

# Maria da Penha Law

Law n.º 11.340  
of August 7, 2006

Retrains domestic and family violence against Women

Special Secretariat for Women's Policies  
Presidency of the Republic

Brasília/Brazil  
2006

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## It's Law! It's for real!

On August 7, 2006 the President of the Republic sanctioned Law 11.340/06, known as Maria da Penha Law\*. This publication now made available to you is aimed at disseminating the text of the Law so that every Brazilian woman and man can, in exercising their citizen rights, watch over its full enforcement.

It took many years of struggle for this legal instrument to be provided to women and for the Brazilian State to begin to see domestic and family violence against woman.

"Those who love do not kill", "Let's not keep out of lovers' quarrels", "A real man does not beat a woman", "All women have the right to a life free of violence", "Your life starts when violence ends", "Where there is violence everybody loses". Many slogans were used in the campaigns that have brought to the public arena what people insisted should be solved within the four walls of the home.

How many women have borne the guilt of being victims of violence for years on end? How many silences have they been submitted to? How much violence has been justified in the courts by the "defense of male honor"?

The changes established by the Maria da Penha Law are not few, both in classification of crimes of violence against woman and in the legal and police procedures. It classifies domestic violence as one of the forms of human rights violation. It alters the Penal Code and makes it possible to arrest aggressors in the act, or to have them arrested preventively when they threaten the woman's physical integrity. It also provides for new measures of protection for woman under life threat, such as removal of the aggressor from the home and prohibiting him from physically coming close to the victim and her children.

The new legal text was the result of a long process of discussion based a proposal prepared by a group of NGOs (ADVOCACY, AGENDE, CEPIA, CFEMEA, CLADEM/IPÊ and THEMIS). This proposal was discussed and reformulated by an inter-ministerial working group coordinated by the Special Secretariat for Women's Policies, and sent by the federal government to the National Congress.

Throughout 2005, in the drafting phase of the bill, public hearings were held in legislative assemblies of the five regions of the country, with intense participation of civil society organizations. This resulted in a text agreed by the rapporteurs of the bill, the group of NGOs and the federal executive, that was approved by unanimity in the National Congress and sanctioned by the Presidency of the Republic.

In force since September 22, 2006, the Maria da Penha Law finally ensures compliance with the OAS Convention to Prevent, Punish, and Eradicate Violence against Women, (Convention of Belém of Pará), ratified by the Brazilian State 11 years ago, as well as the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

"Every woman has the right to a violence-free life". This is our wish and must become our commitment.

Nilcéa Freire  
Minister of the Special Secretariat for Women's Policies

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\* Maria da Penha was the protagonist of a symbolic case of domestic and family violence against woman. In 1983, on two occasions, her husband tried to murder her. The first time with a gun and the second by electrocution and drowning. The murder attempts resulted in irreversible injuries to her health, such as paraplegia and other problems. Maria da Penha turned her pain into struggle, and her tragedy into solidarity. We owe to her struggle and that of so many others the progress achieved in the last twenty years.

## MECHANISMS OF THE NEW LAW

### Innovations of the Law

- Classifies and defines domestic and family violence against women.
- Establishes the forms of domestic violence against women as physical, psychological, sexual, patrimonial and moral.
- Determines that domestic violence against women is not dependant on the woman's sexual orientation.
- Determines that the woman can only renounce the denunciation before a judge.
- Pecuniary sentences are forbidden (payment of fines or basic food baskets).
- The delivery of the legal notice by the woman to the aggressor is forbidden.
- The woman victim of domestic violence will be informed of the procedural acts, especially of the prison entry and exit of the aggressor.
- The woman must be accompanied by attorney or public defender in all the procedural acts.
- Removes from the special criminal courts (law 9.099/95) the competence to judge crimes of domestic violence against women.
- Alters the penal procedure code to allow the judge to decree preventive custody when there is risk to the physical or psychological integrity of the woman.
- Alters the law of penal executions to allow the judge to determine the obligatory attendance of the aggressor in recovery and re-education programs.
- Determines the creation of special courts of domestic and family violence against women with civil and penal competence to address family issues derived from violence against women.
- If the domestic violence is committed against a woman with special needs, the sentence will be increased by 1/3.

### Police Authority

- Includes a specific chapter on assistance provided by the police authority in cases of domestic violence against women.
- Allows the police authority to arrest the aggressor in the act in case of any of the forms of domestic violence against the woman.
- Registers the police report and establishes the police inquiry (with the testimonies of the victim, the aggressor, the witnesses and documentary and investigation evidence).

- Forwards the police inquiry to the Prosecutor's Office
- May request that the judge determine several urgent measures, within 48 hours, to protect the woman in a situation of violence.
- Requests that the judge determine preventive custody based on the new law that alters the penal procedure code.

### **Judicial process**

- The judge may determine, within 48 hours, urgent protective measures (suspension of the aggressor's license to carry weapon, removal of the aggressor from the home, keeping distance from the victim, among others), depending on the situation.
- The judge of the court of domestic and family violence against women is competent to appreciate the crime and the cases that involve family issues (alimony, separation, custody of children etc.).
- The Prosecutor's Office will present charges to the judge and may propose sentences ranging from 3 months to 3 years of detention; the final decision and sentence belong to the judge.

## CALL 180 – WOMEN’S CALL CENTER

The Women’s Call Center is a service provided by the federal government to assist and guide women who are victims of violence, through public utility number 180. The toll-free calls can be made from any part of the domestic territory.

The Call 180 was created by the Special Secretariat for Women’s Policies in 2005 and has 80 attendants covering 24 hours a day, including weekends and holidays, when the number of occurrences of violence against women increases.

The attendants of the Call Central are qualified in gender issues, legislation, government policies for women, and are instructed to provide information on services available in the country to address violence against women and, mainly, to receive charges and assist women in a situation of violence.

Knowing their legal rights and getting information on the places where they can look for assistance, women have a real possibility of breaking the violence cycle that they are trapped in. One call can make the difference in a woman’s life.

CALL 180  
Women’s Call Center

"Your life restarts when violence ends"

## Full Text of the Maria da Penha Law – Law 11.340

Presidency of the Republic  
Office of the Chief of Staff  
Sub-Office on Legal Affairs

Responsibilities, Attributions and  
Competences

Creates mechanisms to restrain domestic and family violence against women, in compliance with paragraph 8 of article 226 of the Federal Constitution, the Convention on Elimination of All Forms of Discrimination against Women and the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women; provides for the creation of the Courts of Domestic and Family violence against women; alters the Penal Procedure Code, the Penal Code and the Law of Penal Execution; and establishes other provisions.

The PRESIDENT OF THE REPUBLIC I hereby make it known that the National Congress decrees and I sanction the following Law:

### TITLE I PRELIMINARY PROVISIONS

Article 1. This Law creates mechanisms to restrain and prevent domestic and family violence against women, in compliance with paragraph 8 of article 226 of the Federal Constitution, the Convention on Elimination of All Forms of Discrimination against Women, the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women and other international treaties ratified by the Federative Republic of Brazil; it provides for the creation of the Courts of Domestic and Family Violence against Women; and establishes measures for assistance and protection of women in a situation of domestic and family violence.

Union  
State Governments  
Federal District  
Municipal Governments  
Judiciary Branch

Article 2. All women, regardless of class, race, ethnicity, sexual orientation, income, culture, educational level, age and religion, enjoy the basic rights inherent to the human person, and are ensured the opportunities and facilities to live without violence, preserve their physical and mental health and their moral, intellectual and social improvement.

Article 3. Women are ensured the conditions for the effective exercise of the rights to life, security, health, food, education, culture, housing, access justice, sport, leisure, work, citizenship, freedom, dignity, respect and family and community living.

Union  
State Governments  
Federal District  
Municipal Governments

Paragraph 1. The public power shall develop policies aimed at guaranteeing the human rights of women in the scope of the domestic and family relations, with a view to protecting them against all forms of negligence, discrimination, exploitation, violence, cruelty and oppression.

Paragraph 2. It belongs to the family, society and the public power to create the necessary conditions for the effective exercise of the rights listed in the heading.

Article 4. In the interpretation of this Law, its social purpose and, especially, the peculiar conditions of the woman in a situation of domestic and family violence shall be taken into account.

TITLE II  
DOMESTIC AND FAMILY VIOLENCE AGAINST WOMEN

CHAPTER I  
GENERAL PROVISIONS

Article 5. For the effect of this Law, domestic and family violence against women is defined as any action or omission based on gender that causes the woman's death, injury, physical, sexual or psychological suffering and moral or patrimonial damage:

- I - in the scope of the domestic unit, understood as the permanent space shared by people, with or without family ties, including people sporadically aggregated;
- II - in the scope of the family, understood as the community formed by individuals that are or consider themselves related, joined by natural ties, by affinity or by express will;
- III - in any intimate relationship of affection, in which the aggressor lives or has lived with the abused woman, regardless of cohabitation.

Sole paragraph. The personal relations listed in this article are independent of sexual orientation.

Article 6. Domestic and family violence against women constitutes one of the forms of human rights violation.

CHAPTER II  
FORMS OF DOMESTIC AND FAMILY VIOLENCE AGAINST WOMEN

Article 7. The forms of domestic and family violence against women, are, among others:

- I - physical violence, understood as any behavior that offends the woman's bodily integrity or health;
- II - psychological violence, understood as any behavior that causes emotional damage and reduction of self-esteem or that harms and disturbs full development or that aims at degrading or controlling the woman's actions, behaviors, beliefs and decisions, by means of threat, embarrassment, humiliation, manipulation, isolation, constant surveillance, constant pursuit, insult, blackmail, ridiculing, exploitation and limitation of the right to come and go or any another means that causes damage to the woman's psychological health and self-determination;
- III - sexual violence, understood as any behavior that forces the woman to witness, maintain or participate in unwanted sexual intercourse, by means of intimidation, threat, coercion or the use of force; that induces the woman to commercialize or to use, in any way, her sexuality, that prevents her from using any contraceptive method or that forces her to marriage, pregnancy, abortion or prostitution, by means of coercion, blackmail, bribe or manipulation; or that limits or annuls the exercise of her sexual and reproductive rights;
- IV – patrimonial violence, understood as any behavior that constitutes retention,

subtraction, partial or total destruction of the woman's objects, working instruments, personal documents, property, assets and economic rights or resources, including those intended to satisfy her needs;

V - moral violence, understood as any behavior that constitutes slander, defamation or insult.

TITLE III  
ASSISTANCE TO THE WOMAN IN A SITUATION OF DOMESTIC AND FAMILY  
VIOLENCE

CHAPTER I  
INTEGRATED PREVENTION MEASURES

Article 8. The public policy aimed at restraining domestic and family violence against women will be implemented by means of an integrated set of actions by the Federal Union, the States, the Federal District and the Municipalities and non-government actions, according to the following guidelines:

I - operational integration of the Judiciary Branch, the Prosecutor's Office and the Public Defender with the areas of public security, social assistance, health, education, work and housing;

II - promotion of studies and research, statistics and other relevant information, with a gender and race or ethnicity perspective, on the causes, consequences and frequency of domestic and family violence against women, for the systematization of data, to be unified nationally, and the regular evaluation of the results of the adopted measures;

III - respect, in the social communication media, for the ethical and social values of the person and the family, avoiding stereotyped roles that legitimize or encourage domestic and family violence, in compliance with item III of article 1, item IV of article 3 and item IV of article 221 of the Federal Constitution;

IV - implementation of specialized police assistance for women, in particular in the Police Offices for Assistance to Women;

V - promotion and holding of educative campaigns to prevent domestic and family violence against women, directed to the school public and society in general, and dissemination of this Law and of the instruments of protection of women's human rights;

VI - establishment of accords, protocols, adjustments, terms or other instruments of promotion of partnership between government bodies or between them and non-government entities, with a view to the implementation of programs to eradicate domestic and family violence against women;

VII - permanent training of the Civil and Military Police, Municipal Guard, Fire Brigade and of the professionals belonging to the agencies and areas listed in item I, on gender and race or ethnicity issues;

VIII - promotion of educational programs that disseminate ethical values of unrestricted respect to the dignity of the human person with a gender and race or ethnicity perspective;

IX - emphasis, in the school syllabus of all levels of education, on contents related to human rights, gender and race or ethnicity equity and the problem of domestic and family violence against women.

Union  
State Governments  
Federal District  
Municipal Governments  
Judiciary Branch  
Civil Society

CHAPTER II  
ASSISTANCE TO THE WOMAN IN A SITUATION OF DOMESTIC AND FAMILY  
VIOLENCE

Article 9. Assistance to the woman in a situation of domestic and family violence will be provided in an integrated manner and in compliance with the principles and guidelines provided for in the Organic Law of Social Assistance, in the Unified Health System, the Unified Public Security System, among others protection norms and public policies, and on an emergency basis when necessary.

Union  
State Governments  
Federal District  
Municipal Governments  
Judiciary Branch

Paragraph 1. The judge shall determine, for a defined period of time, the inclusion of the woman in a situation of domestic and family violence in the registry of assistance programs of the federal, state and municipal government.

Paragraph 2. The judge shall ensure to the woman in a situation of domestic and family violence, to preserve her physical and psychological integrity:

- I - priority access to transfer, when the woman is a civil servant in the direct or indirect administration;
- II - maintenance of the working links, when it is necessary to remove her from her place of work, for up to six months.

Paragraph 3. The assistance to the woman in a situation of domestic and family violence will include access to benefits resulting from scientific and technological development, including emergency contraception services, prophylaxis of Sexually Transmitted Diseases (STDs) and of the Acquired Immune-Deficiency Syndrome (AIDS) and other necessary and appropriate medical procedures in the cases of sexual violence.

CHAPTER III  
ASSISTANCE BY THE POLICE AUTHORITY

Article 10. In case of imminent or actual domestic and family violence against women, the police authority that learns of the occurrence shall immediately adopt the appropriate legal measures.

State Governments  
Federal District

Sole paragraph. The provision in the heading of this article applies to failure to comply with urgent protective measure that has been determined.

Article 11. In assisting the woman in a situation of domestic and family violence, the police authority shall, among others measures:

- I - guarantee police protection, when necessary, communicating the occurrence immediately to the Prosecutor's Office and the Judiciary Branch;
- II - direct the victim to the hospital or health center and to the Legal Medical Institute;
- III - provide transport to the victim and her dependents to a shelter or safe place, in case of risk of life;
- IV – if necessary, to accompany the victim to assure removal of her belongings from the site of the occurrence or from the family home;
- V - inform the victim of the rights conferred to her in this Law and the available services.

State Governments  
Federal District  
Prosecutor's Office  
Judiciary Branch

Article 12. In all cases of domestic and family violence against women, after registering the occurrence, the police authority shall immediately adopt the following procedures, without loss to those provided for under the Penal Procedure Code:

I - hear the victim, register the police report and take the representation to term, if presented;

II – collect all the evidence that can serve to clarify the fact and its circumstances;

III - send, within 48 (forty-eight) hours, separate communication to the judge with the victim’s request, for the concession of urgent protective measures;

IV - determine the victim’s examination of body of the offense and request other necessary expert examinations;

V - hear the aggressor and the witnesses;

VI – command the identification of the aggressor and the addition of the aggressor’s criminal record to the judicial proceedings, indicating the existence of arrest warrant or record of other police occurrences against him;

VII - send, within the legal period of time, the judicial proceedings of the police inquiry to the judge and the Prosecutor’s Office.

Paragraph 1. The victim’s request shall be taken to term by the police authority and shall contain:

I - qualification of the victim and the aggressor;

II - name and age of the dependents;

III – brief description of the fact and the protective measures requested by the victim.

Paragraph 2. The police authority shall attach to the document referred to in paragraph 1 the police report and copy of all the available documents of the victim.

Paragraph 3. The medical findings or records provided by hospitals and health centers shall be accepted as evidence.

#### TITLE IV PROCEDURES

##### CHAPTER I GENERAL PROVISIONS

Article 13. The norms of the Codes of Penal Procedure and Civil Procedure and of specific legislation on children, adolescents and elderly people that are not in conflict with the provisions of this Law shall apply to the process, the judgment and the execution of the civil and criminal causes derived from the practice of domestic and family violence against women.

Judiciary Branch

Article 14. The Courts of Domestic and Family Violence against Women, Ordinary Justice bodies with civil and criminal competence, may be created by the Federal Union, in the Federal District and the Territories, and by the States, for the process, judgment and execution of causes derived from the practice of domestic and family violence against women.

Judiciary Branch

Sole paragraph. The procedural acts may be carried out at night, as provided for in the norms of judiciary organization.

Article 15. By the victim's choice, for the civil processes ruled by this Law, the following courts are competent:

I – of her domicile or residence;

II - of the place where the fact that generated the claim occurred;

III - of the domicile of the aggressor.

Judiciary Branch

Article 16. In the public penal lawsuits conditional to the representation of the victim provided for in this Law, the renunciation of the representation shall only be admitted before the judge, in a hearing especially assigned for such purpose, before receiving the denunciation and after hearing the Prosecutor's Office.

Judiciary Branch  
Prosecutor's Office

Article 17. In the cases of domestic and family violence against women, it is forbidden to sentence payment of basic food basket or other pecuniary penalty, as well as substitution of sentence that implies in isolated payment of a fine.

Judiciary Branch

## CHAPTER II URGENT PROTECTIVE MEASURES

### SECTION I GENERAL PROVISIONS

Article 18. Having received the communication with the victim's request, the judge, within the period of 48 (forty-eight) hours, shall:

Judiciary Branch  
Prosecutor's Office

I - know the communication and the request and decide upon the urgent protective measures;

II - determine that the victim be directed to the judiciary assistance body, when appropriate;

III - communicate to the Prosecutor's Office so that it adopts the appropriate measures.

Article 19. The urgent protective measures may be granted by the judge, upon request by the Prosecutor's Office or by the victim.

Paragraph 1. The urgent protective measures may be granted immediately, regardless of hearing with the parties and of manifestation of the Prosecutor's Office, the latter being communicated as soon as possible.

Judiciary Branch  
Prosecutor's Office

Paragraph 2. The urgent protective measures shall be applied isolated or cumulatively, and may be replaced any time by others of greater effectiveness, whenever the rights acknowledged in this Law are threatened or violated.

Paragraph 3. The judge may, upon request by the Prosecutor's Office or by the victim, grant new urgent protective measures or review those already granted, if deemed necessary for the protection of the victim, her family and her property, after hearing the Prosecutor's Office.

Article 20. In any phase of the police inquiry or the criminal instruction, the preventive custody of the aggressor may be decreed by the judge, ex-officio, upon request by the Prosecutor's Office or by means of representation of the police authority.

State Governments  
Federal District  
Judiciary Branch  
Prosecutor's Office

Sole paragraph. The judge may revoke the preventive custody if, in the course of the process, he or she verifies lack of reason to maintain it, as well as decree it again, if reasons that justify it arise.

Article 21. The victim shall be informed of the procedural acts related to the aggressor, especially those related to entry and exit from prison, without loss to the summon of the constituted lawyer or public defender.

Judiciary Branch

Sole paragraph. The victim may not deliver the summons or notification to the aggressor.

## SECTION II URGENT PROTECTIVE MEASURES THAT COMPEL THE AGGRESSOR

Article 22. Having established the practice of domestic and family violence against a woman, in the terms of this Law, the judge may immediately apply on the aggressor, together or separately, the following urgent protective measures, among others:

Judiciary Branch

I - suspension of ownership of weapon or restriction of weapon carrying license, with communication to the competent agency, in the terms of Law n. 10.826, of December 22, 2003;

II - removal from the home, domicile or place of relationship with the victim;

III – prohibit certain behaviors, among which:

a) approaching the victim, members of her family and the witnesses, establishing a minimum distance between them and the aggressor;

b) contact with the victim, members of her family and witnesses through any means of communication;

c) going to certain places in order to preserve the physical and psychological integrity of the victim;

IV - restriction or suspension of visits to dependent minors, after hearing the multidisciplinary assistance team or similar service;

V – provision of provisional or temporary alimony

Paragraph 1. The measures referred to in this article do not rule out the application of others provided for under the legislation in force, whenever the safety of the victim or circumstances require so, the measure having to be communicated to the Prosecutor's Office

Paragraph 2. In the event of application of item I, the aggressor being in the conditions mentioned in the heading and items of Article 6 of Law n. 10.826, of December 22, 2003, the judge shall communicate to the respective agency, corporation or institution the urgent protective measures granted and shall

determine the restriction of the weapon-carrying license, the immediate superior of the aggressor being responsible for the fulfillment of the judicial order, otherwise incurring in the crimes of disobedience or prevarication, as the case may be.

Paragraph 3. In order to guarantee the effectiveness of the urgent protective measures, the judge may request, at any time, the aid of the police force

Paragraph 4. The provisions in the heading and in paragraphs 5 and 6 of Article 461 of Law in. 5.869, of January 11, 1973 (Code of Civil Procedure) apply to the hypotheses foreseen in this article.

### SECTION III URGENT PROTECTIVE MEASURES FOR THE VICTIM

Article 23. The judge may, when necessary, without loss to other measures:

I – direct the victim and her dependents to an official or community program of protection or assistance;

II - determine the return of the victim and her dependents to the respective domicile, after removal of the aggressor;

III - determine the removal of the victim from the home, without loss of rights related to property, custody of the children and alimony;

IV - determine separation from bed and board.

Judiciary Branch

Article 24. For the patrimonial protection of the property of the conjugal society or of the private property of the woman, the judge may determine, through preliminary order, the following measures, among others:

I - restitution of property unduly subtracted from the victim by the aggressor;

II - temporary prohibition to enter acts and contracts of purchase, sale and rent of common property, except in case of express judicial authorization;

III - suspension of power of attorney conferred by the victim to the aggressor;

IV – provision of temporary bond, by means of judicial deposit, for material loss and damage resulting from the practice of domestic and family violence against the victim.

Judiciary Branch

Sole paragraph. The judge shall officiate to the competent notary's office for the purposes foreseen in item II and III of this article.

### CHAPTER III ACTION OF THE PROSECUTOR'S OFFICE

Article 25. The Prosecutor's Office shall intervene, when not a party, in the civil and criminal causes resulting from domestic and family violence against women.

Prosecutor's Office

Article 26. It shall belong to the Prosecutor's Office, without loss of other attributions, in the cases of domestic and family violence against women, when necessary:

I - to request police force and public services of health, education, social assistance and security, among others;

State Governments  
Federal District  
Prosecutor's Office

II - to inspect the public and private establishments that provide assistance to women in a situation of domestic and family violence, and to adopt, immediately, the appropriate administrative or judicial measures with regard to any irregularities detected;

III - to register in a registry the cases of domestic and family violence against women.

#### CHAPTER IV JUDICIARY ASSISTANCE

Article 27. In all procedural acts, civil and criminal, the woman in a situation of domestic and family violence shall be accompanied by a lawyer, except as provided for in Article 19 of this Law.

State Governments  
Federal District  
Judiciary Branch  
Civil Society

Article 28. Every woman in a situation of domestic and family violence is assured access to the services of Public Defense or Free Judiciary Assistance, in the terms of the law, at police and judicial headquarters, through specific and humanized assistance.

State Governments  
Federal District  
Judiciary Branch  
Civil Society

#### TITLE V MULTIDISCIPLINARY ASSISTANCE TEAM

Article 29. The Courts of Domestic and Family Violence against Women that are created may rely on a multidisciplinary assistance team made up of professionals specialized in the psychosocial, legal and health areas.

Judiciary Branch

Article 30. It belongs to the multidisciplinary assistance team, among other attributions reserved to it by the local legislation, to provide inputs in writing to the judge, the Prosecutor's Office and the Public Defense, by means of expert written opinions or verbally in hearing, and to develop guidance, forwarding, prevention activities and other measures directed to the victim, the aggressor and the family members, with special attention to the children and the adolescents.

State Governments  
Federal District  
Judiciary Branch  
Prosecutor's Office

Article 31. When the complexity of the case requires more in-depth evaluation, the judge may determine the manifestation of a specialized professional, upon indication by the multidisciplinary assistance team.

Judiciary Branch

Article 32. The Judiciary Branch, in the elaboration of its budget proposal, may provide for resources for the creation and maintenance of the multidisciplinary assistance team, in the terms of the Law of Budgetary Guidelines.

Judiciary Branch

#### TITLE VI TRANSIENT PROVISIONS

Article 33. While the Courts of Domestic and Family Violence against Women are not structured, the criminal courts shall accumulate the civil and criminal competences of knowing and judging the causes resulting from the practice of

Judiciary Branch

domestic and family violence against women, observing the provisions of Title IV of this Law, with inputs from the pertinent procedural legislation.

Sole paragraph. The right of preference shall be guaranteed, in the criminal courts, for the process and judgment of the causes related in the heading.

## TITLE VII FINAL PROVISIONS

Article 34. The Courts of Domestic and Family Violence against Women may be instituted together with the establishment of the necessary curatorship and judiciary assistance service.

Judiciary Branch

Article 35. The Federal Union, the Federal District, the States and the Municipalities may create and promote, within the limits of their respective competences:

Federal Union  
State Governments  
Federal District  
Municipal Governments

I - centers of comprehensive and multidisciplinary assistance to women and their dependents in a situation of domestic and family violence;

II - home-shelters for women and respective minor dependents in a situation of domestic and family violence;

III - police offices, public defense offices, health services and medical-legal examination centers specialized in assistance to women in a situation of domestic and family violence;

IV - programs and campaigns to fight domestic and family violence;

V - education and rehabilitation centers for the aggressors.

Article 36. The Federal Union, the States, the Federal District and the Municipalities shall promote the adaptation of their agencies and programs to the guidelines and principles of this Law.

Federal Union  
State Governments  
Federal District  
Municipal Governments  
Prosecutor's Office  
Judiciary Branch

Article 37. The defense of the trans-individual interests and rights foreseen in this Law may be exercised, concurrently, by the Prosecutor's Office and by association active in the area, regularly constituted for at least one year, in the terms of the civil legislation.

Prosecutor's Office  
Civil Society

Sole paragraph. The requirement of pre-constitution may be waived by the judge if it is found that there is no other entity with appropriate representation to file the collective demand.

Judiciary Branch

Article 38. The statistics on domestic and family violence against women shall be included in the databases of the official agencies of the Justice and Security System in order to provide inputs to the national system of data and information on women.

Federal Union  
State Governments  
Federal District  
Judiciary Branch

Sole paragraph. The Public Security Secretariats of the States and the Federal District may send their criminal information to the database of the Ministry of Justice.

Article 39. The Federal Union, the States, the Federal District and the Municipalities, within the limits of their competences and in the terms of their respective laws of budgetary guidelines, may establish specific budgetary allocations, in each fiscal year, for the implementation of the measures established in this Law.

Federal Union  
State Governments  
Federal District  
Municipal Governments  
Prosecutor's Office  
Judiciary Branch

Article 40. The obligations provided for in this Law do not exclude others derived from the principles adopted by it.

Article 41. Law n. 9.099, of September 26, 1995, does not apply to crimes practiced with domestic and family violence against women, regardless of the penalty provided.

Judiciary Branch

Article 42. Article 313 of Decree n. 3.689, of October 3, 1941 (Code of Penal Procedure), enters into force with the addition of the following item IV:

Judiciary Branch

"Article 313.....  
IV – if the crime involves domestic and family violence against women, in the terms of the specific law, to guarantee the execution of the urgent protective measures." (New Language)

Article 43. Line f of item II of Article 61 of Decree n. 2.848, of December 7, 1940 (Criminal Code), enters into force with the following language:

"Article 61.....  
II -.....  
f) with abuse of authority or taking advantage of domestic relations, cohabitation or hospitality, or with violence against the woman in the form of the specific law;  
....." (New Language)

Article 44. Article 129 of Decree n. 2.848, of December 7, 1940 (Criminal Code), enters into force with the following alterations:

Judiciary Branch

" Article 129.....  
Paragraph 9. If the injury is practiced against ascendant, descendant, sibling, spouse or partner, or someone with whom the agent has or had a relationship, or if the agent has taken advantage of domestic relations, cohabitation or hospitality: Sentence - detention, 3 (three) months to 3 (three) years  
.....  
Paragraph 11. In the event of paragraph 9 of this article, the sentence shall be increased by one third if the crime is committed against a person with special needs." (New Language)

Article 45. Article 152 of Law n. 7.210, of July 11, 1984 (Law of Penal Execution), enters into force with the following language:

Judiciary Branch

"Article 152.....  
Sole paragraph. In the cases of domestic violence against women, the judge may determine the obligatory attendance of

the aggressor in recovery and re-education programs." (New Language)

Article 46. This Law shall enter into force 45 (forty-five five) days after its publication.

Brasilia, August 7, 2006; 185<sup>th</sup> day of the Independence and 118<sup>th</sup> day of the Republic.

LUIZ INÁCIO LULA DA SILVA

Dilma Rousseff

Special Secretariat for Women's Policies  
Presidency of the Republic

Law n. 11.340, sanctioned by President Luiz Inácio Lula da Silva on August 7, 2006 and published in the Official Gazette on August 8, 2006.

Creates mechanisms to restrain domestic and family violence against women, in compliance with paragraph 8 of article 226 of the Federal Constitution, the Convention on Elimination of All Forms of Discrimination against Women and the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women; establishes provisions on the creation of the Courts of Domestic and Family violence against women; alters the Penal Procedure Code, the Penal Code and the Law of Penal Execution; and establishes other provisions.

Special Secretariat for Women's Policies  
Presidency of the Republic