

**Global Feminisms
Comparative Case Studies of
Women's Activism and Scholarship**

BRAZIL

Maria da Penha

Interviewer: Sueann Caulfield

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Maria da Penha, born in 1945 in Fortaleza, Ceará, is a leader in the struggle against domestic violence in Brazil. Victimized by her husband in 1983, who twice tried to murder her and left her a paraplegic, she was the first to successfully bring a case of domestic violence to the Inter-American Commission on Human Rights. It took years to bring the case to public attention. In 2001, the case resulted in the international condemnation of Brazil for neglect and for the systematic delays in the Brazilian justice system in cases of violence against women. Brazil was obliged to comply with certain recommendations, including a change to Brazilian law that would ensure the prevention and protection of women in situations of domestic violence and the punishment of the offender. The federal government, under President Lula da Silva, and in partnership with five NGOs and a number of important jurists, proposed a bill that was unanimously passed by both the House and the Senate. In 2006, Federal Law 11340 was ratified, known as the “Maria da Penha Law on Domestic and Family Violence.”

Maria da Penha’s contribution to this important achievement for Brazilian women led her to receive significant honors, including “The Woman of Courage Award” from the United States in 2010.¹ She also received the Cross of the Order of Isabella the Catholic from the Spanish Embassy, and in 2013, the Human Rights Award, which is considered the highest award of the Brazilian Government in the field of human rights. Da Penha has spoken throughout Brazil and abroad in lectures and seminars, and has appeared in interviews on radio and television, as well as in newspapers and magazines. She works to build awareness among legal professionals and in society in general on the importance of proper applicability of the Maria da Penha Law, and also on the question of accessibility for people with disabilities.

Maria da Penha is founder of the “Maria da Penha Institute – IMP,”² an NGO that aims to educate and build awareness among women about their rights and to support the goals of the Maria da Penha Law.

Sueann Caulfield is Associate Professor of History at the University of Michigan, where she was the former director of the Center for Latin American and Caribbean Studies and currently heads the Brazil Initiative Social Sciences Cluster. She specializes in the history of modern Brazil, with emphasis on gender and sexuality. She has won awards and fellowships from the Fulbright Commission, National Endowment for the Humanities, and American Council of Learned Societies. Her publications include *In Defense of Honor: Morality, Modernity, And Nation In Early Twentieth-Century Brazil*, the co-edited volume *Honor, Status, and Law in Modern Latin American History*, and various articles on gender and historiography, family law, race, and sexuality in Brazil. Her current research focuses on family history with a focus on paternity and legitimacy in twentieth-century Brazil. She is particularly interested in questions of human rights in Latin America, and has

¹ <http://brazil.usembassy.gov/events/u.s.-ambassador-honors-maria-da-penha-with-the-2010-woman-of-courage-award-in-brazil> (accessed 1/11/16).

² <http://www.mariadapenha.org.br/> (accessed 1/11/16).

participated in a number of workshops, cross-country teaching projects, and exchanges around topics of social justice and social action.

The Global Feminisms Project is a collaborative international oral history project that examines feminist activism, women's movements, and academic women's studies in sites around the world. Housed at the University of Michigan, the project was started in 2002 with a grant from the Rackham Graduate School. The virtual archive includes interviews from women activists and scholars from Brazil, China, India, Nicaragua, Poland, and the United States.

Our collaborators in Brazil are at the Laboratório de História Oral e Imagem - UFF (the Laboratory of Oral History and Images at the Federal Fluminense University in Rio de Janeiro, [LABHOI](#)) and Núcleo de História, Memória e Documento (the Center for History, Memory, and Documentation at the Federal State University in Rio de Janeiro, [NUMEM](#)). The Brazil interviews were conducted with support from the Third Century Learning Initiative and the Brazil Initiative (Center for Latin American and Caribbean Studies), both at the University of Michigan, FAPERJ (The Research Support Fund in Rio de Janeiro), and CNPq (The National Council for Scientific and Technological Development in Brazil).

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Sueann Caulfield: We are talking with Maria da Penha, the most well-known leader in the movement against domestic violence in Brazil and also in the world. As an important acknowledgement, a law was passed and named after her, Law 11.340 of 2006³. Maria da Penha is responsible for a significant change in the political and juridical consciousness, not only in Brazil but in all countries. She was the author of a petition against Brazil, made at the Inter-American Commission for Human Rights,⁴ of the OAS.⁵ This was the first time that the Commission addressed the subject of domestic violence, and the accomplishment of Maria da Penha in this forum resulted in the creation of fundamental laws in national rights, and also international. So I would like to start the conversation talking a bit about your personal life. What was your childhood like here in Fortaleza⁶, as a girl, as a teenager, as a young professional? And specifically, how did the relations or the ideology of gender affect you, growing up here in Fortaleza, how was it here for you in Fortaleza?

Maria da Penha: Well, I was raised, I was born in a time... 70 years ago, right, since I was born. Exactly, because I just turned 70 last Sunday.

SC: Oh, happy birthday!

MP: Oh, thank you. At that time, the issue of gender was very rigid. The women, my mother, by choice, stopped working to take care of the kids. We are five sisters. And I was already raised with the idea of having a profession, a profession, and I was trained in pharmacology and biochemistry.

SC: All five?

MP: All five of us finished college. My second sister is a doctor. The third is an architect. The fourth and fifth are dentists. My dad was a dentist.

SC: Was that common at the time?

³ Maria da Penha is a Brazilian woman who is known for her partnership with the Court of Human Rights to tackle Brazil's lax anti domestic violence laws. In 1983, she was shot by her husband, which left her dependent on a wheelchair for the rest of her life. He then tried to electrocute her. He was not prosecuted. Da Penha sought help from the Court of Human Rights who successfully brought attention to Brazil's lack of effectiveness in prosecuting aggressors and protecting survivors. The Brazilian government passed the "Maria da Penha Law on Domestic and Family Violence" in 2006. For more information, see <http://www.unwomen.org/en/news/stories/2011/8/maria-da-penha-law-a-name-that-changed-society> (accessed 12/11/15).

⁴ The Inter-American Commission for Human Rights is "a principal and autonomous organ of the Organization of American States ("OAS") whose mission is to promote and protect human rights in the American hemisphere" (<http://www.oas.org/en/iachr/mandate/what.asp>).

⁵ Organization of American States. <http://www.oas.org/en/default.asp> (accessed 12/11/15).

⁶ Fortaleza is the capital of the Brazilian state of Ceará, located in Northeastern.

MP: Yes, for our generation yes. My colleagues, I had many classmates, the majority were women, from college.

SC: From your pharmacology studies?

MP: Yes, from pharmacology. And we still get together once a year. So, in my class, all the women in my class worked, graduated, and created a professional life for themselves. The same with me. So when I went to São Paulo to take a graduate course at the Faculty of Pharmacology, Parasitology, and Clinical Analysis, that's where I met my aggressor,⁷ who was a Columbian student, who had a fellowship at the University of São Paulo in Economics. I met him through common friends, we became friends, he was a person who was very well-liked by the group, a very helpful person. And then we started to go out. We got married, our first daughter was born in São Paulo. This was at the time when I finished my masters. I came to Fortaleza to go back to my job, working in the State Social Security Institute in Ceará.⁸ And at the moment that he received his citizenship as a Brazilian, then he showed his true colors. Then I didn't recognize him because he became an extremely violent person, uncompromising, even with his own daughters who were children. So at this time, from the 70's to the '80s, the women's movement in Brazil started to raise awareness about cases of murder of women. When the women wanted to separate, didn't want to continue with the relationship, they were murdered. And this was the time when I was almost murdered. I was asleep when I heard a loud noise in my room. I tried to move and I couldn't and I thought, so, Marco has killed me. At that point the neighbors, who saw that I was severely injured, began to take care of me. And he told a story that a burglar had come into our house, and the neighbors found me seated on the floor with ripped pajamas and a rope around my neck. So he used the pretense of an attack, saying that he had confronted four burglars. Because of this, I spent four months in the hospital and when I came home, it was like I was in a private prison. Up until this point, the story that prevailed was that there was a robbery, and I thought... I was even surprised to see his lack of sensitivity to my situation. He was the just the same as before. So he continued with his nastiness, with the kids, and in this short period of time, more or less fifteen days. Then I suffered a second attempt of murder in an electric shower⁹ that he purposely damaged. So in fifteen days I managed to get a document for a legal separation that allowed me to leave home without losing custody of my daughters.

SC: When was that?

MP: In 1983.

SC: Going back to two subjects you mentioned – the first one is, when you married him, you already had a daughter, and the other was born in Fortaleza?

⁷ Da Penha is referring to the man who could become her husband, and then her aggressor, i.e. the person who tried to kill her.

⁸ Ceará is a state in the Northeast region of Brazil.

⁹ In an electric shower, or "chuveiro elétrico," the water is supplied by an electric water heater right near the shower, which is common in many parts of Latin America. Contact with it while it is running can cause electrocution.

MP: No, I... all three of the girls are his daughters. One was born when I arrived in Fortaleza. The youngest was born in Fortaleza.

SC: So the first two were born in São Paulo?

MP: No, the second one, I had just arrived here, and she was born here. This was right when I came, I was already pregnant. So two were born here, but with the third, I got pregnant here in Fortaleza.

SC: So would you say that the family structure, the division of labor, was very traditional, or was it already better divided, more egalitarian? How was the everyday life of cooking, taking care of kids, etc.?

MP: No, no, with regards to this it was, the responsibility was completely mine. When we lived in São Paulo before they were born, we divided the tasks, because, really, there weren't any tasks. Because when it's just a couple, the tasks are minimal, right? But after the birth, yes, everything was on me, I was responsible for everything. Even many times he refused to listen to me, as happened for example when one of my daughters spent the night with breathing problems, in a crisis, very hoarse, and all that. And I was asking him to take me to the hospital. And he simply didn't take us. We had to wait for morning to come, and then I managed to take her to the doctor.

SC: And at this time you considered the division, all of the work of raising your daughters, and caring for them, as your responsibility, even while you were also working as a professional, that seemed normal at the time? Was everyone dividing in this way, or it was already...

MP: No, I took over, I anticipated it, because as he was a very violent person, it wasn't recommended that he take care of the kids. So I took that over, to protect them.

SC: And do you remember at this time, because you said that there were already occurrences, that it was coming out in the newspapers, about the murders of women. Do you remember if at the time you felt attracted to or got information about the feminist movement, in the '70s, right, the '60s or '70s?

MP: Well, the '70s to '80s more or less.

SC: When did you go to college?

MP: I finished in '66.

SC: So you got married in São Paulo in what year?

MP: '76 I guess.

SC: So then in the '70s in São Paulo, the beginning of the feminist movement. Were you interested in this movement? Were you aware of it?

MP: No, no. What called my attention... the movement per se didn't, but when the press started to cover these manifestations, you know?

SC: Against the dictatorship?¹⁰

MP: Exactly, so I found about this, and two facts stayed with me, they got my attention: the first was the Doca Street case,¹¹ which was in Angra dos Reis.¹² This was an upper class person who committed a murder, and he justified it with violence and emotion, right, because she didn't want to stay in the relationship. And the other one was Eliane de Grammont,¹³ this singer... her husband was Lindomar,¹⁴ the singer, right, who also didn't accept the separation. Starting with this moment –

SC: He got the custody of the kids, didn't he?

MP: I don't know.

SC: I think he did.

MP: So, from those examples that I saw, if I hadn't seen those examples maybe I would have been more daring. But during these events, I put myself in their shoes, and I thought, I don't have the resources to face a litigious separation. So I tried to have a conversation and talk to him: "Look, we don't live together well anymore, you don't like me anymore, because if you did, you wouldn't treat me this way. So why don't we separate?" And he always refused, right. He even, on the eve of attempting to kill me, asked me to take out a life insurance policy.¹⁵ Then I said, what's that for? "No, I'm thinking about our daughters. Get insurance because if anything happens to you, the girls will be alright, and if it happens to me, you will be....yes, comfortable." And I said no. But this sixth sense¹⁶ that we have, you know? Another time, very close to the [attack] date – I actually have this document – very

¹⁰ The dictatorship refers to the military dictatorship that ruled Brazil for 20 years, from 1964 to 1985. It began with a coup d'état led by the Armed Forces against President João Goulart of the National Labour Party. Especially in the context of the Cold War, conservatives viewed Goulart as too far to the left; the United States supported the coup against him.

¹¹ The Doca Street case of 1976 refers to the murder of Angela Diniz by her lover, Doca Street, who was a renowned play boy. He was acquitted at his first trial on the basis of male honor. After feminist organizing, he was sentenced to 15 years in prison at his second trial. See Daphne Patai, *Brazilian Women Speak: Contemporary Life Stories* (New Jersey: Rutgers, 1988).

¹² Angra dos Reis is a municipality on the Southern shore of Brazil.

¹³ Eliane de Grammont was shot by her husband Lindomar Castilho. His actions were originally accepted in court on the basis of "violent emotion," but feminist organizing led to a 12 year sentence in jail. See Jennifer Abbassi and Sheryl Lutjens, *Rereading Women in Latin America and the Caribbean: the Political Economy of Gender* (Lanham MD: Rowman & Littlefield Publishers, 2002).

¹⁴ Lindomar Castilho was a famous Brazilian singer.

¹⁵ Presumably her husband hoped to receive the insurance money when da Penha was dead.

¹⁶ The sixth sense is the idea that one can perceive matters that aren't accessible through the five senses.

close, he asked me to transfer my car to a colleague of his, and I signed a blank document for this transfer, because he said by signing that the car would be mine, he would take it to the person to get the name and the right information. And when he left home, I found the document in his drawer in his office. It was another way to steal some material thing that was mine. So I left home with a judicial order as soon as he was gone on a business trip – he was spending a week away. He had even hired an armed guard to be at the house, explaining that it was for my security and for the kids because since the burglars had entered the house and he was traveling, that could happen again. But the guard was only there at night – he slept there one night, and the next day, I had the documents in hand. So I left home and I went to my parents' house.

SC: With the girls?

MP: Yes, with the girls. And then when he found out, I called his boss, "his boss," and I said that the house key was with me, that I was going to ask someone to leave it at his house. Then the boss came to my house, I told him what had happened. And then I called him [her husband] and said I had talked with his boss and that I didn't have the keys anymore. Then, starting at that point, he made many attempts to try to go back to the relationship. He asked forgiveness, said that he was being very aggressive, an absurdity, just saying things, just talking, commenting about the last days, and the ways he treated me, right? Because there was nothing proving it was him, and I couldn't even think about that because the story was already told, he gave a testimony to the police, everyone knew about the story. But when the case was reopened, because I hadn't given my testimony yet, and the chief of police went to my home to continue the investigation, then it was discovered that it was him, he set it up to look like a burglary....

SC: And until that moment, you didn't know, you suspected, or you knew?

MP: I didn't know. I started to suspect when I arrived in this private prison, and I learned the opinions of my neighborhood, and of the girls who worked in my house, right? There were rumors that there was no burglary, and that he could have been the one who did it. Everyone on the street started to doubt what he said about a burglary, there were people out on the sidewalk who hadn't seen anything, so everyone started to analyze his testimony and found flaws, you see? And when I arrived from Brasilia,¹⁷ because I was being treated in a hospital in Brasilia, I heard things from the girls who worked for me, and we started to put the puzzle pieces together. And the pieces had to be put together so then the Chief of Police came to take my testimony, and then took the girls', and in those testimonies we said things three or four times, so they checked if it was true or not.

SC: Testimony from the girls?

MP: The girls who worked here.¹⁸

¹⁷ Brasilia is the federal capital of Brazil.

¹⁸ Da Penha is referring to domestic workers in the house at the time.

SC: Not your kids.

MP: No, not the children. They were between 7 and 2, not even. My oldest was 6 years and the little one was 8 months, I think. So... I said, we're going to work on this investigation. So the Chief of Police, they called him [her husband, the accused], and he didn't know what he was being called for, but they called him in, saying that the investigation would be closed, and when he got there, and he was interrogated, he couldn't remember what he had said the first time. Already six months had passed, you see? So that is how he was caught. He was caught in a total contradiction of the story he had told [the first time] and the story he was being asked about and that he was responding to. So he was accused of attempted homicide against me.

SC: So if I remember, if I remember the details correctly, he was found guilty, and he was sentenced, but he left quickly because he appealed, and he was out for a long time, they released him. Is that right?

MP: Right, right. Yes, exactly. The first trial took eight years – and I was pushing, searching, many friends helped me to try to resolve it. And he was found guilty, but he left the courtroom free because of the appeal. And at this moment I felt, despite... yes, then the women's movement had been created in my town.

SC: What was the name of the organization then?

MP: It was the Ceará Council of Women's Rights.¹⁹

SC: Were there national networks, or was it local?

MP: No, it was local, but there were national links because this was when it started to have some visibility. So the Council was created. The first Women's Police Station²⁰ was created in 1986, and my case, it was in '83. I mean –

SC: But [the women's police station] opened in São Paulo, right? Or was it already there?

MP: In São Paulo it was in '85.

SC: In '86, there was already one here?

MP: No, '86 was ours in Fortaleza, right? So...

¹⁹ The Conselho Cearense de Direitos da Mulher (CCDM),

²⁰ She is referring to special police units which are meant to respond specifically to issues of rape or violence against women. Officers, who are often women, are trained to respond to these particular types of crisis. A number of countries have these specialized police stations, and in Brazil this was started in 1985. See <http://www.endvawnow.org/en/articles/1093-womens-police-stations-units.html> (access 1/11/16).

SC: Sorry. So you went to that [women's] police station, to talk about your trial, or not?

MP: No, no, because it was already in the courts, right?

SC: The first time... right?

MP: Yes. That's right. Then, for the judgment that happened eight years after the fact, that was in '91, the judgment, the first judgment. By that time, I had the women's movement organizing demonstrations in front of the courthouse, making the case to the press. They were giving it visibility, then he was found guilty, but he left the courthouse free because of the appeal.... Can I drink?

SC: Of course!

MP: Would you like some?

SC: Yes, thank you. The second theme that I wanted to... sorry, go ahead.

MP: When he left the courtroom free, I fell into a sort of depression. I was very shocked. Then I wrote the book, *I Survived... Now I Can Tell* [*Sobrevivi... Posso Contar*],²¹ on a hunch, and the day the book came out, I said that this book was about my aggressor who had left the courtroom free, but whoever reads the book would clearly find him guilty and he would be imprisoned by society. So I would have him imprisoned by society, no? By society, he would be caught by society, by whoever would read the book. This happened, and the book reached the hands of CEJIL [the Center for Justice and International Law]²² in Rio de Janeiro, and they called me asking if I wanted to denounce Brazil in the OAS [Organization of American States].²³ At the OAS, not the UN,²⁴ and then I said yes, because you...

SC: So they contacted you?

MP: Yes.

SC: They had read the book?

²¹ Published in 1994, "I Survived... Now I Can Tell" is Maria da Penha's autobiography.

²² The Center for Justice and International Law is an institution that aims to "contribute to the full enjoyment of human rights in the Americas through the effective use of the tools of the Inter-American System and international human rights law" (<https://cejil.org/en/cejil/about-cejil>).

²³ The Organization of American States (OAS) joins member states that are countries in the Americas to create a forum for social and economic development through cooperation (http://www.oas.org/en/about/who_we_are.asp).

²⁴ The UN is the United Nations.

MP: That's right, because I wasn't familiar with CEJIL. So CEJIL together with CLADEM²⁵ made the petition, and we signed, CEJIL, CLADEM, and me – this petition to the OAS. We sent the book and a copy of the lawsuit. The lawsuit was three volumes, or two, it was enormous, but we sent it. And then I was calm, because I knew something... I was certain that something positive would happen. And then there was a second judgment and he was–

SC: The appeal?

MP: He was tried again, again found guilty, but he left again in freedom because of an appeal. During this time I wrote articles.

SC: How much time had passed? Ten years or so? Eight for the first judgment.

MP: The first judgment was in '91, the second in '96.

SC: And he was free the whole time?

MP: The whole time, yes.

SC: And you weren't afraid for your life?

MP: No, I was very careful, I didn't expose myself. I spent a lot of time at home.

SC: And the girls, he never threatened the girls?

MP: The girls, too. No, no, there was a time when he tried many times to, how do you say, take them for an outing, but after he ...

SC: He had the right to see them?

MP: So you see, he had the right every fortnight because this negotiation is very technical.

SC: Yes.

MP: Very technical.

SC: The separation left them in your custody?

MP: Yes....

SC: But he had to see them every-

²⁵ CLADEM is a regional organization in Latin America and the Caribbean that aims to enforce women's rights using law as a tool of social change. They have advised for the United Nations and participate in OAS activities (<http://www.cladem.org/en/about-cladem>).

MP: But as they were very afraid of him... and they were, because they had suffered a lot with him as well, right?

SC: Of course.

MP: They were scared. And I always said to them, if you don't want to go out with your father, I am the one in charge of you now, and you don't need to go. And whenever they agreed, I played a game, I said, if you want to go out with him, go. But now auntie is going to take you out, for a birthday. So we always had an alternative that gave them the security to say they wanted to go to the birthday with mom, you know? I always played this game, to avoid him being with them when I didn't know. They feared him, they were afraid. All he had to do was look at them, you know? Then, when the second... Yes, during this period, I wrote an article every May 8th. Recalling the episode. And when the second trial happened and he left free, CEJIL already had all of my reports that I had sent when this was happening, this was the time when...during, it was in '97 that the case got to OAS. For four years, OAS sent letters to Brazil, taking a position on the case, and Brazil never responded. In part, this helped because the bureaucracy had ceased to exist, this was positive, in spite of being a negative case...

SC: In what year was it, was it in '97 that it got through?

MP: Right.

SC: It was in '97. So who was president then, was it...

MP: It was Fernando Henrique.²⁶ Fernando Henrique. It was 2002 when Lula²⁷ took office.... right?

SC: 2002. So, it was Fernando Henrique then.

MP: Yes.

SC: Was the Public Ministry involved?

MP: Yes, but there wasn't... It was Itamarati [Ministry of Foreign Relations], right, that handles international issues? But there was no response from the Brazilian government.

SC: There was also Dona Ruth²⁸ at that time, also a big feminist.

²⁶ Fernando Henrique Cardoso, President of Brazil from 1995 to 2003, was the first Brazilian president to be reelected for a second term. He is known as an accomplished scholar in Sociology.

²⁷ Luiz Inácio Lula da Silva, President of Brazil from 2002 to 2011, is member of the left-wing Worker's Party. He made his way to power from poverty, becoming involved in unions that under his leadership became strong independent movements. His presidency advocated social democratic reforms and social programs that left him with the highest approval ratings in Brazilian history. It is common throughout Brazil to refer to leaders with their first names.

MP: There was, yes.

SC: And she was connected to the government?

MP: She was.

SC: But even so, there was no official response from the state?

MP: It didn't happen, for sure. But then Brazil was condemned, it was sentenced internationally to change the country's laws so that cases of impunity²⁹ ceased to exist, because there was a lot of impunity for attackers. I think it was difficult for people to learn that a guy had been arrested, he could even be arrested, but that he then got off free, you no?

SC: Right.

MP: So then there was a silence about this, and the case was reaching the statute of limitations,³⁰ because after twenty years the case would be past the period of prescription.³¹ And with Lula already in power, there was pressure for him [the aggressor] to be sent to prison. So there were just six months left for the crime to be tried and he was sent to jail. Because of the international pressure, he was sent to jail, the international pressure and the national, because there was national pressure too... so then he was imprisoned. He spent two years in a security prison here in Ceará, the place of the crime, but then he was put in semi-open³² where he lives now, which is in Rio Grande do Norte, in

²⁸ Ruth Vilaça Corrêa Leite Cardoso, commonly known as Dona Ruth, was a well-known Brazilian anthropologist and feminist who became first lady from 1995 to 2003 as the wife of Fernando Henrique Cardoso. She passed away in 2008.

(http://www.nytimes.com/2008/07/02/world/americas/02cardoso.html?_r=0)

²⁹ "Impunity means "exemption from punishment or loss or escape from fines." In the international law of human rights, it refers to the failure to bring perpetrators of human rights violations to justice and, as such, itself constitutes a denial of the victims' right to justice and redress."

(<https://en.wikipedia.org/wiki/Impunity>)

³⁰ "A statute of limitation is a law which forbids prosecutors from charging someone with a crime that was committed more than a specified number of years ago. The general purpose of statutes of limitation is to make sure convictions occur only upon evidence (physical or eyewitness) that has not deteriorated with time." (<http://criminal.findlaw.com/criminal-law-basics/time-limits-for-charges-state-criminal-statutes-of-limitations.html>)

³¹ "Periods of prescription are time limits that set forth the maximum period of time after an event that legal proceedings based on that event may be initiated. In civil law systems, periods of prescription, also known as prescriptive periods, are set by the civil or criminal code."

(defensewiki.ibj.org/index.php/Periods_of_prescription)

³² "Semi-open" refers to the Brazilian prison system. Brazil has one of the largest prison populations in the world, and thus categorizes its prisons as "closed" where the inmate is constantly in a cell, "semi-open" where the inmate may have temporary leave and more freedom inside the facility, and "open" where inmates are only held at nights or on weekends. (<http://thebrazilbusiness.com/article/prison-system-in-brazil>).

Natal.³³ And was in 2006, when President Lula was still in his first mandate, which is four years.

SC: Yes.

MP: He came into office in 2002, and in 2006 they passed the Maria da Penha law 11.340.³⁴ This bill was worked on by a consortium of NGOs, with the Secretariat of Policies for Women, there was a consortium of NGOs that was already working on this question of violence....

SC: Do you remember who the minister was?

MP: It was Dr. Nilcéa Freire,³⁵ very active, very active.

SC: Did you get to know her well during this whole process?

MP: I did.

SC: She came here, or did you travel to Brasilia?

MP: No, I started to talk with Minister Nilcéa when the law was launched, with the enactment of the law. Before that, with the bill, the rapporteur was Congresswoman Jandira Feghali.³⁶ She went with the bill to various state legislatures to find out if the bill needed changes or anything. There was one change that she said was very important – it was to increase the sentence of the perpetrator when the victim was a woman who was already disabled. So the punishment for the offender would be increased, you see? It was in one of those hearings that someone said that, and it was very interesting because a woman is even more vulnerable when she has a disability, right?

SC: Yes, the vulnerability.

MP: It's higher.

SC: Well, there are so many things that I wanted to –

³³ Natal is the capital of Rio Grande de Norte, a municipality in the Northeast of Brazil.

³⁴The Maria da Penha law was signed in 2006 and aims to reduce domestic violence in Brazil. It increases the maximum sentence for offenders, removes legal justifications for abuse, and offers systems for protecting survivors such as removing the abuser from the home. It is the first law in Brazil that mentions “sexual orientation,” as it also protects survivors of same-sex domestic violence.

³⁵ Nilcéa Freire was Minister of the Secretariat of Policies for Women in Brazil from 2004 to 2010 under Lula da Silva. She was the Brazilian delegate to the Latin American and Caribbean Regional Conference of the United Nations and the Inter-american Commission of Women of the Organization of American States (<http://www.fordfoundation.org/issues/educational-opportunity-and-scholarship/higher-education-for-social-justice/team/nilcea-freire>).

³⁶ Jandira Feghali, a doctor in Rio de Janeiro, became active in politics in the early 1980s as a member of the Communist Party of Brasil (PCdoB). She played an active role in getting the Maria da Penha law passed.

MP: Put together, right?

SC: Going in order. First, I am very interested in the lawsuit, thinking about the first time someone called you from CEJIL, how did that go? CEJIL knew about the lawsuit because of your book?

MP: Yes.

SC: So then I imagine there were people wanting to address this issue, there were already feminist movements starting to focus on violence against women, they had already pressured for the creation of women's police stations. So this was happening in parallel to your personal lawsuit. So when these two things came together, the national feminist movement already beginning to focus in a very consistent way on the problem of domestic violence, and your individual lawsuit, the intersection of these two things, the personal with the political, so that is when the call came from CEJIL, right?

MP: Yes, right.

SC: So tell me a little about what this phone call was like. Who called? Were you at home? Were you surprised? You were home eating lunch and then the call came - like I called you, and you were there.

MP: No, there were dots that were being connected, right? When I was launching my book, I had the support of the Ceará Council of Women's Rights, and Fátima Dourado was the president, so...

SC: Oh, the one you mentioned, who had already created -

MP: Huh?

SC: Here in Fortaleza?

MP: Yes. Fátima Dourado was a friend of Representative Mário Mamede, State Representative, and the State Representative created the Human Rights Commission of the House.

SC: Of Ceará?

MP: Yes, of Ceará. He was the president of this commission, he created it. And cases of violations of human rights would reach him through this commission. And then what happened -

SC: In '90 something?

MP: No, not '90, it was... Exactly, it was '91, after the judgment, the trial was in '91, right? There was already the women's council. When I had the idea to write the book, I talked with Fátima, I called her – Fátima, I am writing a book, and I want you to read it, okay? Because I want to record what happened to me. So then the book was worked on, a friend of mine helped me to write the book, because he was a writer, so he helped me. And Mário Mamede³⁷ participated in the release of the book, right? He took part in that.

SC: So what press was that?

MP: It was a local press, I mean no real press. I don't even know if it still exists. It was this friend of mine, who is a writer, who said let's have it done in this print shop. And then we did it. And then soon after that CEJIL contacted the Legislative Assembly to introduce itself, I think this was when CEJIL was first created, to show that CEJIL existed, you see? Then they came here, to Fortaleza, and they offered a course, a training about what CEJIL was, what were the causes that CEJIL would take to the international sphere. So the secretary of Mário Mamede, representing Mário Mamede, said to him, "Mário, the Penha case fits well with CEJIL because all of the domestic routes have been exhausted and I think you should talk with CEJIL about that." So then Mário called CEJIL, or maybe they were still here. I know that Mário gave the book to CEJIL and said that the judicial power in Ceará is the most corrupt in Brazil, in every way. And it is, you see? And since CEJIL addresses cases when justice is ineffective, it was with CEJIL, so then right away they loved CEJIL, and within a week I got a call, but I knew that the book had already been given to them. Mário had asked me, "Oh Pena, this is going on, can I give them your book?" You can. You have to.

SC: Yes.

MP: You have to.

SC: So it was perfect for CEJIL. Do you know what CEJIL's interests were – was it the corruption of the justice system in Ceará or was it the issue of domestic violence.

MP: No, I think it was the question of impunity itself....

SC: No matter what it was for?

MP: In this case, it was characterized as impunity against women, right?

SC: Yes.

MP: Violence against women.

SC: Do you remember who called you?

³⁷ Mário Mamede, a politician from Fortaleza, was in the Worker's Party, and in 2005 he was deputy minister of human rights.

MP: Well, first there was Beatriz Gallo, and I think she kicked the ball off. She was the one who got the book because she was the representative of CEJIL at the time, right? And then it was Liliana Tojo³⁸... After a while Liliana took the position in Washington, I think it was already then. Because first I think they sent, no, I don't know exactly how it worked. Then Liliane Tojo –

SC: There was a petition to see if it would be accepted for –

MP: That's right. Then with Liliana, even Mário the other day reminded me when we were chatting....

SC: Is he your friend?

MP: No, we don't have much of a friendship, but that's because the Institute is producing...

SC: Your Institute, the Women's Institute?³⁹

MP: Yes, exactly. We are producing materials, and we are recording Mário's interview as well as Fátima Dourado's. He's talking about how he met me and the troubles he had with my case, you see?

SC: Oh yes. Is this on the website?

MP: No, no. We're in the process of recording it.

SC: Are you making this right now?

MP: Yes. It was done at the end of last year. Mário is being recorded, he was telling the story, and I was there, and then he said that... oh, I forget. I forget. But I will remember, an interesting thing I wanted to tell you.... Yeah, and then he said, "I want to tell you, Penha, I don't know if you'll remember, but this day I'll never forget. Liliana Tojo was coming from the US..."

SC: Who is Liliana. I forgot.

MP: Liliana from CEJIL.

SC: Oh, from CEJIL.

MP: So at that time, she got this position. And she was coming from the U.S. No, it was either the U.S. or from Pará,⁴⁰ I think she was coming from Belém in Pará. She stopped in

³⁸ Liliana Tojo is still at CEJIL, and is currently the Director of the Program for Bolivia and the Southern Cone.

³⁹ The "women's institute" refers to IMP, the "Instituto Maria da Penha," which addresses issues of violence against women. For more information in Portuguese, see <http://www.mariadapenha.org.br/>

⁴⁰ Pará is a northern Brazilian state, in the Amazon National Park. The state capital is Belém.

Argentina, then São Paulo. She is Argentine, but she lives in São Paulo. I remember that. The convention, what was the year of the convention?

SC: The convention was '94, if I'm not mistaken, now I have to think about it.

MP: I don't know, because ...

SC: The Convention of Belém de Pará,⁴¹ the Convention –

MP: Right, I don't know.

SC: It was a convention against all kinds of discrimination.

MP: Right. Maybe she was coming from there. I know she was going to São Paulo, and she stopped here. Even though it was Christmas Eve, the 24th, then Mário said, "Penha, you don't remember that it was on Christmas?" And this thing that Mário said when we were recording, that we met at the hotel on Christmas day, the 25th, yes. That's right.

SC: So she was coming from the U.S.?

MP: Well, I don't know if she was coming from Belém or the U.S. I know she was going to São Paulo.

SC: Conceição,⁴² do you remember the Belém Convention. Do you remember the convention about violence against women. Can you look it up?

MP: That's right, and then he said –

SC: So she was at the convention?

MP: I don't know, I don't remember anymore.

Conceição: I think it was in '94.

SC: '94, right? Look at the phone, the date of the convention. I mean, it's not going to help, because the date that the convention was accepted was not the date that the people gathered.

MP: Exactly, because when she came she had news.

SC: About that?

⁴¹ This was an Inter-American Convention passed in 1994 to "prevent, punish, and eradicate violence against women."

⁴² Conceição de Maria is an assistant at the Institute Maria da Penha and was present for the interview.

MP: About that, right. So we went to the hotel where she was, Mário and I and we talked with her and everything. But this wasn't what I was going to say. What were you asking again?

SC: I was asking about this process, about how, who from inside the CEJIL, if it was a general interest or if it was specifically the subject of domestic violence.

MP: Yes, I have the impression that the subject was the violation of human rights with a focus on women, that my case reflected that.

SC: Yes, exactly, because it happened right around the same time – no matter what the exact date – that the convention was happening, it happened during the conversations about that convention.

MP: Well, maybe that general time frame –

SC: So, she was involved, if you remember. She was involved in this conversation about the convention?

MP: I have the impression that she was. So she came, since she was coming this way, she contacted me and then I talked to Mário and we went to the hotel and she was telling me that everything was going the way it should. Yes, yes. So you see, when Liliana called me in 2001 to say, "Penha, CEJIL recognizes that Brazil needs to change many things, and you are going to get some press in São Paulo, we are sending it there, to São Paulo, the press release of the case, they are going to come to you, *Estadão*⁴³ is going to do an interview with you, all right?" Ave Maria, didn't I say that something would happen? I was very happy and I called Mário. Mário was the Minister of Health for a municipality nearby, so I called over there and asked for Mário. When I called him, he said, "Penha I have goose bumps." And I said, "Imagine me!" So that was it, that was it, that's how it started. I don't think anyone believed that the newspaper would do anything, but I said, now things are going to happen. And that's what happened, you see.

SC: And how was the case, did you have to go to Washington?

MP: No, no. Everything was in writing, in documents. Three years ago now I went to Washington – the women from CEJIL brought me there. It was difficult to implement the law, you know?

SC: Ah, yes.

MP: It is difficult for people to understand that the woman must be protected. So we encountered two very sad cases, there were others that we knew about, but these were famous, the case of the goalkeeper of the Flamengo⁴⁴ [soccer team]. His wife reported him,

⁴³ *O Estadão de São Paulo*, "The State of São Paulo", is a daily newspaper distributed nationally.

⁴⁴ Clube de Regatas do Flamengo is the most popular Brazilian soccer team.

she registered a complaint. And she was murdered because a male judge said that she didn't have a reliable narrative – where it happened, who saw it. What kind of judge is that? For the case of the goalkeeper, and also the case of a hairdresser who lived near her attacker, and she had already ... This was in Minas Gerais,⁴⁵ and she had already reported a number of times and the guy had not been arrested, so he went in and gave it to her, killed her right during the work time. I mean, how can you expect other women to be encouraged to file reports when these two cases show such total disregard?

SC: So, the next topic that I wanted to discuss, the second one, has come up. That is what came after this judgment in the committee. There was the response from Brazil, Brazil took its time. This is something I don't understand, because I read that case, I have read it many times, and also my students, I have asked them to do work on this. They will watch this video; they are very excited to see the interview.

MP: It's what?

Conceição: It's June of '94.

SC: '94. I was thinking that it was '94. So she was definitely coming from there.

MP: Yes, exactly.

SC: So from the ceremony.

MP: No, no, but... May of '94.

Conceição: I know it was in December.

MP: Is that right, Ceci? It wasn't after we got back in '97... she could have gone to Belém just to find out something about the convention, right, but it wasn't to tell...

SC: We can interview her later, and then we'll have the history from various perspectives. But I was saying, I read this case, which is on the website of the commission, you click, and there are all of the cases, so we use them. And I use this a lot in my classes, because they're in English, so the students read them, interpret them, analyze them. And I always ask myself two things. The first thing you've already answered. How the case got to that point. We already addressed this issue. The second is, as Brazil had a Secretariat for Women, had a Secretary of Defense of Human Rights, as Brazil agreed with the results of the process, why did it take so long for a response? You can see the case on the commission's site that CEJIL complains, complains, complains that Brazil is not taking the necessary steps to... This is before the law, before passing the law in 2006.

MP: Was there already a charge in this sense?

⁴⁵ Minas Gerais is the second most populous state in Brazil.

SC: Yes. In this document CEJIL, reports annually on what's going on with this process, with this case. They complained that Brazil was not taking the necessary measures. This is in 2003, 2004, 2005, and finally there is a law that is a major milestone. So what happened after the case, which led to the passing of the bill in 2006 as the Maria da Penha law, in this interval? How was the final passage of this law mobilized by feminist groups or by CEJIL?

MP: I believe, you know, there were organizations, NGOs, working on this issue and they were very active. They were surely present at the Convention of Belém do Pará, they must have been. And when there was the creation of the Secretariat and the appeal [to Brazil], and Brazil's obligation to change laws. Then Minister Nilcéa managed to organize these NGOs in a consortium, there was a consortium, and they analyzed everything in the project related to women, to issues of violence, you see? And all this was worked into a bill, and this bill was approved in the session of the legislative assemblies. A few things were changed as I told you, but in the end there was approval in the National Congress, in both the Senate and the Chamber of Deputies. The Senate passed the bill, and the Chamber as well.

SC: And the wording of the law, it was from this organization of NGOs?

MP: Yes.

SC: So there was the participation of civil society in the discussion of how this law should be worded?

MP: Yes, that's why, for example...

SC: Were there various congresses over the subject?

MP: I didn't follow it that closely, you know. Because from the moment that a group existed to work on this, it was no longer mine. This group is more than capable, and I already had my work, you see.

SC: Yes.

MP: I mean, I participated in the sessions that took place there and what I asked of the audience, what I said was, "Look, what I would like, what has to be stated, what has to be understood is that anyone should be able to report a woman who is a victim of domestic violence, not only the woman herself. And this also means that the person can remain anonymous." Many times, people don't want to get involved in a fight, they don't want to be involved in that, because they are also fearful of the aggressor, especially if it is a relative. So I presented this to the assembly that met here in Ceará. And so the court – there was something about this sentiment – the court, the Supreme Court confirmed that anyone can report a woman victim of domestic violence, so that she will be protected and her aggressor punished.

SC: There are some judges, since the law was passed, some judges disagree with the law, arguing that it's unconstitutional because it addresses only violence against women, when it should be about any domestic violence. What do you think about this? Could a man benefit from this law? In other words, could a man who was the victim of domestic violence process his attacker on the basis of this law?

MP: No, not based on this law. But he could denounce his aggressor, right. There are common procedures for this. I mean, the law is needed just when the woman is the victim. Why? Because this is the majority of cases and because historically the woman is the weaker one. It's important to understand this because in machismo⁴⁶ culture, man is not equal to woman, in our culture man is superior to woman and he can do whatever he wants. That's what it was like before the law, and women never received justice.

SC: Another landmark of this law is that it specified for the first time that it was independent from the sexual orientation of the person suffering the violence, or who was involved in the familial relations. For LGBT activists and jurists this was a big landmark. It was the first time that sexual orientation was recognized as a factor in domestic relationships in Brazil, and it was the first time that the family was defined in this way, that it could include people regardless of sexual orientation. Do you have an opinion about this, that indeed it should have been included or that it had some importance?

MP: I think it's important, because if not you would be excluding women who suffered violence. Just because she is a lesbian she is not under state jurisdiction? You deny her protection. If this is happening, people need to respect it, no?

SC: And changing the subject to after the passage of the law. You created the Maria da Penha Institute to continue to fight against domestic violence, not only at the local level, but at the national level as well. What do you think the impact of the law has been? How has it affected the prevalence of domestic violence? Has it improved the situation in some way, or are there still holes?

MP: Well, I'll tell you what I think is that the public administrators are mostly men...

SC: Still today?

MP: Still today, unfortunately most men are sexist, that's my interpretation...when I say this, when I say to you that he's sexist, I am reflecting research, right? Because the majority of our towns don't have any public policy to support the woman in the case of violence, because public administrators don't work this way. It took eight years for the capitals in Brazil to create the right structures to support the law because the administrators are

⁴⁶ Machismo culture is the Latin American concept of "male pride" which is strongly associated with family honor, sexual appetite and domination, heterosexuality, and strength which is oftentimes violent. (http://web.stanford.edu/group/womenscourage/Repro_Latin/ekobash_HIVmachismo_Latin.html)

sexist, they don't care about it. They don't think it's necessary. So it's very macho to interfere with the law, and we need to change this through education, you see? There is also one of the OAS recommendations that hasn't been implemented, recommendation number 4, which is to raise awareness of the issues in the schools, the issue of respect, respecting both genders, respecting that everyone has the same equal rights. We are physically different, but in rights we are all equal; we have different organic functions, but in rights we are just as capable as any man. And I tell this example in my lectures, that I've traveled many times with female pilots, airplane pilots, right.

SC: Yes, that's right.

MP: And in any profession, you see that the woman stands out even more than men, right?

SC: So then this law does make a difference. The fact that it's recognized by the law as a major offense and won't go to a lower court.

MP: I do believe that little by little, the involvement of society and the media, including the involvement of the press, is very important, because it will enhance women's quality of life in the sense that they will be encouraged to report. And also many men will rethink their conduct. For example, when the state knows how to play its role, violence decreases. When a local police officer arrives and arrests that man on the spot, all of the others rethink their behavior. And vice versa. When that doesn't happen, women, they stop believing in the power of the state and they don't report anymore, and men keep doing what they want to women.

SC: Is this happening in Brazil?

MP: It is, it is.

SC: Finally, for this part, can you tell us a little bit about the Institute, how and when, and why it was created. And how it works, what it has done so far, and what its goals are.

MP: Well, through the Institute we start to give more visibility –

SC: I'm sorry, what year was it created?

MP: In 2009. We want to give more visibility to violence against women and how to fight it, you see? So we have been showing through education and at the universities and all of the professions that we have a project, which is a course that is given in the universities. And any student can enroll for this course and have a year or even six months of orientation on how to recognize a woman who is a victim of domestic violence, how to apply the Maria da Penha Law. This is very easy to come by.

SC: It's for law students?

MP: Any student.

SC: From any field?

MP: From any field, because the doctor needs to know that, needs to make the mandatory report, and also the nurse, and the nurse technician, they need to identify that woman, who is there, embarrassed, because she was a victim of rape. They need to know how to identify her, how to talk to her, know how to encourage that woman, how to support that woman, and make the mandatory report, you see? So that's it. The Institute gets this information out through the university with a course structured like this, in schools, you see. For example, the importance to tell children that a brother can't hit his sister, that a father can't beat their mother. We take this information to the teachers, and ask why teachers send the little boys to the break and the girls have to stay to clean up the black board and get the classroom ready for the next class. For moms, it's why do you send your boy to play on the street and leave your girl at home to wash the dishes. So that's it. And whoever listens to this, they pass it on. So this is how it happens while the state doesn't meet its responsibilities.

SC: So civil society takes it on.

MP: Exactly.

SC: So how was the Institute funded? And how was it thought of? Did you come up with the idea by yourself, or was it after talking to other people?

MP: No, the idea came from our education coordinator. She is a university teacher and she showed us what she had in mind, and that it would be good for us to create an institute and everything. And we got excited about it. So we work with volunteers, we work a lot with volunteers. We have a very small team which makes all of the difference too. So there is Conceição de Maria, who used to work at a company and she came to us. Conceição is there. And my daughter works --

SC: Claudia is your daughter?

MP: Yes. Claudia is my daughter, the middle daughter.

SC: Oh, so I'm not going to meet her.

Conceição: She went to pick her daughter up at school and she's going to come here on the way back.

SC: I see, I talked to her a lot over the internet and she is very kind.

MP: And we have an employee at the Institute, the assistant here who takes care of things, she takes orders from Conceição. The secretary, no? She does all the secretary work and I,

as much as I can, I am here helping the girls and having ideas and aiming to fly higher than I can and they are always trying to get my feet back on the ground again.

SC: And let me just ask you a question. You said, we had that idea, and we wanted, together with that person – what’s the name of the person who is the educator?

MP: Oh, the education coordinator. She started over in Pernambuco.⁴⁷ She is the coordinator of the course of the DDDC,⁴⁸ which is the course for people who want to recognize and defend the rights of citizenship.

SC: And she lectures to university students?

MP: In the university, she does.

SC: So she is a university professor.

MP: Exactly. So she does that part. She has students from all fields who want to do this, because it’s a free course, to all university students where she teaches.

SC: And she teaches in Pernambuco?

MP: In Pernambuco.

SC: And she had the idea to do this here?

MP: Here too. But here we do with the staff. It’s the Institute that organizes the course now. And there she is the real advisor because she is already a teacher, you see. The head office of the Institute is in Fortaleza. The head office of the Institute was created here, but since she lives there, and she is a university teacher there, she wanted to create a course of the Institute there. But the Institute is from Fortaleza.

SC: So at the Institute here, she...

MP: Since she is a university professor, she took advantage of that.

SC: Is she from Recife?

MP: Yes, she is.

SC: Do you think I can talk to her?

MP: Today she is in Portugal doing a doctoral defense.

⁴⁷ Pernambuco is a state in the Northeast of Brazil.

⁴⁸ The DDDC refers to the “Curso Defensores e Defensoras do Direito à Cidadania,” a course intended to help people recognize when a woman’s rights are being violated.

SC: That's a shame. And when you say us, who is us, besides you and your daughter, who was already wanting to be involved in it.

MP: Yes, but you see, it's my sons-in-law.

SC: Wonderful.

MP: My sons-in-law and my two other daughters, they are all advisors. And they come to the meetings. We make decisions together. The decisions, they are all made with this group.

SC: That's nice.

MP: I also have colleagues who are advisors, colleagues from school, we keep in touch, and they agreed [to be involved].

SC: Interesting.

MP: Yes.

SC: Just one last question. I know the interview has been very long, and I could stay here for hours more. I have found it fascinating, very interesting. The other, this question for the project, we like to ask to all of the interviewees, so we can compare these answers. Do you consider yourself a feminist? What is it to be a feminist? Here in Brazil? Abroad? Whichever way you want to interpret this question and this word.

MP: Look. I'm just a defender of the rights of the Maria da Penha Law, a defender of women who are victims of domestic violence.

SC: That's good. Thank you very much. This was wonderful. I really appreciate it.

MP: It's a good thing that you—

SC: You push here to turn it off. Did you turn it off?

MP: Thank you.