

The report notes that Brazil has ratified the Convention on the Elimination of All Forms of Discrimination against Women and recently withdrew all of its reservations to it; as well, Brazil is a signatory to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. The SR points out that while article 226 (8) of the Brazilian Constitution requires the state to create mechanisms to deter violence in the family, there is no specific national legislation on domestic violence. The issue is treated under other criminal laws relating to areas such as causing bodily harm to someone's physical integrity or health, aggravated battery, and murder. The report does, however, refer to several legislative initiatives that are intended to address domestic violence as a separate category of crime.

The report includes commentary on the "honour defence" and notes that, in 1991, the Supreme Court stated clearly that honour is not an asset and physical force cannot be used to defend it. Nevertheless, all murder cases in Brazil require a jury trial, and many commentators suggest that, despite the law, juries often acquit men who commit murder on the grounds of the wife's adultery. The "honour defence" is most widely used in rural areas in the interior of the country. The report cites information provided by women's groups that sentences of men who commit wife murder are frequently reduced by pleading "violent emotion", "temporary insanity" and "unjust provocation" under article 28 of the Brazilian Penal Code, which results in what is termed "privileged homicide". Under the Brazilian Penal Code, "privileged homicide" carries a sentence of only 1 to 6 years' imprisonment, while homicide per se imposes 12 to 30 years' imprisonment. "Privileged homicide" is used as a defence even in cases where there has been substantial premeditation. The same attenuating circumstances are, however, not accepted when wives murder their husbands. The sentencing practices among the judiciary indicate unequal treatment of women and men in connection with the murder of spouses. Thus, women's groups conclude that more narrowly defined judicial standards are required so that the discretion of judges will be more limited and instructions to the jury more directive.

The recommendations and conclusions in the report are addressed to the international, regional, national and local levels and include that:

- ▶ a clearing house be established, perhaps within UNIFEM (UN Development Fund for Women) or the Division for the Advancement of Women, to ensure that information on innovations and ways and means of combatting domestic violence at the national level is shared and accessible to all countries;
- ▶ an attempt be made to disseminate information on the Inter-American Convention on violence against women so that similar initiatives may be undertaken by other regional organizations such as the Organization of African Unity and the Council of Europe;
- ▶ the government of Brazil devise an integrated strategy to allow for implementation of programmes such as women's police stations in all parts of the country;
- ▶ regional disparities and differences in race and income should not affect the planning of programmes to combat violence against women throughout the country;
- ▶ special domestic violence legislation should include directions and guidelines for police and also, possibly, judicial authorities on measures necessary for prosecution and punishment;
- ▶ special domestic legislation provide for civil remedies, such as protection orders, so that women can seek relief without necessarily beginning criminal proceedings against perpetrators;
- ▶ a legislative process be initiated to lead to more narrowly defined judicial standards with instructions to the jury so that the "defence of honour" is more frequently disallowed and aggressors are sentenced as criminals;
- ▶ women's police stations be strengthened or established in all parts of the country, not just urban areas; the competence of these stations be expanded to enable them to investigate serious crimes such as murder and suicide; a programme to ensure that the social composition of women police officers reflect the diversity of the local population; adequate resources to ensure that the stations operate 24 hours per day; police stations provide a measure of privacy for women victims to make their complaints; medical services be incorporated into the stations, including access to, and close cooperation with, psychologists, social workers and lawyers; special measures such as training and career incentives be implemented for those who choose to work at women's police stations; there be a sufficient allocation of human and financial resources, including vehicles, equipment and administrative personnel, so that stations may fulfil their mandate effectively; there is close cooperation with NGOs and women's groups active in the field of violence against women so as to ensure more effective support to women victims of violence; and, programmes are put into place to sensitize regular police stations to problems associated with violence against women;
- ▶ instruction in the handling of domestic violence complaints, as a comprehensive course, be made an integrated aspect of basic police training;
- ▶ the issue of violence against women be incorporated into the national health policy and include training of medical personnel that addresses different criminal acts which may be perpetrated against their patients;
- ▶ steps be taken to establish shelters for women as a matter of priority;
- ▶ rehabilitation programmes for aggressors be established with a view to reducing the rate of recidivism among batterers;
- ▶ training and seminars be established to sensitize the judiciary to the problem of violence against women and specialized domestic violence courts be established;
- ▶ all Brazilian state governments initiate campaigns to eliminate violence against women in all regions of the country;
- ▶ activities by non-governmental organizations be extended to all parts of the country; and
- ▶ community-level infrastructures be developed to ensure the delivery of social services, such as shelters, to abused women.