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**CONSIDERATIONS  
ABOUT LAW NUMBER  
11,340 OF 2006 AND  
ITS IMPLICATIONS ON  
THE BRAZILIAN LEGAL  
SYSTEM**

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**Abstract:** This article addresses Law Number: 11,340 of 2006 – better known as the Maria da Penha Law – and its implications for the Brazilian legal system, demonstrating the importance of this legislation for the protection of women victims of domestic and family violence, as well as for confronting different forms of violence perpetrated against women. Furthermore, it exposes data about women’s perspective and experience of domestic or family violence, as well as about the aforementioned law.

**Keywords:** Women’s rights. Human rights. Maria da Penha Law. Feminist movement. Violence against women.

## INITIAL CONSIDERATIONS

It is no secret that Law Number: 11,340 of 2006, popularly known as “Maria da Penha Law”, represented (and still represents) a significant tool for protecting women victims of domestic and family violence, as well as an important instrument for combating this type of crime, unfortunately widely practiced throughout the national territory.<sup>1</sup>

Essentially, the discussions and clashes that took place around this legislation (scope of incidence, effects, legal and social implications, among others) are not current, as many issues related to it remain present in doctrine and jurisprudence since its inception. nasdouro

(2006) to the present, showing that the sexist tradition and patriarchal and conservative resistance have not been completely overcome in the Brazilian legal system, as well as emphasizing the relevance of struggles led by women throughout history.

Furthermore, there are many statistical data that, based on empirical research carried out with women throughout the country, prove this statement, clarifying that many of them have been victims of domestic and family violence, as well as that they live in fear and feel insecure in relation to the different forms of violence that they may suffer throughout their lives.

This situation demonstrates that, in order to implement the commitments assumed by Brazil since 1988,<sup>2</sup> it is essential to think about the issue from a feminist legal perspective, because by relating women’s rights to a life free from violence, removing the existing gender order in criminal law and giving women a voice, it is possible to shift the place reserved for them by traditional jurists, considering that it brings them to the center of the analysis (CAMPOS, 2011, p. 7) and recognizes that violence against women represents a violation of human rights and an obstacle to the development of a more democratic, fair society, humane and egalitarian.<sup>3</sup>

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1 As demonstrated by the 10th edition of the National Survey of Violence against Women – carried out between August 21st and September 25th, 2023, with 21,808 Brazilian women aged 16 or over, and launched on November 21st, 2023 by the Research Institute Data Senado, in partnership with the Women’s Observatory against Violence - 30% of Brazilian women interviewed have already suffered domestic or family violence caused by a man (DATASENADO, 2023).

2 It is worth highlighting that, in addition to the normative set established in the Constitution of the Republic, Brazil has signed several international commitments for the promotion and protection of Human Rights (Inter-American Convention to Eradicate Violence against Women, American Convention on Human Rights, among others).

3 As VIOTTI explains: “The concept of gender allowed us to move from an analysis of women’s situation based on the biological aspect to an understanding of relationships between men and women as a product of socially and culturally determined patterns, and therefore subject to modification. Gender relations, with their substrate of power, become the center of concerns and the key to overcoming patterns of inequality. Women’s empowerment (...) consists of highlighting the importance of women acquiring control over their development, and the government and society must create the conditions for this and support them in this process. The notion of transversality seeks to ensure that the gender perspective becomes effectively integrated into public policies in all spheres of government action. These conceptual innovations were joined by an emphasis on treating the situation of women from a rights perspective, which implies recognizing that inequality between men and women is a human rights issue, and not just a situation arising from economic and social problems. social issues to be overcome” (VIOTTI, 1995, p. 149).

## **IMPORTANCE OF THE FEMINIST LEGAL APPROACH FOR UNDERSTANDING LAW NUMBER 11,340 OF 2006**

Brazilian feminist organizations were able to understand that the fight for citizenship implies overcoming thematic hierarchies to the extent that human rights are indivisible. In this sense, the feminist agenda proved to be broad, covering the issues of work, income, political and social participation, health, sexuality and abortion, ethnic-racial discrimination, access to land, the right to a life without violence, among other themes and other issues that needed to be included in the public arena (BASTERD, 2011, p. 14).

In fact, as it can be seen in the national legal system, in the period between the promulgation of the Constitution of the Republic of 1988 and the entry into force of Law Number: 11,340 of 2006, little had been done with regard to legal treatment and forms to combat domestic and family violence against women in the criminal sphere. In other words, there was no specific legislation that treated and protected women who were victims of violence in the domestic and family context, so that treatment for the majority of cases was limited to that provided for in criminal legislation.<sup>4</sup>

This occurrence, in addition to demonstrating the public authorities' great lack of commitment to the effective protection of women in situations of violence, highlights

4 Although there was no specific legislation that protected women, it is worth noting that some laws were enacted that dealt with issues related to crimes committed against women, which were not able to combat or reduce the practice of these various forms of violence (e.g. Law number: 8,930 of 1994, which elevated the criminal treatment of crimes of rape and indecent assault to the list of heinous crimes; Law Number: 9,318 of 1996, which increased the penalty for crimes committed against children, elderly people, sick people or pregnant women; Law Number: 9,520 of 1997, which revoked article 35 of the Code of Criminal Procedure, changing the exercise of the right to complain by women - the aforementioned article established that a married woman could not exercise the right to complain without her husband's consent, except when she was separately or when the complaint was against him -; Law Number: 10,224 of 2001, which dealt with sexual harassment; Law Number: 10,455 of 2002, which enabled the judge to determine against the aggressor a precautionary measure of removal from the home, domicile or place of coexistence with the victim, in cases of domestic violence; Law 10,886 of 2004, which included domestic violence in the Brazilian Penal Code).

5 Understood as a system of social hierarchy of gender positions, through which a relationship of power and domination of the male gender prevails over the female gender, the latter being created and treated to be passive, resigned and submissive to the former (SILVA et al, 2020, p. 6).

a significant disconnect between the harsh reality experienced by women victims of a patriarchal structure<sup>5</sup> cruel and oppressive, the discourse of many actors in the Criminal Justice System and legal praxis.

Thus, a considerable part of the cases involving this type of crime ended up in the Special Criminal Courts, being treated as an "infraction of lesser offensive potential" and, as a consequence, resolved through the so-called negotiated and/or consensual criminal justice, with the application of criminal substitutes provided for in Law Number: 9,099 of 1995 – that is, decriminalizing measures such as conciliation, criminal settlement and conditional suspension of the process –, which greatly deviated from the interests of women in situations of violence, as well as failing to protect their right to live a life free from this type of crime.

Furthermore, the operators of the Criminal Justice System rarely used precautionary or precautionary measures – such as arrest in the act or preventive detention – in these situations of violence (threats, minor bodily harm), believing that these were cases of less complexity, which, in many cases, ended up further compromising the protection of the life and physical and mental safety of women victims of domestic and family violence, as it left the aggressor free to commit other crimes of this nature against her.

In other words, it can be said that until

the entry into force of the Maria da Penha Law, little had been done regarding the implementation of mechanisms to promote and protect the dignity, life, health and physical integrity of women in situations of violence. As if this were not enough, during the discussions that dealt with the need to create specific legislation, many insisted on the use of Law Number: 9,099 of 1995 to resolve cases, arguing that jurisdiction over the matter must remain in that court. Some modifications to that legislation are sufficient to adapt it to women's demands. They completely disregarded the paradox that exists between the violation of human rights and infractions with less offensive potential, disregarding the entire issue surrounding the context of violence against women,<sup>6</sup> as well as the existence of a patriarchal, chauvinistic, sexist and misogynistic social structure.

This situation resulted in inadequate legal treatment of this type of crime, which ended up contributing to an increase in the challenges to be faced regarding the interpretation and practical application of Law Number: 11,340 of 2006 after its entry into force, as it made it possible to maintain conservative stances and, consequently, a lot of resistance from legal operators, political and social actors, public and private institutions, among others.

In this context, it is important to note that the women's movement, which demanded the creation of special legislation to deal with the matter, drew attention to the fact that the legal resources used to resolve cases of this nature did not adequately respond to violence. of gender, as well as being dissonant with international regulations that dealt with the violation of human rights and, specifically, women's rights (LAVIGNE, 2011, p. 65-66).

6 About the activism of judges from the National Forum of Special Courts (FONAJE) during the process of drafting the Maria da Penha Law, read about LAVIGNE, 2011, p. 65-92.

7 Regarding the path taken by women in the preparation, approval and implementation of Law 11,340 of 2006, see the articles: "The process of creation, approval and implementation of the Maria da Penha Law", by Myllena Calazans and Iáris Cortes (CALAZANS; CORTES, 2001, pp. 39-63); "Advances and obstacles in the implementation of Law 11,340/2006", by Wânia Pasinato (PASINATO, 2011, p. 119-142).

For this reason, there were many female voices who argued that it was essential to create strategic actions aimed at outlining the draft specific law, as well as the need to articulate ways of handling the issue in the Brazilian Justice System, which, after much struggle, enabled the promulgation of Law Number: 11,340 of 2006. As PIOVESAN and PIMENTEL observe:

The adoption of the Maria da Penha law made it possible to break with the silence and omission of the Brazilian State, which were characterizing an international offense, by violating legal obligations internationally contracted when ratifying international treaties. State tolerance of violence against women perpetuates impunity, symbolizing serious institutional violence, which adds to the pattern of violence suffered by women, in total disregard for the international and constitutional order (PIOVESAN; PIMENTEL, 2011, p. 116).

In view of this, one cannot disregard the fact that after great effort and struggle by women (feminist movement, women's NGOs, groups and segments of civil society formed to deal with the issue, among others) for the elaboration, approval and implementation of specific legislation for the legal treatment and confrontation of issues affecting domestic and family violence committed against them, saw the publication of the much-desired Maria da Penha Law, which represented (and still represents) the legal victory of liberation over oppression, of reason over barbarism.<sup>7</sup>

In this sense, CAMPOS states that:

The Maria da Penha Law reflects feminist sensitivity in the treatment of domestic violence. By deconstructing the previous mode of legal treatment and listening to women in the debates that preceded the

approval of Law 11,340/2006, feminism records the political participation of women as subjects in the construction of this legal instrument and suggests a new subject position in criminal law (CAMPOS, 2011, p. 9).

With the entry into force of the Maria da Penha Law, the treatment to be given in cases of domestic and family violence was established; a National Policy to combat violence against women was created; protection and prevention measures were established for women in situations of violence; free legal assistance was guaranteed; assistance was provided for women who were victims of this type of crime; public multidisciplinary care services were established (integrated by professionals specialized in the psychosocial, legal and health areas); specialized centers, police stations, prosecutors' offices, courts and defenders were created for the treatment, processing, trial and defense of cases of domestic and family violence against women; among other measures.

In fact, although Law Number: 11,340 of 2006 represented a great achievement for Brazilian society and, above all, for women, more than seventeen years after its promulgation, it is difficult to have its postulates fully implemented in criminal practice, given that reactionary and conservative stances continue to hinder its implementation in the Brazilian Legal System, as well as making it impossible to receive the priority political treatment it should have.

Furthermore, one must consider the fact that the instruments and services provided for in special legislation are not a reality in all regions of Brazil, as they are not part of the

governmental planning of many States and Municipalities and, therefore, tend to focus on large centers. In many regions of the country there is no specialized treatment for situations of domestic and family violence against women and, when there is, the service lacks quality, there is a lack of team training, there is a lack of financial resources to carry out the services, there is no there are specialized police stations, there is a lack of employees and servants to provide multidisciplinary care, the Courts for Domestic and Family Violence against Women have not been properly established or structured, and so on (CALAZANS; CORTES, 2011, p. 61).

From this perspective, it can be seen that for the promotion and realization of human rights and, as a consequence, women's rights, there is still a lot to be done. The game is not over and the fight is not over.<sup>8</sup> In addition to legislation, it is necessary to seek instruments and means capable of guaranteeing the material implementation of its postulates, so that a more democratic, fair, humane and egalitarian society can be conceived, under penalty of allowing naturalization and perpetuation violations of women's fundamental rights and guarantees, as well as the carrying out of unconstitutional practices by the Public Authorities.

As STRECK states:

Let us not forget that, in contemporary times, in addition to the principle of prohibition of excess (Übermassverbot), which serves to prohibit the State from punishing with exaggerations, there is also the principle of prohibition of insufficient protection (Untermassverbot), which obliges the State (legislator, judiciary, Public Ministry) to protect fundamental rights. There are

<sup>8</sup> In this sense, it is worth considering that after the promulgation of the Maria da Penha Law, important measures were instituted to combat domestic and family violence against women, among which the following stand out: Law 14,132 of 2021, which inserted article 147-A in the Penal Code, known as "crime of persecution", which aims to protect individual freedom, threatened by conduct that may embarrass someone, significantly invading their privacy and preventing their free determination and the exercise of basic freedoms; the "Red Light" cooperation program against Domestic Violence – defined by Law Number: 14,188 of 2021 – which, among other things, created the criminal type of psychological violence against women (article 147-B of the Penal Code) and inserted § 13 to article 129 of the Penal Code (harm committed against women for reasons of female status).

hypotheses in which the State, by not protecting the legal interest (including via criminal law), will be acting (by omission) in an unconstitutional manner. (...) I would venture to say, in line with the application of the *Untermassverbot* principle, that certain interpretations (judicial applications) of the Law may be considered unconstitutional. Every time the Judiciary refuses to apply the rigors of the Maria da Penha Law – which, we insist, are rigors to protect the dignity of women – it will be incurring unconstitutionality, considering that it will be insufficiently (deficiently) protecting women's fundamental rights. For these reasons, there is no unconstitutionality in the fact that the Maria da Penha Law is aimed at protecting women. On the contrary, we would probably be in unconstitutional omission if the Law had not been approved (STRECK, 2011, p. 100).

As it can be seen, the Maria da Penha Law established a significant conceptual and operational change in the way in which the treatment of different forms of violence committed against women in Brazil was conceived. For this reason, omissions and inadequacies used by the Public Power in tackling these issues are unjustifiable, whether in the criminal, criminal procedural, political-criminal fields, among others (CAMPOS; CARVALHO, 2011, p. 144).

Given this, as BUTLER observes, it is necessary to face violence to practice non-violence, because, in his words:

The demand for non-violence not only requires that the conditions for it to be heard and registered exist – there can be no 'claim' without its mode of presentation – it also requires that hatred and anger equally find a way to articulate that demand for non-violence in a way that can be recorded by others. In this sense, non-violence is not a peaceful state, but a social and political struggle to make anger articulate and effective" (BUTLER, 2017, p. 255-256).

In this aspect, it is necessary to recognize

<sup>9</sup> As mentioned in the Survey "The increase in the number of women who claim to know a lot about the normative instrument,

that gender violence is a type of social and political violence used in different spheres, as an instrument for maintaining the condition of superiority and domination culturally given to men in the face of women. As FEIX asserts: "Cultural authorization for violent acts against women would be the mechanism used to guarantee unequal power relations", which is why the issue must be discussed primarily in the public sphere (FEIX, 2011, p. 202).

### **WOMEN'S PERSPECTIVE AND EXPERIENCE OF DOMESTIC OR FAMILY VIOLENCE AND LAW NUMBER 11,340 OF 2006**

As already mentioned, Law Number: 11,340 of 2006, in addition to representing a considerable instrument for the protection of women, is an important mechanism for combating the different forms of violence committed against them, which makes it a significant milestone for the Brazilian legal system., since before its promulgation, a considerable number of cases of aggression against women were treated as infractions of lesser offensive potential, therefore, processed and judged by Special Criminal Courts.

However, despite its relevance, important studies and research have highlighted the lack of knowledge of the law by a large portion of the Brazilian female population, which ends up making its practical application difficult. An example of this is the National Survey of Violence against Women – carried out in 2023 –, which demonstrated that 75% (seventy-five percent) of Brazilian women said they knew nothing or little about the law, revealing a significant omission by the Power Public regarding the implementation of public policies aimed at educating the population about women's rights, as well as protection instruments.<sup>9</sup>

Furthermore, it is important to highlight the

fact that, of the Brazilian women interviewed, 51% (fifty-one percent) believe that the Maria da Penha Law partially protects women against domestic and family violence, 29% (twenty-nine percent) think that it protects, and 19% (nineteen percent) believe that it does not protect women against domestic and family violence. Regarding the small variation in relation to previous editions, the research states that it is not statistically relevant. In other words, it can be said that less than 30% (thirty percent) of those interviewed trust and believe in the protection mechanisms set out in Law Number: 11,340 of 2006.

Regarding the level of knowledge about the services that make up the women's protection network, the data demonstrate an important growth in the number of women who said they knew about the Specialized Women's Assistance Police Stations (DEAMs). According to the edition carried out in 2021, the Civil Police units aimed at assisting women in situations of violence were known to 82% (eighty-two percent) of Brazilian women and, in the 2023 edition, this index increased to 95% (ninety-five percent) of the women interviewed, which suggests a possible improvement in service provision, as well as in information channels about specialized care.

Therefore, it is worth highlighting the amendment made by Law Number: 14,550 in April 2023, which changed article 19 of Law 11,340 of 2006, with the aim of making the application of "emergency protective measures" more effective. This amendment provided for the possibility of implementing urgent protective measures regardless of the registration of a police report, the initiation of a police investigation and the proposing of any action.<sup>10</sup>, making victim protection in the period equivalent to the last 12 months,

on the other hand, suggests a small improvement in relation to the rates found in the 2021 survey" (DATASENADO, 2023, p. 13).

10 In this aspect, the following paragraphs of art stand out. 1 of Law Number: 14,550: § 5 "Urgent protective measures will be granted regardless of the criminal classification of the violence, the filing of criminal or civil action, the existence of a police investigation or the registration of a police report, as well as § 6 "Urgent protective measures will be in force as long as there is a risk to the physical, psychological, sexual, property or moral integrity of the victim or her dependents."

faster and more effective. Another important change was the insertion of paragraph 40-A, which stated that the application of the Maria da Penha Law will apply to all situations set out in its article 5, regardless of the motivation or cause of the acts of violence, as well as the condition of the offender or victim.

Fundamentally, these changes represent a significant advance in terms of guaranteeing the rights and protection of women in situations of violence, as they allow the aggressor to be removed from the environment of coexistence or contact with the victim, compromising the maintenance or the increase in violence already practiced, as well as making it difficult for the aggressor to make allegations in order to seek ways to justify the violent practices perpetrated against women.

In this context, the research demonstrated that 68% (sixty-eight percent) of the Brazilian women interviewed, when asked about their level of knowledge regarding protective measures, said they knew little, and 15% (fifteen percent) of them said know nothing about this important instrument for protecting women in situations of domestic or family violence (DATASENADO, 2023, p. 15).

Data from the survey carried out in 2023 reveals that the percentage of women who stated that they were victims of violence committed by a man was statistically equivalent to the percentage obtained in 2021, taking into consideration, the margins of error. Therefore, it is estimated that more than 25.4 million Brazilian women have been victims of domestic or family violence caused by men at some point in their lives. Of these women, 22% (twenty-two percent) stated that some of these situations of violence occurred in the period equivalent to the last 12 months,

which demonstrates a certain stability in the percentage in the year 2023.

With regard to the type of violence suffered by women, the one that had a higher percentage compared to the others was psychological violence, in which 89% (eighty-nine percent) of those interviewed declared that they had been victims of this type of violence practiced by women. a man. Next came moral violence, with 77% (seventy-seven percent), and physical violence, which reached 76% (seventy-six percent). Regarding physical and sexual violence, the percentages remained stable in relation to the survey carried out in 2021, considering the margins of error. The other types of violence showed an increase compared to the previous edition (DATASENADO, 2023, p. 19), which demonstrates the permanence of these different forms of violence practiced against Brazilian women and, as a consequence, the violations of many of their rights.

Regarding the victim's bond with the aggressor during the period of violence, 52% (fifty-two percent) of those interviewed stated that they were their husbands or partners, and 15% (fifteen percent) stated that they were attacked by their ex-husbands, ex-boyfriends or ex-partners. The rest said they were victims of their parents or stepfathers (7%), boyfriends (6%), brothers or brothers-in-law (5%), uncles or cousins (2%), children or stepchildren (1%), among others (about 10%). As it can be seen, the majority of women victims of domestic and family violence were attacked by men who lived with them at the time of the attack, which confirms the maintenance of a patriarchal and sexist structure that, among other things, places women in the men's property, objectifying and fragmenting their bodies.

Of the interviewees who suffered violence perpetrated by their intimate partners, the survey found that 20% (twenty percent) still

live with them, with 80% (eighty percent) of them living with the aggressor. Of the women who were victimized by their husbands, 26% (twenty-six percent) declared that they remained married. Of those who said they were attacked by their boyfriends, 94% (ninety-four percent) ended the relationship. These percentages are statistically equivalent to what was identified in the research carried out in 2021, demonstrating that the majority of these victims continue to manage to end their abusive relationships. Among them, 90% (ninety percent) believe that the violence suffered led to the end of the relationship. When asked about the aggressor's psychological state at the time of the most damaging aggression, the research found that the aggressor was jealous (49%), nonconformist with the end of the relationship (46%), influenced by alcohol (40%), drug use (17%), among others. (DATASENADO, 2023, p. 22-25).

Of the women who were victims of domestic or family violence, 27% (twenty-seven percent) stated that they had requested a protective measure in their favor. Of them, 48% (forty-eight percent) declared that the measure was breached by the person who carried out the attack, and 49% (forty-nine percent) stated that the measure was complied with. As it can be seen in the data provided by the research, a significant number of women who suffered violence (73%) did not request a protective measure for their protection.

The most common behavior of women victims of domestic or family violence was seeking support from their family after the suffering of the last attack (60%). This percentage is higher than that found in 2021, which indicates that victims have spoken more to other people about the violence they suffered, as well as seeking more help from others. Other behaviors also showed a relevant increase in relation to the previous survey, as 45% (forty-five percent) stated that



they had sought help from the church, 42% (forty-two percent) the support of friends, 31% (thirty-one percent) reported the violence to a regular police station, and 22% (twenty-two percent) reported it to a women's police station (DEAM). In this aspect, it is important to consider that the search for specialized care occurred in cities with more than 50,000 inhabitants, indicating that the lack of a specialized police station can impede access to the service (DATASENADO, 2023, p. 26-27).

Another relevant data presented in the research points out that the lower the women's income, the higher the percentage of violence committed. Of the interviewees who stated that they had suffered physical violence, 64% (sixty-four percent) with an income greater than six minimum wages declared that they had been victims of physical violence, while 72% (seventy-two percent) with an income greater than two and interior to six minimum wages declared having suffered this type of violence, and 79% (seventy-nine percent) of women with an income of up to two minimum wages declared having been victims of physical violence. In other words, through the data it is possible to see that, although domestic and family violence against women is present at different social levels, it is economically less privileged women who are the biggest victims of this type of crime. Regarding the most serious violence suffered by these women, 31% (thirty-one percent) of them stated that

11 It is an interactive platform of official public data on violence against women, which brings together the bases of the Federal Senate, the Ministry of Justice and Public Security, the National Council of Justice (CNJ) and the Unified Health System (SUS). The project is a partnership between the Federal Senate, Avon Institute and Gender and Number, and aims to provide updated and open data on gender-based violence. In terms of what the platform envisages: "Map` ` is a permanent legacy for the Brazilian state, a commitment of partnership to combat violence against women." (SENADO FEDERAL, 2024). Available at: <<https://www9qs.senado.leg.br/extensions/violencia-genero-mashup/index.html#/inicio>>. Accessed on: 14 Feb. 2024.

12 Numbers from the National Public Security Information System (Sinesp), which brings together incident reports from State Security Secretariats.

13 Numbers from the Mortality Information System (SIM), which collects and stores data on death certificates from Civil Registry offices across the country.

14 Data from the Notifiable Diseases Information System (Sinan), a base fed by health records that must be compulsorily reported to the SUS (Unified Health System).

15 Information from the National Judiciary Database (DataJud), a system that stores and centralizes all court processes.

they had resorted to some form of physical or emotional health assistance (DATASENADO, 2023, p. 19-20), which suggests that most women do not seek help.

In addition to the data provided by the 10th edition of the "National Survey of Violence against Women", the platform called "National Map of Gender Violence", launched in November 2023, with the aim of constituting the national repository of data bases most relevant data in the country, in order to understand the extent of violence against women in Brazil, as well as assist in the development of public policies for their protection.<sup>11</sup>

According to data available on the platform, 61% (sixty-one percent) of women who suffered violence in 2023 did not go to a police station, which demonstrates underreporting, as the real numbers of this type of violence are higher than the police records., health and justice. Until October 2023, 1,127 femicides were registered in the country's police stations<sup>12</sup>, pointing to a high incidence in the practice of this type of criminal offense.

Furthermore, according to updated numbers available on the aforementioned platform, 3,423 were the total number of violent deaths that occurred in 2022 (preliminary data)<sup>13</sup>, 202.608 women suffered some type of violence in 2022 (preliminary data)<sup>14</sup>, as well as 529,690 women resorted to emergency protective measures in 2023.<sup>15</sup>

Thus, from the analysis of the

aforementioned data, if on the one hand it is noticeable that with the enactment of Law Number: 11,340 of 2006 there was an advance in the national legal system, with regard to the legal treatment given to the subject, on the other it is evident the occurrence of many obstacles regarding the effective protection of women victims of domestic and family violence, as well as the implementation of mechanisms to combat the practice of crimes of this nature committed against women.

With this, it becomes clear the importance of keeping discussions on the topic alive in different spheres of life (e.g. family, educational, social, legal, political), as well as women's struggle for recognition, respect and practical application of their rights, so that the patriarchal, sexist, sexist and misogynistic structure can be overcome and a more democratic, humane, fair and egalitarian society can be established.

## **CONCLUSION**

From this study, it can be concluded that Law Number: 11,340 of 2006 was an achievement of the feminist movement, as well as an advance in the Brazilian Legal System, since it created conditions of possibility for the protection of women. victim of gender-based violence, as well as mechanisms to combat different forms of violence committed against women.

However, it became evident that the instruments and services provided for in the aforementioned legislation are not a reality throughout the national territory, as they are not in the governmental planning of many States and Municipalities and, for this reason, specialized treatment is not provided for many women are victims of domestic and family violence in many regions of the country. When it is, there is a lack of quality in the provision of services (lack of resources, lack of team training, lack of employees for

multidisciplinary care, lack of specialized police stations and courts, among others), as well as information for the population on this topic.

Furthermore, with the analysis of the data provided by the "National Survey of Violence against Women" and the "National Map of Gender Violence", it was found that violations of women's human rights by men persist, as well as a significant fragility of the Public Power in terms of achieving public policies capable of providing information, protection and knowledge about the protection instruments available to women victims of different forms of violence.

With this, it is concluded that, in addition to Law Number: 11,340 of 2006, it is necessary to seek instruments and means capable of guaranteeing the material implementation of its postulates, so that a more plural and democratic society can be conceived, as establishes the 1988 Constitution, under penalty of allowing the naturalization and perpetuation of violations of Brazilian women's rights and guarantees, as well as the carrying out of unconstitutional practices by the Public Power in its different spheres of activity.

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