



The impacts of domestic violence and femicide as an extreme consequence

Os impactos da violência doméstica e o feminicídio como consequência extrema

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ABSTRACT

The article in question aims to highlight the daily reflexes of domestic violence against women, as well as its impact on society. It is noted that the problem stems from a gender inequality contained in the social body in a deep-rooted way, due to the adversity of a patriarchal society. Although it is a problem that comes from centuries ago, there are still Brazilian women who suffer with this reality, as was seen in the year 2022, in which 31 thousand complaints of women who still



experience violence were made. Moreover, even after the creation of the Maria da Penha Law, a revolutionary milestone for Brazilian women, there is still the question whether it is really put into practice, since many cases are neglected and may even evolve into femicide. Moreover, it is known that threats made by the aggressors and their impunity in several known cases of violence discourage the victims from denouncing them. This fact has angered many social groups composed of women who want the law to be implemented in a fair and safe way.

Keywords: Domestic violence, Femicide, Maria da Penha Law.

1 INTRODUCTION

During prehistoric times, women had a social function equal to that of men, performing agricultural and domestic activities. In Egyptian society, women could also perform several functions, working in agriculture or even in the textile industry. In Roman society, with the increase in men's wealth, inequality began to widen, so that women lived under the power of men, who were considered their "owners. The Greeks lived in the same unequal way, a society in which women were not considered citizens and could not exercise political rights.

In this vein, it is clear that women have for centuries been considered inferior and have less access to the basic rights they should enjoy. From this, a series of factors that led to the explosion of cases of domestic violence and, consequently, femicide, were unleashed.

2 ORIGIN AND THE TRIGGERING CONTEXT

2.1 BRAZILIAN CONTEXT

In the Brazilian bias, during the colonial period, the church introduced education in the country, but excluded women, considering that they served only to dedicate themselves to the home and church, submissive to their husband and to religion. This was due to the desire of most of the society to keep them deprived of knowledge, so that they would not see their rights to study, learn and be inserted in the society, that is, to have citizenship and equality. Only in 1827, through the General Law, were women allowed to enter colleges and study beyond elementary school, and only in 1987 did they conquer the right to attend universities.

In addition to the above, there is the fact that men could apply physical punishment to both women and children without receiving any punishment for it, since it was "covered" by law, being considered a man's right. Over the years, during the Brazilian Republic, despite the removal of the right to violence against women, the Brazilian society remained patriarchal, based on the promulgation of the Civil Code of 1916, maintaining the conservative principles that defended men as superior beings, always leaving women in second place. In 1932, with the promulgation of



the Civil Code, women's suffrage was conquered for women over 21 years old, after about 40 years of women's struggle, based on feminist movements that acted since the beginning of the 20th century, inspired by movements in the USA and Europe.

Other important achievements ensured more autonomy and freedom of choice for women, as in 1962, with Law no. 4.212/1962, which allowed married women to no longer need their husband's permission to work, together with the birth of the contraceptive pill, followed by the conquest of women to use a credit card in 1974, the right to divorce in 1977, to play soccer in 1979, the first Women's Police Station in 1985, and finally the recognition of women as equal to men, through the 1988 Constitution.

Today, other conquests have been achieved, among them, in 2002 the "lack of virginity" was extinguished as a reason that allowed a man to request the annulment of his marriage. In 2006, the Maria da Penha Law was created, one of the greatest achievements both for women and for the feminist movement that defends them. Accordingly, in 2015 the Femicide Law was sanctioned, considering this act as qualified homicide, and in 2018 sexual harassment became a crime.

Despite all the advances achieved by women over the years, it is clear that in Brazilian society the patriarchal system still persists, in which women must always put themselves in second place, accepting less than they deserve and acting within the moral and "good customs" standardized by men. Thus, women end up accepting as "natural" the fact that they are considered inferior, always being called worse and less qualified. Given this scenario, domestic violence and, in extreme cases, femicide, end up becoming commonplace, and reporting and combating it are neglected.

3 RECORD

3.1 DATA IN BRAZIL

Violence against women, in different forms and ways, is still extremely frequent and recurrent, despite the implementation of laws to reduce it. With this, the inhumane data increases exponentially, such as the fact that one in five women has already suffered some type of violence, among many others, serving as a warning to society in general.

Moreover, in Brazil, about 80% of Brazilian women have been the target of aggression cases by partners or ex-partners, and about 56% of the population knows a man who has already committed some type of violence against women. Moreover, in Brazil, it is estimated that five women are brutally beaten every two minutes and the responsible for this are their partners, whether they are husbands, boyfriends or ex-partners who rebel with the end of the extremely



abusive relationship, where they treat women as possessions. Such data makes this phenomenon, extremely serious, end up being considered "common" due to the high recurrence.

One of the main aggravating factors to these data includes the fact that most survivors of domestic violence, about 55% to 95%, do not report the aggression or seek help services. However, this should not be considered a natural day-to-day occurrence, but rather a trigger to report it, thus trying to reduce the high numbers.

The high recurrence of domestic violence led to the creation of the Lilac August, a month of awareness against all types of domestic violence suffered by women, encouraging them to report it through the number 180. In this context, in the first semester of 2022 alone, the call center registered 31,398 denunciations and 169,676 violations involving domestic violence against women. Still, according to the Brazilian Public Safety Yearbook 2022, 1 woman is a victim of femicide every 7 hours. This means that at least 3 women die every day simply for being women. The survey also highlighted that the number of calls to 190 to report crimes fell 5.3% between 2020 and 2021, but calls about domestic violence grew 4% in the same period.

Such violence data reflect countless women's human rights being violated daily, and confirm that despite recurrence, historical and cultural mechanisms perpetuate inequalities between men and women and feed an endless cycle of aggression and violence.

"It is necessary to identify and denaturalize notions and practices that reiterate rather rigid places for men and women in society, to demystify stereotypes and understand the mechanisms of persistent inequality. These rigid roles are part of a culture that is introjected in all of us and is permissive and, at the same time, reproductive of violence."
Ana Flávia D'Oliveira, physician, researcher and professor of the Department of Preventive Medicine at the University of São Paulo School of Medicine (FMUSP)

4 DIFFERENT MANIFESTATIONS OF VIOLENCE

The Maria da Penha Law n° 11340/2006, in chapter 7, items I to V, characterizes domestic or family violence within five facets: physical, psychological, moral, sexual, and patrimonial violence.

4.1 PHYSICAL VIOLENCE

Physical violence is described by acts that affect a woman's bodily integrity and health. The aggressor seeks to punish the victim through physical force, generating pain and fear. Of the different forms of violence, this generates more visibility within the context because it is the best known among them, as it can range from a "spanking" to a beating, and can evolve to homicide.

4.2 PSYCHOLOGICAL VIOLENCE



Psychological violence includes all actions that cause emotional damage and lower self-esteem, or that harm and disrupt the victim's full development, or that seek to degrade or control the victim. Often, this is the first type of violence to enter relationships, because it goes unnoticed and is often considered just a misunderstanding.

4.3 SEXUAL VIOLENCE

Sexual violence is characterized by any conduct that forces a woman to witness, maintain, or participate in unwanted sexual intercourse. Historically, female sexuality has been understood as the patrimony of men and an object of male satisfaction. From the moment this minimization of female pleasure is overcome, sexuality is understood as something proper and intrinsic to women, deserving due recognition and potentialities outside the patriarchal ambit. Thus, this violence is characterized by a violation of rights, but more importantly, of the female body and entity.

4.4 PROPERTY VIOLENCE

This type of violence manifests itself through material means, such as the retention, subtraction, partial or total destruction of their objects, work instruments, personal documents, property, values and rights or economic resources, including those destined to satisfy their needs. Recently, women have gained emancipatory power from their partners and family members, thus being able to develop their own profitable activities and, from this, be the only ones responsible for their property, but admittedly, patrimonial violence is a mirror of the history in which the man was the holder and controller of all resources.

4.5 MORAL VIOLENCE

Moral violence is understood as any action that represents slander, defamation or insult. This often occurs within the cycle of violence, commonly observed in cases in which the woman makes a complaint, but the aggressor or even the authorities' speeches have an aggressive and invalidating tone to the truths brought by the woman.

"There is this 'addiction' of only seeing gravity and importance in physical violence, and the other types of violence don't matter as much when there is this addicted view. And this is what the Maria da Penha Law wanted very clearly to break with when it explained all forms of violence and the whole concept of domestic violence in its first articles. You have to understand that physical violence is just another feature of a much more global context of violence, which includes moral violence, humiliations, psychological violence, the restriction of women's self-determination."

Juliana Belloque, Public Defender of the State of São Paulo.



5 AGGRAVANTS

5.1 PATRIARCHAL SOCIETY

From the colonial period to the current conjuncture, Brazil presents cases of machismo in several areas of society. These stem from the way in which Brazil was structured, where women played roles of lesser prestige and economic empowerment, never occupying political positions or exercising leadership roles. Given this context, it is possible to identify some of the reasons why cases of domestic violence are still common in the national context. The feeling of superiority and power arising from this structure is still present in the reality of many individuals, who maintain a distorted worldview in which they are superior and must have all their wishes and expectations met, which is impossible and for this reason several cases of violence may occur.

5.2 CYCLE OF VIOLENCE

Another aggravating factor in cases of domestic violence is the cycle of violence, which happens in abusive relationships in a repetitive manner. Even though conjugal violence has several forms, the cycle of violence is one of the most repeated. The cycle begins in a period of tension, in which the woman tries to act in the mildest way possible to avoid any kind of outburst from her partner. In a second moment, the act of violence itself happens, and it can present itself in several ways, but the main one is physical. In this phase the aggressor changes his behavior completely, showing that he is sorry and willing to change, which brings new hope to the victim and the will to try one more time. However, this period does not last long, gradually the period of tension begins again and so the cycle starts all over again.

The end of the cycle of violence only occurs when the victim manages to escape from this violent relationship, or unfortunately, when the cycle ends in femicide, since it becomes more violent each time it is restarted.

6 SEARCH FOR HELP

6.1 DENUNCIATION

Reporting is extremely important to combat violence against women, thus preventing these situations from evolving into yet another case of femicide. It can also prevent other women from becoming victims of this reality.

6.2 STAGES



In the first instance, you can contact the assistance through the number 180, reporting the case. In addition, you must go to a police station to file a police report, and the case must be sent to the judge within 48 hours.

6.3 DIFFICULTIES

It is undeniable that Brazil has several difficulties to denounce. Besides the factors experienced by them, such as threats made by the aggressor, women fail to report it because of the lack of credibility that the Brazilian justice system has against these cases. Social factors experienced by different cultures can be a great aggravating factor for these women not to report their aggressors.

7 RECOGNITION OF THE STRUGGLE

Within the whole issue of domestic violence, there are currently social groups that seek to guarantee the rights presented in the Maria da Penha Law, thus giving a place of speech to these women who live or have lived through this problem. Therefore, it is of utmost importance to give due value and voice to these groups that fight for these causes, since they can in the future prevent more cases like this one and even worse outcomes.

8 MYTHS

Still in this bias, the myths about domestic violence persist even with so much access to knowledge. Phrases like "women get beaten because they like it or because they provoke it", "domestic violence only happens in low-income and poorly educated families", "to end violence, all that is needed is to protect the victims and punish the aggressors", among others, hinder the fight, its recognition, and the appreciation of the feminine speech.

9 THE STORY OF MARIA DA PENHA

Maria da Penha Maia Fernandes, born in Fortaleza-CE on February 1, 1945, graduated in pharmacy and biochemistry at the Federal University of Ceará. While she was taking her master's degree at the University of São Paulo School of Pharmaceutical Sciences in 1974, she met the Colombian Marco Antonio Heredia Viveros.

After the marriage and the birth of the couple's three daughters, Marcos Antonio was granted Brazilian citizenship and consequently became professionally and economically stable. From that moment on, the daily tension, the constant fear, and the violent attitudes followed by



aggressions became more and more frequent. He always acted with intolerance, got easily excited and had explosive behavior not only with his wife but also with his own daughters.

In 1983, Maria da Penha was the victim of a double feminicide attempt by Marco Antonio Heredia Viveros. Her former partner shot her in the back while she was sleeping, and as a result she became a paraplegic due to irreversible injuries. Four months later, when Maria da Penha returned home - after two surgeries, hospitalizations, and treatments - he kept her in private custody for 15 days and tried to electrocute her while bathing.

Unfortunately, there was one more violence after the crime committed against her and that was by the Judiciary. Marco Antonio's first trial took place only eight years later, in 1991. After five years, the second trial also did not have the sentence carried out.

Thus, in revolt over the injustice done to the victim, Maria da Penha, the Center for Justice and International Law (CEJIL), and the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) denounced the case to the Inter-American Commission on Human Rights of the Organization of American States (IACHR/OAS). In 2002, a Consortium of Feminist NGOs was formed to draft a law to combat domestic and family violence against women. After many debates with the Legislative, Executive, and society, the Bill n. 4.559/2004 of the House of Representatives reached the Federal Senate (House Bill n. 37/2006) and was unanimously approved in both Houses. Consequently, on August 7, 2006, then-president Luiz Inácio Lula da Silva sanctioned law no. 11.340, better known as the Maria da Penha Law. Considering that one of the recommendations of the IACHR was to repair Maria da Penha both materially and symbolically, the State of Ceará paid her compensation and the Federal Government named the law after her in recognition of her struggle against violations of women's human rights. Furthermore, the story of Maria da Penha means more than just an isolated case: it was an example of what happened in Brazil systematically without the aggressors being punished.

It is of utmost importance to advertise the existence of the Maria da Penha Institute (IMP), founded in 2009 with its main office in Fortaleza - CE, it is a non-governmental, non-profit organization with the sole purpose of encouraging and favoring the full application of the law. Besides promoting and supporting social actions, it contributes to diminish the actions of indifference and develops a strategic work to raise awareness about the concepts interconnected with the culture of sexist violence.



9.1 SUMMARY OF THE MARIA DA PENHA LAW

With 46 articles distributed in seven titles, it creates mechanisms to prevent and restrain domestic and family violence against women in accordance with the Federal Constitution (art. 226, § 8) and the international treaties ratified by the Brazilian State (Convention of Belém do Pará, Pact of San José da Costa Rica, American Declaration of the Rights and Duties of Man, and the Convention on the Elimination of All Forms of Discrimination Against Women).

10 FINAL CONSIDERATIONS

It is clear, therefore, that although there are laws that punish those who practice violence against women, the occurrence of this type of aggression is still high in Brazil due to the patriarchal system and the mentalities rooted in contemporary society, resulting in the various problems brought up in this study.



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