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# **Violence against women: An analysis of femicide in Brazil**

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## Abstract

This thesis examines the issue of femicide in Brazil, which is the killing of women and girls based on their gender. I argue that the culture of *machismo*, a set of sexist social norms, is endangering women in Brazil. This is especially true for identities marginalized within the main *women* group, such as women of color and transgender and transsexual women. Even though Brazil has special legislation to tackle the issue of violence against women, the same is not as effective as it could be. It also fails to address the root cause of the problem, which is the *machismo* present both in the society and the State institutions. An intersectional approach was used to attempt to understand femicide in all its complexity, so at first Intersectional Theory will be addressed, followed by the methodology chapter. Then will be given a background on the Brazilian experience regarding femicide and violence against women, followed by the development of norms regarding the subject of this thesis, both international and domestic legislation. Lastly, femicide will be analyzed within the scope of this master's thesis.

*Keywords:* femicide; violence against women; Brazil; intersectionality; discrimination.

## List of Acronyms

CEDAW - Convention on the Elimination of All Forms of Discrimination against Women

DDM - *Delegacia de Polícia de Defesa da Mulher* [Women's Police Station]

IACHR - Inter-American Commission of Human Rights

IBOPE – *Instituto Brasileiro de Opinião Pública e Estatística* [Brazilian Institute of Public Opinion and Statistics]

IR - International Relations

NGO - Non-Government Organization

OAS - Organization of American States

UDHR – Universal Declaration of Human Rights

UN - United Nations

UN Women - United Nations Entity for Gender Equality and the Empowerment of Women

USA - United States of America

# 1 Introduction

In 2008, Eloá Pimentel and her friend Nayara Rodrigues da Silva, both 15 years old, were held captive for more than 100 hours, by Eloá's ex-boyfriend, Lindemberg Alves, age 22. The kidnap was broadcast live on several television networks, which interviewed the perpetrator during the kidnapping - with the permission of police officers in charge. Police also requested that Eloá's friend Nayara, after being released by Lindemberg, return to the scene where she had also been held captive to collaborate in negotiations with Lindemberg. At the end of the standoff, Eloá and Nayara were shot; they were both rushed to the hospital, however, on October 18<sup>th</sup>, 2008, Eloá passed away from brain injury (Prateano, 2019).

In 2017, during New Year's Eve, 11 people from the same family were killed in a premeditated crime planned by Sidnei Ramos. Sidnei had a relationship with Isamara Filier for two (2) years, filled with threats and violence, which made her file five (5) reports against him over the years, the first one when they were still married, in 2005. On New Year's Eve, 2017, before invading the family's house, Sidnei recorded his reasons for committing his crimes and also recorded an apology to the firefighters and police officers for ruining their night. Sidnei gained entry into the house and killed everyone that stepped on his way, until he found his ex-wife and their son. Then he proceeded to kill them and commit suicide right after (Revista Veja, 2017).

On March 7<sup>th</sup>, 2019, 19-year-old Isabela Miranda de Olivera was killed by her boyfriend William Felipe de Oliveira Alves, after being raped by his brother. At a barbecue, Isabela felt sick and went to a bedroom to rest for a while, where she was sexually abused by her boyfriend's brother. William went to the bedroom to check on her and saw the rape. Thinking she had cheated on him with his brother, he proceeded to physically assault them and set fire to Isabela's and his brother's bodies. They were sent to the hospital; however, Isabela did not survive the attack (Gonçalves, 2019).

As seen in the excerpts above, a relationship may be a very unsafe place for a woman to be in. Most female homicides occur on the part of partners/ex-partners or a family member. That is the biggest difference compared to male homicides, which occur in most cases through some involvement with crime, such as drug trafficking. This difference is what led to the creation of nomenclature and special legislation in Brazil, differentiating homicide from femicide (Prado & Sanematsu, 2017).

The special legislation in Brazil about femicide adopted the nomenclature first created in the United States of America (USA) by authors Jill Radford and Diana Russel in 1992. According to the authors, femicide means the misogynistic killing of women by men, within a continuum of sexual and/or domestic violence. It is important to differentiate both types of homicide for study purposes and to better understand how to overcome this problem. The authors also stress the importance of recognizing femicide as a crime that contains a sexual and a political spectrum. Radford & Russel (1992) define this sexual spectrum as a desire for power, dominance and control by men over women. This definition allows us to understand this crime in the context of oppression of women in a patriarchal society. The political spectrum, on the other hand, relates to the breach of women's rights, especially when recognized that femicides are preventable deaths, which will be addressed later.

The misogynist motivations of these killings are often ignored by the media, which may blame the women or deny the humanity, and therefore the masculinity, of the killer, who is frequently portrayed as a beast or an animal. Such press coverage masks the sexual politics of femicide. Relocating femicide within the continuum of sexual violence establishes its significance in terms of sexual politics. (Radford & Russel, 1992, p. 4)

Recognizing the differences between a common homicide and femicide is extremely important in understanding all the nuances of this crime and, therefore, how the social norms present in the Brazilian society end up influencing and fostering such misogynistic behavior. A common homicide, such as the result of bar fights or drug-related, does not have this sexual and political spectrum mentioned by Radford & Russel (1992). The authors argue that femicide, because it happens at the end of a cycle of violence in a woman's life, is a preventable death, thus the importance of differentiating both types.

This study is important because of the high numbers of femicide in Brazil, which is categorized by *Mapa da Violência* [Map on Violence] (Waiselfisz, 2015), as having the fifth-highest rate of homicide of women of any country in the world. It is essential to research femicide because not only it is one of the most extreme forms of violence against women, but because the circumstances that lead to this killing are different from a homicide. Femicide can also be a result of structural violence against women in Brazil. Most of these deaths are categorized as preventable,

therefore the importance of bringing these deficiencies to the forefront to highlight and to propose changes to the system. In other words, it is about women's security and saving lives.

The scope of this research on femicide will be limited to Brazil, due to this being a good case study in terms of the social norms of *machismo* and how it leads to femicide. According to the latest research, there is one female murder every 2.5 hours in Brazil (Waiselfisz, 2015). Other forms of violence against women also have staggeringly high numbers in the country, for example, 1 rape occurring every 11 minutes.

I hypothesize that the culture of *machismo* fosters norms that facilitate the increasing incidences of the killing of women, making Brazil one of the most violent societies in the world. The culture of *machismo* also permeates Brazilian institutions, and hence perpetuates structural violence against women. Given the many international mechanisms that govern International Law and assert the commitment of the State to guarantee the protection of human rights to all its citizens, the Brazilian government fails to prevent and properly investigate and punish femicide. We can observe that in (1) the lack of proper training for police officers and State officials to deal with violence against women, in (2) the lack of campaigns on changing these attitudes and in (3) the denial to use the concept of *gender* in the Brazilian law number 13,104, also known as Femicide Law. The current law and practice in Brazil are a good beginning to address and tackle femicide, but it still needs a lot of improvement to advance in terms of ending these killings. All of these will be discussed in-depth throughout this thesis.

From the preceding, the following research questions can be posed for this study:

- Do the social norms of the culture of *machismo* endanger the Brazilian female population?
- Why is the special legislation in Brazil, with Brazilian laws numbers 11,304 (Maria da Penha Law, which deals with domestic violence) and 13,104 (Femicide Law), not as effective in preventing femicide and keeping women safe as it could be?
- Is the Brazilian government complying with the global norms of which it is a signatory part and fulfilling its role of protecting and respecting human rights, especially women's rights, in terms of femicide?

I will make use of Intersectional Theory to frame and endeavor to understand the subject in all its complexity. At first, I will give an overview of Feminist Theory, to seek a better understanding of what led to the creation of the Intersectional Theory. Even though this later theory has its roots in feminism, it is a much-needed evolution of it, since it brings to the forefront women who were silent by mainstream feminism. Intersectional Theory will be used because it seeks to explain the different layers of discrimination, which in the case of femicide includes race, age, and locality. According to this theory, it would be simplistic to reduce everything to sex discrimination (*machismo*), since different women suffer different discriminations that increase chances of harm, including racism and ageism (Crenshaw, 1989).

This research is organized so that at first, I will introduce the theories used in this study, elucidating both the Feminist and Intersectional Theory, along with the concepts important to these theories. Then I will move on to the methodology used in the research. Next, I will start to address the case study, approaching the relevant concepts to the Brazilian context and the experience of femicide in this country. Then will be given a background on International Law and agreements regarding women's rights and its importance to Brazil and how the laws to prevent violence against women have developed in Brazil. Afterward, the main topic of this thesis will be discussed. Finally, I will provide some final marks in the final considerations.



## 2 Theoretical framework

I will make use of Intersectional Theory to analyze the subject of femicide. This will benefit the understanding of both whom these female victims are, having in mind their race, age and locality, and how *machismo* operates to allow for femicide. Intersectional Theory guides the comprehension of all the different identities of these women and how they are interconnected. Also allowing the understanding of who this male identity (perpetrator) is since it is crucial to the normalization of femicide in Brazilian society. So, at first, I will give a brief overview of Feminist Theory, since Intersectionality has its roots here, however, as mentioned before, it is a much-needed evolution of the first. Then I will move on to intersectional studies and its relevant concepts.

### 2.1 Feminist Theory

According to Charlotte Krolokke and Anne Scott Sorensen (2005), the history of feminism is commonly divided into three distinct phases, or, as they are best known, the three waves of feminism. Each feminist wave was a significant historical moment of both activism and academic importance, where particular agendas and women's issues emerged and dominated the debate. This division is mainly for didactic purposes because even where there is agreement about one or other agenda, there are different theories and movements that run in parallel, each one with its specificities and value.

The first wave of feminism occurred in Europe in the late nineteenth and early twentieth centuries and is mainly connected with the liberal feminist movement though some scholars link this phase with the beginning of socialist feminism as well. The main concerns and demands of this phase were regarding access to equal opportunities for women, including political participation through universal suffrage. According to Sondra Farganis (1994), this first phase concerned itself with achieving gender equality with anti-discriminatory legislation. Two distinct strands gained more visibility during this period. The liberal feminist movement, which, according to Izadora Monte (2013), focused on reversing gender inequalities and hierarchies. They believe that the oppression of women is due to the legal barriers of the State, which would prevent the full realization of individual rights. As for socialist feminists, they see the origin of female oppression embodied in the differences in economic and material conditions between men and women. For them, the foundation of patriarchy was in the fact that the female population was limited in being

able to add economically to society. Although these two theories differed in their beliefs, both fought for gender equality as well as greater freedom for women.

The second feminist wave came after World War II, in the late 1960s and early 1970s in the United States of America (USA), and the starting point was Betty Friedan's book *The Feminine Mystic*, according to Ana Rita Duarte (2006). In this book, Friedan analyzes the construction of the image of the American woman, who at that time should be a housewife, mother and wife, performing all these roles to perfection. This period brought as its motto *the personal is political*, a term coined by feminist Carol Hanisch (1970). To Shulamith Firestone (1972, p. 38), “the feminist movement was the first to combine effectively the ‘personal’ with the ‘political.’” With this, it developed a new way of thinking and doing politics, since it reconciled the personal/private (feminine) with the public (masculine). At that time, in the USA, many women began to meet both in neighborhoods and unions. Hanisch (1970) indicates that these meetings were a way of debating topics as politics, as well as mobilizing to fight for women's rights. In short, this phase became known for a more radical feminism with the women's liberation movement, with its essays focusing on women's feelings, experiences and emotions, according to Farganis (1994) and Hanisch (1970).

The third feminist wave was born with the privileges gained by the first two (2) phases. It emerged around 1990 and seeks greater political participation and personal freedom. Farganis (1994) argues that Feminism joined forces with Postmodernism<sup>1</sup> and Postcolonialism<sup>2</sup> during this phase, emphasizing the ways in which women are diverse. These theories added to feminism bringing up the issue of women of color and postcolonial women, as well as women's identity and individuality, recognizing the differences between each other rather than trying to universalize a white, middle-class experience.

The emergence of these feminist strands, such as Intersectional Theory, brings to the forefront the fact that mainstream feminism takes into account the worldview and experiences of white women, neglecting the experiences of minority groups. As Hans-Joachim Bürkner (2011) exposes, intersectionality shifted the focus from feminism to gender studies and from oppression

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<sup>1</sup> Postmodernism represents the appreciation of the ephemeral, that is, the constant redefinition of paradigms and concepts that represent and sustain the main characteristics of International Relations, as Thales Castro (2012) explains it, everything can and should be reviewed and deconstructed.

<sup>2</sup> Postcolonialism reflects the non-hegemonic and non-western perspective of colonial/postcolonial nations and cultures excluded over time by the major powers of International Relations. Postcolonial studies embrace the critical perspective of the parts not widely represented by the spotlight of the Academia of the American-European axis of International Relations (Castro, 2012).

to diversity, as well as the social construction of gender as a crucial concept in this area of expertise. Women of color had to deal with the invisibility of their experiences in the mainstream (white) feminist movement, as well as with being silenced over the years, while white women brought their issues to light. Intersectional Theory, which has its origins in this wave, brings these issues to the table, bringing diverse, individual experiences to the forefront.

Both feminist movement and theory are understood as a set of political and social movements, ideologies and philosophies that have as their common goal: equitable rights and a human experience with female empowerment and the liberation of patriarchal standards based on gender norms. Farganis (1994) defines feminism as

an ideology or belief system, an integrated set of theoretical assumptions that taken together structure a worldview that its adherents take to be true. It is grounded in a moral premise that assumes the injustice of treating men and women inequitably. Women are seen to be oppressed by men through long-standing historical structural arrangements that initiate, support, and legitimate that oppression (patriarchy). The objective of feminism is to be a handmaiden to a political movement which will undo this gendered domination. (Farganis, 1994, p. 102)

The term patriarchy originally comes from the kinship systems of older societies, according to Adriana Piscitelli (2002). However, today this concept is synonymous with a system that espouses the domination of men over women. Piscitelli (2002) mentions that the culture was built over this masculine supremacy and control over women, also known as patriarchy. The concept of patriarchy was particularly employed in the development of radical feminism that, unlike its liberal predecessor, looked to identify and change the system rather than introduce measures for equality within an inherently unequal system. Feminisms seek equal opportunities between men and women, whether in the political, economic, cultural, or social fields. It is important to highlight that gender inequality, according to Maria Amélia de Almeida Teles (2006), is the product of arbitrariness and injustice, while sex/biological differences are natural and do not show superiority of one group over another.

Feminist Theory had made unique contributions to many areas of knowledge, although International Relations (IR) was only most recently open for feminists, according to Annick

Wibben (2004). Feminist analytical approaches entered the IR in the 1970s and have been allocated within the third debate<sup>3</sup> as one of the critical voices of post-positivism<sup>4</sup>. Even though Feminist Theory arose well before that, it was only at this time that conservative scholars recognized its importance. Although feminism is not post-positivist per se, many feminist scholars end up identifying themselves as such because it draws attention to the historical and social context and to the construction of that particular experience rather than simply discovering it and accepting it. As Monte (2013) presents, feminism also brings a new facet to IR:

Feminist approaches have in common that they include in their scientific project a political dimension - not only of overcoming female oppression but also of building a fairer international order in which hierarchies of gender, class, or race are not present. (Monte, 2013, p. 68)

Over the years, the goal of feminism in IR has changed considerably. In the early 1970s, the goal of the most liberal feminists was to make women visible in the process of world development. As early as 1980, the emphasis shifted to understanding gender relations and how it impacted women's lives. More recently, in the 1990s, given the influence of Postcolonialism and Postmodernism, the highlight is the local and particularized knowledge with which Western hegemony is challenged. From this period on, we have the rise of feminism in postcolonial countries, where local women became part of the struggle for their rights. An example of this is Nigerian writer Chimamanda Ngozi Adichie, who published the speech *We Should All Be Feminists* (2014), where she states that it is people who make the culture and not the other way around, which demonstrates the claims for a review of sexist and androcentric<sup>5</sup> traditions and social norms, such as the culture of *machismo*. From 1990 onwards feminism shifted from focusing

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<sup>3</sup> The history of International Relations is divided into three major theoretical debates. The first of these occurred between Idealists and Realists between the 1930s and 1940s, in the so-called interwar period, according to Castro (2012). In the second major debate, Neorealism and Neoliberalism occupied the academic agenda of IR, which took place between the 1970s and 1980s. Finally, we have the third major debate, which took place between positivists and post-positivists and where theories such as Feminism and Postcolonialism fit in.

<sup>4</sup> Post-positivist has proved to be a challenge for International Relations because it seeks to include in its analyzes a social dimension and also because the positivist theories compose the center of IR. Post-positivism proposes a greater concern with the sociological dimension, considering the existence of identities formed between domestic and external actors (Castro, 2012).

<sup>5</sup> Androcentrism is the practice of taking male experiences and points of view as the norm or the center of one's culture.

specifically on women and achieving gender equality to focusing on individuality and diversity while fighting the patriarchy as it hinders the development of women.

### **2.1.1 Intersectional Theory**

Kimberle Crenshaw, a feminist scholar that specialized in black feminism, created the term intersectionality in 1989, in an article about African American women in the United States of America (YW Boston, 2017; Crenshaw, 1989). The idea behind intersectionality was something black feminists already discussed since the 1960s when women of color found it difficult to relate to issues brought by mainstream (white) feminism. At that same time, they suffer sexism in the civil rights<sup>6</sup> movement in the USA. This intersectional experience that women of color endured called for a feminist practice that would center on their life experiences since they faced racism in the feminist movement and sexism in the civil rights movement (YW Boston, 2017).

Intersectionality reflects a transdisciplinary theory that aims to apprehend all the complexities of social identities, as well as the inequalities, through an integrated approach (Bilge, 2010). That way, gaining a more complete understanding of the social constructs of each individual. In other words, intersectionality is the study of the intersections of social identities and the different systems of oppression. This theory seeks to understand how different identities interact, such as gender, class, sexual orientation, religion, age and others. This theory will help us better understand the subject of femicide and domestic violence in Brazil since it is widely used to fathom social injustice and inequality and how to overcome them.

[Intersectionality] refutes the compartmentalization and hierarchization of the great axes of social differentiation through categories of gender/sex, class, race, ethnicity, disability and sexual orientation. The intersectional approach goes beyond simple recognition of the multiplicity of the systems of oppression functioning out of these categories and postulates their interplay in the production and reproduction of social inequalities (Crenshaw, 1989; Collins, 2000; Brah and Phoenix, 2004). It proposes apprehending ‘the social reality of men

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<sup>6</sup> The civil rights movement in the United States of America was a decades-long struggle for social justice for people of color to gain equal rights under the law in the USA.

and women together with its associated social, cultural, economic and political dynamics as being *multiple* and determined *simultaneously* and *interactively* through various significant *axes of social organisation*'. (Bilge, 2010, p. 58-59, emphasis in original)

Patricia Hill Collins and Valerie Chepp (2013) suggest that these social identities cannot be analyzed in isolation from one another; instead, these intersections signal power relationships that produce inequalities and distinctive social experiences. This allow for an even more robust understanding of the power constructs in Brazil, where some people have a more privileged experience than others. According to Hill Collins & Chepp (2013, p. 60), "individuals and groups can simultaneously experience privilege and disadvantage". Consequently, even though all women are in danger of suffering from domestic and/or sexual violence, some intersections endanger women more than others, such as race and sexual orientation.

According to intersectional approaches, women cannot be understood as one unified group. Different women are subjected to different types of discrimination depending on their various identities, such as race, age, ethnicity, sexual orientation, and socio-economic class. Bürkner (2011, p. 181) explains that intersectionality refers to "several horizontal and vertical dimensions of social inequality". The intersection of these identities and discriminations needs to be understood as they affect the way violence, and therefore femicide, happens within different identity groups.

As mentioned in the previous paragraph, some of the core axes of discrimination which are related to femicide in Brazil include gender, race, locality, age, among others. Discrimination against race, or racism, according to Devah Pager and Hana Shepherd (2008, p. 182) refers "to unequal treatment of persons or groups on the basis of their race or ethnicity". Racism leads to individuals being treated differently, or unequally, based on their race/color. This is relevant not only when analyzing relationships between people, but also between individuals and the State, since institutions can also reproduce such discrimination.

One of the main forms of discrimination related to this master's thesis that we need to understand is sexism, or discrimination based on sex and/or gender. Although it can affect anyone, women and girls are the most affected by it. This type of discrimination is linked to stereotypes

and gender roles, as well as to how femininity and masculinity<sup>7</sup> are understood. Sexism is linked to the social construction and norms of how each individual should behave, based on their assigned gender. The violence linked to this discrimination is called gender-based violence or, when is directed towards women and girls, violence against women (Prado & Sanematsu, 2017). In the context of this thesis, *machismo* is not only used as a synonym of sexism, but it is a more severe form of this discrimination.

Another axis of discrimination brought by Intersectional Theory is agism, or ageism. It was first coined in 1969 by Robert N. Butler, to refer to prejudice against the elderly (Achenbaum, 2015). Andrew Achenbaum (2015, para. 9) states that the original definition of ageism is the “stereotyping of and discrimination against people because they are old”. Nowadays, the term was broadened up to refer to discrimination against individuals or groups of a certain age.

LGBTQ+ identities are one of the intersections that suffer most from prejudice in the culture of *machismo*. As will be better addressed in chapter four (4), these identities are under a lot of discrimination in Brazil, which results in a very unsafe place for them. The discrimination against people who identify or are perceived as lesbian, gay, bisexuals or queer<sup>8</sup> (LGBTQ+) is called homophobia. Transphobia could also fall under a similar category and it encompasses prejudice against people who identify as transgender. Transgender refers to individuals whose gender identity differs from the one assigned at birth. Transgenders who transition from one gender to the other are identified as transsexuals.

Another form of prejudice addressed by intersectional studies is called classicism, or class discrimination, which is prejudice or discrimination based on a person’s social class. It is a set of behaviors and attitudes that usually benefit the upper class and generates a disadvantage to the lower class. Social class refers to the grouping of individuals based on their wealth, income and education.

To better understand the complexity of the society we live in, Intersectional Theory proposes that all the different axes of discrimination interact with each other, resulting in a deeper form of discrimination that is particular to the individual and others that have similar identities with similar power dynamics. That is to say that some minority groups are subjected to different types

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<sup>7</sup> Femininity and masculinity are a set of behavior and attitudes linked to the gender norms associated with being a woman and a man, respectively. It is a social construction distinct from biological sex.

<sup>8</sup> Queer is a term for sexual and gender minorities who do not identify themselves as heterosexual or cisgender. Cisgender is a person whose gender identity matches the one assigned at birth.

of prejudice and discrimination and we cannot separate them from each other. Furthermore, we can say that racism, sexism, homophobia, classism, transphobia, and other identity-based grounds of discrimination interact and create a new system of oppression that reflects the complexity of the society we live in.

This focus on the most privileged group members marginalizes those who are multiply burdened, and obscures claims that cannot be understood as resulting from discrete sources of discrimination. I suggest further that this focus on otherwise-privileged group members creates a distorted analysis of racism and sexism because the operative conceptions of race and sex become grounded in experiences that actually represent only a subset of a much more complex phenomenon. (Crenshaw, 1989, p. 140)

According to Crenshaw (1989), by capturing the consequences of the interactions between systems of oppression, it seeks to understand what the results for that individual are. People cannot separate all these identities depending on the social situation they find themselves in, they are all interconnected and present at all times. An example offered by Crenshaw (1989) is that an African American woman cannot separate her two identities, being a person of color and being a woman, the discrimination she suffers does not differentiate each identity. In this case, she does not suffer the same type of racism a man of color does, and she does not suffer the same sexism a white woman does, hence the importance of understanding the intersection of both identities.

Intersectionality seeks to understand the place women, as a group, occupy in society but also how each identity/individuality contributes to it. Women, as a group, suffer the sexism present in the Brazilian society; however, a lesbian, a woman of color, an older woman, or one from a lower class, who find themselves at the margin of the group, undergo different discrimination than a white, middle-class woman does. Individuals that find themselves on the crossover of these identities are more at risk of injustice, such as women of color or transgender women. A major example is the rates of femicide in Brazil among black versus white women. In Brazil, women of color are almost 62% more prone to suffer from domestic violence than white women (Waiselfisz, 2015). This shows both the gender and the race factor indeed influence the experiences of these women. Intersectionality helps us understand the inequalities in place in Brazil and the degree of



vulnerability of each individual; so that better policies and campaigns can be created to address their specific needs.

To Hill Collins & Chepp (2013) intersectionality helped recast gender beyond a narrow definition of woman and build knowledge about our construct and understanding of masculinity and femininity. “Here, scholars have pointed to the ways the parameters (i.e., boundaries) around masculinity get defined in relationship to, and draw power from, constructions around femininity” (Hill Collins & Cheep, 2013, p. 65). In doing so, it helped understand masculinity and male domination as a social experience, as well as a social construct, which also results in unequal material realities. The culture of *machismo* in Brazil draws upon these notions of masculinity and femininity. Through the social norms and gender roles present in today’s Brazilian society, it fosters aggressiveness towards women in men and passiveness in women.

Intersectionality can also be seen as an instrument of political struggle since it seeks to reveal, as well as combat, multiple forms of oppression. Understanding that these prejudices are interwoven is essential to understand the Brazilian society and, consequently, to suggest improvements to the legislation about violence against women. The post-positivist era of International Relations helps us bring to the forefront these struggles and to better understand individual experiences within minority groups. Other theories, such as Postcolonialism, help us understand the group itself, but intersectionality seeks to understand the individual in that group.

### 3 Methodology

In this master's thesis, I made use of a mixed-method research approach to analyzing why and how the female population in Brazil is being endangered. Document and bibliographic analysis, supported by a literature review, will be the main research method. This will be supplemented by statistical analysis, drawing on official statistics about femicide, provided by *Mapa da Violência* [Map on Violence] (Waiselfisz, 2015) and *Anuário Brasileiro de Segurança Pública* [Brazilian Public Safety Yearbook] (de Lima & Bueno, 2017). Julio Waiselfisz (2015) elaborated a statistical study about female homicides in Brazil, which was published in 2015. This is one of the most complete researches of this kind in Brazil. He gathered data from 1980 until 2013, focusing on the years between 2003 and 2013, and contextualized the homicides of 2013 in terms of race and age of the victims. Since the Brazilian law number 13,104, known as Femicide Law, had not been approved by that time, he also estimated how many of the total numbers of homicides were femicides, due to the lack of a government-specific database about femicide. He also gathered data from 83 different countries to give an overview about femicide worldwide. Many countries do not have sufficient data specific for femicide, therefore some were estimates. The data nevertheless helps us understand how each country scores in terms of this type of violence against women.

I also relied on classic authors in the field of femicide, such as Radford & Russell (1992), who created the term femicide and, therefore, the first studies about it, and Prado & Sanematsu (2017), who elaborated an in-depth study about femicide in Brazil, where they not only gathered statistical data (which they also relied on Waiselfisz (2015) and de Lima & Bueno (2017)) but contextualized those deaths in terms of the culture of *machismo*. In terms of Intersectional Theory, I relied on authors such as Crenshaw (1989), Hill Collins & Chepp (2013) and Bürkner (2011), to develop my research.

Further on, the main methods of research for this thesis are as follows:

- Interviews. I conducted two interviews with key people that work within the area of violence against women. One with a Chief of Police at a Women's Police Station in the Rio Grande do Sul, which is a special police station for the defense of women's rights, and a judge from the State Justice Court of the Rio Grande do Sul. Both the Chief of Police and the judge work closely with female victims of gender-based violence and were able to provide key insights about the perspective of State agents/representatives;

- Literature review. This method serves to identify what is already known in Academia about the topic of femicide; the focus of previous research, as well as the theories that have been used to understand femicide;

- Statistical analysis. It helps identify the different intersections of discrimination, such as race, class and geographical regions in Brazil because it provided statistical data regarding each one. These intersections are prominent in previous qualitative and quantitative studies about this subject, especially in the case of Brazil, hence another important layer of analysis. I will use statistical data that is already available – such as Waiselfisz (2015), who had access to government database and made an extensive study about femicide, as mentioned above– as the basis for the statistical analysis, which will focus on social indicators, rates concerning homicide and violence against women.

As for the ethical considerations, when conducting interviews, I recorded them and asked verbally for consent, as well as informed the interviewees about the purposes of this research. Because this is a sensitive matter, I made sure to provide privacy, confidentiality, and anonymity, by not informing their names in this master's thesis or any information that could lead to their identity. I also took into account the possible repercussions of the publication of this research for the interviewees, making sure not to share information that could compromise their safety and privacy.

## 4 Violence against women: The Brazilian experience

Social norms are the process in which a culture is reproduced, and it permeates not only the society, as individuals and social groups, but can also permeate State's structures and institutions. It is what individuals and social groups consider normal and expected in terms of an appropriate way of acting and behaving. *Machismo* is a Portuguese and Spanish term for the sexism present in Latin American society. A culture of *machismo* consists of a series of social norms linked to the manner in which people perceive and live in their gender roles. The culture of *machismo* teaches gender roles, such as aggressiveness for men and passiveness for women (Freyre, 1956).

Juliane Chatagnier (2018) discuss that to the traditional gender conception in Brazil, women should not occupy a prominent position in the public realm, since that is understood as a masculine domain. Women should remain confined to a private life. In a patriarchal society such as Brazil, to be a woman is to have a gentle behavior and be a beautiful commodity. As Chatagnier (2018) notes, a woman never ceases to be a slave to traditions and social impositions.

Chatagnier (2018) describes gender roles in the culture of *machismo* in Brazil as follow:

Given the biological conception, the patriarchal tradition gains strength and is responsible for the perpetuation of male dominance over the feminine. Through her, man's sexual identity is underpinned by virility. Thus, to be a man in the society in question means to fulfill the role of male, defined by provider, breeder and male (all characteristics in the most perfect harmony). Otherwise, the man ceases to assume the role of man and gains attributes considered "feminine". Being a woman is restricted to being well behaved, submissive and always available to satisfy the male of the family - in any instance. The slightest displeasing manifestation, such as determination, strength, and/or other "masculine" trait, is also suppressed. (Chatagnier,2018, p. 24)

Chatagnier (2018) states the importance of fitting the standards. According to UN Women Brazil<sup>9</sup> (2016) at any stage of life, the gender norms and the social norms of *machismo* are based on (1) the belief that women should be submissive to men, (2) the appropriation of the female body

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<sup>9</sup> *Diretrizes nacionais para investigar, processar e julgar com perspectiva de gênero as mortes violentas de mulheres* [National guidelines for investigating, prosecuting, and judging with a gender perspective the violent deaths of women].

to satisfy sexual desires, and (3) the non-recognition of reproductive and sexual rights for women, which endanger women and girls, no matter what age. In Brazil, boys and girls should, from a young age, learn to fit certain standards and gender roles, such as men being considered naturally stronger and women naturally passive (Chatagnier, 2018). To Chatagnier (2018) these gender roles are disseminated everywhere, however, it is in the school where children learn mostly about these stereotypes. There, children are exposed to gender differences and how each one is expected to behave. These gender roles fit the normative heteronormativity. Identities that find themselves outside this heteronormativity are punished by society through the social norms of *machismo*. In other words, to the culture of *machismo*, one's gender should match the one assigned at birth, and this should guide one's behavior in Brazilian society.

To be a woman in Brazil, you have to follow a set of behaviors and attitudes linked to the gender norms, called femininity. This is a social construction distinct from biological sex. Beatriz Beraldo (2014) states that the femininity issue appears as a key factor in the connection between women and the construction of the ideal image of women, based on the interests of a patriarchal society. The author explains that it goes beyond behavior, or etiquette, as she refers to, but also a set of beauty standards that influence even on body acceptance.

Beraldo (2014) allocates the modern conception of femininity in the second wave of feminism, where

The notion of femininity, developed from the historical landmark of modernity, placed women of that society in an invisible siege that intended to fit them into a cultural pattern dictated by male supremacy, and which kept them out of public life. (Beraldo, 2014, para. 9)

These ideas of femininity arose as a way to control women's bodies and minds and to keep them confined in a private realm. All these behaviors and attitudes expected from women in Brazil are just another means to keep them invisible and from completely fulfilling their purposes. This leads us to the culture of *machismo* and gender inequality, where Prado & Sanematsu (2017) list five factors that contribute to it:

- 1- Men's sense of possession over women's bodies;
- 2- Men's control over women's bodies, desire, and autonomy;
- 3- Men's limitation over women's professional, economic, social, and intellectual freedom;
- 4- Men's objectification of women;
- 5- Men's contempt over women and the feminine.

Women's bodies are objectified by the patriarchal society and not seen as human beings, who are worthy of their professional, economic, social, and intellectual freedom. The factors listed above are embodied in the social norms of *machismo*, contributing to endangering women towards the increased chance of suffering gender-based violence and entering a familiar cycle of violence.

A cycle of violence against women refers to the repeated and dangerous acts of violence towards a woman. It "looks at the repetitive nature of perpetrator's actions that hinder a victim's ability to leave an abusive relationship" (White Ribbon Australia n.d., para. 2). Another way to describe this is that the behavior of the perpetrator can change drastically, which makes it difficult for a woman to recognize and leave the cycle. It also refers to the different phases an abusive relationship goes through in the lead to a violent event, such as battering and femicide.

According to Barbara Soares (2005), in its typical form, domestic violence involves repetitive actions that are increasingly aggravated in frequency and intensity, such as coercion, curtailment, humiliation, disqualification, threats, and various physical and sexual assaults. In addition to permanent fear, such violence can result in lasting physical and psychological harm.

Soares (2005) and White Ribbon Australia (n.d.) point out that the cycle of violence consists of three (3) phases:

- First phase: Tension-building phase  
Minor incidents may occur during this phase, such as verbal aggression, jealousy, threats, destruction of objects, etc. The woman usually tries to calm her abuser by being docile, helpful, able to anticipate each of her whims or seeking to get out of his way. The victim believes she can do something to prevent his anger from growing higher.

- Second phase: Acute explosion

Is marked by acute aggressions, when the tension reaches its peak and the most severe attacks occur. The relationship becomes unmanageable and destructive. Experience has taught that this is the shortest phase and will be followed by phase three (3), the honeymoon.

- Third phase: Honeymoon

At the end of the period of physical violence, the aggressor shows remorse and fear of losing his partner. He can promise anything, beg for forgiveness, buy gifts and effusively show his guilt and love. He swears that he will never act violently again. He will again be the man she once fell in love with.

When the woman opts for not reporting the aggression, for fear or because they find themselves at the honeymoon phase, the aggressor does not feel liable for his/her actions, according to Soares (2005). This, combined with the culture of *machismo* in Brazilian society, reinforces the belief that men have the *right* to discipline and subjugate women, even if that means the use of physical coercion.

With time, the gap between one phase and the other gets smaller and smaller. The aggressions also change and escalate to more violence, to which can get to a point of femicide (Soares, 2005). This is the most extreme form of violence against women and is defined as the killing of women and girls due to their gender. Femicide perpetuates discrimination that prevents the female population from fully enjoying their rights and freedoms. It is also a result of the gender inequality present in today's Brazilian society. Most femicides happen at the end of a cycle of violence, especially if it is committed by an intimate partner.

[...] locating femicide within this continuum [of violence] enables us to draw on radical feminist analyses of sexual violence and to compare the treatment of femicide in law, social policy, and the media with the treatment of other expressions of sexual violence. [...] This neglect is particularly disturbing given the extensive media coverage of murders of women by men, including the increasing number of serial killings. The misogynist motivations of these killings are often ignored by the media, which may blame the women or deny the humanity, and therefore the masculinity, of the killer, who is frequently portrayed as a beast or an animal. Such press coverage masks the sexual politics of femicide. Relocating

femicide within the continuum of sexual violence establishes its significance in terms of sexual politics. (Radford & Russell, 1992, p. 4)

When analyzing the Brazilian experience in terms of femicide, we can understand that even though the media gives extensive coverage to these murders, they fail to name the practice and its motivations, as Radford & Russel (1992) illustrated in the excerpt above. Failing to understand and make visible the sexual politics and gender inequality in place in these scenarios contributes to the continuation of this violence and to an increase in the number of femicides. According to Waiselfisz (2015), Brazil occupies the fifth spot in terms of femicide, in a ranking of 83 countries. Table A1 of Appendix A shows the total number of female homicides in Brazil for 13 years. As can be seen there, the rate has always remained high and is increasing at a steady pace, except for the year 2007, which showed a decrease. This is due to the previous year, 2006, the Maria da Penha Law being approved, which deals with domestic violence and will be addressed in chapter five (5). There were vast federal campaigns throughout the country to raise awareness on the matter and that translated into the statistics for that year, which might explain this difference.

According to Prado & Sanematsu (2017), the Brazilian experience with violence against women is very intimidating. The authors elaborated what they called a timer of violence against women in Brazil, they accounted for:

- Five (5) beatings every two (2) minutes;
- One (1) rape every 11 minutes;
- One (1) femicide every 90 minutes;
- 179 reports of aggression a day;
- and 13 female homicides per day in 2013.

This shows us that in Brazil violence against women is widespread, which implies the social norms of *machismo* may enable violent behavior against women resulting in endangering women daily. The different axes of discrimination, which contribute to violence against women and are studied by intersectional theory, are embodied in the culture of *machismo*. IBOPE – *Instituto Brasileiro de Opinião Pública e Estatística* [Brazilian Institute of Public Opinion and Statistics]



(2017)<sup>10</sup> conducted a survey in 2017 whose purpose was to demonstrate the prejudices still present in the Brazilian society. They focused on four (4) forms of discrimination: race, gender, LGBTQ+, and aesthetics. They interviewed 2,002 individuals, distributed throughout the country; and this survey has an error margin of 2%. According to IBOPE (2017), *machismo* is present in the daily lives of 99% of the interviewees, although they emphasize that every form of prejudice is present in the Brazilian society. We can notice this sexism by popular sayings and expressions in Brazil, such as *women have to give themselves some respect*, therefore, if this respect is not noticed by society, other individuals would have the right to treat women with disrespect, disrespecting their rights and freedoms.

The form of discrimination most reproduced, even without people being aware of, is *machismo*, with 61%. This means that 61% of interviewees admitted to saying sexist comments in their daily lives. In second place is racial discrimination, with 46% reproducing some racist comments. UN Women Brazil<sup>11</sup> (2016) points out that the intersection between gender and race makes women of color very vulnerable to violence and different forms of disrespect to their bodies. One of the premises they mention is the difficulty women of color find to report crimes against them, which is due to the institutional racism in Brazil. This also reflects the lack of trust this group has in the justice system.

Still, regarding violence against women, the association between gender and race can often create a context of multiple discrimination and violence that manifest both as factors of increased vulnerability, especially for younger age groups, as well as obstacles black women face in reporting the violence suffered. These obstacles, in turn, are effects of institutional racism that limits access to justice for women, but also reflect the disbelief of this population with the functioning of security and justice institutions. (UN Women Brazil, 2016, p. 37)<sup>12</sup>

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<sup>10</sup> IBOPE is one of the biggest companies in the market research industry in Brazil. The company provides a comprehensive set of information and studies on public opinion, voting intent, consumption, brand, behavior, and market in Brazil and other countries (IBOPE, n.d.).

<sup>11</sup> *Diretrizes nacionais para investigar, processar e julgar com perspectiva de gênero as mortes violentas de mulheres* [National guidelines for investigating, prosecuting, and judging with a gender perspective the violent deaths of women].

<sup>12</sup> *Diretrizes nacionais para investigar, processar e julgar com perspectiva de gênero as mortes violentas de mulheres* [National guidelines for investigating, prosecuting, and judging with a gender perspective the violent deaths of women].

Scholars in Brazil mention that there is a different type of racism in the country, also known as cordial racism. The term cordial racism was coined by sociologist Sergio Buarque de Holanda and first used in 1995 by the newspaper Folha de São Paulo, based on the concept of cordial man<sup>13</sup> (Holanda, 1995). This cordiality serves as a mask for rejection, violence, and inequality. At the same time that people will not confess their racism, they perpetuate racist behaviors and language, through comments and sayings. One of the main characteristics of this cordial racism is its unofficial status (Schwarcz, 2012), since Brazil never experienced segregation, such as the ones in the USA or South Africa. Instead, this is a behavior reproduced from individual to individual with people never admitting to it. We notice this racism through sayings and comments, such as *eu não sou tuas nêgas* [I'm not one of your black women]<sup>14</sup>, and the marginalization of black bodies to spaces known as *favelas*<sup>15</sup>, as seen in Figure 1.

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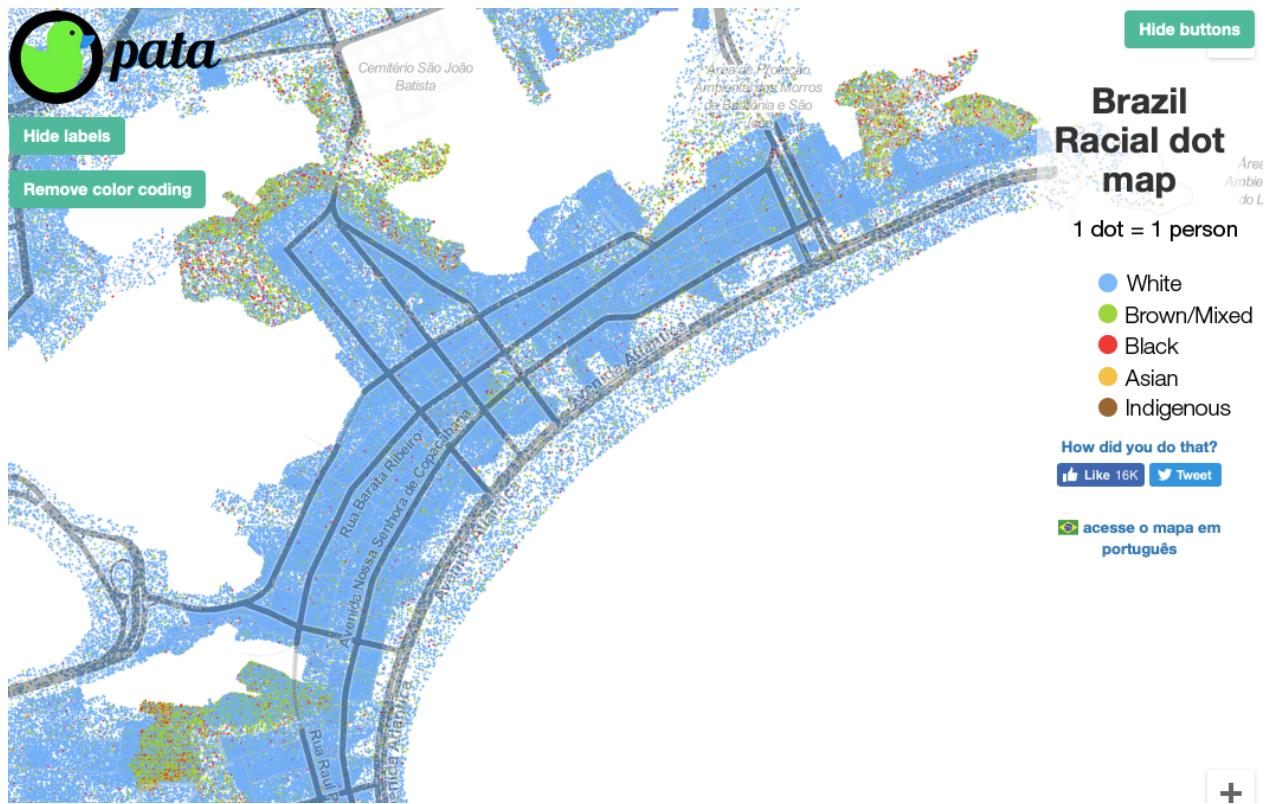
<sup>13</sup> To Holanda (1995) Brazilians got known worldwide for their generosity, hospitality and affability, however, he also points out this cordiality should not be understood as good manners, instead, he proposes that Brazilians act based on their emotions, rather than thinking rationally.

<sup>14</sup> This refers to the colonial times (1500-1822), where there was a differentiation between the female slaves brought from all over Africa and the white wife. It was common that the male owner of the slaves would rape them as he wished and the wife would accept it and would not contest it (Freyre, 1956).

<sup>15</sup> This is a low-income and unregulated neighborhood in Brazil, consequence of the poor income distribution.

Figure 1

Rio de Janeiro, Brazil (South Zone)

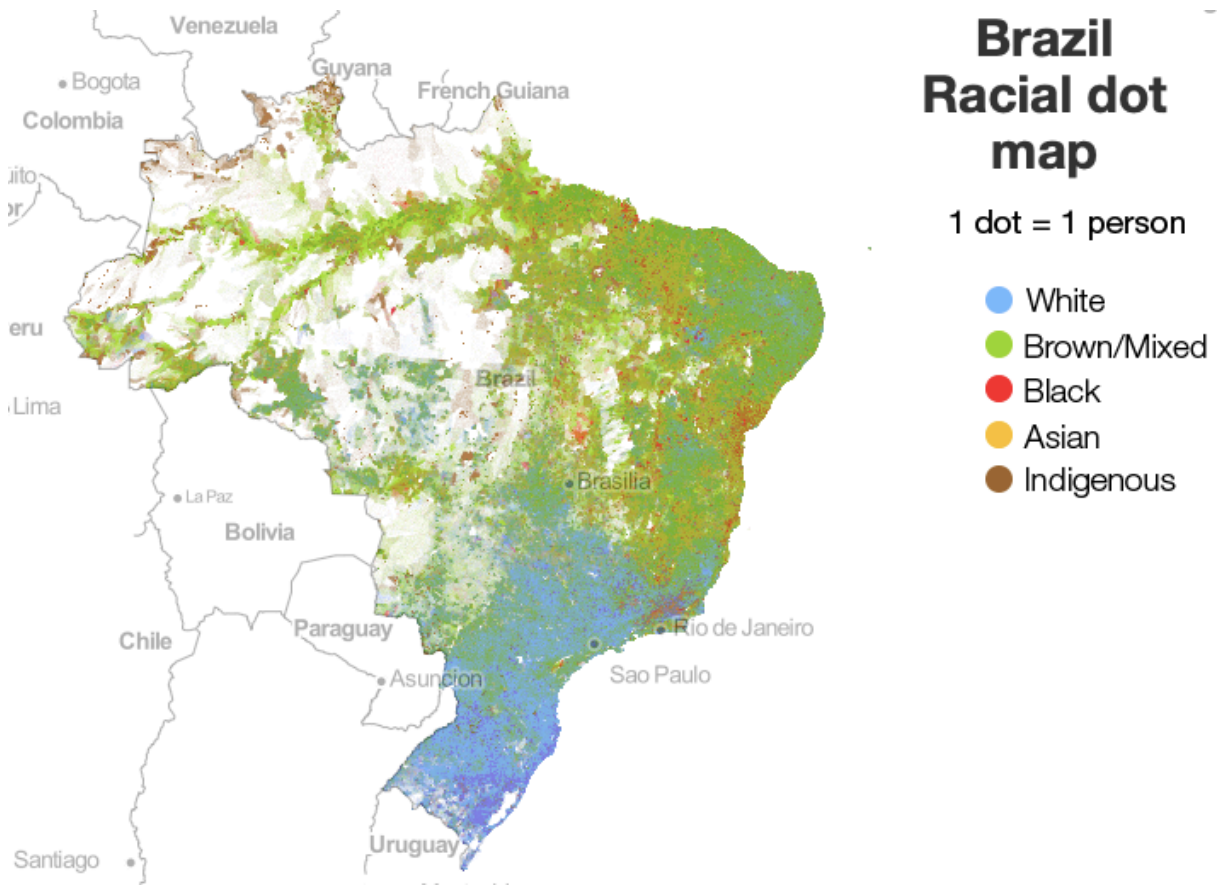


Source: PATA (n/d).

Figure 1 shows one of the richest parts of Rio de Janeiro, Brazil, known as south zone, and it is easy to observe three (3) conglomerations of red and green dots. These represent individuals who self-identify as black or brown, respectively. These spaces are overpopulated and as a result people who live there live in unsanitary conditions, where even infant mortality rates are high. There is also a larger involvement with drug trafficking since there is a lack of opportunity given to people who live in these spaces, especially young black males (the biggest victims of drug trafficking and police violence, according to Renato de Lima & Samira Bueno (2017)). To help understand the differences inside Brazil, Figure 2 shows the racial composition of the country. As we can observe, south and southeast of Brazil have a predominance of white individuals, while the majority of the north and northeast of Brazil is composed of non-white individuals.

Figure 2

*Racial Composition of Brazil*



Source: PATA (n/d).

As Figure 2 hints, Brazil is a vast and diverse country; it is formed by 26 states plus a federal district where the capital is located. Those states are divided into five (5) large regions, North, Northeast, Midwest, Southeast, and South. Region North is the largest in area, though the second smallest population, since Amazon Rainforest covers most of it. Northeast was the first occupied by Europeans during the colonization period; has the second biggest population, however, the lowest GDP<sup>16</sup> per capita. Midwest of Brazil counts with the smallest population, though it is experiencing rapid development, since Brazil's capital, Brasília, is located in this region. Southeast

<sup>16</sup> GDP stands for gross domestic products and is a unit of measurement of a country's or region's economic production divided by its population. It helps to measure the standard of living and it hints at how prosperous that locality feels to its citizens.

is known as the richest part of Brazil since it is the economic center of the country. It is also the most populated region, with both São Paulo and Rio de Janeiro being located here, the two (2) biggest cities of the country. South of Brazil is the smallest in terms of the total area; however, it has the second-highest GDP of the country (Sen Nag, 2018).

The culture of each Brazilian region can be seen as diverse from each other as well since it shifts a lot from place to place. While in the South of Brazil there is the influence of the *gaúcho*<sup>17</sup> lifestyle, with its rigid way of conducting life, in the Northeast, we have a very rich popular culture. In this last region we find the most popular festivals in Brazil, for example, the festival of *São João*<sup>18</sup> (Saint John) and street *Carnaval*<sup>19</sup>, this latest one marked by the largest carnival block in the world, *Galo da Madrugada*. Because of that, the way each locality lives the culture of *machismo* and racism is very diverse too. According to IBOPE's (2017) survey, Southeast of Brazil is the region where most individuals declared to be prejudiced: 21% of interviewees. However, North and Midwest were the ones that reproduce more sexist comments and sayings, 67% of interviewees.

IBOPE's (2017) survey warns to the necessity of discussing prejudice more openly. Although 83% of interviewees declared not to have any form of prejudice against minority groups, homophobia and transphobia were the main forms of discrimination mentioned by the ones who admitted to being prejudiced. Thaís Cunha (2016) states that, between the years of 2008 and 2016, 868 transgenders and transsexuals were killed in Brazil, which makes the country skyrocket to the top of the ranking of countries with the highest number of transgender homicides. In second place is Mexico, with 259 homicides. Transgender women are endangered by at least two (2) forms of discrimination in Brazil, transphobia and *machismo*; they are also in a limbo in terms of the Brazilian legislation. For Femicide Law to be approved in Brazil, the legislators had to take the

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<sup>17</sup> *Gaúcho* referred originally to the nomadic, often outlaw inhabitants of Argentina, Uruguay, and south of Brazil. *Gaúchos* also became greatly admired in legends, folklore, and literature and became the main part of their regional cultural tradition.

<sup>18</sup> Festival of *São João* was introduced by Portugal during the colonial period (1500-1822) and is celebrated during the month of June. It was mainly a Catholic solemnity, but nowadays it has evolved into a very popular street festival. In Northeast Brazil, this festival coincides with the end of the rainy season (this is an arid and semi-arid region), so it is also an opportunity to give thanks to Saint John for the rain.

<sup>19</sup> *Carnaval* is a major part of Brazilian culture and it happens once a year, 40 days before eastern. Northeast of Brazil have official groups parading through streets, and the public interacts with them. This is heavily influenced by African-Brazilian culture.

word *gender* out of the text, taking with it the gender perspective of this crime. This demand was made by what is known as the *Evangelical Bench*, which is a group of politicians that are evangelical and/or have a religious background. This leads us to understand that only cisgender women are protected under Femicide Law, since the law refers to the killing of women based on their sex, instead of gender.

According to Wanderley Santos (2016), there are two (2) ways of understanding this law, which is why it is still very confusing to the judicial system in Brazil. The first one is that only cisgender women can be victims of femicide, since Femicide Law mentions that this is a crime committed under the guise of sex (biological sex). The second way of understanding is that transsexual women can be treated the same way cisgender women are since they have undergone sex reassignment surgery (transition) and can, therefore, be recognized as women by the State. The problem here is with transgender women who have not undergone the transition. This group does not fall under the same category, and therefore is not treated as a victim of femicide.

Discussions about gender are very difficult to happen in Brazil, especially in the current political environment. As mentioned before, this *Evangelical Bench* is quite powerful and outspoken and they believe in a *gender ideology* which would teach that each one is free to construct their own sexual identity and that would destroy the human being in its entirety and, consequently, the society, whose mother cell is the family (Aquino, 2015). This *Evangelical Bench* being politically powerful, combined with the culture of *machismo* in Brazil, makes the advancement of gender issues and women's rights difficult to be achieved. Ana Cristina Campos (2014) states that the *Evangelical Bench's* latest discussion is about teaching gender at schools. According to them, this would destroy the Brazilian family and its children (Campos, 2014). If they go ahead with it and forbid gender equality from being taught at schools, this would represent a serious setback in terms of perpetuating the culture of *machismo* and, therefore, violence against women in Brazil.

Over the past few years, there have been campaigns for better legislation and even more respect for women, both in the private and the public realms. The latest victory was law number 13,104, or Femicide Law. This started to name the problem and made people aware that this kind of crime/homicide is different from the ones that lead to males being killed. The circumstances that lead to femicide is a deep-rooted discrimination against women, and here we can even add the objectification of girls and women. This is different than someone being killed because they were

involved with the drug trade or other criminal enterprises. However, because this law is still very recent, there is still a lack of specific data, as pointed out by Waiselfisz (2015).

The law understands that femicide exists when aggression involves domestic and family violence, or when it shows contempt or discrimination to the condition of women, characterizing crime for reasons of female status. Due to the limitations of currently available data, we understand, by femicide, the aggressions committed against a woman within her family that intentionally cause injury or health damage leading to her death. (Waiselfisz, 2015, p.7)

Therefore, to understand the progression of the numbers and be able to reach a conclusion about this subject, I will use the same understanding as Waiselfisz (2015), utilizing the homicide of women by intimate partners and/or family members as a synonym of femicide. The statistics regarding femicide are alarming and although this is a horrifying scenario for all women, it is particularly dangerous for non-white women. In Brazil, not only is *machismo* an important factor that puts women's lives at risk, but racism is also very important as well. Tables B1 and B2 of Appendix B, differentiate the homicide rates of women based on their color/race and also their locality. The tables point to a typically higher number of women of color victims of femicide than white women. The only exceptions to that are geographical regions Northeast and South, between the years of 2006 and 2013, that show a higher number of white women victims of femicide. It is evident that women of color are much more vulnerable in terms of domestic violence and violence against women than white women.

Both tables also demonstrate that in all regions of Brazil women of color are at more risk than their white counterparts. In the Midwest region, for instance, homicide of white women grew 3.2% in the period between 2003 and 2013, but during that same time, homicide of women of color grew almost 80%. Table B1 and B2 of Appendix B, show that higher numbers of femicide can be found in Northeast of Brazil, taking into account the total number of years (2003-2013). This data may point to women living in this geographical region being more vulnerable than women from other regions, maybe due to the *sexism* and racism present there. On the other hand, the Southeast of Brazil showed the biggest decrease in femicide over the years. This may point to campaigns and

policies created to deal with violence against women being more successful in this part of the country.

Statistical data brought by Waiselfisz (2015) also point to the victim's home being one of the most unsafe places for them, since 27.1% of femicide happen at this location, as seen on table C1 of Appendix C. Table C2 (see Appendix C) displays the means and instruments most used when committing femicide. Even though firearms are vastly used, other weapons of easier access are also widely implemented, such as cutting/penetrating instruments.

What happens is that often femicide is not premeditated, therefore, the criminal makes use of any instrument available to attack the victim. The same is true in terms of the location. In an acute explosion, in phase two (2) of the cycle of violence, aggression occurs anywhere, though the victim's home is still a widely used locality. This is because most femicides are perpetrated by partners or former partners, where the discussion between victim and offender can occur primarily at home; or also some relative of the victim, reinforcing home as a place widely used to commit this crime.



## **5 Legal matters: Development of norms**

In this chapter will be given a background on law. It will be addressed first International Law and its relevance to Brazil, through the international agreements on women's rights and violence against women. Then it will be discussed the ways in which laws preventing violence against women have developed in Brazil, and how the international agreements have influenced developments in Brazilian law.

### **5.1.1 International Norm Development**

International Law is a set of guidelines and mechanisms with a common language to help guide nations. Malcolm Shaw (n.d., para. 1) defines it as “a collection of rules governing relations between States”, existing outside the legal order, since it is an independent system, and it differs from domestic law. Even though International Law has no real power over countries, since each nation is a sovereign entity, States usually resort to it on relevant matters. The United Nations (UN), for instance, has the appearances of a legislature, but it has no legal power, its resolutions are only recommendations for nations to follow (Shaw, n.d.). States are generally careful to ensure their actions conform to this set of rules and principles because otherwise it could have a negative repercussion on the international community. According to Shaw (n.d., para. 5), “it is generally realized that consistent rule violations would jeopardize the value that the system brings to the community of States, international organizations, and other actors”. For the international community to work efficiently, the system has to be trustworthy, so when there are constant rule violations and States not following recommendations, there are sanctions usually imposed on them. Currently, the range of subjects related to International Law has broadened to beyond classical issues like war, peace, and diplomacy, to human rights and women's rights as well.

Human rights, as conceptualized by Teles (2006), are considered inherent to being human. Any person, regardless of gender, culture, sexual orientation, color, ethnicity, etc., has fundamental rights, which, when not recognized by the State, are guaranteed by international entities such as the UN. These rights are universal, inalienable, indivisible, and interdependent, which means that all human beings have them, and cannot abdicate, transfer, or partially apply them. The first document to address these rights in a Western context was the 1789 French Declaration of the Rights of Man and the Citizen. At that time, however, it only guaranteed these rights to men.

According to Teles (2006), Olympe de Gouges, a French revolutionary who lived between 1748 and 1793, created the Declaration of the Rights of Women and Citizens. Her goal was to criticize the 1789 French Declaration of the Rights of Man and the Citizen, by guarantying rights for women, instead of just for men, as was the case of the first declaration. As a consequence, she was persecuted on the pretext of rebellion, tried by the revolutionary court and was finally sentenced to the guillotine on November 7, 1793. Teles (2006) clarifies that the sentencing stated that Olympe de Gouges got involved in the affairs of the Republic, forgetting the virtues of her sex.

On December 10<sup>th</sup>, 1948, the United Nations General Assembly signed and proclaimed the Universal Declaration of Human Rights (UDHR). Article 1 states that “all human beings are born free and equal in dignity and rights” (UN, 1948, art. 1), but it soon becomes clear that the experience of many people, especially women and girls, is not quite that equitable in Brazil. Many still see their rights to freedom of choice, health and life endangered by partners or former partners and other male members of their families and communities.

From the post-World War II period onwards, we have many conventions and declarations that specifically address and affirm women's rights. The 1981 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was one of the first mechanisms to deal with gender-based violence and discrimination against women worldwide. As many as 187 nations ratified this UN convention, including Brazil. The nations that opted to sign it have the obligation to ensure that both men and women enjoy the same economic, social, cultural, civil, and/or political rights. This convention also highlights the necessity of examining/reviewing local and national norms, to further reform gender roles and social norms where necessary, as a way to achieve full gender equality.

The Convention on the Elimination of All Forms of Discrimination against Women is the result of more than thirty years of work on advancing and promoting women's rights (UN, 1981)<sup>20</sup>. Despite other declarations and conventions about this same matter, CEDAW is the most complete document and hence a vital one in naming violence and discrimination against women. Article 1 of CEDAW defines discrimination against women as

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<sup>20</sup> Convention on the Elimination of All Forms of Discrimination against Women

[...] any distinction, exclusion or restriction based on sex which has as its object or result the prejudice or annulment of recognition, enjoyment or exercise by women, irrespective of their marital status, based on the equality of men and women, human rights and fundamental freedoms in the political, economic, social, cultural and civil fields or in any other field. (UN, 1981, art. 1<sup>21</sup>)

This was the first time that International Law explicitly defined what discrimination against women is to nations worldwide. Even though the Universal Declaration of Human Rights (UN, 1948)<sup>22</sup> already stated the equality between men and women, CEDAW was a milestone regarding women's rights. This convention brought women as the focus of human rights concerns, presenting the meaning of equality and the path to achieving it. Article 2 of CEDAW states that all State parties agree

[...] (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

[...]. (UN, 1981, art. 2<sup>23</sup>)

Article 2 of CEDAW states the signatory parts condemn discrimination against women and agree to pursue a policy of eliminating such discrimination. This includes adopting special

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<sup>21</sup> Convention on the Elimination of All Forms of Discrimination against Women.

<sup>22</sup> Universal Declaration of Human Rights.

<sup>23</sup> Convention on the Elimination of All Forms of Discrimination against Women.

legislation and legal protection of women's rights, as is the case of Brazil, which will be addressed in the next section of this chapter.

Another declaration that pursues women's rights is the United Nations' Declaration on the Elimination of Violence against Women (UN, 1993)<sup>24</sup>. It defines violence against women as any act of gender-based violence resulting in physical, sexual, or psychological harm or suffering to women, including threats, coercion, and/or deprivation of liberty. Violence against women is a notable violation of human rights and hence must be tackled both by governments and private initiatives, such as Non-Profit Organizations (NGOs) that aim to deal with women's rights, since it endangers the life of more than half of the world's population. This type of violence is the manifestation of deeply-rooted sexism across the globe or, in other words, the unequal power relations between genders which have led to discrimination against females and prevented the full advancement of women's rights. Article 2 of this declaration expresses what involves violence against women, even including acts perpetrated or condoned by the State.

Violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs. (UN, 1993, art. 2<sup>25</sup>)

One of the most important international treaties that Brazil is a signatory part is the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, also known as the Belém do Pará Convention (Inter-American Commission of Women,

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<sup>24</sup> Declaration on the Elimination of Violence against Women.

<sup>25</sup> Declaration on the Elimination of Violence against Women.

1994). This convention is specific for the Americas and calls for the establishment of mechanisms for protecting women's rights and fighting violence against women. The Belém do Pará Convention was a milestone given the widespread ratification throughout this part of the world. Article 2 of this convention determines that

Violence against women shall be understood to include physical, sexual and psychological violence:

1. that occurs within the family or domestic unit or within any other interpersonal relationship, whether or not the perpetrator shares or has shared the same residence with the woman, including, among others, rape, battery and sexual abuse;
2. that occurs in the community and is perpetrated by any person, including, among others, rape, sexual abuse, torture, trafficking in persons, forced prostitution, kidnapping and sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place; and
3. that is perpetrated or condoned by the state or its agents regardless of where it occurs. (Inter-American Commission of Women, 1994, art. 2)

In this convention, it was determined on Article 7 that the parts should implement policies to prevent, punish, and eradicate violence against women. This article also adds that the parties should "establish the necessary legal and administrative mechanisms to ensure that women subjected to violence have effective access to restitution, reparations or other just and effective remedies" (Inter-American Commission of Women, 1994, art. 7). This was Brazil's goal with the special legislation adopted since 2006.

Since 1948 many conventions, declarations, and conferences have been entered into international norms and law. In addition to the documents already mentioned above, we can also highlight the World Conferences on Women (held in 1975, 1980 and 1995) and the World Conference for the Review and Evaluation of the Achievements of the United Nations Decade for Women: Equality, Development and Peace (held in 1985). Over the years there has been a change in the worldview concerning women's rights and violence against women. The achievements in women's rights have been significant. This is due to the strong participation, and even pressure, from feminist movements as well as from NGOs and international entities, such as the United

Nations and United Nations and Women's International League for Peace and Freedom (WILPF), to compel countries to have tougher laws regarding violence against women.

### **5.1.2 Domestic Norm Development**

Brazil is a democratic federative republic, has a presidential system and the Brazilian National Congress consists of the Chamber of Deputies and the Federal Senate. The Brazilian legal system is based on a Civil Law legal system. The Brazilian Federal Constitution, in force since 1988, is the supreme rule and is characterized by its rigid form. The 26 federate states have power to adopt their constitutions and laws, however, their autonomy is limited by the Federal Constitution (Organization of American States, n.d.).

According to Article 61 of the Brazilian Federal Constitution, a bill/law may be proposed by any parliamentarian (deputy or senator), individually or collectively, by any committee of the House of Representatives, the Federal Senate or the National Congress, the President of the Republic, the Supreme Federal Court, the Superior Courts and the Attorney General. The Constitution also allows the popular initiative of laws, allowing citizens to submit bills/laws projects to the House of Representatives, provided that they comply with the requirements outlined in paragraph 2 of article 61<sup>26</sup>.

The Brazilian Penal Code, which is the codification of criminal law in the country, was originally written in 1940 and since then has been undergoing constant changes to modernize and keep up with the current moment. Two (2) such changes were Brazilian laws number 11,340, also known as Maria da Penha Law, and 13,104, also known as Femicide Law. Both laws regard violence against women and are important milestones in this matter.

Brazilian law number 11,340, Maria da Penha Law, was implemented in 2006 and it was named after Maria da Penha Maia Fernandes. She suffered 23 years of domestic violence and her husband tried to kill her twice, leaving her paraplegic on the first attempt. She decided to report him after that first attempt. Even though the case remained open for a few years, it did not result in

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<sup>26</sup> "The popular initiative may be exercised by the presentation to the Chamber of Deputies of a bill subscribed by at least one percent of the national electorate, distributed by at least five states, with no less than three tenth percent of the voters of each one of them" (Brazilian Federal Constitution. art. 61, § 2). Important to note that in Brazil every individual between the ages of 18 and 70 is obliged to vote during the elections. Voting is optional for individuals above 70 years old or between 16 and 18 years old.

his arrest due to technicalities presented by the defense team. Because of that, Maria da Penha filed a report at the Inter-American Commission of Human Rights (IACHR), of the Organization of American States – OAS and, as a result, the organization determined that Brazil had violated the Belém do Pará Convention and urged the country to create mechanisms to effectively eradicate violence against women (da Penha, 2012).

The Maria da Penha Law was a milestone in terms of fighting violence against women, since it finally defined what encompasses domestic violence in the Brazilian context. Within the scope of this law, domestic violence is understood as any physical, psychological, sexual, patrimonial, and/or moral violence committed against a woman within the domestic or familiar scope or that the perpetrator is an intimate partner or former partner of the victim (Brazil, 2006). Since the implementation of this law, many campaigns were created, both by the government of Brazil and private groups, to raise awareness of violence against women and the social norms of *machismo*. This law is also responsible for making the government of Brazil update and spread countrywide some mechanisms that attempt to prevent and punish these crimes, such as the *Delegacia de Polícia de Defesa da Mulher* [Women's Police Stations], better known as DDM.

Women's Police Stations, or DDMs, are specialized police stations created with the intent of assisting women victim of violence. The first DDM was created in 1985, in the city of São Paulo. This was a pioneering experience and even served as a model for other countries. Since its establishment, the DDMs have generated a lot of debate surrounding their existence. At the same time that these Women's Police Stations gave more visibility to violence against women, there is significant controversy around how they work today (Pasinato, 2005). The DDMs are supposed to be places to empower women who find themselves in a situation of danger or victim of crimes and, in theory, police officers that work there are supposed to be trained to deal with these women, especially when we take into account all the institutionalized *machismo* in Brazil.

On the interview I conducted with the Chief of Police, she clarified that although police officers go through a training specialized to deal with women victim of violence, the same is not as comprehensible as it should be since police officers still lack preparation as to how to proceed with the victims. De Lima & Bueno (2017) state that a large number of women complained that they do not feel comfortable reporting crimes there because many police officers lack empathy; and the victims feel they entered a sexist realm as well, not feeling empowered to go through with their reports.

Following these developments, another law was introduced that attempted to improve punishment of violence against women, law 13,104, Femicide Law. It was approved on March 9<sup>th</sup>, 2015 and it considers femicide a homicide that is committed against a woman on grounds of the conditions of being female. The law considers that these conditions of being female are present when it involves (1) domestic and/or familiar violence and (2) contempt or discrimination against women (Brazil, 2015). The law is unclear in terms of protecting transgender women since it could be argued that is based on biological sex. The perpetrator of femicide could spend from 12 to 30 years in prison for this crime. Some special circumstances could lead to a bigger sentence, from 30% to 50% higher, when one of these three conditions are met:

- I - The victim is pregnant or within the first three (3) months after giving birth.
- II - The victim is under 14 years old or above 65 years old or presents special needs.
- III - The crime is committed in the presence of the victim's children or parents.

In Brazilian law is common to have some aggravating situations to crimes, which would lead to a greater penalty. Femicide Law follows this same pattern. Senator Simone Tebet (Oliveira & Oliveira, 2018) cites that the aggravating factors mentioned in the case of femicide are the same as those already mentioned in previous homicide laws in the Brazilian Penal Code, therefore, they are simply following what is already understood in Brazilian legislation.

One of the reasons why there is a specific term to this type of crime is because femicide is not only a preventable crime but also because the State can help to perpetuate it by omission. According to Prado & Sanematsu (2017) femicide is treated by the State, the media and the population with triviality instead of a serious matter worth the time and discussion. The main factor to contribute to Prado & Sanematsu's (2017) assertion is that until the implementation of Brazilian Law number 13,104, these crimes were said to be crimes of passion, or to defend the offender's honor and therefore, they were naturalized and institutionalized, instead of being seen as what they are, preventable crimes.

Both the media and the Brazilian government are responsible for neglecting these crimes. If something was to be done for the victim at the beginning of that cycle, when the first signs of violence appeared, then the chances for women ending up as a statistic of femicide would be reduced. That is why the State must not ignore its obligations to also dealing with this issue. The



State also must protect its citizens and reduce harm and violence, including violence against women. Brazil is a signatory part of a series of conventions and treaties that aim to deal with violence against women and demand actions to tackle this subject, this is why it is so important that the government does not ignore its role as part of the solution.

## 6 Femicide in Brazil

Violence against women is understood as a social factor since it is not simple violence, but a set of actions that serve as a punishment for women who refuse to fit some pre-determined stereotypes of *machismo*. Femicide is not a random act that happens without markers and prior action. It is the end of a predictable continuum of violence against a woman. To stop from reaching this end, we cannot focus solely on femicide itself, we have to understand the whole continuum, including the role of social norms throughout the cycle.

According to my research and background, Brazil has a history of disrespecting women's rights, by not truly defending these rights and institutionalizing and naturalizing *machismo*, racism, and transphobia, or, in other words, discrimination against several different identities that do not conform to the gender roles and norms brought up by *machismo*. This scenario started to shift in 2006, when Brazil implemented Maria da Penha Law, as a result of IACHR urging Brazil to create a better mechanism to defend the rights to life and nonviolence of its female citizens. International Law has been very beneficial to Brazilian women in this regard, as it was thanks to international and popular pressure that the situation of domestic Brazilian legislation began to change.

Even when implementing this special legislation to protect women and overcome violence against women, still the State defend mainly one identity, which is white, middle-class women. Other identities find it difficult to report crimes and apply for State protection. Prado & Sanematsu (2017) explains that in addition to discrimination based on gender roles, we must understand the intersections between gender, social class, generation, disability, race, color, and ethnicity because even though femicide seems to affect all women equally, that is not exactly the case. For example, transgender and transsexual women have suffered a lot with discrimination since the Brazilian State does not seem to do anything about all the deaths this population suffers, causing some scholars to refer to a genocide of this population in Brazil. The State collaborates with this by excluding this group from important laws, such as Femicide Law. By choosing to live their identities outside the gender roles of *machismo*, transgenders and transsexuals suffer two (2) consequences, (1) the Brazilian patriarchal society outcast and persecute them and (2) the State fails to protect this group.

Black women are another identity that has their rights most violated, given the disparity between femicide rates between white women and women of color. In terms of femicide, women of color bear the brunt of the social inequalities in Brazil. This points to racism also being

naturalized in Brazilian institutions. The crossover between gender and race has made this identity more vulnerable to violence against women and, therefore, to femicide.

Intersectional Theory shows us that it is very important to understand all the different variants and identities/intersections to better deal with the cycle of violence. By understanding these different axes, it helps to better tackle violence against women and femicide. This allows legislators to see those whose identities are at greater risk.

Identifying these characteristics allows a better understanding of the vulnerability and risk situation the victim was in and how these factors contributed to the perpetrator's pursuit of his intention. It also allows the State to act preventively to reduce this violence. (UN Women Brazil, 2016, p. 35<sup>27</sup>)

The discriminations present in Brazilian society cross the private sphere and enter the public sphere, being reproduced by State institutions. That is, the State ends up reproducing structural violence against women, this violence translates into *machismo*, racism, and transphobia that prevents Brazilian women, in its most diverse identities, from fully enjoying their rights. With increasing public pressure in recent years, the situation has improved and shows signs that it will be different in the future, with perhaps more equality between genders and between different identities among the main *women* group. This pressure has already shown results before with the implementation of Femicide Law and it is a positive sign of changes for the future. Unfortunately, this change does not occur overnight and it will take a few years before State institutions come to understand that this half of the population also deserves to be treated with respect. Just as it will take a few years before Brazilian politics, with its conservative institutions, understand that adopting a gender perspective does not mean destroying the family and, consequently, Brazil. On the contrary, it means making culture richer, adding more value to Brazilian society. Adopting the gender perspective is to accept that certain discussions need to occur, such as respect for Brazilian women, in all their identities, for instance, women of color, transgender women, and lesbians.

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<sup>27</sup> *Diretrizes nacionais para investigar, processar e julgar com perspectiva de gênero as mortes violentas de mulheres* [National guidelines for investigating, prosecuting, and judging with a gender perspective the violent deaths of women].

As seen throughout this thesis, the culture of *machismo* that leads to femicide is quite typical of Latin America, linked with its context of impoverishment, suffering, and inequality. Along with that, we have that the social norms of *machismo*, that lead to femicide, are numerous and are deeply rooted in Latin-American societies and, therefore, in Brazilian society.

The continuous increase in femicide/feminicide in most of Latin America and the difficulty to reduce it, highlights the FAILURE OF STATES TO COMPLY WITH THEIR DUTY TO PREVENT AND ERADICATE THIS EXTREME FORM OF VIOLENCE AGAINST WOMEN. It is clear that the policies being implemented are not effective since they are not giving the expected results. (Domazetoska, Platzer & Plaku, 2004, p. 101, emphasis in original)

Using the terminology of femicide is an important first step in tackling the subject since it recognizes that there is a gender and cultural problem in Brazil. Utilizing this terminology also serves to point that there is an important difference between homicide and femicide, and it is only by recognizing the problem that one can start to solve it. It also gives a better understanding that femicide is a preventable crime and therefore, has a root cause, such as the culture of *machismo*, in the Brazilian context. Employing the expression and creating the *femicide* criminal classification are important strategies to remediate the problem and it is another step towards a better resolution, although, for the moment, it has not been that effective, since it is not translating into the statistics so far.

The reasons that lead to femicide are very different from those that lead to homicide, as femicide is embedded with prejudice/discrimination and contempt against women. The strong feminine and masculine gender roles of the culture of *machismo* are difficult to change in a short period and they are reinforced over popular sayings and even media/entertainment. All these generate structural imbalance between genders and end up exposing women to very dangerous situations, and also prevent other people from acting on it in an intervention. One very popular saying is *em briga de marido e mulher, ninguém mete a colher* [no one should poke their nose into a husband-and-wife fight] and it advises people that an argument between a husband and a wife is a private matter in which no one else should be involved. This prevents people from even reporting conjugal fights as well. The problem with tackling the problem by only changing the legislation is

that it does not treat the root cause of femicide. The social norms of *machismo* keep being reproduced by society and it needs to change to decrease the numbers of femicide.

We also need to look into the sexual nature of this crime to completely understand how to overcome it. Women die because they are women and because they do not fit the gender stereotypes brought up by *machismo*. The social norms of *machismo* are that men are appraised by strength and aggressiveness, which makes a lot of these men think they have the right to impose their wishes and opinions over their spouse, or other women. Prado & Sanematsu (2017) point out that it is very common that men who commit femicide will not hide it, on the contrary, they will own up what they did, because it would be a matter of pride. It is like they are showing off their masculinity to society. According to this line of thought, if a man accepts that his wife cheated on him and decides not to act more violently upon that information, questions would arise regarding his masculinity (Núcleo Especializado de Promoção e Defesa dos Direitos da Mulher, 2016). *Machismo* makes men feel powerful enough to punish women who do not fit this narrow window called femininity. Men feel entitled to be aggressive and *correct* the identities that do not fit the *machismo* pattern. This brings us to ideas about masculinities in Brazil, where a man must defend his honor before society.

It was only recently that the judicial system in Brazil started to disregard what is called *self-defense of one's honor*<sup>28</sup>. In the past, it was understood that a husband that killed his wife because she had been unfaithful, could not be punished by it since he was simply defending his honor. From this, we see how rooted *machismo* is, not only in society, but in State institutions, which accepted that their female citizens were being killed and had their rights violated to defend the honor of a murderer. That is, for the culture of *machismo*, a woman's honor is worth much less, just as it is destroyed much easier than that of a man. Through the media, we see that a man *could* kill a woman for suspecting possible unfaithfulness (as was the case with Isabela Miranda de Oliveira, quoted in the introduction of this thesis). At the same time, a woman can have her honor destroyed to justify her murder. This implies that it is the victim's fault that the offender committed femicide. The social norms of *machismo* make women accountable for the deviant behavior of men, even when it causes their deaths.

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<sup>28</sup> There was never a specific law about this matter, but instead, a combination of different understandings of different laws. The *self-defense of one's honor* was a practice used in defending murder cases said to be *passional*, so, even though these laws still exist today, it is not used the same way.

The State has a dual role regarding violence against women and femicide. While it is taking some action, passing laws such as the Maria da Penha Law and the Femicide Law, at the same time, it acts as complicit on these crimes by neglecting the victims. There is a disparity between the Brazilian Federal Constitution, which states that men and women are equal in rights and duties, meeting international documents such as the UDHR, and the Brazilian experience, where women find it difficult to report violence against women. The main difficulty reported is the lack of empathy with victims, which is a result of the *machismo* reproduced by police officers. This lack of empathy translates into a disbelief in the crimes reported by women. An example of this is to question if the victim really suffered rape or simply regretted having consensual sex with someone.

The aggravating about this situation is that the DDM, or Women's Police Stations, are supposed to be places that empower women, where they feel safe to report these crimes. The lack of resources to invest in trainings for agents dealing with women victims of crimes shows that the State does not recognize the importance of reporting gender-based crimes. The State lacks interest in recognizing that its institutions reproduce discriminations against different minority groups. With that, they aggravate a situation that is already serious. As pointed out by Prado & Sanematsu (2017),

The State is responsible, by action or omission, for the perpetuation of 'preventable deaths', since impunity and institutional violence - that is perpetrated by public agents themselves against women - are decisive factors for the persistence of femicide and the reinforcement of the notion that violence is a control mechanism for women. (Prado & Sanematsu, 2017, p. 58-59)

Even though the Brazilian government has been advancing in matters of violence against women, it still fails to provide effective training for agents of the judiciary system to better understand how to deal with them, according to the judge of the Justice Court of the Rio Grande do Sul that was interviewed. The judge stated the training they receive on gender matters is a private effort shown by each of them. This is problematic because the Justice Courts in the Rio Grande do Sul tend to deny protective measures to women, especially if it is known that the victim has returned to an abusive partner in the past. This is another indicator of the *machismo* present in Brazilian

institutions since it denotes the lack of knowledge of the cycle of violence and lack of support for the victims.

While Brazil refuses to have an open discussion about gender and intersectionality, the situation will continue to deteriorate. For the present moment, it seems that the special legislation in Brazil serves only as a palliative since it is not treating the actual problem. State institutions keep perpetuating the culture of *machismo*, implicating racism, transphobia, and classism as well, and with that, instead of preventing those deaths, it just reinforces the violence against women in Brazil.

## 7 Final remarks

Although I see the special legislation in Brazil, through laws such as Maria da Penha Law and Femicide Law, as a necessary step towards ending violence against women in Brazil, I see them as a palliative solution to the problem. They failed to address the root cause of this violence in Brazil, the culture of *machismo*. This set of social norms, with its diverse discriminations implicated here, such as sexism, racism, and transphobia, is what is endangering women in Brazil. This is especially the case of minority groups that are on the intersections of identities, such as women of color and transgender women.

To end femicide in Brazil the whole cycle of violence must be treated and with that, the social norms of *machismo* that lead to a more aggressive nature of men and force women to live under this narrow definition of femininity. Changing the social construction of gender is a possibility through specific training to agents of the State. This is one of the paths to stop the reproduction of discriminations throughout State institutions since this is supposed to be a safe haven where these diverse identities could look for protection. I believe society could also break out from this unhealthy culture of *machismo* if a discussion about gender begins. With that, rigid and toxic forms of masculinities and femininities could be transformed into better ways to deal with different identities.

The culture of *machismo* is a complex matter in the Brazilian experience much because of the way women are perceived in this system, but also because it unfolds into a dangerous cycle of violence, with femicide with its extreme form. I have attempted throughout this master's thesis to enlighten this specific social context in Brazil where the culture is endangering women in all its identities. I have also attempted to demonstrate that an intersectional approach is appropriate for the examination of these subjects. I believe that inserting both a gender and an intersectional perspective into the legislation is the next milestone in tackling violence against women in terms of law in Brazil. Likewise, starting a debate around gender and intersectionalities in the Brazilian society is imperative to change the social norms of *machismo* and, therefore, tackling the root-cause of femicide in Brazil.



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Appendix A  
Female Homicides in Brazil

Table A1

*Female homicides in Brazil*<sup>29</sup>

Year	Number	Rate
2000	3,743	4.3
2001	3,851	4.4
2002	3,867	4.4
2003	3,937	4.4
2004	3,830	4.2
2005	3,884	4.2
2006	4,022	4.2
2007	3,772	3.9
2008	4,023	4.2
2009	4,260	4.4
2010	4,465	4.6
2011	4,512	4.6
2012	4,719	4.8
2013	4,762	4.8
Total	57,647	

Source: Adapted from Waiselfisz (2015).

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<sup>29</sup> This rate refers to the number of female homicides among 100,000 women.



Appendix B  
Homicide of women in Brazil by race

Table B1

*Homicide of white women in Brazil*

Region	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Δ% 2003/13	Δ% 2006/13
<b>North</b>	56	51	59	68	53	60	58	53	67	61	72	28.6	5.9
<b>Northeast</b>	128	134	119	117	148	138	157	154	145	148	190	48.4	62.4
<b>Southeast</b>	1,048	942	884	925	741	739	709	719	707	655	710	-32.3	-23.2
<b>South</b>	391	429	424	391	413	499	540	559	465	533	476	21.7	21.7
<b>Midwest</b>	124	128	129	109	131	108	127	105	138	138	128	3.2	17.4
<b>Brazil</b>	1,747	1,684	1,615	1,610	1,486	1,544	1,591	1,590	1,522	1,535	1,576	-9.8	-2.1

Source: Adapted from Waiselfisz (2015).

Table B2

*Homicide of women of color in Brazil*

Region	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Δ% 2003/13	Δ% 2006/13
<b>North</b>	178	162	216	221	226	253	298	345	323	402	376	111.2	70.1
<b>Northeast</b>	505	580	653	771	774	893	943	1,082	1,175	1,128	1,180	133.7	53
<b>Southeast</b>	919	834	834	849	765	772	816	802	789	919	853	-7.2	0.5
<b>South</b>	63	74	78	93	76	95	101	104	81	125	108	71.4	16.1
<b>Midwest</b>	199	197	197	196	205	240	258	270	343	340	358	79.9	82.7
<b>Brazil</b>	1,864	1,847	1,978	2,130	2,046	2,253	2,416	2,603	2,711	2,914	2,875	54.2	35

Source: Adapted from Waiselfisz (2015).

Tables B1 and B2 display the number of homicide of women through the years of 2003 to 2013 in all five (5) regions of Brazil. The last two (2) rows demonstrate two (2) different comparisons, the first being between the years of 2003 and 2013, which are the years Waiselfisz (2015) compiled the data; and the last row being the growth in homicides between the years 2006 and 2013. This second row deserves its importance as well because in 2006 the Maria da Penha Law was implemented and the Waiselfisz (2015) sought to show how this special legislation had translated into the numbers of femicide.

Appendix C  
Instruments and location of femicide

Table C1 is a compiled of the instruments most used when committing femicide in Brazil. Table C2 displays the most common places for femicide to happen in Brazil. Both tables are adapted from the statistical data provided by Waiselfisz (2015).

Table C1

*Location*

<b>Place</b>	<b>%</b>
Health establishment	25.2
Home	27.1
Ignored	0.8
Streets	31.2
Others	15.7
<b>Total</b>	<b>100</b>

Source: Adapted from Waiselfisz (2015).

Table C2

*Means used and instruments in femicide*

<b>Means used/Instruments</b>	<b>%</b>
Blunt object	8
Cutting/penetrating	25.3
Firearms	48.8
Strangulation/suffocation	6.1
Others	11.8
<b>Total</b>	<b>100</b>

Source: Adapted from Waiselfisz (2015).