

**FROM DOMESTICITY TO THE DOCKET: EXAMINING THE  
JUDICIALIZATION OF PRIVATE LIFE AND ITS IMPACT ON VIOLENCE  
AGAINST WOMEN**

**DO DOMICILIAR AO TRIBUNAL: EXAMINANDO A JUDICIALIZAÇÃO DA VIDA  
PRIVADA E SEU IMPACTO NA VIOLÊNCIA CONTRA A MULHER**

**DE LO DOMICILIARIO AL TRIBUNAL: ANÁLISIS DE LA JUDICIALIZACIÓN DE  
LA VIDA PRIVADA Y SU IMPACTO EN LA VIOLENCIA CONTRA LAS MUJERES**

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**ABSTRACT**

This paper examines the lived experiences of violence among Brazilian women who had coped with abuse at the hands of their husbands, partners, or boyfriends and had sought a protective measure. Semi-structured interviews were conducted with 18 women. The data was subjected to Discourse Analysis using Spink's method of meanings association. The findings indicate that these women experienced a range of forms of violence, including emotional, physical, economic, and sexual abuse. Some women remained in violent relationships for an extended period, in part due to an idealized romantic notion of a "prince charming" and "caregiver" who would protect them from the dangers of the external world, a reinforced belief by the internalization of patriarchal values. When these women attempted to interrupt the cycle of violence and sought assistance, they encountered a justice system that was unable to safeguard them. The lack of operator training emerges as a significant finding, contributing to the revictimization of women. Women frequently experienced blame for the abuse and felt helpless in their efforts to protect their children. The results of our study indicate that women frequently experience feelings of insecurity when disclosing their life stories in a public setting. The justice system is ineffective when it perpetuates gender-traditional stereotypes without considering the dynamics of violence within intimate relationships. These dynamics are reinforced by the power imbalance between men and women within a patriarchal society.

Keywords: Social Justice. Maria da Penha Law. Women Rights. Gender Issues. Domestic Violence.

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## RESUMO

Este artigo examina as experiências vividas de violência entre mulheres brasileiras que sofreram abuso por parte de seus maridos, companheiros ou namorados e buscaram uma medida protetiva. Foram realizadas entrevistas semiestruturadas com 18 mulheres. Os dados foram submetidos à Análise do Discurso usando o método de associação de significados de Spink. Os resultados indicam que essas mulheres sofreram uma série de formas de violência, inclusive abuso emocional, físico, econômico e sexual. Algumas mulheres permaneceram em relacionamentos violentos por um longo período, em parte devido a uma noção romântica idealizada de um “príncipe encantado” e “cuidador” que as protegeria dos perigos do mundo externo, uma crença reforçada pela internalização de valores patriarcais. Quando essas mulheres tentaram interromper o ciclo de violência e buscaram assistência, depararam-se com um sistema judiciário incapaz de protegê-las. A falta de treinamento dos operadores surge como um achado significativo, contribuindo para a revitimização das mulheres. As mulheres frequentemente se sentiam culpadas pelo abuso e se sentiam impotentes em seus esforços para proteger seus filhos. Os resultados de nosso estudo indicam que as mulheres frequentemente experimentam sentimentos de insegurança ao revelar suas histórias de vida em um ambiente público. O sistema judiciário é ineficaz quando perpetua estereótipos tradicionais de gênero sem considerar a dinâmica da violência nos relacionamentos íntimos. Essas dinâmicas são reforçadas pelo desequilíbrio de poder entre homens e mulheres em uma sociedade patriarcal.

Palavras-chave: Justiça Social. Lei Maria da Penha. Direitos da Mulher. Questão de Gênero. Violência Doméstica.

## RESUMEN

Este trabajo examina las experiencias vividas de violencia entre mujeres brasileñas que habían sufrido abusos a manos de sus maridos, compañeros o novios y habían buscado una medida de protección. Se realizaron entrevistas semiestructuradas a 18 mujeres. Los datos se sometieron a análisis del discurso mediante el método de asociación de significados de Spink. Los resultados indican que estas mujeres experimentaron diversas formas de violencia, incluidos abusos emocionales, físicos, económicos y sexuales. Algunas mujeres permanecieron en relaciones violentas durante un periodo prolongado, en parte debido a una noción romántica idealizada de un «príncipe azul» y «cuidador» que las protegería de los peligros del mundo exterior, una creencia reforzada por la interiorización de los valores patriarcales. Cuando estas mujeres intentaron interrumpir el ciclo de violencia y buscaron ayuda, se encontraron con un sistema judicial incapaz de salvarlas. La falta de formación de los operadores emerge como un hallazgo significativo, contribuyendo a la revictimización de las mujeres. Con frecuencia, las mujeres se sentían culpables de los malos tratos y desamparadas en sus esfuerzos por proteger a sus hijos. Los resultados de nuestro estudio indican que las mujeres experimentan con frecuencia sentimientos de inseguridad al revelar sus historias de vida en un entorno público. El sistema judicial es ineficaz cuando perpetúa los estereotipos tradicionales de género sin tener en cuenta la dinámica de la violencia en las relaciones íntimas.

Palabras clave: Justicia Social. Ley Maria da Penha. Derechos de la Mujer. Cuestión de Género. Violencia Doméstica.

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## INTRODUCTION

This article presents an excerpt from the doctoral thesis entitled "*Violence against women and the judicialization of private life: Stories we would not like to know*," which was elaborated by the first author and supervised by the last author. More specifically, the objective is to shed light on the oppression and violence that women experience in their daily lives. The doctoral research examined domestic violence perpetrated by intimate partners against women and explored the accessibility of the specialized justice system for victims by bringing insights into

the existence of power disparities between men and women, as well as the normalization of gender violence because of a sexist, racist, and patriarchal Brazilian social structure.

The term "violence" is employed to denote a range of social phenomena, encompassing a multitude of occurrences and practices that collectively shape human action. In everyday life, violence represents a series of meanings with symbolic representations, values, and norms that must be considered to understand the singularities of each context. Therefore, violence encompasses a multitude of contextual nuances and dimensions that extend beyond the conventional interpretation of physical force or the abuse of power (Misse, 2016). These elements are reflected in women's daily lives and can be observed in their social experiences from a relational, social, and cultural perspective that is shaped by differences between men and women. The concept of violence against women from a gender perspective is understood in several different ways; the term "gender violence" is used to describe the submission of women to physical, sexual, and psychological suffering, including private and public threats (Bandeira, 2014).

The experiences of women have demonstrated that the domestic sphere has become a site of violence, oppression, and fear, rather than a place of warmth, affection, and safety. Bringing these experiences to light entails illuminating the barbarism that persists in numerous households, as their testimonies illustrate the dearth of efficacious public policies to address their demands. Furthermore, these testimonies demonstrate that violence is not solely perpetuated by intimate partners or family members, but also by societal and institutional structures. The debate on patriarchy is an integral part of this phenomenon. A system in which the so-called "patriarchal gender relations" are established and understood as power relations between the sexes, which structure and legitimize violence. Furthermore, the discussion elucidates the function of the specialized justice system in the mediation of gender-related disputes, as well as the role of justice operators and protective measures within the scope of the Maria da Penha Law.

This work aims to present a discussion of violence against women perpetrated by intimate partners, specifically into how the implementation of the Maria da Penha Law was operationalized in the everyday lives of women who sought assistance from the justice system.

### **Violence Against Women: Statistics**

The domestic environment has frequently been a setting in which oppression, fear, and violence have been prevalent. While gender-based violence is perpetrated in a multitude of social

contexts, it is within the domestic sphere that it is most visible (Miura *et al.*, 2018). It is estimated that more than 90% of the deaths resulting from domestic violence take place within the confines of the home, and the repetition of the event is typical of most cases (AbiNader *et al.*, 2023; Leite *et al.*, 2024). Considering this phenomenon, it is crucial to comprehend the intricate process through which all parties are implicated, whether in marital, familial, and/or social relationships (Julio *et al.*, 2021). Social interactions can both precipitate violence and engender conditions of subordination for women. This form of violence is linked to sexism and patriarchy, frequently reflecting the disparate educational opportunities afforded to girls and boys (Vieira, Garcia, & Maciel, 2020; Fornari *et al.*, 2021).

For an extended period, gender-based violence was justified because of biological assumptions, which positioned women as fragile beings and relegated them to the domestic sphere, with responsibilities confined to procreation and family care. It was not feasible for them to engage in economic activities. These values disseminate the naturalizing speech on gender violence (Grossi, 1995). It affects women in a cruel and trivialized way, experiencing multiple forms of violence in their daily lives. Narratives show numerous oppressions to which women are exposed within their own homes. Those settings tend to produce hegemonically inequalities in social relations between the sexes. In this way, women have been the target of the most varied forms of violence, which are unleashed both in private life and in the public sphere. Confronting this reality refers to facing the process of breaking up the violence; in other words, the end of violence will depend on women's interactions with specialized services and with people close to them (Guedes *et al.*, 2013; Fusquine *et al.*, 2021; Schraiber *et al.*, 2023).

In the context of domestic life, marital and familial relationships are characterized by the pervasiveness of patriarchal norms and practices that perpetuate gender-based oppression (Grossi & Jardim, 2012). The phenomenon of women being subjected to their partners is still a tangible reality for a significant proportion of women, whether due to economic and emotional dependency or a lack of awareness of their rights (Grossi & Coutinho, 2017). The lack of support from family members, close friends, and the broader community compounds the problem. Despite the advancements made by feminism over recent decades, the tenets of patriarchy continue to exert a pervasive influence on our society. Lerner (2019) draws attention to the portrayal of women's reality as presented in a United Nations report from 2017. The document highlighted that 137 women are killed daily worldwide by a family member, with 58% of global female homicides perpetrated by a family member. A little over three billion women reside in countries where marital rape is not legally recognized as a criminal act.

The most prevalent symptoms in women who are victims of violence in the home are mood swings, symptoms of depression, decreased vital energy, and depreciating thoughts (Ludermir *et al.*, 2008; Oliveira *et al.*, 2018; Moulding *et al.*, 2020). These symptoms can be associated with the type of violence perpetrated by the partner, which may include physical aggression, psychological or sexual coercion, and physical abuse, with the effects also being classified as sequelae. Women who have experienced intimate partner violence are more likely to present with symptoms of common mental disorders across all domains (Basílio & Muner, 2023). In the domain of forensic and medical expertise, bodily injuries resulting from domestic violence, in all its manifestations, are pervasive and constitute a pivotal element in the forensic examination, influencing the application of the law and facilitating the provision of appropriate assistance to the victim, including the identification, and safeguarding of their rights (Carvalho *et al.*, 2023; Medeiros *et al.*, 2024).

A survey released by the Brazilian Public Security Forum (from Portuguese, *Forum Brasileiro de Segurança Pública – FBSP*) in 2020 revealed a 66.7% surge in femicide cases within the state of Rio Grande do Sul during the period of nationwide pandemic isolation, specifically in April 2020 when compared to the same period in 2019. A nationwide analysis revealed a 22.2% increase in femicides in the months of March and April across 12 states. These findings are further substantiated by the publication of *Visible and Invisible: the victimization of women in Brazil* (FBSP, 2020), which identified that black and brown women are at a heightened risk of mortality compared to white women. The data indicate that 24.7% of the victims were white, 28.4% were black, and 27.5% were brown. In this way, violence, in all its manifestations, has become a salient indicator of the inadequacies of the Brazilian government's response and a significant public health concern.

Although domestic violence is more prevalent in the verbal sphere, mortality rates have increased in all countries of the world over the past few decades (Cao *et al.*, 2024). In addition to the unexpected financial costs generated for families, the early death of women, which is predominantly at a young age, has impacts on society. The years of life lost to death or disability (DALY) represent a missed opportunity for these victims to contribute to society in a multitude of ways and in a variety of social spheres.

Pinto and colleagues (2022) examined the temporal trends in DALY caused by interpersonal violence against women in Brazil and its states from 1990 to 2019. The authors estimate that 3,168 deaths of women between the ages of 15 and 49 caused by interpersonal violence occurred in 1990, and 4,262 occurred in 2019, representing an increase of 33.8%.

Notwithstanding the enactment of the Maria da Penha Law and advancements in policies aimed at curbing violence against women, a discernible stability in mortality and DALY rates is evident across most Brazilian states; only the state of Bahia exhibited a notable increase in these rates, whereas the Federal District, Rio de Janeiro, and São Paulo demonstrated a significant decline. The rates of female homicide have remained constant when comparing the years 1990 and 2019 (Pinto *et al.*, 2022).

## **METHODS**

This study employed an exploratory and observational design with a qualitative approach. The study was conducted between July 2018 and July 2019 in the Domestic and Family Violence Court in the municipality of Porto Alegre, state of Rio Grande do Sul, Brazil. To analyze the women's narrative, the methodology proposed by Spink (2010) was employed. This approach allows for an examination of discursive practices, whereby objective and subjective responses pertaining to beliefs and cultural values associated with the phenomenon of violence against women can be identified. This analytical methodology is based on the constructivist approach. The research, based on this constructionist line of inquiry, seeks to elucidate the processes by which individuals describe and explain, or are otherwise aware of, the world in which they live (Gergen, 2009).

The constructivist position entails an acknowledgment of the research subject and object as social and historical constructions, as well as an appreciation of the significance of these constructions in daily life (Gergen, 2009). It is essential to recognize that no individual exists in isolation, but rather as a product of the social and historical contexts in which they are embedded. The meaning of a given text is understood as a social construction, and it is emphasized that this construction is situated within a specific context. This context encompasses a range of historical and cultural considerations. The study of language in action elucidates the ways in which individuals construct meanings and position themselves within the context of daily social interactions, thereby enabling them to navigate the complexities of the social world (Spink & Frezza, 2013).

The methodology makes it evident that an understanding of the historical process is fundamental to the analysis of social phenomena in their totality. At the same time, it permits an examination of the significance of this process in the context of subjects' daily lives. Thereof, the methodology of discursive practices addresses language as a social and historical construction.

As defined by Spink and Frezza (2013), the process of analysis construction represents the middle and the end of the interpretation task. To achieve the desired outcome, it is essential that the information selected provides a meaningful context for the study object. The pursuit of new information may be attributed to occurrences that form part of the research process. As a final step, we explicitly articulated the meanings derived from the interpretation process. The meaning is a social construction, which is a collective and interactive process by which people, situated within a historically dated and culturally located social dynamic, construct the terms through which they understand and engage with the situations and phenomena that surround them (Spink, 2010).

Accordingly, the analytical process entailed the examination and interpretation of women's social experiences in the context of domestic violence, with a particular focus on those who are engaged in legal proceedings involving protective measures. The gender inequalities present in the women's social context represent a complex challenge that requires a continuous process of deepening the theoretical methodology to fully understand the phenomenon. The studies of violence against women have demonstrated that research involving the phenomenon employs an increasing number of narrative resources as research techniques (Silva, Assis, & Minayo, 2017; Neves *et al.*, 2017; Estrela *et al.*, 2020). These techniques facilitate a sense of security and protection for the women when disclosing their experiences, and it is not uncommon for them to demonstrate reflexivity in their speech, verbalizing insights that had not previously been revealed. In this manner, the data interpretation indicates that the methodological process is centered upon the dynamic of meaning production.

The authors employed the Ideas Association Map (Spink, Iñigues-Rueda, & Spink, 2015) methodology to facilitate the separation and organization of the women's testimonies, maintaining their original sequence. Furthermore, it assists in identifying additional elements that will contribute to the discursive categorization. The objective of the maps is to provide a systematic framework for the analysis of discursive practices. The maps are composed of four columns. The first column is designated as the "marking object," which corresponds to the research questions or topics. The second column represents the initial responses to the research questions. The third column encompasses more comprehensive responses, including explanations or clarifications provided by the interviewer. The fourth column pertains to qualifiers pertaining to affective registrations, such as qualifiers and language figures.

The research participants were selected according to the following criteria: they were women aged 18 or over, attending the Domestic and Family Violence Court of Porto Alegre, were

participating in the gender-awareness group, and provided written informed consent. The participants were divided into two groups: those who had experienced and/or were experiencing situations of violence by a partner, husband, boyfriend, ex-husband, or ex-partner; and those who had or had had protective measures granted by the Court. Given the sensitive nature of the subject matter, which has the potential to evoke distressing memories and experiences among participants, such as recollections of instances of vulnerability and aggression perpetrated by their partners, the researchers consistently endeavored to cultivate a tranquil, agreeable, and secure setting for them.

The use of affirmative and empowering language was pivotal in this regard, as it allowed us to give a leading role to the women who survived these situations and demonstrated the courage to move away from environments that put their lives at risk. It was explicitly stated that participants could withdraw from the study at any time should they experience any discomfort or distress. The article's findings are organized into three sections, as followed. The initial section provides a concise overview of the role of patriarchal gender relations in the (re)production of violence. Subsequently, section two addresses the reality of women in situations of everyday violence. The third section considers the ways in which women sought assistance from the judicial system, and the obstacles they encountered in attempting to ensure their safety.

To maintain the anonymity and integrity of the participants, all women were assigned fictitious names. The objective was to provide visibility to women who had made a significant impact as women and contributed to the historical narrative of their time. The names were selected from a list compiled in a book entitled “*Extraordinárias: mulheres que revolucionaram o Brasil*” (Cararo & Souza, 2018). About ethical clearance, the study was conducted in accordance with all pertinent research guidelines pertaining to the involvement of human subjects. The research project was duly evaluated and approved by the Research Ethics Committee of the Pontifical Catholic University of Rio Grande do Sul, Brazil, with CAEE: 90357418.0.0000.5336, Opinion Number: 2.704.604, issued on June 11, 2018.

## **RESULTS AND DISCUSSION**

A total of 18 participants were interviewed. The sample consisted of 15 women (Char 1) who were accessing the Specialized Court for Domestic and Family Violence in Porto Alegre, state of Rio Grande do Sul, Brazil, with or without a judicial process, and three female justice operators (two magistrates and a public system employee). Many of the women were participants



in a gender discussion group designated as Borboleta. The Borboleta group is a reference to the transformation process that arises from the resilience demonstrated by women who have experienced violence when confronted with such traumatic circumstances. The group's activities encompass a range of dynamics, including dialogue, female empowerment, contemplation of the present and future, and a past that is not to be revisited. However, the group's primary objective is to empower its members with knowledge of the legal mechanisms and protections available to those who are vulnerable and at risk of violence. Consequently, the group can be regarded as a setting for the advancement of interpersonal capabilities.

### Chart 1.

*Characteristics of women victims of violence, Porto Alegre, Brazil, 2018-2019.*

Participants	Description
Olga	Age: 47; Race/Ethnicity: White; Schooling: Higher Education Incomplete; Marital Status: Separate; Time Living in the Abusive Relationship: 9 Years; Children: 2; Social Status: Employed; Income: Not Reported; Protective Measure: Yes, Once/ Emergency Protective Measure.
Anita	Age: 50; Race/Ethnicity: White; Marital Status: Single; Number of Children: 1; Profession: Lawyer/ now Teaches English; Income: Around R\$ 2,000.00; Protective Measure/Type: Emergency Protective Measure.
Isabel	Age: 50; Race/Ethnicity: White; Marital Status: in the Process of Divorce; Number of Children: 3; Occupation: Housewife; Income: Not Reported; Protective Measure/Type: Emergency Protective Measure.
Carolina	Age: 40, Race/Ethnicity: Black; Schooling: Complete Education; Marital Status: Single; Time Living in the Abusive Relationship: 20 Years; Children: 2; Social Situation: Currently Lives Alone in the Back of the House Where she Lived with her Former Partner; Occupation: Artist and Manicurist; Income: Up To R\$ 600.00; Protective Measure: Yes, once, Emergency Protective Measure.
Georgina	Age: 40; Race/Ethnicity: White; Education: Incomplete Higher Education; Marital Status: Single; Length of Time in Abusive Relationship: 14 Years; Children: 1; Social Status: Unemployed; Income: Not Reported; Protective Measure: Yes, once, Emergency Protective Measure.
Pagu	Age: 52; Race/Ethnicity: White; Education: Higher Education; Marital Status: Divorced; Length of Time in Abusive Relationships Reported: Only First Relationship Reported, 13; Children: 1; Economic Situation: Employed; Income: Not Reported; Protective Order: Yes, twice, Emergency Protective Measure.
Bherta	Age: 32; Race/Ethnicity: White; Education: Incomplete Higher Education; Marital Status: Single; Length of Time in Abusive Relationship: 3 Years; Children: 1; Social Status: Unemployed; Income: Government aid; Protective Measure: Yes, once, Emergency Protective Measure.
Graziela	Age: 32; Race/Ethnicity: White; Education: Complete Higher Education/ Environmental Management; Marital Status: Single; Number of Children: 3; Profession; Receptionist; Income: About 1,800.00 Reais; Protective Measure/ Type: Protective Removal Measure.
Dandara	Age: 56; Race/Ethnicity: Black; Schooling: Complete Primary Education; Marital Status: Single; Number of Children: None; Profession; Not reported; Income: R\$ 3,000.00; Protective Measure/Tip: Protective Removal Measure.
Maria	Age: 38; Race/Ethnicity: Brown; Marital Status: Married; Number of Children: 1; Profession: Secretary/Temporarily Retired by INSS Income: R\$ 2,000.00; Protective Measure/Type: Emergency Protective Measure.

Ana	Age: 38; Race/Ethnicity: White; Marital Status: Married; Number of Children: 3; Profession: Nursing Technician; Economic Situation: Unemployed; Protective Measure/Type: Removal of Children.
Nise	Age: 45; Race/Ethnicity: White; Level of Education: University Degree; Marital Status: Divorced; Number of Children: 1; Profession: Nursing Technician; Income: R\$ 6,000.00; Protective Measure Type: Emergency Protective Measure.
Leila	Age: 34; Race/Ethnicity: White; Level of Education: University Degree; Marital Status: Single; Number of Children: 1; Income: Not Informed; Protective Measure/Type: Emergency Protective Measure.
Antonietta	Age: 37; Race/Ethnicity: Black; Level of Education: Complete Elementary School; Marital Status: Single; Number of Children: 3; Profession: Not Reported; Income: R\$ 1,500.00; Protective Measure/Type: Emergency Protective Measure.
Madalena	Age: 40; Race/Ethnicity: White; Marital Status: Stable Union; Number of Children: 4; Profession: Hairdresser; Income: R\$ 3,000.00; Protective Measure/Type: Removal of Children and Emergency Protective Measure.

The sociodemographic profile of the participants is typified by a low level of schooling, average monthly incomes of up to two minimum wages, an average age of 42 (ranging from 32 to 56 years), and a stable sentimental union with the perpetrator partner. Most participants were White (n= 10; 66.7%) and had an average of two children (ranging from one to four). About the protective measures that were activated by the Courts, most participants required emergency protection (n= 11; 73.3%) and the removal of their children from the perpetrator of the violence (n= 6; 40.0%).

Despite the protective measures, violence broke out on more than one occasion. In some instances, protection measures were implemented in a piecemeal fashion, encompassing both the abduction of children and the safeguarding of women. The gravity of the situation prompted a unified response from the family justice system. The process of naturalizing violence against women as a norm within the patriarchal gender system was identified as occurring both within the domestic sphere and in governmental actions. The following sections will provide a more detailed examination of these factors.

### **The Role of Patriarchal Gender Relations in the (Re)Production of Violence**

The multifaceted phenomenon of violence against women is manifested in various forms in social life. These forms range from the cruelest forms of individual and collective torture to more subtle aspects that are nevertheless considered oppressive in everyday modern life (Blima Schraiber & d'Oliveira, 2003; Murillo *et al.*, 2020). An analysis of the construction of the woman subject in class society, viewed through the lens of patriarchy, reveals several key insights. As Saffioti (2009, p. 230) notes, "the relations between the sexes, and consequently, the position of

women in the family and in society in general, constitute part of a broader system of domination, which still predominantly occurs at home."

Some women desire their partners to assume the role of the "man" in the relationship. They idealize these roles, admire their partners' professional success, and even express a desire to start a family. Silva (2016) builds upon the studies conducted by Collete Dowling (2002) to conceptualize the Cinderella Complex. She posits that women are socialized from childhood to anticipate a male partner who will assume the roles of caretaker and protector. As Dowling describes, "women are brought up to believe that somehow they will be saved, taken care of and protected," which can be understood as a longing for a "Prince Charming," as depicted in fairy tales.

It is essential to comprehend the various forms of oppression that coexist and compound women's social experiences daily. To gain a full understanding of the situation of women, it is necessary to parse their position from a historical perspective. This analysis must consider the fact that women have been socially constructed, produced, and repressed by the same power institutions from which they seek emancipation. Consequently, the subject of feminism and the notion of gender as a category for a more profound comprehension of women are shaped by a multiplicity of social markers, including ethnic/racial, sex, social class, regional, and generational differences. These social markers inform the organization of society and the way in which it reflects cultural and economic values, as well as the relationship between the government and the workforce. The concepts of gender and patriarchy are fundamental to an understanding of violence, as their co-action directly affects the materiality of social relations.

The term "patriarchy" is used to describe an oppressive social system in which the relationships between men and women are structured around domination and exploration. This system assumes characteristics when capitalism is in operation, with women becoming the primary targets of oppressive behaviors, whether in public or private ambiances (Saffioti, 2009). In the contemporary era, the patriarchal system of oppression continues to perpetuate gender-based violence, thereby exposing the dark side of intimate relationships. The female experience encompasses a multitude of facets, including the romanticization of marriage and domesticity, and the persistence of patriarchy in these contexts allows it to reproduce and reinvent itself. Misse (2016) employs a semantic analysis to examine violence through which the term is associated with modernity, with violence being defined in accordance with societal perceptions of modernity. Its usage is situated in a context that justifies it, encompassing not only the acts that suggest and justify the violent intention, but also the forms of action towards others.

When patriarchy is accepted as a structuring element of social and sexual relations, gender is assumed to be a constitutive part of the patriarchal order. Thereof, the concept of gender exists in conjunction with that of patriarchy, as it pertains to the debate surrounding gender violence encompasses a multitude of factors, including the analysis of power relations. The definition of gender, therein, cannot be detached from the context of patriarchy, given that the latter is a system of power relations that perpetuate social inequality (Saffioti, 2009).

### **The Reality of Woman Amid Situations of Daily Life Violence**

A great many social, racial, and regional inequalities have their roots in the sociability that structures social relations. In examining the everyday experiences of discrimination and oppression faced by Brazilian women, it becomes evident that the identity ascribed to women is a significant factor (Chacham, Simão, & Caetano, 2016; Sousa *et al.*, 2024; Xavier Hall & Evans, 2020). This situation serves to illustrate the complex and multifaceted nature of structured sexism, which manifests in both public and private spheres. A substantial body of research has indicated that a significant proportion of gender-based violence is perpetrated by intimate partners and/or former partners (Moulding *et al.*, 2020; Royo *et al.*, 2023; Phillips *et al.*, 2024). This occurs in various forms in social life, ranging from the most egregious forms of individual and collective torture to more subtle manifestations that are nevertheless considered oppressive in contemporary society (Blima Schraiber & d'Oliveira, 2003). In everyday life, violence assumes different meanings, imbued with symbolic representations, values, and norms. It is thus essential to consider the specific characteristics of each context.

When the Media is involved, domestic violence against women is typically associated with physical aggression, which is not always an accurate characterization (Fornari *et al.*, 2021; Van Damme & Carballo, 2020). Indeed, most newscasts tend to perpetuate a stigmatized discourse, focusing on themes such as passion, marriage, love, and family drama. Explanations tend to obscure the primary cause of the phenomenon and the antagonistic processes inherent to this type of violence. Participants from our study indicated that the violence they had experienced was often subtle in nature. Such behaviors may manifest as cursing, humiliation, jealousy, and controlling actions on the part of the perpetrator. Furthermore, it can manifest through social isolation and economic deprivation. The following statements delineate the various forms of violence experienced by women at the hands of their intimate partners:

My husband was always suspicious and even threatened to kill me. He said that if he caught me with another man, he'd kill me. I was at work from 2 p.m. to 10:20 p.m. I was the first one there and the last one to leave. He thought it might be more than just extra hours. His mistrust only got worse over time, to the point where it was just plain unbearable (Antonieta, 2019).

The violence was about having the control. He was always very loud and aggressive (Anita, 2019).

During our marriage, I noticed that he was always very jealous. He would show up at my job without warning and go through everything. I couldn't even put on lipstick to go to work because he really thought I was cheating on him. I wasn't allowed to wear leggings. If I wore a dress, he'd come to check if I had my legs closed, just like this (Graziela, 2018).

I had to quit my job and start depending on him financially. The fighting got worse, and my life became hell. He even started to believe I had a lover. He left our daughter and me in false imprisonment (Georgina, 2019).

He called me fat, crazy, and sterile. He told me to heat my stomach in the stove and cool it in the tank. He forced me to have sex with him every time he drank. There was no way out (Carolina, 2018).

The narratives illustrate that the female body is not merely a site of violence; it is also a domain of domination and exploitation. Gender violence manifests in both overt and covert forms, encompassing a spectrum of actions from symbolic violence and rape to physical abuse and femicides (Piscitelli *et al.*, 2006). In this sense, discourse on sexual abuse necessitates an examination of the intertwined concepts of sex, sexuality, and women's narratives. It demands an understanding of the evolution of sexual relationships, which are also historically constructed social relationships. These relationships are based on social structures and models that dictate values and advocate the interests of a section of society that has historically oppressed and dominated others. The term "female sexuality" is often used in a pejorative manner, with a tendency to stereotype and stigmatize. It appears that there is a general agreement that the male imagination pervades women's sexuality and body. Both must align with social expectations based on the norms and behaviors of an androcentric and sexist society (MacKinnon, 2016).

Overall, the narratives of Antonieta, Anita, Graziela, Georgina, and Carolina illustrate the persistence of power imbalances and the enduring nature of oppression within intimate relationships. The reality as experienced by these women demonstrates that control over the female body in the context of marriage is a tangible reality. The implications of these power imbalances are inextricably linked to the dynamics of gendered social interaction. In Carolina's discourse, sexual intercourse is presented as an obligatory act for women, who are denied the

agency to refuse participation on the grounds that it is a duty. In this manner, sexual and gender relations are regarded as a structured field. It is evident that the regulation of female sexuality extends beyond the mere definition of sexual intercourse. Instead, it encompasses the construction of gender roles that are typically ascribed to women and men. As Bhattacharya (2019) asserts, the oppression of women in a capitalist system is established and perpetuated "in our workforce" and within the family unit. As the family unit assumes a primary role in regulating sexual relations between the genders, social control is exercised directly over the female body. The female identity is constructed in a manner that aligns with the traditional roles of wives and mothers.

The use of objects in conjunction with physical violence is not a universal phenomenon. Such behaviors are most often manifested through pushing, punching, kicking, and the use of domestic weapons such as knives. In most cases, the female face is the target of these aggressions, as evidenced by the following statement:

He used to come into the room while I was asleep and pull me off the bed and onto the floor. He'd lie on top of me and start beating me up. He'd slap and punch me in the face and bang my head against the floor. He'd only stop when I was almost unconscious. It was a scary time (Nise, 2019).

The participant suffered internal bodily harm because of these aggressions. Her liver, spleen, and jaw were damaged, so she had to have several surgeries. After some time, her ex-partner tried to kill her with a knife. Nise was stabbed twelve times in a public place near her house. As for her ex-husband, the judge gave him eight months in closed regime. Nise and her daughter got protective measures for one year. When we spoke, Nise said her ex-husband had gone back to work at the same place as her. To stay safe, Nise worked different hours. At the time of the interview, the aggressor was waiting for the popular jury. This next story is similar:

I was in my room when he punched me in the face, then choked me and pulled out a knife. My kids were there at that awful moment. He hit me first in the neck and then in my hands, hitting my tendons, and then stabbed me three more times in the face (Madalena, 2019).

In this report, the attempted femicide was perpetrated by the victim's former spouse, who was apprehended by law enforcement officials at the scene. The perpetrator was sentenced to three years of incarceration, but this was subsequently overturned by the popular jury, which took nine years to reach a verdict. As the defendant was a first-time offender, his sentence was reduced to four years. To justify his actions, the defendant claimed legitimate defense of honor, resulting

in an additional eight months being added to the sentence. Further instances of violence are discussed in the subsequent reports:

After a year of living together, my ex-husband started sleeping in a separate room. He only came to me for the purpose of sex. I felt used, but I tried not to upset him, because every time he got a no, he got angry and would push me and kick me (Olga, 2019).

The first time he became aggressive was in a public place. He slapped me in the face, in front of everyone, said that I was hitting on another man and being shameless (Ana, 2018).

The analysis of Olga's and Ana's narratives reveals that gender violence encompasses more than the abusive control of their partners over their bodies. These abuses appear to undergo a process of reconfiguration, which is in turn naturalized and reiterated by the patriarchal system within the domestic environment. Such manifestations are evident in various forms, including verbal violence and other forms of abuse such as moral, sexual, psychological, and physical violence (beating, suffocation, attempts at femicide, threats with or without the presence of a firearm and sharp objects). The perpetuation of these patterns serves to reinforce and naturalize social inequalities, further exacerbating power asymmetries. The contexts of the narratives are strikingly similar, underscoring the pervasive and perverse reality in which women are daily exposed.

### **Woman And the Call for Justice: Voices Unheard**

In response to feminist demands, the justice and public security system has adopted a selective approach to the criminalization of gender violence. Nevertheless, it is evident that instances of domestic violence have become increasingly visible over the past 35 years, coinciding with the establishment of the inaugural women's police stations in São Paulo. This development had a considerable impact on the demands for the criminalization of gender violence. The integration of a gender perspective into the criminal justice system in the 1970s was also a consequence of the demands of the feminist movement, aimed at eradicating violence perpetrated against women within the domestic sphere. In Brazil, crimes of a private nature, such as rape and passion crimes, were regarded as being of less offensiveness. Such an approach was described by Andrade (2007) as the minimalist criminological movement. He asserts that this movement is the foundation of the penal system's demand and the inefficiency of judgments in crimes against women.

The new order proposes the criminalization of all forms of gender violence in both domestic and public spaces, as set forth in the 11.340/2006 Law. As indicated by Rezende and Bernardes (2014), the legislation defines domestic and family violence against women as any action or omission that results in death, injury, physical, sexual, or psychological suffering, and moral or material damages. However, women have indicated that their demands are not adequately addressed by the legal system when they seek recourse through the justice system. To illustrate, Nise's testimony details instances of psychological violence: “[...] *as I hadn't had nothing hurting, nothing physical to present when I requested the protective measure, had no legal reports, only the complaint of this continuous discussion*” (Nise, 2019).

When women seek assistance from the justice system, they anticipate a prompt and satisfactory resolution to their concerns. However, this is not always the case:

Even when the state listens to the victim, she often still ends up being discriminated against again, not by her aggressor, but by the police officers, based on stereotypes (Ana, 2019).

I explained everything: that the boy didn't sleep far away from me, and even then, nothing. I wanted to collect my things that were still there. They told me to just take my personal items and my son's things. I didn't think it would take this long to get my son back (Leila, 2019).

There's no law enforcement or police force that's going to take care of it. I believe that when a woman calls to report violence or threats, she should be offered the support of a psychologist. Ideally, women and their kids should be taken care of, and men should be relocated (Maria, 2018).

I didn't feel comfortable going to the police to tell my story because my husband worked there. I was really scared (Madalena, 2019).

The laws aren't applied consistently, and the process takes a long time. I had a hearing last March, and it was a whole function. The criminal lawsuit ran in my name, not his. He wasn't called, sought, or pursued at any time. There was nothing criminal about it. He wasn't called, and it was nothing. It gets complicated, you know (Olga, 2019).

There is a substantial body of evidence indicating shortcomings in the efficacy of the public security system in addressing gender-based violence (Souza & Silva, 2019; Stochero & Pinto, 2024a; 2024b). Among the shortcomings identified is the lack of operator training, also implying the existence of impunity and injustice on the part of the public justice system. Women frequently experience a sense of unease when disclosing their personal histories in a public setting. The participants' speeches elucidate the difficulties encountered by women when



requesting urgent protective measures.

Despite the advancements made in legislation to combat gender-based violence, the findings of this study talk about how women continue to face significant challenges. Prior to the enactment of the Maria da Penha Law, violence against women was perceived as a crime of lesser offensiveness. Those convicted were sentenced to a maximum of two years and were referred to the Special Criminal Courts. As Meneghel *et al.* (2011) observe, convictions rarely went beyond the symbolic level, with sentences such as community service or the provision of food baskets contributing to a sense of impunity. Nevertheless, these women who have been abused by their partners continue to perceive a sense of impunity regarding the decisions and actions of the justice system.

Notable advancements in legislation include the enactment of Mariana Ferrer Law No. 14.245 (Brasil, 2021a), which defines and prohibits institutional violence, including the use of material or information that violates the victim's dignity and is not pertinent to the case. Furthermore, the National Council on Justice (from Portuguese, *Conselho Nacional de Justiça*, CNJ) has established a Protocol for Judgments with a Gender Perspective to serve as a reference for judges in ensuring an impartial and non-discriminatory judgment for women (CNJ, 2021). This protocol recognizes the historical, social, cultural, and economic inequalities faced by women in society and aims to provide a more effective legal response to cases of violence against women.

Another significant piece of legislation aimed at mitigating the risk of femicide is Law 14.149 (Brasil, 2021b), which mandates the implementation of a National Questionnaire for Risk Evaluation (FORNAV) for women subjected to domestic and family violence. The questionnaire may be administered at police stations, justice courts, the Public Ministry, or other institutions where women seek assistance for the first time. It is similarly crucial that police officers escort the woman back to her residence after pressing charges against her abuser, should this be necessary, to ensure her safety. Based on this evaluation of risk, women may be referred to a shelter or the abuser may be removed from the home. Additionally, other measures may be provided to ensure her safety and well-being. The questionnaire is extremely relevant, as it serves to ensure that women are not subjected to a lack of attention or the necessity of recounting their experiences on multiple occasions in disparate settings. This can be perceived as a further traumatizing experience for them.

Bill 4266/2023 represents a comprehensive anti-femicide initiative that seeks to enhance the penalties for crimes against women, including feminicide, by increasing the maximum

imprisonment sentence to 40 years of reclusion. The Deputies Chamber and Federal Senate had previously approved the project, which was subsequently transformed into an ordinary law (14.994/2024) that established femicide as a standalone criminal offense, increasing the penalties for this crime and others related to violence against women. Additionally, the law introduced measures to prevent and address violence against women.

Public policies ought to consider the intersectionalities of the oppression faced by women, as some women are more vulnerable to violence than other. This includes, but is not limited to, poor women, women with disabilities, rural women, the LGBTQIA+ population, black and quilombola women, homeless women, and older women (Barbosa, Silva, & Sousa, 2021). It has been demonstrated that women are more susceptible to violence because of a lack of awareness regarding their legal rights, economic dependence on their partners, and adherence to traditional gender roles (Grossi *et al.*, 2014; Stochero & Pinto, 2023). In response, the government has initiated several programs, including the deployment of mobile units that will provide legal, social, and psychological services to rural women.

As a society, we are confronted with a multitude of intricate questions that demand our attention (UN Women, 2017). Such questions are of a nature that can be described as follows: What measures will be taken to eradicate violence against women? It would be beneficial to ascertain the frequency with which women are killed by current or former intimate partners. Furthermore, it would be advantageous to determine whether there is support for the National Action Plan on Violence Against Women and Gender-Based Violence. It would also be prudent to establish a plan for ensuring that more safe, accessible, and affordable housing is available for women fleeing violence. Additionally, it would be valuable to ascertain whether there is support for the addition of coercive control to the Criminal Code of Brazil. Finally, it would be beneficial to determine whether there is commitment to increased, long-term funding for women's rights and gender.

## CONCLUSION

The social experiences of women subjected to domestic and family violence encompass a range of abusive behaviors. The participants in this study endured repeated instances of violence, including threats, psychological abuse, and physical violence. It can be posited that marital and/or family relationships are typified by sexist and oppressive patterns. The subordination and submission of women to their partners remains a tangible reality for many women. Verbal and

moral violence frequently results in material damage, which can be classified as patrimonial violence. In addition to the forms of abuse directed at them, women also experienced instances of attempted femicide and other forms of psychological control and sexual abuse. With respect to the justice and public security system, it appears that women do not feel protected from further aggression or contact with the perpetrator.

To properly address this issue, it is essential to consider the role of public accountability in the context of violence, with a greater emphasis on mediation by public authorities and society. A gender and racial equity approach must be incorporated into all social policies and that a collaborative effort be made with the justice system to advance women's autonomy and independence from abusive partners. This can be achieved by addressing their needs for an adequate income, housing, daycare, and psychological assistance for themselves and their children, among other measures. Moreover, it is imperative to guarantee equality between genders through the comprehensive involvement of women in economic, social, and political decision-making processes. In closing, women must be afforded the right to live without fear of violence and that their civil rights be upheld. This represents the initial phase of a larger societal advancement process, with the ultimate objective of ameliorating the future for upcoming generations.

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