



**Brazil -  
European  
UNION**  
Exchange on  
the Programme  
to Combat  
**Domestic  
Violence  
against  
Women**

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# Brazil - European UNION

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Violence  
against  
Women**

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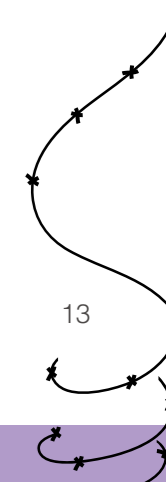
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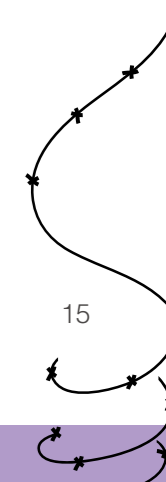
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# ACRONYMS

<b>BDVD</b>	Database of Domestic Violence	<b>GNR</b>	National Republican Guard (Portugal)
<b>CAHRV</b>	Co-ordination Action on Human Rights Violations	<b>LMP</b>	Maria da Penha Law
<b>CAPI</b>	Computer-assisted personal interviewing	<b>MJ</b>	Ministry of Justice
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women	<b>MP</b>	Public Prosecution Service
<b>CICS.NOVA</b>	Interdisciplinary Centre of Social Sciences	<b>OAS</b>	Organisation of American States
<b>CNJ</b>	National Council of Justice	<b>NGO</b>	Non-governmental organisation
<b>CNMP</b>	National Council of Prosecution Services	<b>ONVG</b>	National Observatory on Gender-based Violence
<b>CNPG</b>	National Council of Attorneys-General	<b>PSP</b>	Public Security Police (Portugal)
<b>CNVD</b>	National Register of Domestic Violence	<b>RASI</b>	Annual Internal Security Report
<b>CoE</b>	Council of Europe	<b>SENASP</b>	National Secretariat of Public Security
<b>CPB</b>	Brazilian Penal Code	<b>SGMAI</b>	General Secretariat of the Ministry of Internal Affairs
<b>DEAM</b>	Police Station for Women Affairs	<b>SINESP</b>	National Public Security Statistics System
<b>DGPJ</b>	Directorate-General for Justice Policy	<b>SPM</b>	Secretariat of Policies for Women
<b>EIGE</b>	European Institute for Gender Equality	<b>EU</b>	European Union
<b>ENASP</b>	National Strategy for Security and Justice	<b>UN</b>	United Nations
<b>FCSH</b>	School of Social Sciences and Humanities	<b>WHO</b>	World Health Organisation
<b>FRA</b>	Fundamental Rights Agency		



## FOREWORD

# BRAZIL-EUROPEAN UNION COLLABORATION TO COMBAT DOMESTIC VIOLENCE AGAINST WOMEN

**A**t what point in History did the clash of genders begin, popularly referred to as the War of the Sexes? While a date indicating the century, the year, the season, whether it was day, night or dawn is not known, the fact is that the conflict is quite real and doubly torments the peace and evolution of humanity's civilising journey. Historical records have never reported that men and women have shared an environment of full autonomy or equality. Much to the contrary, the History of humanity reveals a struggle between opposing drivers: on the one hand, the oppressive pretension of men (males) to subjugate women, a thing to be owned, just like an iPhone or a Mercedes. On the other hand, the heroic insurrection of women in the face of such a humiliating reality advances an educationally organised campaign under the banner of feminism and its stages or waves.

Whether you believe it or not, the Bible has shown this strife since the foundation of the world. Precisely on the sixth day God created man and also woman (Gn. 1. 27),<sup>1</sup> but soon the tension between Eve and Adam emerged (Gn. 3. 16)<sup>2</sup>, a retaliation to the divine order not to touch or eat the fruit of the tree in the middle of the Eden. Since their "downfall," men and women have estranged themselves, thus portending the war between the sexes.

If it is impossible to establish precisely the moment when disagreement set in; it is more than irrefutable since it is well known that men and women have clashed their bodies, feelings and spirits in search of the recognition

1. So God created man in his own image; in the image of God he created him; both man and woman created them.

2. And to the woman he said: I will greatly multiply thy grief and thy groanings; in pain thou shalt bring forth children, and thy submission shall be to thy husband, and he shall rule over thee.

of the fullness of each, and it is worth noting that in this struggle where one's victory means everyone's defeat, it was men who scored the most points, and this is what drives this paper as the final report of the Brazil-European Union Exchange Project on the Programme to Combat Domestic Violence.

This involves a flaring oxymoron: as humanity becomes aware that in the course of History men have chased the autonomy of women or, on the other hand, as women come out of the Platonic cave and show themselves in the light in order to get rid of their shadows, there is leeway and momentum to venture into new free paths that are free from submission, from glare, from inequality.

This is undoubtedly about a process which has awakened thanks to the courage of insurgent women who have had the opportunity to see themselves in absolute equality of conditions with men, that is, human beings qualified with the gifts of autonomy, achievement, self-determination. While this movement has not run its course, there can only be reason to put more embers in it, since current developments show that a setback would be impossible.

An example of the struggle against the violence suffered by women has been around for many centuries. I make special note of the fifth century BC, at a time when Aristophanes first performed *Lysistrata* in the city of Athens (411 BC), a comedy called "The Sex Strike (*Lysistrata*), The Women's Revolution."

Athenian *Lysistrata* is sad and restless because she became convinced that men, including her husband, vainly wage a war (Peloponnese, 431-404 BC) that stretches their treasury (Acropolis), all the worse, without her having been given the opportunity to express her thoughts or being heard.

By overcoming her discomfort through reason, *Lysistrata* calls on all women to start a sex strike until the Greeks and the Spartans reconcile. As of the strike, *Lysistrata* spearheads a series of dialogues, at times supported (Calonice, Lampito, Mirrina, the Women's Choir and the Old Woman), and at times challenged (Counsellor, Chorus of the Elders), thereby reaching redemptive terms: end of the war and end of the strike.

At a meaningful length of the text, *Lysistrata* is humiliated by her greatest opponent, the Counsellor (the official voice of the patriarchal sexist tradition), who, among other sarcastic remarks, asks her with overflowing irony: "What got you so concerned about war and peace all of a sudden?"

*Lysistrata* responds:

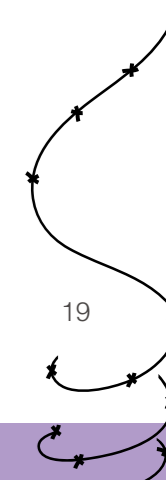
"Before the war, everything you men did, we suffered in silence and dignity because you wouldn't let us make a sound. Not a peep. And then, all the time, we'd hear about all those dreadful decisions you'd be making about some very important issue or other. But, we'd put on a smile to hide the pain and we'd come to you with, "how did parliament go today, darling?" "What's it to you?" My husband would say "Won't you ever shut up, woman?" So I'd shut up."

I would now like to resume the discussion on domestic violence against women, whether in Europe or Brazil. Figures show that violence against women is on the rise; aggressions against women display an upward curve right at the 21st century, which is absolutely repugnant. Given this backdrop, it is imperative to proceed with the fight on violence against women, and this open dialogue between Brazil and Europe can now showcase its good fruits that were sown, planted and harvested, such as was the case of the recent agreement between the CNMP and the Brazilian Federal Attorney General's Office (AGU). Under this pact, the CNMP will provide the EU, through the AGU, with information from its National Register of Domestic Violence (CNVD) on the aggressors of women so that legal or extralegal action can be taken to ensure social security benefits are not paid to offenders.

Well, in this brief presentation I would like to invite the reader to delve into the considerations of the European and Brazilian specialists with a fresh look and a daring spirit. I firmly believe that the indignation about domestic violence against women will generate effects that are commensurate with the commitment of each one of us, with awareness raised of the gender issue by leaving behind this sexist dichotomy in order to embrace the complexity of the full personality of human beings. Change we must. To this very end, I would like to share the general conclusion about *Lysistrata* and her attempt to change the state of affairs:

Chorus of the Elders – Did you hear this audacity?

Chorus of the Women – I'm free.





## SEXISM AND GENDER: A PARADIGM SHIFT<sup>3</sup>

Considering that not all those interested in tackling domestic violence are aware of the background for this problem, I take the liberty to note the paradigm shift already underway in the academic circle and still very little familiar to the daily actors who experience the “war of the sexes.” Violence against women should not be reduced to outbursts of hatred, anger, jealousy, or to sexist clichés. Violence against women is not an aggression hidden in intimacy and, as a result, alien to society. By no means can we accept the cowardly proverb “*em briga de marido e mulher, ninguém mete a colher*” (In a quarrel between a husband and his wife, keep away) nowadays. While History has swept that cruelty under the rug, our contemporary mission is to prevent evil from being camouflaged, minimised, accepted as a private custom.

The analysis of official policies in Europe and Brazil goes to show that violence against women has become a public policy issue over the decades. This publicity of violence against women is reflected in this final report, with examples of public campaigns to address this problem.

Both the European and Brazilian legislations are in line with the notion that violence against women is a far-reaching threat to society, and no longer marital friction that is to be resolved in privacy. The fact that certain offenses that were previously triggered by private criminal action (complaints) are now triggered by public criminal action (reporting) attests to this.

*Ad illustrandum*, see Article 3, (c) and (d), of the Istanbul Convention:

c) “**gender**” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;

d) “**gender-based violence against women**” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately;

All this goes into the evolution of the needs of society, which brought the privacy of the “war of the sexes” to the streets, to the public arena, and then the academic community followed suit and coined the term “gender.”

<sup>3</sup> Art. 3 (c) of the Istanbul Convention: “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;

The gender advent, or gender conflict, is intended to expand the scope of tension between men and women beyond the difference between the sexes. The idea is to identify the diverse sources of this conflict, without it being exclusively associated to the nature of sex, so as to analyse the social, political, geographical, and economic relations forged throughout History and inherited tradition. Hence the argument that the gender issue is of a structural nature by ruling out the reduction of sexism.

So the invitation is made: let’s have the complexity of gender phenomenon override binary sexism.

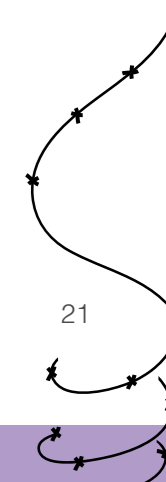
## THE COMPLEX THINKING: A PATHWAY

It is a platitude to justify the reproachable act of a criminal based on their intention. In the case of crimes of violence against women, such a model is commonplace, so much so that the social tradition has ingrained the notion that the murderous husband of an adulterous wife deserves freedom since no other conduct could be expected but murder after an outburst of legitimate anger in response to his wife’s cheating.

This is a binary, Cartesian, reductionist train of thought, doomed to failed involution of an acute mental model that assigned a unique and exclusive effect to each problem at hand. Let his story be remembered only to forget it.

Complex thinking clearly proposes diverse effects for the same cause or vice versa – a series of causes for the same effect. The basic idea is to assume that a social phenomenon is a tangle of facts, causes, and effects that are intertwined, so the best scientist will be the one who envisions the greatest number of connections between causes, effects and facts since they can also see the largest number of alternatives and solutions for the issue at hand.

This world view (or mindset) was developed by Edgar Morin (see Introduction to “Complex Thought”), which lays down three principles in complexity: the Dialogic Principle (complex thinking awakens to the possibility of more than just a path, a proposition that gives leeway to antagonistic and yet complementary strategies); the Principle of Organisational Recursivity (each whirlwind moment is both a product and a producer. The straight-line notion of cause and effect is overridden by the notion of self-production, so the product is connected to the producer and vice versa); the Hologrammatic Principle (the idea of a hologram goes beyond a reductionist view,



which only considers the parts; and a holistic view, which only considers the whole. In a physical hologram, the smallest dot in the hologram image contains virtually all the information in the represented object).

For instance, with regard to violence against women, it would be a cartesianly mediocre act of reductionism to claim that the victim caused the aggression because she wore a dress that was inappropriate to the occasion, in a cruel exercise of oppression. On the other hand, along the lines of complex thinking, the actor would probably inquire into the existence of public policy aimed at tolerance learning.

## PERCEPTION OF DOMESTIC VIOLENCE AGAINST WOMEN IN EUROPE

With a focus on European Union countries, European expert and Professor Manuel LISBOA chose the Istanbul Convention as the legal reference to look into the experiences of Portugal, Austria, Finland, Italy, and Lithuania.

According to Professor LISBOA, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence was adopted in 2011 in Istanbul. It covers the following issues: protection and support for victims of violence (Articles 18 et seq.); investigation, prosecution, procedural law and protective measures (Article 49 et seq.); (Article 12 et seq.) and data collection and research (Article 11).

Official figures warrant such a preoccupation with domestic violence against women in Europe, given that 33% of European women have been victims of physical violence after the age of fifteen (15). In Lithuania, 35% of women admitted to having suffered some form of sexual harassment. In Finland, 53%. In Austria, 20%. In Portugal, 33%. Finally, in Italy, 27%.

What have these countries done to tackle this?

In 2006, Lithuania adopted the National Strategy for the Elimination of Violence against Women, with three-year plans spanning into 2015, to which a new national programme covering 2014-2020 was added.

Finland has developed policies to prevent violence against women since 1998, where gender equality is a priority. In addition, it has developed programmes based on inputs from various agencies, where the focus is the risk of violence.

In 1997, Austria enacted a law to protect victims of domestic violence and has since been developing programmes such as the National Strategy for Preventing Violence in Schools.

Portugal has reported tremendous progress in combating and tackling violence against women through a legislative policy launched in 1982 with the typification of spouse abuse as a crime. However, the Portuguese Penal Code was not amended until 2007 to incorporate the crime of domestic violence against women.

In parallel with the legislation, the Portuguese government focused on the fight and prevention of domestic violence crimes by implementing the National Plans Against Domestic Violence, which are now in their fifth version (2014-2017), in line with the principles of the Istanbul Convention.

Italy reinforced its policy to tackle the crime of violence against women in 1996, when it stated that in cases of violence against women, the legal subject was the person, and not public morality.

Despite the fact that Finland did not have any on-site participation in the project, Professor LISBOA provided the investigation with a couple of good practices from the country. First, Professor LISBOA reports on the MARAC (Multi Agency Risk Assessment Conference) model of risk assessment and victim protection. Under the MARAC intervention model, entities with a permanent participation share information to assess the degree of risk of revictimisation and monitor the effectiveness of the actions taken. Secondly, the European expert mentions the policy of prevention adopted by Finland in 2016 based on the “You cannot wipe off violence” campaign.

Austria also provides a good practice, where the prevention of domestic violence is based on three pillars: primary (educational projects in general), secondary (identifying risk factors) and tertiary (avoiding revictimisation).

Portugal prioritises information, awareness raising and education as preventive tools by encouraging volunteer work with risk sectors, as in the case of young people and the elderly. For instance, since 2006 security forces have been feeding the domestic violence database (BDVD), including a risk assessment.

After discussing the state of affairs in these European countries, LISBOA draws his conclusions: Violence against women is a human rights issue (i). Since only a small number of victims report violence cases to the public authorities, it is imperative to recognise that administrative data are limited, thus shifting the focus to victimisation surveys based on interviews, surveys, and censuses (ii). Violence against women involves a gender element, so it is structural violence based on gender inequalities and perpetrated repeatedly by various generations over time, resulting in a need to develop prevention strategies that reflect a new intervention approach in the short term (integrated and immediate protection), the medium term (a sense of security) and the long term (education for equality) (iv).

## PERCEPTION OF DOMESTIC VIOLENCE AGAINST WOMEN IN BRAZIL

The expert for Brazil, sociologist Wânia PASINATO, began her investigation by denouncing an information gap in the Country, which is further compounded by the multiple methodologies that prevent a reliable and accessible picture from being developed. In addition to the obvious consequences that make data processing difficult, it cannot be known whether the public funds allocated to address the issue are adequate and sufficient to deal with the complexity of the issue, PASINATO warns.

PASINATO argues that this is the background against which the Brazil-European Union Exchange project on Programmes to Combat Domestic Violence operates, whose seminal proposal was to focus on the issue of data gathering and the challenges of establishing national databases based on the experience involving the National Register of Domestic Violence (CNVD) and the Femicide Seal.

The international human rights frameworks that underpinned the analysis conducted by PASINATO were the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, UN, 1979) alongside the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women (Belém do Pará Convention, OAS, 1993).

Internationalisation of the Human Rights of Women has been a source of inspiration for the relevant Brazilian legislation. This is illustrated by Law No. 11,340 of August

7, 2006 (Maria da Penha Law), which entered into force in 22 September 2006, and Law no. 13.104, dated 9 March 2015, which entered into force on 10 March 2015, upon its enactment.

The backbone of domestic legislation is consistent with the core principles of European law, moving towards a revision of laws and public policies; legal instruments to tackle the various forms of violence against women, regardless of the settings where they occur, the relationship between victims and perpetrators, the age of the victims or any other marker of social inequality, race, colour, ethnicity, class, nationality, religion, sexual orientation, identity, etc.

With a focus on the structure of the gender issue, PASINATO maps a social fact: violence against women is no longer a privacy issue to be publicised as part of the gender phenomenon, which has made this type of violence a public policy problem.

Based on the raised profile of violence against women, PASINATO criticizes the development of data on violence against women in Brazil. By way of example, she mentions that only one victimisation survey has been conducted (2010), and goes on to look into the National Register of Domestic Violence (CNVD) and the Femicide Seal with a magnifying glass.

Regarding the National Register of Domestic Violence (CNVD), the scope of PASINATO's work goes from the historical moment of its creation until its official implementation upon enactment of CNMP Resolution 135, of 26 January 2016, which she considers to be extremely useful.

An advantage was improved access to qualified data on domestic violence against women. In addition, the local-national arrangements with a state and a national database help promote the debates at both the national and local level, which also holds true for the Femicide Seal.

Regarding disadvantages, PASINATO listed its negative aspects: (i) lack of training programmes; (ii) lack of political will to prioritise the CNVD; (iii) scope of analysis limited to officially reported crimes, not taking into consideration underreporting; (iv) poor interoperability between the State database and the national database.

Finally, the expert for Brazil mentioned proposals for improvement and follow-up during implementation of the CNVD: (i) the need for professional training to raise

awareness of requests for data based on the gender protection policy; (ii) a review of the number of fields to be completed; (iii) improved interoperability between the national and local systems; (iv) preparation of the CNVD to serve as the basis for a risk assessment questionnaire; (v) official and written publication of CNVD's specific objectives; (vi) a questionnaire-based evaluation of CNVD's implementation with States; (vii) standardisation of national and local data; (viii) the need to include the nature of domestic violence – physical, psychological, sexual, economic and/or social violence; and (ix) the creation of a collaborative environment with society and the academic community.

As for Femicide, PASINATO appreciated the initiative taken by the Public Prosecution Service of the State of Rio de Janeiro in 2016 to set up the Special Group to Combat Homicide of Women (GECOHM), thus supporting a specialised approach to address gender violence.

## IN CONCLUSION

I am fully aware that this foreword stretched far beyond the conventional length. I am about to finish. But before I finish I would like to revisit Lysistrata. Challenged by the Counsellor on how she would solve the problems of war, she predicted:

We shall undo all this turbulence just like we undo the knots in a ball of wool. We simply pick up the spindles and we pull one thread this way, another that way, another this way, another... Simple! That's how we'll get rid of all the knots. We'll send out some embassies here, some embassies there.<sup>4</sup>

What we are doing here and now is to let the past and the present speak, both in turbulence, to reinvent concepts and act boldly in the wake of Aristophanes' Athenian character:

You simply wash the city just like you wash wool. First, you put the wool into the tub and get rid of all the daggy bits, all the crap around its bum. Then you put it on a bed, take a rod and scrutch and bonk all the burrs and spikes out it. All those burrs and spikes that have gathered themselves into tight knots and balls and are tearing and tangling the wool of State, well, you just tease them out of there. Rip their heads off! Then, off for the

4. ARISTOPHANES, *Lysistrata*, vv 574-85.

combing. You put all the wool together into one basket. All of it! Friends, foreign or local, allies -anyone who's good for the State. Drop them all in there. As well as our citizens from the colonies. Consider them, too, as part of the same ball of wool, only separated from each other. So, what with all those colonies joining the ball, you'll be able to weave a cloak big enough for the whole city.<sup>5</sup>

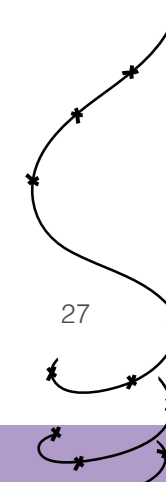
The final report is certainly not intended to present a silver bullet solution to this millennial problem. It was never the intention. On the other hand, like Lysistrata's ball of wool, this report denotes the end of the first step in gathering tools, good practices, initiatives, all of them combined in the search for the integrity of women.

## THANK YOU VERY MUCH

The time has come for the indispensable acknowledgements.

Ambassador João Cravinho, a Portuguese in his nationality, but a Brazilian at heart, played a key role in this project. My most sincere and heartfelt thank you go to you. Without him, none of this would have been possible. The dream would not have come true. I will take this opportunity to recall the occasion when I had my first meeting with Ambassador Cravinho – a kind and friendly gentleman who is extremely sensitive to the problems of humanity. When we first met, I showed him the project I had in mind, and from the outset he went to great lengths to help. He fielded his team to make the exchange of experiences between Brazil and the European Union possible. Maria Rosa Sabatelli, her faithful squire, tirelessly, skilfully and very efficiently led, along with Eneida Freitas, the whole team involved in the Sector Dialogues. Carolina Hagen, Noelia Barriuso and Elisa Natola – all from the Sector Dialogues programme – were instrumental in ensuring that these efforts bore much more fruit than initially expected. Special thanks go to Elisa Natola, who ensured the project was always on track by following the milestones of the project virtually on a daily basis. I thank you all, and at this point I must reiterate that this book, all the studies discussed in it and the exchange of experiences between Brazil and the European Union were only possible thanks to the fundamental support that the project received from the Sector Dialogues Facility, which is superbly conducted by the Delegation of the European Union to Brazil (DELBRA).

5. ARISTOPHANES, *loc. cit.*



The Ministry of External Relations (MRE) also played a key part in giving its blessing to the project given its international reach. Their quick and prompt help in the analysis of what we intended to achieve was an important factor to secure the partnership. I would like to thank the following members of MRE: Mr. Edson Faustino, Special Advisor to Minister of Foreign Affairs Aloysio Nunes; Minister Carlos Luís Dantas Coutinho Perez, Director of the Department of Europe; and Counsellor Viviane Balbino, Head of the Southern Europe and European Union Division.

I would also like to thank Deputy Secretary of Management Aline Soares from the Ministry of Planning for her support, and to congratulate her for managing so competently a partnership project that is so important to Brazil such as the Sector Dialogues Facility.

I must also express my acknowledgements to Secretary Fatima Pelaes from the National Secretariat of Policies for Women for having decided without any hesitation to join forces with the CNMP to tackle domestic violence. I am confident that moving forwards together can only bring the best results.

I would also like to thank the Europeans who took part in this fruitful exchange of experiences under the Sector Dialogues Facility: Rugile Butkeviciūtė; Maria Ludovica Tranquilli-Leali, Siusi Casaccia, João Lázaro, Frederico Moyano Marques, and Professor Manuel LISBOA.

The experts who worked on this project and who drafted this magnificent final report – Professor Manuel Lisboa and the sociologist Wânia Pasinato – deserve hearty congratulations for their fine work. They watched the initiatives closely and successfully put out an in-depth descriptive study with recommendations without which we could not make any headway.

I must also commend Ms. Maria da Penha. Maria da Penha has been following our efforts and actively participating in the project. At the meeting we had in Fortaleza, she witnessed the hard work of members of the Brazilian Public Prosecution Service alongside with the CNMP in enhancing the CNVD. And for all of us involved in the matter, she is a sheer source of inspiration. Thank you so much for your support, for being there for us, and I hope we can continue to move forwards together.

Last, but not least, I would like to express my deepest thanks to the CNMP team, which has been involved in the fight against domestic violence with full enthusiasm and commitment. Hence, I would like to thank Mr. Maurício Andreiuolo, Regional Prosecutor of the Republic and an auxiliary member of the Commission for the Defence of Fundamental Rights; Dr. Heverton Aguiar, Prosecutor from Rondônia and collaborating member of the CDDF, and to CNMP officials Wilfredo Pacheco and Felipe Sabino.\

Rio de Janeiro, summer 2018.

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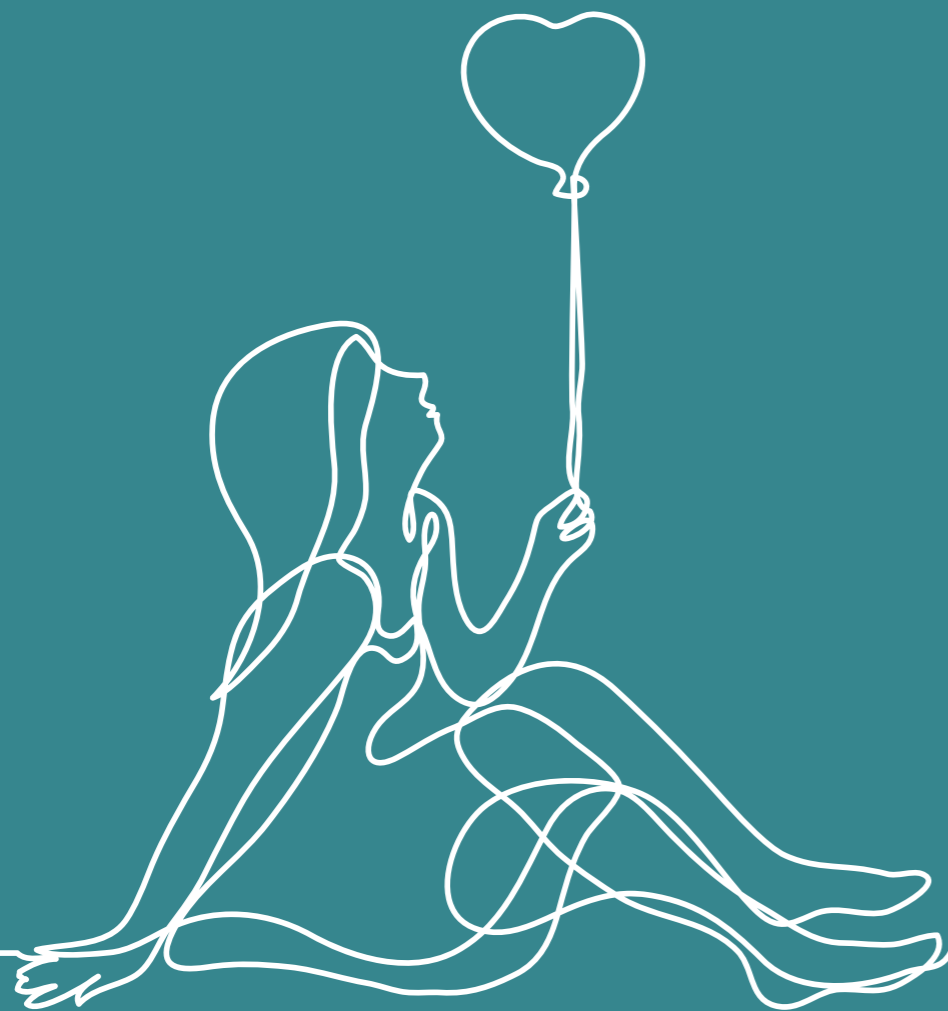
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## I. OVERVIEW



### 1. Introduction

In recent decades, violence against women has come to be recognised as a large-scale social phenomenon that has a social, political and economic impact on countries whose territories have long witnessed the weight of violence perpetrated under the pretext of cultural, religious and social practices that conceal male control and domination over women.

Thanks to the actions by social and feminist movements and academic studies, over the past few years violence against women has gone beyond academic and activist circles and became a humanitarian issue as it worked its way into major UN documents and regional human rights protection systems.

One can trace the recent history of recognition of this violence as a violation of human rights to some international human rights frameworks whose inception dates back to 1975, the year of the First Conference on Women's Rights (Mexico, 1975), when the Decade for Women (1975-1985) was proclaimed. Back then, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) was adopted as a framework for Member States to look into and eliminate cultural, political, social, and economic aspects limiting free and healthy development of girls and women.

In the 1990s, the Human Rights Conference (Vienna, 1993) brought discrimination and violence against women to the forefront of the United Nations agenda, with the recognition that "the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights." The Declaration on the Elimination of Violence against Women (1993) laid out new commitments for Member States, and the Fourth Conference on Women's Rights (Beijing, 1995) proposed a new perspective on discrimination and violence against women by naming them as the results of gender-related social inequalities constructs based on noticeable differences between genders.

As this topic was re-framed under the International Human Rights Law, the widely held justification that violence against women should be approached as a private matter, as part of domestic and family relations and outside the reach of State intervention was debunked. As of the 1990s, the issue made its way into national, regional and international political agendas for good.

Within the Regional Human Rights System, the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women (Belém do Pará Convention, OAS, 1993) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, 2011) are two key instruments to tackle violence against women.

At the local level, national governments urged to implement international human rights mechanisms carried out legislative changes and put in place public policies, programmes, services, and actions aimed at responding to violence against women, especially domestic violence.

In particular, both conventions – Belém do Pará Convention and Istanbul Convention – have made important contributions by proposing new standards for governments' responses in tackling violence against women and girls based on the holistic perspective expressed in four pillars: prevention, protection of victims and promotion of rights, due process of law, and the prosecution of those involved in crimes. This also includes production of information that serve the purpose of both shedding light on the facets of violence as a social phenomenon and monitoring and evaluating public policies to address this issue.

This brief background shows that it took less than 20 years to lay the foundation that would lead to recognition of gender-based violence against women as a social issue. Tackling it relies on both public policies and actions to promote equality between men and women.

The experiences of the various countries in the implementation of public policies to combat and prevent violence, protect victims, and expand scientific knowledge on the matter that support such actions are uneven and involve multiple time lags due to varying levels of awareness of the need to intervene, or of changes in circumstances that, even if they delay processes, will never jeopardise the future goal of building a more equal and fairer society for women and men from a human rights perspective.

Brazil and European Union countries also have uneven experiences in that regard. Hence, awareness of the social context of this phenomenon, including its prevalence and associated legal procedures, as well as actions taken to protect victims, combat and prevent it in various countries helps provide a more holistic view of the background against which these policies need to be implemented. As we now know, this is about intervention policies that require robust scientific knowledge of the environment where

they are to be implemented to ensure they are effective. As such, a critical analysis of the good practices adopted by the countries covered by this study is expected to help implement new measures or enhance existing measures to allow for effective and firm interventions to address this major social scourge, i.e., violence against women, domestic violence and gender-based violence.

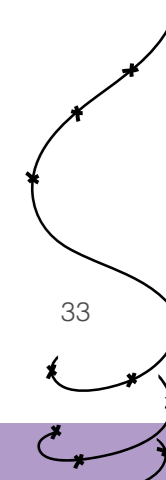
## 2. Goals

This Final Report reflects the paramount goal of the European Union-Brazil Dialogues project: “to deliver justice for women, especially with regard to crimes involving domestic gender-based violence.”<sup>6</sup> As mentioned in the initial document, the approach consisted of greater focus on the national register of domestic violence, as well as the “femicide seal,” as the ultimate indication of the life-threatening situation of female victims.

In particular, the comparative analysis of Brazil-European Union was intended to contribute to the improvement of Brazilian and European initiatives regarding development of statistics to be used in the implementation, monitoring and evaluation of policies to fight domestic violence and femicide. Scientifically controlled information stored in accessible and reliable statistical databases is fundamentally important for the full implementation of specialised regulations to tackle violence against women, including actions in the pillars described above: prevention, protection of victims and promotion of rights, investigation and prosecution of those accused of such crimes. Hence, design and deployment of national information systems should both help in the development of policies by the relevant authorities and monitoring institutional responses to violence against women, domestic violence and gender-based violence.

This Final Report embodies the documentation and analysis of relevant experiences for the Project carried out by experts on an ongoing dialogue process, both in Brazil and in the selected European Union countries (Portugal, Italy, Lithuania, Finland, and Austria). This focused on the National Register of Domestic Violence and the Femicide Seal with a view to improving their frameworks, methodologies, variables, and strategies for data implementation and dissemination.

6. This book is the culmination of a project supported by the Sector Dialogues programme under the Delegation of the European Union to Brazil (DELBRA).



### 3. Methodology

The investigation methodology was essentially based on the collection, processing and analysis of relevant literature and on interviews with privileged informants from the selected countries. In the case of Brazil, two experiences were also documented by the Public Prosecution Service of Paraná and the Public Prosecution Service of Rio de Janeiro regarding the filing of domestic violence and femicide reports, respectively. These experiences will be described in a separate section of this report.

The sources of documents are both qualitative and quantitative. The former includes relevant academic books and papers, official documents (conventions and policy guidelines issued by international agencies; regulations; national, regional and municipal plans; and documents released by organisations and institutions) and reference research reports at the international, national, regional, and municipal levels. The latter includes data from the criminal investigation, where available, as well as information on Official Statistics and Administrative Databases (Law Enforcement, Courts, NGOs, Health Care, and Education). Both primary and secondary sources will be explained at the end of the document.

The critical analysis of these sources focused solely on the valid and reliable information contained in them. The literature helped develop a historical reconstruction of domestic violence and femicide cases to be recognised as social problems that require public policies to tackle them, as well as a comparative analysis across the countries.

We would also like to point out that this Final Report was preceded by an Action Plan and two Interim Reports, the contents of which are herein reflected.

The following chapters contain the texts on the European Union and Brazil that were prepared by the European expert and the Brazilian expert, respectively, followed by the findings, bibliographic references, and steps going forward.

### 4. Definitions

A multitude of definitions is available for the concepts related to violence against women, domestic violence and gender-based violence as the European Institute for Gender Equality (EIGE) has recently shown regarding the concepts of rape, femicide and intimate partner violence (EIGE, 2017b), and the same holds true for Latin American countries, including Brazil. Although variations are not substantial in theoretical terms, the lack of unified criteria to operationalise the concepts raises major issues in terms of reliable comparability between the countries. Indeed, although in general terms most EU countries share an understanding of most concepts, their operationalisation and the associated legal definitions may pose constraints in terms of data comparability.

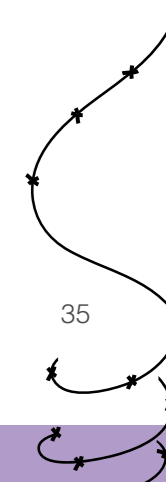
In fact, these challenges prompted the United Nations to develop guidelines for the collection of statistical data based on citizen surveys to gauge the extent, prevalence and incidence of violence against women. The guidelines include recommendations on the topics to be surveyed, data sources, relevant statistical classifications, findings, questions, etc. (UN, 2014).

In light of the above, whenever useful and possible, we will seek to present not only the theoretical definition of concepts, but also the best way to operationalise them, in particular from an empirical perspective.

We believe that this not only provides a more adequate view of the constraints involved in some of the concepts currently in use, but also suggestions about the way forward.

It should also be noted that studying complex phenomena such as domestic violence and gender violence requires, on the one hand, conceptual rigor by taking the existing knowledge into consideration at all times, particularly academic knowledge and, on the other hand, in the case of a multidimensional phenomenon, a holistic approach is required that takes into account all the known aspects of the phenomenon – prevalence, economic and socio-cultural characteristics of the actors involved and the settings, causes and consequences of violence.

While this has been the prevailing scientific investigation approach, it is not always the case in the public policy and other arenas to address that social issue. There is often a gap between the legal definitions of concepts and the knowledge available about





them. This gap has been closing in some countries as they incorporate the results of scientific investigation, which is now being advocated by several legal scholars.

The statements made earlier were not meant to say that the legal definitions do not matter. They undoubtedly do as this is now commonly recognised by the academic community as well, but they do have limitations that need to be taken into consideration in order to drill deeper into the issue, especially vis-à-vis an effective intervention to address it. They have the advantage of establishing a minimum framework for defining the concepts by fixing them in time and space and allowing subsequent developments.

We will start with two key concepts for our discussion: crime and violence. In fact, although often used as similar concepts, they are different (Lisboa, 2009). In a given society at a given time, some acts are defined by law as crimes without being framed as violent. On the contrary, some acts are experienced and framed as violent by a given society or segment thereof, and are not criminalised.

CRIME	
Theoretical Definition	Every event described and declared as a criminal offense by a law that was enacted prior to the time it was committed (DGPJ, 2012).

When applied to violence against women, international treaties and the comprehensive approach proposed to all forms of gender-based violence emphasise that, whether or not they are criminalised, the various attacks on the physical and moral integrity of women on a gender basis shall be considered as a violation of human rights that require government action (Pasinato and Lemos, 2007).

VIOLENCE	
Theoretical Definition	<p>The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation (WHO, 2017).</p> <p>Several academic studies add the perspective of violence as a “social representation,” which is a significant driver of an individual’s action.</p>

Below is a set of concepts to refer to the various forms of violence against women. They are also used in legal contexts. They also provide modes of statistical operationalisation based on acts against women that should be considered as arising from power inequalities. The acts described here are examples of situations experienced by women and can be found in the investigations that are based on prevalence and incidence surveys and on research work drawing from official Security, Justice and Health Care records.

PHYSICAL VIOLENCE	
Theoretical Definition	Bodily harm suffered as a result of the application of immediate and unlawful physical force. It encompasses violence resulting in the death of the victim (CoE, 2011b).
Empirical Operationalisation	The minimum list of acts of physical violence to consider encompasses: Slapping; Throwing objects; Pushing, shoving, pulling hair; Hitting with an object; Hitting with fists; Kicking, biting or beating up; Choking or burning; Threatening to use a gun, knife or other weapon; Using a gun, knife or other weapon. Other acts considered to be relevant to the specific context of each country (e.g. acid attacks) (UN, 2014) should also be included.

PSYCHOLOGICAL VIOLENCE	
Theoretical Definition	Any intentional conduct that seriously impairs another person’s psychological integrity through coercion or threats. Its most significant characteristic is an abusive pattern of behaviour occurring over time – within or outside the family. It not only affects individuals’ mental health and their social networks, but also deprives them of opportunities for future personal, social and economic development (EIGE, 2017a).
Empirical Operationalisation	It includes acts of emotional abuse and controlling behaviour. The minimum list of acts of emotional abuse to consider encompasses: Insulting her or making her feel bad about herself; Belittling or humiliating her in front of other people; Deliberately scaring or intimidating her; Threatening to hurt her or others she cares about. The minimum list of acts of controlling behaviour to consider encompasses: Isolating her by preventing her from seeing family or friends; Monitoring her whereabouts and social interactions; Ignoring her or treating her indifferently; Getting angry if she speaks with other men; Making unwarranted accusations of infidelity; Controlling her access to health care; Controlling her access to education or the labour market (UN, 2014).

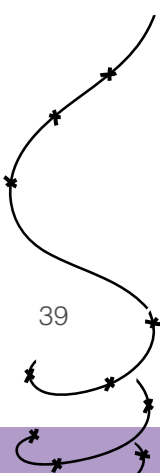
SEXUAL VIOLENCE	
Theoretical Definition	Any non-consensual sexual act or attempt to obtain an act of a sexual nature that is performed on another person without her or his freely given consent, irrespective of the relationship between the perpetrator and the victim, in any setting, including but not limited to home and work. Acts of sexual violence attack the right to sexual freedom, autonomy, control, integrity and security, as well as the right to experience pleasure and to have a healthy, safe and satisfying sexual life. At the same time, these rights are intimately related to reproductive rights, such as the freedom and autonomy to decide when to have children, how many children to have, and which contraceptive to use (EIGE, 2017a).
Empirical Operationalisation	The minimum list of acts of sexual violence to consider encompasses: Rape (non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object, including through the use of physical violence and by putting the victim in a situation where she cannot say no or complies because of fear); Attempted rape (attempting to have non-consensual sexual intercourse through the use of force or threats); Intimate touching without consent; Sexual acts other than intercourse forced by money; Sexual acts other than intercourse obtained through threats of physical violence; Sexual acts other than intercourse obtained through threats to the wellbeing of family members; Use of force or coercion to obtain unwanted sexual acts or any sexual activity that the female partner finds degrading or humiliating (UN, 2014).

ECONOMIC VIOLENCE	
Theoretical Definition	Any act or behaviour which causes economic harm to the partner. Economic violence can take the form of, among others, property damage, restricting access to financial resources, education or the labour market, or not complying with economic responsibilities, such as alimony (EIGE, 2017a).
Empirical Operationalisation	The minimum list of acts of economic violence to consider encompasses: Denying access to financial resources; Denying access to property and durable goods; Deliberate non-compliance of economic responsibilities, such as alimony or financial support for family, that could result in considerable exposure of the victim to poverty and hardship; Denying access to the labour market and education; Denying participation in decision-making relevant to economic status (UN, 2014).

VIOLENCE AGAINST WOMEN	
Theoretical Definition	Described as a violation of human rights and a form of discrimination against women including all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life (CoE, 2011a).  Violence against women encompasses, but is not limited to, the following: a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs (UN, 1993).

DOMESTIC VIOLENCE	
Theoretical Definition	All acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim (CoE, 2011a).
Empirical Operationalisation	All acts of physical, sexual, psychological or economic violence perpetrated by family members, with or without cohabitation, including kinship relationships.

The concept of domestic violence emerged initially in the social sciences and was intended to show that the private arena was not only a source of protection for women, but also a producer and reproducer of violence and power relations. Hence, more important than the forms of violence perpetrated, from a conceptual point of view the framework of patriarchal theories such as public/private, production/reproduction, male domination/female submission dichotomies should be considered as the basis for the definition of the various types of violence. Since this is a foundational concept for this exchange project, it deserves some additional information, particularly with regard to how it is defined in each of the countries covered in this analysis.



In **Lithuania**, domestic violence refers to physical, psychological, sexual or economic acts or other intentional influences on a person through acts or omissions that result in physical, property or non-pecuniary damages. Domestic violence is defined as violence committed by persons currently or previously linked by marriage, partnership, affinity or other close relations, also the persons having a common domicile (Republic of Lithuania, 2011).

**Finland** does not have a legal definition for domestic violence (or intimate partner violence), and this is covered under assault and battery in Criminal Law.

**Austria** does not have a legal definition for domestic violence, even though it is considered as the most common form of violence against women, which can be of a physical, psychological, sexual, economic or social nature (Ministerium Frauen Gesundheit, 2017).

Based on Article 152 of the Portuguese Penal Code, **Portugal** punishes as domestic violence those who repeatedly or otherwise inflict physical or psychological abuse, including physical punishment, deprivation of liberty and sexual offenses: a) to a spouse or former spouse; b) to a person of the same or of a different sex with whom the perpetrator currently has or previously had a dating relationship or a relationship analogous to that of spouses, even without cohabitation; c) to the parent of common descendant of the 1st degree; or d) to a particularly defenceless person, on account of age, disability, illness, pregnancy or economic dependence, with whom the perpetrator cohabits (Portuguese Republic, 2007).

In **Italy**, the legislation covers various forms of violence against women, including domestic violence, sexual violence, female genital mutilation, stalking, and trafficking in human beings. Regarding domestic violence, the law enacted in 2001 (Law 154/2001) refers to acts perpetrated by family members. These acts refer only to physical and psychological violence<sup>7</sup>. This law is called *misura contro la violenza nelle relazioni familiari* (Measures against violence in family relations), and it is the only law in the Italian Penal Code that refers specifically to domestic violence. It is a key milestone in the legal history of combating this type of violence since it provides, for the first time, for measures of victim protection, such as removal of the aggressor from the household (Barazzetti, Garreffa, Marsico, 2007). It is also important to point out that there are other regional laws to combat violence against women, including domestic

violence. In view of its cultural and socioeconomic characteristics, some regions are administratively autonomous and therefore have complementary legislation. These include Lazio, Friuli Venezia Giulia, Emilia Romagna, Campania, Abruzzo, Basilicata, Liguria, and Calabria.

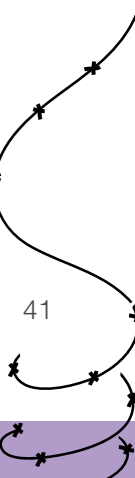
In **Brazil**, the legislation differentiates between two types of domestic violence. Domestic violence as a crime described in the Penal Code first appeared in 2004 (Law 10886), which added a new paragraph to Article 129, which covers physical injuries such as: “To harm the physical integrity or health of another person (paragraph 9) if the harm is against an ascendant, descendant, sibling, spouse or partner, or someone the perpetrator currently lives or previously lived with, or when the perpetrator takes advantage of domestic relations, cohabitation or hospitality.”

Despite its recognition of the unique characteristics of domestic violence, the new criminal description failed to recognise violence based on gender inequality or the fact that most victims of domestic violence are women and girls. Finally, it limited domestic violence to one criminal offence – assault and battery.

In 2006, the Maria da Penha Law defined domestic violence as violence occurring “I - within the household, i.e., the venue where persons live together on a permanent basis, either with or without family ties, including those sporadically aggregated, II - within the family, i.e., a community comprised of individuals who are or consider themselves to be related, united by natural bonds, by kinship ties or express will; III - in any intimate partner relationship, in which the aggressor currently live or has previously lived with the victim, regardless of cohabitation.”

The legal definition of domestic and family violence in Brazilian law draws substantially from the Belém do Pará Convention, limiting it, however, to domestic, family and intimate partner relationships. A difference in comparison with other laws in Latin America on domestic and family violence (first-generation laws) is the fact that Brazilian legislation deals only with violence against women, bringing the gender perspective to the foreground in its legal and conceptual categorisation.

7. Sexual violence does not qualify as crime of domestic violence since it is considered as an autonomous crime in the Italian Penal Code (Law 15, February 1996, Article 66: Norme contro la violenza sessuale) (Rules against sexual violence) ([http://www.salute.gov.it/imgs/C\\_17\\_normativa\\_1557\\_allegato.pdf](http://www.salute.gov.it/imgs/C_17_normativa_1557_allegato.pdf)).



INTIMATE PARTNER VIOLENCE	
Theoretical Definition	A pattern of assaultive and coercive behaviours, including physical, sexual and psychological acts, as well as economic coercion, which adults or adolescents may use against their intimate partners without their consent (EIGE, 2017b).
Statistical Operationalisation	Any act of physical, sexual, psychological or economic violence that occur between former or current spouses or partners, with or without cohabitation (CoE, 2011a).

The Maria da Penha Law defines violence in intimate partner relationships as violence that occurs in marriage (formal or otherwise), or in current or past dating relationships, regardless of whether there was cohabitation. The law applies to all women, regardless of their sexual orientation, thus recognising homosexual relationships between two women. Jurisprudence has secured enforcement of the Maria da Penha Law in the case of transgender women, provided that violence occurs in domestic, family or affective relationships. This makes the concept broader so as to encompass gender identity.

GENDER VIOLENCE OR GENDER-BASED VIOLENCE	
Theoretical Definition	All violence directed against a woman because she is a woman or violence that affects women disproportionately (CoE, 2011a).
Statistical Operationalisation	Violence directed against a person because of that person's gender, gender identity or gender expression, or which affects persons of a particular gender disproportionately is considered to be gender-based violence. It may result in physical, sexual, emotional or psychological harm to the victim, or cause them economic loss. Gender-based violence is considered to be a form of discrimination and a violation of the victim's fundamental freedoms. It encompasses intimate partner violence, sexual violence (namely rape, assault and sexual harassment), human trafficking, slavery and various forms of harmful practices, including forced marriage, female genital mutilation and the so-called "crimes of honour" (EP & CEU, 2012).

Regarding the concept of femicide, some additional considerations should be made. First, the terminology itself – should we use the term ‘femicide’ or ‘feminicide’?

The term femicide stems from feminist discourse and theory, and has largely been disseminated through the work of Diana Russell, who defined it as the misogynistic killing of women by men (Russell, 2001). The concept of ‘feminicide’ emerged as an alternative to the gender-neutral term ‘homicide’ to emphasise gender-specific violence against women (Kaye, 2007).

The profile of femicide has risen dramatically from the events of Ciudad Juárez and Chihuahua, Mexico, where it is estimated that more than 370 young women were murdered in 1993-2004, with one third suffering sexual violence (Amnesty International, 2005). Many of the deaths involved torture and mutilation (Fregoso, 2000). It is against this backdrop that Marcela Lagarde puts forward the concept of femicide. Since the translation of the English term *femicide* into the Spanish language results in *femicidio*, which designates solely the murder of women, congresswoman and feminist scholar Marcela Lagarde advocates for the use of the term ‘feminicide’ so as to encompass the notion of violation of women's rights, thus considering these killings as genocide of women, which occurs when certain historical conditions generate social practices that allow attacks on the lives, health and freedom of women (Lagarde and de los Ríos, 2010). As Rosa-Linda Fregoso and Cynthia Bejarano argue, the term ‘feminicide’ is based on the notion of ‘femicide’, defined as the “the killing of females because they are females,” thereby adding other social and cultural aspects. First, these killings are founded on a gender power structure; second, they occur in both the public and private spheres, which implicates not only the perpetrators but the State itself; and finally, they involve systemic violence rooted in social, political, economic, and cultural inequalities. As a result of this, the focus is not only on gender but also on its interplay with racism and economic inequalities, both at the local and global levels (Fregoso & Berajano, 2010).

Although the discussion on the distinction between femicide and feminicide can be sustained academically, it seems that in terms of their operationalisation the two concepts are very close. Indeed, there is no such distinction in the English language literature. In any case, since the purpose of this study is to help improve public policies on violence against women in Brazil, we will choose to use the term *feminicide* (*feminicidio*), since this is the most commonly used term in South American countries. It should be borne in mind, however, that the term is not used either in the English language literature or within European institutions.

Although no legal definition has been identified in any of the EU countries, definitions of femicide abound (see EIGE, 2017b: 17-20). The EIGE proposes the following definition: “The killing of a woman by an intimate partner and the death of a woman as a result of a practice that is harmful to women. Intimate partner is understood as a former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim.” However, this definition seems to be reductive since it limits femicide significantly to the relations of intimacy. Moreover, as the EIGE itself points out in its report, intimate femicide (perpetrated by former or current partners) is but one of the components of femicide, which encompasses, for instance, sexual murder, killings of prostitutes, killings in name of honour, and female infanticide.

In view of the above, and considering that there is no consensus definition, we propose that the definition in the Vienna Declaration be used, since it contains all the elements found in the other definitions and is sufficiently descriptive to allow its operationalisation:

FEMINICIDE	
Theoretical Definition	The killing of women and girls because of their gender, which can take the form of, inter alia: the murder of women as a result of IPV; the torture and misogynistic slaying of women; killing of women and girls in the name of honour; targeted killing of women and girls in the context of armed conflict; dowry-related killings of women; killing of women and girls because of their sexual orientation and gender identity; the killing of aboriginal and indigenous women and girls because of their gender; female infanticide and gender-based sex selection foeticide; genital-mutilation-related deaths; accusations of witchcraft; and other femicides connected with gangs, organised crime, drug dealers, human trafficking and the proliferation of small arms (UN, 2013).

Unlike the situation in European countries, in Latin America a movement began to emerge in the 2000s to recognise the violent deaths of women as gender-based crimes. The name given varied across countries, such as femicide or femicide, as well as the criminal policy (as an autonomous type of violence or first-degree murder) and the range of crimes (some countries will only enforce the law to crimes committed by intimate partners; in other countries this considers all violent deaths where gender reasons are identified). By 2014, 14 countries had incorporated special laws on femicide/femicide in their legal frameworks. Brazil was the 15th country to adopt legislation of this nature in 2015 (VILCHEZ, 2012, UN WOMEN, 2016).

In 2011, the Latin American Committee for the Defence of Women’s Rights – CLADEM, expressed its views on the use of the two terms in Latin American countries by warning that the conceptual distinction is not so important in the face of the political change that one wishes to achieve with the classification of femicide/femicide as a crime, since both concepts refer to the gender-based violent killing of women (UN Women, 2016; Chiarotti, 2011).

In 2008, the Inter-American Commission of Women (CIM) issued a declaration on femicide/femicide with a view to developing a consensus definition to be adopted by the Committee of Experts to the MESECVI – Follow-up Mechanism to the Belém do Pará Convention – during the follow-up rounds for the implementation of the Convention in Latin American and Caribbean countries. In the statement, the term femicide was adopted, without prejudice to the legislations and countries adopting the term femicide. According to the statement, femicide is “the violent death of women based on gender, whether it occurs within the family, a domestic partnership, or any other interpersonal relationship; in the community, by any person, or when it is perpetrated or tolerated by the state or its agents, by action or omission” (CIM, 2008, p.4).

In Brazil, specific legislation on femicide was approved in 2015 through Law 13104 of 9 March which amended the Brazilian Penal Code so as to include a qualifier for the crime of homicide<sup>8</sup>. The new wording for Femicide in the Brazilian Penal Code reads as follows: “Femicide: qualified homicide by reasons of a female sex condition (*por razões da condição de sexo feminino*): Paragraph 2-A There is reason to consider a female sex condition when the crime involves: I - domestic and family violence; II - contempt or discrimination against women.” Upon enactment of this law, Brazil became the 15th country in Latin America to incorporate femicide into its legal framework.

8. The original draft law put to the vote in the Federal Senate defines femicide as a crime “against woman by reasons of gender condition (*por razões da condição de gênero*)”. In a political manoeuvre, the then Speaker of the Lower House MP Eduardo Cunha, an evangelical Christian and a member of the more conservative wing in the Lower House, amended the text of the law at the time of signature by replacing the phrase “reasons of gender condition” with “by reasons of a female sex condition.” This modification was part of the crusade against the term “gender” and its association with the notion of “gender ideology.” In legal terms, this change narrowed the scope of the law as it excluded trans women. In practice, the political and legal scenario brought about by the Maria da Penha Law has made it possible to use the definition of gender for the recognition of violence against women by reasons “of a female sex condition.” This notion, however, is still quite limited to cases of domestic, family and intimate partner violence.

## II. BRASIL- EUROPEAN UNION EXCHANGE: EXPERIENCES IN THE ELIMINATION OF VIOLENCE AGAINST WOMEN, DOMESTIC VIOLENCE AND GENDER-BASED VIOLENCE



### II.A. A EUROPEAN UNION

#### 1. Introduction

Although public policies within the European Union countries regarding the fight against domestic violence vary, their overarching guidelines are the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (2011), also known as the Istanbul Convention, which was drawn up on the basis of the proposal made by the expert groups of the Task Force to Combat Violence against Women, including Domestic Violence (2008), particularly to those countries that have already signed and ratified it.

As regards the European Union, the Istanbul Convention will be adopted as a reference guide to analyse the selected countries (initially Portugal, Italy, and Lithuania; and Finland and Austria were subsequently added for their relevance to describe good practices). Legal texts, statistical data, existing academic knowledge and texts on good practices in each selected country will also be taken into consideration.

The Istanbul Convention chose the following aspects to be reflected in the public policies of the various member countries of the Council of Europe: **Protection and support to victims** in order to protect victims from any act of

violence by ensuring that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities, in protecting and supporting victims and witnesses,” with particular emphasis on a gendered understanding of violence against women and Domestic Violence, an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment, avoiding secondary victimisation, and on the empowerment and economic independence of women victims of violence; and the strengthening and improving protection and support services vis-à-vis the needs of victims; **Investigation, prosecution, procedural law and protective measures**, in accordance with the following general obligations: ensuring that investigations and judicial proceedings in relation to all forms of violence covered by the scope of this Convention are carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings; taking the necessary legislative measures, in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence; **Prevention** towards “promoting changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men,” with particular emphasis on the professional training of both male and female experts working directly in the area of Domestic Violence; **Data collection and research**, with a view to the systematic treatment and analysis and monitoring of all kinds of data relevant for combating and preventing violence and protecting victims.

In view of the amplitude of the aspects covered above, for each country we selected good practices that are relevant to the objectives of the *Brazil-European Union Exchange Project on the Programme to Combat Domestic Violence*, with particular emphasis on the themes of “femicide” and processing and analysis of “administrative data,” namely the National Register of Domestic Violence (CNVD).

As such, we will start by explaining the concepts commonly used in European Union countries in order to further clarify the terms used throughout the document. This explanation is essentially based on existing legal texts, as well as on well-established academic knowledge<sup>9</sup>.

9. For the sake of methodological rigour, it should be noted that this is not an explanation for the empirical investigation of the kind conducted by Paul Lazarsfeld, but only to articulate the meaning of terms.

Then, an overall picture of the European environment regarding violence against women, domestic violence and gender-based violence in the selected countries will be outlined, which will be based on the prevalence data collected as part of the survey conducted by the European Union’s Fundamental Rights Agency (FRA).

In the following item, after identifying the selected countries (Portugal, Italy, Lithuania, Finland, and Austria) within the framework of the Istanbul Convention proposals, a description will be provided of the good practices adopted by these countries in terms of public policies and data on domestic and gender-based violence (administrative and victimisation surveys).

Indeed, the nature of the data collected and its scientific control are key to establish a knowledge base to help develop adequate public policies and implement effective measures.

## 2. A background of violence against women, domestic violence and gender-based violence in the EU based on data from the Fundamental Rights Agency (FRA)

The European Union-wide survey carried out by the Fundamental Rights Agency (FRA) followed a request for data on violence against women by the European Parliament. This questionnaire-based survey was administered with 42,000 women in the 28 EU countries and was statistically representative of those aged 18-74. Its findings were released in 2014 and show how violence against women remains a serious social issue in Europe. The survey asks women questions about physical, sexual and psychological violence, including intimate partner and domestic violence. It also collected data on stalking, sexual harassment and the role of new technologies and social media networks in cases of violence and/or harassment. It also focused on violence during childhood.

Some of the most relevant data refer to the estimated overall prevalence of women victims of physical violence over the 12 months prior to the interviews conducted during the survey. According to this study, 13 million women in the European Union have suffered this type of violence. With regard to sexual violence, around 3.7 million

women in the EU suffered from this type of violence in the 12 months prior to the survey, and 1 in 20 women (5%) were raped (women aged 15 and over).

Physical and sexual violence will have affected about 1/3 (33%) of the women aged 15 and over in countries in EU-28 covered by the survey.

Stalking affected about 18% of women in EU-28 aged 15 and above in the years prior to the survey. Five percent of women were stalked in the 12 months prior to the survey. In total, an estimated 9 million women in the EU-28 have been victims of this type of violence.

As far as sexual abuse is concerned, 12% of respondents reported having suffered some type of sexual abuse perpetrated by an adult, which accounts for about 21 million women in the 28 EU member-states. Of these cases of sexual abuse, 30% of women were victims of a partner or former partner, and 10% admitted to having been sexually abused as children.

As regards psychological violence, 43% of the women were victims of their partners.

While the FRA has not calculated the prevalence of violence in overall terms (physical, psychological and sexual violence), it provides a measure of the extent of the issue very early in the life of respondents: Thirty-five percent of women were victims of physical, psychological and sexual violence before the age of 15.

Also, the findings show that violence against women is much more socially pervasive than previously thought, since some of the countries in Central and Northern Europe that are economically richer and have a more gender-equitable social environment than those in the South have prevalence rates that are at least as high as the rates in these countries. This reinforces the need for a more in-depth reflection on the structural constraints of gender, social and cultural violence, and that these must be considered in public policies.

Having highlighted some of the most important global data from the FRA survey, we will now focus on the findings for the individual countries covered in this report.

### 2.1.1. Lithuania

Data collected by the FRA on the prevalence of violence against women (aged 15 and over) in Lithuania show percentages of around 11% for both physical and sexual violence perpetrated by current intimate partners and 31% perpetrated by former intimate partners; 24% of Lithuanian women aged 18-74 indicated that they had been victims of former and current intimate partners.

It should also be noted that 31% of the respondents in Lithuania reported having been victims of these two types of violence, both in intimate relationships and otherwise. Also in terms of intimate relationships, sexual violence was reported by 4% of respondents, physical violence by 24% and psychological violence by 51%. Only 16% of Lithuanian women reported that they were victims of physical and sexual violence in non-intimate relationships.

Physical and/or sexual and/or psychological violence before the age of 15 affected about 20% of respondents. Another 6% reported having suffered sexual violence inflicted before the age of 15.

It should also be noted that 8% of women said they had been stalked, and 35% reported having been the victim of some type of sexual harassment.

### 2.1.2. Finland

In the case of Finland, the victims of physical or sexual violence in intimate and/or non-intimate partner relationships accounted for about 47% of respondents. Twenty-seven percent of respondents said they were victims of physical violence, whose perpetrators were their intimate partners and 11% were victims of sexual violence, also in intimate relationships. It stands out that 30% of Finnish women reported physical violence and 11% sexual violence, both of which having occurred outside intimate relationships.

The survey also revealed that around 24% of Finnish women had been stalked. This increases significantly for sexual harassment, which was reported by 71% of respondents Finland.

With regard to violence before the age of 15, 53% of respondents reported having suffered physical and/or psychological and/or sexual violence; 11% of respondents were victims of sexual violence before they were 15 years old.





### 2.1.3. Austria

In the case of Austria, FRA data show that the victims of physical and/or sexual violence in intimate and/or non-intimate partner relationships accounted for approximately 20% of respondents. Physical violence perpetrated by partners was 12%, while sexual violence in these intimate partner relationships totalled 6%.

Physical violence suffered by Austrian respondents in non-intimate partner relationships was 10%, with psychological as the highest type of violence at 38%, while sexual violence accounted for 4%.

Stalking affected about 15% of Austrian respondents and sexual harassment 35%.

As for violence during childhood, 31% of respondents were affected, and they reported having been victims of at least one act of physical and/or psychological and/or sexual violence before the age of 15. Sexual violence before the age of 15 alone affected 5% of Austrian respondents.

### 2.1.4. Portugal

Regarding the prevalence of physical and/or sexual violence in Portugal, the FRA survey revealed that 33% of women reported having been victims of at least one act of these two types of violence (after the age of 15) in intimate and/or non-intimate relationships. Physical violence perpetrated by intimate partners totalled 18% of respondents, sexual violence 3% and psychological violence 36%.

As for these three types of violence in non-intimate relationships, about 10% of respondents were victims of at least one act of physical aggression, 1% of sexual violence and 36% of psychological violence. It is noteworthy that all figures above for Portugal are below the European average for the 28 EU countries in the survey.

According to the survey, stalking affected about 9% of respondents, and this rises dramatically in the case sexual harassment: 32%.

It is estimated that violence during childhood, whether physical and/or sexual and/or psychological, affected 27% of Portuguese women. Sexual violence before the age of 15 accounted for 3% of respondents.

### 2.1.5. Italy

The FRA survey indicated that 27% of Italian women have been victims of at least one act of physical and/or sexual violence after the age of 15 that was perpetrated by intimate and/or non-intimate partners. Of the overall prevalence, 17% of Italian respondents stated that physical violence was perpetrated by their intimate partners. Sexual violence in intimate relationships accounted for about 7%, and the figure for psychological violence was considerably higher in the case of Italian women: 38%.

Stalking in Italy affected 18% of women; sexual harassment was higher – it was reported by 51% of Italian respondents.

As for violence before the age of 15, 33% of Italian respondents indicated that they had been victims of at least one act of physical and/or sexual and/or psychological violence. Also regarding violence during childhood, 11% reported sexual violence.

## 3. The Istanbul Convention and the national public policies of selected EU countries

As noted previously, the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) is the main reference document in Europe in matters of preventing and combating violence against women, domestic violence and gender-based violence, and protecting victims, and producing a sound knowledge base about the issue to inform effective policy design and implementation. Furthermore, by defending human rights and incorporating gender-based violence in violence against women, the Istanbul Convention has many commonalities with the Belém do Pará Convention (9 June 1994), which precedes the Maria da Penha Law and provides another guiding framework for public policies on the matter.

### 3.1. Position of selected countries in relation to the Istanbul Convention

To shed light on how the selected countries stand in the context of the Brazil-EU Exchange Project, the following section provides several reference parameters, including the signature, ratification and reservations to the Istanbul Convention, and good practices in accordance with the Istanbul Convention.

Region	Country	Position in relation to the Istanbul Convention
Central and Northern Europe	Lithuania	The country is on the initial list for the Exchange Project. Lithuania signed the Istanbul Convention on 7 June 2013. Despite not having ratified it, Lithuania has declared according to the Council of Europe that it will apply the Convention in accordance with the principles and provisions of the Constitution of the Republic (CoE, 2017). Nevertheless, since the ELGE headquarters is located in Lithuania, it holds a strategic position in the development of European Union policies and liaison with the Eastern countries.
	Finland	Finland signed the Istanbul Convention on 11 May 2011 and ratified it on 17 April 2015. The Convention entered into force on 1 August 2015. In line with the provisions of Article 78 of the Convention <sup>1</sup> , Finland reserves the right not to apply paragraph 2 of Article 55 <sup>2</sup> with regard to minor offenses committed against persons aged 18 or over <sup>3</sup> (CoE, 2017).  The country has extensive experience with local interventions, specifically with shelter homes and health-related activities. It has recently incorporated a good practice of integrated intervention, combining data from various institutions (MARAC – Multi Agency Risk Assessment Conference).
	Austria	Austria signed the Convention on 11 May 2011 and ratified it on 14 November 2013. It entered into force on 1 August 2014 across the entire national territory. Its timeline in relation to the Convention is very similar to that of Portugal. Both countries were among the first to sign, ratify and implement the Convention.  Austria has extensive experience in reconciling judicial and law enforcement activities and providing assistance through shelter homes
Southern Europe	Portugal	The country is on the initial list for the Exchange Project. Portugal was among the first countries to sign the Convention, on 11 May 2011, and ratified it on 5 February 2013. On the same date, through a Resolution by the Assembly of the Republic (Article 161 (i), and Article 166, (5), of the Portuguese Constitution), it committed to becoming the first EU country to incorporate the Convention in its domestic legislation after its signature. The Convention entered into force on 1 August 2014.  The country has good practices in many domains of the Istanbul Convention recommendations, such as legislation and public policies, law enforcement, NGO activity, regional and local interventions and networking linked to national policies. It also produces knowledge about the various types of violence, violence prevalence and sociocultural characterisation of the contexts where it occurs, through national, regional and local surveys. To this end it uses data from complaints filed with law enforcement agencies, data on cases prosecuted, and scientific studies on the structural causes and social and economic costs of violence.
	Italy	The country is on the initial list for the Exchange Project. Italy signed the Convention on 27 September 2012, ratified it on 10 September 2013, and declared its entry into force on 1 August 2014. It was the fifth country to ratify the Convention, a process that the Italian government accelerated due to an internal debate on violence against women, particularly femicide, that resulted from the murder of a 16-year-old girl by her boyfriend.  It has good practices in public policies, particularly in terms of legislation and knowledge about the relationship between violence and the economic conditions of the victims.

Although all the countries selected strive to follow the Istanbul Convention recommendations, their public policies have internal specificities that ought to be considered. In fact, the national context constitutes the first conditioning level that defines how the country will combat violence, protect its victims, prevent it, and produce knowledge on the subject.

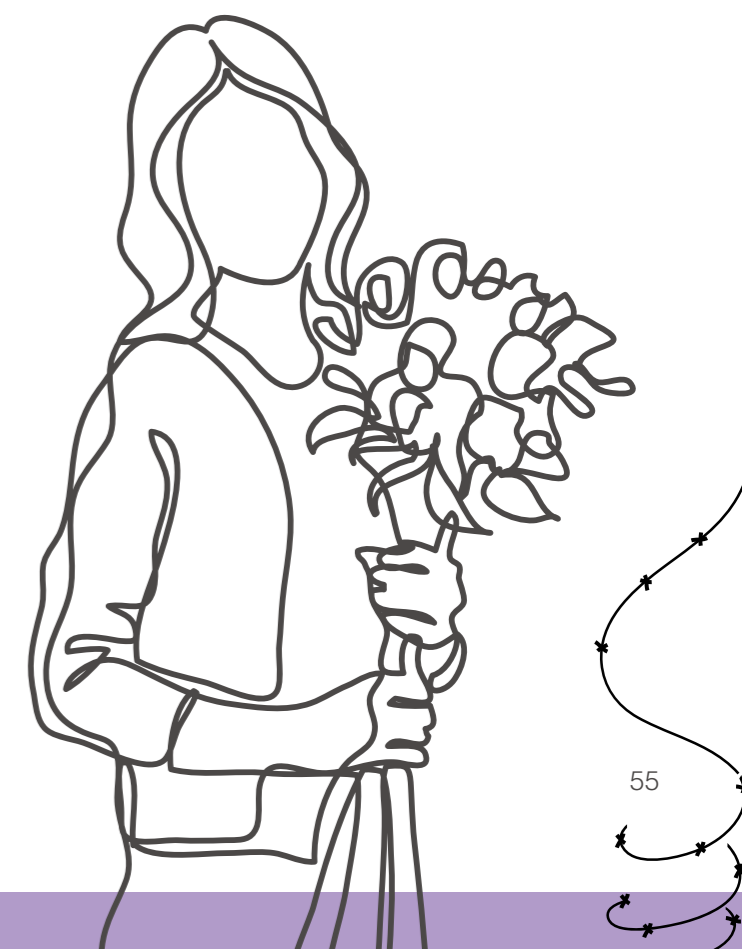
In that sense, the section below provides a summary of the main public policy instruments applied in the different countries in those domains. Initially we will emphasise the legislative measures and national plans that form the legal framework for prosecution and law enforcement. Next, we will address the regular production of knowledge, considering how the issue is monitored and evaluated, and emphasising administrative data and victimisation surveys.

## 3.2. Legislation and strategic documents in selected countries

### 3.2.1. Lithuania

Lithuania has had policy instruments to combat violence against women since 2007. As of May 2011, it also has specific legislation for protection against domestic violence, which is no longer classified as a general offense. The Law on Protection against Domestic Violence (Republic of Lithuania, 2011) defines domestic violence as a public crime, that is, the police must investigate the incident regardless of whether the victim files a complaint.

Its scope is very wide: It defines the concept of domestic violence; identifies not just the offender, but also the set of victims affected; defines victim protection measures and interventions for offenders; and provides measures to prevent domestic violence, including data collection and analysis. In relation to victim protection, the law also defines that once a situation of domestic



violence is verified the offender must leave the shared residence and is forbidden to contact or attempt to contact the victim. This Law will be further developed in the description of good practices under Chapter 4 of this report.

Following the Council of Europe's campaign to combat violence against women, in 2006 the Lithuanian government adopted the National Strategy for the Elimination of Violence Against Women, with targets to be achieved by 2015 through three-year action plans. Its main purpose was to reduce domestic violence against women, including interventions in the legal framework, prevention, assistance and data collection. It was basically guided by three fundamental pillars: legislative action, victim support and interventions for offenders, and awareness-raising (UN-CEDAW, 2011).

The first action plan, covering the period 2007-2009, had the following objectives: improving legislation, strengthening prevention of domestic violence against women, improving assistance to victims of domestic violence, analysing domestic violence against women and the penalties and sanctions applied to perpetrators, and strengthening institutional capacities (CoE, s.d.).

Implemented from 2010 to 2012, the second action plan called for a study to identify the needs of victims of violence, obtaining their opinions about existing services, assessing the accessibility, sufficiency and effectiveness of existing services as well as their quality, identifying existing gaps, and providing recommendations to improve victim assistance (UN-CEDAW, 2011).

Following the report submitted by Lithuania on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention Committee expressed concern about various aspects, namely: inadequate assistance and number of shelter homes available to women victims of violence, insufficient information about the evaluation of the implementation of the National Strategy to Combat Violence Against Women 2010-2012, inadequate financing of non-governmental women's rights organisations, limited engagement of these organisations in implementing the National Program, and failure to explicitly criminalise marital rape (UN-CEDAW, 2014).

Following the Committee's recommendations, Lithuania adopted a national programme for 2014-2020 with the purpose of strengthening prevention and intervention measures to combat domestic violence. However, according to Šumskait a and Namicheishvili (2017), who analysed the political measures and their impact on solving the problem

of domestic violence in Lithuania (and Georgia), the strategy has weak points. Specifically, it uses neutral language, is not aligned with international law and fails to focus on eliminating all forms of violence against women.

### 3.2.2. Finland

The Penal Code of Finland does not include explicit provisions on the crime of domestic violence. Violence that occurs inside the home can fall under three criminal categories: petty assault, assault and aggravated assault. In the first case, defined as a minor violation of physical integrity, the police investigate the matter only if the victim files a complaint. In the case of assault (a person who employs physical violence on another or, without such violence, harms the health of another, causes pain to another or renders another unconscious or to a comparable condition), and aggravated assault (if the assault results in bodily harm or serious illness, or places another in mortal danger; if the offence is committed in an extremely brutal or cruel manner, or if a firearm, edged weapon or other comparable dangerous weapon is used), these offenses constitute public crimes. As such, both the assault and rape are considered public crimes even when they are committed inside the home or when the offender is a member of the family (MoJF, s.d.; UO, s.d.).

At any rate, and according to a publication by the Ministry of the Interior prepared in coordination with law enforcement agencies, "domestic violence includes all acts or threats of physical, sexual or psychological violence by one family member against another. Examples of physical violence include slapping, pushing, grabbing, hitting, strangulation, mutilation etc. Sexual violence is often physical: touching in a way the victim considers repulsive, harassment, or, in the worst case, rape. Psychological violence includes yelling, cursing, making fun of someone, threatening, undermining, intimidating, accusing, harassment, etc. Other forms include restricting, forcing, isolating or excessively controlling someone" (PoF, s.d.).

As concerns strategic policy instruments, Finland has had national programmes since the end of the 20th Century.

The first national programme to prevent prostitution and violence against women was implemented from 1998 to 2002. Specifically focused on violence against women, the programme aimed to develop services for victims of violence, provide professional training, and promote violence prevention through investigation, statistics and legislation (MSAH, 2010).

The Action Programme to Prevent Intimate Partner and Domestic Violence (2004-2007) developed by the Ministry of Social Affairs and Health, aimed mainly to create a basic network of special support services covering the entire country to effectively support children and young people experiencing violence, and to strengthen the professional skills of the technical staff responsible for dealing with cases of violence (MSAH, 2005).

Although the National programme for Reduction of Violence 2007-2008 did not focus on violence against women, it contained a specific section on the subject. The programme addressed physical and sexual violence against women placing particular emphasis on the most severe forms of violence. It included a broad set of actions to reduce violence against women, namely: addressing violence through intervention; improving police response (training to deal with violence against women and to help victims of violence receive support from other agencies); developing and maintaining special services for victims (e.g., guaranteeing the existence of telephone helplines and shelter homes for victims, including immigrant victims); violence reduction programmes for perpetrators (e.g., informing about opportunities to participate in violence reduction programmes); and reducing the number of rapes and other forms of sexual violence (e.g., improving services rendered to victims to avoid stigmatising them). The purpose of the programme was to integrate violence prevention into all local security plans (NCCP, 2006).

The Action Plan for Gender Equality 2008-2011 contained a broad set of measures to promote equality between men and women. Recognising the difficulties in reducing violence against women, it emphasised the importance of continuing the work of combating intimate partner and domestic violence, including violence against women. Building on cooperation between the different administrative levels (ministries and regional and local authorities), an officer shall be appointed to implement government measures to combat violence against women (UNW, 2016).

In 2011-2015, the National Action Plan to Reduce Violence Against Women was implemented with the main focus of preventing repeated violence between intimate partners (including problems related to divorce, preventing associated violence and referring offenders to rehabilitation programmes), reducing sexual violence, and protecting vulnerable women. In particular, it intended to: combat violence proactively by influencing attitudes and behaviours; prevent repeated violence; improve the position of sexual violence victims, intervention in situations of crisis, and support services; develop methods to identify and intervene in violence experienced

by vulnerable groups; make authorities and professional service providers more knowledgeable and skilled in preventing violence against women and assisting the victims (MSAH, 2010).

Presently in place is the Government Action Plan for Gender Equality 2016-2019, which includes a section dedicated to reducing intimate partner violence and violence against women and presents a set of long-term objectives, specifically: “Implementing a zero-tolerance policy towards violence; reducing violence against women and intimate partner violence; implementing the obligations of the Istanbul as regards violence against women and domestic violence; effective health and social services responding to the needs of those who face intimate partner violence; support for perpetrators of violence; strengthening the feeling of safety in intimate relationships and within families. As concerns the short-term objectives, through the measures proposed the Government intends to ensure that the Istanbul Convention is implemented and that services for victims of violence against women and intimate partner violence are integrated into existing health and social services. One of the goals is to create an integrated service pathway for victims of sexual violence (MSAH, 2017).

Finland has implemented an integrated multi-stakeholder intervention programme targeting situations of risk, MARAC - Multi Agency Risk Assessment Conference, that will be addressed in more detail further on, as it concerns a good practice that deserves particular attention in the context of the Project.

### 3.2.3. Austria

In May 1997 the Austrian National Assembly enacted the Act on Protection against Domestic Violence (1 May 1997) with the purpose of increasing protection for victims of domestic violence. It is the most encompassing law in contexts of intervention and protection of victims of violence and includes important victim protection features like removing the offender from the living environment and allowing the victim to remain there. The law builds upon three noteworthy legal and victim protection aspects. First comes the barring order imposed on offenders. By removing the offender and forbidding contact with the victim the law offers protection to all those who live in that same living space, regardless of whether they are related by family or intimate ties. If the police decide that the victim is in danger, the offender may be evicted and required to hand over the keys to the police, taking only the necessary personal belongings. This eviction is followed by a barring order lasting ten days.

The police must document the case and notify the domestic abuse intervention centre, which has the duty of controlling the offender during the first three days.

The second important feature of the law concerns the possibility for the victim to request a temporary injunction. However, this right is only extended to family members or intimate partners. A temporary injunction provides various ways of protecting the victim: a) the offender is banned from the living space as well as from the immediate vicinity/residential area; b) the offender may not return to the living space nor to the immediate vicinity/residential area; c) the person must stay away from the areas defined by the victim in the temporary injunction submission; and d) the offender is forbidden from contacting the victim during the entire injunction period. The temporary injunction extends the barring order to three months when the victim requests a divorce, in which case the injunction period is extended until the divorce is finalised.

The third and last aspect of this very broad law concerns the victim's right to access a domestic abuse intervention centre. Complementing the legal measures, domestic abuse intervention centres were created in all the administrative regions of Austria. Domestic Abuse Intervention Centres are legally managed and funded by the government and operate in conjunction with the police and judicial authorities. For instance, police interventions in situations of domestic violence are immediately reported to the centres, which subsequently contact the victims to offer them information, support and counselling.

Other Austrian public policies that complement the ones described in this section will be detailed under the good practices section of this report. In particular, the changes in the Austrian Federal Law on Protection Against Domestic Violence and the Second Protection Against Violence Act (2009), and more specifically the protection of children in 2013.

Regarding the national strategic plans, to implement the most important provisions of the Istanbul Convention the Austrian government approved the National Action Plan to Protect Women against Violence 2014-2016<sup>10</sup> (NAP, 2 August 2014). It was prepared by an interministerial working group led by the Ministry of Women's Affairs (*Bundesministerium für Bildung und Frauen* (BMBF)) together with NGOs and institutions that provide specialised support to women victims. The working group has since been formalised and expanded and tasked with supporting the implementation of the Plan through liaison, structured cooperation and dialogue among the various entities involved in combating violence.

10. Available in: [http://www.schulpsychologie.at/fileadmin/upload/persoentlichkeit\\_gemeinschaft/Bilanz\\_NAP\\_Schulische\\_Gewaltpraevention.pdf](http://www.schulpsychologie.at/fileadmin/upload/persoentlichkeit_gemeinschaft/Bilanz_NAP_Schulische_Gewaltpraevention.pdf).

Austria also has a National Strategy to Prevent Violence in Schools (Weiße Feder 2014-2016) coordinated by the Ministry of Education. Its main purpose is to design a national strategy to prevent violence in schools, focusing on physical and sexual violence against girls and women. The implementation strategy for the plan includes preparing and disseminating teaching materials and developing skills for a psychosocial support system led by technical professionals and specialists in child psychology in all the schools of the country.

### 3.2.4. Portugal

Legal aspects concerning the issue of physical violence against women in Portugal have evolved considerably, particularly in the last 20 years. Until 1982 the Portuguese Penal Code did not penalise spouse abuse. That same year Article 153 of the new Portuguese Penal Code (1982) typified spouse abuse as a public crime punishable with 6 months to 3 years in prison. It specifically refers to "Whomever inflicts physical harm or cruel treatment or fails to provide medical care or assistance as imposed by his or her duties". Article 153 applied to the father, mother or tutor of a minor aged less than 16 or any person having a minor under custody (...).

In 1991, four years before the launch of the first academic study about violence against women, Law No. 61/91 of 13 August (Decree-Law of the Portuguese Penal Code, 1991a) decreed protection for women victims of violence. This law explicitly refers to "strengthening legal protection measures (...) establishing a prevention system (...) creating support centres for women (...) encouraging the creation and operation of women's associations to defend and protect the victims of crimes" (Idem, Chapter I, Articles 1 and 2). In so doing the 1991 law laid the foundations to combat violence against women, albeit without using the term domestic violence.

Also in 1991, in consonance with the directives of the Council of Europe, Decree-Law No. 423/91 of 30 October (Decree Law of the Portuguese Penal Code, 1991b) established the regime to compensate victims of violent crimes. In 1998, Decree-Law No. 59/98 of 25 August (Portuguese Penal Code, 1998b) amended the Criminal Procedure Code to include instruments to remove the offender from the victim's home/shared living space, an extremely important measure even today, considering that victims often continue to share their home with the offender after filing a complaint. One year later, the first amendment to Decree-Law 423/99 entered into force through Decree-Law 139/99 of 28 August (Decree-Law of the Portuguese Penal Code, 1999a),

establishing the legal regime to protect victims of violent crimes. Note must be made of the importance of Decree-Law No. 107/99 of 3 August (Portuguese Penal Code, 1999b), which creates a public network of support facilities for women victims of violence, whose work is recognised today as being of great value and importance in combating violence against women.

However, in 2000 we witnessed a milestone event in the Portuguese Penal Code as violence against women shifted from a semi-public crime to a public offence.

Law 65/98 of 2 September (Official Gazette of Portugal (*Diário da República*), 1998), described domestic violence when proceedings were initiated: "(...) to whomever inflicts physical or psychological spouse abuse, or person with whom he lives in conditions analogous to those of spouses." Criminal proceedings depended on a complaint, but the Public Prosecution Service (Ministério Público) could initiate proceedings prior to indictment to protect the interests of the victim provided she did not oppose (Law 65/98, Article 152). Since the crime was semi-public, if the victim expressed a desired to withdraw the complaint the Public Prosecution Service would be barred from moving forth with the prosecution. This situation often made the Public Prosecution Service hostage to the will of the victim, and these, in turn, hostage to the pressures, threats and coercion of the offender. That is why its transformation into public crime through Law No. 7/2000 of 27 May (Official Gazette of Portugal, 2000) is so important for the legal framework that combats violence against women. The law has made it possible for the Public Prosecution Service to initiate the proceedings and follow them through until the end. This law also adds that "(...) the defendant may receive the additional punishment of being forbidden from contacting the victim, including through removal from the victim's residence, for a maximum period of two years" (Article 152, (6)).

Portugal had to wait until 2007 for the revision of the Penal Code, which finally typified the crime of domestic violence as autonomous from other forms of violence against women. The Penal Code defines the crime of domestic violence in Article 152, as follows: "Whoever, either repeatedly or otherwise, inflicts physical or psychological abuse, including physical punishment, deprivation of liberty and sexual offenses: a) to a spouse or former spouse; b) to a person of the same or of a different sex with whom the perpetrator currently has or previously had a dating relationship or a relationship analogous to that of spouses, even without cohabitation." Its amendment criminalises

acts that occur in marital situations even if the couple does not live together, and for the first time criminalises domestic violence for same sex couples.

The crime of domestic violence is also attributable to "the progenitor of common descendant in first degree (...) or to a person particularly defenceless, due to age, deficiency, disease, pregnancy or economic dependency, who lives together with him." A concern for children in contexts of domestic violence is also reflected when it states that "the applicable sentence is aggravated if the act is committed against a minor, in the presence of a minor, in the shared residence or in the victim's residence."

The most explicit and incisive legal regime on protection and assistance to victims of domestic violence is set forth in Law 112/2009. This law, also known as the Framework Law, defines the status of the victim in paragraph (b) as a "particularly vulnerable person." This is a victim whose particular frailty is due to young or old age, state of health, or to injuries resulting from the type, degree and length of victimisation, with severe consequences for the victim's psychological equilibrium or social integration capacity." A concern for assisting and protecting the victims is clear in its reference to victim assistance and information centres in law enforcement agencies (Article 27), but also in the national support network for victims of domestic violence, which includes the public administration body responsible for citizenship and gender equality, shelter homes, support centres, and specialised support services (Article 53). According to Pais, the framework law on domestic violence is also noteworthy due to the "urgent nature of the proceeding" and to "the use of electronic means to control offenders at a distance" (Pais, 2010: 251).

Filling the penal void in relation to protecting the victims of domestic violence in de facto unions, Law No. 23/2010 of 30 August 2010, amending Decree-Law 7/2001 of 11 May 2001 (Decree-Law No. 7/2001 of the Portuguese Criminal Code) extends victim protection to this type of marital relationship, which until then had not been contemplated. It states that "the present law adopts measures to protect de facto unions. 2 - A de facto union is the legal status of two persons who, regardless of their sex, live in conditions analogous to those of spouses for more than two years."

More recently on 21 February 2013, the 29th amendment to the Penal Code approved by Decree-Law No. 400/82 of 23 September, and the first amendment to Law No. 112/2009 of 16 September, establish the legal regime applicable to prevention of domestic violence, and protection and assistance to victims. In relation to prevention, protection and assistance to victims, this law recognises the importance of a

structured network to support women exposed to violence, especially regarding immediate assistance and protection. Often such support – and being aware that it exists – seems to make the difference between continuing in a violent relationship or abandoning the offender.

However, other types of violence against women are currently reflected in Portuguese legislation. As such, Law No. 83/2015 of 5 August (38th amendment to the Penal Code, approved by Decree-Law No. 400/82 of 23 September), which singles out the crime of female genital mutilation, creates the crimes of stalking and forced marriage and alters the crimes of rape, sexual coercion and sexual harassment, in compliance with the Istanbul Convention.

Hence, the new wording of Article 170 of the Penal Code criminalises any conduct that attempts against human dignity, especially of women, their sexual self-determination, and their sense of security: “Anyone who harasses another person, practicing before her exhibitionist acts, formulating proposals of sexual content or forcing a contact of a sexual nature, will be punished with imprisonment up to 1 year or with a fine of up to 120 days, unless a more severe penalty applies by force of another legal provision”, thus including informal cat calls known as “piropos” among crimes against sexual freedom, provided they are of a sexual nature.

Portugal’s legal and institutional trajectory was not dictated by the Penal Code alone. The above-described legal framework required an objective instrument to guide and establish priorities in the domains of combat and prevention. Based on these priorities, the I National Plan against Domestic Violence sought to go beyond Law No. 61/91 by defining a more ambitious set of measures and objectives: endowing the country with “a programme that, in an integrated and consistent manner, brings together a set of measures to be adopted at various levels (justice, internal affairs and health, among others), following the guidance that has governed the most recent international documents on the matter adopted by the United Nations Organisation and by the Council of Europe (Council of Ministers Resolution No. 55/99).

The II National Plan against Domestic Violence was approved in July 2003 (Council of Ministers Resolution No. 88/2003). In this resolution domestic violence was defined as “all physical, sexual or psychological violence that occurs in a family environment, including, but not limited to, abuse, sexual abuse of women and children, marital rape, crimes of passion (honour crimes), female sexual mutilation and other harmful traditional practices, incest, threats, arbitrary deprivation of liberty, and sexual and economic exploitation.” It refers mostly to women but also affects “children, the elderly, and other more vulnerable persons like those with disabilities.”

The III National Plan against Domestic Violence was approved in 2007 (Council of Ministers Resolution No. 83/2007 of 22 June). The Resolution emphasises gender-based violence and the importance of gender mainstreaming. “Domestic violence identifies several sub-universes of persons-victims, living together or not, adults or children, male or female.” Domestic violence is “a matter of gender violence” and is “a strong impediment to the physical, psychological and social wellbeing of every human being and an infringement of their rights to life, liberty, and physical and emotional integrity.”

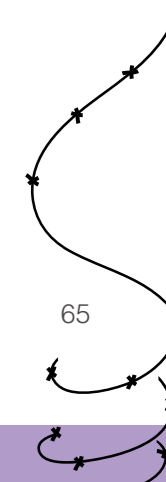
This was followed by the Fourth National Plan against Domestic Violence (PNCVD 2011-2013), approved by Council of Ministers Resolution No. 100/2010 of 17 December (Council of Ministers Resolution No. 100/2010, 2010).

The Fifth National Plan to Prevent and Combat Domestic and Gender-based Violence (2014-2017), approved by Council of Ministers Resolution No. 102/2013, is currently aligned with the commitments made by Portugal in various international contexts, especially in the context of the United Nations, the Council of Europe, the European Union and the Community of Portuguese-Speaking Countries. Particularly important among them is the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). This Plan builds upon the provisions of the Istanbul Convention while broadening its scope of implementation – thus far restricted to domestic violence – to other types of gender-based violence like female genital mutilation and sexual assault.

The Fifth National Plan outlines strategies for victim protection, interventions with perpetrators, learning more about the associated phenomena, preventing them, training the professionals involved and strengthening the support services network to assist victims in the country. Its strategic measures include “protecting the victims and promoting social integration, preventing repeated violence – interventions for offenders, training professionals, investigating and monitoring.”

The Plan also defines guidelines to combat violence more effectively, concerting action among forces capable of intervening, whether police, civilian, legal or institutional. Such concerted efforts certainly help to implement and consolidate new policies to combat violence against women. They also represent a national drive to mediatise this phenomenon and its consequent visibility, with the purpose of contributing to creating greater awareness and social perception about the need to combat it.

The above-referred public policies will be further developed under the section on good practices.



### 3.2.5. Italy

Adoption of Law No. 66 of 15 February 1996 was an important milestone in the criminal typification of violence against women in Italy. By defining violence against women as an offense against the person, and not against public morality as was the case before, the law brought a significant legislative innovation.

Otherwise known as “Measures against violence in family relations” (Art. 154), the 2001 law on domestic violence covers all acts of physical, psychological and sexual violence committed against any family member, and is considered the most complete legal instrument in terms of its legislative effect in victim protection.

Italian legislation also pays considerable attention to stalking, both in intimate and non-intimate relationships. Law No. 119 of 15 October 2013 introduced more stringent penalties for acts of persecution committed by the spouse/partner/boyfriend (current or past), or by the person who maintains an intimate relationship with the victim. Previously, Law No. 38 of 23 April 2009 had already introduced the specific crime of acts of persecution (stalking) (Section 612 of the Italian Penal Code) and a precautionary measure called warning or surveillance (Questore) applied per request of the person offended.

In 2015 the Italian government adopted the “Extraordinary Action Plan against Sexual and Gender-Based Violence”, which supervises the expansion of support services for women, including anti-violence centres and shelters.

Linkages between the various measures in place to protect victims will be further developed under the section on good practices.

### 3.3. Production of knowledge to monitor and evaluate violence against women, domestic violence and gender-based violence

Quantitative monitoring and evaluation of violence against women, domestic violence and gender-based violence relies mostly on two knowledge production sources that are recognised as indispensable in defining and assessing public policies: victimisation surveys and administrative data.

Victimisation surveys provide more complete data, as they are based on statistically representative samples of the population that make it possible to assess the prevalence of the various types of violence, characterise the contexts in which they occur, and analyse sociocultural variables of victims and non-victims as well as of the offenders.

Administrative data refer only to the acts that reach the agencies that deal with violence, like courts, law enforcement, NGOs and other entities, including the health and education policy areas. Data are collected and treated essentially to evaluate the performance of those entities and identify and characterise the victims they receive. As a result, data thus collected contains much less information than victimisation surveys. On the other hand, today we know that in most countries the volume of cases that reaches those entities is quite low compared to the estimated prevalence of violence. If victimisation surveys are in themselves unable to reflect all the incidents of violence practiced, administrative data capture even less. In fact, this type of violence continues to be mostly invisible, with the number of cases that reach the courts and law enforcement agencies merely representing the “tip of the iceberg,” despite receiving the most reports.

Although limited, administrative data are often the only ones available. As such, it is very important for them to be used correctly in addressing certain aspects of the issue in cases of signalled violence. On the other hand, when duly linked to information coming from victimisation surveys they constitute an essential instrument for public policies. In sum, the information contained therein needs to be more qualified, whether by linking the data to victimisation surveys, or by introducing new variables in data collection and organising the databases in which they are stored.

The section below describes how the selected countries use victimisation surveys and administrative data to monitor and evaluate violence.



### 3.3.1. Victimisation surveys

As the Council of Europe acknowledges, victimisation surveys are essential tools in the design, implementation and monitoring of public policies on violence against women, domestic violence and gender-based violence. Prevalence surveys applied to the population are essential to understand this phenomenon and design efficient policies more holistically (CoE, 2008). We shall now examine the practices of the selected EU countries in this domain.

#### 3.3.1.1. Lithuania

The latest national survey in Lithuania was conducted in 2008 with the purpose of determining the prevalence of domestic violence against women (including different forms of violence) and the configuration of such violence (BGL\_C, 2008; UN-CEDAW, 2011). In particular, the study had the following objectives: assessing and analysing the prevalence of violence against women, defining the number of women victims of domestic violence in Lithuania, identifying and comparing the most prevalent forms of domestic violence against women and other manifestations of domestic violence, identifying the factors that influence domestic violence against women, assessing the frequency of women's requests for help from different institutions, assessing the situation of domestic violence victims and their knowledge about the availability of support services, and conducting a comparative study with the surveys developed between 1997 and 2002.

In terms of the methodology, the survey was applied to a sample of 1000 women aged 18-74 years, representative of Lithuanian women, with a quota system based on a set of sociodemographic indicators, such as age, residence or level of education. Furthermore, the survey was applied by telephone (CAPI system).

The survey revealed a 15% prevalence of domestic violence against women. It also found that among the victims of some type of violence, 87.34% suffered psychological violence, 48.10% physical violence, 27.85% economic violence, and 11.39% sexual violence.

Additionally, the survey found that violence typically occurs in a combination of types – most women experience multiple forms of violence. For example, more than four fifths of women who are victims of physical violence also suffer psychological violence.

Domestic violence against women is cross-cutting and does not present a socioeconomic pattern. No significant differences were found in terms of age, education or income.

The survey also illuminated the level of information available about support services. Although most women had already heard of them, and one third of the women even knew their names and contact data, one third of the women victimised said they had never resorted to one.

In sum, the survey findings provided a picture of the extent of the issue, its forms and characteristics, but were even more revealing of deeply ingrained and long-term problems. Violence transferred across generations, for instance, or a weak perception of violence (many incidents are not considered violence by the victims) make violence more tolerated by society.

More disaggregated data came from an earlier survey conducted in 2000, which was the subject of a cross-national comparative study by the Coordination Action on Human Rights Violations (CAHRV) funded by the European Commission under the 6th Framework Programme.

The survey on violence against women in the family context was applied to a sample of 517 respondents, representative of Lithuanian women aged 18-74. A multilevel random sample method was used (Reingardiene, 2002).

Prevalence of Violence against Women (aged 18 or over)				
	Physical violence by (former) partners	Physical violence by other people	Sexual violence by (former) partners	Sexual violence by partners
20-59	37.6%	18.4%	7.5%	28.6%
18-24	22.7%	25.8%	9.1%	---
25-34	30.8%	24.4%	3.3%	---
35-44	33.3%	21.2%	8.9%	---
45-59	44.5%	8.7%	9.6%	---
60 years and over	29.6%	4.2%	3.7%	---

Source of data: CAHRV, 2006.

### 3.3.1.2. Finland

In Finland the most recent victimisation survey of women took place in 2005-2006 with a sample of 4464 women aged 18-74. It consisted of a random sample surveyed by mail in collaboration with the Finnish Institute of Statistics (Piispa, Heiskanen, Kääriäinen, & Sirén, 2006).

It should be noted that the survey measured only violence against women committed by men, and did not include psychological or other forms of violence aside from physical and sexual violence, harassment and threats.

The data revealed that 43.5% of the women had experienced at least one form of violence or threat from a man since the age of 15, a figure that reflects the severity of this issue in Finland.

Prevalence of Violence against Women (aged 18-74) committed by Men, starting at age 15 (2005)			
	In a non-intimate relationship	In a current intimate relationship	In a previous intimate relationship
Total	29,1%	19,6%	49,0%
Physical Violence	10,6%	17,6%	44,7%
Threats	14,4%	7,6%	31,5%
Sexual Violence and Harassment	21,2%%	4,3%	17,3%

Source of data: Piispa, Heiskanen, Kääriäinen, & Sirén, 2006.

Compared to the previous survey, of 1997, a slight increase was observed in the prevalence of violence or threats by a man starting at age 15 (40%). Similar differences

(slight increase) were found in relation to the varying forms of violence considered in non-intimate relationships. A decrease was nevertheless registered in intimate partner violence, both in current or past relationships.

It should also be noted that the 1997 survey observed similar methodological principles, particularly regarding the sample size (4955 women aged 18-74), the application modality (postal self-completion survey) and the content of the questionnaire (Heiskanen & Piispa, 1998; Piispa, Heiskanen, Kääriäinen, & Sirén, 2006).

Considering victimisation in the 12 years prior to the application of the questionnaire, no big differences were found in relation to the previous survey, which was conducted in 1997. Indeed, the exposure of women to violence in the recent past (1 year) is similar: 11.6% in 2005 and 11.3% in 1997.

Prevalence of Violence against Women (aged 18-74) committed by Men, in the 12 months prior to questionnaire (2005)			
	In a non-intimate relationship	In a current intimate relationship	In a previous intimate relationship
Total	5,3%	7,9%	6,1%
Physical Violence	1,3%	6,3%	4,7%
Threats	2,9%	3,0%	3,2%
Sexual Violence and Harassment	2,8%%	2,0%	1,6%

Source of data: Piispa, Heiskanen, Kääriäinen, & Sirén, 2006.

The survey also presented important findings in relation to seeking support. More than half of the victims seeks informal social support (speaking to close friends), both in situations of intimate partner violence and others. Resorting to official support is much less frequent: two thirds of women refer not having resorted to any official entity. When they do, most of them contact law enforcement and health services.

As to feeling safe, the survey found women less afraid to go out at night in residential areas and less afraid to be raped by a stranger than in 1997. However, there was growing concern with work-related violence.

### 3.3.1.3. Austria

Austria has only one prevalence study on violence in the family and intimate social environments: the Austrian Prevalence Study on Violence against Women and Men (Austrian Institute for Family Studies (ÖIF), 2011). This is the first and only representative empirical study on the different manifestations and extents of violence between Austrian men and women. The sample consists of 1,292 women and 1,042 men aged 16 to 70.

The study is divided into two analysis segments: violence experienced during childhood (up to age 16) and starting at age 16. The three types of violence addressed are physical, psychological and sexual violence.

Overall prevalence data for the three types of violence show that 56.8% of the women surveyed, aged 16-70, have been victims of at least one act of violence. Of this violence, 29.1% was perpetrated by intimate partners.

By examining physical violence alone, we see that 56.8% of women have been exposed to this type of violence at least once in their lives, while 85.6% of women have been victims of psychological violence, and 7.4% of sexual violence. It is important to note that 25.2% of the physical violence experienced by Austrian women occurred in the context of intimate relationships.

### 3.3.1.4. Portugal

The most recent national data collected in Portugal on gender violence (against women and men) are from 2007 (Lisboa et al., 2009). Based on a nation-wide sociological survey, the survey essentially applied an extensive quantitative investigation strategy.

We will present a quick summary of the most relevant data. The 2007 national survey followed the first national study on violence against women, conducted in 1995. The entire research focused on analysing gender-based violence – including domestic violence – and intimate partner violence. Hence, its objectives included outlining the quantitative evolution of violence against women since 1995 and detecting the

extent of violence patterns against women and men. This survey is representative of the Portuguese population of men and women aged 18 or over and residing in the continent. It surveyed 1,000 men and 1,000 women.

In brief, the survey found that in 2007 more than one third of women aged 18 or over (38.1%) had already suffered some form of physical, sexual and/or psychological violence.

Considering only cases of victimisation in the 12 months prior to the interview, 12.8% of women had been victims of physical, sexual and/or psychological violence. However, almost half of them were victims of crimes typified as domestic violence.

Compared to 1995 and considering only incidents in both the 1995 and 2007 surveys were conducted in the 12 months preceding the survey, in the home or perpetrated by a family member (including boyfriends and partners, current or former), a reduction can be noted in the prevalence of victims (13.1% to 6.1%).

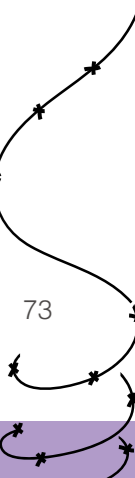
As was the case in 1995, in 2007 violence against women (at some point in their lives) took many forms. Among the victims, 22.6% were victims of physical violence, 19.1% of sexual violence, 53.9% of psychological violence and 52.9% of sociocultural discrimination.

As such, in comparison with 1995, in 2007 there was a decrease in the prevalence of victims of sexual violence and a slight increase in physical and psychological violence.

Concerning where the events occurred, except for sexual violence women were most likely to be victimised at home.

The study also analysed how victims reacted to the act of violence and found women's most frequent response to be silence. Despite significant progress in reporting violence to the police when compared to 1995, formal complaints to law enforcement agencies continued very low, with complaints rarely exceeding 10% of the acts.

The same survey was replicated in the autonomous region of Azores in 2008 to ensure comparability with the data collected in continental Portugal (Lisboa et. al., 2009). The sample consisted of 702 individuals, statistically significant for women and men aged 18 or over, with a margin of error lower than 5% and a confidence interval of 95%. The sample covered all the islands, with a random selection of neighbourhoods that were weighted by number of residents and stratified by age range.



The prevalence of physical, psychological and/or sexual violence against women aged 18 or over in the 12 months prior to the interview, or in previous years, was found to be 53.3%. That is, approximately one in every two women had suffered at least one act of physical, psychological or sexual violence throughout their lives, a higher number than in the continent (38%).

By type of violence, the survey found the following values: physical (17.7%), sexual (19.4%) and psychological violence (47.3%). Regarding the victims' reactions, as in the continent, most noted they chose to "let things go and keep quiet" and only 12.9% of the victims referred having contacted a support service, a number equal to the continent.

Women were most likely to be victimised in the home, both concerning acts that do not endanger their physical integrity and those that place them at risk. Only acts of sexual violence were reported to be less frequent at home, as had already been observed in the continent.

Upon analysing the family ties between the victim and the perpetrator, the family context also came up as a violent place. Acts perpetrated by husbands, partners and boyfriends, past or present, including physical, psychological and/or sexual violence, presented a prevalence of 36.4%; the prevalence of acts perpetrated by other relatives was equally high (34.8%).

### 3.3.1.5. Italy

Through the European Social Fund and the Structural Funds, the Italian Department for Equal Opportunities financially supported a national survey on violence against women (ISTAT, 2006) that was conducted by the Italian National Institute of Statistics. Since this is the most recent survey of violence against women conducted in Italy (it was preceded by surveys in 1997 and 2002 (ISTAT, 1997, 2002)), our analysis will use its findings for reference.

The 2006 national survey considered a statistically representative sample of the Italian population and of its various administrative regions, and was applied to 950 women aged 16 to 70 residing in Italy. Particularly relevant among its various objectives were analysing: a) the prevalence and incidence rate of different types of violence (psychological, economic, physical), with special attention to domestic violence and intimate partner violence; b) stalking; c) women's perceptions of safety; d) personal

and social costs and consequences of violence against women; and e) individual risk and protection factors. It also analysed the biographic and sociodemographic characteristics of the victims.

The overall prevalence of physical and/or sexual violence reported by respondents aged 16 to 70 was 31.9% (approximately 1/3 of respondents). In terms of the types of violence, physical violence was found to be the most frequent, with almost 23.7% of women reporting at least one physical assault (throughout their lives, possibly in childhood). Sexual violence, in turn, had victimised almost 18.8% of Italian women. The highest prevalence of both types of violence was detected among young women aged 16 to 24 (16.3%) and 25 to 34 (7.9%).

Violence repeated over time tended to occur most frequently by intimate partners than non-partners (67.1% and 52.9%, respectively). Among the most severe forms of physical violence, the most prevalent were: pushing, hair pulling, arm twisting (56.7%); hitting the head/body with objects (52.0%); and slapping and biting (36.1%). Death threats with a firearm or a white weapon represented 8.1%.

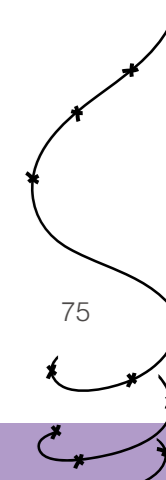
Sexual violence perpetrated by intimate partners also included being touched sexually against the woman's own will (79.5%), non-consensual sexual relations (19.0%), rape attempts (14.0%) and rape (9.6%).

As far as psychological violence is concerned, the most common acts were found to be: isolation and attempted isolation (46.7%), social control (40.7%), economic violence (30.7%), public humiliation (23.8%) and harassment (7.8%).

In relation to the findings for stalking, the study revealed that it is also most frequently committed by intimate partners (68.5%), and that almost 50% of women who were victims of physical or sexual violence by a previous partner were stalked by that partner.

An important finding from the national survey is that 62.4% of women victims informed their children were present during one or more episodes of violence.

In the vast majority of cases, violence is not reported to the police. The degree to which women hide violence is alarming, reaching 93% for intimate partner violence and 96% for non-partner violence. Even concerning rape, 91.6% of the cases are not reported to the police.



### 3.3.2. Administration data

In view of the above, the administrative data collected by government agencies and other institutions are extremely important to signal and characterise the acts of violence brought to light by those agencies. Because they reveal how the law enforcement, judicial and social assistance services currently respond, or may come to respond, to victims of violence, they are essential to monitor how effectively laws and policies are implemented and determine whether objectives established in national, regional and municipal action plans are being achieved (CoE, 2008).

The section below presents the main administrative datasets compiled by the various sectors in each of the countries selected for the study, with a brief description of the information selected, by sector, entity involved, and types of violence covered.

#### 3.3.2.1. Lithuania

Information System of Social Support for Families	
Policy Area	Social protection
Entity	Social support departments in each municipality
Types de violence covered	Intimate partner violence, rape, sexual assault, stalking

Information about the person and the case is recorded on paper monthly and sent to the municipality of residence. Information about the support offered is then recorded electronically and transferred to the central database under the responsibility of the Ministry of Social Security and Labour. The information is provided by the victim, since the victim is the one who must file a request for support.

**Information collected:** victim (sex, age, nationality, legal identification, name, relationship with the offender, repeated assaults, family conditions such as members with disabilities, income and others linked to family risk); offender (sex, age, repeat offender); children watching; incident (date, time, harm/injuries, place); Information about legal procedures such as orders of protection or court decisions about divorce or custody of children is recorded on paper, but not on the electronic form.

Information Systems of Lithuanian Courts (LITEKO)	
Policy Area	Justice
Entity	National Administration of Courts
Types de violence covered	Rape, sexual assault, sexual harassment, stalking

**Information collected:** victim (sex, age, nationality, legal identification, name, ethnicity, employment status, address, profession, level of education); offender (sex, age, nationality, name, employment status, level of education, address); witnesses (sex, age, nationality, name, ethnicity, dependents, address); incident (date, time, harm/injuries, place); orders of protection; data from civil court cases; criminal justice (withdrawal of complaints, number of cases referred to court, type of offenses, admissions of guilt, convictions, average time of proceedings); results (charged with more than one offense, list of offenses, probation, time spent in custody).

Institutional Crimes Register	
Policy Area	Police forces
Entity	Information and Communication Technology Department, Ministry of the Interior
Types de violence covered	Intimate partner violence, rape, sexual assault, sexual harassment, stalking

**Information collected:** victim (sex, age, nationality, legal identification, name, ethnicity, dependents, employment status, level of education, minors living with the victim, relationship with the offender); offender (sex, age, nationality, legal identification, ethnicity, employment status, level of education, repeat offenses); incident (date, time, harm/injuries, place, type of injuries (physical, psychological, sexual), death, use of weapons; criminal justice (withdrawal of complaints, withdrawal of support to prosecution, number of cases reported by incident, number of cases filed by type of incident, number of cases prosecuted, type of offenses); results (charged with more than one offense, list of offenses, victim dead as a result of the offense).

Integrated Criminal Procedure Information System (IBPIS)	
Policy Area	Justice
Entity	Information and Communication Technology Department, Ministry of the Interior
Types de violence covered	Rape, sexual assault, sexual harassment, stalking

**Information collected:** victim (gender, age, nationality, legal identification, name); offender (age, legal identification, name, marital status, dependents, citizenship, address, employment status, level of education, repeat offender); witnesses (age, nationality, name, ethnicity, marital status, level of education, employment status, address, relationship with the offender); incident (date, time, harm/injuries, place); criminal justice (withdrawal of complaints, withdrawal of support to prosecution, number of cases reported by incident, number of cases filed by type of incident, number of cases prosecuted, type of offenses, admissions of guilt, convictions); results (number of cases resulting in detention, charged with more than one offense, list of offenses, probation, bail/preventive custody, victim died as a result of the offense).

Register of events recorded by the Police	
Policy Area	Police forces
Entity	Police Department, Ministry of the Interior
Types de violence covered	Intimate partner violence, rape, stalking

**Information collected:** victim (gender, age, nationality, legal identification, name); offender (age, sex, nationality, country of birth); incident (date, time, place, type of offence, residence, gravity); criminal justice (withdrawal of complaints, withdrawal of support to prosecution, type of offenses); results (number of cases that resulted in detention, list of offenses, victim died as a result of the offense).

### 3.3.2.2. Finland

Client documentation	
Policy Area	Social Protection
Entity	Mother and Child Homes and Shelters
Types de violence covered	Intimate partner violence, rape, sexual assault

**Information collected:** victim (sex, age, nationality, relationship with the offender, repeated assaults); offender (sex, age, nationality); witnesses (age, sex, nationality, relationship with the victim/offender).

Data on incidents of violence against women	
Policy Area	Social Protection
Entity	Victim Support Finland
Types de violence covered	Intimate partner violence, rape, sexual assault, sexual harassment

**Information collected:** victim (sex, age, nationality, name, relationship with the offender); offender (age, sex, nationality, dependants); criminal justice (number of cases reported by incident, number of cases filed by type of incident, number of cases prosecuted).

Complaints of violence against women filed with the police	
Policy Area	Police forces
Entity	National Police Council
Types de violence covered	Intimate partner violence, rape

**Information collected:** victim (gender, age, nationality, legal identification, name); offender (age, sex, nationality); criminal justice (withdrawal of complaints, number of cases reported by incident, number of cases filed by type of incident).

Patient data from hospitals and health care districts	
Policy Area	Health care
Entity	National Institute for Health and Social Assistance
Types de violence covered	Intimate partner violence, rape, sexual assault

**Information collected:** victim (gender, age, nationality, legal identification, name); criminal justice (number of cases reported by incident, number of cases filed by type of incident); results (victim died as a result of the offense).

Public Prosecution Service Records	
Policy Area	Justice
Entity	Office of the Attorney-General
Types de violence covered	Rape, sexual assault, sexual harassment

**Information collected:** victim (gender, age, nationality, legal identification, name); offender (age, sex, nationality); witnesses (age, sex, nationality); results (victim died as a result of the offense)

### 3.3.2.3. Austria

Information on violence against women collected from medical professionals in hospital settings	
Policy Area	Health care
Entity	Family and Youth Department; Ministry of Health and Ministry of Economy
Types de violence covered	Intimate partner violence, rape, sexual assault (excluding rape)

Information is collected by the health professionals that care for the victims with the main purpose of monitoring the types of violence listed above and ensuring victim protection by activating the legal networks that exist to that end. Collecting this type

of data is equally crucial to engage the health sector and hold it accountable in combating violence against women, as well as to contribute to surveying, collecting and centralising statistical data on these types of violence.

**Information collected:** victim (sex, age, name, address, relationship with the offender and specific communication needs (in the case of foreign or refugee women); offender (no information collected); description of the incident (date/time/place); violence repeated through time (repeat victimisation). Information is automatically stored in the database, since health professionals are often the first and only persons that victims go to (physical evidence must be collected immediately for future memory). Data is also collected in cases when victims on the database subsequently die as a result of a previously reported act of violence.

Complaints of violence against women filed with the police	
Policy Area	National Police
Entity	Internal affairs
Types de violence covered	Intimate partner violence, rape, sexual assault, sexual harassment and stalking

Data are collected at national scale and are comparable. However, they only include cases in which women report the violence they suffered. Information is collected and stored electronically, which makes it easy to correct and update. The main objective is to ensure that victims are protected and to design appropriate protective measures for each type of incident.

**Information collected:** victim (gender, age, nationality, legal identification, name); offender (age, sex, nationality, repeated acts of violence); witnesses (sex, age, nationality, identification legal, name and their description of the incident); children watching; incident (date, time, harm/injuries, place); information about legal procedures (orders of protection for the victim and restraining orders for the offender). Findings: (victim died as a result of the offense); criminal justice (number of cases referred to the court, number of cases reported by incident, number of cases reported for by type of incident that resulted in conviction).

Register of incidents of violence against women	
Policy Area	Justice
Entity	Ministry of Justice and district courts
Types de violence covered	Intimate partner violence, rape, sexual assault, sexual harassment and stalking

Data are collected at national scale but are not comparable. Information is collected and stored electronically with the main objective of ensuring victim protection. The Ministry of Justice does not provide regular, systematic and consistent data, since the Justice Department has neither the capacity, nor staff or other judicial officers to collect data consistently at this level.

**Information collected:** victim (gender, age, nationality, legal identification, name); offender (age, sex, nationality, relationship with the victim); witnesses (sex, age, nationality, identification legal, name and their description of the incident); children watching; evolution of legal proceedings against the offender, orders of protection; data from civil court cases; criminal justice (withdrawal of complaints, number of cases prosecuted, type of offenses, convictions); results (number of cases that resulted in conviction, charged with more than one offense, list of offenses, probation, release from custody with bail and prison time to which the offender was sentenced); (victim died as a result of the offense).

### 3.3.2.4. Portugal

Data from domestic violence complaints filed with law enforcement	
Policy Area	Police
Entity	General Secretariat of the Ministry of Internal Affairs
Types de violence covered	Domestic Violence

Data are collected at national scale. Information is collected and registered electronically with the main objective of monitoring and preparing action plans according to the needs of victims of this type of violence. When a domestic violence

crime is reported to the police (Polícia de Segurança Pública - PSP or Guarda Nacional Republicana - GNR), the victim completes a standard complaint form. This standard complaint form is available on the computer platform of the police. The responsible police officer validates the report as a domestic violence incident and sends the information to the computer platform of the General Secretariat of the Ministry of Internal Affairs (SGMAI) using specific software. The Secretariat compiles all the data related to domestic violence incidents and prepares the SGMAI Annual Monitoring Report of Domestic Violence.

**Information collected:** victim (sex, age, nationality, ethnicity, marital status; level of education and employment status); offender (sex, age, nationality, ethnicity, marital status; level of education and employment status); witnesses (sex, age, nationality, ethnicity, marital status; level of education and employment status); incident (date, time, harm/injuries, place); number of cases reported by incident.

With respect to data on femicide, since Portugal does not typify the crime of femicide (or feticide) it does not produce official statistics on the topic.

The official statistics available provide relatively little information. According to the Annual Internal Security Report (RASI), 76 consummated voluntary homicides were registered in Portugal in 2016, 26 less than in 2015, maintaining the downward trend of the last decade (198 consummated voluntary homicides in 2006)<sup>11</sup>.

We also know that 33.3% of voluntary homicide victims were women, 62.9% men and in 3.8% of the cases the sex of the victim is not mentioned.

According to the RASI, this type of crime occurs quite frequently in the context of intimate relations: in 47% of cases, the perpetrator was a neighbour or an acquaintance (18%), spouse or similar (15%), or parent or other relative (14%). In particular, 13 women were murdered in the context of marital relations (or similar situation), while 4 men died in similar circumstances (SSI, 2017).

Since 1 November 2014 the Armed Forces have been using a risk assessment tool for situations of domestic violence. In 2016, 27,075 cases were assessed: 22% were considered high risk, 50% medium risk and 28% low risk. Notwithstanding the

11. Portugal also has the Murdered Women's Observatory (OMA), a project developed by the Women's Union for Alternative and Response (UMAR), a non-governmental organisation and feminist association that fights for the rights of women. OMA produces annual reports with data on Consummated and Attempted Femicide cases that occurred in Portugal and were reported by the media. The information collected includes: victim (sex, age, nationality, ethnicity, marital status; level of education and employment status); offender (sex, age, nationality, ethnicity, marital status; level of education and employment status). Data related to homicides (month, district, neighbourhood, motivation or alleged justification for the crime, weapon used, history of violence in the couple, place of the incident); judicial data (previous domestic violence cases prosecuted, victim protection orders, court sentences).



unavailability of crossed data between the homicides and prior risk assessments, the General Secretariat of the Ministry of Internal Affairs is responsible for conducting a retrospective analysis of domestic violence homicides, pursuant to numeral 1 of Art. 4-A, Law No. 112/2009, amended by Law No. 129/2015<sup>12</sup>. Despite being reactive in nature, the procedure is intended to have an impact on prevention, as provided in numeral 6: “Whenever justified, the Retrospective Analysis Team for Domestic Violence Homicides issues recommendations for the implementation of new preventive methodologies at the procedural level.”

### 3.3.2.5. Italy

Crimes reported to law enforcement and the judicial system	
Policy Area	Police
Entity	Ministry of the Interior
Types de violence covered	Intimate partner violence, rape, sexual assault, sexual harassment and stalking

Data are collected electronically at the national scale and updated on a monthly basis. The main objective is to monitor this issue.

**Information collected:** victim (sex, age, nationality); offender (age, sex, nationality); incident (injuries).

Judicial statistics about convictions for this type of crime	
Policy Area	Justice
Entity	Ministry of Justice
Types de violence covered	Rape

Data are collected at national scale, electronically, with the main objective of helping to feed other national databases.

<sup>12</sup> The article states that: “Public Administration services that intervene in protecting victims of domestic violence shall conduct a retrospective analysis of the situations of homicide having occurred in the context of domestic violence that were tried in court, and for which a final verdict was reached, or a mistrial declared, aiming to reiterate conclusions that enable the implementation of new prevention methodologies at the procedural level.”

**Information collected:** victim (sex, age); offender (age, sex, nationality); incident (date, place, injuries); number of cases that result in conviction.

Data on stalking	
Policy Area	Police
Entity	Carabinieri Department of Statistics
Types de violence covered	Stalking

Despite being listed as an item on which administrative data is collected, there is no information about this type of data or the characterisation variables it collects about victims or offenders.

Support requests through telephone helplines	
Policy Area	Social protection
Entity	Equal Opportunities Department, Presidency of the Council of Ministers
Types de violence covered	Intimate partner violence, rape, sexual assault, sexual harassment and stalking

Data are collected electronically at national scale with the purpose of monitoring the phenomenon of gender-based violence. There is no verification of quality or data recorded, as the data is collected from information provided by the victims by telephone. Data are updated on a weekly basis.

**Information collected:** victim (sex, age, nationality); relationship with the offender; violence repeated through time; criminal justice (withdrawal of complaints).

## 4. Good practices in selected countries in the priority areas described in the Istanbul Convention

We will now provide a description of good practices regarding the aspects that are considered to be fundamental according to the Istanbul Convention in the fight to eliminate violence against women, including domestic and gender-based violence.

As per the Istanbul Convention, the following aspects are deemed to be the pillars of public policies to be adopted in the member countries of the Council of Europe: protection and support for victims of violence; investigation, prosecution, procedural law and protective measures; violence prevention; and data collection and research.

In our analysis of the individual aspects, we will try to focus only on the most significant good practices by highlighting the factors that are most directly related to our cooperation with Brazil, with particular attention to the Register and to Femicide. Other good practices could obviously be brought up, but we had to stress the most relevant ones in order to avoid repetition.

- **Protection and support for victims**, in the sense of protecting victims of any new acts of violence, ensuring “that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities, in protecting and supporting victims and witnesses.
- **Investigation, prosecution, procedural law and protective measures**, according to the following general obligations: ensuring that investigations and judicial proceedings in relation to all forms of violence are carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings; taking the necessary legislative measures, in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence.
- **Prevention**, in the sense of “taking the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men,” with particular emphasis on the training of professionals working directly in the area of violence against women, domestic violence and gender-based violence.
- **Data collection and research**, with a view to the systematic processing and analysis and monitoring of all types of relevant data for combating violence, protecting victims and preventing violence. This includes the data in the National Register and on Femicide.

## 4.1. Protection and support for victims

### 4.1.1. Lithuania

One should bear in mind that domestic violence in Lithuania is a violation of human rights and freedoms, and that it is criminalised by law as such. Domestic violence means the acts perpetrated in association with the relationship of kinship between a victim and their aggressor. It refers to physical, psychological, sexual or economic acts or other intentional influences on a person through acts or omissions that result in physical, property or non-pecuniary damages. Domestic violence is defined as violence committed by persons currently or previously linked by marriage, partnership, affinity or other close relations, also the persons having a common domicile (Republic of Lithuania, 2011).

This very comprehensive law includes a chapter that describes measures to ensure the protection of victims of violence, including:

- the obligation for the aggressor to be removed from the domicile temporarily if he cohabits with the victim;
- the obligation for the aggressor not to approach, communicate with or contact the victim.

These protective measures continue during the investigation stage, unless a magistrate issues specific measures from the Code of Criminal Procedure, that is, imprisonment or a mandatory separate residence from the victim, and these measures must be taken within a maximum period of 48 hours.

In addition, the law on protection against domestic violence provides for a framework for management and organisation of support for victims.

First, support management should include planning, administration, organisation of support measures, designation of responsibilities, and guarantee of funding. With regard to funding, the government should approve a long-term state programme for the provision of support by a government-authorized entity and funded by the State and municipal budgets and international programme funds. Entities authorised by the government will be responsible for developing a programme for specialised care centres, with priority for NGOs, which should provide specialised comprehensive assistance.

The organisational aspect is primarily related to the work of the police. Thus, on arrival at the scene of the occurrence, police officers must inform the victim of the options of support and report the incident to a specialised assistance centre. Upon receipt of the police report, the specialised assistance centre must contact the victim immediately. The police must notify the child rights protection division promptly (within a maximum of one working day) when a child is exposed to or witnesses domestic violence, lives in an environment where violence is perpetrated or where a suspect of aggression is a minor.

Finally, victims have the right to: be informed by a police officer or specialised care centre of which institutions provide support under the law; receive comprehensive and specialised support (psychological, legal, social, health care, education, housing and other support); and request and receive support in accordance with the procedure established by law and other regulations. These rights apply even if the victim fails to file a complaint with the police.

According to the report prepared for the Fundamental Rights Agency on victim support services in Lithuania (Blažyte & Vaige, 2014), no general victim support organisation is available, either a governmental or an NGO-run organisation. There are, however, state and municipal institutions responsible for providing legal assistance and NGOs that provide social services related to specific offences.

Although there is no official body in charge of running victim support services at the national level, responsibilities are shared by various ministries. The Ministry of Social Security and Labour is responsible for the management of social services and for designing long-term targeted government programmes. These programmes are implemented by the Department of Social Service Supervision of the Ministry of Social Security and Labour, which includes management of social programmes and projects at the state and municipal levels; use of allocated funds; assessment of victim needs; issuance of social assistance and regular monitoring licenses to ensure that entities comply with the applicable regulations; standardisation of enforcement of rules and requirements of care and social assistance; provision of methodological support regarding the enforcement of social support standards and quality control of services; among others.

The provisions relating to the establishment, funding and operations of specialised care centres for victims of domestic violence are underlined in the programme of specialised care centres. According to part IV of this regulation, activities under the

programme are funded by the state budget, municipal budget, financial resources of the EU Structural Funds and other statutory funds.

Under this decentralised system, there is a group of entities in Lithuania with different capacities that provide support for victims: crisis intervention centre (Kaunas County Women Crisis Centre; Visaginas Family Crisis Centre); protection and empowerment (Kretinga Women Information and Training Centre; Kaunas Women's Society; Women's Centre for Activity Innovation; Vilnius Women's House); promotion of gender equality (Women's Activity Centre of Marijampolė District); violence prevention (Women's Issues Information Centre); child support (Lithuanian SOS Children's Agency Department in Panevėžys).

In 2015, 11,432 victims reached the care centres for assistance, and only 1,138 (10%) of them contacted them on their own initiative (the rest of them were referenced by the police). In addition, there are 29 crisis intervention centres and 5 temporary housing centres for mothers and their children (Muižnieks, 2017).

As far as telephone helplines are concerned, there are no national hotlines for victim support in Lithuania. However, several helplines provide information and emotional and psychological support to specific groups: children and young people; adults in need of non-specific psychological support; women who are victims of domestic violence or who need emotional support in general.

#### 4.1.2. Finland

As stated earlier, Finland put in place policy instruments relating to violence against women in the 1990s. In fact, all national programmes and action plans emphasised the need to develop services to support victims of violence, including the establishment of a network of general and specialised support services; ensuring telephone services and shelter homes for victims; intervention in case of a crisis; social and health care services to the victims of intimate violence.

With regard to support services, Finland also has a free telephone helpline, 19 shelter homes and 4 national networks for women in addition to care centres (WAVE, 2016).

In terms of good practices for victim protection and support, the government has been the main provider of shelter homes in Finland since 2015. Victims stay at shelter homes free of charge in Finland, and the country intends to expand the provision of this type of response in line with the Istanbul Convention (EIGE, 2016a).

One of the Finnish best practices on victim protection and support that matters most for this project concerns the protection of victims of domestic violence at risk.

The MARAC – Multi-Agency Risk Assessment Conference – intervention model applies in situations where victims are considered to be at high risk. Based on cooperation by a multidisciplinary team, the assessments focus on preventing murders of high-risk domestic violence victims; in addition to the risk assessment, MARACs also cover planning and monitoring of protective measures.

This intervention model was created in Cardiff, Wales, in 2003 with a specific focus and as a new methodology: to manage cases of high-risk victims and to engage entities from areas outside the criminal justice system (Robinson, 2006).

Multi-agency risk assessment conferences (MARAC) are meetings that bring together both public and private organisations dealing with domestic violence cases to discuss individual high-risk cases and draw up concerted action plans (CAADA, 2006).

MARACs were initially held on a monthly basis and later on a fortnightly basis, and serve as a forum for sharing information and taking action to reduce future harm to high-risk victims and their children. The circumstances of the victims are discussed at the meetings and plans are prepared to help promote their safety. Representatives from various agencies provide information; inconsistencies in the information provided by the several agencies are often identified in these meetings, and only through a multi-agency approach can these gaps be identified and bridged (Robinson, 2006).

In one meeting, up-to-date risk information is combined with a comprehensive assessment of the victim's needs, and those needs are matched to appropriate services to all parties involved – victim, child, and aggressor.

The entities that are required to participate permanently in the conferences are: the police; social services; independent counsellors on domestic violence; victim support services, including shelter homes; health care providers; housing services; the judicial system; and education services. Depending on the specific needs in each case, these may also be present: representatives of aggressor intervention programmes; mental health services; local services for drug and alcohol abuse; support services for the Juvenile Court; local child protection services.

In short, MARAC have the following objectives (CAADA, 2006):

- To share information to enhance the safety, health and well-being of victims – adults and their children;
- Establish whether the perpetrator poses a significant risk to any particular individual or to the community at large;
- Develop and jointly implement a risk management plan that provides professional support to all those at risk and that reduces the risk of harm;
- Reduce re-victimisation;
- Enhance the accountability of the entities involved;
- Improve support to those agents dealing with high-risk domestic violence.

An assessment of this model carried out by Amanda Robinson at the beginning of implementation in Wales (Robinson, 2006) helped understand the limitations of MARAC as well as the impact this approach had vis-à-vis its objectives.

On the one hand, lack of cooperation on the part of the victims was identified as one of the main limitations to the effectiveness of this approach. Despite widespread recognition of its success, similarly to other models, this approach struggles to overcome the problem of victims failing to seek assistance and/or failing to admit that a problem exists. In fact, although this model adds important value to the protection of victims, the number of reported cases of violence is regrettably small, which makes it difficult to extend to victims at lower risk levels who could also benefit greatly from MARAC. The data collected show that there seems to be a gap in the general system that ends up affecting access to MARAC, as illustrated by the fact that the majority of victims (62%) had not previously filed any complaints between the first and sixth month after the initial incident.

It should be noted that the operation of this model has involved an administrative and organisational burden for the various organisations involved, with costs that could affect the project. However, an overall assessment showed that the MARACs are economically viable as they represent savings of six euros of public expenditure for each euro they cost.

Finally, an important and very positive aspect of the MARAC is that, by sharing information across agencies and following a simple planning and action system,



they can help catalyse processes and lead to more effective protection. The effective response by the various agencies obviously has a direct impact on reducing re-victimisation and potentially lethal violence (CAADA, 2006).

This model was adopted in Finland in 2010 as a pilot project for one year. The results achieved in this country are in line with the success observed in Cardiff: 6 months into the implementation of MARAC in Finland, 75% of victims had not experienced any new episodes of domestic violence (Piispa & Lappinen (2014).

However, the model has expanded and currently relies on public funding (Ministry of Social Affairs and Health) and is managed by the National Institute for Health and Social Security (THL, 2014).

According to information provided by a stakeholder from the Criminal Policy Department of the Finnish Ministry of Justice, 33 MARAC are currently in operation in more than 100 municipalities.

### 4.1.3. Austria

Austria is frequently regarded as a model for its legislation on domestic violence offences. Implementation of the law, particularly in terms of victim protection, is also exemplary at the European level. The federal law on protection against domestic violence came into effect in 1997. Following a number of amendments, a comprehensive second package of laws on victim protection was then adopted in 2009. In 2014, Austria adopted a National Plan of Action for the Protection of Women against Violence. Under this plan, the State and its institutions recognise that violence against women and children is a public concern and provides specific means and measures to protect victims. Thus, the policy approaches in place focus on programmes for violence prevention and support for victims, particularly regarding two central aspects: 1) development of awareness campaigns; 2) establishment of legal and social counselling centres for men and women throughout Austria.

After several amendments to the Austrian Federal Law on Protection Against Domestic Violence to improve protection and support for victims, the Second Protection Against Violence Act (2009) was adopted. The latest amendment dates back to 2013 and extends protection to children affected by violence. This Act includes the right to police protection by the victim, more comprehensive measures of protection and removal of the aggressor under criminal law, among other aspects. All residents

of Austria, regardless of their background or nationality, are entitled to protection against violence.

The Austrian law on protection against violence consists of three elements developed in combination and harmonised with each other to ensure that victims of domestic violence receive protection as well as extensive support, always with the possibility of remaining in their own domiciles.

The three elements illustrating good practices in the protection of victims in Austria are:

1. Removal and enforcement of measures for restriction of contact with the victim by the police for a period of 10 to 20 days. For every intervention in cases of domestic violence, the police should assess the danger involved for the victim(s). If this assessment indicates a high and imminent risk to life, health and freedom, the police must immediately evict the aggressor and prohibit them from entering the household for ten/twenty days. Removal of the aggressor protects each person living in the household, regardless of who owns or is responsible for renting the house. In addition, the police should inform the nearest relevant Intervention Centre and provide the documentation related to the intervention as well as data regarding the victim and their police protection plan. In cases where minors may be involved, the Department of Child and Youth Protection should also be notified.
2. Long-term protection through a temporary injunction against the perpetrator as a measure to protect the victim (3 months or more, if warranted). Thus, after 10-20 days of police protection, Austrian law provides for another system of protection for victims in the medium to long term. Thus, if the victim chooses to use these long-term protection measures, they must apply for a temporary injunction from the civil law courts. Also, if the victim intends to initiate divorce proceedings or procedures to guarantee housing, the temporary injunction will remain valid until this process has been completed. The temporary injunction may also be used to prohibit the aggressor from contacting the victim (through letters, telephone, mobile phone messaging, e-mails, visits at the workplace or visits to the children's kindergarten or school). In case the aggressor violates any of these prohibitions, the victim can file for a new temporary injunction with the Family Court. This extends the protection issued by the court.

3. Support for victims, measures to prevent violence and coordination of interventions to victims through the establishment of Intervention Centres. Austrian victim assistance centres adopt a proactive approach. In practice, this approach implies that rather than waiting for the victims to contact the centres, it is the centres themselves that reach the victims. The idea is to offer support if they find it appropriate. It will always be up to the victims to decide whether to accept or not the help being offered. One of the most important tasks of victim support centres is planning their safety together with the victims themselves. In many cases, withdrawal of the aggressor from cohabitation may not be sufficient, so more tailored plans are drawn up. Support centres are also staffed with trained personnel to provide legal assistance to victims and, for instance, assist them in submitting their requests to the court and escort them when they have to appear before court.

As regards shelter homes and helplines for victims of domestic violence, there are currently 26 women shelters in Austria, with approximately 400 beds for victims and their children. There are also several counselling centres for women against sexual violence, regional helplines and care centres for migrant women. Since 1999, a free, federally funded helpline for women at the national level has been operating 24/7.

#### 4.1.4. Portugal

The description of Portuguese good practices regarding measures to protect victims by means of legal instruments should be read in conjunction with section 3.2 above. Indeed, the public policy instruments outlined here are the most recent pieces of a protection system that has been designed for several decades now.

Law no. 129/2015, of 3 September (third amendment to Law no. 112/2009, of 16 September), which establishes the legal regime applicable to the prevention of domestic violence, protection and assistance for victims, is considered as an example of good practice in terms of European legislative and legal measures. Article 20 on the right of victims to protection provides as follows:

1. An adequate level of protection is provided to the victim and, where appropriate, their family or persons in a similar situation, in particular with regard to safety and safeguard of private life whenever the relevant authorities deem that there is a serious threat of reprisals, reprisal potential for re-victimisation or strong indications that such privacy may be disturbed.

2. Contact between victims and defendants in all places involving joint proceedings, especially in court facilities, should be avoided, without prejudice to the enforcement of the procedural rules set forth in the Code of Criminal Procedure.
3. Particularly vulnerable victims must be guaranteed the right to benefit, by judicial decision, from conditions of testimony, by any appropriate means, that protect them from the consequences of the testimony rendered in a public hearing.
4. The judge or, during the investigation phase, the Public Prosecution Service, must determine, whenever this is necessary for the protection of the victim and they have given their consent, that they are guaranteed psychosocial support and protection through tele-assistance, for a period not exceeding six months, extendable if justified by circumstances associated with the protection of the victim.
5. A special regime for the protection of witnesses must be in place, in particular with regard to the protection of the victim's next of kin.

This victim protection law further outlines specific measures of protection in the course of the various stages of the domestic violence offence. After the allegation (Article 29-A) and actions by the police forces, the Public Prosecution Service will have 72 hours to take measures to protect the victim and measures to coerce the defendant. The victim is always referred to the local support facilities for the purpose of preparing a safety plan in case it has not been prepared by the criminal police authority.

Article 31 lays out the measures of victim protection and removal and coercion of the aggressor, including the following: 1 - Once the defendant is recognised for the crime of domestic violence, the court will consider, within a maximum of 48 hours, enforcement of the coercion measures under the Code of Criminal Procedure:

- a. Not to acquire, use or promptly deliver weapons or other objects or items that they possess that could allow for the continuation of the criminal acts;
- b. Establish, with prior consent, the programme frequency for defendants in offences related domestic violence;
- c. Not to remain in the household where the crime was committed or where the victim dwells (even if the victim has left the household due to actual crime or serious threat of crime of domestic violence);

- d. Not to contact the victim or be in certain places or certain environments (even if the victim has left the household due to actual crime or serious threat of crime of domestic violence);

Following the commitments undertaken in the various international bodies (United Nations, Council of Europe, European Union, and Community of Portuguese Speaking Countries), Portugal adopts the V PNPCVDG, which is based on the Istanbul Convention, extending its scope from domestic violence to other types of gender-based violence.

One of the priority areas of intervention in the Plan is victim protection. This is in line with the protection and support measures set forth in the Istanbul Convention that are intended to empower victims and to improve their access to services in response to the multiple needs that these victims have, thus helping prevent re-victimisation and secondary victimisation. Because of its complexity and the various requirements of victims (including legal counselling, psychological support, social and economic support, shelter, training and job search support), this implies concerted action among the public and private entities dealing with the different aspects of domestic violence.<sup>13</sup>

One of the mechanisms under the Portuguese law on victim protection is tele-assistance, which provides for monitoring 24/7. In situations where the aggressor is in a nearby location and there is perceived imminent danger, the victim should press the tele-assistance button, causing a team of police officers to head immediately to the scene to protect the victim and arrest the aggressor. One of the goals of the Fifth Plan is therefore to implement protection by tele-assistance throughout the national territory. Implementation of risk assessment methodologies is also a key strategy to promote and ensure the safety of victims.

Strategic Area 2 of the Fifth National Plan (Protecting Victims and Promoting their Integration) is comprised of 17 measures aimed at strengthening and expanding measures to protect and support victims of domestic violence. Some of its strategic goals to be achieved by the end of 2017 are:

- Prevention of re-victimisation;
- Expansion of measures to protect victims;
- Strengthening and qualification of the network of victim care facilities;
- Promotion of specific interventions for particularly vulnerable victims;
- Promotion of the empowerment of victims.

As previously mentioned, victims of domestic violence in Portugal are entitled by law to prompt and emergency protection measures: restraining orders may be issued within 48 hours after the aggressor is formally accused; and both electronic surveillance for perpetrators and technical assistance to victims should be available within these 48 hours.

Portugal also provides a national domestic violence helpline, the Information Service for Domestic Violence Victims. This service is free of charge, anonymous, confidential and available 24/7. For women and children exposed to domestic violence, Portugal has 39 shelter homes with 650 beds. There are also 130 beds for emergencies (Social Emergency, available 24/7).

The national network of support for victims of domestic violence includes support services, shelters, emergency beds and responses from the Central Administration. This network is managed by the Commission for Citizenship and Gender Equality and the Social Security Services.

#### 4.1.5. Italy

As discussed previously, adoption of Law No. 66 of 15 February 1996 was an important milestone in the criminal typification of violence against women in Italy.

The Italian national legislation to punish violence against women is extensive, and covers domestic violence, sexual violence, violence against minors, female genital mutilation, stalking, and trafficking in human beings.

The 2001 Domestic Violence Act (154/2001) covers all family members subject to physical and psychological violence.

13. For that reason, Portugal has been working on the establishment of multidisciplinary teams with representatives from various policy areas dealing with issues of gender and domestic violence (Ministries, police forces, NGOs, scholars, etc.). A more specific example is the development and implementation of the First Municipal Plan to Prevent and Combat Domestic and Gender-Based Violence in the Municipality of Lisbon, in order to design measures for violence prevention and victim protection.

This Act introduced innovative mechanisms to combat domestic violence, and in particular to ensure prompt, even if temporary, protection for the victim. Important measures are in place to protect victims of domestic violence. In particular: a) the obligation of law enforcement authorities, health care facilities and public institutions to inform victims of certain crimes (including domestic violence, sexual violence, child pornography, etc.) of anti-violence centres, and to connect them with those centres; b) possibility of the criminal police, with the authorisation of the Public Prosecution Service, adopting a precautionary measure, i.e. urgent removal of the aggressor from the family household, if the criminal police, in agreement with the Public Prosecution Service, establishes that there are credible indications that the aggressor's behaviour can be repeated, thus putting the life or well-being of the victim at risk.

The central legal instrument in the fight against the elimination of domestic violence in Italy is Law No. 119, of 15 October 2013, "Urgent Regulations on Security and Combating Violence against Women," which addresses violence against women, both domestically and abroad, through prevention, punishment and protection. This is the main law on the protection of victims of violence.

Thus, Law No. 119 enhanced the punishment of perpetrators and introduced new aggravating circumstances. In particular, the sentence may be extended if children under the age of 18 witness the violence and if the victim is in a particularly vulnerable situation (e.g. a pregnant victim). The degree of kinship between the victim and the perpetrator has also been introduced as an aggravating circumstance (for example, if the perpetrator is the spouse or partner of the victim, regardless of cohabitation).

Victims of violence against women in Italy have legal access to protective measures. These include removal of the perpetrator from the family household or preventing the aggressor from contacting the victim. Other protective measures enshrined by Law No. 119 include: a) protection of victims during court hearings, especially if the aggressor is present; b) ensuring transparency in investigations and legal proceedings; c) health facilities and public institutions are required to inform victims of certain crimes (e.g. sex crimes), about anti-violence centres and to connect them with the relevant centres.

It should also be emphasised that, for the sake of raising awareness about the issue and setting up an effective network for the exchange of good practices at the

international level, in November 2013 Italy was the first non-American country to sign the Belém do Pará Convention on the prevention, punishment and eradication of violence against women.

In 2013, Italy also passed a law on femicide or attempted femicide, and its most important aspects are: a) more severe punishment for perpetrators; b) mandatory police custody and imprisonment of the perpetrator; c) removal of the perpetrator from the domicile (even if he is a spouse, former spouse or in a similar situation); d) victims are entitled to legal assistance free of charge; e) foreign victims are entitled to a residence permit.

In addition to these legislative measures, in 2015 the Italian government (Ministry of Equal Opportunities) put in place a special plan against sexual and gender-based violence. The public body responsible for implementing the Plan is the Inter-Ministerial Working Group on Violence against Women, established on 22 July 2013 at the Presidency of the Italian Council of Ministers. This extraordinary Plan of Action against sexual and gender-based violence focuses on the development, implementation and improvement of concerted, multidisciplinary and multi-agency programmes or strategies for combating all forms of violence against women and girls involving all stakeholders and bringing together regulations and non-legislative measures aimed at: a) eliminating violence and improving the provision of protection and support to victims; b) making measures of punishment and removal of perpetrators stricter; c) ensuring adequate and sustainable funding for the implementation of these policies and the operation of relevant institutions.

Pursuant to these guidelines, the Plan to be drawn up regarding the new European Union programming period 2014-2020 will have to address some of the goals related to the prevention of all forms of violence against women, in particular through: a) the development of public information and awareness campaigns; b) the promotion of respectful relationships between women and men in schools and anti-violence and anti-discrimination issues in textbooks; c) the strengthening of shelters and facilities for the care and protection of victims of gender-based violence and stalking; d) specialised training for operators; e) cooperation across multiple institutions; and f) collection, organisation and processing of administrative and research statistical data relating to all forms of violence against women and girls. This Action Plan is being currently developed with inputs from NGOs, shelter homes and civil society associations working on the fight against gender-based violence.



In the case of Italy, the protection of victims also relies on the national anti-violence helpline. This is a free service that is accessible 24/7 and provides multilingual support (Italian, English, French, Russian, and Arabic). It is managed and funded by the Equal Opportunities Department of the Presidency of the Council of Ministers. From December 2012 to August 2016, the helpline received 168,887 calls, of which 91% were made by women.

In addition, the victim protection system also has 486 shelters for women in Italy, with more than 1,045 beds, which so far have housed more than 19,456 women and children.

## 4.2. Investigation, prosecution, procedural law and protective measures

In a broader context beyond the countries in the European Union, in 2009 the United Nations published the Handbook for Legislation on Violence against Women (UN-DAW, 2010).

This document provides detailed guidelines to support the adoption and effective implementation of legislation to prevent violence against women, punish perpetrators and ensure the rights of victims are respected. In order to contribute to the development of a sound legal framework to address violence against women, it is hoped that this tool will be useful to the various stakeholders, including government officials, members of parliament, the civil society, agencies of the United Nations and others.

The primary focus of this manual is on legislation, and it covers a wide range of topics, including implementation strategies, criminal investigation, criminal procedures and evidence, precautionary measures, sentencing, and civil proceedings. It is an important basic instrument for the design and implementation of legislative measures to combat violence against women as a violation of human rights.

At the European level, and in all countries selected for this study, it seems to us that Lithuania is the most prominent country on this public policy area and should be considered as a good practice.

Lithuanian law stipulates that, once an incident of domestic violence has been reported, law enforcement officers must take immediate measures to protect the victim and,

where appropriate, initiate an investigation. If the circumstances of domestic violence are clear, procedures should be pursued and the case should be brought to court.

In addition, when the aggressor is required to leave the domicile temporarily (in the case of cohabitation with the victim), law enforcement officers must ensure immediate removal of the aggressor. They are also responsible for enforcing the court's decision (Republic of Lithuania, 2011).

With regard to the education, Lithuania has made a major effort to train professionals in this area. For example, in 2011-2012, 65 training sessions were provided to the police force on domestic violence, trafficking in human beings, sexual exploitation, violence against children and communication with victims of violence.

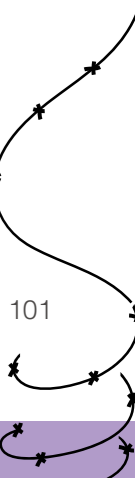
The Judiciary is also concerned with training related to the approach of victims of domestic violence and victims in general: in 2011-2012, 295 people from the Judiciary received training, which benefited from the collaboration of NGOs (Blažytė & Vaigė, 2014).

Furthermore, the emergence of public prosecutors specialising in domestic violence illustrates the concern with this area. According to the Public Prosecution Service, 8,969 preliminary investigations related to domestic violence were conducted in 2016. Of these, 5,097 were closed and 3,872 cases were escalated to court (Muižnieks, 2017).

## 4.3. Prevention of violence

As a significant proportion of combat and protection measures are now in place in all EU countries, violence prevention is one of the most important public policy guidelines. Preventing violence for immediate short-term intervention, which includes victims at risk in the medium term for situations of violence that are already detected, but which are not considered as life-threatening, and in the long term for people who have not yet been flagged as victims, but who may be in the future, including today's children and youth, girls and boys.

There are preventive measures in all countries covered; some are national and some are regional, or even municipal, as in Portugal. The next item will focus, however, only on good practices discussed previously.



### 4.3.1. Lithuania

Lithuania has had national plans to combat violence against women since 2007, including prevention measures.

In accordance with the Lithuanian law on combating domestic violence, state and local institutions and agencies, as well as non-governmental organisations, should develop and implement measures to prevent domestic violence that are consistent with their mandates. As provided by law, the main prevention measures should focus on: development of public education and awareness campaigns that promote a zero-tolerance approach to violence; development of education and training programmes for judges, prosecutors, law enforcement officers, specialists and others dealing with domestic violence prevention and care; promotion of legal education of the general public on acts that qualify as domestic violence, the legal consequences of these acts and inevitability of liability for commission thereof; promotion of research, collection and analysis of statistical data on domestic violence; development of training courses for the peaceful resolution of domestic conflicts; refusal to issue a permit to carry a gun or revocation of the existing permits (Republic of Lithuania, 2011).

Despite the importance given, as we have noted, to the issue of domestic violence, gender issues do not seem to be a substrate of the approach adopted by the various Lithuanian institutions to address the matter. For instance, in the education arena, although there are relevant requirements for school textbooks, they are not consistently monitored or inspected for compliance. A similar situation occurs in the media regarding the continued prevalence of gender stereotypes. According to the Office of the Inspector of Journalist Ethics, cases of gender bias or sexist messages reaching them fall within the scope of freedom of expression (Muižnieks, 2017).

As a good practice in this domain, the project developed as part of a wider prevention campaign on combating violence against women in Lithuania in 2010-2011 deserves note. Its goal was to provide training to judges, prosecutors and police officers; and hone their professional skills and provide them with knowledge of good international and European practices on effective ways to respond to domestic violence (CEA, 2017). Also in the area of domestic violence, we identified the “For a Safe Lithuania” campaign, which addresses various social issues by focusing, among other things, on the root causes of domestic violence and promoting a message of “zero tolerance” to such violence across society (Muižnieks, 2017).

There are also two other campaigns/projects that already have a focus on violence against women.

The primary objective of the project “Common action for society without violence” is to promote a zero-tolerance approach to all forms of violence against women and girls and to implement preventive measures through awareness and education actions.

The campaign “Stop violence against women: from (a)wareness to (z)ero victims blaming,” which is still ongoing (2015-2019) and co-financed by the European Union, is intended to develop specific information and implement practical empowerment actions, educational activities and awareness-raising actions to expand knowledge about the various forms of violence against women, stop blaming the victims, and ultimately contribute to promoting zero tolerance of violence against women and strengthen gender equality (CEA, 2017).

### 4.3.2. Finland

Finland put in place policy instruments relating to violence against women in the 1990s. All national programmes and action plans have emphasised the issue of prevention, albeit at levels that have been widening over time. At the outset, the prevention of violence against women was primarily about gaining knowledge on the issue and drafting regulations. Then prevention was based on specific intervention strategies, especially in terms of re-victimisation. The national strategies went on to consider this violence against the backdrop of gender inequalities, and the promotion of equality between men and women became a part of prevention. In recent documents, prevention maintained a focus on changing behaviours and attitudes, with particular emphasis on repeated intimate partner violence. The plan currently in place is intended to meet the prevention-related obligations of the Istanbul Convention.

Finnish good practices in that regard include the “You cannot wipe off violence” campaign, launched around Christmas in 2016 with the purpose of raising the profile of domestic violence based on a strategy of close engagement. This campaign is unique mainly due to its hyperlocal and reactive method of communication: when a report of domestic violence is made over the telephone, posters are immediately placed in 15 locations near the place where the report was made. The poster reads: “*There have been domestic violence calls from this area within the past 48 hours*” and urges both victims and witnesses to report<sup>14</sup>.

14. To learn more about the campaign, visit <http://www.adweek.com/creativity/anti-violence-ads-are-popping-helsinki-neighborhoods-within-hours-911-calls-there-175483/>.

Other past activities provide insight into the approach adopted in Finland which encompasses not only violence as a human rights issue but also as a gender issue.

For example, a campaign launched by the National Violence Observatory in Finland in 2008-2010 addressed the facets of domestic violence, including sexual violence in intimate partner relationships. All campaigns run by the Observatory defend human rights, physical wellbeing and the right to a non-violent life for women<sup>15</sup>.

But the best sustained practice we found in Finland was the establishment and feeding of the Finnish Homicide Monitor (FHM), a homicide database that is extremely helpful in terms of prevention, even though it was not specifically designed to monitor violence against women. This database will be discussed in more detail in the chapter on data collection and research. It is a good practice related to prevention since its purpose is to establish an in-depth and systematic register that will help prevent crimes; in particular in the case of domestic violence and violence against women, this in-depth knowledge, particularly in terms of risk factors, is crucial to make prevention more effective.

### 4.3.3. Austria

In Austria, domestic violence prevention has three pillars (UN-DAW, 2005):

1. Preliminary/primary prevention: preventing violence (e.g. awareness raising, campaigns, community-based initiatives, education on human rights, educational programmes for children and adolescents, general measures against discrimination and in favour of gender equality, etc.);
2. Secondary prevention: identifying risk factors and at-risk groups and working on close engagement and support rationales (e.g. through awareness-raising programmes at various institutions, establishment of a helpline for women, health screening, measures to strengthen women's independence at the legal, economic and social levels, initiatives to support immigrant women, etc.);
3. Tertiary prevention: measures to prevent re-victimisation (e.g. helping women affected by violence in their reintegration needs, increasing the number of shelter homes available, effective police interventions, effective court procedures to punish aggressors, etc.).

<sup>15</sup>. To learn more about the campaign, visit <http://vakivalttaobservatorio.fi/>.

Operation of the criminal justice system in Austria is considered a good practice in terms of prevention (UN-DAW, 2005). In order to build on this pioneering position, Austria has been working on criminal and penal changes with a view to improving some aspects and explicitly introducing new aspects to criminal and penal sanctions, namely:

- all forms of violence against women should be punishable under criminal law, including marital rape;
- Punishment for violent acts committed within the family should not be less severe; on the contrary, this should count as an aggravating factor;
- effective law enforcement of violent acts against women, with a focus on full investigations and producing unambiguous evidence of violence;
- during the criminal proceedings, measures should be taken to protect victims and to prevent re-victimisation (measures of removal and coercion of the aggressor, obligation of the aggressor to take anti-violence training, removal by court order, etc.);
- victims should be entitled to participate in criminal proceedings, ask questions, bring evidence and seek judgments in the course of criminal or civil proceedings;
- victims should be entitled to a lawyer and free assistance during criminal proceedings;
- before, during and after court meetings, special arrangements should be made to ensure the victim is safe, confrontation with the perpetrator should be avoided (for example, parties should wait in separate rooms);
- victims should have the right to special treatment, also when testifying (not in the presence of the perpetrator, through video recordings);
- judges, prosecutors and defense counsel should receive training on the sensitive treatment of victims in order to avoid further traumas;
- the offices and cabinets in the Public Prosecution Service should establish special departments to deal with violence against women.

There are also good practices related to health in the prevention of domestic violence. The health care sector has been increasingly involved in the development of new intervention strategies in this area. Health care professionals play a key role in identifying early signs of violence and in supporting abused women and children. Women who have suffered violence and are inflicted injuries or health problems are much more likely to go to an emergency room or general practitioners than to a counselling centre or the police. That is why in several provinces of Austria in recent years educational projects consisting of seminars, workshops and information events for medical personnel have been delivered. In order to improve the response to domestic violence both in terms of protection and prevention, the city of Vienna has designed a curriculum for health professionals on how to deal with victims of domestic violence (EIGE, 2014).

An example of good practice in the prevention of domestic violence by Austrian NGOs is the “Behind the Facade” project.

In 2005, some NGOs in support of victims of domestic violence decided to put up a traveling exhibition in order to spread the message. The purpose of this project was to tell the story of abuse and violence in the home by outlining the various divisions of an apartment and having visitors walk from one room to another to experience first-hand domestic abuse and violence. This route was intended to give visitors an understanding of the causes of family violence, what it means in practice, what the law prescribes and what sources of help are available. The exhibition won several awards and toured 29 locations throughout Austria, and was also invited to attend events abroad. It has been visited by 15,000 people, including many school groups<sup>16</sup>.

#### 4.3.4. Portugal

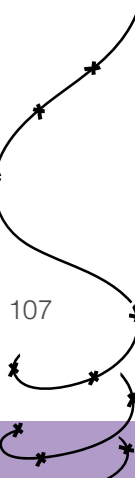
The 2014-2017 Fifth National Plan to Prevent and Fight against Domestic and Gender Violence (V PNPCVDG) outlines the main national guidelines for good prevention practices. Information, awareness and education are key to prevent gender-based violence and domestic violence. This Plan is the most current national tool to promote good practices in the fight against gender-based violence, including domestic violence, in Portugal.

The national prevention strategy against gender-based violence, including domestic violence, comprises 18 measures targeted at specific and strategic groups, based

<sup>16</sup>. To learn more about the campaign, visit <http://eige.europa.eu/gender-based-violence/good-practices/austria/taking-message-masses>.

on joint and networked efforts involving the central and local government, non-governmental organisations and the private sector. As such, Portugal has designed some measures to promote violence prevention, including the following:

- Hold seminars/conferences on domestic and gender-based violence issues, including sexual and moral harassment, forced marriage and new forms of violence, in particular stalking and violence through new technologies;
- Step up the role of municipalities in preventing and combating domestic and gender-based violence, with a focus on the role of local and regional networks;
- Carry out awareness-raising and information activities on domestic and gender-based violence targeted at the educational community, with a particular focus on bullying, violence through new technologies and dating violence;
- Develop and disseminate scripts and other informational and educational materials targeted at the educational community;
- Boost local scholarships for volunteer youth male and female facilitators aimed at preventing dating violence.
- Conduct awareness actions on domestic and gender violence targeted at immigrants and the Roma community.
- Carry out actions to raise awareness about violence among the LGBT community in intimate relationships;
- Promote and monitor awareness-raising and counselling activities carried out by law enforcement authorities targeting the elderly as potential victims of crimes, with particular consideration of vulnerability of women, especially those residing in rural areas;
- Disseminate the Information Service for Domestic Violence Victims (SIVVD), along with the dissemination of news about domestic violence and gender-based violence in the media;
- Encourage the inclusion of content on domestic and gender-based violence in the academic curricula of social and human sciences programmes;



- Develop domestic violence and abuse in the curriculum of graduate and postgraduate programmes for university students.

An example of good practice stressed by the European Institute for Gender Equality (EIGE) is the integrated model of interpersonal violence intervention throughout the life cycle created by the Ministry of Health and managed by the Directorate-General for Health – Prevention of Violence in Adults in the Health Action on Gender, Violence and Life Cycle (Order No. 5,656/2017). One of the goals of this integrated intervention model is to prevent interpersonal violence, in particular domestic violence, stalking, dating violence, violence against the elderly, indirect violence, and trafficking in human beings. To implement this action, multidisciplinary teams for the prevention of violence against adults have been trained. They are now qualified to gather and organise statistics on cases of violence assisted in health settings, namely health centres and hospitals.

An additional example of good prevention practices is a technical guide on interpersonal violence for health care workers that covers diagnosis and intervention issues in health care services. This guide was shared with health care professionals to raise their awareness of domestic and interpersonal violence and to make their interventions more effective. This document is an essential tool for recognising settings and risk factors, intervening to help victims and referring cases of violence to a range of different services. It also helps articulate prevention principles in services, boost institutional resources and outline flowcharts for interpersonal violence intervention.

Recent municipal studies on gender-based violence that took a closer look at people and contexts of victimisation helped to collect information on demographic, economic, social and cultural variables and to identify major aspects that need to be taken into consideration for prevention in the short, medium and long term, as well as the challenges that have to be overcome. It is hoped that from a public policy point of view the findings from the study will be reflected in Lisbon City Council's 2nd Municipal Plan to Prevent and Combat Domestic and Gender-based Violence to be implemented in 2018.

#### 4.3.5. Italy

Italy is considered to be an example of good practices in the prevention of domestic violence, specifically as regards training of relevant professionals, which is included in the action plan at the national level (CIDU, 2016). In particular, the plan provides for

the preparation of specific training courses for police officers using tested behavioural and organisational models. At the same time, training is also provided to the judicial system community to facilitate interrogation sessions and court sessions, especially in terms of precautions when dealing with victims.

The primary target audiences for these training sessions are: police officers, social workers, health care professionals, centres against violence, non-profit women organisations, etc. The main goal of this specialised professional training is to develop capacities to respond adequately to victims and/or perpetrators.

Italy has also been working to coordinate and integrate responses to violence by setting up multi-agency and multidisciplinary teams and groups to design more effective prevention and victim protection measures. These multidisciplinary groups have developed manuals and guidelines, as well as intervention protocols generally targeting professional groups that include: police forces, the Judiciary (Public Prosecution Service), social and health care sectors, and women's NGOs. This working group, which brings together several professionals dealing with domestic violence, has been very effective in establishing the principles of intervention among professionals who generally work in different segments, but whose collaboration is crucial for effective coordination (EIGE, 2015).

#### 4.4. Good practices in the collection, processing and analysis of data on violence against women, domestic violence and gender-based violence

In item 3.3 above, we analysed the main sources of data on violence against women, domestic violence and gender-based violence – data from victimisation surveys and administrative data – and discussed the advantages and disadvantages of using the former or the latter, as well as their interrelations in the effective design, implementation and assessment of public policies.

We will now add information on good practices in three of the selected European countries (Portugal, Finland and Italy), and will then focus on data from the national register and on femicide. With regard to good practices, however, and though not belonging to the countries covered by this Project, data on femicide should be used, such as The Femicide Census, conducted in England and Wales (Brennan, 2016), or

The Femicide Monitoring Project, in Ireland (Women's Aid Ireland, 2016)<sup>17</sup>. In overall terms regarding violence against women, Croatia has a database where information is collected not only from reports to the police, but also to courts and social security bodies. Currently, the biggest problem is failure to make this information available, which would have a significant impact on the adoption of public policies to combat violence against women (EIGE, 2016b).

#### 4.4.1. Good practices in the selected countries

##### 4.4.1.1 Finland

The first national programme to prevent prostitution and violence against women was implemented from 1998 to 2002, and reflected research and knowledge of the issue in its prevention strategies.

The Action Plan for the Reduction of Violence against Women, the first plan dedicated to this issue and the commitment undertaken at the time of signing the Istanbul Convention have research and data collection as one of their main objectives. The 2011-2015 action plan further reinforced the need to increment knowledge on femicide by revealing that in Finland women are four times more likely to be killed by current or former partner than men, and that many of the homicides where the victim was a woman could probably have been avoided if appropriate measures had been taken by the authorities when they became aware of that violence (before the murder occurred) (MSAH, 2010).

This information comes from data collected by the Finnish Homicide Monitor (FHM), a database that has been supported with state funds since 2002 and by the Institute of Criminology and Legal Policy (University of Helsinki), by the National Police Board and by the Police College Research Unit. The FHM is used to monitor homicides and create a database for in-depth investigations, and serves for prevention purposes. The collaboration protocol runs until 2019 and serves as a basis for the development of the European Homicide Monitor (EHM); currently partners include Finland, the Netherlands, Sweden, Norway, Estonia, and Switzerland. Information about this project, including the methodological challenges involved, can be found in the paper "Homicide in Finland, the Netherlands, and Sweden: First findings from the European homicide monitor" (Liem *et al.*, 2013).

17. Both projects are based on the collection of data from media reports, similar to the Observatory of Murdered Women, from the Women's Association Alternative and Response (Portugal), mentioned in the previous report.

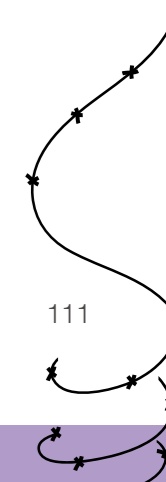
In particular, the FHM uses a victim-based data architecture and is updated on a regular basis. For each case, an aggressor is the one who is identified by the police as the primary aggressor. Data are collected directly from the principal investigator of each homicide case on a standard electronic form after the crime has been resolved and the investigation has been closed. When a case is not completed within a reasonable time frame, the data available are stored for about one year after the start of the investigation. In any case, investigators must complete the questionnaire.

This database is a high quality source for the analysis of femicide since it includes information on the victim-aggressor relationship (partner, former partner, mother, father, child, other relative, an acquaintance, a stranger); demographic characterisation (gender, age, marital status); main characteristics of homicides committed; the aggressor's criminal background; and warning signs (precautionary measures, shelter homes, threats, fears), which are particularly important in cases of intimate partner violence, where studies have indicated a strong likelihood of homicide following years of repeated violence. This new instrument enabled more detailed data on femicide to be compiled, since national statistics on the causes of death failed to include, for instance, data on homicides committed by partners or former partners who did not reside in the same household as the victim.

The database also includes information about the reasons behind the crime, such as revenge, end of a violent relationship, domestic dispute, honour crime, mental illness, or jealousy. The Institute of Criminology and Legal Policy regularly publishes reports, and figures on femicide are widely used, notably by NGOs working on gender-based violence issues. As we have seen, these data were used as a benchmark in drafting the 2010-2015 national action plan to reduce violence against women and provides data on femicide in accordance with the Istanbul Convention.

Its main goal is to produce knowledge that could translate into prevention strategies, and it is intended to help learn more about the previous engagement of the victim and of the aggressor with the criminal justice. This operation is currently performed through court statistics from the Legal Register Centre (which simply identify the crime); it is hoped that in the future previous crime information will be taken directly from police data. This will indicate whether the murder was committed by the suspect.

This database provides more detailed information than other sources of homicide data in Finland. Systematic collection makes it possible to draw comparisons over time and between different regions. Indeed, one of the main success factors seems



to be the consistency of information – the data have been continuously updated since 2002 –, and it is backed up by strong political commitment on the part of the Finnish ministries, and it is also reflected in its level of funding.

#### 4.4.1.2. Portugal

In Portugal, the National Observatory on Gender-based Violence (ONVG) has played an important role in collecting scientific data and research on violence against women, domestic violence and gender-based violence, in all of its facets, causes and effects, and degrees of danger, including murder, according to the principle that this is a “small tip of the iceberg” of all the violence actually occurring.

It is a scientific observatory based at the University<sup>18</sup> that relies on a team of male and female researchers, male and female PhDs, a Scientific Committee comprised of national and international male and female PhD experts, but also a link with the local community through a Partners Commission, which includes the governmental agency for equality issues CIG – Commission for Citizenship and Gender Equality and several NGOs.

The primary goal of all the research conducted by ONVG is to be socially useful and produce rigorous scientific knowledge that supports design, intervention and assessment of Public Policies.

While a better analysis of ONVG’s activities can be done at <http://onvg.fcsh.unl.pt>, below are some of ONVG’s main good practices regarding the collection, processing and analysis of data conducive to support to Public Policies in Portugal and Europe.

The ONVG research team was in charge of all the national studies on the prevalence of domestic violence and gender-based violence conducted to date in Portugal, as well as those related to knowledge about the consequences (costs) and causes of such violence.

The first study was carried out in 1995 and was called Violence Against Women (Lourenço, Lisboa & Pais, 1997); it was the first X-ray of violence against women in Mainland Portugal. The findings provided a global view of the prevalence of violence against women on a national scale and helped to test its sociocultural background

18. The ONVG/CICS.NOVA is based in the School of Social Sciences and Humanities of the New University of Lisbon, and relies on collaboration of government agencies and other public entities, as well as several NGOs.

through an analysis of the characteristics of the victims and the types of acts perpetrated (physical, psychological, sexual violence and sociocultural discrimination).

The findings from this study had a great impact on the development of public policies at the national level, in particular shifting from a semi-public to public crime of domestic violence, and the guidelines of the National Plan Against Domestic Violence (1999-2002).

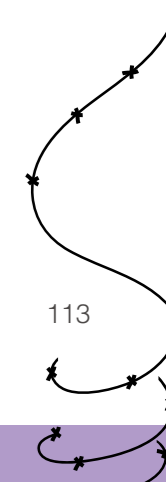
The second study – National Survey of Gender-based Violence –, conducted in 2006 (Lisboa, Barroso, Patrício & Leandro, 2009), was the first national study to cover women and men through a comparative approach not only with data from 1995, but also drawing comparisons between women and men. The findings from this study were acknowledged by the Council of Europe in its recommendations, and subsequently in the Istanbul Convention.

The 2008 Survey of Gender-based Violence in the Autonomous Region of the Azores (Lisboa, Miguens, Cerejo, & Favita, 2009) served as the basis for the Regional Plan to Prevent and Combat Domestic Violence in the Autonomous Region of the Azores (Presidency of the Regional Government, 2010).

The ONVG team is also responsible for performing several national, multidisciplinary and multi-institutional studies on specific aspects such as the Social and Economic Costs of Violence against Women (Lisboa, Carmo, Vicente, Nóvoa, Barros, Roque, Silva, Franco & Amândio, 2003); Health and Violence against Women (Lisboa, Vicente & Barroso, 2005); and the Economic Costs of Providing Health Care to Victims of Violence (Barros, Lisboa, Cerejo & Barrenho, 2008).

These studies on the consequences of violence against women have also paved the way to analyse the causes of violence, in particular gender aspects. The findings from these surveys are still a reference today for the Council of Europe, and are mentioned in the final report by the Task Force to Combat Violence Against Women, Including Domestic Violence, as well as the European Institute for Gender Equality (EIGE), whose team members are international experts.

Other studies have also been carried out and helped provide a more in-depth knowledge of the issue of domestic and gender-based violence in its different dimensions. This is the case of the Violence Against Women projects identified in the Institutes of Legal Medicine, where a type of violence was observed that involves



major legal severity since those processes are intended to proceed in court (Lisboa, Barroso, and Marteleira, 2003). Specifically as regards the causes of violence, the project Ruptures, Emotions and Feelings and Gender Inequalities deserves special notice, where the goal was to understand the sociocultural factors that drives the action of social actors in terms of violence, in particular the reaction of victims. It has been hypothesised that such action is strongly conditioned by values, models, stereotypes, and gender roles that are internalised in the form of “social emotions” and “feelings” (Cerejo, 2014).

In recent times, the ONVG led a multidisciplinary research group to conduct the first national study on Female Genital Mutilation in Portugal (Lisboa, Cerejo, Teixeira, *et al.*, 2015).

Moving on to a closer approach that was considered to be key to ensure effective intervention and prevention of domestic and gender-based violence, the ONVG developed the first Municipal Survey of Domestic and Gender-based Violence in the Municipality of Lisbon in 2016 (Lisboa, Rosa, Teixeira, & Cerejo, 2017). This survey is a pioneer in Portugal as it generated statistically significant information about this type of violence at the neighbourhood level and for helping analyse new indicators related to the perception of safety, gender values, discrimination based on sexual orientation and an analysis of difficulties in reaching victim support entities.

While the knowledge produced by the ONVG research team has influenced public policies on violence against women, domestic violence and gender-based violence in Portugal since the 1990s, in general and in a more direct and operational fashion it was indeed responsible for the Evaluation Study of the 3rd National Plan against Domestic Violence, in 2010; for the Assessment of the National Plan against Domestic Violence, in 2000; and the development of the Regional Plan to Prevent and Combat Domestic Violence in the Azores. It was also responsible for the preparation and implementation of the First Municipal Plan to Prevent and Combat Domestic and Gender-based Violence – Municipality of Lisbon (2014-2017), and is now involved in the drafting of the 2nd Municipal Plan for Lisbon and the 6th National Plan.

Concerning administrative data, Portugal provides good practices regarding information collected by law enforcement agents. We will have an opportunity to discuss in more detail the work carried out by the General Secretariat of the Home Office at this level (which was mentioned in the first interim report), but it is important here to highlight the work carried out by governmental organisations regarding assessment of risk of domestic violence victims and the analysis of marital homicides.

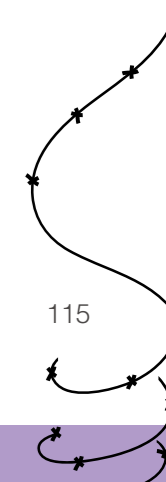
Data on reports of domestic violence to law enforcement authorities have been collected since 2006 through a standardised instrument (standard news report), which includes information regarding not only the victim but also the perpetrator and the associated settings. As of 2014, the database of domestic violence (BDVD) included the findings of the risk assessment performed by the law enforcement authorities when the complaint was filed. Risk assessment in the context of law enforcement authorities arises from the need to improve the methodology adopted to provide effective protection to victims, in line with national law and international commitments.

The risk assessment is based on two different versions of the instrument: the RVD 1L sheet is administered when participating in a DV, at the time of writing the standard notification/report of domestic violence or when an amendment is made to a report. It is also administered when the law enforcement authority goes to the place of occurrence; RVD 2L applies when reassessing the risk, i.e. at a later stage to the record of participation in the occurrence (community-based policing and/or criminal investigation). The National Observatory on Gender-based Violence (ONVG), through its male and female investigators, has been producing knowledge and developing methodologies to study these situations of risk from police data, namely for the municipality of Lisbon.

All data collected from police reporting are processed and analysed by the SGMAI, and the findings are published annually in two reports – a broad report covering all types of crimes (Annual Internal Security Report) and a narrower report on Domestic Violence, which includes a more detailed analysis of the data (Domestic Violence Monitoring Report).

Considering that “marital and family homicides are not random acts and often follow a history of abuse and violence” (Castanho, 2015), risk assessment and concomitant victim protection are a key element in the prevention of marital femicide.

Along these lines, Law No. 112/2009 (which sets forth the legal framework applicable to the prevention of domestic violence, protection and assistance to its victims), as amended by Law No. 129/2015, states in Article 4-A that “Public Administration services that intervene in protecting victims of domestic violence shall conduct a retrospective analysis of the situations of homicide having occurred in the context of domestic violence that were tried in court, and for which a final verdict was reached, or a mistrial declared, aiming to reiterate conclusions that enable the implementation of new prevention methodologies at the procedural level.”





### 4.4.1.3. Italy

A good practice in Italy regarding collection of data on gender-based violence, including domestic violence, is maintained by the Provincial Observatory on Gender-based Violence, which gathers information on reports related to violence against women in the Autonomous Province of Trento.

This initiative is implemented in collaboration with municipal authorities, the police and the University of Trento.

The observatory was set up in 2012 and covers complaints filed with the Public Prosecution Service in Trento and Rovereto and the local police.

Thanks to the collaboration across all these institutions, data on violence against women are now available and provide a robust basis for the design of policies and measures to combat violence against women.

### 4.4.2 National Register of Domestic and Family Violence against Women

Support for the development of databases as comprehensive as possible that include scientifically controlled information stems from the awareness that this knowledge is critical in the design of public policies and in the efficient and sustained intervention in Europe (CoE, 2008; EIGE, 2016c).

The Council of Europe, through the Task Force to Combat Violence Against Women, including Domestic Violence, carried out important work regarding consideration of the collection of data and prerequisites for effective policies to combat violence against women, including domestic violence. The results of the work performed by the relevant Task Force presented in Lisbon in 2007 and reproduced in a publication the following year (CoE, 2008) show a clear need for data to serve as a fundamental knowledge base for interventions and violence prevention.

While the data collected from victimisation surveys are fundamental to gain insight into the issue of domestic and gender-based violence (including its causes and consequences), and for the design of effective public policies, administrative data are primarily a source of information on how various institutions (Police, Justice, Social Security, etc.) are responding to victims of violence. They are therefore essential for

monitoring effectiveness of the legislation, policies and objectives outlined in the national action plans.

We know, moreover, that the administrative data, particularly those related to police reports, capture only a small part of the larger issue, as mentioned earlier. We observed this even in the Portuguese context, where data from the latest national survey on gender-based violence show that only 5.2% of the victims who had suffered violence for more than a year contacted the police (Lisboa *et al.*, 2009).

A similar situation is observed at the EU level, where only 14% of European women report the most serious incident of violence perpetrated by an intimate partner to the police (FRA, 2014).

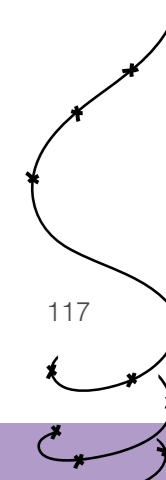
The administrative data and data collected from victimisation surveys play separate roles in the production of information, although both are essential for the development of adequate and effective policies and services.

The former are intended to provide insight into the size and all variables of the issue, including economic and sociocultural variables, and the latter aim at showing how government agencies deal with victims and aggressors. In fact, since the purpose of data collection of any kind whatsoever is to eliminate violence against women, and not simply measure it (CoE, 2008), it is vital to bear that in mind in order to uphold the rights of women as human beings and as victims. These considerations about women hold true for all forms of domestic and gender-based violence.

This existing knowledge should be taken into account in order to better understand the opportunities and limitations in the National Register.

The case of Portugal is a good example when it comes to data collection both in terms of victimisation surveys and administrative data on reporting to the police. Given the objectives of this chapter on the National Register of Domestic and Family Violence against Women, we shall focus on the Portuguese experience regarding the collection, processing and analysis of administrative data, particularly those resulting from reports to law enforcement authorities.

In Portugal, all reports to law enforcement authorities (PSP and GNR) are entered in a database of domestic violence (BDVD) as per Article 37-A of Law No. 112/2009 (as amended by Law No. 129/2015).



Police authorities capture cases of domestic violence pursuant to Article 152 of the Criminal Code, which provides a definition of domestic violence as an offence<sup>19</sup>. Since 2006, the law enforcement authorities have been using a standard reporting form for domestic violence notifications (Quaresma, 2012), and it included a risk assessment as an integral part of the process in 2014 (SGMAI, 2015).

Hence the BDVD will include not only the data collected from the standard reporting form, but also from the risk assessment sheet.

This database is submitted annually to the General Secretariat of the Ministry of Internal Affairs (SGMAI), which will review it and release annual reports on domestic violence surveillance.

Article 37-A of Law no. 112/2009 (as amended by Law no. 129/2015) defines all guiding principles to set up and operate a BDVD.

Therefore, the legally defined, exclusive goals of the BDVD are: “a) to help understand the issue and develop the criminal policy and internal security policy on domestic violence by providing information without any personally identifiable data; b) to contribute to the prevention and criminal investigation of the issue in the performance of the duties and functions of the Public Prosecution Service and of the law enforcement authorities.”

It also stipulates that the data are those derived from domestic violence reports to the law enforcement authorities and, therefore, are collected by these authorities when a report is filed. Access to the BDVD is restricted to: “a) SGMAI officials who are authorised to use the database for the purpose of extracting data, with no access to personal data; b) SGMAI officials who are authorised to use the database in order to ensure the information is consistent and reliable, with access restricted to the NUIPC [unique identifier of criminal case] in terms of personal data”; “duly authorised members of the law enforcement authorities (GNR and PSP) have access to the records of the BDVD for the purposes of criminal investigation and improvement of domestic violence policing procedures” and “as the steward of the criminal proceeding, the Public Prosecution Service will have authorised officials to have access to the records in the BDVD, with a view to supporting prevention and criminal investigation of domestic violence.” All individuals accessing the database are subject to the duty of confidentiality.

19. Please bear in mind: Those who repeatedly or otherwise inflict physical or psychological abuse, including physical punishment, deprivation of liberty and sexual offenses: a) to a spouse or former spouse; b) to a person of the same or of a different sex with whom the perpetrator currently has or previously had a dating relationship or a relationship analogous to that of spouses, even without cohabitation; c) to the parent of common descendant of the first degree; or d) to a particularly defenceless person, on account of age, disability, illness, pregnancy or economic dependence; will be liable to imprisonment for one to five years, if a more severe penalty cannot be imposed due to any other legal provisions.

Finally, the law also provides that the BDVD should be notified to the National Data Protection Commission.

The data collected for this database are quite comprehensive and include information on the whistle-blower, the victim (socio-demographic profile, economic dependence), the perpetrator (sociodemographic profile, possession of arms, alcohol and drug use), the number of children and the circumstances of the occurrence (location, date, time, presence of minors, additional victims, witnesses).

In Portugal, there are no unified registers for victims of domestic violence that encompasses all relevant entities to intervene.

At the national level, criminal cases have a unique identifier (NUIPC) that is used by the court system and the various criminal law enforcement agencies (Directive No. 1,223-A/91, of 30 December, as amended by Directive No. 116/2014, of 30 May). This unique identifier is used primarily for administrative purposes, and is exclusively intended to identify criminal cases, regardless of the nature of the crime. Its implementation vis-à-vis a national register has faced a number of challenges, particularly in terms of the diverse profile of the organisations involved and the sensitive nature of the information.

In a recent discussion about the establishment of the First Municipal Plan to Prevent and Combat Domestic and Gender-based Violence in the Municipality of Lisbon, a suggestion was made for a pilot experience as a database to store information concerning the victims of domestic violence with a view to covering the various aspects of intervention and support. On the one hand, the idea would be to store different types of information under a unique ID in order to prevent re-victimisation. In other words, the various entities contacted by the victim would have access to the information previously provided, which would spare the victim from re-telling his case every time they contacted a different entity. On the other hand, this centralised register would help improve the quality of administrative data since it would avoid duplications, as is the case when manually merging the data from the various entities (police forces, NGOs, etc.).

During this discussion, a number of reservations were made to the creation of such a database, in particular one in which the unit was the victim, i.e., the equivalent of a unique ID form for the victim.

First, concerns were raised regarding the protection of victim privacy. A register that stores and crosses detailed information on various aspects of one's life (engagement

with the Police, Health Care providers, Social Security, Employment Centres, etc.) has a huge potential for privacy violation. In addition, it could trigger stigmatisation. The Law on Data Protection itself (Law No. 67/98, as amended by Law No. 103/2015) establishes that personal data must be processed in a transparent manner and in strict compliance with privacy, as well as fundamental rights, freedoms and guarantees<sup>20</sup>.

On the other hand, trust in the various institutions may be differentiated: they do not necessarily have the same level of trust in NGOs that support victims, in the police, health care system, etc. As such, the request for consent to share personal information could generate widespread mistrust that could, in turn, result in the victim not seeking support.

Finally, there is the issue of safeguarding privacy at the legal level. Article 35 (5) of the Portuguese Republic Constitution prohibits the allocation of a unique national ID number to citizens. Given this limitation in Portugal, one could only think of a unique ID at the local level or, still considering the national level, use an alternative approach, such as a case ID rather than an individual ID. However, this option would not prevent the duplication of an individual's ID, thus limiting the potential of the database in comparison with the existing approaches.

Another relevant experience in Europe regarding the National Register of Domestic and Family Violence against Women comes from Finland – the creation of a national homicide database. Although it has not been created for the specific purpose of monitoring violence against women or domestic violence, it is a good European practice in terms of systematic data collection, which is the basis for establishing a European database.

As discussed, in addition to information about the victim, the aggressor, the characteristics of the murders, the criminal record of the aggressor and warning signs, that database stores data about the reasons behind the crime, such as revenge, end of a violent relationship, domestic dispute, honour crime, mental illness, or jealousy

<sup>20</sup> This principle is similar to the one found in the Lithuanian law, where the law on the protection of personal data provides that personal data can only be processed if consent of the subject has been obtained, which is also applicable to victims (Blažyte & Vaige, 2014).

## 5. Conclusions

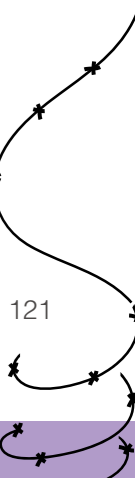
Several conclusions may be drawn in an initial summary of the analysis of the data collected about the EU countries. First, violence against women, domestic violence and gender-based violence are serious human rights problems, with consequences on people's lives and on society, including from an economic perspective, and these affect the majority of countries, including the richest countries. Furthermore, there is now the awareness that it is a political problem that affects the very fabric of democratic societies. The solutions found to help address this issue varies from country to country and depend on their history. The various solutions available today draw from a common source – the Istanbul Convention. In some cases, its principles were already in place in certain countries; in others, it serves as a guide for the implementation of new measures. These measures cover **Protection and support for victims**, in the sense of protecting victims against any further acts of violence; **Investigation, prosecution, procedural law and protective measures**, ensuring that investigations and proceedings are conducted without undue delay and taking legislative measures in accordance with human rights and gender principles; **Prevention**, in the sense of preventing violence of all types, including gender-based changes in socio-cultural behaviour patterns; and **Data collection and research**, for the systematic processing and analysis and monitoring of evidence-based data for the elimination of violence against women, domestic violence and gender-based violence.

In line with the goals of the European Union-Brazil Sector Dialogues project, particular attention was given to data collection, treatment and analysis, which informed a review of good practices in selected countries from which a number of conclusions were drawn.

On the one hand, a myriad of sources of information and significant diversity of data are now emerging. Indeed, a larger number of entities engage in data collection, but do so in view of the needs of their own services, and did not follow a concerted strategy for data collection, which is reflected in the diversity of the data collected.

With regard to victimisation surveys, the other hand, there are different methodologies as reflected not only in the survey process, but also in the populations covered by the surveys, in the way prevalence is measured and in the types of violence involved.

One element, however, is common to victimisation surveys – only a small number of victims will report violence to law enforcement authorities (the police forces). For this



reason, administrative data should always be used in the light of these limitations, as they reflect underreported victimisation rates; the number of cases considered and in the characterisation variables in place.

Although administrative data are of utmost importance because they are collected regularly and systematically, they should not constitute the fundamental basis for the development of public policies since they only tell a small portion of the story as discussed above. On the other hand, victimisation surveys are closer to reality and contain more sociocultural variables, despite not covering it in its entirety, and for this reason are more revealing of a country's victimisation scenario, although they are limited as they are not administered on an annual basis, which would help monitor the issue more closely.

Having said this, public policy-making towards preventing and combating domestic and gender-based violence should be informed by information collected through victimisation surveys, although administrative data should be considered as complementary, but never as the primary source for planning purposes.

In some countries, when applied to the gender component (at first, mainly when comparing violence against women with violence against men), victimisation surveys provide indicators on the causes of this type of violence, especially in terms of underlying socio-cultural gendered values and models. Similarly, studies on the economic, social, and personal impacts of violence provide a better understanding of the psychosocial mechanisms and processes that perpetuate it throughout generations.

These studies show that violence against women – including domestic violence – involve primarily a gender element, so it is structural violence based on gender inequalities and perpetrated repeatedly by various generations over time, resulting in a need to develop prevention strategies that reflect a new, integrated intervention approach in the short, medium and long term.

In fact, from our point of view, the fight for the elimination of domestic violence and violence against women has been conducted to a great extent through legislative, judicial and police means. This is an indispensable action in a Democratic State under the Rule of Law. However, it is not enough. Hence the need to reconcile these policies with prevention-related policies.

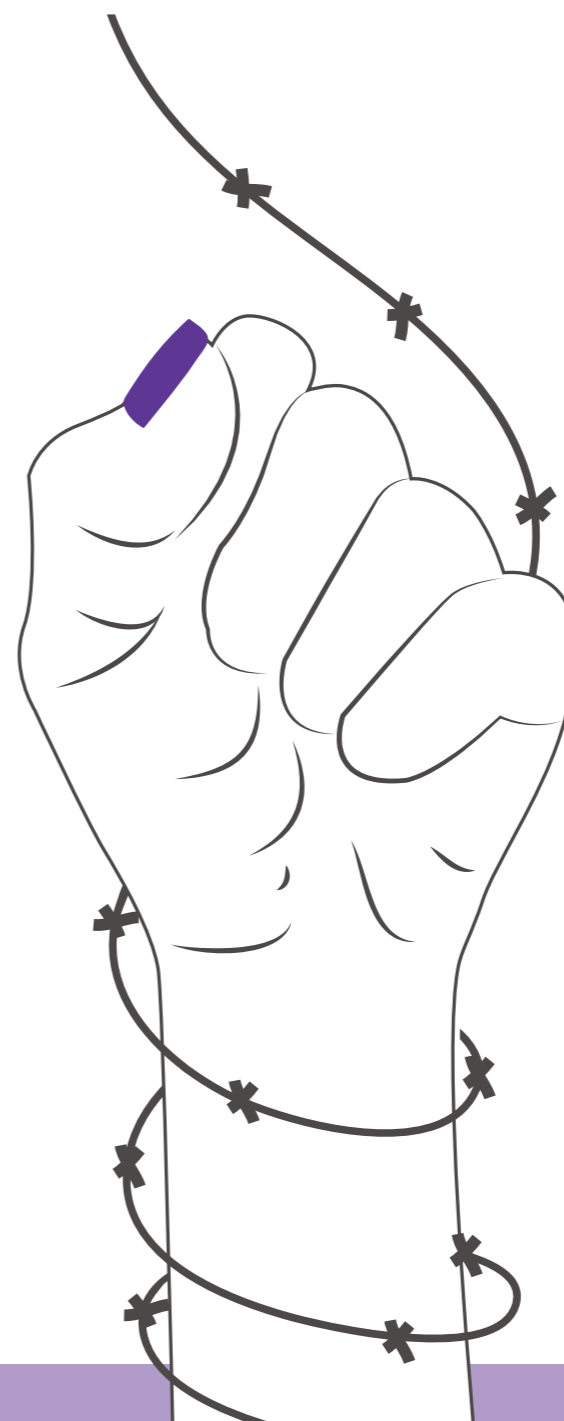
It is about short-term prevention with particular consideration of victims at risk based on an integrated and immediate protection approach, and more specifically victims

in a situation of social vulnerability (in particular, unemployment, illness, etc.). With regard to victims who are not at immediate risk, it is fundamental to consider not only their protection, but also their empowerment through various policy areas such as health care, employment, education, and housing.

Medium-term prevention should be considered by promoting a sense of security among the population, mainly through strategies of close engagement and by building the capacity and raising the profile of relevant local institutions. In addition, training male and female experts and professionals on gender inequalities and violence is vital.

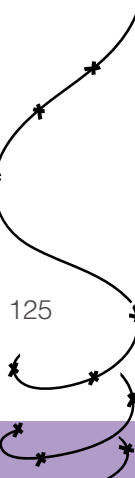
There should be long-term prevention targeted at children and youth, where equality awareness is fundamental and schools plays a central role (as a locus of violence and social interaction), but where all other local institutions that are particularly close to these populations – especially cultural and sports institutions – should also become involved.

The review of good practices in the EU countries covered in this study provides key indications, not only of the holistic approach that public policies should adopt to eliminate violence against women, domestic violence and gender-based violence, but also specific procedures that have been tested, such as measures to protect victims, including situations of risk, or the production of knowledge to help inform more effective public policies, such as a register to store administrative data.



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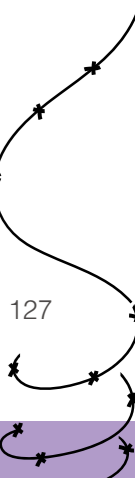
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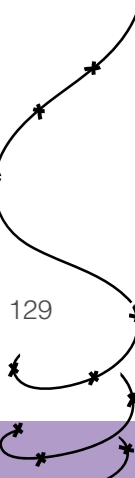
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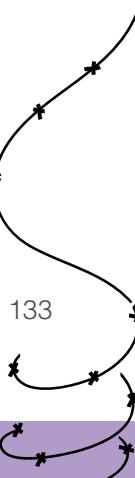
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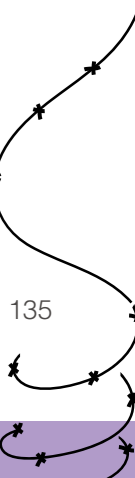
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## II B. BRAZIL

### 1. Introduction

Since the transition to democracy in the 1980s, Brazilian governments have introduced changes to address domestic and family violence through public safety, health, justice, social assistance, and education policies and measures. Since 1988, the Federal Constitution has ensured invaluable progress in women's rights and has contributed to leverage significant social, political and cultural changes, at least in formal terms. In the 2000s, this progress became visible in the scope of public policies, which gained momentum with the passing of Law 11.340 of August 2006 – the Maria da Penha Law<sup>21</sup> –, which provides measures to punish, protect the rights of victims and prevent domestic and family violence against women; it draws its definitions and concepts from the Belém do Pará Convention (OAS, 1993). In 2015, there was new legislative achievement with the passing of Law 13104, which typified femicide<sup>22</sup>.

Despite these legislative and public policy achievements, Brazil lacks information about violence against women, with prevalence of fragmentation in the national data generated from academic research, opinion polls and violence perception surveys, and data related to public security and health.

21. [http://www.planalto.gov.br/ccivil\\_03/\\_ato2004-2006/2006/lei/111340.htm](http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2006/lei/111340.htm)

22. [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2015-2018/2015/lei/L13104.htm](http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2015/lei/L13104.htm)



An important consideration is that over the past three decades a substantive body of research on domestic and family violence and other forms of violence against women has developed, including homicides and sexual violence, but varying methodologies, goals, scopes, and sampling prevent outlining a reliable and accessible picture of information on the geographic distribution of violence or its regional characteristics. Conversely, it is not possible to know whether the public funds in this domain are adequate and commensurate with the complexity of the problem.

The Brazil-European Union Exchange project on Programmes to Combat Domestic Violence set out to focus on the issue of data gathering and the challenges of establishing national databases. The National Register of Domestic Violence (CNVD) and the Femicide Seal were considered to be two promising initiatives to overcome the existing challenges and obstacles.

## 2. International human rights frameworks

Since 1980, Brazil has been a very active participant in International Human Rights Systems by attending conferences, signing and ratifying international treaties. As far as women's rights are concerned, the two main references are the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, UN, 1979) and the Inter-American Convention to Prevent, Punish, and Eradicate Violence against Women (Belém do Pará Convention, OAS, 1993), which were signed and ratified in 1984 and 1994, respectively.

The country also adopted the monitoring mechanisms of the two Conventions: CEDAW Protocol (2002) and the MESECVI – Follow-up Mechanism to the Belém do Pará Convention (1999). The Brazilian government and civil society organisations periodically submit reports to the respective Committees in charge of implementing the Conventions.

In 2004, Constitutional Amendment 45 – on the reform of the Judiciary Branch – gave constitutional standing to human rights treaties and conventions signed by Brazil and approved by two thirds of the House of Representatives and the Federal Senate in two rounds. (Coletivo Advogadas Feministas, 2016: 20)

The Belém do Pará Convention was the first international human rights instrument to specifically address violence against women, and became a benchmark for OAS member states in the drafting and implementation of domestic violence-specific

laws and policies. During the 1990s, several countries in Latin America and Central America developed laws to respond to domestic and family violence, the so-called first-generation laws.

In the 2000s, as the Follow-up Mechanism to the Belém do Pará Convention and the CEDAW Committee stepped up their efforts, and given the persistence of discriminatory laws against women and a court system driven by gender stereotypes and judgments which reflect the prevailing patriarchal roots and misogyny in societies, member states were urged to revise their policies and laws and to develop new legal instruments that were capable of tackling the various forms of violence against women, regardless of the settings where they occur, the relationship between victims and perpetrators, the age of the victims or any other marker of social inequality (race, colour, ethnicity, class, nationality, religion, sexual orientation, identity, etc.).

The so-called second-generation laws thus emerge as a strategy to bring women to the foreground of State actions to tackle violence against them, particularly as practices resulting from structural inequalities of power that characterise gender-based social relations (PASINATO, 2015 and 2017a)<sup>23</sup>.

## 3. Law to combat violence against women in Brazil

Both the Maria da Penha Law and the Femicide Law derive from these international social transformations that have led to recognition of violence against women as public policy-making issue. International conventions and their follow-up committees played a major role in pushing for changes in the country's legislative and legal arenas by supporting the efforts of feminist movements that brought to the national political agenda the need for changes in public policies so as to reflect the gendered perspective to tackle violence against women. Much certainly remains to be done, but the achievements over the past 30 years cannot be underestimated.

To recount a little of this history, it is important to revisit the 1988 Constituent Assembly sessions, when the feminist movements brought the agenda of women's rights to the Members of Parliament. The advocacy movement that came to be known as the "lipstick lobby" (BARSTED, 2011) was quite successful in gaining rights for women

23. The Commitment to Action Report: Policies to Eradicate Violence against Women. Latin America and the Caribbean. Regional analysis document (UNDP and UN Women, 2017) also discusses third-generation laws that incorporate gender-based forms of political violence and institutional violence in prisons, hospitals, etc.

under the 1988 Constitution. In tackling violence against women, the first Police Station for Women Affairs (DEAMS, as they later became known) opened its doors in the city of São Paulo in August 1985, and became a milestone for public policies in this domain (OBSERVE, 2011; PASINATO and SANTOS, 2008).

There were no major achievements in combating violence against women in Brazil in the 1990s. The DEAMs continued to be the flagship policy regarding assistance to women exposed to violence, with uncontrolled growth across states and modest expansion to Brazil's interior (PASINATO and SANTOS, 2008; OBSERVE, 2011). Other services, including referral centres, shelter houses, health services, came in fewer numbers and mainly in the capital cities (PASINATO and SANTOS, 2008).

The decade was strongly marked by the enactment of Law No. 9099/95, which established the Special Criminal Courts as a measure to reduce the number of proceedings brought into the Judiciary System by adopting faster, less bureaucratic procedures to resolve cases. Law No. 9099/95 is geared towards criminal offences and misdemeanours punishable by up to two years' imprisonment, which have been called "less offensive potential offences." Due to ignorance or inadvertence on the part of law-makers, the scope of the law included cases of domestic and family violence most frequently reported to the police: personal injuries, and threats and crimes against honour (slander, libel and defamation). As the law was perceived as a manifestation of discrimination against women, the women and feminist movements rebelled against it and also denounced the decriminalising measures implemented through criminal proceedings whose resolution often included pecuniary fines of negligible values or the donation of a staple food basket to social assistance institutions as payment. (PASINATO, 2008)

Against a background of mounting dissatisfaction with the role of courts in cases of violence against women, the 1990s culminated with submission of the case of Maria da Penha Maia Fernandes to the Inter-American Commission on Human Rights. For the first time, Brazil was taken to an international court for a case of domestic violence that was still heavily perceived as a private issue. So the international community got to become familiar with the neglect of the Brazilian State regarding the protection of women's lives.

In 2002, the Brazilian State received a ruling on the case of Maria da Penha, with measures to be applied to the individual case, such as the obligation to fast-track and comply with court measures imposed on her aggressor, the payment of symbolic

compensation as a form of reparation, and comprehensive measures to address violence in society. These measures included support to reforms in laws and public policies in order to make them adequate to address all forms of violence against women, particularly domestic violence. (PANDJIARJIAN, 2007)

Based on the efforts of a group of non-governmental feminist organisations a draft law started to be developed, which in 2006 would culminate as the Maria da Penha Law (BARSTED, 2011; CORTEZ and CALAZANS, 2011). Meanwhile, during revision of the Brazilian Penal Code, changes were introduced to eliminate discriminatory manifestations against women and to incorporate articles that would allow courts to respond more adequately to the specificities of gendered violence against women. Examples of these changes are<sup>24</sup>:

- Modification of the title "crimes against customs" to "crimes against sexual dignity" is recognition of sexual crimes as offences against individual rights, and not against society and its customs.
- Removal of the phrase "honest woman" that defined a woman who would be recognised as a victim of sexual violence. This was heavily characterised by value judgments about gender behaviours and norms.
- Permanence of decriminalisation of adultery as an article in the Penal Code illustrated to what extent criminal law remained archaic regarding prevailing marital relations and family standards in contemporary society.
- Inclusion of the domestic violence offence as a form of personal injury (Article 129, paragraph 9). Incorporated into the Brazilian Penal Code, the so called "type of criminal offence" (*tipo penal* in Portuguese) is a means of satisfying the demands of women's movements for the criminalisation of domestic violence. However, it proved to be insufficient to respond to a scourge whose amplitude and complexity go beyond physical injuries – such as was developed from the legal typification articulated in the Maria da Penha Law (Law No. 10.886, of 17 June 2002);
- Inclusion of the sexual harassment offence. In the wake of international movements pushing for criminalisation of gender-based sexual and moral

24. A few years ago, a push to criminalise other forms of violence against women has expanded with support from various segments of society, including legal practitioners, groups of women and feminists. An example of this is the movement to criminalise sexual assaults on public transport (generally treated as sexual harassment) and crimes in on-line environments, such as revenge pornography.

harassment, Article 216-A was included in the Penal Code. This refers to sexual favours obtained in exchange for favours and benefits by a hierarchical superior. (Law No. 10224, of 15 May 2001).

The Maria da Penha Law (Law No. 11340, of 9 August 2006) represents a paradigm shift both for the subject it introduces in the legal realm and for proposing a holistic approach to address domestic and family violence against women. Its wording *per se* is innovative – the sequence of actions based on the Belém do Pará Convention, whose definition of violence against women has been incorporated into national legislation. (PASINATO and LEMOS, 2017) Classification of domestic and family violence as a violation of human rights is also an innovation; it stems from relations of domination and hierarchy that are based on gender inequality. (PASINATO, 2017a: 2). In a nutshell, the Maria da Penha Law

(...) provides a set of guidelines for holding perpetrator(s) of violence liable, protecting women and her relatives, access to rights and courts, and a set of prevention actions, including actions related to school education. In view of this set of measures, the LMP constitutes a driver of public policies and an instrument of social transformation based on the theories and practice of the feminist movement, inspired by the movements of women's rights pushing for legislative and political changes in the international arena (PASINATO, 2017a: 2).

Once the Maria da Penha Law was enacted, efforts were made to implement it based on the development of a National Policy to Combat Violence against Women.

This movement and its impacts on social engagement and segments of the Legislative and Judiciary Branches were conducive of other types of gender-based violence being gradually recognised and denounced as a social scourge. The new political landscape to combat violence against women also attests to the insufficiency of punitive responses to violence, thus requiring the State to put out new methods of combat that take into account preventive and victim protection measures (CAMPOS, 2017; PASINATO, 2017a and 2017b; PASINATO and LEMOS, 2007).

In the course of these discussions, the Law on Femicide (Law No. 13140, of 9 March 2015) was passed in 2015. It amended the Brazilian Criminal Code (CPB) so as to include femicide as a qualifier for the crime of murder. The new wording reads:

### **Homicídio simples (Manslaughter)**

Article 121. Murdering someone:

.....

### **Homicídio Qualificado (Aggravated Homicide)**

Paragraph 2 If the homicide is perpetrated:

.....

### **Feminicide**

**VI** - against women by reason of her status as a woman:

**Paragraph 2-A** There is reason to consider a female sex condition when the crime involves:

**I** - Domestic and family violence;

**II** - Contempt or discrimination against women.

This piece of legislation follows the Joint Parliamentary Commission of Inquiry into Violence against Women (Federal Senate, 2013), which submitted a draft law as a recommendation to the National Congress. The political push for its passing was headed by the Secretariat of Policies for Women (SPM) with support from UN Women Brazil, legal practitioners and the civil society.

The purpose of including femicide as a type of criminal offence was to single out crimes whose victims are women in the array of homicides that occur annually in Brazil:

It is a political strategy to name and qualify these killings as a social scourge resulting from the structural inequality between men and women by rejecting them as events in a vacuum, or crimes of passion in the private lives of couples, or crimes caused by pathological behaviours (UN WOMEN, 2016: 29).

Homicides in Brazil are a serious human rights violation issue. In 2015, 59,080 people died violently. The majority of the victims (54%) are young, aged 15-29. Racial selectivity is a prominent feature of these killings: the murder rate among black citizens is 37.7/100,000 inhabitants. For non-blacks, this is 15.3/100,000. Violent killings of women account for approximately 9% of the total: there were 4,621 killings in 2015, with a rate of 4.5 killings per 100,000 women (FBSP, 2017). Race selectivity also applies to this universe: in 2003-2013, violent killings increased by 54% among black women, and decreased by 9.8% among white women (WAISELFIZ, 2015).

Qualifying female homicides when arising from gender inequality means identifying those women who “died because they were women,” which makes it possible to consider these killings as preventable if one assumes that the “main risk factors are the gender of the victim and the socio-cultural weight of gender-based inequality that affects women disproportionately.” (UN WOMEN, 2016: 39).

Naming to know, as posited by DINIZ, COSTA and GUMIERI (2016), also means altering “official indexing practices and [that], perhaps, would facilitate sorting documents out...” (page 4), as a reference to the laborious task of searching collections of police and court documents in order to single out and analyse crimes whose victims are women. In discussing the process of naming killings, the authors mention one of the most significant challenges for the implementation of this piece of legislation: the gender reasons that will be considered in the cause of death need to be distinguished by law enforcement and court professionals among the motivations, justifications, forms and circumstances of crimes. This is a critical distinction since women may be victims of violence in different situations and settings and gender-based motivation will not always be a driver.

The type of criminal offence incorporates two specific situations in which the killing of women may have gendered motivations. The first refers to domestic and family violence. In such cases, the types of offence in the Maria da Penha Law apply, which has contributed to make it easier for legal practitioners to recognise and typify it as feminicide.

The second situation refers to crimes committed for contempt and discrimination by reason of a “female sex condition.” In such cases, gender-based motivations, such as power inequality, objectification of the female body for sexual satisfaction, use of sexual violence as a weapon in organised crime, use of the female body as a territory of power disputes (SEGATO, 2006), etc., are not straightforward and require a conceptual and empirical framework for properly identifying gender characteristics found in crime scenes, in the circumstances of the killings and in the profile of the victims. These challenges make it more difficult to demonstrate gender-based contempt and discrimination.

## 4. Strategic documents in the Country

The holistic approach to violence under the Maria da Penha Law was already present in the early proposals of intervention put forward by the feminist movements. It is fair to say that the embryonic stage of this approach were the specialised models designed for Police Stations for Women Affairs established since 1985. Assistance in a private and safe environment, with careful listening based on the perception of the specificities of intimate partner violence; service provided preferably by teams of women, in tandem with other services and areas – especially the psychosocial area – are the pillars of specialised police stations for women affairs. These would later guide the design of specialised networks and services for women.

These guidelines for the specialisation of care worked their way into national policies starting in 2003 as the federal government's Special Secretariat of Policies for Women (SPM) was established<sup>25</sup>. Countering violence against women was adopted as the backbone of the Secretariat's mandate. In 2003-2016, the following strategic documents contributed to the implementation of laws and policies to combat violence against women:

- 1st National Plan of Policies for Women – PNPM (2004-2007), which derived from the 1st National Conference on Policies for Women;
- 2nd National Plan of Policies for Women – PNPM (2008-2011), which derived from the 2nd National Conference on Policies for Women;
- 3rd National Plan of Policies for Women - PNPM (2013-2015), which derived from the 3rd National Conference on Policies for Women.<sup>26</sup>
- National Policy on Combating Violence against Women (2005)

Pillar 4 of the three initial PNPMs include actions to combat violence against women. In addition to strengthening the dedicated networks of assistance to women exposed to violence, goals include the concern with the generation of information on violence against women as shown in the box below.

25. In 2002, when President Fernando Henrique Cardoso came to the end of his second term (1994-1998, 1999-2002), the Secretariat of Policies for Women was created under the Ministry of Justice. Its creation is part of “a set of achievements related to human rights in Brazil, such as the establishment of secretariats and stand-alone entities to develop and implement public policies targeted at historically vulnerable groups, such as women, the black population, the LGBT community, and the very arrangements to safeguard human rights.” (Coletivo de Advogadas Feministas, 2017: 25).

26. The 4th PNPM, derived from the 4th National Conference on Policies for Women held in May 2016, has been concluded but has not yet been launched by the current government.

**Box 1: Generation of Information on Violence against Women (VAW). National Plans of Policies for Women. Brazil**

National Plan	Location
PNPM I	Priority 4.5. Generate and systematise VAW data and information. <ul style="list-style-type: none"> <li>4.5.1. Encourage the development of studies and research on VAW in the country</li> <li>4.5.2. Organise and interconnect the VAW information systems</li> <li>4.5.3. Develop and deploy a national VAW information system within law enforcement agencies</li> <li>4.5.4. Create and interconnect information systems that include data on Mandatory Reporting</li> <li>4.5.5. Prepare a diagnostic assessment of VAW in the country</li> </ul>
PNPM II	Pillar 4 – Combating Violence against Women Goals: <ul style="list-style-type: none"> <li>• Strengthen the Observatory on the Maria da Penha Law</li> <li>• Have Mandatory Reporting in place in 100% of the municipalities in priority states in the National Pact to Combat VAW</li> <li>• Deploy the Violence and Accidents Surveillance – VIVA system in all capitals and priority municipalities in the National Pact to Combat VAW</li> <li>• Pillar 11 – Monitoring the National Plan of Policies for Women</li> <li>• Goal: Implement the National System for Data and Statistics on VAW.</li> </ul>
PNPM III	Pillar 4 – Combating Violence against Women 4.1.26. Create the National System for Data on VAW

Source: PNPM I, II and III. Brazil, 2007, 2011 and 2013.

The Plans played an important role in the induction of actions by the federal government. Now, the National Policy on Combating Violence (2005) contributed to the design and development of the network of specialised services for women exposed to violence (BRAZIL, 2011 [2005]; PASINATO, 2015, 2017<sup>a</sup>).

In 2007, this policy was boosted by the National Pact to Combat Violence against Women, “a policy management and decentralisation strategy based on four pillars: violence prevention, violence control, assistance to women, and promotion of women’s rights” (Yamamoto, 2016). The Pact operates under a federal agreement between

the federal government and the governments of the 27 Brazilian states and about 10% of municipalities. (YAMAMOTO, 2016). In 2007-2013, the Pact was organised around five pillars: ensuring enforcement of the Maria da Penha Law; expanding and strengthening the network of services for women exposed to violence; ensuring public security and access to justice; ensuring sexual and reproductive rights; tackling sexual exploitation and trafficking in women; ensuring the autonomy of women exposed to violence; and expanding their rights (BRASIL, [2007] 2011; YAMAMOTO, 2016). A tangible achievement of the Pact was reflected in the 65.3% increase in specialised network services, as well as massive funding allocated to training in all policy areas tackling domestic and family violence, sexual violence, sexual exploitation of girls, and trafficking in women (YAMAMOTO, 2016).

In 2013, the Women Living Without Violence Programme was launched. A package developed under a partnership between the SPM and other line ministries and agencies in the judicial system. The Programme’s flagship, the House of Brazilian Women, can be described as the materialisation of the assistance network. This is expected to be set up in all capitals by 2018, and three facilities are currently in operation: Campo Grande (2015), Brasilia (2015) and Curitiba (2016). The programme also included expansion of the *Ligue 180* hotline; deployment of mobile units to provide assistance to women exposed to violence; improvement of the care of women victims of sexual violence in the interfacing between health services and forensic medicine; ongoing awareness campaigns on violence; and creation of referral centres in dry border areas (YAMAMOTO, 2016)<sup>27</sup>.

27. Decree 9223, dated 6 December, signed by the President of the Republic, was issued on 7 December 2017. It established Rede Brasil Mulher as “a national network of public and corporate organisations and entities, and civil society organisations” (Single paragraph) “with the purpose of fostering actions that promote equality between women and men so as to provide women with dignity and autonomy and contribute to the economic and social development of the country” (Article 1). This will be coordinated by the Special Secretariat of Policies for Women, which currently reports to the Official Secretariat of the Presidency of the Republic.



## 5. Generation of information on violence against women in Brazil

Access to information is a fundamental human right enshrined in the Universal Declaration of Human Rights and the American Convention on Human Rights. Its compliance entails guarantees by the public agencies in terms of providing access to the information they hold, upon formal request, as well as **the active publication of key information in accessible means without specific demand.** (ARTICLE 19, 2015: 4) (*emphasis added*)

The production, accessibility and reliability of data have been in at the forefront of discussions about the boundaries yet to be broken when attempting to conduct assessments and evaluate the institutional responses to gender-based violence that affects a significant portion of the female population in the country on a daily basis. It should be noted that access to information is a broad topic that encompasses several government sectors when it comes to transparency in public spending. However, when gender considerations come into play the measurement of violence and steps to address it taken particular characteristics that are specifically germane to this study.

Since its inception, one of the major challenges faced by SPM in policy implementation has been the absence of national data on violence against women and on the performance of service providers and, as discussed above, calls for the development of information systems and for institutions to commit to data generation have been reflected in the National Plans of Policies for Women approved since 2004.

The Maria da Penha Law and its unique holistic approach also included a change in the mindset in terms of information generation in the sense of recognising the need to measure violence as a social phenomenon, and also to evaluate the behaviour of the Brazilian State based on the work performed by its institutions and agents as regards the commitment to protect the lives of women by developing and implementing public policies aimed at the eradication of all forms of gender-based violence.

Now, the Femicide Law does not provide specific recommendations on the generation of information, but has benefited from public discussions on violence against women for the development of information systems that help monitoring its implementation.

### Box 2: Maria da Penha Law and Information Generation on Domestic and Family Violence against Women

- Article 8 (II): “promotion of studies, surveys and statistics taking into account the gender, race and ethnicity perspective concerning the causes, consequences and frequency of domestic and family violence against women with a view to sorting data to be standardised at the national level, and the periodic evaluation of the performance of the measures in place.”
- Article 38: “Statistics on domestic and family violence against women will be entered in the databases of the official bodies in the Law Enforcement and Justice System to support the national system of data and information on women.”
- Article 26 (III) (a) stipulates that it will be the duty of the Public Prosecution Service to record cases of domestic and family violence against women.

Source: Maria da Penha Law.

In 2014, NGO Article 19, which focuses on the right to information as a human right and works towards broad implementation of LAI – Access to Information Act (Law No. 12527/2011), became concerned about the lack of transparency in public policies to combat violence against women and conducted a study on the “state of the art” of data on violence against women in Brazil. The document sought to analyse the type of information generated, the sources of data in use, their objectives and main results. The surveys carried out in 2000-2013 fell into two groups: those intended to provide insight into characteristics of violence against women and those aimed at providing insight into the actors that provide services in response to this violence. Below is a summary of some of the “state of the art” results.

### 5.1. Opinion and perception surveys

According to the study, the first group covers surveys of perception and opinion on violence against women, surveys based on administrative records (health, security and justice), and victimisation surveys. The second group of surveys focuses on the geographic distribution and the operating conditions of services.

The study found that there was a significant development of nationwide surveys over the course of 13 years. The emphasis, however, was on surveys of perception and opinion about domestic and family violence: 15 surveys<sup>28</sup> have the shared goal of

28. In 2014-2017, another eight opinion surveys were conducted. The topics have been expanded so as to cover sexual violence, harassment, university violence and male perceptions of violence against women. Opinion polls trend along with the topics currently under debate, whether they are triggered by high-profile cases in the media (such as cases of rape) or associated with campaigns (such as the participation of men).

“capturing the perception and the way society responds to issues such as violence against women, domestic violence, the Maria da Penha Law (those carried out after August 2006) and how law enforcement and justice institutions respond to this violence” (ARTICLE 19, 2015: 9).

Based on one-to-one interviews either at home or over the phone, the methodology is the same as that used in opinion polls with closed questions and representative samples of the population surveyed (usually women aged 16 or over).

The report stresses the importance of such surveys to monitor trends related to the perception of violence in society. Survey findings show some changes in the recognition of forms of violence against women and the growth of opinions that are more open to the need to denounce violence and to encourage women to seek help (PASINATO, 2017b). The primary contribution of these surveys has been the undeniable momentum to keep domestic violence in public agendas and the raised profile of the Maria da Penha Law leading to a sort of

“virtuous circle in which society recognises violence against women more often; becomes aware of other forms of violence; women are informed about rights that are violated, learn that they are not the only ones to be assaulted or threatened, nor are they guilty of the situations they experience and are given the necessary information on where to go once they decide to respond and seek guidance and help.” (PASINATO, 2017b: 67-68)

Despite the importance of surveys, the report also highlights the ever-present risk of the data being reproduced out of context and disregarding the methodology and its objectives, being used to describe aspects of violence that the survey itself cannot measure (Article 19, 2015).

## 5.2. Surveys from administrative records

The report identified three types of administrative records. In health care, studies that use the Ministry of Health’s databases: The Mortality Information System (SIM) and the Information System for the Notification of Injuries (SINAN) are used, for instance, to put together the Map of Violence on homicides of women, physical and sexual violence reported to health authorities<sup>29</sup>. In the public security domain, the data gathered by the Ministry of Justice’s SINESP – National Public Security Statistics

<sup>29</sup>. Due to improved data and national coverage, in 2012 for the first time the Violence Map measured the number of violent killings of women in 1980-2010.

System, which are compiled in the Proceedings of the Public Security Forum, which releases disaggregated data on homicides and sexual crimes (rapes and attempted rapes). The third source of information identified are records from the *Ligue 180* hotline maintained by the Secretariat of Policies for Women.

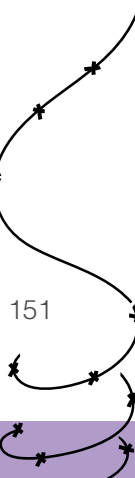
Surveys based on these sources help measure violence and draw comparisons on rates per hundred thousand and distributions by region, state and municipality. In addition to the quantification of cases, variables that give insight into cases of reported violence or the identity of the people involved are scarce. In addition, individual information systems have individual limits considering the purpose for which the data are obtained and processed, geographic coverage and data quality.

An important consideration regarding the use of administrative records is that they only shed light on those cases of violence that reach the Authorities, through any one of these sectors, and that a woman may have been assisted by all sectors and the lack of interconnection across the systems makes it impossible to identify duplications. In addition, by being aware only of what is reported, there are still women who are affected by violence but have never sought institutions in the criminal justice or health system, which leads to underreporting and undermines a better understanding of the circumstances that require action.

In any case, the use of administrative data to monitor and evaluate public policies is extremely important since it helps precisely check if the policies are being implemented and identify weaknesses that need to improve and interventions that could enhance expected performance and results. When administered soundly, the surveys based on administrative records make it possible, for instance, to analyse the geographic distribution of services, access by the public, and the characteristics of the violence captured – these elements are fundamental for the development of public policy evaluation and monitoring indicators.

## 5.3. Surveys of services and assistance networks

The initial studies focused on Police Stations for Women Affairs, and were subsequently also administered with the domestic and family violence courts and specialised defender services. In addition to learning about the geographic distribution of these services at the national level, the surveys set out to describe the operation of the services considering aspects related to infrastructure, and material, technological and human resources. The Observatory on the Maria da Penha Law (2008-2011)



created a research methodology based on indicators to monitor and evaluate the implementation of the arrangements required to enforce the Maria da Penha Law. As of 2009, the Brazilian Institute of Geography and Statistics (IBGE) incorporated to its surveys the collection of information related to the policies to combat violence against women, a result of its interface with SPM. The regular surveys on the profile of the states (Estadic) and municipalities (Munic) and the PNADs provided a comparative information base on the expansion of the service network and its geographic distribution. In 13 years, 11 surveys on specialised services were released.

## 5.4. Victimization surveys

In the period covered by the report, two nationwide victimisation surveys were conducted in the country. The first survey was performed by the IBGE, which in 2009 included a victimisation module in the National Household Sample Survey (PNAD). The second survey was held in 2010 and stemmed from a partnership between the Ministry of Justice and research institutes and survey centres (SENASP, Datafolha and CRISP)<sup>30</sup>. In these surveys, violence against women emerges in some questions and there are no questions directly related to this population that would provide more in-depth insight of the experience of violence, fear and insecurity and the risk of violence from a gender perspective. According to the report, a limitation found in these surveys refers to the poor distribution of results by sex, race/colour, age, socioeconomic condition, etc. of respondents which would help to learn about the experiences of women compared to men.

## 5.5. Survey of prevalence and incidence of domestic and family violence

Similarly to victimisation surveys, violence incidence and prevalence surveys provide insight into the experiences of violence in the population and help distinguish those situations that are brought to the attention of the State, whether through the police, health care or other areas of specialised service. These surveys also provide an understanding of the variables that influence personal decisions whether to denounce or not a case of violence by probing aspects related to fear and insecurity, knowledge about laws and services, confidence in institutions, social perceptions about violence, in addition to economic impacts on the physical and mental health of people who experience violence directly or indirectly. In Brazil, the first survey of this nature intended

30. The findings of this survey were published in 2017.

to probe into violence against women was conducted in 2016 in the nine capitals of the Northeast Region of Brazil. With a pool of approximately 10,000 interviews of women aged 15-59, the Survey of Socioeconomic Conditions and Domestic and Family Violence against Women (*PCSVDFMulher*) conducted by the Federal University of Ceará and the Maria da Penha Institute is the most comprehensive study on domestic and family violence against women and their economic and generational impact.<sup>31</sup>

Some of the findings are worth reporting here, since they provide a picture of the social phenomenon of violence against women in the Northeast of Brazil and its implications on women's lives.

- Twenty-seven percent of respondents report having been victims of emotional violence (according to the terminology in the Maria da Penha Law) throughout their lives, and 11.9% reported having experienced some form of violence in the previous 12 months. Physical violence was raised by 17.3% of women as a lifetime experience, and 5.4% experienced it in the previous 12 months. With regard to sexual violence, 7.1% of respondents reported having been victims throughout their lives, while for 2.42% this occurred in the previous 12 months. These percentages are not evenly distributed among the 9 capitals, with a ranking of more or less violent locations for women as a result. (CARVALHO and OLIVEIRA, 2016)
- Current intimate partners are the main perpetrators in cases of emotional violence (45.29%), and former intimate partners are cited most often in cases of physical violence (48.28%) and sexual violence (46.31%). The data support the findings of other national and international studies, and point to the end of a marital relationship as a factor of aggravation of situations of violence against women (CARVALHO and OLIVEIRA, 2016).
- Between 27% and 48% of respondents stated that they feel the effects of violence on their mental health, which involves difficulties in sleeping, concentrating for daily activities and making decisions (CARVALHO and OLIVEIRA, 2017).
- Domestic violence has a major impact on women's conditions for work, consequently affecting their professional performance and personal and economic empowerment: Twenty-three percent of women who reported having experienced domestic and family violence refused employment opportunities

31. In the early 2000s, a multi-centric survey coordinated by the Pan American Health Organisation (PAHO) was administered in 10 countries, including Brazil, where two locations were selected: the city of São Paulo and Zona da Mata in Pernambuco (PAHO, 2010).

because their partner was against, 17% said they would pass on some of all of their wages to their partners. Respondents who did not suffer any violence accounted for 10% (CARVALHO and OLIVEIRA, 2017).

- Regarding the impact of domestic violence on the working conditions of these women, the survey found that they lost 18 days of work on average in the previous 12 months. This average refers to the group of working women who experienced violence, and it accounts for an impact of 64.4 million *reais* in payroll losses in nine capitals in the Northeast Region. An extrapolation of these data to Brazil yields 975 million *reais*. As stated by the authors, these are only the economic impacts related to wage gains, since this impact becomes even more complex when the amounts related to the use of health care equipment, social security, and in their production and consumption are considered. (CARVALHO and OLIVEIRA, 2017).

Despite the status of surveys documented by Article 19, and their updating in the subsequent years, attempts to gain insight into the status of enforcement of the Maria da Penha Law have nearly always indicated a lack of systematised information and of consistent data for the development of indicators that could be replicated throughout the country (FEDERAL SENATE, 2012; OBSERVE, 2010; TCU, 2011).

## 6. Information systems on domestic and family violence and feminicides

### 6.1. National Register of Domestic and Family Violence and the Femicide Seal

#### 6.1.1. National Register history and a practical example

The background above, i.e., the absence of cross-sectional and accessible data that are comparable in time and space, reveals challenges to measure and assess the status of enforcement of the Maria da Penha Law throughout the country. As a result, it is also difficult to assess whether the perceived increase in violence against women – as captured in opinion polls – matches a *de facto* increase in or greater publicity around such cases. The indiscriminate use of the information generated by the various surveys conducted does little to improve this state of affairs.

However, the recommendations in the Maria da Penha Law did not fall between the cracks and were dealt with early by law enforcement and justice institutions. The civil police, for example, began to release disaggregated data on records of domestic and family violence. Over the years, however, this has been a very uneven initiative across the states, with pronounced differences regarding the frequency of disclosure, the timeliness of information, the levels of disaggregation by type of crime, in addition to the continuous questions regarding the scope and quality of the information provided<sup>32</sup>.

In the Judiciary Branch, the National Council of Justice (CNJ) also worked for a number of years on consolidating information from the state courts and failed to overcome technical problems, such as the integration between electronic databases and the ability to capture information, for instance, that remained in the last decade as an unsolved problem, as observed in the National Judicial Policy to combat violence against women in the Judiciary Branch (15/2017)<sup>33</sup> and in the recent report “The Judiciary and Enforcement of the Maria da Penha Law” (CNJ, 2017)<sup>34</sup>.

32. Few Brazilian states provide successful experiences in the generation and disclosure of law enforcement statistics that reflect the number of police reports involving female victims, whether in crimes covered by the Maria da Penha Law or in cases of sexual violence or feminicide. Noteworthy experiences include the Dossiê Mulher, produced by the Institute of Public Security of Rio de Janeiro, which has been publishing data disaggregated by sex of victim for 12 years now. Since 2007, the Dossier has incorporated specific categories to deal with crimes covered by the Maria da Penha Law (personal injury, rape, threats, and homicides) while keeping records of crimes committed against women outside the home, family and intimate relationships, such as rape and homicides. The latest issue of the Dossier is available here: <http://www.ispdados.rj.gov.br/Site/Sp/DossieMulher2017.pdf>. Piauí is also a state that has been making headway in the dissemination of feminicide statistics.

33. <http://www.cnj.jus.br/atos-normativos?documento=2393>

34. <http://www.cnj.jus.br/files/conteudo/arquivo/2017/10/ba9a59b474f22bbdbf7cd4f7e3829aa6.pdf>

The Public Prosecution Service also engaged in the development of information systems at state level, but it was not until 2009 that the issue gained momentum, during the First National Meeting of the Public Prosecution Service of the States and Federal District<sup>35</sup>. On that occasion, a request was submitted to the National Council of Attorneys-General (CNPAG) to create a working group within the Human Rights Commission in charge of creating the national register in accordance with the recommendations in the Maria da Penha Law.

The request was accepted by the CNPAG and the working group was created in 2010. The preliminary proposals contemplated two potential register models: a detailed model geared towards all specialised domestic and family violence prosecution services and an abridged model for prosecution services also enforcing the Maria da Penha Law. The starting point for discussions was the model developed by the Public Prosecution Service of Mato Grosso do Sul<sup>36</sup>.

The initial proposal was about the creation of a stand-alone system to store specific information on domestic and family violence against women. More than a system to measure the output of legal practitioners or the handling of proceedings in prosecution services, it was designed to measure the characteristics of the cases of violence reported to the law enforcement and justice authorities. This system would, therefore, be suitable for the enforcement of the Maria da Penha Law.

The system was designed to collect factual data (address, date, time, settings, relationship between the aggressor and the victim), profile of victims and aggressors (qualification, sex (for aggressors), race/colour, nationality, marital status, schooling and income) and it would also collect information on “exacerbating factors” (later called “risk factors”). As far as the procedures were concerned, collection of information on deferred protective measures, custody, criminal incidence and judicial status was recommended. This proposal was submitted to the CNPAG in March 2010.

Meanwhile, the CNMP was making arrangements to develop the ENASP – National Strategy for Public Security. Part of this project involved adaptation of the information system for future integration with the Judiciary databases in order to provide unified statistical data to the Judicial System.<sup>37</sup> So the work performed by the WG had to be submitted for further review and revisions.

35. This item was based on information from the minutes of the meetings of the PERMANENT COMMISSION OF DOMESTIC AND FAMILY VIOLENCE AGAINST WOMEN/COPEVID - of the National Human Rights Group GNDH/National Council of Attorneys General. 2009/2011. The material was loaned by the Chief Prosecutor of the Public Prosecution Service of Bahia. At the time of the meetings Márcia Regina Ribeiro Teixeira was Deputy Coordinator of COPEVID, and was a member of WG6, whom I thank for her generosity and trust.

36. In Mato Grosso do Sul, the work was coordinated by the prosecutor Ana Lara Camargo de Castro, who also facilitated the initial discussions on the National Register.

37. At the other “end” of this system, the Ministry of Justice’s SENASP was involved in the discussion of the National Public Security and Justice Statistics System (SINESP). The creation of ENASP will be dealt with later in this report.

This change in the course of work had both positive and negative implications. A register of domestic and family violence cases was a positive aspect, and it would go on to become part of a single information system of the Public Prosecution Service covering all prosecution services across the country. This would obviate the distinction from the preliminary model proposed, i.e., only specialised prosecutions would provide more detailed data on cases.

A negative aspect was that adaptation of the register to a general model would lead to loss of information related, for instance, to protective measures and the disaggregated approach to the specific types of criminal offence under the Maria da Penha Law. An additional negative aspect was the information gap on how data on domestic violence would be made available and the relevance that the specificities of such violence would have for an information system aimed at measuring institutional performance based on the numbers of procedures and their procedural formalities.

As a result, there was a gap between the objectives set forth in the law to have reliable and accessible information that would qualify both violence and institutional responses, and the institutional objectives of measuring professional performance. Although the working group was aware of this impact, the changes were implemented and the work completed by the Working Group to create the CNVD was submitted to the committee in charge of the necessary changes and adjustments to the categories and taxonomies adopted<sup>38</sup>.

Despite all the efforts undertaken in the early years and the personal efforts made by some male and female prosecutors to develop information systems in their home Prosecution Services (MPs)<sup>39</sup>, in the subsequent years the implementation of the CNVD was short of expectations and states did not join the system as expected. Examples show that in some states the register was in place in the capital and in other states it relied on the personal interest of prosecutors outside the capital to feed the data

38. The concern about unifying the language and standardisation of data entry to build a reliable data system that would help improve the institution’s performance is reflected in the guidance materials on how to complete and develop the categories for classification of events denominated taxonomies, or “the set of tables to be adopted by the National Council of Prosecution Services – CNMP and embedded in all systems for activities of all MP offices, as a critical element for the development of indicators to support administrative and financial control and monitoring of the duties to be performed by the members.” GUIMARÃES, William Sérgio Azevedo. Taxonomy of Brazil’s Public Prosecution Service (MPRO, s/data: 1). <https://williamguimaraes.files.wordpress.com/2010/10/taxonomia-do-mp-brasileiro.pdf>

39. Examples include the MP of Piauí, where a data entry system called I-Penha was created; the Public Prosecution Service of São Paulo, where changes were made to the information system for the generation of statistics on the operations of specialised prosecution services; the Public Prosecution Service of Mato Grosso do Sul, which carried on with the implementation of the information system that was being developed; the Public Prosecution Service of Paraná, which incorporated specific fields on domestic and family violence in the single register of the state Public Prosecution Service; and the Public Prosecution Service of Rio de Janeiro, where fields and categories related to CNVD were incorporated in the data system of the state MP. In each state, the achievements were due to the work of centres and groups specialising in domestic and family violence. In some states, the collection of information was restricted to specialised prosecution services (like in SP) while others were able to encompass all prosecution services in the state. However, as noted, each of these experiences relied on local solutions and therefore not always engaged with the CNVD.

system. None of the 27 States had data coverage at state level. An example of the lack of consistent information was captured by the CPMI Report on Violence against Women (Federal Senate, 2013<sup>40</sup>) and the TCU's Technical Audit Report (TCU, 2012).

In 2015, the subject was taken up again by the CNMP's Commission on Fundamental Rights with a new working group (GT6)<sup>41</sup> responsible for the "Creation of the National Register of Domestic and Family Violence", who led the discussions to improve the CNVD by adapting its structure and incorporating a classification system in order to make its completion process more attractive to prosecution services throughout the country. The documentation prepared by the Group reflects a concern with the absence of institutional arrangements in the project and that it would require all states to join it. The solution to this problem first emerged in January 2016, when the resolution establishing the CNVD was passed and stipulated its implementation as a requirement throughout the country.

Finally, in the year of the 10th anniversary of the Maria da Penha Law, the CNVD was established through Resolution 135 issued by the President of the CNMP:

Article 2 "The National Council of Prosecution Services shall develop a national database programme to comply with Article 26 (III) of Law No. 11340/2006, by providing access to the Public Prosecution Services at state level."

Paragraph 1 of this article where it is stated that "All processes where Law No. 11340/2006 applies must be fed into the system, including cases of femicide resulting from domestic violence against women (CP, Art. 121, paragraph 2, c/c paragraph 2-A, (I)).<sup>42</sup>

Following the efforts to fully implement the CNVD and in order to ensure technical and other resources are available for its monitoring, in April 2016 management of the Register was transferred to the ENASP, precisely to the coordinating unit of the Femicide Goal.

40. In this report, only the MP of Mato Grosso do Sul submitted a consistent report containing statistics regarding the crimes dealt with under the LMP.

41. The GT6 was coordinated by the Chief Prosecutor of the MPDFT, Mr. Thiago Pierobon, and had the following members: prosecutors Márcia Regina Ribeiro Teixeira (MPBA), Silvia Chakian (MPSP) and Valéria Scarance (MPSP).

42. Resolution 135, of 26 January 2016, establishes the National Register of Domestic Violence. Available in: <http://www.cnmp.mp.br/portal/images/Resolucoes/Resolu%C3%A7%C3%A3o-1351.pdf>

## 6.2. The National Register of Domestic and Family Violence

The National Register of Domestic and Family Violence System is available on the CNMP website, where Public Prosecution Services can upload data.<sup>43</sup> Access to the system requires a password and is only available to registered officials. These teams include male and female prosecutors, male and female attorneys, and secretarial and IT workers. This measure is intended to ensure that only qualified people have access to the system, thus avoiding improper handling of the data.

The CNVD currently provides four entries (screens) in a total of 40 variables related to victim profile, aggressor profile, case details and proceedings details. The system provides both read and write access. The box below lists the register variables and variables used in the queries<sup>44</sup>.

43. <https://scnvd.cnmp.mp.br/login.seam?cid=36992>

44. Completion categories can be found in the User's Manual - National Register of Domestic Violence against Women System (CNMP, 2016). Available in: [http://www.cnmp.mp.br/portal/images/Manual\\_do\\_Usuario.pdf](http://www.cnmp.mp.br/portal/images/Manual_do_Usuario.pdf)

**Box 3: Write and read variables  
National Register of Domestic Violence**

Group	Variables – Write (*required)	Filters - Read
Profile of victims	Name of victim* Social name (trans women)* Name of mother of victim* (not stated)* Personal ID (CPF) Date of birth* Colour Education Income Nationality State Sexual orientation/identity Disabilities	Name of victim Social name Mother's name CPF Date of birth
Profile of aggressor	Name of perpetrator* Name of perpetrator's mother* Personal ID (CPF) Date of birth* Sex* Colour Education Income Nationality State	Name Mother's name Date of birth CPF
Case profile	No. of police report No. of police investigation Scene of aggression (location) Date of aggression Time of aggression Relationship between aggressor and victim City/State Risk factors identified	No. of police report No. of police investigation Scene of aggression Date of aggression Time of aggression Relationship between aggressor and victim City/State
Procedures	Proceeding class No. of prosecution case by MP No. of court filing No. of CNJ Penal occurrence Handling Proceedings	Proceeding class No. of prosecution case by MP No. of court filing

The political effect of a Resolution issued by the CNMP is unquestionable and as of January 2016, the State Public Prosecution Services began to make changes to adjust their systems to the national system. This process certainly involves challenges of various types: lack of personnel to feed data; technical difficulties to add new fields to the system; adaptation of the state systems to the CNMP platform; volume of proceedings to be entered in the system; overall workload in prosecution services with double jurisdiction and the length of the register itself. These are common justifications for most entities that are not yet submitting complete details according to the variables in Box 3.

Although these justifications refer to concrete cases, some of the difficulties are due to the fact that the CNVD is not considered to be a priority, and consideration should be given to the urgent need to develop a training and awareness-raising programme for male and female prosecutors and male and female officials to understand the relevance of such a Register.

The data shown in Table 1 below was drawn from the CNVD website. The table shows the variation in states joining the system. The data available reflect two moments: June and September 2017. In March 2017, a directive stipulated that cases occurring after 7 August 2016 must be entered in the system.<sup>45</sup> This order was necessary since the lack of a starting date for the entry of proceedings was creating tensions and difficulties for the standardisation of groups of records.<sup>46</sup> Despite being methodologically accepted and technically feasible and understandable, as a result of this limitation in practice the reports submitted during the first ten years of implementation of the Maria da Penha Law have remained unknown in terms of their magnitude and characteristics at the national level.

45. In view of the discrepancies in the volume of records across the states, some informal enquiries showed that the public prosecution services respond unequally to this recommendation and while some have been submitting the records as of August 2016, others have submitted information from all collections without citing the date. This is probably the reason for the volume of records reported by the state of Pernambuco or Espírito Santo. These are hypotheses in an attempt to understand the variations in data volumes across the states and in such a short time interval. A better assessment of the stored data will require a detailed study within each MP.

46. Directive 1/2017, ENASP-CNMP. This defines the seniority of proceedings to be stored in the National Register of Domestic Violence. Available in: [http://www.cnmp.mp.br/portal/images/CNVD\\_data\\_de\\_antiguidade.pdf](http://www.cnmp.mp.br/portal/images/CNVD_data_de_antiguidade.pdf)

**Table 1 – Number of records by state. June and September 2017**

State	No. of records (6/6/2017)	No. of records (29/9/2017)
Acre	236	2541
Alagoas	...	1324
Amapá	9730	9919
Amazonas	...	260
Bahia	58736	67934
Ceará	240	1436
Distrito Federal	19745	21092
Espirito Santo	66167	69657
Goiás	...	...
Maranhão	7359	7369
Mato Grosso	...	2213
Mato Grosso do Sul	11011	14846
Minas Gerais	...	...
Pará	...	2962
Paraíba	...	...
Paraná	10543	20201
Pernambuco	...	70722
Piauí	1358	1358
Rio de Janeiro	8395	11523
Rio Grande do Norte	...	...
Rio Grande do Sul	...	...
Rondônia	1735	5731
Roraima	355	760
Santa Catarina	...	16333
São Paulo	...	...
Sergipe	95	440
Tocantins	1033	1922
Brasil	196.738	330.543

Source: CNVD/CNMP

As the data show, by June 2017 ten states had not yet submitted data to the CNVD and some states had submitted very little data. Three months later, the number of participating states had increased, while there was also an increase in the number of cases reported in each state.

The CNVD's website also provides data on the profile of victims and perpetrators, and on violent incidents (cases). However, the number of states that have joined this data system is still very low and should also be assessed through a dedicated technical study that will help provide a better understanding of the challenges and obstacles involved in such full participation. Table 2 consolidates the information that is available in the charts about **not completion** of the form. The website provides breakdowns and frequencies for each variable.





**Table 2 – Profile of victims, aggressors and cases. Percentage of occurrences without any information entered in the CNVD. June and September 2017**

Variables	% without any information records (6/6/2017)	% with no information (29/9/2017)
<b>Profile of cases</b>		
Scene of aggression	83,40	82,32
Time	78,60	79,54
Victim-aggressor relationship	88,05	85,48
Risk factors	93,91	93,78
<b>Profile of aggressor</b>		
Age	25,31	24,69
Race/Skin Colour	95,57	96,79
Education	87,10	90,04
Income	99,77	99,68
<b>Profile of victim</b>		
Age	25,30	19,78
Race/Skin Colour	96,68	96,29
Education	84,01	88,03
Income	99,91	99,80
Sexual orientation	98,17	98,17

Source: CNVD/CNMP

Based on the data above, despite the number of State Public Prosecution Services that have joined the CNVD, it still faces resistance to an integral implementation with answers to all the available variables. Several factors may contribute to the low rates shown in Table 2, generally associated with the justifications previously mentioned, such as understaffing, number of proceedings, overwork and challenges posed by information technology (IT) systems. But there are also factors related to the sources of data (police investigations), the varying degree of difficulty in obtaining the information to complete in the system and, again, the issue of professional qualification as an obstacle to the performance of this work.

### 6.3. Background of the Femicide Seal

Acceptance of the Femicide Law within the legal community was favoured by the way paved by the Maria da Penha Law. International human rights conventions, violence against women as a violation of human rights and gender-based violence are elements that come up in legal debates and are familiar to those segments specialising in the enforcement of the Maria da Penha Law. Yet resistance and objections to the new law persist, and its full enforcement depends on knowing how the law has been construed, whether the crimes are being correctly typified and whether police investigations have been conducted in such a way that helps recognise gender reasons as the cause of killings.

Pressures from the government, civil society, international organisations and the media to ensure femicide data are transparent quickly led several institutions to create new forms of labelling such crimes. In most cases, the rationale was quite simple: every female killing came to be named as femicide, with some additional qualifiers – intimate femicide, non-intimate femicide, state femicide (IPG, 2017) – drawing from the categories of analysis developed in the Latin American literature on femicides (UN WOMEN, 2016; PASINATO, 2011).

However, the widespread nomenclature needs to be discussed as a problem – a trap that strengthens the discourse against the type of criminal offence *per se*. In dealing with all violent killings of women as femicides, an opportunity is missed to show what is specific about some of these killings and for which state interventions could have been different in order to help avoid them. Restoring the notion that all femicides are aggravated homicides, but not all female homicides are femicides has been an ongoing effort for all men and women involved in the political act of naming these crimes (DINIZ, COSTA, GUMIERI, 2016; UN Women, 2016; SEGATO, 2006; PASINATO, 2011).

## 6.4. ENASP: Goal of reducing feminicides

ENASP – National Strategy for Public Security and Justice was developed in 2010 as part of the policy to improve the performance of the Justice System and was “the culmination of a joint effort by the Minister of Justice, the President of the National Council of Justice and the President of the National Council of the Public Prosecution Service, with a view to making public security programmes more effective through a cross-institutional cooperation in the Justice System.”<sup>47</sup>

The reduction of homicides through interventions to “speed up the investigation, indictment and prosecution of homicide offences” (ENASP, 2010: 4) was a goal pursued in 2011-2015. In addition to monitoring police investigations, instructional materials were also expected to be prepared in order to improve investigations, enhance information systems and standardise police and forensic records, as well as personnel training.

In late 2015, a new Goal was set for the reduction of feminicides. The proposal was signed by the Secretariat of Policies for Women and UN Women as a major boost to Law No. 13104/2015.

The proposed goal was to monitor police investigations until completion, which could be: initiation of criminal proceedings (indictment), disqualification or dismissal. The first milestone of the goal should comprise all investigations initiated between 15 March 2015, the date on which Law 13104 came into force, and 15 March 2016.

## 6.5. Feminicide Seal

Some methodological discussions were necessary before the goal could be pursued. Agreeing on the nature of the crimes covered by the action was one of them. It was initially proposed that a survey be carried out of all crimes against life whose victims were women. The proposal reflected a recommendation from the National Guidelines – Feminicide (UN WOMEN, 2016). In this case, in addition to intentional homicides, information would be collected on police investigations related to suicides, deaths from accidents and suspicious deaths. Considering the extent of the work that would need to be undertaken, a decision was made to limit the survey to crimes described in Article 121 of the Brazilian Penal Code (homicides whose victims are women).

47. <http://www.cnpm.mp.br/portal/component/content/article/101-institucional/enasp/212-enasp1>.

It was also necessary to establish a mechanism for identifying police investigations (physical documents) that would make it easy to view them amidst the sheer volume of documents in the justice system. The creation of a sticker to be appended on all investigations and proceedings qualifying as feminicides brought this idea to life. And so the “Feminicide Seal” was born.



Source: ENASP

**Table 3 – Total investigations initiated between 10/03/2015 and 10/03/2016, broken down by state. Total investigations in 12/2016. Conclusions (%)**

MP / STATES	No. of investigations in 2015-2016	No. of investigations in 12/2016	% indictments	% dismissals	% disqualifications	% diligences
ACRE	50	50	64,00%	6,00%	8,00%	22,00%
ALAGOAS	103	103	41,75%	0,97%	0,00%	57,28%
AMAZONAS	178	156	42,95%	14,10%	24,36%	18,59%
AMAPÁ	47	44	36,36%	6,82%	0,00%	56,82%
BAHIA	395	0	-	-	-	-
CEARÁ	181	249	34,54%	2,81%	13,25%	49,40%
DISTRITO FEDERAL	99	99	90,91%	0,00%	0,00%	9,09%
ESPÍRITO SANTO	45	76	73,68%	3,95%	3,95%	18,42%
GOIÁS	181	70	71,43%	0,00%	0,00%	28,57%
MARANHÃO	20	25	60,00%	8,00%	0,00%	32,00%
MATO GROSSO	70	72	86,11%	4,17%	0,00%	9,72%
MATO G.DO SUL	52	52	71,15%	3,85%	1,92%	23,08%
MINAS GERAIS	576	576	33,33%	1,56%	0,52%	64,58%
PARÁ	50	78	57,69%	5,13%	0,00%	37,18%
PARAÍBA	166	0	-	-	-	-
PARANÁ	155	155	86,45%	3,23%	0,65%	9,68%
PERNAMBUCO	117	117	61,54%	0,00%	0,00%	38,46%
PIAUI	33	33	42,42%	0,00%	0,00%	57,58%
RIO DE JANEIRO	553	121	59,50%	2,48%	0,00%	38,02%
R. G.NORTE	22	22	9,09%	22,73%	0,00%	68,18%
R.G. SUL	203	0	-	-	-	-
RONDÔNIA	60	136	5,15%	0,74%	0,00%	94,12%
RORAIMA	16	16	43,75%	6,25%	0,00%	50,00%
SANTA CATARINA	71	60	85,00%	6,67%	0,00%	8,33%
SÃO PAULO	320	320	76,25%	3,44%	0,00%	20,31%
SERGIPE	20	21	4,76%	0,00%	0,00%	95,24%
TOCANTINS	35	35	71,43%	2,86%	8,57%	17,14%
Total – BRAZIL	3818	2686	52,87%	3,35%	3,20%	40,58%

Source: ENASP/CNMP.

The table above was extracted from the ENASP website and is being used to demonstrate the type of information that can be captured and processed in the system. The purpose of the Femicide Goal is to reduce femicide through monitoring of court proceedings. It is therefore a strategy to monitor the ministerial performance that will help accurately determine the penal type of crimes, reduce the time devoted to investigations and, as a result, improve the speed of court responses. The figures provide a source for the subsequent development of indicators on State due diligence in preventing and reducing violence against women. (UN WOMEN, 2016).

Most states joined the Seal and only three states failed to submit their information by December 2016. The columns on the right-hand side of the table show that during the first year of the law in effect most police investigations resulted in indictment, but 40.5% of cases were still being investigated<sup>48</sup>.

The following year (investigations from March 2016 to March 2017), only one state failed to submit their information by the designated deadline. In overall terms, the goals achieved were similar to the ones for the previous year, thus revealing a pattern in the institutions' responses to these crimes.<sup>49</sup>

In view of these examples and two years into adoption of the Femicide Seal, it is now well established as a strategy to monitor police investigations of femicides. Its continued use is fundamental for the construction of historical series to measure the number of police investigations of femicide flowing into the criminal justice system. Establishing links with the Judiciary Branch to get to know the outcomes to these cases (in any of the possibilities under the Penal Code) should be a priority for the near future.

However, it is important to note that despite its importance for monitoring cases, the Seal was not designed to be an information system about characteristics of victims, aggressors or crimes, which will not even make it possible to identify which paragraph applies to which cases.

Those crimes related to domestic and family violence are being entered in the CNVD, and the connection between the two systems is a successful practice of leveraging the technical resources for the development of integrated, comprehensive databases. However, there remains the limitation of information regarding the crimes that fall

48. While these results are promising, since there are no similar data for total homicides in the same period, it is not possible to determine what these numbers represent compared to the total number of cases and, therefore, judgments about the performance of the justice system cannot be made accurately.

49. The full tables can be found at: <http://www.cnmp.mp.br/portal/institucional/enasp>. On the performance of the system, see comments in previous note.

under paragraph II of the Law of Femicide, i.e., those committed for contempt and discrimination by reason of a female sex condition. Improving the collection of information disaggregated by paragraph should be submitted as a recommendation once a revision of the taxonomy that feeds the system is conducted.

## 6.6. Practical examples: implementation of the CNVD and Femicide Seal

This section discusses two experiences related to implementation of information systems and monitoring of domestic violence and femicide cases: the Register of Domestic Violence of the Public Prosecution Service of Paraná and the Special Group to Combat Homicide of Women of the Rio de Janeiro Public Prosecution Service.

Both initiatives were selected for their contributions to national debates and for their impact at the local policy level. While these experiences have a close collaboration with the projects implemented by the CNMP/ENASP, they maintain unique characteristics related to the flows of information and how the work is organised in the individual Public Prosecution Services. The value of each experience lies specifically in the methodology that has been evolving, which reflects a concern with the quality of the information and with the broader coverage of cases. The two examples also serve to illustrate the potential for parallel information systems – at state and national level – where the standardisation of variables and categories (taxonomy) works both in terms of shedding light on the local reality and designing a national database.

The information was collected during technical visits to the agencies responsible for conducting the initiatives and coordinating the work.<sup>50</sup> The descriptions below are not exhaustive, and summarise the main characteristics of each project.

### 6.6.1. Register of Domestic Violence - Public Prosecution Service of Paraná (MPPR)

The Register of Domestic Violence of the Public Prosecution Service of Paraná was established in June 2014 and is run by NUPIGE – Gender Equality Promotion Centre of the Operational Support Centre of the Prosecution Services for the Protection of Human Rights.

50. The technical visits to the Public Prosecution Service of Paraná were held on 6 November, when I was at the NUPIGE – Gender Equality Promotion Centre of the Operational Support Centre of the Prosecution Services for the Protection of Human Rights. On 8 November visits were held to the Public Prosecution Service of Rio de Janeiro, where I met the female prosecutors from GECHM – Special Group to Combat Homicide of Women under the Operational Support Centre of the Prosecution Services on Domestic Violence against Women and Gender Division. I would like to thank Mariana Seifert Bazzo from MPPR and Lúcia Ilóizio Barros Bastos from the MPRJ for their kind welcome and their generosity in sharing information about their projects.

The MPPR has a register called PRO-MP that stores information from investigations initiated in all state prosecution services. The system is used to monitor and keep track of deadlines, allocations, actions, and its completion is mandatory for all procedures that are initiated in the prosecution services. In 2014 two relevant changes in terms of domestic violence were made. The first change was the inclusion of a field referring to Article 129 (9) of the Penal Code, regarding personal injury in cases of domestic violence. Under this category, an official will report information about the procedure – with administrative and judicial information, as well as how it deals with other crimes.

The second change was the inclusion of a category for information on “domestic violence against women.” When this option is selected, a new screen is displayed containing additional fields to qualify events with the following details: date of event, location, municipality and neighbourhood, time of event, relationship between the victim and aggressor, risk factors and whether any protective measures have been requested. All fields are required and exclusively associated to the category of domestic violence against women. This category made it possible to classify the proceedings under the Maria da Penha Law.

The methodology below is a major milestone of the work developed by the NUPIGE coordination unit. All proceedings entered in the system, whether as domestic violence against women or as domestic violence (Article 129 of the Penal Code) are reviewed. To establish the workflow, the time elapsed between the date of the occurrence and the completion of the police investigation is considered, which can vary from one day (when perpetrator is caught in the act) to one year or one year and a half. From this timeframe, a two-year period was established to select the cases that would be reviewed. Although this is a long interval, it reflects the care with which the data are examined. The rationale is that shorter intervals make it more difficult to keep track of the amount of annual records, thereby generating potential inconsistencies in the data disclosed. In the first half of 2017, the cases from the second half of 2014 were disclosed.<sup>51</sup>

As identified during the technical visit, the most significant review requirement occurs for the cases under the field “domestic violence – Article 129.” In theory, this field should only apply to cases whose victims are men and where there is no reference to potential enforcement of the Maria da Penha Law. As it turns out, the smallest amount of information associated with this field ultimately makes it attractive for registering those that should originally be entered under the category “domestic and family violence.”

51. At the date of the technical visit – 6/11/2017 – the data for the first half of 2015 was being reviewed.

Verification of these data follows steps related to selection of cases whose victims are women after reading the reports added to the specific field (description), listing of cases that require revision, communicating to the original prosecution services, and completion of revision checks. The result is reduced underreporting of cases and higher quality of databases.

This register covers all 399 municipalities in Paraná and the cases reported can be aggregated by region or municipality, or disaggregated by neighbourhood, for example. According to the coordinator of this Centre, the statistics culled from the Register are used for assessments and to design public policies at state level, in addition to attracting the attention of the media<sup>52</sup>.

Although some fields in the MPPR Register have a connection with the CNVD, the two systems have different structures. For instance, the Register for Paraná does not provide detailed information for the profiles of victims and aggressors. This option for a smaller number of fields is justified by the comprehensiveness of the data. The prosecutor believes that a larger number of required fields can be discouraging and would cause losses in the knowledge about the current distribution of domestic violence against women throughout the state. Although she is in favour of the Register structure, she believes that it would be possible to expand the information collection and reduce the scope for a representative sample of prosecution services. Surely, the data they currently hold could inform a study of this nature and improve its contributions to the CNVD.

### 6.6.2. Special Group to Combat Homicide of Women/GECOHM - Public Prosecution Service of Rio de Janeiro (MPRJ)

The Special Group to Combat Homicide of Women/GECOHM reports to the Operational Support Centre of the Prosecution Services on Domestic Violence against Women and Gender Division of the Rio de Janeiro Public Prosecution Service (MPRJ). It was established on 7 October 2016 with the purpose of assisting the MPRJ in achieving ENASP's goal on femicide. GECOHM is comprised of four prosecutors operating throughout the state of Rio de Janeiro.

The GECOHM is a body supporting criminal enforcement agencies. In practice, whenever a male or female prosecutor receives a police investigation regarding a crime against a female victim, if they deem it necessary they may turn to the group for

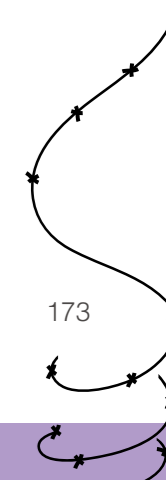
<sup>52</sup> The repercussion of the data in the media can be seen here: <http://www.bemparana.com.br/noticia/490601/a-cada-24-minutos-uma-mulher-e-vitima-de-violencia-no-parana>.

assistance to investigate the case. Where further investigation is required, the case may be relayed to the original police station or, at the discretion of the prosecutor in charge, the support of the GAP – Support Group for Prosecutors to assist in investigations may be requested. Upon completion, the GECOHM is responsible for requests for indictment or dismissal. From the indictment, the proceeding is relayed to the original enforcing agency, where the proceedings continue.

The prosecution services working in the GECOHM have a specialised approach to investigations on gender-based violence. In 10 months of operation (October 2016 - August 2017) GECOHM has received 52 requests for assistance. Of these, 35 resulted in an indictment and two dismissals. Ten of these are currently under investigation. In one case, the assistance was discontinued, and in four other cases, the request was withdrawn.

It is noteworthy that these figures do not correspond to the total feminicides that are brought to the attention of the MPRJ, since not all institutions request assistance from the group and follow up on the cases and subsequently enter the numbers in the MPRJ's database. Likewise the proceedings of aggressors caught in the act are submitted directly to the jury prosecutors, and they are not computed by the GECOHM.

At any rate, the GECOHM numbers are meaningful for an agency that just had its first anniversary. The increased number of requests benefits from the credibility of the work being carried out and the results that are being achieved not only in the solution of the investigations and the speed with which it occurs, but also in the substantive contribution that they make for the qualification of feminicides. Promoting specialised investigation of crimes against the lives of women is a strategy that the Public Prosecutions Service should consider. Without the need to establish a dedicated agency (since prosecutors continue to be responsible for the operations of their home institutions), the solution found by the MPRJ seems to fulfill the premise of having professionals that have received gender training to analyse crimes against women, and helps to overcome obstacles to the creation of new agencies and divisions because of the budgetary limitations faced in many situations.



## 7. Conclusions

In the course of this project, the objective was to gather information on two initiatives undertaken by the CNMP: The CNVD and the Femicide Seal. The primary goal was to recover the background of creation of these two data platforms on domestic and family violence and feminicides. Revisiting this history was important to pave the way forward.

A preliminary reading of the data already collected and presented to the CNVD points to the need to conduct more detailed technical studies with a view to identifying elements that help to understand, improve and monitor the data being submitted.

Being familiar with local specificities will help in the search for shared solutions. Identifying, describing, cataloguing the problems and obstacles identified in each state, as well as the solutions they adopt should be considered as a priority strategy to strengthen the CNVD. Exploring examples of deployment of local information systems, such as the cases of Paraná and Rio de Janeiro, is a way of demonstrating that solutions are possible and often require more goodwill and hard work than massive funding.

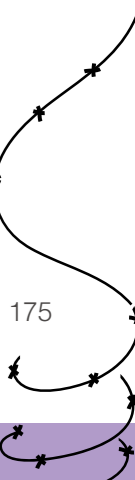
With regard to the Femicide Seal, this initiative is part of an ongoing debate on the generation of data on feminicide. As mentioned throughout this report, there is social pressure for the disclosure of data on the number of monthly feminicides in the country. This immediately falls on the police officers being asked to change their record systems so as to include the “label” corresponding to feminicide that would then be applied to crimes involving the violent killing of a woman. The risk involved in this change is significant and should be taken into account in terms of the political project that led to the Femicide Law being passed.

It is not only a matter of naming the violent killing of women differently, but identifying those that resulted from gendered motivations, and to see this through police investigations should identify evidence relating to the circumstances, settings, means for perpetration of the crime, in addition to factors associated with personal and social histories. As a result, the duration of the investigation until completion of police procedures, although it should be as short as possible, will count for accurate classification of crimes from a gendered perspective.

As such, the Femicide Seal and the proposal for monitoring it represents prove to be appropriate to the classification of crimes that would be conducted by the Public Prosecution Service at the time of the indictment. It is important to note that this is a recent initiative that also requires technical studies and some fine-tuning. Male and female prosecutors have different viewpoints and understandings of gender, gender-based violence and the legislation itself. Becoming familiar with these viewpoints and opinions, promoting training and discussions towards standardising concepts, developing procedures that lead to a reflection on the gender characteristics that must be evidenced and the best way of doing so are strategies that are as important as establishing submission of information to ENASP as a requirement.

For both the CNVD and the Femicide Seal, the institutionalisation of initiatives should include training on gender for all professionals, whether they are male or female civil servants or male or female prosecutors.

Both projects have great potential and could provide solid databases on violence against women in the country. One aspect that deserves consideration is the linkage between individual systems and a legislation so that the violence reflected in the databases is limited to legal definitions: domestic and family violence and feminicide, while other forms of violence – such as sexual violence outside the domestic and family environment or intimate relationships for example – do not come to be measured and become better known for the development of adequate public policies to address them. The same holds true for other forms of violence, such as sexual harassment or gender-based harassment, i.e., forms of violence against women that are now being reported but do not yet have channels of public visibility.



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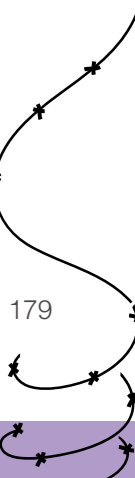
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### III. PROPOSALS OF IMPROVING AND MONITORING IMPLEMENTATION OF THE CNVD

This section of the report discusses some proposals intended to help improve the CNVD and develop an approach to monitor its implementation in the 26 states and the Federal District.

The recommendations below take into consideration that:

- - although there currently are more State Public Prosecution Services available to take the necessary actions for the implementation of the CNVD, challenges and obstacles of a technical and human resources nature persist, including training for the adequate completion of the fields in the Register concerning domestic and family violence against women.
- - the number of fields to be completed and the connection between the state systems and the CNVD;
- - the variation in the submission of data across states and the differences in data volumes submitted by September 2017.
- - the inherent difficulties involving the source of information – police investigations – to identify some of the information required to complete the register.

The proposal comprises the following items:

1. CNVD design: description and analysis
2. Documents regulating the CNVD
3. Source of data: characteristics
4. Proposed approach for monitoring the implementation of CNVD, qualification of data and assessment of findings

## 1. CNVD design: description and analysis

The National Register of Domestic and Family Violence System is available on the CNMP website, where Public Prosecution Services can upload data.<sup>53</sup> Access to the system requires a password and is only available to registered officials. This measure is intended to ensure that only qualified people have access the system, thus avoiding improper handling of the data.

The CNVD provides four entries (screens) in a total of 40 variables related to victim profile, aggressor profile, case details and proceedings details. The system provides both read and write access. Box 1 lists the register variables and variables used in the queries.<sup>54</sup> Box 2 shows a classification of the variables contained in the Register.

**Box 1: Write and read variables - CNVD**

Group	Variables – Write (*required)	Filters - Read
Profile of victims	Name of victim* Social name (trans women)* Name of mother of victim* (not stated)* Personal ID (CPF) Date of birth* Colour Education Income Nationality State Sexual orientation/identity Disabilities	Name of victim Social name Mother's name CPF Date of birth
Profile of aggressor	Name of perpetrator* Name of perpetrator's mother* Personal ID (CPF) Date of birth* Sex* Colour Education Income Nationality State	Name Mother's name Date of birth CPF
Case profile	No. of police report No. of police investigation Scene of aggression (location) Date of aggression Time of aggression Relationship between aggressor and victim City/State Risk factors identified	No. of police report No. of police investigation Scene of aggression Date of aggression Time of aggression Relationship between aggressor and victim City/State
Procedures	Proceeding class No. of prosecution case by MP No. of court filing No. of CNJ Penal occurrence Handling Proceedings	Proceeding class No. of prosecution case by MP No. of court filing

53. <https://scnvd.cnmp.mp.br/login.seam?cid=36992>.

54. The list of categories for completion can be found in the User's Manual - National Register of Domestic Violence against Women System (CNMP, 2016). Available in: [http://www.cnmp.mp.br/portal/images/Manual\\_do\\_Usuario.pdf](http://www.cnmp.mp.br/portal/images/Manual_do_Usuario.pdf)

**Box 2 - Analytical description of the variables – CNVD**

Group 1 - “Internal management of proceedings”	Group 2 - “Proceedings management by the MPEs and CNMP”	Group 3 - “Generation of national statistics on DFV”
<p>This group contains those variables that may be of interest for the individual monitoring of the cases in daily prosecution operations. The group was divided into two sets of variables:</p> <p><b>I - For agents:</b></p> <ul style="list-style-type: none"> <li>• Name of victim</li> <li>• Social name (trans women)</li> <li>• Name of the victim’s mother</li> <li>• CPF</li> <li>• Name of perpetrator</li> <li>• Name of perpetrator’s mother</li> <li>• CPF</li> </ul> <p><b>II - For procedures:</b></p> <ul style="list-style-type: none"> <li>• No. of police report</li> <li>• No. of IP</li> <li>• No. of prosecution case with MP</li> <li>• Date of initiation with MP</li> <li>• No. of prosecution case with Judiciary Branch</li> <li>• No. of prosecution case with CNJ</li> </ul>	<p>This group includes the variables that can be used to keep track of the performance of prosecution services and for institutional transparency reports, such as the CNMP yearbook. Three variables were identified in this group:</p> <p><b>II - For procedures:</b></p> <ul style="list-style-type: none"> <li>• Date of initiation with MP</li> <li>• Proceeding class</li> <li>• Penal occurrence</li> </ul>	<p>This group contains the variables that can generate relevant information for the definition of strategies and goals in the enforcement of the Maria da Penha Law and to measure reported domestic and family violence. The group was subdivided into three sets of variables:</p> <p><b>I - For agents:</b></p> <p><b>About victims</b></p> <ul style="list-style-type: none"> <li>• Age (age group)</li> <li>• Colour</li> <li>• Education</li> <li>• Income</li> <li>• Nationality</li> <li>• City/State</li> <li>• Sexual orientation/identity</li> <li>• Disabilities</li> </ul> <p><b>For the perpetrator(s)</b></p> <ul style="list-style-type: none"> <li>• Age (age group)</li> <li>• Sex</li> <li>• Colour</li> <li>• Education</li> <li>• Income</li> <li>• Nationality</li> <li>• City/State</li> </ul> <p><b>II - For crimes</b></p> <ul style="list-style-type: none"> <li>• Venue</li> <li>• Type of relationship</li> </ul> <p><b>III - For procedures</b></p> <ul style="list-style-type: none"> <li>• Proceeding class</li> <li>• Penal occurrence</li> </ul>

The classification shown in Table 2 is based on the objective of the National Register of Domestic Violence to store data for the preparation of national statistics regarding crimes covered by the Maria da Penha Law. In addition to the aggregation of actions undertaken to investigate these crimes, the CNVD is expected to provide detailed statistics on the profile of victims, perpetrators and crimes, as well as on the main procedural acts that give insight into how the judicial system – and particularly the Public Prosecution Service – has been enforcing the legislation. The ultimate goal is to obtain consistent information at a national level and to assess the conditions of enforcement of the Maria da Penha Law and its impact on reducing domestic and family violence.

The initial analysis was prompted by the fact that some fields were challenging and could be used to justify failure to complete them. Fields relating to personal data are an illustration of this.<sup>55</sup> Fields for personal identification (name, mother’s name, ID document, and date of birth) are mandatory in the CNMP register. In the daily monitoring of prosecution service operations, the data are justified for individual identification and potential recurrences and for allowing the identification of individuals through other information systems and registers – this is the case of the CPF (Personal ID). It is a fact that many women will not have their personal IDs handy when they go the police station report a case. They are also unfamiliar with the full name of the mother of their partners or the number of their personal ID documents. As a result, these data are not available in the police report and for its entry in the register it is necessary that the official in charge refers to other documents in the police investigation to search for the requested information. Without proper training to know what to look for and where to look, there are information gaps, the quality of the data may decline and finally if these are required fields they may hinder case entry.

Another concern regarding these data is the potential personal identification. Resolution No. 167/2017 sensibly makes public the data in the National Register, prohibiting access to those that allow the identification of persons involved. There were concerns as to how to protect these data since all would be mandatory in the CNVD, which would also appear as search fields.

55. The justification was submitted during a ENASP meeting in May 2017, when male and female prosecutors from various Brazilian states reported they were struggling to complete the required fields in the register.

The classification of variables related to personal identification in Group 1 - **“Internal management of proceedings”** aimed at overcoming these concerns and obstacles. Defined as variables of interest for proceeding and procedural routine control in prosecution services, field completion remains mandatory for records stored in the State Public Prosecution Services, but will not require submission to the CNMP for the generation of statistics. Hence, in addition to securing the data necessary for prosecution services to perform their duties, the new classification allows the local register and the CNVD to be properly fed against their goals. Although the data in this group may be passed on to the CNMP to control a base of proceedings initiated in the country, they do not need to be linked to the database that will be disseminated through statistics disclosed in the site for public access.

The same rationale was used for Group 2 - **“Proceedings management by the MPEs and CNMP”** where variables that allow to monitor the performance of the prosecution services, flow of documents and decisions provided were added. These are important data to both the state public prosecution services and the CNMP, which annually prepares management reports. The statistical interest in understanding enforcement of the Maria da Penha Law does exist, but is limited to two fields that describe the typified crimes and the proposed approaches and/or outcomes within the Public Prosecution Service. For this reason, the fields were duly replicated in Group 3.

Finally, Group 3 - **“Generation of national statistics on DFV”** holds the relevant variables to assess enforcement of the Maria da Penha Law and measure domestic violence reports according to characteristics that help to understand and to make explicit the specificity of gender-based violence. Precisely because they are variables associated with the specificity of violence, they are not always collected in the state registers and/or are easily located in police documents; it was considered feasible to propose a sub-classification system by identifying prioritisation by colours for inclusion in the state registers and submission to the CNVD. Second, this colour code works as follows: 1st – Red, 2nd – Blue and 3rd – Green. As part of a shared implementation schedule, these codes should help ensure that all fields are completed by all public prosecution services and submitted to the CNMP in the medium term.

The table below shows that the fields allocated in this Group remain with low completion rates, which makes it necessary to understand if the information gaps are due to failure to feed the data or to the variables missing in the source databases. Either factor could be easily fixed upon requests to the state public prosecution services and training for CNVD officials locally.

**Profile of victims, aggressors and cases. Percentage of occurrences without any information entered in the CNVD. June and September 2017**

Variables	% without any information records (6/6/2017)	% with no information (29/9/2017)
<b>Profile of cases</b>		
Scene of aggression	83,40	82,32
Time	78,60	79,54
Victim-aggressor relationship	88,05	85,48
Risk factors	93,91	93,78
<b>Profile of aggressor</b>		
Age	25,31	24,69
Race/Skin Colour	95,57	96,79
Education	87,10	90,04
Income	99,77	99,68
<b>Profile of victim</b>		
Age	25,30	19,78
Race/Skin Colour	96,68	96,29
Education	84,01	88,03
Income	99,91	99,80
Sexual orientation	98,17	98,17

Source: CNVD/CNMP

## 2. Documents regulating the CNVD

The CNVD is regulated by CNMP Resolutions and ENASP Directives, as well as completion and taxonomy manuals. All documents below were analysed for the preparation of the proposed methodology:

- Resolution No. 135/2016 – establishes the mandatory implementation of CNVD in all states.
- Resolution No. 167/2017 – changed data disclosure by making publicly available the statistics generated by the CNVD, which should be made available through the CNVD website.
- ENASP Directive – CNMP 01/2017 establishes the seniority of proceedings in the Register, limiting the date for the proceedings initiating from 7 August 2016.
- Technical manual that specifies the fields and their completion criteria, besides outlining who can have access to the system and capabilities to this end.
- A user manual specifying the screens, variables, and categories that organise and feed the database.

## 3. Source of data: characteristics

The creation of the CNVD follows a recommendation under the Maria da Penha Law, and this defines its scope: it covers crimes described under the legislation as domestic and family violence against women.

The sources of data for the Register are the law enforcement procedures (police investigations) that once completed are escalated to the Public Prosecution Service. As a source for research, police investigations are considered as administrative records intended to gather information from law enforcement investigations, which helps comply with the requirements of materiality, perpetration and intentionality in crimes. The cases of domestic and family violence described in the Maria da Penha Law refer to actions defined as physical, psychological, moral, property, and sexual violence.

Below is a list of some of the delimiting factors of these sources of information that should be considered in the analyses and purposes of the CNVD.

1 – The CNVD will hold only the cases that are reported to the police and typified in the Maria da Penha Law. Indeed, as shown in studies on the prevalence of domestic and gender-based violence, it is a small number of women who reach for the authorities or assistance institutions following acts of violence to which they are victims. As such, administrative data, notwithstanding the important information they provide, are not sufficient to gauge the magnitude and nature of this phenomenon, and therefore, have structural limitations *per se* to support the development of public policies. In other words, the Register will help measure law enforcement, the extent and characteristics of reports, but will not support any statements about the extent of domestic violence in society at large (this would be dependent on other pieces of research and other data sources).

2 – One must keep in mind that this Register relates only to a part of the violence against women: domestic violence and family violence. According to the CNMP's documentation related to the Register, it should integrate cases of femicide. However, in line with the 2016 Goal outlined by the National Strategy for Justice and Public Security (ENASP), which aims to challenge femicide statistics, it is considered as “the homicide committed against a female person involving domestic and family violence, contempt or discrimination against woman.” (CNMP, 2017). As such, and similar to the international concept, femicide covers cases of killing of women because they are women, regardless of the existence or cohabitation or the relationship with the perpetrator. Considering that the Register only reports cases of domestic and family violence, it must be borne in mind that it will not cover all cases of femicide, but only those occurring under certain conditions.

3 – Administrative records do not always reflect the specific level needed to demonstrate the gendered causes behind domestic and family violence against women. It means that some information provided in the CNVD will not match the police records in terms of predetermined fields that involve standardised and clearly defined data, requiring the officials responsible for feeding the information in the Register to make additional efforts to locate the information and correctly complete the relevant fields.

In this regard, the field related to risk factors is of special concern. The lack of a specific document for the use by the police in conducting investigations for the standardised entry of this information makes completion of this field dependent on a) the full reading of the police investigation, b) the understanding of which are the risk factors at play in domestic and family violence, and c) the standardisation of the document from which this information can be collected to ensure enhanced credibility and minimal standardisation in completing the field. Hence the importance of delivering training courses for the CNVD's officials and developing supporting materials with standardisations and explanation of the corresponding fields to be made available in all states.

4 – Police investigations are administrative records that are based on the classification of crimes and misdemeanors. As seen earlier, there is no exact and unique match between definitions of crime and violence. Some of the forms of violence covered in the Maria da Penha Law do not match the typifications enshrined in the Brazilian Penal Code, so the CNVD will only store those whose classification is possible, thus giving leeway to police reporting and the ensuing police investigation.

## 4. Proposed approach for monitoring the implementation of CNVD, qualification of data and assessment of findings

The considerations discussed above were taken as assumptions to improve the implementation of CNVD throughout the country and make it a reliable, comprehensive and accessible database to monitor and assess enforcement of the Maria da Penha Law and measure domestic and family violence against women reported and processed.

Given that the ultimate goal of data collection is the elimination of violence against women and not just its measurement, and following the Portuguese example at this level, it would be important that the **specific objectives** of the Register be officially drafted and announced. An explanation at this level is one of the legal guarantees of a correct and faithful use of the data collected.

Still with regard to the formal creation of the Register, because once again it is a matter of collecting data while ensuring freedoms and guarantees of the people are respected, **to define who are the users** accredited for the entry, handling and consultation of the data. According to the documents provided by the CNMP on its website, only the officials in the Public Prosecution Service can access the system, and as long as duly registered. Data entry, validation, processing, and analysis involve all high costs, not only in terms of time, but also of human and financial resources. Also, that the human resources focusing on each of these functions may have varying profiles. As such, it would be important to establish a hierarchy of data handling with various validation levels and/or permissions.

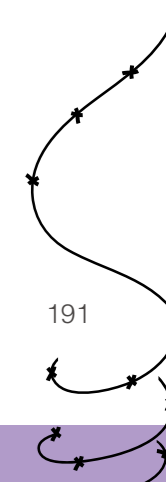
The last two suggestions stem from the Portuguese experience, which clearly establishes who and under what circumstances can access the domestic violence database.

The methodology discussed below considers two aspects of the CNVD: its implementation conditions, the improvement of the information entered, analysis and dissemination of the data.

### 4.1. Implementation conditions of the CNVD

Considering that the register was implemented nationwide in January 2016 and that it will soon be 2 years since the MPs started making adjustments for the systematic submission of data, it is now imperative to assess the quality of implementation at the states level. This implies: a) knowing the degree of adequacy of the state databases with respect to the CNVD; b) knowing the scope of the CNVD in each state; c) knowing if there are local mechanisms for standardisation and consistency of the stored data; c) knowing the quality of the information fed into and uploaded to the CNVD; d) knowing consistency with the directive that defines seniority of the registered procedures.

The proposed methodology is based on technical analysis applied from the state databases (Register of MPs). Through consultation with the Public Prosecution Services, the CNMP will be able to know what the conditions of implementation of the CNVD are in each state and establish a ranking that will make it possible to direct the goals for full implementation and availability of data that are more up to date, comprehensive and consistent.



The information collected will help identify the obstacles and challenges that are faced locally for the full implementation of the CNVD and to design measures to overcome them. It will also be possible to know the difficulties originated in the data source and to develop supporting materials and training courses for document handling and standardisation of the information in the database.

To develop and apply the methodology we recommend that:

1. The CNMP develops an on-line questionnaire to be sent to all State Public Prosecution Services to be completed by the local CNVD manager. It will be up to the CNMP to set the deadline for questionnaire submission.
2. The questionnaire should contain questions on:
  - a. Date of implementation of the register in the state (refers to an overall MP register at the state)
  - b. Date of implementation of the CNVD fields in the local register (adaptation). Special attention should be given to fields related to the profile of victims, aggressors and those related to the description of cases (environment, type of relationship, time)
  - c. Existence of a schedule of adaptation for inclusion of CNVD fields with the integration of all relevant fields (if yes, specify priorities and deadlines)
  - d. CNVD coverage at the state: in the capital only, in the specialised prosecution services for domestic violence only, in all state prosecution services etc.
  - e. Capabilities to register cases in the CNVD (human, technical resources)
  - f. Monthly number of registered proceedings
  - g. Existence of mechanisms for checking, standardisation and consistency/comprehensiveness of the stored data (this refers to the methodology of record analysis)
  - h. Frequency of data submission to the CNMP
  - i. Seniority: initial date of register of cases (adoption of the ENASP-CNMP

Directive). If a date other than the directive date has been adopted, inform the alternative date and provide a justification.

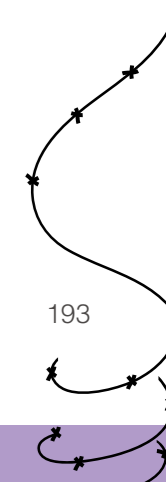
- j. Inclusion of feminicides in the CNVD. If yes, the two paragraphs (I- domestic violence, II- contempt and discrimination)?

The information collected through the on-line questionnaire will be processed and made available for analysis by the CNVD manager. Based on the results, they may develop strategies to extend the implementation of the CNVD and plan the performance of activities according to predefined goals based on the differences identified between states. The objective will be to standardise the implementation of the CNVD throughout the country by establishing criteria that should be shared by all Public Prosecution Services. These criteria can be reviewed and their compliance can be monitored by regularly administering the on-line questionnaire, creating a systematised information base on the evolution of system implementation and the changes made over time.

## 4.2. Improvement of stored information and data analysis and dissemination

The recommendations below refer to the improvement of the information stored in the CNVD considering the taxonomy tables provided in the User Manual. A review of fields and categories for completion helped identify some missing information and categories that could contribute to greater consistency and standardisation of the data.

Because of the data sources used and the characteristics of the purpose and quality of the data provided, some of the suggestions below should be adopted in view of the supporting materials (manual) to be developed as guidance regarding the type information that is expected to be obtained, the purpose of completing the fields and the potential location of the information in the source documents (police investigations). This provides a scientific standard of data collection and submission to the CNVD to enhance its credibility and relevance. Likewise, it is necessary to develop courses for CNVD officials at the state level and in the CNMP in order to educate them on the Maria da Penha Law, domestic and family violence and their characteristics and the importance of submitting the data requested accurately to the CNVD.



Register size	Suggested operations
Data entered	<ul style="list-style-type: none"> <li>• Standardise the category "Not informed" with a particular code (99) and across all the variables used in the CNVD</li> <li>• Add an indication of status in the country with the categories "Migrant," "Refugee," "Displaced"</li> <li>• Add the variable "Household Income" for victim and aggressor and/or "Victim is economically dependent on the aggressor", and vice-versa</li> <li>• Add an indication of the number of children and number of dependent children</li> <li>• Add the variable "Degree of disability" or type of disability (physical, mental, sensory, etc.)</li> <li>• Add a category "Other" in the sexual orientation field</li> <li>• Include the type of violence (allow multiple responses): "physical," "psychological,s" "sexual," "economic," "social"</li> <li>• Add an indication of the presence of minors or other witnesses during acts of violence</li> <li>• Include the findings from the risk assessment</li> <li>• Add indications to assess the frequency and duration of violence</li> <li>• Add indications to elicit information on the consequences of violence</li> </ul>
Data analysis	<ul style="list-style-type: none"> <li>• Describe the profiles of victims and aggressor</li> <li>• Characterise the profiles found according to the risk assessment</li> <li>• Analysis of victimisation by disability, sexual orientation, colour/race, status and age</li> </ul>
Disclosure of information	<ul style="list-style-type: none"> <li>• Regular preparation of monitoring reports</li> <li>• Disclosure at the CNMP website and provision of data in a format that contains editable graphs and tables</li> <li>• Ensure collaboration with the academic community for data analysis and integrated research with other databases</li> </ul>

## Appendix I - Project photos



**Photo 1:** Lithuania – Visit to the Lithuanian Attorney-General's Office



**Photo 2:** Lithuania – Visit to the European Institute for Gender Equality





**Photo 3:** Lithuania – Visit to the Police Department



**Photo 5:** Italy – Visit to the High Council of the Judiciary



**Photo 4:** Lithuania – Visit to the Ministry of Social Assistance of the Republic of Lithuania



**Photo 6:** Italy – Visit to the Italian Municipal Centre to combat violence against women Donatella Colasanti – Rosaria Lopez



**Photo 7:** Italy – Visit to the Presidency of the Council of Ministers



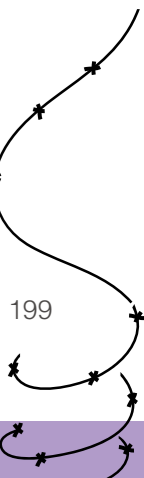
**Photo 9:** Portugal – Visit to the Association for the Protection of Victims (APAV)



**Photo 8:** Italy – Visit to the National Forensic Council



**Photo 10:** Portugal – Visit to the Commission for Citizenship and Gender Equality of the Presidency of the Council of Ministers





**Photo 11:** Portugal – Visit to the National Observatory on Gender-based Violence of the New University of Lisbon



**Photo 13:** Signing of the Cooperation Agreement between the CNMP and the European Union



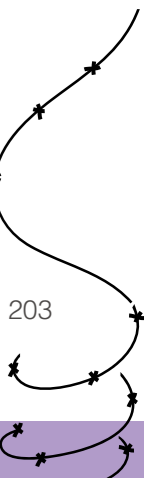
**Photo 12:** Portugal – the Legislative Assembly of the Republic of Portugal

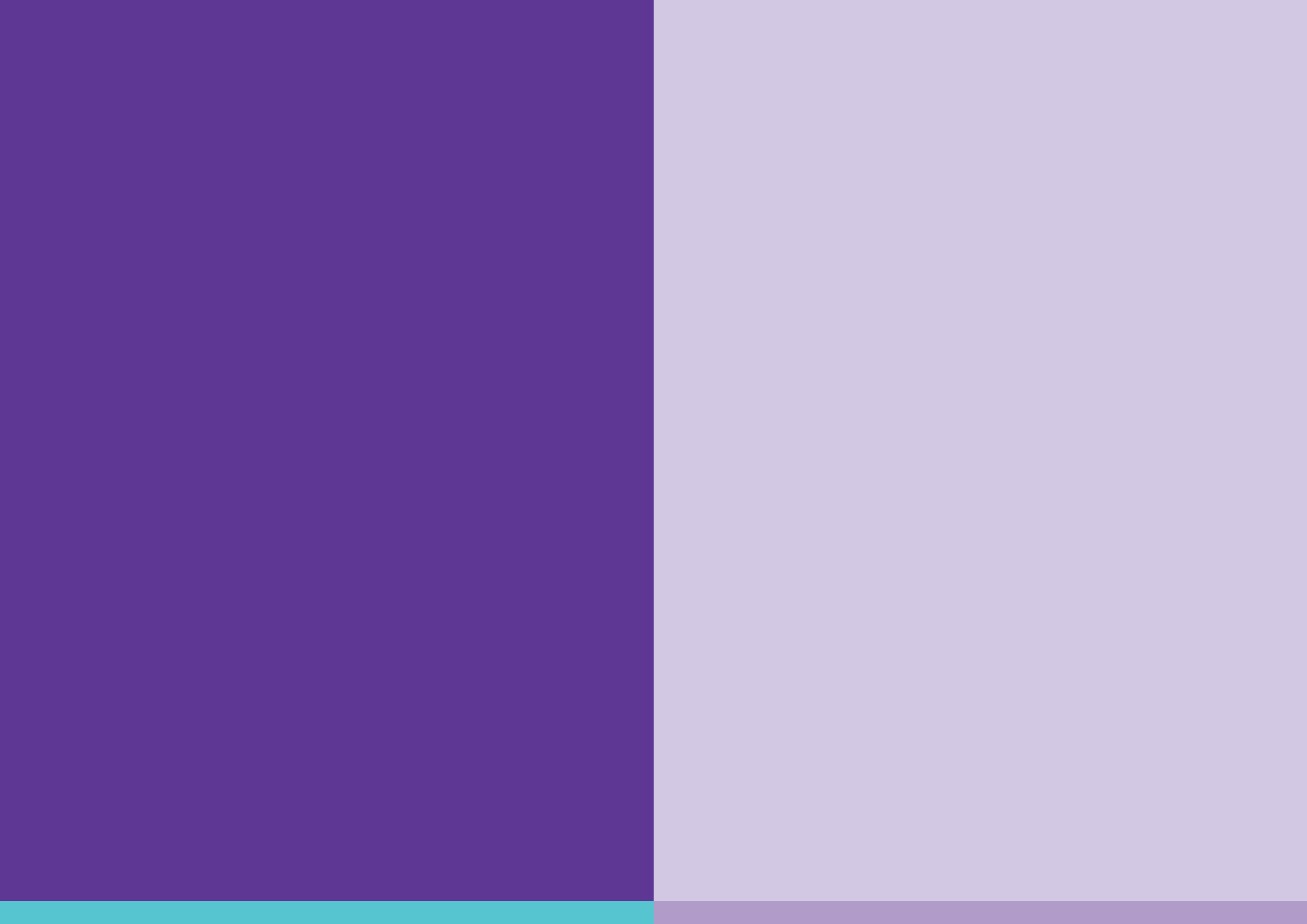


**Photo 14:** Brazil-European Union International Seminar on Combating Domestic Violence - opening session



**Photo 15:** Brazil-European Union International Seminar on Combating Domestic Violence - opening session







MINISTÉRIO DO  
**PLANEJAMENTO,  
DESENVOLVIMENTO E GESTÃO**

MINISTÉRIO DAS  
**RELAÇÕES EXTERIORES**

