

## Retrospectives of the 18 years of the Maria da Penha law: impacts, challenges and perspectives

*Retrospects of the 18 years of the maria da penha law: impacts, challenges and perspectives*

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### SUMMARY

The Maria da Penha Law represented a significant advance in the fight against domestic violence in Brazil, creating legal mechanisms to protect women in situations of violence and address gender inequalities. However, its effectiveness is still limited by several cultural, social, and economic factors. One of the main obstacles is the financial dependence of victims, who often remain in abusive relationships because they do not have the means to ensure their survival independently. The general objective of this research is to analyze the impacts of economic dependence on the continuation of women in violent relationships and how this compromises the effectiveness of the protective measures provided for in the Maria da Penha Law. The study's specific objectives are to understand how social constructions of gender and patriarchal norms influence women's perception of their autonomy and their ability to break the cycle of violence; to analyze the institutional advances and practical limits of the Maria da Penha Law; to investigate the impacts of financial dependence on remaining in abusive relationships; and to present economic empowerment policies and programs aimed at women in vulnerable situations, highlighting their importance in promoting autonomy and gender equality. Thus, the question that guides this research is: how does financial dependence impact women's continued existence in abusive relationships and the effectiveness of protective measures provided for in the Maria da Penha Law? The methodology used will be bibliographic, based on legislation, doctrines and public policies. The relevance of this study lies in the need to deepen the understanding of the factors that make it difficult for women to leave abusive relationships and to propose solutions that promote their autonomy. It is concluded that breaking away from violence requires integrated actions, which involve both financial empowerment and cultural and social changes aimed at gender equality.

**Keywords:** Maria da Penha Law; Gender-based violence; Economic Dependency.

### ABSTRACT

The Maria da Penha Law represented a significant advance in the fight against domestic violence in Brazil, creating legal mechanisms to protect women in situations of violence and addressing gender inequalities. However, its effectiveness is still limited by several cultural, social and economic factors. One of the main obstacles is the financial dependence of victims, who often remain in abusive relationships because they do not have the means to ensure their survival independently. The general objective of this research is to analyze the impacts of economic dependence on the continuation of women in violent relationships and how this compromises the effectiveness of the protective measures provided for in the Maria da Penha Law. The study's

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## 1 INTRODUCTION

The Maria da Penha Law, instituted in 2006, represents a watershed in legislation Brazilian organization focused on tackling domestic and family violence against women. The legal norm consolidated mechanisms for protecting and holding aggressors accountable, as a result decades of feminist mobilization and action by civil organizations that denounced the absence legal support for victims. Since its enactment, the law has been a relevant instrument for strengthening collective awareness regarding the seriousness of gender-based violence, contributing for the transformation of social and institutional practices and for the creation of structures specialized, such as courts and protective measures.

However, the consolidation of comprehensive protection for women faces persistent obstacles. Sociocultural barriers, such as structural machismo and the naturalization of violence, continue to limit the effectiveness of public policies. Furthermore, economic dependence constitutes a central factor that perpetuates the condition of vulnerability and restricts victims' alternatives. Many women, even when faced with situations of violence, remain in relationships due to the lack of financial resources that guarantee their autonomy.

As defined by the United Nations, violence against women consists of in any action or omission based on gender that causes or may cause physical, sexual or psychological harm, including threats, coercion and arbitrary deprivation of liberty (ORGANIZATION

OF THE UNITED NATIONS, 1993). This conceptualization recognizes gender violence as a structural phenomenon that goes beyond the scope of physical aggression, also involving aspects of social control and subordination. The Maria da Penha Law adopts this comprehensive perspective, although it still faces significant challenges for its full implementation.

Financial dependence, in this context, is revealed as one of the main elements that make it difficult to break cycles of violence. Researcher Joan Scott, when considering the gender a social construction linked to power relations, highlights that “gender is an element constitutive of social relations based on perceived differences between the sexes” (Scott, 1995, p. 86). This perspective reinforces the need to analyze economic inequalities as essential part of the dynamics of gender violence, especially in contexts of vulnerability.

In this sense, Maria Lúcia Soares (Soares, 2005, p. 3) argues that the permanence of women in abusive relationships can extend for long periods, often years, due to the combination of financial dependence, fear of reprisals, expectation of change by the aggressor, social shame and emotional bonds. These factors limit people’s decision-making ability. victims, who find themselves forced to endure abusive situations to ensure their livelihood and, often, that of their children.

The precariousness of the job market and gender discrimination aggravate this scenario, as they reduce women's access to stable, well-paid jobs. The female predominance in informal occupations, with low pay and little protection, restricts the possibilities of economic emancipation. In view of this, public policies aimed at professional qualification, encouraging entrepreneurship and expanding access to education are fundamental to guarantee real conditions of autonomy for women.

Additionally, the patriarchal norms still in force in Brazilian society reinforce the idea that women should occupy a submissive position in emotional relationships. This imaginary social contributes to the normalization of economic and emotional dependence as part of the marital relationship, which perpetuates cycles of violence and limits the action of policies protective measures. The deconstruction of these cultural patterns, combined with the strengthening of policies female empowerment is an indispensable condition for the Maria da Penha Law to achieve its full effectiveness.

In view of the above, it is observed that tackling domestic violence requires a multidimensional approach that goes beyond punishing the aggressor. The effectiveness of the Maria da Penha is directly related to the articulation of integrated public policies that contemplate not only the legal apparatus, but also actions aimed at gender education, autonomy women's economic development and the deconstruction of patriarchal stereotypes. Training programs professional, educational campaigns and psychosocial support are indispensable components for that victims can break the cycle of violence in a safe and lasting way. Thus, the combating violence against women must be understood as a collective challenge that demands institutional commitment, profound cultural changes and the guarantee of rights fundamental, especially for women in situations of social vulnerability.

This work is organized into sections that initially address the methodology used, based on bibliographic research and documentary analysis. In the development, we discuss if the historical construction of the subordination of women and the advances and limits of the Maria da Lei Penha, including its recent updates. Next, the economic dimension of the gender violence and the challenges of breaking these abusive relationships. They are also presented public policies aimed at female autonomy and, finally, a comparison of the Brazilian legislation with international standards. The conclusion summarizes the main points and reinforces the importance of integrated actions to ensure the protection and empowerment of women.

## 2 METHODOLOGY

This work will use bibliographical research as a basis. Thus, it will be carried out a review of the existing literature on the Maria da Penha Law, domestic violence and economic dependence in the Brazilian context. Addressing academic studies, articles and works by specialized authors such as Joan Scott and Maria Lúcia Soares. This step will allow us to understand the main concepts, challenges and theories related to the topic.

The research will also include a documentary analysis based on laws, in particular, Law Maria da Penha, jurisprudence and doctrines that regulate the protection of women and promoting your financial autonomy. This analysis will allow you to understand the legal bases and

institutional rules governing the protection of women against domestic violence and dependency economic, and evaluate the effectiveness of existing legislative measures.

### 3 DEVELOPMENT

#### 3.1 GENDER AND POWER: THE HISTORICAL SUBORDINATION OF WOMEN.

Contemporary feminist theory has contributed to the understanding of gender relations gender as power relations. For Joan Scott (1995), gender is not just a difference biological between the sexes, but a historical construction that structures social inequalities. The social role traditionally attributed to women — caregiver, submissive, dependent — supports the naturalization of violence and economic dependence as a normalized condition within affective relationships. Historically, women have been objectified, deprived of their rights and their independence, often being treated as property

This structure of dominance and subordination manifests itself both in the private and public spaces. public, limiting women's access to material, educational and political resources. The construction of a subjectivity based on obedience and silencing makes perception difficult of abuse and contributes to its continuation.

In a scenario marked by injustice, impunity and repression, many women found themselves without support. Some remained in situations of violence for so long that ended up considering that reality as something normal. Others, when trying to claim their rights, were persecuted for expressing their ideas.

#### 3.2 INSTITUTIONAL ADVANCES AND PRACTICAL LIMITS OF THE MARIA DA PENHA LAW.

Law No. 11,340 of August 7, 2006, known as the Maria da Penha Law, constitutes a legal framework of international relevance in the fight against domestic and family violence against women. Over the course of 18 years, this legislation has consolidated important mechanisms of prevention, protection and accountability of aggressors, such as the creation of protective measures urgency, specialized care at Women's Police Stations and Violence Courts Domestic and Family Violence against Women.

The law also innovated by recognizing five forms of violence — physical, psychological, moral, sexual and patrimonial — as equally serious, contributing to the visibility of forms of aggression that had been naturalized in Brazilian society until then. These advances were accompanied by the insertion of the gender perspective in public policies, by the formation of specialized professionals and by promoting educational campaigns in schools, communities and media.

The recognition of femicide as a heinous crime is directly linked to evolution of the Maria da Penha Law. Recent updates also reinforce its relevance. The Law No. 14,550/2023 increased the penalties for psychological violence, especially when they involve technologies such as artificial intelligence. Law No. 15,125/2025, in turn, made it mandatory to use of electronic ankle bracelets for aggressors in certain situations. In addition, the STF, in 2023, recognized protection for GBTI+ men in cases of domestic violence, expanding the scope of the law.

Despite this, the application of the Maria da Penha Law faces several obstacles, such as the lack of structure, shortage of qualified professionals, slow judicial processes and lack of service humanized. Many women find it difficult to register incidents or obtain protective measures. Public policies created based on the law often do not have continuity or do not reach more vulnerable populations.

Gender violence, in addition to being physical, is a multidimensional phenomenon, sustained by cultural, institutional and economic factors. Financial dependence is one of the main obstacles to breaking off abusive relationships. Women with children and no income of their own often sometimes have to choose between violence and misery. This reality is even more serious for black women, who face simultaneous gender, racial and class oppressions. The lack of effective economic alternatives contribute to women remaining in situations of violence.

Policies such as Bolsa Família have strengthened women's decision-making capacity, but they are insufficient without complementary initiatives for professional qualification, access to job market and continuing education. Projects such as "Mulher Empreendedora", in Fortaleza, are examples of how training and access to microcredit can promote economic autonomy. The creation of women's cooperatives, support networks and centers of reference are also essential for rebuilding life with dignity.

Breaking the cycle of violence is a complex process, permeated by fear, shame and hope. According to Maria Lúcia Soares (2005), the rupture can take years. In addition to economic dependence, the fear of dying, the hope that the aggressor will change and the pressure social factors make decision-making difficult. In conservative communities, women are often blamed for the separation. The lack of safe shelters and specialized psychological support worsens the problem.

Therefore, the effectiveness of the Maria da Penha Law requires coordination between justice, social assistance, education and employability. Intersectoral policies, structured support, continuing education for professionals and awareness campaigns are essential for ensure that women are not alone at the time of rupture. The reconstruction of life after violence requires time, shelter and real conditions of survival, having the economic empowerment and gender equality as pillars for freedom and dignity feminine.

### 3.3 THE ECONOMIC DIMENSION OF GENDER-BASED VIOLENCE AND ALTERNATIVES FOR IT AUTONOMY.

Gender-based violence is not limited to physical aggression. It is a phenomenon multidimensional, whose perpetuation is intrinsically related to cultural factors, institutional and, above all, economic. Financial dependence emerges as one of the main obstacles for women to break away from abusive relationships, often being the link that perpetuates the cycle of violence. This condition of vulnerability is aggravated by a unequal labor market, where women have less access to leadership positions, face higher unemployment rates and are concentrated in informal and poorly-employed occupations remunerated.

According to Saffioti (2004), financial dependence represents one of the most subtle forms and effective means of domination, making it difficult to break away from violent relationships. The Atlas of Violence and IBGE data reinforce that the situation is even more critical for black women, who face the intersection of gender, race and class oppressions. This structural inequality compromises the capacity for rupture and reconstruction of female autonomy, leading many women to remain in abusive relationships due to a lack of material conditions to

support themselves and their children. This reality highlights a direct link between poverty, gender and violence, revealing a form of structural violence that goes beyond the scope domestic and is part of the economic organization of society.

Even when there is awareness of the violence experienced, the absence of concrete alternatives livelihood makes decision-making extremely difficult. Many women find themselves forced to choose between violence or misery, trapped in a condition that prevents full freedom. In this context, public policies aimed at economic empowerment women gain centrality. Programs such as Bolsa Família have contributed to expanding the autonomy of women within the home, but they are still insufficient if they are not accompanied by professional training strategies, continuing education and dignified access to labor market.

Economic empowerment must be understood not only as a policy welfare, but as one of the pillars of citizenship and female freedom. Initiatives such as qualification programs, incentives for entrepreneurship and access to microcredit are fundamental to expanding the options for women in situations of violence. Projects such as "Entrepreneurial Woman", promoted by the Municipal Government of Fortaleza-CE, exemplifies this path by offering training and financing for women-led initiatives.

In addition, complementary actions such as women's cooperatives, social incubators, support networks and reference centers are essential to ensure not only economic support, but also the psychosocial and legal support necessary for a safe and sustainable transition. These policies must consider regional and cultural specificities, ensuring inclusion of black, quilombola, indigenous and rural women, so as not to reproduce historical exclusions.

All these strategies need to be articulated with the established protection network by the Maria da Penha Law, which represents an institutional milestone in the fight against violence against women in Brazil. However, legal advances still face practical limits, especially when they are not accompanied by structural policies to combat inequality. The strengthening economic autonomy, combined with education and the promotion of gender equality, is fundamental to building a culture of respect and dignity. Expanding access to technical and higher education is also strategic, as it favors the inclusion of women

in more valued sectors of the labor market, ensuring greater financial stability and decision-making power over one's own life.

### 3.4 THE MARIA DA PENHA LAW IN AN INTERNATIONAL PERSPECTIVE: COMPARISONS AND CONVERGENCES.

Over the last few years, several laws around the world have been created or improved to address gender-based violence with greater rigor and sensitivity. In this scenario, the Maria da Penha Law stands out as a reference model in Latin America, being often compared to international instruments such as the Istanbul Convention (Europe), the Belém do Pará Convention (Americas) and the Protection of Women against Domestic Violence Act of India. All these regulations share fundamental principles: recognize domestic violence as a violation of human rights, adopt protective measures for victims and ensure that perpetrators are held accountable (UN WOMEN, 2021).

The Istanbul Convention, for example, goes beyond repression and imposes on States signatories preventive obligations, including gender equality education and support specialized psychological (COUNCIL OF EUROPE, 2011). The Belém do Pará Convention, for its turn, was a pioneer in consolidating violence against women as a manifestation of inequality of power between the sexes, having directly influenced the formulation of the Maria da Penha Law (OAS, 1994). In India, the 2005 legislation presents similarities with the Brazilian one, especially in recognizing multiple forms of violence, including economic and emotional, and in the provision of protective measures and support services for victims (INDIA, 2005).

Despite these convergences, the great challenge shared by these countries lies in the effectiveness of laws. The existence of a robust legal framework does not, in itself, guarantee a reduction in violence rates. It is necessary to invest in the practical implementation of measures, in the training of qualified professionals and overcoming cultural barriers that still silence and marginalize women. Thus, understanding the Maria da Penha Law from a comparative perspective broadens the understanding of its potential and limitations, in addition to reinforcing the importance of international cooperation in building strategies to combat gender-based violence.

#### 4 FINAL CONSIDERATIONS

The analysis of the 18 years of the Maria da Penha Law highlights significant advances in legal recognition of domestic violence as a violation of human rights, as well as in the expansion of recognized forms of violence and the creation of protective mechanisms for women in vulnerable situations. However, the implementation of these rights still faces numerous challenges, especially when considering the impact of financial dependence as main obstacle to victims' autonomy. Despite the robust legal framework, economic inequalities, cultural barriers and the lack of structured public policies continue to undermine the effectiveness of the law and perpetuate the cycle of violence.

A central aspect highlighted in this research is the recent normative evolution of the Maria Law da Penha, which has been continually improved to respond to new contexts and vulnerable groups. The inclusion of devices such as the mandatory use of ankle bracelets electronic devices for aggressors (Law No. 14,541/2023), the increase in the penalty for violence psychological practiced with the use of technologies and artificial intelligence (Law No. 14,550/2023), and the recognition of legislative failure to protect GBTI+ men who are victims of violence domestic, as per the judgment of Injunction Order No. 7452 by the Supreme Court Federal, demonstrate that legislation is in constant dialogue with social reality. These advances consolidate the Maria da Penha Law as a dynamic instrument open to expansion protection for all people in vulnerable situations in domestic relationships and family members.

This study reinforces the need for an intersectoral and structuring approach in confronting gender violence. Women's economic dependence cannot be treated in isolation, but rather inserted in a broader context of social inequality, professional exclusion and fragility of support networks. Thus, training policies professional, insertion in the job market, access to credit and education must be considered essential to ensure not only the break with violence, but the building a life with dignity and independence.

The results obtained in this research serve as a basis for deeper reflections on society and academia. For society, they highlight the urgency of expanding discussions on women's economic empowerment as a form of protection and prevention of violence domestic. For academia, the findings contribute to strengthening research on intersections between gender, economics and public policies, and open paths for future studies on the effectiveness of income, education and entrepreneurship programs aimed at women.

It should be noted, however, that this research has methodological limitations, since was based mainly on bibliographic and documentary review. The lack of data empirical limits the practical observation of the measures adopted in the different regional contexts of country, which can affect the full understanding of the reality experienced by women in situations of violence. It is therefore recommended that future studies include field investigations, interviews with victims and protection network professionals, as well as regional analyses comparative.

In summary, this work sought to highlight both the advances and the challenges of the Law Maria da Penha throughout its 18 years of existence. From the identification of dependence financial as a critical factor in women remaining in abusive relationships, reaffirms itself the importance of integrated public actions that articulate justice, education, social assistance and economic inclusion. Likewise, recent legislative changes strengthen the role of Law as a living and expanded protection mechanism, which reinforces the urgency of its application effective and equitable. Overcoming these barriers is essential to ensure not only compliance of the law, but the construction of a more just, equitable society free from gender violence.

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