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CONTEMPORARY REFLECTIONS

EXPLORING SOCIAL DYNAMICS
IN THE CURRENT WORLD



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Seven Editora.

Contemporary Reflections [electronic resource] :
Exploring Social Dynamics in the Current World / Seven
Editora.- São José dos Pinhais, PR: Seven Editora, 2024.
Electronic data (1 PDF). v. 2.

ISBN 978-65-981429-3-3

1. inclusion 2. public policies 3. social inclusion.
I. Seven Editora. II. Title.

CDU 316.42

Indexes for systematic catalogue:

1. social change, social development 316.42

Cataloguing at source: Bruna Heller (CRB10/2348)

Seven Publications Ltda
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<https://doi.org/10.56238/sevened2023.002-001>

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ABSTRACT

This article is aimed to identify actions to prevent and deal with domestic violence in the field of education. This is a qualitative study, and a systematic review of the literature was conducted in the months such and such, in the digital library Scientific Electronic Library Online - Scielo. The descriptors "domestic violence" and "education" were used, with a time frame of 2018 to 2023. The inclusion criteria were articles which contributed to the field of education in the prevention of domestic violence. Initially, time filters and selected articles in Portuguese were applied, and the search resulted in 88 articles. It involved a careful reading of titles, abstracts, and introductions of 15 selected articles on domestic violence and education. After this analysis, three articles were chosen to be presented. We emphasized that domestic violence against women is not an individual problem, but a social issue that needs to be tackled by society.

Keywords: Domestic violence, Gender, Education.

1 INTRODUCTION

Domestic violence against women is a serious and persistent social problem that is not unique to the 21st century. Domestic violence against women is a complex problem, influenced by several



factors that encompass economic, social, cultural and political aspects. In the economic sphere, poverty and social inequality emerge as contributing elements to domestic violence. Women in financial deprivation often face greater vulnerability, due to limited access to financial resources and social support networks that could help them protect themselves. In the social context, the persistence of a patriarchal culture plays a significant role, perpetuating discrimination against women and establishing a dynamic of subordination in the relationship with men, thus fostering domestic violence.

In addition, in the cultural sphere, the naturalization and tolerance of domestic violence in society are worrying. Violence perpetrated against women is often accepted as a private matter, hidden from public debate. Finally, in the political scenario, the absence of effective public policies to prevent and combat domestic violence perpetuates the persistence of this serious problem, evidencing the need for structural and comprehensive interventions in this field.

In Brazil, the document entitled "National Policy to Combat Violence against Women" defines violence against women as "any action or omission based on gender that causes death, injury, physical, sexual or psychological suffering and moral or property damage" (Brasil, 2011, p. 21).

In this context, education plays a key role in the prevention of domestic violence. Through education, we can promote awareness of violence against women, respect for diversity, and gender equality.

The methodology used was the systematic review of articles, which consists of the identification, selection, evaluation and synthesis of empirical studies on a given topic. To carry out this review, the following inclusion criteria were used: articles published in scientific journals 2018 to 2023, which address the contribution of the field of education in the prevention of domestic violence.

The text is organized into four sections: a) the introduction presents the theme of the study and the objectives of the systematic review; b) the second section contemplates the methodological procedures; c) the third section presents the main results and an analysis of the selected articles; d) the last section consists of the final considerations and a synthesis of the contribution of these articles to the prevention of domestic violence against women.

2 METHODOLOGY

This study adopts a qualitative approach, considering the careful choice of methods and theories, the analysis of data through different perspectives, and the reflection of the role of the researcher as an integral part of the research process and knowledge production, as described by Flick (2009).

Following the definition of Sampaio and Mancini (2007), the systematic review is employed in this work as a research strategy that uses the academic literature as a source of data. This method



allows a critical and systematic view of the relevant evidence on the subject of domestic violence and education, using clear and well-defined search criteria.

On October 14, 2023, a search was conducted on the *Scientific Electronic Library Online* (SciELO) platform, using the descriptors "Domestic violence" and "education" as inclusion criteria. Initially, the search resulted in 88 articles. Then, we applied timeframe filters from 2018 to 2023 and selected articles in Portuguese, after these filters we located the number of articles to 15.

To ensure the relevance of the articles in relation to the objectives of this study, we adopted inclusion criteria based on the adherence of the research located with the objective of this article. This involved carefully reading the titles, abstracts, and introductions of 15 selected articles on domestic violence and education. After this analysis, three articles were chosen to be presented in detail below.

3 DISCUSSIONS

Domestic violence against women is a complex issue that reflects a link between economic, social, cultural and political factors. According to the Maria da Penha Law (Brasil, 2006), it is defined as "any action or omission based on gender that causes death, injury, physical, sexual or psychological suffering, and moral or property damage". This comprehensive definition reflects the extent and severity of the problem, highlighting Brazil's worrying position as the fifth country in the world ranking with the highest rates of domestic violence and femicide. (WAISELFISZ, 2015)

It is crucial to recognize that domestic violence not only affects women directly, but also has devastating impacts on the children and adolescents who witness and are victims of this violence. These young people are often exposed to psychological, physical, patrimonial and moral violence, which affects their emotional and psychological development.

The increasing number of reports of domestic violence reflects the urgent need to talk to society about these contradictory behaviors and their devastating consequences. In this sense, schools play a crucial role in preventing and combating violence against women. It is an environment conducive to promoting communication, informing and raising awareness among young people about gender issues and violence, stimulating the development of a critical and empathetic awareness.

Many students experienced their first significant contact with the disclosure of gender and domestic violence in the school environment. Their questions and reflections generate a rich dialogue that fosters the exchange of personal experiences and the development of a deeper understanding of the impact of violence on society.

The importance of addressing these topics in the curriculum is so crucial that it led to the creation of Federal Law No. 14164/21, establishing the School Week to Combat Violence against Women, to be held in March, both in public and private schools. This initiative seeks not only to create awareness, but also to foster a culture of respect, equality, gender equity and non-violence from an



early age. education, we can create a more just and equal society where women can live free from violence.

For the writing of this text, we selected three articles considering the inclusion criteria: a) analysis of the title; b) reading the abstract; c) recurrences of public policies on violence in the articles.

The article "**Gender dialogues in education: considerations on the *Maria da Penha goes to schools law***" project was written by **Kristine Kelly de Albuquerque, affiliated with the University Center of Vale do Ipojuca WYDEN, Caruaru, PE and published in 2020.**

The objective of this article is to present the experiences and discoveries derived from the theoretical and practical studies conducted through the university extension program entitled "Reception and Psychosocial Accompaniment to Women Victims of Sexist Violence". To support these discussions, a feminist theoretical-methodological approach is adopted, focusing on the analysis and reflection of everyday issues from the perspective of gender as a category of sociocultural analysis, together with social psychology, which adopts a critical stance in relation to the institutions, organizations and practices of contemporary society.

In this context, the interventions carried out through this university extension program are considered instruments aimed at promoting the denaturalization of practices that perpetuate gender inequalities in society. The topic addressed is extremely important, since patriarchy and its effects continue to have social implications that are transmitted in the formation of citizens, resulting in various forms of inequality and discrimination, including violence against women in domestic and family contexts.

As established in the State Plan to Prevent, Punish and Eradicate Violence Against Women of the Government of the State of Pernambuco (2008), the transformation of this scenario built on a patriarchal basis requires not only limitations, but also a systematic work of prevention, starting to build new values. According to the same plan, the school plays a crucial role in the discussion about gender, race and ethnicity, as it is in this environment that future generations are educated, allowing them to understand human relations in life in society.

Therefore, based on this study and the presentations presented, we seek to highlight how dialogue about gender, especially in the school context, can contribute to the prevention and confrontation of violence against women. For a more in-depth and contextualized understanding of this analysis, it will be essential to explore the interconnections between conceptions of gender, gender-based violence, and violence against women in the context of human rights, highlighting the importance of education in this setting.

The workshops proved to be an effective tool against gender-based violence in schools. By questioning gender roles, they deconstruct, are ingrained and bring about change. Schools, as places



of socialization, are essential to disseminate this awareness. While challenging, these interventions are crucial to tackling the roots of patriarchy and preventing the violation of women's rights.

More comprehensive studies are recommended to assess the long-term impacts of these actions. It is important to emphasize that this experience report is specific and based on a limited sample, therefore, more comprehensive studies should be carried out in different cities of Pernambuco to evaluate the effects of the "Maria da Penha Law goes to schools" project. A medium- and long-term analysis would be especially useful to better understand the impact of these initiatives over time.

The second work selected for the production of this text was "**Online courses in times of crisis and Covid-19 as a response to support violence surveillance and reports of domestic violence**" article written by Daniel Canavese, Department of Public Health, School of Nursing, Federal University of Rio Grande do Sul. Porto Alegre, RS, Brazil, this article was published in 2022.

The article highlights the relationship between social distancing due to Covid-19 and the increase in domestic violence. It points to the need for intervention measures and strengthening of the protection network. The importance of dealing with disinformation is discussed, highlighting the role of information and communication technologies, such as the MOOC (Massive Open Online Course), in the dissemination of knowledge. It is exemplified by the UFRGS courses on violence reporting, emphasizing its impact on awareness and effective change.

Domestic violence is a serious and persistent problem that affects women of all social classes, ethnicities and religions. The Covid-19 pandemic has increased domestic violence situations due to increased social isolation, work overload, and anxiety.

Given this scenario, it is important to strengthen intervention measures and strengthen the protection network. A promising strategy for coping with domestic violence is the use of online courses in the Massive Open Online Course (MOOC) format, which are open, online courses that can be accessed by anyone, regardless of their education or experience. They are an effective tool for the dissemination of knowledge and the promotion of health education.

Rio Grande do Sul launched two MOOCs courses in 2019 to train professionals from the intersectoral network to deal with issues such as violence. The data demonstrate the potential to reach a wide audience and promote the training of professionals to cope with domestic violence.

The third article "**Domestic violence in state public school teachers during the COVID-19 pandemic**" by the authors Ana Clara Santos Bicalho, Ana Júlia Castro Santos, Gabriela de Oliveira Maciel Silva, Laila Santos da Costa, Nathália Gomes de Oliveira, Talita Santos Nascimento, Rosângela Ramos Veloso Silva, Maria Fernanda Santos Figueiredo Brito, Lucinéia de Pinho, State University of Montes Claros (Unimontes), Montes Claros, MG was published in 2023.

The article analyzes the factors related to the increase in domestic violence among teachers during the beginning of the pandemic. Social distancing restrictions have negatively impacted



qualities, exacerbating challenges faced by teachers, such as lack of technological readiness and work overload. This scenario led to emotional and physical health problems, including physical pain and lack of sleep. In addition, social isolation specifically contributed to an increase in domestic violence and reduced social support networks .

During the COVID-19 pandemic, education was restructured to allow for remote activities, leading teachers to face challenging and exhausting working conditions. The lack of preparation, technological resources, and increased professional and personal responsibilities have resulted in stress and insecurity in teachers, impacting their mental health.

This study revealed a significant increase in domestic violence among teachers in the state basic education network in Minas Gerais during the beginning of the pandemic, associated with occupational factors and health conditions. The transition to remote teaching with considerable challenges, affecting the emotional and physical health of teachers face difficulties in balancing domestic and academic work, intensifying interpersonal conflicts and increasing the risk of physical and psychological aggression. Fear of dismissal, work overload, and pressure related to remote teaching were some of the aspects they developed for increased stress.

In this context, the implementation of practical strategies, such as training programs and psychological support, becomes crucial to identify and provide early support to teachers who are victims of domestic violence. In addition, it is essential to develop comprehensive public policies that improve the work environment and promote the quality of the teaching-learning process. Investments aimed at the well-being and protection of teachers can benefit not only these professionals, but also the entire school community, ensuring a healthy educational environment that is conducive to the educational and social development of future generations.

The research points to the importance of more studies on the topic, both in pandemic and non-pandemic periods, and highlights the need to implement measures to expand support services for this specific group. Primary health care plays a crucial role in welcoming and supporting victims of domestic violence, while the school can act as a protection and support network for affected teachers. Effective strategies, such as training and psychological support, are crucial for identifying and providing assistance to teachers who are victims of domestic violence. Investments targeting the well-being and protection of teachers can have a positive impact on the school community by promoting a healthy and productive educational environment.

4 CONCLUSION

Reflecting on the three selected articles, the importance of actions to prevent and confront domestic violence becomes evident, especially in the context of education. It is crucial to prioritize initial and continuing education for professionals working in basic education and higher education. In



addition, it is important that professionals have the ability to identify signs of domestic violence in the educational and professional environment.

This study reveals the existence of vulnerable groups, in addition to women and children, who face situations of domestic violence. The results indicate the urgency of comprehensive policies and social policies, which comprise multiple sectors, to work with the prevention and confrontation of domestic violence.

The knowledge gained about the risk factors associated with the increase in domestic violence can make victims aware of the importance of reporting the aggressors and seeking psychological support. In addition, it can support the development of timely interventions, focused on the prevention of domestic violence, the reduction of risk factors, and the expansion of support services.



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Toxicity and violence among women: An exploratory study of abusive experiences in lesbian couples



<https://doi.org/10.56238/sevened2023.002-002>

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ABSTRACT

Abusive relationships are gaining more and more visibility due to their harmful impact on individuals and society. Despite this, certain segments remain invisible in relation to this theme, which is the case of the LGBTQIAPN+ population. The present study sought to analyze the experience profile of abusive relationships carried out by lesbian couples, as well as their consequences. A survey was carried out with 46 lesbian women using an electronic form.

The respondents were, on average, 26.5 years old ($sd=5.2$), mostly subjects with higher education or more (91.3%), and distributed throughout the country, but with emphasis on the Southeast regions (69.6 %). The results indicate three main dimensions for the characterization of abusive relationships between lesbians: Submission/isolation, with items that describe feelings and behaviors of vulnerability, submission and subordination on the part of the respondent when interacting with the partner(s); Lack of control and guilt, involving items associated with relationships with a dynamic of aggression, lack of control and remorse; and Manipulation, with items describing the interaction with a partner with manipulative, passive-aggressive behaviors and involving behaviors such as distortion and victimization. Although the dimension of manipulation is more prominent than the others, the data indicate that each of the dimensions has specific and specific relationships with types of violence. The data also suggest the presence of complex relationships in terms of toxicity in lesbian relationships. Finally, the need for further studies is emphasized, given the lack of research with this public.

Keywords: Abusive relationships, Lesbians.

1 INTRODUCTION

The general objective of this study is to analyze the profile of abusive relationships led by lesbian couples, as well as their consequences. Cezario et al (2015) point out that some authors have increasingly used the term intimate partner violence (IPV). This is, by definition, all emotional, physical, and/or sexual abuse that occurs within a romantic relationship. He also points out that the number of studies on intimate partner violence is much higher when it comes to heteroaffectional relationships when compared to the number of studies conducted focusing on homosexual relationships, both in female and male relationships.



Another term that is very present in the literature is domestic violence. This can be characterized in several ways, including physical, sexual, and psychological violence. (Da Fonseca & Lucas, 2006). The definitions for abusive relationships, intimate partner violence, and domestic violence are quite similar, so in the present study we chose to use the terms abuse and abusive relationships/relationships.

Abusive relationship is an ancient phenomenon that has been going on for centuries. (Mika et al, 2021; Maia & Cascaes, 2017) This phenomenon is not infrequently associated with the gender issue, so that the culture of machismo, as well as the patriarchal format of society that persist even today, are pointed out as influencers in the maintenance of such relationships. In this sense:

In a sexist way of thinking there is a "hierarchical system" of genders, where the masculine is always in a superior position to the feminine. (Maia & Cascaes, 2017)

Gender identity is nothing more than a social construction, which is carried out from the biological aspect. In this socio-cultural construction, there are teachings and the segregation of what are considered feminine characteristics and masculine characteristics. In this way, from childhood, children are taught to behave, express themselves, act, play, think and even feel in a certain way, taking into account their gender. (Da Fonseca & Lucas, 2006)

Boys are taught to omit their "weaknesses," their sensitivity, as well as any and all emotions associated with the feminine. They are encouraged to express their anger, their courage, and their strength that are traits often associated with power. Following this logic, it is up to the boys to be interested in strategic, dynamic and/or territory games.

Girls, on the other hand, are allowed to demonstrate their "weaknesses" and "vulnerabilities", as well as their affection and docility, which are considered feminine characteristics. Thus, it is recommended that the expression of emotions/feelings such as anger, strength and courage be controlled and disguised, since it is understood as being characteristics of the male gender. Girls are expected to participate in games that develop their maternal side, such as playing house and dolls.

As a result of this practice, women have been reserved for domestic space, under the justification of their natural ability to be mothers. (Da Fonseca & Lucas, 2006)

The hierarchical relationship established between the sexes is one of the main factors that lead to situations of violence against women. The traits associated with the feminine contrast to those associated with the masculine and, for this reason, end up being less valued in society. (Da Fonseca & Lucas, 2006)

However, abusive relationships are not exclusive to heterosexual couples. Such patterns of behavior can also be observed in same-sex relationships, although these are less visible. According to Alencar, Ramos and Ramos (2018), abuse has numerous determining factors and several power



relationships established within romantic relationships. Also according to Alencar, Ramos and Ramos (2018), one aspect that contributed to the deficit observed in relation to the development of studies on abusive relationships in lesbian couples is the fact that in the 70s domestic violence gained greater visibility from the feminist movement, while studies on the subject focused on homosexual relationships began to be disseminated only 20 years later, in the 90s. Although domestic violence between same-sex couples occurs frequently, it is underreported.

Alencar, Ramos and Ramos (2018) point out that there is a certain resistance on the part of society in general, but also on the part of the homosexual movement, to talk about abusive relationships in homosexual couples, a fact that contributes to the invisibility of the theme. According to the authors, two factors that underlie such conduct are the fear of reinforcing negative stereotypes in relation to same-sex relationships and the choice not to question the idea that abuse in romantic relationships is caused by gender inequality.

The abusive relationship between women can generate even more severe damage than male violence, considering that the victims of this type of violence often do not have a functional support network, which makes it impossible for them to acquire external help. (Avena, 2010). Considering that the abusive relationship is a cycle, it is extremely important to have a third person capable of helping the woman in an abusive situation to break this cycle, since with each experience of aggression the victim becomes even more fragile, discredited and vulnerable. It is rare for the victim to be able to disengage from the abusing figure and the relationship without external help. (Albertim & Martins, 2018)

As previously mentioned, abusive relationships occur in a cyclical way, not being an isolated episode. This cycle consists of three phases. The first phase is the construction of tension, where there is the emergence of conflicts and the abusive figure will take control using aggressive strategies, establishing the feeling of imminent violence within the relationship. The second phase is characterized by the loss of control by the abusive figure and the materialization of violence, which can be psychological, physical and/or sexual. Finally, the third phase begins, which is known as the "honeymoon". At this stage, the person who committed the abuse will do whatever it takes not to lose their partner and regain closeness, in this way the gestures of affection and care begin, as well as the promises that the situation of abuse previously experienced will never happen again. (Alencar, Ramos&Ramos, 2018; D'Agostini et al, 2021; Albertim & Martins, 2018)

However, Mika et al (2021) cite four phases of the abusive relationship, the first being relational tension, the second, open violence, the third regret, and the fourth being the honeymoon. In this sense, the authors cited above understand repentance and the honeymoon as being a single phase. It is worth mentioning that because it is a cycle, after the honeymoon phase, the tension and conflicts that make up the first phase begin again.



An abusive relationship is understood as inappropriate treatment and/or mistreatment, the intent of which is to control, intimidate, humiliate, frighten, manipulate, blame and/or hurt someone. (Neal, 2018) This type of relationship is based on the exercise of power and domination over the other, and can manifest itself in different ways. (D'Agostini et al, 2021) According to Maia and Cascaes (2017), the excess of power over the partner is predominant in abusive relationships, associated with the desire for control and possession.

In abusive relationships, power is at the heart of the matter, it demonstrates the inequality between the forces of the abuser and the subject who suffers the abuse. Power is then a way by which physical or symbolic force will be applied in order to achieve a certain goal. (Barreto, 2018)

Contrary to what common sense tends to believe, abuse occurs regardless of socioeconomic origin, gender, ethnicity, religion and/or age group, and it is a very complex problem. (Da Fonseca & Lucas, 2006).

Violence affects not only the individual, but also the population in general, the health system, and the country. (Cezario et al, 2015) Domestic violence against women is considered by the World Health Organization (WHO) to be a public health issue, while there is an increase in health expenditures, since the victim may resort to health services several times, as their physical and emotional integrity is negatively affected, as well as their sense of security shaken. Abuse in romantic relationships, in addition to being a major public health problem, also constitutes a violation of human rights. (Mika et al, 2021; Da Fonseca & Lucas, 2006).

Abuse is directly linked to violence, so they can be considered synonymous. Abusive relationships are composed of different types of violence, the most common being sexual, physical and psychological violence. (Barreto, 2018)

Sexual violence is defined as any and all sexual practices carried out without the consent of the partner through blackmail, use of force, intimidation, manipulation and/or any attitude that ignores and/or disrespects the personal will of the other party. (Da Fonseca & Lucas, 2006; Alencar, Ramos & Ramos, 2018)

Physical violence tends to be more easily identified when compared to psychological violence, since in the latter the injuries can even be diagnosed. Physical violence is considered to be any act that endangers the physical integrity of the individual, and may present itself in the form of slaps, pushes, kicks, bites, punches, beatings, burns, hair pulling, among others. (Da Fonseca & Lucas, 2006; Alencar, Ramos & Ramos, 2018)

Psychological violence, although it does not leave physical evidence, such as bruises and scars, is no less important than other forms of violence, causing very significant damage to the emotional structure of the person who goes through such an experience. (Da Fonseca & Lucas, 2006; Alencar,



Ramos & Ramos, 2018). Psychological violence is understood as verbal and/or gestural aggression, as well as any and all attitudes that have the intention of terrorizing, frightening, punishing, manipulating, mistreating, coercing, isolating, silencing and/or controlling the victim. (Minayo, 2020)

Within this context, the abuser objectifies their partner, showing no empathy for her feelings or needs. In this way, the victim begins to lose her identity, since the abuser ignores her wishes and particularities. For the person who commits the abuse, this is a game, where all that matters is winning. Victory is directly associated with power and control over one's partner and relationship. In this sense, the person who is exercising the abuse will use any and all possible tactics to win, at this point we can mention manipulation. (Monteiro, 2012; Neal, 2018)

The mind games, the ability to twist things, the lack of accountability or transparency, the belittling, and the constant hit-and-blow tactics of an abuser leave most women confused, hurt, angry, embarrassed, and full of remorse. (Neal, 2018, p.18).

Victims of abusive relationships do not enter into this type of relationship consciously and/or planned, quite the opposite. The beginning of an abusive relationship is often characterized by overwhelming passion, where everything is magical and the moments with the partner are incredible. Abuse within love relationships occurs gradually. The abuser tends to be extremely charming and seductive at the beginning of the relationship, but as time goes by things change little by little. Often, the victim begins to feel bad within the relationship, but cannot identify the reason. Abuse begins with psychological violence and can evolve into physical and sexual violence. Thus, psychological violence often occurs in an extremely subtle way, allowing the victim to take a long time to realize that they are in a situation of abuse (Neal, 2018; Monteiro, 2012). It is in this sense that Neal (2018; p.21) points out "(...) the fact that many women don't recognize that they're being mistreated if they aren't called names or physically abused."

When the victim becomes aware of the situation of abuse in which she finds herself, the level of violence is already high and she ends up internalizing what the abuser says about her. In this way, she starts to consider the way in which she is treated by her partner natural and even fair. (Monteiro, 2012, p.11)

It is worth noting that the media contributes negatively when it comes to abusive relationships, since there is a romanticization of it by our culture. It is possible to observe the fostering of this type of relationship, seen as an overwhelming passion, in soap operas, movies, music, literature, among others. This romanticization turns out to be extremely dangerous, as it reinforces the idea that virtually all behavior is acceptable in the name of love. (D'Agostini et al, 2021; Mika et al, 2021)

The accomplishment of the present study is extremely important, since abusive relationships are a public health problem and consist of the violation of human rights, bringing several losses to the women who experience it. (Da Fonseca & Lucas, 2006; Mika et al, 2021) This is sometimes not



identified by lesbian women, either due to the normization coming from culture or due to the limited association with the gender issue, which is often misinterpreted as a way of disregarding the existence of violence within lesbian relationships. Avena (2010) points out that many lesbian women, in addition to having to deal with the damage inherent to the violence suffered in the relationship, when they seek help at women's police stations end up being exposed to a second form of violence resulting from homophobia. In addition, sometimes their molesters understand themselves as feminists and end up benefiting from the movement of the same name.

Research on abusive relationships presents significant challenges, such as mapping people's perception and experience of abuse, as well as the difficulty in developing an adequate research agenda, aiming at supporting public health policies and designing interventions. Turning our gaze to lesbian couples, studies on the subject are even more urgent, since there is a significant deficit of scientific research on the subject. (Ferraroli et al, in press)

2 METHOD

A quantitative, cross-sectional study with exploratory characteristics was conducted. The instrument used was composed of a scale of abusive experiences in the relationship, as well as questions about the experience of aggression and sociodemographic characterization of the sample. The respondents' perceptions about their experiences in lesbian relationships, identified by them as abusive, were assessed based on a measure divided into three dimensions: a) **Submission/isolation** (11 items, with $\alpha=0.90$), with items that describe feelings and behaviors of vulnerability, submission and subordination on the part of the respondent when interacting with the partner(s); b) **Lack of control and guilt** (6 items, with $\alpha=0.83$), involving items associated with relationships with a dynamic of aggression, lack of control and remorse; c) **Manipulation** (8 items, with $\alpha=0.88$), with items describing the interaction with a partner with manipulative, passive-aggressive behaviors and involving behaviors such as distortion and victimization. Data were collected through an electronic form without the identification of the subjects, distributed on social networks through a link. The data were collected without any questions that would allow the identification of the respondents individually, in line with what is presented in CONEP Resolution No. 510/2016. All respondents had access to the Free and Informed Consent Form, so that they were aware of the general purpose of the study and their rights, if they decided to participate in it. Once the data were collected, they were tabulated and analyzed using SPSS.20.0.



3 RESULTS

The sample consisted of 46 lesbian women, aged between 20 and 40 years ($x=26.5$; $SD=5.2$), predominantly subjects with a high level of education (only 8.7% had high school education or less, while 54.3% had at least completed graduation).

In terms of regions, there was a large predominance of the southeast region, both in terms of the region of origin (Table 01) and in terms of the region where they live (Table 02), with the northeast region being the second most represented.

Table 01 – State and region of origin

Region	<i>f</i>	%	State	<i>f</i>	%
Northeast	9	19,6	BA	4	8,7
			PB	1	2,2
			ON	4	8,7
Southeast	32	69,6	MG	4	8,7
			RJ	6	13,0
			SP	22	47,8
Midwest	1	2,2	DF	1	2,2
On	4	8,7	PR	2	4,3
			RS	2	4,3
Total	46	100,0	Total	46	100,0

Source: Field research

Table 02 – State and region where they live

Region	<i>f</i>	%	State	<i>f</i>	%
Northeast	7	15,2	BA	3	6,5
			ON	4	8,7
North	1	2,2	AM	1	2,2
Southeast	32	69,6	MG	3	6,5
			RJ	3	6,5
			SP	26	56,5
Midwest	2	4,3	DF	1	2,2
			GO	1	2,2
On	4	8,7	PR	2	4,3
			RS	2	4,3
Total	46	100,0	Total	46	100,0

Source: Field research

It is worth noting that the respondents informed not only the state and region where they were born and where they lived, but also the city. Analyzing the interaction of these data, it was possible to observe a significant rate of migration. In fact, 47.83% of their sample does not live in the city of origin, 19.57% does not live in the state of origin, and 10.87% does not live in the region of origin. The high rate of migration raises the importance of evaluating this type of flow with the LGBTQIAPN+ population to verify whether the issue reflects a larger pattern. In this case, the hypothesis is that migration may be associated with the rupture of ties and networks, as well as a greater sense of detachment and helplessness. There remains, however, the need to investigate the question of causality further.



As previously mentioned, the measure used evaluated abusive experiences based on three general dimensions: the **Submission/isolation dimension** was characterized by the loss of social ties and the presence of feelings and behaviors of vulnerability, submission and subordination on the part of the respondent when interacting with the partner; b) **Lack of control and guilt**, involving items associated with relationships with a dynamic of aggression, lack of control, and remorse; **Manipulation**, with items describing the interaction with a partner with manipulative, passive-aggressive behaviors and involving behaviors such as distortion and victimization. The results of these dimensions are summarized in Table 03 below.

Table 03 – Abusive experiences in lesbian relationships

	Average	Standard deviation	E.P.M.	95% IC	
				Lower Limit	Upper Limit
Submission/Isolation	2,228	0,63	0,092	2,042	2,414
Aggression-Lack of Control-Guilt	2,271	0,57	0,084	2,102	2,440
Handling	2,548	0,77	0,114	2,319	2,777

Source: Field research

To compare the indicators, we used a repeated-measures ANOVA, with Bonferroni's correction. After the application of the technique, it was observed that, although the dimensions of submission/isolation and aggression-lack of control-guilt did not present significant differences between them, the manipulation dimension showed a difference both in relation to submission/isolation ($p < 0.001$) and in relation to aggression-lack of control-guilt ($p < 0.01$). These results indicate that, in general, abusive experiences in lesbian couples tend to be more marked by models of manipulation than by other forms of aggression. This result may be associated with the gender role models socially imposed on women, with certain forms of aggression often naturalized and others easier to identify and sometimes repudiated.

Table 04 – Correlations between dimensions of abusive relationship and experiences

	Submission/Isolation	Aggression-Lack of Control-Guilt	Handling
Submission/Isolation			
Aggression-Lack of Control-Guilt	0,555**		
Handling	0,702**	0,602**	
Been in an abusive relationship	0,493**	0,616**	0,655**
She suffered psychological aggression	0,608**	0,504**	0,729**
Suffered sexual assault	0,349*	0,243	0,118
Suffered physical aggression	0,230	0,409**	0,261
Meet women who have been in abusive LESBIAN relationships	0,392**	0,207	0,429**
Age	0,093	0,132	0,103
Schooling	0,077	-0,052	0,019

* $p < 0.05$; ** $p < 0.01$

In terms of the experience of abusive relationships in general and their consequences, it is important to highlight the large number of women who report some type of violence, with 20%



reporting having suffered sexual assault by their partner, 31% reporting physical aggression, and 77.1% reporting having suffered psychological violence. The correlation of these experiences with the dimensions of abusive relationship was analyzed, as seen in table 04. A set of data that deserves to be highlighted refers to the experience of abusive relationships. In this sense, significant correlations were identified in relation to the three dimensions: manipulation ($r=0.655$, with $p<0.001$); aggression/lack of control/guilt ($r=0.616$, $p<0.001$); and submission/isolation ($r=0.493$, $p<0.001$). *These results make it possible to think that the experiences of abusive relationships are complex by nature, with different facets associated with them. As these abusive relationships gain more specific contours, we can think of specific antecedents and models with their own characteristics.*

As seen earlier, in abusive relationships what is in focus is power over the other. Almeida and Lourenço (2011) argue that in romantic relationships, the parties involved feel the need to control each other, and may justify jealousy to exercise such control. Also according to the authors, once the subject understands that he has lost control over his partner, his interpretation may be that the relationship is over. From this, there may be attitudes with the intention of controlling the partner's freedom, which will be attributed to jealousy that is socially accepted and even interpreted as a manifestation of affection and care.

When it comes to the experience of physical aggression, no significant correlations are observed regarding the dimensions of manipulation and submission/isolation, although there is a significant correlation with respect to the dimension of lack of control/guilt. This result may be associated with a relational dynamic marked by violent behaviors on both sides, triggering more extreme aggressions, such as physical aggression. This context would also include "open" verbal aggression, as well as explosive behaviors in general.

The experience of psychological aggression has a strong positive correlation in relation to the three dimensions (Cohen, 1988, 1992). In this case, manipulation appears first ($r=0.729$, with $p<0.01$), followed by submission/isolation ($r=0.608$, with $p<0.01$) and finally lack of control and guilt ($r=0.504$, with $p<0.01$). *It is worth mentioning that psychological violence is present in every abusive relationship, since it is the primary form of aggression, preceding all others that may or may not occur.*

Given that all violence potentially ends up implying some type of psychological violence, and the wide visibility of physical violence, the association between these two categories tends to be more expressive (Da Silva, 2012). However, psychological violence as an independent category is still neglected, as it has specific characteristics (WHO, 2002). Abuse within a relationship tends to happen gradually. Initially, psychological violence presents itself in a more subtle way, eventually replicating elements of the cultural structure itself, gradually depriving the partner's freedom, which can lead to humiliation, embarrassment and, finally, physical and/or sexual aggression.



It is in this context that we can identify aspects of a structural component of violence, which is internalized by culture and demands coping strategies at different levels. This element is so widely present and naturalized that it can be identified in the production of mass culture, in music and movies, for example. In this type of production, one can observe a romanticization of the "overwhelming passions", full of conflicts and instabilities. It turns out that these are often precisely what we mean by toxic/abusive relationships.

The experience of sexual assault, on the other hand, presents a significant correlation only with the dimension of submission/isolation ($r=0.349$, with $p<0.05$). *One possible cause for this pattern may be that more "passive" behaviors and the loss of support networks tend to facilitate the occurrence of this type of aggression. The absence of support instances and defense strategies can lead the abuser figure to understand that there will be no significant consequences after the act, such as a complaint or retaliatory behavior.*

Neal (2018) states that what will define whether a woman in an abusive situation identifies the possibility of getting rid of it is the existence of a support network. Thus, it can be said that from the moment the abuser induces the isolation of the partner, the chances of breaking the abusive cycle decrease, since a third person is often needed to help this break.

Finally, regression analyses were performed to determine the predictive capacity of age, schooling, and the dimensions of abusive relationships in relation to four outcome variables: experience of an abusive relationship; experience of psychological aggression; experience of sexual assault; and experience of physical aggression. The results indicate that the abusive relationship variables have explanatory power to all the outcome variables studied, but with special strength in relation to the Abusive Relationship Experience ($p < .001$) and Psychological Aggression ($p < .001$). Despite this, it was also possible to identify explanatory power in relation to Physical Aggression ($p < .001$) and Sexual Assault ($p < .001$), even if in a more modest way. Even so, these are results that deserve an initial debate so that they can be deepened in future studies, suggesting the possibility of thinking about models to explain toxic relationship processes, as will be discussed below. Age and schooling did not provide explanatory value to any of the models tested.

Table 05 – Predictive models of abusive relationship experience based on the abusive relationship dimensions

	Experience of an abusive relationship			
	R ²	B	SE b	β
Constant		0,261	0,299	
Handling	0,506	0,378	0,114	0,446**
Aggression-Lack of Control-Guilt		0,399	0,154	0,347**
Notes: b = non-standardized regression coefficient; SE b = Standard error; β = standardized regression coefficient. ** $p<0.01$; * $p< 0.05$				
Source: Field research				



In terms of the Experience of Abusive Relationships (Table 05), the results point to a high explanatory power of the model, with 50.6% of the variance being explained by the identified variables. In relation to these, although the three dimensions indicated correlations, only two of them were maintained in the explanation of the Abusive Relationship Experience. In this sense, and considering the strong correlation between Manipulation and Submission/Isolation, it is possible that there is a mechanism associating these two dimensions in certain contexts, enabling their overlap. This pattern, however, needs to be further investigated in future studies. What the results indicate is the existence of patterns of physical violence ($\beta=0.347$) and, especially, manipulation ($\beta=0.446$), when we talk about the experience of abusive relationships between lesbians.

This first model dealt with the experience of abusive relationships in general. The study, however, dealt with different types of violence and aggression suffered in these relationships. Thus, the following models emphasized how each of the forms of aggression can be explained based on the variables present in the study, which is discussed in the results below.

Table 06 – Predictive models of the experience of psychological aggression based on the dimensions of abusive relationship

	Experience of psychological aggression			
	R ²	B	SE b	β
Constant	0,532	-0,061	0,522	
Handling		1,388	0,196	0,729**
<i>Notes: b = non-standardized regression coefficient; SE b = Standard error; β = standardized regression coefficient. ** $p < 0.01$; * $p < 0.05$</i> Source: Field research				

Being the most prevalent form of aggression among those mentioned, we will start with psychological aggression. In this case, the manipulation variable was the only one that added explanatory value, although with a significant relationship. It is important to note, in this sense, that 53.2% of the variance is explained with this variable alone. Here it is possible to think about the model of aggression established in the case of a toxic relationship between women. Dysfunctional relationships of a heterosexual nature may have an increased likelihood of physical aggression, given the issues of some models of masculinity. In the case of dysfunctional relationships between women, this component tends to be less expressive, with other modes of aggression occupying its space. In this sense, manipulation ends up playing a central role, including in the perception of psychological aggression. It is even possible to think about the possibility of indirect relationships between manipulation, psychological aggression and the experience of abusive relationships. This, however, requires further studies with the appropriate sampling plan.



Table 07 – Predictive models of physical aggression from the dimensions of abusive relationship

	Experience of physical aggression			
	R ²	B	SE b	β
Constant	0,167	0,051	0,502	
Aggression-Lack of Control-Guilt		0,638	0,215	0,409**
Notes: b = non-standardized regression coefficient; SE b = Standard error; β = standardized regression coefficient. ** $p < 0.01$; * $p < 0.05$				
Source: Field research				

Table 07 shows the model's data on the experience of physical aggression. As previously stated, the data presented here not only represent one of the least prevalent dimensions of aggression among the respondents. They also present a less expressive explained variance (16.7%), although with a statistically significant model. Despite the lower explanatory power, the data obtained offer value in the understanding of the phenomenon, which pointed out as one of its bases a mechanism based on the loss of impulse control and feeling of remorse. Thus, as long as psychological violence has a clearer relationship of power asymmetry in relations between lesbians, it is possible that physical aggression tends to occur in a dimension of reciprocal aggression, with cycles of violence and guilt interspersed. It is worth noting, however, that there is a robust variance to be explained, which indicates the need for additional studies, including with qualitative methods and/or specific participants.

Table 08 – Predictive models of sexual assault experience based on the dimensions of abusive relationship

	Experience of sexual assault			
	R ²	B	SE b	β
Constant	0,122	0,364	0,394	
Submission/Isolation		0,422	0,171	0,349*
Notes: b = non-standardized regression coefficient; SE b = Standard error; β = standardized regression coefficient. ** $p < 0.01$; * $p < 0.05$				
Source: Field research				

The last set of data presented here, table 08, presents the model related to sexual assault. This factor, as previously mentioned, was the one with the lowest prevalence (20%), although the index draws attention due to common sense to expect that this type of case does not exist. At the same time, this was also the type of aggression with the lowest variance explained by the regressions (12.2%). In this case, despite the association between manipulation and submission/isolation, the latter added explanatory value, while the former did not. In the case of sexual assault and its relationship with submission/isolation, it is possible that we have a more specific relationship, where the loss of social relationships and support networks make the victim vulnerable to the behavior of a predatory partner.

Although some models are more powerful than others in explaining the outcome variables, the results presented here offer a basis for understanding a phenomenon that is still little investigated. These relationships still need to be further investigated, with the evaluation of additional factors, either directly or with mediation and/or moderation relationships between the variables. Questions such as the profile of the partner and the woman's life history can help to understand the way the data are



presented. Finally, it is important to return to the issue of age and education. As previously mentioned, none of them provided explanatory value to the models evaluated. This is a fact, however, that deserves attention, considering that maturation and schooling would tend to act as protective factors, at least in theory. The data did not show this, indicating that they act with the same force on younger and older women, more educated and less educated.

4 FINAL THOUGHTS

Although abusive relationships have become the object of more frequent interest in different studies, investigations with the LGBTQIAPN+ population are still rare. The present study analyzed the profile of the experience of abusive relationships led by lesbian couples, as well as their consequences. For this, a survey was conducted with 46 women. The instrument assessed abusive relationships based on three dimensions: Submission/isolation; Lack of Control and Guilt and Manipulation. In addition, experiences with types of aggression suffered and the profile of the respondents were evaluated.

The results indicate that abusive relationships led by female same-sex couples tend to present manipulation as a more marked form of aggression than the others. The prevalence of psychological aggression in relation to other forms of aggression was also verified, which may be associated with the type of social role attributed to women and their socialization process. The results also point to the central role of manipulation as a variable to be understood in its role in the dynamics of dysfunctional lesbian relationships.

The fact that the occurrence of abusive relationships in lesbian couples is extremely high makes the scarcity of debates on the subject even more alarming, both in the public sphere and in studies. This question becomes even more relevant when the results point to two issues. Firstly, the existence of specific patterns of dysfunctionality in these relationships, demanding a better understanding of their dynamics to support them. Secondly, the existence of a significant number of dysfunctional relationships, contrary to what common sense may suggest, strengthens the importance of developing a support network for the LGBTQIAPN+ population in their relationships. Heteroaffective abusive relationships end up gaining more attention, since they fall under the dominant heteronormativity. The marks generated by abusive relationships are not exclusive to heteroaffective relationships. In same-sex couples (and here specified in lesbian couples) these marks often end up being neglected.

Although this article has made contributions, it has limitations that should be considered. The first limitation refers to the fact that the study has an exploratory character, which is a natural limitation of the study, which is a first step towards more in-depth research. Another limitation is related to the quantitative method used in this study. As it is a questionnaire composed of objective questions, the respondents had limited options for answers, preventing a greater depth in certain important aspects.



In this sense, there is a need to carry out qualitative studies that allow the necessary deepening, especially about predictive models. It should be noted that the results presented in this study refer to the respondents' perception of the experience of abusive lesbian relationships and not to the numbers referring to the experiences identified and analyzed by the researchers. A significant number of participants do not identify having experienced one or more abusive relationships, or identify it partially. However, we chose to work with data related to the participants' perceptions. This fact is one of the limitations of this study, since, at this first moment, we are not considering the real numbers of abusive experiences of these experiences. Another limitation is related to the sampling plan, which had a small number of respondents, with a large predominance of the southeast region, a limited age range from 20 to 40 years and a predominance of high schooling. Such characteristics of the sample studied make it impossible to generalize the results obtained, since there is no diversification or a reasonable sample number. Thus, the need for future studies that address the weaknesses pointed out and allow a greater deepening of the theme is signaled.



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Women, the sea, the bodies



<https://doi.org/10.56238/sevened2023.002-003>

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ABSTRACT

This article comes from my research with fisherwomen embarked in artisanal fishing in Santa Catarina, Southern Brazil, which resulted in my doctoral thesis in Social Anthropology at UFSC in 2013. On the occasion of my camp, I stayed six

months in Portugal and circulated among different fisherwomen. I talk about who are the fishermen on board, who work in small boats, going to sea and returning to land daily in periods ranging from three to 16 hours, depending on the type of fishing they perform. Afterwards, I dwell, on different topics, on the body in fishing, either as central in the exercise of being fished, as well as proof of the profession and the metamorphosis of the wear and tear imprinted in the exercise of becoming a fisherwoman.

Keywords: Fisherwomen, Fishing, Bodies, Sea.

1 INTRODUCTION

This article focuses on fishermen embarked in Santa Catarina, southern Brazil, who work in artisanal fishing. These are women who very early started in this plural world, either out of family necessity due to financial vulnerability, or because, allied to this situation, they fell in love with the world that was instigating in their eyes as a girl.

Anyone who wants to is involved in fishing. You need to have a body for fishing, a body that can withstand the elements, that doesn't get seasick and that retains urine as much as possible. Female bodies hide their shapes when wrapped in fishing overalls, made for men, because it is supposed that there, in the world of fishing that embarks, women could not be.

The body in fishing is memory and wear and tear of the profession and the hands are one of the parts that denotes: she is a fisherwoman; He's a fisherman. At the same time, the body is a necessary piece of evidence in cases of shipwrecks. Without a body, there is no dead. There is no fisherman's widow when he is still missing. There is no quick assistance, no permission to live through loss and grief. Such are bodies, and such is their centrality in this world, which is a source of survival, but also of passion. You have to like fishing to continue fishing, these "brave women" say.

2 THE FISHERWOMEN

The fisherwomen referred to in this article live in Santa Catarina, southern Brazil, and were the focus of my PhD in Social Anthropology at UFSC (Federal University of Santa Catarina) during 11



months of fieldwork. From this coexistence, I came to four central ways of being fishermen, which I called as: a) those who work on board daily; b) *stand-by*; c) those that collect at the water's edge; and (d) those who work on land.

In relation to the ships, there are those who work on the vessels in rivers, lagoons and sea, in the fishing of various fish, shrimp, crab, or specific fish. *Stand-by* are those that don't go to sea every day, but when necessary, they are ready. For example, when the comrade who works with her husband misses work. About the ones that collect at the water's edge, I found the ones that deal with cockles. Those who work on land are part of the process that makes fishing work, such as marketing, cleaning, processing, including shrimp shelling, fish filleting, mussel shelling, crab meat extraction, to name a few examples.

Most of the women I lived with started fishing at a very early age, 8, 9, 10 years old. Women whose trajectories are marked by economic difficulties and *poverty*. Girls who dropped out of school because they had to work. They were usually the eldest daughters and were called without being asked if they wanted to work in fishing. They were needed. And they were. Others imposed themselves on fishing, even though their parents did not want them to go out to sea. Their curiosity to know what it was like to fish instilled in them from an early age. Others have had their husbands as their masters of learning. Some were themselves the teachers of their companions. They told me that they have become *accustomed* to the activity, or that this is *all* they know how to do. In common, laughter, good humor and jocosity, combined with the use of expressions such as *liking*, loving, having passion, addiction *to life in/of the sea*.

3 ABOUT THE BODY IN FISHING

It is necessary to have a body for fishing, the fishermen with whom I lived told me, whether in Brazil, mainland Portugal or the Azores. This assertion refers to a body, which is constructed in and by fishing through body training that is done in daily repetition in which the discipline of the body in relation to physiological needs, the control of nausea, and the use of force are central. The body is fabricated on a continuum, in the experience of/in fishing: the strength, the hand, the spine, the legs, the shoulders, the eyes. The fisherwomen do the fishing. And fishing does them, and in their narratives emerge ponderings about the construction of their bodies, *molded* from a very early age to practices that simultaneously require flexibility, firmness, strength, tolerance to the movements of the vessel.

The fishermen tell me about a body that molds itself and therefore becomes different. The way they were able to define me about this difference was by saying that their bodies look like "a man's body." However, this definition could be a statement of theirs directed at me as a justification in view of the fact that, in a hierarchical society according to gender assumptions, they emerge as women who have a body for fishing. On the other hand, they told me about the perception of a difference between



them and women who live in other contexts: the different way of sitting, the way of walking, dressing, being. Although some say that fishing combines strength and skill, they also say that they are *stronger*, *brutish*, *rude*, *more for men*, in a direct allusion to the gender postulates that differentiate weakness, sweetness, fragility for women in contrast to what fisherwomen defined as being more for men.

According to these women, it is part of and is in the requirements of the fishing profession to have strength *and courage* at some times, skill and agility at others. In my view, this body training causes a composition with the vessel of a single body, a body-vessel, in which the vessel appears, in my eyes, to be the continuity of the body of the one who fishes; And the body of the one who fishes, on the other hand, is also the continuity of the vessel.

On the trips to the sea, I noticed that the bodies of the fishermen adhere to the boat, as a continuity of it while I felt that mine was loose, but in an insecure release that related exactly to the rigidity of a body that did not mold itself in/for/by fishing. As the vessel advanced into the sea, their bodies followed the rhythm without any alteration of what I would define as an immobile mobility vessel/body while mine followed in a mobile immobility, vessel *versus* body, where I felt like clinging to the vessel so as not to fall when it, by swinging, threw me along. The fisherwoman was calm, sitting or standing. His body, unlike mine, was not thrown, but followed the movement of the vessel, a continuity of his own body.

In Maluf (2001) we find the proposal that the body be looked at "not only as an object of culture, but also as endowed with its own agency; not only as a receptacle of cultural symbols, but as a producer of meaning" (MALUF, 2001, p.88). In this aspect, the body of the fisherwomen is a producer of meaning constructed by, for and in fishing, in which fishing builds them and they build fishing. *It's been years like this!*

It is interesting to bring here Seeger, Da Matta and Viveiros de Castro (1979) who refer to Amerindian populations in which a central idea concerns the fabrication of the body in the trajectory of individuals. Citing lip and auricular perforation as an example, defining it as a graphic, physical penetration of society into the body, the authors affirm that it is this that creates the conditions to engender the space of corporality, which is at the same time individual and collective, social and natural (SEEGER, DA MATTA and VIVEIROS DE CASTRO, 1979, p. 15). As Maluf (2001) corroborates, "some examples of this embodiment of experience, or the centrality of the body in the collective and individual experience, are the way in which, in many of these groups, children's learning and socialization take place [...]" (MALUF, 2001, p. 93).

On the basis of these considerations on Amerindian societies, it seems to me possible to propose a rapprochement with fishing territories. If, on the one hand, fishing populations would be inserted in so-called Western societies, on the other hand, they would move away in the sense of denouncing what, in principle, would be a dichotomous Western view of the body. The field data of my research lead me



to assume a complex heterogeneity when we think of Western societies in the sense postulated by Maluf (2001) in relation to Amerindian societies.

If certain contemporary social experiences, as in Amerindian societies, are focused on the "fabrication of bodies" that – invested with agency and subjectivity – "fabricate culture", it is also the fabrication of people (and subjects) that is at stake. They are also, not being a "given thing", and are products and producers of meanings and new experiences (MALUF, 2001, p. 99).

According to Maluf (2001), it would be appropriate to ask whether we are dealing with the same body in the face of the innumerable phenomena with which we are confronted, in which questions about subjects, assemblages, fabrication, among others, need to be problematized. On the other hand, although we have to ask ourselves about which body and from which prism we are speaking when we speak, the discussions reverberate more and more deeply in the discussion spaces of anthropology. A fruitful example that I allude to here concerns Maluf (2001), who brings a rich material in which, after going through authors such as Mauss, Hertz, Leenhardt, Foucault, he engages in a discussion about contemporaneity and person, alluding to the fact that it is central to connect to a discussion about body and corporality, a reflection on people and their specific cultural forms, considering that we are products and producers of bodies, cultures, subjects.

It is interesting to think that fishing populations would have much more in common with Amerindian societies than one might initially suppose with regard to the collective and individual experiences that permeate the construction of bodies in the learning processes of fishing, where years are invested *in a row* for the body to mold itself. The learning process in fishing is painful when it requires the body to support more weight than it initially would; or when testing body limits, such as vomiting control. Some give up, can't continue, or aren't accepted because they don't learn how to deal with motion sickness, for example. The vast majority end up living with the sea after years of *training*. However, cases have been reported to me of having episodes of seasickness after years of fishing again, or having for the first time. I wonder if it would be the body pointing out signs of its level of exhaustion in a strenuous profession, whose tiredness would manifest itself in aversion embodied in the form of vomit.

Although some verbalize that *a fisherman* "is already when he has to be", I consider that one is not born, one learns to be in the construction of one's own body and a corporeality for fishing. Fishing invents and specialises the fisherwoman. And she (re)invents herself and invents fishing.

4 BODY-MANUFACTURING CLOTHING

The time spent in fishing imprints on the bodies and corporality of women fishermen specific ways of how the materiality of life in fishing is shown, whether in dressing, sitting, walking, in which they themselves recognize their own bodies as different compared to other women who do not work



in fishing. Oilcloth overalls,¹ boots that are larger than the foot to make it easier to remove them in the event of a shipwreck, hats, coats and short hair or always well tied up to avoid accidents are examples of the requirements and clothing of fishing. Hidden behind layers of fabric or the thick plastic of the overalls, their bodies undergo a fabrication and a body dissimulation that would equate them to men since, according to the fishermen, they would be "masculine" clothing; of a man."

Figure 1. Oilcloth overalls Figure 2. Man, woman, same clothes. Personal archive



"It's a woman's body in men's clothes", in which the clothing is composed of pants that allow bodily mobility, overlapped by oilcloth overalls made for men, whose front design, most of the time representing an opening to give vent to the penis, leaves no doubt. Cap, overalls, cape, gloves and boots transform the bodies and everyone is, more or less, the same. Men and women.

The fishermen consider that clothing contributes to the construction of the body for/in fishing and is one of the factors that makes one have a preconceived notion that there are no women who embark, given that female bodies disappear behind clothes made for men's bodies.

Who's to say we're at sea if those who look at it from afar look like men? It seems to be all the same body with the same clothes.

That's why they say there are no women in fishing. The clothes we wear are men's clothes. Our body becomes a man's body: it's baggy pants, overalls, big boots, gloves. Everything is men's clothing. There is no such thing as women's clothing in fishing.

When I questioned them about the reason for their statements, time emerged as central. They told me that these are years lived in and for fishing in which many started early and saw their bodies being so shaped by fishing, and fishing being shaped by them, that many can no longer dress or walk in clothes other than those that fishing requires, such as long pants, comfortable and wide. These are bodies that are recognized and that recognize themselves as different from what one would expect a woman's body to be on the ground. These are clothes made for men and that, when worn by women,

¹ Overalls made of a kind of thick plastic, whose name comes from past times when fishermen literally oiled their clothes so that it would have greater durability, according to oral testimony.



build bodies that, seen from afar and without closer attention, would give all bodies the same shape. Men and women wearing the same clothes would have only one body: that of a man.

If fishing has a diversity to be done, there is a common point in it that concerns what a body is for fishing, which implies a way of dressing in which skirts, dresses, tight clothes become impossible to be used. Beanies usually conceal the hair, gloves disguise the hands, overalls and boots transform the bodies and hide any longer bodies. All the bodies are more or less composed of overalls and capes. In other words, very much the same. Men and women.

If clothes, in principle, for men, also manufacture women's bodies, shaping ways of being and being, the bodies of these women also manufacture and invent clothes. From what the market (doesn't) offer. For example, there is only oilcloth overalls with a masculine cut, women create ways to live better with what they have and re-invent clothing for fishing and for their bodies. One fisherwoman, for example, came to the conclusion that she could put a malleable zipper between her legs, which would make it easier for women to urinate on the high seas.

On the other hand, some of the fishermen use expressions such as "to be naked; to feel naked" to talk about the difficulty of wearing skirts or dresses after years of building a body that learned to walk in pants. Imagining themselves without long pants makes the fishermen name this situation, alluding to nudity in which they speak of discomfort and the impossibility of imagining themselves in any other way than wearing clothing that, in principle, would shape bodies built in fishing.

5 BODIES: THE RISKS; DEATH

There is a wear and tear on the body, and on the corporeality in which the spine, legs, eyes, and, perhaps most obviously, the hands, are ostensibly used permanently. At the same time, this body, which bears witness to the know-how of the profession, is liable to the risk of disappearing on the high seas at any moment. The possibility of shipwrecks with which they live is closely linked to the unpredictability of the loss of life or the anticipation of accidents. Sudden inclement weather, unpredictable winds, tidal changes, changes in the fishing route, parts of the vessel that break unexpectedly can cause shipwrecks or moments of tension while adrift or waiting for help.

Sometimes shipwreck episodes lead to the death of fishermen, and the body is considered central for the confirmation of death to take place. As the body has this centrality, there are some precautions that must be observed in the recording of details, such as height and eye color.

In order for the recognition process to take place, the body would have to appear to prove death, making it possible to provide the death certificate. If the body does not appear, there is no evidence. If there is no evidence, the only thing left for the fisherman's wife, for example, to do is wait until the time defined as necessary to prove the absence has passed. In this regard, Law No. 10,406, of January



10, 2002, of the Civil Code, whose Chapter III, Absence, defines the necessary procedures when it is enacted.

According to the experience of fishermen who lost their husbands, sons or fathers, it took about three or five years of waiting to receive any assistance from the government, given that the central evidence that proved the fact of death was missing: the body.

It is a matter of years of waiting for it to be considered that the time of the disappearance has been sufficient and for the right to receive the pensioner's benefit as a fisherman's widow to be realized, considering that the law that regulates this issue of missing persons is a federal law that treats all Brazilians in an indiscriminate way. Not taking into account peculiarities such as that of the fishermen who would disappear, not for other reasons, but only for an accident at work. If there is no body, there is no way to prove death. In the absence of this proof, the fisherman's family is in a more vulnerable situation than any other they have ever experienced, considering that there are years of waiting and lack of assistance, combined with the grieving process that has no end.

Butler (2006) refers to grief by questioning whether there is a way to know "when a grief is elaborated, or when someone finishes mourning another human being [...]" (BUTLER, 2006, p.46). And he adds that "perhaps a grief will be elaborated when it is accepted that we are going to change the cause of the loss suffered, probably forever. Perhaps mourning has to do with accepting to undergo a change (perhaps one should say *submitting* to a change) whose outcome cannot be known in advance" (BUTLER, 2006, p.47).

In my view, there is a double obligation with regard to fishermen's widows . First, because of what applies to all humans, and what Butler defined as a *nosotros*. That is, the fact that we are implicated in the imminence of losses at any time. On the other hand, when she submits to a situation that we could call a widow's *becoming* in which she does not stop living the grieving process, although she guards the hope that the other will return, she also lives a situation of extreme vulnerability while they do not recognize her as such. She is no longer a "fisherman's wife," but neither can she declare herself a widow. Somehow, she disappears with the tie by which she recognized herself. As Butler (2006) sums it up: "What 'am' I am without you? When we lose some of the ties that constitute us, we don't know who we are or what to do. On one level, I discover that I have lost 'you' only to find that 'I' also disappear." (BUTLER, 2006, p.48).

Continuing in dialogue with Butler, I corroborate his assertion that "we should evaluate and oppose the conditions under which certain human lives are more vulnerable than others, and certain deaths more painful than others" (BUTLER, 2006, p.57). While every human life is vulnerable, some are more so than others. It is necessary to consider central differences that go beyond common human vulnerability, taking into account that there are more painful lives, deaths, and grief.



6 THE BODY AS A MEMORY OF THE PROFESSION

In addition to the constant possibility of shipwrecks, accidents are common in fishing, which is extremely dangerous because of working at sea, but also because of the equipment with which it is handled, such as hooks, irons, motors, nylon lines, among others, combined with accidents with fish, such as fish bites, punctures with bones and bones, cuts or loss of body parts in parts of the vessel.

Fisherwomen have many narratives about accidents, scares, unforeseen events. When narrating me, in addition to triggering their memories of the episodes experienced, they also trigger the body as evidence materialized in the form of scars, failures or mutilation of fingers, legs, arms. The memory activated with a wealth of details has in its body the proof of what happened. After the accidents, they had to take breaks, but continued fishing in view of financial need. Over time, the episodes of accidents have been partially forgotten since it is in the mutilated, deformed body itself that the materialization of these memories was recorded and that, therefore, you do not let them forget at all.

One of the fishermen, for example, went bald years ago when her hair got caught in the boat's shaft. According to her, it was the most difficult experience in her career as a fisherwoman, as she was deprived of her hair, which is very important for her, as she considers it a "complement to the face". As she narrated her experience to me, I was struck by the details of the accident she recalled: the perception of the strange noise in a part of the vessel, the brief hesitation, the total loss of her hair, and the hint of bleeding. "Lucky you didn't rip the leather off." When I heard this sentence, images of facial deformities came to mind, but it was only in Portugal that I realized the dimension of what she had narrated when a Brazilian who was attending a lecture I gave about my research, suggested that I look for information about an association of scalped women in the northern region of Brazil. Right there I started an investigation on the internet, coming across images of women and girls who were victims of scalping.

According to the Sarapó Association's website², scalp is the scientific name for the scalp, andscalpelization in vessels occurs when the human scalp is pulled out abruptly with a large amount of hair, which is pulled unexpectedly quickly when it is wrapped around motors at high speed. In the vast majority of cases, in addition to the scalp, ears, eyebrows and part of the skin of the face and neck are torn off, leading to severe deformities, or even death. This type of accident usually occurs on boats, with long-haired people, when approaching moving parts of the boat, such as the engine or axle, and happens very frequently in the North Region, where transport by boats is more common. Also according to the website, in order to eradicate scalping, Law 11,970 was approved on July 6, 2009.

Some testimonies of scalped women from states such as Pará and Amapá say they do not see a major problem in hair loss, because the use of wigs makes up for this lack. What afflicts them the most is facial deformity due to the loss of ears and parts of the face. The fisherwoman who told me this fact,

² <http://www.sarapo.com.br>



in turn, although with her scalp preserved, when she realized that her hair had been pulled out, found herself so fragile that she triggered a process of depression. Both women in the northern region of Brazil and this example, in Santa Catarina, point to the need for more forceful actions in terms of preventing accidents on vessels. Keeping in mind the proportions of body deformities among bald men, whose hair loss is reversible; and scalped, in which the replacement of parts of the face is done partially and after successive reconstructive surgeries, the repercussions on their lives are irreversible, emotionally, affectively, psychologically and economically.

7 BODY-HANDS: PROOF OF PROFESSION

It is possible to affirm that the body points to the felt bodies: seeing, hearing, touching, feeling, and serves as proof of the trajectory of life, in the body in agility and speed when doing what they do, and especially, according to them, in the body-hands, on which I will pause below.

The body is central as a subject in which the affectations we encounter leave marks in the process of making ourselves. Latour (2004) understands that the body is the opposite of being dead and that to build a body is to be affected, to be able and to learn about affectations in the sense that it is through it, the body, relational, that we learn to learn. Thus, according to Latour, there is gradually the construction of bodies that react in different ways to odors, images, sounds in which the body/subject is where learning to be affected is shown. In short, our bodies are made in learning to be affected (LATOUR, 2004).

To be affected by/in fishing is to construct bodies where what we could call body-hands is central. The use and wear of fishing are in the hand-body, used frantically by fishermen to pull, throw, mend nets and nets; and by the vast majority of women on land, to eviscerate fish, clean crabs, peel shrimp, make or mend nets, in a specialization of the speed that did not allow the anthropologist any photographic record other than the one requested in the form of *pause*.

The hand-body, on the one hand, is evoked by the fisherwomen, as sufficient proof of their trajectories in fishing and, therefore, for the conquest of rights, such as retirement. Scarred, worn hands. On the other hand, it concerns the materialization of a memory of the profession embedded in physical exhaustion, where the body presents furrows and marks formed by the sun and the salt with which one lives daily, which results in a kind of more accelerated metamorphosis in the aging process. In this aspect, Vasseur (2004) refers to the perception of the process of metamorphosis that the body undergoes over time, in which photographs would be a medium with which we would be faced with the vision of the very bodily metamorphosis that aging and the wear and tear of time imprint without us immediately giving ourselves account.

[...] There is finally a metamorphosis from which it cannot escape: that of time which deforms and alters the flesh [...] our body is, in life, in perpetual metamorphosis. But it is, for the most part, an imperceptible metamorphosis whose effects are only visible from a distance; through



the eyes of the one who, for a long time, no longer saw us. In the photographs where it was possible to capture, forever, an instant that has already passed (VASSEUR, 2004, p. 185).

Not only when they came across the photographs I was taking, but my own body proved to be the focus of estrangement about the metamorphosis in the form of aging visualized in the accelerated wear and tear of their bodies. When they asked my age, they verbalized the perception of what they called ending faster: "You are older than me in age, but in your face, in your hands, look at me! I'm much more finished. That's life in fishing." A perception that spoke of a rapid physical wear and tear in which fishing leaves irreversible marks on their bodies, whether on the face creased by the daily exposure to saltpeter, the wind, the sun, which, in general, fixes on their faces more age than that recorded in their documents; whether it's back pain and swollen legs from long periods of standing. However, the most visible form shows itself in the hands.

The hand-body that has aged in fishing no longer has the same elasticity as juvenile hands or hands from other contexts and tasks. Body-hand that no longer stretches completely, becoming more inward-looking, dry, calloused and thick; or too thin and fragile. Body-hand that was molded in the daily life of the sea. A body that bears witness to the course of life trajectories differentiated from city contexts, and that emerges in the materiality that that body-hand, in a very peculiar way, records. Unlike Latour's (2004) perfumer, whose learning takes place through and from a kit, it is the fisherwoman's own body that serves and supports the learning of *being affected*. On the other hand, if we are to think of the sea as the one that has the ability to teach, then it would itself be a kind of kit that allows the fisherwoman's body to specialize. Materiality of the effects of difference (social, symbolic, and political) on women's bodies, lives, and trajectories and daily experiences (MALUF, 2009, p. 14) that need to be addressed, understood, and considered. The materialization that fishing registers in its own body over time, a body that, because it was affected (LATOUR, 2004) as it became specialized, constitutes irrefutable proof of a profession that tells who and why they are.



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Homotransphobia in Brazil: A precarious life Projec



<https://doi.org/10.56238/sevened2023.002-004>

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ABSTRACT

The article aims to discuss about the decisions of the Inter-American Court of Human Rights in the cases of Advisory Opinion 24 of 2017 and the case of Vicky Rodriguez v. Honduras of 2021. The approach seeks to critically discuss how the Brazilian legal system receives the decisions of the regional human rights system. Both cases concern the protection of social minorities, such as the LGTQIA+ community. As sources of research, we used the materials of court cases and bibliographic material with a critical approach to the subject, a critical approach to human rights, a critical approach to criminal law and to theory of law. The result of this article is to indicate the feasibility and convenience of adopting the view that the decisions of the inter-American system are binding and should be adopted by national jurisdictions.

Keywords: Protection of social minorities, LGTQIA+ community, Human rights, Inter-American Court, Homotransphobia in Brazil.

1 INTRODUCTION

The protection of the human rights of LGTQIA+ people is an incipient subject in the discussions of international courts when compared to other issues and vulnerable groups. For this reason, understanding the recent jurisprudence of the Inter-American Court of Human Rights (IACHR) and the existing debates in the Inter-American Human Rights System related to democracy, the right to self-determination, the protection of life, integrity and the fight against hate speech and acts against the LGTQIA+ population is fundamental in order to also situate the need to criminalize homotransphobia as a legitimate form of human rights protection.



This article will discuss two recent decisions by the Inter-American Court of Human Rights, namely Advisory Opinion 24 of 2017 and the Vicky Rodriguez v. Honduras case of 2021, a pioneer in the discussion of the rights of trans people within the Inter-American system. In addition, in order to situate these decisions in the Brazilian context, the article will briefly analyze the binding force of Advisory Opinions in the Brazilian legal system and reflect on how the Vicky Rodriguez case represents the beginning of an important debate for the protection of transgender people in the International Courts and how the decision will shape the jurisprudence of the Inter-American Court and serve as a fundamental parameter for all signatory countries of the Pact of San José de Costa Rica.

In Chapter 1, the article will briefly analyze Advisory Opinion 24 and the existing debates in internationalist doctrine on the scope and limits of these decisions for national states, and will thus discuss two main existing currents: the binding nature of Advisory Opinions and the effective control of the conventionality of these decisions in the face of domestic legal systems, and the role of the advisory jurisdiction as a mere assessment of conventionality and, therefore, non-binding as a mere hermeneutical exercise of the Court's understanding of the issues raised in the Advisory Opinions.

In the same chapter, there will be an explanation of the Vick Rodriguez v. Honduras case and its contextualization with democracy, human rights and the protection of vulnerable groups by the Inter-American Human Rights System. In this regard, it will be analyzed how the interpretation of human rights should be based on the principle of maximum effectiveness (*pro personae*) and on an emancipatory hermeneutics of human rights, based on the understanding of the Pact of San José de Costa Rica as a living instrument and fruit of the challenges of its time. As such, the partially dissenting vote of judge and president of the IA Court Elizabeth Odio Benito and the relationship between states and the Convention of Belém do Pará will be critically analyzed.

Chapter 2 will analyze the grounds for criminalizing homotransphobia from the perspective of International Human Rights Law from an emancipatory perspective. It will also situate criminal law as a legitimate instrument for protecting human rights and, finally, it will analyze the challenges inherent in recognizing LGBTQIA+ people as subjects of rights.

The main objective of the article will be to analyze the challenges faced by the Inter-American Human Rights System in promoting the rights of LGTQIA+ people, based on the analysis of Advisory Opinion 24 and the Vicky Rodriguez vs. Honduras case.

As specific objectives, the article will analyze the role of criminalizing homotransphobia from a viewpoint of criminal law as an instrument to guarantee human rights, it will address the relationship between democracy and human rights, how the LGTQIA+ population can have the right to recognition and, finally, it will establish that International Human Rights Treaties can be sources of incriminating criminal norms or, at least, generate specific obligations for states to criminalize homotransphobic conduct as a way of protecting human rights..



The methodology to be used in this research will be hypothetical-deductive, with the use of indirect documentary research, through the analysis of legislation, doctrine and case law. The chosen method is intended to confirm, in the end, the premises that the advisory opinions issued in the context of the advisory jurisdiction of the Inter-American Court of Human Rights are mandatory for the member states of the Inter-American System, a position that reinforces their binding force capable of consolidating the pro personae principle, and that the criminalization of homophobia, from a human rights perspective, is an important step in the protection of people LGTQIA+.

1.1 MOURNING AND THE PRECARIOUSNESS OF LIVES LGTQIAPN+

In 2019, the Federal Supreme Court, by ruling on Injunction No. 4733 and Direct Action for Unconstitutionality by Omission No. 26, criminalized the practice of homotransphobia in Brazil, equating it to the crime of racism, a measure that should last until a specific law is passed by Congress. Although the news was greeted with joy by the LGTQIAPN+ community, as it is a considerable step forward in protecting the rights of this community, there is still a lot to work on, since the situation of massive violations persists, keeping the group in a constant state of alert and extreme vulnerability.

In November 2021, the research project *Transrespect versus Transphobia Worldwide -TvT*, do *Transgender Europe – TGEU*¹ - the institution responsible for collecting global data on violence against transgender people, has published its annual report monitoring the murders of transgender people. The report pointed to a 7% increase in the number of murders compared to 2020, with 375 murders recorded between October 1, 2020 and September 30, 2021. Sadly, Brazil stands out for the 13th time as the country that kills the most transgender people in the world, with 125 murders, followed by Mexico with 65 and the United States with 53.

The omissive delay in criminalizing the practice of homotransphobia, coupled with total state incompetence in punishing such crimes, has turned Brazil into a terrible cemetery for LGTQIAPN+ people. As death seems to mark the existence of these individuals, we have chosen to begin this essay by talking about mourning the lives lost in this process.

Right off the bat, a provocation is raised by Judith Butler, who asks "Which lives count as lives?", "What makes a life mournable?". The present year of 2022 and the Covid-19 pandemic have brought back discussions about the importance of funeral rituals in overcoming death, since health measures to control and prevent contamination have prevented the usual farewell ceremonies from taking place, causing many people to be unable to say goodbye to their loved ones, hindering the grieving process. In this context, a booklet was produced by the Oswaldo Cruz Foundation (FIOCRUZ), in partnership with the Ministry of Health, called "Mental Health and Psychosocial Care

¹ TVT tmm update. Trans day of remembrance 2021.TvT Project. 11 nov. 2021. Available in: <https://transrespect.org/en/tmm-update-tdor-2021/>. Accessed on July 27th.2022.



in the COVID-19 Pandemic: The Grieving Process in the Context of COVID-19", which conceptualizes grief as being "a natural process of response to a broken bond, that is, when we lose someone or something significant in our lives". This understanding of mourning as something directly linked to the value of the life lost, says a lot about how society has faced the high rates of violence and mortality linked not only to transgender people, but to the entire community LGBTQIAPN+.

Butler suggests that mourning has two dimensions: the private one, which involves the suffering and private process of each individual in dealing with the loss; and the political one, such as that felt in society, which determines which lives can be mourned. If, on the one hand, there is a body of science, medical and psychological, committed to understanding loss and helping to cope with the process of private mourning, on the other hand, there is an extreme ease of society in accepting the loss of thousands of LGBTQIAPN+ people, configuring a true absence of political mourning. The explanation for this irremediably lies in understanding that not all life actually exists for this society.

The ontology of a being, contrary to what is believed, does not happen with its birth, with its physical arrival in the world. A life only comes to be seen and therefore recognized as an existing life when it is read within a socially predetermined normative historical framework, what Butler calls "frameworks"². These frameworks are the social meanings that the body takes on and through which it is accepted and therefore protected by society and its laws. This means that the body has a social ontology, that is, an existence conditioned to recognition by society, which allows or disallows a life to be seized. Butler explains³:

(...) the epistemological capacity to apprehend a life is partially dependent on that life being produced in accordance with the norms that characterize it as a life, or rather, as part of life". This means that for a biological life to be considered a dignified life, worthy of the attention and recognition of others, it must fit into the set of moral and legal rules that authorize its existence (2015, p. 15).

Starting from the assertion that the apprehension of a life depends on a social, cultural and normative framework that allows it to exist, it is possible to say that there is a human dimension whose existence depends on its recognition by society itself. Life, therefore, is socially defined and authorized by those who fit into the prevailing cultural and normative system. In the same way, that same life can and is denied to those who don't fit into the required framework.

The social loss of humanity leads to what Butler calls a "precarious life". Precariousness is the mark of a life that, although biologically existing, is socially devoid of value. Since mourning is a tribute to social life, where there is no life, there will be no mourning. Rodrigues says⁴:

² BUTLER, Judith. Quadros de Guerra: quando a vida é passível de luto. Rio de Janeiro: Civilização Brasileira, 2015, p.14.

³ BUTLER, Judith. Quadros de Guerra: quando a vida é passível de luto. Rio de Janeiro: Civilização Brasileira, 2015, p.15.

⁴ RODRIGUES, Carla. O luto entre clínica e política: Judith Butler para além do gênero. Belo Horizonte: Grupo Autêntica, 2021. E-book. 9786559280520. Available in: <https://integrada.minhabiblioteca.com.br/#/books/9786559280520/>. Accessed on : 23 August. 2022.



If every subject is exposed to death, precariousness is a condition of life's possibility and is induced by policies of discrimination, which work by separating natural life without value from symbolic life with value. The unequal distribution of public mourning is thus understood as a symptom - not all lives are equal - and as a policy of inducing precariousness into certain forms of life in which intersectional markers that underpin discrimination, oppression and violence operate (2021, s.n.).

In this sense, our reality is nothing more than a set of politically determined power relations that give the subject their intelegibility. These power relations are responsible for creating the normative scheme of subjects' intelegibility, marking those who may or may not be considered human. In the same way, normative frameworks are also responsible for determining which social bodies fit the concept of life.

Violence can only be directed against an existing life. The process of dehumanizing certain individuals, as in the case of LGBTQIAPN+ people, is a social tool for making lives more precarious and denying their existence. The denial of human and fundamental rights such as the right to sexual freedom, the prevention of emotional fulfillment through marriage and building a family, the refusal of the state and society to accept that each individual presents themselves and is socially recognized by the name and pronoun they choose, are just examples of how society uses cultural and normative frameworks to erase the existence of beings it considers undesirable.

This is how the normative schemes of intelegibility work, invalidating any attempt at humanity, making the name, the face, the body, the story, the narrative...life disappear, so that if there is no life, there is no need to talk about murders⁵. From the point of view of violence, it doesn't exist if there is no life to protect. You can't kill what never existed⁶. This brings us back to mourning and its role in society.

Mourning is an act of recognition and homage to a life whose loss is felt. Butler explains the obituary "as the instrument through which injustice is publicly distributed"⁷, is the public declaration that those lives recorded were valuable, worthy of note and suffering. In this sense, it can be said that there is a "hierarchy of mourning", according to which some human lives deserve more mourning than others.

The distribution of mourning is actually a declaration of value. A message given to and by society that certain individuals are part of the world and, therefore, are missed and mourned. While for those forgotten, whose names and faces are lost in newspaper reports under the nickname "yet another death", they are left with the reminder that mourning is only due to those who really existed. The

⁵ BUTLER, Judith. *Vida precária: os poderes do luto e da violência*. Translation Andreas Lieber; revisão técnica Carla Rodrigues. 1. ed. Belo Horizonte: Autêntica Editora, 2019. p.77.

⁶ BUTLER, Judith. *Vida precária: os poderes do luto e da violência*. Tradução Andreas Lieber; revisão técnica Carla Rodrigues. 1. ed. Belo Horizonte: Autêntica Editora, 2019. p.54.

⁷ BUTLER, Judith. *Vida precária: os poderes do luto e da violência*. Tradução Andreas Lieber; revisão técnica Carla Rodrigues. 1. ed. Belo Horizonte: Autêntica Editora, 2019. p.55.



denial of LGBRQIAPN+ lives long predates their death. A precarious and precarious existence by the various instruments and social actors, configuring a true politics of death or "necropolitics".

1.2 THE STATE AND THE POLITICS OF LETTING DIE

In order to understand homotransphobia in Brazil, it is first necessary to look at the actions of the state and the evolution of criminal sciences, and then understand how the choice of legal assets that can be protected by the country's legal system has been and continues to be eminently marked by heteronormativity, which, as Carvalho and Duarte advocate, is responsible for establishing privileges, promoting inequalities and legitimizing violence and oppression⁸.

It is well known that the social, political and economic formation of Brazil is totally based on colonialism and its project of domination, engendered mainly by Catholic evangelization. The criminal sciences were no different. The Catholic Church was largely responsible in the West for producing what Foucault called the "truth of sex".⁹, through which sexuality was used as a device, that is, as an instrument of the mechanisms of power to control bodies and produce discourses of truth.

Gradually, Christian dogma sanitized the discourse on sex, transforming into legitimate and authorized only sexual relations conceived within marriage, by heterosexual couples, for the purposes of reproduction. At the same time, in opposition to the legitimate heterosexual couple, another category of subjects was created, made up of all those who did not fit into heteronormative sexuality and who were pushed to the margins of society, reduced to the status of pathologies, perversions and criminality¹⁰.

The influence of the church, however, has not been restricted to the field of sexuality, but has also had a major impact on the way Western society perceives the category of "gender". Studies indicate that the use of the expression "gender ideology" as a catch-all phrase for fundamentalist pro-family, pro-life, anti-feminist and conservative arguments was a reactionary Catholic creation against the emergence of feminism, gender studies, sexuality and women's reproductive freedom¹¹. In this sense, researchers point to various ecclesiastical documents dedicated to (re)defining the concept of gender and its implications, as in the case of a note by Bishop Óscar Alzamora Revoredo, published by the Episcopal Conference of Peru in 1998 and entitled *La ideología de género: sus peligros y*

⁸ CARVALHO, Salo D.; DUARTE, Evandro P. Criminologia do preconceito: racismo e homofobia nas ciências criminais. São Paulo: Editora Saraiva, 2017, p. 75. E-book. 9788547219628. Available in: <https://integrada.minhabiblioteca.com.br/#/books/9788547219628/>. Accessed on : 19 August. 2022.

⁹ FOUCAULT, Michel. História da sexualidade I: a vontade de saber. 13. ed. Tradução de Maria T. da C. Albuquerque e J. A. Guilhon Albuquerque. Rio de Janeiro: Graal, 1999.

¹⁰ FOUCAULT, Michel. História da sexualidade I: a vontade de saber. 13. ed. Tradução de Maria T. da C. Albuquerque e J. A. Guilhon Albuquerque. Rio de Janeiro: Graal, 1999.

¹¹ JUNQUEIRA, Rogério Diniz. A invenção da "ideologia de gênero": a emergência de um cenário político-discursivo e a elaboração de uma retórica reacionária antigênero. Rev. psicol. polít., São Paulo, v. 18, n. 43, p. 449-502, dez. 2018. Available in: <http://pepsic.bvsalud.org/pdf/rpp/v18n43/v18n43a04.pdf>. Accessed on 20 August. 2022.



*alcances*¹². This document sought to reaffirm the idea that behind the term "gender" hides an ideology that seeks to undo the "natural" differences between men and women, implanting through language a false idea that genetic differences can be reinvented, undone by society. This discourse is still reproduced today.

Another important document to highlight is the so-called *Lexicon: termini ambigui e discussi su famiglia, vita e questioni etiche*, a controversial work, published in 2003, which was produced at the behest of the Pontifical Council for the Family and in collaboration with the Congregation for the Doctrine of the Faith.

with the collaboration of the Congregation for the Doctrine of the Faith. Consisting of 103 articles, written by more than 70 authors, the document functioned as a dictionary, which sought to clarify topics considered "controversial" on gender, sexuality, family and various other issues seen as ethical dilemmas for the Catholic Church¹³. Among the articles published, it is essential to highlight one in particular, written by Jutta Burggraf, a German theologian. As Junqueira explains, the text produced by Burggraf, based on the theology of the body, focused on arguing in favor of the biological differences between men and women, defending the hypothesis that the categories body, family, sex, female, male and heterosexuality were "natural" conditions, stemming from genetics, and that these differences interfere profoundly "in the organism and psychology of each person"¹⁴. A discourse strongly centered on the effort to reaffirm Christian values and dogmas and maintain Catholic hegemony.

In this context, society was built on a Christian "truth", which saw as "criminals", "strangers", "abnormal", "sinners" all those whose sexuality and affectivity did not fit into the patriarchal and heteronormative Catholic dogma. Under this binarism, man/woman, hetero/homo, good/bad, a discourse on the truth of sex and gender was constructed, a discourse that became part of the knowledge of each era, including criminal knowledge.

Carvalho e Duarte¹⁵, seek to explain how this device of knowledge and power, based on heteronormativism, ends up legitimizing different forms of violence against LGBTQIAPN+ people, classifying them as symbolic violence, institutional violence and interpersonal violence, thus saying:

¹² JUNQUEIRA, Rogério Diniz. A invenção da "ideologia de gênero": a emergência de um cenário político-discursivo e a elaboração de uma retórica reacionária antigênero. Rev. psicol. polít., São Paulo, v. 18, n. 43, p. 449-502, dez. 2018. Available in: <http://pepsic.bvsalud.org/pdf/rpp/v18n43/v18n43a04.pdf>. Accessed on 20 August. 2022.

¹³ JUNQUEIRA, Rogério Diniz. A invenção da "ideologia de gênero": a emergência de um cenário político-discursivo e a elaboração de uma retórica reacionária antigênero. Rev. psicol. polít., São Paulo, v. 18, n. 43, p. 449-502, dez. 2018. Available in: <http://pepsic.bvsalud.org/pdf/rpp/v18n43/v18n43a04.pdf>. Accessed on 20 August. 2022.

¹⁴ JUNQUEIRA, Rogério Diniz. A invenção da "ideologia de gênero": a emergência de um cenário político-discursivo e a elaboração de uma retórica reacionária antigênero. Rev. psicol. polít., São Paulo, v. 18, n. 43, p. 449-502, dez. 2018, p. 472. Available in: <http://pepsic.bvsalud.org/pdf/rpp/v18n43/v18n43a04.pdf>. Accessed on 20 August 2022.

¹⁵ CARVALHO, Salo D.; DUARTE, Evandro P. Criminologia do preconceito: racismo e homofobia nas ciências criminais. São Paulo: Editora Saraiva, 2017, p. 76. E-book. 9788547219628. Available in: <https://integrada.minhabiblioteca.com.br/#/books/9788547219628/>. Accessed on : 19 August 2022.



[...] I therefore believe that this complex process of legitimizing heterosexist violence could be broken down into three foundational levels that shape heteromoralizing and heteronormalizing cultures: the first, symbolic violence (homophobic culture), based on the social construction of discourses that inferiorize sexual diversity and gender orientation; the second, the violence of institutions (state homophobia), with the criminalization and pathologization of non-heterosexual identities; the third, interpersonal violence (individual homophobia), in which the attempt to annul diversity occurs through brutal acts of violence (real violence.).

Although the crime of homotransphobia is fraught with interpersonal violence, as evidenced by the high numbers of deaths and other crimes against LGBTQIAPN+ people, as well as symbolic violence, as evidenced in the topic on the precariousness of these lives, here we have chosen to place great emphasis on the violence of institutions in order to explain the criminal selectivity undertaken by the Brazilian state and its relationship with the crime of homotransphobia.

When carrying out an intersectional analysis of the Brazilian penal system, it is clear that criminalization is marked by race, gender and social class, as evidenced by the studies of Soraia da Rosa Mendes¹⁶, Dina Alves¹⁷ and so many other authors researching the vulnerabilities that plague the penal system. It is undeniable that, historically, the lives and bodies of the LGBTQIAPN+ population have been the target of constant criminalization by the state, which not only made them a target of the criminal law, but also excluded them from the list of legal assets deserving legal protection.

Foucault was already denouncing the biopower of the sovereign state, which, assuming total control over bodies and biological life, managed society and determined who could live or who should be left to die, in what has come to be called the biopolitics of populations¹⁸. Within this dynamic of domination of bodies and control of lives, the legal system, notably the law, has always served as a veritable weapon responsible for promoting training through punishment.

In the case of homotransphobia, once again the state is acting selectively in the protection of legal assets by not criminalizing the practice of homotransphobia through the creation of a typical criminal law, leaving the judiciary to fill this gap in protection through a decision that equates homotransphobia with the crime of racism. However, the Supreme Court's supplementary action alone is not capable of restoring the situation of extreme violence that plagues the LGBTQIAPN+ population, let alone repairing the damage caused so far, which is why we will now analyze the role of the Inter-American Court of Human Rights and its participation in punishing crimes of homotransphobia.

¹⁶ MENDES, Soraia da R. *Série IDP Criminologia Feminista Novos Paradigmas*. São Paulo: Editora Saraiva, 2017. E-book. 9788547221706. Available in: <https://integrada.minhabiblioteca.com.br/#/books/9788547221706/>. Accessed on : 21 August 2022.

¹⁷ DINA, Alves. Rés negras, Judiciário branco: uma análise da interseccionalidade de gênero, raça e classe na produção da punição em uma prisão paulistana. *Revista CS*, 21, pp. 97-120. Cali, Colombia: Facultad de Derecho y Ciencias Sociales, Universidad Icesi, 2017.

¹⁸ FOUCAULT, Michel. *História da sexualidade I: a vontade de saber*. 13. ed. Tradução de Maria T. da C. Albuquerque e J. A. Guilhon Albuquerque. Rio de Janeiro: Graal, 1999.



2 HOMOTRANSFOBIA AND THE DAMAGE TO A LIFE PROJECT

2.1 THE ADVISORY OPINION 24 AND THE VICKY HERNANDEZ VS HONDURAS CASE OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS: A BRIEF ANALYSIS

Article 64 of the American Convention on Human Rights (Pact of San José de Costa Rica) regulates the so-called advisory jurisdiction within the framework of the Inter-American Court of Human Rights, in the following terms:

1. The member states of the Organization may consult the Court on the interpretation of this Convention or other treaties concerning the protection of human rights in the American states. The organs listed in Chapter X of the Charter of the Organization of American States, as reformed by the Protocol of Buenos Aires, may also consult the Court, as far as they are concerned.
2. The Court, at the request of a member state of the Organization, may issue opinions on the compatibility of any of its internal laws with the aforementioned international instruments¹⁹.

Therefore, the IA Court, by express provision of the Pact of San José de Costa Rica, has the power to interpret international human rights treaties by issuing Advisory Opinions. Thus, Advisory Opinions are a power that the IA Court has to interpret the Convention, all treaties that have as their object the protection of human rights, to which an American state is a party, the provisions of international human rights treaties which, although they do not deal in a preponderant way with issues related to human rights, have in their content references to this issue and which have at least one American state as a party and the possibility of carrying out an analysis of the compatibility of the domestic law of any American state with any of the aforementioned international diplomas. (ROA, ROA, 2015, p. 33).

The contentious jurisdiction, exemplified here by the Vicky Hernandez v. Honduras case, on the other hand, represents a more incisive and detailed action by the Inter-American System based on a two-phase procedure, which consists of an initial analysis by the Inter-American Commission on Human Rights which, after any state inertia, can refer the case to the Inter-American Court of Human Rights, which is responsible for judging and holding states internationally responsible for human rights violations.

The Commission is initially provoked by a written petition, which can come from the victim themselves, representatives of the victim or even third parties, including non-governmental organizations (individual claims), or from another state (interstate claims). (RAMOS, 2019, p. 235). However, it is possible for the Commission to initiate a case against a particular state on its own, but this prerogative is rarely used by the body.

The fundamental requirements for admitting a petition to the Commission are: the exhaustion of domestic remedies, the expiry of a six-month period for representation, the absence of international

¹⁹ Organização dos Estados Americanos, Convenção Americana de Direitos Humanos (“Pacto de San José de Costa Rica”), 1969. Available in https://www.cidh.oas.org/basicos/portugues/c.convencao_america.htm. Accessed on 01 August. 2021.



lis pendens and the absence of international *res judicata* (RAMOS, 2019, p. 236). After this admission phase, the Commission begins a conciliatory phase, drawing up the first report and, in the event of non-compliance with the Commission's deliberations, the case can be referred to the Court, as happened in *Vicky Hernandez vs Honduras*.

After this brief contextualization of the Court's advisory and contentious jurisdiction and a correct presentation of the functions of the Inter-American Commission on Human Rights, the paper will analyze the binding force of Advisory Opinions.

2.2 THE BINDING FORCE OF ADVISORY OPINIONS IN RELATION TO THE BRAZILIAN LEGAL SYSTEM: A REFLECTION ON THE IMPORTANCE OF THE ADVISORY JURISDICTION IN PROTECTING THE HUMAN PERSON

According to article 64 of the Pact of San José de Costa Rica, the advisory jurisdiction of the Inter-American Court of Human Rights is an increasingly present reality in the Inter-American Human Rights System and represents a legitimate hermeneutical instrument for the realization of human rights and the realization of the *pro personae* principle. As such, debates have arisen in internationalist doctrine about the scope, limits and obligations of the domestic legal system to this instrument.

André de Carvalho Ramos (2009) states that advisory jurisdiction is a fundamental mission of the International Courts, alongside contentious jurisdiction. However, the author warns that it is not possible to attribute binding force to such advisory decisions, even though they provide greater legal certainty to the subjects of international law. This is also the view of Valério de Oliveira Mazzuoli (2013), who states that the IHL Court's exercise of advisory jurisdiction cannot be equated with control of conventionality, but only as an exercise to assess conventionality and, therefore, not binding on states.

The opposite view (LEGALE, 2020) is that the advisory jurisdiction is binding on states, in a similar way to contentious cases. This is due to the fact that the protection of human rights must always be guided by progressive development and by elements that always aim to give the best interpretation, for the best protection of the human person. Furthermore, the legal force given by the international legal system to Advisory Opinions is a reality, since it is an exercise of the full jurisdiction of the IA Court, without prejudice to contentious decisions.

Siddharta Legale explains that the exercise of the Advisory Jurisdiction by the IA Court represents a true control of conventionality and is therefore binding on the signatory countries of the Pact of San José de Costa Rica, in the following terms:

The central objective of the OC, according to the IA Court itself, is to "unravel the meaning, purpose and rationale of international human rights norms" (OC16/99 and OC-17/02). They do not serve to resolve questions of fact, since the protection of people's rights and freedoms falls to the contentious jurisdiction, which cannot "resolve abstract cases" (OC-14/94). As there



are no actual defendants or actors, the defense of the state in the procedure is not a requirement (OC-03/83). By establishing the valid meanings for interpretation prior to concrete litigation, the IA Court ends up carrying out a control of conventionality prior to the contentious case (LEGALE,2020, p.239).

Jorge Ernesto Roa Roa shares this understanding and goes further by stating that it is increasingly difficult for the IA Court itself to differentiate the binding force of its Advisory Opinions from the judgments in contentious cases. This is the author's understanding:

En efecto, como se citó textualmente, la Corte sostiene en la Opinión Consultiva 21 que las opiniones consultivas tienen relevancia jurídica para los Estados miembros de la oea y “para los órganos de la oea cuya esfera de competencia se refiera al tema de la consulta”. Resulta apenas evidente que tal afirmación de la Corte la vincula también en cuanto órgano de la oea, con lo cual se crea una cláusula expresa de fuerza vinculante horizontal de las opiniones consultivas. Esta regla es la confirmación del resultado del estudio de esta investigación sobre la relación entre la función consultiva y la contenciosa. No obstante constituir un avance en la determinación de los efectos de las opiniones consultivas y en la coherencia interna de la Corte, persiste la contradicción entre la cada vez más clara fuerza vinculante de las opiniones consultivas y las propias manifestaciones de la Corte por diferenciar, en este aspecto, sus opiniones de otro tipo de decisiones como las sentencias de los casos contenciosos. Cada vez resulta más complicado para los investigadores y para la propia Corte explicar las diferencias entre los efectos de una opinión consultiva y los de una sentencia contenciosa, más allá de las características intrínsecas a cada uno de los procedimientos. Aún más, la Corte ha avanzado en una comprensión extraña de una función consultiva, de la cual derivan parámetros obligatorios para el órgano que emite el dictamen, para los órganos y Estados parte de la oea. A pesar de las críticas anteriores sobre la contradicción entre la doctrina de la Corte, la Opinión Consultiva 21 y el fenómeno material de fuerza vinculante horizontal y vertical de las opiniones, lo más importante es que la obligatoriedad de la doctrina (¿jurisprudencia?) consultiva de la Corte Interamericana redundará –seguramente– en una mayor protección de los derechos humanos en el ámbito americano (ROA ROA, 2015, p 141).

There is a middle ground which, although it does not recognize that states are specifically bound by the Advisory Opinions, recognizes their legal and moral force, especially since they are issued by the IA Court. In this sense, they can be considered important instruments for the protection of human rights, as follows:

Puede decirse —en suma— que no obstante que tales opiniones no son obligatorias en sentido estricto, su fuerza radica en la autoridad moral y científica de la Corte; y si bien su esencia es típicamente asesora, no por ello deja de ser jurisdiccional, y tiene por objeto coadyuvar al cumplimiento de las obligaciones internacionales de los estados americanos, en lo que concierne a la protección de los derechos humanos (HITTERS, 2008, p.150).

Thus, Advisory Opinions, in the current state of *ius cunctationale commune*, represent a real instrument for transforming social reality and, in view of this, must be interpreted in the broadest possible way, in the sense of creating specific obligations (*facere*) for states..



2.3 THE ADVISORY OPINION 24 AND ITS RELEVANCE TO THE DEBATE ON THE RIGHTS OF LGTQIA+ PEOPLE IN THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

Advisory Opinion 24 represented a milestone in the Inter-American Human Rights System, as it effectively recognized the rights of LGTQIA+ people and the state's duty to protect them against state arbitrariness. However, it is necessary to scrutinize the details brought by the state of Costa Rica to the Court and the debates held by the institution in order to conclude that the Pact of San José de Costa Rica covers the rights of this social minority. It is therefore essential to understand that the IACHR has, in its Rules of Procedure, some fundamental requirements for the admissibility of an Advisory Opinion, namely:

Formal compliance with the requirements of articles 70 and 71 of the Court, the questions asked must be as precise as possible, specifying the provisions that are to be interpreted, indicating the considerations that give rise to them and providing the name and address of the Agent. In material terms, the Court recalls that on several occasions it has indicated that compliance with formal aspects is not enough for an effective response. In this sense, a concrete and foreseeable situation must be considered which justifies the interest in issuing an advisory opinion (CORTE IDH, 1979).

In the case in question, based on the interpretation of relevant norms, the answer given by the Court in OC 24/2017 was and will be of great importance for the states of the region, insofar as it will make it possible to specify the obligations to respect and guarantee human rights to all persons under their jurisdiction, implying concrete obligations that states must fulfill in terms of the right to equality and non-discrimination.

In this regard, the state of Costa Rica posed the following questions to the IA Court: are states obliged to facilitate the change of people's names in accordance with their gender identity; is it obligatory for states to provide a swift and free administrative procedure for changing people's names; is it obligatory to recognize the property rights of LGTQIA+ relationships and, finally, is it obligatory to create a legal institute that recognizes these rights? The Court answered these questions based on some basic premises:

The American Convention on Human Rights protects one of the most fundamental values of the human person, that is, their dignity, which is a fundamental human right enforceable *erga omnes* and represents an interest of the international community, not even admitting derogation and suspension.

The Convention therefore protects the inviolability of family life in the sphere of private autonomy and is therefore immune to abusive and segregating state interference. Furthermore, this protection is not restricted to the right to privacy, but also, and in a way that is emphasized here, to the right to free sexual development, personality, desires and prospects for building a better life. We therefore have the development and protection of the right to identity.



Therefore, the Inter-American Human Rights System protects the possibility for individuals, within their private sphere, to construct their own notion of life and happiness, being able, if they wish, to choose their name, their life, their citizenship, their freedom and the right to their physical and psychological integrity as the greatest expressions of human dignity.

Although there is no specific reference in the Convention to the right to identity, it can therefore be conceptualized as the set of attributes and characteristics that allow a person to be individualized in society and which, in this sense, includes various rights depending on the subject of rights in question and the circumstances of the case (SAAD, 2018, p.72).

In its decision, the IA Court conceptualized gender identity as the internal and individual experience of gender as each person feels it, which may or may not correspond to the sex assigned at birth, including the personal experience of the body (which may or may not include changing the appearance or function of the body through medical, surgical or other procedures, whenever this is freely chosen) and other expressions of gender, including dress, speech and manners. Gender identity is a broad concept that creates space for self-identification and refers to a person's experience of their own gender. Thus, gender identity and its expression take many forms; some people identify as neither male nor female, or identify as both (OC 24,2017,p.15)

Based on the above, under the terms of Articles 11.2, 18 and 24, in relation to Article 1.1 of the Convention for the Recognition of Gender Identity, the Court's response to the State of Costa Rica's first question is as follows:

Changing one's name, adjusting one's image, as well as rectifying the mention of sex or gender in records and identity documents, so that they are in accordance with one's self-perceived gender identity, is a right protected by Article 18 (right to a name), but also by Articles 3 (right to recognition of legal personality), 7.1 (right to liberty) and 11.2 (right to private life), all of the American Convention. Consequently, in accordance with the obligation to respect and guarantee rights without discrimination (Articles 1.1 and 24 of the Convention) and the duty to adopt provisions and domestic law (Article 2 of the Convention), states are obliged to recognize, regulate and establish procedures for these purposes (OC 24,2017,p.51).

The Court held, in response to the State of Costa Rica's second question, that the procedures for changing the name of individuals according to their gender identity must follow certain minimum standards, so that the right is in fact protected, preventing the rights of third parties from being affected by these facts.

However, in order to safeguard the right to identity, legal certainty cannot be left aside, guaranteeing stability in legal relations. The lack of legal certainty can lead to a state of total discredit in democratic institutions (judicial, legislative and executive), causing instability in the exercise of fundamental rights and guarantees.

Furthermore, the Court believes that legal certainty and self-determination of one's gender is not limited only to the name, but also encompasses the very elements of sex, gender and image of the



person. To this end, it is necessary to simplify the administrative processes of civil registrations and standardize them nationwide, which should be carried out based solely and exclusively on the free and informed consent of the interested party, without the need for medical and/or psychiatric reports, which can further increase prejudice and the situation of vulnerability of the LGBTQIA+ community.

In the same vein, there is no justification for requiring police certificates of good conduct from these individuals, under penalty of prejudice. In addition, privacy must be taken into account throughout the process and the name/gender prior to the request for change, which must be free of charge, must not be included..

For all the above reasons, the Court concluded that:

States have the possibility of establishing and deciding on the most appropriate procedure, in accordance with the characteristics of each context and their national legislation, the procedures for name change, image adjustment and rectification of the reference to sex or gender, in registers and identity documents so that they are in accordance with self-perceived gender identity, regardless of their jurisdictional or materially administrative nature, and must comply with the requirements indicated in this opinion, namely: a) it must be focused on the integral adequacy of the self-perceived gender identity; b) it must be based solely on the free and informed consent of the applicant, without requiring requirements such as medical and/or psychological certifications or others that may result unreasonable or pathologizing; c) it must be confidential. In addition, changes, corrections or adjustments to records and identity documents must not mention the changes that resulted from the change to adapt to gender identity; d) they must be expeditious, and as far as possible, free of charge, and e) they must not require certification of surgical and/or hormonal operations. Given that the Court notes that the procedures of a materially administrative or notarial nature are the ones that best fit and adapt to these requirements, States can provide an administrative channel in parallel, which allows the person to choose (OC 24, 2017, paragraph 160).

The international protection of the relationships of same-sex couples and the families that arise from these relationships is based on the premise that there is no closed concept of "family" in the Pact of San José de Costa Rica, which does not protect only one model of family. In this sense, in Advisory Opinion 21, the Court discussed the possibility of recognizing same-sex marital ties as a "family", a fundamental and constantly evolving concept, namely:

"[...] [The] definition of family should not be restricted to the traditional notion of a couple and their children, as other relatives, such as uncles, cousins and grandparents, can also be entitled to the right to family life, to list just a few possible members of the extended family, as long as they have close personal ties. What's more, in many families, the person(s) responsible for the attention, care and development of a child in a legal or habitual manner are not the biological parents. Furthermore, in the migratory context, "family ties" may have been formed between people who are not necessarily legally related, especially when, as far as children are concerned, they have not counted or lived with their parents in such processes. That is why the State has the obligation to determine in each case the constitution of the child's family nucleus [...]" (OC 21, 2014, paragraph. 272).

The American Convention protects, by virtue of the right to private and family life (Article 11.2) as well as the right to family life (Article 17), the bond that can arise from a same-sex relationship. Furthermore, the Court has also determined that same-sex unions should be protected without any



discrimination, with the same respect accorded to heterosexual couples. This international protection stems from the right to equality and non-discrimination (Articles 1.1 and 24). Therefore, without prejudice to the above, the international obligation of states to guarantee the protection of these individuals transcends issues linked solely to property rights and extends to all the human rights internationally recognized by the Pact of San José de Costa Rica.

Therefore, states must guarantee access to all the legal frameworks that currently exist in domestic legislation, in order to ensure that all the rights of families formed by same-sex couples are protected, without discrimination and with respect to those formed by heterosexual couples. To this end, states may be obliged to modify existing legal frameworks through legislative, judicial or administrative measures, in order to extend them to same-sex couples.

The construction of these legal figures, as determined by the Inter-American Court of Human Rights, aimed at promoting the material equality of LGTQIA+ people, is not restricted to the Court's advisory jurisdiction. It is precisely for this reason that the duty to protect the rights of these people has gained greater prominence in the Inter-American system and demonstrates the fundamental relationship between democracy and human rights in the promotion of the vulnerable, going beyond the civil and administrative spheres and taking on the outlines of the definition and construction of a right to recognition as an effective instrument for safeguarding human rights. In light of the above, these relationships will be addressed through the *Vicky Hernandez v. Honduras* case, starting in section 1.3 of the article.

2.4 THE VICKY HERNANDEZ V. HONDURAS CASE AND ITS IMPORTANCE FOR THE PROTECTION OF HUMAN RIGHTS AND DEMOCRACY IN THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

The *Vicky Hernandez v. Honduras* case demonstrates the relationship between democracy and human rights, and in this context, totalitarianism represents a rise in violations of the rights of minorities, in particular those of LGTQIA+ people. Celso Lafer, approaching totalitarianism and its relationship with human rights from a perspective of rupture, puts it this way.:

Totalitarianism represents a proposal for the organization of society that aims for the total domination of individuals. In this sense, it embodies the process of breaking with tradition, because it is not an autocratic regime, which in dichotomous opposition to a democratic regime seeks to restrict or abolish public freedoms and individual guarantees. It is, in fact, a regime that is not to be confused with tyranny, despotism or the various forms of authoritarianism, because it strives to eliminate, in a historically unprecedented way, spontaneity itself - the most generic and elementary manifestation of human freedom. In order to achieve this goal, it generates the destructive isolation of the possibility of a public life - which requires the joint action of other people - and desolation, which prevents private life. (LAFER, 2001, p.117).

It is therefore important to put the political situation in Honduras into context in order to understand the *Vicky Hernandez* case. Honduras suffered a coup d'état in 2009 and how this process



intensified the cases of murders of transgender people (ARROYO, 2021) (as was the case with Vicky Hernandez) and, therefore, it is essential to understand the state of affairs related to the protection of sexual minorities in Latin America (including Brazil) and the protection of these people within the Inter-American System. To this end, in addition to the judgment of the case itself, it will be essential to analyze the dissenting vote of the judge and president of the Court, Elizabeth Odio Benito, and her position on the application of the Convention of Belém do Pará to the case.

The case under analysis is set against the backdrop of the 2009 Honduran coup d'état, in which President Manuel Zelaya was ousted by the Honduran army and succeeded by Roberto Micheletti, who imposed a curfew in the Latin American country. Despite Honduras being one of the countries with the highest number of convictions in the Inter-American Human Rights System, the country had been undergoing a democratic process since the enactment of the 1982 Constitution (PADILLA, ARAYA, 2019).

After 2009, human rights violations became state policy and sexual minorities, for example, began to be persecuted and victimized with deaths, violence and forced disappearances, acts perpetrated by state and parastatal agents, with the formation of militias that fought any opponents of the military coup. This is the understanding:

Con el golpe de Estado la situación de los derechos humanos se deterioró a niveles alarmantes y su violación generalizada y sistemática se enmarcó dentro de una política de Estado ejecutada de forma pública y manifiesta, en donde todas las instituciones claves del sector justicia como el Ministerio Público, la Corte Suprema de Justicia y el Comisionado Nacional de los Derechos Humanos han defendido el rompimiento del orden constitucional y han avalado las violaciones a los derechos humanos cometidas por militares, policías y paramilitares (MEJÍA, 2010, p.5).

Honduras, like other Latin American countries, is historically marked by violence, inequality and disrespect for human rights, democracy and the protection of social minorities. Furthermore, in a context of suppression of citizens' fundamental guarantees, this situation is amplified to outrageous levels of disregard for human life.

This is what has happened:

Este escenario de violación masiva y sistemática de los derechos humanos ratifica que el Estado hondureño incumple su obligación de combatir la impunidad por todos los medios legales disponibles, lo cual propicia la repetición crónica de la violencia “y la total indefensión de las víctimas y de sus familiares”. Bajo estos parámetros, la impunidad y su consecuente privación del derecho a la justicia se han convertido en un componente estructural de la cotidianidad nacional, pues las violaciones a los derechos humanos cometidas en el marco del golpe de Estado y a partir de la toma de posesión del nuevo gobierno surgido de unas elecciones ilegítimas, no están siendo investigadas, sancionadas ni reparadas en los términos exigidos por la legislación nacional y los estándares internacionales (MEJÍA, 2010, p.7).

This is the context of the Vicky Rodriguez v. Honduras case. The IA Court ruled that after the 2009 coup d'état, that Latin American country entered a scenario of massive violations of the human rights of social and sexual minorities, especially trans women, in a context of impunity and growing



violations of the social vulnerabilities related to this population. Vicky was murdered on 28/06/2009, the same day as the coup d'état, in which the new government decreed a state of exception and a curfew for the Honduran population.

The population did not watch this whole process in a watertight manner, and there were public demonstrations aimed at maintaining the democratic regime and the legitimately elected president. However, the repression was extremely brutal and violent, culminating in the death and imprisonment of many opponents. One of these deaths was that of trans woman Vicky Hernandez, an activist for the rights of LGTQIA+ people and a sex worker, yet another victim of the neglect and violence that plague Latin America and the poorest and most marginalized people in society.

As can be seen from the judgment of the IA Court, not even an autopsy was carried out on Vicky's body, since she was HIV-positive. Furthermore, the investigations were not diligent enough to elucidate the case in order to provide an answer and possible punishment, as can be seen from the condemnation of the State of Honduras itself:

El 12 de marzo de 2015 la abogada de las familiares de Vicky Hernández presentó comunicación a la Fiscalía Especial de Delitos contra la Vida en el que señaló: “[q]ue el relacionado expediente se encuentra en el mismo estado en que se encontrara en el mes de octubre” y que no se habían integrado al expediente documentos importantes como: i) el dictamen de autopsia; ii) la nota de fecha 18 de octubre de 2013 enviada por Medicina Forense a la Fiscalía Especial de Delitos contra la Vida, informando que dicha autopsia se envió a la Fiscalía de Homicidios el 13 de julio de 2013, y iii) las solicitudes de incorporación al expediente de fechas 17 y 30 de octubre de 2013. En un oficio de la Subdirección General de la Fiscalía del Ministerio Público sobre las investigaciones de 28 de septiembre de 2020 se hizo mención a la diligencia que consistió en un auto de requerimiento de investigación de 22 de octubre de 2019 y que se encontraría “pendiente de remisión de diligencias investigativas asignad[as a la Dirección Policial de Investigaciones]”, aunque no se proporcionaron detalles sobre la naturaleza de las mismas. Se carece de información actualizada sobre el estado de la investigación (CIDH, 2021, p.19).

In the case analyzed, the Court found that the Honduran state violated the following rights: the victim's right to life and personal integrity, personal freedom, freedom of expression, personality rights, the right to a name, the right to equality and non-discrimination, among others. In addition, with regard to the family of Vicky Hernandez, the Honduran state violated the rights to judicial guarantees and judicial protection, as it did not provide the necessary support for a swift and effective resolution of the case.

With regard to the right to non-discrimination and equality before the law, the Court held that Article 24 of the Pact of San José unequivocally prohibits prejudiced or discriminatory attitudes against any individual, regardless of their race or sexual orientation, even through the use of state force. Therefore, in the face of the historical violence (as occurred after the 2009 coup) and marginalization of the LGTQIA+ community, gender and sexual orientation are elements covered and protected by the Pact of San José.



Moving on, the IA Court stated that the right to life was violated precisely because Vicky was a trans woman and was involved in social movements fighting for the human rights of LGBTQIA+ people. Therefore, for the Court, the new dictatorial government's institutional stance led to the construction of a policy aimed at exterminating people, especially trans women.

Therefore, the Inter-American Human Rights System (PIOVESAN, 2016) represents a true model for the construction of a transformative regional constitutionalism based on the understanding and vision of the human person as deserving and absolute holder of the most basic rights. As such, the Inter-American Commission and Court of Human Rights are contributing to the construction of citizenship from the perspective of the "right to have rights" (LAFER, 1988, p.154), with the emancipatory perspective of the legal system.

Thus, we analyze the partially dissenting vote of Judge Elizabeth Odio Benito (BENITO, 2021, p.1) who focused, in a minority view on the subject, on whether or not to apply the Convention of Belém do Pará to transsexual women. For Benito, Article 7 of the Convention cannot be applied to the Vicky Hernandez case, as it is not possible to equate gender identity (a social construct) and sex (a biological construct). Therefore, in his opinion, it is possible to understand that the Convention of Belém do Pará should only be applied to women who are biologically considered to be such.

Odio Benito recalls, advancing his position, that in Advisory Opinion 24 itself, the Court differentiated the concepts of sex and gender identity quite sharply and, furthermore, the dynamics of violence against women and other sexual minorities, such as trans people, are different and therefore deserve different treatment. This is an excerpt from the vote:

Para concluir esta parte del análisis, reitero mi posición de que el sujeto central del feminismo (y, en este caso, de la violencia que se ejerce contra la mujer por el hecho de ser mujer) es la *mujer* y la específica opresión que esta sufre, su origen e impacto. Si confundimos la lucha feminista y sustituimos al sujeto del feminismo, si el sujeto del feminismo deja de ser la mujer biológica para ser una extraña y confusa variable de identidades subjetivas, debemos plantearnos y poner sobre la mesa el más que previsible impacto negativo que tendría sobre décadas de lucha y teoría feminista. Y no solo desaparecería el feminismo sino también la teoría de los derechos humanos, que también está basada no en sentimientos ni autopercepciones, sino en categorías objetivas y científicas. Así, cabría preguntarse: si el sexo, categoría material y científica, desaparece absorbido por la "identidad de género", percepción subjetiva individual, ¿en qué se basaría la violencia de género? ¿Y a qué queda reducido el sexo femenino? ¿Cómo se documentarían las violaciones sexuales y demás crímenes de violencia sexual contra las mujeres? ¿Cómo se documentarían las violencias sufridas por personas trans si el cambio de sexo es algo confidencial que no puede documentarse? ¿Y las diferencias salariales? ¿Y las discriminaciones en el acceso a la educación en todos sus niveles, formales e informales? Las preguntas son muchísimas más. Pero estas pocas bastan para evidenciar el caos y el retroceso al que nos estamos enfrentando. (CIDH, 2021, paragraph 15).

However, the judge's understanding is not in line with a more global and comprehensive view of human rights protection, nor even with the transformative role of the Inter-American Court of Human Rights and the obligatory dialogue that decisions issued by this court have in domestic legal systems.



3 FINAL THOUGHTS

From the above, it is possible to see the relationship between Democracy and Human Rights, especially when related to the Inter-American Human Rights System and the protection of social minorities, such as the LGTQIA+ community. Based on this assumption, it is imperative that the Advisory Opinions of the Inter-American Court of Human Rights, in addition to binding national states, represent an important instrument for transforming reality.

In addition, the case of Vicky Hernandez v. Honduras, a paradigm within the Inter-American System, as the first contentious case of the Court that specifically addressed the rights of trans people, demonstrated how the Latin American context of protection for these minorities is still so flawed and challenging, with the state's own framework providing repressive instruments against social movements and the protection of vulnerable groups.

Finally, from a democratic and deliberative view of criminal law, it is credible to conclude that from an emancipatory view of human rights and with the possibility of international human rights treaties legitimately acting as incriminating criminal norms. Therefore, a first step towards recognizing LGTQIA+ people as subjects of rights will be taken, although the road to this end is still arduous and thorny.

Therefore, understanding human rights, and in particular the Inter-American system, as a legitimate system of social transformation and systematic evolution of rights and guarantees, is fundamental for the protection of vulnerable groups. It is clear, therefore, that weakening both the advisory and contentious jurisdiction of the Inter-American Court is tantamount to vilifying life. The Vicky Hernandez case is shocking because of the brutality and incivility of Latin countries, marked by coups and neoliberal governments. May Vicky's example serve as an encouragement for human rights in Latin America's shaky democracy.

This is what I hope will be the starting point for future generations. Always more democracy, more rights and more respect for the human body and human life, which are so fragile and at the same time so valuable for the maturing process of life in society. May minorities resist in order to survive. That's what I hope for, without any utopian pretensions.



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The role of NGOs in the venezuelan migration crisis: A critical study



<https://doi.org/10.56238/sevened2023.002-005>

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ABSTRACT

This article presents an analysis of the role of the international agencies IOM and UNHCR in the

Operation Welcome, created by Brazil to receive Venezuelan immigrants in Roraima. The main objective of Operation Welcome is to mitigate the effects of the migratory flow from Venezuela, which is facing a political, economic and social crisis. To put the planning and execution of the operation into practice, the Humanitarian Logistics Task Force (FT Log Hum) was conceived, which relied on the continuous and timely advice of a joint staff composed of members of the Army, Navy and Brazilian Air Force. International organizations, such as IOM and UNHCR have increased their presence in the state of Roraima to meet the needs of venezuelan migrants arriving in the country. The study aims to understand the work of these international agencies in the context of the Operation Welcome, through a qualitative methodology based on documental and bibliographic review. The study presents a historical context of the trajectories of IOM and UNHCR and analyzes the role of these organizations in the context of the Operation Welcome through a critical analysis. The research contributes to the advancement of academic knowledge in the area and is of great relevance to the academic community and actors involved in the humanitarian response.

Keywords: Migration, Operation Welcome, ACNUR, OIM.

1 INTRODUCTION

Due to the political, economic and social crisis that Venezuela is currently facing, the country is experiencing a large migratory flow. With a roughly 1,486km border with the neighboring nation, Brazil has become a viable option for those looking to escape this crisis. To mitigate the effects of this migratory process in the northern region of the country, the Brazilian State has employed multiple actors and implemented government actions. (Cruz 2020)

Through Ministerial Directive No. 3, of February 28, 2018, issued by the Minister of Defense, Operation Welcome was created, with the purpose of carrying out the humanitarian reception of Venezuelan immigrants in the State of Roraima. To put the planning and execution of the operation



into practice, the Humanitarian Logistics Task Force (FT Log Hum) was created, which aimed to ensure continuous and timely advice to the operational coordinator of the task force, through a joint staff composed of members of the Brazilian Army, the Brazilian Navy, and the Brazilian Air Force.

This General Staff is responsible for uniting the efforts of the federal, state, and municipal governments with regard to emergency assistance measures to welcome Venezuelan citizens and for interacting with other international agencies and civil society organizations. (Mattos *et al.* 2021)

In addition, prominent international organizations such as the International Organization for Migration (IOM), a global benchmark in promoting humane and orderly migration, and the United Nations High Commissioner for Refugees (UNHCR), a world leader in the protection and assistance of refugees, displaced persons and stateless persons around the world, have increased their presence in the state of Roraima to meet the needs of Venezuelan migrants arriving in the country. These organizations use their resources to improve preparedness and strengthen their capacity to respond to this new situation. (Sanjurjo 2023)

Faced with this scenario of cooperation between national and international, civil and military agencies, all with the objective of better welcoming the Venezuelan people in Brazilian territory, the following research question arises: what is the role of the main international agencies in the face of the Venezuelan migration crisis? The aim of this study is to understand the work of IOM and UNHCR in the context of Operation Welcome.

In order to achieve this goal, this study begins with the first section that presents the emergence and development of international organizations, including key concepts, theories, definitions, and classifications. In sections two and three, we provide a brief historical background of the trajectories of IOM and UNHCR, respectively, from the twentieth century to the present day. In sections 4 and 5, we present and analyze the role of international organizations in all phases of Operation Welcome, followed by a conclusion in which we clearly summarize and highlight the main findings and contributions of this study, including its main findings, limitations, and suggestions for future work.

The methodology adopted in this study will be exploratory and qualitative, with the objective of critically understanding the performance of IOM and ANCUR in Operation Welcome. For this, we will use strategies such as description, analysis and interpretation, based on a documentary and bibliographic review. This methodological choice allows a detailed analysis of the information obtained, seeking to understand the nuances and complexities of the performance of these international organizations in a critical way. In addition, this approach allows for a more comprehensive and in-depth understanding of the phenomena studied, contributing to the advancement of academic knowledge in the field.



This study on the role of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) in Operation Welcome is of great relevance for several reasons.

First, the context of Venezuelan migration to Brazil has been one of the biggest migration crises today, and Operation Welcome is a humanitarian response that involves several international agencies. In this sense, understanding how these agencies have acted and collaborated with each other is of great importance for the academic community and for the actors involved in the humanitarian response.

In addition, the research can contribute to the advancement of knowledge about the work of international organizations in situations of migration crisis and to improve humanitarian response strategies for the future. The study is aimed at students, teachers, researchers and practitioners interested in humanitarian and forced migration issues. Finally, the choice of IOM and UNHCR as the object of study was based on their relevance and role in Operation Welcome, as well as their specific histories and mandates, as well as their leading role in actions involving Venezuelan migrants.

2 INTERNATIONAL ORGANIZATIONS

International organizations are created by states that come together on a voluntary basis to pursue common interests through continuous cooperation. The formation of these organizations is established through treaties, and their members maintain a societal relationship. According to Article 2, § 6, of the Charter of the United Nations, participation in these organizations is voluntary, implying that the UN does not have the power to impose its authority on States that choose not to be part of it.¹ (Seitenfus 2012)

The twentieth century was marked by events that had major impacts on international politics and global security, such as the two World Wars and the Cold War. These events have revealed the need for greater cooperation and coordination between countries for the prevention of conflicts and the promotion of peace and security. As a result, many world leaders began to seek ways to establish international cooperation mechanisms to deal with global and regional issues, such as trade, the environment, health, education, food security, migration, human rights, among others. (Macedo and Pereira 2007)

Organizations play an increasingly important role in international politics, acting in various areas such as trade, environment, health, human rights, development and peace. They are made up of different actors, such as States, civil society organizations, businesses, UN agencies, and other entities, who work together to achieve common goals and have the ability to provide collective solutions to global problems, as well as establish international norms and standards that can be applied worldwide.

¹ This aspect of international law is known as voluntarist, which establishes that states are sovereign even to impose limitations on their own actions. On voluntarism and the foundations of Public International Law, see more in MAZZUOLI, 2021.



International organizations can be divided into two groups according to the state of government involvement: Intergovernmental Organizations (IGOs) and International Non-Governmental Organizations (INGOs).

These organizations can have varying degrees of effectiveness and efficiency in their operations, due to challenges such as a lack of financial resources, a lack of political support, and a lack of coordination among members. Despite this, they are still essential to the functioning of the international system and to the search for solutions to global challenges. (Barth 2012)

Networks of transnational "epistemic communities" have expanded and resulted in the institutionalization and development of dozens of IGOs and INGOs that have become vital actors in diplomacy, foreign policy, trade, technology, and transportation. Prior to the First World War, IGOs were notoriously Eurocentric, while the activities of many INGOs, particularly in peace initiatives, were more forward-looking, with visionary rather than deliberately pragmatic profiles. (Barth 2012)

Also according to this author, despite the violence and brutality of the conflicts, international exchange was not totally interrupted. Indeed, the vital need for international cooperation for peacekeeping and conflict resolution has become even more evident. Cultural and intellectual exchange was one of the main areas of activity of the INGOs in the interwar period. In 1922, the Committee for Intellectual Cooperation was established in Geneva, and in 1926, the International Institute for Intellectual Cooperation was founded in Paris, from the creation of these structures, the INGOs became legitimate international actors at the state level. Belgium became the first state to legally recognize international organizations in 1919.

Within the framework of the Versailles peace negotiations, signed after the First World War, a commission was formed that drew up the general outlines of the organization that would become the League of Nations, this League was part of the Versailles Peace Treaty and was founded on January 10, 1920, after the ratification of the Treaty by the individual states. In its first year, it had 32 member states, of which more than two-thirds were non-European. The basic task of the League of Nations was to maintain the international order as it had been established at Versailles.

In addition to the General Assembly and a permanent secretariat based in Geneva, the Security Council was one of its main instruments. It had four major powers with permanent seats (Britain, France, Italy, Japan) as well as non-permanent members whose number changed over time. (Reinalda and Bob 2013)

For these same authors, the League achieved some success during the 1920s, such as: organizing plebiscites in Silesia (1921) and the Saar region (1935); resolved border disputes between Poland and Lithuania, Finland and Russia, as well as between Bulgaria and Greece; guaranteed Albania's territorial integrity vis-à-vis Italy, Greece and Yugoslavia; and administered the former



German colonies under the mandate system, as well as providing important guidance for dealing with refugees and the protection of minorities.

On the other hand, the League has failed to live up to the high expectations placed on it, in particular its inability to prevent armed conflict. It took no action when Japan, a member of the Security Council, attacked Manchuria in 1931, and did not offer sufficient resistance to the Spanish Civil War in 1937, as well as the numerous treaty violations committed by Nazi Germany.

The first armed attack by one League member against another occurred when Italy invaded Ethiopia in 1934/1935, then the USSR joined the League of Nations shortly after the German withdrawal in 1933 became the only state to be expelled from the League after the attack on Finland in 1940. In the interwar period, the importance of IGOs and INGOs increased in relation to their number, their influence, and their areas of responsibility. However, in the years leading up to 1939, they were as incapable as they were before World War I of resolving the international crises that escalated into a world war. (Reinalda and Bob 2013)

The horrors of the Second World War only made the need for international cooperation more obvious, as well as drawing as a fundamental lesson from the interwar period, the acceptance of the fact that international security was also based on sustainable economic and social cooperation. (Seitenfus 2012)

On August 14, 1941, British Prime Minister Winston Churchill and U.S. President Franklin Delano Roosevelt agreed to the Atlantic Charter and Roosevelt's actions anticipated the basic outline of the subsequent UN Charter. The 26-nation agreement to the Atlantic Charter was a significant step forward for the post-war international order.

The Second World War was characterized, from July 1944 onwards, by an unprecedented volume of plans and proposals from post-war international agencies. The establishment of the International Bank for Reconstruction and Development (IBRD), the eventual World Bank (WB), and the International Monetary Fund (IMF) laid the foundation for the international economic order, after the war, to participate in the construction of an international system.

Their negotiations began as early as November 1943 in Moscow. The post-war order under the auspices of an IGO with global participation was further elaborated at the conferences at Dumbarton Oaks (August-October 1944) and Yalta (February 1945). (Seitenfus 2012)

On June 26, 1945, 51 states, of which only 1/5 were European, signed the Charter of the United Nations, successor to the League of Nations. The United States was the first country to ratify the charter on July 28, 1945. As well as the League of Nations, several influential international organizations have belonged to the United Nations IGO, such as the International Court of Justice, the World Health Organization, and the International Labour Organization.



After their historical contextualization, it is possible to define IGOs as not only international organizations, but intergovernmental organizations, which emerge through formal organizations of agreements between States, where they are the fundamental elements of all IGOs. (Seitenfus 2012)

Characteristics of IGOs include regular general assemblies and plenary sessions, a permanent secretariat, and an identifiable headquarters. These organizations are usually headed by leaders, whose positions can vary considerably (Secretary-General of the United Nations, Director-General of the World Health Organization, President of the World Bank, Managing Director of the International Monetary Fund, etc.).

In addition, it is important to highlight that international organizations have their own legal personality, which places them as subjects of public international law. This means that they have the ability to enter into treaties, hire officials, acquire property, and exercise other rights granted to them under international law. That legal personality is guaranteed by international treaties and agreements, as well as by the rules of public international law. In this way, international organizations are recognized as entities with their own rights and obligations, which can be held liable in the event of non-compliance with their obligations at the international level. (Mello 2009)

The term "international organization", however, goes beyond the various forms of intergovernmental cooperation, it is also part of it, private organizational forms of transnational groups and associations, these transnational private networks are called INGOs. (Herz and Hoffman 2004)

This includes, first and foremost, any international organization that is not established by an agreement between governments, INGOs can therefore be defined as voluntary, non-governmental, non-profit, non-religious, and non-military organizations.

They aim at the pursuit of political, social, economic and other objectives, they do not depend on political parties and State instruments, in order to assume commitment to altruistic objectives, that is, those that exceed the particular interests of the organization. INGOs are based on a "special kind of authority" that requires no legitimacy from an external body and is based on self-defined goals and expertise. (Herz and Hoffman 2004)

It should be noted that INGOs and IGOs are not always clearly distinguished, as both are characterized by regular meetings of representative members, specific decision-making procedures, and the existence of a permanent secretariat. States often send official representatives to INGOs and vice versa, just as many IGOs accept private actors and associations. In this context, INGOs are never completely free from government influence, as their activities are carried out within a legitimate governmental legal framework, in many cases, they operate in areas that are regulated by the state. (Herz and Hoffman 2004)

In this context, INGOs such as the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR), both working in Operation Welcome in



Roraima, even though they have consolidated rules and procedures, it was necessary to make adjustments and adaptations, due to Brazil's own laws on the subject.

3 IOM AND ITS HISTORY

The IOM, or as it was initially known, the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME), was born in 1951 out of the displacement of Western Europe after World War II. Mandated to help European governments identify resettlement countries for the estimated 11 million people uprooted by the war, it provided transportation for nearly a million migrants during the 1950s. (IOM 2023)

A succession of name changes from PICMME to the Intergovernmental Committee for European Migration (ICEM) in 1952, to the Intergovernmental Committee for Migration (ICM) in 1980 to the International Organization for Migration (IOM) in 1989, reflects the organization's transition over half a century from a logistics agency to a migration agency.

While IOM's history traces man-made natural disasters over the past half-century, with Hungary in 1956, Czechoslovakia in 1968, Chile in 1973, Vietnam in 1975, Kuwait in 1990, Kosovo and Timor in 1999, and the tsunami in Asia and earthquake in Pakistan in 2004/2005, the belief that humane and orderly migration benefits migrants and society has generated international acceptance. (IOM 2023)

From its roots as an operational logistics agency, it has broadened its scope to become the leading international agency working with governments and civil society to advance understanding of migration issues, encourage social and economic development through migration, and advocate for the human dignity and well-being of migrants.

As a "Migration Agency", IOM has become the reference point in the heated global debate on the social, economic and political implications of migration in the 21st century (IOM 2023).

IOM, in its more than 70-year history, has contributed to social and economic development through migration and by defending the dignity and well-being of migrants. To confirm this trajectory, here is the organization's timeline:

In 1951, at the initiative of Belgium and the United States, an International Conference on Migration was convened in Brussels, resulting in the creation of the Provisional Intergovernmental Committee for the Movements of Migrants from Europe (IPCME). The IPCME quickly becomes the Intergovernmental Committee on European Migration (ICEM).

As early as 1956 and 1957, ICEM assumed responsibility for the resettlement of some 180,000 Hungarian refugees who had fled to Austria and Yugoslavia. And in the same period, ICEM organizes the processing and emigration of more than 406,000 refugees, displaced persons and economic migrants from Europe to foreign countries. (IOM 2023)



In the following decade, in 1964, ICEM initiated Development Migration Programs aimed at recruiting and placing highly skilled migrants in developing countries in Latin America. In 1968, ICEM organized the resettlement of 40,000 Czechoslovak refugees from Austria, totaling in the 1960s 1 million migrants directly assisted by ICEM.

In 1974, ICEM promoted a forum for international discussion and exchange of experiences between governments and other organizations on migration issues. In the same year, it launched the Talent Return Program for Latin Americans living abroad and months later, the committee began a resettlement program for Indo-Chinese refugees and displaced persons. (IOM 2023)

In the 1980s, the ICEM Council changed the name of the Organization to the Intergovernmental Committee on Migration (ICM) in recognition of its growing global role, given the 3 million migrants served directly by ICM. In 1983, BWI extended the Development Migration Program to qualified citizens of African countries. Two years later, the Migration for Development Programs are extended to Asia, totaling 4 million migrants served directly by ICM. It is worth noting that since 1975, one million Indo-Chinese refugees have been assisted, so at the end of the 80s, the BWI received its current name, International Organization for Migration (IOM), after the amendment and ratification of the 1953 Constitution.

Following Iraq's invasion of Kuwait in 1990, IOM repatriated migrants stranded in the Middle East. From September 1990 to January 1991, IOM returned 165,000 people to Egypt and several countries in Asia, during which time there were already 5 million migrants directly assisted by IOM. (IOM 2023)

In 1991 and 1992, IOM assisted in the return of some 800,000 displaced Iraqi Kurds and provided logistical support and medical assistance to displaced populations in the former Yugoslavia. In addition to initiating the Yugoslav Emergency Program (YEP), for evacuation and family reunification of displaced people from the former Yugoslavia, which over the next eight years, served more than 130,000 people.

Through the evacuation of the Kurdish population from northern Iraq, in just over three months, 6,000 people have been resettled in the United States. In the same period in Europe, IOM helped more than 190,000 Bosnian refugees return home, reaching the astonishing milestone of 10 million migrants served by the Organization.

In 1998, the organization provided shelter assistance for Hondurans displaced by Hurricane Mitch and a year later, it organized the Humanitarian Evacuation Program transporting some 80,000 Kosovar refugees from the former Yugoslav Republic of Macedonia to more than 30 host countries. In the second half of 1999, IOM began to return the Kosovars home. (IOM 2023)

Already in the 2000s, as Timor-Leste stabilized after the popular vote for its independence, IOM organized the return of some 140,000 refugees by sea, land and air. A year later, over a six-month



period, the NGO helped repatriate 25,000 Sierra Leonean refugees to Guinea, who had fled conflict, fueled by the sale of blood diamonds in Sierra Leone and Liberia.

During the December 2004 tsunami tragedy in the Indian Ocean, IOM launched its largest emergency response in Indonesia, Sri Lanka and Thailand. And in 2010, in response to the 7.0 magnitude earthquake in Haiti, the organization teamed up with the international community to provide shelter and humanitarian assistance, later expanding its mission to help combat the spread of cholera in the country.

In 2011, more than 200,000 vulnerable African and Asian migrant workers stranded in the Middle East were evacuated, while an increase in violence following the Arab Spring led to the fall of regimes in Egypt and Libya. In 2013, IOM participated in a total of 18 regional consultative processes on global migration to promote cooperation among member states. (IOM 2023)

In June 2016, the IOM Special Board, composed of its Member States, endorsed the move to join the United Nations and in September of the same year, this agreement was signed between IOM and the UN. And a year later, IOM led the inter-agency humanitarian response in Cox's Bazar, Bangladesh, where more than 700,000 Rohingya refugees fled to escape violence in Myanmar.

In 2018, the United Nations General Assembly endorsed the Global Compact for Safe, Orderly and Regular Migration (GCM), the first UN global agreement on a common approach to international migration in all its dimensions. IOM has taken on the role of coordinator of the United Nations Network on Migration, which was established to support the implementation, monitoring and review of the GCM.

In 2019, IOM, UNHCR and the European Commission organized an International Solidarity Conference to mobilize support and meet the needs of some 4.5 million Venezuelan refugees and migrants who have left their country as a result of political turmoil, socio-economic instability and humanitarian crisis. (IOM 2023)

On the other hand, it is important to highlight existing complaints from NGOs about the work of the IOM. Firstly on the issue of mandate, since IOM does not have a protection mandate, it is defined as all activities aimed at achieving full respect for the rights of the individual in accordance with the spirit of the relevant laws. (Georgi and Schatral 2011)

Unlike UNHCR, for example, the IOM is neither mandated nor obliged by an international law treaty such as the Geneva Convention on Refugees, to protect the rights of the people with whom it works. (IML/LAD 2007)

As a result, because IOM lacks the authority and independence that a mandate to protect international law would give it, IOM primarily serves the interests and wishes of its donors and member state governments. IOM is often portrayed and criticized as a donor-driven agency, for which the monetary value of a project tends to supplant ethics or political considerations. One reason for this



reliance on donors is that IOM collects about 96% of its overall budget through projects and grants, mostly temporary, funded by member states or other intergovernmental organizations (IGOs). (ICVA 2004)

Thus, the International Organization for Migration has played a crucial role in providing assistance and promoting the well-being of migrants for more than 70 years. However, it is evident that their dependence on the acquisition of new projects and donors results in significant competition with NGOs, raising questions about their real concern for the defense of human dignity and the well-being of migrants.

4 UNHCR AND ITS HISTORY

UNHCR, the United Nations High Commissioner for Refugees, was created in December 1950 by resolution of the United Nations General Assembly. It began operations in January 1951, with an initial three-year mandate to resettle European refugees who were homeless after World War II. Her work is based on the 1951 UN Convention on Refugees.

The 1967 Protocol reformulated the 1951 Convention and expanded UNHCR's mandate beyond European borders and to people affected by World War II. In 1995, the General Assembly designated UNHCR as responsible for the protection and assistance of stateless persons worldwide. And in 2003, the clause requiring the UNHCR to renew its mandate every three years was abolished. (UNHCR 2023)

In recent decades, forced displacement has reached unprecedented levels, recent statistics reveal that more than 67 million people in the world have left their places of origin because of conflict, persecution and serious human rights violations. Among them, approximately 22 million have crossed an international border in search of protection and have been recognized as refugees. The population of stateless people (people with no formal link to any country) is estimated at 10 million people.

UNHCR has helped tens of millions of people restart their lives through its humanitarian work, and has been awarded the Nobel Peace Prize twice (1954 and 1981). Today, the agency has almost 12,000 staff and is present in some 130 countries with more than 460 offices, through partnerships with hundreds of non-governmental organizations, UNHCR provides assistance and protection to more than 67 million men, women and children. The agency is supported by voluntary contributions from countries, as well as donations from the private sector and individual donors, and its annual budget exceeds \$7.5 billion. (UNHCR 2023)

The United Nations High Commissioner for Refugees has been in existence for more than 70 years, and during that time, it has fulfilled its mission of providing assistance and protection to refugees around the world. To ratify this trajectory, here is its timeline:



In 1951, UNHCR's inaugural mission was to assist about one million civilians, mostly Europeans and including refugees in a camp in Germany, who remained displaced after World War II. Its predecessor, the International Refugee Organization, helped a million people, including Europeans, from camps in Germany, Austria and Italy resettle in other countries, especially the United States.

When the Hungarian uprising broke out in 1956, UNHCR faced its first post-war emergency, organizing aid for more than 200,000 people who had fled that country, some of whom remained in Austria, where the agency financed housing projects.

In Africa, the first modern refugee crisis occurred in the late 1950s, during Algeria's struggle for independence from France. The agency has provided assistance to 200,000 refugees who have fled to neighboring countries.

After the end of colonialism, conflicts arose in many parts of Africa in the 1960s, including Rwanda, where the agency was called upon to intervene once again. In most successful operations of the 1960s, the agency worked on the rural integration of refugees into countries of asylum.

The flight of Vietnamese refugees began after the fall of Saigon to North Vietnamese forces in 1975. An estimated three million, including the Vietnamese boat people who arrived in Malaysia in 1978, fled after the various conflicts in Indochina. In the late 1970s, Thailand became the first country of asylum for refugees from Cambodia, Laos, and Vietnam, where tens of thousands of Cambodians fled during and after the brutal Khmer Rouge regime.

Amid a cycle of repression and violence that hit Central America in the 1980s, more than 300,000 people received assistance through UNHCR.

The exodus of more than 6 million Afghans began in 1979. People fled to places like the Ghazi Refugee Village in Pakistan, organized by UNHCR. (UNHCR 2023)

Nearly 1.5 million Mozambicans fled the civil war to neighboring countries in the 1980s, receiving assistance and education through the NGO. In 1992, UNHCR began helping them return home in the largest refugee repatriation in African history. Through the same program, some 41,000 refugees from Namibia returned home in 1989 after more than 15 years in exile.

By the end of 1991, some 750,000 Somalis were sheltering in UNHCR camps in the Hararghe region of Ethiopia.

After the collapse of the Soviet Union in 1991, conflict erupted in several areas of the former empire, forcing hundreds of thousands of people to flee to a collective center run by UNHCR.

In 1992, UNHCR was present when civil war broke out in the Central Asian nation of Tajikistan, where at least 20,000 people were killed, half a million people were displaced, and 60,000 civilians fled to Afghanistan. (UNHCR 2023)



After years of exile and a 13-month repatriation operation completed in 1993, tens of thousands of Cambodians have started a new life with food rations, tools, land or a cash donation provided by UNHCR.

Within days of NATO's air strikes on Serbian positions in 1999, nearly a million civilians fled or were forced into exile from Kosovo.

The end of the 20th century was marked by an exodus of refugees from East Timor, when an international force restored order, many of the displaced were able to return home with the help of UNHCR.

A UNHCR concentration post near the northern Pakistani city of Peshawar supported Afghan refugees as they prepared to return home in 2002.

One of UNHCR's resettlement programmes was launched in late 2007 in eastern Nepal, where refugees from Bhutan ended up staying in seven camps, totalling 40,000 refugees resettled by the end of 2010.

The crisis in Africa's Great Lakes region has also involved Burundi, where 270,000 Rwandans have sought safety at the UNHCR camp in Mugano.

UNHCR's Hagadera camps in northeastern Kenya's Dadaab district in 2009 were considered the most crowded in the world, housing nearly 300,000 even though they were built for only 90,000 refugees. (UNHCR 2023)

On the other hand, during the Kosovo conflict, UNHCR was called an opportunistic agency for having carried out unreliable work on human rights abuses. After all, in the months leading up to NATO's bombing campaign against Yugoslavia, UNHCR regularly exaggerated the number of people internally displaced by the Kosovo conflict and publicly advocated for more forceful international intervention, raising doubts about the agency's impartiality. (Suhrke et al. 2000)

As soon as the refugees arrived, after the first NATO bombings, UNHCR was quick to declare that the displaced were victims of deliberate expulsions by the Serbian regime. Although the agency is not suited to such statements, they were undoubtedly appreciated by NATO, which sought to justify its use of force. It is worth noting that NATO members provide the largest share of UNHCR's budget. (Barutciski 2002)

Still on the Kosovo crisis, it is possible to observe the UNHCR's eagerness to please its Western donors. In response to the exaggerated rumours about the destruction of identity documents belonging to fleeing refugees, UNHCR could have challenged the unreliable reports or unrealistic expectations of donor governments. However, the agency actually encouraged these expectations with its own statements, when ideally in this situation would be to arrange for the registration of refugees when they cross the borders into Albania and Macedonia. (House of Commons 1999)



In the long run, this misperception of UNHCR by engaging in politics has far more detrimental effects on refugee protection than any argument designed to justify institutional opportunism. In other words, this confusion allows any capitulation to donor pressure to be disguised as an innovative and flexible response. (Barutciski 2002)

5 IOM IN THE VENEZUELAN MIGRATION CRISIS IN RORAIMA

In April 2018, the United Nations Secretary-General instructed IOM and UNHCR to lead and coordinate the regional response to the plight of refugees and migrants from Venezuela.

One of IOM's first actions was data collection, as part of the process of monitoring flows from Venezuela across the border with the state of Roraima. As a result, in April 2019, IOM released a report that has information on the profiles of the Venezuelan population, levels of education, occupation, health and protection, this document helped in the preparation of the Refugee and Migrant Response Plan (RMRP) for the promotion of dignified migration, based on respect for the rights of migrants. (R4V 2019a)

In September of the same year, IOM carried out documentation activities for migratory regularization and delivery of hygiene kits, during an integrated action aimed at Venezuelan indigenous people of the Warao tribe organized by Operation Welcome (FT Log Hum). (R4V 2019b)

In order to raise awareness among the Brazilian and Venezuelan populations about breast cancer prevention, IOM, in partnership with the Roraima State Department of Health (SESAU - RR), carried out several actions during the month of October. The Pink October campaign was held in Boa Vista and in the border municipality of Pacaraima. (R4V 2019c)

In March 2020, IOM's service caravan traveled through the interior of the state of Roraima to provide pre-regularization services and inform the refugee and migrant population about access to rights and services on issues such as labor exploitation and human trafficking. The caravan aims to facilitate access to migratory regularization for this Venezuelan population that resides in other municipalities in the state. (R4V 2020a)

IOM and UNHCR, in June of the same year, announced the resumption of refugee resettlement departures. The temporary suspension of resettlement travel, necessitated by disruptions and restrictions on international air travel caused by the COVID-19 pandemic, has delayed the departure of about 10,000 refugees to resettlement countries. Throughout this period, IOM, UNHCR and partners have continued to process and counsel refugees and resettle dozens of emergency and urgent cases. (R4V 2020b)

In August, the IOM, in partnership with the Municipal Health Department of Boa Vista, reinforced the medical team of the local network with professionals to care for patients in the Basic



Health Unit opened in the Protection and Care Area. An ambulance, funded by IOM, also ensured the transport of patients between health facilities, local hospitals and the APC. (R4V 2020c)

It is important to note that even during the pandemic, Operation Welcome conducted the Strategy for the Internalization of Venezuelan refugees and migrants without interruption. With the support of IOM, other UN agencies and civil society, the activities were carried out with the necessary COVID-19 precautions. Through this strategy, Venezuelans who were residing in Boa Vista and Manaus were transferred to other states in Brazil. This strategy allows Venezuelans present in the border region, and who wish to stay in the country, to restart their lives in other locations, also alleviating the occupation of shelters and structures in the state of Roraima. The Brazilian Air Force is responsible for transporting most people, but IOM's purchase of air tickets on commercial flights has allowed it to provide more flexibility and expand the scope of the strategy, in addition to serving specific cases that sometimes require special attention. (R4V 2020d)

IOM operates in all stages of relocation with Operation Welcome, assisting in the verification of the beneficiaries' documentation, in the verification of documentation, in medical consultations prior to travel, as well as in the active search for job vacancies in the places of destination and in the ground transfer when necessary to complement the air leg, as we can see in figure 1. In addition to this support, the Organization provides 600 air tickets every month to complement the capacity of Operation Welcome. (R4V 2021a)

Figure 1 - Overview of the migratory routes used throughout South America.



Source: IOM, 2023b.



In June 2021, a joint action by IOM, UNHCR, UNICEF and UN/WOMEN under the coordination of the Ministry of Citizenship, produced a newsletter on the 2021 emergency aid in Spanish, aimed at guiding the Venezuelan refugee and migrant population about their rights. (R4V 2021b)

In late 2021, IOM and UNHCR launched a US\$1.79 billion regional plan to support the growing needs of refugees and migrants from Venezuela and their host communities in 17 countries in Latin America and the Caribbean. At that time, the number of refugees and migrants from Venezuela worldwide stood at six million, most of whom are in Latin American and Caribbean countries. (R4V 2021c)

In June 2022, IOM, in collaboration with Operation Welcome and the Ministry of Citizenship, carried out periodic monitoring of spaces inhabited by the Venezuelan refugee and migrant population outside federal shelters, including squares, public roads, and occupied or ceded buildings, in Boa Vista and Pacaraima. In addition to the general profile, data related to the infrastructure of the places of residence, public safety, integration, health, food and communication with the communities are presented to provide evidence for an evidence-based humanitarian response. (R4V 2022)

The Brazilian strategy innovated the voluntary relocation of Venezuelan refugees and migrants from the border state of Roraima to other Brazilian cities, benefiting more than 100,000 people since its inception five years ago. That's equivalent to nearly a quarter of the 425,000 Venezuelans living in Brazil.

Individuals and families have been relocated from Roraima to more than 930 Brazilian cities, where they find better opportunities to develop their quality of life, contribute to local development, and achieve autonomy and integration. (R4V 2023a)

Even with the understanding of their regulatory functions, that is, the IOM dedicated to the protection of voluntary migrants and the UNHCR dedicated to forced displacement and the rights of refugees and stateless persons, it is clear from the results presented that, in several situations, the two organizations work together. While this joint collaboration can enhance humanitarian aid, in some cases, this partnership is not as effective. (Albuquerque 2021)

6 UNHCR IN THE VENEZUELAN MIGRATION CRISIS IN RORAIMA

In 2018, the situation in Venezuela drastically impacted the operating environment in Brazil. The humanitarian crisis has led to an increase in the number of Venezuelans arriving in the country and the need for protection and assistance. In July of that year, the emergency level was raised from level 1 to level 2. The state of Roraima, which received about 800 people daily, declared a state of emergency. In response, UNHCR has stepped up its operations, consolidating its presence in Boa Vista,



Brasilia, Manaus, Pacaraima and São Paulo, as well as supporting federal and local authorities. (Silva 2022)

The federal emergency response focused on welcoming and documenting new arrivals, providing emergency shelter for the most vulnerable, and a voluntary internal relocation program to move Venezuelans from Roraima to other parts of Brazil. UNHCR provided support for biometric registration and documentation and coordination of shelter activities. (UNHCR 2018)

In 2019, UNHCR supported the government's emergency response and co-led the regional inter-agency coordination platform for refugees and migrants from Venezuela (R4V) to address the humanitarian crisis caused by the large number of arrivals. The operation also continued its activities in search of protection and solutions for UNHCR persons of interest of other nationalities. (Silva 2022)

Many people of interest to UNHCR have had limited livelihood opportunities and have been living on the streets. Efforts have also been stepped up for certain groups of people, such as unaccompanied and separated children, victims of human trafficking, LGBTQIA+ people at risk, people with health problems, and the elderly. The increased arrival of indigenous people in the northern states required culturally appropriate responses, including sleeping arrangements and information in relevant languages. While many Venezuelans benefited from access to social programs, access to specialized health services remained a challenge. The favorable protection environment in Brazil allowed Venezuelans to be recognized as refugees through a procedure based on the Cartagena Declaration. It is worth remembering that the border with the Bolivarian Republic of Venezuela closed in March 2020, due to COVID-19, preventing access to the territory and documentation. (UNHCR 2019)

Individuals who entered irregularly were ineligible to apply for asylum or regularize their status, and therefore faced increased risks of deportation, exploitation, and abuse. They also lacked access to essential services and opportunities for self-sufficiency. While initially denied access to government-provided humanitarian assistance, an increase in arrivals from the Bolivarian Republic of Venezuela in the state of Roraima in the last quarter of 2020 prompted a shift in approach, allowing exceptional access to shelter for highly vulnerable people. (Silva 2022)

Despite these efforts, the socio-economic impacts of the pandemic have remained significant, as gender-based violence and mental health problems have skyrocketed, while widespread food insecurity has led to rising levels of malnutrition and growing misery, especially among the most vulnerable. Unaccompanied minors, single-headed households, women and girls at risk of gender-based violence and trafficking, indigenous populations, the elderly, people with chronic illnesses, and the LGBTQI+ community have all been highly affected. (UNHCR 2020)

In 2021, UNHCR's response focused on supporting and complementing the humanitarian response of Brazilian federal and local authorities. The response addressed people at increased risk,



focusing on the dissemination of information and access to documentation, rights and services, strengthening the provision of assistance, including temporary shelter, through local protection networks and public service providers.

The constant arrival of refugees, asylum seekers and migrants, especially of Venezuelan nationality, continued throughout the year, with different dynamics imposed by the evolution of the pandemic, after all, land borders remained closed between March 2020 and June 2021. This has resulted in a reduction in the number of legal entries into Brazil and a significant increase in the number of interested persons, resorting to unauthorized crossing points, to gain access to Brazilian territory. I emphasize that, due to the pandemic, the government's resettlement program was also suspended with no new arrivals in Brazil.

UNHCR also continued to support the strategy of voluntary internal relocation, known as "internalisation", which has remained one of the main pillars of Operation Welcome. New research has indicated that the unemployment level of relocated people has been reduced from 30% to 18% compared to at-risk people who have remained in shelters in Roraima, confirming that Operation Welcome's relocation strategy has offered significant socio-economic opportunities for individuals to integrate across the Brazilian territory. (Silva 2022)

The COVID-19 pandemic has exacerbated existing vulnerabilities caused by inadequate food intake and nutritional levels, housing conditions, and limited access to healthcare, education, and employment. In particular, indigenous peoples continued to face additional challenges in accessing dignified livelihoods and services. The number of concerned people who lost their income and were at risk of eviction increased and there was a need for UNHCR to scale up its cash assistance programme.

In this regard, UNHCR worked closely with its partners to provide timely information on the Government Emergency Assistance related to COVID-19, as well as to assess the most vulnerable cases and support with cash assistance those who were still waiting for the government grant or who could not cover the needs of the family with the amount received. According to official sources, more than 54,000 refugees, asylum seekers and migrants accessed the government's social assistance program by the end of 2021, while UNHCR was able to reach more than 7,700 vulnerable individuals through cash assistance. (UNHCR 2021)



















Significant population movements to Brazil are expected to continue to occur, especially from Venezuela, as the causes of displacement remain unchanged and the situation turns into a protracted crisis. However, specific protection risks, such as gender-based violence (GBV), labour exploitation, and human trafficking, are likely to increase as the population becomes more vulnerable and deprived, and refugee protection policies may be overshadowed by political considerations and new restrictive migration policies, especially as the country approaches national elections. (Silva 2022)



The government's commitment to the humanitarian response remains ongoing. Strong partnerships and a multisectoral approach involving federal, state, and municipal authorities in key locations, as well as with national human rights institutions, civil society, academia, the private sector, and development actors will continue to provide opportunities to preserve an enabling protection environment. (UNHCR 2022)

In order to provide up-to-date and relevant information, R4V has created a list of contacts and leaders who interact through the R4V Brazil Platform. To illustrate the variety of activities of the international organizations studied (Chart 1), it depicts a leadership contact list, where it shows a symbol, a sector of responsibility, the leading organization of the corresponding sector, and the contact details of those in charge.

Table 1: R4V Brazil Contact List and Leadership

Lista de Contatos Lideranças R4V Brasil			 
	Abrigamento Distribuição Alimentar	ACNUR OIM AVSI	Pedro Brandão - brandao@unhcr.org Elene Baetker - ebaetker@iom.int Ana França - ana.franca@avsi.org.br
	Educação	UNICEF UNESCO	Cynthia Ramos - cyramos@unicef.org Mariana Alcalay - m.alcalay@unesco.org
	Proteção	ACNUR SJMR	Helôisa Miura - miurah@unhcr.org Luyandria Maia - luyandria.maia@sjmrbrasil.org
	Proteção à Criança	UNICEF Aldeias Infantis	Ana Carolina Costa - accosta@unicef.org Sérgio Marques - sergio.marques@aldeiasinfantis.org.br
	Violência Baseada no Gênero	ACNUR UNFPA	Eliana Moreno - morenoas@unhcr.org Patrícia Melo - pamelob@unfpa.org
	Tráfico de Pessoas	OIM UNODC	Natália Maciel - nmaciel@iom.int Sávia Souza - saviasouza@un.org
	Saúde	OPAS/OMS UNFPA	Marcus Duto - quiomar@paho.org Caio Oliveira - caoliveira@unfpa.org
	Integração Interiorização Transporte Humanitário	ACNUR OIM Visão Mundial	Paulo Sérgio Almeida - almeidaps@unhcr.org Michelle Barron - mbarron@iom.int Ângela Mota - angela_mota@wvi.org
	Nutrição	UNICEF	Gerson Filho - gdcosta@unicef.org
	WASH	UNICEF ADRA	Rodrigo Resende / Gabriel Marasís - rdesousa@unicef.org e gmarasís@unicef.org Isabella França - isabella.franca@adra.org.br
	CVA	ACNUR OIM	Cecília Alvarado - alvaradc@unhcr.org Guilherme Otero - guotero@unhcr.org
	Indígenas	ACNUR OIM	Vanuza Nunes - nunesper@unhcr.org Jennifer Alvarez - jealvarez@iom.int
	CwC	ACNUR UNICEF OIM	Eliana Moreno - morenoas@unhcr.org Marco Prates - momrprates@unicef.org Tehany Barros - tebarros@iom.int
	Grupo de Apoio Comunicações	ACNUR OIM	Vanessa Beltrame - beltrame@unhcr.org Juliana Hack - jhack@iom.int
	Gestão da Informação	ACNUR OIM	Marketa Jerabek - jerabek@unhcr.org Cinthia Barros - cbarros@iom.int
	Coordenação	ACNUR OIM	Paola Bolognesi - bolognesi@unhcr.org e Pedro Brandão - brandao@unhcr.org Socorro Tabosa - stabosa@iom.int e Ana Gama - agama@iom.int

Fonte: R4V (2023b)



It is noted that in the 16 sectors of humanitarian aid to the Venezuelan people, the joint leadership of IOM and UNHCR are present in 8 sectors.

This large amount of joint work is the result of the search for protagonism, necessary to keep its donors and achieve more. However, this dispute generates successive clashes between UNHCR and IOM, with conflicts of interest in developing specific response projects. In this condition, the scenario found is one of wear and tear in the face of operational planning in coordination, resulting in a recurrent dilemma in relation to the projects executed, with a clash regarding the purposes, in the search for donor countries that can finalize their institutional actions. (Albuquerque 2021).

7 CONCLUSION

This article sought to know, in a critical way, the work of two international agencies, highlights in world humanitarian aid. Thus analysing how IOM and UNHCR carry out their functions within the scope of Operation Welcome. Thus, this research sought to present the objectives of these international agencies, addressing their actions around the world from their origin to the present day.

That said, following the theoretical foundation of the International Organizations, the International Organization for Migration and the United Nations High Commissioner for Refugees, consolidated through their respective histories, chronologically presented, it has contributed significantly to the understanding of the responsibilities and *modus operandi* of each agency in the face of the Venezuelan migration crisis.

Based on this understanding, it is possible to see that the agencies, despite having different mandates and objectives, as one seeks to promote an orderly and humane management of migration, while the other aims to protect the rights and well-being of refugees, often work together, complementing each other's work, sometimes competing for attention and donations.

Cooperation between national and international agencies, both civilian and military, is critical to the success of humanitarian operations, such as Operation Welcome. The presence of IOM and UNHCR in the state of Roraima has been of great importance in meeting the needs of Venezuelan asylum seekers arriving in the country. These organizations have used their resources to improve preparedness and strengthen their capacity to respond to this new situation.

Therefore, this perception, combined with the interpretation of Table 1, which shows that in 50% of the humanitarian aid sectors there is cooperation between IOM and UNHCR on behalf of the Venezuelan people, reinforces the idea that the joint work of these agencies can enhance the results of their actions.

Thus, it is clear that the organizations studied have a complex and crucial role in protecting the rights of refugees and migrants. However, dependence on donors and involvement in political conflicts can lead to a misperception of their mission and undermine the protection of the most vulnerable.



Allied to this, the competition for resources can put both agencies in competition for attention and focus on their actions, to the detriment of the actions of other agencies.

It is critical that impartiality and a focus on protecting the rights of migrants and refugees are kept at the forefront, avoiding external pressures that could interfere with the fulfilment of their regulatory functions. In this regard, collaboration between IOM and UNHCR should be carefully evaluated in order to ensure its effectiveness in the delivery of humanitarian assistance.

This study arouses interest in deepening the investigation of conflicts of interest between the organizations involved and, based on their respective vocations, proposing strategies that allow taking advantage of the maximum potential of each organization, minimizing friction and without compromising the attraction and retention of donors. In addition, it is interesting to highlight the role of the Federal Government in mediating this competition and search for resources.

To achieve this goal, other data collection techniques, such as interviews or questionnaires with the operational agents of both organizations working together, should be employed.



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Hormone therapy, inclusion, and care for transgender patients in the field of laboratory medicine: Challenges and recommendations for a respectful approach. A systematic review



<https://doi.org/10.56238/sevened2023.002-006>

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ABSTRACT

OBJECTIVE: To show the laboratory care of trans people as part of clinical care, as well as the possible interactions between hormonal therapies (testosterone and estradiol) and relevant pharmacotherapies, with a focus on pre-exposure prophylaxis (PrEP) and antiretroviral therapies (ART). To explore the challenges faced by physicians in interpreting laboratory results for trans individuals on hormonal therapy and to report on the available strategies that can be used to interpret these results. **METHODOLOGY:** This is a narrative literature review in which 30 articles were found, 20 were excluded due to the exclusion criteria, theme. Period of time, plagiarism, sources, and only 10 were selected and used. **RESULTS:** The table shows the challenges faced by transgenic patients, of various types, from the family, hormone treatment, to specialized and welcoming care. **CONCLUSION:** We came to the conclusion that the interfering factors are diverse, from the lack of specialized staff, studies, reference values, to the form of care.

Keywords: Transsexual, Hormone therapy, Transgender.

1 INTRODUCTION

Contrary to what was scientifically believed today, I understand that the experience of a gender (social, cultural) discordant with what would be expected of someone of a certain sex (biological) is a matter of identification, and not a disease. This is the case of people known as transvestites, and transsexuals, who are recognized, together, as part of the group that some call "transgender", or more popularly, trans. But what does it mean to be a trans person, or transgender? First, it is essential to



highlight that, in terms of gender, all human beings can be framed (with all the limitations common to any classification) as transgender or "cisgender". Cisgender, or "cis", are people who identify themselves with the biological gender of their birth. There are also non-cisgender people, those who do not identify with the gender they were assigned at birth, such as transgender, or trans. In Brazil, there is still no consensus on the term, it is worth noting. There are those who consider themselves transgender, as a separate category from transvestites and transsexuals. There are still people who do not recognize themselves with any gender, there is no consensus on how to call them. Some use the term queer, others the old term "androgynous," or reuse the word transgender. (7)

Where historically, the transgender or trans population is judged, excluded, and cornered, due to the non-acceptance of people who do not identify with the gender in which they were born, the excluded and condemned, for not meeting their expectations of the correct, not behaving according to what is judged to be the "right" for the gender born. However, the various human experiences on how to identify oneself from one's body show that this idea is a lie, especially when it comes to trans people, who show that it is possible to have men with vaginas and women with penises. In our country, the place reserved for transsexual men and women, and for transvestites, is that of extreme marginality, without access to basic civil rights, not even to the recognition of their identity. They are citizens who still must fight hard to have their basic rights guaranteed, such as the right to life, which is threatened on a daily basis. Physical, psychological, and symbolic violence are common. According to the international organization Transgender Europe, in the three-year period between 2008 and 2011, three hundred and twenty-five trans people were murdered in Brazil. Most of the victims are transsexual women and transvestites. By mid-2012, according to a survey by the Gay Group of Bahia, ninety-three transvestites and transsexuals had been killed. These violations are constant, and the pattern of hate crimes is sharpened by prejudice against some characteristic of this and they are killed. Calling it "transphobia" refers to prejudice and discrimination suffered by transgender people in general. (7)

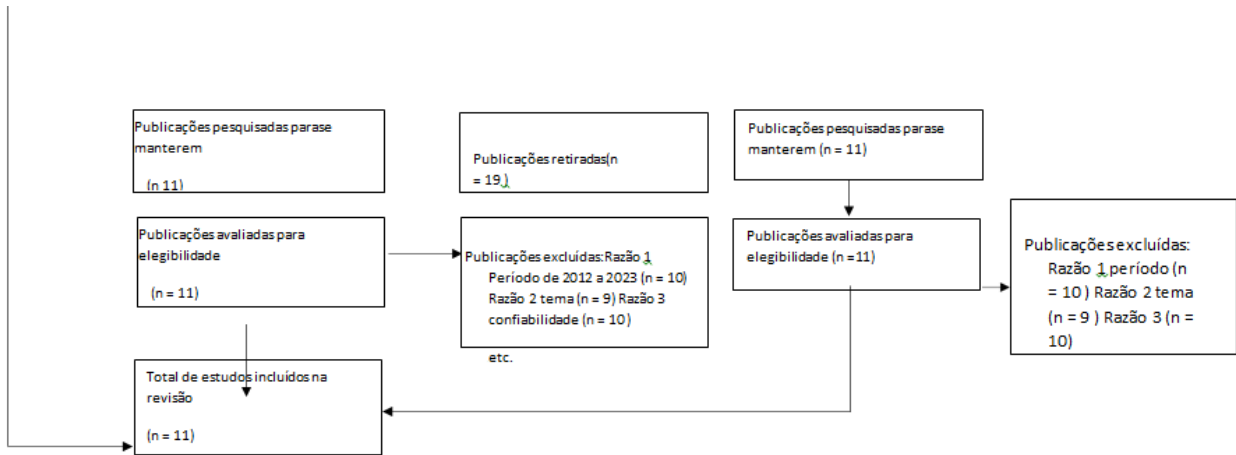
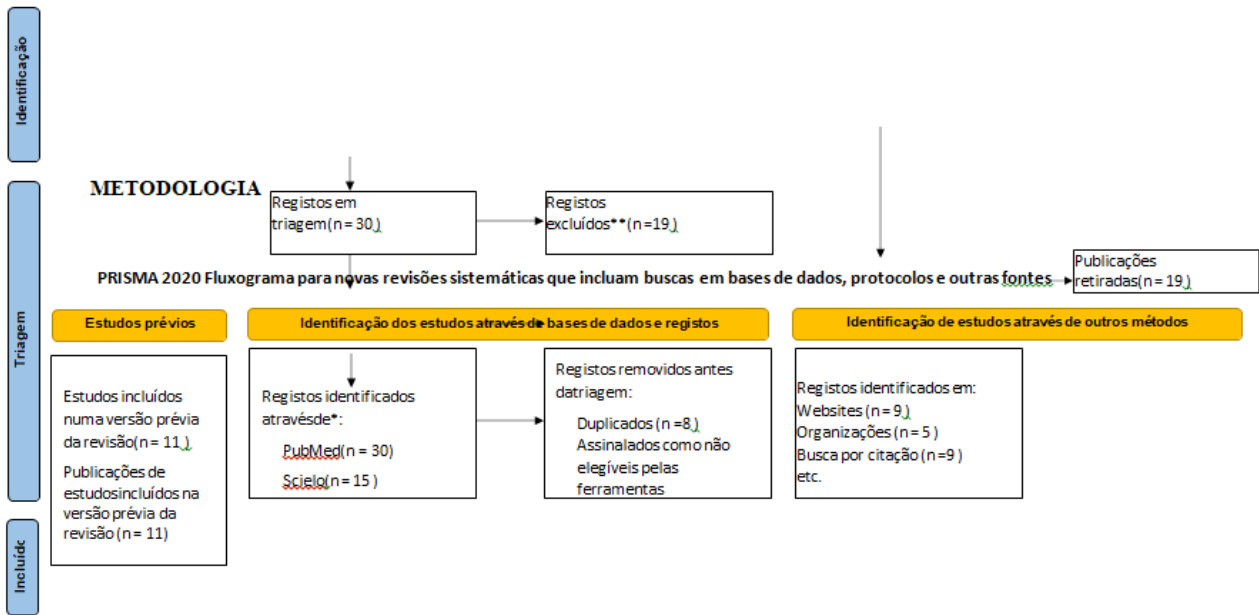
Gender identity is extremely important that it is given attention within the health area, especially in the laboratory to assist in the exact diagnosis. Where we see that there is a lack of clarity in the service to trans people on how to fill in demographic/gender information during sample collection. Assigning the gender to the trans person on the request forms for laboratory tests, this also extends to other health sectors. As such, it is a challenge for healthcare professionals making decisions about the choice of biological gender or a new one, having to assign the sex correctly on laboratory request forms, so all healthcare professionals must confirm that the identity listed on the barcode matches the identity of the patient from whom the sample is being collected or the form being filled out. Questioning if someone is doing hormone therapy for gender transformation, the duration of the therapy, question, medications used, amounts, what is the natural sex and who identifies, this information should be contained in the form. What happens is that most of the time the health



professional wants to ask the patients the correct sex. They look at the patient and assume gender based on physical appearance. (1)

In addition to the lack of clarity about gender-specific reference ranges for transgender individuals during the interpretation of their laboratory tests, it contributes to a certain percentage of barriers in the healthcare system for this specific population. Due to the lack of references regarding the exams, taking into account the individuality and uniqueness of the transsexual person, whether female, trans or men, the laboratory information system (LIS) and the electronic medical record (EMR) allow only the male or female gender, thus resulting in an incorrect attribution of the choice to transsexual patients(2). Thus see the importance of reviewing the recommendations for laboratory diagnosis in transgender people. Seeing the difficulties and challenges in accessing health care for the transgender population, the following five points can be cited: Lack of guidelines and/or policies for transsexual individuals (TG); Lack of formal training on TG health issues for allied medical and health personnel; Only binary options in LIS and EMR systems; Lack of established laboratory reference intervals for post-hormonal intervention of individuals; Sample collection, handling, and reporting challenges for histological and cytological samples. (10)

The main objective of this article is to show the laboratory care of trans people as part of clinical care, as well as the possible interactions between hormonal therapies (testosterone and estradiol) and relevant pharmacotherapies, with a focus on pre-exposure prophylaxis (PrEP) and antiretroviral therapies (ART), explore the challenges faced by physicians in interpreting laboratory results for trans individuals on hormone therapy, and report the strategies that can be used to interpret these results.



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de: Page MJ, McKenzie JE, Bossuyt PM, Boutron I, Hoffmann TC, Mulrow CD, et al. The PRISMA 2020 statement: an updated guideline for reporting systematic reviews. *BMJ* 2021;372:n71. doi: 10.1136/bmj.n71

Description of the search strategy: Which databases were queried, which search terms were used, and which inclusion/exclusion criteria were applied. Article selection process: How the studies were selected and what criteria were used. Data extraction: What information was collected from the selected studies. Evaluation of methodological quality: How the studies were evaluated for quality.

2 RESULTS AND DISCUSSIONS

Hormone therapy is a key part of the gender transition process for many transgender people. It is prescribed to assist in changing physical and hormonal characteristics, making them more congruent with your gender identity. There are two main forms of hormone therapy: feminizing hormone therapy (for female transgender people) and masculinizing hormone therapy (for male transgender people). Feminizing hormone therapy involves the use of female hormones, such as estrogen and antiandrogens



(testosterone blockers), to induce bodily changes, such as breast growth, fat redistribution, and facial hair reduction.

Androgen therapy consists of the use of male hormones, such as testosterone, to promote physical changes, such as increased muscle mass, a deeper voice, and facial hair growth. Importantly, hormone treatment is an important part of the transgender transition and happiness process. However, access to this type of treatment can be associated with a number of challenges, including the need for proper medical supervision, availability of medical resources, financial aspects, and lack of sensitivity of medical professionals. Healthcare professionals, especially endocrinologists and family doctors, play an important role in prescribing and monitoring hormone therapy for transgender people. It is important that they are aware of up-to-date clinical guidelines and are aware of the special needs of these patients.

Additionally, ensuring a respectful and sensitive approach to transgender patients is essential. This includes using the correct name and pronouns in accordance with the patient's gender identity, maintaining the confidentiality of personal information, and treating them without bias or discrimination. Research and scientific literature play an important role in understanding the effects of hormone therapy and developing best health care practices for transgender people. Continuous studies in this area are essential to improve the quality of life and health of these individuals, as well as to guide public health policies.

Gender identity is an essential part of a person's individuality, and laboratory medicine plays a critical role in providing effective and inclusive healthcare for transgender patients. Hormone therapy is a key part of the gender transition process for many individuals, and research in this area is vital to ensure that healthcare is respectful and sensitive to the needs of these patients.

The table below identifies the various challenges faced by transgender patients in the field of laboratory medicine. These challenges include the lack of familiarity of laboratory health professionals with the specific needs of patients, the absence of correct reference intervals in the interpretation of laboratory results. Especially related to patients using hormone therapy transgender people experience a disconnect between their gender identity and the sex assigned at birth. To mitigate this discrepancy, many opt for hormone therapy, which results in notable changes in various laboratory parameters. However, due to the fact that reference ranges in clinical laboratory reports are often delineated based on gender distinctions between biologically cisgender individuals, transgender people on hormone therapy often face difficulties in interpreting their laboratory results, which can potentially lead to misdiagnosis or poor medical decisions. MC Bezuidenhout 2022, highlights the challenges faced by health professionals in this context and addresses some strategies used to interpret these results. Establishing specific reference ranges for transgender people will contribute to a more accurate



interpretation of laboratory results and improve the management of their overall health, psychological well-being, and self-affirmation.

Evaluation of laboratory tests in transgender individuals who have begun hormone therapy requires a careful approach, especially for analytes with gender-specific reference ranges. There is divergent information in the literature regarding the impact of hormone therapy on laboratory parameters. In our study with a large sample, our intention is to determine which reference category (male or female) is most appropriate to guide the monitoring of the transgender population throughout the gender-affirming process (Boekhout-Berends, 2023). The generation of transgender-specific reference ranges is not essential to correctly interpret laboratory results. As a practical approach, we recommend using gender-affirmed reference intervals starting at 1 year after starting hormone therapy ((Boekhout-Berends, 2023).

The effects of exogenous hormone therapy on gender affirmation on the distribution of fat, muscle mass, and other physiological changes have significant implications for the interpretation of laboratory tests that have specific sex differences. In addition to promoting an affirmative approach, ensuring the correct use of patients' names, genders, and pronouns, we suggest that once individuals have started gender-affirming hormone therapy, reference intervals should be based on self-identified gender (and specified by treating physicians), with the exception of tests such as PSA or cardiac troponin. that depend on the size of the organ. While implementing these recommendations can be challenging, they represent an opportunity to lead best practices and enhance the quality of care and care experience for all transgender people (Cheung, 2020).

Clinical guidelines advise for laboratory monitoring in people who are undergoing cross-sex hormone therapy. However, the existence of gender-specific reference intervals presents clinicians with the challenge of determining what is considered "normal" for each patient. The use of appropriate reference intervals when interpreting laboratory test results decreases the likelihood of misdiagnosis associated with testing. Initial information indicates that it is necessary to establish new reference intervals to meet the needs of transgender patients (Roberts, 2014).

Irwig, 2021, proposed the idea that laboratories could consider making both male and female reference ranges available for transgender patients. This suggestion argues that more information is preferable to less, offering clinicians greater flexibility in interpreting test results. For example, when using the estimated glomerular filtration rate, which is calculated based on a formula that takes sex into account, knowing whether choosing one sex over the other could affect a crucial treatment decision, such as the dosage of a medication, would be of great use. Setting specific reference ranges for transgender individuals will play a key role in accurately interpreting patient outcomes and managing their care. In addition, this will contribute to optimizing your overall health, psychological well-being, and personal fulfillment.



ARTICLE TITLE:	AUTHORS:	STUDY OBJECTIVES:	METHODOLOGY	CHALLENGES IDENTIFIED:	MAIN RESULTS:	RECOMMENDATIONS AND GOOD PRACTICES	REFERENCES
Laboratory Monitoring in Transgender People Quality care depends on understanding interactions among hormones and pharmacotherapies	Ethel D. Weld, MD, PhD	focuses on laboratory testing of transgender people as part of clinical care, as well as on possible interactions between hormonal therapies (testosterone and estradiol) and relevant pharmacotherapies, with a focus on pre-exposure prophylaxis (PrEP) and antiretroviral therapies (ART)	revision	A substantial subset of transgender people use gender-affirming therapies, which often include various formulations of exogenous hormones like testosterone and estrogen, as well as androgen blockers	There is a lamentable paucity of data on the interactions of PrEP/ART and testosterone GAHT in transgender men, and transgender men have been excluded from many of the seminal trials on PrEP and antiretrovirals, including newer and long-acting antiretrovirals	a sophisticated approach to the unique medical needs of transgender people, including appropriate laboratory monitoring of GAHT and sensitivity to the interaction between gender-affirming therapies and common pharmacotherapies, can and should inform the clinical care of transgender people and lead to the optimization of medication management and clinical outcomes in this community, which has long been marginalized, neglected, and underserved by the mainstream medical community.	WELD, Ethel D. Laboratory Monitoring in Transgender People Quality care depends on understanding interactions among hormones and pharmacotherapies
Role of clinical laboratories in reporting results of transgender individuals on hormonal therapy		The purpose of this review is to explore the challenges faced by clinicians in interpreting laboratory results for transgender individuals on hormone therapy and to report on the available strategies that can be used to interpret these results.	REVISION	There is a lack of clarity on how to fill in demographic/gender information during sample collection. Assigning gender to transgender individuals on application forms for laboratory tests, pharmaceuticals, or imaging studies can be challenging for doctors and nurses making decisions about choosing a biological gender or a new one.	highlight the challenges faced by physicians in this regard and some strategies used to interpret these results. The establishment of reference intervals for transgender individuals will help in the correct interpretation of patient outcomes and their management.	To provide optimal healthcare to transgender individuals, many barriers must be overcome by increasing awareness and decreasing stigmatization. To overcome the barriers associated with transgender individuals, context-specific transgender care guidelines and policies need to be urgently developed.	MC Bezuidenhout, M Conradie-Smit, E de Vries, JA Dave, IL Ross & AE Zemlin (2022) Correspondence: Role of clinical laboratories in reporting results of transgender individuals on hormonal therapy by Phiri-Ramongane and Khine, Journal of Endocrinology, Metabolism and Diabetes of South Africa, 27:3, 131-132, DOI: 10.1080/16089677.2022.2079819
Interpreting laboratory results in transgender patients on hormone therapy	Tiffany K Roberts 1, Colleen S Kraft 2, Déborah França 3, Wu Yang Ji 3, Alan H.B. Wu 4, Vin Tangpricha 5, Corinne R Fantz 2	The aim of this study was to identify consistent changes in measurands with hormone therapy and to determine which reference interval is appropriate.	Laboratory data were extracted from the medical records of 55 male-to-female patients on hormone therapy and compared with 20 non-transgender males and 20 females.	Reference values for the exams	Clinical guidelines recommend laboratory monitoring of transgender people on cross-sex hormone therapy, but gender-specific reference ranges leave clinicians with the dilemma of deciding	The use of correct reference intervals in the interpretation of laboratory results reduces the risk of diagnostic errors related to the tests. Preliminary data suggest that new reference ranges need to be established for transgender patients.	Roberts TK, Kraft CS, French D, Ji W, Wu AH, Tangpricha V, Fantz CR. Interpreting laboratory results in transgender patients on hormone therapy. Am J Med. 2014 Feb; 127(2):159-62. doi: 10.1016/j.amjmed.2013.10.009. Epub 2013 Oct



					what is "normal" for each patient.		19. PMID: 24332725.
Changes in laboratory results in transgender individuals on hormone therapy - a retrospective study and practical approach	Evelien Tm Boekhout-Berends 1,Chantal M Wiepjes 2,Nienke M Nota 2,Hans Hm Schotman 1, Annemieke C Heijboer 3 4, Martin den Heijer 2	Interpretation of laboratory results for transgender individuals who have started hormone therapy requires careful consideration, specifically for analytes that have sex-specific reference ranges	A Retrospective Study and Practical Approach	In the literature, there are conflicting data on the effect of hormone therapy on laboratory parameters. By studying a large cohort, we aim to define which reference category (male or female) is most appropriate to use for the transgender population throughout gender-affirming therapy	Overall, the reference ranges in transgender people after 1 year of hormone therapy resembled those of their stated gender.	As a practical approach, we recommend using gender-affirmed reference intervals starting at 1 year after starting hormone therapy.	Boekhout-Berends ET, Wiepjes CM, Nota NM, Schotman HH, Heijboer AC, den Heijer M. Changes in laboratory results in transgender individuals on hormone therapy - a retrospective study and practical approach. Eur J Endocrinol. 2023 May 24;lvad052. doi: 10.1093/ejendo/lvad052. Epub ahead of print. PMID: 37224509.
Challenges in Transgender Healthcare : The Pathology Perspective	Sarika Gupta 1, Katherine L Imborek 2, Mateus D Krasowski 3	Summarize the available gender transition options and discuss health challenges, from a pathology/laboratory medicine perspective, in the care of transgender patients.	Revision	The transgender community is one of the most marginalized sectors of our society. The literature is scarce regarding the challenges of pathology and laboratory medicine associated with the care of transsexual patients.	Major transgender health challenges in the practice of laboratory pathology/medicine include the inflexibility of electronic medical records in documenting gender, medical and laboratory professionals' lack of knowledge of the needs and terminology related to the transgender population, lack of referral ranges for laboratory tests, unclear guidelines on gender classification for blood donation eligibility criteria, and Lack of experience in handling and interpreting	Targeted efforts to overcome these deficiencies, coupled with a more welcoming attitude, are essential to achieving the highest standards of care for the transgender population.	Gupta S, Imborek KL, Krasowski MD. Challenges in Transgender Healthcare: The Pathology Perspective. Lab Med. 2016 Aug; 47(3):180-8. doi: 10.1093/labmed/lmw020. Epub 2016 Jun 10. PMID: 27287942; PMCID: PMC4985769.



					surgical and cytological specimens from individuals undergoing gender transition.		
		to present a recent case report of a transsexual woman with a single presentation at the author's institution.	Non-systematic electronic literature search to identify pertinent studies. The PubMed search engine was queried using the following search terms: "prostate cancer," "male-to-female transsexual," "transgender patient," "androgen + prostate cancer," "estrogen therapy + prostate cancer," and "health care barrier." In addition, a clinical case managed at our institution was critically reviewed and discussed.	Barriers to care for the transgender female population include access to resources, medical knowledge deficits, transition-related ethics of medical care, diagnosis versus pathologization of transgender patients, patient financial constraints, and health care system determinants.	an emerging body of literature has questioned the role of androgens in the development of PCA and suggested that estrogen therapy may not be as protective as initially thought. Therefore, current evidence suggests that the trans woman should be screened for PCA in the same way as a non-trans man.	Although rare, PCA in transgender women has been documented. Both the mechanism and impact of receiving a bilateral orchiectomy on the development of the disease are unclear. Future studies are needed to examine these factors and further shape the treatment and screening regimen for these patients.	

3 CONCLUSION

The main obstacles in the area of pathology and laboratory medicine related to the health of transgender people encompass several challenges. These include the rigidity of electronic medical record systems regarding self-reported gender registration, a lack of knowledge on the part of medical and laboratory professionals about the specific needs and terminology related to the transgender population, the absence of adequate referral ranges for laboratory tests, unclear guidance with regard to gender categorization for eligibility criteria for blood donation, and a shortage of Experience in the manipulation and interpretation of surgical and cytological specimens from individuals in the process of gender transition. It is imperative to direct specific efforts to overcome these limitations, accompanied by a more inclusive stance, in order to achieve the highest standards of care for the transgender population. Medical professionals must acquire skills for effective communication with transgender patients. They must understand that the unique anatomy and use of gender-affirming hormones can influence the prevalence of certain diseases, such as cardiovascular disease, venous thromboembolism, and osteoporosis. In addition, physicians must be prepared to address specific issues related to hormone therapy.



Healthcare institutions need to strive to provide inclusive systems of care. This involves properly identifying and integrating transgender patient information into electronic medical records, considering the unique needs of these patients in healthcare facilities, and creating a welcoming environment through education and policies that promote quality care for all.



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Gender violence: Aspects of recent history



<https://doi.org/10.56238/sevened2023.002-007>

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ABSTRACT

Women and the LGBTQIAPN+ community have their own voices. Men have strength, but perhaps they do not yet have a voice. In a three hundred and

sixty degree view, we understand that there have been different types of misfortunes experienced since the Second World War. There is a need to remember and present historical circumstances, from the recent past, to try to generate awareness regarding the freedom to be and to be, to come and go, in order to enable transformation at a local level. Increase conditions of dignity and equity in the areas of health, bioethics, and education aimed at developing cultural competence. The demands in public health and public policies are countless, just in this group, where gender violence is discussed. However, it is love that can transform, pacifying behaviors towards new and better attitudes in society from a global perspective.

Keywords: Gender, Nazism period, Violence, Psychic repair, Cultural competence.

1 INTRODUCTION

Prior to Nazi Germany, the German criminal code statute contained paragraph 175 which prohibited sexual relations between men. During the Nazi period, police arrested around 100,000 men for “allegedly” violating this statute. Approximately 50% of them were convicted. In some cases, this led to imprisonment in concentration camps (USHMM).

It is important to note that not all men arrested and sentenced using Paragraph 175 identified as gay. However, any man who had sexual relations with another man could be arrested in Nazi Germany, regardless of how he understood his own sexuality. Other factors also shaped the lives of gay men during the Nazi era. These included supposed racial identity, political attitudes, social class, and cultural expectations about how men and women should behave (i.e., gender norms) (STEINWEIS, 2017).

The Nazis considered non-Aryans as "racially inferior" and in this they had the support of many Germans, not necessarily Nazis, who had social prejudice against ethnic groups, political parties, social classes. The German authorities also subjected them to arbitrary imprisonment, slave labor and mass murder, in different territories outside Germany and in concentration camps (USHMM).



German police chief Heinrich Himmler, a known homophobe, saw both homosexuality and abortion as threats to the German birth rate and therefore the desired destiny of the German people (USHMM).

2 GOAL

Record reports of a historical journey during Nazism that impacts discourses about gender in society until contemporary times.

3 METHODOLOGY

Bibliographic review study.

4 RESULTS

4.1 STRUCTURAL VIOLENCE DURING NAZISM

From a literature review, it appears that during the Nazi period human qualities were disregarded (LANGER, 1978 in 2018), inciting all the horror perpetrated:

“[...] The Judeo-Christian creed
with its effeminate ethics of compassion.
If a people want to become free they will need [...] of hate, hate and, again, hate.
Brutality is respected. [...] The common man only respects brute force and brutality.
(LANGER, 1978 in 2018)

This disregard for what is part of humanization and the maturing stages of life is shown in the Hitler Youth Anthem:”

“The rusty bones tremble
From the earth before the sacred clash.
Throw away doubts and uncertainties!
To the assault! We will win!
There is no goal more luminous and beautiful!
We will tear the world to pieces!
Today Germany belongs to us,
Tomorrow we will conquer
the entire Earth!
ANTHEM OF HITLERIST YOUTH.
(Improvement Editions. 1972).

Medical researchers from the SS police assigned to the Auschwitz complex, such as Captain Dr. Josef Mengele, received authorization to choose human guinea pigs from among the prisoners in that complex, for pseudoscientific medical experiments, initiated with “homosexuals”. Other German



concentration camps Ravensbrück, Natzweiler-Struthof and Sachsenhausen also carried out research or at nearby institutes (USHMM).

Some survivors of these series of horrors are elderly. In addition to the traumas, they carry organic sequelae, both due to the sum of the atrocious experiences lived. In fact, in some cases, every remembered horror still holds them hostage and continues to exert a nefarious power over them. It does not allow them, or else it serves as obstacles to overcoming psychological and emotional cruel experiences in concentration camps (VARRICCHIO, 2023).

On the other hand, the consummate deconstruction of these human beings during this period teaches us a lot about psychopathology and the paths that can be taken so that they do not continue giving power to that which harmed them and can harm them until today, when they return under the influence of form of intrusive thoughts, nightmares and loss of appetite for life (VARRICCHIO, 2023a).

5 GENDER VIOLENCE

5.1 WOMEN

Racial separation laws prohibited relations between Germans and "non-Aryans". Under this provision, anyone who had sexual relations with a German man or woman, or who approached them in any other inappropriate way, was punished by death by the Gestapo, who also encouraged civilians to participate in public spectacles of punishment that they served as an example to others (USHMM).

There has been documented ritual public humiliation of a young couple - in the region of annexed Poland - who "allegedly" had violated racial separation laws. The two paraded through the city streets barefoot and with their hands tied. They were forced to wear signs reading: "I am a German traitor" and "I am a Polish pig", and their hair was cut off. Next, she was forced to set fire to a pile of her own hair, with reports of the presence of a public enraptured by the pleasure of public subjugation and collective oppression, authorized and even incited by the executioners (USHMM).

Female prisoners died during the first months of their imprisonment due to a lack of adequate food, heating fuel, shelter, and medicine. After repeated rapes of the imprisoned women, soldiers committed mass exterminations of Jewish and Gypsy women in the Auschwitz concentration camp. Especially those who were unable to abort when they became pregnant. (USHMM).

There is difficulty in accessing sources for better documentation and reflection, mainly due to psychic pain and shame (USHMM).

5.2 LGBTQIAPN+

In the mid-19th century, there were signs that gay communities in Germany were gaining strength. Terms such as "same-sex oriented", "homosexuell" (1869), "third sex", "gay" became



popular. Germany was at the forefront of this development, mainly because of the debates over Paragraph 175. Paragraph 175 was the statute of the German penal code that prohibited sexual relations between men, promulgated in 1871 after the unification of the German Empire and the affirmation of German law (USHUM).

In the period corresponding to the transition between the First World War and Nazism (1918–1933), known as the Weimar Republic, as part of the cultural and social transformations of the time, Germans publicly challenged gender and sexual norms. Sex and sexuality have become points of contention in politics and culture. Supporters included the Humanitarian Scientific Committee and the Human Rights League. They cooperated with other reformist groups that advocated new legal approaches to prostitution, birth control, and abortion. But not all groups advocating decriminalization had the same political perspective (USHMM).

Not all Germans liked public discussions about sex. They saw these discussions as part of the decadent and degenerate, excessively permissive and immoral tendencies that they believed characterized Weimar culture. Various political groups of the right and center, and traditional religious organizations, sought to promote their own version of German culture, rooted in traditional music and literature, religion and family. In some cases, they blamed Jews and communists for corrupting German culture (USHMM).

The 1920 Nazi Party platform, which focused on issues such as Jews, the economy, and the creation of a Greater German State. In terms of legal policy related to the German criminal code, the Nazi Party opposed efforts to decriminalize sexual relations between men and repeal paragraph 175. They asserted that sexual relations between men was a destructive vice that would lead to the ruin of the German people and they should be punished even more severely than German law allowed at the time. There were well-known gay men in the Nazi movement, most notably Ernst Röhm, leader of the SA, a violent and radical Nazi paramilitary. In his understanding, legalizing sexual relations between men was about overthrowing the dominant morality (USHMM).

Röhm's sexuality was no secret in the Nazi Party, which turned into a public scandal in 1931. A left-wing newspaper exposed Röhm as gay. His sexuality was used in the electoral propaganda of the moderate left-wing Social Democratic Party. Despite the controversy, Hitler defended him and he remained in command of the SA until Hitler assassinated him in 1934 (HANCOCK, 1998).

The Nazis came to power on January 30, 1933. In May 1933, the Nazis vandalized Magnus Hirschfeld's Institute for Sexual Science and forced it to close. Part of this action included the destruction of the writings (USHMM).

The Nazis used new laws and police practices to arrest and detain, without trial, a limited number of gay men in late 1933 and early 1934 to reduce crime. Instructed police to arrest people with



previous convictions for sexual crimes (lewd acts, sexual relations with minors and incest). These crimes present in society were defined in paragraphs 173-183 (USHMM).

In the autumn of 1934, the Berlin Gestapo (political police) instructed local police forces to send them lists of all men they believed to have been involved with people of the same sex ("pink lists"), kept in various parts of Germany for many years. Three events in the years 1934-1936 radicalized the Nazi regime's campaign against homosexuality and led to the more systematic oppression of gays (USHMM).

The first was the assassination of Ernst Röhm and other SA leaders between June and July 1934 as part of a power struggle at the highest levels of the German government and the Nazi Party, the party of law and order, to help justify the murders, in doing so they took advantage of much of the prejudice of the German population (USHMM).

Second, in June 1935, they revised paragraph 175, and a wide range of intimate and sexual behaviors could be, and were, punished as criminal, necessary legal tools for prosecuting and persecuting men in much larger numbers (USHMM).

In 1936, SS leader and German police chief Heinrich Himmler established the Reich Central Department for Combating Homosexuality and Abortion, which was part of the Kripo (criminal police) and worked closely with the Gestapo (criminal police). "Homosexual" offenders were therefore criminals and enemies of the state. Identifying them was necessary for the protection, strengthening and proliferation of the German people. He directed a campaign against homosexuality through raids, denunciations, and harsh methods of interrogation and torture to track down and arrest men they "believed" to have violated Paragraph 175. The raids were public, high-profile displays of the Nazi campaign. They threatened and intimidated entire communities (USHMM).

Kripo and the Gestapo relied on tips or complaints from the public to gather information about the men's intimate lives and uncover possible violations of the law. A neighbor, acquaintance, colleague, friend or family member could inform the police about your suspicions. The language used in the complaints made it clear that these Germans tended to agree with Nazi attitudes, referring to those accused as "effeminate", "not masculine" and "perverse". Complaints were a very effective tool of repression, perhaps resulting in thousands of arrests and convictions. During interrogations, which were often physically and psychologically brutal, police often insisted on full confessions, including the names of their sexual partners (USHMM).

By late 1933, courts could order mandatory castration for certain sexual offenders. At least initially, imprisoned men could not be castrated without their supposed consent. Then, they were guaranteed early release if they offered to be castrated (USHMM).

Of these prisoners, not all identified as gay. Under the prisoner classification system, this group was required to wear a pink triangle on their concentration camp uniforms. In Buchenwald, they were



subjected to inhumane medical experiments. From November 1942, concentration camp commanders officially had the power to order the forced castration of Pink Triangle prisoners (USHMM).

Fearing guilt by association, other already prejudiced prisoners avoided the pink triangle prisoners. The typically isolated position of these prisoners made their survival much more difficult. However, gays categorized by the Nazi regime as Aryans had many more options than those categorized as Jews, who above all faced persecution on racial grounds (USHMM).

The memory of Nazi persecution of homosexuals came to the attention of the community in the 1970s, as large-scale rights movements developed. Awareness of homosexuals as a separate category of victims of Nazism began in the United States and was later adopted by German homosexual activists. Thus, shortly after the term "Holocaust", the term "Homocaust" also came into use (WIKIPEDIA).

It was only in 1985 that Nazi persecution of homosexuals was officially recognized for the first time in a speech by the President of West Germany. In 2002, Germany annulled Nazi-era trials under Paragraph 175, and in 2017, victims were offered compensation. The 2017 mistrials and compensation were extended to men who were convicted after 1945, making this the only case in which the German state offered reparations for acts that were not considered "typical Nazi injustice" and that would not have been possible in a democratic state.

6 DISCUSSION

It is known that the anti-homosexual repression was intended to please conservative supporters of the Nazis who put them in power, as well as socially conservative voters. Heinrich Himmler, described by historian Nikolaus Wachsmann (2015) as "one of the most obsessive homophobes" of the Nazi government, became commander of the SS, the Gestapo and the Nazi concentration camp system, becoming the second most powerful man in the world. Nazi germany.

Due to the difficulty in identifying homosexuals, some police departments resorted to calling entire classes of teenagers and asking them about their sexual experiences, thus increasing the number of accusations of homosexuality until 1939, accounting for 23.9 percent of accusations. Prosecutors, judges, and others involved in the cases increasingly cited Nazi ideology to justify harsh punishments, adopting the regime's rhetoric of "eradicating the plague of homosexuality." After 1937, those found guilty of seducing others into homosexuality were confined in concentration camps (STEINWEIS, 2017; WIKIPEDIA).

Before the war, homosexuals were offered re-education and, if that failed, could be discharged and imprisoned in a concentration camp during their period of mandatory military service. Under the manpower demands of the war, it was considered necessary to recruit all available men and send them to the front (USHMM).



In 1943, Himmler, who believed the army was not strict enough on homosexuality, demanded a classification system that would send "incurable" homosexual offenders to concentration camps. The Nazis were influenced by earlier ideas that confused homosexuality, child sexual abuse, and "seduction of youth." Before Nazism, there was a widespread belief that homosexuality was not innate, but rather something that could be acquired and spread. Thus, they were particularly concerned about not allowing their exclusively male organizations, such as the Hitler Youth, SS and SA, to be seen as centers for homosexual "recruitment" (SEIFERT, 2003; STEINWEIS, 2017).

The rhetoric described homosexuality as a contagious disease, but not in the medical sense. Instead, homosexuality was considered a disease of the Volkskörper (people's body), a metaphor for the desired national or racial community (USHMM; SEIFERT, 2003).

In 1937, a headline in the SS magazine *Das Schwarze Korps* declared homosexuals "enemies of the State", explaining that they should be eradicated because "...they form a state within the State, a secret organization that goes against the interests of the people. " Homosexual men were also considered negligent in their duty to repopulate the German nation after the First World War and raise children who could be recruited into the army to fight in the wars planned by Hitler (SEIFERT, 2003).

In 1937, Himmler gave a speech on homosexuality based on the 1927 book *Erotismus und Rasse* by Herwig Hartner, which claimed that homosexuality was a Jewish plot against Germany. Homosexuality could lead to the end of Germany and cause depopulation, reducing the number of men available for reproduction (SEIFERT, 2003).

The Nazis distinguished between congenital homosexuals, who would require permanent imprisonment, and others who had practiced homosexuality but were believed to be cured with a brief stay in a concentration camp or psychiatric treatment. Distinguishing between these categories was a difficulty, especially after many cases of homosexuality emerged in the supposedly racially pure SS (SCHECK, 2020).

The Göring Institute offered treatment to homosexuals referred by the Hitler Youth and other Nazi organizations; until 1938, he claimed to have changed the sexual orientation of these people. There was also the encouragement of heterosexual relationships, including extramarital sex, for people considered racially desirable (SCHECK, 2020).

As the discourse was always adopted in a biased manner, even though the sexual act was carried out between two people consensually, cynically, homosexuals were always blamed. While boring actions and vicious accusations of homosexuality were sometimes even used against people who were not gay. Nazi propaganda minister Joseph Goebbels commented (SCHECK, 2020):

"When Himmler wants to get rid of someone, he simply charges them with §175."



The police told the detainee's family the reason for his arrest (homosexuality). With a conviction, the victim could expect a complete disruption of their life, including loss of home and job, expulsion from professional organizations, and revocation of awards and doctorates. Those considered unfit to stand trial were confined in psychiatric hospitals (SCHECK, 2020). In other words, the intention was to destroy the person's life and their memory in society.

In prisons, while some officers built tiny cells to keep homosexual prisoners isolated, other officers distributed homosexuals among the general prison population and encouraged "brutal homophobia" to isolate them. Homosexual prisoners could be identified by red underlining on their identification tags (SEIFERT, 2003; NEWSOME, 2022).

The pink triangle drew attention to this prison population as a distinct group within the concentration camp system. They were among the most abused groups in the camps. Assigned to the most grueling and demanding jobs in the camp labor system, they were often subjected to physical and sexual abuse by camp guards and other inmates. In some cases, they were beaten and publicly humiliated (USHMM; NEWSOME, 2022).

In 1943, the head of the Gestapo advocated an involuntary castration law for homosexuals and sex offenders, but withdrew this request because he believed the Gestapo could ensure that castrations were carried out wherever it wished. A significant number of homosexual and bisexual men, and those persecuted, have committed suicide. SS guards murdered homosexual prisoners out of cruelty or during sadistic games, disguising the deaths as natural causes (HANCOCK, 1998; MURPHY, 2017; CROUTHAMEL, 2018).

Homosexual prisoners were a favorite target of Nazi human experiments during the final years of the Nazi regime. The best-known experiments were attempts to change prisoners' sexual orientation by implanting a pellet that released testosterone. Most of the victims, non-consenting prisoners at Buchenwald, died soon after. Homosexual and Jewish prisoners were also given experimental treatments for Typhus in Buchenwald, for phosphorus burn in Sachsenhausen, and were used for testing opium and Pervitin (a methamphetamine). Some homosexual prisoners were castrated (WEINDLING, 2015).

In August 1941, Hitler argued that homosexuality in the Hitler Youth should be punished by death. Himmler drafted a decree that provided for the death penalty for any member of the SS or police found guilty of engaging in a homosexual act. Within a month, a new law allowed the execution of dangerous sex offenders and habitual criminals for the protection of the German body or for the need for just atonement" (MICHELER, 2002).

Most women and homosexuals, especially those who avoided prison, never spoke about their experiences. Sources attesting to the Nazi persecution of homosexuals are scarce. The Nazis destroyed



a large number of records, including the archive of the Reich Main Office for Combating Homosexuality and Abortion. The remaining sources are mainly police and court records (USHMM).

Le Bitoux Magazine (2002) highlighted that the great diversity of homosexual prisoners, both in terms of generations, paths and social backgrounds, generated a lack of solidarity among them, a lack of collective self-defense, a response that occurred spontaneously among Polish families, gypsies or Jews and quotes Primo Levi (ELÍDIO, 2010).

As the Italian Jewish writer Primo Levi, a concentration camp survivor (1998), recalls: “The camps were made up of networks according to different affinities, sometimes political, which somewhat reduced the isolation and harshness of everyday life. I was not part of any of these solidarity networks. With my blue belt (equivalent to the N.A. rose), quickly understood by my companions in misfortune, I was aware that I had nothing to expect from them:

“Sexual crime is
an additional charge
in prison identity.”
(LEVI, 1998).

I (Primo Levi) was able to verify this later when I spent time visiting a prison in Rouen:

“In the world of inmates,
I was an element
completely despicable,
a detail threatened to be
sacrificed at all times,
without soul,
according to random requirements
of our prison inmates.”
(LEVI, 1998).

The thinker in political philosophy, Hannah Arendt, in *Origins of Totalitarianism* (1989), says that one of the fundamental and predominant characteristics of totalitarian government is the institution of concentration camps, in which the total degradation of human identity occurs, places where "everything was permitted" under the domination of those who remained in absolute power, those considered superior.

Individuals who experienced this experience went through annihilation and loss of their identity.

"[...] The true horror
concentration and extermination camps
lies in the fact that the internal,
even if they manage to stay alive,
become more isolated from the world of the living
than if they had died,
because horror compels us to forget"
(ARENDR, 1989, p. 493).



“Hell”, in the most liberal sense, is represented by that type of camp that the Nazis perfected and where all life was organized, completely and systematically, in order to cause the greatest possible torment (ARENDR, 1989).

"[...] as if what happened to them
could not interest anyone,
as if they were already dead
and some evil spirit,
taken by some madness,
play with suspending them for a certain period of time
between life and death,
before admitting them into eternal peace"
(ARENDR, 1989, p. 496).

In Germany, "[...] criminals, politicians, antisocial elements (homosexuals and sexual criminals N.A.), religious offenders and Jews were sent to concentration camps, each with their own different insignia" (ARENDR, 1989 , p. 500). What these criteria had in common was the destruction of the human body and human rights, for total domination:

“The purpose of the arbitrary system is to destroy
the civil rights of the entire population,
that you see, after all,
So outlaw in your own country
such as stateless people and refugees.
The destruction of a man's rights,
the death of his legal entity,
is the primary condition
so that it is completely dominated.
And this doesn't just apply
to those special categories,
such as criminals, political opponents, Jews,
homosexuals (with whom the first experiments were made),
but to any inhabitant of the totalitarian State.”
ARENDR (1989, p. 500)

The author places free consent as evidence of antagonism to oppression (ARENDR,1989, p. 500):

“Free consent
is an obstacle to total domination,
how free the opposition is.
Arbitrary arrest
who chooses innocent people
destroys the validity of free consent,
in the same way as torture
as opposed to death
– destroys the possibility of opposition.”
ARENDR (1989, p. 500)



Terror is seen as an instrument of the Nazi regime. By launching it on the individual, the regime ends up removing the person from their social life, from the others around them, annihilating the plurality, which ends it (ARENDR, 1989).

“When you entered the concentration camps,
were left behind
dreams, plans, goals.
Ultimately, the subject was forced to forget
private and public lives.
The bodies were marked
and called to forget public spaces
and personal freedom.
Terror entered the souls of those who were taken
for these spaces
and so,
It started to be part of your daily life.”
ARENDR (1989, p. 500)

For ARENDR (1997, p. 17) it is through plurality that there is freedom, achieved in politics through thinking in the plural constituted by other "selves", between acts and words. Horror and cruelty were present at all times, with the act of degrading human beings as its basic reference (DUARTE, 2000).

"[...] it was precisely to reduce man
to its natural lowest common denominator,
depriving him of his political rights,
deporting him and
imprisoning him in hellish laboratories,
and then simply decimate it."
ARENDR, 1989 In ANDRÉ DUARTE (2000, p. 47-48)

For Arendt (1989), in the fields, "[...] the wild mass production of corpses is preceded by the preparation, historically and politically intelligible, of living corpses" (ARENDR, 1989, p. 498).

“The concentration camps,
making death itself anonymous
and making it impossible to know
whether a prisoner is dead or alive,
stole meaning from death
of the outcome of a fulfilled life.
In a sense,
stole the individual's own death,
proving that, from now on,
nothing – not even death – belonged to him
and that he belonged to no one.
Death only sealed the fact
that he had never existed.”
ARENDR (1989, p. 503)



The Nazis intended to create a new human species that did not exist, to the point of relating it to other animal species. Regarding the degradation of human beings in concentration camps, professor Hannah Arendt (1989, p. 449) states:

“The fields are intended not only to exterminate people and degrade human beings, but they also serve the shocking experience of elimination, under scientifically controlled conditions, of spontaneity itself as an expression of human conduct and of the transformation of human personality in one simple thing, into something that not even animals are.”
ARENDR (1989, p. 449)

Regarding the loss of rights, dignity, and status as people, she comments:

"This could only happen because human rights, just formulated but never philosophically established, just proclaimed but never politically guaranteed, They lost, in its traditional form, full validity"
(ARENDR, 1989, p. 498).

Destroying individuality is destroying spontaneity, man's ability to start something new with his own resources, something that cannot be explained based on reaction to the environment and facts. Once individuality is dead, nothing remains but horrible puppets with human faces, all with the same behavior as Pavlov's dog, all reacting with perfect predictability, even when marching towards their death (ARENDR, 1989, p. 506).

“the Jews [...and others] who managed to come out alive of this catastrophe will carry for the rest of their lives the consequences of the tragedy that occurred.
(ARENDR, 1989, p. 492).

The experience in concentration camps turns human beings into a kind of waste, so that their moral freedom and their conduct of being people are extinguished, in a way that destroys their individuality, as previously reflected by ARBEX (2013) and FELIZARDO & DE OLIVEIRA (2017) comparing this situation to the confinement of psychiatric patients subjected to terrible conditions.

As shown by the reports of philosophers and victims, Nazi personality profiles exhibit a condition of object relations and a process of dehumanization, without affection or discernment. They



imposed the “concrete” in a brutal way. They taught their young people to snitch, to treat others as something useless (consequently, allowing themselves to be treated like this in the future, reversing the role).

They compromised these young people, deluded with power, in their process of becoming people, infantilizing them and reducing them to tools for carrying out Nazi measures. They thus imprinted hypocrisy, the corruption of affection (reducing sexuality to sex) into their souls. By interfering, they undermined healthy spontaneity.

In this way, little by little, what was perverse adopted the discourse of purity. The perversion was disseminated in a sophisticated way, starting a vicious circle: of manipulation, object use, combined arrests, supposed innocence, betrayal with humiliation and exposure of the other, reward with obtaining tolerance and favors, maintenance of the current status quo, new manipulation of people.

These young people were deprived of the joy of human encounter. Will they have succeeded at some point?

Furthermore, concentration camps were seen by Arendt as something evil, not in the religious and moral senses, but from the point of view of political analysis. It is possible to perceive this evil, which Hannah Arendt highlighted during the interrogation that took place in Jerusalem, to which she was sent by The New Yorker magazine, with the aim of covering the trial of Eichmann, who acted as a Nazi officer in the totalitarian system. The former official agent was a normal man, a family man, and showed no sign of any psychological illness; however, he committed catastrophic acts. He took thousands of Jews to their deaths, responsible for transporting Jews by wagons to concentration camps (SOUKI, 1998, p. 18).

The "non-deprived" and thinking Arendt analyzes that this "evil" is related to her "inability to think", as it is what she will call the "banality of evil". She also noticed that Eichmann was taken by her clichés. In short, he was a Nazi bureaucrat; he fulfilled the orders prescribed to him (SOUKI, 1998, p. 18).

Hannah Arendt's brilliant political vision skillfully described the social suffering imposed by Nazi interference and promiscuity on both Jewish and German society, on other countries invaded by barbarism and on the world. In a way, this type of thinking still interferes with gender aspects, which compromises the advancement of public policies in many countries. That is why it was necessary to address this historical period. Remember so as not to repeat.

The moral and psychological suffering of people is perceptible through the scathing report by writer Primo Levi (1919-1987), deported to the Auschwitz extermination camp, at the beginning of 1944:

[...] “The total dehumanization of the other.



We lived for months
or even years
on an animalistic level:
our days had been devastated,
from dawn until night,
by hunger, by tiredness,
by the cold, by fear,
and the space to think,
to reason, to have affection,
had been annulled.”
(LEVI, 1998, p. 42).

Primo Levi ponders:
“We tolerated the dirt,
promiscuity and destitution,
suffering from them much less
than we would suffer in normal life,
because our moral meter had changed.”
(LEVI, 1998, p. 42).

It reports the loss of them, prisoners, and, ultimately, of the entire society of that time, imprisoned by mistaken values:

“We forgot
not only our country and our culture,
but the family, the past,
the future we had proposed,
because, like animals,
we were restricted to the present moment.”
(LEVI, 1998, p. 42).

Remember the first steps towards loss of identity:
“The first thing that happens
when you enter
a concentration camp
is the confiscation of identity:
the individual's name is completely deleted
and he starts to be called by a number.
Then, your clothes, personal objects,
everything that belongs to him is taken away.
From some, life is taken away,
the soul, the smile,
the dignity
and the desire to live.
(LEVI, 1998)

Survivor Primo Levi recalls that, in most cases, the time of liberation from concentration camps was neither joyful nor carefree. The feeling of shame or guilt that coincided with regained freedom was highly complex: it contained different elements, and in different proportions for each individual. Upon leaving the darkness, one suffered due to the regained awareness of having been debased. Not by will, not by pusillanimity (cowardice N.A.), nor by guilt, we lived for months or years at an animalistic level (LEVI, 2004, p. 65 In ELÍDIO, 2010).

In general, it sounded like a tragic context of destruction, massacre and suffering. At that moment, when we felt like men again, that is, responsible, the anguish of men returned: the anguish of



the dispersed or lost family; of the universal pain all around; of tiredness itself, which seemed definitive, no longer remediable; of life being restarted amid ruins, often alone. (...) (LEVI, 2004, p. 61).

Primo Levi finds that those who experience incarceration (and, much more generally, all individuals who have gone through severe experiences) are divided into two categories: those who remain silent and those who speak. Both obey valid reasons: they silence those who most deeply experience a discomfort that, for simplicity, I called “shame”, those who do not feel at peace with themselves or whose wounds still hurt (LEVI, 2004, p.127) .

They talk, and often talk a lot, others, obeying different impulses. They speak because, at various levels of consciousness, they perceive the (albeit already distant) incarceration as the center of their life, the event that marked their entire existence for good and for bad (LEVI, 2004, p.127).

“They talk because
know how to be witnesses
of a process
planetary and secular dimension”
(LEVI, 2004, p.127).

A reflection exemplified by the case of Pierre Seel. At first, after his release, he remained silent, due to his shame and the silence imposed by society, as he was not invited to speak for a long time, even in the most private sphere, by his own family, except with his mother. Thus, he isolated himself, giving himself over to self-censorship, silence and solitude (ELÍDIO, 2010).

On the way home, [Seel] thought with anguish about how his family would react, who had discovered his homosexuality as a result of his incarceration. After all, they had found out from the Nazis, not from Seel himself. Catholics and concerned about their good reputation, how would my parents react? Would they welcome me or not? It is like? But what can I explain to them, how can I explain myself, since I was forced to remain silent? I told myself that the whole family would probably align with my father’s [silent] attitude” (SEEL, 1994).

"I noticed that,
despite my expectations,
despite everything I had imagined,
the excitement of the long-awaited return,
“true Liberation was for others”.
(SEEL, 1994).

The Nazis' conduct was to expose and humiliate people in front of their family and friends with the aim of isolating them and weakening their voices and credibility, so that they would not dare to talk about the gang rapes, obscenities and promiscuities perpetrated there. To worsen family mutism, it is known that in the case of homosexuals more specifically, there was also anguish at not being able to tell everything that actually happened due to the current law (ELÍDIO, 2010).



His mother understood that Seel needed to vent, and that's why she insisted that he speak. So, after a while, he told his mother everything he had been through, as she was about to die (ELÍDIO, 2010).

[...] One day when saying good night,
she requested me again.
I turned the light back on,
I spoke, I spoke, I told her several facts,
the death of my companion
in front of me
and everything [...]
(SEEL, 1994).

However, he was unable to verbalize a grotesque secret to his mother (ELÍDIO, 2010):

“For one thing, however,
I couldn't find words:
my rape by the Nazis
at the Gestapo headquarters”
(SEEL, 1994).

The police surveillance that existed before the war and the subsequent persecution of homosexuals during Nazism had contributed to generating this fear and difficulty in speaking. But a big factor that contributed to this was the issue of laws against homosexuals that were still in force. Therefore, homosexual victims felt insecure to tell their true stories, for fear of stigma and possible legal actions, and, therefore, omitted them, or even lied (ELIDIO, 2010).

“The testimony of homosexuals
it was, therefore,
socially inaudible,
impossible and dangerous.”
(ELIDIO, 2010).

Decades later, testifying generated relief, for having freed himself from this heavy secret and a consequent change in perception regarding himself. Being able to witness Pierre Seel (by himself – N.A.). Thus, he also contributed to this homosexual collective, raising the issue of visibility, memory and recognition of this group, only recognized as victims of Nazism in 2000 (ELÍDIO, 2010).

This individual choice to reveal the secret is only made possible (with rare exceptions) by the existence of the social and cultural context created by “gay culture” and the possibility of “counter-socialization” that it establishes (ERIBON, 2008, p. 134 In ELÍDIO, 2010):

“Choosing yourself
opens to a new temporality:
It's the entire future that sees itself changed.”
(ERIBON, 2008, p. 134).



Seel broke with the permission and concession to give power to what he did and continued to do him harm, with what intoxicated him. It thus opened up a wide possibility for discussion, from different authors. As for power and pain, Michel Foucault has the word.

Philosopher Michel Foucault mentions a study based on the monitoring of power, which he opposes, since it dehumanizes humans and aims to demean others. In this sense, we have no power over each other. When Foucault (2013, a) explains power relations, he cites the experience that individuals have of exercising their freedom, reporting that, when there is no such consciousness, there is no power relationship.

It is pertinent to emphasize that the ancient notion of power was linked to the manipulation of one individual over another. This type of power, from the perspective of power for this philosopher, does not exist, because, for him, power is in human relationships (FOUCAULT, 2013, a).

It follows that if the strategy is one of dehumanization, the consequence will be the loss of power of those who engender the acts of dehumanization because, simply, there is no longer a human. Foucault's reflection demonstrates that power was conceived as a force of certain individuals, groups or institutions. Power actions were admitted as a hierarchical style. In other words, for there to be a hierarchy it was necessary to have a pyramid of people who followed the order and also the order dictated by practices and values in society.

Resisting or breaking with this order could result in death, in its various aspects (incrimination in fabricated crimes, labeling with constructed diagnoses of psychiatric illnesses, successive and varied attempts to deprive these people of their value in society).

The terms “Homosexualität” and “homosexuell” were the first attempts to describe sexual orientation. Over time, they became part of the international lexicon on sexuality. Today they are often considered derogatory. In the late 20th and 21st centuries, LGBTQIA+ communities developed and challenged this language (USHMM).

Because communication occurs most frequently through words, care must be taken to know them in their spelling and meaning, in order to use them in the best possible way, avoiding the risk of the superficiality of the mere repetition of words whose interpretation, people don't reach. Especially, when culture is advocated, the aim is to logically move away from the “argument of force”, so that arguments become valid and, consequently, true, establishing honest dialogues, in that society that is evolving.

In this way, differentiating the use of words from mere aggression, which only makes the imbalance public, when they opt for the Roman arena, with the manipulation of the masses that culminates in a bloody fight. Very different, culture offers us the beauty of well-placed and harmonious words from the Greek arena, intelligent, healthy and argumentative about ideas.



The thinker Hannah Arendt, in her analysis of political philosophy, says that prisoners in concentration camps were destitute, that is, deprived or deprived of something, or of authority (AURÉLIO DICIO).

When Arendt later describes the normality of Eichmann's life, however, trivializing the evil directed at the collectives involved, she highlights a being deprived of authority, but also of discernment. Temporary deprivation to survive in the midst of what is bloody and inconceivable? Or permanent deprivation, due to not caring (absence of affection and discernment)? From what has been described, the dismissal is also obvious to the executors, followers of the ordination.

However, the fact is that the perversity inscribed during the deprivation of affection and discernment yielded disastrous consequences that needed to be punished during the Judgment of the Century, in the name of the true civilizing social order (WIKIPEDIA).

Homosexuality was associated with incest and child abuse, and was therefore criminalized, as it was concerned with the moral debauchery and promiscuity of that society at the time (WIKIPEDIA). Are these problems associated only with homosexuality and that period? More reported and notified at epidemiology sections, it seems not.

During the SARS-Cov-2 pandemic, Covid19, the number of sexual assaults suffered by children and adolescents from those who play the role of parents, and within their own homes, grew exponentially. Just look for epidemiological bulletins in the countries and in Brazil, observe which cities had the highest number of incident registration bulletins. Promiscuity and debauchery remain in the 21st century, have no specific sex or gender, and occur within the home. It is even attributed a specific gene, the dopamine D4 receptor, to justify such behavior. Will it be justified?

According to the PRIBERAM dictionary, promiscuity is the confusing and disorderly mixing of beings in the same environment. While in AURÉLIO DICIO it can correspond to the coexistence of different people in different situations; confusion, disorder, miscellany. It also refers to (constantly) unruly sexual relationships. Debauchery.

We can find a confused and disordered mixture of beings in the same environment, without being restricted to a sexual nature, as for example, in war refugee camps, in subnormal settlements (without sewage systems), in places where environmentally displaced people are sheltered or even Those who have experienced a climatic accident temporarily live under promiscuous conditions and environments, not in a sexual sense, but in hygienic and housing conditions. Even though there are reports of abusers in these places.

Understanding promiscuity as confusion, then, confused minds, even in troubled virtual networks, can then become part of toxic networks, due to the lack of mental hygiene and good educational and mental health practices during these network contacts.

Then...Do we live in a violent and promiscuous period?



It is known that lust often accompanies promiscuous behavior. In addition to making poor use of time, it leads to low performance in production, whatever it may be. Factories and firms, among others, need to limit internet access so that pornography networks are not accessed during working hours, for example. What behavior is this? Mistaken and exacerbated compensatory response to a foul? Lack?

Therefore, it is understood that historically, the discussion about gender appears shrouded in ambiguity and silence due to many factors. A discussion closely associated with women and the LGBTQIA+ community, in contemporary times it has been shown that men also remain very unassisted in their problems as a “collective - man” and not an “individualized man”. This fact was verified even during the preparation of this text, given the limited existing sources for studying crimes perpetrated against children of both sexes, women and more specifically the LGBTQIA+ community, and on the profile of these men. Even when the chosen theme was the violence perpetrated by Nazism, something better documented due to the scandals that have impacted humanity to this day and even those uncontrollable appeals to sex that are easily repeated nowadays, where they are caught.

It is a simple but relevant observation when thinking about ethical communication in health and public policies for gender issues, since they are designed based on demographic records and epidemiological data. Scholars continuing their studies have sought to document the experiences of this period, using police, court and concentration camp records (USHMM).

Another observation is the repeated attempts to control behavior by interfering with hegemonic society. It reminds us of the attempt to recover the degenerates in the concentration and extermination camps. By degenerating we mean ceasing to possess the characteristics typical of its species. Moving to a worse, inferior condition. Change the content of, distort, pervert, corrupt, deprave, decay, affluence, disfigure (make unrecognizable) (In AURÉLIO DICIO), spoil, adulterate (DICIONÁRIO PRIBERAM). In this case, disfigure to dehumanize.

Contemporarily, due to the usual distortions made regarding people's sexual orientation (a priori, those considered degenerate because they do not love the same as the rest of society), Fonseca, dos Anjos & Baldrighi (2019) sought to socio-historically demystify the word “promiscuity” reclaiming it as an important attribute in the relationships and confrontations of social bodies, stigmatized and marginalized, simply because they find themselves in multiple conditions of subjectivation and expression, being socially condemned for breaking the protocol and ideological model of the modern, colonial and bourgeois body.

As the North American Museum of Holocaust Remembrance (MUSMM) and France showed in photos and videos, the increase of the Aryan race aiming for power and domination, in practice meant an order of racial cleansing/sanitization/elimination of “others”: “the ugly”, “the deformed”, “the pigs”, “the degenerates”, “the different ones”. In other words, in the practice of sexual terror, Nazi



members were or were completely mixed, meddled, promiscuous, interfering, confused - with each other and with what, in no way, concerned them (USHMM).

Submissive minds, which gave in to their own death drives, ceasing to live and fulfill their lives. In a recurrent projective mechanism (making them, in turn, expropriate themselves) they invaded, interfered trying to dictate, subjugate and control those others (the ugly, the sick, the elderly, the homosexual, the weakened, all for they called “evil”), all the lust and brutality that they could not control in themselves.

As a matter of fact, they had to go through an international trial, and it is interesting to know the legal meaning of “meddling”. It means participating in, or expressing an opinion about (something) that does not concern you; ingest, intrude. In other words, they have repeated evidence in the territory of inappropriate, unproductive and harmful conduct that has been rigorously punished. They continue to be observed and investigated in different countries so that they do not happen again.

This international monitoring is a task made much easier with the advent of the Internet and social networks, where they naively and unpreparedly think that they can meddle, and leave countless narratives, which although they are not neo-Nazi, are very similar and, for this reason, considered to have been made by supporters. They may even be being tracked by the intelligent services of different countries or being reported as is customary in institutional power struggles. Not interested in the truth, one continues, promiscuous, confused, confused, manipulated.

In other words, some tactics do not change, they remain over time, because if humanity does not transform, history repeats itself.

LGBTQIAPN+ were part of the group of so-called 'degenerates' and were intensely persecuted: Beaten, deported, gang-raped and guinea pigs for Nazi experiments. Exactly under this allegation of the institutions of power, calling them degenerate and promiscuous, they were socially exposed starting with the family and degraded to the last instance imaginable (RFI In CARTA CAPITAL, 2022).

In 2010, Tiago Elídio highlighted in his article, in summary, the systematization adopted and advocated by Nazi thought to justify the sadistic violence directed at its prisoners in several forms:

- Encouragement of public humiliation;
- Repeated violent verbal, physical and sexual attacks;
- Exposure to degrading and promiscuous conditions;
- Perverse dehumanization.
- Attempt to produce minus value through exposure of true (or false) facts from the person to their family or from their entire family to friends and neighbors, aiming to break ties of affection when they leave the fields;

In addition to all this, the ambiguity present in the different symbols used and communicated by Nazism draws attention, affecting part of the history of gender violence. Territory of reflection on



Karl Jaspers' psychopathology on psychopathies, psychoanalytic territory, territory of the effects of anomie treated by Durkheim. Territory of cultural misappropriation, due to the inverted use of the swastika, whose correct symbol meaning, for five thousand years, has been well-being and good luck, and not racial purity (USHMM).

In “Hitler’s Monsters”, Eric Kurlander analyzes the specific influence of supernatural ideas that rose and the consequences of Nazi ideology. He argues that the invocation and appropriation of popular esoteric, pseudoscientific, and religious beliefs helped Adolf Hitler's party attract supporters, dehumanize its enemies, and pursue its imperial and racial ambitions (KURLANDER, 2022).

The supernatural imaginary was integrated into politics and social theories in a much more direct and omnipresent way. Many of these esoteric figures went on to outline political conclusions based on these beliefs. For historian Ondřej Bělíček – these ideas also took root in a particular sociopolitical context – which is also reproduced in our own present (KURLANDER, 2022). This author's articles bring other contemporary aspects that are interesting to know.

Although resilience was despised by Nazi ideology, it was precisely resilience that guaranteed some means of survival for these prisoners. However, I dare to think that it was not easy for either side to emerge, and still somewhat unharmed, from the extermination and horror camps described by Arendt.

If in the spring of 1945, Allied soldiers liberated concentration camps and prisoners, including those who wore the pink triangle, the end of the war and the defeat of the Nazi regime did not necessarily bring a sense of liberation to gays. They remained marginalized in German society. Many gay men were afraid to share their testimonies or write memoirs (USHMM).

However, the community managed, over time, to transform the inverted pink triangle into the pink triangle of Gay Pride, the ultimate symbol of the resistance of the LGBTQIA+ movement in the world (JENSEN, 2002), present in historical groups of resistance and struggle, such as Act Up the fight against AIDS in the 1980s and for LGBTIQ+ visibility (RFI In CARTA CAPITAL, 2022).

The transformation of this symbol as a gesture of resistance takes us, in part, to Foucault's vision of power, as they maintain the awareness of not giving power to those who in reality do not have it. The fact is that due to a huge difference in strength and technology (in the absence of a better word), bodies were moved and souls were touched brutally, successively and inconsequentially, highlighting the insanity and promiscuity that permeate such ideology. The deformity was inherent in the spirit of the leaders, but infamously repeated by the group of weakened or broken egos.

Within a view that comes close to what this thinker constructed regarding established power relations (FOUCAULT, 2013, a), there are reports of people from this community who never gave them the power or the subalternity they tried to impose. The resilient destitute ended up depriving their executioners... - yet another defense and haughtiness mechanism, whose personality structuring



allowed them, despite being imprisoned, kidnapped, kidnapped, under conditions of villainy, in terms of their psyche, to fight not to they allowed themselves to be captured. Recorded reports from Jews, political opponents, gypsies, among others (USHMM) are available online. There is a lot to reflect on and learn from them.

Foucault (2004 In 2013) argues, regarding the problematization of the subject, revealing him as a “subject-subjection”, that is, this subject being the object of an incessant process of subjectivation and submission to the web of knowledge and powers dictated by the historical context and social, from an affirmed social place...

The Foucauldian subject will be, above all, a “revealer” of historical marks, of ideologies of domination, of theses and antitheses, of tensions and twists made in each era, aiming at disciplining this body and its expressive capacity in the world (FOUCAULT, 2004 In 2013).

Therefore, entangled by a web of knowledge and powers, strong in the production of discourses, in the domination of bodies, in the objectification of ways of being and living, objectivable and, at the same time, subjectivable/subjectivizing, producing mechanisms of selection, control and exclusion, draws attention to a “woven subject”, that is, woven by the historical and social context and thought from the interweaving of representational, relational and technological threads (FOUCAULT, 2004 In 2013).

Concentration camp prisoners, while thought of as “Foucaultian subjects”, in the aspect of the permanence of free subjectivation, I question. Perhaps the Nazis were not successful, in front of some prisoners, in making them “true objects” of sadism and degeneration. Noticing the haughtiness of the other who, despite everything perpetrated, did not lose it... And, in turn, the soldiers for not accessing the power established in the existing humanity of the other(s), of a “reconstituted” dignity repeatedly, guaranteed by the process of subjectivation in the face of atrocities, then, feeling humiliated and powerless, they outraged them to the point of annihilation.

Paradoxically, they ended up freeing them: by immediate death; for the countless mental refuges to resist (from which, sometimes, they did not return); and the lack of interior permission to be invaded and devastated, as already described in literature (FOUCAULT, 2013, a).

However, time is also a good medicine. At some point, psychically, some managed to “leave” the concentration camps, when they freed themselves from the impacts produced by the interlopers and intruders. They deposed them, once again, disfiguring their phantom executioners.

They redirected their psychic energy, and thus gave power to their instincts for life and creativity, not submitting to revenge (a circumstantial trap, which would imprison them again, irremediably), but dedicating themselves to a cause, to the conquest of their rights. Towards the new. Towards the healthy kindness of affective constructions. Towards life.



On the other hand, I dare to think, I repeat, that it was unlikely that the Nazis, at this time in question, managed to escape the promiscuity of their own memories that impressed them, leaving them “marked”. Those alive, now elderly, although they spread the Nazi vision in several countries when they fled, may even have remained trapped in the “terror of hell”, described by Hannah Arendt. Did they, one day, manage to overcome each other?

In this way, sensitive communities learned to be strong. And their families, too (LEVI, 1997; 2004).

The pain of the extermination camp, the losses in the pandemic caused by Acquired Immune Deficiency Syndrome (AIDS), the violence directed against them, the suicides, the deaths caused by the SARS-Cov-2 pandemic, wars, among others, brought the naked reality raw, at least for them, how urgent it is to love and unequivocally demonstrate this love to their children, their family, their friends, building bonds of affection for life. Ties don't fray. They are resistant to truths and also to lies. True power is ethical freedom: Potency! (SPINOZA, 1675 In 1997).

It is necessary to learn the language of our country and interpret the language as both are part of the construction of critical sense and discernment, focused on listening to the singularity and potency that emerge in social groups, through which collective health care passes (collective health) .

Finally, I understand that the true connection is knowing history and its historical continuum. We can talk about gender violence in different phases of human history. With the advent of Acquired Immune Deficiency Syndrome (AIDS - 1982), as a doctor trained in 1986, I have worked with the issue of gender since then. Consequently, I came across violence and contempt directed at groups of independent women, LGBTQIAPN+ and sex workers. Reactive contempt for the truth that society consumes these “products”, located at the end of an entire social corridor, at the visible tip of the hidden iceberg.

Throughout this same period, occupied with teaching and reflecting on ethics and the sacred relationship “health professional and person”, in search of the singularity of the narrative during the anamnesis and extreme respect and care when carrying out the physical examination, touching the physical body of this subject imbued with memories with love, even so, in a few extreme cases I detected hypocrisy, technical unpreparedness and/or subtle violence, requiring measures. The memory of these embarrassing situations shows the path of people going in the exact opposite direction to what all medical and health schools recommend, since the time of Hippocrates.

Once again, improper judgment could compromise the ethical exercise of the profession and an oath taken. Love, respect and elegance of the soul are talked about a lot, in rhetoric whose aesthetics are sophisticated. However, they are often not exemplified. Self-delusion and lack of contact with oneself delay the removal of the veils for growth as a human being, and in turn, development as a society.



7 CONCLUSION

Looking from three hundred and sixty degrees, it is understood that there were different types of misfortunes and violence experienced since the Second World War.

Demands in public health and public policies are countless, just in this group, where gender is discussed.

Women and LGBTQIA+ have their own powerful voices. The cis man appears to have strength, but suggests he still does not have a voice. He also needs specific reception and health education measures.

The fact that cannot be ignored is the need to remember and present historical circumstances to try to generate awareness regarding the freedom to be and to be, to come and go, in the 21st century, in order to enable the transformation of health conditions at a level location of collectives and communities.

Could history repeat itself? Or will it never cease to exist?

It is necessary to respect, affection, discernment, dialogue, notions of principlialist bioethics, to be able to increase conditions of dignity and equity in the areas of health and education aimed at developing the cultural competence of health professionals and other areas of society that work with the issue of gender violence.



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Religious and philosophical aspects of organ and body donation: Experience report



<https://doi.org/10.56238/sevened2023.002-008>

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ABSTRACT

The legislation defines the family as responsible for the donation of human organs and tissues for therapeutic or study purposes and constitutes a major challenge in Brazil. Objectives: To analyze and gather the views of various religious and philosophical currents on donation, to understand the possible influence on the decision to donate. Methodology: After a literature review, which included works published in the last 10 years, interviews with religious leaders and representatives of different cultures were conducted. The interviews were recorded and made available free of charge on social networks. Results and Discussion: The literature review totaled 92 studies in the following databases: Lilacs/BIREME/VHL (41), Scielo (26), PubMed (4), Mendeley (21). Representatives of the following religions participated in the interviews: Catholic, Evangelical, Pentecostal, Spiritist, Umbanda, Candomblé, Jewish, Buddhist, Islamic, Bahá'í Faith, and Hare Krishna Movement; as well as a representative of atheism. Some beliefs present a caveat to donation under the justification that the human body belongs to the creator entity and must complete the cycle of life by returning to earth (inhumation). However, the interviewees themselves report that solidarity is justified when there is the possibility of preserving a life. Donation represents an altruistic act related to an individual choice. Conclusion: In general, religions are favorable to donation, treating it with a benevolent and life-saving attitude. Its direct effects are the training of health professionals, promoting the improvement of health care.

Keywords: Organ donation, Body donation and religion.



1 INTRODUCTION

Brazil has the most extensive public organ transplant program in the world and ranks second in the number of transplants performed, behind only the United States (LIRA, et.al., 2018; AGÊNCIA BRASIL, 2019; BRAZILIAN ASSOCIATION OF ORGAN TRANSPLANTATION, 2021; De OLIVEIRA, et.al., 2023). About 90% of transplants in Brazil are performed by the Unified Health System (SUS), which offers full coverage of all costs involved in organ donation, transplants, and post-transplant follow-up. However, the Brazilian donation scenario has a long list of patients waiting for an organ transplant. The notification rate of potential donors per million of the population (pmp) was 57.7 in 2021, the highest ever obtained, being 5.5% higher than that of 2019 and 14% higher than that of 2020. However, the rate of effective donors (15.1) was 17% lower than in 2019 (18.1) and 4.5% lower than in 2020 (15.8). According to the interpretative rules of law, only when there is no prior manifestation of the potential donor should the will of the family prevail (LAW 9.434/1997 and LAW 10.211/2001). Once the patient meets the clinical criteria for brain death established in CFM Resolution 2,173/2017, article 13 of Law 9,434/1997 determines that it is mandatory for all health establishments to notify the notification, procurement and distribution centers of organs of the federated unit where it occurs, the diagnosis of brain death made in patients treated by them. And the sole paragraph of the same article adds: after the notification provided for in the caput of this article, *"health establishments not authorized to remove tissues, organs or parts of the human body intended for transplantation or treatment shall allow the immediate removal of the patient or franchise their facilities and provide the necessary operational support to the medical-surgical teams of removal and transplantation, in which case they will be reimbursed in accordance with the law"*. This recommendation is reinforced by Decree 9,175/2017 (CFM RESOLUTION No. 1,480/1997; LIRA, et.al., 2018; PIMENTEL, SARSUR, DADALTO, 2018; COELHO, BONELA, 2019).

Body donation provides 100% of the total bodies used for university teaching in anatomy in India, Australia, France, Germany, Sri Lanka, the United Kingdom, Spain, Japan, China, Africa, Taiwan, Denmark, and Austria (JONES, 2016; HABICHT, KIESSLING, WINKELMANN, 2018; ZHANG, et.al, 2020; FARSIDES, SMITH, SPARKS, 2021). Article 14 of the Civil Code (LAW 10.406/2002) validated the free disposal of one's own body, for scientific or altruistic purposes, after death, enabling the training of health professionals through the study of the human body. In Brazil, although most of the bodies used in teaching originate from the system of unclaimed bodies (LAW 8.501/1992, SIMÃO, et.al. 2016; CORDEIRO, MENEZES, 2019; VOLANEK, RISSI, 2019) a quantitative survey of body donation programs (PDCs) found a total of 28 PDCs in 2019 (Da SILVA, et.al., 2020) and 36 PDCs in 2022 (LUCAS, Da ROCHA, 2023). The highest prevalence is in public universities, preferably concentrated in the Southeast (Da ROCHA et.al., 2013). However, according to the Federal Council of Medicine (CFO), with 342 medical schools and the offer of 35,622 new



vacancies annually, and from 2009 to 2017, 1,158 new courses in the health area emerged that have anatomy in their curricular components (MINISTRY OF EDUCATION, 2019; FEDERAL COUNCIL OF MEDICINE, 2022).

The main motivation for organ donation is the possibility of saving a life immediately. Regarding the donation of the human body, it is known that one of the motivations is to have the body studied after death, prior to cremation or burial (VILELA, et.al., 2023). Other factors are pointed out, such as the willingness to collaborate with science, to provide better training for health professionals, or to express gratitude to the health team for the quality treatment offered. All influencing factors are related to the benefit of adequate qualification of health professionals for society. Therefore, the Higher Education Institution (HEI) seeks, with a Body Donation Program, to offer this third possibility of the body's destiny after death: the study of the human body by its professionals in training. To this end, it is necessary to involve the local community, through registration or enrollment in the program during life.

Public opinion about organ donation after death is associated with several demotivating factors, including lack of knowledge about protocols, traditional values, religious beliefs, compensation mechanisms, information on donor registration, and institutional credibility (TEIXEIRA, GONÇALVES, SILVA, 2012; AIJING, et.al. 2016). For Body Donation, the factors are not so well known, considering the small number of programs operating in the country and the population's lack of knowledge about the process. However, we can list concerns about the disfigurement of the body and delay in the funeral, the lack of benefits from the research findings, the fear of having the body recognized and inadequate treatment, religious objections, the lack of family consent, mainly due to lack of knowledge, pre-existing opinions due to the lack of clarification (FONSECA, et al., 2014; SIMON et al., 2016; Da ROCHA, et.al., 2017; HABICHT, KIESSLING, ANDREAS, 2018; VOLANEK, RISSI, 2019; CORDEIRO, MENEZES, 2019; JIANG, et.al. 2020; ZHANG, 2020). Considering that the demand for donated human biological materials, whether for medical treatment or for training health professionals, is representative in the country, this study gathered information from the literature and analyzed reports from religious leaders of different faiths to describe the context of spirituality in decision-making for Brazilian donors.

2 METHODOLOGY

A literature survey was carried out in the following databases: PubMed, Excerpta Medica (EMBASE), Virtual Health Library (BIREME), Scientific Electronic Library Online (SciELO) and Mendeley. The search covered the period between 2011 and 2021, for works published in English and Portuguese, using only descriptors registered in the Health Sciences Descriptors (DeCS) of the Virtual Health Library, developed from the Medical Subject Headings (MeSH) of the United States National



Library of Medicine, which allows a single language in the indexing of publications. The following descriptors and their synonyms were used in a combined manner in Portuguese and English: organ donation, *body donation*, religion and *Brazil*.

The university extension action entitled "Spirituality in focus: The Donation of Human Organs and Bodies" (EV 008-2022) was approved by the Dean of Extension, Culture and Sport (PROECE) of the Federal University of Jataí with the aim of interviewing religious leaders and representatives of different faiths. The event was proposed in partnership with the TV and Radio Chamber and the School of Management and Legislative Efficiency (EGEL) of the Municipality of Jataí. An invitation letter was sent, along with the copyright assignment document and recording of the interview for TV and Radio Câmara. All positive responses were followed by the elaboration of the interview script with the interviewee. This document was shared for editing the questions and topics to be discussed. According to the interviewee's preference, the interviews took place in person or online, and were recorded and made available in open access on social networks.

3 EXPERIENCE REPORT

Usually, the philosophical understanding of the transcendent aspect of reality involves the expectation or certainty that human beings survive bodily death, as proposed, for example, by Christians, Muslims, Hindus, Buddhists, Jews in the ancient Greco-Roman tradition, native peoples of Africa and the Americas (MOREIRA-ALMEIDA, COSTA, COELHO, 2023). Moreira-Almeida, Costa, Coelho (2023) in the book "Science of Life After Death", emphasize the great impact on ethics and mourning of the idea of survival of the soul after death. The belief in life after death, and in the survival of the soul, is present in many cultures worldwide. The literature review resulted in 92 studies in the following databases: Lilacs/BIREME/VHL (41), Scielo (26), PubMed (4), Mendeley (21). The studies analyzed so far allowed us to outline the situation of organ donation in Brazil, as well as to analyze the influence of spirituality and religion on donation decisions. In general, all religions consider the possibility of saving a life, either through organs donated for medical treatment, or when bodies are donated for medical education, a benevolent action. Indirectly, there is an impact on society when trained health professionals offer quality care with greater possibilities of success in medical diagnoses and treatments.

It was possible to register the opinion of the following beliefs: Spiritist, Candomblé, Hinduism, Buddhism, Bahá'í faith, Catholic, Evangelical, Umbanda, Jewish, and Islamic. A member of atheism also accepted the invitation to the interview. Among the interviewees, some beliefs such as Candomblé, Umbanda and Judaism present a reservation to donation under the justification that the human body belongs to the creator entity and must complete the cycle of life by returning to the earth (inhumation). In Judaism, there is a ritual of preparation of the body after death known as "Tahara", which consists



of cleansing the entire body so that it returns to earth. In the Muslim faith, the body must be protected in a linen or cotton cloth to be returned to earth without a coffin. However, the interviewees themselves report that solidarity justifies not burying the body when there is a possibility of preserving a life.

For other religions, donation represents an altruistic act. Atheism considers giving to be an individual choice. Several studies emphasize the need to know the popular understanding and profile of potential donors, not only for the adoption of effective dissemination strategies, but mainly to ensure compliance with ethical issues important to the maintenance of body donation programs (RIEDERER, 2016). The population's lack of knowledge on the subject and the processes related to donation is the most cited impeding factor in the literature. In Brazil, Da Rocha et al. (2017), in an analysis of 400 donors registered in the PDC of the Federal University of Health Sciences of Porto Alegre (UFCSPA), observed that the majority were elderly women, single or unmarried, affiliated with religious groups, middle class and with at least complete high school or complete or incomplete higher education. and 60% of the donors were over 60 years old at the time of registration. Some studies point to the absence of religious affiliation among potential donors (RICHARDSON, HURWITZ, 1995; RIEDERER, 2016). In the study by Rocha et al. (2017), however, 89% of the donors registered in the CDP stated that they belonged to a religious community, which had no influence on the decision (BOLT, et.al., 2010). Therefore, knowing the donor's profile helps not only to identify this group to guide information campaigns about donation, but also to eliminate some myths about donation.

There is a consensus that there is a low amount of organ donation in relation to the population demand. In 2017, for example, while Brazil had a rate of 15.9 organ donors per million of the population (pmp), Spain had a rate of 46.9 pmp (PIMENTEL, et al, 2018; COELHO, BONELLA, 2019). Regarding lung transplantation, for example, in 2016 the Brazilian Transplant Registry (RBT), carried out by the Brazilian Association of Transplants (ABT) estimated a need for 1,636 transplants and only 92 were performed (ASSOCIAÇÃO BRASILEIRA DE TRANSPLANTE DE ÓRGÃOS (BRAZILIAN ASSOCIATION OF ORGAN TRANSPLANTATION, 2021). In this sense, the Senate Bill (PLS) 453/2017 proposes to amend the legislation in force in Brazil, making it explicit that family consent, in this case the donation of organs, tissues and parts of the human body after death, is only necessary when the potential donor has not, in life, expressed himself expressly and validly in this regard. which aims to reduce family refusal to donate organs (COELHO, BONELLA, 2019). Another bill, 10733/2018 and 3176/2019, proposes to amend Law 9.434/1997, to make every person an organ donor, as long as there is no manifestation to the contrary. In this way, the consent of the donation is presumed.

Other studies have shown a contrary relationship between religion and donation: Oktem et al (2020) 27.5% suggest religious motivation for resistance to donation; Bongiovani, et al (2020), state that about 14% to 18% of respondents agree that the removal of organs harms the body, and hinders



the process of passage when it leads the spirit not to rest because it is incomplete; Boima, Ganu, and Yorke (2020) identified cultural and religious beliefs negatively influencing people's willingness to donate kidneys for transplantation. On the other hand, Bolgeo, Ruta and Damico (2021) point out that the higher the level of spirituality, the more positive the attitude towards giving.

Therefore, it is evident that there is a lack of organs and biological materials available free of charge for therapeutic purposes or scientific benefit in Brazil. Among the factors that influence refusal to donate are religious beliefs. On the other hand, spirituality was shown to be a positive factor in the willingness to be a donor. It is important to emphasize the difference between spirituality and religion, since spirituality is a personal search to understand issues related to the end of life, its meaning, and relations with the sacred or transcendent, which may or may not lead to the development of religious practices or the formation of religious communities (KOENING, McCULLOUGH, LARSON, 2001).

Among the interviewees, only in Candomblé was a reservation to organ donation presented under the justification that the human body does not belong to the being, but to the creative entity of everything that grants life. However, the interviewee himself also said that there is also the premise of solidarity and maintenance of life within religion, which can ratify organ donation. For other religions, organ donation is not a negative attitude, but rather an opportunity to exercise charity and love for others. For atheism, donation is treated as an individual's own choice and, in the interviewee's own conception, the consent of family members also influences their own will. According to the representative of Hinduism, the donation of bodies is very welcome and represents an act against selfishness and that helps to serve others. Moreover, from the perspective of this doctrine, the body, as well as everything that is matter, belongs to God, which reinforces a position of detachment when associated with benevolence as a divine will. In the Spiritist and Catholic doctrine, a similar view was presented, so that the main point taken into consideration was the help to the life of others that can be provided by donation. Detachment from one's own body associated with the desire to help others, without any quid pro quo, must precede the decision to give.

Based on an altruistic premise, activity conducted for the purpose of saving human life is permitted by Islamic law (AASI, 2003). Obstacles preventing posthumous donation of vital organs for transplantation in Bangladesh include sociocultural and religious perceptions, which need to be addressed to save the lives of patients with end-stage organ failure (HA, 2003). Those who donate their organs to the Israel-based Halachic Organ Donation Society (HODS) receive the following statement on the back of the donor card: "With the approval of an authorized rabbi." Although, currently, there are still divergent opinions in Jewish law, religious authorities allow organ donation "to save lives" as long as the necessary criteria are met. Today, many religious authorities who were members of HODS have donated their organs, on the condition that the above-mentioned criteria have been met, and have also expressed their consent by adding the above statement on the donor card (ALALUF, 2020).



No religion has formally opposed the donation or receipt of organs from living or deceased donors for transplant treatment. However, the literature indicates that transplantation from deceased donors may be discouraged by Native Americans, Gypsies, Confucianists, Shintoists, and some Orthodox rabbis (OKTEM, et al, 2020; BONGIOVANI, et al, 2020; BOIMA, et.al., 2020). Some South Asian Muslims (scholars) and muftis (jurists) oppose donation from living and deceased human donors. The human body would be, for them, an "amanat" (guardianship) of God and should not be profaned after death, and research with xenotransplants is possible. No religion formally obliges to donate or refuse organs. No religion formally mandates to consider cadaveric organs "a social resource" or considers organ donation "a religious duty" (except for a few isolated Muslim and Christian rabbis and scholars). Due to the sacredness of human life, the Catholic Church is against donation from anencephalic donors or after active euthanasia. No religion formally prohibits xenotransplantation. As reported by Bruzzone (2008), in 1991, Pope John Paul II, addressing the participants of the First International Congress of the Society for Organ Sharing, commented on numerous issues of an ethical, legal and social nature that need to be investigated more deeply. Thus, the literature points out that religion can offer some influence in decision-making for organ donation (Da SILVA-JÚNIOR, VELUDO-DE-OLIVEIRA, CARVALHO, 2019).

4 FINAL THOUGHTS

This report presents the results of a university extension event, which sought from the various religions and philosophies, the possible influencing factors in the decision making for donation, whether of organs for treatment, or of the body, in whole or in parts, for scientific purposes. Generally speaking, religions are in favor of both possibilities of bestowal, treating both with a benevolent attitude. The direct effect of organ donation on the maintenance of life is one of the main motivators in decision-making and characterizes the benevolent action of the donor. The effects of body donation on the better training of health professionals provide quality health care, directly impacting people's quality of life and indirectly reducing mortality. Thus, it is equally important to foster dialogue on the subject among family members, offer information to the community, and disseminate popular opinion and that of different religions.

ACKNOWLEDGMENT

The authors are immensely grateful to the interviewed participants and to the great collaboration of TV and Radio Câmara, and the School of Management and Legislative Efficiency (Egel), both of the Municipality of Jataí (GO), which recorded, edited and made available on the virtual page, as publicity material, the series of interviews Spirituality in focus: The Donation of Organs and Human Bodies.



CONFLICT OF INTEREST

We declare no conflict of interest.

FINANCING

We declare that there is no funding.



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Crimes of Power: Coverage of Transfemicides in Veracruz's Digital Journalism



<https://doi.org/10.56238/sevened2023.002-009>

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ABSTRACT

The production of information with a gender perspective focused on cases of transfemicide implies multiple tasks of analysis, observation, and specialized language for the digital media. Currently, in the state of Veracruz, Mexico, coverage is offered that addresses discrimination, violence, hate crimes and transfemicides in a superficial way, that is, without contextualizing or using inclusive language with a gender perspective.

Keywords: Violence, Crimes of Power and Journalism.

1 INTRODUCTION

The production of information with a gender perspective focused on cases of transfemicide implies multiple tasks of analysis, observation and specialized language for the digital media. It is modified according to the social, cultural and political constructions that govern society. Currently, in the state of Veracruz, Mexico, coverage is offered that addresses discrimination, violence, hate crimes and transfemicides in a superficial way, that is, without contextualizing or using inclusive language with a gender perspective, thus generating disinformation, dysfunctionality of journalism and discrimination.

The Center for the Support of Trans Identities A.C. mentions in its 2020 report that the state of Veracruz holds the first place nationally in the number of transfemicides, so news coverage of these cases should be a priority. However, that same year, when the trans women Nelly García, Denisse Torres, Brandy Cortez, Ana Karen and Anel Valenzuela were murdered, the digital media did not publish the news or only worked on the informative note of the event, without delving into the subject, leaving many doubts in the reader.



It is important to note that trans women are immersed in a cycle of violence, discrimination and criminalization that generally begins at a very early age due to the exclusion and violence suffered in their homes, communities and educational centers (Vera, 2020).

This research seeks to analyze the hegemonic perspective with which three digital information media outlets in Veracruz —*Al Calor Político*, XEU and La Silla Rota Veracruz— *handled the data, as well as the incorrect technicalities used in journalistic language for the dissemination of these events.*

It is specified that these media outlets, *Al Calor Político* and *La Silla Rota* are digital newspapers, while XEU is a radio company of the Pazos Group, which replicates its information on a website, so for this study it will be the analysis of the digital version of this media outlet.

To this end, we begin with the approach of Rita Laura Segato, who addresses transfemicide as a "Crime of Power", since, together with femicide, they are crimes generated by an impulse of hatred related to patriarchy, which when overcome or attacked by a woman, acts to show its power (Segato, 2006).

Faced with this problem, journalists have the opportunity to publicize the facts in an ethical way and with a gender perspective, as they do with other crimes against people who do not belong to the LGBT+ community. Gone would be those informative notes in which phrases such as "the man who dressed as a woman", "the dressed" or "Daniela or Daniel" are used. The journalistic quality of news works with a gender perspective must apply its ethics, without entering into morality, since it could fall into subjectivity.

The journalist can deal with a transfemicide without the need to interfere with their political, cultural or ecclesiastical ideologies, because in this way they can benefit the contextualization of these violent events. Journalism, as indicated by the theoretical support, must inform society, since otherwise it would misinform, in addition to the fact that multiple crimes would remain unpunished or invisible. Thus, in this essay it is argued that digital portals in the state of Veracruz do not have an LGBT+ agenda that pays for or facilitates an adequate context in terms of transfemicides and/or hate crimes, therefore, in the content worked on, either by their reporters or editors, Inclusive language is not applied.

To this end, three arguments are submitted:

1. The language used lacks the necessary codes to consider that journalism fulfills its function, which generates a lack of concepts in its readers.
2. The sources mentioned in each and every one of the information notes analyzed are always, or almost always, government agencies or agencies, which means that people close to the victims are not required, since they are not even mentioned.



3. The context of the events is null and the type of narrative tends to victimize the murdered person, because contrary to what happens with media cases, there is little follow-up, thus occupying a maximum of two days of exposure in the digital portals analyzed.

2 VIOLENCE AND CRIMES OF POWER

To conceptualize violence and crimes of power in the digital media, it must be clear that the typology used in the information is important.

When society and the media talk about violence, they can fall into a language that detracts from information, one of the main objectives of journalism, according to the Manual of Journalism by Vicente Leñero and Carlos Marín (1986).

One of the definitions of gender-based violence is the one proposed by the World Organization of the United Nations (UN) in 1995, which explains that "any act of gender-based violence that results in possible or actual physical, sexual or psychological harm, including threats, coercion or arbitrary deprivation of liberty, whether occurring in public or private life, they are acts of gender-based violence."

Due to the importance of language in informative content on transfemicides, a work without contextualization and with a language without a gender perspective on the part of the author and the editor, could contribute to the thinking of Francisca Expósito, who assures that social asymmetry in the relations between women and men favors gender violence (Expósito, 2011), because it magnifies men and diminishes women.

In other words, Rita Laura Segato (2003) describes that even though the number of women murdered with excessive cruelty is growing day by day, both in Mexico and in Brazil, the media and political activists continue to be unable to explain them. Segato mentions that they are violent crimes "with no line of investigation by government officials and the police and linked to trafficking and economic power by public opinion." Due to the type of violence exerted during the murders, the victim is placed in a position where he will only be treated with subordination. (Segato, 2003, p. 5).

A direct nod to what Segato (2003) describes is the lack of contextualization of the causes of crime and the lack of use of inclusive language as a gender language policy (Furtado, 2013). In any case, the work of raising awareness and information about violence and gender-based violence does not only fall on the media, however, it is one of the channels with the largest audience, so its members will need to properly understand the characteristics of gender-based violence.

Although dozens of texts are published every day about women: winners of a sports competition, who triumph on social networks or in the artistic environment, policies that stand out, there is minimal or no exposure of trans women in the media, which is why the question arises: What is published about trans women?



"Trans woman attacked with acid in Guadalajara improves health, after surgery intervention" (*Líder Informativo*, 2021), "Trans woman attacked with acid in Guadalajara; hospital denies her care" (*Animal Político*, 2021), "Trans woman is beheaded in Ensenada" (Cadena Noticias, 2021).

These are some of the headlines that circulate every time a trans woman "makes the news" or, as the *Journalism Manual* puts it, every time "facts of public interest are made known and analyzed" (Leñero and Marín, 1986).

This is where the conception of violence as a collective social construct begins, where every one of the participants in society tries to make a value judgment and with this categorize the facts, according to their little, much or no information on the subject.

Instead of thinking of gender-based violence as an opportunity to show the correct way to handle violent processes such as transfemicide, the information is turned into ephemeral news that could stigmatize and contribute to the power that men maintain over women. However, the subject who commits an act of violence, despite being accused of a criminal act (transfemicide), maintains the position of the male, male and heterosexual ego (Segato, 2003).

Thus, it is proposed that the role of the journalist is to combine what is exposed by the different sources: academic, the State and the agents of violence (Tamayo and Bonilla, 2006, 217). Camilo Tamayo Gómez and Jorge Iván Bonilla Vélez argue in their article "Latin America: A Cartography for Analysis" (2006) that the role of the media goes beyond transmitting information about political violence, since, quoting Peralta (1998), the media are "sounding boards", that is, they are immersed in a complex system of violence and symbolic representations that could distort the discourse (Tamayo and Bonilla, 2006, 217).

Transfemicides in Veracruz are allegedly committed by heterosexual cisgender men, that is, men born with male genitalia, according to reports published by digital news media. It is a chain of acts of violence that is not talked about or kept silent.

Rita Laura Segato wrote in 2006: "Moral reduction is a requirement for domination to be consummated and sexuality, in the world we know, is imbued with morality", she argued that violent acts committed against women are a "bestial right of a feudal and postmodern baron with his group of acolytes". In this way, it is inferred that transfemicides are mostly committed by men who seek to impose their right on the woman's body, whether cisgender or transgender, as well as what in its extension of good or bad for society dictates.

Society, and not only in Mexico, is in constant change, however, trans women in Mexico are immersed in a cycle of violence, discrimination and criminalization that generally begins at a very early age due to the exclusion and violence suffered in their homes, communities and educational centers (Vera, 2020). This is thought to be because it is treated as abnormal from birth.



The word transgender or trans has its origins in a medical category that runs through concepts of bioethics. It is a gender dysphoria inspired by a humanist ethic, which, according to Patricia Soley-Beltrán, seeks to alleviate the suffering of patients who declare to feel a painful disagreement in their identity – male or female – and their physical morphology (2014, pp. 21-39).

To talk about violence in the LGBT+ community, especially in the life of a transgender person, is to understand that, just like cisgender women, they are victims of domination and control, to attack or hurt someone else. (Morales, 2020)

Ari Vera Morales, in her article "Transfemicides: Mexico Case 2019" (2020), addresses the issue as a serious problem faced by all types of women, which diminishes the daily lives of many. Vera Morales defines transfemicide as the murder of trans women, committed with an aggravating circumstance of hatred, for the simple fact of being trans women (Morales, 2020, 75).

Even though there is no general concept to refer to this type of crime, the system regulates public and private social relations, in which heterosexuality is almost obligatory, so that other identities – such as transgender – are punished, annulled or annihilated (Morales, 2020, p. 76).

3 INCLUSIVE LANGUAGE AND VIOLENCE IN THE MEDIA

In Spanish there are many variants that could significantly modify the meaning of a sentence or an event, so using correct language in the treatment of information related to the LGBT+ community, especially trans people, is essential. When searching for "Inclusive language" on the website of the Royal Spanish Academy, the following legend appears: "Warning: The word inclusive language is not in the dictionary"; This is explained by the fact that the Royal Academy gives meanings by words. In this case, language is the "ability of human beings to express themselves and communicate with others through articulate sound or other sign systems" (RAE, version 23). On the other hand, inclusive is that "which includes or has virtue and capacity to include" (RAE, version 23). For the Royal Spanish Academy, inclusive language is the ability to communicate in an inclusive way in which everyone can take part, attributing to the media an arduous work of social value.

Victoria Furtado in her article "Inclusive language as a gender language policy" (2013) states that inclusive language is that which is identified as non-sexist and seeks to make gender policies visible in the community (Furtado, 2013). In this way, inclusive language must be differentiated from the standard language used in any public sphere, mainly because its protagonists want it to be so, since non-inclusive language uses a system of mostly sexist codes.

One of the non-sexist proposals defended by Victoria Furtado (2002) is that of Calero, which seeks to address social acts carried out by women with respect. Furtado's idea of inclusive language is contrasted by Álex Grijelmo in his book *Propuesta de acuerdo sobre el lenguaje inclusiva*, una



argumentación documented para acercar positions muy dispara (2019), where he tries to dismantle the multiple myths that exist around the origin of inclusive language.

Grijelmo argues that, although academies do not address inclusive language as a new form of appropriation, "most Western languages today come from Indo-European, and more than half of the inhabitants of the earth currently speak a language that has its origin in it" (Grijelmo, 2019).

What Grijelmo exposes is a global term in terms of referring to people, as he assures that our ancestors used the term for men and women. The journalist argues that "masculine doesn't really exist" and ending a word in what is known as masculine is not, since, in the origins of the language, the masculine "does not exist" (Grijelmo, 2019).

In this way, the theory of journalists Sonia Santoro and Sandra Chaher is confirmed in their book *Words Have Sex: Tools for Gender Journalism*, in which they claim that the media do address issues related to gender, but completely linked to the dysfunctional. "Why crimes of passion when it comes to gender violence, why do they see a criminal in a boy who is homeless, why do they viciously put the camera in front of girls or women in prostitution, why do they insist on the objectivity of journalism as an excuse to make "all voices" speak on issues that put women's lives at stake. What is not usually talked about is the training received by journalists and comunicador@s who will fill the pages we will read daily, edit the newscasts that will construct our images of reality and put ideas into circulation on the radio" (Chaher and Santoro (2007).

Chaher and Santoro use these concepts to highlight the importance of training communicators with a gender perspective, but they also state that gender issues need to be treated with respect and ethics, since, as Chaher and Santoro (2007) explain, gender issues continue to be treated as societal and general information issues and not as issues that have a profound impact.

Chaher and Santoro propose to identify any gender issue from three angles: the subjects involved, citizenship and politics (2007). In order to considerably stop the aftershocks of violence emitted by the media.

Victoria Furtado in her article "Inclusive language as a gender language policy" stressed the importance of a specific language policy in the media and public entities, as they help to promote them and eradicate disinformation (Furtado, 2018).

Inclusive language is a term that causes and will continue to cause controversy. Technically, it refers to a way of dealing with social problems through language, using words with a masculine connotation that do not represent women (Moretti, 2018).

Julia Moretti (2018) states that it is very common to find headlines in the news that boast about the achievements of a group of academics with a "researchers find", leaving aside the fact that there are women in the group.



Moretti argues that the masculine generic language represents the oppression that women experienced and continue to experience, since "There is an indissoluble relationship between the imposition of the generic masculine as a linguistic norm and the male domination that reproduces the power relations between genders at the social, cultural, economic and political levels" (2018).

The fact that institutions such as the Royal Spanish Academy reject the use of gendered idioms, such as "las y los", describing them as "artificial and unnecessary from a linguistic point of view", causes the educational and journalistic sectors to continue using "ellos", in a group with a majority of women. (Moretti, 2018).

For journalism, it is a major challenge due to its apparent complexity and disruption in what is known as "normal", in addition to the lack of style manuals that address new proposals with a gender perspective.

In one of the few manuals on headlines in Latin America, written by Dr. María de Jesús Rojas Espinosa, called *Manual for Writing Headlines*, published in 2003 and republished in 2006, the title or headline is addressed as "an important element within the techniques of modern journalism and typography."

Rojas Espinosa states that the title must be clear, precise, attractive and summarized, because the most important of the material that is presented, in addition, must answer one of the main questions of journalism: what happened? (Rojas, 2003).

Among the recommendations given in the manual is the use of the verb in the present tense and not in the past tense, as well as not exceeding the number of characters. However, in chapter 14, in the AIDA Model applied to digital headlines, exactly in the subtopic of wording and types of headlines, the academic also assures that the headline should be informative, without sensationalism.

This is because the author assures that for a person to read a news story it is not necessary to be sensationalist with headlines such as: "gay man", "man dressed as a woman" and "dressed".

4 DIGITAL JOURNALISM

Digital journalism is not a new way of doing journalism (Sánchez, 2007), but it is a new way of transcending information hand in hand with new technologies, since media that do not evolve to networks can stagnate, and even disappear. However, journalism that "reports on shocking or attention-grabbing matters rather than relevant or important issues" (Bertir, 2010) becomes sensationalist and therefore completely neglects the journalist's objective.

The messages conveyed in the digital media are very complex, so not only veracity but also the contrast of data between official sources and those involved must predominate (Reyes, 1996, p.115).

In the particular case of news coverage of violent events, the periodicity of the events must be taken into account, since in recent years murders have increased considerably.



Digital journalism is more complex than it seems. Diego Alonso Sánchez Sánchez explains it directly as "network journalism" (2007), arguing that the only journalism that can be completely digital is the one that effectively uses Hypertext, "that is, the link that allows the reader to navigate through different corners of the page, and even through multiple pages".

On transfemicides—not only in Veracruz—there are no contextual works that seek to explain to society what happened to them and the constant violence that exists in their murders. Anabel Hernández, a Mexican journalist, mentions in her book *Emma and the Other Narco Ladies*, published in 2021, "the criminal system that exists in Mexico has a masculine face not only because, for the most part, the members of the leadership and those who make decisions are men: politicians, public officials, religious hierarchs, businessmen and drug traffickers, in others; but because it is a patriarchal system where arrogance over the most fragile, discrimination, superiority complex, narcissism, the use of force and violence as a mechanism of control and contempt for the existence and rights of others are the norm."

In this way, he introduces his most recent book, in which he addresses how man, sheathed in his role as dominant, murders, complexes, attacks and weaves systems that victimize, criminalize and, above all, end the lives of innocent people.

All stages of journalism are fundamental so that now of "liberating" the news, readers can dissolve all their doubts. In digital journalism, on web pages it is considered that the premise remains the same, to inform with collated data for an understanding of the prosumer, in this case.

The messages conveyed in the digital media are very complex, so not only veracity must predominate, but also the contrast of data between official sources and those involved (Reyes, 1996, p.115). In the case of news coverage of violent events, the periodicity of the events must be considered, since in recent years murders have increased considerably.

In this way, news coverage should contribute substantially to the public perception (Barrios, 2017) of violence in Veracruz. Following the same author, Barrios (2017), one of the main challenges of journalism will be to expand its agenda with long-term issues, which go beyond the official source and do not contribute anything to society.

In the case of transfemicides, journalism faces another challenge that leads it to have to highlight even more the viciousness with which these crimes are committed: the absence of informative notes, because without published information, the fact remains invisible. As Lozano (2016) points out, there is an absence of precedents in the national history of print and electronic journalism in the coverage of this type of phenomenon.

To analyze the way in which content is addressed in digital media in Veracruz, the measurement instrument Content Analysis was used for this work. Ten days of sample were taken, obtaining eleven pieces of information related to this topic, where the variants of presence, frequency, weighted



frequency, intensity, direction, order and contingency proposed by Jaime Andréu Abela (2002, p. 14) were analyzed.

The contents that were collected during the analysis are related to the transfemicides of Nelly García, a transsexual woman murdered in Poza Rica. Denisse Torres, a transsexual woman stabbed in Minatitlán, Brandy Cortez, a transsexual murdered along with her mother in Puente Nacional, Ana Karen, a transsexual murdered in the port of Veracruz and Anel, a transsexual woman murdered in Fortín, all occurred in the state of Veracruz, Mexico.

It is specified that with regard to the weighted frequency variant, the most used words in the information will be identified, as they will show that they are of greater importance to the journalist and therefore be able to analyze if they work with inclusive language. To measure the intensity of the information, the tense of the verb (past, present, future), qualifying adjectives and their degree of intensity (+ for those of greater intensity and – for those of lower intensity) will be identified. In the case of management, headlines and information that use language with a gender perspective will be identified as positive, and negative will be identified as those that are identified with an incorrect use of inclusive language with a gender perspective. To analyze the order, a record will be kept of the follow-up that was given to the news in the three digital media. For the contingency, the context of the information will be recognized: political, social, cultural or economic. Finally, for observation, the presence of information on the five cases of transfemicide in other digital media in the state of Veracruz is reviewed: *Presente*, *Vanguardia*, *Sol de México*, *Observador Veracruzano*, *SDP Noticias*, *ULISEX*, in order to confirm that transfemicide was part of the agendas of other news outlets.

5 CONCLUSIONS

Journalism is and will be one of the most professional ways to inform the population about current affairs, whether online or printed. The agenda of any media outlet—small or large—is very important for the day-to-day political, economic, and social life of a country, in this case Mexico, specifically, Veracruz.

The way in which the issues are handled could modify the way, partially or completely, in which an important event for a given population is treated. It is true that issues of violence are always on the agenda, but not if they are dissident or vulnerable communities such as women and all those who belong to the LGBT+ community.

Regardless of the number of cases that are registered every day, the impunity with which the cases are treated by the authorities and the viciousness with which they are committed, the media that have the largest audiences in the state prefer to ignore and continue with their usual programming: news of the day that are not from the community, contracts with municipalities and governments, stories of "strange" animals and murders of well-known characters.



With the analysis carried out in this text we can corroborate that during 2020 there was an increase in cases of hate crimes in Veracruz, but what stands out the most is the null contribution of the media, who only published 11 notes of the cases; none of them were published by the *XEU*. In the case of *Al Calor Político*, it handled information with more context, however, the contents refer only to the statement given by some activists, but among its reporters there are no articles with a gender perspective, unlike *La Silla Rota Veracruz*, which showed openness on issues about transfemicides. However, it did not publish some of these transfemicides reviewed in this research.

What emerges is that each media outlet decides what to handle in its content and the journalistic criteria that govern them do not fully adjust to the value of the news, since some publish one transfemicide and then ignore two that occur later.

Digital media in Veracruz had very little use of language with a gender perspective. Although there are some sporadic cases with interviews and contextualization, this has not yet been systematized among journalism professionals in the state of Veracruz, as it continues to be their own initiative.



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Violence in interpersonal relationships: Analysis of hate speech



<https://doi.org/10.56238/sevened2023.002-010>

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ABSTRACT

This study aimed to investigate the psychosocial elements involved in the propagation of hate speech through the Freudian perspective of culture. The selected corpus consisted of 9 offensive comments published on Facebook about 3 different news items

involving human rights violations. Hate speeches are constructed from generalizations about specific social groups. Culture projects norms and values onto individuals from certain historical moments and ideological formations; so, when those people believe they are exposing a particular point of view, all of them are only reproducing it. The dissemination of hate speeches does not necessarily indicate that there is currently more intolerance or prejudice against minority social groups, as these have always been part of the social structure. Society is going through a historical moment in which certain contents, once repressed, can appear through the internet in the form of hate speech.

Keywords: Interpersonal violence, Hate speeches, Psychoanalysis.

1 INTRODUCTION

The current national scenario is permeated by gratuitous exchanges of hatred and intolerance, which occur mostly through social networks. In *The Future of an Illusion* (1927), Freud reinforces how human culture inflicts on people an instinctual suffocation, for all its demands and deprivations. Since human beings cannot live in isolation, in order for there to be a good social life it is necessary that some sacrifices are made. Life in society produces an innumerable number of frustrations, so that every individual becomes an enemy of the potential culture. Therefore, in order for the current social order to remain functioning, a set of coercive strategies of the culture itself fulfills this role: its norms, institutions and commandments.

One of the ways to deal with the displeasure arising from the restrictions imposed by culture and the finitude of life is through religion. As an agency of social control, the religious institution tends to moralize and individualize issues of a collective nature, reducing social issues to moral dilemmas. Even so, it plays the role of the only source of consolation for many people, being indispensable to them as an aid to endure life (FREUD, 1927). However, if, on the one hand, religion protects the individual from an individual neurosis by means of adaptation and protection against suffering, on the other hand, it fails to impair people's autonomy, since it imputes to everyone the same path to follow (FREUD, 1930). To the extent that religion has, in certain contexts, an exacerbated power of influence



over individuals and that it advocates values based on prohibitions, its institutions not only guarantee the perpetuation of traditional values, but also contribute – albeit indirectly – to the maintenance of preconceptions, moralisms and, consequently, hate speech.

According to Freud (1930), individual freedom does not constitute a patrimony of culture, since culture imposes various restrictions on individuals in the name of the will of the masses. Then, a large part of humanity's conflicts would have as its claim the attempt to reconcile the individual demands and the cultural demands of the mass, finding a middle ground that would satisfy both parties. The underlying incoherence of the notion of individual freedom is that many people use it as an "authorization" for disrespect for others: claiming to be merely the expression of a "personal opinion" they vociferate atrocities. In this sense, in *The Malaise of Civilization* (1930), Freud states that human beings are endowed with a large share of aggressiveness. Therefore, the neighbor would not only be a potential helper or sexual object, but also an object over which it is possible to satisfy all the underlying aggressiveness. Moreover, the practice of the most diverse perversities and forbidden acts would have an economic explanation, since the amount of instinctual satisfaction found in the wild drives (those that have not been tamed by the ego) is greater than the satisfaction provided by the drives already submissive to the principle of reality.

The situation becomes even more complex when the individual, immersed in the mass, finds a common object for the discharge of aggression, allowing himself to perpetrate any barbarities against him. What, after all, leads an individual to abandon his principles, to suspend his inhibitions, his capacity for judgment, and to surrender to the irrationality of the masses?

In *Psychology of the Masses and Analysis of the Self* (1921) Freud tries to understand why an individual, immersed in the mass, acts so differently from the way he would act alone. Or, why a group of people acquires the capacity to exert a decisive influence on the psychic functioning of each individual individual.

By observing the individuals who make up a mass, he finds that: 1) no matter how different they are in their ways of life, occupations, character, intelligence, they begin to act, think and feel in a uniform way; 2) they are grouped around a common object, which unites everyone and guides their ability to influence each other.

Based on these observations, Freud (1921) states that the essence of the formation of the mass would consist of reciprocal libidinous bonds (of a non-sexual type) between its members, which would be confirmed by restrictions on narcissistic self-love and by the resignation of the (individual) ideal of the self to a mass ideal, embodied in the figure of a leader.

The ideal of the self is one of the products of identification - the earliest externalization of an affective connection with another person, inherited from an archaic epoch of child development. As the mastery over the influences and demands of the environment demands the presence of another,



little by little there is an identification of the subject with the one who dominates the demands of reality and assures its existence. To the extent that this other is incorporated by the psyche, there is a division in the internal organization of the self, resulting in the constitution of another instance, the ideal of the self - which may even conflict with the self itself.

In collective terms, the leader of the mass would be a remnant of the feared leader of the primitive horde, a kind of "primordial father" on whom a collective ideal is configured. The leader is assigned the government of all *the selves* in place of the ideal of the self of each one. Through this ideal, the members of the group abandon their uniqueness and identify with each other. It is, therefore, the affective bonds that weld the masses together and maintain the cohesion of the group, and the common object would take the place of an ideal in the psychic economy of each one.

To the extent that group segregation can pose a threat to survival, when the individual is alone he or she feels incomplete. Because of the anguish that separation would cause, the individual avoids opposing the flock, which disavows everything that is new or unusual.

Moreover, what is known as *community spirit* derives from an original envy: no individual should want to stand out from others, because everyone would have to be equal and have the same things. Consequently, *social justice* represents the idea of renouncing many things in order that others will do the same, or at least that they cannot demand it. This premise of equality is what underlies the social moral conscience and the feeling of duty (Freud, 1921). Therefore, the feeling of impunity in the face of the various crimes reported by the mainstream media produces in the mass the desire to, through punishment, curtail the supposed privileges that the individual offenders would have over them. The masses, devoid of criticism and with the free circulation of their hostile motions, do not propose to distinguish between facts and rumors. Unconsciously, this attitude may be linked to the expression of a desire to also have access to these "privileges" and to be able to commit crimes without suffering any kind of condemnation.

Taking into account the above, the objective of this study was to investigate, from the psychoanalytic theoretical framework, the psychosocial elements involved in interpersonal violence, more specifically on the social phenomenon of the propagation of hate speech. Through the theoretical device of the French School's Discourse Analysis and the systematic reading of selected texts from Freud's work, as well as those of other pertinent authors, 9 offensive comments made by Internet users in 3 different news items published on Facebook by the official pages of media outlets were analyzed: a homophobic homicide, a gang rape and an act of torture against a suspected thief.

2 NEWS & REVIEWS

The first news refers to a homophobic murder of a 17-year-old teenager, expelled from home by his mother, who did not accept his sexual orientation. Lured into an ambush, when he arrived at her



home he was stabbed to death by two teenagers hired by her. To get rid of the evidence of the crime, the mother and stepfather set fire to and hid the body. Below are the comments extracted from the publication of the G1 news portal on January 12, 2017:

C1 – I don't believe in the media in this country, which is biased and manipulative. The crime sometimes happened for another reason, but this garbage media insists on putting the sexual issue as a banner to magnify the FALSE CAUSE of homophobia. Everything to you is homophobia, racism, Islamophobia and prejudice. #MídiaFake.

C2 – And the fact that he's a drug user and takes men home... It doesn't count, right? It's just because he's gay... Oh yes... If he had worked and responsibly, he could give it to whoever he wanted, but nowadays he doesn't even finish his studies and already thinks he owns the world.

C3 – Being effeminate, gay, homosexual, I don't know what to call it, in Brazil is passive suicide, even more so when they want to show that they are or when they stay in public places doing what they should do between 4 walls. I don't want to offend anyone, just try to tell the truth of our reality, no matter who it hurts.

The second piece of news concerns the case of a 16-year-old girl who was drugged and raped by 33 men in a community in Rio de Janeiro. The girl testified to the police after the publication of a video on social networks, in which she is naked, bruised and unconscious, among a group of men who laugh and touch her private parts. Deeply shaken, she reported feeling "strong internal pains, as if it were in the womb." The following comments were taken from the publication made by Folha de São Paulo on May 27, 2016.

C4 – Paying for it? And the pictures of rifles, pistols and the fuck 4 no one talks about, right? Go take it in the ass, fucking slum buggly! [/sic]

C5 – The girl is already a mother at the age of sixteen and is not a saint and a drug user, she put herself in this position, if she had been at home taking care of her daughter, nothing would have happened. [/sic]

C6 – Women and girls, for God's sake, don't hang out with these kinds of people, some sniffing guys, smoking rocks and marijuana, then these things happen and everyone gets angry, let's take care of yourselves, kids, you like to be called young and everything else falls into the hands of some dogs like that and splinters, women's judgment of my Brazil. There's no point in sticking a little letter, it doesn't move rapists, these types of people only understand one language: the smoke in their ass. [/sic]

The third news item deals with the case of a 17-year-old teenager who had his forehead tattooed with the words "I am a thief and a scoundrel" by a tattoo artist and his neighbor, in addition to having his hair cut and his feet and hands tied. The aggressors claimed that the boy had tried to steal a bicycle in the area, so they decided to punish him. According to family members, he was a drug user and suffered from mental problems. The comments were taken from the news published by G1 on June 11, 2017:

C7 – Ahhh poor him, victim of society... Oh globe, stop defending bum, I want to see if this crap of people enters someone's house, terrorizes, beats, even kills a worker... That's rubbish... I should do that in all these troublemakers... Bunch of bums... And his stories victimizing bums are even more disgusting to watch. You're going to do an article about the disabled person that this crap tried to steal... He defends a bum, he is a bum too. [/sic]

C8 – That 'Adopt a Bandit' campaign fits right in this case. Society applauds those who steal, those who kill, and those who torture, but they repudiate those who take the law into their own



hands! Please, let's stop this clowning, the day it happens in the house of those who defend it I want to see if they won't act in the same way.
C9 – Wow, now the boy is a saint. He was just drunk, missing, and his family claims he is a drug user. Did the guys do it all for free? For the Judiation boy was coming back from church. Oh for right, imbecile society.

3 HATE SPEECH

Hate speech is not only directed at the victim of the crime, as one might assume, but at specific social groups. The discourses are based on the social imaginary that the subjects have about these groups, based mainly on generalizing ideas, such as stereotypes, preconceptions and prejudices, coming from different discursive and ideological formations. The reproduction of generic discourses reveals an attempt to prevent the construction of other possible interpretations, producing an effect of transparency of meaning and placing the interlocutor in a certain place in relation to desire and ideology. There is an ideologically constructed imaginary that challenges the subject of the discourse, who, without being aware of what he is doing, in a given condition identifies himself with the hegemonic class and, in another, with the dominated class, placing himself in specific positions of production of meanings. By means of discursive generics, the marks of enunciation are erased, giving the impression of an objective saying and a universal truth (TFOUNI; FAST; MONTE-SERRAT, 2013).

Regarding the propagation of such discourses, there is a strongly present media influence, since the distorted views of Internet users are, in part, a product of the media's own discourse. It acts on the process of production of social identities through the provision of models that dictate how subjects should be and act. These models have a social utility, as they institute paradigms, stereotypes, and these ways of acting and thinking symbolically insert the subject in an imaginary community. Media discourses contribute to the regulation of knowledge about the use that individuals should make of their bodies and lives, in addition to the construction of positions that should be occupied by men and women in their relationships with others. The sayings and actions are inserted in given discursive formations, so it is through the discourse that the knowledge of a given historical moment is constituted (GREGOLIN, 2007).

Depending on the conditions in which the discourses are produced, it is possible for certain contents to be enunciated and others to be hidden by people or collectives. Therefore, the omission or exposition of some ideas to the detriment of others are strategies that control the meanings and truths that are present at each moment of history (GREGOLIN, 2007). Thus, the media itself plays an important role in what should be censored or exposed at any given time. However, not only the influence of traditional media and parallel vehicles for the circulation of content, distributors of the so-called *fake news*, would be enough to stimulate the propagation of discourses. Due to the particular characteristics of electronic devices, such as mobility and direct access to the internet, considering the



high speed with which information circulates in the virtual environment, communication barriers are reduced, in order to enhance the sending and receiving of messages in real time.

Shouting hate speech on the internet is a way of staying in the same position while maintaining the same opinions. In this way, one avoids coming into contact with otherness, which in principle the subject refuses to accept and which motivates the reproduction of hatred. The function of the dissemination of hatred is to protect the subject from this otherness that invades him, and that intimately attacks his primary narcissism. Hatred presupposes a process of identification. From the moment the subject identifies himself with a certain discursive position, sometimes partisan of the majority social groups, sometimes favorable to minority social groups, he differentiates who represents the "we", his group to which he belongs, and who "they", the others, are. Thus, the threat that otherness offers him seems to refer to an idea of contamination by difference, a potential risk of acquiring for himself the "unpleasant" characteristics that he points out in the other. These characteristics that mark the otherness of the other acquire a taboo character. By transgressing certain social conventions, which are often linked to social taboos, that is, by doing something supposedly forbidden, people themselves become taboo. As already advocated by Freud in *Totem and Taboo* (1913), the dangerous attribute to which taboo is linked is precisely the tendency to excite the ambivalence of individuals, who are tempted to transgress the prohibition. In this sense, whoever violates the "taboo" also becomes a taboo, because he acquires this dangerous quality of causing in others the temptation to transgress the rules, encouraging imitation.

In the analyzed comments, a pattern was observed based on the justification of the crimes by the supposed "worthiness" of the victims, who, by circumventing social norms, become the exception figures. The moralization present in the discourses presupposed that, if the victims had been doing something considered useful to society, they could have avoided the crime.

By distinguishing between those who are part of their group of belonging and those who are not, the subjects create two extremes: a strictly good side, to which they belong, and a completely bad one, where the others fit. They put themselves in the place of "good citizens" and expose their prejudices in order to position the victims in the place of the opposite figure, seen as taboo. The comments can be considered as an attempt to mimic rational arguments, not in fact having a consistent foundation. In the search for the unsaid, there are traces of an argumentation based on religious precepts and a mere disqualification of people for their personal characteristics.

4 NATIONAL CONTEXT

In recent years, Brazil has been facing extreme political polarization, which gradually came to the fore after the 2013 demonstrations for the reduction of 20 cents in the value of bus tickets, reaching its peak in the period of presidential electoral disputes in 2014. Since then, several changes have taken



place and the country has gone through political, economic and social instabilities. With all these events, including the victory at the polls and the subsequent impeachment of Dilma Rousseff, ideological confrontations have intensified, and one of the products of these disputes is hate speech. The biggest source of these discourses is the internet, although they have also had repercussions on people's real lives.

The historical perspective shows that the country went through an initial moment where discrimination and violence occurred freely due to the lack of legal apparatuses of social protection, exacerbated by censorship that, during the military dictatorship, barred any type of social or political movement. With the redemocratization that culminated in the 1988 Constitution, much of this violence was prevented, and the curtailment of freedom of expression was put to an end. It was during this period, at the end of the twentieth century, when other countries in Latin America and Europe had also gone through dictatorial regimes, that important milestones in relation to human rights were achieved in Brazil and in the world. However, the same right to freedom of expression, which protects individual freedom, allows people to utter hate speech in the name of a supposed "personal opinion." As people need to get rid of hostile motions not elaborated to ensure the maintenance of their psychic balance, but fear the resulting sanctions, the internet has become the medium where they can expose their prejudiced and extremist positions, anchored by the anonymity of the network. Thus, society is going through a moment in which certain content, once repressed, appears in the form of hate speech.

Expressing yourself on social media is much simpler and safer than giving speeches directly to people. Thus, the condition of immediate production of discourses occurring in a virtual environment makes it possible to lower the censorship of individuals about their words. An analogy can be made with the role that culture plays in the censorship of contents of the unconscious, as well as in the contents that are consciously hidden from the speech of the subjects in their eagerness to avoid some punishment. From childhood, the human being gradually begins to internalize external coercion, which results in the construction of a psychic instance of moral character, the *superego* (or *superego*). Through this process, children become social and moral beings, and this strengthening of the *superego* can be considered a psychological heritage of culture (FREUD, 1927).

By means of the *superego*, culture projects its norms and values onto the conduct of individuals, and these who, although they may believe that they are exposing a particular point of view, based on a universal truth, in reality are only reproducing a set of values coming from a certain historical moment, linked to certain ideological formations. What happens is that ideology challenges the subject in such a way that, even when a position is not taken, it is already evident that there is an ideological movement there. Even omission or negligence implies that the subject locates himself, takes responsibility, revealing the desire. Therefore, not taking a stand is also a stand.



Through the beginning of the process of criminalization of violence against minority social groups, the false impression was created that prejudice no longer existed. On the other hand, the phenomenon of the dissemination of hate speech does not indicate that people today are more intolerant than before, since prejudice and stigma have always been part of the social structure. What determines what is or is not said by people is not restricted to their individual positions, but is greatly influenced by the historical and social moment.

5 CURRENT DEVELOPMENTS

Some authors consider that today's society is going through a "crisis of identifications". According to Pedrossian (2008), individuals no longer try to identify with each other, but try to fit into types of psychic configurations demanded by society for the sake of an established pattern, so as to become undifferentiated and subjected. In this context, social relations are guided by an instrumental logic, in which an attempt is made to formalize reason in a social environment that propagates irrationality.

Identification is a primordial mechanism for keeping social bonds alive, as it is the basis of social and cultural formation, allowing the sublimation of sexual drives. It is also linked to the premise of equality between individuals, from which social feeling originates, cited by Freud in *Mass Psychology and Analysis of the Self* (1921). In this sense, identification would function as a kind of social glue, whose scarcity in contemporary society would be reflected in indifference and indifferentiation. With the increasing flexibility of the social parameters provided by identification, which guided their psychic constitutions and choices throughout life, individuals began to base themselves even more on the precepts imposed by a broader social structure, that is, by normative instances other than those of their peers. This phenomenon generates a divergence of standards to be followed, which favors a syncretism of ideas. Thus, people start to have values and positions that are antagonistic to each other and, in this way, they feel lost when trying to reconcile different demands between the various instances that place themselves as dictators of what should be said, done or thought.

On the one hand, there are individuals who, at first, are unable to identify with certain social groups, generating enormous anguish due to the absence of a sense of belonging, which is so important so that they do not feel confined to isolation. On the other hand, there are also those who, in order to avoid anguish, remain attached to specific mass formations, uncritically accepting everything that is imposed on them. In the past, although there were several restrictions and censorships, social instances acted more firmly on the role of prescribing how people's paths should be, ensuring predictability to the lives of individuals, who knew what their lives would be like from beginning to end, with no room



for the unexpected. As much as they also complained about the impositions made on their generation, their hostile motions had specific targets to be directed.

There is, therefore, a movement of individuals who clamor for an authority figure to tell them what to do, to name their possibilities and impose limits on them, with the aim of bringing back an idealized psychic security. Because there are so many different possibilities of being and acting on the one hand and, on the other, different prescriptions of standards, the subjects end up appropriating at the same time discourses linked to divergent ideological formations. As much as there is currently an advance in relation to human rights, respect for differences and individual freedom, greater freedom of choice requires a price to be paid, costly to the psychic economy of individuals. Initially, subjects were limited to positions they could not get out of, while nowadays everything is very flexible and undefined. Extremism, so strongly present, would be a way of trying to return to previous patterns, where psychic security was forged by external forces that dictated to individuals the rules of what they should be and do.

When the imperatives placed on the conduct of individuals were more specific and incisive, the types of prohibitions and demands imposed by society were different. There will always be certain social norms that will no longer be regarded as prohibitions in favour of others, which will take their place. However, some individuals try to claim the prohibitive character of yesteryear. Even if the prohibitions are cultural, dependent on the historical moment, people have the illusion that they are incontestable truths, erasing the historical character of social conventions and rules. The use of the Bible as a justification for the spread of hatred and bigotry exemplifies this erasure well. As much as it is a symbolic object built on the basis of values from a different time, some use its passages to argue in favor of their particular prejudices. By adopting values for convenience, they only allow themselves to be moved by crimes and violence that are "compatible" with their ideological formations.

6 FINAL THOUGHTS

There is no way to get rid of ideological formations, since they permeate any discursive formations that the subject appropriates. Among those who remain attached to the outmoded values of the great mass, even though they have lost their meaning even for them, there is an insistence on their maintenance and propagation as ends in themselves, as if, through their incessant repetition, at a given moment they could attain an ideal of morality.

Such discourses share paradigms, stereotypes and propose a normalization of ways of acting and thinking. As a consequence, their propagation through the internet – a virtual place that supposedly protects the user through the anonymity of the network – generates in the subject a feeling of belonging to a certain social group – "his equals" – and inserts him in an imaginary community. Supported and



stimulated by this "community", the individual is authorized to proclaim and propagate hate speech against those who do not share his ideal and beliefs.

The reproduction and dissemination of generic discourses, devoid of criticism, without concern for the distinction between facts and rumors, and the fierce opposition to any questioning or contradictory reveal the attempt to prevent the construction of other possible interpretations that can produce an effect of transparency and meaning and, consequently, reveal to the interlocutor his place in relation to the desire and ideology that sustains and permeates his group of belonging.



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Geographic information systems as a strategy for sustainable development in the province of Manabí



<https://doi.org/10.56238/sevened2023.002-011>

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ABSTRACT

Ecuador is committed to venturing into the local development model based on the adequate use of endogenous resources and human potential in the community scenario; but the lack of reliable information associated with the inventory and availability of these resources in the localities does not favor an integrated participation of local actors in the planning and management of social development. The work shows what is related to the design and proposal of a geoportal for sustainable development in the province of Manabí, Ecuador, based on a geographic information system that provides georeferenced data on inventories of indigenous resources and information related to technological variables that can be applied for its use.

The multilayer technical design of the geoweb is exposed, which includes a map server capable of performing the georeferenced data service depending on the user's interest. The concept of development and its evolution up to the present moment is analyzed, exposing the development strategy received by the government in recent years and where an important space is foreseen for the realization of sustainable local development policies. The relevance of geographic information



systems and geoweb is analyzed and some examples related to the proposed geoportal are exposed.

Keywords: Geographic Information Systems (GIS), Geoportal, Local development, Inventory of endogenous resources.

1 INTRODUCTION

The information society is an effective means for the management of territorial resources, as well as a mechanism of transparency and control that society has, for the development of policies focused on sustainable development.

It can be analyzed that currently 1% of the population has what 99% needs, demonstrating the dramatic situation that society faces on a global scale (Stiglitz, 2012). For this reason, it is proposed that in the 21st century the time has come to assume the responsibility of acting from politics, citizens and companies, especially in the local environment, and to do so from other perspectives or thoughts. It is clear that development cooperation means helping to eliminate extreme poverty, but also inequalities in rights and freedoms, ensuring quality of life and a future for all (Calvo, Portet, & Bou, 2014).

The study of innovation processes in new economic spaces characterized by the agglomeration of specialized productive activities and close relations of collaboration and competition between agents of production, trade and services, is an example of the relational shift that has taken place in economic geography since the 1990s (Salon, 2003).

Studies carried out in recent years on the issue of development show that, through the application of traditional models of scientific and technical progress, which focus on developmental solutions and with a centralized vision of planning, it is very difficult to achieve goals related to sustainability, much less the balanced and equitable development of society. There is a need to rethink the usual schemes of development, focusing the vision on the empowerment of local factors and the adequate use of indigenous resources.

Often, however, the image of the territory possessed by the social agents does not exactly correspond to the geographical reality or to the relationships established within it (Rodríguez & Vázquez, 2018).

The paradigm associated with the use of the endogenous resources of each territory can create novel technological alternatives, while at the same time constituting an instrument for the application of policies focused on sustainable development (Vázquez, 2017). This paradigm shift will not be useful if there is not a critical analysis of the economic reality, which allows for the creation of strategic planning articulated with territorial planning, which constitutes a fundamental element in the planning process for sustainable development (Ubilla & Villegas, 2017).



To face the challenge of social sustainability, tools are needed that are capable of making transparent relevant information associated with the availability of endogenous resources from the local level and the different technological variants that allow their optimal use in order to meet the growing needs of society and where resource potentials can be located in a timely manner (Rodríguez & Vázquez, 2018).

A high level of vision is required in decision-making from the physical to the functional, from the administrative to the economic and aimed at sustainable development, taking into account the impacts of technologies on the environment (Arias, González, Herrera, & Pérez, 2015).

The objective of the research is to propose a website based on the policy of the knowledge society, which aims to make available to interested parties and especially to social actors at the local level, relevant information related to the availability of endogenous resources that can be used to promote sustainable development from the local level.

The proposed application will allow interested parties, i.e. undergraduate, master's, doctoral students and project managers, to access relevant data related to endogenous resources for sustainable development in Ecuador, from anywhere in the world, as long as they have a computer and internet access, for the management of sustainable local development projects.

2 ARCHITECTURE

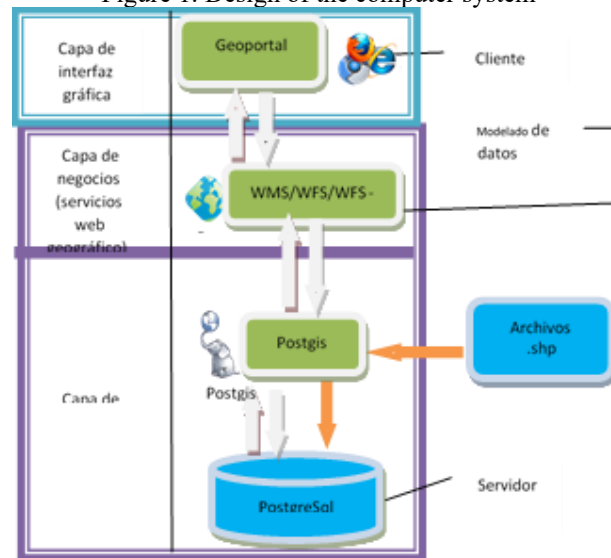
To develop the work, the client-server architecture was used, which is a distributed application model in which tasks are distributed between the providers of resources or services, called servers, and the demanders, called clients. Prado, Extjs, Geoext and Openlayers technologies were also used as a php framework, with the aim of enabling the manipulation of each module of the application. The javascript library called ExtJS version 3.4.0 is used with the aim of improving user interaction, as it offers the ability to provide components with advanced functionalities and easy implementation. It's all about making them easy to use and intuitive.

The server was used as the Geoserver, which is an open-source server written in Java, which allows users to share and edit geospatial data.

The design of databases is obtained from the statistical reports received by the client from the different levels of the territory and from a geographic information system (GIS) the databases that must be used by the users were pre-designed. The design of the geoweb that is proposed is the one currently used by computer systems called multilevel architecture or layered programming. In these architectures, each tier is entrusted with a simple mission, allowing for the design of scalable architectures (which can be easily scaled up as needs increase). The most commonly used design is three-tiered (or three-layered). Figure 1 shows the proposed design.



Figure 1. Design of the computer system



The graphical interface layer or presentation layer is the one that the user sees, it is also called the user layer, it has been elaborated in such a way that it presents the system to the user, communicates the information and captures the information in a minimum of process (it performs a previous filtering to check that there are no formatting errors). It has been made in a friendly way (understandable and easy to use). This layer communicates only with the business layer.

The business layer is where the programs that are executed reside, it is the one that receives the requests from the user and the responses are sent after the process. It's called the business (and even business logic) layer because this is where all the rules that need to be adhered to are set. This layer communicates with the presentation layer, to receive the requests and present the results, and with the data layer, to request the database manager to store or retrieve data from it. Implementation programmes are also considered here.

The data layer is where the data resides, it is responsible for accessing it. It is made up of one or more database managers who carry out all the storage of the databases, receive requests for storage or retrieval of information from the business layer.

For the cartographic information, the information published on the website of regional scale 1:250,000, version January 2013, was used. Layers of basic geographic information from the Institute of Military Geography (IGM) of open access. (UTF-8 encoding) (IGM, 2013).

For the management of the information on the potentials linked to the incident solar radiation and the wind speed, the information corresponding to the databases published on the NASA website was used (Whitlock, 2015).



3 TERRITORIAL DEVELOPMENT STRATEGY

Traditionally, the concept of development is the offspring of the Western notion of progress that emerged in classical Greece and consolidated in Europe since the mid-eighteenth century, when the glimmers of enlightenment began to shine, under the assumption that reason would allow us to discover the general laws that organize and regulate the social order and thus be able to transform it for the benefit of the people (Valcárcel, 2006).

The industrial revolution meant a sharp increase in the demand for raw materials and energy, and it is from that moment on that development is conceived through a linear possibilist thinking, with adherence to technical traditions (Claval, 2000), which has taken the criterion of satisfying human needs and cravings too far, leaving aside the complex social relations that are established between society and the environment, attributing to science miraculous powers with the capacity to solve any problem.

Until the end of the nineteenth century, science had not demonstrated the environmental effects and the accelerated depletion of natural resources that had already accumulated due to the predatory and irresponsible activity of man, therefore, neither ethically nor scientifically there was room for such concerns (Viamonte & authors, 2007).

The extraordinary development of technology and science achieved by humanity in the twentieth century demonstrated the ambivalence of the creation of the human mind. The sublime and positive have seen the light along with the negative and despicable. A model of development that has led the human species to live in two worlds: one endowed with all possible comforts and the other that faces every day a desperate struggle for survival and against hunger, illiteracy and disease; A first world that has achieved this condition on the basis of the sustained impoverishment of a third world polluted, desertified and impoverished in its natural resources (Viamonte & authors, 2007).

The society of the twenty-first century recognizes that it is very difficult to achieve the articulation of a social progress that is coherent and sustainable, through the practice of a policy anchored in the philosophy outlined by the traditional models of development of capitalism in the mid-eighteenth century. What is needed is a new type of development, one that does not make the same mistakes as past societies, a type of development that prioritizes the Community's priorities according to its own resources, a development that empowers society of its own destiny.

3.1 ECUADOR'S TERRITORIAL DEVELOPMENT STRATEGY

Ecuador's current territorial development strategy provides for the deconcentration of management and services, outlining the development of the different areas of the country, providing for financing of more than nine billion dollars between 2014 and 2017 for the change of the energy matrix, for the diversification of primary sources of energy generation in a better way, Taking into



account that oil, an eventual scenario of depletion of reserves, which are estimated to take approximately no more than 2 decades, is not far away. (Campoverde, Naula, Coronel, & Romero, 2018)

The policy deployed has sought to strengthen the national structure of human settlements, in a polycentric, articulated and complementary manner, in line with the formulation of the National Plan for Good Living, which states the need for public services and development to reach the different territories of the country (Larrea, 2013).

The innovative model proposes to establish development poles in different provinces and close inequality and poverty gaps, for which state investment has been concentrated in public services such as education, health, prevention, social inclusion, internal security, water and sewerage.

The social importance of the strategy consists in the study and search for new models that ensure the sustainability of life, understanding development as an integral phenomenon that encompasses in addition to the economic concept, everything related to the life of society, including intangible cultural heritage, supporting local development. The management of renewable energy sources is proposed as a strategy for sustainable and efficient local development that allows taking advantage of the endogenous resources of the Manabi territory. This can promote local development in the energy field through the use of clean energy sources, which would favor the analysis related to the sustainable diversification of the energy matrix and a greater relocation of sources with the aim of raising the quality and efficiency of the service, thus facilitating the socio-economic development of the territory and achieving greater social equity. (Vázquez, 2022)

Its geographical interest consists in achieving a model of progress coupled with the concepts of territorial development, where it is based on the use of endogenous resources in full harmony with the traditions and cultures of society, in addition to taking into account other factors such as the environmental impact and the risks to which the province is subjected.

The economic importance of the project stems from its very nature, as it is a matter of studying new models of local development, which guarantee a more efficient comprehensive management, where it is possible to minimize the environmental footprint derived from social development and reduce the cost of living for citizens (Larrea, 2013).

4 RELEVANCE OF GEOGRAPHIC INFORMATION SYSTEMS

At the international level, there are various information systems at different levels, global, regional and country, which are linked to the theme of sustainable development for different uses. Its main objective is to provide information to be used based on different applications. (Rodríguez, 2017)

Google Earth is one of the best-known and most widely used information systems in the world, which allows cartographic information to be brought to social agents, scholars and interested parties



(Google, 2012); However, as a weakness it could be pointed out that it does not offer energy information.

The countries of the European Union have drawn up a strategy for the integration of renewable energies in 100 communities, based on the study of the available potential and the appropriate technology, so that they can assess energy systems for local supply in an integrated way. (Sacyr, 2023)

Communities have created local information systems adapted to the specific conditions of each place, the resources available and the type of supply, so that the information is reliable, of quality and that allows the continuity of sustainable energy development (EC, 1997).

An example of the development undertaken by some countries is the project entitled "Geographic Information System for Renewable Energy (GIIS)), which provides a technical analysis of the introduction of renewable energy sources (REFs) into the Spanish electricity generation system (Pinedo, 2007).

The Latin American Energy Organization (OLADE) is developing an adaptable and reliable energy information platform for Latin America and the Caribbean that helps in the effective management and control of energy planning in member countries. It allows comparative analyses and projections of the sector with official and validated information, ideal for decision-making at the national, subregional and regional levels. The system makes the Regional Energy Information System (EIS) available to countries, a fundamental element for the integration of statistical, prospective, legal and documentary information on the Region's energy sector (OLADE, 2018).

The Law for the Use of Renewable Energies and the Financing of the Energy Transition in Mexico (CDHCU, 2013), establishes that it is the responsibility of the Ministry of Energy to prepare and keep updated the National Inventory of Renewable Energies, where the Ministry of Energy instructed the Institute of Electrical Research (IIE) to carry out the work that will lead to the preparation of said inventory and subsequent updates.

In Venezuela, the geographic information system has been used to estimate the potential of solar energy (Posso, González, Guerra, & Gómez, 2014).

5 IMPORTANCE OF A GEOWEB FOR SUSTAINABLE DEVELOPMENT

The integration of geographic information systems into the web environment allows professionals dedicated to developing geospatial information to directly publish query metadata about their services, as well as maps, information and a complex variety of services that users will be able to view, use, combine and enjoy to create applications, meaning more opportunities to share information and take advantage of other services in the interest of development sustainable.

GeoWeb-based systems have ceased to be simple tools for visualization and simple map creation, to become the support for the integration of services based entirely on GIS, which represent



a source of real data, maps, the result of complex models and applications, where users can create new bases to carry out spatial analyses linked to the realization of projects focused on sustainability (Rodríguez, 2012).

There are some experiences based on web initiatives that are supported by geographic information systems, with the aim of promoting the adequate use of endogenous resources, among which we can point out the case of Cuba, where it was verified that the information of the FRE was dispersed in the different sectors and companies of the state. including universities and research centers, corroborating that there was no system that automatically integrated the information, so we worked on different versions of information systems, validated at the municipal level, generalized at the provincial and regional level, managing to develop a version of the GIS for use in rural electrification through the use of renewable energies (Marquez, Rodríguez, Chery, Cisnero, & Morell, 2005).

In order to materialize the idea of grouping and making the information transparent, work was done on the inventory of the FRE and renewable potentials in Cuba, for which the project entitled Geographic Information System of Renewable Energy Sources was articulated, managing to develop a web application through an energy geoportal, which allowed international access to the database of renewable resources throughout the country and offered support of relevant information for carrying out research projects in universities and research centers in the country and abroad. (Rodríguez, Vázquez, Castro, & Heredia, 2011).

5.1 PROPOSAL FOR THE GEOGRAPHIC INFORMATION SYSTEM FOR SUSTAINABLE DEVELOPMENT (GISMS)

Manabí is the third province in terms of population size in Ecuador with 9.6% of the total population of the country, in relation to the surface area it has 6.83% of the national territory which represents the sixth place in size, with a Population density of 75.8 inhabitants per square kilometer (Egas, 2013).

The annual growth rate is 1.65%. The median age of the population is 28.2 years. Illiteracy among people over 15 years of age or older is 10.2% and digital illiteracy among persons over ten years of age is 34.3% (Aster-GDEM, 2014). 63% of its population lives in urban areas, i.e. 862,961 inhabitants, and 37% in rural areas, i.e. 506,819 inhabitants. This relationship is mainly due to the fact that the most populated cantons such as Portoviejo and Manta have 94% and 95% of their population in the urban area respectively, these two cantons represent 55% of the total provincial urban population and when the data related to socioeconomic development are analyzed in these cities, more than 60% of the gross domestic product (GDP) is concentrated (Egas, 2013).



The analysis of the potential of natural and human resources and the socio-economic situation of the Manabite territory allows us to define that there are conditions to assume a decentralized development model, which is based on the use of indigenous resources, shaped by respect for the environment and the achievement of a sustainable development that allows the socioeconomic balance of the territories. with the aim of achieving greater social equity.

But all of the above may be possible to the extent that the conditions can be created that favor the adequate use of the indigenous resources that the territory has, and in this the level of access to relevant information related to the availability of endogenous resources and the technological possibilities of their use in the distributed scheme of local development plays an important role.

Considering the international experiences supported by web pages based on georeferenced information, the Technical University of Manabí began to develop the SIGDS project, which aims to make transparent relevant information related to the availability of endogenous resources in the interest of facilitating the sustainable development of the territory.

To this end, work is being carried out on the SIGDS project, which pursues the objective of creating an open access geoportal with information related to the availability of endogenous resources and the technologies that make their use possible, as well as other data that may be of interest for the sustainable development of localities.

The process seen in a general way begins when a geospatial request is made and sent from the client side to one of the services offered by the server, which is responsible for processing them and resolving the request by carrying out transactions to the database depending on the type of request it is and performs pertinent actions so that the information returned by the database arrives in the appropriate format to the server. customer.

In the business layer (Geographic Web Services) there is the Geoserver tool that works on the server side and provides the geographic services Wms, Wfs, Wfs-T among others.

The Geoserver works as an open-source server written in Java, which allows users to share and edit geospatial data. It has been designed from the ground up to operate under interoperability standards. It is able to publish services from the main data sources using open standards (www.zonageo.com.ar). Geoserver version 2.1.2 has been used as a geospatial data server, i.e. a map server and its data, which allows users to query and edit data through the project.

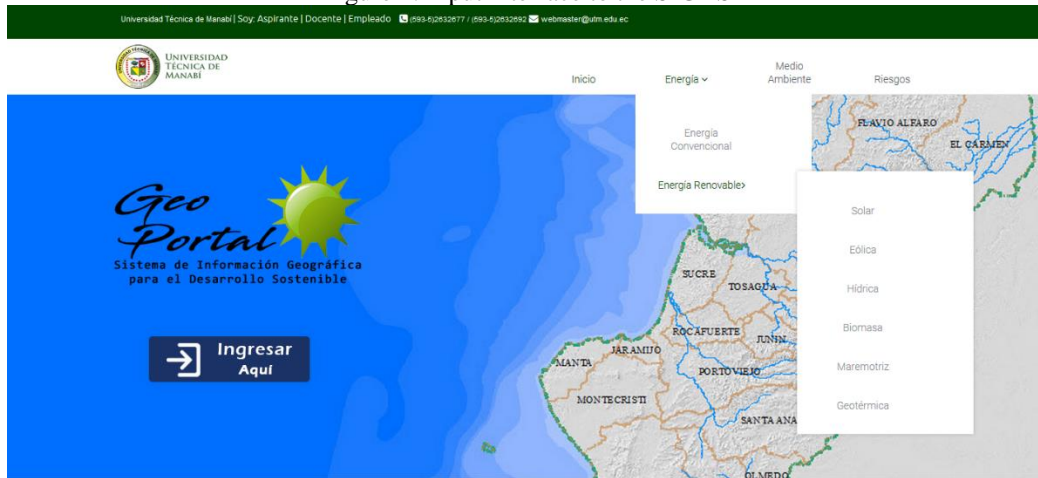
Based on the design of the system and the knowledge of the availability of endogenous resources in the territory, it has been possible to carry out inventories of these, but with the system already designed, the information that will allow the system to be updated can be entered.

The inventories refer to the different alternatives for sustainable development such as renewable resources, main crops, availability of land for agricultural production, as well as the



installation of shrimp farms, the quality of the soil for constructions, etc. Figure 2 shows the input interface to the SIGDS.

Figure 2. Input interface to the SIGDS

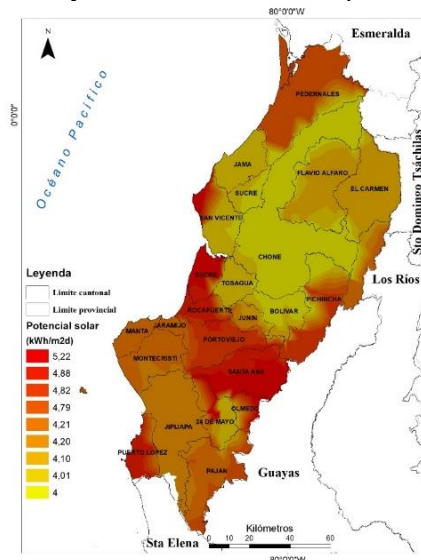


Source: <http://geoportal.utm.edu.ec/>

The system is capable of deploying an application of the specific types of each of the alternatives related to the availability of endogenous resources. The inventories are distributed throughout the territory of the province, allowing the knowledge of which sites or social and economic objectives are located, being able to make analyses of their location to maintain vitality in special situations or natural disasters.

Figure 3 shows the inventory related to the availability of solar potential in the territory of the province, showing that solar radiation affects the length and breadth of the territory that can be used for the generation of clean and cheap energy 365 days a year without interruption, constituting a real alternative for sustainable development through the use of an endogenous resource.

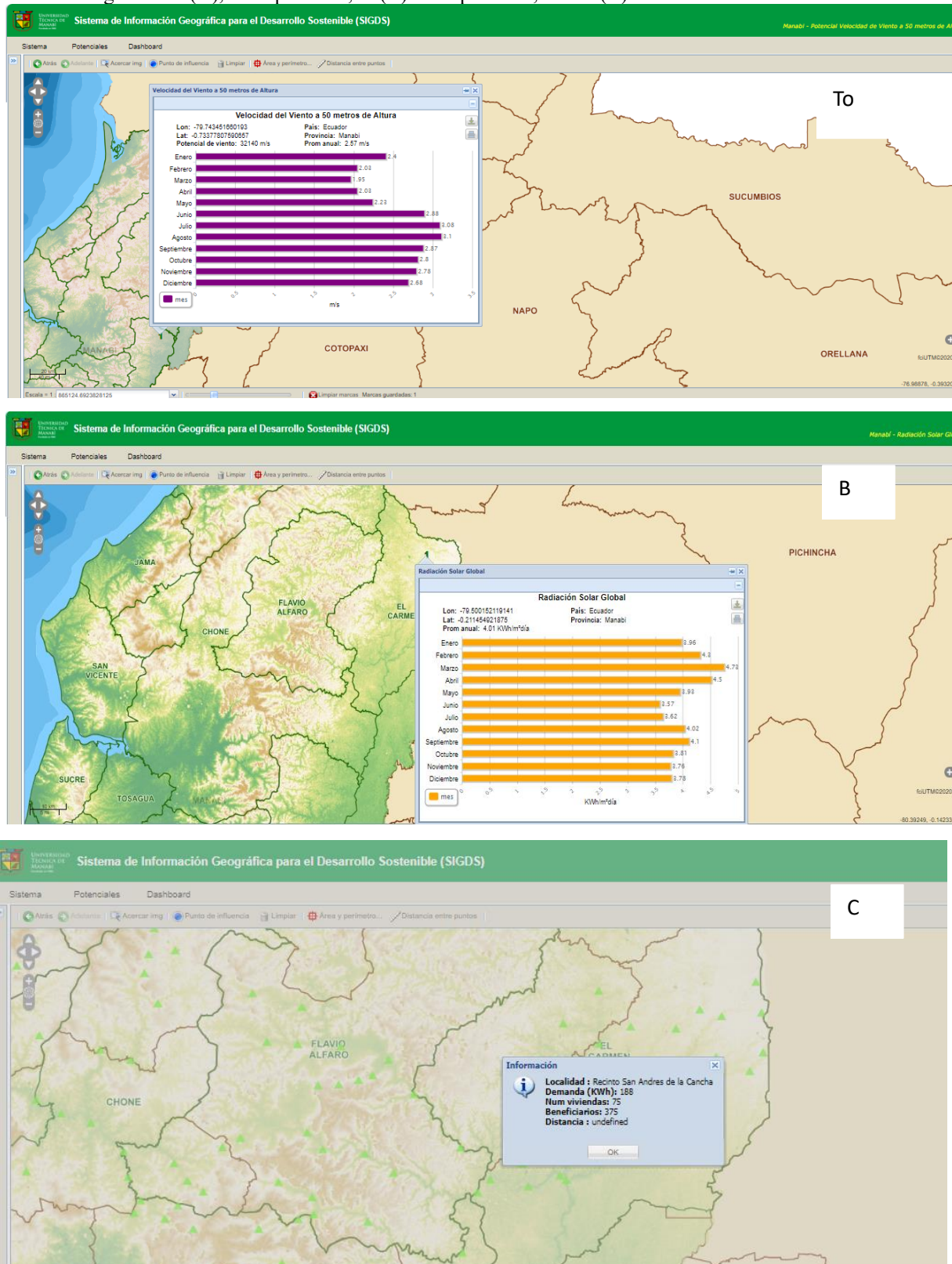
Figure 3. Inventory of solar radiation in the province of Manabí





Although there are inventories of solar, wind and water resources, in general, data passes from any site in the province can be obtained in different formats, for example in Figure 4 you can see screenshots of these in specific sites.

Figure 4. In (A), solar potential, in (B) wind potential, and in (C) river flows measured in situ.

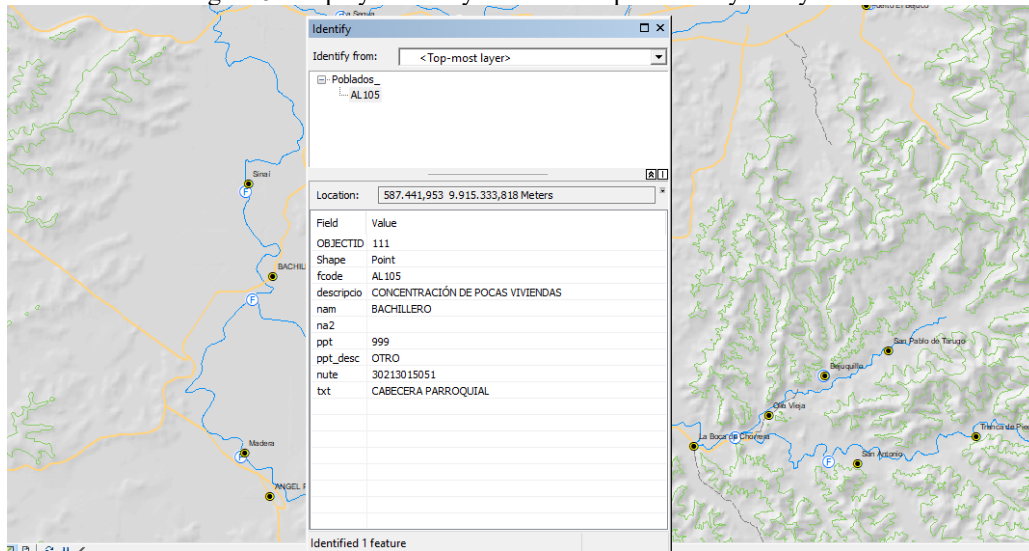




As can be seen, the results can be seen in different formats of each of the potentials already studied at the provincial level, this helps to have a tool for decision-making in the analyses for the diversification of the energy matrix.

The system also offers the potential to provide timely information related to the inventory of endogenous resources. All you have to do is click on the site from which you need to get the data and the required information appears. Figure 5 shows an example of the data provided from the villages in such a way that adequate information is available for demand and potential studies in case there is a need to implement any system that takes advantage of the local renewable resource.

Figure 5. Display of timely information provided by the system



This information is necessary and decisive for researchers who develop local development projects, as it offers data that will allow us to know in the future the number of dwellings and populations in each place studied; in addition to the indigenous renewable potential, being able to direct development to the use and exploitation of these resources aimed at sustainable development.

The data and information contained in the system can be widely used by professors, researchers, students and staff interested in sustainable development alternatives, in order to articulate research projects focused on solving problems at the level of communities and localities.

With the publication of the geoportal (SIGDS) on the web, local actors can achieve a more dynamic role and participation in tasks related to the sustainable development of society so that the Sustainable Development Goals (SDGs) for the country can be met, which proposes: 'The priority areas for the current programming cycle respond to the transformative vision of the 2030 Agenda towards social sustainability, environmental and economic countries. The innovative measures adopted will revolve around the areas that bring together the SDGs: People, Planet, Prosperity and Peace, and the vision of the National Development Plan 2017-2021 (Lifetime).(ONU, 2023)



6 CONCLUSIONS

With the Geographic Information System (geoportal) that is proposed, it constitutes a user-friendly tool that is easy to manipulate by users, which is based on the principles of the knowledge and information society, with proven potential to promote alternative solutions for sustainable development from the localities; In addition, it can be used for the registration, control and generalization of a diverse field of data, linked to the inventory of endogenous resources of the localities, as well as offering relevant information related to the technological use of these resources, which demonstrates the versatility of the system.



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Factors that lead to pleasure and suffering at work: A study on the view of federal public accountants in the executive branch



<https://doi.org/10.56238/sevened2023.002-012>

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ABSTRACT

Objective: To investigate the factors that lead federal public accountants of the executive branch

to conditions of pleasure and suffering in the professional context, based on the psychodynamics of work. Method: qualitative descriptive research, through interviews with accountants and managers in public agencies. Results: among the situations that caused suffering, negative impacts of management, career and human resources issues, and lack of participation in decision-making processes were verified. Among the factors that evoke pleasure at work, the following stood out: positive relationships with work; positive interpersonal relationships and the satisfaction of multiplying their knowledge in pairs. Conclusions: professionals face great limitations and challenges in their daily activities in their staffing organs, and the experiences of suffering stand out from those of pleasure. The lack of representation of the category in relation to other professions understood by the interviewees is one of the main limiting factors for attracting new talents in the profession, aggravated by the low salaries paid in the executive branch, which has been a factor in the exodus of younger people from the profession.

Keywords: Federal public accountant, Pleasure and suffering, Psychodynamics of work, Health, People management.

1 INTRODUCTION

Work organizations have undergone significant changes, resulting from technological and managerial evolution, globalization, and the increasingly competitive dynamics of the professional environment as a whole. Among the impacts on accounting from the beginning of the 21st century in the public sector are the adoption of the International Accounting Standards for the Public Sector and foreign influences such as those of the G20 Group, International Monetary Fund (IMF) in Latin America. In Brazil, in 2008, the first Brazilian Accounting Standards applied to the public sector (NBC TSP) were adopted in the three spheres of government (AQUINO et al., 2020; MARQUES; BEZERRA FILHO; CALDAS, 2020).



To better meet the demands of this scenario, new skills are needed. For accounting professionals, it has become essential to develop proactivity, multidisciplinary skills, relationship and communication, and operation of information systems (HORTON; WANDERLEY, 2018;). In addition to these impositions, the new attributions added and required of these professionals have affected the quality of life and professional motivation (PALOMINO; FREZATTI, 2016).

Faced with this situation, the federal public accountant may experience negative experiences in the exercise of professional activities, generating stress and other pathologies (SANTOS et al., 2018).

Considering the complexity of the contemporary challenges that impact the work of the accounting professional at the federal level, this research based on the Psychodynamics of Work (PDT) (DESJOURS, 2004b), aimed to investigate the factors that lead to the pleasure and suffering of federal public accountants resulting from the contemporary professional context. The study aims to reduce the gap identified by Saraiva (2019) in the name of the Lord, and the (2021), which address the PDT only in the private accounting segment, and reduce the scarcity of studies on the public accountant in the light of the PDT pointed out by Reinaldo e Silva (2021) and by our own bibliographic search in the CAPES Theses and Dissertations Database (BDTD), in the Scielo database and the Virtual Health Library of the Ministry of Health (VHL).

2 THEORETICAL FRAMEWORK

2.1 PUBLIC ACCOUNTANT AND HIS PROFESSIONAL CONTEXT

The public accountant currently has more demands than provided for in the Resolution of the Federal Accounting Council (CFC) 560 (1983). This resolution provided for activities of registration and provision of financial information and the New Public Management expanded bureaucratic and execution activities (CARNEIRO; SILVA NETO, 2015), encompassing both specialized and managerial roles. This has reoriented its role to strategic functions, such as the evaluation of accounting data and non-financial indicators, to support senior management decision-making (HORTON; WANDERLEY, 2018).

The nature of public accounting activity has been changing Today, the accountant needs to conceive and disseminate information in a timely manner, and accumulate the functions of a traditional accountant (*bean-counter*) with the multifaceted managerial or partner accountant functions or (*business partner*) (HORTON; WANDERLEY, 2018), requiring more time and effort than for the typical tasks of accountants Traditional (BOGT; OF HEROES; VAN DER KOLK, 2016).

In addition, social and political changes have led to a new model in management accounting in the public sector (MARQUIS; BEZERRA FILHO; CALDAS, 2020). At the national level, the convergence of public accounting to international standards is started through the National Treasury



Secretariat (STN), through its Ordinance No. 184 (2008). In 2008, the first Brazilian accounting standards were issued by the CFC, in force as of January 2010 (MARQUIS; BEZERRA FILHO; CALDAS, 2020).

Agostini et al. (2014) affirm that the convergence model of the NBC TSP (Brazilian Accounting Standards, in the Public Sector) to the international standard set forth in the IPSAS (*International Public Sector Accounting Standards*) Its purpose is to seek understanding by the Brazilian accounting class in the adoption or adaptation of international rules to Brazilian standards, preserving the particularities of the country. According to Darós and Pereira (2009), this process enabled the application of the Fiscal Responsibility Law and Law 4320 (1964) in: expansion of accounting control over the fulfillment of the goals of the budget planning structure; implementation of the cost calculation system, and innovation in the recognition of revenues and expenses under the accrual basis.

2.1.1 Difficulties and opportunities in the role of the federal public accountant

Changes in the process of convergence to international accounting standards have been influenced by international investors, who demand greater transparency of Brazilian accounting information in the public sector (AQUINO et al., 2020). According to Moras and Klan (2018), federal public accountants are responsible for intermediating and adopting the process of harmonizing international public accounting standards to a standard adapted to the national context and which should be practiced by federal agencies with the consent of the normative and advisory entities, the STN and the CFC.

The requirements for harmonization of accounting applied to the public sector and compliance with ancillary tax obligations bring difficulties to public accountants, such as: lack of professional valuation due to the number of assignments; salaries disproportionate to the number of assignments, resistance to heritage culture; expansion of the universe of functions of the traditional public accountant (*bean counters*), for a managerial and specialised public accountant (*business partner*); lack of public accountants prepared to provide information that adequately supports decision-making processes, and a negative stigmatized view of the functions performed by traditional accountants. On the other hand, these requirements also imply the reduction of the mechanistic work of public accountants through the use of new technologies; and greater involvement of accountants in decision-making processes (BOGT; OF HEROES; VAN DER KOLK, 2016; XAVIER; SILVA, 2017; HORTON; WANDERLEY, 2018; MARQUES; BEZERRA FILHO; CALDAS, 2020).

2.2 PSYCHODYNAMICS OF WORK

The Psychodynamics of Work (PDT) was created in the eighties by Christophe Dejours, with the objective of understanding the link between work, subjectivity and intersubjectivity, encompassing



theories that make up the clinic of work, such as ergology, clinical activities, psychosociology and PDT itself (MÉLOU et al., 2017).

The PDT seeks to know the dynamic connections between the organization of work and the subjective procedures in the factors that lead to the pleasure and suffering of the professional in the work activities. In addition, it allows us to understand how workers sustain psychological stability, despite living with conflicting situations in the work context (CHANLAT, 2008; DEJOURS, 1987).

Dejours (1994) sought to identify how individuals react to suffering and still continue to work; questioning whether this would be an act of repressing their own feelings, and why these individuals react in such a unique way to adverse conditions. The naturalization of suffering presupposes that working conditions are invariable, or that the workers involved do not have the power to change them. According to Dejours et al. (1994), this state results from the psychic balance between the dissatisfaction presented in the pathogenic work and the psychic defenses developed by the workers in order to live with adverse situations in their professional context.

Ferreira and Mendes (2001) attribute a direct relationship between the organization of work and the dimension of pleasure and suffering of the worker, since the externalization presented in the professional environment confirms the influence of these factors on the physical, psychological and social part of the worker. Thus, all factors such as rules, execution of tasks, times, rhythms and others inherent to the organization of work impact the worker's psychic condition, which results in experiences of pleasure and suffering (DARIO; LOURENÇO, 2017).

In line with the studies of Ferreira and Mendes (2003), pleasure and suffering constitute a unique and inseparable construct, resulting from the subjective conditions of the professionals, shared collectively in the work environment and influenced by the actions employed by them to sustain health in their daily activities.

2.2.1 Suffering at work

Suffering, for Ferreira and Mendes (2003, p. 53), "is a condition, often unconscious, individual and/or shared by a group of workers, of painful experiences, such as anguish, fear, insecurity, arising from conflicts and contradictions". Brant and Minayo-Gomes (2004) They recognize that suffering does not manifest itself in the same way in workers, even those subjected to the same adverse conditions in the organization. What is suffering for one may not be for others, and may even be a source of pleasure, depending on the trajectory of life, the antecedents, the subjectivity of each one's social relations.

For Dejours (2004c, p. 28), suffering can be understood not only as a consequence of reality; It is, at the same time, a defense of subjectivity with a connection to the world, in the search for



circumstances to act on this environment, aiming to convert this suffering and find the means to overcome the resistance of the real.

Ferreira and Mendes (2003) They argue that suffering occurs in a large part of work relationships and cannot be eliminated. For these authors, suffering is on the threshold between health and mental illness and does not necessarily constitute a pathological condition, as it can be mitigated or even transformed, playing a significant role in increasing tenacity and consolidating personal identity. According to Dejours and Abdoucheli (1994), pathogenic suffering arises when all chances of adequacy or adjustment of the individual's desires to the individual's work organization have been exhausted. "When there is nothing but fixed, rigid, unavoidable pressures, inaugurating repetition and frustration, boredom, fear, or a feeling of powerlessness," pathogenic suffering occurs, and then the devastation of the professional's psychic balance emerges, slowly leading him to a situation of mental decompensation or illness (DEJOURS and ABDOUCHELI, 1994, p.137).

Dejours (2012a, p.366) He points out that "working is not only producing, it is also transforming oneself", which can generate conflicts resulting from the confrontation of the individual himself, bearer of expectations and a pre-existing biography of his own, with work circumstances that occur beyond his will. The result of this confrontation can be suffering. Thus, the problems derive from the antagonism between the individual's personal needs for the pursuit of pleasure and the fulfillment of desires and organizational expectations regarding its institutional goals and the worker's adaptability to a prescribed model (DEJOURS, 2007).

For Moraes (2013, p. 416) When the individual is faced with the difference between the prescribed work and the actual work, the feeling of failure may occur, in which he experiences suffering for "not knowing how to do" and his experience and his identity about "knowing how to do" is questioned. Also from this difference can arise the creativity resulting from the mobilization in the search for solutions to overcome suffering and overcome these obstacles. However, when the organization does not offer the possibility of manifesting creativity, individuals may experience feelings of frustration and begin to adopt defense strategies so as not to succumb to pathogenic suffering (DEJOURS, 2004a; MORAES, 2013).

Despite impacting individuals in different ways, some factors are commonly pointed out as causing suffering in many workers. Counter-orders from their managers, authoritarianism from their leaders, lack of commitment from co-workers in the execution of tasks and, mainly, excessive pressures for results that require an increase in the pace of work and the adoption of overtime schedules, which can cause work accidents are some examples of factors that contribute to suffering (DESJOURS, 2012a).

Augusto, Freitas and Mendes (2014) cite as factors of suffering of the workers of a federal public foundation: lack of participation in decisions; deprivation of autonomy; extremely rigid,



hierarchical, bureaucratic culture; inflexible, repetitive work, with no possibility of change; and coercive managerial practices on new civil servants, forcing them to accept what comes from higher authorities without question.

Leles the Amaral (2018) indicate the following factors of suffering for administrative workers in a federal public university: inadequate working conditions, poorly lit environments and lack of adequate facilities. In the same study, they identify in the organization of work: authoritarian management with a vertical hierarchy; excessive bureaucratic procedures; professional devaluation; inadequate job and salary policies; political appointment of unqualified managers for the functions; one-way communication; activities without challenges; lack of autonomy of professionals; labor shortage that leads to the hiring of outsourced workers with less favorable salaries and conditions compared to civil servants who perform the same tasks, causing discomfort among professional categories, due to the asymmetry of benefits; ambiguity of roles resulting from the lack of connection between the training carried out and the activities performed. In the socio-professional relations, the following were also observed: feeling of inferiority of the administrative technicians in relation to the teaching professionals, underutilization of the professionals' skills, without valuing the creative aspects of the individuals and lack of identification of the professionals with the work.

Hail (2019), researching accountants in the private sector, found the following factors causing suffering: lack of autonomy between accountants and their contractors in decision-making; successive regulatory changes; pressure for results without enough time for tasks; excessive bureaucratic procedures; obligation to continuously update regulations with in-depth knowledge; lack of privacy in the professional environment; inadequate facilities and equipment for the service; excessive time spent on customer service and consulting; mechanistic and bureaucratic tasks; corruption that permeates the professional segment; and the inability to deal with people.

2.2.2 Pleasure at work

From the perspective of PDT, pleasure is considered a principle that promotes the dynamics that originate in the work environment, linked to autonomy, recognition, freedom in the execution of tasks, identity and appreciation of the creative process (MENDES; MULLER, 2013).

French (2007) shows that the existence of suffering does not necessarily lead to the development of pathologies; In other words, the pleasure-suffering binomial can coexist in work organizations, even without triggering diseases. For Dejours (1994) The history and living condition of each individual establish some preferential paths of positive psychic discharge that allow him to reduce the negative psychic burden of work. This condition, which the author calls balancing, is a source of pleasure for the professional.



Dejours adds (2004b) that the formation of social identity takes place through recognition, including from peers, which can effect the transformation of suffering into pleasure (for example, overcoming difficulties). Peer recognition generates personal pride and a sense of belonging to the professional environment or professional community in which the worker is inserted (DEJOURS, 2012a). Contudo, Dejours (2004b) It admits that, if the practice of recognition cannot be instituted, the process of changing suffering into pleasure will not occur and may result in pathogenic suffering and destabilization of the professional.

Darius and Lawrence (2017) indicate that the conditions of pleasure found in the work environment come from the possibility of professionals using creativity to imprint their personal identity on the content expressed in their tasks. In this way, there is a type of professional recognition from their hierarchical superiors, who compare the usefulness of the work performed. These authors analyzed the intertwining between organizational culture and the conditions of pleasure and suffering at work, noting as factors that lead to pleasure: the construction of interpersonal relationship networks, which lead to concern with the collectivity. Leles and Amaral (2018, p. 70) found that the interpersonal relationship networks that are established in the university professional context in the public sector are a factor that generates pleasure for these subjects. Silva, Gonçalves and Zonatto (2017) In a high-complexity hospital unit, social aspects such as organizational climate, cooperation and professional solidarity among peers were pointed out as factors that generate pleasure for the workers studied.

3 METHODOLOGY

To investigate the factors that lead to pleasure and suffering in the work of federal public accountants, a descriptive (GIL, 2009) and qualitative (MINAYO, 2014) research was carried out in the present study, through in-depth interviews, with a semi-structured script. This type of interview makes it possible to create *rapport* between interviewer and interviewee, so that the interviewee can talk more freely about his or her experiences. In the course of the conversation, the interviewer may use other questions in order to deepen this or that topic. According to the research design, the interview script included: work organization, working conditions and socio-professional relations; feelings at work, conditions of pleasure and suffering in work assignments, strategies of the research subjects to cope, overcome or transform suffering into pleasure; and possible pathologies resulting from the organization of work, in relation to health and the possible risks of illness.

The selection of subjects in this qualitative study was by convenience, according to Creswell (2003) And trivia (2008); In other words, the sources chosen were selected according to criteria of essentiality for the research response: proximity and availability. The selection of the subjects was also done through the "snowball" technique, in which the informants of the research indicate other informants to be interviewed (PIRES, 2008, p.201). The interviewees have an academic background



in accounting sciences, qualified by the professional body that supervises the professional category. However, most of them have their original positions in the federal public administration linked to different careers within the management area, since, in many organizational structures, they do not provide for the position of accountant in their staff and, therefore, do not hold specific competitions to hire these professionals. The selection of new interviewees was interrupted by the adoption of the criterion of theoretical saturation of the data obtained from the interviews (FALQUETO; HOFFMANN; FARIAS, 2018).

All interviewees had access to the Free and Informed Consent Form (ICF) in advance, agreeing to participate in the interview and signing the respective form. Due to the Covid-19 pandemic moment during the period of conducting the research and the difficulty of accessing some of the interviewees who were in other parts of the national territory, the interviews took place through web conferencing using the Microsoft TEAMS electronic platform. The interviews were recorded, transcribed and exported to the Atlas.ti software. The interviews lasted an average of fifty-six minutes, six of which lasted more than one hour, totaling approximately twelve hours of interviews transcribed into 256 pages for analysis. Data analysis was performed using the content analysis technique, based on BARDIN (2010), with the support of the Atlas.ti software. in the coding and categorization of the data, according to this analysis technique.

4 RESULTS

The group of interviewees is mostly made up of people over 40 years of age, seven of them have been working as public accountants in the federal government for more than a decade, and eleven of them work as managing accountants. Chart 1 presents information on the demographic profile of the interviewees. To protect the identity of the respondents, their names have been replaced by the codes "E1" to "E13".



Chart 1 - Profile of the interviewees

N	Gender	Age	Public administration	Public Counter Time	UF	Manager	Accounting Manager Time	No. of subordinates
1	F	46	INDIRECT ROM	5	RJ	NO	0	0
2	M	39	INDIRECT ROM	9	RJ	YES	3	8
3	M	40	INDIRECT ROM	6	RJ	YES	6	3
4	F	47	INDIRECT ROM	16	DF	YES	8	3
5	M	46	INDIRECT ROM	15	DF	YES	3	7
6	F	48	INDIRECT ROM	19	RJ	YES	10	3
7	F	50	INDIRECT ROM	26	DF	YES	17	29
8	F	45	ADM DIRECT	10	DF	NO	0	0
9	F	65	INDIRECT ROM	34	DF	YES	24	3
10	F	58	ADM DIRECT	35	RJ	YES	3	14
11	F	34	INDIRECT ROM	7	RJ	YES	2	11
12	M	52	ADM DIRECT	8	DF	YES	2	22
13	M	52	ADM DIRECT	16	DF	YES	12	4

Source: The authors, 2023.

Data analysis consisted of three cycles: coding, with reading of the transcribed excerpts and analyzed based on the theoretical framework (GIBBS, 2009) and identifying other aspects relevant to the researched theme, which had not been reported in previous studies (SALDAÑA, 2015); Categorization of codes into subcategories and categories (BARDIN, 2010; GIBBS, 2009); rereading of all the interviews found in the research and recoding the excerpts that most exemplified the analytical categories created from this procedure (GIBBS, 2009); evaluation of the quality of the research process, with the aim of preserving transparency in all decisions made (FLICK, 2000).

Of the total number of interviews, 409 citations were marked as associated with at least one of the subcategories found. Of these, 306 citations were focused on the factors of suffering and 103 focused on the factors of pleasure, organized into 2 families of categories: Factors that lead to suffering and Factors that lead to pleasure, presented in the following section.

4.1 CATEGORY FAMILY: FACTORS THAT LEAD TO DISTRESS

This family of categories is formed by the categories: "negative impact of management", "career and human resources issues", "lack of participation in decision-making processes".

4.1.1 Category negative impact of management

This category is made up of five subcategories: "Authoritarian acts of management"; "Stigmatization for the management of the accountant's functions"; "Insufficient allocation of resources for work"; "Managers' lack of knowledge of the functions performed by accountants"; and "Management's resistance to asset accounting"

Authoritarian acts of management. This subcategory had 16 citations recorded under the code "Autocratic management". The accountants' dissatisfaction with a management style that imposes



their convictions, through *top-down* management, neglects middle managers and even harasses subordinates, is evidenced in the quote from interviewee E1:

The director would run over my immediate boss and give me some duties directly, once he (my director) was already chasing me... and was chiefly responsible for my health problems, "He said, 'Ah! E.1. you're going to be part of the Probate Commission!'" was like this, He said like this: "so-and-so has already gone, so-and-so has already gone and you're going to be this time together with so-and-so." I kept quiet, I didn't say anything to him at that moment. I talked to my immediate boss, I said, "Why do I have to take inventory? He wants me to do it and I have to keep doing it, if in fact this is part of the accounting technician assignment and there are more than 05 technicians here, because this is not part of my assignment, other than that, the environment there is very hostile. So, it's an environment that I believe in, it's a cultural condition there as well and in the Institution, I think, which has just that, a culture, something more traditional, in some organs these cultures are more traditional than in others, you know!?" [...] I was able to understand and realized after I got sick it's obvious, right!? In fact, the hostility came more from the head of coordination and the director, you see! (E1).

Such results are in line with Augusto, Freitas and Mendes (2014a), which describe managers who exert control over workers, allow no room for creativity, make autocratic decisions, and top management overrides the authority of middle leaders.

Stigmatization of accountant's functions by management. This subcategory was subdivided into three codes: "Inferior work", with 14 citations, and "Professional labels", with 13 citations, and "Questions about accountant's roles", with 37 citations, encompassing lack of clarity in functions with simultaneous performance of two or more functions. The statements of accountants E4 and E1 show stigmatization, lack of clarity in the assigned functions and devaluation of the accountants' work:

She (manager) is an administrator, and for her we are annoying, she said that I was very critical, so I lost a lot in that, I felt very alone. The perception of accounting today, of our coordination, it is there because it is necessary, it has to meet the statements, it is a formality, but we are a bunch of boring, of keeping charging, this business of recognizing by period of competence, I had a lot of clash there, I didn't have that support. [...] But just reinforcing, in the view of the management, our insignificant work, we are here and we are good for nothing. We only serve not to have the pen of the TCU, "Do it, I don't want to know about the pen of the TCU, the Federal Revenue Service, fulfill our obligations, for God's sake, without a team". Without a team, without a structure, we will be the ones who will write it, by hand, so that's it (E4).

My immediate boss didn't give me what had to be done and what he gave me was much less than what I could do and yet I was standing there doing what he told me to do and that's what happened, [...] there, in fact, the environment is still hostile, it's an environment where, In fact, there is no such welcome, you have an absence there. I don't know the most correct terms to say, but there's no such thing as a person management (E1).

Regarding organizational roles, interviewee E1 states the lack of clarity in the functions:

"And then you get lost... So since you arrive, you usually have at the beginning to follow the information of your immediate boss, I already had no clarity, to this day there is no clarity there... I didn't... And this had caused me a lot of suffering, because I asked and there was no answer [...] Because even my boss didn't have an exact definition of what he himself did, you know!?" (E1).



According to Leles and Amaral (2018), employees in the public sector often deal with negative conceptions of their image, with the discourse of supposed inefficiency, low productivity, and even uselessness. Hail (2019) He observed repeated negative labels linked to accountants in the private sector, considered by his clients as an expense or a type of necessary evil for the business, devaluing their work. In the same way, the interviewees' statements show frustration, self-deprecation, loneliness and, above all, the lack of recognition and definition of attributions by the manager. Historically, accounting is perceived by many managers as a brake on management practices considered "bold".

Insufficient allocation of resources to work. This subcategory is composed of the codes "Lack of technology training", with 20 citations, "Lack of technological support", with 5 citations, and "Work overload", with 57 citations. There were reports about the lack of investment in training for the use of new technologies, necessary with the Covid-19 pandemic for remote work (home-office), about the limitation of the technological infrastructure available to these workers so that they could carry out their activities satisfactorily and about situations of overload generated by insufficient resources for the demands of time, or people on the team. The statement of interviewee E7 expresses the lack of investment in training for the use of new technologies:

I think like this: if I had time today to retire, I would leave, because we only see technology coming in, everything coming in, and where's the training for us to put in? I do not know. I think they had to do some work with the servers, because it's a lot of technology change in everything. For us to keep up, like this, it is very complicated and exhausting, because we always have to be learning. That saying: learning by changing the tire of the moving car. It's hard. (E7).

On the other hand, the report of interviewee E10 addresses the lack of investment by management in resources so that accountants could carry out their work in a timely manner during the pandemic:

During the pandemic, we continued to work normally, everyone indoors, nothing stopped. They didn't give me a computer to take away, they didn't give me anything. It was all your personal – cell phone is yours, all yours. Do you know what happened? There was one of the girls in our area who simply didn't have a computer, financially she couldn't afford it and, at the time, the head of the area said that either she would turn around, or else he would start to miss her... Pretty menacing! Then she had to buy a computer (E10).

Regarding work overload, situations of overload due to deadline pressures, excessive impositions of non-accounting demands, and labor shortages were reported. Interviewee E9's report illustrates this subcategory:

"So, you spend almost an hour in a meeting, then you go back to work, in a little while, there's Reinf, you have to study. You're reinventing yourself your whole life. [...] So, with so few people, we can't deliver in the timeliness we wanted, and much less in the quality we want. So, there's this problem. For someone who has had six people, it was very good" (E9).



The successive technological innovations that are increasingly rapid imply constant reconfigurations in the world of work, of the skills, attributions, procedures and instruments used by professionals, especially those who work essentially with information, as in the case of accountants. The situation imposed by the Covid-19 intensified this process and from this period on, there was an increase in work overload, physical and emotional exhaustion in professionals. Remote work was implemented without the necessary structural, technological and training conditions, and accumulated to the new domestic demands of school monitoring, hygiene, among others (ARAÚJO; MOON, 2021). The citations of E7, E10 and E9 indicate the lack of adequate support from management to deal with these issues, and, in the case of E10, the displacement of this responsibility to the subordinates themselves, generating more expenses and dissatisfaction, at a time already marked by great tensions and insecurities experienced by the workers.

Managers' lack of knowledge about the functions performed by accounting. This subcategory had 25 citations under the code "Boss's lack of knowledge about accounting tasks". The interviewees' reports show the extensive list of conflicting tasks imputed by managers to accountants due to lack of knowledge about the accountant's performance, ignoring the fulfillment of mandatory tasks that compete or conflict with those required by these managers. From the narrative of interviewee E11 highlighted below, it is possible to observe her frustration with the work scenario faced by the professional:

So I think the worst thing about this is, managers don't understand what we do, and they tell us to do 1 million things that have nothing to do with us, we end up doing it, and what we really have to do, such as improving accounting information, This whole thing that I did for my master's degree, convergence, international standards, this beautiful part that we want to happen in public administration and that is very interesting for the citizen, these things are difficult, this is almost utopian, [...] and even if the government changes, everyone falls, the president of the body leaves", I don't know what, like, I'm talking about a hypothesis, I'm not saying that it will be, but this is something that influences because new managers enter who are unaware of our work and we have to restart new conversations and new convictions, this is very complicated (E11).

This given evidence, in line with Saraiva's studies (2019) in the private sector, that contractors are unaware of the real importance of accountants' services, that the same occurs in the public sector; because managers ignore the functions of accountants interviewed. Then, they subject these professionals to an excess of tasks outside their attributions provided for in legal regulations. Such a procedure causes them dissatisfaction and burnout, and influences their productivity.

Finally, in the subcategory **Management resistance to asset accounting**, 16 citations were recorded with the code "Predominantly budgetary decision", as the reports showed the prevalence of budgetary and financial information to the detriment of the equity focus. Thus, the predominance of financial budget information is seen as a guiding condition in decision-making processes, to the



detriment of accounting information. In addition, these data revealed devaluation and annoyance of accounting professionals, which can be observed from the report of E3, which follows below:

[...] And one part that makes us upset is that clearly for the board and the superintendence, accounting is still very incipient. [...] People want to know about budget. [...] The public service culturally is still very much linked to Law 4320/64 budgets, that is, how much will I have there to spend? That's the interest. The guy is not interested in the quality of spending, in costs. [...] You're going to talk about cost, the board doesn't even want to know about it (E3).

This situation is comparable to that described in Xavier e Silva's notes (2017) about the impacts of the new public accounting, in which the resistance of public managers to give up an accounting model based on budgetary and financial information in their organizations is perceived. Despite the changes imposed by the harmonization of public accounting to international standards, there is a prevalence of the budgetary criteria provided for in the old law 4320 (1964) for decision-making by managers.

4.1.2 Category career and human resources issues

This category is formed by two subcategories: "Unfavorable salary conditions" and "Challenges for an accountant career", both revealing obstacles to the professional development of federal public accountants; and understood as unstable conditions, causing feelings such as stagnation and uncertainty, in addition to giving rise to insecurity about the trajectory of these workers.

Unfavourable wage conditions. This subcategory is formed by the codes "Low wages", with 9 citations; and "Salary discrepancy", with 10 citations. "Low salaries" represent the perception of the interviewees about the value of the remuneration of accountants in the executive branch and "Salary discrepancy" refers to the salary gap between the related professional categories, or even to public accountants who have links with other powers of the Union. Thus, **unfavorable salary conditions** are illustrated, initially, by the report of interviewees E2 and E12:

I'm aiming for another contest for a sum of things, there's this professional wear and tear and there's also the salary issue. I always say that the best motivation for us is the bills arriving at the end of the month and the money shortening, you know?! Because it's complicated, we had, as I said, as soon as I got there, we had a project to have a career restructuring there, this issue was going on during Dilma's government, in the second government it was even going, but when there was this change of government Temer, Bolsonaro, there it was... they shelved this issue and then we are passing a salary squeeze (E2).

In the public service, there are political criteria that promote this salary discrepancy, [...] there is a lot of this in the public service, for example, accounting sectors that pay very well, within the public service, developing the same activity with a huge discrepancy, triple the amount, right? (E12).

It was evidenced, through the reports of E2, in accordance with Leles and Amaral (2018), an inadequate salary policy of the government associated with a stagnant project to restructure the career



of accountants, which tends to lead to the subsequent possibility of abdicating the career. Thus, there is an urgent need for policies to encourage and retain talent for federal public accountants in the executive, as a strong tendency to evade the profession was observed in the younger interviewees. The discrepant salary issue among public accountants from different segments is also reflected as a factor of suffering in the speech of interviewee E12. In both situations, the lack of political representation of the category can be perceived, aiming at greater equality with the other accountants of the federal government.

Challenges in the accountant's career. This subcategory is composed of the codes: "Lack of attractiveness of the accountant's career", with 29 citations, referring to the low entry of professionals to oxygenate the profession and "Weakened career", with 25 citations, about the lack of political representation of accountants in the national scenario. The statements of counters E12 and E13 in these contexts:

Many colleagues are giving up the profession in search of more attractive professional areas. So the managers of Public Accounting who have political influence have to see this as a bottleneck, because in a little while you don't have the professionals in a company the size of Brazil. That it is in fact a large company, that without these qualified professionals it would not work properly, and that so much emphasis is no longer given to other activities, which sometimes do not have this importance (E12).

An accountant's career in public administration has never been strengthened. Exists? There's the career; But it's not a career that has the same level of pay – the pay is much lower than the management cycle – so it ends up not attracting the best talent, and it's a career where, often, the good talent that joins ends up leaving the career to join other, better careers. So, the turnover is very high, and it turns out that these professionals do not put down roots in public administration. These are careers that are being lost, in a little while everyone left because they passed and were attracted by higher pay [...]. Perhaps there is a lack of greater representation of the Federal Accounting Council or of the regional councils, aiming at greater political representation for the career (E13).

The data indicate the abandonment of accountants from the profession due to career uncertainty, due to the lack of salary attractiveness. It is possible to draw comparisons with Saraiva's research (2019), on accountants in the private sector, who also raise challenges about salary issues in their jobs. For this reason, the results indicate that unfavorable salary conditions are one of the factors for the lack of interest of good professionals, as well as for the maintenance of qualified accountants in the exercise of their functions. In addition, the data shows that younger accountants give up on the profession and seek new challenges outside of accounting. On the other hand, the more experienced ones reported disappointment with their careers and, if they could go back in time, they would not go back to studying accounting. Such perceptions suggest that professional bodies such as the Federal Accounting Council, the Regional Councils and the Central Bodies of the Federal Accounting System should perhaps urgently implement actions in order to leverage interest in the profession.

In addition, it can be observed among the nine professionals interviewed in indirect administration, that all of them, without exception, have an accounting background, but belong to



positions other than that of accountant. Therefore, this circumstance corroborates the understanding of Dejours and Molinier (2004), which mention the fact that the weakening of the identity and representativeness of this professional category is caused by the unpredictability of the presence of typical accountants in public organizations. This leads to a situation of instability and fear for professionals who perform their functions in public entities, a situation that may be linked to the lack of representativeness and intervention by the Central Bodies of the Federal Accounting System.

4.1.3 Category: lack of participation in decision-making processes

This category consists of a single subcategory, "**Absence of participation in decision-making processes**", with a code of the same name, "Absence of participation in decisions" with 30 citations, aiming to identify the participation of these professionals in decision-making. The data revealed a feeling of frustration in these workers, in the face of relationships of little trust and devaluation, concerning the little use of the technical judgment of this professional staff in the processes of greater representativeness for the entities. This leads to a lack of motivation thanks to the absence of professional recognition. The data presented by interviewee E7 illustrate this category:

In ORGAN 7, really, all these years (26 years), we have always been fighting, always guiding, giving ideas, placing, and we are not heard in this part. We are really unable to help in decision-making [...] We don't have access to decision-making, we don't have access until, sometimes, we're providing guidance right at the beginning, but when the bomb goes off, when there's a fine, when it's a notification, here it comes to you. [...] I feel like a CPF, because they put me in, because they need me for that UG to work, but I really wanted to be more part of this decision-making issue, of guiding, of trying to heal before the thing happens. I wish I could be more of a preventative issue than just being a notification recipient. (E7).

From the data, it is possible to perceive the distancing of the accountants from the research in the decision-making processes in their organizations, which is in line with Augusto, Freitas and Mendes (2014), when they pointed out the dissatisfaction of employees for not having space to participate in the decision-making process at work. One of the main findings of this research diverges from the studies of Bogt, Van Helden and Van der Kolk (2016) with Dutch public accountants, and by Palomino and Frezzati (2016), carried out on Brazilian private controllers. In these studies, the figures of accountants are highlighted *business partners*, professionals who act as business partners and have hybrid functions, including participation in the decision-making process of organizations in a position of support to senior management, which was not observed in the group of accountants interviewed in this research.

4.2 CATEGORY FAMILY: FACTORS THAT LEAD TO PLEASURE

This family of categories is formed by the categories: "positive relationships with work", "positive interpersonal relationships" and "satisfaction in being able to multiply knowledge".



4.2.1 Category of positive relations with work

This category is made up of two subcategories: "Identification with the work done", "Identification with the organization in which you work" and "Professional recognition". This category included reports on healthy interactions in the professional environment and through organizational policies that favor the necessary conditions for work, as well as the recognition of the work performed by management or peers.

Thus, in the first subcategory "**Identification with accountant's work**", it was formed by the code "Liking the accountant's work", with 22 citations; in which reports were included about what leads to pleasure as well as pride in being accounting professionals. The data show that the identification with the work they do in their organizations is a factor that leads to the pleasure of accountants, illustrated by the statement of E5:

Today I'm doing accounting compliance, and I see the behavior of the accounts, the balance sheet, the opportunity to be able to help the management in some decision, a door that you also open for access to other people as a central body, in the meetings we have, especially in the public administration in the sense that I worked in the Brasília subway and in the post office. These companies, although public, I did not have this access as I had today to the central body, since the time of the Ministry of Finance, which was my first contest, and today, I have this access, access to training, these qualifications, even if at a distance, the fact that we talk is due to the federal accounting system, it is a job that I like to analyze spreadsheets, There's a difference, there are times when we think it's a problem, when we're going to do a lot of reasoning and write a technical note saying what it's like, and people recognize it, I think that's cool, cool. (E5).

What the interviewee emphasizes is consistent with the findings of Dario and Lourenço (2017), about the link between pleasure and pride in the work performed in their professional segment. Therefore, based on the theoretical contribution of the PDT, it is suggested that the pleasure of accountants is directly linked to the identification with the work performed in the organization and to the motivation for activities developed. Thus, work is considered as something that liberates when it is possible to give meaning to work and recognize oneself in what one does. Consequently, the data reveal that access to adequate working conditions and fulfillment in the activities performed favor identification with their work practice and satisfaction and rejoicing for belonging to a professional segment in which they feel pleasure in performing their activities.

The second subcategory "**Identification with the organization in which you work**" with the codes "Happiness in belonging to the organization", with 8 citations, and "Professional recognition" with 18 codes. Such codes are based on the respect and explicit pride of the accountants surveyed in belonging to the public organizations in which they work, as well as the differential spent, see the recognition for the work performed by these accountants. The report of interviewee E12 illustrates an example of happiness in belonging to the organization:



I feel good about the institution I work for. Here, as I told you, here is a place where you have a lot to learn, you have a sea of possibilities for you to learn, you never have a routine, you always have something new for you to learn, there is always something new for you to teach, so, yes, here is the place [...] I don't feel worn out,... I think, I'm used to it, I've had the privilege of being in an organ that's... I always say: if you want to learn Public Accounting, the place is here, it's like I told you there, 70%, everything is here (E12).

It should be noted that some accountants interviewed in the survey see their organization as a source of pride and identification, which portrays similarity with the work of Leles and Amaral (2018), in which the administrative technicians emphasize their pride in belonging to the public organization investigated. This positive relationship with the organization is also materialized by the sense of belonging. This situation drives admiration and satisfaction in belonging to an organization.

Professional recognition, the reports highlight motivational subsidies from work, translated as recognition for services that function as a factor of satisfaction, which can be observed in the report of interviewee E12:

"The recognition of your work, the importance of your work, sometimes the person doesn't even know what Accounting is, come and see what it is... Because sometimes, he thinks it's just that, reduced to debiting and crediting, but the work is all supported for you to get that result. And you follow all these traced paths, to correctly arrive at that result, at that purpose" (E12).

The data are consistent with the findings of Leles and Amaral (2018) that highlight the verification of the individual's professional contribution to the organization of work through the judgment of others for self-realization. Finally, the recognition of the worker is considered as one of the criteria for the formation of the subjective mobilization that allows the transformation of situations of suffering into pleasure (DEJOURS, 2004b)

4.2.2 Positive interpersonal relationships category

This category is made up of two subcategories: "peer-to-peer cooperation"; and "positive coexistence with peers".

The subcategory **Peer Cooperation** by a code of the same name "Peer Cooperation", with 19 citations, which highlight mentions of solidarity and companionship between accounting professionals and their peers in the search for solutions to common problems. Cooperation in relationships is illustrated in E2's statement:

The relationship with my colleagues is very pleasurable. Man, I'm also very grateful to them, because I'm only still there because of their cooperation, as I said, it was my first job as an Accountant there, you know? They've helped me a lot since I joined and they're always helping me and as for them, I just have to really praise them (E2).



The results show gratitude to his colleagues in the sector, cooperation in his first job and in the role of manager to make him feel safe. In this relationship, there is also a feeling of companionship in the subjective partnership between the research subjects and their peers. The data converge with the studies by Silva, Gonçalves and Zonatto (2017), in which the cooperation between the professionals who are available in the day-to-day life of the federal public accountants in their organizations can be considered as positive factors that make it possible to face the obstacles caused by the organization of work.

The subcategory **Positive coexistence** with peers is composed of the code of the same name "Positive coexistence among peers", with 18 citations; and refers to the good relationship of the interviewed federal public accountants with the management team, the partnerships, friendship and integration between them, as observed in the report of interviewee E10 below:

Living with everybody, you get that adrenaline rush and then you get better, guide each other. This gives me a lot of pleasure. And living with people, when you see that people are okay. And my coexistence with the other areas is peaceful. Everybody, we try to solve the problems. Today, I was here traveling on vacation, then the CCCC server called me, and she said: "P.10., sorry, I didn't know you were on vacation", and I said: "if I can help you, even on vacation, I'll help you in a good way". But we have a good relationship with these people, we always try to do everything best for them. (E10).

The statements of the E10 accountant emphasize the fraternal coexistence between groups as a source of pleasurable experiences, which is in line with the study of Dario and Lourenço (2017), in which an executive describes the coexistence that exists in the organization of work as a source of joy and professional security. The results of the present research indicate that the partnership between peers is authentic, with friendship and solidarity in the conviviality, providing episodes of bilateral commitments, and that serve the institution and at the same time a professional from another work center of the agency. In addition, a favorable organizational climate was reported that leads to positive interpersonal relationships and is directly linked to an organizational culture that strives for support and help among peers focused, even if subjectively, on meeting common organizational results.

4.2.3 Category satisfaction in being able to multiply knowledge

This category is formed by the single subcategory "Knowledge Transfer", identified by the code of the same name "Knowledge Transfer", with 18 citations; and demonstrates the pleasure reported by accountants in reconciling their execution activities with the act of transferring knowledge to their peers. Such considerations can be observed in the excerpt of interviewee E13:

We trained, we did classes in Rio de Janeiro, we did classes in Rio Grande do Sul, we did it in Brasilia, and this process generated a lot of satisfaction for me, because this thing of this transfer of knowledge has a very large multiplier result. It's that thing: you trained a class of 20, you put 20 together in a class, you realized that, five or six were there to get away from work, that's the truth; But the 10 or 15 who wanted it were other servers from there. The



questions diminished; When they brought something, it was already something more sustainable, with more elements. (E13).

Through the narrative of E13, it is possible to verify his satisfaction in being able to carry out technical visits to branches of the agency in which he provided, bringing knowledge to professionals who demonstrated difficulty or lack of professional foundation. In the course of the reports, the feeling of satisfaction and pleasure described by Dejours was perceived (2012b). This feeling is established by being able to share a portion of knowledge and experiences with professionals working in branches who have difficulty in accessing technical information, as well as, at the same time, establishing greater interaction with these groups, creating support networks established by the recognition and consolidation of interpersonal relationships.

It can be said that one of the greatest benefits of knowledge transfer is that the performance of a pleasurable activity allows the interviewed professional to reduce the psychic load and, according to Dejours (1994), occupation with work can be considered as a balancing act for those who perform it, as it manages to concatenate psychological aspirations, needs and, simultaneously, professional obligations.

5 FINAL THOUGHTS

The present research investigated the main factors that lead to conditions of pleasure and suffering of public accountants of the federal executive branch, based on the theoretical approach of the PDT. To this end, a descriptive, qualitative research was carried out, in which thirteen federal public accountants of the executive branch in different agencies were interviewed. The reports were analyzed using the content analysis technique proposed by Bardin (2010).

The research is justified by the absence of studies on psychodynamics of work applied to public accountants of the federal government. In the current context, the changes in the process of harmonization of public accounting to international standards are highlighted, which have imposed new working conditions on these professionals, leading to conflicting socio-professional relationships with managers and peers.

The results pointed to several factors of suffering. The first was the negative impact of management, broken down into authoritarian acts of management, predominantly autocratic; stigmatization for the management of the accountant's functions, characterized as inferior work, targeted by labels and with challenges about the accountant's roles; insufficient allocation of resources for work, whether in training, technological support, time and people in the team, generating work overload; managers' lack of knowledge of the functions performed by accountants; and management's resistance to asset accounting. The second distress factor identified was composed of career and human resources issues; such are unfavorable wage conditions - wage discrepancy and low wages; and



challenges for the career of accountant, namely: lack of attractiveness of the career of accountant, and weakened career, with low entry through the selection process for the function and high evasion of professionals. The third factor of suffering is composed of the absence of participation in decision-making processes, revealing low autonomy and its importance as a source of suffering.

Through the identification of factors, feelings such as frustration, fear, disappointment, distrust, loneliness, insecurity, disappointment, hurt, in addition to the lack of recognition, solidarity and acceptance by managers and peers were perceived. There were also some reports about the presence of psychosocial diseases such as anxiety, stress and depression, with more extreme cases of sick leave due to psychosomatic illnesses. Another point to be highlighted is the divergence of studies on the managerial roles of private sector accountants and Dutch public accountants, which do not occur with the accountants in the survey. Thus, in the present research it was not observed, since, in the reports of the interviewed professionals, who are mostly management accountants, the narrative of absence and frustration for not participating in the decision-making processes of the agency was predominant. Also noteworthy is the technological issue, widely evidenced by the COVID-19 pandemic, culminating in innovations and demands that this segment was not prepared to receive so abruptly and in such a short time, causing conditions for these professionals that led them to suffering.

The results also pointed to several pleasure factors. The first was the positive relationships with the work, broken down into identification with the work done, identification with the organization in which they work, and professional recognition. The second pleasure factor identified was positive interpersonal relationships, both in cooperation between peers and in positive coexistence with peers.

The third pleasure factor is the satisfaction of being able to multiply knowledge, to transfer knowledge, and thus establish interaction with colleagues, create support networks and consolidate interpersonal relationships.

Through the identification of factors that lead federal public accountants to pleasure, it was noticed in the professionals' reports the presence of feelings such as pride, gratitude, trust, happiness, companionship, belonging, and affection for the work and the institution. All these feelings denote pleasurable experiences in the professional daily life of the interviewees.

From the general analysis of the results, it was observed that the interviewed professionals reported more moments of suffering than pleasure, which can be attributed to the restrictions imposed by the managers, who do not understand the responsibilities and functions of federal public accountants and despise this professional category. Another point to be considered is the reduction of new talents in the profession, mainly due to low salaries and the absence of specific competitions for the career of accountant, which is one of the main factors in the exodus of younger accountants from the profession.

In organizational terms, the objective is that the results inspire the awareness of federal public managers about the importance of the accountant's role for federal public agencies, since the activities



carried out by accounting have as their main objectives: to preserve the organization's assets, to support the manager in his acts, to add value to the entity, to contribute to the effectiveness and efficiency of management processes, in addition to participating in risk management and management control.

It is proposed, as a suggestion for future research, to carry out a new expanded study with a thematic basis on the PDT that uses qualitative and quantitative approaches on the federal public accountants of the executive branch. It is also recommended to produce a comparative study with accountants, managers and non-managers of the same public organization, to verify the differences between the feelings experienced by this group of professionals and their roles in the dynamics of pleasure and suffering.



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Sara Kali: Black representativeness in the Xigano Devlesa Avilan temple



<https://doi.org/10.56238/sevened2023.002-013>

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ABSTRACT

Each people of humanity has its own history and different ways of feeling the world, which at some point connect with other peoples. Among the wanderings that refer to the gypsy people and the encounter with different cultures is the presence of Santa Sara Kali, in Romani a language of gypsy origin means black, it is worshipped in some gypsy ethnicities. The objective of the research in question is to reflect the black representation in the gypsy temple Devlesa Avilan through the symbology of Sara Kali. Thus, we resorted to the use of participant observation and the aid of the recording of the field diary. In addition, bibliographic and documentary materials were used, as well as the use of semi-structured interviews. Among the elements that constitute the expressions of black representation are the following issues: faith, tolerance and representation.

Keywords: Gypsies, (In)tolerance, Cosmology.

1 INTRODUCTION

Since the dawn of humanity, we have been made up of a set of multiple and complex plural beings of collective and individual order that form different peoples, cultures and symbols. Each people of humanity has its own crossing and multiplicity of relations of complementarity, hierarchy and



power, as well as different ways of feeling the world, which at some point connect with other peoples of different temporalities and dimensions (Le Goff, 1990).

Between East and West we have the nomadic peoples: The Gypsies. Of uncertain origin, some contemporary research points to a supposed origin of Northwest India, in which their pilgrimage was associated with non-submission to the caste system (Acton, 1974; Liégeois, 1987). On the other hand, other studies suggest that the Indian territory served only as a passage for the gypsy walk (Moonen, 2013; Fraser, 1992; Hancock, 1987).

Hancock (1987) describes that the Gypsies are descended from a warrior caste, the *Rajputs*, who were brought to Europe against their will. Due to the scarcity of documents, we do not know what actually motivated the immigration of gypsies, however, research states that it was a heterogeneous process, since, at the end of the fifteenth century, gypsies were part of European daily life (Karpowicz, 2018; Fraser, 1992; Moonen, 1999). The lack of information about the origin of the pilgrims was essential to feed and temper the imagination of European society (Moonen, 2013).

In modernity, the term gypsy is related to a set of ethnicities and each group or subgroup that constitutes the gypsy universe between differences, in the way of being, and acting that escape a definitive and absolute imagery pattern (Karpowicz, 2018). Despite the resignification, over time, concepts that tend to eternal prejudices are still evidenced in everyday life in the collective imagination of society, generally predominating a superficial and ethnocentric view (Rezende, 2000; Moonen, 2013).

The supremacy of the gaze of the "other" is perceptible through the creation and perpetuation of gypsy stereotypes from their clothing, in an exotic and colorful way, to the nomadic way of life. In addition to the dissemination of sinful legends and plagues that, from the Middle Ages to the present day, are fixed as absolute truth, especially in Western society, silencing gypsy gazes (Moonen, 2011; Cressy, 2018).

In the search to create mechanisms that strengthen the places of speech and spaces for dialogues between different perspectives, the studies of Spivak (2010) stand out, who, among contemporary postcolonial theories, defines the term subaltern as that person who has no place of speech, silenced in the face of political representations, and who are constantly molded from a standardized model. Westernized and imperialistized, the unassimilated, of the dominant system. For Spivak (2010), it is essential to advance the voices of subaltern subjects as protagonists, in order to create spaces for dialogue, as a tool for the decolonization of knowledge and powers.

Thus, the objective of the present study is to reflect the black representation in the gypsy temple Devlesa Avilan through the symbology of Sara Kali and seek to strengthen the multiple perspectives on the theme in question Portuguese.", located in the city of Teresina-Piauí, which actively works with elements of gypsy philosophy, highlighting the cult of Sara Kali, woman, slave, fugitive, midwife,

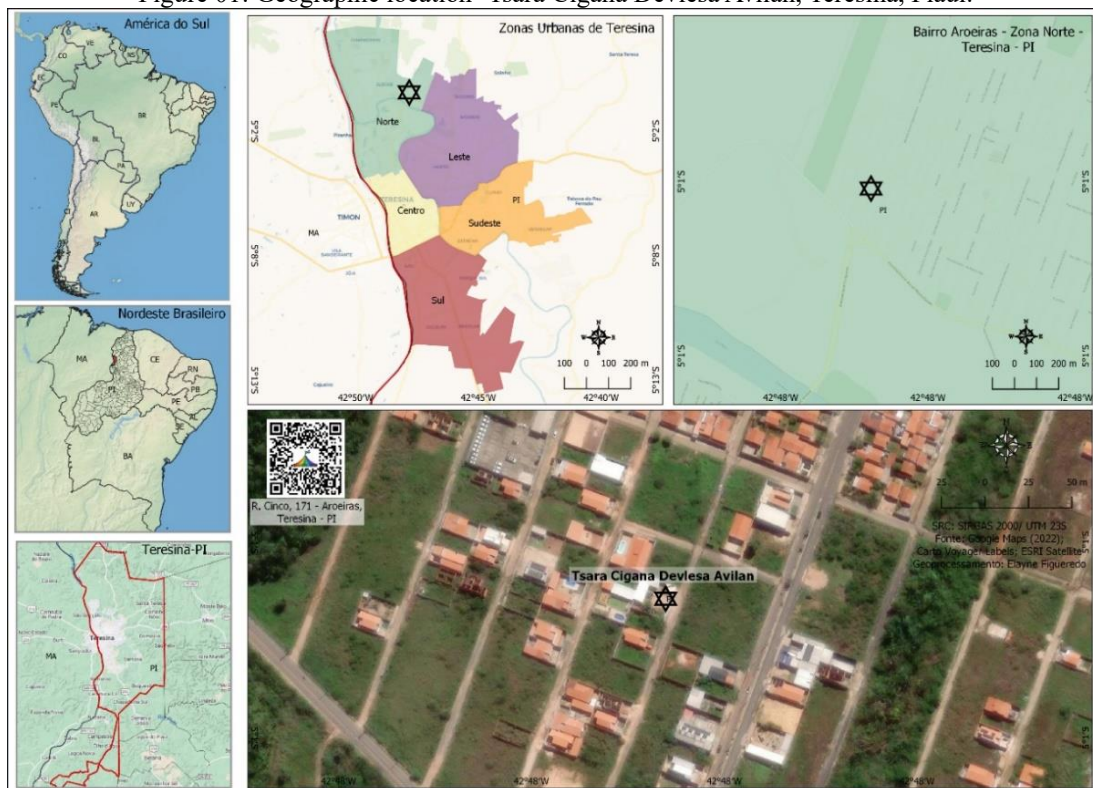


miraculous, saint and black (Gomes, 2020).

2 METHODOLOGY

The gypsy temple Devlesa Avilan, was created in December 2015, with guidance from the Tsaras Children of the Sun and the Moon; Rojó and Tsara Barranom Kali Romani Esoteric Society, led by Mestre Ratói Osvaldo Amarante, and Father Willian de Ogum, who work with spiritual elevations through the knowledge of universal magics and doctrines, developing gypsy philosophy (Santos, 2021). Tsara Devlesa Avilan has a physical structure in the city of Teresina – Piauí precisely has latitude: 5.037178°S and longitude: 42.792717°.

Figure 01: Geographic location- Tsara Cigana Devlesa Avilan, Teresina, Piauí.



Source: Elayne Figueredo.

In the early years, all activities were carried out at the Spiritualist Center of Umbanda Pai Joaquim de Angola (C.E.U.), located in the residential neighborhood Paulo de Tarso, north of Teresina, block Q, house 31. In the year 2016, in the month of April, the first gypsy festival took place. In eight years of existence, there have been several challenges, among them the construction of its own headquarters, which was started in 2018, located in the Aroeiras neighborhood, 171 street, in the city of Teresina, Piauí (Figure 01).

The first contact with the gypsy temple Devlesa Avilan took place in 2016 in a camp (event outside Tsara/temple) near my residence located in the south zone of the city of Teresina. I received



the invitation through a friend. After this first contact, I spent two years attending the house monthly, without mediumistic commitment, only on August 5, 2018, I definitively joined the current. I am currently a medium, sister and daughter of the gypsy Pablo (Barô da casa).

Observations and records were collected during the months of August to November of 2023, in which field records, participant observation, and semi-structured interviews were conducted. In order to achieve the objective of this research, which consists of analyzing the black representation in the gypsy temple Devlesa Avila through the symbology of Sara Kali, a single interview was conducted, in which the interviewee recognizes herself as a black woman. In the context of studies on everyday racism, three studies were selected: Beatriz Nascimento (2021), Gonzalez (2020) and Kilomba (2019).

Semi-structured interviews, in which there is a mix between closed and open questions, giving rise to the possibility of enhancing the dynamics of themes. The research is of a qualitative nature organized in organized stages that give rise to a research cycle that enables the investigative process (Gil, 2008). Minayo (2009) suggests that it is a stage of initiation from the exploration in which the object to be studied is limited in order to have a theoretical and methodological development, building hypotheses or assumptions that help in the definition of instruments for the operationalization of the work in the field.

It is worth mentioning that the semi-structured interviews were conducted after the approval of the opinion of the Research Ethics Committee of the State University of Piauí through number 6,221,875 and were applied in stages where all interviewees signed the Free and Informed Consent Form (ICF), respecting the cycle of the house, on days without spiritualist or sociocultural activities, following a hierarchical order within the temple.

3 SARA KALI, A BLACK SAINT

Gypsies, as we mentioned earlier, have their nomadic origin and their essence spread through the orality of the Romani language. According to the first reports on religion and faith, the gypsies were described as intimately interconnected with their way of life, in which the connection with the sacred was not initially written in books but passed from generation to generation through orality evidencing the elements of nature along with the belief in God (Asavei; Bushnell, 2023).

Grellmann (1783) and Pabanó (1915) point out that in the non-gypsy imagination the fact that they did not have a specific religion, and had the habit of absorbing the religiosity of a certain region, mixed with the practices of daily life interconnected with elements of nature, caused distrust and strangeness. Through a narrow lens, European society looked at Gypsy women, replete with concepts absorbed from legends and myths, in which they instantly attributed titles of witches and sorceresses, mainly with the practice of palmistry or palm reading in public squares.

In this way, the belief in God was questioned and to this day, in the popular imagination, the



question is common: is gypsies a religion? Currently, most authors defend the fact that there is no single specific religion among the gypsy peoples (Jimenez, 1975; Ramirez, 1972). However, this does not mean that they do not believe in God, on the contrary, the word *Devles* in Romani origin, dialect of the gypsy peoples, means God, it is one of the most widespread words in everyday life, regardless of their ethnic group or country, it prevails as a term of common unity, carrying various forms of religions in the plural sense of the word. Gypsies are often devoted to God, and they understand religion in a broader sense of the word than Christians (Asavei; Bushnell, 2023).

Among the elements that express faith we have the black and gypsy representation of Sara Kali, despite her numerous legends of gypsy cosmology. In some regions she is also popularly known as the Black Madonna or Saint Sara Kali, there are reports that she was canonized between the years 1700 and 1705, being not made official by the Catholic Church despite being a popular saint among Catholics (Gomes, 2020; Asavei and Bushnell, 2023).

The most popular legend refers to the fact that Sarah was a slave of one of the three Marys, Magdalene, Jacobé or Salome, being converted to Christianity they were persecuted, put in a boat without oars and thrown into the Mediterranean Sea. In spite of her despair, Sarah did not lose her faith, and removed the *diklô from her head*, and promised that if everyone was saved, she would be a slave of Jesus and that she would never walk with her head uncovered. All were saved, rescued and welcomed by the residents of *Saintes Maries de La Mer*, all the white ones were welcomed. Sara, who was black, was excluded and rescued by the gypsies who maintained a bond of mutual protection, even after her death (Gomes, 2020; Grossmann Cairus, 2022; Lanzarini, 2018).

The gypsies then began to appeal with requests to the one for whom they interceded; and she interceded for them in return. Sarah, well-liked by the gypsies in life, attended them by performing miracles after her death. Sarah thus became Mother and Queen of the Gypsies. And, according to those who believe in the assumption of these functions, he cared for his people, protecting them from the many challenges and persecutions they faced – and still face – in their wanderings around the world. Saint Sarah received, in payment for the miracles and care intended for gypsies, the prayers and practices of devotional thanksgiving from her beloved people (Gomes, p.07, 2020).

Saint Sarah, also known as Sara-la-Kali ("Sara the Black") according to Grossmann Cairus (2022), her origin goes back to ancient Egypt, as a Queen who, in a vision, would have identified the evangelizers who were later welcomed by her and her clan, on the shores of the Mediterranean Sea. The depiction of Sara Kali makes her first appearance in Vincent Philippon's book, *The Legend of Saintes-Maries* (1521), where she is portrayed as a charitable woman who helped people by collecting alms, which led to the popular belief that she was a gypsy (Gomes, 2020; Grossmann Cairus, 2022). Among the legends, the *Sinti gypsies*, gypsy ethnicity, related Sara Kali, was a gypsy priestess initiated into the four elements (fire, water, earth and air) who carried out the reception of the three Marys. From the meeting, it absorbed Christian religious elements and spread the faith among the gypsies,



being a sacred place of devotion and magic (Grossmann Cairus, 2022). There is another legend that points out that Sara Kali is the daughter of Jesus and Mary Magdalene who was thrown into the sea on the French coast.

In Brazil, devotion to Saint Sara Kali is based on religious practices according to ethnic groups (Roma, Sinti or Calons) and their local cultural influences. The devotion to Sara Kali was spread through European legends, and could be worshipped between individual communities or with syncretism through a local saint, for example, Our Lady of Aparecida, through Catholic churches, or in new spaces, mainly through Umbanda and later with the foundation of Tsaras or temples (Lanzarini, 2018).

The term Tsara in Romani can be translated as tent, by extension house and in religion it is associated with the word temple, which comes from the Latin *templum*, spaces of manifestation of faith. According to Silva (2018), a temple can be understood as a sacred religious territory, forming, over time and space, a process of transmaterial cultural resistance. Eliade (1992) describes that since in the great Eastern civilizations of Mesopotamia, Egypt, China and India, temples carried with them a kind of opening upwards in a kind of communication between the Gods, functioning as a bridge between earth and heaven in a transcendent sacred model. Objects, caves, rivers, trees, seas, can also be considered spaces of sacred values that function in the same sense as the temple, so the space of a temple cannot be physically delimited.

The gypsy temple Devlesa Avilan, was created in December 2015, with guidance from the Tsaras Children of the Sun and the Moon; Rojó and Tsara Barranom Kali Romani Esoteric Society having as directors the Master Ratói Osvaldo Amarante, and Father Willian de Ogum who work through the knowledge of physical, mental, spiritual and medicinal healing magics accompanied by universal doctrines, developing through spiritual elevations with the gypsy philosophy. In addition, they also work with elements of gypsy culture, with dances, music, and oracles, in order to actively contribute to the search for new perspectives, which escape prejudice, intolerance, and fanaticism of a spiritual, material, or cultural order (Santos, 2021).

In the gypsy temple Devlesa Avilan, as well as in several regions of the world, between the 24th and 25th of May, annually, Slava ritualistic festival in honor of Saint Sara Kali takes place. The preparations take place two months before involving the local community, mediums and friends of the house. Through the sacred feminine, rituals and magic are performed in praise and adoration, the black saint, recognizing her struggle and resistance representing the gypsy people to this day.

Figure 02: Santa Sara Kali.



Source: Luana Sousa (Personal archive).

The physical representation of the image of Sara Kali, as a black saint, can cause some astonishment or strangeness, especially among the first glances. Such questions are common: Is she a brunette? Is she a black saint? Is she Indian? Was she burned? (Santos, 2021). Despite the doubts and concerns, there are also feelings of connections and immediate representation:

And if you think that she is a black saint and the amount of humiliation we go through every day, regardless of our color, imagine when you are black? Yes, it was inevitable for me to connect with her, to feel, in a way, represented by her, I'm black, and in the Catholic Church you only have one black saint, the churches go more to Our Lady, a white woman and other saints who are white than to her, right? And then, when I arrived I saw it, I remember that the first time I saw her, I kind of got scared precisely because she was black (Lopes, 2023).

It is interesting to note that in the above description it is noticeable that most of the images represent white women sanctified in an eternal European Christian whitening. Thus, we assimilate Western values in subjective acts in our daily lives, with racism being an elementary white supremacy of colonialism (Kilomba, 2019). Saint Sara Kali can be represented by the difference of not being white: such differences are intertwined with values of hierarchies throughout history, politics, society, and economy (Nascimento, 2021; Gonzalez, 2020; Kilomba, 2019).

Among the reports of some mediums in the house, Sara Kali can be a life inspiration "She is not only a Saint that I worship to make requests, but a Saint that I worship because she is an inspiration for my life" (Lopes, 2023). The gypsy faith is considered a saint although not canonized, she is also a protector of pregnant women and associated with devotion to gypsy peoples, being worshipped, in spiritual orders, as well as in political activism. Political in the sense of representing a black woman,



providing a moral vision through the mediation of spirituality and non-institutional religion (Asavei; Bushnell, 2023).

However, the outside gaze is not always tolerant. In everyday situations, perceptions of camouflaged racism are common, generating doubts as to the intention of offending or not, in which defensive strategies are perceptible.

First of all, when we leave the temple or come to the temple dressed in white or in gypsy clothes, people look at us... The ubers, for example, they look. Like last week I took an Uber, I was all in white, he asked if I was at what level of capoeira. I said, "In the beginner rite (so I don't have a problem). I didn't know if he wanted to play something or if he was really asking about capoeira. Another time at the bus stop I told her about St. Sara Kali and the lady spent hours trying to convert me to the correct Christian religion (Lopes, 2023).

Beatriz Nascimento (2021), Gonzalez (2020) and Kilomba (2019) summarize that interracial relations in Brazil are mild, since the manifestations of racial prejudice manifest themselves in a subtle way through camouflaged tolerance. Racial prejudice against blacks is violent and at the same time subtle and has a certain tolerance, and it is not always possible to perceive the extent to which the intolerance of the other occurs. In this sense, Kilomba (2019) everyday racism refers to all vocabulary, discourse, images, gestures, and actions that place the black subject and people of color not only as another but also as otherness, that is, as the embodiment of the repressed aspects of white society.

Gonzalez (2020) justifies that in Brazil, overt racism or disguised racism are strengthened through two ideological conceptions in the formation of black representation: racial democracy and whitening. The racial democracy that was disseminated in the social imaginary, based on the analysis of Gilberto Freyre's studies, constituted a unique and official perspective, in which he defends the idea that racism does not exist in Brazil. As for the issue of whitening, we have miscegenation as a tool that strengthens the supposed white superiority. Latin American racism is sophisticated enough to keep blacks and Indians in the condition of subordinate subjects: white Western values are unique, true, and universal.

4 FINAL THOUGHTS

You, who are the only gypsy saint in the world, this is how the main prayer to Saint Sara Kali begins, who has the title of saint, although not official in the Catholic Church, but is universally present from the consecrated European Christian cathedrals to the terreiros of Umbanda and Tsaras. You who suffered all forms of humiliation and prejudice, the second verse, represents Kali, with her black essence, marked by the difference of color, walking between: exclusion, racism and intolerance that is still present in daily life in an explicit, violent or camouflaged way. How to visualize such camouflage? Through the black light itself, since they have tried and still try to enlighten us with the white, standardized, westernized and imperialist light.



Thus, the image of Sara Kali can represent a black woman as protagonists walking between spiritual and political territories, serving as a tool to fight against intolerance and racism, in order to contribute to the decolonization of knowledge and powers.



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Women's vulnerability in the digital consumer environment



<https://doi.org/10.56238/sevened2023.002-014>

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ABSTRACT

This article seeks to analyze the behavioral vulnerability of consumers in the face of consumer harassment aimed at the female audience in the digital environment, from an interdisciplinary perspective, delving into the sociological and psychological effects of harassment, showing the technological mechanisms that companies are using to conquer this target audience. It will seek to insert women in the new category of hypervulnerable consumers due to their lower economic empowerment in the market, especially when the phenomenon of sexist price differentiation and abusive advertising is identified, presenting legal alternatives for the adequate correction of the practices of transindividual reach. The research followed the deductive method and was based on national and foreign bibliographic research.

Keywords: Women, Vulnerability, Consumption, Digital, Gender Discrimination.

1 INTRODUCTION

In contemporary times, there is the growing development of the digital environment, which has caused changes in consumer relations, making them faster and more malleable, however, with these reforms, consumers are increasingly becoming the "weaker" part of the relationship.

In this same scenario, women persist in the struggle for equal rights, where this seems to be far from over. Women have already been able to achieve achievements, such as article 5, I of CF/88, which addresses that men and women should be seen as equal, both in rights and obligations, however, equality has not yet been fully consolidated since there is still a discrepancy in relation to social and labor treatments.

Throughout this work, it will be observed how the consumer, and especially the woman, became the target of advertising companies, in addition to observing the methods they use to conquer their target audience in e-commerce.



Thus, in this article, the central theme is to demonstrate how women are seen in the advertising media using the *e-commerce* media as a focus, and how most of the time, the female sex is objectified in an offensive way in order to instigate the heterosexual male audience to make the purchase of the product.

In addition, the present work, in its third chapter, discusses the increase in consumer vulnerability on digital platforms, demonstrating that with new technologies companies have used their *websites* to be able to store and share the personal data of their users, which has resulted in the sale of this data to private companies and targeted advertising. especially on social networks. He also points out that this medium has generated differences in the prices of men's and women's products, the phenomenon known as *pink tax*.

Finally, in its last chapter, it aims to discuss the protective measures regarding consumer rights in this new panorama, with the State gradually intervening more in consumer relations, with the creation of new legislation aimed at regulating the internet and using the extensive interpretation of the Consumer Code – CDC.

In addition, as women are one of the main victims of these new advances in the technological environment, this article highlighted female empowerment, which is gaining greater visibility lately, as a way to change the conduct of entrepreneurs today.

Therefore, with technological advances and the emergence of mechanisms such as apps, which are capable of boosting the sale of a certain product or service with just "one click", these have caused harm to consumers by carrying out, on virtual platforms, abusive practices, causing psychological problems, such as anxiety, depression, bulimia and others.

It is necessary to emphasize that in this article, the problem of sexism in the face of female vulnerability in the digital consumer environment will be explored, where such an approach tends to depreciate the female image, making them susceptible to various discriminatory practices, in addition to the aesthetic pressure that women have been suffering over the years, where the beautiful and the jovial are related to success.

According to Lakatos and Marconi (2003), the quantitative-qualitative method, the legislative analysis of the Consumer Protection Code, the Federal Constitution, the Civil Rights Framework and the General Law for the Protection of Personal Data are used to carry out this work, in addition to theoretical data to prove the research in question. The quantitative and qualitative method will be used both in the interpretation of the subjective observing female feelings/opinions/perceptions regarding marketing and digital consumption, as well as numbers and statistics to demonstrate the hypervulnerability of the female sex in the culture of consumption. Concomitantly, the work of Professor Dennis Verbicaro in his book *Digital Consumer Law* will be used as bibliographic research, which will serve as a guideline to build the theme explained in this work.



Thus, the following research question remains: How did women become a target for advertising media in the virtual environment, having been characterized as a hypervulnerable part in consumer relations?

The implications of this study will be further amplified in the course of the following chapters.

2 CONSUMPTION RELATIONSHIP FROM THE PERSPECTIVE OF THE FEMALE GENDER

With regard to the consumer relationship, it is characterized by the presence of two agents, the consumer and the supplier. The consumer would be either an individual or a legal entity that purchases a product for their own use, not being commercial, while the supplier can be an individual or legal entity that develops or provides an activity for commercialization, as provided for in arts. 2nd and 3rd of the Consumer Protection Code.

However, in the doctrine there is more than one concept to define the consumer, given that in the course of the CDC itself it alternates in the content of some articles. The first is the final recipient, which are consumers, who can be individuals or legal entities, who acquire a good or service exhausting its economic function, causing it to be removed from the consumer market.

The authors of the book "Comments on the Consumer Protection Code", Cláudia Lima Marques and Antônio Herman V. Benjamin, defenders of the finalist theory, define the concept of "final recipient" in article 2 of the CDC as follows:

The final recipient is the final consumer, the one who withdraws the good from the market by acquiring or simply using it (factual final recipient), the one who puts an end to the production chain (economic final recipient) and not the one who uses the good to continue producing, because he is not the final consumer, he is transforming the good, using the good, including the service contracted in yours, to offer it in turn to your client, your consumer, using it in your construction service, in your price calculations, as an input for your production. (MARQUIS; HERMAN., 2006, p. 83-84)

In addition, there is the second that refers to the concept provided for in article 2, sole paragraph and article 81 of the CDC, which addresses collectivized interests, which characterizes the consumer as any person who intervenes in consumer relations, even if they have not performed acts of consumption, but who is exposed to the practices carried out by suppliers in commercial transactions.

The equivalence regulated by the sole paragraph of article 2 aims to protect the entire community of persons subject to practices arising from the consumer relationship. In this way, the Consumer Protection Code was able to enable a network that protects the diffuse and collective interests of the consumer mass, providing the bodies that have legitimacy to act in their defense, with a prevention mechanism to obtain a fair reparation for the eventuality of the existence of damage. (MELO, 2017, p. 359 *apud* SENISE LISBOA, 2001, p. 163)

With regard to article 17 of the CDC, the consumer has been conceptualized by equivalence, which extended the protection granted by law to the final recipient to any subject of law who was



harméd by the abusive conduct practiced by the supplier when placing a defective product or service on the market, these are called *'bystander'*, that is, they are harmed third parties who do not participate directly in the consumer relationship.

Indoctrinating on the subject, Paulo de Tarso Vieira Sanseverino teaches that:

each and every victim of a consumer accident is equivalent to the consumer for the purposes of the protection conferred by the CDC. The so-called *'bystander' are now covered*, which are third parties who, although not directly involved in the consumer relationship, are affected by the appearance of a defect in the product or service. (MELO, 2004, p. 55 apud SANSEVERINO, 2002, p. 208).

Finally, there is article 29 of the CDC referring to the exposed consumer, which addresses the equivalence of a consumer with all persons, whether determinable or not, as long as they are subject to a commercial practice, otherwise, in order for it to be protected by consumer legislation, it must result from a consumer relationship, having at least one of the poles a supplier of services or products and, on the other, a consumer as a target to be reached by the supplier's appeal.

This understanding is affirmed by Anthony Herman V. Benjamin, who states that:

The consumer is, therefore, not only the one who "acquires or uses a product or service" (art. 2), but also the people "exposed to the practices" provided for in the Code (art. 29). That is to say: it can be seen concretely (art. 2), or abstractly (art. 29). In the first case, it is necessary that there be or is to be acquired or used. On the other hand, in the second, what is required is simple exposure to the practice, even if it is not possible to pinpoint, concretely, a consumer who is in the process of purchasing or using the product or service. (BENJAMIN, 2007. p. 18)

Therefore, the consumer can be either the one who performs the acts of consumption – buying a product or acquiring a service – or he can also be the one who did not perform any act, but was harmed by the abusive practice carried out by the supplier, not effectively participating in the consumer relationship.

As far as the supplier is concerned, one of its main characteristics is the habituality of carrying out its activities by constantly placing its products or services in the consumer market, which may have a profit-making purpose or not, as there are philanthropic entities that only raise money to ensure their own livelihood, as provided for in article 3 of the CDC.

"A supplier is one who acts professionally in the market, receiving direct or indirect remuneration for the production, distribution and marketing of goods and services." (BESSA, 2011, p. 1.023).

There are four important classifications in this regard. The first refers to the actual supplier, who effectively participates in the manufacturing or production process of the product, these being the manufacturer, the producer and the builder. The second deals with the presumed supplier, who is the intermediary between the manufacturer and the consumer, not participating directly in the creation process, as provided for in article 13 of the CDC.



In addition, there is the apparent supplier who also does not really participate in the manufacturing process of the merchandise, however, when placing a brand or having a glimpse of its name on the product made available to the consumer, the latter is understood as the real manufacturer.

The liability of the apparent supplier is justified by the fact that, by indicating on the product manufactured by a third party its name, brand or other sign that identifies it, the apparent supplier assumes before the consumer the position of the real manufacturer of the product. This allows for their full accountability in the form of article 12 of the CDC (EFING, 2011, p. 83).

Finally, the equivalent supplier would be:

that third party who in the consumer relationship served as an intermediary or helper for the realization of the main relationship, but who acts vis-à-vis a consumer as if he were the supplier. In other words: he is not the supplier of the main contract, but as an intermediary he is the 'owner' of the related relationship and has a position of power in the relationship with the consumer. (MARQUIS; BENJAMIM, 2007, p.. 83).

As for consumption, it was restricted to the act of buying or using a service or product, according to Heilbrunn (2010, p. 7) the act of consuming is "Consumption [...] it was constituted as a system by which individuals collectively and individually manipulate meaning and values, and mobilize important resources in terms of time, efforts [...]."tag.

However, over the years, especially at the beginning of media advertising, the female sex was attributed to the act of consuming in a stereotyped way, since this role was assigned to women. From this, the stereotype that "shopping is a woman's thing" emerged, causing men to refuse to go to stores.

The advent of this stereotype occurred in the period of the Second World War, which resulted in a decrease in production capacity, as men were forced to go into battle in order to defend their nation. In view of this, women began to take space in factories and means of production, where in this way a historical milestone occurred, the female dusting and the search for women's financial independence.

With female empowerment, a phenomenon of postmodernity, women began to seek financial independence. As a result, brands began to realize the importance of attracting even more attention from the female audience, using marketing strategies to promote small changes so that they are not noticed (RICCO; OLIVEIRA, 2017, p. 111).

Thus, it is observed that this correlation between the female sex and the habit of consuming is based on a sexist perspective rooted in society, which leads to the perpetuation of social conditions of a patriarchal nature that has assumed a determining prism in the mold of the personality of individuals.

Women, in this predatory logic of consumption, are permanently induced to follow strict aesthetic and behavioral standards that are pre-established, and often stereotyped, through direct or subliminal advertising campaigns that are meticulously designed to identify and take advantage of their specific needs (VERBICARO et al., 2020).



Thus, it is observed that the consumption habit and the female sex are linked by a sexist vision, which the media propagates over the years, making use of the vulnerability of women in the consumption environment to impose certain behavioral patterns and consumerist habits.

Thus, when explaining about the consumer relationship, it is impossible not to address the means that is most used to encourage it, which would be advertising advertising, which is carried out with the purpose of disseminating, promoting a service or product through an image or informative message, with the purpose of bringing profits and being exclusively aimed at consumers.

According to economist Philip Kotler, he conceptualizes advertising as "any form, non-personal, of presenting or promoting ideas, goods, or services, paid for by an identified sponsor." (KOTLER, 1998, p. 257)

In addition, there are two types of advertising: commercial and social. However, this article will focus on commercial advertising, which aims to promote products and services for profit, including marketing.

Thus, in Brazil, advertising is envisioned as a means of mass communication, that is, carrying out the same practice of conducts to develop the advertiser to the desired consumption, as alleged by Armando Sant'Anna:

"Advertising serves to carry out the tasks of mass communication with greater economy, speed and volume than those obtained through any other means" (SANT'ANNA et al., 2015, p.75).

However, there was only a great advance after the First World War in the year 1930, when there was the emergence of radio with sung advertisements and soap operas that in scenes advertised the products.

After that, television came in the year 1950 that revolutionized Brazilian advertising, with images being broadcast live, with most of these being made by women, since they were aimed at the female sex, because in this period the purchase of products or services was made, for the most part, by women, since they expected them to only take care of the domestic issue and appearance.

This understanding is established by Lipovetsky in 1989, who states that "Since the 1950s, women have been influenced by the consumer industry to make changes in style and presentation and at the time, women were considered beautiful when they had a defined silhouette" (LIPOVETSKY, 1989, p.75).

Because of this, the "advertising dictatorship" used advertisements, films and photos stigmatizing women as they should dress, act and think, resulting in the naturalization of stereotypes of femininity and fragility.

As a result, because these are almost exclusively for women, the media put women in the main focus of the commercials, cleaning and using their best clothes so that when their family members entered the residence they would find a clean and pleasant environment. When the products were aimed



at the male sex, female sexuality was also used to sell that product, where only social status and the perfect woman would be achieved by consuming that commodity.

In addition, the seductive power of silent film stars marked an entire generation of women, serving as a model for the construction of self-representation in modern society, demonstrating women as seductors to a more general public, selling their image, or linking it to the product to be consumed.

However, it is worth mentioning that, during the 90s, the emergence of the internet occurred, which led to several changes in the daily lives of individuals, even enabling transformations in the form of the consumption relationship between supplier and consumer, demonstrating that buying a product has never become so easy, since the tireless hours of searching for a product in physical places gave way to the act of buying in a few clicks in the comfort of your home.

Another change related to digital consumption was the advent of *digital marketing*, which came fiercely to social platforms to show ads for any type of product. Nowadays, it is clear that anyone is liable to be bombarded with advertisements, which induce the purchase of the products of their choice.

An example of this is the social network *Instagram*, which shows several publications and "*stories*" of beauty bloggers - who often do not have a background in aesthetics or nutrition - showing a "revolutionary" product that will make the person lose 10 kg (ten kilograms) in a week. However, what often happens is that company x paid the blogger to advertise the product on her social media as "beauty tips", since she has a great power of influence, especially for the female gender, on this digital platform.

3 THE BEHAVIORAL VULNERABILITY OF THE CONSUMER IN THE FACE OF CONSUMER HARASSMENT AIMED AT THE FEMALE PUBLIC

Currently, society lives in the digital age, which has made the act of buying an easy task, providing the consumer with the possibility of searching, ordering and paying for several products in a matter of minutes and even being able to use it at the same time they paid, such as *e-books*, music, digital platforms and among others. Thus, with technological advances, there have been changes in the consumption relationship, and consumer privacy has been dissipated, since these new technologies, such as *smartphones*, *tablets*, *notebooks* They enter the domestic sphere, easily promoting the user's navigation in virtual communities full of offers and promotions, and also allows information about them to be captured and stored in the virtual environment, making it increasingly easier to manipulate to make purchases.

As a result, it is easy for the supplier to display their products and sell them, since when the consumer accesses any digital platform it is inevitable that it is full of ads that are sometimes aimed at the same, with goods that they may like or that they are used to looking for or buying.



With regard to the main showcases of *online advertising* display in Brazil, the research conducted by *comScore* and released by *eMarketer* in 2013 showed that *Facebook* is leading the research with about 51.934 million ad views, as shown in the image below:

Figure 1 – Table of the main online advertising display windows in Brazil.

Sites	Exibição de anúncios	Visitantes únicos expostos a anúncios
1. Facebook	51.934 milhões	60.9 milhões
2. UOL	11.827 milhões	52 milhões
3. Globo.com	11.611 milhões	43.4 milhões
4. Sites da Microsoft	8.816 milhões	39.6 milhões
5. Telefônica	8.499 milhões	41 milhões
6. Sites do Google	7.319 milhões	60.9 milhões
7. Sites do Yahoo!	3.899 milhões	38.3 milhões
8. Portal R7	2.343 milhões	39.3 milhões
9. iG	1.764 milhões	17.1 milhões
10. Grupo Abril	739 milhões	21.3 milhões

Source: Canaltech (2013, online)

As a result, it can be seen that there is vulnerability of the consumer in the aforementioned relationship, which is configured by the insufficiency of information regarding the product or by the absence of legal knowledge to understand how to avoid the abusive conduct of the supplier, who is seen as superior in the power relationship in the consumer market.

Thus, the "subjective legal situation in which the holder is more susceptible to being injured in his or her extra-patrimonial sphere, imposing the application of legal norms of differentiated protection to satisfy the principle of human dignity" (KONDER, 2015, p.5).

In addition, vulnerability comes from an imminent situation, and not only when the consumer has already been injured, this is stated by Jean-Pascal Chazal (2000, p. 244) clarifies that:

If the consumer is to be protected by the law, it is not because he is systematically injured, but because he is likely to be injured for the simple reason of defending himself badly, of not being well armed to face his partner-adversary, which is the supplier.

It should be noted that the digitalization of consumer relations causes the maximization of the consumer's vulnerability, due to the fact that when proceeding with purchases by virtual means, it triggers several doubts, the main one concerns the scope of buyer protection in case any procedure is wrong, not knowing if he can trust a supplier without identity and who can have his information only by following his movement on the *website*.

One of the main reasons for maximizing this vulnerability would be the geographical distance between the seller and the buyer, with the user having difficulties in viewing the product online, since he is not sure if it will meet his expectations, thus, in the event of a vice or defect in the merchandise,



the consumer may find it difficult to enforce his rights against an unidentifiable seller located at a remote address.

In addition, there is another problem regarding this digital relationship, which would be the consumer's declaration of will, since most of the time this does not correspond to veracity, and defects in consent are envisaged.

Such addictions occur largely in social networks, which establish extensive terms and conditions, and users are required to accept if they want to use the network, however, it is clear that most of these people do not read the terms and do not know what they agree with, and may even consent to this social network being able to view and store all their information, which happens in reality, therefore, when we enter *Facebook* or another social network to various ads aimed at the user itself.

Therefore, it is clear that the consumer is the weaker party in this relationship, given that, as shown, the supplier has control over the information of its users, and can also use social media, such as *Instagram*, *Youtube* and *Facebook* to propagate its products at any time of the day, making such conducts facilitate the sale of its products.

Through this, we observe the behavioral technique promoted by suppliers in modernity to boost the marketing of brands by manipulating the consumer's psychology, transforming the individual into what the system imposes.

"The culture industry dictates the models of behaviors in advance, defines and imposes what the new consumption needs will be, defines standards of beauty, and interconnects consumption with the achievement of personal fulfillment, *personal status*, and even happiness" (VERBICARO et al., 2019, p.83).

Faced with this model propagated by the cultural industry, the female public is a recurring target of advertisements, since the bodies of "ideal women" are used to boost sales of products considered mostly male – such as the advertising of alcoholic beverages – or use the female image to demonstrate the ideal of beauty, as we perceive in the advertisements of the cosmetics industry.

Feminine beauty is directly linked to beauty, delicateness and youthfulness. To achieve fullness and acceptance, a woman must undergo several procedures: waxing, painting her nails and hair, spending on various aesthetic methods that slow down skin aging, such as *botox*. In this situation, we observe that feminine beauty does have an expiration date.

Older women fear young women, young women fear old women, and the myth of beauty mutilates the course of everyone's life. And what is more exciting, our identity must be based on our "beauty", in such a way that we remain vulnerable to external approval, bringing our self-love, that sensitive and vital organ, exposed to everyone. (WOLF, 2018, p. 17).



By observing a drive towards the standardization of beauty and female behavior, it is verified that there are extremely sexist approaches in consumerist relations with the exposure of stereotyped images. A case that reverberated in the media was that of the blogger Boca Rosa, in which the *influencer* raised the flag of healthy eating and stated to her followers that she had lost approximately 12 kg just by using "local food", however, in an interview with journalist Leo Dias' program on the radio, the businesswoman did not know that a live was taking place simultaneously through sharing apps, and during commercial breaks, she admitted to having undergone liposuction (DMTV GOIÂNIA, 2017).

By talking to women, the cultural industry, through the consumerist relationship, carries out an appealing and abusive approach, imposing on women different conditions and prices, solely because of sex, behavioral and beauty standards that are unattainable. This differentiated approach that the cultural industry carries out ends up directly influencing consumerist relations, making the female consumer not only vulnerable because she is, in herself, a consumer, but doubly vulnerable, because she is a woman consumer (VERBICARO et al., 2019, p. 99).

From this, it can be seen that the prism in which women are the constant targets of the cruel *marketing* of youthfulness and beauty – often unattainable – since all this is directly associated with the fact that this consumer will only consolidate herself as an "ideal woman" if she buys products with the purpose of making her young and beautiful.

For Wolf (2018) "Beauty" is neither universal nor immutable, although the Western world pretends that all ideals of female beauty originate from a Platonic Ideal Woman. Women are bombarded with *posts* via sharing apps preaching – and standardizing – beauty, and when they disagree with these aesthetic standards, they are labeled exotic or even charmless.

"Beauty" is just one of the many ways of objectifying women, since the market of perfection standardizes behaviors, clothing, consumption habits, and even aesthetic procedures, like a large production line of goods.

Thus, the consumer itself is already vulnerable, however, the female sex is approached with massive gender discriminatory harassment, since there is pressure to fit into aesthetic standards seen in advertisements and publicity made by artists and models, through this, women compare their "ordinary" bodies with those that have undergone retouching through beautification apps. As a result, women are under psychological pressure to maintain the standard of "beauty" sold by these media, carrying out absurd diets and insane exercises - that is, practically unattainable, making them spend more and more on products to take care of their appearance and be able to match these paradigms.

As mentioned above, with technological advances, suppliers have unraveled several ways of subjecting consumers to consumer practices, making them more susceptible to consumer harassment, however, this practice has become recurrent in the environment and has become a natural practice, consequently acceptable.



Consumer harassment is seen as an aggressive conduct carried out by the supplier, which undermines the arbitrariness of the consumer's decision when choosing the products he wants or needs, pressuring him in order to induce him to give in to market pressures, taking advantage of his insecurities, fears, reliability in relation to third parties and even his age, gender and social status.

This understanding is affirmed in the article *Unraveling the Behavioral Vulnerability of the Consumer: A Legal-Psychological Analysis of Consumer Harassment*, written by Professor Dennis Verbicaro, and master's students Lays Rodrigues and Camille Ataíde (2018, p. 2) which explains:

Consumer harassment is characterized by the practice of aggressive behaviors, which directly affect the consumer's freedom of choice and, in more serious and continuous situations, their own life projects, attacking their psychic sphere, which, in the midst of so many manipulative strategies, is subjugated and led to give in to market pressures. (VERBICARO et al., 2018, p. 2)

One of the most active ways to characterize it as consumer harassment would be advertising activities that are carried out in excess, mainly because of the *internet* that has made it possible to create several ways to carry out advertisements with the following:

There is an infinity of virtual techniques for promoting advertising messages, such as, for example, the *micro-site*, the *banner*, the *pop up*, the *sponsored links*, the *email marketing*, the *adverlog*, the *search engine marketing*, podcasting and *spam*. In short, it is the use of digital technologies as a *marketing* tool involving communication so that, along with new technologies, new risks of harm also arise (BASAN, 2020, p. 30).

As a result, it is clear that such forms of advertising frequently approach several advertisements, forcing the consumer to view them against their will, also such providers do this without the authorization of the users, making the advertisements tiring and exasperating, which can cause anxiety, emotional disturbances and even the exacerbated consumerism of Internet users.

In view of this, it can be seen that this conduct made by the suppliers, due to the large quantity, frequency and the way of approach in which the advertising is carried out, it is clear that there is disloyalty and violation of the principle of objective good faith, which is characterized as an abusive practice, aggravating the vulnerability of the consumer.

As seen in the first chapter, advertising has grown along with technological development, leaving the radio, going to television and now with the evolution of the *internet* it has gained great space on this platform, given that more and more people have been consuming information and products through the digital market. Due to this, the digital *influencer* or, translating to Portuguese, the digital influencer, which can be seen as a form of consumer harassment, has emerged.

The *digital influencer* is seen as a profession that aims to influence people's behavior and opinion using communication channels such as *Youtube*, *Instagram*, *Facebook*, *Twitter* and others. They use these social networks to attract as many followers as possible to increase their power of



influence, some of the most well-known influencers would be Boca Rosa, Camila Coutinho, Manu Gavassi, Whinderson Nunes and Viih tube.

Influencers post photos and videos on their social media profiles, tag companies in the publications and that's it, all it takes is a click or tap on the screen and the consumer is already forwarded directly to the brand's profile or to the organization's virtual store, from then on the customer has access to all the company's products and will be able to make their online purchases in a simple and fast way (FELIX, 2017, p.18).

In this way, most companies opt for this means of advertising, since we have observed it to be quite effective. This can be confirmed through the survey conducted by Nielsen (2017), a company specializing in consumer behavior, 90% of customers trust the recommendation of others to buy a product, while only 33% say they are influenced by ads.

With this, it is noted that influencers have a great power of influence, as they have the reliability and proximity to their followers who, by listening to them daily through their channel or page, decide to trust them about the products they recommend, unlike ads that can easily be ignored and blocked.

In this sense, currently, making a comparison with the culture and consumption of previous years, the influencer is nothing more than the old store windows, which aims to highlight and exalt the product, presenting it in an appropriate way, in order to sharpen the desire to obtain a certain piece in question, therefore, They are seen as a form of consumer harassment, as they make your audience believe that such merchandise can bring beauty, happiness and pleasure, generating harm to the consumer who trusts most of the time in a lie.

However, for the doctinaire Felix (2017), consumers, especially women, have increasingly sought stereotyped beauty:

The desire to look good physical has been growing for a large part of society today, with technological advances, the popularization of the internet and social networks, the exchange of information about the fashion market has occurred around the world with an increasing speed. (FELIX, 2017, p. 30).

In this way, the concern with appearance in the modern world remains crystal clear, and influencers are of paramount importance in the dictatorship of behavior and aesthetic standards, so when a certain consumer follows these professionals starts to believe in the veracity of the advertisements (or *publiposts*) that he shares.

As for the world of aesthetics and beauty, we observe an approach in which beauty is linked to well-being and happiness.

The culture industry and consumer harassment are more pronounced for women. This harassment manifests itself through the media, through abusive advertising, tarnishing the image of women or, as mentioned, imposing unattainable standards of beauty and behavior. (VERBICARO, 2019, p. 98).



As a result, influencers highlight the "ease" of aesthetic changes, recently when scrolling through the *instagram feed* we observed partnerships with brands in the beauty industry and aesthetic procedure clinics - which inconsequentially sell these procedures as a simple and easy way to beautify without showing any side effects. An example of this is the "wave" of aesthetic procedures and partnerships that several *influencers* close with aesthetic clinics and sell *lipolad* (the new type of liposuction, which would be a procedure in which the person leaves the operating room with buds in the belly).

One case that reverberated in the media was the influencer Virginia Fonseca, who underwent two *lipolad surgeries* in the period of approximately one year. The *influencer* used the procedure to generate content and engagement on her *youtube channel*, not taking into account the repercussion of the naturalization of aesthetic procedures, in addition to not addressing the dangers that the procedure can entail in the patient's body.

Liposuction, or just lipo is an extremely invasive procedure that many people undergo for the elimination of fat, unwanted skin, or even remodeling the shape of the belly built "buds", however, when done inappropriately it can cause the perforation of the patient's organs.

Another event that impacted the Brazilian media was the case of the 26-year-old blogger Liliane Amorim, the young, phenotypically thin chose to "go under the knife" to achieve the long-awaited "flat belly", however, the girl died due to complications in the surgery and her intestine was perforated which led to generalized infection (ESTADO DE MINAS, 2021).

In the book *Digital Consumer Law*, Alexandre Rocha do Carmo and Caio Gabriel Motta alluded that:

Through the media, it always promises women an ideal happiness through the consumption of goods and services propagated in the media (...) there is the imposition of stylish bodies, promoting the constant need for aesthetic treatments and surgeries, as well as the constant need to shop, triggering compulsive consumption. (CARMEL; MOTTA 2019, p. 221)

Women are constantly approached with these ads and *lifestyles* from the *influencer world*, which address realities that not even the professionals themselves experience, causing several disorders for those who actually live in real life, such as bulimia, anorexia, anxiety and depression by comparing it to a *fake lifestyle*, disseminated on social networks.

Through this, it is eye-catching the way in which contemporaneity approaches the female universe, as well as the imposition of female inferiority over the years, which indicates the hypervulnerability of the consumer for only being a woman.

In this way, influencers, by exerting a greater influence in relation to a certain group, precisely because they demonstrate greater safety in the use of the indicated product, can generate psychological



problems by pressuring Internet users to buy, they must as well as their suppliers be civilly liable for damages caused to consumers by illicit advertising or by problems arising from the products.

4 THE HYPERVULNERABILITY OF THE CONSUMER IN THE FACE OF E-COMMERCE – MANIPULATION AND LEAKAGE OF PERSONAL DATA – AND OF THE CONSUMER IN THE FACE OF THE *PINK TAX*.

In the course of the previous chapters, it was discussed that in today's society there has been the advancement of technological means, one of them being the emergence of the internet and social networks. In view of this, it can be seen that the internet has expanded to the point that practically all relationships have started to be carried out through it, and even the Brazilian legislative system has to cover them.

This statement can be verified through the ICT Household 2019 survey, carried out by the Regional Center for Studies for the Development of the Information Society, which states that Brazil has about 134 million Internet users, representing 74% of the population that accessed the internet at least once in the last three months, with approximately 39% of users buying products and services over the Internet in the twelve months prior to the survey.

It should be noted that with the advancement of this new technology, there have been several transformations, especially in commercial relations, causing impacts on legal businesses that have generated the advent of e-commerce, which has triggered several changes in the consumer market, especially during the pandemic that practically forced suppliers to use the digital medium to be able to sell their services or products.

In view of the above, it is clear that e-commerce is a commercial transaction carried out in a digital environment through electronic means, in which the parties do not have any physical contact, which causes extinction in terms of geographical distance and reduces the costs arising from legal business, given that suppliers do not spend on equipment installations. with establishments, even with employees and among others.

As a result, there have been several changes in consumer relations, which have caused both benefits and harms for the parties. As far as consumers are concerned, they had the privilege of obtaining any purchase with just "one click", having a greater and faster search for prices and quality of goods, being able to reduce travel costs and save time.

As for the suppliers, in addition to reducing costs, they acquired the possibility of carrying out the so-called *marketing* digital, which can be done on any virtual platform, which is aimed at different groups, which leads to consumerism, making people buy something they don't need, increasing the profit of companies.

That said, the development of digital marketing was obtained , which would be:



(...) a segmented marketing, through the appreciation of groups and individual interests, and which uses techniques that help in the discovery of the activities of consumers on the network when they access the sites, shaping the online advertising according to the clicks of the consumer-Internet user (SANTOS, 2009, p.80).

Thus, it is noted that this *marketing* presents several divergences as to what is seen on television, which has certain times to appear and shows the advertising of goods that are not related to the taste of the viewers, which is completely different from the digital that demonstrates products and services in any period, which are directed directly to Internet users.

However, this form of advertising has caused a major problem for Internet users, which would be the need to be cautious about the content they access on the internet, since the development of this has caused the fulfillment of various irregularities and even illicit activities on the part of suppliers.

One of the main irregularities would be the violation of privacy and intimacy, with the manipulation of personal data, which in the virtual sphere has the purpose of generating information, news and advertisements directed to the particularities of Internet users, inducing them to buy products and services they do not need, making the consumer more vulnerable to this consumer society.

This "phenomenon" is due to the data storage technology carried out by companies – such as the example above of *Netflix* – and by data sharing – such as the store in *the Facebook feed* – , common practices of companies, authorized by the user to use their personal data from the moment they click on the button to accept the terms and conditions and use, or the cookie acceptance button. (ROCK; MAZIVEIRO, 2020, p. 21).

Thus, it is observed that users do not have full technical knowledge to be able to understand the seriousness of the situation regarding their consent in the terms and conditions of use provided on digital platforms - such as *Facebook*, *Instagram*, *Google*, *Amazon* and others - since they collect and store data, transmitting it to suppliers, without the consent of Internet users, in order to obtain profits. The biggest example of this was the case of *Facebook*, which sold its users' data to be used for political purposes, which influenced the US presidential election won by Donald Trump.

Individuals voluntarily provide their data, knowingly or unknowingly, through just one *click*, in the search for access to the services offered by applications and digital platforms. All this range of information produces the so-called *Big Data*, which consists of a large amount of collected data that is stored, analyzed, categorized and classified by computers using supposedly neutral algorithms. (BASTOS; MIRANDA, 2020, p.136).

In addition, it is worth noting that when Internet users search online, especially in the *Google.com* for certain services or products, they give rise to the ability to create very personal profiles to meet people's individualized taste, and this is extremely used by supplier companies to direct their advertising with offers and prices specific to that profile, in order to increase the chances of buying from their products. wares.



This practice is called targeted advertising, which consists of cross-referencing information in order to generate very personal profiles of users. This data is increasingly stored and subjected to an organization and filter process, generating a complete profile of the consumer, making it possible to know their preferences and needs instantly. (BARRETO FILHO, 2019, p. 23).

In addition, the practice of this targeted advertising is carried out through *cookies*, by accepting this policy of a particular *website* or social network, users are at the mercy of the providers, since *cookies* are data generated with the purpose of identifying the user and obtaining their browsing habits (*websites* who you visit the most) and consumption, as a result, the browser allows full access to your personal preferences, such as religion, sexual orientation, interests in certain websites and others.

However, by consenting to this marketing technique, the Internet user passes on to the supplier companies certain functions that benefit them by assisting in the sale of their services and products, these functions are:

(...) (i) notify the "vendor" that a particular consumer has returned to the site for a search; (ii) automatically customize the screen with the preferences of that identified consumer or even for their last purchase, (...) if the customer wants to continue the purchase at the point where they left off, they will "remember" what they had in their "cart", making it unnecessary for the consumer to restart the process; (iii) keep the consumer's identification and password when transported to another page; (iv) maintain a list of the pages visited by the consumer on a given day and time (...). (SANTOS, 2009, p.84).

In view of this, it can be seen that the suppliers that use this digital commerce strive to cover up the manipulation and leakage of the personal data of Internet users, to prevent them from understanding the seriousness of this violation of privacy, since the breach of trust with these consumers can lead to great losses, fines and even lawsuits due to the "security breach".

Therefore, it is clear that when the consumer enters into a legal transaction, in person, he has autonomy of will, the advantage of knowing precisely if the product is in perfect condition and is not obliged to agree to a *cookie* policy and terms and conditions of use to make a purchase, that is, his privacy regarding his preferences remains hidden from third parties. It is totally different from those celebrated virtually, which are not negotiated and the consumer is coerced in practice to consent to the terms in order to browse and buy.

In addition, it is clear that this new consumer relationship causes an aggravated vulnerability, and digital consumers can be called hypervulnerable, given that it feeds on the fragilities of individuals, such as the lack of knowledge when faced with these technological innovations, it would also be in order to reinforce that such people need greater protection regarding their right to privacy.

However, many times the user clicks to accept the terms or *cookies* of the electronic addresses without even understanding that he has just granted the company some minimum data that will be continuously used to filter personal preferences and serve for market strategies. It is understood that such "consent" is not as informed and unambiguous as the legislator would like it to be (ROCHA; MAZIVEIRO, 2020, p.7).



Such propaganda feeds on and extracts its good results from ignorance, pain, suffering, low self-esteem, and other similar states of vulnerability to offer products or people that, "coincidentally", appear as a – possible or certain – solution to alleviate such states of vulnerability (BASTOS; MIRANDA, 2020, p. 141).

Finally, the imbalance between the parties in this consumer relationship is evident, due to the fact that the consumer does not have full knowledge about such technologies, and because he is coerced to choose between his privacy and access to these new technologies so as not to be isolated from certain groups and to be able to use the benefits available in this digital environment. However, in doing so, they renounce their intimacy, autonomy and freedom, and may become hostage to these digital platforms and applications.

Over the years, the modification of consumer relations had been observed throughout the chapters, in which, despite the flexibility and facilitation of online means of purchase, the consumer was not exempt from the abusive practices that companies carried out, as Carmo and Motta (2020) argue, the *internet* – which would be an environment in which consumers should have a better range of freedom of choice – ends up reflecting the same abusive practices carried out by the physical sector.

In view of this, the forms of abusive practices have accompanied the modernization of consumer relations, however, the CDC does not protect the consumer in some of them, given that our code was written in the last century, a period before globalization and the facilitation of access to digital media.

Consumer harassment in the digital sphere gave rise to the so-called *Surveillance Capitalism*, a concept named by Professor Shoshana Zuboff that alludes to the idea of companies providing user data to a certain *website* for companies to resize ads for potential consumers, who become hostage to their own research, as explained above.

In her article *Consumer Harassment in the Virtual Environment: Facing the Hypervulnerability of Pregnant Women*, the doctinaire Isabelle de Assunção Rodrigues (2020) states that:

Today, our data is a hugely profitable asset that helps transform some technology companies into some of the most profitable and powerful of any business segment on the planet. And every day, we give them our data more voluntarily in a variety of ways." (RODRIGUES, 2020, p.254)

As mentioned before, women have constantly been harassed with advertisements in their daily lives, from this, with the modernization of consumer relations, we observe the dishonesty of the market growing more and more without the help or state protection for the protection of this consumer.

Carvalho and Leal (2020, p. 159) add that "consumer harassment is an affront to the individual's intimacy, having important consequences for their lives, including the idea they have of themselves, their self-esteem, and the way they are perceived by the community, this is their image."



From this, we can observe the industry dictating behaviors of a society, shaping aesthetic and stereotyped standards, leading women to the boring search for perfection.

Thus, there is a double vulnerability in female consumption, the first as potential consumers of the product – the weakest link in the consumerist relationship – and the second due to the logic of the current market: consumerist abusiveness against women.

When we add *up Surveillance Capitalism* together with the harassment of women, we can see the large companies in the beauty industry enter the female psyche, and from there, create a pattern of consumption.

Phillip Kotler, Hermawan Kartajaya and Iwan Setiawan – well-known authors among *marketers* – argue that women are a highly desired target audience for targeted *marketing actions*, as well as young people and *netizens* – "citizens of the internet". They point out that women are: i) collectors of information, as they make the purchase decision differently from men, in a more analytical way; ii) holistic buyers, as they analyze all aspects inherent to a potential purchase, from emotions to price and characteristic; iii) domestic managers, as there are data that indicate that they are the ones who usually manage domestic purchases of products and services that serve the whole family (VERBICARO et al., 2020, p.252).

Social networks are one of the essential communication vehicles for the dictatorship of beauty, with the targeting of advertising to a particular consumer dictating aesthetic standards, in addition to collecting *through cookies* and providing that consumer's data to interested companies.

In addition, another boring reality faced by women would be the fact that their products have higher prices when compared to products aimed at men.

The *Department of Consumer Affairs* (DCA) of New York City, in 2015, carried out a study proving that women pay more on products similar to men's, from then on the term *pink tax* originated.

Let's look at the price comparisons:

Figure 2 – The differentiation of prices between similar products for both sexes:

PINK TAX
Produtos e serviços femininos custam mais caro

Homens		Mulheres
a partir de R\$180	Corte de cabelo no Jacques Janine da rua Augusta, em São Paulo	R\$220
R\$ 8,55, pacote com 6 unidades da Preserv	Preservativo	R\$ 8,60, pacote com 1 unidade da Della
R\$ 9,99, Gillette Prestobarba3	Lâminas de depilar e barbear	R\$ 11,73, Gillette Prestobarba3
R\$ 99	Camisa social na liquidação da Zara	R\$ 139
R\$ 19,99	Camiseta básica de algodão da Hering	R\$ 26,99
R\$ 219	Calça jeans modelo 501 da Levi's	R\$ 369

Fontes: sites e lojas

Source: Folha de São Paulo (2015, online)



The habit of consuming is directly linked to the woman wrongly. In the past, she was the one who needed to clothe and manage her family, so they use this basic principle of economics to determine prices for the products supplied.

The amount of products offered – your offer – is determined by the sellers. It is influenced by the price of that product in the market, the cost of inputs, and technology, for example. On the other hand, it is the consumer who establishes the demand. The demand for a product depends on factors such as its price, the purchasing power of the population, tastes and fashion, the existence of similar or substitute products in the market, among others. (FINANCIAL JOURNAL, 2021, online).

From this, the sexism of the market in relation to women is crystal clear, placing them in situations of devaluation and in a discriminatory way. Through this, we found that the female sex is a constant target – if not the main one – of moral harassment by large companies, thus, the hypervulnerability of this category in the digital environment is notorious.

Therefore, it is clear that these consumers need to be protected and react to these transformations in the consumer relationship, making use of the Brazilian legislative system, which has been presenting rules to cover these changes – Marco Civil and the General Data Protection Law – and consumer empowerment.

5 PROTECTIVE MEASURES THAT ENSURE THE PROTECTION OF CONSUMER RIGHTS – THE CDC, THE CIVIL RIGHTS FRAMEWORK FOR THE INTERNET, THE LGDP AND WOMEN'S EMPOWERMENT

As previously glimpsed in the course of the chapters, consumer relations have been developed in the digital environment, more and more people prefer to make purchases of goods or services with just "one click" and in a matter of minutes in the comfort of their homes than to go to a commercial establishment.

In this way, gradually the Consumer Protection Code is trying to apply its articles to support the rights of consumers in e-commerce, taking into account that it is in a vulnerable position and with the development of technological means some doctrinaires have come to characterize the consumer as hypervulnerable - aggravation of the vulnerability of the individual consumer - being even more necessary the state intervention to ensure the protection of consumers their basic rights, which is provided for in article 6 of the CDC.

The growth of these technological means brought the *internet*, as mentioned above in previous chapters, which triggered the creation of social networks that envision the maintenance of image, appearance, being used as a mechanism to propagate the advertising of goods or services and induce the consumerism of people who use these platforms, and one of the main means of induction would be digital influencers.



However, as this profession emerged after the creation of the CDC, it has applied its articles in an analogous way in order to entail a civil liability to these professionals, since they have generated emotional problems to their followers by influencing them to make purchases of the products they advertise, thus, some doctrinaires have broadened the understanding of these articles in order to fit them into these new consumer relations.

Thus, this understanding is the same as that of the doctrinaire Priscila Wândega Jezler, who states as follows:

Consumer legislation provides for the solidarity of the supply chain, as provided for in articles 7, sole paragraph, and 25, § 1, of the CDC165; In this way, "everyone who has intervened in the advertising act will be held responsible if there is deception and abusiveness." It was the chosen way for those who participate, directly or indirectly, in the consumer relationship, to be liable for the damages caused to the consumer. (JEZLER, 2017, p.56)

In addition, with the same thought, the doctrinaires Gasparotto, Freitas and Efing, in a scientific article "Civil Liability of Digital Influencers", on p.79 allege that:

When a digital influencer indicates a product or service, their reliability adds persuasive power to consumer behavior, generating security about the quality of that product or service that is being indicated. Influencers therefore assume a position of guarantors in the face of the products and services indicated. If the qualities attributed to the products and services are not consistent with reality, the persuasion factor of the influencers appear in a negative and harmful way to the consumer, thus confronting the principles of good faith and trust. (GASPAROTTO; FREITAS AND EFING, 2019, p. 79)

In view of this, it can be seen that there are several gaps in the Consumer Code (CDC) regarding the punishability of digital influencers, since this Law has not kept up with the growth of the digital market, and the judiciary has to use extensive interpretation to solve concrete cases on this topic.

In view of this, since it is well known, the CDC applies strict liability to the person who caused the damage, as provided for in the theory of risk that is regulated in article 12 of this Code, which provides that suppliers and others are liable regardless of fault for defects or vices of the product or its services.

The doctrinaire Zelmo Denari follows the same thought when he states that

In the context of consumer relations, the guidelines of strict liability were soon accepted and called 'liability for the fact of the product': it was not interesting to investigate the conduct of the supplier of goods or services, but only if there was cause (causal liability) to the product or service, being responsible for its placement on the consumer market. (GRINOVER et al., 2001, p. 159).

However, when dealing with the civil liability of the "*digital influencer*", in the majority understanding of the doctrinaires, they are jointly and severally liable for the reparation of damages due to the abusive dissemination of the product or service offered, as provided for in article 7, sole paragraph and article 25, paragraph 1 of the CDC. This is because the influencer's advertising is one



of the determining factors for their followers to make the purchase, since it conveys a sense of security to the purchaser of the product and the fact that this service generates profits.

The same understanding is mentioned by Gonçalves (2012, p.54), who reports that: "The one who profits from a situation must answer for the risk or disadvantages resulting from it"

However, the Superior Court of Justice (STJ) has a minority understanding, which argues that digital influencers should not be blamed for the advertising service provided, given that there is no consumer relationship with their followers and they do not qualify as a supplier based on articles 3, 36, sole paragraph, and article 38 of Law 8.078/1990. Such an interpretation is envisaged in the following case-law of the above-mentioned Court:

CIVIL AND PROCEDURAL. COLLECTION ACTION, CUMULATED WITH COMPENSATION FOR MORAL DAMAGES. CONTRACTING A LOAN WITH A FINANCIAL INSTITUTION. DEPOSIT OF AMOUNT AS A FIRST INSTALMENT. BORROWED CREDIT NOT GRANTED. ATTRIBUTION OF CIVIL LIABILITY TO THE SERVICE PROVIDER AND TO THE TELEVISION NETWORK THAT, IN ITS PROGRAM, PRESENTED ADVERTISEMENTS FOR THE PRODUCT AND SERVICE. "STAGE ADVERTISING". FEATURES. PURPOSE. ABSENCE OF GUARANTEE, BY THE BROADCASTER, OF THE QUALITY OF THE GOOD OR SERVICE ADVERTISED. MERE ADVERTISING PLACEMENT. EXCLUSION FROM LITIGATION. PROCRASTINATORY FINE IMPOSED BY THE ORDINARY COURT. PURPOSE OF PRE-QUESTIONING. EXCLUSION. PRECEDENT N.98-STJ. CDC, ARTS. 3, 12, 14, 18, 20, 36, SOLE PARAGRAPH, AND 38; CPC, ART. 267, VI. I. The responsibility for the quality of the product or service advertised to the consumer is of the respective supplier, thus conceptualized under the terms of article 3 of Law No. 8,078/1990, and does not extend to the communication company that broadcasts the advertisement through a presenter during a television program, called "stage advertising". II. Thus, it is necessary to exclude from the litigation, due to passive illegitimacy ad causam, the television station, since it cannot be attributed to it co-responsibility for presenting advertising from a financial company, also a defendant in the action, which would have failed to provide the loan to the viewer under the conditions promised in the advertisement. III. "Motions for clarification filed with a notorious purpose of pre-questioning do not have a delaying character" (Precedent No. 98/STJ). IV. Special appeal heard and granted. (STJ - REsp: 1157228 RS 2009/0188460-8, Rapporteur: Justice ALDIR PASSARINHO JUNIOR, Judgment Date: 02/03/2011, T4 - FOURTH PANEL, Publication Date: DJe 04/27/2011). (BRAZIL. Superior Court of Justice (4. Class). REsp: 1157228. CIVIL AND PROCEDURAL. COLLECTION ACTION, CUMULATED WITH COMPENSATION FOR MORAL DAMAGES. CONTRACTING A LOAN WITH A FINANCIAL INSTITUTION. DEPOSIT OF AMOUNT AS A FIRST INSTALMENT. BORROWED CREDIT NOT GRANTED. ATTRIBUTION OF CIVIL LIABILITY TO THE SERVICE PROVIDER AND TO THE TELEVISION NETWORK THAT, IN ITS PROGRAM, PRESENTED ADVERTISEMENTS FOR THE PRODUCT AND SERVICE. "STAGE ADVERTISING". FEATURES. PURPOSE. ABSENCE OF GUARANTEE, BY THE BROADCASTER, OF THE QUALITY OF THE GOOD OR SERVICE ADVERTISED. MERE ADVERTISING PLACEMENT. EXCLUSION FROM LITIGATION. PROCRASTINATORY FINE IMPOSED BY THE ORDINARY COURT. PURPOSE OF PRE-QUESTIONING. EXCLUSION. PRECEDENT N.98-STJ. CDC, ARTS. 3, 12, 14, 18, 20, 36, SOLE PARAGRAPH, AND 38; CPC, ART. 267, VI. I. Appellant: Rádio e Televisão Bandeirantes LTDA. Defendant: Paulo Roberto Merg Jardim. Rapporteur: Minister Aldir Passarinho Junior, February 3, 2011. (BRAZIL, 2011, ONLINE)

Therefore, as previously mentioned, such professionals have great power of persuasion over their followers on social networks, also having their reliability and by exercising their activity they



acquire an economic incentive. Because of this, they must be held objectively liable, by virtue of the principles of good faith and solidarity.

It is necessary to emphasize that the legislator chose to protect the most vulnerable part of the consumer relationship, which is the consumer, since the capitalist system tends to impose its will on them, making consumers subject to contract their services obeying rules already established only by the supplying party, which limit choices and rights because of the standardization of products and services. to the established contractual model, an example of which is adhesion contracts. Because of this, the State has been increasingly intervening in this relationship, with the creation of rules aimed at supporting the consumer in this digital environment.

Thus, it is contemplated that with the advent of the *internet*, the user was exposed to several damages which were difficult to repair in a comprehensive way, with this in 2009 the Civil Rights Framework for the Internet in Brazil emerged, which originated goals for collaboration and participation in debates – both in the physical and virtual environment.

From this milestone, in 2014 the President of the Republic sanctioned Law 12.965/2014, the Law of the Civil Digital Framework, such law addresses in its texts rights and duties for the use of the *internet*, in addition to regulating specific topics such as the protection of records, personal data and private communications, net neutrality, the civil liability of internet connection providers and applications, the keeping of records and their eventual requisition by the authorities.

In view of the above, the Marco Civil was one of the first Brazilian legislations that protected the environment of cyberspace, which led to additional protection for the consumer.

In addition, there was another rule on this subject is the General Personal Data Protection Law – LGPD that came into force in August 2020, which provides for the protection of personal data of individuals or legal entities, in order to regulate the rights of freedom, privacy and development of the personality of the natural person, as set out in art.1 of this legislation.

Such legislation addresses the pillar principles that helped in its creation, which would be the principles of Net Neutrality, Privacy and Data Retention.

As for the principle of Neutrality, it provides that the provision of *internet* made available by companies must treat access equally, without restrictions to the Internet user who wishes to browse, the privacy principle guarantees Internet users the inviolability of their intimacy and personal life to third parties, without their consent and data retention determines that only for one year the storage of data records can occur, under penalty of a court order if the deadline is extended.

Thus, the LGPD seeks to ensure that the personal data that companies have access to is used in good faith, following principles such as purpose, necessity, transparency and security. In this sense, the data must be processed in a legitimate manner and informed in a clear and precise manner to the holder to serve what is strictly necessary for the purposes of the company, and there must be technical and administrative measures for the protection of personal data



from unauthorized access and from accidental or unlawful situations of destruction, loss, alteration, communication or dissemination. (ROCK; MAZIVEIRO, 2020, p. 6).

However, with the development of the digital environment, this legislation finds it difficult to protect the personal data of browsers, considering that they easily agree to transfer their data to websites by just "one click", of their own free will, without reading or informing themselves properly about what they are accepting or the consequences that may be caused by this storage.

"However, it is more than common for the owner to accept *cookies* from electronic addresses without even reading the small letters informing that he is making his data available free of charge" (ROCHA; MAZIVIERO, 2020, p. 6).

The aforementioned rule makes it clear that the user, when consenting to share their data, must be autonomous, informed and aware that they have agreed to transfer them for a specific purpose, based on article 5, XII of the aforementioned Law. Such "consent" is provided by the acceptance of the terms and conditions of use and the acceptance of *cookies* that are made available on all websites.

However, this procedure to view the acceptance of Internet users is similar to the adhesion contract, which is provided for in article 54 of the Consumer Protection Code, which has its contractual clauses established unilaterally by the supplier. In this way, the consumer cannot decide what data they want to provide and must only agree to it if they want to make use of the service or product, so this consent is seen as involuntary.

"False consent, then, causes the consumer's privacy to be violated, since they are unable to modulate or select the data they want to provide to companies, nor decide not to provide any data, as it is an adhesion contract." (ROCK; MAZIVIERO, 2020, p. 6).

It should be noted that the LGPD is silent as to how this term of acceptance and conditions of use and acceptance of *cookies* should be made available to users, in addition, it presents a lack of information when explaining to the consumer what can come from agreeing to this procedure, given that it is clear that there is an imbalance in this relationship, since the supplier carries more information about this situation than the consumer, the latter remains vulnerable to this relationship, and should have greater protection.

Therefore, the aforementioned Law must undergo some changes, such as requiring companies to establish a term in which the user can choose which data they want to share and even if they do not accept this term they can continue browsing the page without any obstacles. In addition, you must clearly demonstrate information about the results that may be generated by sharing your personal data.

In addition, as the right to information is essential in consumer relations, it is necessary to insert a provision in the law that determines that consent must be obtained from the availability to the user of the personal and sensitive data that the company intends to collect, so that he can select which ones he wants to provide – if any. Only in this way, consent will truly be "free, informed and unambiguous", under the terms of article 5, item XII, of the LGPD. (ROCK; MAZIVEIRO, 2020, p. 14).



Throughout this work, the protection of the female sex in the consumer market has become crystal clear. As we have already discussed, advertising companies prioritize knowing their target audience by directing advertisements to them through languages that dialogue directly with the consumer.

However, over the years, the consumer has come to disidentify with the advertisements of female stereotypes – the "beautiful", delicate and jovial – in view of this, the new generation that has become economically active has valued brands that have *Branding* – the company's identity – more consistent with the reality of the standards.

From this milestone, a movement called *femvertising* emerged, which emerged to combat *marketing* and advertising with which women no longer identify. Therefore, prejudices, incoherent perfection and social barriers only tend to repel this audience more and more.

Bayone and Burrowes (2019, p. 25) alluded that:

To this end, one of the currents used is *femvertising*, a term that comes from the combination of the English words *feminism* and *advertising*. The term gained notoriety at the event called *Advertising Week in New York*, when it was discussed by the executive director of the media platform Sheknows, Samantha Skey.

We have observed the intensification of this type of advertising strategy expanding in the media, mainly through sharing applications and social networks, where it has as its main focus the "viralization" causing greater repercussion for the brand. The strategy of bringing the company and the consumer closer together is clear, since it promotes an identification between the products and services provided with its target audience.

"According to a survey conducted by the National Confederation of Shopkeepers and SPC Brasil (CDL, 2016), 64.8% of women admitted that social networks influence their shopping habits." (BAYONE; BURROWES, 2019, p.27). In view of this, it is notorious that the *online* environment is a way to boost brand searches and disseminate products and services that benefit *from femvesting*.

An example that reverberated worldwide was the Savage X Fenty brand, whose *lingerie* brand created by singer Rihanna presented models with different body shapes and colors at one of the biggest annual fashion events – *New York Fashion Week* (ELLE, 2020). This event was a milestone in the fashion industry, as it was out of step with the plastic and objectified hypersexualization of fashion shows in this segment.

The *marketing* strategy was consecrated and soon took on great proportions in sharing apps and social networks, with this, the company was on par with major underwear brands already consolidated for years in the market.



Another example that had national repercussions was Avon's advertisement in 2021, which demonstrated different types of skin using its products, exposing people of different genders and colors, bringing the use of makeup closer not only in a beauty ritual, but in a way of expressing oneself.

Therefore, it is observed that it is essential that the brand not only incorporates in its advertising pieces, but also integrates practices that promote gender equality and female empowerment into the companies' policies.

6 CONCLUSION

By way of conclusion, it was observed that with the growth of technological means there was the emergence of the *internet* that triggered several changes in consumer relations, one that occurs through the digital medium, and it is not necessary for the parties to be present in person to agree on an agreement for the purchase of services or products, being able to carry them out in the comfort of their home.

However, even with beneficial changes, this relationship generated more harm for consumers, who came to be considered hypervulnerable, due to the lack of knowledge about the consequences caused by the consent to make their personal data available to companies.

As a result, as mentioned above, the disparity between the consumer and the supplier was clear, since the same, due to the fact that they do not have a full understanding of this new development of "*marketing*", need to be cautious when making purchases or accessing *online* services, since entrepreneurs have used this medium only for their own benefit, which has caused, Most of the time, abusive and unlawful conduct, as these have deprived the consumer of consent autonomously and voluntarily.

In view of this context, there is a need for greater improvement in the supervision and application of laws aimed at consumption in e-commerce, greater disclosure of information regarding the results caused by the exposure of personal data – this is glimpsed in Banco Itaú's advertisement (Privacy – Autograph, 2021) -, making it clear what targeted advertising, *cookies* would be and among others. In addition, provide users with the option to decide what data they want to provide and leave them free to enjoy the service without the need to be required to consent to the sharing of their personal information.

In addition, it is worth noting that such a scenario has led to even more disadvantages for the female sex who over the years has persistently fought to ensure their equal treatment with the male gender, however, there is currently asymmetry in the consumer market regarding the treatment given to women, who are the main targets of advertising and price increases in goods - *pink tax* - which has stimulated emotional and psychological problems, such as overconsumption to achieve a "perfect beauty".



In this way, the culture industry makes female beauty related to the beautiful and youthful, inducing that to achieve such "beauty" it needs to undergo various aesthetic procedures, such as *botox*, lip fillers, hair painting and others. However, as mentioned above, some companies in their advertising media have over time changed this definition of beauty, demonstrating various genders, ethnicities, bodies and different hair, making it clear that beauty can exist in different forms.

Due to this scenario, it was possible to provide greater visibility to female empowerment, so the Government together with the female public should encourage companies to sign the Women's Empowerment Principles, and should make public their commitment to gender equality, since about 79% of women positively associate brands that promote ads that incite gender equality based on the recent survey carried out by *Facebooktag*.

Finally, there is no doubt that even in this new scenario, the consumer, especially women, requires greater legal protection and more intervention by the State in the relationships carried out in the digital sphere, as a result of the hypervulnerability that they find themselves in.



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