATINO-AMERICANO E DO CARIBE PARA DEFESA DOS
DIREITOS DAS MULHERES (CLADEM BRASIL)
CENTRO PELA JUSTIÇA E O DIREITO INTERNACIONAL (CEJIL)
INSTITUTO MARIA DA PENHA (IMP)

**GENDER-BASED VIOLENCE, ACCESS TO JUSTICE
AND THE MARIA DA PENHA LAW**

BRAZIL REVIEW

**Committee on the Elimination of All Forms of Discrimination against
Women**

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Introduction

1. CLADEM/Brazil, CEJIL and IMP respectfully submit information for Brazil's review before the CEDAW Committee, focusing on previous CEDAW provisions on gender-based violence (CEDAW/C/BRA/QPR/8-9, para.9) and the follow-up on Case 12.051 - Maria da Penha Maia Fernandes, Merits Report No. 54/01 decided by the Inter-American Commission on Human Rights (IACHR, 2021), and on the Sustainable Development Goals - SDGs (CEDAW/C/BRA/CO/7, para. 37; CEDAW/C/BRA/QPR/8-9, para.24), as identified below.

Recommendations IACHR/2001	
CEDAW	ODS
Article 2 and 3 - Access to justice (CEDAW/C/BRA/QPR/8-9, para.11) General Recommendation No. 28 on States' obligations General Recommendation No. 33 on women's access to justice	16.3, 16.6, 16.a e 16.b
1. Bring to a swift and effective conclusion the criminal proceedings against the person responsible for the assault and attempted murder of Mrs. Maria da Penha Fernandes Maia.	
2. Carry out a serious, impartial and exhaustive investigation to determine responsibility for the irregularities and unjustified delays that have prevented the rapid and effective processing of the person responsible, and adopt the corresponding administrative, legislative and judicial measures.	
3. Adopt, without prejudice to any possible action against the civilian responsible for the attack, the measures necessary for the State to grant the victim adequate symbolic and material reparation for the violations established herein, in particular the failure to provide an immediate and effective remedy; for keeping the case unpunished for more than fifteen years; and for preventing, with this delay, the timely possibility of an action for civil reparation and compensation.	
CEDAW	ODS
Article 5 - Gender-based violence General Recommendation No. 35 on gender-based violence against women	5.1 e 5.2
4. Continue and intensify the reform process that avoids state tolerance and discriminatory treatment with respect to domestic violence against women in Brazil.	
CEDAW	ODS
Article 15 and 16 - Public facilities for women victims of violence	5.c
4.a. Train and sensitize specialized judicial and police officials so that they understand the importance of not tolerating domestic violence.	
4.b. Simplify criminal court procedures so that procedural time can be reduced, without affecting due process rights and guarantees.	
4.c. Establish alternative, rapid and effective ways of resolving intra-family conflicts, as well as raising awareness of their seriousness and the criminal consequences they generate. (CEDAW/C/BRA/QPR/8-9, para.22)	
4.d. Increase the number of DEAMs and equip them, as well as support the Public Prosecutor's Office in preparing their judicial reports.	
CEDAW	ODS
Article 10 - Education combined with Article 5 - elimination of discriminatory gender stereotypes. General Recommendation 36 on the right of girls and women to education.	4.7
4.e. Include in school curricula content on respect for women and their rights recognized in the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará).	

2. Maria da Penha, 79, is a survivor of domestic violence, who after a double attempt on her life by her ex-husband in 1983, became paraplegic and a women's rights activist. Her story is emblematic and exemplifies the reality of domestic violence and the lack of access to justice in Brazil. After analysing her case, the IACHR recommended the approval of a specific legislation to prevent and punish domestic and family violence against women. This position was reinforced by the CEDAW Committee in 2003 (A/58/38, p. 104). As a result, Law 11.340/2006, known as the Maria da Penha Law (LMP) was enacted. Since then, it has been a driving force behind public policies designed to address gender based violence within the families over the last 17 years.

3. The IACHR declared that the Brazilian state was responsible for violations of Articles 8 (judicial guarantees) and 25 (judicial protection) of the American Convention on Human Rights, in relation to the duty to protect and guarantee provided for in Article 1.1 of the Convention. It also considered the violation of Article 7 of the Belém do Pará Convention, issuing four recommendations to Brazil. These recommendations, with the exception of 1 and 3, have not been fully complied with, so that this case has been in the follow-up stage for more than 20 years. The petitioners monitor public policies related to gender-based violence in Brazil and periodically provide information to the IACHR. This shadow-report to the CEDAW Committee¹ was based on the information collected by the petitioners to submit to the IACHR.

Femicide in Brazil: overview

4. Despite the approval of LMP, we have a worrying increase and upsurge in acts of violence (bodies burned, dismembered, with dozens of stab wounds or shot with a firearm) against women in Brazil, particularly within the context of domestic abuse. As a consequence, there is an urgent need for proper State responses, considering all the complexity of this phenomenon and its intersectional aspects (race, ethnicity, class, gender, age, disabilities, religion, and territories).

5. According to the IACHR Report on the Human Rights Situation in Brazil (2020), following a visit to the country, "violence against women continues to show extremely high rates, with alarming cases on feminicides (murders motivated by the victim being a woman or identified as such)"². In view of this context, the IACHR recommended Brazil should "adopt measures aiming to promote gender equality ideals in the country [... and that] ensure an intersectional approach, considering particular issues related to structural racial discrimination against girls, young women and women of African descent, particularly among the youth."³

6. In 2015 Brazil approved a specific law on Femicide (Law 13.104/2015) and yet in 2023 1,463 women were killed, a rate of 1.4 women for every group of 100,000, representing an increase of 1.6% in one year, amounting to more than four women victimized every day, according to the Brazilian Public Security Forum⁴ (FBSP, 2024). In total, between 2015 and 2023 there were 10,655 victims of femicide in Brazil. These figures reinforce the importance of implementing the [National Femicide Prevention Pact \(2023\)](#).

¹ Report by Ingrid Leão, Myllena Calasans de Matos e Tamara Amoroso Gonsalves. Contact: cladembrasil@gmail.com; Translation and editing: Helena Rocha and Tamara Amoroso Gonsalves.

² IACHR, Annual Report 2020, Chapter II, Follow-up to Report No. 54/01, par. 17.

³ IACHR. Situation of human rights in Brazil. OEA/Ser.L/V/II. Doc. 9, February 12, 2021, para. 94.

⁴ [BUENO, Samira et al. Femicides in 2023](#). São Paulo: FBSP, 2024. The publication analyzes data from the Brazilian Public Security Yearbook, which is produced by the FBSP based on information provided by the state public security secretariats, the civil, military and federal police, among other official public security sources, and therefore may or may not present data from all federal units.

Gráfico 1: Vítimas de feminicídio⁹, Números absolutos, Brasil (2015-2023).



Source: [FBSP, 2024, p 4.](#)

7. The [Atlas of Violence 2023](#)⁵ also shows that between 2019 and 2021, the disparity in the country has increased, both geographically and in terms of inequalities and the victimization of vulnerable social groups. While in the South, Southeast and Center-West states we saw a decrease or stable rates regarding violent deaths, these rates increased in the North and Northeast. Additionally, contrasting with the overall decrease in homicides in the country, we see an upsurge in lethal violence against blacks, indigenous people and women in the same period.

8. As for data from before 2023, we must consider that such information might have been affected by underreporting caused by social isolation and deficiencies in the functioning of public services during the Covid-19.⁶ According to the Ministry of Health, 47,847 people were killed in Brazil in 2021, indicating a 4.8% reduction in the homicide rate compared to the previous year. Compared to 2011, the homicide rate fell by 18.3%. Between 2011 and 2021, 616,095 people were murdered. But this data must be carefully analyzed, having in mind the significant increase (35.2%) in records of Violent Deaths from Undetermined Causes (VDCI), which were not included in this data⁷. Thus, if female homicides and other violent deaths in the same year are taken into account, including the ones with no indication of the cause, we see a 21.6% increase in cases compared to 2018⁸.

9. In the state of Ceará, where the attempted femicide against Maria da Penha took place, only 8.2% of all murders of women were classified as feminicides, which is much lower than the national average of 34.5%⁹; raising issues related to the classification of the violent murders: "it is likely that many cases of femicide have been misclassified as homicides only"¹⁰. In the same state, just in 2018, 114 girls aged between 10 and 19 were murdered, reaching the highest homicide rate for girls in the state: 15.4/100,000. According to Jurema Werneck, Executive Secretary of Amnesty International Brazil, this reveals a violent epidemic produced by racism and sexism, whose victims are, on average, 16 years old, live with their parents, are mostly black and evangelical. Half of them stopped going to

⁵ The Atlas of Violence is produced by IPEA and FBSP. It portrays violence in Brazil based on data from the Ministry of Health's Mortality Information System (SIM) and Notifiable Diseases Information System (Sinan). The information on homicides is analyzed from the perspective of gender, race, age group, among others.

⁶ FBSP, [Atlas da Violência 2021](#), p 36.

⁷ Ibid.

⁸ Ibidem, p.36.

⁹ FBSP, [Anuário Brasileiro de Segurança Pública 2021](#), p. 95.

¹⁰ Ibid.

school, in many cases to work and contribute to the household income, that in most cases are supported by women. Jurema adds:

In the media and in public opinion, it is common for murdered girls to be blamed for their deaths, based on moral judgments and social accusations that sometimes attribute supposedly illegal conduct to them, and sometimes disapprove of behavior that is not subservient to prevailing sexist practices. It is noteworthy that more than half of the adolescents had been threatened before they died, which shows that the deaths could be avoided if there were adequate prevention policies, as well as access to the justice system and effective protection programs. The research also reveals that in 64% of the cases, the victim knew the perpetrator, and in 59% there was a mastermind, but the cases were rarely investigated. Many of the crimes have indications of femicide, despite being set in contexts related to armed group violence in Ceará¹¹.

10. With regard to domestic violence against women, despite a small reduction (7.4%) in registrations in 2020 (as with all other crime reports), "the numbers are still impressive in their magnitude: 230,160 women reported a case of domestic violence in 26 states"¹². The reduction in rates was a worldwide phenomenon, largely attributed to the social isolation measures imposed by the quarantine (from Covid 19) which prevented reporting and distanced women in situations of violence from their care and protection network¹³.

11. On the other hand, as in the international trend¹⁴, there was an increase (16.4%) in emergency calls between 2019 and 2020¹⁵ and an increase (4.4%) in the number of Emergency Protective Measures (EPM) granted by the Judiciary, which went from 281,941 in 2019 to 294,440 in 2020¹⁶. In addition, 1 in 4 Brazilian women (24.4%) over the age of 16 said they had suffered some kind of violence or aggression in 2020, during the pandemic period¹⁷.

12. Domestic spaces are also where we see the highest rates of sexual violence. Considering rape and rape of vulnerable individuals (under the age of 14), an average of 85.7% of victims are female, showing that "latent inequalities in gender relations are at the root of violent and hierarchical relationships". Regarding the rates of rape of children (between the ages of 0 and 19) the highest number of records indicate that such violence took place within the domestic sphere, and involved people close to the victims, with 38.2% of rapes occurring between the ages of 0 and 9, 43.5% between the ages of 10 and 14 and 18.4% between the ages of 15 and 19. In other words, 81.6% of children raped in the country are under the age of 14¹⁸.

13. In this context, the family cannot be the solely responsible for dealing with and providing effective responses to painful experiences for girls and women, which is why schools also take part in public policies of prevention and protection of children against all forms of violence; particularly through education on sexuality, which is known to be the most effective preventative measure against sexual violence¹⁹. Despite such evidence of success, Brazil still faces huge challenges in implementing

¹¹ Legislative Assembly of the State of Ceará. Girls in Ceará: the life trajectory and vulnerabilities of homicide victims. Research report by the Committee to Prevent and Combat Violence of the Legislative Assembly of the State of Ceará. Ceará, 2020, p. 17.

¹² FBSP, *Anuário Brasileiro de Segurança Pública*, 2021, p. 93.

¹³ FBSP, [Visible and Invisible: The Victimization of Women in Brazil](#) 2021, p. 7.

¹⁴ Ibidem, p. 10.

¹⁵ FBSP, [Anuário Brasileiro de Segurança Pública 2021](#), p. 94.

¹⁶ Ibidem

¹⁷ FBSP, [Visible and Invisible: The Victimization of Women in Brazil](#), p. 7.

¹⁸ FBSP, [Anuário Brasileiro de Segurança Pública 2020](#).

¹⁹ For the main concerns about sexuality education programs, see UNESCO. International Technical Guidance on Sexuality Education: An evidence-based approach for schools, teachers and health educators. Brasilia, June 2010.

education in sexuality within the educational system. A recent research conducted regionally by CLADEM, in partnership with UNPFA (2021) showed that the sexual violence to which children and adolescents are subjected has negative impacts throughout the victims' lives, and in many cases results in suicide and other forms of death. This is why this report called such cases “sexual femicide violence”²⁰.

Access to Justice

14. Despite the success of the LMP, Maria da Penha continues to suffer from the most diverse forms of violence, including the dissemination of *fake news*²¹ that disqualifies her history and trajectory, for example:

Maria da Penha Law is a law based on a big lie, she Maria da Penha, never beaten by her husband and who walks in a wheelchair because she was shot by a thief who entered her and her husband's house, who took her to the hospital, but the scumbag Maria da Penha learned afterwards that her husband had had a mistress, and then accused him of being guilty of the shooting, but she was unmasked later, but the feminism of the mainstream media prevented the truth from appearing²².

15. These attacks are mainly spread on social networks, but they reverberate in a very concrete way in Maria da Penha's life, consisting of an aggravated form of gender violence in digital media, indicating the *continuum of violence* that permeates women's lives and encompassing various forms of violence, which manifest themselves both online and offline, physically and psychologically. It is worth considering that Brazil still has outstanding issues with the Maria da Penha case, which means that the delay in providing full reparations to victims of violence, who are now women's human rights activists, places these women in a situation of heightened vulnerability and re-victimization.

16. **The IACHR concluded that the Brazilian state, more specifically within the legal measures defined by the Ceará State Court (TJCE) was ineffective, negligent and did not properly investigated (due diligence) Penha's case²³.** This means that nearly two decades went by without a conclusion to the judicial process at the TJCE and, consequently, no response to the victim's demand for justice. In 2023 the attempts on Maria da Penha's life completed 40 years and to date, **the state has not even provided sufficient information on the reasons for the delay in processing the case, nor has it identified and held the perpetrators responsible or acknowledged the state's failure to act due to this delay (Recommendation 2).**

17. The Brazilian state claims to have complied with this recommendation because in 2011 it opened an investigation against the authorities who took part in the case. This process was closed based on the alleged lack of evidence of functional infractions and negligence. The state argues that it is impossible to reopen the investigations or pursue accountability of the individuals and the institutions involved in the negligence, because such individuals are no longer part of the Court's organizational body and limitation has occurred²⁴. These three arguments reinforces excuses presented during international litigation, in which the Brazilian state denies that a human rights violation has occurred within the domestic proceedings that investigated the double attempted murder of Maria da Penha. In this context, it is **urgent that the Brazilian state answers the victim's question of who caused the unjustified**

²⁰ [Research on the interrelationship and links between sexual violence and the death of girls and adolescents \(N&A\) in the Latin American and Caribbean \(LAC\) region.](#)

²¹ [Maria da Penha sofreu feminicídio: podcast mente ai dizer o contrário \(uol.com.br\)](#)

²² [É #FAKE que Maria da Penha ficou paraplégica em assalto e não ao ser baleada pelo marido | Fato ou Fake | G1 \(globo.com\)](#)

²³ IACHR, Report No. 54/01, Chapter V, Section A, para. 44.

²⁴ IACHR, Annual Report 2020, Chapter II, *Ficha de seguimiento del informe* no. 54/01, para. 13.

delay during the criminal proceedings and/or adopts symbolic measures of reparation in the event that this answer is impossible.

18. Despite the IACHR declaration that the country had fully complied with Recommendation 4.a, we highlight the need to promote specialized training to judicial and police officials on gender-based violence. This cannot be restricted to generic, one-off activities on violence against women, or focus on reuniting or keeping the family together even in cases of reported domestic abuse. Recently, the national body that oversees the judiciary approved a "Protocol for judgments with a gender perspective"²⁵, considering that incorporating a gender perspective into judicial procedures helps avoiding institutional victimization as well as guaranteeing women's access to justice and the truth. The document follows the same line as the *National Guidelines for Investigating, Prosecuting and Judging Violent Deaths of Women with a Gender Perspective*, the first effort by the federal government to offer public security professionals and justice system bodies a set of guidelines (directives) for incorporating a gender perspective from the police investigation to the trial by jury²⁶. However, the training of professionals to apply these protocols has been sporadic, which leads to concerns regarding the effectiveness of these regulations.

Reforming the legal framework to prevent state tolerance and discriminatory treatment of women

19. Following the 1988 Federal Constitution, Brazil has seen significant legislative progress in fighting gender-based violence against women and girls. LMP stands out for bringing together measures for the prevention, assistance, punishment and reparation with a human rights and gender perspective. In the 35-year period, 102 Acts were passed on the subject, 33 of which were enacted between 2019 and 2022, and 14 in 2023²⁷. Contrary to the demands of women's movements for more resources, services and implementation of the LMP, the Brazilian state's focus since 2016 has been on passing new laws, predominantly those that create new types of criminal offenses or increase the penalty and that directly (14 laws) or indirectly (15 laws) amend the Maria da Penha Law under the pretext of improving it.

20. With regard to legal measures to fight gender discrimination, we highlight the approval of Act [14.321/2022](#) (the Institutional Violence Act) and [Act 14.245/2021](#). The former amended the law on crimes of abuse of authority to include Article 15-A and classify institutional violence as "subjecting the victim of a criminal offence or a witness to violent crimes to unnecessary, repetitive or invasive procedures that lead them to relive, without strict necessity: I - the situation of violence; or II - other situations that potentially generate suffering or stigmatization."

21. Act 14.245 was named after Mariana Ferrer, honouring the survivor of rape whose discriminatory and derogatory treatment by the defendant's lawyers during the trial was filmed and publicized, generating outrage. This act amends the Criminal Code, the Code of Criminal Procedure and Act

²⁵ [CNJ, 2021](#).

²⁶ The following documents were also published: i) State Guidelines for Preventing, Investigating, Prosecuting and Judging Violent Deaths of Women with a Gender Perspective. Pernambuco Women's Secretariat. Recife: 2020; ii) Paraíba Feminicide Protocol State Guidelines for Preventing, Investigating, Prosecuting and Judging Violent Deaths of Women with a Gender Perspective. Paraíba State Secretariat for Women and Human Diversity. João Pessoa: 2021. iii) Bahia Feminicide Protocol. Bahia Secretariat for Women's Policies. 2021. iv) Manual for Investigating Violent Deaths of Women from a Gender Perspective. Police Academy of the Civil Police of the State of São Paulo. São Paulo, 2019. v) Protocol for the Investigation and Performance of Forensics in Crimes of Feminicide, by the Civil Police of the Federal District - PCDF. Secretaria de Segurança Pública do Distrito Federal, 2017. vi) Manual for prosecutors in cases of femicide. National Council of Public Prosecutors. Brasília, 2019.

²⁷ MATOS, Myllena Calasans de. The state of the art of Brazilian legislation on gender-based violence against women. Brasília-DF, 2024 (in press).

9.099/1995 to curb the practice of acts that undermine the dignity of the victim and witnesses and to establish an increase in the penalty for the crime of coercion in the course of proceedings. The law determines that in conciliation, instruction and trial hearings and in plenary hearings in the Court of the Jury and, in particular, in those that investigate crimes against sexual dignity, all parties and other procedural subjects present at the hearing must ensure the physical and psychological integrity of the victim, under penalty of civil, criminal and administrative liability.

22. Also in the judiciary, the "legitimate defense of honor" thesis was deemed unconstitutional by the Supreme Court for violating human dignity, the protection of life and gender equality. Therefore, invoking this argument results in procedural nullity²⁸.

Measures to simplify judicial procedures and promote access to justice: Courts on domestic and family violence against women (JVDFcM) with hybrid jurisdiction.

23. Maria da Penha suffered a serious attempt on her life and had to undergo a long and painful process of surgical interventions and rehabilitation, at the same time as facing two legal proceedings in the family and the criminal courts. **The creation and implementation of the JVDFcM with hybrid jurisdiction represents an important measure to guarantee access to justice for women who face situations of domestic violence**, since it can help to reduce the so-called "critical route"²⁹ for women in the justice system, shortening the time needed for procedural movements and the emotional strain resulting from the effort to recall the violence suffered, make themselves heard by the different actors in the system and have their demands met³⁰.

24. Article 14 of the LMP established the JVDFcM with hybrid jurisdiction to hear civil and criminal cases, allowing victims to deal with all legal issues in a single court. Law 13.894/2019 changed this provision and the issue has sparked disputes in the justice system, resulting in the failure to implement the provisions of the LMP for effective access to justice for women, in violation of guidelines set out in the Belém do Pará Convention and CEDAW Recommendation 33.

25. According to the [LMP Consortium's Technical Note](#) (2020), although Act 13.894/2019 provides a thematic list of civil claims to be incorporated into the jurisdiction of courts that deal with domestic violence (actions for legal separation, divorce, annulment of marriage or dissolution of stable union), it does not list other situations that are also common in cases of domestic violence. In this context, it is essential and urgent to restore the core of the LMP, which is the recognition that domestic and family violence against women is one of the forms of gender-based violence and a violation of human rights, strengthening the commitment to protect women's right to a life without violence. In this sense, as this is a special piece of legislation to fight gender-based violence against women and girls, the same

²⁸ [Supremo Tribunal Federal \(stf.jus.br\)](http://stf.jus.br)

²⁹ SAGOT, Monserrat. Ruta crítica de las mujeres afectadas por la violencia intrafamiliar en América Latina: estudios de caso de diez países. San José: Organización Panamericana de la Salud; 2000.

³⁰ Along the same lines is the understanding of the IACHR. In its 2022 Annual Report it states that: *compliance with this recommendation (4.b) is aimed at combating the systematic impunity of domestic violence. For this reason, the IACHR emphasizes that compliance with this recommendation is aimed at simplifying judicial processes and, in practice, cutting procedural time. In addition, the IACHR reiterates that substantial partial compliance with this recommendation will depend on the State demonstrating that it has implemented the necessary measures to comply with the simplification of judicial proceedings for domestic violence in Brazil and, for its part, full compliance will depend on demonstrating, based on objective data, that these measures have reduced procedural time in domestic violence cases. The Commission also agrees with the petitioner that the measure consisting of the implementation of hybrid courts may constitute an appropriate mechanism for simplifying these processes and reducing procedural times, and therefore invites the State to promote and report on progress in their operation throughout the country. Welcoming the willingness of the State of Brazil to move forward in the implementation of recommendation 4.b, the IACHR considers that it continues to be partially complied with.* IACHR. Annual Report 2022. Follow-up to Report No. 54/01, p. 13.

document states that **the civil and criminal jurisdiction provided for in Article 14 of the LMP must be understood as a condition related to the quality of the comprehensive judicial response and the guarantees of access to justice for women established in CEDAW Recommendation 33.**

26. Furthermore, research carried out by the National Council of Justice (CNJ) pointed out the advantages of adopting hybridity, concluding that "the application of hybrid jurisdiction, or even the provisional decree of civil measures, could safeguard tensions between the protection of women and the rights of children (...)"³¹.

State tolerance and fragility in women's policy (2016-2022)

27. From 2016 to 2018 there was a reduction of almost 50% in the number of services and a cut in the federal budget (UN Women Report, 2018), the dismantling of the Secretariat for Women's Policies (SPM) and its incorporation into the then Ministry of Women, Family and Human Rights (MMFDH), with negative repercussions in the states and municipalities. This situation worsened from 2019 to 2022³².

28. According to the Institute for Social and Economic Studies (INESC)³³, the policies aimed at women in 2020 and 2021 underwent significant changes. The design built since 2004, with a cycle of four national conferences and the drafting of two national plans, was not reflected in the 2020-2023 Multiannual Plan (PPA), which adopted a more conservative bias, with less emphasis on women - in their diversity, in the specificities of their demands - and with a greater focus on the family.

29. In 2020, there was low allocation and low execution of the budget focused on women. Neither the suspension of tax rules nor the relaxation of rules for contracts and tenders, measures adopted because of the Covid-19 pandemic, were able to improve the MMFDH's performance in the area, which reached the end of the year without spending 70% of the resource authorized for 2020. This means that R\$120.4 million was authorized and R\$35.4 million (29.8%) was actually spent. The budget for black women was reduced by 80% compared to 2014.

30. According to INESC, this situation was repeated in the following years³⁴, with a slightly better allocation and execution only occurring in 2023 with the end of the Bolsonaro government and the beginning of the Lula government, when the Ministry of Women was re-established, discriminatory decrees were revoked, more resources to women's policies in 2023 were allocated, and the human rights, gender and ethnic-racial perspective in the design of the new PPA 2024-2027³⁵ was reclaimed. The Casa da Mulher Brasileira (Brazilian Women's House) project was resumed, but currently it is only present in eight federative units in the country and concentrated in capital cities or large urban centers³⁶.

31. Another IACHR recommendation that has not been complied concerns the creation and operation of specialized police stations to assist women (DEAM), and support for the actions of the Public

³¹ CNJ; IPEA. *O Poder Judiciário no enfrentamento à violência doméstica e familiar contra as mulheres*, 2019, p. 98.

³² Nota Pública do Consórcio da Lei Maria da Penha e do Instituto Maria da Penha sobre os Projetos de Lei PL 11/2019 e PLC 94/2018, 14/03/2019. Ver também <https://agenciadenoticias.ibge.gov.br/agencia-noticias/2012-agencia-de-noticias/noticias/25518-mesmo-com-lei-maria-da-penha-somente-2-4-dos-municipios-oferecem-casas-abrigo>

³³ On the budget for women in the federal government, see ZIGONE, 2020; ZIGONE, 2020b.

³⁴ INESC. *Análise do Projeto de Lei Orçamentária Anual (PLOA 2022)*. Brasília, setembro de 2021.

³⁵ INESC. *Nota Técnica*. PPA 2024-2027. Brasília, maio, 2023; AGÊNCIA GOV.

³⁶ *Casa da Mulher Brasileira — Ministério das Mulheres* (www.gov.br)

Prosecutor's Office (Recommendation 4d). According to the IBGE's Survey of Basic Municipal and State Information (2019), there are DEAMs in only 8.3% of Brazilian cities³⁷.

32. The lack of a policy to expand the network of specialized police stations has a negative impact on the provision of justice, since the slowness of the investigation can result in the statute of limitations on the crime and denial of access to justice for women suffering violence³⁸. The length of proceedings and the resulting statute of limitations were the most frequently cited difficulties among the women interviewed in a recent study³⁹. We also observe that simply creating new police stations, without other complementary public policies, is not enough to achieve an adequate legal response and meet the needs of women suffering violence. It is also necessary to ensure the proper processing of criminal complaints by the Public Prosecutor's Office, support facilities such as shelters and mental and physical health services for victims, as well as constant and ongoing training for health and justice professionals on issues related to gender and human rights, with a focus on the cycle of gender-based violence against girls and women and other LGBTQ2+ individuals.

33. In 2023, [Act 14.541](#) was passed, establishing changes in the way specialized police stations operate to guarantee 24-hour operation and the provision of psychological and legal support to women experiencing violence. However, implementation has been slow, since it depends on the initiative of the states that often claim a lack of resources, including a shortage of staff.

School curriculum and gender

34. Article 8 of the LMP explicitly mentions the importance of discussing gender and race in order to fight violence. Despite this, since 2014, when a new National Education Plan was being debated, an anti-gender movement has grown in the country. It is present in various legislative and executive initiatives, which seek to prohibit discussion of gender equality in schools. Although they don't directly restrict access to school they interfere with staying at school and result in school drop-outs due to violent practices in the school community or poor reception within the school itself, as well as reinforcing prejudices and discrimination.

35. Thus, there is effectively a movement in Brazil to suppress the approach to gender and sexuality in education, associated with the proposal of what has come to be called "school without a party" and anti-gender laws⁴⁰, which run counter to the constitutional principles that consolidate the rights to citizenship, equality, autonomy, non-discrimination and a life free from violence. This movement has succeeded in passing a number of laws at municipal and state levels which, in 2020, were submitted to constitutional control. In total, there are 16 lawsuits⁴¹ that deal with the prohibition of gender debates

³⁷ [Em 91,7% das cidades do país, não há delegacia de atendimento à mulher | Agência Brasil \(ebc.com.br\)](#)

³⁸ CNJ; IPEA, op.cit. 2019, p. 39 e 48.

³⁹ Idem.

⁴⁰ [Professores contra escola sem partido](#)

⁴¹ Direct Actions of Unconstitutionality (ADIs) No. 5.537, 5.580 and 6.038 (Free School Law of the State of Alagoas); ADI No. 5.668 (National Education Plan - Law No. 13.005/2014); Arguments of Non-Compliance with Fundamental Precept (ADPFs) No. 457 (Law 1. 516/2016 - Novo Gama/DF), No. 460 (Law 6.496/2015 - Education Plan of Cascavel/PR), No. 461 (Law 3.468/2015 - Education Plan of Paraná/PR), No. 462 (Complementary Law 994/2015 - Education Plan of Blumenau/SC), No. 465 (Law 2.243/2016 of Palmas/TO), No. 466 (Law 4.263/2016 of Palmas/TO), No. 466 (Law 4.268/2015 - Tubarão Education Plan), No. 467 (Law 3491/2015 - Ipatinga/MG Education Plan), No. 522 (Laws 2.985/2017 of Petrolina and 4.432/2017 of Garanhuns/PE), No. 526 (Amendment to Organic Law 47/2018 of Foz do Iguaçu/PR), No. 578 (Complementary Law 994/2015 - Ipatinga/MG Education Plan), No. 578 (Complementary Law 994/2015 - Ipatinga/MG Education Plan), No. 578 (Complementary Law 994/2015 - Ipatinga/MG Education Plan), No. 578 (Supplementary Law 9/2014 of Santa Cruz de Monte Castelo/PR), No. 600 (Amendment to Municipal Organic Law No. 55/2018 of Londrina/PR) and No. 624 (Relevant constitutional controversy over norms and initiatives that seek to limit the content of teacher manifestation in the school environment).

in the school curriculum by local legislation. None of the judgments handed down by the Federal Supreme Court in 2020 affirms women's rights to equality, freedom, non-discrimination and non-violence or makes express mention of the Belém do Pará Convention, CEDAW or the LMP. Even so, these decisions have made significant progress in the field of human rights by recognizing the unconstitutionality of such laws for violating the principles of freedom, freedom to teach and learn, democratic management of education, the highest standard of quality in education, free expression of thought and free expression of intellectual, artistic, scientific and communication activity, regardless of censorship or license⁴².

36. With the negative repercussions of the anti-gender thesis in the Supreme Court, the same actors diversified their actions pushing for legislative proposals aimed at: i) allowing home-schooling and promoting the militarization of schools, in addition to segregation by sex/gender after the return to face-to-face classes in the pandemic⁴³; ii) criminalizing "the conduct of anyone who, on the premises of municipal, state and federal schools, adopts, disseminates, carries out or organizes teaching policy, school curriculum, compulsory, complementary or optional discipline or cultural activities that have 'gender ideology' in their content"⁴⁴; and iii) questioning the changes in the 2021 announcement of the National Textbook Program, which excluded reference to "stereotypes and prejudices in relation to social and economic conditions, regional origin, racial and ethnic identity, sexual orientation, gender, age, language and ability"⁴⁵. The issue continues to be widely debated in schools and deliberative spaces, with intense persecution of teachers or education professionals who seek to incorporate debates on gender into their courses in a transversal way, at all levels of education.

37. [Act 14.164/2021](#) amends the National Education Guidelines to include content on the prevention of violence against women in basic education curricula and creates the School Week to Fight Violence against Women. We observe that in order for parliament to pass the law in this form, progressive parliamentarians and the feminist movement had to accept the removal of the term gender, following what has already happened during the legislative debate on the Femicide Law⁴⁶.

38. Although the initiative helps to raise awareness of domestic violence, an awareness week does not comply with Article 5 of the CEDAW, the IACHR's recommendation on the Maria da Penha case, or with the parameter defined by the Belém do Pará Convention. Education should break with social and gender stereotypes that sees women's participation in social life as inferior, and a week of awareness is insufficient in achieving this goal. In addition, according to article 8 of the LMP, the State must strive to promote training and education for education professionals so that they can carry out activities covering the subject of gender-based violence and gender stereotypes in a holistic and comprehensive way.

39. Given the need to create programs able to reducing gender-based violence, the IACHR recommended that Brazil designs, develops and implements educational initiatives, programs and policies, from their formative and initial stages, for citizens, including children, on gender-based discrimination, aiming at eliminating stereotyped patterns of subordination of women and girls, and promoting their rights to non-violence and non-discrimination⁴⁷.

⁴² [STF. Julgadas inconstitucionais leis sobre Escola Livre e proibição de ensino de sexualidade, 2020.](#)

⁴³ [Entidades e movimentos sociais assinam nota pública contra a segregação por gênero em escolas.](#)

⁴⁴ [Projeto criminaliza promoção de “ideologia de gênero” nas escolas](#)

⁴⁵ [Manifesto critica Edital de Convocação do Programa Nacional do Livro Didático](#)

⁴⁶ [Nota do Consórcio da Lei Maria da Penha: “Porque o Substitutivo ao PL 598/2019, e apensos, não deve ser aprovado”.](#)

⁴⁷ IACHR. Report on the Human Rights Situation in Brazil, 2021, op. cit.

Conclusion

40. The international recommendations in the Maria da Penha case are still relevant today given the epidemic levels of domestic violence in the country. Maria da Penha is a symbol of the fight for gender equality. Any attack on her image and person, as has occurred in recent years, has a bearing on the entire policy of promoting gender equality and non-discrimination in Brazil.

41. The LMP is still a milestone in the fight against gender-based violence. Despite this, the complex dynamics of old and new forms of violence signal the need for new normative tools, such as the adoption of general legislation to protect women beyond the domestic dimension, including in social medias.

42. With regard to data on gender-based violence against women, we have seen an increase in practically all its forms and types, particularly with regard to femicide, sexual violence, preventable maternal deaths and political violence. Such data indicates that laws are not enough, and we need to fight for better implementation and effectiveness of the laws and policies in place.

Recommendations

43. Comply with the IACHR's recommendations without delay so that Maria da Penha can obtain an answer as to who caused the unjustified delay in the conduct of her criminal proceedings.

44. Create a unified data system on gender-based violence. To do so, Brazil should convene and coordinate a working group to identify the technical, technological and conceptual obstacles to improving the collection of information.

45. Ensure public servants from all sectors are properly trained on issues of gender-based violence.

46. Draw up a Strategic Plan for the implementation of the Judicial Policy to implement the provisions of Article 2 of CNJ Resolution 254/2018⁴⁸.

47. Create hybrid courts with broad jurisdiction to apply civil and criminal measures to situations of domestic violence against women and their family members.

48. Promote a public hearing in the Judiciary ensuring the participation of civil society, especially black, indigenous, rural and quilombola women's groups, to gather information on the obstacles of access to justice for victims of domestic violence.

49. Monitor legislative proposals on reparations taking into account the characteristics of the crimes and including mechanisms for reparations to victims of attempted murder and bodily injury that incapacitate the victim. It is recommended that prosecutors and judges request and award compensation in favor of the victim's family members as early as the sentencing decision.

50. Adopt measures to prevent gender-based violence against women in its various spheres and populations, including the adoption of adopting a general law to address gender-based violence against women and girls.

⁴⁸ "I - encourage the creation and structuring of judicial units, in the capitals and in the interior, specialized in receiving and processing civil and criminal cases related to the practice of gender-based domestic and family violence against women, with the implementation of multidisciplinary service teams, under the terms of article 29 of Act 11.340/2006"

51. Consider the high rates of intrafamily sexual violence against children and ensure emergency medical and psychological care for victims, including access to legal and safe abortion in the whole country.