THE SILENCE OF THE LAMBS[1]: VICTIMS' RIGHT TO REMAIN SILENT AS AN INSTRUMENT FOR PREVENTING INSTITUTIONAL REVITIMIZATION AND THE PARADOX OF THE PROMOTION OF IMPUNITY AFTER LAW 14.321/2022

O SILÊNCIO DAS INOCENTES : DIREITO AO SILÊNCIO DAS VÍTIMAS COMO INSTRUMENTO DE PREVENÇÃO À REVITIMIZAÇÃO INSTITUCIONAL E O PARADOXO DO FOMENTO À IMPUNIDADE APÓS A LEI Nº 14.321/2022

EL SILENCIO DE LAS INOCENTES: EL DERECHO AL SILENCIO DE LAS VÍCTIMAS COMO INSTRUMENTO DE PREVENCIÓN DE LA REVICTIMIZACIÓN INSTITUCIONAL Y LA PARADOJA DEL FOMENTO DE LA IMPUNIDAD TRAS LA LEY 14.321/2022

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ABSTRACT

The article analyzes the procedural paradox arising in the context of combating domestic violence against women when the victim's right to remain silent, understood as a legitimate instrument for preventing institutional revictimization, begins in practice to operate as a factor that weakens criminal prosecution and fosters impunity. Based on qualitative research of a bibliographic, normative, and jurisprudential nature, the study examines the evolution of the legal protection of women in Brazil, the evidentiary value of the victim's testimony in crimes committed within the domestic sphere, and the psychological, social, economic, and institutional factors that influence withdrawal, abandonment, or refusal to testify. It is argued that, following Law No. 14,321/2022, the justice system came to recognize more strongly the need to avoid revictimizing practices, but without structuring, to the same extent, prior and interdisciplinary mechanisms of reception, qualified listening, emotional protection, and strengthening of the complainant's participation. Within this gap, the hasty conclusion that there is insufficient evidence for conviction may transform a protective guarantee into an indirect vector of acquittals based on evidentiary insufficiency. In response to this problem, the article proposes a Protocol for Assistance and Strengthening of Victim Participation (PAFPV), aimed at ensuring humane assistance, interinstitutional integration, and concrete

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conditions so that the exercise of silence does not result from state abandonment, fear, or unaddressed vulnerability. It is concluded that the recognition of evidentiary insufficiency, in such cases, should not dispense with prior verification of adequate institutional support measures for the victim; otherwise, the duty of protection risks being replaced by a merely formal neutrality, incapable of preventing the reproduction of impunity.

Keywords: Domestic Violence. Victims' Right to Remain Silent. Revictimization. Need for an Institutional Protocol. Risk of Impunity.

RESUMO

O artigo analisa o paradoxo processual instaurado no enfrentamento da violência doméstica contra a mulher quando o direito ao silêncio da vítima, compreendido como instrumento legítimo de prevenção à revitimização institucional, passa a operar, na prática, como fator de enfraquecimento da persecução penal e de favorecimento da impunidade. Partindo de pesquisa qualitativa, de natureza bibliográfica, normativa e jurisprudencial, o estudo examina a evolução da proteção jurídica da mulher no Brasil, o valor probatório da palavra da vítima nos crimes praticados no âmbito doméstico e os fatores psicológicos, sociais, econômicos e institucionais que influenciam a retração, a desistência ou a recusa em depor. Sustenta-se que, após a Lei nº 14.321/2022, o sistema de justiça passou a reconhecer com maior intensidade a necessidade de evitar práticas revitimizantes, mas sem estruturar, na mesma medida, mecanismos prévios e interdisciplinares de acolhimento, escuta qualificada, proteção emocional e fortalecimento da participação da ofendida. Nessa lacuna, a conclusão apressada pela ausência de provas para a condenação pode converter uma garantia protetiva em vetor indireto de absolvições por insuficiência probatória. Em resposta a esse problema, propõe-se um Protocolo de Assistência e Fortalecimento da Participação da Vítima (PAFPV), destinado a assegurar atendimento humanizado, integração interinstitucional e condições concretas para que o exercício do silêncio não resulte de abandono estatal, medo ou vulnerabilidade não enfrentada. Conclui-se que o reconhecimento da insuficiência probatória, em tais hipóteses, não deve prescindir da verificação prévia de medidas institucionais adequadas de apoio à vítima, sob pena de o dever de proteção ser substituído por uma neutralidade apenas formal, incapaz de impedir a reprodução da impunidade.

Palavras-chave: Violência Doméstica. Direito ao Silêncio das Vítimas. Revitimização. Necessidade de Protocolo Institucional. Risco de Impunidade.

RESUMEN

El artículo analiza la paradoja procesal instaurada en el enfrentamiento de la violencia doméstica contra la mujer cuando el derecho al silencio de la víctima, entendido como un instrumento legítimo de prevención de la revictimización institucional, pasa a operar, en la práctica, como un factor de debilitamiento de la persecución penal y de favorecimiento de la impunidad. A partir de una investigación cualitativa, de carácter bibliográfico, normativo y jurisprudencial, el estudio examina la evolución de la protección jurídica de la mujer en Brasil, el valor probatorio de la palabra de la víctima en los delitos cometidos en el ámbito doméstico y los factores psicológicos, sociales, económicos e institucionales que influyen en la retracción, el desistimiento o la negativa a declarar. Se sostiene que, tras la Ley n.º 14.321/2022, el sistema de justicia pasó a reconocer con mayor intensidad la necesidad de evitar prácticas revictimizantes, pero sin estructurar, en la misma medida, mecanismos previos e interdisciplinarios de acogida, escucha calificada, protección emocional y fortalecimiento de la participación de la víctima. En esta laguna, la conclusión apresurada sobre la ausencia de pruebas para la condena puede convertir una garantía protectora en un vector indirecto de absoluciones por insuficiencia probatoria. Como respuesta a este problema, se propone un Protocolo de Asistencia y Fortalecimiento de la Participación de la

Víctima (PAFPV), destinado a asegurar una atención humanizada, integración interinstitucional y condiciones concretas para que el ejercicio del silencio no sea resultado del abandono estatal, del miedo o de una vulnerabilidad no afrontada. Se concluye que el reconocimiento de la insuficiencia probatoria, en tales hipótesis, no debe prescindir de la verificación previa de medidas institucionales adecuadas de apoyo a la víctima, so pena de que el deber de protección sea sustituido por una neutralidad meramente formal, incapaz de impedir la reproducción de la impunidad.

Palabras clave: Violencia Doméstica. Derecho al Silencio de las Víctimas. Revictimización. Necesidad de Protocolo Institucional. Riesgo de Impunidad.

1 INTRODUCTION

Domestic violence against women is one of the most persistent challenges to the realization of human rights and the effectiveness of the Democratic Rule of Law. Even in the face of normative advances such as the Federal Constitution of 1988 and Law No. 11,340/2006 (Maria da Penha Law), the persistence of patriarchal structures and the naturalization of gender violence continue to produce deep inequalities, compromising female dignity and citizenship (Martins; Moreira, 2023; Castro; Silva, 2017).

The creation of innovative legal instruments, such as Law No. 14,321/2022, which typified the crime of institutional violence, reveals the State's recognition of the role of the institutions themselves in the reproduction of revictimizing practices, exposing the need for a more humanized, intersectoral, and protective model of justice (Deiab Júnior; Carvalho, 2024).

Thus, the present work is based on the understanding that confronting domestic violence demands not only the punishment of the aggressor, but the construction of public policies that ensure the victim the leading role in criminal prosecution. The consolidation of an effective protective system requires integrated care protocols, capable of preventing re-victimization and strengthening women's trust in judicial instances.

According to Jordão (2025), institutional violence and revictimization are structural obstacles to access to justice, as they impose on women the burden of reliving the trauma in the face of bureaucratic and insensitive procedures, which reproduce the same cycle of oppression that the law intends to break.

In view of such a scenario, the problem that guides this Article lies in the following question: what are the determining factors for the victim's withdrawal in cases of domestic violence against women and how has this reality impacted judicial decisions and acquittal rates, especially after the enactment of Law No. 14,321/2022?

It is based on the hypothesis that the consolidation of interdisciplinary protocols, integrating legal, psychological and social services, is the most effective way to operationalize the normative command of this law, transforming the justice system into a space of protection and empowerment.

The general objective of this article is to analyze the relationship between the victim's withdrawal in domestic violence cases and the impacts of this dynamic on the increase in acquittals, with special attention to the consequences of Law No. 14,321/2022 and the need for assistance protocols that reduce revictimization and encourage the victim's participation in the criminal process.

Specifically, it seeks to investigate the psychological, social, economic, and institutional factors that lead to the victim's withdrawal, examine the jurisprudential and legislative evolution on the non-ratification or the victim's right to silence after Law No. 14,321/2022, proposing an assistance protocol that reduces the rates of refusal of judicial testimony, strengthening the production of evidence in court.

The methodology adopted is qualitative and bibliographic, based on the analysis of recent scientific productions, legislation and institutional documents, with the purpose of discussing the centrality of the victim in the criminal process and the need for ethical and institutional reformulation of legal practices.

The justification for the research is based on the urgency of promoting the effectiveness of protective norms and building instruments that guarantee active listening and humanized reception of victims. Despite normative advances, the Brazilian institutional reality is still marked by the reproduction of practices of symbolic violence and by the discrediting of women before the judicial system.

According to Jordão (2025) and Andrade (2024), the absence of technical training and social sensitivity of public agents aggravates revictimization, making the search for justice a new source of suffering. By proposing a protocol to strengthen the participation of the victim, this study contributes to the improvement of public policies and to an institutional culture guided by human rights and the dignity of the human person.

It is understood, preliminarily, that confronting domestic violence requires the transition from a policy of mere state tutelage to an emancipatory policy, centered on the victim as a subject of rights. Law No. 14,321/2022 emerges, in this context, as a milestone of ethical and normative transformation, but its effectiveness will depend on the adoption of concrete practices that unite theory and institutional action.

2 DOMESTIC VIOLENCE AND THE LEGAL PROTECTION OF WOMEN IN BRAZIL

The genesis of public policies to combat domestic violence in Brazil is linked to the consolidation of human rights and the search for substantial equality between men and women. As a kick-off to this topic, it is important to consider that since the Federal Constitution of 1988, the dignity of the human person has been enshrined as the foundation of the Democratic Rule of Law, in its article 1, III, and formal and material equality between genders has become a constitutional guarantee, already imposed in article 5, I (Brasil, 1988).

However, mere normative positivity was not enough to eradicate structural inequality and gender violence, which required the State to formulate specific and intersectoral public policies, aimed at the prevention, protection, and accountability of aggressors (Martins;

Moreira, 2023). In the respective scenario, it is observed that the Brazilian institutional evolution was consolidated from the integration between the Judiciary, the Executive, and organized civil society in the formation of a national confrontation network, which will be the subject of future discussions later in this work.

From the 1980s onwards, the first institutional instruments of protection emerged, which represented a milestone in the fight against domestic violence in Brazil, with the creation of the Women's Comprehensive Health Care Program (PAISM), which incorporated domestic violence as a public health theme, the National Council for Women's Rights (CNDM) and the Specialized Police Stations for Women's Assistance (DEAMs), in 1985, in addition to the Shelter Houses, in 1986, which symbolized the state's recognition of domestic violence as a structural problem (Castro; Silva, 2017; Melo; Soares, 2025).

In the following decade, Brazil's accession to CEDAW and the Convention of Belém do Pará (1994) imposed on the State the legal duty to prevent, punish and eradicate violence against women, driving the institutionalization of public policies structured under the principle of transversality, which culminated in the creation of the Special Secretariat for Women's Policies (SPM), in 2003, and in the National Pact to Combat Violence against Women, in 2007 (Castro; Silva, 2017; Melo; Soares, 2025).

According to Melo and Soares (2025), these mechanisms consecrated the idea of an articulated network of confrontation, involving public agencies, non-governmental organizations, and social movements, with integrated actions of prevention, care, and rehabilitation.

The enactment of Law No. 11,340/2006, better known as the "Maria da Penha Law", constituted the watershed in the legal and political confrontation of domestic violence, since, as Amaral et al. (2016) point out, this legislation profoundly changed the institutional treatment of gender violence by recognizing it as a violation of human rights and by creating specific protection mechanisms.

In addition to providing for emergency protective measures, the Maria da Penha Law integrated the social assistance, health, and education systems into the coping policy, and Amaral et al. (2016) present the perspective that after its enactment, the number of complaints increased and the recurrence of aggressions began to be faced with more rigorous instruments, which confirms its role as an instrument of social and legal transformation.

On the conceptual level, the Maria da Penha Law expanded the legal understanding of domestic violence, incorporating previously neglected dimensions, where, as highlighted by Gomes et al. (2020), the aforementioned norm began to typify, in addition to physical

violence, psychological, sexual, moral, and patrimonial violence, recognizing the complexity of the dynamics of oppression, as a kind of semantic reformulation that evidences a multidimensional approach to the problem, supported by an intersectoral and interdisciplinary vision, capable of integrating the Judiciary, social assistance, and health services. Also according to the authors, confronting domestic violence requires a more welcoming, humanized, and faster judicial system, which overcomes the technicality and bureaucratic practices that perpetuate revictimization.

Despite the normative and institutional advances, the effectiveness of the Maria da Penha Law is still compromised by structural deficiencies, since Castro and Silva (2017) demonstrate that the coping network suffers from a lack of human and material resources, especially in the Specialized Women's Police Stations and in the Domestic Violence Courts.

Among such deficiencies, it is important to highlight the absence of trained professionals, the overload of demands and the procedural slowness generate social discredit and hinder the victims' trust in public institutions, denoting, moreover, that the fragmented implementation of public policies prevents the full and articulated performance of the protection system (Amaral et al., 2016; Castro; Silva, 2017; Santos, 2022).

Gomes et al. (2020, p. 4) corroborate this diagnosis based on their research on the social representations of women victims of violence, by indicating that, although 97% of the women interviewed defend the prosecution of the aggressor, judicial delays and lack of reception reduce the effectiveness of protective measures.

The persistence of an androcentric legal environment, in which legal operators reproduce stereotypes and minimize the severity of violence, perpetuates practices of revictimization and reinforces structural inequalities. From this perspective, public policies need to be accompanied by a continuous process of training, sensitization, and institutional monitoring.

In concrete experience, Amaral et al. (2016, p. 522) describe the example of Casa do Caminho, in Ceará, as a successful practice of integrated public policy, and it was diagnosed that the unit offered, at the time of the research, welcoming, legal and psychosocial assistance to women in situations of violence, configuring a model of care that combines the protective character with the promotion of autonomy, as a model that demonstrates that the effectiveness of coping policies depends on the consolidation of local networks that combine safety, dignity and multidisciplinary monitoring.

Thus, it is observed that the evolution of public policies to combat domestic violence in Brazil is the result of a historical and democratic construction, which moves from a welfare logic to a human rights paradigm, emphasizing that the effectiveness of these policies

requires more humanized practices, which break with bureaucracy and excessive formalism, and promote the social participation of women in the process of building justice. That said, the genesis and evolution of these policies reflect the Brazilian institutional maturity, reaffirming that the fight against domestic violence is an expression of the very consolidation of citizenship and substantive democracy (Gomes et al., 2020; Melo; Soares, 2025).

Continuing the discussion proposed in the title of this topic, it is interesting to highlight and discuss the competence of the Specialized Courts in the care of victims of violence against women, whether physical, psychological, patrimonial, domestic, among other types, even more so due to the fact that the creation of the Courts of Domestic and Family Violence against Women, provided for in Law No. 11,340/2006, represented an institutional milestone in the reorganization of the Brazilian Judiciary, by introducing a specific jurisdictional structure aimed at confronting gender violence. It can be said that such innovation substantiated a paradigmatic break in relation to the traditional model of fragmented jurisdiction, replacing the logic of dispersion of demands with a unified system, of a hybrid nature, capable of integrating the civil and criminal dimensions in the same judicial unit (Azevedo; Soares. 2022; Campos; Severi, 2024).

Article 14 of the Maria da Penha Law enshrined the cumulative competence of the specialized courts, giving them the power to simultaneously process and judge cases arising from the practice of domestic and family violence against women, both from the criminal and civil aspects, in the expectation that this hybrid jurisdiction will ensure that the same magistrate has a broader view of the conflict, avoiding contradictory decisions and ensuring the victim a faster and more humanized procedure (Brasil, 2006; Jesus; Pacheco; Jesus, 2024).

As Campos and Severi (2024) demonstrate, the central objective of hybrid jurisdiction is to eliminate the "judicial pilgrimage" of women between different courts, avoiding revictimization and fragmentation of state responses. On the other hand, the implementation of this jurisdiction still faces structural obstacles, derived from insufficient resources and the absence of uniformity in Brazilian courts.

The structure of the Specialized Courts follows normative parameters established in article 33 of the Maria da Penha Law, which determined the provisional accumulation of jurisdiction by the Criminal Courts while the specialized courts were not fully structured (Brasil, 2006). This provision exposes a strategy of institutional transition, in which the legislator recognized the need for gradual implementation of specialized units throughout the national territory.

Furthermore, the model idealized by the law presupposes, therefore, a hybrid court equipped with a multidisciplinary team, composed of professionals from Law, Psychology and Social Work, acting from the perspective of integrality and interdisciplinarity, as a composition that aims to ensure a legal, social and psychological approach to violence, allowing the judicial decision to be supported by a technical diagnosis of the victim's situation of vulnerability (Campos; Severi, 2024; Santos, 2022).

It turns out that, as demonstrated by Campos and Severi (2024) in research carried out in the Specialized Courts, such as those of Cuiabá, the implementation of hybrid jurisdiction has occurred incompletely, resulting in a distance between the normative model and jurisdictional practice. Through the data collected, it was revealed that, although the courts formally accumulate civil and criminal jurisdiction, effective procedural adaptations are rarely observed, which compromises the speed and effectiveness of the system.

In practice, there is still a tendency to prioritize the criminal sphere to the detriment of the civil sphere, reinforcing the idea that confronting domestic violence is still predominantly conceived as a criminal matter, to the detriment of its relational and social nature. In a convergent way, Azevedo and Soares (2022) point out that the accumulation of competences represents an essential instrument for the full protection of women's rights, especially in cases where family actions, such as divorce and child custody, coexist with emergency protective measures.

Also according to the authors, the artificial separation between the civil and criminal branches reproduces the fragmentation of the justice system and deprives women of a unified and effective state response. The procedural concentration in hybrid courts is, therefore, a mechanism to guarantee access to justice, insofar as it allows the magistrate to decide in a coordinated manner on the multiple aspects of the domestic conflict, preserving the coherence of decisions and the dignity of the victim (Azevedo; Soares, 2022).

On the other hand, Jesus, Pacheco, and Nunes (2024) point out that the effectiveness of the specialized structure depends on the technical and ethical competence of the legal agents who work in it, as the authors argue that the effectiveness of the Maria da Penha Law is intrinsically linked to the qualification of magistrates, prosecutors, lawyers, and defenders, who must act with gender sensitivity and commitment to the promotion of social justice. The "permanent state of justice", in their expression, requires not only a robust normative framework, but also a transformative legal praxis, which recognizes the specificity of gender-based violence and overcomes the rigidity of traditional models of jurisdiction.

The structuring of EVs, however, responds to a double rationality, where, on the one hand, the guarantor rationality, aimed at the protection of women's fundamental rights and,

on the other, the efficiency rationality, oriented to speed and procedural rationalization. Such duality, according to Cortez Campos and Severi (2024), explains the tensions observed between the ideal model of hybrid jurisdiction and the practical limitations of its execution, giving reason to the perspective that the absence of budgetary resources, the lack of technical teams, and the overload of processes often make the full functioning of the units unfeasible. Thus, no matter the available apparatus, although the institutional design is innovative, its operationalization remains below the constitutional expectations of full protection and non-revictimization.

From the point of view of procedural dogmatics, the hybrid jurisdiction enshrined in the Maria da Penha Law represents an exception to the principle of jurisdictional specialization, enshrining a model of integration jurisdiction. Such a model aims to ensure that the same court hears the multiple dimensions of the same social fact, in line with the principle of procedural economy and unity of jurisdictional provision (Azevedo; Soares, 2022; Santos, 2022).

Azevedo and Soares (2022) comment on the panorama that, by attributing cumulative competence to EVs, the legislator recognized the need for a systemic and interdisciplinary approach to domestic violence, which transcends the formal boundaries of criminal law and civil law. This integration is, therefore, an expression of a public policy of gender justice, which seeks to articulate the legal, social, and human dimensions of violence

However, it is crystal clear that the ideal of comprehensiveness comes up against institutional resistance, as many courts still maintain rigid divisions between civil and criminal jurisdictions, denying the full application of article 14 of the Maria da Penha Law. This reality is observed in several Brazilian states, in which the Judiciary, for budgetary and administrative reasons, restricts the performance of domestic violence courts to the criminal sphere (Campos; Severi, 2024).

Therefore, the creation of specialized courts, therefore, is not only an administrative measure, but a constitutional duty to implement women's fundamental rights. As Azevedo and Soares (2022) observe, the unification of competences allows for the adoption of faster and more effective protective measures, preventing procedural time from serving as an instrument for perpetuating violence, and the magistrate should also play a central role not only as a judge, but as an agent of social transformation.

In light of the contributions of Azevedo and Soares (2022), Jesus, Pacheco and Nunes (2024) and Cortez Campos and Severi (2024), it is verified that the hybrid structure of EVs represents more than a jurisdictional reorganization, as it configures a civilizational advance, guided by the gender perspective and the search for a truly emancipatory justice, capable of

combining technique, sensitivity and equity. Next, other essential elements for understanding practical and legal elements that involve the protection of women and combating violence will be discussed, such as the evidential value of the victim's word and possible challenges of criminal prosecution.

2.1 THE PROBATIVE VALUE OF THE VICTIM'S WORD AND THE CHALLENGES OF CRIMINAL PROSECUTION

The theoretical-practical examination and discussion of the evidential value of the victim's word in the context of domestic violence crimes demands an approach that goes beyond the technical-procedural field, entering the sociological, psychological and legal sphere that permeates gender relations, since it is a theme that tensions structuring principles of the criminal process, such as the presumption of innocence and the *in dubio pro reo*, in the face of the need to give credibility to the narrative of historically silenced women.

As Santos (2024) observes, the problem lies not only in the evaluation of evidence, but in the way the justice system interprets the female voice, still marked by stereotypes and asymmetries of power, where the author warns that, in many cases, the victim's testimony constitutes the main or only source of conviction, given the private nature of the crimes, requiring the judge to be legally sensitive to balance the protection of the victim and the guarantees of the accused.

In this light, Martins (2022) argues that the victim's word should be considered a legitimate and relevant means of evidence, especially in crimes committed in the domestic and family sphere, where the absence of witnesses is the rule and not the exception, arguing that the testimony of the offended party, when coherent, firm and harmonious with the other elements of the process, can serve as a sufficient basis for a conviction, as long as it is submitted to the scrutiny of the adversary and the ample defense.

This understanding is compatible with the system of motivated free conviction of the judge, enshrined in article 155 of the Code of Criminal Procedure, which assigns to the magistrate the task of evaluating evidence based on logic and experience, without prior hierarchy between the means of proof (Brasil, 1940). However, Martins (2022) points out that the victim's word cannot be absolutized, as the excessive use of this resource can convert the testimony into an instrument of injustice, reversing the burden of proof and violating due process.

There is, therefore, recognition of the centrality of the victim's word, as well as divergences to the extent of their evidentiary autonomy, with the proposal of a prudent and balanced stance, emphasizing the risk of condemning without corroborative evidence, but a

more incisive valuation is also advocated, as long as the narrative presents verisimilitude and coherence with the context of gender violence, reflecting the contemporary challenge of the Brazilian criminal process, which would be how to avoid revictimization without hurting the presumption of innocence (Martins, 2022; Santos, 2024).

In a complementary vein, Zambon (2023) warns that the legal treatment given to the victim's word must take into account the context of structural inequality and the emotional dynamics that permeate the aggressor-victim relationship, while the woman's account is often discredited not by factual inconsistency, but by deep-rooted prejudices about female behavior, which compromises access to justice and perpetuates impunity. Therefore, it is essential that the evidential evaluation of the victim's word be guided by the principles of human dignity and full protection, so that testimonial evidence is not analyzed in isolation, but contextualized in its social and psychological dimension.

At the same time that it is necessary to safeguard the vulnerability of the victim, it cannot be admitted that the prosecution does not need minimum corroborating evidence, under penalty of establishing a regime of presumption of guilt incompatible with the rule of law. It is important to remember that article 5, LVII, of the Federal Constitution ensures that "no one shall be considered guilty until a final and unappealable criminal conviction has been handed down", which imposes on the judge a rigorous argumentative burden in the grounds of conviction decisions based exclusively on the report of the offended party (Brasil, 1988; Oliveira, 2022).

Santos (2024) presents a jurisprudential analysis of the Court of Justice of Sergipe, for example, in which there is a growing tendency to attribute relevant evidential weight to the victim's word, as long as it is corroborated by minimal evidence of materiality or authorship, identifying that, in the most recent decisions, judges have recognized that, in crimes committed in the domestic environment, the absence of witnesses should not imply the disregard of the offended party's account, under penalty of making criminal prosecution unfeasible.

3 THE VICTIM'S WITHDRAWAL AND THE PROCEDURAL REFLEXES: BETWEEN THE RIGHT TO SILENCE AND IMPUNITY

Having already addressed relevant issues about the probative value of the word of the victim of violence against women, it is crucial to take a more delimited look, especially about the possibility of the victim's withdrawal and the procedural reflexes from the exercise of the right to silence, in spite of the fact that, after changes made by Law No. 14,321/2022 which, although it deals with the typification of the crime of institutional violence, ends up leading,

depending on the attitude of the complainant, to adverse results to justice, despite when there is a withdrawal from reporting what happened, which can serve as a defensive apparatus for the alleged aggressor.

First, as some of the psychological, social, economic, and institutional factors that lead women who are victims of domestic violence to give up the complaint or to exercise the right to silence, according to Santos (2024), it is the manifestation of the persistent patriarchal structure that, even in the face of normative advances such as Law No. 11,340/2006, keeps them in a position of vulnerability and dependence. The silence and withdrawal of the victim represent not only autonomous choices, but also conditioned responses to a context of fear, shame, and structural dependence, and such factors are intertwined in order to limit female protagonism and the effectiveness of public policies, reproducing a cycle of oppression that perpetuates domestic violence.

The correlation between the advent of Law No. 14,321/2022, which typified institutional violence, and the progressive increase in acquittals in cases of domestic and family violence against women finds empirical support in the data provided by the Court of Justice of Maranhão, which reveal a significant statistical inflection from 2022 onwards. As shown below, the percentage of acquittals, which represented 7.13% of the total number of judgments in 2020, climbed to 15.26% in 2021 and reached 33.97% in the first full year of the new normative framework, reaching a peak of 44.63% in 2023.

Table 1

Percentage of acquittals and convictions in domestic violence cases (TJMA 2020-2025)

Years	Acquittal	Conviction	Grand Total
2020	7,13%	92,87%	100%
2021	15,26%	84,74%	100%
2022	33,97%	66,03%	100%
2023	44,63%	55,37%	100%
2024	37,38%	62,62%	100%
2025	20,69%	79,31%	100%
Grand Total:	25,49%	74,51%	100%

Source: Authors.

Although the subsequent years show a reduction (37.38% in 2024 and 20.69% in 2025), possibly indicating the development of compensatory judicial practices, the grand total of 25.49% of acquittals in the period denotes that the system has not yet recovered the level of previous rates, which reveals a significant inflection in local jurisprudence, suggesting a correlation between the affirmation of the right to silence and the increase in acquittals due to insufficient evidence.

This scenario highlights the central paradox denounced by Deiab Júnior and Carvalho (2024), a norm created to protect women from institutional violence ended up offering the defensive system a new way of instrumentalizing female silence, emptying the evidentiary body and favoring acquittals due to insufficient evidence. The victim's silence cannot and should not be legally sanctioned, but its effects on criminal prosecution are devastatingly concrete.

From a psychological point of view, according to Fontes, Pizzani and Andrade (2024), fear is the primary and most visceral element of giving up, given that this fear is not restricted to the possibility of new aggressions, but extends to the loss of family ties, social stigmatization and distrust of state protection, manifesting itself as an internalized defense mechanism, structured by the asymmetry of power between victim and aggressor, which makes the process of reporting and continuing criminal prosecution an unbearable emotional burden. On the other hand, Macarini and Miranda 2018), this dynamic is aggravated by feelings of guilt and shame, often imposed on women by patriarchal culture, which attributes to them the responsibility for family breakdown and the public exposure of violence.

In the same sense, Santos (2024) highlights that silence and giving up are intrinsically linked to emotional dependence, a psychological phenomenon that feeds on abusive dynamics and a distorted affective bond, since the victim often associates the aggressor with the figure of provider and companion, believing in the possibility of reconciliation and behavior change. This hope, which is renewed after cycles of aggression and regret, is one of the most perverse expressions of psychological violence, as it perpetuates submission and neutralizes the capacity for resistance.

In addition to fear and emotional dependence, social factors play a decisive role in the perpetuation of giving up. Moral judgment and blaming the victim continue to be recurrent practices in communities, institutions, and even in the justice system, and the woman who breaks the silence faces not only the aggressor, but an entire symbolic network of social coercion that delegitimizes her pain and puts her credibility in check (Santos, 2024; Souza et al., 2025).

No less important to report, the institutional dimension of desistance, in turn, exposes the weaknesses of the justice system itself, since, as Santos (2024) and Souza et al. (2025) also point out, bureaucratic practices and procedural slowness intensify the woman's sense of powerlessness in the face of state inefficiency, where the victim is often subjected to long interrogations, reliving the trauma in successive hearings, without proper psychological support, as a type of institutional revictimization that generates discredit in formal instances of protection and leads to desistance as a strategy of emotional self-preservation.

It is essential to recognize that the victim's withdrawal does not represent individual weakness, but a symptom of collective failures, from the perspective that female silence is socially induced by a culture that still naturalizes violence and delegitimizes women's pain. In this context, the challenge is not limited to the application of criminal sanctions, but to the reconstruction of the social imaginary about gender, power and justice, which requires state action that goes beyond punishment, reaching welcoming, empowerment and social re-education.

The enactment of Law No. 14,321/2022, which inserted article 15-A into the Abuse of Authority Law (Law No. 13,869/2019), represented an advance in terms of the protection of the rights of victims and witnesses of violent crimes, especially women victims of domestic violence, typifying the crime of institutional violence, defined as the conduct of subjecting the victim to unnecessary, repetitive, or invasive procedures that lead her to relive the situation of violence or unnecessary suffering, arising in response to the growing awareness of the revictimization produced by the justice system itself, a phenomenon widely denounced by feminist movements and human rights organizations (Brasil, 2022; Deiab Júnior; Carvalho, 2024).

From the perspective of criminal policy, Deiab Junior and Carvalho (2024) point out that institutional violence is a manifestation of an androcentric penal system, which still reproduces patriarchal logics in the management of justice. The revictimization of women, especially in cases of sexual or domestic crimes, reflects a pattern of discredit and blame, in which female testimony is constantly questioned, and its morality submitted to public scrutiny, as the legal discourse becomes an instrument of power, legitimizing a form of symbolic state violence, whose effect is twofold: the retraction of complaints and the perpetuation of impunity.

On the other hand, Sanches and Batista (2024) highlight that the effectiveness of Law No. 14,321/2022 depends on a profound cultural and institutional change, especially in the training of legal operators, from the view that article 15-A of Law No. 13,869/2019 is not limited to punishing public agents who practice acts of revictimization, but also intends to prevent the naturalization of these conducts through the incorporation of restorative and humanized practices of care for victims. The authors continue to contribute to the present debate by the conception that the figure of the Judge of Guarantees, introduced by Law No. 13,964/2019, emerges, in this context, as a mechanism to contain institutional violence, by ensuring independent and impartial control over investigative and procedural acts, avoiding excesses and abuses resulting from early judgments.

Law No. 14,321/2022 should be understood as a legal and ethical response to a structural problem of the Brazilian justice system, which would be the reproduction of violence through the very institutions responsible for combating it. As summarized by Deiab Junior and Carvalho (2024), the contemporary challenge lies in transforming punitive legislation into an instrument to guarantee rights, overcoming the logic of Emergency Criminal Law and replacing it with empathetic, inclusive, and restorative justice, so that the alleged aggressors, in the figure of defendants, do not use the exercise of the victim's right to silence as a clear and disrespectful strategy to acquire the *in dubio pro reo*, which would benefit him.

In a judgment of Criminal Writ of Mandamus No. 0000280-06.2022.8.08.0000, by the Court of Justice of Espírito Santo, in a situation in which the Public Prosecutor's Office had questions rejected by the titular magistrate of the 6th Criminal Court of Serra, based on the right to silence, in Statement No. 50 of FONAVID and in Law No. 14,245/2021, it was found that the victim of violence against women, based on the attainment of her dignity in the face of possible revictimization and discomfort in reliving what happened, thus, the ministerial claim of alleged judicial illegality inquired was not accepted, as can be seen in the following summary:

> JUDGMENT WRIT OF MANDAMUS NO. 0000280-06.2022.8.08 .0000 PETITIONER: STATE PUBLIC PROSECUTOR'S OFFICE COOPERATING AUTHORITY: JUDGE OF THE 6TH CRIMINAL COURT OF SERRA RAPPORTEUR: JUDGE MARIANNE JÚDICE DE MATTOS SUMMARY: WRIT OF MANDAMUS JUDICIAL ACT GRANTING RIGHT TO SILENCE - VICTIM CRIME DOMESTIC VIOLENCE - MARIA DA PENHA LAW - ARTICLE 474- A OF THE CPP STATEMENT 50 FONAVID - DIGNITY OF THE VICTIM - SECURITY DENIED 1. The doctrine requires the cumulative demonstration of three requirements, namely: i) the absence of a suitable appeal instrument; ii) the non-formation of res judicata and iii) the occurrence of manifest illegality or teratology in the decision attacked, capable, therefore, of being qualified as manifestly illegal or abusive of power. 2. The illustrious representative of the Public Prosecutor's Office filed the present writ against the act of the judge of the 6th Criminal Court of Serra who, in an instruction and trial hearing related to the records of Criminal Action No. 0014042-13 .2020.8.08.0048, rejected the questions posed by the Public Prosecutor's Office to the victim Lorena Moreira Pinheiro, granting her the right to remain silent during the hearing, based on Statement No. 50 of FONAVID and Law 14.245/2021 (Mariana Ferrer Law), on the grounds that the victim's hearing revictimized her, causing her suffering, as well as affecting her dignity. 3. Although the magistrate has the power to order the coercive conduct of the victim so that she appears at the hearing, he does not have the power to make her speak, when she expresses her intention to remain silent, especially because there is no legal sanction to do so. 4 . With the enactment of Law No. 14,650/2021, which punishes acts against the dignity of victims and witnesses, article 474-A was added to the Code of Criminal Procedure, which expressly provides for the need for the parties, during the hearing, to respect the dignity of the victim, and it is up to the judge to ensure the observance of such right. 5. I do not see the demonstration of manifest illegality in the judicial act now questioned, especially because the Magistrate did not act by encouraging the victim's

silence, but only, in view of the concrete situation, and sensitive to the embarrassment expressed, questioned her if the questioning bothered her or offended her dignity, to which after obtaining a positive manifestation from the offended party, he guaranteed her the right to silence. 6. Security denied. HAVING SEEN, reported and discussed these records, the Justices who are part of the First Criminal Chamber of the Distinguished Court of Justice of the State of Espírito Santo, in accordance with the minutes and shorthand notes, UNANIMOUSLY, UNANIMOUSLY DENY THE SECURITY, under the terms of the vote cast by the Eminent Rapporteur. Vitória, ES, June 15, 2022 . RAPPORTEUR PRESIDENT
(TJ-ES - MS: 00002800620228080000, Rapporteur.: MARIANNE JUDICE DE MATTOS, Judgment Date: 06/15/2022, FIRST CRIMINAL CHAMBER, Publication Date: 06/24/2022).

The Court's position in question reveals concern for the victim, especially in the psychological sense, with clear grounds for the decision, taking into account the need for specific questions also for MS, which did not occur, highlighting the lack of sanction for the victim when she decides and reaffirms her will to remain silent.

However, such exercise of right or even the lack of production of cohesive and truthful evidence must also be observed from the perspective that it opens the way for a possible acquittal of the alleged aggressor, as already mentioned, due to the character of *in dubio pro reo*, existing in our Democratic State of Law, as seen in the following case, judged by the TJ-DF, in 2022:

CRIMINAL APPEAL. FACTS. THREAT. PRIVATE ARPRISONMENT. SEXUAL HARASSMENT. CONTEXT OF DOMESTIC VIOLENCE. EVIDENTIARY INSUFFICIENCY. ACQUITTAL BASED ON THE PRINCIPLE IN DUBIO PRO REO. APPEAL BY THE PUBLIC PROSECUTOR. ACQUITTAL UPHELD. 1. It is clear that in crimes committed in situations of domestic violence against women, the victim's word has special importance, especially when corroborated by other elements that make up the body of evidence. However, in the case of the record, the testimonies were not cohesive and harmonious. In the presence of doubt, acquittal is an enforceable measure. 2. APPEAL KNOWN AND DISMISSED. ACQUITTAL SENTENCE UPHELD.

(TJ-DF 07010252220208070006 - Secrecy of Justice 0701025-22.2020.8 .07.0006, Rapporteur.: HUMBERTO ULHÔA, Judgment Date: 02/10/2022, 1st Criminal Panel, Publication Date: Published in DJE: 02/21/2022. Page: No Registered Page).

It is observed that the absence of testimony, above all, cohesive and harmonious, in the context of violence against women, even if the victim's word has deep importance and presumption of veracity, can lead to the acquittal of the defendant in the face of doubts about the facts narrated, which clarifies the indispensability of greater mechanisms and protocols of care and other support for the victims, aiming that there is no type of gap at the time of the production of evidence.

Another clear case in which the right to silence exercised by the woman in testimony, where the defendant benefited from acquittal in the face of "lack of evidence" is the following:

> CRIMINAL APPEAL. BODILY INJURY. DOMESTIC VIOLENCE. CRIMINAL PROCEDURE. MINISTERIAL RESIGNATION. ACTION OF AN UNCONDITIONAL PUBLIC NATURE. VICTIM EXEMPTED FROM THE OBLIGATION TO TESTIFY. NULLITY. NON-OCCURRENCE. EXCEPTION TO THE OBLIGATION OF THE OFFENDED PARTY'S TESTIMONY. DISCRETION OF THE JUDGE. OFFENSE TO THE ADVERSARIAL PROCEDURE. NON-OCCURRENCE. ABSENCE OF THE PUBLIC PROSECUTOR'S OFFICE AT THE HEARING OF INSTRUCTION AND TRIAL. NULLITY. In the crime of bodily injury committed in the context of domestic violence, the victim's desire not to incriminate the accused and to withdraw from the action is irrelevant for the purposes of determining the criminal responsibility of the aggressor, in view of the unconditional public nature of the action. Precedent No. 542/STJ. Judgment of ADI 4424 by the Federal Supreme Court. In crimes that occur in the domestic environment, without the presence of witnesses, the victim's word is of fundamental importance for the investigation of the facts. In these circumstances, the obligation to testify, even against the will of the offended party, appears to be an important instrument for the judge. The solution cannot be so simplistic, forcing each and every victim of domestic violence to testify, against their will, without observing the risks of secondary victimization. The circumstances of the specific case must be considered,... given the controversy about the victim's autonomy in not wanting to testify. The judge must be aware of the fact that the refusal to testify, in some cases, is motivated by the interest in preserving relationships that have already been pacified, however, in others, by exposure to violence, threats or any type of internal suffering of the deponent. Article 201 of the Code of Criminal Procedure provides that the offended party will be asked about the circumstances of the offense whenever possible. And paragraph 1 of the same article provides that the judge may determine the coercive conduct of the offended party when he, summoned, fails to appear without just cause. The obligation of the victim's testimony is not absolute, with exceptions to be verified in the specific case. If there is a justified reason, the victim may be exempted from the obligation to testify. The decision will be up to the magistrate who conducts the criminal action within the scope of his discretionary action. The option for the testimony of the offended party, which must be evaluated on a case-by-case basis, cannot be confused with the right to refuse to testify, which, by law, is guaranteed only to the witness who is the spouse, ascendant, descendant or brother of the defendant, under the terms of article 206 of the Code of Criminal Procedure. It can be inferred from article 201 and its paragraph 1 of the CPC that the judge may dispense with the hearing... of the offended party, for a justified reason, such as in cases in which secondary victimization is sought to be avoided. It is worth noting that the lack of testimony by the offended party does not prevent the conviction supported by other evidence. In domestic violence, in the face of a change in the victim's version in court, or the refusal to testify, the use of the statements that the offended party made spontaneously in the police phase shortly after suffering the aggression must be admitted, together with the other evidence produced in the judicial phase. In the case of the record, the victim refused to answer any type of question, expressing the desire to withdraw from the process, due to the fact that she has a friendly relationship with the defendant, because they have children in common. The sentencing court understood that the victim's autonomy not to testify against the defendant should be respected, given her interest in preserving the family relationship that had already been pacified. The court of origin, which presided over the instruction, was close to the subjects of the case, and the

> decision to dispense with the victim's testimony should be honored. There is no news in the records of a history of domestic violence, nor subsequent occurrences, or any indication of taint in the will of the offended party not to testify. In view of the circumstances of the case, in respect to the autonomy of the ... offended party, who expressed the desire not to testify against the defendant, the victim's exemption from the obligation to testify does not constitute illegality. Although duly summoned for the hearing of instruction and trial, the ministerial representative did not attend the ceremony. Thus, there is no affront to the principle of adversarial proceedings if the body of the Public Prosecutor's Office, regularly summoned for the act, failed to appear at its discretion. Hence, there is no talk of nullity, given that the absence of a statement by the Public Prosecutor's Office was due to its own cause. Under the terms of article 565 of the CPP, none of the parties may argue nullity to which they have given cause, or to which they have concurred. If there is no offense to the adversarial procedure, there is no talk of nullity. Acquittal sentence upheld, on other grounds. MINISTERIAL APPEAL DISMISSED. (Criminal Appeal No. 70079977492, Third Criminal Chamber, Court of Justice of RS, Rapporteur: Rinez da Trindade, Judged on 05/23/2019).
> (TJ-RS - ACR: 70079977492 RS, Rapporteur: Rinez da Trindade, Judgment Date: 05/23/2019, Third Criminal Chamber, Publication Date: Diário da Justiça on 06/13/2019)

The respective judgment is dated 2019, prior to Law No. 14,321/2022, however, it still fits the intended analysis, since it evidences a situation of benefit to the defendant when the victim chooses to remain silent, even more so in the specific case, in which she alleged, upon examination of the record, that she still had a friendly relationship with the accused, in addition to children in common and there was no desire to continue with the action, even if unconditional. As a result, based on article 386, item VII, of the CP/1940, there was a judgment dismissing the complaint for lack of evidence, in order to acquit him, due to the fact that the victim was silent about the occurrence of the fact.

This issue needs to be investigated in more depth, as well as multiple scientific biases and, at the same time, connected, such as structural, institutional, psychological, economic, family and social elements, since many women choose, in a way, not to assist in criminal prosecution, which can contribute, albeit indirectly, to the perpetuation of domestic violence.

It is essential to highlight that the right to silence extracted from the interpretation of the prohibition on revictimization is exercised in the context of a continuous and systematic cycle of violence against women, having patriarchal, historical, social, cultural and economic roots, causing fear of testifying due to the possible consequences to the victim's life after the defendant's eventual conviction. It should also be noted that the eventual emotional or financial dependence may make it difficult to consolidate the encouragement to ratify the testimony collected in the police phase. The victim may end up choosing to act in such a way as to provide the acquittal of the accused, using a right that should protect her from the so-called revictimization.

3.1 PROTOCOL FOR ASSISTANCE AND STRENGTHENING OF VICTIM PARTICIPATION AS A COPING TOOL

In view of the theoretical and legal points raised in the course of this Article, the objective is to propose certain actions aimed at mitigating the use of the right to silence of women who are victims of domestic violence, especially in favor of the defendant for possible acquittal. To this end, interdisciplinary elements will be considered, that is, those that originate from different intentions, knowledge and areas, in Protocol to be shown in Table 2, onwards:

Table 2

Protocol for assistance and strengthening of the victim's participation

Step	Central Objective	Proposed Interinstitutional Actions
1. Immediate Psychosocial Screening and Reception	Ensure humanized initial listening and risk assessment.	Initial care by a multiprofessional team (psychologist, social worker and lawyer); Active listening, without re-victimization; Confidential registration and immediate referral to the necessary services;
2. Integrated Interdisciplinary Care	Articulate legal, psychological and social services.	Intersectoral meeting between agencies (Brazilian Women's House, Public Prosecutor's Office, OAB, CRASVI Defender's Office); Joint and continuous referral of the victim; Sharing of information between agencies, preserving confidentiality;
3. Prevention of Institutional Revictimization	Avoid procedural practices that reproduce suffering and stigmatization.	Audiovisual recording of the testimonies to avoid repetitions; Welcoming environment for interrogation, without contact with the aggressor; Unique interviews, with trained professionals;
4. Legal Support and Procedural Monitoring	Strengthen the victim's role in the judicial process.	Legal follow-up by the Victim Support Center within the scope of the Public Prosecutor's Office or by a lawyer accredited by the Women's House, Women's Secretariat or similar body that has lawyers or attorneys on its staff;
5. Ongoing Psychological and Therapeutic Support	Promote emotional rebalancing and prevent relapses in the cycle of violence.	Continuous and individualized psychological care. Therapeutic groups and resilience workshops; Pre-reporting psychosocial follow-up;
6. Economic and Social Empowerment	Break ties of economic and affective dependence.	Referral to income generation and professional training programs; Inclusion in housing policies and assistance programs; Support for educational reintegration;

7. Permanent Training of Public Agents	To train professionals sensitive to the gender perspective and human rights.	Periodic courses and workshops on gender, trauma and humanized listening; Insertion of public ethics and institutional violence content in legal training;
8. Protocol Monitoring and Evaluation	Ensure effectiveness and continuous improvement of service.	Performance indicators and periodic execution reports; Inter-institutional auditing and social control by rights councils; Annual evaluation with review of targets.

Source: Prepared by the authors, based on Andrade (2024), Borin (2023), Fontes, Pizzani, Andrade (2024), Sanches, Batista (2024), Jordão (2025), Oliveira (2022).

The proposal for a Protocol for Assistance and Strengthening of Victim Participation (PAFPV) should, therefore, operate under the principle of comprehensiveness, articulating the legal, psychological, social and economic dimensions of care. The objective is to ensure that the State acts not only in punishing the aggressor, but in the reconstruction of dignity and female emancipation, based on the understanding that institutional fragmentation constitutes one of the greatest barriers to gender justice, and it is essential to create normative and operational mechanisms that prevent revictimization and promote the protagonism of women in all stages of the criminal process.

In its structure, the protocol should start with immediate psychosocial screening and welcoming, ensuring that the first approach is made by a trained multiprofessional team. This initial phase aims to break the victim's emotional isolation and create an environment of trust, which is essential for the production of a report free of coercion. As Deiab Junior and Carvalho (2023) argue, welcoming is the turning point in the coping process, as it is at this moment that the State is present in a concrete way, breaking the cycle of institutional invisibility and offering the victim the first sign of recognition and legitimacy.

Subsequently, the protocol proposes the mandatory integration of legal, health and social assistance services, with articulated referrals and communications between the institutions involved. This integration is the practical expression of interdisciplinarity provided for in article 9 of the Maria da Penha Law, which imposes on the public power the duty to provide assistance on several fronts.

The suggested integration model aims to articulate psychologists, social workers, prosecutors, lawyers and public defenders to ensure the protection of the victim, as well as the coherence between protective measures, psychological monitoring and social reintegration policies. This inter-institutional convergence reduces the response time of the system and confers legitimacy to the criminal process, transforming it into an instrument of justice and reparation.

Another essential axis of the protocol is the prevention of institutional revictimization, in line with the provisions of article 15-A of Law No. 13,869/2019, introduced by Law No. 14,321/2022, which typified institutional violence as a crime. According to Sanches and Batista (2024), this typification is innovative, as it recognizes that the justice system itself can be an agent of violence when it imposes repetitive and invasive procedures on the victim.

The protocol, therefore, should establish guidelines for single interviews, in a welcoming environment and with accessible language, as well as for the use of audiovisual recordings that avoid unnecessary repetition of the testimony. Compliance with these guidelines reinforces the centrality of the victim in the process and the ethics of care, removing the instrumentalization of female pain as a means of evidence.

The continuous training of public agents is another fundamental pillar of the protocol, because, as Jordão (2025) points out, institutional violence is the result not only of abusive practices, but also of the lack of technical preparation and social sensitivity on the part of legal operators. Thus, permanent training should include content on gender, human rights, trauma psychology, and active listening techniques, being an indispensable qualification element for state action to stop reproducing patriarchal authoritarianism and start incorporating a humanistic and inclusive ethic.

Nevertheless, the protocol must provide for mechanisms for economic and social empowerment, recognizing that financial dependence is one of the main causes of giving up the complaint, even more so in view of the need for public policies that ensure temporary housing, professional qualification, and minimum income programs for women in situations of violence (Meira, 2022; Jordão, 2025).

These actions not only guarantee material protection, but also function as instruments for rebuilding autonomy and preventing relapses into abusive cycles. The inclusion of victims in education and training programs strengthens their role as subjects of rights, allowing them to redefine their identity outside the condition of vulnerability.

The effectiveness of coping policies depends on the institutionalization of democratic control and transparency mechanisms, capable of ensuring that the protection discourse translates into concrete results in women's lives. Thus, the protocol should not be a static document, but a dynamic instrument for managing and improving public policy to combat domestic violence (Rocha, 2021; Jordão, 2025).

Thus, the PAFPV is a proposal that synthesizes institutional learning and recent normative evolution, intending to reinforce the idea that the fight against domestic violence is only fully realized when women cease to be mere recipients of public policies to become agents of social transformation and reduction of the use of the right to silence as a way to

alleviate the situation and consequently benefit the defendant with acquittal, encouraging the victim to participate in the process and produce evidence. Such a paradigm shift requires a sensitive State, which recognizes in active listening, interdisciplinarity and the empowerment of the victim the bases for a truly emancipatory justice.

4 FINAL CONSIDERATIONS

Confronting domestic violence in Brazil reveals itself as a historical, legal and social process in constant reconstruction, which demands more than the simple positivization of rights, requiring the consolidation of an institutional culture capable of understanding the complexity of gender relations and the multiple factors that sustain the perpetuation of violence.

Although the country has made significant progress with the enactment of Law No. 11,340/2006, the creation of the Specialized Courts, and the typification of institutional violence by Law No. 14,321/2022, there are still deep structural, cultural, and operational gaps that compromise the effectiveness of these norms and the full scope of justice.

Data from the Maranhão Court of Justice reveal a critical paradox: after Law No. 14,321/2022 came into force, the rate of acquittals in cases of domestic violence jumped from 7.13% (in 2020) to a peak of 44.63% (in 2023). This reality demonstrates that the protective norm, by seeking to shield women against institutional violence and revictimization, ended up producing a deleterious side effect on criminal prosecution. The analysis shows that the justice system failed to develop parallel support mechanisms, allowing the right to silence conceived as an instrument of protection to become a vector of impunity due to lack of cohesive evidence.

The trajectory of public policies aimed at the protection of women shows that the Brazilian State has evolved from a welfare approach to a human rights perspective, centered on the dignity of the person and on substantial equality between genders. However, contemporary challenges go beyond the normative dimension: they are located in the field of effectiveness, requiring inter-institutional articulation, the continuous training of public agents and the integration between the justice, health, security and social assistance systems.

In this context, the protocol for strengthening victim participation, presented in this study, represents an essential step in this direction, as it translates the State's commitment to active listening, humanization, and the prevention of revictimization.

The recognition of the evidential value of the victim's word is also presented as a structuring element of the coping policy. However, its effectiveness depends on overcoming androcentric paradigms and historical stigmas that delegitimize the female voice in judicial

spaces. The search for a balance between the protection of the victim and the guarantees of the defendant is one of the most sensitive dilemmas of contemporary criminal procedure, requiring from magistrates and other legal operators a prudent, ethical and empathetic posture, since jurisprudence demonstrates that the right to silence, although legitimate, cannot become an instrument of impunity, but must be interpreted within a logic of protection and not of exclusion of women from the process.

Fear, shame, and disbelief in institutions form a cycle of silencing that needs to be broken through consistent public policies that combine protection, autonomy, and empowerment. In this context, institutional violence, typified in 2022, emerges as a new frontier of state accountability, revealing that the justice system itself must be the object of surveillance and ethical improvement, under penalty of reproducing the violence it intends to combat.

The combination of psychological, social and legal aspects that permeate domestic violence reinforces the need for a model of restorative justice, which sees the victim as a subject of rights and not as a mere evidentiary object. The construction of local and national service networks, the integration between gender and public security policies are essential ways to achieve the rights already recognized in the legislation. Women's empowerment, in turn, should be understood as an essential dimension of prevention, as economic and emotional autonomy is the most effective antidote to the recurrence of violence.

The effectiveness of confronting domestic violence is not achieved only by penal rigidity, but by the combination of educational, preventive and social measures, which allow women to rebuild their trajectory with safety, dignity and freedom. The State must act proactively, promoting justice that is simultaneously punitive and reparative, legal and humanistic, formal and transformative. It is in this convergence between law, psychology and public policy that lies the possibility of breaking with the paradigm of invisibility and establishing a culture of substantive equality.

Combating this problem requires systemic, interdisciplinary, and intersectoral action, in which the Judiciary, the Executive, and civil society act in an articulated manner. The strengthening of victim participation, the prevention of revictimization, and the creation of effective welcoming protocols are the foundations of a new model of gender justice, a model that recognizes women not as spectators of the process, but as protagonists of social transformation.

It should be noted that, although the present study has contributed to the understanding of the legal and institutional dimensions of combating domestic violence, there is still a vast field for future research. Empirical and interdisciplinary investigations are

essential to assess the concrete application of care protocols, the impact of Law No. 14,321/2022 on judicial practices, and the relationship between the right to silence and the production of evidence in cases of domestic violence, because only with scientific deepening and continuous dialogue between theory and practice will it be possible to consolidate a truly protective, emancipatory, and equitable justice for all women.

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