

**Universidade Federal de Santa Catarina**

**REPRESENTATIONS OF THE HUMAN  
RIGHTS OF BRAZILIAN WOMEN  
IN A 1997 OAS REPORT**

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**2005**

**UNIVERSIDADE FEDERAL DE SANTA CATARINA**  
**PÓS-GRADUAÇÃO EM LETRAS / INGLÊS E LITERATURA**  
**CORRESPONDENTE**

**REPRESENTATIONS OF THE HUMAN**  
**RIGHTS OF BRAZILIAN WOMEN**  
**IN A 1997 OAS REPORT**

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Tese submetida à Universidade Federal de Santa Catarina em cumprimento  
parcial dos requisitos para obtenção do grau de

**MESTRE EM LETRAS**

FLORIANÓPOLIS

Junho, 2005

Esta Dissertação de Eduardo Gentile, intitulada “Representations of the Human Rights of Brazilian Women in a 1997 OAS Report”, foi julgada adequada e aprovada em sua forma final, pelo Programa de Pós-Graduação em Letras/Inglês e Literatura Correspondente, da Universidade Federal de Santa Catarina, para fins de obtenção do grau de

MESTRE EM LETRAS

Área de concentração: Inglês e Literatura Correspondente  
Opção: Língua Inglesa e Lingüística Aplicada

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## **DEDICATION**

I dedicate this Master's thesis to my parents,  
Elba Inés Carnevale de Gentile  
and Ramón Gentile

## ACKNOWLEDGMENTS

I am especially thankful to:

- My advisor, Dr. José Luiz Meurer, for accepting me as his advisee and for his unquestionable professional competence and friendly attitude in teaching and advising me before and during my research.
- Dr. Viviane Heberle for her teaching and for encouraging me to carry out my Master's course and research.
- Dr. Osmar de Souza for introducing me into the linguistic universe, and for his invaluable guidance and teaching.
- Anderson de Souza, for his careful reading of my work and for his contribution with important suggestions that helped me in the analysis of my object of study and to elaborate the final version of my thesis.
- The Coordination, Professors, and Administrative Department of the 'Programa de Pós-Graduação em Letras/Inglês e Literatura Correspondente' at Universidade Federal de Santa Catarina.

I am also very thankful to:

- My wife, Cláudia Fernandes, for encouraging and supporting me, before and throughout my academic performance.
- My cousin, Sociologist Cristina Herrera, for helping me by reading my work, and with her comments and suggestions.
- Juçara Menegatti, for encouraging me before and throughout my Master's research and for the reading of my work.

## ABSTRACT

### REPRESENTATIONS OF THE HUMAN RIGHTS OF BRAZILIAN WOMEN IN A 1997 OAS REPORT

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From the linguistic perspective of discourse analysis, this research investigates the situation of human rights in Brazil, focusing on women's rights, in relation to gender-based discrimination and domestic violence. Descriptive and normative documents on the issue have been published by international and national governmental institutions, as well as by non-governmental institutions like women movements. Nevertheless, little work has been carried out in order to investigate those documents and disclose the reality discursively represented in them, accounting for a more detailed and accurate information on the subject matter. With this in mind, I analyse one of the chapters of a 1997 OAS (Organization of American States) 'Report on the situation of human rights in Brazil' which deals with 'The human rights of Brazilian women'. I carry out this investigation foregrounding my objectives in Fairclough and Halliday's perspectives, in which social identities and hierarchies are established and maintained through discourse among members of society. I use Halliday's Systemic Functional Linguistics theory and method to analyse the transitivity processes occurring in the data, in order to obtain the answers to my research question. The results of the analysis reveal that women are represented as victims of the violations of their human rights, as being accountable for some of those violations and, at the same time, as occupying a position of submission in society. Therefore, by rising awareness of the problem among members of society, this research represents a contribution in the search for solutions that may help to attenuate the problem, thus benefiting women who do not enjoy their human rights in Brazil.

**Key-words:** Discourse analysis; Systemic functional linguistics; Transitivity; Gender-based discrimination; Domestic violence; Brazilian women's rights.

Nº of pages: 78

Nº of words: 20,937

## RESUMO

Partindo de uma perspectiva lingüística de análise do discurso, esta pesquisa investiga a situação dos direitos humanos no Brasil, focalizando os direitos da mulher, em relação à discriminação de gênero e à violência doméstica. Documentos descritivos e normativos do assunto foram publicados por instituições governamentais internacionais e nacionais e também por instituições não-governamentais como movimentos feministas. Entretanto, poucos estudos foram realizados para investigar esses documentos e desvendar as realidades representadas neles, propiciando uma informação mais detalhada e apurada a respeito do assunto em debate. Considerando o exposto, analiso um dos capítulos do ‘Relatório da Situação dos Direitos Humanos no Brasil’, elaborado em 1997 pela OEA (Organização de Estados Americanos), intitulado ‘Os Direitos Humanos da Mulher no Brasil’. Desenvolvo esta pesquisa baseando meus objetivos na perspectiva do discurso de Fairclough e de Halliday, na qual as identidades e hierarquias sociais são criadas e mantidas através do discurso entre os membros da sociedade. Utilizo a teoria e método da Lingüística Sistêmica Funcional de Halliday para analisar os processos de transitividade que ocorrem no objeto de estudo, para obter as respostas às perguntas da pesquisa. Com este procedimento, a análise revela que as mulheres são representadas como vítimas das violações aos seus direitos humanos, assim como responsáveis por algumas dessas violações e, ao mesmo tempo, ocupam uma posição de submissão na sociedade. Procurando tornar os membros da sociedade mais conscientes do problema, esta pesquisa representa uma contribuição na busca de soluções que possam ajudar a atenuar o problema, beneficiando desse modo àquelas mulheres que não gozam dos seus direitos humanos no Brasil.

**Palavras-chave:** Análise do discurso; Lingüística sistêmica funcional; Transitividade; Discriminação de gênero; Violência doméstica; Direitos da mulher brasileira.

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# CHAPTER I

## INTRODUCTION

### 1.0. Preliminaries

Within the field of Applied Linguistics, under the scope of discourse analysis, with the invaluable contribution of Systemic Functional Linguistics (henceforth SFL) as a tool of analysis, much has been achieved, regarding the description and interpretation of ‘why’ and ‘how’ language influences and determines social practices. These investigations, concerning the way language is used to achieve purposes, have helped to disclose and understand the way that social identities and hierarchical relations of domination and subordination, are established, performed and maintained in society.

It is through this type of research that awareness of social relations can be prompted, aiming at reducing domination among members of society. This type of awareness can result in social benefits (Fairclough, 1989, 1992), stimulating the existence of more equitable rights, and a more harmonious sense of achievement within society and every social practice that the members of the community engage in, even though much of this still needs to be investigated.

The purpose of my research is to analyse the discourse of the 1997 ‘Inter-American Commission on Human Rights – OAS’<sup>1</sup> (henceforth OAS) report on the situation of human rights in Brazil, specifically focusing on the situation of women rights. The mentioned institution is a body of the ‘Organization of American States’ (OAS), which is an international governmental institution concerned with human rights in the Americas. The aim of my analysis is to investigate and describe the ‘social identities’ and the ‘position within society’ given to women victims of gender-based

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<sup>1</sup>Organization of American States

discrimination and domestic violence resulting from unequal power relations between women and men in Brazil.

In case the results of the analysis would confirm that Brazilian women are represented as occupying a lower and subordinated position in society, giving them no voice, and by portraying them as vulnerable and defenceless, the prevalence of an extremely serious social problem would be demonstrated. This crucial situation, of women being influenced and thus suffering by the imposition of other's power upon them, would be in total opposition to the inalienability of the universal human rights, deserving, therefore, a more serious and deep concern, not only from the authorities, but from the entire Brazilian society.

Thus, this research could be a step ahead in an attempt to raise people's awareness of the problem, in order to start searching for solutions that could help to emancipate those women victims of gender-based discrimination and domestic violence in Brazil.

### **1.1. Research Problem**

According to the human rights organization Feminist.com (2002), women discrimination – in terms of inequality conditions in public and political participation, and in the work sphere, as well as domestic violence – has been a worldwide concern, independently of country, race and culture. Nevertheless, this organization affirms that governments all over the world have not been sufficiently concerned with the problem, the issue being underestimated or even ignored by authorities and legislatures.

In Brazil, like in many other countries, women social discrimination, emphasizing domestic violence, is considered illegal by the legislation. However, as stated in Feminist.com (2002), this problem has been normally tolerated by the Brazilian society.

The international league for peace and freedom PeaceWomen (2003) affirms that domestic violence against women was a pervasive fact occurring regularly in Brazil and that there was not a specific and complete governmental legislation concerning the issue.

Not only this serious violation of human rights, but for example the differentiation between men and women at work, where the latter earn lower salaries or are not hired in case they are pregnant, are common issues that occur in Brazil, possibly due to a male dominance within the Brazilian culture. This problem, probably, has not made society sensible enough, so that solutions to the problem could rapidly be searched and achieved.

As stated by the OAS (1997) in the 'Report on the situation of human rights in Brazil – 1997', women's rights organization have been working in order to obtain a place in society for women participation, reorganizing society so that democracy could become a real fact. At the same time, this organization states: "The government of Brazil, in turn, has adopted and implemented a series of significant initiatives designed to enhance the observance of the human rights of its female populace." According to PeaceWomen (2003), the new Brazilian Civil Code of 2003 takes into account the Constitutional principle of equality between women and men.

On the other hand, human rights organizations, like United Nations (1996) and Amnesty International (2004), affirm that in spite of all the advances made in terms of legal policies implemented, and measures that have been taken by states members of the OAS, the problem of women discrimination, specifically domestic violence, persists. The United Nations, Amnesty International, the OAS, as well as women movements call all signatories states of the 'Convention of Belém do Pará' to take action and try to eradicate the violations to women rights.

Other studies in the field of violations to women rights in Brazil, for example carried out by Figueiredo (2000) and Dornelles (2000) at Programa de Pós-graduação em Letras/Inglês, Universidade Federal de Santa Catarina, and institutions dealing with human rights like Human Rights Watch (1995), Feminist.com (2002), and Family Violence Prevention Funds (2004) reveal an appalling extent to which discrimination against women has occurred in Brazil. Consequently, any attempt at looking for solutions, or even contributing to enhance the chances of finding those solutions, is a justifiable action to be taken.

## **1.2. Objective of the Research**

From Fairclough's (1989, 1992) and Halliday's (1994, 2004) perspective of discourse as social practice, and applying the analysis of 'Transitivity' from Halliday's SFL theory and method, this research sought to analyze aspects of the discourse of a report on the situation of women rights in Brazil elaborated by the OAS in 1997.

The purpose of analyzing the mentioned text was to investigate and disclose the 'social identities' and the 'position within society' it establishes for women victims of gender-based discrimination and domestic violence in Brazil. I understand the term 'social identities' as the way society members can be represented by discourse, so that they are attributed diverse social features – including 'rights and duties or responsibilities' (Meurer, 2004, p. 87) that position them differently in contemporary society. These identities may relate to degrees of domination and submission.

### **1.2.1. Specific Questions of the Research**

These questions will be investigated in relation to the data described in the next section.

1. How are women victims of ‘gender-based discrimination’ and ‘domestic violence’ in Brazil discursively represented in terms of transitivity choices? (Halliday, 1994, p. 179; Halliday & Matthiessen, 2004, p. 44)

‘Discrimination’ is understood as unequal gender-based conditions for public and political development and participation, as well as unpunished domestic violence. By ‘discursively represented’ I mean the way that the text under analysis categorizes those women in terms of the identities they are given through transitivity choices.

2. How are women victims of ‘gender-based discrimination’ and ‘domestic violence’ in Brazil positioned within society?

This question refers to the different social positions within society those women might occupy regarding the rest of the community, in terms of the identities they are given by the discourse under analysis.

### **1.3. The Data**

#### **1.3.1. Information about the Data**

My corpus of analysis is composed by one text, comprising 5,668 words (*Appendix I*). This text is a part of a report issued by the OAS. The title of the report is ‘Report on the situation of human rights in Brazil’ and it is the result of an investigation carried out by the OAS in Brazil in 1997.

A provisional version of the report above mentioned had first been elaborated by the OAS, and sent in confidence to the Brazilian Government – headed by President Fernando Henrique Cardoso at that time – in order to be revised, in relation to its content, for possible errors de facto of or interpretations. This gave the Brazilian Government the chance to comment on the information contained in the report and to

propose necessary changes. Once the OAS received the comments from the Brazilian Government, in July 1997, and took them into consideration, the final version was elaborated and issued. (OAS, 1997, Introduction)

The report is constituted by 11 chapters containing the following issues:

- Chapter I: The protection of human rights in Brazil's juridical system;
- Chapter II: Social and economic rights in Brazil;
- Chapter III: Police violence, impunity and exclusive military jurisdiction for the police; Chapter IV: Conditions of detention in Brazil;
- Chapter V: Violence against minors;
- Chapter VI: Human rights of the indigenous peoples in Brazil;
- Chapter VII: Land ownership and the rights of rural workers;
- Chapter VIII: The human rights of Brazilian women;
- Chapter IX: Racial discrimination;
- Chapter X: Human rights of disabled persons;
- Chapter XI: Final conclusions and general recommendations.

The human rights of Brazilian women, Chapter VIII, was chosen as the data for this dissertation.

### **1.3.2. Criteria for Data Selection**

Two factors influenced and guided my choice. The first was based on two social perspectives: one was the relevant significance of the source issuing the mentioned publication – i.e., the OAS. The OAS – with its headquarters in Washington, DC, United States – is a forum that assembles most countries of the Western Hemisphere. This organization was created in 1948 when 21 nations committed to respect the sovereignty of each nation, and pursue and maintain equal rights for the population of the signatory parties.

On that occasion, the member countries of OAS, including Brazil among them, adopted the 'American Declaration of the Rights and Duties of Man', which was the first international human rights instrument adopted by the Ninth International Conference of American States, Bogotá, Colombia, in 1948, and established the



international protection of human rights as the principal guide for a developing American law.

The OAS has 35 member states today, which are constituted by the independent nations of North, Central and South America and the Caribbean. This governmental organization is internationally recognized and countries from the entire world permanently observe the crucial matters in the Americas and make financial support available for OAS programmes. For example, the monetary contributions of Cyprus, Denmark, Italy, Korea, Norway, Spain, United Kingdom, made to the OAS Fund for Peace, whose purpose is to facilitate OAS responses to a crisis situation between member states. Within the objectives of the OAS, the main issues are: defending democracy; protecting human rights; strengthening security; fostering free trade; combating illegal drugs; and fighting corruption.

The second perspective was the fact that this organization was responsible for having initiated an official governmental process in 1994, involving all state members of the OAS, in which the issue of human rights was raised as a priority interest in the Americas. On June 9<sup>th</sup>, 1994, the General Assembly of the OAS adopted by acclamation the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, 'Convention of Belém do Pará' which was held in the city of Belém, capital of the state of Pará, Brazil. This convention was an unprecedented international treaty that entered into force on March 5, 1995, in which all parties<sup>2</sup> committed to establish the respect and maintenance of women's rights in the Americas.

From that date on and up to present, the OAS has been accompanying and heading this process initiated with the 'Convention of Belém do Pará', by issuing

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<sup>2</sup> Antigua and Bermuda; Argentina; The Bahamas; Commonwealth of Barbados; Belize; Bolivia; Brazil; Chile; Colombia; Costa Rica; Dominica; Commonwealth of Dominican Republic; Ecuador; El Salvador; Grenada; Guatemala; Guyana; Haiti; Honduras; Mexico; Nicaragua; Panama; Paraguay; Peru; Saint Lucia; Saint Vincent and the Grenadines; Saint Kitts and Nevis; Trinidad and Tobago; Uruguay; and Venezuela.

biennial reports about measures implemented by state members in favour of resolving the problems affecting the existence of women's rights and gender equity and equality. Also the reports aimed at giving the state members suggestions on how to pursue and fulfil the prescriptions stated in the Convention.

The second factor that directed my decision on the selection of the text for the analysis was also due to two social perspectives. The first was that this text had been the only international and governmental report issued since the realization of the 'Convention of Belém do Pará' and up to the time of this research. The second was the characteristic of the text itself, which contains a detailed description of the Brazilian situation of women's rights related to gender-based discrimination and domestic violence. I deemed that this content would be entirely suitable for achieving the objectives I settled for my investigation.

The OAS report starts by contextualizing its objective, which is to evaluate the enhancing of the effective exercise of democracy, as an essential condition for the respect of human rights, in accordance to the Declaration of the UN World Conference on Human Rights, Vienna, 1993. The introductory part also states that Brazilian women's rights organizations had had an important role in reorganizing society for combating discrimination against women, at the same time that the Government had adopted and implemented initiatives to have women's rights respected.

On the other hand, the OAS report affirms that, in spite of those advances, the discrimination against women persisted in various spheres and that the society was aware that additional measures were necessary to be taken. The text describes the situation of women's discrimination at work; in political participation; and participation in decision making and public life. Then, it describes the problem of violence against

women, specifically domestic violence, which, according to the report, was one of the most common violations to women's rights in Brazil.

Finally, the report mentions the conclusions to which the OAS arrived at concerning the subject matter, i.e., detailed information on the persistence of women discrimination within different sectors of society, and states a series of recommendations for the Government to take and implement further measures aimed to promote the eradication of the problem. (*Appendix I*)

### **1.3.3. Procedures for Data Collection**

In order to collect the data for the analysis, I carried out a survey on the Internet, so as to gather information about international and national institutions, currently concerned and dealing with human rights. I accomplished this stage specifically focusing my attention on women's rights in Brazil.

From this search, I had access to information of several organizations. I found two international governmental organizations dealing with the subject matter: the United Nations (henceforth UN) and the OAS. In addition, I found several other minor organizations, from which the majority were international non-governmental organizations<sup>3</sup>, and in a lower number non-governmental Brazilian human rights organizations<sup>4</sup>.

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<sup>3</sup> 'Amnesty International' (<http://web.amnesty.org>)

'Human Rights Watch' (<http://www.hrw.org>)

'Feminist.com' (<http://www.feminist.com>)

'PeaceWoman' (<http://www.peacewomen.org>)

'Family Violence Prevention Fund' (<http://endabuse.org>)

'Human Rights Web' (<http://www.hrweb.org>)

'Human Constitutional Rights' (<http://www.hcr.org>)

'Human Rights Internet' (<http://www.hri.ca>)

'Human Rights Training Programs' (<http://www.humanrights.uconn.edu>)

'Human Rights First' (<http://www.humanrightsfirst.org>)

'Human Rights Education Associates' (<http://www.hrea.org>)

<sup>4</sup>'Centro Feminista de Estudos e Assessoria' (<http://www.cfemea.org.br>)

'Rede Feminista de Saúde' (<http://www.redesaude.org.br>)

'Ipas Brasil' (<http://www.ipas.org.br>)

However, because of the scope and time allotted for this research, it was necessary to reduce the size of my object of study. Nevertheless, this restriction had to be made to such a range that would allow for a proper analysis as well as trustworthy results within the scope of the investigation. I thus chose for the analysis Chapter VIII of the above mentioned report by the OAS – the 1997 OAS Report on the situation of human rights in Brazil – as this text is strictly linked to my focus of analysis, i.e., the situation of women’s rights in relation to the issue of gender-based discrimination and domestic violence against women in Brazil.

#### **1.4. Method of Analysis**

Scientific research cannot but be grounded and supported by scientific theory, which has been proved to be coherent and efficient in its field, not only as a means of theoretical instrument for investigating and defining its objects of studies, but also as a practical tool for carrying out the research itself.

Considering the objective of this research, i.e., to investigate the representations and the social position of women victims of gender-based discrimination and domestic violence in Brazil, I applied Halliday’s theory and method of SFL – which I will discuss in Chapter III – in order to accomplish my objectives, because this method would represent the appropriate procedure through which my research questions could be fully answered. Referring to discourse analysis or ‘texts linguistics’ Halliday states “it is sometimes assumed that this can be carried out without grammar – or even that it is somehow an alternative to grammar. But this is an illusion. A discourse analysis that is not based on grammar is not an analysis at all, but simply a running commentary on a text.” (1994: p.xvi)

From this perspective, I carried out the analysis of my object of study applying Halliday's SFL method. I started by determining the 'Context of situation' (*See Chapter III*) in which the text operates. Then I separated the text into clauses and inserted them into a software programme created by Souza (2003)<sup>5</sup> in order to analyse those clauses in terms of 'transitivity', i.e., the lexicogrammatical choices people make when construing texts.

This *modus operandi* would disclose the grammatical processes the social participants involved – i.e., the Brazilian Authorities, Society, Women victims, and Others (*Described in Chapter 4, Section 4.2*) – utilized to make meanings through what they said. This method that I used would systematically bring to surface the meanings construed in the text, consequently giving answers to my research questions.

### **1.5. Significance of this Research**

The bidirectional relationship between language and society – i.e., language influencing society and society influencing language – is a major assumption in Fairclough's (1989, 1992) and Halliday's (1994, 2004) perspective of discourse as social practice. This theory is specifically concerned with the relation between 'language' and 'power', the latter being understood as the capacity some members and institutions of society have to establish and maintain social identities and hierarchies, thus generating domination upon other members of society.

Regarding the problem targeted by this research, i.e., women victimised by gender-based discrimination and domestic violence in Brazil, Feminist.com (2002, p. 1), for example, reports that unpunished domestic violence against women – probably the

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<sup>5</sup> Souza's programme consists of an Excel platform specially designed to analyse the clauses in terms of determining the primary and the secondary social participants, and four of the six transitivity processes (material, relational, mental, and verbal). As this data is being inserted in the cells of the platform, the programme automatically generates partial and total counts and graphics of the processes that will be used in the interpretation of the transitivity system.

most outrageous form of gender-based discrimination – is an undeniable fact that has been occurring worldwide, for example in the United States, India, Sweden, Nicaragua, South Africa, and Korea. In Brazil, according to Feminist.com (2001, p. 1), this problem has also achieved significant proportions, with the aggravated factor of being ‘tolerated’ by authorities and society.

This research may represent a contribution promoting a better understanding of the problem with the aim of making people aware of how power, in the sense of subordination and domination is being established by means of discourse. It is expected that this awareness may benefit those women victims of gender-based discrimination and domestic violence in Brazil.

### **1.6. Outline of the research**

In this first chapter, I have first introduced my dissertation by defining the problem I propose to investigate, and the objectives I intend to achieve by obtaining the answers to the specific questions that will lead the development of the research. Then, I described the data that I will analyse, in relation to its characteristics, its source, and the criteria for its collection. Finally, I described the method of analysis that I will use to carry out the research.

In Chapter II, I contextualize the problem under analysis by reviewing the literature published by institutions, which are directly dealing with the subject matter, e.g. United Nations, Organization of American States, and independent women movements, like Family Violence Prevention Funds and Feminist.Com. In Chapter III, I discuss the theoretical framework, which gives support to my research. I introduce the concept of discourse and its effects within social practices (Fairclough, 1989, 1992) and

I describe Halliday's (1994, 2004) theory and method of Systemic Functional Linguistics, which I use to carry out the analysis.

In Chapter IV, I present the quantitative results obtained from the analysis of the data. I describe the social participants and their number of occurrences in relation to the transitivity processes present in the text under analysis. Finally, in Chapter V, I present the conclusions of this thesis and some further considerations on gender-based discrimination and domestic violence against women.

## **CHAPTER II**

### **CONTEXTUALIZING WOMEN'S GENDER-BASED DISCRIMINATION AND DOMESTIC VIOLENCE IN BRAZIL**

#### **2.0. Review of Literature**

In this chapter I discuss the condition of women's rights in Brazil. I present information on the issue by referring to investigations that have been carried out by international and national governmental and non-governmental organizations, like the UN, the OAS, Agência Brasil, and women movements.

Gender-based discrimination and domestic violence affecting women in many countries of the world is a fact commonly denounced by numerous international human rights organizations lead by the UN and the OAS as international governmental institutions. According to UN (1994) and OAS (1997), this discrimination is basically characterized and put forth by the stereotyped 'male superiority' upon women. As a result, women are prevented from enjoying equal human rights, which grant them identical participation to men in the public and political spheres, equivalent treatment at labour and professional activities, and last and utmost crucial, the eradication of unpunished domestic violence.

As stated in the 'American Declaration of the Rights and Duties of Man' (OAS, 1948), family constitutes the basis of society, and as affirmed by diverse organizations (e.g. UN, 1996; OAS, 1997; Feminist.Com, 2002; CIM, 1999, 2000, 2003; Amnesty International, 2004), unpunished domestic violence against women, as one form of gender-based discrimination, takes place within many of those families, constituting a very problematic fact that obstructs the existence of fair human rights. In accordance to



this concept and because of its greater magnitude, domestic violence has become a priority area of concern for the organizations dealing with women's rights.

National and international governmental and non-governmental organizations, dealing with the defence of human rights in the American Continent, have been working in accordance to the 'American Declaration of the Rights and Duties of Man' (OAS, 1948) and the 'Universal Declaration of Human Rights' (U N, 1948). In June 1994, the OAS presided a convention in Brazil called 'Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women – Convention of Belém do Pará'.

The statement of the mentioned convention (1994, article 1) defined violence against women as “any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.” According to OAS (1997, paragraph 24), within the issue of violence against women, domestic violence was the most common in Brazil and its regular forms were homicide, battery, abuse and rape.

As a signatory state party of the Convention of Belém do Pará (1994, article 4), Brazil agreed to recognize and exercise, among others, the following rights for women:

- **a)** The right to have her life respected;
- **b)** The right to have her physical, moral and mental integrity respected;
- **c)** The right to personal liberty and security;
- **d)** The right not to be subjected to torture;
- **e)** The right to have the inherent dignity of the person respected and her family protected;
- **f)** The right to equal protection before the law and of the law;
- **g)** The right to simple and prompt recourse to a competent court for protection against acts that violate her rights;
- **h)** The right to associate freely;
- **i)** The right of freedom to profess her religion and beliefs within the law; and
- **j)** The right to have equal access to the public service of her country and to take part in the conduct of public affairs, including decision-making.

Feminist.com (Consciousness-raising portal for women support) (2002, p. 1) states that domestic violence against women had been a worldwide concern, independently of country, language, race and culture, tradition or just for the sake of life itself. This organization states: "Inadequate government response to domestic violence occurs with striking regularity around the world. Domestic violence claims are frequently ignored, trivialized, and dismissed by police, by prosecutors and by judges." In the 'Report on the mission of the Special Rapporteur to Brazil on the issue of domestic violence (15-26 July 1996)', the UN (1997, paragraph 23) declares that "there is no doubt that domestic violence is a criminal act and that the penal laws of all countries must be strong enough do deter acts of domestic violence."

However, in her PhD thesis, analysing judicial discourse on rape, Figueiredo (2000, p. 85) states that it is common that legal processes concede a differentiated treatment according to gender. Many times men are privileged when confronted by women that have been victimized by them. In addition, the author affirms that women victims of rape will be treated in a more or less sympathetic and respectful way in accordance to the way they are discursively represented during the process.

These representations, according to Figueiredo (2000, p. 88), may vary in terms of being a 'genuine victim', i.e., women having no complicity with the crime. The author states that these victims "will receive the full sympathy and protection of the courts. Virgins, very young girls, old ladies and women who resisted fiercely to the attack have a much higher chance of being represented as 'true' victims". On the other hand, as stated by the author (2000, p. 106), women who have had a previous relation with the aggressor, or who have had an outstanding sexual past will not be seen as genuine victims. In these cases, they will not receive a full support by the court and "The event will probably be minimised, and the sentence length will be shorter".

The Brazilian legislation establishes the illegality of domestic violence against women. However, Feminist.com (2002) states that the problem had been normally tolerated by the Brazilian society. The apparent acceptance of this serious violation of human rights, not only by authorities, but also by the community itself, was rooted in a traditionally male chauvinist culture. According to the UN report (1997, paragraph 25), this situation is related to the concept of 'machismo', i.e., the male notion of superiority, which results in extreme male dominance.

This social feature has had a powerful role within Brazilian community. Society repudiates this infringement, but at the same time, it does not call the necessary attention, for it has been a common social practice since the origins of the Brazilian history. United Nations (1997, paragraph 25) adds that this 'machismo' feature in Brazil originated in the idea that violence was something natural within men and women relationships and that the state and society should only take part in the issue when it became really serious, for example involving homicide.

Family Violence Prevention Fund (2004, p. 1) – an international human rights organization settled in the United States – informs that before the Brazilian Civil Code was reformed in 1962, women did not have the same rights as men, who were main controllers of the family, exerting their power over wives, children and servants. Women had no voice and were treated as wards. They were not allowed to get involved in activities that were not consented by the husbands, for example working out of the house. They were not even able to represent the family legally or have any right over the family's property. This situation was only legally changed in the new Brazilian Constitution of 1988, which declared women's and men's equality under the law.

According to UN report (1997, paragraph 18), the Brazilian Government established a Commission to investigate violence against women in Brazil in 1993. The

investigation “revealed that 26.2 percent of crimes against women were based on physical injury; 16.4 percent were criminal threats against the women; 3 percent were ‘crimes of honour’; 1.9 percent were crimes of seduction; 1.8 percent were rape and 0.5 percent were homicides.” The Commission concluded the investigation with the outstanding fact that 88.8 percent of the women victims of violence were housewives and that most of the assaults occurred at home, especially those against married women aged between 18 and 29.

The UN report (1997, paragraph 20) informs that in 1995, the Brazilian non-governmental organization CEPIA (Initials that in English mean ‘Citizenship, Study, Research, Information and Action), which operates in Rio, conducted a research which showed that in 1995 in the city of Rio de Janeiro, there were 23,000 reports of women victims of violence and that 65 to 70 percent of them were victims of domestic violence. In the same year, in the city of São Paulo, there were approximately 130,000 reported cases of violence against women.

Agência Brasil (Official press agency of the Brazilian government) (2004, p. 1) mentions the results of a study carried out by the World Health Organization showing that women, as victims of domestic violence were the main users of Brazilian’s Public Health System. For the international health organization, Brazilian women had developed into a serious health problem. Another striking feature revealed by the study was that women victims of domestic violence were more likely to take suicide into account than women who did not suffer from violence.

These results became shocking and alarming with the numbers that statistics had shown in 2003. As examples, Miranda and Magno (2004, p. 42) mention that only in the state of Rio de Janeiro, 31,000 occurrences were reported at police stations specialized in attending cases of violence against women, and in the city of São Paulo 87,000 cases

were reported, both in 2003. According to the journalists, these numbers were not but the tip of the iceberg of dramatic histories that did not make any difference of age, education or social status. The only factor differentiated was the victims, only women.

The UN report (1997, paragraph 21) states that women were mostly victimized by those who were directly connected to them, i.e., husbands, fathers or brothers. This fact complicated the situation, because those women reported the violence in the police stations, not with the aim of charging criminally their aggressors, but rather aiming to obtain reconciliatory mediation from the police.

Figueiredo (2000, p. 99) also confirms that “sexual violence occurs more frequently within the boundaries of intimacy than between strangers”. The author states that women are more likely to be victims of husbands, boyfriends and relatives. Figueiredo (2000, p. 99) also mentions the fact that as domestic violence is more difficult to be discovered, the cases are not usually reported and punished. This would corroborate Miranda and Magno’s (2004) view that the situation is even more serious in terms of numbers of victims.

These women’s attitude, as the UN report (1997, paragraph 24) states, was due to the fact that “economic independence is a crucial factor affecting women’s response to domestic violence. Most victims of domestic violence do not have alternative accommodation, an independent means of livelihood or the means to meet the expenses of legal proceedings”. This situation made those women reluctant to leave their husbands or partners, as doing so meant to leave their homes and children behind.

Still according to Figueiredo (2000, p. 100), some of the reasons why women victims of domestic violence do not report the attacks are fear for their lives, as well as mixed feelings regarding the attacker: “mixed feelings of guilt, loyalty and fear lead many women to withdraw charges against partners, or to communicate with them in

prison”. The author adds that, because of these attitudes of women toward their attackers, justice will regard the issue as being less serious than it is.

Moreover, according to UN (1997, paragraph 28), another important factor that obstructs the eradication of domestic violence relates to women of upper-class families. Those women, because of the stigma related to reporting to the police, and the way this could affect the status they hold in society, rarely recognize and/or report being victims of domestic violence.

In addition to the action of activist Brazilian feminists, according to Family Violence Prevention Fund (2004, pp. 4, 5), the Brazilian community had contact with the concept of ‘feminism’ through a television series called ‘Malu Mulher’ (‘Malu’ is a woman’s nick-name and ‘Mulher’ means woman), which was broadcast in Brazil by TV Globo channel from May 1979 to December 1980. It was the story of a divorced middle-class woman, who had to raise a daughter and struggle in the daily life against discrimination, in order to gain emancipation from the role of subordination imposed by society.

At the same time Brazilians were being introduced to the problem of women discrimination through that television programme, as stated by Family Violence Prevention Fund (2004, p. 5), the first Brazilian woman’s organization was created, namely ‘S.O.S. – Mulher’ (S.O.S. – Woman), its specific objective being to fight in order to eradicate violence against women. From that time on, diverse feminist movements were funded, organized and grown in terms of popularity. They had become strong enough to be working together with governmental agencies with the aim of creating and applying public policies for the defence of women’s rights.

In 1985, urged by the work of those women’s groups, Franco Montoro, governor of the state of São Paulo, created the first woman’s police station (delegacia

especializada de atendimento à mulher) or DEAM (initials that in English mean Police station specialized in the attendance of women). From that moment, those police stations began to spread along Brazil. However, they were not distributed equality along the territory in such a way they could offer their services within all regions to all victims requiring their help.

The UN report (1997, paragraph 48) declares “in 1996, there were 152 women’s police stations nationwide, of which 124 were in São Paulo, 5 in Rio de Janeiro and 1 in Brasilia. The special Rapporteur notes, however, that there are no women’s police stations in the interior of the country.” In rural and indigenous areas, women had no access to woman’s police stations as women in the urban areas had.

Ostermann (2003) carried out a research in police stations in the south of Brazil. Her investigation confirmed the precarious and inefficient conditions under which these institutions were operating. The author (2003, p.478) mentions the lack of material resources the police stations were allowed for carrying out the attendance to women victims reporting their problems, and also that the police officers did not receive proper training to perform their work.

Woman’s police stations were considered to have an inferior position within the Brazilian police force as, according to the U N report (1997, paragraph 63), some police officers considered the work of those police stations not as police but as social work and there was also the feeling that officers were commissioned there for punishment or because of bad professional performance.

Ostermann (2003, p. 479) verified that officers working in these stations were not satisfied, once they had been assigned to work in these locations against their will. Moreover, they did not consider that they were really carrying out a work of police officers.

Human Rights Watch (Non-governmental North-American institution) (1995, p. 1) mentions the fact that woman's police stations had not enough funds to operate efficiently and that their staff had no adequate training, responding with hostility or incredulity to women when they tried to report that they had been victims of domestic violence.

This resources deficiency was also reported by United Nations (1997, paragraph 64) "In all the DEAMs the Special Rapporteur visited, it was clear that they were not receiving adequate resources to carry out their work, especially in terms of police vehicles, personnel, computers, social workers, psychologists and programmes for therapy."

OAS (1997, paragraph 25) also confirms the above mentioned problem of DEAMs, stating that their work is obstructed by unsatisfactory human and material resources. OAS (ibis) mentions that DEAMs are prevented from protecting women's rights affirming that "insufficient training for both specialized and non-specialized personnel (in the general ranks of the police) in dealing with cases of violence and with gender issues generally, and insufficient coordination with the rest of the police apparatus."

PeaceWomen (Women's international league for peace and freedom of United Nations) (2003, p. 1) affirms: "Domestic violence is widespread in Brazil. Besides the few articles applicable to domestic violence in Brazilian legislation which consider domestic violence a minor crime, there is no specific comprehensive legislation dealing with domestic violence."

Human Rights Watch (1995), states that an investigation that the institution carried out in Brazil in 1991 revealed that women received little or no justice when they reported to be victims of violence in hands of their husbands or partners, and that the



same situation continued until 1995. Even though the Brazilian government had created approximately six shelters for those women throughout the country, the circumstances had not changed. The criminal justice system remained inadequate, only responding to those women who had enough money to hire very good lawyers to defend their cases.

That situation, according to Human Right Watches (1995), was aggravated by the fact that the Brazilian Penal Code was biased and discriminatory concerning the issue of domestic violence. For this organization “The Brazilian criminal justice system has failed generally to investigate and prosecute in a non-discriminatory manner crimes of domestic violence against women, in contravention of Brazil’s obligations under international law.”

According to UN (1997, paragraph 78), some initiatives, concerning violence against women, had been taken by the Brazilian legislature. For example, the National Congress had signed for providing funds for the National Women’s Rights Council – agency established by president Sarney in 1985, with the function of enacting policies aimed at ending women’s discrimination – specifically devoted to domestic violence. Another example was a National Plan for Human Rights, launched by the Ministry of Justice in September 1995, prioritizing the issue of violence against women.

PeaceWomen (2003), as another example of the referred initiatives adopted by the Brazilian government, mentions the inclusion of the constitutional principle of equality between women and men in the new Civil Code of 2003. However, as affirmed by the article, women continued to deal with inequality within social environments, like government representations, education and discrimination in the family. This implied the obstruction of women’s rights, leaving them vulnerable to violence.

As to the Brazilian judiciary system, the UN report (1997, paragraph 75) states “According to one expert, only 2 per cent of male perpetrators of violence against

women are actually convicted and sentences in cases of domestic violence are often for less than one year.” The report discussed the fact that judiciary members did not judge domestic violence as a criminal behaviour but rather as the social role of the members involved, i.e., the perpetrator and the victim. Regarding this attitude, it was possible to consider that social bias affected judgements.

If a woman is portrayed as a good, submissive, sexually inactive housewife, the chances for the conviction of her batterer are greater. If, on the other hand, the woman victim displays independence and there are hints of sexual impropriety or ‘loose’ sexual mores, it is very unlikely that her batterer will be convicted. (UN, 1997, paragraph 75)

According to Agência Brasil (2004, p. 1), the Brazilian Chamber of Deputies created a special commission with the function of providing women with more access to health, education and the labour market, as well as the assurance of battling against domestic violence. This governmental policy represented a significant step, in order to achieve the commitments Brazil had taken on international human rights treaties.

In addition, a new important advancement, with the aim of eradicating this serious and outrageous problem of domestic violence against women, according to Miranda and Magno (2004, p. 44), took place on June 17<sup>th</sup>, 2004, when Brazilian President Luis Inácio Lula da Silva sanctioned a law which introduced Domestic Violence in the Penal Code. Aggressions against ascendants, descendants, brothers or spouses, which have formerly been considered just as mere body injures, were regarded, from that moment, as specific crimes with an imprisonment of six months to one year. The journalists quoted Minister Nilcéa Freire, from ‘Secretaria Especial de Políticas para Mulheres’ (Special Secretary for Women Policies) as having stated “We have to eradicate violence against women”, and also quoted the author of the project, Federal Deputy Iara Bernardi as having added “It is time to stop impunity”.

Even though the Brazilian society –with support from feminist movements – is gaining awareness of the problem and is becoming sensible to the imperious necessity of having more rigorous legislature and punishment against domestic violence, Family Violence Prevention Fund (2004, p. 2) affirms that “Patriarchy and machismo are still deeply ingrained in the social structure and in the way of life of Brazilians of all classes. It will require much more systematic effort to have public policies effectively implemented so that Brazilians women can feel confident that domestic violence will not be tolerated and Brazilian men will know that they will be held accountable for their violence within the household.”

Notwithstanding the 10<sup>th</sup> anniversary of ‘Convention o Belém do Pará’, on 9<sup>th</sup> June, 2004, Amnesty International (2004) – an independent and impartial worldwide movement of people, disregarding any government, ideology, economic interest or religion, working together and based on the Universal Declaration of Human Rights proclaimed by the UN in 1948 – stated that that convention was the only international treaty in the world on violence against women. At the same time, the organization denounced that even though the Convention had been significantly approved, in comparison to other treaties on human rights, violence against women was a serious violation of human right and that the problem was far from being eradicated.

Nevertheless, in spite of the fact that the problem of gender-based discrimination, according to what feminist movements denounce concerning the maintenance of the problem and the lack of authorities responses, it is necessary to point out that the state members of the Convention do Belém do Pará have been trying to change the state of affairs. After the mentioned Convention, and in accordance to its Article 23,

The Secretary General of the Organization of American States shall present an annual report to the member states of the Organization on the status of this Convention, including the signatures, deposits of instruments of ratification and

accession, and declarations, and any reservations that may have been presented by the States Parties, accompanied by a report thereon if needed. (OAS, 1994)

the Inter-American Commission of Women (henceforth CIM) – a specialized organization of the OAS, which is the principal forum for generating hemispheric policy to advance women's rights and gender equality – has been in charge of elaborating the mentioned reports. These reports were issued in 1999, 2001 and 2003 and called Biennial Reports, containing information about the state of the convention in relation to the activities carried out by the state parties.

In the First Biennial Report (1999) the CIM mentioned that awareness of the problem had increased within society, which represented a positive point, but, on the other hand, this improvement was partially inhibited by the remaining lack of prompt response by signatory governments. The Commission points out the lack of true commitment by the parties, which led to the maintenance of obstacles to resolve the issue.

These obstacles hindering the achievement of the traced objectives, which are also pointed out in the Second Biennial Report (2001), included lack of financial and technical resources, socio-cultural factors and attitudes condoning discrimination against women, absence of effective monitoring mechanisms, and lack of understanding of violence against women and its causes. This report also states that the implementation of the state parties' policies and mechanisms to combat the problem continued to be inefficient. According to CIM (2001), Brazil did not even answer the questionnaire every state member had to fulfil for the Second Biennial Report and from which it would be elaborated.

According to the Third Biennial Report (2003) the obstacles above mentioned continued and as a consequence the CIM concludes the report giving recommendations

to the state members on the mechanisms that should be created and implemented in order to activate the process stated in the Convention of Belém do Pará. Among these measures are: promoting awareness of the problem, the mobilization of the community, the elimination of customs and legal practices which tolerate or contribute to violence against women, due diligence in preventing, investigating and punishing violence, access to justice and international cooperation.

Having the context above mentioned in mind, in which women are suffering from gender-based discrimination and domestic violence in Brazil, the present dissertation intends to contribute mainly to raising awareness of the problem within the Brazilian authorities and society, by examining the ‘social identities’ and the ‘position within society’ attributed to those women.

## **2.1. Summary of chapter II**

In this chapter I have presented the situation of women’s rights in Brazil, in accordance to investigations carried out by international and national governmental and non-governmental organizations concerned with the subject matter. These institutions – e.g. UN, OAS, Agência Brasil, Amnesty International, and women movements like Feminist.com and PeaceWomen – describe the violation of Brazilian women’s rights, concerning gender-based discrimination and domestic violence.

In the next chapter, I consider the concept of discourse drawn on Fairclough (1989, 1992) and Halliday’s (1994, 2004) perspectives, and then I discuss Halliday’s SFL theory and method of analysis, which I followed in order to carry out my research.

## **CHAPTER III**

### **THEORETICAL FRAMEWORK**

#### **3.0. Introduction**

In my research, the main theoretical resource I used to analyse the selected data was Halliday's method of analysis, i.e., SFL. In this chapter I present the notion of 'language use' and the way it can be analysed and interpreted in order to unveil the identities and representations – social position and roles – established through language by social participants, i.e., individuals and/or organizations, when interacting in social practices.

Firstly, I discuss the concept of 'discourse' – as texts involving discursive and social practices – in an attempt to clarify the way they are taken into consideration within a 'discourse analysis' perspective. For this purpose, I draw on Fairclough (1989,1992).

Then, I discuss the theory of SFL, specifically the analysis of 'transitivity', created by the linguist Michael Alexander Kirkwood Halliday. My aim in this section is to illustrate a linguistic tool which has shown to be of great relevance for the purpose of analysing discourse, as an analytic and interpretative linguistic system, which made it possible to accomplish the objectives proposed by the present research.

#### **3.1. Discourse**

It is widely recognised today that language use is direct and intimately related to social and cultural processes and changes. The linguist Norman Fairclough (1989, 1992) has been trying to create an approach to discourse analysis, which could be useful in

investigating language in a way that enables researches to reveal social and cultural changes operated by society members through discourse.

However, discourse is not a consensual notion. As Fairclough (1992, p. 3) states, ‘discourse’ has been given diverse and conflicting definitions within many theoretical perspectives. Linguistics, for instance, has usually been concerned with ‘discourse’ as consisting of pieces of spoken and written language, and has habitually taken into consideration the features of sentences or units of grammar for the analysis. Fairclough (1992, p. 3) observes “discourse emphasizes interaction between speaker and addressee or between writer and reader, and therefore processes of producing and interpreting speech and writing, as well as the situational context of language use.”

As another example, he mentions the French philosopher Michel Foucault, whose concept of ‘discourse’ is used in social theory and analysis as different ways of configuration between the areas of knowledge and social practice.

Discourses do not just reflect or represent social entities and relations, they construct or ‘constitute’ them; different discourses constitute key entities (be they ‘mental illness’, ‘citizenship’ or ‘literacy’) in different ways, and position people in different ways as social subjects (e.g. as doctors or patients), and it is these social effects of discourse that are focused upon in discourse analysis. (Fairclough, 1992, p. 3, 4)

In my analysis I followed Fairclough (1992, p. 4) considering the connection of language analysis with social theory based on “a combination of this more social-theoretical sense of ‘discourse’ with the ‘text-and-interaction’ sense in linguistically-oriented discourse analysis”. Therefore, I use the term ‘discourse’ as a conception of language as a form of social practice (Fairclough, 1989; 1992; Halliday, 1978; 1994; Meurer, 2002; 2004), i.e., socially determined language use.

Fairclough (1989, p. 22) mentions “language as a form of social practice”, i.e., that language is a part of society and not something external to it; also that it is a

socially conditioned process. As the author (1989, p. 23) affirms, “there is no external relationship between language and society.”

In addition, considering the term ‘text’, Fairclough (1992, p. 4) states that from the perspective of discourse analysis, ‘text’ refers to any product, written or spoken. The author expands this idea affirming that the notion of discourse is also related to other symbolic forms, for instance in the elaborations of visual images, and the use of words and images together in the creation of certain texts, e.g. texts used in publicity.

For the purposes of this dissertation, I use Halliday’s definition of text. Rather than being concerned with isolated sentences – as traditional grammar is – SFL is concerned with texts, either spoken or written. Thus, in order to understand SFL, it is necessary to define texts, which are essentially language in use, i.e., a set of meanings appropriately produced for the context in which those texts apply. Halliday (1994, p. xvii) affirms that “a text is a semantic unit, not a grammatical one. But meanings are realized through wordings; and without a theory of wordings –that is a grammar – there is no way of making explicit one’s interpretation of the meaning of a text.” The author (1994, p. xxii) states that it is common to consider texts as something material, i.e., products.

### **3.2. Systemic functional linguistics**

Michael Alexander Kirkwood Halliday (1994, 2004) created an approach to linguistics called SFL; a theory that considers language as the basis for construing human experience. Several researchers, for example Hasan (Text in the Systemic-Functional Model, 1977), Eggins (Development of a Linguistic Model of Human Dialogues: systemic-functional interpretation of dialogues, 1991a), Martin (English Text: system and structure, 1992a), van Dijk (Text and Context: explorations in the



semantics and pragmatics of discourse, 1977), and Matthiessen (*Lexicogrammatical Cartography: English systems*, 1990/2), among others, have adopted and followed this theory.

There is enough evidence that SFL has shown to be effective in different fields. As examples, Halliday (1994) mentions a relevant number of fields in which SFL may be useful. The following are just some of the items in the author's list:

To understand the nature and functions of language; [...] to understand how languages evolve through time; to understand how a child develops language, and how language may have evolved in the human species; to understand the quality of texts: why a text means what it does, and why it is valued as it is; to understand how language varies, according to the user, and according to the functions for which it is being used; [...] to understand the relation between language and culture, and language and situation; to understand many aspects of the role of language in the community and the individual: multilingualism, socialization, ideology, propaganda, etc.; [...] to write reference works (dictionaries, grammars, etc) for any language; to understand the relation between language and the brain; to help in the diagnosis and treatment of language pathologies arising from brain insults (tumours, accidents) or from congenital disorders such as autism and Down's syndrome; [...] to assist in legal adjudications by matching samples of sound or wording. [...] (Halliday, 1994, pp. xxix, xxx)

Halliday has claimed, from the beginning of his work in 1973 until the present, that language cannot be dissociated from meaning and that function and semantics are the basis of human language and communicative activities. Halliday (2004, p. 19) refers to language "as text and as system, as sound, as writing and as wording, as structure, – configuration of parts and as resource – choices among alternatives."

SFL is functional and semantic rather than formal and syntactic in orientation. As such, it starts at social context, and looks at how language both acts upon, and is constrained by, this social context. It takes the text rather than the sentence as its object, and defines its scope by reference to usage rather than grammaticality. It is a theory of language centred on the notion of language function and accounts for how language is

used. The three broad dimensions of analysis in SFL are: ‘Context of situation’, ‘Metafunctions’, and ‘Lexicogrammar’.

### 3.2.1. Context of situation

In order to analyse language in use, the investigation needs to be carried out within the context in which the discourse takes places. This notion not only refers to the cultural context in which discourse is elaborated, but as Eggins (1994, p. 50) states, to

a second level of situational, as distinct from cultural, context which both constrains the appropriacy of using a particular genre, and which gives to the abstract schematic structure the ‘details’ that allow us to accurately place the text in terms of dimensions such as: who was involved in producing the text, what the text is about, and what role language was playing in the event

In this so called ‘context of situation’, discourse acts to establish a relation denominated ‘register’. Eggins (1994, p. 52), quoting Halliday, mentions the three aspects, or ‘register variables’, of language use that have an impact on linguistic choices:

- **field**: what the language is being used to talk about;
- **mode**: the role language is playing in the interaction; and
- **tenor**: the role relationships between the interactants.

Martin (1984, p. 23) defines the notion of register as follows:

**a) ‘Field’**: this refers to the activities that are taking place, i.e., the common activities we are daily engaged in when interacting in society; for example going to school or work, shopping, playing games, and so on;

**b) ‘Tenor’**: this refers to the way people relate among themselves when participating in social activities. It has to do, for example, with the distance established between social participants of discursive events through their level of formality or politeness. It is also established by different hierarchies within society, for example

employers and employees, teachers and students, elderly people and young people, etc.; and

c) **‘Mode’**: this means the channel people use to communicate, the most common of which are speech and writing, and the role language itself plays.

Halliday (1978, p. 31) summarizes these notions as follow: “that kinds of linguistic situation differ from one another in three ways: first, they differ in terms of what is taking place; secondly, in terms of the role the language is playing; and thirdly, in terms of who is taking part.” The author (1978, p. 32) states that the goal of register theory is “to attempt to uncover the general principles which govern (language) variation (according to the situation), so that we can begin to understand what situational factors determine what linguistic features.”

### 3.2.2. Metafunctions

Meanings, according to Halliday (1994, p. xiii), are constituted by three functional components or ‘metafunctions’:

a) The **‘ideational’**, which is a reflective process and aims at representing the environment, i.e., the world or reality in which we perform and interact. It is concerned with grammatical resources for construing our experience of the world around us and inside us. Halliday and Matthiessen (2004, p. 29) affirm that “language provides a theory of human experience, and certain of the resources of the lexicogrammar of every language are dedicated to that function”. These resources belong to the lexicogrammatical system of transitivity, which is used in this dissertation.

b) The **‘interpersonal’** metafunction, which is the relationship among the members participating in the discursive event. It is concerned with the interaction

between those social participants. According to Halliday and Matthiessen (2004, p. 30), it is language constituting action interactively.

c) The third metafunction –which in order to create meaning operates in combination with the other two – is called **‘textual’**. It accounts for the creation and organization of texts. According to Halliday (1994, p. 334) the textual component is created by the structure and cohesive components. The author states: “These are the resources that give ‘texture’ to a piece of discourse, without which it would not be a discourse.”

In accordance to the objectives established in this research, my analysis concentrates in the ‘ideational’ metafunction of language. It is through the analysis of the linguistic aspect of representing reality that my object of study may be investigated in order to obtain the answers to my research questions.

### **3.2.3. Lexicogrammar**

Halliday (1994, p. xxxiv) states that “grammar is the central processing unit of a language, where meanings are accepted from different metafunctional inputs and spliced together to form integrated outputs, or wordings”. He explains that, without this process, the fact of meaning more than one thing at the same time would be unattainable. The author (1994, p. 17) expands this concept stating that grammar explores language as wording rather than as sounds or writing and he affirms that ‘lexicogrammar’ is the appropriate term to define this linguistic feature, for it not only includes grammar itself, but also vocabulary. Different variations in lexicogrammar within the clause will construe different meanings or representations of reality, i.e., the experiential grammar of the clause.

### 3.3. Transitivity

Halliday (1994, p. 106) states “the transitivity system construes the world of experience into a manageable set of process types”. These processes are: a) Material; b) Mental; c) Relational; d) Behavioural; e) Verbal; and f) Existential.

Following Halliday’s SFL method, texts under analysis are separated into clauses, in order to investigate the transitivity processes. Alexander (1988, p. 2) defines clauses as a group of words which is constituted by a subject and a finite verb (verbs within this category must have a subject, either explicit or implicit). A third element present in a clause may be a complement or an object if necessary. Examples of clauses are: ‘*Brazil supported* the Declaration of the UN World Conference’ or ‘*Women and men have* the same rights’. In each of these clauses there is a subject, ‘Brazil’ in the first and ‘Women and men’ in the second; and a finite verb, ‘supported’ and ‘have’, respectively.

The purpose of this procedure is to investigate the different lexicogrammar variations within every clause, with reference to its experiential function. These lexicogrammar variations – chosen by the producer of the text – are chosen from the so called ‘transitivity system’. This grammatical system construes different types of processes through which, according to Halliday (1994, p. 106) we elaborate and manage reality around and inside us. The author states that it is through language, and more specifically through transitivity, that we are able to model a mental representation of reality.

In the case of my analysis, after separating the clauses of the text, as some of them comprised more than one verb, i.e., more than one transitivity process, I subdivided them in accordance to these processes (*See next section 3.3.1.*), because the analysis of those processes was the objective of my investigation. Eggins (1994, p.129),

following Halliday, refers to these kind of clauses as “clause complex, which refers to the association of clauses in sequence”.

### **3.3.1. Transitivity processes**

According to Halliday and Matthiessen (2004, p. 171), the main transitivity process types we use, in order to model and interpret the environment and experiences within society as well as inside ourselves, are: ‘material processes’; ‘mental processes’; and ‘relational processes’. In addition, the authors assert that there are other process categories besides the three main types therein mentioned. These are ‘behavioural processes’; ‘verbal processes; and ‘existential processes’.

These last three processes above mentioned are located among the border lines of material, mental, and relational processes, and all of them constitute a continuum in which there is neither a beginning nor an end. Halliday and Matthiessen (2004, p. 171) affirm that the behavioural, verbal, and existential categories are not obviously differentiated as they amalgamate between boundaries of the other processes, but they are yet identifiable.

In my research I investigated four of the six processes above mentioned. I looked into the main three processes, i.e., material, relational, and mental, and concerning the other three processes, I investigated only the verbal processes because of the relevance they have regarding the qualitative results. The few occurrences of verbal processes, in relation to the main processes, especially in comparison to the material processes, give evidence of the fact that people do not talk about the problem (*See Chapter VI*). I did not investigate behavioural and existential processes due to their insignificant number of occurrences.

### 3.3.1.1. Material processes

According to Halliday and Matthiesen (2004, p. 179) material clauses are related to action in terms of ‘doing’ or ‘happening’. The authors (ibis) state “a ‘material’ clause construes a quantum of change in the flow of events as taking place through some input of energy.”

Within this process there are generally two social participants involved. Halliday (1994, p. 109) affirms that one is the entity carrying out the action; the one that does the deed operating the change and calls this social participant ‘Actor’. The second social participant is the one at which the action is directed, i.e., the one that is affected by the action. Halliday (ibis) calls this the ‘Goal’. The following example illustrates an occurrence of this process:

Brazil	supported	the Declaration of the UN World Conference on Human Rights [...]
<b>Actor</b>	<b>material process</b>	<b>Goal</b>
<i>(Clause 017 in the text under analysis – See Appendix II)</i>		

In this case the Actor (Brazil) is represented as carrying out an action (supporting), which can affect the Goal (the UN’s declaration) in different ways, for example enhancing its validity or applicability.

### 3.3.1.2. Relational processes

This is the process of ‘being’. Halliday (1994, p. 119) differentiates this sense of being from existential clauses or the sense of existing. In relational processes there are two entities or social participants involved, between which a relation is established. Halliday (ibis) affirms that this process operates with three different types: a) ‘intensive’ in which the most common verb used is ‘be’, and operates in two modes: the Attributive mode, where the social participants are the entity being said of being something else,

which is called the ‘Carrier’, and what is being said about the Carrier, which is called the ‘Attribute’, e.g.

and in which the arm of the law	is	least effective [...]
<b>Carrier</b>	<b>relational process</b>	<b>Attribute</b>
<i>(Clause 135.2 in the text under analysis – See Appendix II)</i>		

and the Identifying mode, where some thing called the ‘Identified’ is being assigned an identity, which is called the ‘Identifier’, e.g.

Impunity	is	the accomplice of violence
<b>Identified</b>	<b>relational process</b>	<b>Identifier</b>
<i>(Clause 119.2 in the text under analysis – See Appendix II)</i>		

In the other two modes: b) ‘circumstantial’; and c) ‘possessive’, according to Halliday (1994, p. 130), attributive and identifying modes are also found with more divisions. Within the circumstance mode, according to the author, there is a relation of time, place, manner, cause, among others; and in the possessive mode there is a relation of ownership, i.e., one entity possesses the other, e.g.

[...] women	have	little official recourse against violence [...]
<b>Carrier: possessor</b>	<b>relational process</b>	<b>Attribute: possession</b>
<i>(Clause 090 in the text under analysis – See Appendix II)</i>		

### 3.3.1.3. Mental processes

Halliday (1994, p. 112) defines them as ‘processes of sensing’. Some common verbs generally used in this process are for example ‘like’; ‘enjoy’; ‘feel’; ‘think’; ‘see’; ‘consider’; etc. The author (1994, p. 117) states “They are not kinds of doing, and cannot be probed or substituted by do.”

For the reason that the process is mental, i.e., involving feeling, thoughts, i.e., consciousness, there must be a human social participant which is called the ‘Senser’. There will also be an object of the process of sensing which is not just a thing but rather



a fact perceived by the Sensor. Halliday (1994, p. 117) calls this ‘Phenomenon’. The following is an example of this process:

The Commission	notes	that this discriminatory inequality generates legal infractions
<b>Sensor</b>	<b>mental process</b>	<b>Phenomenon</b>
<i>(Clauses 138.1 and 138.2 in the text under analysis – See Appendix II)</i>		

After having discussed the three main clause processes, we take a look now at the other process, or as classified by Halliday (1994, p. 138), one of the subsidiary processes, namely ‘verbal’, which is located between the boundaries of relational and mental processes.

#### 3.3.1.4. Verbal processes

This is the process of ‘saying’, but as Halliday (1994, p. 140) affirms “saying has to be interpreted in a rather broad sense; it covers any kind of symbolic exchange of meaning”. In this process four social participants are found. Halliday (1994, p. 141) names them: 1) The ‘Sayer’, which is the entity performing the ‘saying’, which may not only be a person but also a thing, like a sign or a poster; 2) The ‘Receiver’, which is the entity to whom the saying is directed; 3) The ‘Verbiage’ as the function related to what is being said; and 4) the ‘target’, which is the entity targeted by the process. The following is an example:

The information available	to the commission	indicates	that further steps remain to be taken
<b>Sayer</b>	<b>Receiver</b>	<b>verbal process</b>	<b>Verbiage</b>
The ‘target’, implicit in this clause, is the Brazilian government, responsible for taking the mentioned further steps <i>(Clauses 120.1 and 121.2 in the text under analysis – See Appendix II)</i>			

Taking all these concepts of SFL theory into consideration, I decided on using the method of text analysis proposed by SFL theory in order to analyse the data of this

research. This decision was grounded in the fact that SFL is an adequate tool to investigate and identify in details the way social participants elaborate language in order to represent reality and establish social identities – in the bi-directional sense of language, in which it shapes society and, at the same time, is shaped by society.

### **3.4. Summary chapter III**

In this chapter I have presented the theoretical framework, which constitutes the ground of my research. I started by discussing Fairclough (1989, 1992) and Halliday's (1994, 2004) perspectives regarding 'discourse' and 'text'. Then I discussed Halliday's (Ibis) SFL theory and method. In this section I examined the 'register variables', i.e., field, tenor and mode, which constitute the context of situation that characterizes discourses. Next, I looked at the 'metafunctions' of language, namely the ideational, the interpersonal, and the textual, from which the ideational metafunction will be the one investigated in my analysis. Lastly, I discussed 'transitivity' commenting on the transitivity processes that I will be analysing in my data of study, i.e., material, relational, mental, and verbal.

In the next Chapter, I present the application of Halliday's method of analysis to the data of this research, in which I divided the text into clauses for the analysis of the transitivity processes operating in it. The aim of the procedure was to obtain detailed, objective and accurate answers to my research questions.

The first question is related to what 'identities' women victims of gender-based discrimination and domestic violence in Brazil are given in the OAS text. The term identity refers to how those women are represented through transitivity, thus disclosing from those representations how they are categorized as social individuals.

The second question aims to unveil the ‘position’ in society attributed in the text to those women. Position in society refers to the relationship between those women and the rest of the community in terms of: enjoying equality of social opportunities of development and participation in all spheres of society – institutional, public, and private – as opposed to being biased and relegated to inferior social condition.

## CHAPTER IV

### THE ANALYSIS OF TRANSITIVITY

#### **4.0. Introduction**

In this chapter, I describe the analysis I carried out on my object of study – the 1997 OAS ‘Report on the Human Rights of Brazilian Women’ (*Appendix I*) – and the results that I obtained, having in mind the ‘Ideational’ metafunction, which has to do with the set of semantic possibilities to convey meanings that allow to represent reality. I start by foregrounding the OAS discourse by clarifying the circumstances, i.e., defining the ‘context of situation’, in which the text operates.

Then I present the general information I obtained from the division of the text into clauses (*Appendix II*), in terms of the social participants that are represented in the discourse and the total number of their occurrences, along with the total number and percentages of each of the four transitivity processes analysed – i.e., material, relational, mental, and verbal –

Next, I describe the occurrences of the social participants represented in the text, presenting their total and partial results in accordance to the transitivity processes analysed, and I make comments in order to explain the implication of these results.

#### **4.1. Context of situation**

As I stated in Chapter III, ‘Context of situation’ comprises three aspects – namely field, tenor, and mode – that determine the register, i.e., a certain configuration of lexicogrammatical choices. The information we obtain, by defining these three aspects in a text, allows us to observe and interpret it not just as an isolated piece of writing

with words grouped together, but as an interactive element through which diverse social practices are reflected and, eventually, enacted.

#### **4.1.1. Field**

As I previously mentioned, this aspect of the context of situation relates to what is going on in terms of the activity in which the discourse operates. The text that I analysed is an official document, which consists of a report issued by the OAS to all States members of the Convention of Belém do Pará (1994), in which the basis for the eradication of gender-based discrimination and violence against women was settled. The OAS elaborated this report by putting together two main parts: the first part recalls the commitment of all States members to the Convention, with reference to all the measures the states undertook to fulfil the proposed commitment, and gives a description of the actual situation of women's rights in Brazil – at the time the OAS carried out the investigation (1997). In the second part, the OAS gives recommendations on how to perform due actions to achieve the objectives that Brazil undertook in the American Convention on Human Rights (1948) and in the Convention of Belém do Pará (1994).

#### **4.1.2. Tenor**

As I previously commented, this variable of the context of situation affects register regarding the relations established between the social participants interacting in discourse. The roles of the participants in this text are 'writer', the OAS elaborating the report, and 'reader', the States members to whom the report is addressed. In terms of the relationship between the social participants, Eggins (1994, p. 64) mentions three aspects

into which tenor can be divided: a) power: ranking from equality to inequality; b) affective: ranking from high to low: and c) contact, ranking from frequent to occasional.

On the one hand, the relationship between the OAS and the States members is of equality in terms that both entities act as governmental bodies, but on the other hand, the OAS may represent a higher hierarchy in case the States refuse to accept the recommendations of the OAS or just do not follow them. In these cases, the States may be punished, for example by having subsidy of international funds cancelled or constrained.

The contact between participants is reasonably frequent as the OAS is permanently concerned with the human rights situation and governmental responses of each State member through the OAS offices working in each of the States members. There is no affective involvement between the participants as suggested by the distance established by the entirely formal style of the text.

#### **4.1.3. Mode**

The channel of the text is written to be read, delivered by the OAS to all States members. It is also published as an electronic text on the official site the OAS holds on the Internet.

The ‘role of language’, in relation to the ‘interpersonal distance’, which for Eggins (1994, p.53) establishes the capacity of either immediate feedback or lack of it between participants, is rather fast in the text of the OAS, because the States who receive the report have the possibility of contacting the OAS.

In relation to the ‘experiential distance’, which according to Eggins (1994, p. 54) is “the distance between language and the social process occurring”, the text of the OAS reflects on the existing situation of human rights of women in Brazil, constituting at the

same time the social process of recommending the States members of the Convention to take measures in order to overcome the problem of women's rights violations.

## **4.2. The social participants**

From the analysis of the clauses, I observed that there were three main entities or social participants: the Brazilian 'Authorities', the Brazilian 'Society', and Brazilian 'Women' victims of gender-based discrimination and domestic violence. Besides these three social participants, there were others, which constituted a combination of human and abstract entities as social participants that I decided on grouping together as a single social participant named 'Others'.

### **4.2.1. Authorities**

This social participant is constituted by three entities: a) the Brazilian Government; b) the Judiciary system; and c) the Police force. The Brazilian Government, which during the time of the OAS report (1997) was headed by President Fernando Henrique Cardoso, besides being the entity responsible for constituting and commanding the organization and actions of the other two social participants, was the addressee to whom the OAS issued the report as Brazil is one of the States members of the OAS and a signatory party of the Convention of Belém do Pará.

The Judiciary system was the entity responsible for enacting the laws concerning the establishment and respect of Human Rights, in accordance to the American Convention on Human Rights (1969) signed by the Brazilian Government, by judging and punishing the violation of those Human Rights.

The Police force was in charge of investigating the cases of human rights violations, specifically the cases of domestic violence, in order to submit the

perpetrators to be judged and punished by the law. The entity was also responsible for giving assistance to women victims, when they reported the crimes in the Women Police Stations (DEAM).

I grouped the three entities in a single social participant because they act from an official governmental perspective and in an interrelated form to one another, for the Judiciary system and the Police force are enclosed within the governmental body as parts of it.

Within 'Authorities' as social participant, I also included some abstract entities, like the UN World Human Rights Conference, the American Convention on Human Rights, the Inter-American Human Rights System, the Convention of Belém do Pará, the 1968 Brazilian Constitution, the National Program on Human Rights, Government initiatives and efforts, and the Law. I included these items in Authorities because they are intrinsically related to the three human entities of this social participant responsible for their existence and their effects and consequences over the subject matter of this research.

#### **4.2.2. Society**

In my analysis I regard 'Society' as the Brazilian community composed by its members in general terms, but without including those people who belong to official institutions that constitute the social participant 'Authorities' in my investigation, i.e., the Government, the Judiciary system, and the Police force.

For this reason, despite the fact that Society does not have a great number of occurrences as a social participant in the text, I considered it separate as a single one for the relevance it holds within the problem under investigation. The violations of women's rights not only occur within society, but are also perpetrated and/or tolerated



by society. It would have been an omission to place Society among the other social participants in the item ‘Others’

#### **4.2.3. Women victims**

Brazilian women victims of gender-based discrimination and domestic violence are the third entity I discuss in my analysis as a single social participant. This does not mean that they are in a third position in relation to the two social participants above mentioned. Rather, Women victims are at one end of this social practice – human rights violations – while Authorities and Society are at the other end as being the responsible entities, either for combating or consenting the subject matter.

#### **4.2.4. Others**

This last social participant is also a combination of human and abstract entities as social participants. I grouped them within a single item because they do not represent such a relevant implication as the former ones mentioned above. Within the human social participants, the main one is the OAS Commission, which elaborated and issued the report under analysis. As I previously stated, this report describes the situation of women’s rights in Brazil and gives suggestions to the government in order to combat and eradicate the problem of gender-based discrimination and domestic violence against women in Brazil. I did not consider this social participant separately because the OAS is not directly involved in the perpetration of the violations.

Another social participant is the women’s rights organizations or independent women movements. This social participant does not have an active participation in the text and is just mentioned by the OAS as having been responsible for advances in combating the problem. The Brazilian Statistics and Geography Institute, some

employers, indigenous communities, and children are the other human social participants, which I also included in Others due to their scarce occurrence in the text.

Among the abstract entities as social participants are: human rights, human rights violations, violence, crimes, forced prostitution, critical needs, discriminatory inequality, poverty, and prisons, all of which also occur sparingly in the text.

### 4.3. Parts of the text and total number of processes

Table 1 shows the parts into which the text is subdivided, the number of transitivity processes in each part, and the total number of transitivity processes in the text. i.e., Chapter VIII of the OAS report on ‘The human rights of Brazilian women’.

<b>PARTS OF THE TEXT</b>		<b>N° OF PROCESSES</b>
<b>1</b>	Introduction	33
<b>2</b>	The status of women in Brazil and the problem of discrimination	64
<b>3</b>	Brazilian women at work	30
<b>4</b>	The right of political participation, and participation in decision making and public life	38
<b>5</b>	Violence against women	102
<b>6</b>	Conclusions	54
<b>7</b>	Recommendations	26
<b>8</b>	Final conclusions and general recommendations	105
<b>Total</b>		<b>452</b>

*Table 1- Parts of the text under analysis and number of transitivity processes.*

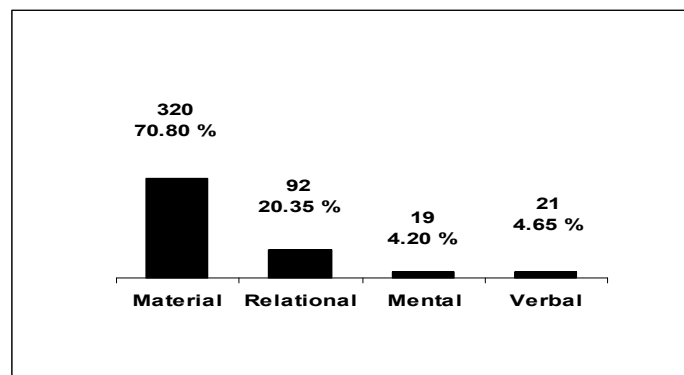
The title of the text, as well as the title of each of the eight parts, was not taken into consideration, for they do not include any verb, so that they do not represent transitivity processes.

### 4.3.1. Total number and percentages of the four processes

The division of the text resulted in 164 clauses, which comprise a total number of 452 transitivity processes. Table 2 shows the total number of processes for each of the four transitivity processes analyzed, together with the corresponding percentage of their occurrences in the text. Figure 1 illustrates graphically these percentages, from which we can better visualize their occurrences and have an idea of the relevance each one of them will have in the results of the investigation.

<b>PROCESSES</b>	<b>N° OF PROCESSES</b>	<b>%</b>
Material	320	70.80 %
Relational	92	20.35 %
Mental	19	4.20 %
Verbal	21	4.65 %
<b>TOTAL</b>	<b>452</b>	

*Table 2 – Total number and percentages of the four processes.*



*Figure 1 – Total numbers and percentages of processes.*

As shown in Table 2 and Figure 1, there is a higher percentage of occurrences of material processes, i.e., 70.80 %, as opposed to relational, mental, and verbal processes, which being considered together represent 29.20 % of processes occurring in the text. This is a relevant feature regarding the results of the analysis, which I further discuss in the next sections.

#### 4.3.2. Number of processes and percentages for each social participant

Table 3 shows the total number of each of the four processes and their percentages (the latter in relation to the occurrences of the other social participants) corresponding to each of the four main entities under analysis as represented by the OAS report.

<b>PROCESSES</b>	<b>AUTHORITIES</b>		<b>SOCIETY</b>		<b>WOMEN</b>		<b>OTHERS</b>	
MATERIAL	218	68.13%	32	10.00%	14	4.38%	56	17.50%
RELATIONAL	44	47.83%	6	6.52%	17	18.48%	25	27.17%
MENTAL	9	47.37%	3	15.79%	2	10.53%	5	26.32%
VERBAL	11	52.38%	4	19.05%	1	4.76%	5	23.81%
<b>TOTAL</b>	<b>282</b>	<b>62.38%</b>	<b>45</b>	<b>9.95%</b>	<b>34</b>	<b>7.52%</b>	<b>91</b>	<b>20.13%</b>

*Table 3- Number of processes and percentages for each social participant*

This data reveals that Authorities are represented as the main social participant in the highest number of processes occurring in the in the OAS report. This feature accounts for the higher capacity Authorities have – in relation to Society, Women victims, and Others – in order to represent reality.

#### 4.4. Results for Authorities as main social participant

In its second column, Table 4 shows the total number of occurrences for each of the four processes in the text, in which Authorities, Society, Women victims, and Others are represented as the main social participants by the OAS report. Main social participant means the entity who takes the action in the transitivity process, i.e., the ‘Actor’ in material processes, the ‘Carrier/ Identified’ in relational processes, the ‘Sensor’ in mental processes, and the ‘Sayer’ in verbal processes.

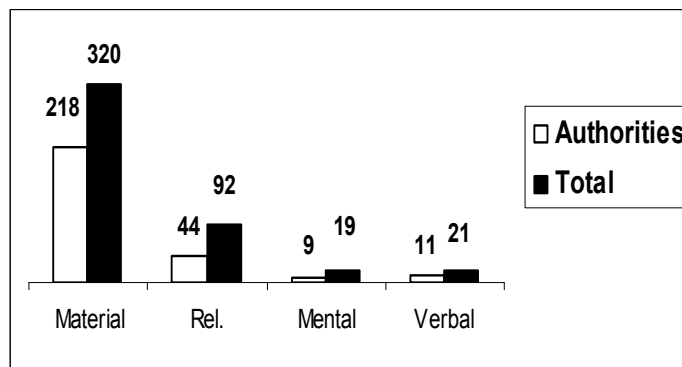
In its third column, the Table shows the number for each one of the processes in which Authorities are represented as the main social participants, together with the percentages of occurrences of each type of process in relation to each social participant,

namely Society, Women victims, and Others. Also, we can observe the total number of these percentages, in relation to the total number of occurrences in the text.

PROCESSES	TOTAL	AUTHORITIES	
Material	320	218	68.13 %
Relational	92	44	47.83 %
Mental	19	9	47.37 %
Verbal	21	11	52.38 %
<b>TOTAL</b>	<b>452</b>	<b>282</b>	<b>62.38 %</b>

*Table 4 – Number and percentages of processes of Authorities.*

Figure 2 illustrates the number of processes in which Authorities are represented as the main social participants. From this graphic, we can obtain a clearer view of the occurrences of these processes in comparison to the total occurrences of processes in the text.



*Fig. 2 – Number of transitivity processes of Authorities.*

#### 4.4.1. Material processes regarding Authorities

As shown in Table 3 and Figure 2, the highest number of occurrences of Authorities represented in the position of the main social participant is in material processes, i.e., 218 (68.13 %) occurrences out of 320 which is the total of material processes in the text.

This percentage of 68.13 % – in relation to the percentages in which Society (10.00 %), Women victims (4.38 %), and Others (17.50 %) are represented as the main social participants of the material processes – reveals the relevant capacity that Authorities have in terms of influencing the status of women and her human rights in Brazil, i.e., the ‘Goal’, by being represented as the ‘Actor’ of these processes in the OAS text.

This notion of having the power to modify and/or create a social reality, which may benefit Women victims of gender-based discrimination and domestic violence by obtaining solutions to the problem, is clearly seen in the following clauses with material processes having Authorities represented as the main social participant. The following are examples<sup>6</sup> of some of the occurrences:

**Ex. 1:** The Government of Brazil, in turn, **has adopted**<sup>008.1</sup> and **implemented** a series of significant initiatives<sup>008.2</sup> **designed**<sup>008.3</sup> to enhance the observance of the human rights of its female populace<sup>008.4</sup>.

**Ex. 2:** In addition to being Party to the American Convention and the Inter-American Convention to Prevent and Punish Torture, in 1995 Brazil **ratified** the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ‘Convention of Belém do Pará’*<sup>014</sup>

**Ex. 3:** The first State Council on the Condition of Women **was established** in Sao Paulo in 1983,<sup>018.1</sup> with a mandate **to propose** measures to be taken<sup>018.2</sup> and **advise** on the integration of women into the political, economic and cultural life of the State.<sup>018.3</sup>

**Ex. 4:** The National Council on Women’s Rights (CNDM) **was established** by President Sarney in 1985, under the purview of the Ministry of Justice,<sup>022.1</sup> **to ensure** that policies were enacted<sup>022.2</sup> **to end** discrimination against women and<sup>022.3</sup> **to facilitate** their participation in the political, economic and social life of Brazil.<sup>022.4</sup>

In example 3, the first State Council is underlined because it is the Actor in the processes of proposing measures and advising on the integration of women. At the same

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<sup>6</sup> **Layout for examples:** **Bold:** process. **Underlined:** main social participant. **Italics:** secondary social participant (the entity who receives the action of the proces, i.e., the ‘Goal’ in material processes, the ‘Attribute/Identifier’ in relational processes, the ‘Phenomenon’ in mental processes, and the ‘Receiver’ in verbal processes). **Superscript number:** clause number (Appendix II).

time, within the same clause, it is in Italics by being the Goal in the processes of being established by the Government.

In example 4, the National Council is underlined because it is the Actor in the processes of ensuring policies, ending discrimination against women and facilitating women's participation. At the same time, within the same clause, it is the Goal (Italics) in the processes of having been established by President Sarney, the Actor in this case.

Other examples of material processes representing Authorities as the main social participant in the text, which reinforce the notion of the capacity they have to create and/or modify reality on behalf of women victims are: 'respect' (rights and freedom), 'support' (Declaration of human rights), 'encourage'(creation of DEAMs), 'punish' (discrimination), 'prevent'(violence against women), 'ensure'(rights equality for men and women), 'educate' (the public on discrimination against women), 'revoke'(discriminatory provisions in the legislation), 'eradicate' (violence against women), and 'create' (mechanisms to address and repudiate violence).

Examples 1, 2, 3, and 4 above are clauses in which, through their processes, the Authorities are represented as being concerned with the problem of the violation of women's rights and trying to achieve solutions to eradicate the issue. Nevertheless, although the majority of the positive actions embodied by the examples of material processes in the clauses above are intentions for future actions to be taken and implemented in accordance to the Conventions of the OAS, they are not said to have been accomplished. The following are some examples in which Authorities are represented as not having been able to solve the subject matter.

**Ex. 5:** [...] *they* (women) continue **to be severely underrepresented** in the institutions of the State.<sup>053.3</sup>

**Ex. 6:** Legislation or practices which **sustain** *the persistence and tolerance of such violence*<sup>080.1</sup> **must be revoked**.<sup>080.2</sup>

**Ex. 7:** Moreover, even where these specialized stations (DEAMs) exist, it remains frequently the case that *complaints are not fully investigated*<sup>091.1</sup> or *prosecuted*<sup>091.2</sup>.

**Ex. 8:** Moreover, such provisions and practices (archaic legislation) **perpetuate stereotypes**<sup>109.1</sup> which further **hinder** *the ability of women to exercise their rights and freedoms*.<sup>109.2</sup>

The eight examples above reflect all material processes of the text in which Authorities are represented as the main social participants, i.e., the Actor, having the capacity to modify the situation of women's rights in Brazil. These representations show a duality in which, on the one hand Authorities are represented as having the power and the intention to remediate the problem, and on the other hand, Authorities are represented as not having achieved that objective. This notion of failure on part of the Authorities can also be observed in the great number of recommendations to the Brazilian government made by the OAS in order to make changes in the legislation and to implement measures to achieve the commitment the country undertook as party of the UN and OAS Human Rights Conventions.

#### **4.4.2. Relational processes regarding Authorities**

Authorities are assigned classifications, i.e., they are the Carriers of Attributes or Identified by Identifiers, in the highest number of relational processes in comparison to the other social participants as we can observe in Figure 2. Authorities are represented as the main social participant in 44 occurrences out of a total of 92 relational processes in the whole text. These occurrences of Authorities mean 47.83 % in relation to the other three social participants – Society 6.52 %, Women victims 18.48 %, and Others 27.17 %. This fact again reveals the primacy of Authorities by being represented as a main social participant in the text. Examples are:



**Ex. 1:** At the international level, Brazil **is** *Party to the Convention on the Elimination of all Forms of Discrimination Against Women, as well as to the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights*<sup>015.1</sup>

**Ex. 2:** The Council's Commission on Violence against Women **was** *active*<sup>020.1</sup> (encouraging the creation of the first DEAM)

**Ex. 3:** Since the mid-1980's, Brazil **has been** *in the forefront of the region*<sup>081.1</sup>

As we can see in example 1, which belongs to the Attributive mode, Brazil, the Carrier, is given an Attribute through the relational process, i.e., being a party of the Convention and International Covenants on human rights. Example 2 also belongs to the attributive mode in which the Attribute of 'active' is given to the Carrier, the council. Example 3 is an Identifying mode in which the Identified, Brazil, is given the identity of leader in the region.

In the three examples 1, 2, and 3 above, we can observe how Authorities are positively represented by the lexicogrammatical choices the OAS chose when elaborating the report. But, in opposition to these representations, we take a look now at the following examples.

**Ex. 4:** The specialized stations that exist **are not** *able to serve all victims*<sup>089</sup>

**Ex. 5:** Delegates who have not received sufficient training may **be** *unable*<sup>096.1</sup> (providing the required services to women victims)

**Ex. 6:** many courts **remain** *reluctant*<sup>101.2</sup> (to prosecute and punish the perpetrators of domestic violence)

Example 4 is an Attributive relational process in which the Carrier, the Women Police Stations, is given the identity (Attribute) of inefficient to attend all victims. Example 5 represents delegates negatively as they cannot attend properly the women victims, and example 6 represent the Judiciary system as being unable in relation to its obligations of enacting the law.

These examples, which reflect the result of all occurrences of relational processes for Authorities in the text, show a similar result to that obtained in the material processes. There are both positive and negative points. Again, on the one hand, though Brazil is represented as having adopted and implemented several policies in an attempt to resolve the problem, on the other hand, these policies are represented as not having shown yet to be effective.

#### 4.4.3. Mental processes regarding Authorities

Mental processes, as we can observe in Table 3, represent the highest number of processes (9 occurrences) in which Authorities are represented as the main social participant in the text. Authorities are represented as Senser in almost half of the total occurrences of mental processes. This means, as shown in Table 3, 47.37 % in relation to the other social participants. Examples are:

**Ex. 1:** While *the equality of women and men is recognized by law in Brazil*<sup>035.1</sup> *the State acknowledges* that *Brazilian women*, who represent a little over half the country's population (50.1 percent in 1990)<sup>035.2</sup> (still find it difficult to participate to the full in all aspects of the country's economic and political life)

**Ex. 2:** *the government has recognized* that *gender discrimination still persist* in the labour market<sup>040.2</sup>

In these examples, as in the other occurrences of mental processes in which Authorities are represented as the Senser, it is evident that the Brazilian government is represented as being aware of the existence of the Phenomenon, i.e., the violation of women's rights. This may be considered a positive starting point. Nevertheless, this is still no guarantee that the government will take action regarding solutions to the problem.

#### 4.4.4. Verbal processes regarding Authorities

Verbal processes, as shown in Table 3, also represent the highest number of occurrences among all participants, in which Authorities are represented as the main social participant in the text. There are a total of 11 occurrences of verbal processes (52.38 %) with Authorities being represented as the main social participant, i.e., the Sayer. This means over the half of occurrences, 52.38 % in relation to the lower number of occurrences of the other participants – Society (4), Women victims (1), and Others (5). Examples are:

**Ex. 1:** (One of the activities assigned to the first State Council on the Condition of Women, i.e., the Sayer) and **advise** *on the integration of women into the political, economic and cultural life of the State.*<sup>018.3</sup>

**Ex. 2:** Article 7 of the Constitution also **enunciates** *specific rights of female workers* [...] <sup>028</sup>

**Ex. 3:** (Brazil) [...] **has indicated** in its Human Rights Program and other policy directives *its will*<sup>116.4</sup> (to consolidate existing programs)

Authorities, as the Sayer in these examples above, are represented as showing their interest in overcoming the problem, by expressing their will and enunciating rights as solutions. But again, neither what Authorities enunciate or propose is represented by the text as having been enacted or working.

As it can be observed in all the processes of the text (*See Appendix II*), these examples of the four processes represent a reality concerning Brazilian women's rights, in which the problems of gender-based discrimination and domestic violence against women are represented as still actively present within society – although being recognized as such by the Authorities and initiatives being proposed with the aim of eradicating them.

If 'enjoyment of women's rights has to be enhanced', and 'further steps must be taken', the text suggests that women's rights have not been respected yet by society nor

their violation eradicated by the Brazilian authorities. This fact is confirmed, for example, by crimes being unpunished and the persistence of archaic legislation that facilitates the action of perpetrators of such violations

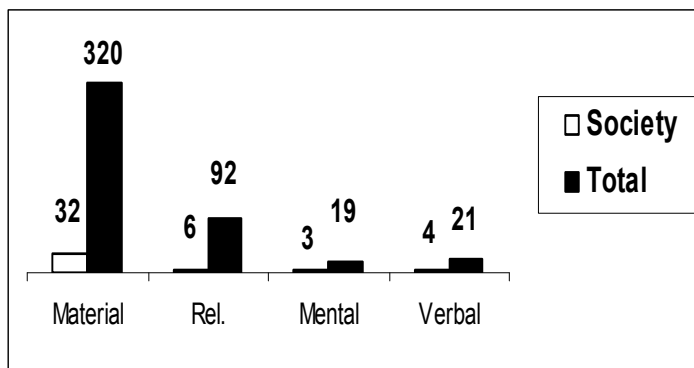
#### 4.5. Results for Society as main social participant

Table 4 shows the total number of occurrences of processes and the numbers for each of the four processes in which Society is represented as the main social participant. It also shows the percentage of each process of Society in relation to the total of occurrences of processes in the whole text.

PROCESSES	TOTAL	SOCIETY	
Material	320	32	7.08 %
Relational	92	6	6.52 %
Mental	19	3	15.79 %
Verbal	21	4	19.05 %
<b>TOTAL</b>	<b>452</b>	<b>45</b>	<b>9.95 %</b>

*Table 5 – Number and percentages of processes of Society.*

Figure 3 illustrates the number of processes in which Society is represented as the main social participant. The graphic offers a visual clarification of the occurrences of these processes in comparison to the total number of processes in the text.



*Fig. 3 – Number of transitivity processes of Society.*

#### 4.5.1. Material processes regarding Society

In Table 5 and Figure 3 we can see the number of 32 occurrences of material processes in which Society is represented as the main social participant, i.e., the **Actor**, taking action over the following **Goals**: national life, important initiatives, initial gains, human rights, men, people, public affairs, politician women, and violence against women. These 32 occurrences, out of a total of 320 in the text, represent a percentage of 10.00 % in relation to total occurrences in the text. The following are some examples:

**Ex. 1:** As a consequence of this opening, (new space for women participation in national life opened by women's rights organizations) *important initiatives have been taken* within both the public and private sectors<sup>006.1</sup> **to combat discrimination against women and its effects**<sup>006.2</sup>

**Ex. 2:** *The initiatives taken* by the public and private sector<sup>104.1</sup> **to confront violence against women**<sup>104.2</sup> have begun **to combat the silence**<sup>104.3</sup>

In these examples above, we can observe the representation of advances realized by Society by having initiated mechanisms to the eradication of the problem. Nevertheless, as we can observe in the rest of the material processes, in which Society is represented as the main social participant (*Appendix II*), the text represents new measures that have to be adopted, and other already existing in the Brazilian legislation which have to be respected by society. For example:

**Ex. 3:** (referring to the fact that truly participatory democracy cannot flourish) until every segment of society fully **takes part in national life**.<sup>004.2</sup>

**Ex. 4:** (with reference to measures that should be taken by the State in order to protect women who are) **subjected to threats or violence** in the private or public sphere<sup>125.4</sup>

#### 4.5.2. Relational processes regarding Society

Society is represented as the main social participant in the smallest number of relational processes occurring in the text – 6 out of 92 of total occurrences. Society's representations have to do with what is expected to happen within the Brazilian society

in accordance to the human rights conventions and the Brazilian legislation, but as Carrier, they are not given positive Attributes. Examples are:

**Ex. 1:** (With reference to the Brazilian Constitution) men and women **have** *equal rights and obligations*<sup>024.2</sup>

**Ex. 2:** (With reference to every citizen in accordance to the American Convention on Human Rights) **to have** access, under general conditions of equality, to the public service of his country<sup>051.4</sup>

#### 4.5.3. Mental processes regarding Society

As shown in Table 5 and Figure 3 above, there are only 3 mental processes in which Society is represented as the main social participant. These processes represent 15.79 % of the total of 19 occurrences in the whole text. Two of these occurrences refer to Phenomena that Society (Senser) is expected to recognize. On the other hand, in the third example, Society is represented as having a positive attitude in recognizing the problem of women's discrimination:

**Ex.:** (referring to women being severely underrepresented in the institutions of the State) *It is* widely **acknowledge** that<sup>053.2</sup>

This occurrence reveals that members of society are not represented in the text as thinking to a great extent or being fully aware of the problem of gender-based discrimination and domestic violence against women.

#### 4.5.4. Verbal processes regarding Society

As it can be observed in Table 5 and Figure 3, there are only 4 verbal processes with Society being represented as the main social participant (the Sayer). This number represents 19.05 % of all occurrences of verbal processes in the text. In these cases, despite being positive, the few occurrences also suggest that Society is not represented as being aware of the problem.

**Ex.:** *the Commission* has received complaints and information (by Society)<sup>009.2</sup> **detailing** the persistence of the facto and de jure bias against women in various espheres<sup>009.3</sup>

#### 4.6. Results for Women victims as main social participants

Table 6 and Figure 4 show the number of occurrences of each of the four processes in which Women victims are represented in the text as the main social participant of those processes. Table 6 also shows the percentages of each process in relation to their total number of occurrences in the text.

PROCESSES	TOTAL	WOMEN VICTIMS	
Material	320	14	3.10 %
Relational	92	17	3.76 %
Mental	19	2	0.44 %
Verbal	21	1	0.22 %
<b>TOTAL</b>	<b>452</b>	<b>34</b>	<b>7.52 %</b>

Table 6 – Number and percentages of processes of Women victims.

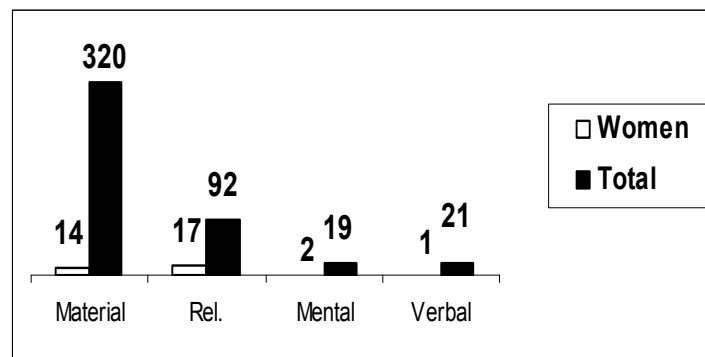


Fig. 4 – Number of transitivity processes of Women victims.

##### 4.6.1. Material processes regarding Women victims

As shown in table 6, women victims of gender-based discrimination and domestic violence are represented as the main social participant in 14 instances of material processes. This accounts for a result of 4.38 % in relation to all material processes

occurring in the text. In most of these processes women are represented as ‘victims’ of discrimination and violence. Some examples are:

**Ex. 1:** women with the same education and qualifications as their male counterparts **earned 54% of the salaries paid to the latter**<sup>041.2</sup>

**Ex. 2:** (Within the Judiciary system in 1985) almost no women **serve on the higher courts**<sup>066</sup>

**Ex. 3:** (With reference to revoking archaic legislation of certain sexual crimes, i.e., Actor) commonly **suffered by women** as crimes against custom<sup>087.4</sup>

**Ex. 4:** (Referring to causes of resource limitations at DEAMs) In other cases, women **refrain from pressing formal charges**<sup>093</sup>

In other cases, women victims of domestic violence may be considered ‘guilty’ of provoking such crimes, unless they demonstrate being honest and sexually faithful to their husbands. Examples are:

**Ex. 5:** (in relation to women victims of domestic violence being required by defence lawyers and some courts) **to demonstrate the sanctity of her reputation and her moral blamelessness**<sup>103.3</sup>

Material processes representing women victims as the main social participants, i.e., Actors, give evidences of two problems. Firstly, they are suffering the problem of gender-based discrimination and domestic violence, and, secondly they do not find protection within society. These women do not find proper treatment on the part of the Police force, which is represented as lacking resources and training, as well as on the part of the Judiciary system, which it is still ruled by archaic legislation and bias against women as being citizens enjoying equality of human rights as their male counterparts, even when these women benefit from extensive campaign by women’s movements and are allowed certain participation in public and political life.



#### 4.6.2. Relational processes regarding Women victims

Women victims are represented as the main social participant in 17 occurrences of relational processes, which represents 6.52 % of the total occurrences of relational processes in the whole text. Examples are:

**Ex. 1:** they (women) **continue to be** *severely underrepresented* in the institutions of the state<sup>053.3</sup>

**Ex. 2:** “In rural areas in particular, women **have** *little official recourse against violence and few resources through which to seek assistance*<sup>090</sup>”

These examples still give evidence of women’s rights violations. In the first example, regarding discrimination, women victims (the Carrier) are given the identity of underrepresented (the Attribute). In the second example, regarding violence, they are giving the Attribute of little official recourses.

#### 4.6.3. Mental processes regarding Women victims

There are only 2 occurrences of women victims represented as the main social participant in mental processes. This is 10.53 % in relation to all occurrences of mental processes in the text. Examples are

**Ex. 1:** (Referring to legal and other limitations suffered by women victims) where they **feel** *constrained to act*<sup>094.2</sup>

**Ex. 2:** (Referring to unqualified police Delegates that make women) **feel** *shame and humiliation*<sup>096.6</sup>

In these two examples of mental processes, women victims (the Sensors) are represented as suffering from constraints, shame and humiliation (the Phenomenon). This gives evidence again of women being discriminated within public life in detriment of their human rights as citizens.

#### 4.6.4. Verbal processes regarding Women victims

There is just one occurrence – out of a total of 21 in the whole text – of verbal processes in which women victims are represented as the main social participant:

**Ex.:** (Referring to the circumstance in which by law women have to register their complaints at the police station) and **explain** *what happened*<sup>095.2</sup>

In addition to this evident lack of voice on part of these women, the only occurrence refers to what is expected them to do when they register their complaints at police stations. This fact reveals that, regarding the text under analysis, women – as the **Sayer** in the transitivity system – are represented as having no voice at all if we have in mind that most of the time women are reluctant to report the crimes and even when they do, they receive improper treatment at the police stations.

#### 4.7. Results for Others as primary social participants

Table 7 and Figure 5 show the number of occurrences of the four processes in which Others are represented as the main social participants, in comparison to the total number of processes occurrences in the text. Table 7 also shows the percentages of each process in relation to the total of their occurrences in the text.

<b>PROCESSES</b>	<b>TOTAL</b>	<b>OTHERS</b>	
Material	320	56	17.50 %
Relational	92	25	27.17 %
Mental	19	5	26.32 %
Verbal	21	5	23.81 %
<b>TOTAL</b>	<b>452</b>	<b>91</b>	<b>20.13 %</b>

*Table 7 – Number and percentages of processes of Others.*

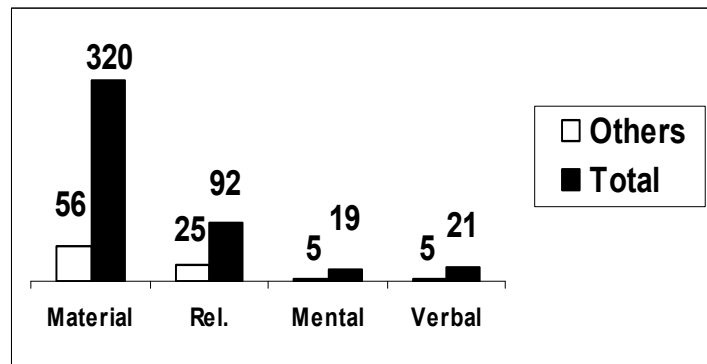


Fig. 5 – Number of transitivity processes of Others.

#### 4.7.1. Material processes regarding Others

The number of 56 material processes, in which Others are represented as main participants – which accounts for 17.50 % of all material processes occurring in the text – would be a significant result had it not to be divided among the sub social participants constituting Others, as I have previously explained. The majority of these processes (34) are positive representations regarding the subject matter. They refer to campaigns carried out by women’s movements to combat and eradicate the problem, to the provisions on the Declarations of Human Rights and the Convention of Belém do Pará.

Examples are:

**Ex. 1:** In Brazil, women’s rights organizations **opened** a new space for women’s participation in national life<sup>005.1</sup> by **working** within the context of efforts initiated in the early 1980s<sup>005.2</sup> **to reorganize society**<sup>005.3</sup> **to achieve** an increasingly effective exercise of democracy<sup>005.4</sup>

**Ex. 2:** With respect to equality, the American Convention **establishes** the right of each person to equal protection of and before the law (Article 24)<sup>012.1</sup>

**Ex. 3:** Through agreements with the Public Welfare Secretariats of the States of the Federation, the Conselho dos Direitos da Mulher **offers** incentives<sup>085.1</sup> **to encourage** the establishment of additional shelters for battered women and their children<sup>085.2</sup>

The rest of material processes (22) representing Others as the main social participant show negative points describing the occurrence of violations to women’s rights. Examples are:

**Ex. 4:** and marriage between the perpetrator and the victim may still **extinguish** the prosecution of certain crimes<sup>034.2</sup>

**Ex. 5:** that some employers continue to **screen out** pregnant job applicants, women of childbearing age<sup>044.3</sup> and in some cases **require** proof of sterilization from the latter as a condition for employment<sup>044.4</sup>

**Ex. 6:** In some parts of Brazil, **violence is** typically **caused** by human rights violations<sup>143</sup> In rural areas poverty and unequal opportunities **have led** to *explosive situations*<sup>144.1</sup>

These processes continue to exemplify the existing polarity I have already mentioned in terms of positive and negative features being represented by the text about the problem under investigation.

#### 4.7.2. Relational processes regarding Others

This process, having Others represented as the main participants, occurs 25 times, i.e., 27.17 % of the totality of relational processes occurring in the text. Examples of positive representations are:

**Ex. 1:** (Referring to the Conventions, i.e., the Carrier, in which Brazil is a signatory party) which **contains** *important protections with respect to the human rights of women*<sup>015.2</sup>

**Ex. 2:** (Referring to the action of mass movements for human rights) Changes, many of which **are** *favorable*<sup>131.1</sup>

But, again we find negative Attributes in these relational processes having Others as the main social participant, despite the fact that the OAS report condemns such a situation:

**Ex. 3:** Honesty **remains** a *legal requisite for a woman to be characterized as a victim of certain crimes*<sup>034.1</sup>

**Ex. 4:** Domestic violence **is**, in fact, *the most common form of violence against women in Brazil*<sup>083.2</sup>

#### 4.7.3. Mental processes regarding Others

The occurrences of this process having Others represented as main participants – 5 times out of a total of 19, which is 26.32 % in relation to the occurrences of the other social participants – follow the tendency of the other social participants. They do not represent thinking or feeling on the part of the authorities, society, and women victims, but rather considerations of the OAS Commission.

**Ex. 1:** The recommendations in the present chapter (OAS report) **take into account** *the initiatives*<sup>009.5</sup> (taken in the Brazilian public and private spheres)

**Ex. 2:** (Referring to the OAS being unable to collect sufficient information) **to fully consider** *the scope of this problem in Brazil*<sup>047.2</sup>

#### 4.7.4. Verbal processes regarding Others

This process has 5 occurrences representing Others as the main social participant. It is 23.81 % in relation to the occurrences of the other social participants. These occurrences refer to information received by the Commission, and recommendations given by it, in which the existence of problem remains in evidence and that it is still far from being eradicated in spite of the advances made by the Brazilian authorities and society. Examples are:

**Ex. 1:** As the UN Rapporteur on Violence **has stated**<sup>115.1</sup> (that states must find other complementary mechanisms where there is insufficient protection to women's rights)

**Ex. 2:** The information available to the Commission **indicates** that<sup>120.1</sup> (further steps remain to be taken)

#### 4.8 Summary of chapter IV

In this chapter I have presented the results obtained from the analysis of the text under investigation. The division of the text into clauses allowed to determine the occurrences of all the processes I chose to analyse, i.e., material, relational, mental, and

verbal. Within these transitivity processes, it was possible to observe the 4 entities: 1) 'Authorities' (Brazilian Government, the Judiciary system, and the Police force), 2) 'Society', 3) 'Women victims' of gender-based discrimination and domestic violence, and 4) 'Others' (the OAS commission, women movements, indigenous communities, children, human rights, and violence) represented by the text of the OAS as the main social participants in those transitivity processes.

From this observation, I was able to draw on the different meanings that those processes were conveying through the grammatical choices used in the elaboration of the OAS text. These results led me to obtain the answers to my research questions and to arrive at the conclusions of the present research, which I discuss in the next and last chapter of this dissertation.

# CHAPTER V

## CONCLUSION

### 5.0 Introduction

In this chapter, I present the final remarks of my research. I round up the results I achieved in my investigation, which provided the answers to my research questions, i.e., a) how women suffering from gender-based discrimination and domestic violence were discursively represented in terms of transitivity choices; and b) what position within society was attributed to those women.

Then, I comment on the implications this research may have in the search of solutions to the problem of gender-based discrimination and domestic violence against women in Brazil. Finally, I present suggestions for further researches which, continuing the investigation within the social aspects herein analyzed, may enhance the possibilities of contributions to the social welfare.

### 5.1. Answers to the research questions

As we have seen in the results presented in Chapter IV, the social participant ‘Authorities’ – the Government, the Judiciary system, and the Police force – encompass the majority of occurrences in which a main social participant is represented in the transitivity processes that resulted from the division of the text into clauses. Their occurrences were in 282 transitivity processes, which represent 62.38 % of all processes in the whole text.

This social participant was followed by ‘Others’, in terms of occurrences, appearing as the main social participant in 91 processes, representing a total of 20.13 % in relation to the occurrences of all processes. These two social participants were

followed by 'Society', appearing as the main social participant in 45 processes, which means 9.85 % of all processes; and finally by 'Women victims' being represented as the main social participant in 34 transitivity processes, 7.52 % of the total number of processes in the text.

With reference to the processes analyzed, i.e., 'material'; 'relational'; 'mental'; and 'verbal'; the 'material' processes constitute the broader majority in the text, occurring in 320 cases out of the total of 452, which represent 70.80 % in relation to the other three processes. From these numbers, 'Authorities' holds the 68.13 % which corresponds to 218 cases, in which they are represented as the main social participant, i.e., over half of material processes occurring in the text. They are followed by 'Others' represented as the main social participant in 56 processes (17.50 %); 'Society' in 32 processes (10.00 %); and finally 'Women victims' in 14 processes (4.38 %).

Considering that material processes – which mean 'doing' or 'happening' – are the processes that have the direct and strongest possibility of creating, modifying or affecting reality of people and whole societies, we can observe, through the results of this analysis, the greater power that the Brazilian authorities are represented to have in order to implement important measures and take action on the subject matter.

The main actions that Authorities may take on are: a) to implement the necessary measures to eradicate such violations, as the only way women can enjoy all human rights and guarantee their equality as society members in relation to their male counterparts, or b) contrarily to the former attitude, to make the occurrences of the mentioned violations of women's rights persist, by not creating and implementing legal policies to combat and eradicate the problem, in accordance to what was established in the Human Rights Conventions Brazil became a signatory party.



In this sense, the analysis of the material clauses in which ‘Authorities’ appear as primary social participants, or ‘Actors’, revealed that because of intense pressures being held by the OAS and women’s movements during the last two decades, many initiatives were taken and policies were implemented at governmental level. This fact represents an important positive position on the part of the Brazilian authorities, because it means their concern and interest in obtaining more social equality among Brazilian citizens.

Nevertheless, we can observe that these important advances, engendered by the Brazilian authorities, are in a certain way apparent or at least not fully accomplished yet. Most transitivity processes related to ‘Authorities’ reveal the inefficiency of the legal measures taken, as they are not yet working satisfactorily, a fact that may indirectly contribute to the persistence of gender-based discrimination and domestic violence against women in the Brazilian society.

The second highest number of material processes has ‘Others’ represented as the primary social participant. As I stated before, this social participant comprises sub-participants, from which the OAS Commission, responsible for the investigation, represents the ineffectiveness of governmental initiatives and measures by giving extensive recommendations on what the government must do to overcome the problem. Abstract entities as social participants, which constitute the other half of the sub-participants – human rights violations; unpunished crimes; and violence; among others – can also be interpreted as confirming the persistence of the problem in the way they are realized by transitivity processes.

‘Society’ and ‘Women victims’, represented as primary social participants of the processes, have lower numbers of occurrences in the text proportionally to the other two social participants. The analysis of processes in which ‘Society’ is the Actor revealed very similar results compared to those obtained in the analysis of ‘Authorities’ and

‘Others’. They show the persistence of the problem, and state the measures that have to be taken to eliminate it. This fact represents a positive point, as it demonstrates that the problem is being recognized as such, which means a starting point in the search for solutions, although there is no guarantee that these solutions will be achieved in a short term.

But, the processes in which ‘Women victims’ are represented as the main social participant describe a different situation. The analysis shows those women being represented as victims of the violations of their human rights and reveals the lack of consideration and the constraints they suffer on the part of the authorities, who are the ones responsible for protecting and defending them. This negative situation comprises several violations like being discriminated in most social spheres – for example at work places; at women’s police stations; in the judiciary system; and within political parties – and the suffering from unpunished domestic violence.

The same results, which constitute the two main features of the text, are revealed in the analysis of the other three processes, i.e., the ‘relational’; ‘mental’; and ‘verbal’. These two main characteristics, core of the OAS discourse, are: a) the description of the negative situation of women’s rights in Brazil and b) the need for changes within legal and social levels, so that the problem can be combated and eradicated.

It is worthy mentioning that men, as perpetrators of domestic violence, and as engenderers of discrimination over women in the public sphere, are not significantly represented in the text. They might have been represented by the allusion ‘some employers’ in clause 044.3, related to discrimination at labour places, but it is not specified whether these employers might be men or even women.

Another form by which aggressors are hidden within the text can be observed in the ‘nominalization’ of certain actions like ‘violence’ or ‘crimes’. Fairclough (1992,

p.179) explains that nominalization consists in transforming a process into a nominal entity, i.e., that the ‘action’ represented by a verb becomes an ‘entity’ represented by that verb transformed into a noun. The author (2003, pp. 12, 13) defines nominalization as follows:

instead of representing processes which are taking place in the world as processes (grammatically, in clauses or sentences which verbs), they are represented as entities (grammatically, through nominalization, i.e., transforming a clause into a nominal or noun-like entity) [...] One common consequence of nominalization is that the agents of processes, people who initiate processes or act upon other people or objects, are absent from texts.

For example: *‘The senator infringed the rules of the parliament causing commotion among all parties’* might be transformed into: *‘The infringement of parliament rules caused commotion among all parties’* In this example we can observe that one of the effects we can have from the nominalization of a process is veiling the entity who is responsible for infringing the rules. This person is absent from the clause, i.e., it is unknown.

The OAS text under analysis states that ‘violence’ and ‘crimes’ against women have to be combated and punished, when in reality it is the aggressors causing them who are to be punished. This omission of men aggressors in the text may be interpreted as a sign of maintaining a chauvinist attitude, in which the problem under investigation is grounded.

Thus, from the result obtained from the analysis of the transitivity processes and their interpretation, the answers to my two research questions arise clearly, as seen below.

- **Question N° 1:** How are women victims of ‘gender-based discrimination’ and ‘domestic violence’ in Brazil discursively represented in terms of transitivity choices?

In this chapter of the OAS report, women are discursively represented in two different categories: a) as victims, regarding gender-based discrimination and domestic violence, and b) also as guilty, regarding domestic violence.

Women are represented as victims of gender-based discrimination and domestic violence in the sense that they are not responsible for the discrimination and the violence, they suffer from that. On the other hand, regarding domestic violence, they are also represented as guilty, because there is allusion to their participation, complicity, or even provocation, which might be originating that violence as a kind of reaction against their attitude/behaviour.

Thus, at the same time that they are considered as victims, unless women demonstrate their innocence or honesty, they are also represented as guilty people who have deserved the punishment of violence by provoking their husbands for being unfaithful adulterers. This situation is based on the ‘Honour defence’ code which, although eradicated from the legislation, according to the OAS report, continues being applied within the Judiciary system.

- **Question N° 2:** How are women victims of gender-based discrimination and domestic violence in Brazil positioned within society?

Women’s rights are the central issue that this chapter of the OAS report deals with. Not only statements in the OAS report, but more specifically the results of the analysis of this stretch of discourse confirmed that women are not fully enjoying their human rights within the Brazilian society. Although these rights already exist in the

Brazilian legislation and, as represented in the text, the authorities have implemented and adopted policies in order to enforce these human rights, the text also indicates that not only the authorities but also society are still far from a situation of equal rights for women and men.

As we have seen in the analysis, the violations of women's rights are still 'tolerated' (so to speak) by the Brazilian authorities and society. This toleration confirms that women are being attributed a position in society which is not comparable to that of men, in terms of enjoying equality of rights. Women are represented in the text as not having the same opportunities of professional, political and public development as men do within society. From this data it is possible to conclude that women occupy a position of social inferiority in relation to their male counterparts.

## **5.2. Final remarks**

In this research, I have analyzed a text of a 1997 OAS report on human rights in Brazil, specifically concentrating my focus on one of its chapters dealing with women's rights in relation to being enjoyed by women and respected by authorities and society.

By carrying out the analysis using Halliday's theory and method of SFL, I aimed to disclose how women suffering gender-based discrimination and domestic violence were discursively represented in terms of transitivity choices, and what position these women were attributed within society.

The results of my analysis demonstrated that women were represented as voiceless and passive victims of gender-based discrimination, and as guilty of provoking domestic violence by their dishonest attitude regarding their male partners. Furthermore, the results yielded evidence that those women occupy an inferior social position in society in comparison to the position occupied by men.

When scientific research is carried out, it is not just for mere curiosity that the researcher investigates, in terms of disclosing unknown facts or obtaining information on any subject matter. The researcher also aims at obtaining results that may collaborate to promote the community welfare by helping to resolve problems or producing scientific advances.

The present research on women's rights may have positive effects by making society gain more awareness of the existence of the problem understanding its causes and consequences. From this awareness, society may adopt a more active approach leading to take the problem more seriously into consideration and to deal with it in a more active and adequate way so that solutions may be accomplished. This attitude on the part of the Brazilian society would be effective in terms of decreasing the social inequality established between women and men in Brazil.

### **5.3. Suggestions for further research**

It would be significant that this type of investigations – concerning the establishment and respect of women's rights in Brazil – continued as the focus of further research.

Possibly, researchers might find and investigate more recent information on the issue, which may account either for the persistence or for changes on the situation of women's rights as represented in the OAS report analysed in the present research. Therefore, extensive research would contribute to make authorities and society more aware of the problem and the need for solutions.

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## APPENDIX I

### ORGANIZATION OF AMERICAN STATES

#### INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

#### REPORT ON THE SITUATION OF HUMAN RIGHTS IN BRAZIL - 1997

#### CHAPTER VIII

#### THE HUMAN RIGHTS OF BRAZILIAN WOMEN

##### A. INTRODUCTION

1. As set forth in the Declaration of the UN World Conference on Human Rights (Vienna 1993): "The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights." Within the inter-American system, enhancing the ability of women to freely and fully enjoy their human rights has been identified by the Member States as a crucial challenge in the quest to consolidate democratic systems in the hemisphere. The priority accorded throughout the hemisphere to enhancing the effective exercise of democracy is an essential pre-condition for achieving advances in respect for human rights. At the same time, truly participatory democracy cannot flourish until every segment of society fully takes part in national life.

2. In Brazil, women's rights organizations opened a new space for women's participation in national life by working within the context of efforts initiated in the early 1980's to reorganize society to achieve an increasingly effective exercise of democracy. As a consequence of this opening, important initiatives have been taken within both the public and private sectors to combat discrimination against women and its effects. The women's movement in Brazil, supported by the action of hundreds of nongovernmental organizations working in the field of women's rights, has been extremely active in lobbying for advances in women's rights, with great effort having been invested in seeking concrete measures to protect women's right to be free from violence. The Government of Brazil, in turn, has adopted and implemented a series of significant initiatives designed to enhance the observance of the human rights of its female populace.

3. Notwithstanding these advances, and the fact that discrimination on the basis of sex is prohibited by law, the Commission has received complaints and information detailing the persistence of *de facto* and *de jure* bias against women in various spheres, and as manifested in the phenomena of violence against women. The recommendations in the present chapter take into account the initiatives that have been taken in the public and private spheres in Brazil, and reflect the realization within Brazilian society that additional measures must be taken to consolidate and further develop the initial gains realized.

##### B. THE STATUS OF WOMEN IN BRAZIL AND THE PROBLEM OF DISCRIMINATION

4. Within the inter-American human rights system, States Parties to the American Convention undertake to respect and ensure the rights and freedoms established therein "without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition." The American Convention on Human Rights requires that protections for the full range of rights established be made effective so that women and men may fully enjoy their human rights (Article 2). With respect to equality, the American Convention establishes the right of each person to equal protection of and before the law (Article 24), and States Parties are specifically obliged to "take appropriate steps to ensure the equality of rights and the adequate balancing of responsibilities of the spouses" with respect to marriage or its dissolution (Article 17.4). In terms of gender-specific protections, the Convention prohibits trafficking in women (Article 6.1). In addition to being Party to the American Convention and the Inter-American Convention to Prevent and Punish Torture, in 1995 Brazil ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women "Convention of Belém do Pará."

5. At the international level, Brazil is Party to the Convention on the Elimination of All Forms of Discrimination Against Women, as well as to the International Covenants on Civil and Political

Rights and Economic, Social and Cultural Rights, which contain important protections with respect to the human rights of women. It should be noted that, although Brazil lodged certain reservations when it became a Party to the CEDAW in 1984, those reservations were withdrawn in 1994. Brazil supported the Declaration of the UN World Conference on Human Rights, which condemned violence against women; the Declaration on the Elimination of Violence against Women adopted by the UN General Assembly; and the Declaration and Program of Action adopted by the Fourth World Conference on Women's Rights (Beijing 1995).

**6.** The first State Council on the Condition of Women was established in Sao Paulo in 1983, with a mandate to propose measures to be taken and advise on the integration of women into the political, economic and cultural life of the State. This initiative has been replicated throughout Brazil, at both the state and municipal levels. The Council's Commission on Violence against Women was active in encouraging Sao Paulo's creation of the first *Delegacia de Defesa da Mulher* in August of 1985. This gender-specific response to crimes of violence against women was unprecedented, and has served as an influential model for replication in Brazil, as well as in other countries. The National Council on Women's Rights (CNDM) was established by President Sarney in 1985, under the purview of the Ministry of Justice, to ensure that policies were enacted to end discrimination against women, and to facilitate their participation in the political, economic and social life of Brazil.

**7.** As a result of the concerted action of the nongovernmental sector and the CNDM, the 1988 Constitution of Brazil reflects a number of significant advances in favor of women's rights. Article 5 establishes the equality of all persons before the law, and sets forth that men and women have equal rights and obligations (section I). It is a fundamental obligation of the State to promote the welfare of all without discrimination (Article 3.IV). Moreover, Article 5 section XLI stipulates that wrongful discrimination with respect to individual rights and freedoms shall be punished by law. The rights of the the workers are ensured by the Federal Constitution, equally for men and women. Article 7 of the Constitution also enunciates, specific rights of female workers, such as maternity leave and protection of female job market, through specific incentives.

**8.** Within the National Program on Human Rights, proposed Government initiatives aimed at enhancing the human rights of women include, *inter alia*: supporting the National Council on Women's Rights and the National Program to Prevent Violence Against Women; supporting efforts to prevent domestic and sexual violence against women, to provide integrated assistance to women at risk, and to educate the public on discrimination and violence against women and available safeguards; revoking certain discriminatory provisions of the Penal Code and Civil Code on Paternal Power; encouraging the development of gender-oriented approaches in the training of state agents and in the setting of curricular guidelines for primary and secondary education; and stimulating statistical studies on the situation of women in the sphere of labor. The Program also calls for the Government to implement the decisions set forth in the Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women.

**9.** Despite various initiatives to modernize domestic law, and to bring it into conformity with international obligations, such as the undertakings in the CEDAW, a number of anachronistic and discriminatory provisions in the law remain. Various provisions of the Civil Code on Paternal Power, and provisions of the Criminal Code with respect to rape and assault have been targeted for revocation in the National Human Rights Program; additional provisions had been characterized as anachronistic and prejudicial in the Report of Brazil prepared for the Fourth World Conference on Women (Beijing 1995). For example, certain sexual crimes remain classed as crimes against custom, as opposed to crimes against the individual. "Honesty" remains a legal requisite for a woman to be characterized as a victim of certain crimes, and marriage between the perpetrator and the victim may still extinguish the prosecution of certain crimes. In spite of the fact that these provisions have long been recognized as requiring revocation, they nonetheless remain part of domestic law.

**10.** While the equality of women and men is recognized by law in Brazil, the State acknowledges that "Brazilian women, who represent a little over half the country's population (50.1 percent in 1990) still find it difficult to participate to the full in all aspects of the country's economic and political life." Further steps must be taken to ensure that legal and other reforms are duly applied to ensure the free and full participation of women in national life.

### C. BAZILIAN WOMEN AND WORK

11. In the sphere of labor, Article 7 of the Constitution, *inter alia*, prohibits differentiation in salary levels on the basis of sex; establishes certain incentives to encourage the participation of women in the work force; and provides for paid maternity leave of 120 days and paternity leave for five days. The Labor Code sets forth additional stipulations with respect to the rights of women in the workplace.

12. In September of 1996, a new Governmental Working Group for the Elimination of Discrimination in Employment and Occupation (GTEDEO) was established to work toward the elimination of gender-based discrimination, and in favor of the improved implementation of the anti-discrimination provisions of the Constitution, national law and Convention 111 of the International Labor Organization.

13. Notwithstanding that discrimination in wages, hiring and the exercise of functions is prohibited by law, the Government has recognized that "gender discrimination still persists in the labour market." At the close of 1994, the Government reported that women with the same education and qualifications as their male counterparts earned 54% of the salaries paid to the latter. The Brazilian Statistics and Geography Institute reported findings from a survey it had conducted which indicated that, on average, men received seven times the minimum salary, while women received three or four times that amount. In the field of professional education it is worth pointing out that a 42% of the persons registered in the courses offered are women.

14. Although the Constitution and Labor Code prohibit dismissal on the basis of pregnancy, reports received by the Commission indicate that this continues to occur, and that some employers continue to screen out pregnant job applicants, women of childbearing age, or in some cases require proof of sterilization from the latter as a condition for employment. One of the tasks of the GTEDEO is to address the latter practice by ensuring the full application of the law prohibiting it.

15. Forced prostitution is a complex human rights violation which may involve the prohibited use of forced labor, trafficking in women and girls, and violence. The Commission has been unable to collect sufficient up to date information to permit it to fully consider the scope of this problem in Brazil. The Government has taken some initial steps to address the problem, in relation to "reports of hundreds of girls being kept in a state of servitude in remote gold prospect[ing] sites in the Amazon." These include police actions to locate and free some girls, an initiative to report on the torture and murder of girls being held as slaves in the north, and the initiation of a Parliamentary Inquiry Commission. These indicia suggest the probable existence of a pattern of serious human rights violations in certain localities, which require an immediate and integrated response to protect victims and ensure the investigation, prosecution and punishment of the perpetrators of such crimes. (This issue is further analyzed in this report's chapter on "Rights of Minors".)

### D. THE RIGHT OF POLITICAL PARTICIPATION, AND PARTICIPATION IN DECISION MAKING AND PUBLIC LIFE

16. Article 23 of the American Convention on Human Rights provides that every citizen shall enjoy the right "to take part in the conduct of public affairs, directly or through freely chosen representatives," to vote in free and fair elections, and "to have access, under general conditions of equality, to the public service of his country." The Brazilian Constitution establishes that women and men have the same rights with respect to citizenship, and are entitled on an equal basis to vote, to stand for election and to hold positions within the public administration.

17. Although the role of women in national and public life in Brazil has developed significantly since the Nairobi Conference (1985), it is widely acknowledged that they continue to be severely underrepresented in the institutions of the State, and are limited in their access to the higher ranking positions within the civil service and elected office. The Brazilian women's movement has sought to address this through various means, including lobbying for change within the structures of political parties. Following the reopening of space for political action in the 1980's, many parties began to take up issues concerning the rights of their women constituents. In 1991, women lobbied within the *Partido dos Trabalhadores* (Worker's Party) to establish a quota ensuring that women would make up 30% of the party leadership.

18. Overall, as of 1995, women held 13.1% of the positions in government. As of 1994, the percentage of Congressional seats held by women was 5.7%. Women are also

underrepresented in the Legislative Assembly's of the States within the Federation. The first female Governor of a State was elected in 1994. At the local level, according to figures compiled for 1992, 171 women had been elected mayor, and 1672 had been elected to serve as members of the 4973 municipal councils. Among the measures taken to increase women's political participation is the adoption of Law 9100/95, which required that each political party ensure that at least 20 % of their candidates proposed for the October 1996 elections be women.

19. Within the Executive, figures for 1995 indicate that 3.6% of positions at the Ministerial level, and 14.7 positions at the sub-ministerial level were held by women. Prior to the current administration, a total of seven women had served as Ministers. Within the Ministry of Foreign Relations, the figures for 1994 indicate that three women (2.94% of the total) held the rank of Minister First Class (the highest rank in the diplomatic service). Within the Judiciary, notwithstanding the introduction of a competitive public selection process for judicial appointments in 1985, almost no women serve on the higher courts. Within the superior courts, for example, of the 93 judges serving in 1990, all but one were male. Within the Public Ministry, at the close of 1993, women held 26.9% of the positions, up from 20.4% in 1986, and 11.1% in 1980.

## **E. VIOLENCE AGAINST WOMEN**

20. Women suffer the consequences of victimization through violence in countries throughout our hemisphere, across the socio-economic, race and cultural strata. The specific situation of violence against women in Brazil has engendered extensive action on the part of the governmental and nongovernmental sectors. Within the former, one of the priority duties of the National Women's Rights Council has been raising the issue of violence against women at the highest political levels, as well as within the public debate, working for legal reform, and supporting efforts to ensure that law enforcement and judicial personnel understand the causes, nature and consequences of such violence. This action helped to ensure the incorporation of an explicit commitment, in Article 226, VIII of the 1988 Constitution, for the State to create mechanisms to address and repudiate violence within the family sphere. In 1993, the Chamber of Deputies established a Parliamentary Commission of Inquiry to study the situation of violence against women in Brazil.

21. As a State Party to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, "Convention of Belém do Pará," Brazil has undertaken a series of specific obligations which elaborate upon and complement the more general provisions of the American Convention. The Convention of Belém do Pará establishes the regional definition of violence against women: "as any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or private sphere", "Every woman has the right to be free from violence in both the public and private spheres," (Article 3) and is entitled to have the full range of her fundamental rights and freedoms ensured and respected (Articles 4, 5). It is important to note that the right of every woman to be free from violence includes the right "to be free from all forms of discrimination," and to be "valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination" (Article 6).

22. States Parties to the Convention of Belém do Pará undertake to pursue, "without delay," policies to prevent, punish and eradicate violence against women (Article 7). This means that Parties are obliged to ensure: that agents of the state respect the right of women to be free from violence; that due diligence shall be applied "to prevent, investigate and impose penalties for violence against women" (in the public and private spheres; and, that victims of violence have access to timely and effective remedies. Legislation or practices which "sustain the persistence and tolerance" of such violence must be revoked.

23. Since the mid-1980's, Brazil has been in the forefront of the region in developing and implementing strategies to provide services to women victims of violence. Currently, there are over 150 *Delegacias de Defesa da Mulher* country-wide, providing specialized services to victims. In addition to providing specially trained policewomen to perform standard law enforcement functions, these stations aim to provide integrated social and psychological services as well.

24. Domestic violence is, in fact, the most common form of violence against women in Brazil, and includes wife-murder, domestic battery, abuse and rape. The first shelter for victims of domestic violence in Brazil was opened as a pilot project in 1986. Through agreements with the

Public Welfare Secretariats of the States of the Federation, the Conselho dos Direitos da Mulher offers incentives to encourage the establishment of additional shelters for battered women and their children. Most recently, on March 8, 1996, the Federal Government launched a new "National Program to Prevent and Combat Sexual and Domestic Violence." The Program contemplates action on a number of fronts, including a proposal to revoke the archaic characterization of certain sexual crimes commonly suffered by women as crimes against "custom."

**25.** While the *Delegacias* represent a remarkable advance in terms of addressing the gender-specific causes and consequences of violence against women, their ability to protect women's rights remains limited by a lack of human and material resources, insufficient training for both specialized and non-specialized personnel (in the general ranks of the Police) in dealing with cases of violence and with gender issues generally, and insufficient coordination with the rest of the police apparatus. The specialized stations that exist are not able to serve all victims. In rural areas in particular, women have little official recourse against violence, and few resources through which to seek assistance.

**26.** Moreover, even where these specialized stations exist, it remains frequently the case that complaints are not fully investigated or prosecuted. In some cases, resource limitations hinder efforts to respond to these crimes. In other cases, women refrain from pressing formal charges. In practice, legal and other limitations often expose women to situations where they feel constrained to act. By law, women have to register their complaint at a police station, and explain what happened so the delegate can write up an "incident report." Delegates who have not received sufficient training may be unable to provide the required services, and some reportedly continue to respond to victims in ways that make them feel shame and humiliation. For certain crimes, such as rape, victims must present themselves at an Institute of Forensic Medicine (*Instituto Médico Legal*), which has the exclusive competence to perform the examinations required by law to process a charge. Some women are not aware of this requirement, or do not have access to such a facility in the timely manner necessary to obtain the required evidence. These Institutes tend to be located in urban areas, and, where available, are often understaffed. Moreover, even when women take the steps necessary to denounce the use of criminal violence, there is no guarantee that the crime will be investigated and prosecuted.

**27.** Although the Supreme Court of Brazil struck down the archaic "honor defense" as a justification for wife-killing in 1991, many courts remain reluctant to prosecute and punish the perpetrators of domestic violence. In some areas of the country, use of the "honor defense" persists, and in some areas the conduct of the victim continues to be a focal point within the judicial process to prosecute a sexual crime. Rather than focusing on the existence of the legal elements of the crime in question, the practices of some defense lawyers -- sustained in turn by some courts -- have the effect of requiring the victim to demonstrate the sanctity of her reputation and her moral blamelessness in order to exercise the remedies legally required to be available to her. The initiatives taken by the public and private sector to confront violence against women have begun to combat the silence which customarily has concealed it, but have yet to surmount the social, legal and other barriers which contribute to the impunity in which these crimes too often languish.

## F. CONCLUSIONS

**28.** The action and interaction of the public and private sectors in Brazil has produced many noteworthy advances in the struggle to ensure that women fully and equally enjoy their human rights. The State initiated an unprecedented program to provide specialized police services for women victims of violence which continues to provide a model for other countries in terms of its breadth and scope. At the same time, the critical needs served by this program have only become more apparent over time, and demonstrate the need for further investment and development to meet the needs of victims.

**29.** There have been significant strides in reforming legislation to revoke provisions which were facially discriminatory, yet archaic legislation remains on the books (despite having been identified as such) and anachronistic practices which persist are incompatible with Brazil's international legal obligations. Moreover, such provisions and practices perpetuate stereotypes which further hinder the ability of women to exercise their rights and freedoms. These must be changed in accordance with Brazil's status as a Party to the American Convention, the

Convention of Belém do Pará, and the Convention on Elimination of all Form of Discrimination against Women (CEDAW).

**30.** The crimes which fall within the heading of violence against women constitute human rights violations under the American Convention, as well as under the more specific terms of the Convention of Belém do Pará. When committed by state agents, the use of violence against the physical and/or mental integrity of an individual gives rise to the direct responsibility of the State. Additionally, the State has an obligation under Article 1.1 of the American Convention and Article 7.b of the Convention of Belém do Pará to exercise due diligence to prevent human rights violations. This means that, even where conduct may not initially be directly imputable to a state (for example, because the Actor is unidentified or not a state agent), a violative act may lead to state responsibility "not because of the act itself, but because of the lack of due diligence to prevent the violation or respond to it as the Convention requires."

**31.** As the UN Special Rapporteur on Violence has stated, where it is demonstrated that the existence of legislative protections is insufficient to protect the right of women to be free from violence, "States must find other complementary mechanisms to prevent domestic violence," including educating the public, training relevant personnel, and the funding of direct services to assist victims. Brazil has taken noteworthy and innovative steps to develop and implement such mechanisms, and has indicated in its Human Rights Program and other policy directives its will to consolidate existing programs and realize further gains.

**32.** Where violations do occur, the State is required to investigate, submit the perpetrators to justice, and ensure the existence of mechanisms of compensation. The Brazilian nongovernmental SOS Mulher began their 1980 campaign to address violence against women with the rallying cry: "Silence is the accomplice of violence." In 1993, the participants of the First National Conference of Popular Organizations Against Violence Against Women, held in Sao Paulo, added a new call for action: "Impunity is the accomplice of Violence." The information available to the Commission indicates that further steps remain to be taken to ensure that complaints of violence against women, particularly in the domestic sphere, are fully investigated and sanctioned according to the law.

## **G. RECOMMENDATIONS**

**33.** That the State take additional steps to address discrimination against women in the private and public spheres, including: a) education free of stereotyped patterns of behavior; b) the revocation of archaic legal provisions; c) measures to ensure that discrimination be promptly investigated, prosecuted and sanctioned.

**34.** That the State continue and amplify measures to promote the participation of women in decisionmaking at all levels in the public and private spheres, and particularly to ensure that women have appropriate representation at all levels of government and within the civil service.

**35.** That the State take additional measures to address the effects of discrimination on the ability of women to participate in the economic life of the country, including disparity in salary levels; full enjoyment by women of labor rights; and discriminatory lending practices.

**36.** That the State enhance the availability of appropriate responses to crimes of violence against women; including a) appropriate investigation, prosecution and punishment; b) simplification of the prerequisites for presentation of women's claim; c) special measures to protect the physical integrity of a woman subjected to threats or violence in the private or public sphere; d) support training of police, judicial and other relevant personnel with respect to the measures and resources which exist to protect the right of women to be free from violence; and, e) to attend to the physical and psychological needs of victims.

**37.** That the State further analyze and report on the practice of forced prostitution and servitude suffered by women and girls in certain localities of the country in order to design and implement a comprehensive response to protect victims and ensure the investigation, prosecution and punishment of those responsible.

## **FINAL CONCLUSIONS AND GENERAL RECOMMENDATIONS**

**1.** In defining the human rights situation in Brazil, the Commission feels that it is essential to center on the profound changes that are taking place as well as the extremes that contrast some parts of the country from others. For instance, in some areas human rights are enjoyed, respected, and guaranteed while in others these same rights are commonly abused, violated, and ignored. These contrasts are sometimes found between states and sometimes between

groups within the same state or region. And even if progressive legislation is in place, it is slow to be applied.

**2.** Changes, many of which are favorable, have been brought about in the past by mass movements for human rights and certainly by the initiative being taken by the present administration of Dr. Fernando Henrique Cardoso in the form of his National Human Rights Plan.

**3.** One initial observation that could be made is that there is a wide gap between the constitutional, legislative, and institutional structures that have been set up to defend human rights and the persistent abuses and absence of practical guarantees to uphold these rights in certain areas of society and the country. Not only are the legislation and the public and private institutions that exist certainly broad enough in scope to provide ample protection of human rights in Brazil, there are also basic freedoms of expression, of the press, of association, and an open and functioning constitutional political system to resolve social conflict. However - there are serious human rights violations that demand the full commitment of both the State and society if they are to be resolved and the present administration has shown its sense of responsibility in acknowledging this point.

**4.** Those areas in which human rights are most frequently violated and in which the arm of the law is least effective in offering protection are society's most vulnerable groups: impoverished campesino communities, minors and children without families ties for protection and growth, indigenous peoples, individuals under suspicion of committing a crime or circumstantially involved in criminal situations.

**5.** While not ignoring the advances made by the present government, the state has still not offered the necessary guarantees to large segments of the Brazilian population to secure their human rights either through institutional efforts to improve discriminatory inequalities of social, economic and cultural opportunities. The high degree of that inequality in Brazil makes it necessary to put the entire state apparatus and the political will of its leaders behind the steady disappearance as rapidly as possible of that discrimination.

**6.** The Commission notes that this discriminatory inequality generates legal infractions either because the victims of prejudice rebel against this injustice and are illegally repressed or because it provokes widespread situations of illegality (such as slums controlled by drug dealers or rural areas run by out-of-control interests who use gunmen).

**7.** The justice system, the first line of defence of the guarantees that the State is obligated to offer, is slow and extremely complicated and suffers from unnecessary red tape and institutional weakness. These institutions are incapable of punishing police officials guilty of abuses or the actions of criminal groups protected by the police or by the inability of the justice system to act. Jurisdictional impediments between states and between states and the federal government delay the course of justice and thwart the law, and abet criminal activities. Special courts with no basis in law such as the Military Tribunal (Justicia Militar) hear and judge abuses and crimes of police officials and thus contribute to the lawlessness.

**8.** In some parts of Brazil, violence is typically caused by human rights violations. In rural areas poverty and unequal opportunities have led to explosive situations caused by conditions of forced labor and human bondage, clashes over access to land and opportunities for production, and the rural exodus by the young who fall victims of worker or sexual exploitation.

**9.** Indigenous communities in Brazil, although they have made considerable headway in effectively gaining legal recognition and title to land continue to be adversely affected by the time the States takes to demarcate and title their lands and by the continuous inroads by intruders and squatters against whom the State continues to be ineffective, or by state measures that cut them off through the encroachment of infrastructure (roads, etc.) or by the establishment of municipalities and other entities which are foreign to them.

**10.** Many children lack the natural protection of their families, the community, and the State, and suffer from the effects of living on the margin of society, worker and sexual exploitation, repressive police behavior and abuses, and mistreatment in specialized institutions. This is one of the present administration's priorities although the extent and urgency of the problems requires that these efforts be intensified.

**11.** The treatment of prisoners, those being held pending trial and convicted felons, is another constant source of human rights violations and abuses. Prisons are overcrowded, facilities are poor, resources are in short supply, and training is inadequate, and prison authorities use repressive measures to deal with any crisis. Negotiation as a normal dispute settlement policy and the reform of the correctional services system to meet the present needs in terms of

security for the resident population and the population in general must be a priority for the authorities.

**12.** The efforts of the federal government or those of its institutions in the area of human rights violations do not always receive the necessary follow up and support from state governments or branches of these governments.

**13.** In different chapters of this report, the Commission analyzed problem situations, with comments on efforts by government authorities and set out specific recommendations. The National Human Rights Plan which was prepared as a participatory project by the Brazilian government presents serious and potentially effective proposals to resolve these situations. Its gradual implementation is beginning to show signs of success through improvements in certain indicators. A number of state initiatives are also producing positive changes. However, only the political will to carry it through with the full support of all federal, state, and municipal authorities will lead to its growing and continued success.

**14.** In accordance with its mandate, as a supplement to its specific recommendations contained in the different chapters of this report, the Commission also recommends:

a. Intensify implementation of the National Human Rights Plan by giving priority to changes that prevent abuses committed by public agents and especially by public law enforcement agents from going unpunished. Included in these changes is making state military police agents subject to common criminal jurisdiction.

b. Simplify and accelerate court procedures and coordinate them with interstate jurisdictions for more effective investigation, as well as for subsequent criminal proceedings and punishment of those responsible for attacks and terror campaigns against the population.

c. Protect needy children in a more effective way and take special compensatory measures to guarantee they have equal opportunities especially in education, personal safety and health and basic sanitation services.

d. Organize legislatively and in a practical manner the effective protection of the rights of Indian peoples in Brazil, especially with regard to the integrity and effect control over their lands and crops, their organization and respect for their political rights.

e. Implement more widely certain institutions and practices that are helpful in preventing conflicts and achieving peaceful settlement of them. Examples are the Municipal Guiding Councils for Children and Teenagers, offices for protection of women and strategies to prevent and negotiate disciplinary situations in criminal establishments.

f. Accelerate the settlement of problems in access to rural land ownership by applying fully the constitutional laws which prevent, avert and settle legally situations of tension and confrontation that stem from discriminatory treatment relating to opportunities to use national economic resources.

<http://www.cidh.org/countryrep/brazil-eng/chaper%208.htm>



## APPENDIX II

### Clauses & Transitivity Processes – Social Participants – Types of Processes

Nº	Clause & Process	Pri. Participant	Sec. Participant	Aut	Soc	Wo	Oth
001.1	As <b>set forth</b> in the Declaration of the UN World Conference on Human Rights (Vienna 1993):	UN Human Rights World Conference	The human rights of women and of the girl-child				mat
001.2	The human rights of women and of the girl-child <b>are</b> an inalienable, integral and indivisible part of universal human rights.	The human rights of women and of the girl-child	an inalienable, integral and indivisible part of universal human rights.				rel
002.1	Within the inter-American system, enhancing the ability of women to freely and fully enjoy their human rights <b>has been identified</b> by the Member States as a crucial challenge	Member States	enhancing the ability of women to freely and fully enjoy their human rights	ment			
002.2	in the quest <b>to consolidate</b> democratic systems in the hemisphere.	Member States	democratic systems in the hemisphere	mat			
003.1	The priority accorded throughout the hemisphere to enhancing the effective exercise of democracy <b>is</b> an essential pre-condition	The priority accorded throughout the hemisphere to enhancing the effective exercise of democracy	an essential pre-condition				rel
003.2	for <b>achieving</b> advances in respect for human rights.	Member States	advances in respect for human rights	mat			
004.1	At the same time, truly participatory democracy cannot <b>flourish</b>	truly participatory democracy					mat
004.2	until every segment of society fully <b>takes part</b> in national life.	every segment of society	in national life		mat		
005.1	In Brazil, women's rights organizations <b>opened</b> a new space for women's participation in national life	women's rights organizations	a new space for women's participation in national life				mat
005.2	by <b>working</b> within the context of efforts initiated in the early 1980's	women's rights organizations	society				mat
005.3	<b>to reorganize</b> society	women's rights organizations	society				mat
005.4	<b>to achieve</b> an increasingly effective exercise of democracy.	women's rights organizations	an increasingly effective exercise of democracy				mat
006.1	As a consequence of this opening, important initiatives <b>have been taken</b> within both the public and private sectors	the public and private sectors	important initiatives		mat		
006.2	<b>to combat</b> discrimination against women and its effects.	the public and private sectors	discrimination against women and its effects		mat		
007.1	The women's movement in Brazil, <b>supported</b> by the action of hundreds of nongovernmental organizations working in the field of women's rights,	hundreds of nongovernmental organizations	The women's movement in Brazil				mat
007.2	<b>has been</b> extremely active	The women's movement in Brazil	extremely active				rel
007.3	in <b>lobbying</b> for advances in women's rights,	The women's movement in Brazil	for advances in women's rights				mat
007.4	with great effort <b>having been invested</b> in seeking concrete measures	The women's movement in Brazil	in seeking concrete measures				mat

N°	Clause & Process	Pri. Participant	Sec. Participant	Aut	Soc	Wo	Oth
007.5	<b>to protect</b> women's right to be free from violence.	The women's movement in Brazil	women's right to be free from violence				mat
008.1	The Government of Brazil, in turn, <b>has adopted</b>	The Government of Brazil	a series of significant initiatives	mat			
008.2	and <b>implemented</b> a series of significant initiatives	The Government of Brazil	a series of significant initiatives	mat			
008.3	<b>designed</b>	The Government of Brazil	a series of significant initiatives	mat			
008.4	<b>to enhance</b> the observance of the human rights of its female populace.	a series of significant initiatives	the observance of the human rights of its female populace	mat			
009.1	Notwithstanding these advances, and the fact that discrimination on the basis of sex <b>is prohibited</b> by law,	law	discrimination on the basis of sex	mat			
009.2	the Commission <b>has received</b> complaints and information	Society	OAS Commission		verb		
009.3	<b>detailing</b> the persistence of <i>de facto</i> and <i>de jure</i> bias against women in various spheres,	Society	OAS Commission		verb		
009.4	and as <b>manifested</b> in the phenomena of violence against women.	Society	OAS Commission		verb		
009.5	The recommendations in the present chapter <b>take into account</b> the initiatives	OAS	the initiatives				ment
009.6	that <b>have been taken</b> in the public and private spheres in Brazil,	the public and private spheres in Brazil	the initiatives		mat		
009.7	and <b>reflect</b> the realization within Brazilian society that	OAS	the realization within Brazilian society				ment
009.8	additional measures must <b>be taken</b>	Society	additional measures		mat		
009.9	<b>to consolidate</b>	Society	the initial gains realized		mat		
009.10	and further <b>develop</b> the initial gains realized.	Society	the initial gains realized		mat		
010.1	Within the inter-American human rights system, States Parties to the American Convention undertake <b>to respect</b>	States Parties	the rights and freedoms established therein	mat			
010.2	and <b>ensure</b> the rights and freedoms established therein "without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.	States Parties	the rights and freedoms established therein	mat			
011.1	The American Convention on Human Rights <b>requires</b>	The American Convention on Human Rights	States member				mat
011.2	that protections for the full range of rights established <b>be made effective</b>	Government	protections for the full range of rights	mat			
011.3	so that women and men may fully <b>enjoy</b> their human rights (Article 2).	women and men	their human rights		mat		
012.1	With respect to equality, the American Convention <b>establishes</b> the right of each person to equal protection of and before the law (Article 24),	the American Convention	the right of each person to equal protection of and before the law				mat
012.2	and States Parties <b>are</b> specifically obliged to "take appropriate steps	States Parties	specifically obliged to "take appropriate steps	rel			
012.3	<b>to ensure</b> the equality of rights and the adequate balancing of responsibilities of the spouses" with respect to marriage or its dissolution (Article 17.4).	States Parties	the equality of rights and the adequate balancing of responsibilities of the spouses	mat			

N°	Clause & Process	Pri. Participant	Sec. Participant	Aut	Soc	Wo	Oth
013	In terms of gender-specific protections, the Convention <b>prohibits</b> trafficking in women (Article 6.1).	the Convention	trafficking in women				mat
014	In addition to being Party to the American Convention and the Inter-American Convention to Prevent and Punish Torture, in 1995 Brazil <b>ratified</b> the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women "Convention of Belém do Pará."	Brazil	the Inter-American "Convention of Belém do Pará."	mat			
015.1	At the international level, Brazil <b>is</b> Party to the Convention on the Elimination of All Forms of Discrimination Against Women, as well as to the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights,	Brazil	Party to the Convention on the Elimination of All Forms of Discrimination Against Women, as well as to the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights,	rel			
015.2	which <b>contain</b> important protections with respect to the human rights of women.	the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights	important protections with respect to the human rights of women				rel
016.1	It should <b>be noted</b> that,	Society			ment		
016.2	although Brazil <b>lodged</b> certain reservations when its became a Party to the CEDAW in 1984,	Brazil	certain reservations	mat			
016.3	those reservations <b>were withdrawn</b> in 1994.	Brazil	those reservations	mat			
017	Brazil <b>supported</b> the Declaration of the UN World Conference on Human Rights, which condemned violence against women; the Declaration on the Elimination of Violence against Women adopted by the UN General Assembly; and the Declaration and Program of Action adopted by the Fourth World Conference on Women's Rights (Beijing 1995).	Brazil	UN World Conference; the Declaration on the Elimination of Violence; and Beijing's Declaration	mat			
018.1	The first State Council on the Condition of Women <b>was established</b> in Sao Paulo in 1983,	Government	The first State Council on the Condition of Women	mat			
018.2	with a mandate <b>to propose</b> measures to be taken	The first State Council on the Condition of Women	measures to be taken	mat			
018.3	and <b>advise</b> on the integration of women into the political, economic and cultural life of the State.	The first State Council on the Condition of Women	on the integration of women into the political, economic and cultural life of the State	verb			
019	This initiative <b>has been replicated</b> throughout Brazil, at both the state and municipal levels.	the state and municipal levels	This initiative	mat			
020.1	The Council's Commission on Violence against Women <b>was active</b>	The Council's Commission on Violence against Women	active	rel			

N°	Clause & Process	Pri. Participant	Sec. Participant	Aut	Soc	Wo	Oth
020.2	in <b>encouraging</b> Sao Paulo's creation of the first <i>Delegacia de Defesa da Mulher</i> in August of 1985.	The Council's Commission on Violence against Women	Sao Paulo's creation of the first <i>Delegacia de Defesa da Mulher</i> in August of 1985	mat			
021.1	This gender-specific response to crimes of violence against women <b>was</b> unprecedented,	This gender-specific response to crimes of violence	unprecedented	rel			
021.2	and <b>has served</b> as an influential model for replication in Brazil, as well as in other countries.	This gender-specific response to crimes of violence	as an influential model for replication in Brazil, as well as in other countries	mat			
022.1	The National Council on Women's Rights (CNDM) <b>was established</b> by President Sarney in 1985, under the purview of the Ministry of Justice,	President Sarney	The National Council on Women's Rights (CNDM)	mat			
022.2	<b>to ensure</b> that policies were enacted	The National Council on Women's Rights (CNDM)	policies	mat			
022.3	<b>to end</b> discrimination against women, and	policies	iscrimination against women	mat			
022.4	<b>to facilitate</b> their participation in the political, economic and social life of Brazil.	policies	their participation in the political, economic and social life of Brazil	mat			
023	As a result of the concerted action of the nongovernmental sector and the CNDM, the 1988 Constitution of Brazil <b>reflects</b> a number of significant advances in favor of women's rights.	the 1988 Constitution of Brazil	a number of significant advances in favor of women's rights	verb			
024.1	Article 5 <b>establishes</b> the equality of all persons before the law, and sets forth	the 1988 Constitution of Brazil	the equality of all persons before the law	mat			
024.2	that men and women <b>have</b> equal rights and obligations (section I).	men and women	have equal rights and obligations		rel		
025	It is a fundamental obligation of the State to promote the welfare of all without discrimination (Article 3.IV).	a fundamental obligation of the State	to promote the welfare of all without discrimination	rel			
026.1	Moreover, Article 5 section XLI <b>stipulates</b> that	the 1988 Constitution of Brazil	Punishment of discrimination	mat			
026.2	wrongful discrimination with respect to individual rights and freedoms shall <b>be punished</b> by law.	law	wrongful discrimination with respect to individual rights and freedoms	mat			
027	The rights of the the workers <b>are ensured</b> by the Federal Constitution, equally for men and women.	the Federal Constitution	The rights of the the workers	mat			
028	Article 7 of the Constitution also <b>enunciates</b> , specific rights of female workers, such as maternity leave and protection of female job market, through specific incentives.	the Federal Constitution	specific rights of female workers	verb			
029.1	Within the National Program on Human Rights, proposed Government initiatives aimed at enhancing the human rights of women <b>include</b> , <i>inter alia</i> : supporting the National Council on Women's Rights and the National Program	Government initiatives	supporting the National Council on Women's Rights and the National Program	rel			
029.2	<b>to Prevent</b> Violence Against Women;	Government initiatives	Violence Against Women	mat			

N°	Clause & Process	Pri. Participant	Sec. Participant	Aut	Soc	Wo	Oth
029.3	<b>supporting</b> efforts to prevent domestic and sexual violence against women,	Government initiatives	efforts to prevent domestic and sexual violence against women	mat			
029.4	<b>to provide</b> integrated assistance to women at risk, and	Government initiatives	integrated assistance to women at risk	mat			
029.5	<b>to educate</b> the public on discrimination and violence against women and available safeguards;	Government initiatives	the public on discrimination and violence against women and available safeguards	mat			
029.6	<b>revoking</b> certain discriminatory provisions of the Penal Code and Civil Code on Paternal Power;	Government initiatives	certain discriminatory provisions of the Penal Code and Civil Code on Paternal Power	mat			
029.7	<b>encouraging</b> the development of gender-oriented approaches in the training of state agents and in the setting of curricular guidelines for primary and secondary education;	Government initiatives	the development of gender-oriented approaches in the training of state agents and in the setting of curricular guidelines for primary and secondary education	mat			
029.8	and <b>stimulating</b> statistical studies on the situation of women in the sphere of labor.	Government initiatives	statistical studies on the situation of women in the sphere of labor	mat			
030.1	The Program also calls for the Government <b>to implement</b> the decisions set forth in the Inter-American Convention	Government	the decisions set forth in the Inter-American Convention	mat			
030.2	<b>to Prevent,</b>	Government	Violence Against Women	mat			
030.3	<b>Punish</b> and	Government	Violence Against Women	mat			
030.4	<b>Eradicate</b> Violence Against Women.	Government	Violence Against Women	mat			
031.1	Despite various initiatives <b>to modernize</b> domestic law, and	Government	domestic law	mat			
031.2	<b>to bring it into</b> conformity with international obligations, such as the undertakings in the CEDAW,	Government	domestic law	mat			
031.3	a number of anachronistic and discriminatory provisions in the law <b>remain</b> .	a number of anachronistic and discriminatory provisions in the law	In the law	rel			
032.1	Various provisions of the Civil Code on Paternal Power, and provisions of the Criminal Code with respect to rape and assault <b>have been targeted</b> for revocation in the National Human Rights Program;	the National Human Rights Program	Various provisions of the Civil Code on Paternal Power, and provisions of the Criminal Code with respect to rape and assault	mat			
032.2	additional provisions <b>had been characterized</b> as anachronistic and prejudicial in the Report of Brazil prepared for the Fourth World Conference on Women (Beijing 1995).	the Report of Brazil	anachronistic and prejudicial additional provisions	ment			
033	For example, certain sexual crimes <b>remain classed</b> as crimes against custom, as opposed to crimes against the individual.	Criminal Code	certain sexual crimes as crimes against custom	mat			

Nº	Clause & Process	Pri. Participant	Sec. Participant	Aut	Soc	Wo	Oth
034.1	"Honesty" <b>remains</b> a legal requisite for a woman to be characterized as a victim of certain crimes,	Honesty	a legal requisite for a woman to be characterized as a victim of certain crimes,				rel
034.2	and marriage between the perpetrator and the victim may still <b>extinguish</b> the prosecution of certain crimes.	marriage between the perpetrator and the victim	the prosecution of certain crimes				mat
034.3	In spite of the fact that these provisions <b>have long been recognized</b> as requiring revocation,	the Government	these provisions requiring revocation	ment			
034.4	they nonetheless <b>remain</b> part of domestic law.	these provisions requiring revocation	part of domestic law	rel			
035.1	While the equality of women and men <b>is recognized</b> by law in Brazil,	law in Brazil	the equality of women and men	ment			
035.2	the State <b>acknowledges</b> that "Brazilian women, who represent a little over half the country's population (50.1 percent in 1990)	the State	Women's difficulties in economic and political life participation	ment			
035.3	still <b>find</b> it difficult to participate to the full in all aspects of the country's economic and political life."	women	it difficult to participate to the full in all aspects of the country's economic and political life			rel	
036.1	<b>Further steps must be taken</b>	the Government	Further steps	mat			
036.2	<b>to ensure</b> that legal and other reforms are duly applied	the Government	that legal and other reforms are duly applied	mat			
036.3	<b>to ensure</b> the free and full participation of women in national life.	the Government	the free and full participation of women in national life	mat			
037.1	In the sphere of labor, Article 7 of the Constitution, <i>inter alia</i> , <b>prohibits</b> differentiation in salary levels on the basis of sex;	Article 7 of the Constitution	differentiation in salary levels on the basis of sex	mat			
037.2	<b>establishes</b> certain incentives to encourage the participation of women in the work force;	Article 7 of the Constitution	certain incentives to encourage the participation of women in the work force	mat			
037.3	and <b>provides</b> for paid maternity leave of 120 days and paternity leave for five days.	Article 7 of the Constitution	for paid maternity leave of 120 days and paternity leave for five days	mat			
038	The Labor Code <b>sets forth</b> additional stipulations with respect to the rights of women in the workplace.	The Labor Code	additional stipulations with respect to the rights of women in the workplace	mat			
039	In September of 1996, a new Governmental Working Group for the Elimination of Discrimination in Employment and Occupation (GTEDEO) <b>was established</b> to work toward the elimination of gender-based discrimination, and in favor of the improved implementation of the anti-discrimination provisions of the Constitution, national law and Convention 111 of the International Labor Organization.	the Government	GTEDEO	mat			
040.1	Notwithstanding that discrimination in wages, hiring and the exercise of functions <b>is prohibited</b> by law,	the law	discrimination in wages, hiring and the exercise of functions	mat			

Nº	Clause & Process	Pri. Participant	Sec. Participant	Aut	Soc	Wo	Oth
040.2	the Government <b>has recognized</b> that “gender discrimination still persists in the labour market.”	the Government	labor market discrimination persistence	ment			
041.1	At the close of 1994, the Government <b>reported</b> that	the Government		verb			
041.2	women with the same education and qualifications as their male counterparts <b>earned</b> 54% of the salaries paid to the latter.	women	54% of the salaries paid to men			mat	
042.1	The Brazilian Statistics and Geography Institute reported findings from a survey it had conducted which <b>indicated</b> that,	The Brazilian Statistics and Geography Institute	findings from a survey				verb
042.2	on average, men <b>received</b> seven times the minimum salary,	men	seven times the minimum salary		mat		
042.3	while women <b>received</b> three or four times that amount.	women	three or four times that amount			mat	
043	In the field of professional education it is worth pointing out that a 42% of the persons registered in the courses offered <b>are</b> women.	women	42% of the persons registered in the courses offered			rel	
044.1	Although the Constitution and Labor Code <b>prohibit</b> dismissal on the basis of pregnancy,	the Constitution and Labor Code	dismissal on the basis of pregnancy	mat			
044.2	reports received by the Commission <b>indicate</b> that this continues to occur, and	reports	that this continues to occur, and		verb		
044.3	that some employers continue to <b>screen out</b> pregnant job applicants, women of childbearing age,	some employers	pregnant job applicants, women of childbearing age				mat
044.4	or in some cases <b>require</b> proof of sterilization from the latter as a condition for employment.	some employers	proof of sterilization from women of childbearing age				mat
045.1	One of the tasks of the GTEDEO <b>is</b> to address the latter practice	GTEDEO's one task	to address the latter practice	rel			
045.2	by <b>ensuring</b> the full application of the law prohibiting it.	GTEDEO	the full application of the law prohibiting it	mat			
046	Forced prostitution <b>is</b> a complex human rights violation which may involve the prohibited use of forced labor, trafficking in women and girls, and violence.	Forced prostitution	a complex human rights violation				rel
047.1	The Commission <b>has been</b> unable to collect sufficient up to date information to permit it	The Commission	unable to collect sufficient up to date information to permit it				rel
047.2	to fully <b>consider</b> the scope of this problem in Brazil.	The Commission	the scope of this problem in Brazil				ment
048	The Government <b>has taken</b> some initial steps to address the problem, in relation to “reports of hundreds of girls being kept in a state of servitude in remote gold prospect[ing] sites in the Amazon.”	The Government	some initial steps to address the problem	mat			
049.1	These <b>include</b> police actions	some initial steps	police actions	rel			
049.2	<b>to locate</b>	some initial steps	some girls	mat			
049.3	and <b>free</b> some girls,	some initial steps	some girls	mat			
049.4	an initiative <b>to report</b> on the torture and murder of girls being held as slaves in the north, and the initiation of a Parliamentary Inquiry Commission.	some initial steps	on the torture and murder of girls being held as slaves in the north	verb			
050.1	These indicia <b>suggest</b> the probable existence of a pattern of serious human rights violations in certain localities, which require an immediate and integrated response	Government initial steps	the probable existence of a pattern of serious human rights violations in certain localities	verb			

Nº	Clause & Process	Pri. Participant	Sec. Participant	Aut	Soc	Wo	Oth
050.2	<b>to protect</b> victims and	Government	victims	mat			
050.3	<b>ensure</b> the investigation, prosecution and punishment of the perpetrators of such crimes. (This issue is further analyzed in this report's chapter on "Rights of Minors".)	Government	the investigation, prosecution and punishment of the perpetrators of such crimes	mat			
051.1	Article 23 of the American Convention on Human Rights <b>provides</b> that every citizen shall enjoy the right	American Convention on Human Rights	that every citizen shall enjoy the right				mat
051.2	<b>to take part</b> in the conduct of public affairs, directly or through freely chosen representatives,"	every citizen	in the conduct of public affairs		mat		
051.3	<b>to vote</b> in free and fair elections, and	every citizen			mat		
051.4	<b>to have</b> access, under general conditions of equality, to the public service of his country."	every citizen	access to the public service of his country		rel		
052.1	The Brazilian Constitution <b>establishes</b> that	The Brazilian Constitution		mat			
052.2	women and men <b>have</b> the same rights with respect to citizenship,	women and men	the same rights with respect to citizenship		rel		
052.3	and <b>are entitled</b> on an equal basis	authorities	women and men	mat			
052.4	<b>to vote,</b>	women and men	for authorities		mat		
052.5	<b>to stand</b> for election and	women and men	for election		mat		
052.6	<b>to hold</b> positions within the public administration.	women and men	positions within the public administration		rel		
053.1	Although the role of women in national and public life in Brazil <b>has developed</b> significantly since the Nairobi Conference (1985),	the role of women in national and public life in Brazil	significantly			mat	
053.2	it <b>is</b> widely <b>acknowledged</b> that	Society	underrepresentation of women		ment		
053.3	they continue <b>to be</b> severely <b>underrepresented</b> in the institutions of the State,	the institutions of the State	women	mat			
053.4	and <b>are</b> limited in their access to the higher ranking positions within the civil service and elected office.	women	limited in their access to the higher ranking positions			rel	
054.1	The Brazilian women's movement <b>has sought</b> to address this through various means,	The Brazilian women's movement	to address this through various means				mat
054.2	including <b>lobbying</b> for change within the structures of political parties.	The Brazilian women's movement	for change				mat
055.1	Following the reopening of space for political action in the 1980's, many parties began <b>to take up</b> issues concerning the rights of their women constituents.	many parties	issues concerning the rights of their women constituents	mat			
056.1	In 1991, women <b>lobbied</b> within the <i>Partido dos Trabalhadores</i> (Worker's Party)	Women's mov.	a quota establishment				mat
056.2	<b>to establish</b> a quota ensuring that	Women's mov.	a quota				mat
056.3	women would <b>make up</b> 30% of the party leadership.	Women's mov.	30% of the party leadership				rel
057	Overall, as of 1995, women <b>held</b> 13.1% of the positions in government.	women	13.1% of the positions			rel	
058	As of 1994, the percentage of Congressional seats <b>held</b> by women was 5.7%.	women	5.7% Congressional seats			rel	



N°	Clause & Process	Pri. Participant	Sec. Participant	Aut	Soc	Wo	Oth
059	Women <b>are</b> also underrepresented in the Legislative Assembly's of the States within the Federation.	Women	underrepresented			rel	
060	The first female Governor of a State <b>was elected</b> in 1994.	Society	The first female Governor of a State		mat		
061.1	At the local level, according to figures compiled for 1992, 171 women <b>had been elected</b> mayor,	Society	171 women		mat		
061.2	and 1672 <b>had been elected</b> to serve as members of the 4973 municipal councils.	Society	1672 women		mat		
062.1	Among the measures taken to increase women's political participation <b>is</b> the adoption of Law 9100/95,	the adoption of Law 9100/95	Among the measures taken to increase women's political participation	rel			
062.2	which <b>required</b>	Law 9100/95	Women as 20% candidates	mat			
062.3	that each political party <b>ensure</b>	each political party	Women as 20% candidates	mat			
062.3	that at least 20 % of their candidates proposed for the October 1996 elections <b>be</b> women.	women	20 % of their candidates proposed for the October 1996 elections			rel	
063.1	Within the Executive, figures for 1995 <b>indicate</b> that	Executive figures for 1995	Women's 3.6 % of positions at the Ministerial level, and 14.7 positions at the sub-ministerial level	verb			
063.2	3.6% of positions at the Ministerial level, and 14.7 positions at the sub-ministerial level <b>were held</b> by women.	women	3.6% of positions at the Ministerial level, and 14.7 positions at the sub-ministerial level			rel	
064	Prior to the current administration, a total of seven women <b>had served</b> as Ministers.	a total of seven women	Ministers			mat	
065.1	Within the Ministry of Foreign Relations, the figures for 1994 <b>indicate</b> that	Ministry of Foreign Relations 1994 figures	3 women's rank of Minister First Class	verb			
065.2	three women (2.94% of the total) <b>held</b> the rank of Minister First Class (the highest rank in the diplomatic service).	three women	the rank of Minister First Class			rel	
066	Within the Judiciary, notwithstanding the introduction of a competitive public selection process for judicial appointments in 1985, almost no women <b>serve</b> on the higher courts.	almost no women	on the higher courts			mat	
067	Within the superior courts, for example, of the 93 judges serving in 1990, all but one <b>were</b> male.	male	92 out of 93 judges serving in 1990				rel
068	Within the Public Ministry, at the close of 1993, women <b>held</b> 26.9% of the positions, up from 20.4% in 1986, and 11.1% in 1980.	women	26.9% of the positions			rel	
069	Women <b>suffer</b> the consequences of victimization through violence in countries throughout our hemisphere, across the socio-economic, race and cultural strata.	Women	the consequences of victimization through violence			mat	

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070	The specific situation of violence against women in Brazil <b>has engendered</b> extensive action on the part of the governmental and nongovernmental sectors.	The specific situation of violence against women in Brazil	extensive action on the part of the governmental and nongovernmental sectors				mat
071.1	Within the former, one of the priority duties of the National Women's Rights Council <b>has been raising</b> the issue of violence against women at the highest political levels, as well as within the public debate,	National Women's Rights Council	the issue of violence against women	mat			
071.2	<b>working</b> for legal reform,	National Women's Rights Council	legal reform	mat			
071.3	and <b>supporting</b> efforts	National Women's Rights Council	efforts	mat			
071.4	<b>to ensure</b> that law enforcement and judicial personnel understand the causes, nature and consequences of such violence.	National Women's Rights Council	that law enforcement and judicial personnel understand the causes, nature and consequences of such violence	mat			
072.1	This action <b>helped</b> to ensure the incorporation of an explicit commitment, in Article 226, VIII of the 1988 Constitution,	This action	to ensure the incorporation of an explicit commitment	mat			
072.2	for the State <b>to create</b> mechanisms to address and repudiate violence within the family sphere.	the State	mechanisms to address and repudiate violence within the family sphere	mat			
073.1	In 1993, the Chamber of Deputies <b>established</b> a Parliamentary Commission of Inquiry	the Chamber of Deputies	a Parliamentary Commission of Inquiry	mat			
073.2	<b>to study</b> the situation of violence against women in Brazil.	a Parliamentary Commission of Inquiry	the situation of violence against women in Brazil	mat			
074.1	As a State Party to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, "Convention of Belém do Pará," Brazil <b>has undertaken</b> a series of specific obligations	Brazil	a series of specific obligations	mat			
074.2	which <b>elaborate</b> upon and	a series of specific obligations	the more general provisions of the American Convention	mat			
074.3	<b>complement</b> the more general provisions of the American Convention.	a series of specific obligations	the more general provisions of the American Convention	mat			
075.1	The Convention of Belém do Pará <b>establishes</b> the regional definition of violence against women:	The Convention of Belém do Pará	the regional definition of violence against women				mat
075.2	"as any act or conduct, <b>based</b> on gender,	any act or conduct	gender				mat
075.3	which <b>causes</b> death or physical, sexual or psychological harm or suffering to women, whether in the public or private sphere",	any act or conduct	death or physical, sexual or psychological harm or suffering to women				mat
076.1	"Every woman <b>has</b> the right to be free from violence in both the public and private spheres," (Article 3)	Every woman	the right to be free from violence in both the public and private spheres			rel	

N°	Clause & Process	Pri. Participant	Sec. Participant	Aut	Soc	Wo	Oth
076.2	and <b>is entitled</b> to have the full range of her fundamental rights and freedoms ensured and respected (Articles 4, 5).	OAS Convention	Every woman	mat			
077.1	It <b>is</b> important						
077.2	<b>to note</b>	Society	Right of every women		ment		
077.3	that the right of every woman to be free from violence <b>includes</b> the right “to be free from all forms of discrimination,”	the right of every woman to be free from violence	the right “to be free from all forms of discrimination			rel	
077.4	and <b>to be “valued</b>	society	women		mat		
077.5	and <b>educated</b> free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination” (Article 6).	society	women		mat		
078.1	States Parties to the Convention of Belém do Pará <b>undertake</b>	the Government		mat			
078.2	<b>to pursue</b> , “without delay,” policies	the Government	policies	mat			
078.3	<b>to prevent</b> ,	the Government	violence against women	mat			
078.4	<b>punish</b> and	the Government	violence against women	mat			
078.5	<b>eradicate</b> violence against women (Article 7).	the Government	violence against women	mat			
079.1	This means that Parties <b>are obliged</b>	OAS Convention	Government				mat
079.2	<b>to ensure</b> : that agents of the state respect the right of women to be free from violence;	Government	that agents of the state respect the right of women	mat			
079.3	that due diligence shall <b>be applied</b>	Government	due diligence	mat			
079.4	<b>“to prevent</b> ,	Government	violence against women	mat			
079.5	<b>investigate</b> and	Government	violence against women	mat			
079.6	<b>impose</b> penalties for violence against women” (in the public and private spheres; and, that victims of violence have access to timely and effective remedies.	Government	penalties for violence against women	mat			
080.1	Legislation or practices which <b>“sustain</b> the persistence and tolerance” of such violence	Legislation or practices	the persistence and tolerance” of such violence	mat			
080.2	must <b>be revoked</b> .	government	the persistence and tolerance” of such violence	mat			
081.1	Since the mid-1980's, Brazil <b>has been</b> in the forefront of the region	Brazil	in the forefront of the region	rel			
081.2	in <b>developing</b> and	Brazil	strategies	mat			
081.3	<b>implementing</b> strategies	Brazil	strategies	mat			
081.4	<b>to provide</b> services to women victims of violence.	Brazil	services to women victims of violence	mat			
082.1	Currently, there are over 150 <i>Delegacias de Defesa da Mulher</i> country-wide, <b>providing</b> specialized services to victims.	DEAMs	specialized services to victims	mat			
082.2	In addition <b>to providing</b> specially trained policewomen	DEAMs	specially trained policewomen	mat			
082.3	<b>to perform</b> standard law enforcement functions,	DEAMs	standard law enforcement functions	mat			
082.4	these stations <b>aim</b>	DEAMs	integrated social and psychological services as well	mat			
083.1	<b>to provide</b> integrated social and psychological services as well.	DEAMs	integrated social and psychological services as well	mat			

Nº	Clause & Process	Pri. Participant	Sec. Participant	Aut	Soc	Wo	Oth
083.2	Domestic violence <b>is</b> , in fact, the most common form of violence against women in Brazil,	Domestic violence	the most common form of violence against women.				rel
083.3	and <b>includes</b> wife-murder, domestic battery, abuse and rape.	Domestic violence	wife-murder, domestic battery, abuse and rape				rel
084	The first shelter for victims of domestic violence in Brazil <b>was opened</b> as a pilot project in 1986.	Government	The first shelter for victims of domestic violence in Brazil	mat			
085.1	Through agreements with the Public Welfare Secretariats of the States of the Federation, the Conselho dos Direitos da Mulher <b>offers</b> incentives	the Conselho dos Direitos da Mulher	incentives				mat
085.2	<b>to encourage</b> the establishment of additional shelters for battered women and their children.	the Conselho dos Direitos da Mulher	the establishment of additional shelters				mat
086.1	Most recently, on March 8, 1996, the Federal Government <b>launched</b> a new "National Program	Federal Government	a new "National Program	mat			
086.2	<b>to Prevent</b> and	Federal Government	Sexual and Domestic Violence	mat			
086.3	<b>Combat</b> Sexual and Domestic Violence."	Federal Government	Sexual and Domestic Violence	mat			
087.1	The Program <b>contemplates</b> action on a number of fronts,	The Program	action on a number of fronts	ment			
087.2	<b>including</b> a proposal	The Program	a proposal	rel			
087.3	<b>to revoke</b> the archaic characterization of certain sexual crimes	The Program	the archaic characterization of certain sexual crimes	mat			
087.4	commonly <b>suffered</b> by women as crimes against "custom."	women	certain sexual crimes			mat	
088.1	While the <i>Delegacias</i> <b>represent</b> a remarkable advance in terms of addressing the gender-specific causes and consequences of violence against women,	the <i>Delegacias</i>	a remarkable advance	rel			
088.2	their ability to protect women's rights <b>remains</b> limited by a lack of human and material resources, insufficient training for both specialized and non-specialized personnel (in the general ranks of the Police) in dealing with cases of violence and with gender issues generally, and insufficient coordination with the rest of the police apparatus.	Delegacias	limited in dealing with cases of violence and with gender issues generally, and insufficient coordination with the rest of the police apparatus	rel			
089	The specialized stations that exist <b>are</b> not able to serve all victims.	The specialized stations	not able to serve all victims	rel			
090	In rural areas in particular, women <b>have</b> little official recourse against violence, and few resources through which to seek assistance.	women	little official recourse against violence, and few resources through which to seek assistance.			rel	
091.1	Moreover, even where these specialized stations exist, it remains frequently the case that complaints <b>are not</b> fully <b>investigated</b>	specialized stations	complaints	mat			
091.2	or <b>prosecuted</b> .	specialized stations	complaints	mat			
092	In some cases, resource limitations <b>hinder</b> efforts to respond to these crimes.	resource limitations	efforts to respond to these crimes	mat			

N°	Clause & Process	Pri. Participant	Sec. Participant	Aut	Soc	Wo	Oth
093	In other cases, women <b>refrain from</b> pressing formal charges.	women	pressing formal charges			mat	
094.1	In practice, legal and other limitations often <b>expose</b> women to situations	legal and other limitations	to situations	mat			
094.2	where they <b>feel</b> constrained to act.	women	constrained to act			ment	
095.1	By law, women have <b>to register</b> their complaint at a police station,	women	their complaint at a police station			mat	
095.2	and <b>explain</b> what happened	women	what happened			verb	
095.3	so the delegate can <b>write up</b> an "incident report."	the delegate	incident report	mat			
096.1	Delegates who have not received sufficient training may <b>be</b> unable	Delegates	unable	rel			
096.2	<b>to provide</b> the required services,	Delegates	required services	mat			
096.3	and some reportedly continue <b>to respond</b> to victims	Delegates	to victims	mat			
096.4	in ways that <b>make</b> them	Delegates	victims	mat			
096.6	<b>feel</b> shame and humiliation.	victims	shame and humiliation			ment	
097.1	For certain crimes, such as rape, victims must <b>present</b> themselves at an Institute of Forensic Medicine ( <i>Instituto Médico Legal</i> ),	victims	themselves			mat	
097.2	which <b>has</b> the exclusive competence	Institute of Forensic Medicine	exclusive competence	rel			
097.3	<b>to perform</b> the examinations required by law to process a charge.	Institute of Forensic Medicine	the examinations	mat			
098.1	Some women <b>are</b> not aware of this requirement,	Some women	not aware of this requirement			rel	
098.2	or do not <b>have</b> access to such a facility in the timely manner necessary to obtain the required evidence.	Some women	access to such a facility			rel	
099.1	These Institutes <b>tend</b> to be located in urban areas, and,	Institute of Forensic Medicine		mat			
099.2	where available, <b>are</b> often understaffed.	Institute of Forensic Medicine	understaffed	rel			
100.1	Moreover, even when women <b>take</b> the steps necessary	women	the steps necessary			mat	
100.2	<b>to denounce</b> the use of criminal violence,	women	the use of criminal violence			mat	
100.3	there is no guarantee that the crime will <b>be investigated</b>	authorities	the crime	mat			
100.4	and <b>prosecuted</b> .	authorities	the crime	mat			
101.1	Although the Supreme Court of Brazil <b>struck down</b> the archaic "honor defense" as a justification for wife-killing in 1991,	the Supreme Court of Brazil	the archaic "honor defense"	mat			
101.2	many courts <b>remain</b> reluctant	many courts	reluctant	rel			
101.3	<b>to prosecute</b> and	many courts	the perpetrators of domestic violence	mat			
101.4	<b>punish</b> the perpetrators of domestic violence.	many courts	the perpetrators of domestic violence	mat			
102.1	In some areas of the country, use of the "honor defense" persists, and in some areas the conduct of the victim continues to <b>be</b> a focal point	the conduct of the victim	a focal point			rel	
102.2	within the judicial process <b>to prosecute</b> a sexual crime.	judicial process	a sexual crime	mat			

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103.1	Rather than focusing on the existence of the legal elements of the crime in question, the practices of some defense lawyers — sustained in turn by some courts – <b>have</b> the effect of	the practices of some defense lawyers	the effect	rel			
103.2	<b>requiring</b> the victim	some defense lawyers	the victim	mat			
103.3	<b>to demonstrate</b> the sanctity of her reputation and her moral blamelessness	the victim	the sanctity of her reputation and her moral blamelessness			mat	
103.4	in order <b>to exercise</b> the remedies legally required to be available to her.	some defense lawyers	the remedies legally required	mat			
104.1	The initiatives <b>taken</b> by the public and private sector	the public and private sector	initiatives		mat		
104.2	<b>to confront</b> violence against women	the public and private sector	violence against women		mat		
104.3	have begun <b>to combat</b> the silence	the public and private sector	the silence		mat		
104.4	which customarily <b>has concealed</b> it,	the silence	violence against women		mat		
104.5	but have yet <b>to surmount</b> the social, legal and other barriers	the public and private sector	the social, legal and other barriers		mat		
104.6	which <b>contribute</b> to the impunity in which these crimes too often languish.	the social, legal and other barriers	to the impunity				mat
105.1	The action and interaction of the public and private sectors in Brazil <b>has produced</b> many noteworthy advances in the struggle	public and private sectors	many noteworthy advances		mat		
105.2	<b>to ensure</b> that women fully and equally enjoy their human rights.	public and private sectors	that women fully and equally enjoy their human rights.			mat	
106	The State <b>initiated</b> an unprecedented program to provide specialized police services for women victims of violence which continues to provide a model for other countries in terms of its breadth and scope.	The State	an unprecedented program	mat			
107.1	At the same time, the critical needs <b>served</b> by this program	this program	the critical needs	mat			
107.2	<b>have</b> only <b>become</b> more apparent over time,	the critical needs	more apparent				rel
107.3	and <b>demonstrate</b> the need for further investment and development to meet the needs of victims.	the critical needs	the need for further investment and development				verb
108.1	There have been significant strides in <b>reforming</b> legislation	government	legislation	mat			
108.2	<b>to revoke</b> provisions	government	provisions	mat			
108.3	which <b>were</b> facially discriminatory,	provisions	facially discriminatory	rel			
108.4	yet archaic legislation <b>remains</b> on the books	archaic legislation	on the books	rel			
108.5	(despite having been <b>identified</b> as such)	government	archaic legislation	ment			
108.6	and anachronistic practices which persist <b>are</b> incompatible with Brazil's international legal obligations.	anachronistic practices	incompatible with Brazil's international legal obligations	rel			
109.1	Moreover, such provisions and practices <b>perpetuate</b> stereotypes	such provisions and practices	stereotypes	mat			
109.2	which further <b>hinder</b> the ability of women to exercise their rights and freedoms.	such provisions and practices	the ability of women to exercise their rights and freedoms.	mat			

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110	These must <b>be changed</b> in accordance with Brazil's status as a Party to the American Convention, the Convention of Belém do Pará, and the Convention on Elimination of all Form of Discrimination against Women (CEDAW).	the government	such provisions and practices	mat			
111	The crimes which fall within the heading of violence against women <b>constitute</b> human rights violations under the American Convention, as well as under the more specific terms of the Convention of Belém do Pará.	The crimes which fall within the heading of violence against women	human rights violations under the American Convention, as well as under the more specific terms of the Convention of Belém do Pará.				rel
112	When committed by state agents, the use of violence against the physical and/or mental integrity of an individual <b>gives rise</b> to the direct responsibility of the State.	state agents' use of violence against the physical and/or mental integrity of an individual	to the direct responsibility of the State	mat			
113.1	Additionally, the State <b>has</b> an obligation under Article 1.1 of the American Convention and Article 7.b of the Convention of Belém do Pará	the State	an obligation	rel			
113.2	<b>to exercise</b> due diligence	the State	due diligence	mat			
113.3	<b>to prevent</b> human rights violations.	the State	human rights violations	mat			
114.1	This means that,	Art. 1.1 and Art. 7.b	State responsibility				rel
114.2	even where conduct may not initially <b>be</b> directly imputable to a state	human rights violation	directly imputable to a state				rel
114.3	(for example, because the actor <b>is</b> unidentified or not a state agent),	the actor	unidentified or not a state agent				rel
114.4	a violative act may <b>lead</b> to state responsibility	a violative act	to state responsibility				mat
114.5	"not because of the act itself, but because of the lack of due diligence <b>to prevent</b> the violation or	State's lack of due diligence	the violation	mat			
114.6	<b>respond</b> to it as the Convention requires."	State	the violation	mat			
115.1	As the UN Special Rapporteur on Violence <b>has stated</b> ,	UN Special Rapporteur					verb
115.2	where it is demonstrated that the existence of legislative protections is insufficient to protect the right of women to be free from violence, "States must <b>find</b> other complementary mechanisms	states	other complementary mechanisms	mat			
115.3	<b>to prevent</b> domestic violence,"	states	domestic violence	mat			
115.4	<b>including</b>	complementary mechanisms	public's education, personnel's training, services, victims' assistance	rel			
115.5	<b>educating</b> the public,	states	the public	mat			
115.6	<b>training</b> relevant personnel, and	states	relevant personnel	mat			
115.7	<b>the funding</b> of direct services	states	direct services	mat			
115.8	<b>to assist</b> victims.	states	victims	mat			
116.1	Brazil <b>has taken</b> noteworthy and innovative steps	Brazil	noteworthy and innovative steps	mat			
116.2	<b>to develop</b>	Brazil	such mechanisms	mat			
116.3	and <b>implement</b> such mechanisms,	Brazil	such mechanisms	mat			
116.4	and <b>has indicated</b> in its Human Rights Program and other policy directives its will	Brazil	its will	verb			

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116.5	<b>to consolidate</b> existing programs and	Brazil	existing programs	mat			
116.7	<b>realize</b> further gains.	Brazil	further gains	mat			
117.1	Where violations do occur, the State <b>is required</b>	Conventions	the state				mat
118.2	<b>to investigate,</b>	the state	violations	mat			
117.3	<b>submit</b> the perpetrators to justice,	the state	the perpetrators to justice	mat			
117.4	and <b>ensure</b> the existence of mechanisms of compensation.	the state	the existence of mechanisms of compensation	mat			
118.1	The Brazilian nongovernmental SOS Mulher <b>began</b> their 1980 campaign	SOS Mulher	their 1980 campaign				mat
118.2	<b>to address</b> violence against women with the rallying cry:	SOS Mulher	violence against women				mat
118.3	"Silence <b>is</b> the accomplice of violence."	Silence	the accomplice of violence				rel
119.1	In 1993, the participants of the First National Conference of Popular Organizations Against Violence Against Women, held in Sao Paulo, <b>added</b> a new call for action:	the participants of the First National Conference of Popular Organizations Against Violence Against Women	new call for action				mat
119.2	"Impunity <b>is</b> the accomplice of Violence."	Impunity	the accomplice of Violence				rel
120.1	The information available to the Commission <b>indicates</b> that	The information available to the Commission	Further steps needed				verb
121.2	further steps remain <b>to be taken</b>	Brazil	further steps	mat			
121.3	<b>to ensure</b>	Brazil		mat			
121.4	that complaints of violence against women, particularly in the domestic sphere, <b>are</b> fully <b>investigated</b> and	Authorities	complaints of violence against women	mat			
121.5	<b>sanctioned</b> according to the law.	Authorities	violence against women	mat			
122.1	That the State <b>take</b> additional steps	the state	additional steps	mat			
122.2	<b>to address</b> discrimination against women in the private and public spheres,	the state	discrimination against women	mat			
122.3	<b>including:</b> a) education free of stereotyped patterns of behavior; b) the revocation of archaic legal provisions;	additional steps	a) education free of stereotyped patterns of behavior; b) the revocation of archaic legal provisions;	rel			
122.4	c) measures <b>to ensure</b> that	measures	Investigation of discrimination	mat			
122.5	discrimination <b>be</b> promptly <b>investigated,</b>	state	discrimination	mat			
122.6	<b>prosecuted</b>	state	discrimination	mat			
122.7	and <b>sanctioned.</b>	state	discrimination	mat			
123.1	That the State <b>continue</b>	the state	Measures	mat			
123.2	and <b>amplify</b> measures to promote the participation of women in decisionmaking at all levels in the public and private spheres,	the state	measures	mat			
123.3	and particularly <b>to ensure</b> that	the state		mat			
123.4	women <b>have</b> appropriate representation at all levels of government and within the civil service.	women	appropriate representation			rel	
124.1	That the State <b>take</b> additional measures	the state	additional measures	mat			



N°	Clause & Process	Pri. Participant	Sec. Participant	Aut	Soc	Wo	Oth
124.2	<b>to address</b> the effects of discrimination on the ability of women to participate in the economic life of the country,	the state	the effects of discrimination	mat			
124.3	<b>including</b> disparity in salary levels; full enjoyment by women of labor rights; and discriminatory lending practices.	the effects of discrimination	disparity in salary levels; full enjoyment by women of labor rights; and discriminatory lending practices				rel
125.1	That the State <b>enhance</b> the availability of appropriate responses to crimes of violence against women;	the state	the availability of appropriate responses to crimes of violence against women	mat			
125.2	<b>including</b> a) appropriate investigation, prosecution and punishment; b) simplification of the prerequisites for presentation of women's claim;	responses to crimes of violence against women	a) appropriate investigation, prosecution and punishment; b) simplification of the prerequisites for presentation of women's claim;	rel			
125.3	c) special measures <b>to protect</b> the physical integrity of a woman	special measures	the physical integrity of a woman	mat			
125.4	<b>subjected</b> to threats or violence in the private or public sphere;	private or public sphere's violence	women		mat		
125.5	d) <b>support</b> training of police, judicial and other relevant personnel with respect to the measures and resources which exist to protect the right of women to be free from violence ; and,	the state	training of police, judicial and other relevant personnel	mat			
125.6	e) <b>to attend</b> to the physical and psychological needs of victims.	the state	the physical and psychological needs of victims	mat			
126.1	That the State further <b>analyze</b> and	the state	forced prostitution and servitude suffered by women and girls in certain localities of the country	mat			
126.2	<b>report</b> on the practice of forced prostitution and servitude suffered by women and girls in certain localities of the country	the state	forced prostitution and servitude suffered by women and girls in certain localities of the country	verb			
126.3	in order <b>to design</b> and	the state	a comprehensive response	mat			
126.4	<b>implement</b> a comprehensive response	the state	a comprehensive response	mat			
126.5	<b>to protect</b> victims and	the state	victims	mat			
126.6	<b>ensure</b> the investigation, prosecution and punishment of those responsible.	the state	the investigation, prosecution and punishment of those responsible	mat			
127.1	In defining the human rights situation in Brazil, the Commission <b>feels</b> that	the Commission					ment
127.2	it <b>is</b> essential to center on the profound changes that are taking place as well as the extremes that contrast some parts of the country from others.	to center on the profound changes that are taking place as well as the extremes that contrast some parts of the country from others	essential				rel
128.1	For instance, in some areas human rights <b>are enjoyed</b> ,	society	human rights		mat		

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128.2	<b>respected</b> , and	society	human rights		mat		
128.3	<b>guaranteed</b> while in others	society	human rights		mat		
128.4	these same rights <b>are</b> commonly <b>abused</b> ,	society	human rights		mat		
128.5	<b>violated</b> ,	society	human right		mat		
128.6	and <b>ignored</b> .	society	human right		mat		
129	These contrasts <b>are</b> sometimes <b>found</b> between states and sometimes between groups within the same state or region.	society	these contrasts		mat		
130.1	And even if progressive legislation <b>is</b> in place,	progressive legislation	in place	rel			
130.2	it <b>is</b> slow	progressive legislation	slow	rel			
130.3	<b>to be applied</b> .	state	progressive legislation	mat			
131.1	Changes, many of which <b>are</b> favorable,	Changes	favorable				rel
131.2	have been <b>brought about</b> in the past by mass movements for human rights and	mass movements for human rights	Changes				mat
131.3	certainly by the initiative <b>being taken</b> by the present administration of Dr. Fernando Henrique Cardoso in the form of his National Human Rights Plan.	administration of Dr. Fernando Henrique Cardoso	the initiative	mat			
132.1	One initial observation that could be made <b>is</b> that there is a wide gap between the constitutional, legislative, and institutional structures	one initial observation	that there is a wide gap between the constitutional, legislative, and institutional structures		rel		
132.2	that have been <b>set up</b>	the state	constitutional, legislative, and institutional structures	mat			
132.3	<b>to defend</b> human rights and the persistent abuses and absence of practical guarantees to uphold these rights in certain areas of society and the country.	the state	human rights and the persistent abuses and absence of practical guarantees	mat			
133	Not only <b>are</b> the legislation and the public and private institutions that exist certainly broad enough in scope to provide ample protection of human rights in Brazil, there are also basic freedoms of expression, of the press, of association, and an open and functioning constitutional political system to resolve social conflict.	the legislation and the public and private institutions	broad enough in scope [...]	rel			
134.1	However - there are serious human rights violations that <b>demand</b> the full commitment of both the State and society if they are to be resolved and	serious human rights violations	the full commitment of both the State and society				mat
134.2	the present administration <b>has shown</b> its sense of responsibility	the present administration	its sense of responsibility	mat			
134.3	<b>in acknowledging</b> this point.	the present administration	this point	ment			
135.1	Those areas in which human rights <b>are</b> most frequently <b>violated</b>	perpetrators	Human rights				mat
135.2	and in which the arm of the law <b>is</b> least effective in offering protection	the arm of the law	least effective	rel			

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135.3	<b>are</b> society's most vulnerable groups: impoverished campesino communities, minors and children without families ties for protection and growth, indigenous peoples, individuals under suspicion of committing a crime or circumstantially involved in criminal situations.	Those areas in which human rights are most frequently violated and in which the arm of the law is least effective in offering protection	society's most vulnerable groups: impoverished campesino communities, minors and children without families ties for protection and growth, indigenous peoples, individuals under suspicion of committing a crime or circumstantially involved in criminal situations.				rel
136.1	While not ignoring the advances made by the present government, the state <b>has still not offered</b> the necessary guarantees to large segments of the Brazilian population	the state	the necessary guarantees to large segments of the Brazilian population	mat			
136.2	<b>to secure</b> their human rights either through institutional efforts	the state	their human rights	mat			
136.3	<b>to improve</b> discriminatory inequalities of social, economic and cultural opportunities.	the state	discriminatory inequalities of social, economic and cultural opportunities.	mat			
137.1	The high degree of that inequality in Brazil <b>makes</b> it necessary	The high degree of that inequality in Brazil	the necessity				mat
137.2	<b>to put</b> the entire state apparatus and the political well of its leaders behind the steady disappearance as rapidly as possible of that discrimination.	the necessity	the entire state apparatus and the political well of its leaders behind the steady disappearance as rapidly as possible of that discrimination.				mat
138.1	The Commission <b>notes</b> that	The Commission					ment
138.2	this discriminatory inequality <b>generates</b> legal infractions	discriminatory inequality	legal infractions				mat
138.3	either because the victims of prejudice <b>rebel</b> against this injustice	the victims of prejudice	against this injustice				mat
138.4	and <b>are</b> illegally <b>repressed</b> or	authorities	the victims of prejudice	mat			
138.5	because it <b>provokes</b> widespread situations of illegality	discriminatory inequality	widespread situations of illegality				mat
138.6	(such as slums <b>controlled</b> by drug dealers or	drug dealers	slums				mat
138.7	rural areas <b>run</b> by out-of-control interests	out-of-control interests	rural areas				mat
138.8	who <b>use</b> gunmen).	out-of-control interests	gunmen				mat
139.1	The justice system, the first line of defence of the guarantees that the State <b>is obligated</b>	Constitution	the State	mat			
139.2	<b>to offer,</b>	the State	The justice system	mat			
139.3	<b>is</b> slow and extremely complicated	The justice system	slow and extremely complicated	rel			
139.4	and <b>suffers</b> from unnecessary red tape and institutional weakness.	The justice system	unnecessary red tape and institutional weakness	mat			

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140	These institutions <b>are</b> incapable of punishing police officials guilty of abuses or the actions of criminal groups	These institutions	incapable of punishing police officials guilty of abuses or the actions of criminal groups	rel			
140.1	<b>protected</b> by the police or by the inability of the justice system to act.	The police	Criminal groups	mat			
141.2	Jurisdictional impediments between states and between states and the federal government <b>delay</b> the course of justice	Jurisdictional impediments between states and between states and the federal government	the course of justice	mat			
141.3	and <b>thwart</b> the law,	Jurisdictional impediments between states and between states and the federal government	the law	mat			
141.4	and <b>abet</b> criminal activities.	Jurisdictional impediments between states and between states and the federal government	criminal activities	mat			
142.1	Special courts with no basis in law such as the Military Tribunal (Justicia Militar) <b>hear</b>	Special courts	abuses and crimes of police officials	mat			
142.2	and <b>judge</b> abuses and crimes of police officials and	Special courts	abuses and crimes of police officials	mat			
142.3	thus <b>contribute</b> to the lawlessness.	Special courts	the lawlessness	mat			
143	In some parts of Brazil, violence <b>is</b> typically <b>caused</b> by human rights violations.	human rights violations	violence				mat
144.1	In rural areas poverty and unequal opportunities have <b>led</b> to explosive situations	poverty and unequal opportunities	explosive situations				mat
144.2	<b>caused</b> by conditions of forced labor and human bondage, clashes over access to land and opportunities for production, and the rural exodus by the young	conditions of forced labor and human bondage, clashes over access to land and opportunities for production, and the rural exodus by the young	explosive situations				mat
144.3	who <b>fall</b> victims of worker or sexual exploitation.	the young	victims of worker or sexual exploitation				rel
145.1	Indigenous communities in Brazil, although they have <b>made</b> considerable headway in effectively gaining legal recognition and title to land	Indigenous communities in Brazil	considerable headway				mat
145.2	continue to <b>be</b> adversely <b>affected</b> by the time the States takes to demarcate and title their lands and by the continuous inroads by intruders and squatters	the state	Indigenous communities	mat			
145.3	against whom the State <b>continues to be</b> ineffective,	the state	intruders and squatters	rel			

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145.4	or by state measures that <b>cut</b> them <b>off</b> through the encroachment of infrastructure (roads, etc.) or by the establishment of municipalities and other entities which are foreign to them.	the state	Indigenous communities	mat			
146.1	Many children <b>lack</b> the natural protection of their families, the community, and the State,	Many children	the natural protection of their families, the community, and the State,				rel
146.2	and <b>suffer</b> from the effects of living on the margin of society, worker and sexual exploitation, repressive police behavior and abuses, and mistreatment in specialized institutions.	Many children	from the effects of living on the margin of society, worker and sexual exploitation, repressive police behavior and abuses, and mistreatment in specialized institutions.				mat
147.1	This <b>is</b> one of the present administration's priorities	one of the present administration's priorities	children	rel			
147.2	although the extent and urgency of the problems <b>requires</b>	the extent and urgency of the problems					mat
147.3	that these efforts <b>be intensified</b> .	the state	that these efforts be intensified.	mat			
148	The treatment of prisoners, those being held pending trial and convicted felons, <b>is</b> another constant source of human rights violations and abuses.	The treatment of prisoners, those being held pending trial and convicted felons	another constant source of human rights violations and abuses				rel
149.1	Prisons <b>are</b> overcrowded,	Prisons	overcrowded	rel			
149.2	facilities <b>are</b> poor,	facilities	poor	rel			
149.3	resources <b>are</b> in short supply,	resources	in short supply	rel			
149.4	and training <b>is</b> inadequate,	and training	inadequate	rel			
149.5	and prison authorities <b>use</b> repressive measures to deal with any crisis.	prison authorities	repressive measures	mat			
150	Negotiation as a normal dispute settlement policy and the reform of the correctional services system to meet the present needs in terms of security for the resident population and the population in general must <b>be</b> a priority for the authorities.	Negotiation as a normal dispute settlement policy and the reform of the correctional services system to meet the present needs in terms of security for the resident population and the population in general	a priority for the authorities	rel			
151	The efforts of the federal government or those of its institutions in the area of human rights violations <b>do not</b> always <b>receive</b> the necessary follow up and support from state governments or branches of these governments.	The efforts of the federal government or those of its institutions in the area of human rights violations	the necessary follow up and support from state governments or branches of these governments	mat			
152.1	In different chapters of this report, the Commission <b>analyzed</b> problem situations, with comments on efforts by government authorities	the Commission	problem situations				mat
152.2	and <b>set out</b> specific recommendations.	the Commission	specific recommendations				mat

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153.1	The National Human Rights Plan which <b>was prepared</b> as a participatory project by the Brazilian government	Brazilian government	The National Human Rights Plan	mat			
153.2	<b>presents</b> serious and potentially effective proposals	Brazilian government	serious and potentially effective proposals	verb			
153.3	<b>to resolve</b> these situations.	Brazilian government	these situations	mat			
154	Its gradual implementation <b>is beginning to show</b> signs of success through improvements in certain indicators.	The National Human Rights Plan	signs of success through improvements in certain indicators	mat			
155	A number of state initiatives <b>are also producing</b> positive changes.	A number of state initiatives	positive changes	mat			
156	However, only the political will to carry it through with the full support of all federal, state, and municipal authorities will <b>lead</b> to its growing and continued success.	the political will	to its growing and continued success	mat			
157.1	In accordance with its mandate, as a supplement to its specific recommendations contained in the different chapters of this report, the Commission also <b>recommends</b> :	the Commission					verb
157.2	<b>Intensify</b> implementation of the National Human Rights Plan	state	implementation of the National Human Rights Plan	mat			
157.3	by <b>giving</b> priority to changes	state	priority to changes	mat			
157.4	that <b>prevent</b> abuses	State	abuses	mat			
157.5	<b>committed</b> by public agents and especially by public law enforcement agents	by public agents and especially by public law enforcement agents	abuses	mat			
157.6	from <b>going</b> unpunished.	by public agents and especially by public law enforcement agents	unpunished	rel			
158.1	Included in these changes <b>is making</b> state military police agents subject to common criminal jurisdiction.	these changes	state military police agents subject to common criminal jurisdiction	mat			
159.1	<b>Simplify</b> and	state	court procedures	mat			
159.2	<b>accelerate</b> court procedures and	state	court procedures	mat			
159.3	<b>coordinate</b> them with interstate jurisdictions for more effective investigation, as well as for subsequent criminal proceedings and punishment of those responsible for attacks and terror campaigns against the population.	state	them with interstate jurisdictions for more effective investigation, as well as for subsequent criminal proceedings and punishment of those responsible for attacks and terror campaigns against the population.	mat			
160.1	<b>Protect</b> needy children in a more effective way	state	needy children	mqt			
160.2	and <b>take</b> special compensatory measures	state	special compensatory measures	mat			

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160.3	<b>to guarantee</b> they have equal opportunities especially in education, personal safety and health and basic sanitation services.	state	they have equal opportunities especially in education, personal safety and health and basic sanitation services.	mat			
161.1	<b>Organize</b> legislatively and in a practical manner the effective protection of the rights of Indian peoples in Brazil, especially with regard to the integrity	state	the effective protection of the rights of Indian peoples in Brazil	mat			
161.2	and <b>effect</b> control over their lands and crops, their organization and respect for their political rights.	state	control over their lands and crops, their organization and respect for their political rights	mat			
162.1	<b>Implement</b> more widely certain institutions and practices	state	institutions and practices	mat			
162.2	that <b>are</b> helpful in preventing conflicts and achieving peaceful settlement of them.	institutions and practices	helpful in preventing conflicts	rel			
163.1	Examples <b>are</b> the Municipal Guiding Councils for Children and Teenagers, offices for protection of women	Examples	the Municipal Guiding Councils for Children and Teenagers, offices for protection of women	rel			
163.2	and strategies <b>to prevent</b>	strategies	disciplinary situations in criminal establishments	mat			
163.3	and <b>negotiate</b> disciplinary situations in criminal establishments.	strategies	disciplinary situations in criminal establishments	mat			
164.1	<b>Accelerate</b> the settlement of problems in access to rural land ownership by applying fully the constitutional laws	state	the settlement of problems in access to rural land ownership	mat			
164.2	which <b>prevent</b> ,	constitutional laws	legally situations of tension and confrontation	mat			
164.3	<b>avert</b>	constitutional laws	legally situations of tension and confrontation	mat			
164.4	and <b>settle</b> legally situations of tension and confrontation	constitutional laws	legally situations of tension and confrontation	mat			
164.5	that <b>stem</b> from discriminatory treatment	situations of tension and confrontation	discriminatory treatment				mat
164.6	<b>relating</b> to opportunities	discriminatory treatment	opportunities				mat
164.7	<b>to use</b> national economic resources.	opportunities	national economic resources				mat