

Reeducation of the perpetrator of domestic and family violence against women as a positive risk prevention and health promotion measure

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Abstract: Domestic and family violence against women is a pandemic phenomenon, that affects women all over the world, regardless of their educational background or income. Considering that this kind of violence is motivated by patriarchal concepts incorporated by both, the aggressor and the victim, who regards herself as deserving such violence, this article seeks to investigate whether the most common state measures towards this kind of crime, the arrest of the aggressor, is the best response to the social yearnings for diminishing domestic gender violence. For this purpose, documental and bibliographical researches over this type of gender based violence, considering western laws, specially the Brazilian legislation, were conducted. The results achieved demonstrate that there was no significant decrease of domestic and family violence nor diminishing impacts to women's health in the western world, despite the time lapse between the enactment of the protective legislation and the arrest of perpetrators of this kind of violence. Therefore it was concluded that the reeducation of the aggressors, as a means for the resignification of the patriarchal concepts they assimilated, is necessary to guarantee the reduction of violence and recidivism, in order to guarantee that women have a right to live free of violence .

Key words: women's health, domestic and Family violence, patriarch, protection of women efficiency, aggressor's reeducation.

I. INTRODUCTION

The World Health Organization (WHO) defines violence as the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation. (1)

Considering that the etymology of that word violence comes from the root word *vis*, which means force, energy, potency or even valor, it is easy to conclude that violence is directly associated with power, representing an attempt of expressing it, in a constant dichotomy between power-obedience, in which a subject resorts to violence in order to obtain the obedience of another individual or collectivity. (2).

One should realize that the use of the word “power” in the World Health Organization’s definition of violence reveals the potentiality for violence in asymmetric social relations, when one party finds itself as vulnerable, as is the case in gender based violence occurrences.

Nowadays domestic and family violence towards women is considered a severe violation of human rights. To reach this *status*, however, an arduous trajectory of collective claims and campaigns held by the organized civil society, specially by the feminist movements, were necessary. Since the Universal Declaration of Human Rights in 1948, a process towards formal equality between women and men has begun, resulting in several international treaties for the protection of women.

Despite the topic of violence against be on the agenda ever since, it was only in 1979, with the Convention aiming the Elimination of All Forms of Discrimination against Women, that gender equality actually started to be internationally worked upon, in order to attend the remaining needs and claims of women on the western world. That said, the Belém do Pará Convention of 1994 is considered responsible for the Latin America countries determination to eliminate all forms of violence against women, thus assimilating this agreement into their legal orders.

It is important to highlight, in this context, that gender based violence in domestic and familiar environment is very complex, given that both the aggressor and the victim have strongly assimilated patriarchal concepts through their social lives. In this way they either submit to or perpetrate violence based on societal roles or behaviors that conform to gender binarism.

A woman victim of domestic violence finds herself submitted to aggressions by those she has or had affective bonds with and whose opinions, conducts and humiliations affect her more than it would had in case the violence had been perpetrated by a stranger. Developing itself in a cyclic and self-sustainable way, domestic violence ends up compromising not only the physical integrity and safety of it’s victims, but also harms several aspects of the victim’s life, such as her labor functioning – which affects her financial independence – socialization capabilities and relational interactions, and can also cause other health problems like anxiety attacks, depression, psychosomatic disorders and even suicide. (3). In another words, when domestic violence against women doesn’t actuaaly kill, it can turn the victim in a person who is dead inside.

Despite its sociohistorical character, violence becomes a matter of public health as it starts to affect both the individual and the collective health. (4).

Both in the Western and Eastern worlds, in all the continents of the globe, violence against women has showed strong impact in the health of its victims and, consequently, in public policies. Representing about 2% of the Gross Domestic Product (5), the expense of countries with cases of violence against

women shows that its prevention and combat is a matter of public health, considering the pandemic character of this kind of violence.

It is then possible to realize that the contemporary rationality present in western laws, to prevent, punish and eradicate violence against women, have been strongly influenced by international treaties of human rights as well as they are also based on the global necessity to reduce the costs with public health associated with this kind of gender based violence. The problem to be faced is that these rationalities are still only structured towards a punitive bias. In that regard this article sought to investigate whether the prevalence of the perspective in which the simple arrest of a perpetrator of domestic violence is enough to respond to the social yearnings for the reduction of violence or if the reeducation of such aggressor would be a more effective procedure to minimize the incidence of violence against women given the complexities of the violence cycle and to the affective bond that usually exists between victims and perpetrators.

II. METHOD

For the accomplishment of the present study, both bibliographic and documentary research were used as methodological procedures. The first methodological procedure used should be considered as the "basic procedure for monographic studies, by which one seeks the mastery of the state of the art on a certain theme" (6, p. 61). The consultation of the bibliographical and documentary research regarding the subjects studied (7), were important to better apprehend concepts related to the complexity of the psychological affections that characterizes abusive gender relationships, displaying the so called cycle of domestic violence. Bibliographical research was also useful to highlight how patriarchal concepts help to naturalize this type of gender violence. From these points on this study started to highlight the social impacts of the re-education of aggressors.

In relation to the documentary research carried out, the sources chosen were the ones that have not yet received analytical treatment, the so-called first-hand documents (7). The analysis of some Western legislation of protection to female victims of domestic violence were considered, in order to identify, in the deliberation of urgent and emergency care measures – the main claims accessed by the victims -, the predominance of a punitive reasoning or of the re-education of aggressors. In order to do so, nine countries were chosen: Brazil, as the country of origin of the authors, with a better understanding of the culture of the State and social perceptions of the effectiveness of the legislation; The United States, Australia and England, due to the appearance of these measures being allocated in the first and by both being countries of common law, opposite tendency to Brazilian the civil law; Spain and Portugal, since they are still civil law countries in Europe, a continent of jurisprudence strongly influenced by the treaties of International Human Rights Law; and, finally, Uruguay, Bolivia and Chile, because they bear more similarities with the historical context of the vulnerability of Brazilian women, as well as because of their legislation that preceded it in Latin America, and could have served as an influence to the Brazilian legislature.

In a complementary way, a quantitative-qualitative approach was applied to the results of the study *Sexual Violence and Mental Health: analysis of the programs for the care of men who had committed sexual violence*, in which 22 programs of re-education of aggressors in Latin American countries were investigated. (8)

III. RESULTS

It was evidenced that the subjectivity of women and men, aggressed and aggressor, ends up being constructed socially, having a strong demarcation by the sexual binarisms imposed within social relations. It was perceived that the members of society construct their identities based on the places they occupy in social relations, being these allocations strongly influenced by the process of domination-exploitation "that assures the power of the rich, the men and the whites (9).

It is, therefore, before the allocation of subjectivities between the masculine and the feminine, as well as the social expectations brought by this binarism that inserts the gender violence as an expression of the search for affirmation of the dominant subjects through the power and the use of force. (10)

At this point, it is perceived the interconnection between the social determinisms of assujecitment of individuals according to the masculine or feminine roles played in society and the relations of power that interweave social relations and even contribute to this process of assujecitment, symbolizing dominators and dominated among men and women.

Considering the use of power, we can perceive in the analysis of the relations between both genders, that the impositions of wills or behaviors - through physical, moral and / or psychological constraints - and the assumptions based on the use of power by men to dominate women can be considered the nature of the domestic violence mentioned above.

The very construction of the male and female subjects within the society makes them susceptible to the practice and acceptance of domestic violence, since they are imperceptibly lead to values and domination through instruments of knowledge and communication, although ignored as such in social reality. (11)

All of the legislation analyzed focused only on the immediate nature of the protection of women in situations of domestic violence, ignoring that the victim - attached to the figure of the aggressor due to previous or present relationships with them makes it hard for both, victims and aggressors to fully understand and therefore stop the cycle of violence they are attached to. It is in this way that state actions based only on the application of these legal texts is preponderantly directed towards emergency situations, without considering the complexity of the aggressor-assaulted relationship and also without considering the medium- and long-term impacts on the health and on the quality of life of the women who are domestic violated. Punishments that don't take into account the permanence of the potentiality of future aggressions against other women by a man whose conception of ownership and dominion over female corporality was not re-significanced don't actually help to stop domestic violence against women.

We observed the predominance of measures to remove the abuser from home, the prohibition of contact with the victim and the prohibition for them to carry guns, as well the prison sentences or fines in case of non-compliance, which, are similar sanctions directed to social criminal actions demonstrating the permanence of a punitive reasoning when punishing domestic violence. Only Chile and Portugal expressly foresee in their legislation the possibility of re-education of the aggressor in this initial moment of care in actions that aim the immediate interruption of the domestic violence cycle.

A strictly punitive perspective has not been proved to be sufficient to reduce violence against women. As the data point out, taking Brazil (12), Uruguay (13) and Spain (14) into consideration, there is no reduction of the femicide indices, when there is only the preponderance of a punitive character in their legislation against domestic violence.

Table 1 Index of feminicides

Country	Year/value	Year/value
Brazil	2005/3.884	2013/4.762
Uruguay	2010/2,0 (100 mil)	2014/1,4 (100mil)
Spain	2006/54	2015/60

It was also noticed the analysis of the results of the study *Sexual Violence and Mental Health: analysis of programs for the care of male perpetrators of sexual violence* (8): the re-education programs of aggressors are mostly developed by non-governmental organizations, representing the absence of public policies for a more effective confrontation of the resignification of the feeling of ownership of the aggressor towards women.

IV. CONCLUSIONS

It was argued that violence against women in a domestic and family environment is highly complex, since both victim and the aggressor reproduce and naturalize socially uninterrupted patriarchal concepts to which they are exposed. Similarly, analyzing the laws of nine Western countries, it is clear that there is a preponderance of the punitive nature of the measures applied to punish the aggressors.

It occurs that, according to the data analyzed, this punishing the violence committed is not enough to reduce the rates of feminicides and other kinds of violence, since the aggressor does not have the chance to re-signify these macho concepts, which, even if imprisoned, will return to society without being resocialized.

At this point, the necessary re-education of the domestic and family violence perpetrators as a public policy seems to be demanded, in order to reduce the global impact of the domestic violence over the health and of the quality of life of women victims of this kind of aggression in medium and long term.

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