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Guidelines for the

Risk Assessment Form

FRIDA

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FRIDA: A needful introduction

Domestic violence against women is a significant violation of human rights. As broadly known, the figures of domestic violence against women increasingly raise at every survey. The magnitude of the aggression, the cruelty of the criminal actions, and the refinement of sordidness are all over daily news. Femicide, for example, is a current top of the listed crime, and there are no foreseeable rational perspectives for a decline.

The “Maria da Penha’s Law (11340/16) is the primary tool to confront domestic and family violence against women in Brazil. Above the physical harm, it encompasses sexual, psychological, moral, and asset-related harassment between the victim and her aggressor. This is not necessarily the spouse, but anyone holding some level of affection relation. The law was named as a homage to a bio-pharmacist from Ceará State, Ms. Maria da Penha, who fought for 20 years to have her aggressor arrested. Maria da Penha was a victim of two attempts of murder perpetrated by her husband. The first attempt - a gunshot to her back, while she was asleep - left her paraplegic. After bringing an action before the Court, NGOs and, ultimately, the Inter-American Commission on Human Rights (IACHR-OAS), Penha succeeded in having her aggressor, Marco Antônio Herredia Viveros, convicted. It is paramount that women look for the proper authorities and keep reporting on the various types of violence they suffer.

In this context, several authorities have joined their efforts to provide the most possible severe response; each cooperating within the scope of their respective capabilities, namely: the National Council of the Prosecution Office (CNMP), in partnership with the CNJ (National Council of Justice), the Ministry of Foreign Affairs, the Ministry of Planning, Development and Management, the Ministry for the Human Rights, the Delegation of the European Union to Brazil (DELBRA), and the National Observatory on Gender-related Violence. This is the reciprocal invitation, from either party.

Confronting the domestic violence against women has been a priority for the CNMP. Since 2017 they have realized this is such a high-level of violation against human rights that it could jeopardize the decent survival of humankind - no exaggeration in it.

Ever since then, and through expert committees for fundamental rights defence, the CNMP has been looking for alternative means to fight such crimes, especially using international cooperation-based projects with the European Union through a program designated as the EU-Brazil Sector Dialogues.

The Sector Dialogues consist in a strategic partnership program

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between Brazil and the European Union, aimed at approaching their positions as to significant global challenges while increasing the opportunities for interchange and cooperation between Brazilian and European partners in matters of mutual interest.

The first strategical partnership was founded in 2017, having justice for women at its core, mainly from a gender-related crimes' perspective. Then, they discussed two significant issues with authorities from Lithuania (headquarters of the excellent European Institute for Gender Equality (EIGE)), Italy, and Portugal (National Observatory of Gender-related Violence of the New University of Lisbon): the femicide and the National Frame for Domestic Violence.

By the end of the works, the Delegation of the European Union to Brazil and the National Council of the Public Prosecution Office executed a joint statement on the confrontation of domestic violence against women. Furthermore, the Office of the Attorney General of Brazil (AGU) and the National Council of the Public Prosecution (CNMP) signed a cooperation agreement aimed at the revocation and denial of pension claims due to death as a result of femicide. The convention is in force.

A second strategic partnership started in 2018. This time, the subject matter of the endeavours was the risk assessment in crimes of domestic violence against women, named as Risk Assessment form for the National Framework on Domestic Violence: a tool for the confrontation of domestic violence against women.

The 2018 project was a continuation of an already established cooperation between the European Union and Brazil within the Sector Dialogues scope. The goal in the second meeting was to test the National Frame for Domestic Violence (CNVD) as a tool for the confrontation of domestic violence against women.

After reviewing the realities in Austria and Portugal, it has become evident that the CNVD was on the right path towards the sustainable application (by generating vital information on the prevention and confrontation of the domestic violence against women) of the Framework, as provided for in the Maria da Penha Law, since it was enacted.

Moving forward, the Brazilian mission, along with their European partners, sought all subsidies that could enrich a risk assessment form, useful to all authorities involved in the confrontation of domestic violence against women. The initiative has been formalized in a cooperation agreement among the National Council for Justice, the National Council of the Public Prosecution, and the Ministry for the Human Rights.

The National Form of Life Risk and Protection, or FRIDA (abbreviation in Portuguese for Formulário Nacional de Risco e Proteção à Vida) emerged as a result of other projects led by the CNMP. The form contains multiple choice-type of questions, whose answers help identify in which level of risk the victim woman is.

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The FRIDA was scientifically studied and designed by the experts Ana Lúcia Teixeira, Manuel Lisboa, and Wânia Pasinato. It points out, objectively, the risk level of the victim, based on the answers provided to the questions in the form, which may reduce the probability of a re-occurrence of a first violent action against the woman within the scope of domestic violence.

To sum up, after two projects in international partnerships, there is still a long way to go. This is the stage we are right now. The expectation is that the convergence of the endeavours made between CNMP and the CNJ will turn FRIDA into a useful tool for the society, overall, humankind, women, domestic violence victims, and for the future generations.

In the next pages, readers are bound to find a valuable report portraying how FRIDA has been scientifically designed, based on internationally recognized models, yet considering our own country's peculiarities. The text also explains how FRIDA is already successfully applied through the Call 180 Hotline, which provides detailed guidance, and how the form can be adopted across the national territory.

We sincerely hope that every woman will be able to know this new tool and that domestic violence victim may demand it while they are being heard. Now it is the time to disseminate it.

Summer of 2019.

VALTER SHUENQUENER DE ARAÚJO

Councilor of the National Council of the Public Prosecution Office
President of the Committee for the Defence of Fundamental Rights

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Risk Assessment Form for Domestic and Family Violence against Women

Clarifications for the woman about the relevance of the risk assessment form.

Please, read carefully before starting to answer the questions. Make sure the woman has understood the relevance of the assessment. In case she has questions, please clarify them before she starts.

Madam, this form comprises 19 questions on the violence situation you are reporting. Some of the information has already been recorded before. However, they need to be repeated so we can correctly answer each question. This information will be used to guide the referrals that will be given upon completion of the assistance. In case you have any questions, or if you do not understand the question, please, say so. After completing the questionnaire, we will talk about what we can do for you.

User name: _____ Date: _____

| Questions | Yes | No | I do not know | Not applicable |
|---|-----|----|---------------|----------------|
| Has the frequency or level of severity of the violence increased in the past month? | | | | |
| Are you pregnant or has had a baby in the past 18 months? | | | | |
| Do you have kids with the aggressor? (If no kids, please mark as Not applicable) In case you do, are there any conflicts underway as to custody over the kids, visitation rights or alimony payment by the aggressor? | | | | |
| Does the aggressor stalk you, demonstrates excessive jealousy or tries to control your life and the things you do? (Where you go, whom you talk to, how you dress up, among other things) | | | | |
| Have you recently divorced your aggressor, has tried to file for divorce or intends to file for divorce? Please, specify: Divorced <input type="checkbox"/> Has tried to <input type="checkbox"/> Expressed the intention to <input type="checkbox"/> | | | | |
| Is the aggressor also violent to other people (family members, friends, co-workers, among other things?) Please, specify: Kids <input type="checkbox"/> Other family members <input type="checkbox"/> Other people <input type="checkbox"/> | | | | |
| Do you have any pets? (If no pets, please mark as Not Applicable) In case you do, does the aggressor ill-treats or beats up the animal? | | | | |
| Has the aggressor battered you any other times? | | | | |
| Has the aggressor ever tried to strangle, suffocate or drown you? | | | | |
| Has the aggressor ever made death threats to you, or has he ever tried to kill you? | | | | |
| Has the aggressor ever used or threaten to use a firearm against you? Alternatively, does he have easy access to a gun? Please, specify: Used <input type="checkbox"/> Threatened to use <input type="checkbox"/> Has easy access to <input type="checkbox"/> | | | | |
| Has the aggressor ever threatened or hurt you with other types of weapons or instruments? | | | | |
| Did you need medical care or hospitalization after any of these aggressions? Please, specify: Medical care <input type="checkbox"/> Hospitalization <input type="checkbox"/> | | | | |
| Is the aggressor a drug addict or alcoholic? | | | | |
| Does the aggressor take medication of restricted use for mental or psychiatric conditions? | | | | |
| Have you ever filed for or already has an emergency barring order in place? (If no prior emergency barring order, please, mark as Not Applicable) Has the aggressor ever violated a barring order with stay-away or no contact provisions? | | | | |
| Has the aggressor ever threatened to or tried to commit suicide? | | | | |
| Has the aggressor ever forced you to have sexual intercourse against your will? | | | | |
| Is the aggressor currently having financial difficulties, is he unemployed, or does he have problems to remain at a job? | | | | |
| Total | | | | |

N. of questions answered with "I do not know" or "Not applicable."

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| | | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11-19 |
|---------------------------------------|-------|---|---|---|---|---|---|---|---|---|---|----|-------|
| N. of questions answered with a "Yes" | 0-2 | L | L | L | L | L | L | L | L | L | L | L | M |
| | 3 | L | L | L | L | L | L | L | L | M | M | M | M |
| | 4 | L | L | L | L | M | M | M | M | M | M | M | M |
| | 5 | M | M | M | M | M | M | M | M | M | M | M | H |
| | 6 | M | M | M | M | M | M | M | M | H | H | H | M |
| | 7 | M | M | M | M | M | M | H | H | H | H | H | M |
| | 8 | M | M | M | M | H | H | H | H | H | H | H | M |
| | 9 | M | M | H | H | H | H | H | H | H | H | H | M |
| | 10-19 | H | H | H | H | H | H | H | H | H | H | H | |

Key: L = Low Risk; M = Medium Risk; H = High Risk.

Risk Severity Scale: Low () Medium () High ()

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The structured assessment conducted by the professional

At this part of the form, the expert in charge of the assistance should record the information deemed relevant for the global understanding of the situation. The structure assessment document comprises a set of questions that the professional will answer in a descriptive but concise manner. The record will be built based on the information the victim provides, added to those on her physical, emotional, and psychological conditions. There is an open field at the end of the form, which allows you to enter additional information, deemed as relevant to understand the severity of the situation, as well as other measures that should be considered to protect that woman.

During the interview, does the woman demonstrate she is aware of the risk in her situation? Is it an awareness about the existence or the nonexistence of the risk? (For instance, does she affirm that the aggressor might kill her, does she justify the aggressor's behaviour, or does she see the violent behaviour as natural?). Please, write down the perception, and elaborate: _____

Regarding the victim's context or situation, are there other relevant information that might be indicative for the risk of new aggressions? (For instance, the woman has a new partner or made decisions indicating the definitive break up with the aggressor (intention to move to another house, neighbourhood, city)). Please, write down, and elaborate: _____

How does this woman look like, both physically and emotionally? (Does she show emotional distress, does she take medication or restricted, does she need psychological and/or psychiatric care?) Please, describe: _____

Is this woman at risk of committing suicide, or is there any information that she has already tried to commit suicide?

Does this woman still live with the aggressor or does he have easy access to the residence? Please, explain the situation: _____

Please, describe other symptoms which, in your point of view, might represent a risk for new aggressions, and should be observed during the assistance workflow, while giving rise to a risk reassessment by other professionals. Briefly describe the situation or the aspects that caught your attention.

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Considering the information you collected, and your professional experience, how do you rate the risk in this case? (Low; Medium; High). Please, justify.

What is the suggested care/attention/services to which to refer this woman?

Has the user agreed to the referrals/guiding? Yes (___) No (___) Why?

Does the user seem interested in adhering to the referrals/guiding? Yes (___) No (___) Why?

Name of the professional: _____ Position/role: _____

Completion date: ____/____/____ Service/Agency: _____

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Guidelines for the use of the Risk Assessment form

The guidelines introduced herein are intended for the professionals working in the assistance to women in domestic violence situations - both specialized, and non-specialized services. Among said professionals, there are social assistants, legal advisors, civil and military police officers, public defenders, prosecutors and judges, physicians, and nurses. It is focused on the services included in the service network for women in violence situation, including psychosocial and legal assistance, safety, health, and justice and assistance areas.

The goal is to provide a practical tool for the work of the professionals in assisting women, using standard procedures and guidance, aimed at ensuring faster, and better-quality services.

The assistance provided to women and family members in domestic violence situation is based on ethical principles of respect to privacy and intimacy, non-revictimization, confidentiality of the information, and the recognition of the relevance of the words, experience, and conditions that woman presents to reacting to the violence and change her situation.

Putting that woman in the center of the decision-making, as a strategy to make her stronger to step out of the violence situation in which she lives.

Professional expertise is paramount. However, the woman is the main expert in her own case, and should be attentively, and respectfully heard. Her information, opinion and needs should always be considered in the assistance provided, and in the establishment of the referrals.

Objectives of the risk assessment

The risk assessment aims to prevent the occurrence or escalation of the domestic and family violence against women.

The systematic, standardized information collection allows to:

- Serve as a ground to file emergency barring order, as provided for in Maria da Penha Law, thus contributing to its expedited approval;
- Serve as a guide for the application of the protective orders provided for in article 11 of the Maria da Penha Law;
- Prevent the violence escalation towards victims who survived femicide and indirect victims.
- Organize referral, and follow-up of women across the services network, thus facilitating the communication among the professionals, while extending the protection for women.

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When to apply

The risk assessment should be applied to all cases of domestic and family violence against women, who should be taken in regardless of their social class, race, colour, ethnicity, sexual orientation, income, culture, educational level, age, and religion (article 2 of Maria da Penha Law).

The risk assessment should also be applied for direct victims or survivors in femicide attempts cases. The assessment should be applied to the indirect victims of violence whenever they are present.

By "direct victims" we refer to those who, individually or collectively, have been the target of direct physical, psychological or emotional harms - regardless if it has been consummated or just attempted - and, by "indirect victims" , we refer to family members or others who depend on the direct victim. In the specific case of femicide, it will also be referred to as "surviving victims" the direct victims whose lethal outcome was not consummated.

UN WOMEN: 2016, p. 59

Criminal actions to which the risk assessment apply

The risk assessment shall be applicable for domestic and family violence, and femicide cases, as provided for in the Law - Maria da Penha Law, and Femicide Law

- **Domestic and Family Violence**

According to Maria da Penha Law (11340/2006), "domestic and family violence against women consist in any gender-based action or omission that might inflict death, injury, physical, sexual or psychological suffering, and moral or asset damages upon her." (Article 5, Maria da Penha Law). Domestic violence can be featured as a physical attack, psychological abuse, sexual assault, moral harassment, and property damages, and it may take place in the household, involving relations that bear kinship ties, affinities or intimate affection relation, regardless of cohabitation.

- **Femicides**

Femicide is how homicide of women is typified - whether it is attempted or consummated, which is committed because the target is a woman, as a result of domestic and family violence, or of underestimating and discrimination because the individual is a woman. (Femicide Law, 13140/2015)

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The care provided to women living under a situation of violence should be based on the respect for differences.

Color, age, sexual orientation, income and other sociodemographic characteristics are also vulnerability conditions imposed on women, and might, in one hand, expose them to violence and, on the other hand, obstruct their access to quality assistance and care.

Guiding principles for the assistance

The actions of the professionals while providing assistance and applying the risk assessment should be based on ethical principles, and respect for the human rights of women.

Principle of defense of rights

Professional intervention should be typified within Human Rights scope, and it should be conducted with an approach to defend these rights across all areas.

Safety Principle

The safety of victims/survivors, and of possible collateral victims, including children and other people in their family and social circles, as well as the safety of the professionals who support them is a priority.

Principle of Respect

The intervention of the professionals should focus on the perspective of the survivors/victims, in a respectful and empathetic manner towards their experiences, life history, cultural background and diversity.

Principle of Confidentiality

Victims/survivors have the right to confidentiality and respect for their privacy.

Principle of Empowerment

Professionals should promote the individual strengthening of survivors/victims and be aware that they are the agents of their own change.

Principle of Cooperation

The services should interfere in an articulated and network-bound manner, within an interinstitutional cooperation context.

Principle of accountability

Entities should have mechanisms to regularly assess, monitor, improve and update the services they provide to victims/survivors of domestic violence.

Source: AMCV (2013a, pp. 7–8).

In addition to this set of principles, all existing legal provisions, and guidelines of the country should be followed while assisting women in violence situation. Among them, stand out

LAW N. 13505, DATED NOVEMBER 8, 2017.

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This law adds provisions to Law n. 11340, dated August 7, 2006 (Maria da Penha Law), in setting out the right of women under domestic and family violence to have ongoing specialized police assistance and expert medical care, preferably performed by female servants. (Article 10A and 12A).¹

LAW N. 12845, DATED AUGUST 1st, 2013:

Makes provisions on the mandatory, and integral assistance to people under sexual assault situation.²

National Guidelines on Femicide professionals to investigate, prosecute, and judge violent deaths of women, adopting a gender-based perspective (UN WOMEN, 2016)

¹ http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2017/Lei/L13505.htm.

² http://www.planalto.gov.br/ccivil_03/_Ato2011-2014/2013/Lei/L12845.htm

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Applying the Risk Assessment Form

What is the risk assessment form?

The form comprises two parts that need to be fully completed. The first part consists of 19 questions and a risk severity rating scale. The second part includes items intended to assess the physical, and emotional conditions of the woman and the objective conditions to prevent the violence escalation in the short-term.

Where will the risk assessment be applied?

The risk assessment will be performed at the first contact of the woman with a service - no matter if this is a police station, a reference centre, a health care centre or through multi-disciplinary teams of prosecution, defence or courts/specialized courts.

Who will be authorized to apply the risk assessment?

The form needs to be filled out by a properly trained professional. The assessment needs to be conducted during the service, and the women should be informed on the use of the tool, its purpose, and relevance to record the answers to each question.

How will the risk assessment be performed?

To ensure the quality, integrity, and proper use of the information, the questions need to be asked regardless if the data has been recorded or not in other documents across the services/care provided.

After providing clarifications for the woman as to the use, relevance, and purpose of the form, and answering any questions she may have calmly and attentively, the professional in charge of the process should read each question out-loud, and fill out the corresponding alternatives (yes, no, I do not know, not applicable).

The professional in charge should read the text below for the woman, at a languid pace, making sure she understands the objectives being proposed:

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Clarifications for the woman about the relevance of the risk assessment form.

Please, read carefully before starting to answer the questions. Make sure the woman has understood the relevance of the assessment. In case she has questions, please clarify them before she starts.

Madam, this form comprises 19 questions on the violence situation you are reporting. Some of the information have already been recorded before. However, they need to be repeated so we can correctly answers each question. These information will be used to guide the referrals that will be given upon completion of the assistance. In case you have any questions, or if you do not understand the question, please, say so. After completing the questionnaire, we will talk about what we can do for you.

There will be 19 questions. Some of them have been split into two parts to facilitate the information entering and its quality. All inquiries should be read, and the corresponding answers are chosen adequately.

Below, we present examples of simple questions comprising two parts:

| Question | Yes | No | I do not know | Not applicable |
|--|-----|----|---------------|----------------|
| Have you ever been physically battered by the aggressor? | | | | |
| Have you recently divorced your aggressor, has tried to file for divorce or intends to file for divorce? Please, specify: Divorced <input type="checkbox"/> Has tried to <input type="checkbox"/> Expressed the intention to <input type="checkbox"/> | | | | |

After completing the form, the professional should compute the answers and write down the corresponding numbers on the last line of the form. Based on such values, the professional needs to check the quotation grid to find in which cell the number of answers "Yes, I do not know, and Not Applicable" coincides, thus obtaining the risk level verified.

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Example

| Questions | Yes | No | I do not know | Not applicable |
|-----------|-----|----|---------------|----------------|
| (...) | | | | |
| Total | 7 | 6 | 4 | 2 |

Total of "Yes" answers = 7; Total of DK/NA = 4+2 = 6 → **High risk.**

| | | Nº de itens assinalados com "não sabe" ou "não se aplica" | | | | | | | | | | | |
|-----------------------------------|-------|---|---|---|---|---|---|---|---|---|---|----|-------|
| | | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11-19 |
| Nº de itens assinalados com "sim" | 0-2 | B | B | B | B | B | B | B | B | B | B | B | M |
| | 3 | B | B | B | B | B | B | B | B | M | M | M | M |
| | 4 | B | B | B | B | M | M | M | M | M | M | M | M |
| | 5 | M | M | M | M | M | M | M | M | M | M | E | M |
| | 6 | M | M | M | M | M | M | M | M | E | E | E | M |
| | 7 | M | M | M | M | M | M | M | E | E | E | E | M |
| | 8 | M | M | M | M | E | E | E | E | E | E | E | M |
| | 9 | M | M | E | E | E | E | E | E | E | E | E | M |
| | 10-19 | E | E | E | E | E | E | E | E | E | E | E | |

| | | Nº de itens assinalados com "não sabe" ou "não se aplica" | | | | | | | | | | | |
|-----------------------------------|-------|---|---|---|---|---|---|---|---|---|---|----|-------|
| | | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11-19 |
| Nº de itens assinalados com "sim" | 0-2 | L | L | L | L | L | L | L | L | L | L | L | M |
| | 3 | L | L | L | L | L | L | L | L | M | M | M | M |
| | 4 | L | L | L | L | M | M | M | M | M | M | M | M |
| | 5 | M | M | M | M | M | M | M | M | M | M | H | M |
| | 6 | M | M | M | M | M | M | M | M | H | H | H | M |
| | 7 | M | M | M | M | M | M | H | H | H | H | H | M |
| | 8 | M | M | M | M | H | H | H | H | H | H | H | M |
| | 9 | M | M | H | H | H | H | H | H | H | H | H | M |
| | 10-19 | H | H | H | H | H | H | H | H | H | H | H | |

This scale has three risk levels:

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- **Low risk:** “In a preliminary review, the answers checked do not indicate the probability of severe physical injuries or homicide in the short-term” (...)
- **Medium risk:** “There are risk factors that might constitute a real danger of severe physical assault/homicide if the context or circumstances change” (...)
- **High risk:** “This refers to the existence of risk factors denoting the probability of occurring a severe physical assault or homicide, at any moment” (Moura, 2016)

Structured professional assessment

The next step consists in completing the structured professional assessment when the professional performing the service needs to record any additional information which, as per his/her experience, and standpoint, could help characterize the violence situation the woman is living in and the potential risks of escalation. This part of the document contains questions focused on the woman's physical, emotional, and psychological conditions, given the situation she is currently living.

Based on the report collected during the assistance, and on the answers recorded in the form, it falls to the professional to add further details that might help assess the risk severity and define the most appropriate referrals for each case.

Considering the set of information the professional reviews, in the end, it will be possible to rate the risk severity level. If the new rating differs from that obtained through the form, the professional should justify.

What to do after the risk assessment?

Once the form is completed, the professional and the woman should make the decisions as to which measures need to be applied, and the necessary referrals to be made.

Once the risk assessment can be started and reproduced by any unit of the assistance network, referrals will depend on which service unit that started the procedures, and which services/care will be prioritized from there. In other words, they will not set a fixed flow or unidirectional of referrals that should be planned, per the reality of the services offered in each location. Based on the services available, they will prepare for the needs each woman has.

Either way, it is essential to reiterate that the risk assessment should be used to:

- Protect the woman from immediate risk, as the grounds for an emergency barring order, and for risk management as per the provisions in Maria da Penha Law;
- Adopt integrated procedures to minimize the possibility of repeated violence occurrences in the short-term, by applying the provisions in article 11 of Maria da Penha Law, among others to be adopted to prevent violence episodes - through follow-up procedures from the specialized assistance network;
- Improve the institutional responses to reduce the incidence of domestic and family violence by sharing information, and the referrals performed for each case.

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Protective measures for women, as per the provisions in article 11 of Maria da Penha Law

The risk severity assessment should consider the need to apply immediate measures that contribute to protecting the woman, her children, and family members from new aggressions or threats.

Immediate Protective Measures for women, as per the provisions of Maria da Penha Law

Art. 11. While assisting a woman under a domestic and family violence situation, police authority should take the following actions, among other measures:

- I– ensure police protection, when necessary, and promptly communicate the case to the Prosecution Office, and to the Courts;
- II– refer the victim to the hospital or health care center, and to the Medical Examiner's Office;
- III– provide transportation for the victim and her dependents up to a shelter or a safe house, whenever there is risk to life;
- IV– if necessary, escort the victim to ensure she gathers her belongings off the occurrence location or the family household;
- V– inform the victim about the rights she is entitled to under this Law, and the services available.

If the assessment is being conducted at a Police District, the results of the assessment must, considering the verified circumstances and conditions, apply the measures provided for in article 11 of Maria da Penha Law. Such measures should be promptly be enforced by the police authority, without prejudice to the request for protective measures nor referrals to follow up of the case by the specialized services network. If other entities are conducting the assessment, both the assessment and the recommendations should be forwarded to the proper authorities to continue the services.

Emergency Barring Order

In case it is necessary to request an emergency barring order, a copy of the risk assessment should be attached to the request to be sent to the police district or the proper court. The documents should include a brief police report on the case, the recommended measures, copy of the risk assessment and a justification to adopt the measures.

Formulário de Avaliação de Risco

FRIDA



MINISTÉRIO DA
ECONOMIA

MINISTÉRIO DAS
RELAÇÕES EXTERIORES



Emergency barring orders provided for in the Maria da Penha Law

Art. 22. Once the domestic and family violence practice against the woman is verified, as per the terms of this Law, the Judge may promptly enforce the following emergency barring orders - among others, on the aggressor:

- I – a restraining order on the possession or carrying of firearms, while communicating this to the adequate agency, as per the terms of Law n. 10826, dated December 22, 2003;
- II– stay-away orders, valid in relation to the home or wherever intimacy with the victim takes place;
- III– forbidding certain conducts, among which:
 - A) approaching the victim, her family members or witnesses, establishing a minimum distance limit between them and the aggressor;
 - B) contacting the victim, her family members, and witnesses by any communication means;
 - c) going to certain places to preserve the physical and psychological integrity of the victim;
- IV – restricting or suspending visits to underage kids, after hearing the multidisciplinary assistance team or similar service;
- V– providing temporary alimony.

§ 1 The aforementioned measures do not preclude the application of other measures provided for in the legislation in force, whenever the victims' safety or the circumstances so require, in which case the Prosecution Office should be duly communicated.

§ 2 Should Item I be applied, if the aggressor satisfies the conditions provided for in the head provision and items of article 6 of Law n. 10,826, dated December 22, 2003, the Judge shall communicate to the respective agency, corporation or institutions about the emergency barring orders granted, and shall restrain the firearm carrying. In turn, the aggressor shall be obliged to abide by the legal determination, under penalty to incurring in the crimes of malfeasance or criminal contempt, as the case may be.

Art. 23. Without prejudice to other measures, whenever needed, the judge may:

- I– Refer the victim and dependents to the official or community program of protection or care;
- II– Determine the victim and dependents to be taken back to the respective residence, as soon as the aggressor keeps off;
- III– Determine the victim to be removed from home, without prejudice to her rights related to community property, custody of the children, and alimony;
- IV – Determine the removal of the perpetrator from the family home

Art. 24. To protect the couple's community property, and the private property of the woman, the judge may decide as a preliminary matter, among other things, for:

- I – The return of community property to the victim, which the aggressor had unduly taken;
- II – The provisional prohibition as to executing actions and purchase, sale, and rental agreements of community property, except as per legal authorization;
- III– The suspension of the power of attorneys the victims granted to the aggressor;
- IV– Giving provisional security by way of a judicial deposit, due to material losses and damages resulting from domestic and family violence practice against the victim