

Soares - The Valley of Forsaken Youths, 1



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The valley of forsaken youths:

*vulnerability, human rights and overreaction in Brazil's anti-violence
policy*

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0. Abstract

The paper attempts to answer a simple question: how could the adoption of a human rights perspective have led the Brazilian State to refuse to collect data about violence committed against a population that accounted for 79.9% of the country's Deaths by Interpersonal Violence (DIVs), but only 28.7% of its inhabitants? More specifically, it addresses how a series of disjointed, incremental overreactions to the vulnerabilities – some verifiable, some perceived – of specific populations led the Brazilian Unified Healthcare System (SUS) to exclude non-domestic interpersonal-violence committed against non-elderly male adults (NEMAs) from the Surveillance System for Violence and Accidents of the country's Information System for Notifiable Hazards (Viva/Sinan), an integrated national database compiling mandatory reports by local healthcare providers.

This exclusion of NEMAs from the list of populations for which notification of non-lethal, non-domestic violence is mandatory has resulted in gross underreporting of aggressions against these males, with the omission of at least 20,752 cases per year. In this manner, the Brazilian State deliberately refused to collect data about the environmental, temporal and social contexts of violence practiced against NEMAs, such as where and when the assaults occurred, instruments used, injuries caused and relations between victim and assailant.

Brazil does have a unified national database tallying causes of death, including homicide, the Mortality Information System (SIM). Based on obituaries, however, this register is only capable of collecting data regarding victim demographics and causes of death, and includes no variables addressing the contexts of aggression – for which Viva/Sinan would be the closest proxy. The

result is a dangerous policy blind spot that diminishes Brazil's capacity to elaborate effective policies and contributes to the country's having the world's ninth highest DIV Rate. The blind spot is particularly grave as it compromises the collection of data regarding assaults against the social segment most vulnerable to violence in Brazil: black and indigenous youths between 18 and 39 years of age, who face DIV Rate of 153.2 cases per 100.000 – against 15.9 for the remainder of the population. It also compromises data regarding violence against specific vulnerable male subpopulations – such as men with disabilities.

In an attempt to explain the administrative decisions that compromised data collection regarding assaults against these populations, the paper will suggest that the extrapolation of gender-specific vulnerabilities in the domestic sphere ultimately led policymakers to ignore the risk of assault against males in public spaces. For its part, this suggestion will lead to an analysis of the very concept of vulnerability, understood as a condition or process resulting from physical, social, economic and environmental factors, which determine the likelihood and scale of damage from the impact of a given hazard (UNDP 2004).

Reaffirming the inherently relational, unessential aspect of all vulnerability, the paper will reinforce the importance of understanding the concept not as an a priori attribute of any given subject or population, but as a function of the empirically verified risk to which such subjects and populations are exposed in specific social contexts. In conclusion, it will argue that approaches that fail to perceive this probabilistic nature of vulnerability, dissociating it from risk, may ultimately promote overreactions and incorporate cognitive biases that – ironically – violate human rights principles, such as their universality, inalienability and interdependence.

1.1 Introduction

A major public health problem, interpersonal violence¹ is the leading cause of death for youths between 15 and 44 years of age (DAHLBERG & KRUG, 2006). According to the World Health Organization, 468,000 human beings were murdered in 2015, about 53 per hour (2017, 30).

That same year, Brazil registered the planet's ninth largest Homicide Rate, accounting for 12.5% of murders in the planet (ibid., 82). Between 61,283 and 62,517 Brazilians lost their lives to interpersonal violence in 2016, depending on the data source and concept used². Considering a population of 205.5 million, these figures render a homicide rate of between 29.8 and 30.4 per 100,000 inhabitants – over four times the global rate of 6.4 (WHO, 2017, 101). In 2016, one Brazilian was deliberately killed every 8 minutes 24 seconds.

Daunting as they are, even these numbers may be underestimated. Besides 62,517 deaths by aggression and legal intervention, Brazil's Mortality Information System (SIM/DataSuS), a public registry maintained within the Unified Health System with data from the country's 27 states and Federal District, also registered 10,274 deaths by *events of undetermined intent*. While the context of these deaths can't be recovered individually, an inferential model by CERQUEIRA (2013, 32) estimated that 73.9% were deliberate. This proportion would suggest an additional

¹ This study considers as resulting from interpersonal violence both deaths by assault, registered by coroner's offices as X85 to Y09 in the ICD-10, and deaths by legal intervention, registered as PJ40 to PJ4Z. This is done according to the methodology proposed by CERQUEIRA *et alli* (2017).

² The number of homicides can be estimated from data compiled from police by the Brazilian Ministry of Justice or from data compiled from death certificates by the Data Science Department of Brazil's Unified Health System (SIM/DataSUS). Since it allows disaggregation on an individual level, this study uses the later data source.

7,592 *hidden homicides* in 2016, increasing official figures by 12.1% to 70,109 and generating a Death by Interpersonal Violence (henceforth, DIV) Rate of 34.1 per 100,000 inhabitants. Among 186 countries investigated by WHO (2017), this would make Brazil the eighth most deadly, after seven other Latin-American and Caribbean countries: Jamaica, Guatemala, Belize, Colombia, Venezuela, El Salvador and Honduras.

2.2. Human and Fiscal Costs

Besides imposing direct loss of victim's lives, interpersonal violence generates subjective damage through indirect victimization and the destabilization of family structures – as well as financial costs in the form of a diminished labor force and expenses incurred by the State in prevention, repression and punishment. While the subjective damage is not measurable, various attempts have been made in the last 20 years to calculate the social cost of homicides in Brazil. Normally, these studies compile expenses resulting from violence, including costs with healthcare, violence prevention and judicial services, as well as labor force loss.

In 1997, for example, the Inter-American Development Bank, estimated expenditures in healthcare made necessary by violence at 1.9% of Brazil's Gross Internal Product (DAHLBERG & KRUG, 2007, 1172). Ten years later, CARVALHO *et alii* estimated the total cost to Brazil of deaths registered according to the Tenth International Classification of Diseases (ICD) as being due to external

causes at \$ 10 billion, being that homicides alone cost \$ 4.5 billion in revenue and imposed a loss of 2.15 million life-years.

In addition, there are the expenses incurred by the State to prevent violence. According to the 2017 edition of the Anuário Brasileiro de Segurança Pública, a yearly compilation of data on public safety in Brazil, states, municipalities and the Federal Government invested in 2016 R\$ 81,2 billion in prevented violence, a sum equivalent to 1.29% of the country's GIP for that year, which was of R\$ 6,266 trillion. These expenses have significant fiscal consequences, as they encroach directly upon government budgets.

Taking a different approach, CAPIROLO, JAITMAN & MELLO (2017, pg. 36), estimated the total income not generated as a result of life-years lost, controlling for victim's age and gender, to establish the total labor cost of homicides at 0.24% of Brazil's 2014 GIP. To this sum, the authors added social costs and expenses with public safety and incarceration to estimate the net cost of violence at 3.14 % of the GIP.

2.3. Violence, Vulnerability and Risk

As in all fields, the effectiveness of State attempts to prevent lethal violence requires the comparison rates incurred by different social segments in order to facilitate the allocation of resources where there is most risk, promoting equality, rationalizing policy and permitting focalization on those most likely to suffer violence (Parkhurst 2017). It requires, in short, a comparative risk analysis capable of allowing the State to disaggregate the various patterns of lethal

violence in order to allocate resources – whether financial, legal or managerial – in the protection of segments with a higher prevalence of lethal violence.

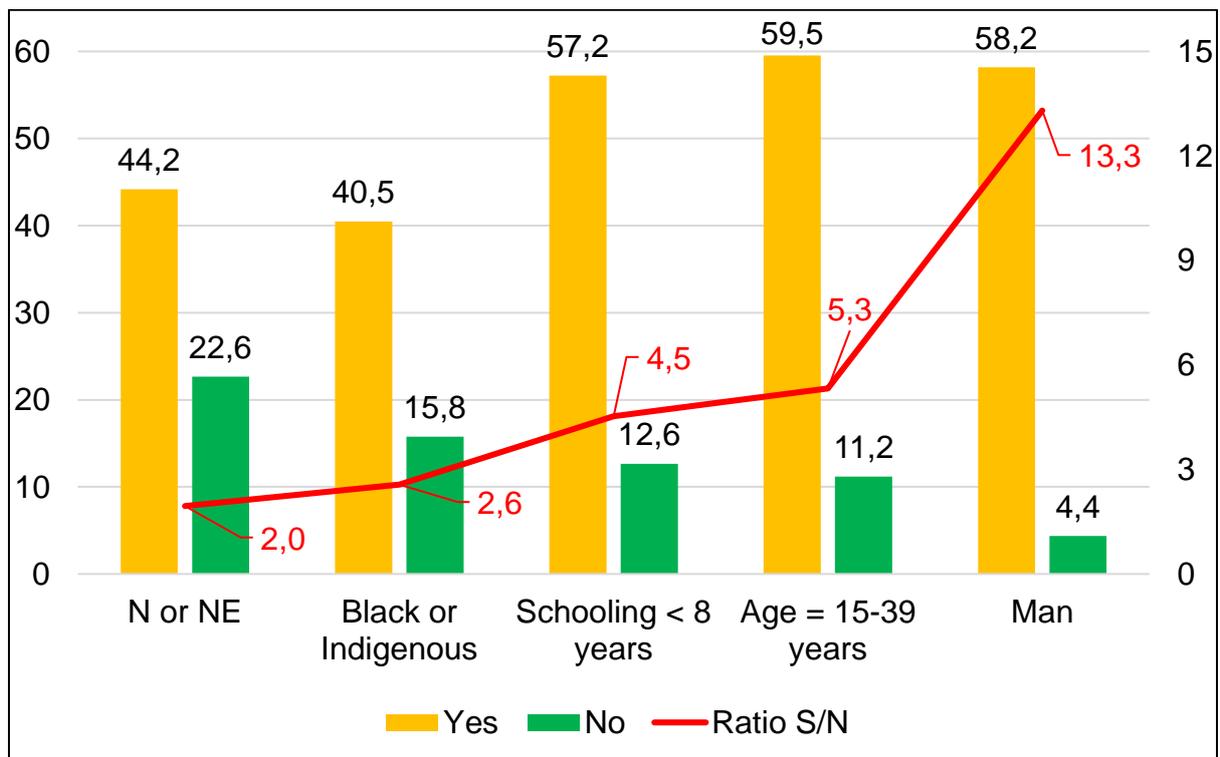
In this endeavor, the concept of vulnerability plays a vital role. Originating in the field of disaster prevention and derived from the Latin *vulnus* (literally, “wound”), the term can be understood as designating “a condition or process resulting from physical, social, economic and environmental factors, which determine the likelihood and scale of damage from the impact of a given hazard” (UNDP 2004, 11). Vulnerability would, therefore, involve at least three distinct factors: the risk of suffering an undesirable event, the capacity to avoid this event when at risk and the capacity of recovering from the event if exposed to it.

Being DIV an irrecoverable event, vulnerability would in this case designate the risk a given individual or group faces of having violated a fundamental right which the State must protect (in this case, the right to life itself) as well as their capacity to avoid this event when exposed to situations of risk. The identification of high-risk populations would, thereby, be fundamental not only from a policy perspective, to make State action more effective, but also from a human rights perspective, to reduce inequality.

Which segments are most at-risk to lethal interpersonal violence? According to the 2017 edition of the Atlas da Violência, the prevailing profile of fatal victims is “young, black men with low schooling, being that the slant of violence against the young and black increased even more” (CERQUEIRA *et alii*, 2017, 57), being that residents of Northern or Northeastern Brazil were also at greater risk. Elaborated from the data for 2016 from SIM/DataSuS, **Graph 1**, presents how five characteristics influence DIV Rates. Being male is most associated to victimization, as the rate of men and boys (58,2 per 100.000) is 13,3 times higher

than that of women and girls (4,4), being that DIVs accounted for 13.9% of male deaths in 2016, and 2.0% of female ones (CERQUEIRA 2018, 21).

Graph 1: DIV Rates per 100.000 according to five defining demographic characteristics, Brazil, 2016³



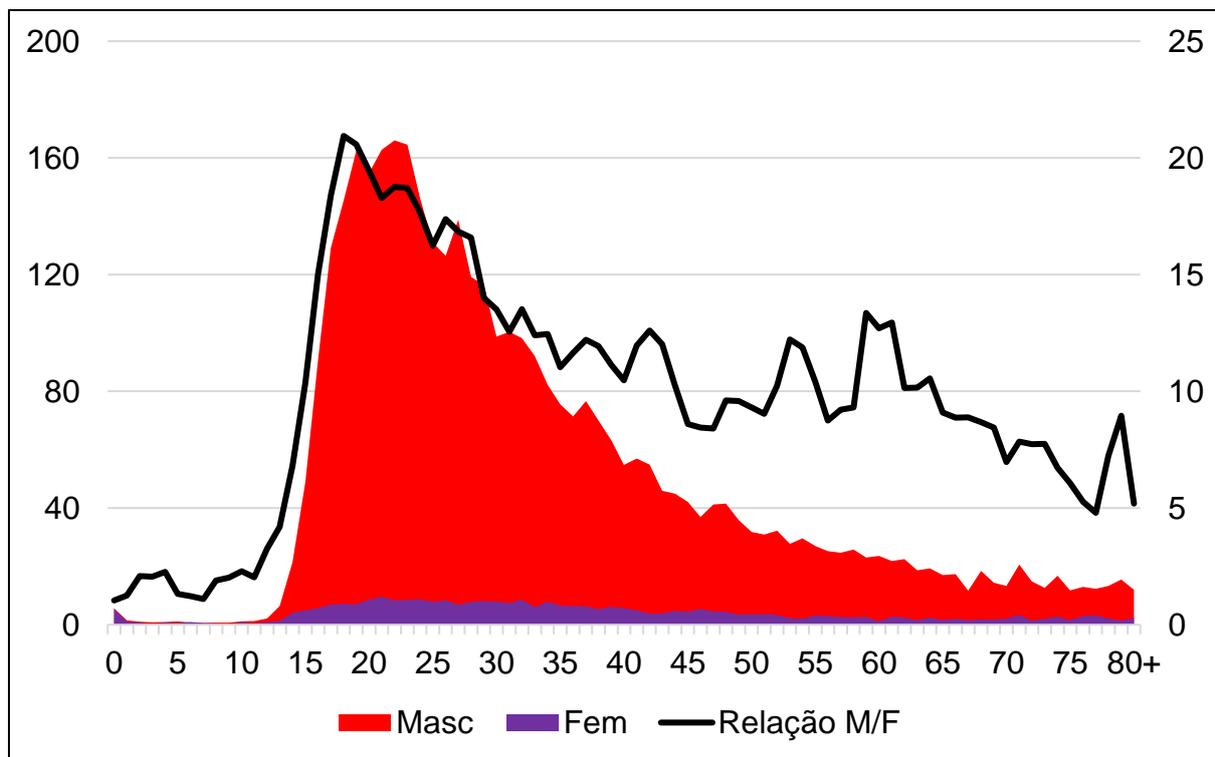
Source: SIM/DataSuS and PNAD Contínua. My elaboration.

As **Graph 1** demonstrates DIV rates are also particularly high among males (risk ratio of 13.3), young adults (5.3), those with less than 8 years of schooling

³ To reduce problems with endogeneity, the DIV Rate for people with under eight years of schooling was calculated only for the population 15 years and over. While number of deaths are taken from SIM/Datasus, population sizes are established from the Fifth Visit of the 2016 Continuous National Household Sample Survey (PNAD Contínua).

(4.5), black and indigenous people (2.6) and residents of the North and Northeast (2.0). While men are at greater risk throughout their lifecycles, risk ratios vary significantly by age. **Graph 2**, below, presents DIV rates per 100,000 in Brazil for 2016, with desegregations by age and sex. While the horizontal axis displays the age of victims, from 0 to 80 years and over, the vertical one displays the DIV Rate, represented by area graphs color-coded to red for males and lilac for females. The black line represents sex risk-ratios by age.

Graph 2: DIV Rates per 100,000 men and women, by age and with the risk ratio aligned to the right, Brazil, 2016



Source: SIM/DataSuS and PNAD Contínua. My elaboration.

As can be seen, men are at greater risk of dying by interpersonal violence throughout their lifecycles: even in their first year of life, boys are slightly more prone to DIV than girls. This risk ratio increases gradually until the age of 14, when it reaches 5.2, and soars with adolescence, peaking at 19, when youths tally a DIV Rate of 166.0 per 100,000 – 22.4 times that of young women. At 23, the ratio begins to retract, but the curve is asymptotic and men, even at 60, are ten times more prone to DIV.

In absolute terms, male DIV victims in Brazil are relatively young: 30.5 years, compared to an average female age of 34.0, being that the peak age is between 20 (absolute) and 22 (proportional) for men and 21 (both) for women. Masculinity combines with other markers of vulnerability exponentially. While 92.4% of DIVs in 2016 were of men, who account for 48.3% of the total population (a DIV Rate of 58.2 per 100,000), 68.0% were of black or indigenous men (27.1% of the population, at a Rate of 76.5), and 66.4% were of black or indigenous men between 15 and 39 years (11.2% of the population, a Rate of 180.6).

This elevated risk is not restricted to Brazil. As the international bibliography on the subject demonstrates, most DIV offenders and victims worldwide are males (Brookman 2005). While there are few international comparisons of the former, data compounded by the United Nations Office on Drugs and Crime in the Global Study on Homicide demonstrates that, of 197 nations surveyed, only in six (Iceland, Tonga, Japan, New Zealand, Republic of Korea and Latvia) were female homicide rates higher than male ones. Rates were equal in another six, while in 185 countries men were up to 18.1 times more likely to be murdered. Based on data collected for most nations between 2010 and 2012, the study found men to account for 78.7% of homicide victims worldwide (UNODC 2014, 134-139). This

represents a slight increase in relation to DAHLBERG & KRUG, who found men to account for 77% of homicides (2007, 1170). While this pattern recurs in all continents, Latin American registered the highest male Homicide Rate – 32.9 per 100,000, over twice that measured for any gender in any other continent.

2.4. Prevention and the State

But violence can be prevented, especially by strategies which, under a perspective of promoting public health and human rights, begin with “a description of the magnitude and impact of the problem” (DAHLBERG & KRUG 2007, 1170). Such a description, evidently, requires information capable of identifying at-risk populations and describing the social, physical and temporal contexts in which DIVs occur. With this information, it is possible to identify the different dynamics surrounding interpersonal violence and to elaborate a DIV typologies where specific scenarios allow for the adoption of focalized protection strategies.

The Brazilian State has, in fact, addressed some of the risk-factors mentioned above as vulnerabilities. In 2012, for example, it announced the *Plano Juventude Viva – Living Youth Plan*, a series of initiatives seeking to protect black youths from physical and symbolic violence by creating “opportunities for social inclusion and autonomy for youths between 15 and 29 years of age”. Concentrating efforts in 142 municipalities, mostly in Brazil’s North and Northeast, the plan had the objective of reducing homicide rates by 15% in a decade.

Brazil, however, has never implemented a specific policy to reduce DIV Rates among men: though it is known that men run greater risk of dying by

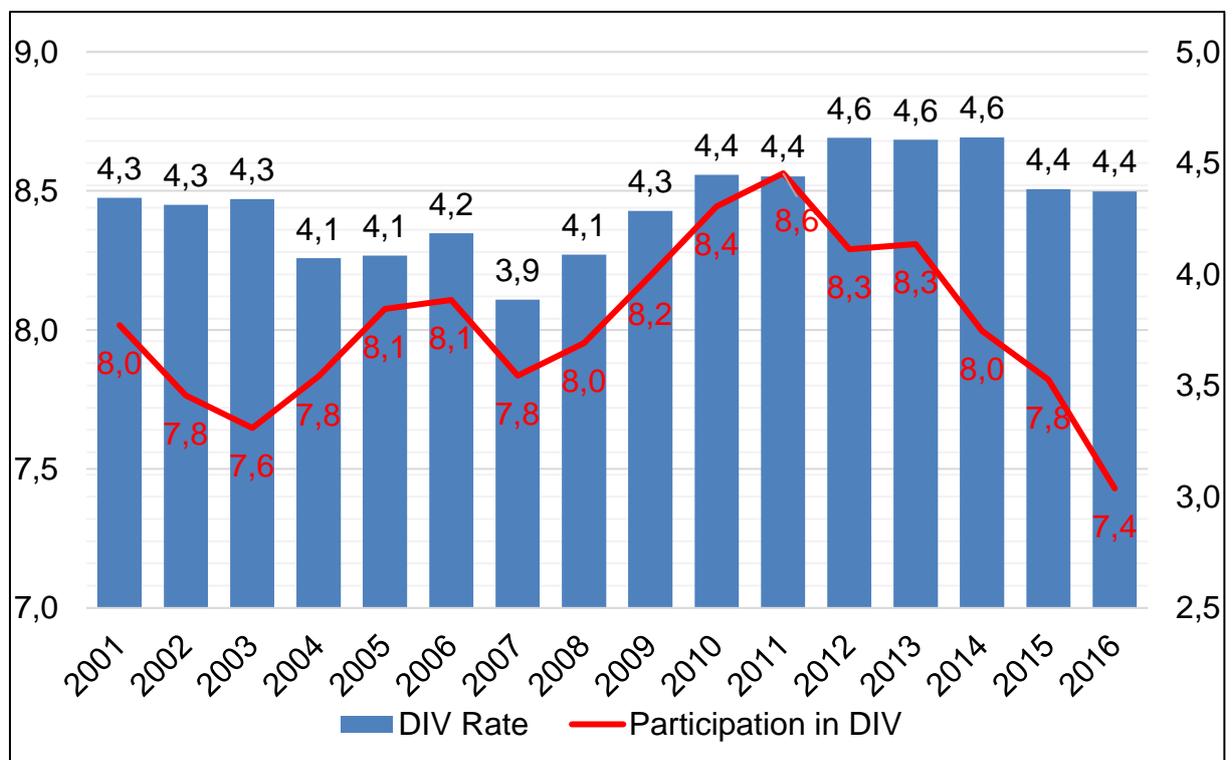
interpersonal violence, being male is not considered associated to vulnerability. Curiously, being female is, and the country passed in the last 15 years three specific and successful pieces of legislation targeted to avoid femicide. In 2003, Law 10,778 made the notification of all violence against women mandatory, allowing the consolidation of precious data sources regarding female victimization. Three years later, Law 11,340 – also known as the Maria da Penha Law – instituted mechanisms to protect women from domestic violence. Finally, in 2015, Law 13,104 tipified femicide as an aggravating circumstance for murder, considering femicides heinous crimes.

While violent deaths certainly result from a series of causes, which may not be the same for both sexes, these laws appear to have been successful. While presenting a general pattern of increase among males since 2008, DIV Rates have remained constant among women since 2012, retracting marginally between 2015 and 2016. It is, therefore, probable that these laws have curbed female vulnerability to domestic violence – which, while accounting for only a minority of total homicides, is marked by a preponderance of female victimization. Efforts to protect women in the specific scenarios in which they are most vulnerable appear to have been successful.

Comparing the participation of female victims in the total number of DIVs with the DIV Rates for females from 2001 to 2016, **Graph 3** demonstrates how the risk which girls and women run of losing their lives to interpersonal violence remained relatively stable from 2001 to 2016 – with positive and then negative fluctuations. The proportion of female DIV victims, however, receded significantly from 8.6% in 2011 to 7.4% in 2016: apparently, women and girls are being spared in Brazil's surge in DIVs – suggesting that scenario-driven policies which address

vulnerabilities recurring in specific social dynamics can offer targeted protection to high-risk groups. This suggestion, however, urges the question of whether specific typologies of male victimization would not be instrumental to reduce violence against – and often – between men?

Graph 3: Participation of Women in Total DIVs (scale to the left) and Female DIV Rates per 100,000 (scale to the right), Brazil, 2001 to 2016



Source: SIM/DataSuS and PNAD Contínua. My elaboration.

1.5. Data and Blindspots

Though 57,773 men died by interpersonal violence in 2016, being that men accounted for 92.6% of DIV victims, Brazil's governmental agenda has mostly ignored male victimization as a specific policy issue. This imperviousness reflects in unlikely fields, including the governance of data collection. One example is the Surveillance System for Violence and Accidents of Brazil's Information System for Notifiable Hazards (Viva/Sinan in its Portuguese acronym), an epidemiologic surveillance mechanism which made the reporting of violence mandatory in 2014, theoretically "universalizing notification for all Health Services" (Brazil, 2016, 18). In fact, according to the system's procedures manual, "notification is an institutional obligation, being that services, managers and professionals are responsible for realizing the compulsory notification as per existing legislation" (19). According to the manual, however, this universality has exceptions:

[Notification] is not applicable to extra-familial violence in which victims are male adults from (20 to 59 years, such as conflicts between gangs, fights in soccer stadiums and others (Brazil 2016, 28).

The instruction is repeated, by omission, in the notification form: "in the case of extrafamilial/community violence, only violence committed against children, adolescents, women, the elderly, people with disabilities, indigenous peoples and the LGBT population should be notified". In other words, the obligatory character of notification does not, hypothetically, exclude all non-elderly male adults. Yet, as will demonstrated below, the exclusion of the general population of men compromises data regarding these subpopulations.

In practice, the instruction implies that, for example, the non-lethal extrafamilial stabbing of a 20-year old is irrelevant to the Brazilian State if this victim does not belong to subpopulations identified as vulnerable, regardless of the damage generated by the event and of the acknowledged risk of young men to lethal violence. In a dangerous policy bias, a segment which accounts for 79.9% of homicides registered by SIM, but only 28.7% of the population, non-elderly male adults (henceforth, NEMAs) are the only public for which the notification of all assaults is not obligatory. Despite suffering a DIV rate 9.8 times higher than the rest of the population, these men are excluded from assault registries.

Paradoxically, the governance of data collection is marked by an institutional bias which impedes the reporting of assaults against the population most at risk to suffer DIVs. More than a curiosity, this data would be fundamental to understand the contexts and dynamics of DIVs and, thereby, develop adequate prevention strategies. In fact, despite numerous limitations in collection, Viva/Sinan is produced from interviews with victims, thereby containing contextual information which SIM, based on coroner's reports, is incapable of generating. Among other variables, this information includes:

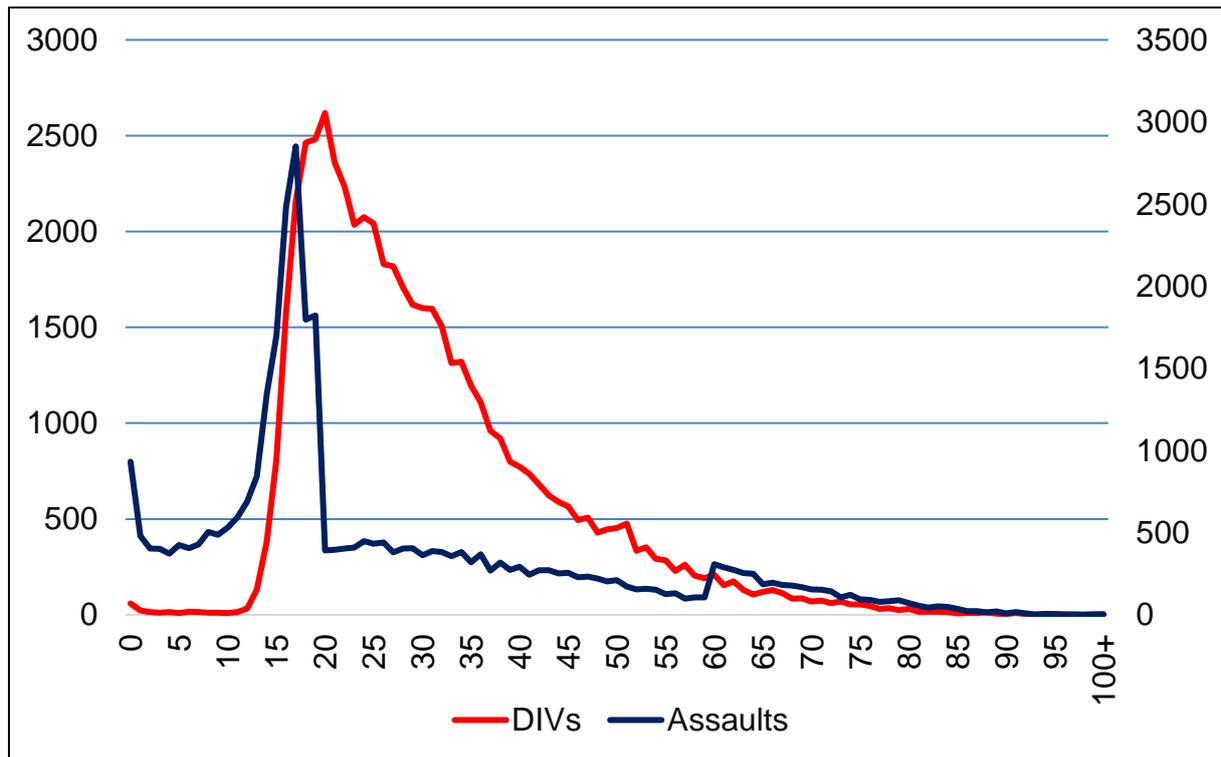
- Data on the place, day, exact time and type of location (urban/rural) where the assault took place;
- Data on the number, sex and approximate age of aggressors, as well as their relation with the victim, the involvement of alcohol and whether the violence was an isolated incident or part of a pattern of repetition;
- Data on the instrument of assault (physical force, use of a firearm, poisoning, etc.);

- Data on whether the victim had deficiencies or a psychiatric condition;
- Data on the coexistence of sexual violence.

The result is a statistical hiatus where, according to Viva/Sinan, the lowest Assault Rates are those for among men between 18 and 59 – precisely the segment most vulnerable to DIVs, with 83.3 cases per 100,000 in 2016, a rate nearly 10 times larger than the 8.5 tallied by the rest of the population. The distortion is such that, in 2014, the most recent year for which there is consolidated data for both sources, the number of assaults against NEMAs tallied by Viva/Sinan (14.947) represents less than 36% of the number of homicides (41.587) registered by SIM. In other words, according to official Brazilian administrative registers, for every man assaulted in 2014, four men died by assault – a statistical and logical impossibility.

This distortion is represented below in **Graph 4**, which compares the number of DIVs against non-elderly male adults (measured by SIM with a scale to the left) with that of aggressions (measured by Viva/Sinan with a scale to the right), by age of the victim in 2014. Both lines have a similar tendency until the age of 20, when the number of non-lethal assaults falls from 1,823 to 393 and the number of DIVs rises from 2,482 to 2,618. The distortion remains until the age of 60, when the number of aggressions leaps from 106 to 309, realigning the series.

Graph 4: Brazil, number of DIVs (SIM, scale to the left) and assaults (SINAN, scale to the right) against men, by victim's age, 2014.



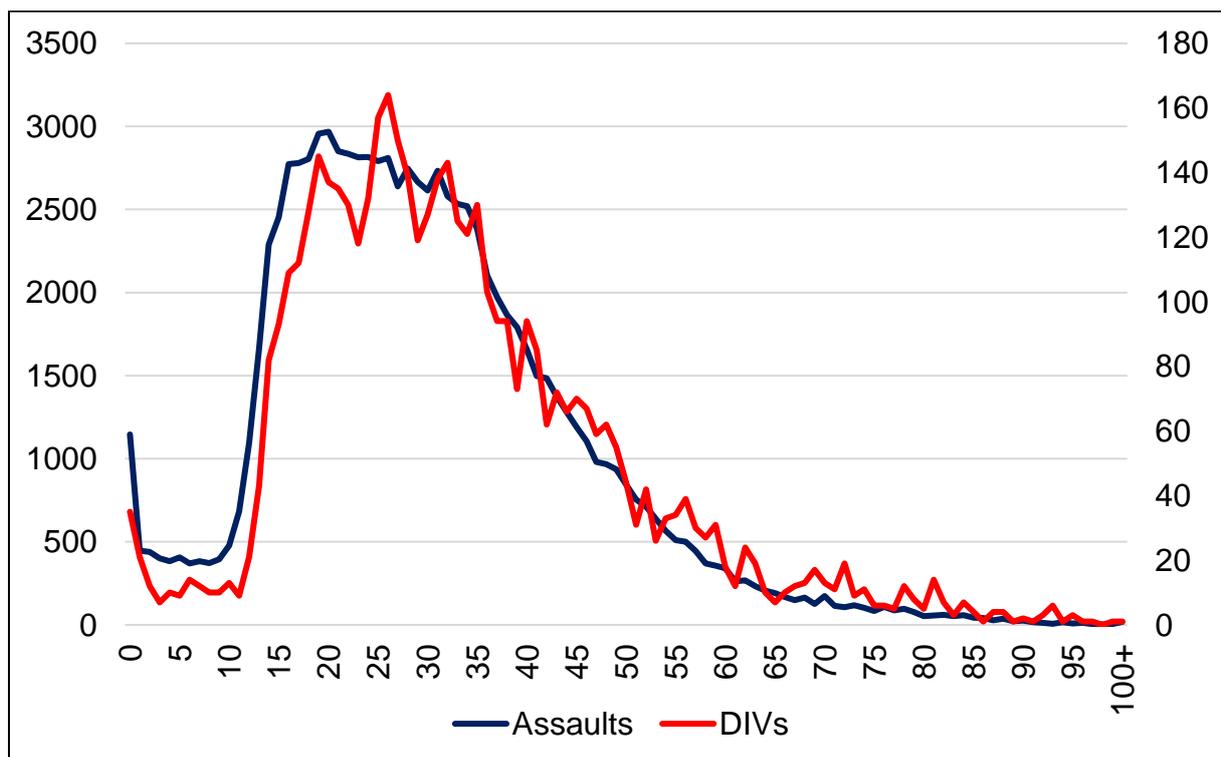
Source: SIM/DataSuS and Sinan/DataSus. My elaboration.

There is a clear retraction in the number of aggressions registered by Viva/Sinan, generating the form of a valley for NEMAs – an age group for which, as SIM demonstrates, DIVs Rates reach their highest among men. It is precisely during the apogee of their risk of dying to interpersonal violence that assaults against men become invisible. As **Graph 5** demonstrates, this elision is specific to boys and men: once corrected for scale, variations by age in the number of female DIVs (measured by SIM with a scale to the left) are nearly identical to variations in the number of assaults against women and girls (measured by Viva/Sinan with a scale to the right).

The graph is done without smoothing. And, though the DIV series presents larger fluctuations, derived from a relatively low number of observations, the similarities between both trends are clear: increases, per age, in the number of

DIVs records tend to be accompanied by increases in assault records. Though it is impossible to establish how many assaults against men are not registered because notification is not mandatory, the superposition of the two series would imply approximately 20,752 more assaults, a 59.6% increase in relation to the 34,799 assaults tallied 2014.

Graph 5: Brazil, number of DIVs (SIM, scale to the left) and assaults (SINAN, scale to the right) against women, by victim's age, 2014.

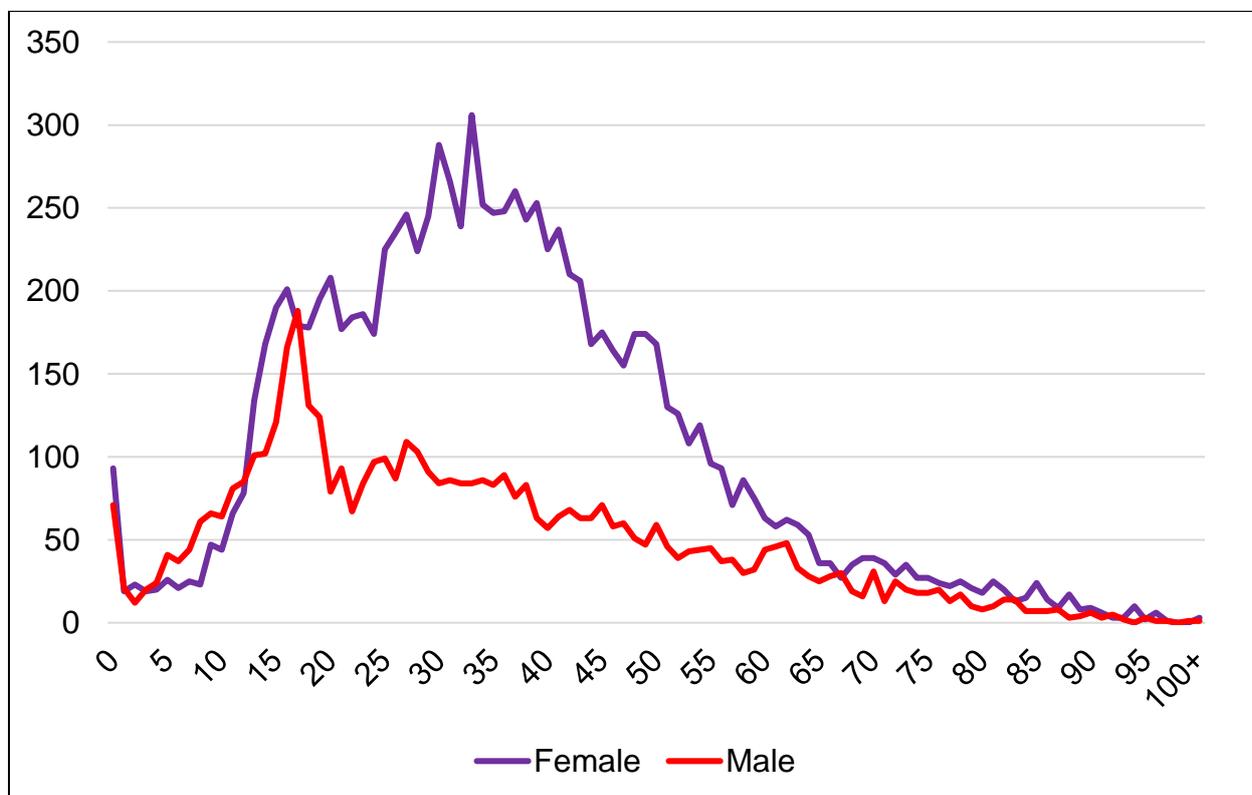


Source: SIM/DataSuS and Sinan/DataSus. My elaboration.

1.6 Subpopulation vulnerabilities

As we have seen, the governance of data collection by the Brazilian State generates a blind spot regarding non-lethal assaults against NEMAs – suggesting that the acknowledgement that this population is at risk to DIVs does not translate into its perception as vulnerable. This blind spot, however, is even more dangerous as it compromises data collection regarding two subpopulations which Viva/Sinan itself describes as vulnerable – men with disabilities and indigenous men. In fact, though the notification of violence against NEMAs is mandatory for these subpopulations in theory and in formal procedure alike, data from Viva/Sinan demonstrates that this notification often does not occur in practice.

Graph 6: Brazil – aggressions against men and women with disabilities registered by SINAN, by victim age and sex, 2013-2014

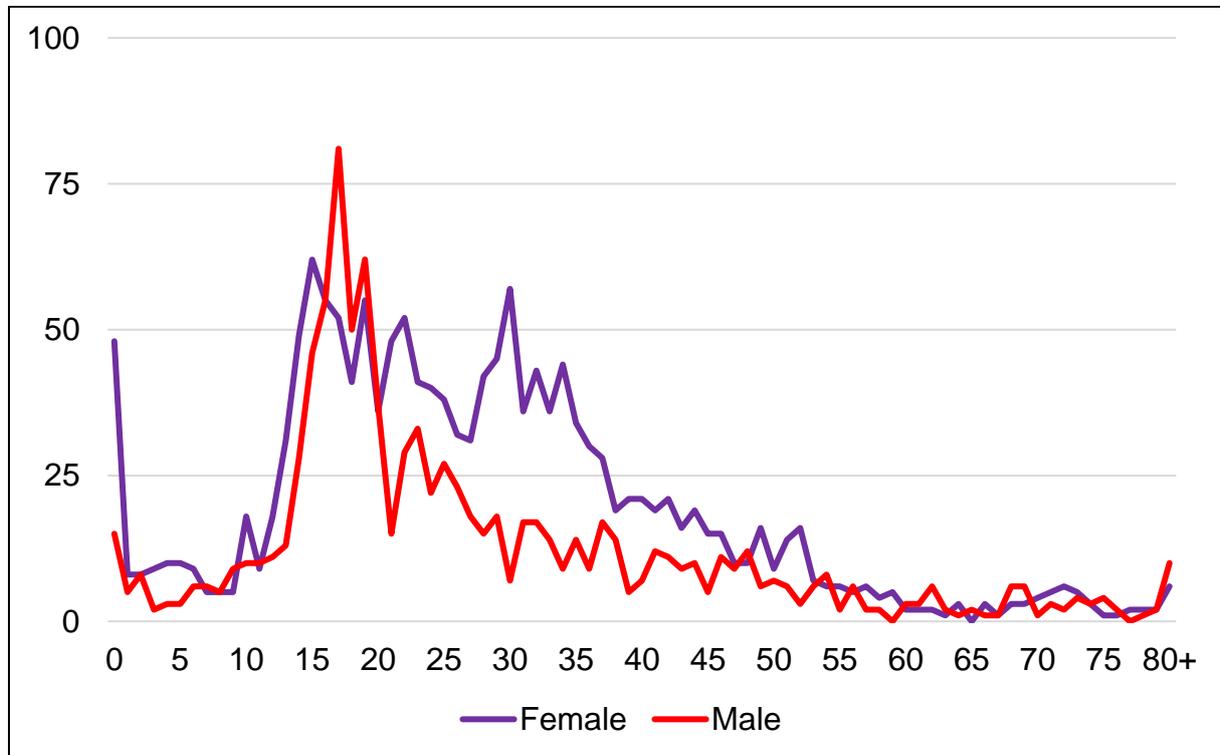


Source: Sinan/DataSus. My elaboration.

Graph 6 shows aggregated data for 2013 and 2014 on assaults against people with disabilities (PwDs) – who Brazil committed itself to protect in 2009, when it promulgated the *Convention on the Rights of Persons with Disabilities*. Though the convention establishes in its article 31 that States must “collect appropriate information, including statistical and research data” about PwDs, the graph suggests that this data is not adequately generated for non-elderly adult men with disabilities. As with NEMAs in general, the number of assaults begins to fall at 18 years, receding from 188 at 17 to 131 at 18 and 67 at 22 – age at which male DIV Rates peak. Since this pattern is opposite to that observed both for male DIVs and assaults against women with disabilities, it is probable that instructions not to notify assaults against NEMAs promote the underreporting of assaults against non-elderly adult men with disabilities.

Though less clear and more prone to fluctuations because low number of observations (N is never above 81), the same trend can be observed in data regarding assaults to indigenous people registered by Viva/Sinan in 2013 and 2014. As **Graph 7** demonstrates below, indigenous NEMAs – for whom reporting of assaults is also mandatory in theory and in formal procedure – present the same tendency of underreporting detected among non-elderly adult men with disabilities. Once again, the number of registered cases falls acutely with adult age, going from 81 at the age of 17 years to 50 at 18 to only 29 at 22. Once again, the opposite occurs at the age of 60, when there is a discrete increase in the number of notifications.

Graph 7: Brazil – aggressions against indigenous men and women registered by SINAN, by victim age and sex, 2013-2014



Source: Sinan/DataSus. My elaboration.

Operationally, this under-reporting does not surprise. For one part, street-level bureaucracies tend to simplify routines and adopt other coping mechanisms that, while distancing the realities of practice from service ideals, are ultimately necessary to rationalize work processes, such as ignoring exceptions to general rules or acting in a discretionary manner (Lipsky 2010). For another, while the notification of assaults against all indigenous and disabled persons may be obligatory, the identification of these two subpopulations among the general population of non-elderly male adults is not necessarily trivial. Men with auditory or cognitive disabilities, Global Development Delays or Autism Spectrum Disorder – for example – will often be physically and

phenotypically identical to any other NEMAs. The same will often be the case of various indigenous men.

Besides the refusal of the Brazilian State to perceive males as vulnerable to interpersonal violence, despite data demonstrating that this population is significantly more at risk than the average, a second paradox emerges. For this nonrecognition also compromises the collection of data about violence committed against at least two subpopulations already acknowledged as vulnerable. Even accepting the disputable premise that the greater risk which the male population runs of suffering DIV does not imply vulnerability, it appears impractical to monitor violence against a subpopulation without monitoring violence against the population to which it belongs.

2.1 Normative origins of mandatory reporting

What led the Brazilian State to exclude its single population most prone to DIVs from mandatory notification of assaults? Given the cost of such violence and the fact that NEMAs are 9.8 times more likely to suffer it, why refuse to collect data fundamental to establish the contexts and dynamics of interpersonal violence, thereby elaborating typologies of the prevalent male homicides? From a human rights perspective, why maintain this exclusion even when it compromises information regarding assaults against subpopulations acknowledged as vulnerable?

Such questions are, in a way, misleading, as they attribute the exclusion of NEMAs to a synoptic, structured decision. An overview of the laws and ordinances on mandatory notification, however, demonstrates that the exclusion results from no single explicit decision, but a series of disjointed, incremental responses to the

perceived vulnerabilities of specific populations. Though instructions not to notify assaults against NEMAs are explicit, this population was never explicitly excluded from mandatory reporting by any specific directive of the Brazilian Unified Healthcare System (SUS). It was rather never included.

The exclusion of NEMAs results to a great deal from norms edited by the Brazilian Ministry of Health, which has in its 65 years of existence been commanded exclusively by men. Originally restricted to infectious diseases and other events monitored by classical epidemiology, mandatory notification was expanded to assaults by two legal instruments. Ordinance n° 104/2011 made notification obligatory for health professionals in cases of “domestic, sexual and other types of violence”. That same year, however, Viva/Sinan’s first instruction manual restricted this policy to three specific populations: children and adolescents (as per Law 8,069/1990), women (law n° 10,778/2003 and Decree 5,099/2004) and the elderly (laws 10,741/2003 and Lei n 12,461/2011)⁴.

Three year later, Ordinance 1,271/2014 established domestic and sexual violence as requiring mandatory notification. Finally, in 2016, an extended edition of the instruction manual added three groups to the list of populations for whom notification would be mandatory: “people with disabilities, indigenous people and the LGBT population” (BRASIL 2016, 26). In this way, notification became mandatory for these each of these six social groups by a distinct interpretative and normative mechanism:

⁴ BRAZIL 2011, 24.

- **Children and Adolescents:** The policy is based on an expansive interpretation of a Law 8.069/1990, a specific child-protection instrument establishing that “cases where physical punishment, cruel and degrading treatment or mistreatment” must be communicated to Guardianship Councils.
- **Women:** The policy is based on a literal interpretation of Law 10.778/ 2003, which “establishes mandatory notification, within national territory, of cases of violence against women who receive medical attention from public or private health services”.
- **The Elderly:** The policy is based on a literal interpretation of Law 10.741/2003, a specific instrument whose text – as amended in 2011 – establishes that “suspected or confirmed cases of violence against the elderly will be the object of mandatory notification by public and private health services”.
- **Indigenous populations:** The policy is based on an expansive interpretation of World Trade Organization Convention nº 169/1996, which – though never addressing violence or notification explicitly – establishes that “interested populations should be protected against the violation of its rights”, allied to an argumentative justification stressing that these populations are vulnerable “ due to the cultural and relational changes brought about by contact with surrounding society” and the “asymmetry of power relations between indigenous and non-indigenous peoples”.
- **People with Disabilities:** The policy is justified discursively based on “the marked asymmetry in power relations between people with and without disabilities” (BRAZIL 2014, 27). No reference is made to the Convention on

the Rights of Persons with Disabilities – which, incorporated to the Brazilian legal framework with constitutional status in 2008, obliges States “to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention” (art. 31).

- **Lesbians, Gays, Bisexuals, Transvestites and Transsexuals:** The policy is based on Ministry of Health Ordinance 2.836/2011, which establishes that the ministry should “promote actions of vigilance, prevention and healthcare in cases of violence against the LGBT population”.

Interestingly, the definition of populations for which notification is mandatory results from an amalgam of literal and expansive interpretations, extrapolations and even moral arguments built around legal norms of all hierarchical levels, from ordinances to international instruments of constitutional status. The incorporation of these populations does not stem from any single decision or even from the application of any unified exegetical pattern to a set of hierarchically equivalent legal norms. Rather, as suggested by the arguments presented for the case of indigenous peoples and summarized by **Table 1**, below, it results from incremental conjunction of legal and intralegal instruments articulated by diverse exegetic mechanisms and guided by perceptions of vulnerability and unequal power relations.

Table 1: Normative Basis Argued and Exegetical Instrument Used to Justify Mandatory Notification of Violence Against Populations, Brazil 2016

Population	Normative Basis	Exegetical Instrument
Children & Adolescents	Law	Expansive interpretation
Women	Law	Literal interpretation
The Elderly	Law	Literal interpretation
Indigenous Peoples	WTO Convention	Extrapolation and argumentation
People with Disabilities	None (Despite Convention)	Argumentation
LGBT Persons	Ordinance	Literal interpretation

Source: Instrutivo Viva/Sinan 2016. My Elaboration

2.2 Incrementally perceived vulnerabilities

This heterogeneity of the foundations of mandatory notification suggests that the exclusion of NEMAs was not deliberate, but rather resulted from a process of crowding out in which competing social groups were included based on their vulnerability, perceived or actual (BRASIL 2016, 26). Resorting to Charles Lindblom, one would say that – as a policy decision – it was not constructed from a rational-comprehensive theory regarding policy objectives for mandatory reporting. Rather, the exclusion resulted from a succession of limited and incremental changes, made “step-by-step and by small degrees” (1959, 81) in order to include successive competing segments tagged (rightly or not) as vulnerable.

As NEMAs are the population most at risk to non-domestic violence, but were not included in mandatory reporting, it appears that, conceptually, this exclusion resulted from an oversimplified understanding of vulnerability, which was entirely dissociated from risk – a concept to which it can never be reduced but is inherently related. This oversimplification, it appears, reflected a heuristic mechanism in which decision-makers expanded mandatory reporting to include different populations perceived as vulnerable in the policy arena. Metaphorically, one might imagine mandatory notification as a line whose administrators pragmatically included specific populations as these were represented, within the arena, as vulnerable – in a heuristic again reminiscent of incremental dynamics:

Since the policies ignored by the administrator are politically impossible and so irrelevant, the simplification of analysis achieved by concentrating on policies that differ only incrementally is not a capricious kind of simplification [...] Given the limits on knowledge within which policy-makers are confined, simplifying by limiting the focus to small variations from present policy makes the most of available knowledge (85).

Besides this heuristic aspect, Lindblom attributes to incremental policy a political practicality: it is more plausible in arenas harboring various agents with veto power. As the complexity of a system is a function of the relations between the groups which compose it, the addition of each new autonomous segment to a polity elevates this complexity by an order of magnitude. And, as groups redefine their positions by reactive and reciprocal mechanisms of mutual adjustment, the subordination of a policy

to a strategic rationality could elevate the number of groups as far as to make the policy unmanageable. The line is, in itself, conflictive enough without inviting any additional groups to it. Again, Lindblom:

An operative, integrated solution to a problem is a vast collection of specific commitments all of which are implemented. The odds of agreement among political elites or citizens on these vast collections are extremely slim (1979, 521).

Applied to the case at hand, Lindblom's insight suggests that notification criteria could not reflect a comprehensive rationality because they result from competition between groups for recognition – in the policy arena – as vulnerable and deserving State attention. Ultimately, the issue is not which group is more at risk or even more vulnerable, but which has successfully claimed vulnerability, mobilizing polity and managers alike to acknowledge it as requiring specific, focalized protection policies. As Wim van Oorschot highlights, such perceptions derive more from “solidarity patterns” which inform the application of abstract principles and norms:

Insight into prevailing deservingness criteria is interesting because it helps us to understand the character and intensity of solidarity patterns between societal groups. It allows us not only to analyze what principles and norms people deem important when thinking about a just distribution of life chances in a society, but how strictly

and strongly they tend to apply such principles and norms (2008, pp. 354-355).

In the case at hand, it appears that, despite their greater risk of suffering DIV, men are not perceived as vulnerable to assault, unlike indigenous people, the elderly, the disabled, the young and women. In part, this disregard is merited. Vulnerability is not tantamount to risk and includes the capacities to both avoid a hazard and to recover from it: mandatory notification began with domestic and sexual violence and it is reasonable to assume that women (and the elderly, and the disabled) are both at equal or greater risk of suffering such types of violence, but also less capable of extricating themselves when assaulted.

Ultimately, however, policymakers extrapolated this vulnerability to non-domestic, non-sexual assaults – a domain where being male, especially a NEMA, is the most significant determinant of victimization: not only is being a man or boy the variable most associated to risk, but it is so by many orders of magnitude. A clear female vulnerability to sexual and domestic violence was, in this manner, projected to a domain where men were undeniably at greater risk and arguably more vulnerable. The very possibility of such vulnerability, however, appears to have been disregarded, an overreaction which resulted in a complete dissociation between measured risk and acknowledged vulnerability.

2.3 Vulnerability and deservingness

What factors might explain this dissociation? It would be difficult to address the matter without resorting to the intermittent, and still incipient, bibliography regarding the social construction of target populations. Converging fields such as Communication Studies, Sociology, Political Science and – evidently – Policy Studies, this bibliography has focused predominantly on the perceived deservingness of beneficiaries of social programs, especially those related to welfare and income transfers. Still, it has identified five criteria which inform the perceptions of both polity and policymakers regarding who deserves what. The criteria, as summarized by van Oorschot (2008) are:

Control – Populations perceived as having “control over their neediness” are considered responsible for it and therefore less deserving of protection. Though definitionally victim and aggressor are distinct individuals in cases of DIV, the fact that male risk results for the most part from violence **between** men of similar demographic characteristics may lead to a dissociation of such risk from a perception of vulnerability.

Necessity – Groups with many needs are conceived as more deserving of attention. In this case, perceptions of competing social groups as underprivileged in aspects other than their specific risk of suffering interpersonal violence (income, longevity, access to Education) could augment the acknowledgement as vulnerable.

Identity – Groups which are more similar to “us” and more pleasant are considered more deserving. Here, again, the demographic similarities between male perpetrator and victim, in the case of non-domestic DIVs, may lead to a

blurring between the two and thereby a reduced perception of their deservingness of specific protection.

Attitude – “Docility and gratefulness” increases support, being that less compliant groups are perceived as less deserving. In this case, the fact that DIVs often – though certainly not always – result from confrontational homicides where aggressor and victim commune in violent disagreement and “essentially ‘agree’ to allow the confrontation to develop and escalate” (Brookman 2005, 129) could undermine the perception of men’s deservingness of protection.

Reciprocity – Groups which demonstrate having done “their share” to earn protection are conceived as being more deserving of attention. In this case, again, the fact that male DIVs often result from reciprocal escalations where the victim could have interrupted conflict may be at the source of the reduced perception of male vulnerability. Symptomatically, both scenarios used in the Viva/Sinan manual to exemplify violence against NEMAs not to be notified associate these cases to victim participation – “conflicts between gangs” and “fights in soccer stadiums”.

Van Oorschot’s criteria offer a plausible – if not exhaustive – explanation of why men are not conceived as vulnerable to violence, despite being acknowledged as being at greater risk from it. More given to risk-taking and more prone to perpetrate violence themselves, men are perceived as being more responsible for their victimization than other at-risk populations. Interestingly, however, this perception implies that the acknowledgement of vulnerability may be as much a matter of moral perception and narrative as it is of policy focalization. Perceived as conflictive risk-

takers and often indiscernible demographically from their aggressors, non-elderly male adults victimized by DIV may simply not be considered as deserving protection.

In this case, using the terminology of SCHNEIDER and INGRAM (2016), NEMAs may incarnate the deviant type: “powerless, negatively portrayed populations that [...] receive burdens rather than rewards [and] are targeted for punishments at a much higher level than justified by rationally designed policies”. Though victim and aggressor are distinct individuals, the narrative potential generated from the blurring of this distinction would ultimately foster the representation:

Narratives are stories involving characters (Lejano et al., 2013). Characters are socially constructed to fit the story. The social construction of the character cannot change unless the narrative changes; but when it does, the social construction has to change with it (2016, p. 269).

In this narrative, male aggressiveness – real and represented – would raise questions regarding control, attitude and reciprocity. Living both sides of quotidian interpersonal violence, men would just not be doing their part in responding to the banalization of assault to the point that the expression “violence against men” would be a misnomer. There would be only violence among men. This same logic, however, could be applied to youths and blacks, who – despite being prone to both commit and suffer DIV, are still acknowledged as vulnerable to violence, an observation which limits, but in no way eliminates, the explicative potential of van Oorschot’s typology.

In a complementary manner, one can also resort to the perspective adopted by Schneider and Ingram, who approach the same subject under a more classic perspective of policy arenas, having as their object “cultural characterizations or popular images of the persons or groups whose behavior and well-being are affected by public policy” (1993, p. 334). Under this perspective, representation itself composes the policy arena, in a narrative dispute over which specific segments are represented as deserving State attention – a dispute in which value judgments and normative characterizations represent possible beneficiaries “in positive or negative terms through symbolic language, metaphors, and stories” (p. 334).

Certainly, this attribution – always liable to become “subject to contention” (p. 335) – is never neutral, as it occurs within the vary narratives which constitute political values: who deserves to receive and who deserves to pay (in all meanings of the verb) are foundational questions of any State. Here, the attribution of value would ultimately distinguish risk and vulnerability – described by SINGH, EGHDAMI e SINGH as being an arena in itself, “a political ecological concept which focuses on the relationship that people have with their environment” (2014, p. 73). As Schneider and Ingram stress, the capacity to construct the concept of target population for policy is ultimately the core of agenda setting capacity:

A great deal of the political maneuvering in the establishment of policy agendas and in the design of policy pertains to the specification of the target populations and the type of image that can be created for them. Social constructions may become so widely shared that they are extremely difficult to refute even by the

small number of persons who might disagree with them. Other constructions, however, are in contention (p. 336).

In this perspective, the representation of a public as deserving attention can both validate and undermine a policy, being that not all publics necessarily consolidate a specific social representation. Access to the State becomes the product of an arena of target-public representation, a contentious public space where distinct segments use specific communicational and epistemic mechanisms to dispute recognition by society and policymakers as deserving of protection.

The essential here is that – if this reading of Schneider and Ingram is accurate – the legitimacy of a target-population would derive from and the manner in which it is represented as vulnerable and deserving attention. In this arena of representation, access to policies would be a function of the image-capacity of a social group, influenced by its levels of cohesion, internal solidarity and identity.

Paradoxically, vulnerability may be politically empowering when successfully claimed by a group capable and willing to consolidate a common, socially significant identity. In this case, a segment's capacity to perceive itself as specifically vulnerable and to articulate this sentiment politically would be fundamental in its construction as a target-population – a hindrance perhaps insurmountable for men and boys groomed to conventional conceptions of masculinity based on values of strength, autonomy and the denial of frailty. Perhaps the nonrecognition of male vulnerability is born of the same socially constructed gender roles at the source of male risk.

2.4 Conclusion

The gap between the way target groups might be selected on the basis of accomplishing policy goals and what actually occurs when power and social constructions control targeting is often very great. Critical policy scholars can expose how inefficient and illogical much targeting actually is (SCHNEIDER & INGRAM 2016, 271)

Three distinct but indivisible objectives inform this paper. Punctual, the first was to bring attention to the incremental process by means of which the Brazilian State neglected to collect data regarding assaults against non-elderly adult males, the single population most at risk to suffer death by interpersonal violence in the country. This institutionally produced disregard, it was argued, compromised data regarding not only this population in general, but also subpopulations which the Brazilian State itself acknowledges as vulnerable, such as disabled and indigenous NEMAs, generating a dangerous policy blind spot which impedes the elaboration of typologies fundamental to identify the dynamics of male DIVs.

More ambitious, but not deliberately polemic, the second objective was to establish that, while vulnerability cannot be reduced to risk, it can neither be dissociated from it. In this manner, it was argued, the recognition of men, especially NEMAs, as particularly vulnerable to non-domestic, non-sexual violence is necessary part of any adequate response to the current surge of male DIVs in Brazil. Though counter-intuitive, this perspective is based on a situational perspective of vulnerability, which approaches it not as an a priori attribute of any given group or individual, but as a relational aspect intricately linked to specific contexts of risk

Finally, the paper sought to explore – tentatively – possible explanations for the oversight by means of which, though acknowledged as being at greater risk to suffer DIVs, men are not perceived as population vulnerable enough to warrant assault notification, much less prevention. Suggesting that this non-perception derives from deservingness criteria which express moral judgements regarding men's perceived control over and disposition to violence, the paper argued that the representation of target-audiences – while constituting an arena of its own right – must not be dissociated from empirically verifiable and context-specific measures of risk, extrication capacity and recovery potential.

In other words, the existence of this arena of representation does not, however, dismiss the usefulness or validity of the concept of vulnerability. Regardless of any disputes of representation, specific social segments can be subject to an ample array of hazards in specific spatial, temporal and social contexts. And the variance in this risk is significant, as in the capacity which each of these segments have of extricating themselves when at risk and recovering when exposed. Given its social nature, this vulnerability is neither essential nor a prior. Rather, it is context-specific and therefore cannot be dissociated from measured risk.

While this dissociation is essential not only to the political arena of representation, but also to the very heuristics by which policymakers use implicit moral judgements to establish deservingness criteria, effective policy formulation requires that it be identified to avoid productions of institutional disregard such as that which led Brazil to refuse mandatory notification of assaults against NEMAs. Though inevitable, cognitive bias – understood as “cognitive processes which act to ensure that our values and beliefs remain unchallenged or undefeated, even in the face of potentially contradictory evidence” (PARKHURST 2017, p. 87) – is worth resisting.

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