

**Violence Against Women in the Border of Brazil and Paraguay:
Legislations and Decolonial Feminism****Violencia contra las mujeres en la frontera entre Brasil y Paraguay:
legislación y feminismo decolonial**Pamela Staliano,¹ Marcos Mondardo² & Adriana Yuri Kaneko³

ABSTRACT

The objective of this article is to analyze violence against women on the border between Brazil (state of Mato Grosso do Sul) and Paraguay (Department of Amambay) through online journalistic reports and the legislation of both countries. From readings of decolonial feminism, it was possible to identify and describe how these information channels give visibility to gender violence on that border. Qualitative research of documentary analysis was carried out with the use of the descriptors women and violence. Femicide is the most recurrent crime in the twin cities; its modus operandi sometimes has characteristics equivalent to execution-type crimes and is usually perpetrated by people close to the victim. It is hoped that this study will contribute to the awareness and visibility of violence against women in this border region.

Keywords: 1. femicide, 2. legislation, 3. border, 4. Brazil, 5. Paraguay.

RESUMEN

El objetivo de este artículo es analizar la violencia contra las mujeres en la frontera entre Brasil (estado de Mato Grosso do Sul) y Paraguay (Departamento de Amambay) a través de informes periodísticos publicados en línea y de las legislaciones de ambos países. Para ello, a partir de lecturas del feminismo decolonial, se lograron identificar y describir las maneras en que estos vehículos informativos dan visibilidad a la violencia de género en dicha frontera. Se realizó una investigación cualitativa de análisis documental con el uso de los descriptores mujer y violencia. El feminicidio es el delito más recurrente en las ciudades gemelas, su modus operandi en ocasiones tiene características equivalentes a los crímenes tipo ejecución y generalmente son perpetrados por personas cercanas a la víctima. Se espera que este estudio contribuya a la concienciación y visibilidad de la violencia contra las mujeres en esta región fronteriza.

Palabras clave: 1. feminicidio, 2. legislación, 3. frontera, 4. Brasil, 5. Paraguay.

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INTRODUCTION

Gender violence on the border between Brazil and Paraguay hits women in a particular way. According to the 2019 Public Security Forum Yearbook, Mato Grosso do Sul was the second Brazilian state with the highest percentage of femicides in 2018, with a rate of 2.6 per 100 000 women (Fórum Brasileiro de Segurança Pública, 2019).

For Bandeira (2014), gender violence reveals the existence of social control over the body, sexuality and mind of women, simultaneously evidencing the differentiated insertion of men and women in the family and social structure, contributing to the maintenance of the structures of power and domination sustained by patriarchy. Gender violence is associated with the fight against violence against women, as well as other feminist claims that seek to promote changes in the patriarchal and colonialist family structure.

The decolonial feminist theory that guides this research draws attention to the fact that women are marginalized within a colonial and patriarchal society, that is, they suffer a double colonization: first, by submission to the power of colonial domination; and second, due to the masculine domination imposed by the patriarchy. In this context, Jardim and Cavas (2018) establish that confronting violence implies, first and foremost, the deconstruction of cultural patterns and socially disseminated norms that trivialize, confirm and naturalize male domination over women, imposing it through the use of violence.

By scrutinizing the context in which these victims find themselves, it can be inferred that the socioeconomic vulnerability of a region marked by drug trafficking, the ease with which borders between countries can be crossed to escape, and the unbureaucratic acquisition of firearms in Paraguay, various forms of violence against women are perpetuated in this international border region (Corrêa & De Souza Preussler, 2018).

The authors López Contreras et al. (2021), when addressing the experiences of violence suffered by women on the border between Mexico and the United States, argue that when people are exposed to contradictory social systems, marked by social, political, economic or sexual displacement, they manifest a dynamic typical of the border region, as well as a particular and resistant way of behaving, which, in a way, contributes to the transformation of their subjectivation processes.

Added to this is the dissonance of cross-border public policies and the existence of different legislative measures in both countries. In Brazil, as measures to combat violence against women, there are: *Law 11.340 of 2006* (Maria da Penha Law [LMP]); *Law 13.104 of 2015* (Femicide Law), which inserted femicide as a qualification of homicide, and the current *Law 14.188 of 2021*, which created the criminal category of psychological violence (Art. 147-B of the Penal Code) against women and includes the most severe punishment for gender-based assault; while in Paraguay, femicide was classified as a crime with *Law 5.777 of 2016*.

The objective of this article is to analyze violence against women on the border between Brazil (Mato Grosso do Sul state) and Paraguay (Amambay Department), through journalistic reports published online and the laws of both countries. For this, from readings of decolonial feminism, it was possible to identify and describe the ways in which these informative mediums give visibility to gender-based violence on said border.

In this sense, it is possible to affirm that the media does not report all cases of gender-based violence that occur on the Brazil-Paraguay border. The media omission, especially in Paraguayan domains, corroborates the invisibility in the social imaginary of the inequalities and difficulties that women face. In addition, Paraguayan legislation is laxer regarding the criminalization of violence against women.

Gender Violence and Decolonial Feminism

Throughout history, women have carried the social stigma of inferiority – they are considered the “second sex”, in Simone de Beauvoir’s (1970) terms, in relation to the so-called masculine potentialities–. This thought undoubtedly leads to several detrimental consequences for women, including the increase in cases of intentional lethal crimes, especially in domestic and affective relationships. In this sense, Safiotti (1999) points out that most cases of gender-based violence are perpetrated by family members, such as husbands, fathers, stepfathers, uncles, cousins and others. Domestic violence committed by intimate partners (husband, partner, boyfriend) also stands out.

Reflecting together with López Contreras et al. (2021), it is not possible to understand the violence suffered by women in border territories without highlighting the social markers of intersectionality between gender, nationality and ethnic-racial affiliation, which are the basis of the exploitation of people in the border.

Alves Lopes (2017) points out that the social structure naturalizes the association of masculinity with aggressiveness, the suppression of feelings and the needs for affection, which results in the presence of insecurity and self-devaluation. In addition, she indicates that there is a constant pressure for “being a man” that leads them to commit violent actions against women and against themselves. This statement may be associated with the high rates of violence against women.

Said violence, as demonstrated by Jardim and Cavas (2018), calls into question the way in which colonial practices unleash a whole system of representations, based on a supposed ideological essence attributed to women, which justifies oppression and gender domination. Imperialism presents the conception of the presumed superiority of the straight, white, western man who, in enjoying the use of power, uses force whenever he deems it necessary.

Lugones (2014) argues that colonial feminism promotes a critique against the universality imposed by colonial modernity, vindicating the intersections of gender, race, class and sexuality

in feminist epistemology, to think of southern women as part of the history of the oppressed, dominated and exploited peoples, including Latin America, and within it Brazil and Paraguay:

Intersectionality reveals what is not visible when categories like gender and race are conceptualized separately. The movement of intersection of these categories was motivated by the difficulties in making the dominated and victimized visible in terms of both categories. Although in eurocentric capitalist modernity everyone is racialized and gendered, not everyone is dominated or a victim of their gender or race (Lugones, 2014, p. 935).

In this context, the women raped in Mato Grosso do Sul, Brazil, on the international border with Paraguay, show the importance of discussing the concept of border. In this sense, the border must be thought from the decolonial perspective of subalternity, which considers the gender identity of abused women and recognizes the multiplicity of local histories of the victims, encompassing geographic, cultural, historical, and political dimensions (Spivak, 2010).

Thus, the legacy of this colonial violence became a reality in various societies, constituting part of the history of the peoples that suffered oppression, including Latin America (Segato, 2003). The context of exploitation and slavery, as a result of the War of the Triple Alliance (1864-1870), permeated the colonization of Brazil and Paraguay, leaving a historical legacy on this international border that especially affects Paraguayan and Brazilian women who suffer from colonial patriarchy. Since the creation of national states in the 19th century on this border, racialized women have been the most affected by patriarchy (Viteri et al., 2017). In Paraguay, drug trafficking, cigarette smuggling and car theft, among other activities, are some of the activities carried out by criminal organizations in the border region that violently affect women. According to data from the Gender Equality Observatory for Latin America and the Caribbean (Naciones Unidas, 2020), pertaining to the index of lack of own income, Paraguayan women represent 19.6% and Brazilian women 23.4%. The difficulty in creating economic autonomy leads them to overload and to be exploited at work.

Legislative Cuts on the Protection of Women: Brazil and Paraguay

In opposition to the naturalization of violence against women, legislation has emerged that recognizes women as subjects of law. The initial milestone that recognized human dignity was the Universal Declaration of Human Rights (Naciones Unidas, 1948), which expressly recognized equal rights between men and women.

Formal equality between men and women is expressed in article 5, section I, of the Federal Constitution of Brazil (*Constituição da República Federativa do Brasil*, 1988, p. 13): “men and women are equal in rights and obligations under the terms of this Constitution”. Despite the legal provision, it is known that this equality has not yet materialized. In 2006, the Brazilian legal system introduced the LMP, which classified domestic violence as not only physical violence, but also sexual, patrimonial, psychological and moral violence suffered by women. In this sense, Article 5 of the aforementioned Law defines domestic and family violence as:

any action or omission based on gender that causes death, injury, physical, sexual or psychological suffering and moral or patrimonial damage (...) within the scope of the domestic unit (...) in any intimate relationship of affection, in which the aggressor lives or has lived with the victim, regardless of cohabitation (*Law 11.340 of 2006*, n.p.).

The Federal Constitution of Brazil represented a great conquest for women; however, the Brazilian infra-constitutional legislation still provided a series of norms with discriminatory content (*Constituição da República Federativa do Brasil*, 1988). Nevertheless, the legal progress promoted by the arrival of the Citizen Constitution became a legal agenda for the disqualification of the LMP. The Court of Justice of Mato Grosso do Sul (2007) was one of the first to defend the unconstitutionality of the aforementioned law through the *Appeal n° 23422 MS 2007.023422-4* (Tribunal de Justiça de Mato Grosso do Sul, 2007). The three judges of the 2nd Criminal Chamber of the TJ/MS unanimously understood that the LMP, by granting protection only to women victims of domestic violence, would violate the constitutional provision (Silveira, 2020). The argument used was that the law would go against article 5 of CF/88 which establishes that “everyone is equal before the law without any distinction” and that men and women are equal in rights and obligations (*Constituição da República Federativa do Brasil*, 1988).

When the Constitution, among the list of fundamental rights, enshrined equality between men and women, it established full isonomy between the masculine and feminine genders, for which reason infra-constitutional legislation cannot –under any pretext– promote discrimination between sexes, when it comes to fundamental rights, since these are already equally assured (Tribunal de Justiça de Mato Grosso do Sul, 2007, p. 13).

Despite the existence of legal positions that disqualified the constitutionality of the LMP, it did not arise from a momentary social outcry; on the contrary, the problem of domestic violence had been resonating in Brazil for a long time and was internationally recognized by other countries that had already criminalized this offense. Brazil's inertia in the face of serious violations of women's human rights was condemned by the International Human Rights Council and the Organization for American Rights (Silveira, 2020).

Subsequently, *Law 13.104 of 2015* included femicide as a qualifier for the crime of homicide, characterized by hatred against women due to specific circumstances involving the domestic sphere. This qualifier also modified article 1 of *Law 8.072 of 1990*, turning said practice into a heinous crime. These legislations have meant great progress in that domestic violence is no longer considered a private couple problem, but is supported by the judicial apparatus to recover the dignity that for many years was relegated by the public power as if it were an irrelevant issue (*Law 8.072 of 1990*).

This law brings a set of measures aimed at preventing violence against women and their families, safeguarding their rights, stipulating the criminal liability of the aggressor, as well as expanding the participation of other sectors in assisting women in situations of violence (Vieira, 2020). Another legislative progress was the emergence of *Law 14.188 of 2021*, which included in the *Decree-Law 2.848 of 1940* (Penal Code) the crime of psychological violence against

women. This norm added to the LMP the criterion of the existence of a risk to the psychological integrity of a woman as one of the reasons for a judge or the police to evict the aggressor from the place where the victim lives. Before this it was only done in case the physical integrity of the victim was at risk.

In Paraguay, *Law 1.600 of 2000* (Law against domestic violence) protects women victims of domestic violence and provides for the adoption of protective measures. However, this legislative text is much softer compared to the Brazilian legislation, since it does not carry more serious legal implications for crimes of this nature. In this sense, Article 1 of the law establishes:

This law establishes the rules of protection for any person who suffers injuries, physical, mental or sexual abuse by one of the members of the family group, which includes that caused by kinship, marriage or common-law union, even if cohabitation had ceased; likewise, in the case of a non-cohabitant couple and children, whether or not they are mutual (*Law 1.600 de 2000*, n.p.).

The protective measures listed in this legislation are provided for in Article 2, which involve the removal of the defendant from the family group, the prohibition of the defendant's access to places that pose a danger to the victim, the prohibition of keeping weapons and psychotropic substances that can be used to intimidate, threaten or cause harm to family members, among others. Article 9 of the same law provides for the obligations of the State in relation to the promotion of public policies to prevent violence against women, joint actions with other specialized government agencies, and promoting knowledge of the law, among others. This is the main objective of Paraguayan legislation. Regarding femicides, data released by the United Nations (Zapattini, 2018) indicates that Paraguay approved *Law 5.777 of 2016* that defines femicide, thus being the 18th country in Latin America that punishes gender-based killings of women.

Considering the above, it should be noted that the late arrival of this legislative milestone reflects that the country only recognized femicide as a gender-based crime in 2016, a fact that in itself sheds a lot of light on how the judiciary and the population of this country see violence against women. Both legal systems must act cooperatively to safeguard the rights of women, whose formal recognition is late, and the road to concretion of the facts is still long and arduous.

Table 1. Comparison Between Brazilian and Paraguayan Legislation for the Protection of Women

Brazil	Paraguay
<i>Law 11.340/2006</i> (Maria da Penha Law/LPM): created mechanisms to curb and prevent domestic and family violence against women.	<i>Law 1.600/2000</i> (domestic violence Law): it deals with the protection of women victims of domestic violence and the possibility of adopting protective measures.
<i>Law 13.104/2015</i> (Femicide Law): included femicide as a qualifier for the crime of homicide.	<i>Law 5.777/2016</i> : Law for the comprehensive protection of women against all forms of violence.
<i>Law 14.188/2021</i> : included the crime of psychological violence against women.	

Source: Own elaboration based on research data.

The decolonial perspective considers that to eradicate gender violence against women living in border regions it is necessary to go beyond the establishment of laws. Brazilian legislation has more provisions and measures to protect women victims of domestic violence than Paraguayan. Although the LMP has brought invaluable progress for Brazilian women, not all victims are covered by the safeguards offered by the law, especially black and indigenous women, who continue to be the most victimized.

According to the *Map of Violence 2015* (Waiselfisz, 2015), although the number of gender-based women murdered has decreased in relation to that of white women (9.8% decrease), there was an increase of 54% in femicides of black women in the same time period (Fonseca & Guzzo, 2018).

The colonial, heteropatriarchal and capitalist wound, although it does not always leave visible marks, gives rise to innumerable inequalities that affect all Brazilian women, to varying degrees of intensity. Regarding violence, for example, despite the creation of the Maria de la Penha Law (*Law 11.340 of 2006*), every two seconds there is a physical or verbal attack on a woman in Brazil. According to the *Brazilian Public Security Yearbook 2016* (Fórum Brasileiro de Segurança Pública, 2016), every 11 minutes a woman is raped in Brazil. The modern/colonial gender system further subordinates lesbian, bisexual and trans women, since in addition to breaking the gender binary, they break with heterosexuality. Although alarming, the numbers on violence are not reliable. Most of the violence against women is committed by people close to the victim and few are reported due to fear, a cultural aspect that is also not visible, which leads many women to remain kidnapped by their partners due to lack of access to information about their rights (Fonseca & Guzzo, 2018).

Therefore, the lack of information prevents many victims from reporting their attackers because they do not know how to proceed and where to seek help. An intersectional view of race, social class, and gender is essential for the development of legislation and public policies that address the specificities of Paraguayan, black, and indigenous women, as well as those who live in border

regions marked by drug trafficking and socioeconomic vulnerability. Because they do not have information or effective measures that guarantee their protection, women are discouraged and prefer not to report.

METHOD

This is a qualitative research of documentary analysis of the news published digitally in the most well-known newspapers in four twin cities of the state of Mato Grosso do Sul, two domains of Paraguay and a specific website of cases involving the border region.

For data processing, the content analysis technique was used. Bardin (2004) clarifies the stages of this technique as follows: 1) pre-analysis: in this stage the researcher selects the documents to be analyzed, formulates hypotheses and objectives to be elucidated, guiding the interpretation; 2) analytical description: the material is subjected to an in-depth study guided by the hypotheses and the theoretical framework. Processes such as coding, categorization and classification are basic in this phase; 3) referential interpretation: reflection, intuition based on empirical materials to establish relationships and connection between ideas. In this stage, the researcher deepens his analysis and arrives at more concrete research results.

In the pre-analysis phase, all the twin cities of the state of Mato Grosso do Sul that border Paraguay were selected, according to the parameters defined in Article 1 as twin cities: “The Municipalities cut by the borderline, whether dry or fluvial, articulated or not by infrastructure work”⁴ (*Ordinance 2.507 of 2021*, n.p.).

To elucidate the choice of domains, the twin cities of Brazil, in the state of Mato Grosso do Sul, and those of Paraguay, located in the departments of Amambay, Canindeyú and Alto Paraguay, are presented, as shown in Table 2.

Table 2. Brazilian Municipalities and Paraguayan Border Districts

Municipalities (BR)	Districts (PY)
Bela Vista	Bella Vista Norte
Coronel Sapucaia	Capitán Bado
Mundo Novo	Salto del Guairá
Paranhos	Ypejhú
Ponta Porã	Pedro Juan Caballero
Porto Murtinho	Capitán Carmelo Peralta

Source: Own elaboration based on research data.

⁴ Document originally written in Portuguese. Translated by the authors.

The cities of Coronel Sapucaia and Paranhos were excluded from this list because they do not have online newspapers. During data collection, the descriptors “woman; violence” were used in the Brazilian and Paraguayan domains, combined or not, depending on the particularity of the search format of each site.

Only specific cases of violence against women that occurred in the international cross-border area and in the twin cities between Brazil and Paraguay were selected, as well as those with great repercussions, even if they occurred in different locations. Articles of a purely informative nature on violence against women, repeated cases, campaigns, public hearings, government information, conferences and other police cases related to the subject were not used for the analysis. The study was carried out of the cases that occurred in a period of 10 years, from 2009 to 2019.

After applying the aforementioned inclusion and exclusion criteria, 52 cases were selected and analyzed to constitute the non-probabilistic sample.

RESULTS AND DISCUSSION

Violence against women is a social problem that has gained visibility in society, particularly affecting women in the border region of Brazil and Paraguay, due to its hybrid context. Brazil ranks fifth globally in femicides. In the state of Mato Grosso do Sul, “femicides had an increase of 33.33% from 2019 to 2020” (Tribunal de Justicia de Mato Grosso do Sul, 2021, p. 9). Thus, these data allow us to question why violence is so latent in this state and if this is related to the cross-border context rooted in patriarchy and cultural machismo.

The online newspapers were chosen based on their reach and visibility. Despite the selection of the aforementioned twin cities, it was possible to detect that these newspapers not only report on crimes that occurred in these localities, but also reproduce news from other cities in the state of Mato Grosso do Sul and/or from other localities in Paraguay that had significant visibility. Of the 52 total cases analyzed, 40.4% (n=21) occurred in the twin cities; of these, 15 cases occurred in Brazilian cities and six in Paraguayan districts. The rest occurred in cities along the borderline.

In this way, the discussion in this article focuses on the cases that occurred in the twin cities, since they represent a meeting ground between different cultures, races, ethnic groups, social classes, as Anzaldúa (1987, n.p.) points out, “where two or more cultures overlap, where people of different races occupy the same territory, where the poorest, middle and rich classes touch each other, where the space between two individuals is reduced with privacy.” In this sense, at the borders, Latin American women experience coloniality, although at different levels (Lugones, 2014).

In the period analyzed, the results show that 2019 presented the highest number of specific cases of violence against women, with a total of 55.7% (n=29) of the sample, followed by 2017 with 17.3% (n=9). Regarding these data, it is important to highlight that the digital media report that 2019 saw a significant increase in crimes of this nature and that this increase, unfortunately, was surpassed in 2020. According to the information contained on the “No te calles” website of the state government, the Judiciary (PJ/MS) registered in 2019 “30 deaths of women in the context

of femicide, and in 2020, this number rose to 40 deaths” (Tribunal de Justicia de Mato Grosso do Sul, 2021, p. 6; Subsecretaria de Políticas Públicas para Mulheres de Mato Grosso do Sul, 2020).

Regarding the nationality of the aggressors, it was difficult to classify due to the lack of personal data of the subjects involved in the crime. However, it was found that the Paraguayan aggressors reside in the cities of Pedro Juan Caballero (PY), Capitán Bado (PY) and in the Brazilian twin city of Ponta Porã (BR). The fact that the latter city forms a dry border with Pedro Juan may indicate the ease with which these individuals can cross the international line without the need for documents proving their residence.

In order to differentiate between crimes that occurred in Paraguay and those that occurred in Brazil, a breakdown of the sample of cases that occurred exclusively in Paraguay (n=7), six in the twin cities and one case in the capital involving a Brazilian drug trafficker, was performed. Of the cases reported by the newspapers that occurred in Brazilian territory (n=45), 15 occurred in twin cities and 30 in municipalities that are located in the border strip, distant up to 150 km in a straight line from the geodetic survey markers that establish the currency between countries.

The divergent aspect of the samples is related to the instrument used to carry out the crime. While in Paraguay firearms are the most used (50%), in the Brazilian twin cities physical force is the most frequent, in 40% of the cases, followed by the use of a knife, in 27% of the cases.

One of the crimes that took place in a Paraguayan city stands out for its modus operandi: the victim was sitting in front of her house with her current partner and was shot 10 times from a 9 mm caliber firearm. Investigators suspected the victim’s ex-husband, who allegedly hired hitmen in Capitán Bado to murder his ex-partner; investigations were inconclusive. Another important finding is that 71.4% of the aggressors (n=5) had the objective of killing their victims.

Common aspects on both sides of the border point to the existence of a direct link between the aggressor and the victim (husband, ex-husband, boyfriend, ex-boyfriend, father, brother, partner, ex-partner), as well as futile reasons as a frequent cause of the crimes (due to jealousy or arguments about not accepting the end of the relationship). In the twin city of Ponta Porã (BR), which shares a dry border with Pedro Juan Caballero (PY), a case stands out, where the perpetrator of the crime was not located, but the modus operandi was similar to the crime committed in Capitán Bado (PY). According to the report, a man armed with a 9 mm caliber firearm rang the doorbell of the house, shot the victim and fled the scene. The ease of crossing the border through the twin cities may have contributed to the intellectual author of the crime in Paraguay hiring a hitman.

And finally, on both sides of the border, the crime of consummated femicide was the most evident, thus demonstrating that the aggressors go to the very end by murdering the victims using different instruments. This is how the women who inhabit this border territory are exposed to crimes of this nature; the non-bureaucratic acquisition of firearms in Paraguay facilitates the hiring of third parties⁵ to commit crimes through the mediation of their protagonists. In the cases reported

⁵ Called “gunmen” who avoid the place and whose authorship is difficult to identify.

in the border municipalities of the twin cities, the presence of unidentified hitmen in the crimes is a specific characteristic.

When talking about nationality and criminal responsibility at the border, one of the cases that was gathered from three of the online newspapers that make up this sample had an important national and international repercussion. It is a femicide that denotes the aggressor's contempt for the victim: she was coldly murdered by her boyfriend in a prison cell in Asunción (PY).

The perpetrator had a 26-year sentence for crimes in Rio de Janeiro. He was one of the leaders of the Comando Vermelho⁶ and in Paraguay he was guilty of drug trafficking and the use of false documents, which have low penalties in the country. A few months before being extradited to Brazil, the drug trafficker stabbed his 18-year-old girlfriend, a Paraguayan national, 16 times during an intimate encounter in his cell, which ended with her life due to internal bleeding.

On Saturday, November 16, he allegedly murdered 18-year-old Lidia Meza in an attempt to prevent his return to the country. The crime took place during an intimate encounter. According to information from the Paraguayan police, the drug trafficker hit the young woman on the head and then stabbed her 16 times. She was taken to the hospital, but she did not survive (Report 1) (*Ponta Porã Informa*, 2018, n.p.).

From inside a prison in Paraguay, the drug trafficker commanded drug and arms trafficking to a favela⁷ in Rio de Janeiro, so the murder of his girlfriend glimpsed at a strategy that would guarantee his permanence in a country where the most benign legislation would favor a faster completion of his sentence. According to Wagner (2003), Paraguay is characterized as a country where impunity is rampant, and by having a less rigorous Penal Code, it becomes a more advantageous scenario for criminals. It should be remembered that, in relation to femicide, Paraguay was the 18th country in Latin America to recognize it as a crime.

Law 5.777 of 2016, which entered into effect on December 17, 2017, contemplates in its article 50 that the prison sentence is from 10 to 30 years. Meanwhile, the Brazilian Penal Code (*Decree-Law 2.848 of 1940*, Art. 121, para. 2) qualifies femicide as a crime of homicide with a sentence of 12 to 30 years in prison, being considered a heinous crime, with all the restrictions provided by *Law 8.072 of 1990*: the impossibility of the right to pardon or payment of bail, and these must be initially fulfilled in a closed regime.

Likewise, the crime of drug trafficking is considered a heinous crime under Brazilian law. Therefore, Article 33 of *Law 11.343 of 2006* calls for a simple sentence of 5 to 15 years in prison and the payment of a fine, combined with Article 35, which calls for a sentence of 3 to 10 years and a fine for repeated traffic. In Paraguay, Article 37 of *Law 1.340/88* calls for a sentence of 10 to 20 years for the crime of drug trafficking, and Article 42 establishes that those who form a partnership to practice trafficking will be punished with a sentence of 5 to 15 years. However,

⁶ The Comando Vermelho is the oldest active criminal faction in Brazil, founded in 1979, at the Cândido Mendes Penal Institute, in Rio de Janeiro.

⁷ Urban area characterized by precarious housing and a generally deficient urbanization infrastructure.

Article 43 of the same law provides for a reduced sentence, with a reduction to one fifth of the sentence if the defendant offers information that allows the seizure of a considerable quantity of drugs or the discovery of third-party organizations (*Law 1.340/88*).

Thus, it is evident that the perpetrator of the crime, with the intention of prolonging his stay in the Paraguayan prison, premeditatedly murdered his girlfriend to remain in prison and take advantage of the facilities and privileges while serving his sentence in that country. Likewise, the minimum sentence established for the crime of femicide in Paraguay is two years less than that provided for in Brazilian legislation.

In the same direction, López Contreras et al., in their study on the experiences of violence lived by women on the borders between Mexico and the United States, point out that “violence against women in these spaces can be defined, then, as the articulation of global economic dynamics, state political practices, and gender discourses/imaginaries territorialized there” (2021, p. 348).

As for the degree of connection between the attackers and their victims, it was verified that 94.5% of the perpetrators of the crimes had some degree of proximity with the victims, and it was not possible to compute only the three unspecified cases. The research corroborates the sample by stating that women are more likely to be assaulted by people close to them than by strangers, and the total number of women assaulted by their partners (at least once in their lives) can reach 50% (Ilha et al., 2010). The 2021 Femicide Report argues that of the 61 cases for which information was obtained, approximately 82% of the crimes were committed by (ex) partners or (ex) boyfriends. Similarly, in 2020, it pointed out that in 32 of the 40 femicides analyzed, 80% of the perpetrators “are men with whom the women cohabitated” (Tribunal de Justicia de Mato Grosso do Sul, 2021, p. 16).

According to studies carried out in different contexts, the home is clearly the place where violence occurs most frequently, it is the preferred site due to the feeling of privacy and the absence of third-party interference, without forgetting the fear and shame felt by the abused woman who does not disclose the violence suffered (Galindo & Souza, 2013).

In this same sense, according to Segato (2003), interpersonal relationships of coexistence in private and family spaces are propitious places for the establishment and potentialization of gender violence. The elemental cell of violent acts is gender relations, and the omnipresent moral violence, considered normal, is the structure that maintains the modern-colonial hierarchical and patriarchal system of power.

All the cases reflect a common point: the man’s feeling of possession regarding the woman, which makes it impossible for her to decide to end the relationship, express that she disagrees or reject what is imposed on her. In the same way, physical injuries usually come from arguments in which the subject is unable to develop a decisive dialogue and resorts to physical aggression as a mechanism to impose authority.

After the breakup, the young woman was kidnapped and held captive. On her property, she spent terrifying moments being tortured, beaten and raped. The violence was such that,

according to the investigators, the young woman miscarried the baby she was growing (Report 2) (Veiga, 2018, n.p.).

Border thinking is the epistemic retaliation evoked by the subalternized margins in opposition to the colonial margin. The struggle of Latin American women for the condition of epistemic subjects occurs in the tension between the epistemic production of European and American hegemonic feminism, that is, Latin American feminism is produced in epistemic borders in the space of colonial difference. In the need to break with colonial domination, interculturality emerges as a tool to claim the right to difference. For this reason, it is essential to reveal intersectionality so that there is no homogenization of the social and historical condition of women that leads to a false idea of depatriarchalization. Patriarchy affects all women differently, so depatriarchalization does not happen in the same way. The experience of patriarchalization and depatriarchalization is linked to oppressions that are intersectional, generating asymmetries and ambivalences among women (Dos Santos & Da Silva, 2018).

Latin American decolonial feminism seeks, in its practices, to break with colonial patriarchy through “the fight against heteropatriarchy, racism, misogyny (...) and daily violence directed at racialized women” (Espinosa et al., 2013, p. 407). From this perspective, the importance of considering the locus of enunciation of women is evident, women who not only have the marks of oppression imposed by the colonial/modern patriarchy, but also the marks of resistance that walk towards the decolonization of their bodies.

In the sample, the crime with the greatest occurrence was femicide, with 25% (n=13), while the attempted modality constituted 10% (n=5). In this same follow-up, the Femicide Statistical Report (Mato Grosso do Sul Court of Justice, 2021) indicated that in 2020 the system registered 27 cases of consummated femicide and 34 cases of attempted femicide. Among the criminal actions that entered the Justice Automation System (Sistema de Automatización de la Justicia - SAJ) in 2019, 69% referred to attempted crimes and in 2020 the percentage was 56%. In other words, if on the one hand there was a decrease in the distribution of femicide criminal actions in the State Judiciary, on the other hand, there was an increase in the cases of consummated femicide when the result was analyzed proportionally (Tribunal de Justicia de Mato Grosso do Sul, 2021).

Despite the dissonance between the most frequent types of femicide, both collections converge in that most of the aggressors sought the death of their partners, and those who did not kill them was not due to circumstances beyond their control, which constitutes an attempt. Of the records of criminal actions of femicide that entered the system of the Mato Grosso do Sul Judiciary, of the “61 cases analyzed, in 19 the victims had previously requested protective measures, which represents 32% of the cases” (Tribunal de Justicia de Mato Grosso do Sul, 2021, p. 15). In certain circumstances, protective measures have been revoked by the judicial authority, once again demonstrating the ineffectiveness of legislative applicability, which explains why many victims do not notify the authorities about the violence they have suffered.

However, Brazilian legal provisions, even greater in numbers than those implemented in Paraguay, do not prevent cases of violence against women from occurring. The laws that combat

violence against women and those that protect the victims are configured as an achievement of their own struggle and resistance, but they do not prevent cases of this nature from happening.

It should be noted that most cases of femicide are perpetrated by the (ex) partners of the victims using physical force, precisely because they do not accept the end of the relationship. “Nilce Elias da Rocha Bento, 56 years old, was murdered with a knife (...) the crime was committed by Aderval Bento, ex-husband of the victim, who did not accept the end of their relationship” (Report 3) (Veiga, 2019, n.p.).

These reports confirm the presence of patriarchal attitudes that exercise and revive control over women. Feelings of possession, moralism and aggressiveness due to jealousy are exacerbated, which usually culminate in the murder of the woman (Carvalho et al., 2010). It is plausible to compare the results of these studies with the male discourses that exercise power over their partners by centralizing decisions such as the choice of clothing, friendships and their right to work (Lamoglia & Minayo, 2009).

The aim was to identify the region of the body where the women were attacked. Of the 52 reports analyzed, 29 detail this aspect. In this way, it was possible to verify that the physical violence exerted on women mainly affected seven areas of the body: head, neck, thorax, sexual regions, arms, legs and back. Among these regions, the head is the most affected one (45%, n=13); with an emphasis on the face, which suggests the desire to damage the facial expression and humiliate the female image. For its part, the sexual region (21%, n=6) is injured in crimes that involve forced sexual relations, which again denotes the objectification and sexualization of the female body, closely linked to colonial sexist thought and rape culture.

In this regard, Monárrez (2013), when addressing the issue of sexual violence by femicide in Ciudad Juárez from 1993 to 2004, proposes a conceptual category, typical of the reality of this phenomenon in border territory, which the author calls systemic sexual femicide. He explains that the stigmatization of this phenomenon in the bodies of the victims is anchored in aspects that involve various social actors (the victim, his family, the government, the industrialization process) present in the border context.

The neck region of the victims (24%, n=7) is usually affected after couple fights, where the aggressor suffocates the woman using physical force as a way of silencing her, which was also evidenced by Fong et al. (2016), in an international investigation on femicide. In the Yamall Orellana et al. (2019) study it is noted that injuries in the neck region were three times more frequent in cases of femicide than among other victims of violent death.

Among the possible reasons that led to the crime, the main ones were arguments for reasons such as jealousy (38.1%, n=21), followed by cases motivated by the fact that the aggressor did not accept the end of the relationship (36.3%, n=20). Next, the most frequent crimes were for sexual reasons, committed mainly against children and adolescents (9%, n=5).

The feeling of possession and contempt for women are the supposed motivators of femicide crimes. According to the Statistical Report, in 37.7% of the cases, the aggressor did not accept the

end of the relationship and “in 26.2% it was jealousy” (Mato Grosso do Sul Court of Justice, 2021, p. 14). The cycle of violence is one of the factors that motivates women to break the relationship with their partner. However, as it has been pointed out, when the separation is not accepted, most of the aggressors resort to violence to try to scare the victim and make her give up the attempt. In these situations, women feel unprotected, humiliated and devalued (Coelho Ramalho Vasconcelos Moraes et al., 2010).

In the study carried out by Yamall Orellana et al. (2019), approximately 38% of the deaths by assault corresponded to femicides, the rest of the deaths being the result of the association of these women with illicit drug trafficking or with the passive or active action of the victims in criminal activities, characteristic of the border region of Brazil with Venezuela and Colombia.

Regarding this, it is highlighted that although the border with Paraguay is also a drug trafficking route, the description of the crimes that involve violence against women does not indicate the same context as that indicated in the study carried out by Yamall Orellana et al. (2019), since in the collected sample, considering the way in which the crime was committed, few cases of femicide by execution were registered. While in Manaus, much is reported about how urban violence linked to human trafficking causes numerous cases of death in women.

In the cases of executions on the Brazil (BR)-Paraguay (PY) border, what can be hypothesized is that, due to the rivalry between drug traffickers from different criminal factions, the wives of members of the opposing faction are executed as a form of revenge or demonstration of power. Or the femicide is ordered by the ex-partner of the victim because he does not accept the end of the relationship, opting for this orchestration given the high rate of impunity in this region, the ease to carry weapons and the habitual hiring of hitmen.

Lopez Contreras et al. (2021) reveal that women drug traffickers on the US-Mexican border between Ciudad Juárez and El Paso, by being located at the top of the hierarchy of criminal organizations, gain economic power and relative independence from male domination.

In parallel, these processes would be configured from the intersectionality of the gender condition with ethnic (or “racial”) belonging and age. Thus, the analytical perspectives to understand the cross-border experience of women drug traffickers must transcend the dichotomous categorical logics (feminine/masculine, public/private, social/domestic), integrating articulationist perspectives on culture, politics, and the economy (López Contreras et al., 2021, p. 346).

In a section of the sample, a femicide that occurred in 2019 in the city of Capitán Bado (PY) deserves to be highlighted. The murder of the victim, whose main suspect is her ex-husband, occurred with characteristics equivalent to those of an execution.

The deceased was sitting under a tree in front of her house with her current partner, (...) in the city of Capitán Bado, when two individuals arrived on a motorcycle and without saying a word fired a total of 10 shots at the woman, mainly hitting her chest, arms and legs (Report 4) (Oasis FM 94.3, 2019, n.p.).

In Paraguay, the presence of criminal organizations, the characteristic drug trafficking of the border region, the rapid escape routes, the more benevolent legislation for crimes of violence against women and the late recognition of the criminalization of femicide in 2016, mark the population in a situation of economic vulnerability, especially women.

The easy access to weapons and escape routes mark in a particular way the femicides in the twin cities and lay the foundations for impunity for the perpetrators of the executions in this international line. As happened in Ponta Porã (MS) and Capitán Bado (PY), where the gunmen went to the victims' homes, shot them several times, with a modus operandi typical of an execution, and then fled.

Given the complexity of the phenomenon of violence against women, confrontational actions must be thought out and coordinated with the Judiciary and strengthened networks, which did not happen with the LMP. However, it was through this that the indispensability of coordinated and intersectoral work became a legal agenda (Vieira, 2020).

The perspective of the difference defended by decolonial feminism aims to highlight the importance of the visibility of women residing in border contexts, as it is a region where different transversal aspects permeate that culminate in their vulnerability. The gender difference must be seen in its plurality; the inequality and oppression that these women experience cannot be based on a universal discourse, but rather be analyzed from a perspective that vindicates the intersections of gender, culture, social, historical, and geographical context, among others, that go through the lives of these women. It is in this conception that subjectivities must be perceived for significant changes to occur in this scenario of oppression and invisibility.

FINAL CONSIDERATIONS

The study carried out on violence against women on the border between Brazil and Paraguay points out several possibilities of analysis. According to López Contreras et al., “in border areas, patriarchal mandates materialize through distortions, exclusions, and violence perpetrated against women” (2021, p. 348).

Based on the results, it was possible to verify that the way in which colonization occurred in Brazil and Paraguay left colonial and patriarchal wounds that culminated in masculine, patriarchal, sexist, classist, and racist logics. These logics must be understood from the perspective that gender is not a universal, stable and decontextualized category. The media does not disclose all cases of gender-based violence committed against women; aspects such as ethnicity, age range, and the places where the crimes occur are not described in most of the news, which could indicate the socioeconomic situation of the victim. According to studies, this omission also occurs on the Mexican border between Ciudad Juárez and El Paso. The invisibility of social and racial markers that differentiate women at the border and contextualize the constitutive factors of gender-based violence, together with socio-historical and economic factors, contribute to the perpetuation and invisibility of the violations suffered in the cross-border region. In this way, the press and

governments naturalize and universalize victimized women, removing them from state public policies and making the emancipation of women precarious.

In the sample, crimes committed by aggressors who previously had close contact with the victim predominate; the most common reasons are jealousy and non-acceptance of the end of the relationship, which denotes macho practices in the domestic sphere. Femicide continues to be the most frequent crime on both sides of the border, and the main factor that differentiates the modus operandi of these crimes is the instrument used to commit them. While in Brazil the use of physical force predominates, in Paraguay it is firearms and the subcontracting of “gunmen” to carry out the crime; this practice extends to the twin cities on the Brazilian side.

The reflection that arises at this point is to what extent the legislative difference between the two countries to combat and prevent violence against women, added to the omission of Paraguayan media coverage of cases of gender-based violence that occurred in this territory, as well as the objective and incomplete description of the victims and aggressors, corroborates the invisibility of the risk factors and the specific characteristics of border crimes that make a more precise identification of the problem impossible.

Despite the existence of protective legislation in both countries, reports of violence against women and femicide rates have increased considerably. This shows that, although the legislation points to the visibility of violence of this nature, impunity, the omission of the media that does not broadcast specific local cases, the absence of a specific violence observatory for the particularities of the border, and the failures in the implementation of protective measures for women are factors that cause many to suffer from continued violence, or that most of them do not even report the aggression to the authorities.

Thus, for preventive actions and criminal accountability to be effective in both countries, it is essential to articulate a solid assistance network with joint efforts and actions for both countries that allow achieving, mainly, the protection of women and the conviction of the perpetrators of crimes of violence against them, which can only be achieved through the effective application of public policies.

Finally, it is worth mentioning that one of the limitations of this study was the fact that the journalistic reports were superficial when it came to detailing the social markers of the victims and aggressors, which at a deeper level would have revealed more consistent data on their sociodemographic conditions, contributing to a more direct reflection on intersectionality to be discussed from the decolonial perspective.

Translation: Erika Morales.

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