



MARIA DAPENHA LAW

YOUR LIFE BEGINS WHEN VIOLENCE ENDS

Promoting the enforcement of Law No. 11.340/2006



technical sheet

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The illustrations in this booklet were created by female high school students and selected through a contest organized by EDEPE, NUDEM, NEIJ and the State Department of Education.

The purpose of the contest was to encourage classroom discussions on combating violence against women, girls, and female adolescents.

1st place

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PREFACE

The Public Defender's Office of the State of São Paulo provides daily assistance to women who seek the right to a dignified, violence-free life. While many people have heard of Law No. 11.340/2006, known as the Maria da Penha Law, many still do not know what to do when they experience or witness this kind of violence. The Specialized Center for Promoting and Protecting Women's Rights (NUDEM) created this booklet to provide information to those in need. Inside, you will find information about your rights and learn about steps you can take to prevent or stop the violence you are experiencing. Keep in mind that, unfortunately, violence against women is still very common in our society, but it is not your fault, and this situation can indeed come to an end!

WHAT IS NUDEM?

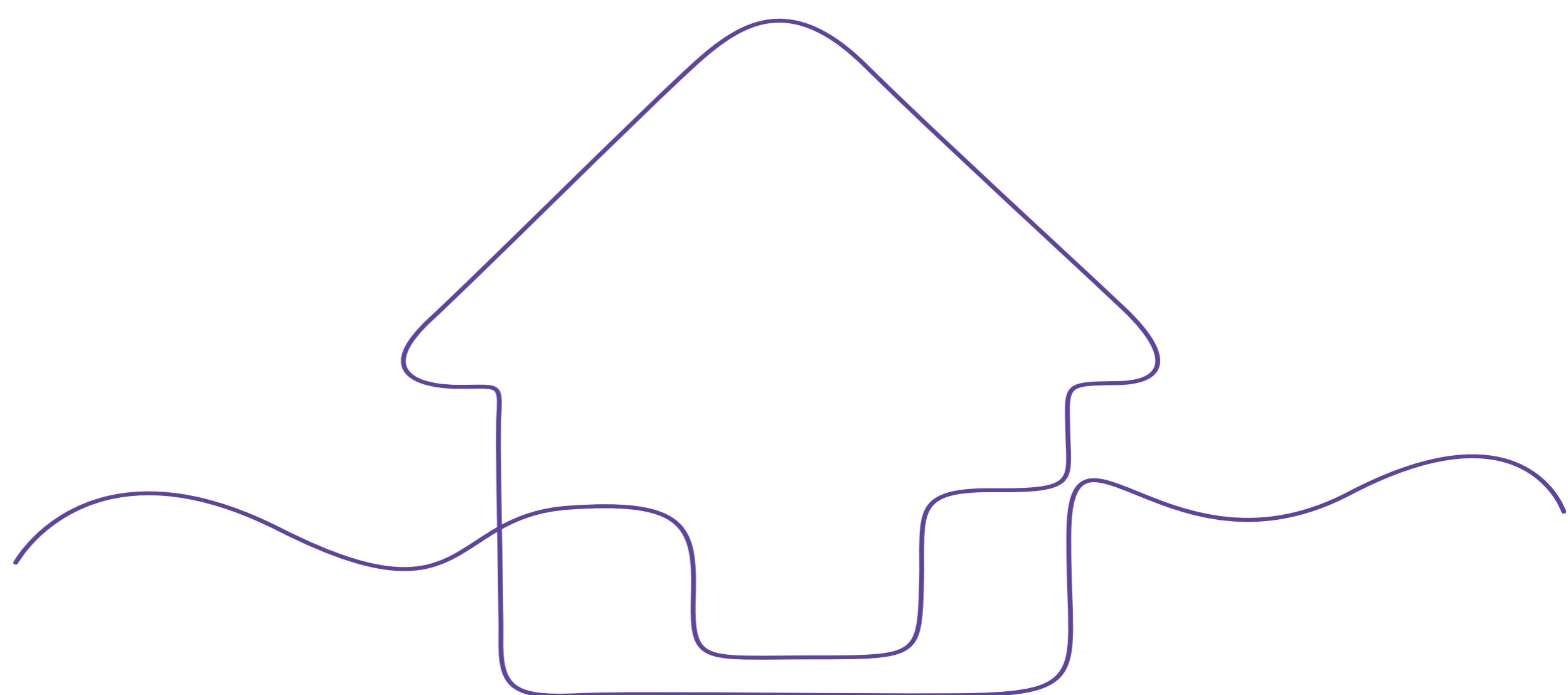
NUDEM (Núcleo Especializado de Promoção e Defesa dos Direitos das Mulheres), the Specialized Center for Promoting and Protecting Women's Rights, aims to turn the principle of equality between men and women into reality and to support Public Defenders in upholding women's rights. NUDEM also ensures that the Maria da Penha law is enforced, overseeing measures to prevent and address domestic and family violence towards women, and establishing a series of public policies to guarantee gender equality.

INTRODUCTION

Domestic or family violence is more common than you might think.

The World Health Organization ranks Brazil as the 5th country with the highest rate of femicides in the world. This is why it is so important to have statutory protection for all women! Since 2006, Brazilian women have had legal protection against domestic violence thanks to Law No. 11.340, enacted on August 7, 2006, known as the Maria da Penha Law. This law is the result of historic achievements by women's movements in Brazil. **But how can the Maria da Penha Law help you?** That is what we are about to explore.

Are you aware that the Maria da Penha Law is regarded as one of the three most progressive pieces of legislation in the world for preventing violence against women? That is because it not only provides individual protection measures for women experiencing violence but also outlines public policies to prevent domestic violence and increase protection for women. After **all, every woman has the right to live a life free from violence.**



KNOW YOUR RIGHTS

The Maria da Penha Law aims to prevent or stop domestic and family violence against all women, regardless of class, race, ethnicity, sexual orientation, income, culture, educational level, age, and religion. It also protects all those individuals who identify as female, including transsexual or transgender women.

What many people do not know is that not just a husband, partner or boyfriend who can be held responsible for violent actions against his wife, partner, or girlfriend.

Anyone (man or woman) who lives or has lived with a woman in her home can be held responsible for violence, including a family member (whether by blood or by affinity) or those with whom she has or has had a romantic relationship.

The Maria da Penha Law acknowledges that domestic and family violence can apply to lesbian relationships (those between women), given that the law protects individuals regardless of their sexual orientation.

Therefore, a woman can also be penalized for assaulting another woman. The law applies to various scenarios, such as: an ex-boyfriend stalking his former girlfriend because he refuses to accept that the relationship is over; a husband humiliating his wife and forcing her into unwanted sex; a daughter frequently assaulting her mother; or a father blackmailing and inflicting psychological violence on his daughter.

Domestic violence is more than just physical harm! The Maria da Penha Law intends to stop all forms of abuse, including psychological, moral, financial, and sexual violence. Whoever commits such acts violates human rights.

To find out if you are experiencing psychological abuse, observe if your partner or family member is behaving in an emotionally disturbing way, trying to control your actions, behaviors, beliefs, and decisions. It usually happens through threats, humiliation, surveillance, harassment, insults, blackmail, or restriction to freedom of movement.

Violating a woman's privacy is also psychological abuse. This includes the unauthorized photographing or filming of nude scenes or sexual acts of an intimate and private nature or, if consent was given, their wrongful sharing.

Psychological abuse is highly damaging and is the most common form of violence in domestic and family relationships.

Psychological abuse is often the first step in a series of types of aggression that ultimately lead to femicide, which is why it must be stopped at the very beginning. Anyone engaging in such an act against a woman may be committing multiple offenses, such as peace disturbance, unlawful restraint, confinement, trespass, unauthorized recording of sexual encounters, among others. The prosecution will proceed regardless of the victim's wish in these cases. For the offense of threat, a complaint must be filed (informing the police of your desire to pursue charges against the abuser) within 6 months of the incident. In cases of moral violence, the woman decides whether to press charges. An example is when an ex-partner insults a woman on social media or in public.

It is not unusual that physical and psychological domestic violence go hand in hand with financial abuse. Learn to recognize it.

Financial abuse occurs when a partner or ex-partner takes, damages or hides your belongings, documents or your work resources, or restricts access to financial resources in order to prevent you from living your life as you wish. In some situations, the partner demands complete control over the woman's finances. These actions can be offenses such as robbery, theft, extortion, embezzlement, forced labor, among others.

The situation becomes even more serious if there is physical assault or death threat.

No woman is obligated to engage in sexual relations against her will.

Sexual abuse occurs when a woman is coerced into sexual activity through intimidation, use of force or threat. When this happens, it is a crime of rape, even if it is committed by a partner/husband/boyfriend. It is crucial to remember that a woman has the right to interrupt and refuse sexual intercourse at any time, even if she initially consented. Forcing a woman into prostitution is also a serious offense. Women cannot be forced into marriage, coerced into having an abortion, or restricted from using contraception (such as condoms and birth control pills).

If you are experiencing physical or sexual abuse (such as being slapped, punched, kicked, raped), you should go immediately to the nearest emergency room and request this information to be included in your medical record. If possible, take photos of the bruises and keep them with you as evidence.

Go to the nearest emergency room and have the abuse documented in your medical records.

If you wish to prosecute the offender, preferably report the incident to a Women's Police Station.

At the Police Station, you can explain what happened to the officer and file the report. Describe any abuse you have experienced and remember to mention the names of anyone who is aware of or has witnessed the incidents. You will then be asked if you need any protective measures – **such as removing the partner from your home, not allowing him/her/them to approach you, or arranging for you to stay in a shelter.** You will also be asked whether you wish to initiate the criminal proceedings against the abuser – which is known as filing a complaint. This is required for certain offenses, such as threats.

If the offense has left any physical evidence, you will be referred for a forensic examination. If you have any video, audio or even photographic evidence of the abuse, bring it to the police station.

Under the **Maria da Penha Law**, the prosecution of most cases of violence against women will proceed regardless of the woman's decision. **In cases of threat or moral violence, it is the woman, who decides whether or not to press charges.** Once the incident has been registered at the police station, the investigation will begin, and the police officer will forward the case to the Public Prosecutor's Office at the end of the inquiry. The Public Prosecutor's Office may then charge the accused before the judge. The woman **can only withdraw charges before the judge determines that there is criminal evidence.** Once the criminal proceedings begin and the abuser is formally charged, the woman may no longer withdraw the complaint.

Violence against women has no boundaries and occurs regardless of age, race, ethnicity, social class, and religion. Remember: you are not the only woman experiencing this, and it's not your fault!

If there is no courthouse in your town, the police station itself can decide whether to remove the offender from your home in an emergency situation. **If there is neither a courthouse nor a police station in your town, the police officer will be able to carry out the removal.**

Women experiencing domestic and family violence may also contact **the Public Defender's Office to request emergency protective measures.**

The Public Defender's Office of the State of São Paulo is a permanent institution that, as both an expression and instrument of the democratic system, **is responsible for providing individuals in vulnerable situations with full and free legal assistance, promoting human rights and defending** individual and collective rights at all levels, in and out of court.

At **the Defender's Office**, you can speak with public defenders to receive **legal aid and be informed about your rights.**

There you may also **be referred to other services within the network for addressing violence** and receive support from social workers and psychologists. **Your situation will remain confidential**, and the Defender's Office will provide you with all the guidance you need.

Q & A

QUESTIONS AND ANSWERS



Measures that can be imposed on the offender:

- Removal from home;
- Prohibition from approaching or contacting the victim, her family and witnesses by any means of communication;
- Ban from being present at specific places;
- Restriction or suspension of visits to minor children;
- Provisional maintenance (alimony);
- Restriction or suspension of the right of possessing or carry a weapon.

Measures that can be applied in your favor:

- Referral to protection and care programs (such as those offered by Social or Health Services);
- Determination of separation from the abuser or removal from home, as well as securing rights related to child custody, alimony, and division of property;
- Property protection measures, such as: restitution of property taken by the offender; prohibition on signing contracts involving the couple's assets; suspension of powers of attorney signed by the woman, among others;
- Employment protection for up to six months, if the woman needs to leave her workplace due to violence. To grant this right, she must formally notify her employer of the situation and, as a result, she cannot be terminated for job abandonment.
- Priority school enrollment for the children of women experiencing domestic and family violence in the primary education institution nearest to her house, or transferring to this institution, regardless of vacancy. Enrollment information is kept confidential.

Where should I seek support if I have experienced domestic abuse



You can seek support from many organizations. They are:

- **Domestic and Family Violence Courts for Women;**
- **Public Defender's Office;**
- **Public Prosecutor's Office;**
- **Police stations, particularly the Women's Defense Police Stations;**
- **Care centers and shelters.**

There is also a hotline service. **Call 180 - The Women's Helpline.** This is a federal government service that assists and guides female victims of violence. You can call 180 free of charge from anywhere in the country, 24 hours a day, including public holidays and weekends. You can also call the State Military Police at 190 if you are in danger. If you know a woman who is in this situation, you can also do something to help. Call 180 to report it. It is possible to help a person experiencing violence who often wants to report the abuse but is afraid of being assaulted again.

Will what I say at the Police Station and the Public Defender's Office be kept confidential



Domestic violence cases are handled confidentially. This means that case materials, including statements, cannot be disclosed. The Public Defender's Office also guarantees confidentiality of what is shared with the Public Defender. When visiting one of our service centers, you can request to **be seen in private** so that no one overhears your case. If you are in a **safe location and wish to keep your address confidential during the proceedings**, make this request to the Public Defender.

Which and what are the protective measures that the judge can impose



Aiming to prevent and stop all forms of abuse, the judge can decide on various protection measures, on an emergency basis, for women facing domestic violence. **Check what are these measures on the table above.**

How do I request the judge to issue protective measures



Protective measures can be requested **through the police station, the Public Defender's Office, or the Public Prosecutor's Office and will be forwarded to the judge.** It is important to note that the measures may be requested independently, i.e., **without the need for a prior police report.** The judge must decide within 48 hours whether to apply one or more of these measures, requiring the perpetrator to comply with them, with enforcement by the police if necessary. The judge may impose any measure deemed appropriate to the case.

Is it required to present evidence in order to file for protective measures



Often it is difficult to substantiate such cases of abuse because they occur within the home or involve family members. **If possible, take photographs of injuries or damaged objects caused by the violence. Keep copies of text messages, social media conversations, and statements from witnesses who are aware of or have witnessed the abuse.**

What happens if the offender fails to comply with the protective measure ?

Since April 4, 2018, **Law No. 13,641/2018** has made **violating urgent protective measures a criminal offense**. This new regulation introduces section 24-A to the Maria da Penha Law, establishing **a detention penalty ranging from three months to two years**, in addition to other applicable penalties, for anyone who fails to comply with a court decision imposing protective measures. It is important to note that this offense only occurs if the person violates.

What is a police report (B. O.) ?

The police report, also known as “B.O.” in Brazil, is the **document used by the police (civil, state military, and federal) to record an offense**. This report must include all the circumstances leading up to the incident and a detailed account of what happened, to enable the appropriate police and legal actions to be taken.

What is a forensic examination ?

It is the **examination of the victim to identify signs of physical, sexual, or psychological violence**, serving as a means of gathering evidence related to the offense. This evidence will then be added to the case file to substantiate the occurrence of the offense.

What does it mean to file a complaint



Filing a complaint is **your formal request to have the abuser prosecuted criminally**. This can be done at the police station on the same day the police report is filed, or later, within six months of the incident, by returning to the police station.

For certain offenses, such as threat or those of a psychological or moral nature, criminal proceedings and potential penalties will only proceed if the victim states at the police station that she wishes for the abuser to be prosecuted. Filing a complaint is no longer required in cases of physical and sexual assault – only the police report is necessary – since criminal proceedings will follow regardless of any further action taken by the victim. After the police report is filed, the prosecutor is in control of the case.

How hard is it to deal with all this



Many women often file a police report but later decide not to pursue formal charges. There are different reasons for this, such as when a woman moves back in with her partner, believing that the abuse will not happen again; when she lacks financial resources to cover household expenses if the abuser is removed from the family home; or when she does not want the abuser – whom she has an emotional bond with – to face legal consequences.

Unfortunately, it is common for the abuser to resume violent behavior against women, even after a period of better behaviour. For this reason, the most advisable course of action is often to remove the offender from the family home and/or to file a complaint. If you do not yet feel ready or safe to take this step, seek support at a Center.

Can the abuser be arrested before trial if he/she/they violates protective measures or puts the woman's life at risk



The abuser **can be arrested if the violence is deemed serious**. If his/her/their freedom poses a danger to the woman's life, or if the protective measures are violated.

How hard is it to deal with all this



Although this situation is extremely exhausting and frightening, it is important to bear in mind that the **Maria da Penha Law** was created specifically to provide comprehensive support to women experiencing domestic and family violence. **You will have support throughout the entire process and will not be alone in your decisions**. In addition to the support from the **Public Defender's Office**, you will also be entitled to **specialized public services**, such as psychological support, which will help better cope with this situation.

If I have to leave my home, what documents do I need to present to file for appropriate measures in court



- Identity document;
- Taxpayer Number;
- Marriage certificate;
- Birth certificates of children;
- Proof of address;
- Documents related to the couple's assets (including movable and immovable assets such as vehicle, house, apartment, land);
- Police reports;
- Business address of the offender.

It is also advisable, if possible, **to bring evidence**, such as: photos of injuries, screenshots of threatening conversations, audio recordings, witness statements and other evidence that proves the violence suffered.

Many people believe that leaving home can be considered abandonment of the household, but this is not true. You will not lose your rights if you leave your home to protect your life. If necessary, and if you wish, you can be referred to a **confidential shelter**, where trained professionals will offer support until you are ready to move forward with your life. You can also go on your own to a **Temporary Shelter or Transitional Housing** if you feel the need to stay somewhere else overnight. There you will also receive support and guidance on how to proceed with the protection process and/or address the violence.

What is a women's shelter and how does it work? Can I bring my children?

Women's shelters are confidential and secure locations designed to protect **women affected by domestic and family violence**. Women can stay in these shelters with complete confidentiality, and they **can bring their children** with them. As a protective measure, under no circumstances the location of the shelter is disclosed.

When they arrive at the shelter, women undergo an interview, and they are informed about how the facility operates. Their children will be entitled to receive tutoring, and the state will assist with transferring to a new school.

Is the abuser entitled to visit his/her children?

The judge will determine custody and visitation rights. However, if there have been any violent incidents between the father and the mother, it may not be safe for the couple to have direct contact during visitation. **You can request that visitation be arranged in the safest way for you and your children**, with the support of trusted individuals or at a location monitored by professionals who work at the courthouse. Additionally, if you suspect that your partner is **harming your child, consider the possibility of requesting supervised visitation or having visitation suspended**. Always seek guidance from your lawyer or the Public Defender's Office to initiate and guide your legal proceedings.

What if I also need to file for divorce, custody and alimony?

To file these requests, **contact the Public Defender's Office**, as outlined at the end of this booklet.

Useful Contacts

1. Public Defender's Office of the State of São Paulo

- Individual case assistance (protective measures, divorce, custody, alimony, etc.) can be requested using the form available on the
- website <https://www.defensoria.sp.def.br/dpesp/>
- or by calling **0800-773-4340** (available from 7 AM to 7 PM, Monday to Friday).
- For assistance and guidance from the Specialized Center for Promoting and Protecting Women's Rights (NUDEM), send an email to
- nucleo.mulheres@defensoria.sp.def.br
- or call **(11) 94221-0280**

2. Specialised Women's Defense Police Stations (Delegacia de Defesa da Mulher - DDM) or regular police stations

a. In-person Assistance

- The police report and the request for protective measures can be filed at either a Women's Defense Police Station (DDM) or a regular police station.
- There are DDMs that operate 24 hours a day. For more information,
- visit: <https://www.defensoria.sp.def.br/dpesp/Default.aspx?idPagina=3454>
- Services at regular police stations are available Monday to Friday, from 9AM to 6 PM.



b. Online Service

- It is also possible to access the Electronic Police Station and file the police report on the Civil Police
- website: <https://www.delegaciaeletronica.policia.civil.sp.gov.br/ssp-de-cidadao/home>
- To report a domestic violence incident, select **"Domestic Violence against Women."**
- Just like in-person assistance, urgent protective measures can also be requested through the Electronic Police Station when filing the police report.



3. GEVID - Special Action Group to Combat Domestic Violence of the Public Prosecutor's Office

For the **Public Prosecutor's Office** contact information, visit: www.mpsp.mp.br/portal/page/portal/GEVID or call **(11) 3429-6474/6475**

4. Domestic and Family Violence against Women Courts

For information about the **Domestic and Family Violence against Women Courts**, visit: <https://www.tjsp.jus.br/comesp> or call: **(11) 2171- 4807 and (11) 3104-5521**

5. Emergency Service – 190

This is the **contact number for the state military police**, which should be called in cases requiring immediate assistance.

6. The Women's Helpline – 180

This **24-hour service** offers support, guidance, and referrals to care services nationwide.

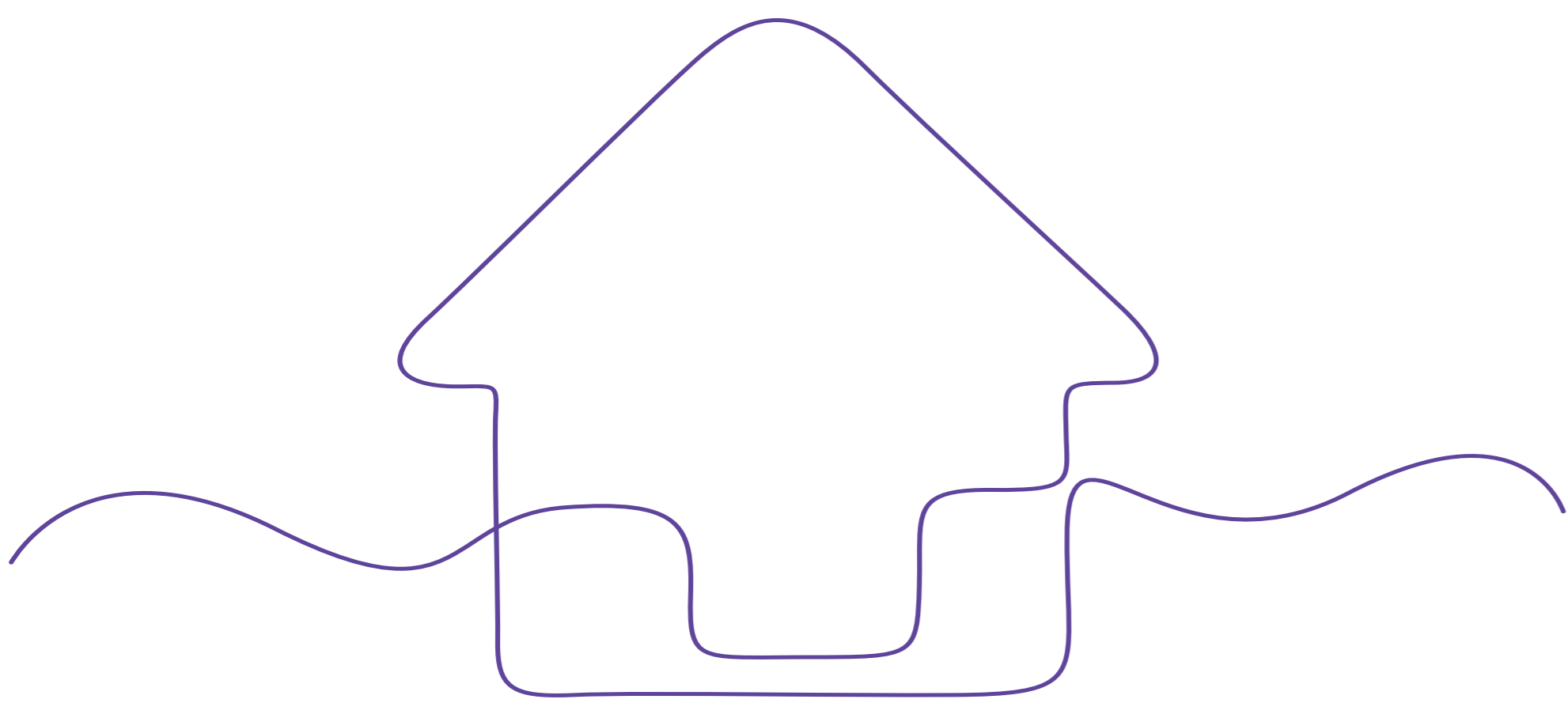
7. SOS woman app

This **app allows women with court-granted protective measures** to contact emergency services at 190 if they are in danger and provides information on the subject.

For more information, visit:

<https://www.sosmulher.sp.gov.br/>





8. Women's Care Reference Centers

In addition to these organizations, it is important to seek out a **Women's Care Reference Center** whenever possible.

These centers are designed to support and assist women experiencing domestic and family violence. There are specialized professionals, such as psychologists and social workers, who will listen to the women in need and support them in their decisions, according to what they believe is best at that moment for overcoming the violence, contributing to the victim's empowerment.

These places are exclusive for women. There, they can talk and receive guidance, and get specific referrals based on the situation they are experiencing (this does not mean necessarily to file a report, and confidentiality is guaranteed). Some centers also provide legal guidance.

Additionally, these centers can refer women experiencing violence to confidential shelters and transitional housing.

In the city of São Paulo, there are also Women's Defense and Coexistence Centers that offer similar assistance.

To find these protection and care centers for domestic and family violence victims in the state of São Paulo,

visit <https://www.defensoria.sp.def.br/dpesp/Default.aspx?idPagina=3453>

The centers emphasize the importance of calling ahead, whenever possible, before visiting (or before referring a woman), so that the women interested receive complementary, up-to-date, and specific guidance for each location.

If your town is not listed, contact the nearest **Specialized Reference Center for Social Assistance (Centro de Referência Especializado em Assistência Social - CREAS)** or the **Reference Center for Social Assistance (Centro de Referência da Assistência Social - CRAS)**.

9. Brazilian Women's House (CMB)

This is a state/national reference center that provides integrated care for women experiencing violence. It combines different services and protection. Note: this facility does not replace the importance of specialized assistance from regional services.

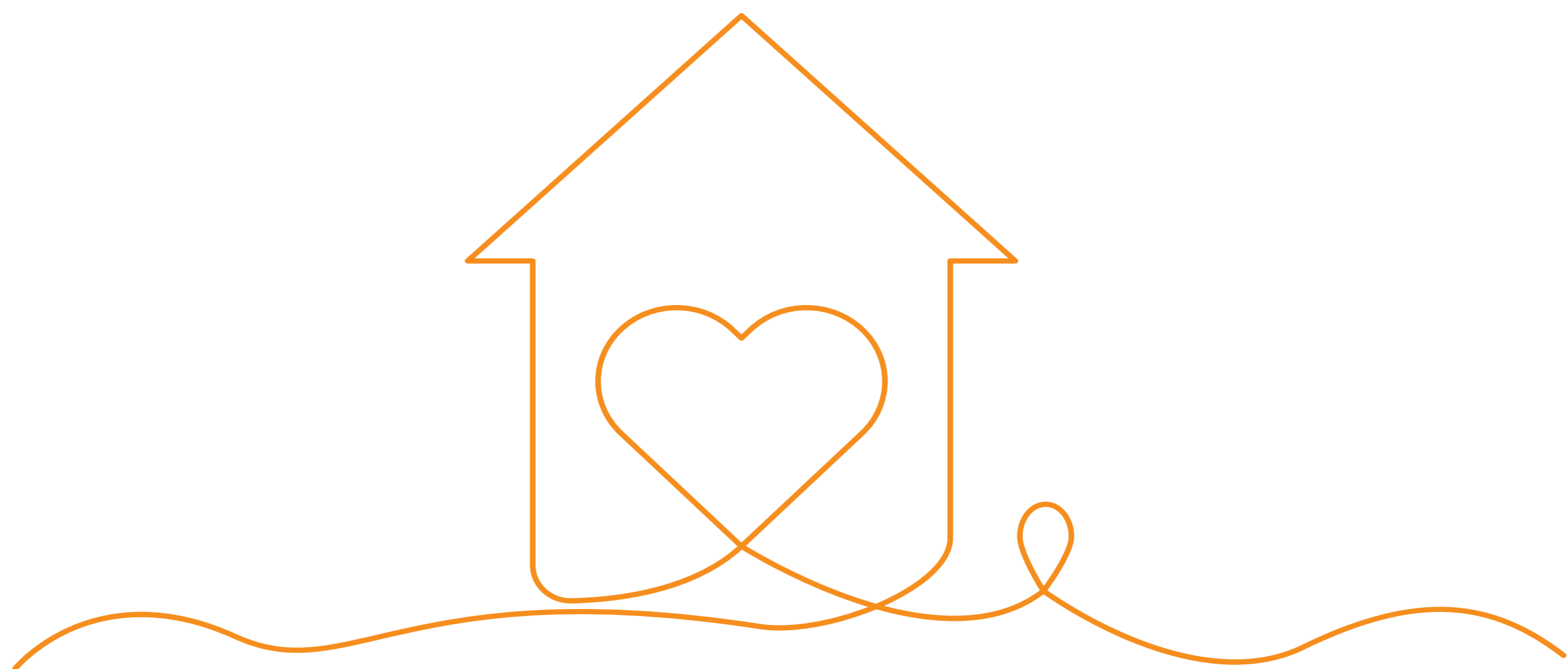
Women experiencing violence who seek this facility will find care services and qualified listening provided by a multidisciplinary team, including: the Women's Defense Police Station (DDM), which focuses on the prevention, protection against, and investigation of domestic violence offenses; the Public Prosecutor's Office, which handles the prosecution of violence-related offenses; the Public Defender's Office, which offers guidance on women's rights and legal assistance; the Court of Justice, responsible for trials, judgements, and decision enforcement in violence-related cases; as well as a temporary accommodation facility for cases in which there is imminent risk of death.

Address: Rua Vieira Ravasco, 26-Cambuci / Centro-São Paulo / SP. Phone: (11) 3275-8000 (service available in Brazilian Sign Language, at the intermediation Center, specifically for deaf women).

Emergency service: **24 hours a day.**

Public Defender's Office hours: from 11 AM to 5 PM.

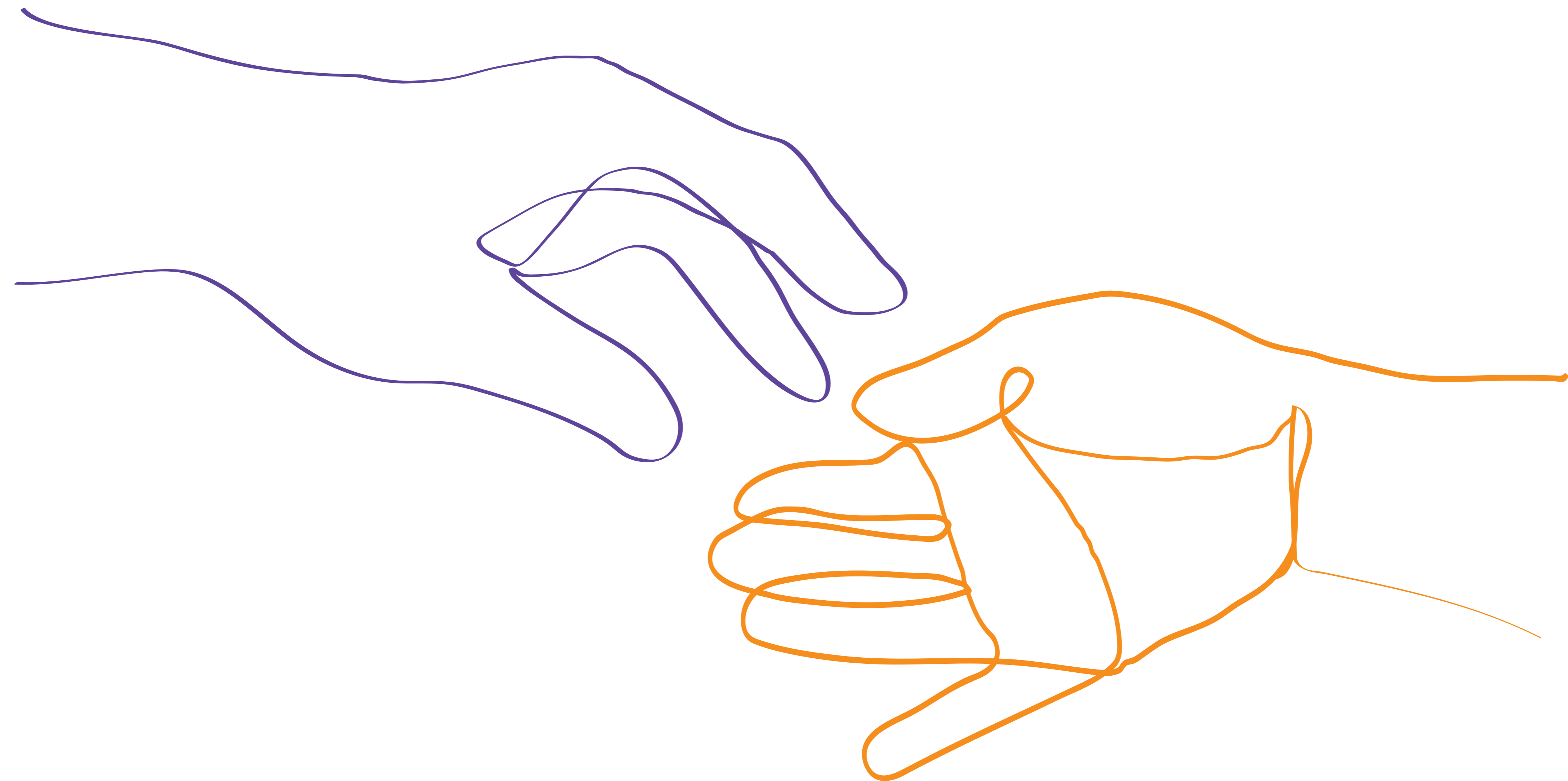
Website: [https://www.prandfeitura.sp.gov.br/cidade/secretaries/human rights/women/equipment/index.php?Q=288423](https://www.prandfeitura.sp.gov.br/cidade/secretaries/human%20rights/women/equipment/index.php?Q=288423)



10. Women's shelter

To be admitted to a confidential shelter, you can reach out to the nearest following centers:

- Women's Reference Center
- Women's Defense and Coexistence Center
- Brazilian Women's House (CMB)
- Specialized Reference Center for Social Assistance (CREAS)
- Reference Center for Social Assistance (CRAS)
- Specialized Women's Defense Police Stations or regular Police Stations
- Public Defender's Office of the State of São Paulo



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