

Scientific
Journal of
**Applied
Social and
Clinical
Science**

**DOMESTIC AND
FAMILY VIOLENCE
AGAINST WOMEN,
ALARMING NUMBERS
IN RIO GRANDE DO
SUL. NECESSARY
PROTECTION OF
FUNDAMENTAL RIGHTS**

Fábio Roque Sbardellotto

All content in this magazine is licensed under a Creative Commons Attribution License. Attribution-Non-Commercial-Non-Derivatives 4.0 International (CC BY-NC-ND 4.0).



Abstract: The present article sought to problematize the phenomenon of domestic and family violence against women, based on the alarming data obtained from the Reports of the Public Ministry of Rio Grande do Sul between the years 2017 and 2021, which demonstrate to be the highest rate of police records and complaints compared to other types of criminal offences. It is proposed to answer the following question: what are the advances and actions necessary to implement the full protection of women in the intra-family environment, despite constitutional protection and the Maria da Penha Law? There is a glimpse of the existence of a range of attitudes and actions disseminated in human relations, which subjugate women to a set of situations that threaten their dignity, reproducing a culture that protrudes over time and victimizes them in the form of physical, sexual, moral, psychological,

Keywords: Domestic and family violence against women. Insufficient protection. Fundamental rights.

INTRODUCTION

When one hears references to Malala Yousafzai, the youngest winner of the Nobel Peace Prize at the age of 17, and to Maria da Penha Maia Fernandes and how necessary and relevant it is to deepen the theme alluding to the fundamental protection of women in the environment in which they live, whether in society or in their own home and family.

It so happens that statistical data show the existence of appalling numbers regarding the persistence of violence against women in the most varied corners of the planet. These are episodes that afflict women in different ways and ways, notably through physical violence through bodily aggressions, through attacks on their sexual dignity, through violations of their heritage, through submission and psychic deterioration and moral degeneration.

In the historical moment of humanity, when technological, scientific, economic, commercial and other areas advances are celebrated, when we are faced with the phenomenon of human relations in which women are inserted, the spectrum of violation of their rights is serious, there is a long way to go to be followed in order to correct such realities, despite all the legislative apparatus available, whether at the constitutional, infraconstitutional or supranational level.

The entry into force, in Brazil, of Law number 11.340, of August 7, 2006, known as the Maria da Penha Law, provided hope in the sense that, from now on, good perspectives could be observed with regard to the reduction of violence against women, as that legislative norm established a detailed set of instruments that started to be made available to society and the justice system to face this social ill.

It so happens that, after more than 16 years of its implementation, rates of violations of women's rights are still verified, notably characterizing domestic and family violence, which imposes on us the commitment to reflect on its effectiveness and perspectives with a view to permanently confronting the problem, and even for the improvement of the current model.

In this context, it is proposed to carry out an analysis of the (in)effectiveness of Law n.º 11.340/2006, identified by the Maria da Penha Law, based on the availability of information in the Annual Reports between the years 2017 to 2021 of the Public Ministry of Rio Grande do Sul, in the sense that the largest number of police inquiries received by the Institution and the largest number of complaints offered, in all criminal matters, refer to crimes and misdemeanors involving domestic and family violence against women. (PUBLIC PROSECUTION OFFICE OF RIO GRANDE DO SUL). From this worrying sample, horizons are opened for fundamental

reflections on the reasons for indices of this type and perspectives necessary for confronting them.

NORMATIVE BASIS FOR THE PROTECTION OF WOMEN

Based on the understanding that intra-family domestic violence is a phenomenon that is highly harmful to the human dignity of the victims, but also that it provides a family and social environment in which victimization transcends the person attacked, reaching the entire spectrum of cultural background of the people inserted in that environment and becomes a factor that encourages the reproduction of aggressive behavior, Seixas and Dias assert that “the most disturbing and devastating violence is domestic violence, because the family must be the most loving space, due to its formative function, and responsible for transmitting models socially correct.” Therefore, not only adult victims attacked in the domestic and family environment, but also children who are attacked at home since childhood, are led to believe that “this is the way people relate, because they don’t know another one and later they will tend to repeat it with other people.” At this juncture, whether viewing their adult family members being attacked, or even being attacked, “the consequences of domestic violence are disastrous, because they reach the human barn of new personalities, distorting them, preventing their development and being a multiplier of violence.” (2013:9-10)

For all these reasons, already at the end of the last century, there were supranational movements with a view to establishing a normative scenario that would impel States to adopt preventive and coercive measures with a view to confronting and eradicating the regrettable scenario of domestic and family violence against women. women from all over the world.

In the transnational scenario, the necessary integral protection of women and the urgency of implementing solid and effective public policies aimed at promoting actions to attend to women’s rights in their most varied spaces of coexistence is marked by the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women of September 18, 1979 (UN, 1979), promulgated in Brazil through Decree Number 4.377 of September 13, 2002 (PLANALTO, 2002). This Convention has two basic premises, namely the recognition of the necessary equality between men and women as a fundamental right and presupposition of human dignity, and the formal recognition at the international level of the great concern with the fact that women continue to be the object of great discrimination. This emblematic normative instrument declares and recognizes that the persistence of this discriminatory gender reality represents a violation of the principles of equal rights and respect for human dignity, placing women in a position of inferiority in relation to men in the political, social, economic, and cultural life of their country, which also represents an obstacle to increasing the well-being of society and the family. For this reason, the Convention is explicit in recommending the maximum participation of women, on equal terms with men, in all areas of human coexistence, as this is indispensable for the full and complete development of a country, the welfare of the world, and the existence of peace. It states that this equality can only be achieved if the traditional roles of both men and women in society and the family are changed (UN, 1979).

Still at the United Nations level, the World Conference on Human Rights, which established the 1993 Vienna Declaration and Program of Actions, proclaims in Article 18 that the human rights of girls and women are inalienable, constituting “an integral and

indivisible part of universal human rights”. Furthermore, the international community’s primary objectives are the full participation of women, equally, “in political, civil, economic, social and cultural life at the national, regional and international levels”, as well as the “eradication of all forms of discrimination on the basis of sex” (UN, 1993).

Within the scope of the Organization of American States – OAS, the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women, also known as the Convention of Belém do Pará, of June 9, 1994, stands out. Previously, there was a complete affirmation in the sense that violence against women represents a violation of human rights and fundamental freedoms, undermining human dignity. There was also emphasis in the sense that violence against women is a historical manifestation of unequal power relations between men and women, permeating all social environments and affecting women indiscriminately (OEA, 1994).

Paradigmatic and more recent, too, the Convention of the Council of Europe for preventing and combating violence against women and domestic violence, held on May 11, 2011 in Istanbul, in which there was recognition of the historical existence of discriminatory manifestations against women, as well as the exercise of domination by men to the detriment of women, preventing them from fully developing. That European diploma also recognized the structural nature of violence against women based on gender, as well as that violence against females is one of the most relevant social mechanisms to force them to assume a condition of subordination and submission in relation to men. It is also verified that at the European level, the existence of reflexes towards the violation of women’s human rights as a result of armed conflicts was recognized, notably in the form

of generalized and systematic rape and sexual violence. Finally, it is an exhaustive diploma that endorses absolute concern with the need to eradicate violence and discrimination against women, given the persistent existence, historical and current, of manifestations of this nature against adult women, young people and children, in society in general and in the family space (CONSELHO DA EUROPE, 2011). When analyzing the implementation of the 10th anniversary of this Convention, Darija Zeljko emphasizes that it was based on supranational regulations, notably from the UN. Nonetheless, points out that the international body dedicated to the protection of women’s rights has always been emphatic in the sense that until the 1990s, the international community and the United Nations Convention still treated the complex issue of violence against women as a “*res privatae*” within the international community until the 1990s, with increasing concern from feminist legal currents regarding the need to abolish the dominant “private-public” dichotomy, as it was unfair and insufficient to deal with the problem. It adds, moreover, that at the level of the European Union, gender equality is considered one of the most developed areas under the prism of multinational conventionalism. However, at the primary level of the legislation of some countries that compose it, there are still gaps for the implementation of this desideratum. This is due to the close competence of the European Union over the specific legislation of each country, notably in the criminal sphere. Even so, it emphasizes that the Istanbul Convention represents the best elaborated regional document for the protection and punishment of gender-based violence against women. This is an important document for civil society organizations to protect victims of gender violence. However, several factors still compromise its full application, such as

the pandemic that occurred, which further aggravated the violation of women's rights, as well as the fact that political fluctuations in several countries have weakened the Convention, such as Turkey's withdrawal of signature, which had been the first signatory, ceasing to be a party in 2021. On the other hand, the European Court of Human Rights, increasingly, has increasingly used it explicitly in its decisions, emphasizing the fundamentality of the protection of women's rights and their protection as an unconditional duty of all countries (2021: 381-404).

In Brazil, the constitutional environment offers solid content aimed at the dissemination and protection of women's rights. Proof of this is the fact that it establishes equality between men and women in rights and obligations as the first fundamental right (article 5, item I). In the spectrum of social rights, in its article 7, item XX, it proclaims the necessary protection of the women's labor market, promoting specific incentives through the infraconstitutional route. At the political level, paragraph 7 of article 17 determines the reserve of at least 5% of the party fund for the creation and maintenance of programs of promotion and dissemination of women's political participation. In the family environment, in turn, from paragraph 5 of article 226, equality between women and men in the exercise of rights and duties inherent to the marital society was constitutionally consolidated. And, with regard to the fight against violence, the article 226, paragraph 8, determines that it is the duty of the State to ensure assistance to all family members, creating mechanisms to curb violence within their relationships. (BRASIL, 1988).

The Brazilian infraconstitutional legislation is also consistent in promoting the alleged equality between women and men. Notably, Law Number 9,504, of September 30, 1997, stands out, which provides for a minimum

reserve of thirty percent of vacancies from each party or coalition for women candidacies in political elections. Likewise, Law 9799, of May 26, 1999, added rules to the Consolidation of Labor Laws and established protection for women in the labor market, prohibiting discriminatory practices against women in the work environment.

However, nothing compares to the existence of Law Number 11,340, of August 7, 2006, identified by the Maria da Penha Law, in honor of Maria da Penha Maia Fernandes, who was the victim of constant violence practiced by her husband, until she was victim of two femicide attempts, resulting in paraplegia from these attacks. Eight years after the facts, in 1991, the perpetrator of the crimes was tried for the first time and convicted. However, due to judicial appeals, he was tried again in 1996, being sentenced to 10 years and 6 months in prison. Again, due to new resources, the defendant did not serve the sentence. The case was denounced to the Inter-American Commission on Human Rights of the OAS in 1988, and Brazil remained, even so, silent in relation to the case. In 2001, after receiving four official letters from the Inter-American Commission on Human Rights of the OAS, between 1998 and 2001, and having remained silent about the allegations conveyed there, the Brazilian State was held responsible for absolute tolerance, negligence and omission regarding acts of domestic and family violence perpetrated against Brazilian women (CIDH/OAS, 2001). There is no doubt that this episode with the Inter-American Court of Human Rights was the great motto for the emergence of Law Number 11,340, in August 2006. In the judgment of case 12,051 (Maria da Penha), the Inter-American Court of Humans issued several recommendations to Brazil, highlighting the necessary speed in investigating the facts, as well as the need to carry out a serious, impartial and exhaustive

investigation. Besides, the recommendation for the Brazilian State to ensure symbolic and material reparation for the damage suffered by the victim. Also noteworthy is the need to intensify the reform process in order to avoid state tolerance and discriminatory treatment characterized by domestic violence against women in Brazil. And, in particular, still recommended:

- a) Measures to train and sensitize specialized judicial and police officials to understand the importance of not tolerating domestic violence;
- b) Simplifying criminal judicial procedures so that procedural time can be reduced, without affecting the rights and guarantees of due process;
- c) Establishing fast and effective alternative ways to solve intra-family conflicts, as well as raising awareness of their seriousness and the criminal consequences they generate;
- d) Increasing the number of special police stations for the defense of women's rights and providing them with the special resources necessary for the effective processing and investigation of all reports of domestic violence, as well as providing support to the Public Prosecutor's Office in the preparation of their judicial reports. Include in their pedagogical plans curricular units destined to the understanding of the importance of respecting women and their rights recognized in the Convention of Belém do Pará, as well as the management of intra-familial conflicts.

Thus, the Maria da Penha Law (Number 11.340) arose to protect only women in situations of domestic or family violence, despite the fact that article 226, paragraph 8 of the Brazilian Constitution requires the State to ensure assistance to all family members by creating mechanisms to prevent violence within their relationships. Therefore, at the constitutional level, the promotion of family protection is not restricted to women, even though the Maria da Penha Law restricts its incidence to the female sex. In this context, it is evident that the Brazilian legislature,

sensitive to the reality that it is women who are responsible for the statistics of intrafamily violence, but compelled by the Inter-American Court of Human Rights, opted to make a law exclusively for women. It is, therefore, a sign that portrays the Brazilian reality, in which women are the main victims of intrafamily violence.

In fact, in order to try to curb the intensity of violence against women in the domestic and family environment, the Maria da Penha Law already established an absolute prohibition against the incidence of the Special Criminal Courts Law, as defined in article 41 of the Law. 11.340/03, which means the withdrawal of any possibility of application of its decriminalizing and conciliatory institutes. As if this were not enough, even more recently, with Law number 13.964/19, in its article 28-A, there was the implementation of the Non-Prosecution Agreement in Brazil, further increasing the list of consensual decriminalizing and rewarding institutes. This benefit, however, is also prohibited for cases of domestic and family violence against women, as provided for in item IV of paragraph 2 of the aforementioned article. Therefore, in the repressive environment, and there are several legal mandates that accentuate the severity of the perpetrators of such practices, differentiating them appreciably from other offenders.

In this panorama and more than 16 years after the implementation of Law number 11.340/06, we are faced with a reality that is still worrying, because at least when observing the information obtained from the Public Ministry of Rio Grande do Sul and other national reports, domestic and family violence against women occurs at unacceptable, appalling and worrying levels, forcing us to reflect deeply on this phenomenon.

THE BANALITY OF VIOLENCE AGAINST WOMEN IN THE INTRAFAMILY AND DOMESTIC ENVIRONMENT

The transnational normative apparatus, as well as in the Brazilian constitutional and legal environment, is robust and forceful in the sense of encouraging states and society to undertake efforts and measures of the most varied natures to vehemently curb violence against women, notably in the domestic and family environment. It is undeniable, in this context, that human dignity is affected when acts that threaten women in this condition are verified.

A long walk has been observed since the enactment of the Federal Constitution in 1988, very close to the previous UN Convention on the Elimination of All Forms of Discrimination against Women, of September 18, 1979, and shortly after the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women, also known as the Belém do Pará Convention, of June 9, 1994, until the enactment of Law was necessary for the desired protection of women, especially within the family.

In this situation, it can be seen that the despite the fact that, since the UN Convention of 1979, there have been transnational norms that boosted an entire multilateral panorama aimed at the protection of women and that more than 185 countries have been signatories, as well as that the UN Vienna Convention in 1993 has established that the violence against women is one of the forms of violation of human rights, the report produced jointly by UN Women and the Department of Economic and Social Affairs, Desa, released on September 7, 2022, demonstrates that Sustainable Development Goal n. 5 of the 2030 Agenda for Sustainable Development of the UN (in all there are 17 goals), consisting of establishing Gender

parity as a condition for the exercise of human rights and women's citizenship with a view to deepening and qualifying democracies and the democratization of political, socioeconomic and cultural regimes, will not be achieved in 2030. In this report, it is found that, at the current pace, filling legal loopholes and removing discriminatory laws against women can take up to 286 years to be achieved. It turns out that major global challenges such as the Covid-19 pandemic and its consequences, violent territorial conflicts, climate change and the loss of women's sexual and reproductive rights are increasingly accentuating gender disparities, producing the opposite effect to what was expected. In the Brazilian case, intense social inequalities affect more women and girls than men (UN, 2022).

On the permanent tension experienced by women, in the most varied social environments, Bennet Capers points out that statistics are known and demonstrate that one in three women has already had experiences of domestic violence, and one in five women has already been raped. That is why she vents that "it is not safe to be a woman or a girl for these matters", and concludes that violence against women is a serious problem and reveals gaps in law and culture (2016: 347-348).

Second Kritika Oberoi, violence against women is increasing day by day and is becoming a burning problem, revealing intense gender inequality. There is still a strong social conscience in the sense that women are reserved for the domestic environment, to play the roles of daughters, daughters-in-law, wives and mothers, but it is in these environments that great attacks on their dignity occur, notably sexual, moral, economy and aggression. Under these conditions, women are viewed as weaker beings than men, causing restrictions and lack of opportunities for their development (2019:431).

With the advent of the Maria da Penha Law,

hopes increased regarding the still necessary rescue of women's dignity in the social environment and, in particular, the domestic and family environment, as it is a comprehensive and modern infraconstitutional norm, contemplating multidisciplinary aspects for the care for women victims and to prevent and curb gender violence. Among its virtues, there is the definition of its scope for the domestic and family environments and in its intimate affective relationships with women. In addition, it explained that violence against women constitutes one of the forms of violation of human rights, defining the extension of the term violence, which includes, among others, forms of physical, psychological, patrimonial, psychological, sexual and moral violence. It also predicted integrated prevention measures between the Union, the Federal District, States and Municipalities to promote assistance to women in situations of domestic and family violence. In this Law, there was also provision for norms for adequate criminal prosecution, notably priority service, prohibition of the incidence of Law. With great relevance, there is the emergence of urgent protection measures for women victims of domestic and family violence, as well as measures of this nature that bind the aggressor. In summary, it is also verified the existence of the promotion of public policies for their implementation, as well as the existence of multidisciplinary teams in public agencies and federative entities. It stands out, above all, courts of Domestic and Family Violence against Women, with the obligation of all legal assistance to victims.

It so happens that, as Carlos Drumon de Andrade foreshadowed, in his poem *Nosso Tempo*, "Laws are not enough. The lilies are not born of the law." Despite the literary context, effectively, laws translate social problems, but, by themselves, do not solve them. It is naive to believe that all normative expectations created from the implementation of a certain

piece of legislation can be reached, and even less so that it will be possible to correct the social dilemmas that afflict society. This space is not intended to exhaust the dilemma faced by legal sociology in justifying the means, the scope and the content of the behavior of citizens who behave in conformity with legal norms or violate them. It does not neglect to observe, as stated by Max Weber, that there is an empirical validity and another normative validity by which human behavior can be guided, and that "social action is not only guided by "ordinances" (2015:57)

It is in this context that Malvina and Susana warn that after the implementation of the Maria da Penha law, there was an increase in occurrences involving domestic and family violence against women, as well as an increase in the number of homicides against women based on gender (2016:95). Therefore, they point out that

Today, there are very precise definitions and well-articulated discourses about human rights and citizenship, but we still have difficulty implementing them in our lives. We talk about diversity, protagonism, freedom and equity as if talking about clear and established principles. And here comes the paradox: along with this true exaltation around themes related to equal rights and the use of legal guarantees for these rights, we live daily with individual and collective practices, including public and administrative policies, which demonstrate enormous difficulty in including these values in everyday life. Therefore, as seen earlier, laws and guaranteed rights are not enough to ensure cultural changes. This is one of the causes that keep violence within the family alive (2016:38).

Given this panorama, that Machado and Crespo (2021) point out the increase in rates of domestic and family violence against women, when they highlight that the Atlas of Violence 2019 shows the increase in the number of feminicides in Brazil in 2017, a fact

that conjures up a perverse social and cultural patriarchal inequality. At this juncture, they point out that domestic and family violence does not only affect married women, but also mothers, sisters, and daughters, mostly black women. Against them, the homicide rate grew 29.9% between 2007 and 2017, while among non-black women it grew only 4.5 in the same interregnum. They highlight that in 2017 more than 221 thousand women registered in Brazilian police stations the fact that they had suffered bodily harm, although this number could be higher, given the fear and shame of the victims in making police records of this nature.

In a survey carried out at the Institute for Applied Economic Research (IPEA), Engel points out that the survey carried out between 1995 and 2015 points to advances in the collection of quantitative data regarding violence against women in Brazil. However, despite this gradual evolution in statistical data, they are still “very sensitive to political instabilities”. Even so, he points out that it is possible to state that aggressions against people, especially women, are increasing in Brazil, with an increase in the “culture of violence”, a phenomenon that has made “interpersonal relationships potentially more violent”. She points to the existence of a “context of symbolic production and dissemination of discrimination, either against women for simply being women, or linked to their race/color, social class or sexual orientation”. (2019:4-5).

Also according to the Map of Violence for the year 2021 by the Brazilian Public Security Forum of IPEA, between 2009 and 2019 there was a 10.6% increase in the number of femicides against women in their homes, while homicides outside residences showed a reduction of 20.6% in the same period, which is indicative of the increase in domestic violence in the period (2021:42).

Data obtained through research carried out by Instituto DataSenado, in partnership with the Observatório da Mulher contra a Violência, in the opinion poll “Domestic and Family Violence against Women of 2021, violence against women has increased in the last year. In this investigation, 86% of Brazilian women perceive an increase in violence committed against women. This is a study carried out since 2005, and in 2021 there was a revelation of a growth of 4% in relation to the previous edition (research every 2 years). In addition, 71% of the women interviewed asserted that “Brazil is a very sexist country”, and among them, “68% of Brazilian women know one or more women victims of domestic or family violence, while 27% say they have already suffered some type of aggression by a man”. It is also interesting to highlight that this survey revealed that “18% of women assaulted by men live with the aggressor”, and 75% of the interviewees revealed that “fear leads women not to report it. The study shows, however, that 100% of the victims who were attacked by their boyfriends and 79% of those who were attacked by their husbands ended the relationship.” (SENATE AGENCY, 2021).

Also according to a report by the Ministry of Women, Family and Human Rights, in the National Ombudsman for Human Rights, Brazil already has more than 31,000 complaints and 169,676 violations involving domestic or family violence against women in the year 2022. a complaint may contain more than one human rights violation (BRAZIL, 2022).

In the state of Santa Catarina, according to news from the Court of Justice, violence against women continues to produce impressive numbers. In the last seven months there were 23 homicides and 92 attempted homicides. In addition, reports of threats, bodily harm, crimes against honor, damage and other criminal offenses in police stations

are multiplying. The report is also alarming in the sense that nine women are raped daily in the state, representing a number above the national average. As if that weren't enough, there are 41,743 lawsuits in progress in Santa Catarina's justice system involving domestic violence against women, a number second only to drug trafficking (TRIBUNAL DE JUSTIÇA DE SANTA CATARINA, 2022).

Despite all the evidence about the alarming and growing rates of domestic and family violence against women in various environments in which the topic is a matter of concern and research, it is with the Public Ministry of the State of Rio Grande do Sul where the more concrete, enlightening and transparent data about the rates of domestic violence against women. Based on the annual management reports, all the records of police investigations received by the Public Prosecutor's Office containing domestic and family violence against women are specifically found, as well as the number of denouncements offered by the Public Prosecutors in this matter. These are alarming numbers, because, with the exception of 2018, in which the number of investigative police files alluding to this matter ranked second, in all other years between 2017 and 2021, crimes that constitute domestic and family violence against women had the highest number of police inquiries initiated and sent to the Public Ministry. This temporal panorama, in addition to demonstrating that violence against females in the family and domestic environment is at the top of the State violence pyramid, also disappoints that this number is much higher than any other type of criminal offense that has deserved police registration., investigation and referral to the Ministerial Institution.

The table below, extracted from the annual report of the Public Ministry of Rio Grande do Sul for the years 2017, 2018, 2019, 2020

and 2021, illustrates the number of police inquiries received by the institution. In 2017, the amount informed includes police inquiries and detailed terms. In the years 2018, 2019, 2020 and 2021 it only represents police inquiries, not including detailed terms, which refer to criminal offenses of lesser offensive potential, under the jurisdiction of the Special Criminal Courts. It can be seen from these data that the number of police investigations containing criminal offenses that characterize domestic and family violence against women is absolutely higher when compared to any other type of criminal offense.

Year	2017	2018	2019	2020	2021
Domestic or family violence against women	68,543	77,547	72,272	40,074	24,417
crimes against property	36,644	7,499	6,605	4,537	2,325
thefts	-	16,898	13,557	5,239	4991
embezzlement	-	12,231	12,156	8,673	6,449
robberies	-	8,340	7,172	1,532	1,358
reception	-	1,865	1,345	702	407
traffic crimes	28,161	6,069	6,381	3,338	2074
drug crimes	19,525	10,389	10,340	7,722	2,959
crimes against life	11,914	20,553	18,052	6,440	5,794
crimes against honor	11,641	-	-	-	-
Bodily injury crimes	11,625	5,494	4,499	2,558	1,649
gun crimes	6,933	7,756	6,232	3,711	-
Crimes against the environment and urbanism	6,604	4,022	4,059	2,673	2,196
Crimes against public administration	6,594	-	-	-	-
Crimes against sexual dignity	4,102	-	-	-	-
Rape	8,154	6,945		3,943	2061
Crimes against personal freedom	-	5,325			2,089

Corruption, Sonag. Tax, Lav. Money and Org. criminal	-	2,000	1,791	1,375	817
Crimes of the Childhood and Youth Statute	-	-	2071	1,110	-
military crimes	2,316	-	-	-	-
contempt	-	975	797	578	383
Elderly	-	-	608	318	
Armed robbery	-	118	57	48	10
Racism	-	-	57	18	-
Crimes against the public faith	2,132	-	-	-	
Health	-	-	-	12	

YEAR	1st place	2nd place	3rd place	4th place
2018	Other infractions 25,303	Domestic/ family violence against women 13,822	Drug trafficking 8,316	Traffic crimes 6,130
2019	Domestic/ family violence against women 15,711	Drug trafficking 9,154	Traffic crimes 5,337	Weapon Crimes 3,853
2020	Domestic/ family violence against women 10,337	Drug trafficking 6,785	Traffic crimes 2,302	Traffic crimes 872
2021	Domestic/ family violence against women 3,142	Drug trafficking 1,545	Traffic crimes 872	Possession of drugs 507

With regard to the number of complaints filed by the Public Prosecutor's Office alluding to criminal offenses that characterized domestic or family violence against women, the 2017 Newsletter does not discriminate the information, presenting only the total number of proposed criminal actions. In the following years, there is discrimination by nature of criminal offense. Thus, it was decided to present the number of complaints alluding to the nature of the first four criminal offenses informed in the respective reports¹:

From the numbers presented, it is evident that domestic or family violence against women represents, if not the biggest, one of the biggest problems to be faced in today's society. To the extent that statistics from the most varied environments demonstrate that violence against women emerges with primacy in crime rates, far surpassing the levels of records alluding to any other criminal offenses, we are facing a truly appalling criminological phenomenon.

If the story portrays the submission, prejudice and hyposufficiency of women in various circumstances, such as the undermining of work, political and economic relations, Despite the existence of robust international conventions and solid national legislation aimed at combating any form of discrimination or violence against women. At the same time, it is equivalent to saying that there is a long way to go, in the public

1 The total numbers, including police inquiries, detailed terms and complaints in each year can be consulted at:https://www.mprs.mp.br/media/areas/instituicao/arquivos/relatorio_anual/2021_relatorio_anual.pdf
https://www.mprs.mp.br/media/areas/instituicao/arquivos/annual_report/2020_annual_report.pdf
https://www.mprs.mp.br/media/areas/instituicao/arquivos/annual_report/2019_annual_report.pdf
https://www.mprs.mp.br/media/areas/instituicao/arquivos/annual_report/2018_annual_report_web.pdf
https://www.mprs.mp.br/media/areas/instituicao/arquivos/annual_report/2017_annual_report.pdf

and private environment, to envision the implementation of the conventional and legal desideratum, especially to observe the auspicious effects resulting from constitutional protection and the Maria da Penha Law. If normative instruments exist to satiety, it seems essential to perceive the strident alert offered by the numbers of domestic or family violence against women they represent, and the numbers stamped in the reports of the Public Prosecutor's Office of Rio Grande do Sul are emblematic, directing the public power and all private instances to focus their batteries on combating this social and intra-family scourge. The technological, scientific and economic progress achieved with massive investments in recent times is of no use if in human relations, with emphasis on the intra-family space, acts of absolute indignity against women thrive.

FINAL CONSIDERATIONS

The prospection object of this essay demonstrated that the levels of violence against women in Brazilian society are high and intolerable, not verifying perspectives that can demonstrate the cooling of such absolutely unworthy practices in human coexistence. However, when the focus is on the domestic and family environment, absolutely worrying numbers are revealed in relation to violence against women, in its most varied forms. The portrait of this reality is stamped on the country as a whole. However, the reports from the Rio Grande do Sul Public Prosecutor's Office portray an appalling picture, noting that the largest number of police inquiries received by the institution concerns domestic and family violence against women, on a scale geometrically superior to all other infractions. prisons in the years 2017 to 2021.

In this reality, SEIXAS AND DIAS warn that one of the origins of violence against women, in the domestic and family sphere, stems from

the existence of violent families, which fail "in the performance of their functions of loving creation, adequate social development and protection of defenseless beings". However, the social system in which the family is inserted must also be combined, as it is possible to verify the existence of a "Culture of Violence", which has had repercussions and distorted the natural functions in the family environment. "The family harmed this way needs systemic relational family treatment" (2013:9-10).

It is also necessary to consider the existing relationships between victim and aggressor when violence against women occurs in the domestic or family environment. In this sense, there is the occurrence of affection, economic dependence and spontaneous reverence forged by tradition. This causes the number of notifications and records alluding to these facts to be undersized, which makes the data obtained even more worrying. That is why in the 2021 Atlas of Violence, IPEA, there is a warning that the existence of public policies that protect women must take these elements into account, serving as a warning to the "Family Health Strategy teams, for Tutelary Councils and for schools". There are also, the concern with the need to make families aware of the importance of notifying cases of domestic and family violence against women, preventing omission or negligence (IPEA, 2021).

This way, it is evident that the current scenario is very worrying with regard to the fight against domestic and family violence against women. We live in a reality in which the existence of international conventionalism, the current constitutional content and the infraconstitutional legislation, notably the Maria da Penha Law, number 11.340/06, are still insufficient for the effective confrontation of this social ill. The reality experienced in the domestic and family environment against women still portrays the occurrence

of unacceptable levels of violence, as verified in the statistics of the Public Ministry of Rio Grande do Sul between the years 2017 and 2021.

In the case of a historic cultural phenomenon, effectively, public and private investments are needed with redoubled intensity and permanence. Furthermore, like every phenomenon, it is multifaceted and cannot be faced in isolation, or even without the intensity and perpetuity due.

This way, since domestic and family violence against women is the result of a macho culture, disseminated in society since the ancestors of humanity and in all social environments, there is no doubt that their confrontation begins with a new awareness to be fostered among the new generations. It is fundamental to the insertion, in the school curricula, of activities, disciplines, extension and training activities to introduce young people to a culture of equality, of respect for diversity and, above all, of women in all environments. With this, it is hoped that the formation of new families will take place under the mantle of reciprocal dignity, between women and men, in conditions of equality and full respect. For the present generations, it is essential to increase public policies that seek to make the entire society aware of the need to correct behaviors of this age, with the appreciation and respect of women in their maximum dimension. More, notably in relation to the men, promote campaigns of re-education, awareness and responsibility for the alteration of rumors in relation to the phenomenon of violence against women, in all environments, above all not intra-family. If it is possible to affirm the existence of a structural machismo in Brazilian and world society, the result of historical social configuration, the batteries must be turned with intensity for the formation of a new culture among men, so that they perceive machismo to be an inadmissible

distortion in the relationship human, which promotes the indignity of women and other people in their relationships.

Thus, the combination of actions, which include investments in youth culture, with repercussions on future generations, as well as the multiplication of public policies that also aim to make men and society as a whole aware of the need to eradicate domestic and family violence against the woman, added to the normative framework available that contemplates sanctions and protective measures, will be able to conform a cultural and social environment with better perspectives of justice, equality and dignity of the woman, reducing or eliminating the appalling indexes portrayed by the statistics of the Public Ministry of Rio Grande do Sul. The path will not be easy, and will depend on prioritizing the issue at its various levels, as demonstrated, notably in the political, sociological and legal environments.

REFERENCES

- BRASIL. **Constituição da República Federativa do Brasil de 1988**. (1988), Brasília, DF: Presidência da República. Disponível em: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Acesso em: 21 mar. 2023.
- BRASIL. Ministério da Mulher, da Família e dos Direitos Humanos. Ouvidoria Nacional dos Direitos Humanos. (2022), **Informe sobre violência doméstica ou familiar contra a mulher em 2022**. Disponível em: <https://www.gov.br/mdh/pt-br/assuntos/noticias/2022/eleicoes-2022-periodo-eleitoral/brasil-tem-mais-de-31-mil-denuncias-violencia-contra-as-mulheres-no-contexto-de-violencia-domestica-ou-familiar#:~:text=AGOSTO%20LILÁS-,Brasil%20tem%20mais%20de%2031%20mil%20denúncias%20de%20violência%20doméstica,mulheres%20até%20julho%20de%202022>. Acesso em: 10 nov. 2022.
- Capers, Bennett. “On Violence against Women.” (2016), **Ohio Staten Journal of Criminal Law**, vol. 13, no. 2, Spring 2016, pp. 347-364. Disponível em: https://heinonline.org/HOL/Page?public=true&handle=hein.journals/osjcl13&div=21&start_page=347&collection=journals&set_as_cursor=0&men_tab=srchresults. Acesso em: 29 mar. 2023.
- CONSELHO DA EUROPA – Comitê de Ministros. (2011), **Convenção do Conselho da Europa para a prevenção e o combate à violência contra as Mulheres e a violência doméstica, Istambul, 11 de maio de 2011**. Disponível em: https://www.cig.gov.pt/wp-content/uploads/2013/12/conv_ce.pdf. Acesso em: 20 out. 2022.
- CORTE INTERAMERICANA DE DIREITOS HUMANOS – CIDH. **Recomendações expedidas ao Brasil no julgamento do caso Maria da Penha (caso n.12.051)**. (2001). Disponível em: <http://www.cidh.oas.org/annualrep/2000port/12051.htm>. Acesso em: 29 mar. 2023.
- ENGEL, Cíntia Liara. IPEA. (2020), “Estudo sobre A Violência contra a Mulher.” **Instituto de Pesquisa Econômica Aplicada**. Disponível em: https://www.ipea.gov.br/retrato/pdf/190215_tema_d_a_violencia_contra_mulher.pdf. Acesso em: 25 mar. 2023.
- INSTITUTO DE PESQUISA E ESTATÍSTICA APLICADA – IPEA. (2021), **Mapa da Violência 2021 realizado pelo Fórum Brasileiro de Segurança Pública**. Disponível em: <file:///C:/Users/fabio/OneDrive/Documents/5141-atlasdaviolencia2021completo.pdf> Acesso em: 27 out. 2022.
- MACHADO, Bruno Amaral. CRESPO, André Pereira. Nunca pratiquei crime, só lei maria da penha”: as audiências de custódia e o enfrentamento à violência contra a mulher. (2021), **Revista Brasileira de Ciências Criminais**, vol. 182, 2021, p. 261-291, Ago. 2021, DTR\2021\9863.
- MINISTÉRIO PÚBLICO DO RIO GRANDE DO SUL. (2017), **Relatório Anual de 2017**. Disponível em: https://www.mprs.mp.br/media/areas/instituicao/arquivos/relatorio_anual/relatorio_anual_2017.pdf Acesso em: 22 set. 2022.
- MINISTÉRIO PÚBLICO DO RIO GRANDE DO SUL. (2018), **Relatório Anual de 2018**. Disponível em: https://www.mprs.mp.br/media/areas/instituicao/arquivos/relatorio_anual/relatorio_anual_2018_web.pdf Acesso em: 22 set. 2022.
- MINISTÉRIO PÚBLICO DO RIO GRANDE DO SUL. ((2019), **Relatório Anual de 2019**. Disponível em: https://www.mprs.mp.br/media/areas/instituicao/arquivos/relatorio_anual/relatorio_anual_2019.pdf Acesso em: 22 set. 2022.
- MINISTÉRIO PÚBLICO DO RIO GRANDE DO SUL. (2020), **Relatório Anual de 2020**. Disponível em: https://www.mprs.mp.br/media/areas/instituicao/arquivos/relatorio_anual/relatorio_anual_2020.pdf Acesso em: 22 set. 2022.
- MINISTÉRIO PÚBLICO DO RIO GRANDE DO SUL. (2021), **Relatório Anual de 2021**. Disponível em: https://www.mprs.mp.br/media/areas/instituicao/arquivos/relatorio_anual/2021_relatorio_anual.pdf Relatório Anual de 2021. Acesso em 22 set. 2022.
- MUSZKAT, Malvina e Susana Muszkat. **Violência familiar: Série O Que Fazer?** São Paulo: Editora Blucher, 2016.
- ORGANIZAÇÃO DAS NAÇÕES UNIDAS – ONU. (1979), **Convenção sobre a Eliminação de Todas as Formas de Discriminação contra a Mulher**. Disponível em: https://www.onumulheres.org.br/wp-content/uploads/2013/03/convencao_cedaw.pdf Acesso em 29 set. 2022.

Oberoi, Kritika. "Violence against Women." (2019), **International Journal of Law Management & Humanities**, vol. 2, no. 2, April-May 2019, pp. 431-443. Disponível em: https://heinonline.org/HOL/Page?public=true&handle=hein.journals/ijlmhs2&div=104&start_page=431&collection=journals&set_as_cursor=0&men_tab=srchresults. Acesso em: 29 mar. 2023.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS – ONU. (1993). **Conferência sobre os Direitos Humanos. Declaração e Programa de Ação de Viena**. Disponível em: https://www.onumulheres.org.br/wp-content/uploads/2013/03/declaracao_viena.pdf. Acesso em 13 out. 2022.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS – ONU. (2022), **Relatório produzido em conjunto pela ONU Mulheres e o Departamento de Assuntos Econômicos e Sociais, Desa**. Disponível em: <https://news.un.org/pt/story/2022/09/1800321>. Acesso em 07 set. 2022.

ORGANIZAÇÃO DOS ESTADOS AMERICANOS – OEA. (1994), **Convenção Interamericana para Prevenir, Punir e Erradicar a Violência contra a Mulher**. Disponível em: <http://www.cidh.org/basicos/portugues/m.belem.do.para.htm> Acesso em 29 set. 2022.

ORGANIZAÇÃO DOS ESTADOS AMERICANOS – OEA – COMISSÃO INTERAMERICANA DE DIREITOS HUMANOS – CIDH. (2001), **Relatório n.º 51/01, Caso 12.051. Maria da Penha Maia Fernandes, de 04 de abril de 2001**. Disponível em: https://assets-compromissoeatitude-ipg.sfo2.digitaloceanspaces.com/2012/08/OEA_CIDH_relatorio54_2001_casoMariadaPenha.pdf. Acesso em 129 out. 2022.

PLANALTO. **Lei n.º 9.504, de 30 de setembro de 1997**. (1997), Estabelece normas sobre eleições. Disponível em: http://www.planalto.gov.br/ccivil_03/leis/19504.htm. Acesso em 13 out. de 2022.

PLANALTO. **Lei n.º 9.799, de 26 de maio de 1999**. (1999), Insere na Consolidação das Leis do Trabalho regras sobre o acesso da mulher ao mercado de trabalho e dá outras providências. Disponível em: http://www.planalto.gov.br/ccivil_03/leis/19799.htm. Acesso em 13 out. 2022.

PLANALTO. **Decreto n.º 4.377, 2002**. (2002), Promulga a Convenção sobre a Eliminação de Todas as Formas de Discriminação contra a Mulher. Disponível em: http://www.planalto.gov.br/ccivil_03/decreto/2002/d4377.htm. Acesso em 13 out. 2022.

SEIXAS, Maria Rita, D'Antelo. e DIAS, Maria Luiza. **Violência Doméstica e a Cultura da Paz**. São Paulo: Editora Roca, 2013.

SENADO. Pesquisa de opinião Violência Doméstica e Familiar contra a Mulher de 2021, a violência contra a mulher aumentou no último ano. Relatório apresentado na Audiência Pública do dia 09 de dezembro de 2021 da Comissão de Direitos Humanos do Senado. (2021), **Agência Senado. Instituto DataSenado, em parceria com o Observatório da Mulher contra a Violência**. Disponível em: <https://www12.senado.leg.br/noticias/materias/2021/12/09/violencia-contra-a-mulher-aumentou-no-ultimo-ano-revela-pesquisa-do-datasenado> Acesso: 27 out. 2022.

TRIBUNAL DE JUSTIÇA DE SANTA CATARINA. (2022), **Notícias especiais. Violência contra a mulher aumenta em Santa Catarina e deixa a rede de apoio em alerta – Parte 1**. Disponível em: <https://www.tjsc.jus.br/web/imprensa/-/violencia-contra-a-mulher-aumenta-em-santa-catarina-e-deixa-a-rede-de-apoio-em-alerta-parte-1>. Acesso: 10 nov. 2022.

WEBER, Max. **Conceitos Sociológicos Fundamentais**. Lisboa: Almedina, 2ª edição, 2015.

ZELJKO, Darija. "Avaliação dos Primeiros Dez Anos da Convenção do Conselho da Europa sobre Prevenção e Combate à Violência contra as Mulheres e Violência Doméstica." **Croata Anual de Ciências Criminais e Prática** 28, n.º 2, 2021. (2021), Disponível em: https://heinonline.org/HOL/Page?collection=agopinions&handle=hein.journals/cranmscip28&id=399&men_tab=srchresults#