

VICTIMS OF DOMESTIC VIOLENCE AND RESTORATIVE JUSTICE IN BRAZIL:

Notes from the “Periphery” to
the “World Centres”



The bigger research

- Research sites
 - *Belém, Brasília, Maceió, Porto Alegre, Recife and São Paulo*
- Quantitative study:
 - documentary analysis of court files
- Qualitative study:
 - semi-structured interviews with judges and victims
 - focus groups with the multidisciplinary teams working within domestic violence courts



My aims today

- present a profile of female victims who had their cases dealt with by domestic violence courts in Brazil
- discuss these women's expectations about, and experiences with, Brazil's criminal justice system



Who gets to enter DV courts in Brazil?

- Brown ('*pardas*') or black
- Little formal education
 - e.g. 40.8% of women in Recife have not even completed elementary education and just 6.9% have completed undergraduate degrees
- Low-wage jobs or occupations
 - large number of women performing domestic work in other people's homes or self-identify themselves as '*do lar*'



Relationship with the offender

- Most cases involved intimate partner violence (IPV)
 - e.g. 71.5% of all cases in Recife and 80.8% in Maceió
- In cases of IPV, long term relationships (>7 years) were the most frequent
 - e.g. 54.5% in Recife
- In cases of IPV, most couples had children



Types of offences

- Most offences are low-level or low-harm crimes (threat, actual bodily harm and defamation)
 - 97% of cases in Recife
 - 100% in Maceió
 - 99% in Belém
 - 96% in Brasília
 - 97% in São Paulo
 - 97% in Porto Alegre
 - So, not all victims are '*Marias da Penha*'!



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Do victims understand the process?

- Interviews covered victims' feelings of interactional, informational and procedural justice
- Lack of understanding regarding court proceedings
 - e.g. who's the public prosecutor? who's the public defender?
- Little or no information on the progress of their cases



Do victims understand the process?

- Accounts of 'secondary victimisation'

Interviewer: *OK, so after you began all this process, do you feel like your life is better? [...]*

Interviewee: *I am more anxious, as a matter of fact, because I do not know what is going to happen, then I get more anxious [...] it is not better [...].*



What do victims expect?

- Most victims wish to stop the cycle of violence (importance of restraining orders):

Interviewer: *What did you want when you decided to bring your case to court?*

Interviewee: *I wanted him to stay away, to leave me alone, and to let me live my life in peace.*



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What do victims expect?

- And when protective measures ‘do their job’?
 - Protective measures’ precautionary nature
- The wish to reconcile, to divorce and/or to solve other practical issues
- Some victims wish punishment, but usually not prison
 - The need to give these women a voice and work on a case-by-case basis



How do victims feel?

- Experiences of secondary victimisation are commonplace
- And **machismo** was found to strengthen the process of revictimization...



How do victims feel?

How come a guy, that Prosecutor, talks all that nonsense [...]? How can a person who thinks what he thinks about women judge a case of violence against women? [...] Because it is obvious that what will prevail is not impartiality, he will speak what he thinks, he will write what he thinks, and what he thinks is that women is that, women is to be beautiful all the time, maked-up, well dressed ... right? That we are the object of seduction, a sexual object to men. [...] I wish he wouldn't judge my case anymore. I didn't like it. I wanted women, I wanted women with me, I wanted that room full of women, because I felt like crying, I felt... I was desperate, I felt so much in that space of time, and I had to keep myself strong, I had to stand firm.



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How do victims feel?

- The failure to listen to women throughout court proceedings...

The process is running since January, and we already are in September, and I feel, kind of, helpless, because there is no one to talk to you, to help you, and there wasn't a moment where I could say, 'I wasn't heard', you know? So, all that I want to say was written in a piece of paper and that's it. And I simply believe that the judge will only give it a quick look, you know? Really... he won't take each person's case into account.



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Is RJ the way forward?

- The need to think outside the boundaries of retributive practices
- Recent national debates on the feasibility and desirability of restorative justice in cases of domestic violence against women



Risks of using RJ

- Power imbalances
- The 'double pressure problem'
- Reparation is tricky (the 'cheap justice problem')
- Feasibility *versus* effectiveness



RJ's Potentialities

- Victim empowerment
- Underlying conflicts can be discussed/considered
- Most victims do not want the offender to be punished/imprisoned
- Victim satisfaction rates are high
- RJ may have the potential to prevent reoffending



Final considerations

- The time has come to talk about restorative justice and domestic violence in Brazil
- **Caution!** Restorative practices need to adapt to the Brazilian reality
- **Caution!** Restorative justice should imply a move away from the punitive system, particularly from incarceration



THANK YOU!

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