

THE (IN)VISIBILITY OF WOMEN WITH DISABILITIES IN ACTIONS TO COMBAT GENDER-BASED VIOLENCE

A (IN)VISIBILIDADE DAS MULHERES COM DEFICIÊNCIA NAS AÇÕES DE ENFRENTAMENTO À VIOLÊNCIA DE GÊNERO

Denise dos Santos da Silva¹

Priscilla Nogueira Araújo Selares²

Patrícia Rodrigues Costa³

Claudilene de Sousa Rocha⁴

RESUMO

O presente estudo aborda a reflexão sobre a (in)visibilidade das mulheres com deficiência ante as políticas públicas e sociais no tocante ao enfrentamento à violência de gênero na realidade brasileira, visto que as mulheres com deficiência são (in)visibilizadas e excluídas desde a construção da sociedade e nos principais marcos normativos de leis que edificam as ações de enfrentamento à violência de gênero em contextos internacionais e brasileiro. Diante disso, a revisão de literatura nos diz que essas mulheres sempre foram pessoas existentes das sociedades passadas e da presente moderna, sendo oprimidas e violentadas pelos marcadores sociais da diferença, desde raça, gênero, classe social, deficiências e outros; e são pessoas constituídas de direitos e de deveres também, como bem destaca a Constituição Federal de 1988, que nos equipara diante dos direitos civis, políticos e principalmente os sociais a todos os brasileiros. Perante o exposto ao contexto de exclusão, de silenciamento e de (in)visibilidade das mulheres com deficiência, a ferramenta analítica da interseccionalidade nos permite apresentar por que as mulheres com deficiência são (in)visibilizadas, têm seus direitos negligenciados, assim como por que seus corpos são oprimidos e violentados na sociedade patriarcal, machista, sexista, capacitista e capitalista moderna, mas a interseccionalidade nos apresenta também vários caminhos com possibilidades para o processo de inclusão e de equidades dessas mulheres em convívio social. A metodologia que fundamenta este estudo é em viés de revisão dos acervos de documentos, das leis, assim como da revisão de literatura e do acesso aos podcasts no YouTube sobre o tema em questão.

Palavras-Chave: Ações de Enfrentamento à Violência de Gênero. Interseccionalidade. Mulheres com Deficiência.

ABSTRACT

¹Graduada em Serviço Social, pela Faculdade Adelmar Rosado (FAR). Pós-Graduanda em Políticas Públicas de Enfrentamento à Violência de Gênero (FAR).

²Graduada em Direito, pela Universidade Federal Fluminense (UFF). Pós-Graduada em Direito da Administração Pública (UFF). Pós-Graduanda em Políticas Públicas de Enfrentamento à Violência de Gênero (FAR).

³Graduada em Pedagogia, pela Universidade Católica de Salvador (UCSAL). Graduada em Psicologia, pela Universidade Salvador (Unifacs). Pós-Graduada em Psicologia Organizacional (UNIFACS). Pós-Graduanda em Políticas Públicas de Enfrentamento à Violência de Gênero (FAR).

⁴Graduada em Serviço Social, pela Faculdade Evangélica do Piauí (Faepi). Especialista em algumas áreas do Serviço Social (FAR). Mestra em Políticas Públicas, pela Universidade Federal do Piauí (UFPI). Coordenadora de Pós-Graduação e docente na área do Serviço Social.

This study addresses the reflection on the (in)visibility of women with disabilities in the face of public and social policies regarding the confrontation of gender violence in the Brazilian reality. Since women with disabilities are (in)visible and excluded from the construction of society and in the main normative frameworks of laws that build actions to combat gender violence in international and Brazilian contexts. Therefore, the literature review tells us that these women have always been existing people of this modern society, past and present, being oppressed and violated by social markers of difference, from race, gender, social class, disabilities and others; and they are people constituted of rights and duties as well, as well highlighted by the Federal Constitution of 1988, which makes us equal in terms of civil, political and especially social rights to all Brazilians. In view of the exposed context of exclusion, silencing and (in)visibility of women with disabilities, the analytical tool of intersectionality allows us to present, why women with disabilities are (in)visibilized, and have their rights neglected, as well as why that their bodies are oppressed and violated in the patriarchal, sexist, sexist, ableist and modern capitalist society, but also intersectionality presents us with several paths with possibilities, for the process of inclusion and equity of these women in social life. The methodology that underlies this study is based on reviewing the collections of documents and laws, as well as the literature review and access to podcasts on YouTube on the subject in question.

Keywords: Actions to Combat Gender Violence. Intersectionality. Disabled Women.

INTRODUCTION

With the theme based on the discussion about the importance of using the analytical tool of intersectionality to be used in public and social policies, and especially highlighted for the dynamics of actions to confront gender violence, This scientific article has its justification in the importance of how this analytical tool should be used in the process of elaboration, execution and handling of actions to confront the violence perpetrated to the diversity of existing women. Given that there is diversity of women in society, the example of these women are those with disabilities.

It is observed before the construction of the study to (in)visibility of these women in the main legal frameworks (laws), which assist and welcome women victims of violence. Women with disabilities are not seen as women who suffer and go through violence in their family and social life. That is, as if both did not exist!

But the reality today presents us with another scenario that is built before the public of women with disabilities, both in their particularities, aware that there is a group of women with disabilities, and subgroups of women and their disabilities, both are organized in collectives in the defense and recognition of their rights, as well as in the struggle for the creation of actions that insert them as persons of rights and duties in society, also by the expansion of the laws that exist so that both are also welcomed and protected against acts of violence, aspire to their autonomy and wage a constant battle against capacitism.

Thus a new scenario is built for women with disabilities, both are leaving the dark rooms of their homes, under family protection, (in)visibility of their existence as a person and woman with rights, as well as inserted into the most diverse constructive spaces of society. Women with disabilities are protagonists of their stories of life, struggles, resistance and they are present in society, or better, have always been!

The motivation for production of the topic discussed in the scientific article arises from the anxieties experienced by three women with visual impairment, united by activism, militancy, disability that both have, which is the visual, and the desire to have their place of speech respected and, mainly because they are not covered by the existing public and social policies for women, especially those related to the fight against gender violence.

In view of the underreporting of cases of violence against women with disabilities and the interference of empowerment towards those responsible, both by the elaboration of legalized norms and their application and handling by some sectors of society that watch over and have prejudice for the person with disabilities, and, in addition to everything mentioned above, there is the presence of the oppressive tentacles of patriarchy, sexism, machismo, capacitism over the bodies of women with disabilities. Being a person with disabilities and above all woman is much more complex and challenging to survive in the modern capitalist society.

1 WOMEN WITH DISABILITIES IN PATRIARCHAL, SEXIST, MALE CHAUVINIST, CAPACITIVE AND MODERN CAPITALIST SOCIETY

When we put ourselves to understand the reality of people with disabilities in our past and present society, we are faced with a scenario in which the very discussion on this subject in times past was not even spoken about, but a taboo in society, entwined with shame, to the prejudice and disability discourse of people with disabilities. It is noteworthy that people with disabilities themselves did not see themselves as protagonists of their life stories, people belonging and useful to society, and with rights, for example.

However, society for many years fed this discourse of exclusion and uselessness of these people, excluding them, silencing them, imprisoning them and even murdering them. Reality that crosses us with oppressive and excluding tentacles.

When we look at the historicity of people with disabilities, through the history of humanity and the current modern society, it is evident that they have always existed and exist. But for mythological, religious, capitalist, capacitists, among others, they were always kept

away from public and private social coexistence and their participation in society, and consequently prevented from exercising fundamental rights, the life worthy, for example.

It is in the second half of the twentieth century that the rights and public and social policies for people with disabilities began to be implemented in a more expressive way and with the "sense of equity and inclusion". It was from the 1980s, in the process of Redemocratization of Brazil, that, on the initiative of people with disabilities themselves, emerged the first movements of demands for the rights of persons with disabilities and political participation. They organized themselves and inserted themselves in the center of political discussions, which culminated in the elaboration of laws attentive to the specificities of people with disabilities (Neta; Silva, 2022).

Among the main achievements, we can cite the Federal Constitution of 1988 itself, which provides for the creation of specialized prevention and care programs for people with disabilities in the art. 227; approval of the Quota Law (Law no 8.213, of 1991), which obliges companies to hire a certain number of disabled people; the Federal Law no 8742, of 1993, which provides for the Continuous Benefit (BPC); the Declaration of Salamanca, in 1994, of which Brazil is a signatory, and which reaffirms the right to regular school access for people with disabilities; the Brazilian Inclusion Law (Law no 13.146, of 2015), which ensures the right to inclusive education and guarantees access for people with disabilities to public and social policies.

Another important milestone regarding the rights of people with disabilities is the United Nations (UN) Convention on the Rights of People with Disabilities of 2006, which heavily subsidized the mentioned LBI and presents itself as one of the most important devices, because "has the objective of guaranteeing the human right to people with disabilities on an equal basis with other people" (Neta; Silva, 2022, p.35). When we recapitulate the trajectory of struggle and conquest of the rights of people with disabilities in society, we observe that it is a path still under construction.

When we carry out the discussion on gender among people with disabilities, we find that it is not yet effervescent, explored and discussed a lot in the group, but when we seek for information related to gender and disability, We find in the existing documents that the attempt to give visibility to women with disabilities in the conjuncture of society has already some years, starting with the UN Convention, in 2006, by bringing in its writing the specificity of girls and women with disabilities, through the Article 6 of the Convention, the recognition that girls and women with disabilities are at greater risk of

suffering multiple forms of violence in society, and the importance of taking measures to ensure their fundamental rights (ONU, 2006).

However, noting the limited effectiveness of the Article 6 of the Convention, in 2016, the UN, through an organized committee, prepared a document supplementing the Convention of 2006, that points out guidelines and strategies of public and social policies for girls and women with disabilities and affirms the importance of observing their particularities. The document adds that there are many failures of states to fulfill their obligations towards girls and women with disabilities, limiting them to mercy, hostility and exclusion. The guidance expressed in the document, called General Comment, emphasizes that "abstaining from discriminatory actions is not enough. States need to empower women "by increasing their self-confidence, ensuring their participation and increasing their power and autonomy to make decisions in all areas that affect their lives" (UN, 2016).

Currently, it is noticed that even in the spaces where gender issues are discussed, in feminist struggles and in the very legal frameworks in which the rights of women are guaranteed, the characteristics of women with disabilities are not mentioned, demonstrating how much power of the corporonormativeness⁵ influence the inclusion of women with disabilities. This is a logic in which the bodies are organized in an order of priorities, placing the bodies with disabilities in a lower hierarchical value, that is, the bodies without disabilities (normal) are worth more than the bodies with disabilities (non-normal), thus there is a relationship of discrimination due to disability and implying the reproduction of capacitism as structural oppression committed to people with disabilities (Luiz, 2021).

Nevertheless, highlighting some oppressive axes that affect women with disabilities within this patriarchal, sexist, male chauvinist, capacitists and capitalist modern society, we face the oppressions due to gender and productivity, as members of patriarchal systems, sexist, male chauvinists and capitalist, which are delimiting systems of places that the female bodies must occupy and the roles they must play within society (Pateman, 1993; Federici, 2004).

We highlight the access to education, in which we can observe the impact of discrimination resulting from the relationship between gender and disability. If people with disabilities are denied access to education with the applicability of accessibility in all its dimensions, in the case of girls and women with disabilities, this situation is further aggravated by the fact that they are raised by a stigmatized speech, which ends with many

⁵A corporonormatividade é um conceito que acompanha as discussões sobre as discriminações de pessoas com deficiência, ao serem considerados corpos "normais", aqueles que não apresentam deficiências, vendo as deficiências como falhas. Assim, um corpo sem deficiência é considerado um padrão a ser seguido (Luiz, 2021).

families, do not even register girls with disabilities in educational institutions, for inferiorizing their learning abilities. Otherwise, when registered, they suffer from low expectations on the part of teachers regarding their educational and school developments (Cerchiari; Paganelli, 2018).

Access to health also provides us with an understanding of the multiple vulnerability of girls and women with disabilities when we make the gender cut in the segment of people with disabilities. While for people with disabilities in general it is necessary that health units are accessible in all their dimensions, and professionals are trained and humanized. However, when we analyze from the gender perspective, it is possible to observe an invisibility of the situation of vulnerability of women by health professionals in not being attentive to the particularities of disabled patients and, thus, do not have a more comprehensive and integral approach to these (Nicolau; Ayres; Schraider, 2013).

In the face of this invisibility, it is necessary to remember the obstetric violence beared by women with disabilities as an effect of a historical and cultural discrimination based on the medical model of disability, that reduced the exclusive responsibility of the person to deal with the injury as a cause of restriction in social participation in a naturalized way, understood as a personal tragedy (Diniz, 2007). Such understanding allows women with disabilities to be more subject to obstetric violence, a practice that is more normalized and institutionalized than for women without disabilities. (Matos; Terra, 2018). The physical barrier contains, however, only one of the forms of violence against pregnant women with disabilities. Even when only with the condition of physical disability, with preservation of its full autonomy and civil capacity, it is found that, in the reality of life, their will is repeatedly disregarded.

It is possible to observe such violence against deaf women, for example, who go through constraints because they do not have professionals who can interact with them at the time of delivery; or women with intellectual disabilities who become pregnant because they do not have access to contraceptive methods, since both their families and the health system understand that they are asexual women; In addition to the prejudice experienced by most women with disabilities who decide to exercise their reproductive rights and suffer the most varied humiliations and constraints practiced by health professionals.

In the Reproductive Justice series of the ill-fated podcast made available on the YouTube channel, in the episode about the right to consent, it is possible to hear reports of women with disabilities who have experienced obstetric violence. One of the types of this violence, according to the report of one of the interviewees, is when professionals omit important information or do not properly inform the procedures during childbirth to patients

with visual impairment. Another violence reported by an interviewee with physical disability is when inattentive professionals request that a patient with paralysis make impossible movements for her body condition, ending in highly invasive and painful procedures.

When we analyze the different work environments, we also observe that although all women are affected by wage and opportunity inequalities, subject to discrimination in a space historically governed by a patriarchal, sexist and sexist conception, limiting home care, when we made the cut for women with disabilities we identified that, in addition to being fewer, as it happens to women in general, when compared to men, draws attention to the fact that the salaries received by women with disabilities are still lower than those received by women without disabilities.

Although the labor rights of women with disabilities are based on important provisions, such as the Convention on the Rights of Peoples with Disabilities, the Brazilian Law for the Inclusion of People with Disabilities and the Consolidation of Labor Laws. (Gugel, 2020), highlight the invisibility of these workers, as they go through several difficulties in the labor market because they are women and have some disability. (Accarini; Muniz, 2023).

According to the authors, the number of women with disabilities in the labor market is still very low. Data show that, although women make up 52% of the total number of people with disabilities in Brazil, out of every 10 people with disabilities on the formal labor market, only two are women. That is, for women with disabilities, even performing various functions as a mother, student, professional etc., when they have the opportunity to be employed, tend to withstand the various crossings resulting from a capitalist society, sexist and sexist.

As it was possible to observe, the agenda of women with disabilities for a long time passed far away from the discussions of the person with disability and society in general; currently, this absence is noticeable in the guidelines related to gender issues in important public and social policies, such as education, health, labor market and others; women with disabilities still remain invisible and silenced in patriarchal society, male chauvinist, sexist, sexist and modern capitalist.

In this context, the following subchapter addresses this invisibility of women with disabilities in public and social policies to deal with gender-based violence.

1.1 The actions developed in confronting gender violence: the (in)visibility of women with disabilities

Although feminist struggles predate the nineteenth century, with the unforgettable strike of French women in 1857, only after the recognition by the United Nations (UN) that violence against women was a violation of human rights, culminating in the institution of the Decade of Women (1975-1985) and with the Convention Against All Forms of Violence against Women (1979), is that there are concrete actions to confront gender violence in Brazil and in the world.

In this sense, in 1985, there is the creation of the first Police Station of Women in the city of São Paulo and the creation of the National Council for the Rights of Women (CNDM), by the Federal Law (no 7.353, of 1985). In 1986, the first Shelter for Women in a Situation of Violence was inaugurated as an articulated action of the Secretariat of Public Security and Social Assistance, until then the only bodies involved in the policy to deal with violence against women, as provided for in the Document of the National Secretariat for Policies for Women document (Brazil, 2008).

Until 2002, the Policy to Combat Violence against Women was restricted to the creation of Police Stations and Shelters for Women, with the only notable development in 1998 of the prevention and treatment policy for sexual violence by the Ministry of Health, what already pointed to the need for a network action by the different public and private bodies.

The creation of the National Secretariat for Women in January of 2003 marks a new moment in policies for women, which now have an organ to think, elaborate and articulate this policy from the experience and knowledge of other women, and involving other public administration bodies: MP no 103, of January 1st, 2003, articles 1, paragraph 3, item III, and article 22; and Federal Law no 10.863, of 2003.

Another important point to be highlighted is the concurrent performance of the executing body or articulator of the policy with the body responsible for carrying out the social control of the policy, which will be responsible for holding the four National Conferences for Women held in 2004, 2007, 2011 and 2016, which contributed to the creation of Policy Bodies for Women (OPMs), in the various federal levels in Brazil, as well as to the creation of structures for the mainstreaming of policies for women, the participatory elaboration of national plans, state and municipal policies for women and the thematic budgeting initiative. (Matos; Lins, 2018).

The first National Policy Plan for Women (2004) brought the fight against violence against women as one of its structuring axes, and from the performance of women in the three powers, There has been a growing increase in the number of laws and programs aimed at

preventing and combating violence, stimulating the presence of women in the world of work, reducing gender inequalities in different spaces, recognizing the diversity of the female universe.

It should be noted that the greatest advances achieved in Brazil in relation to public and social policies for women occurred only from 2003, when we had a left-wing government, which guided its policies on the effectiveness and guarantee of human rights. So much so that it was only with the elaboration of the National Policy for Women that Brazil began to develop actions aimed at meeting the provisions of the Convention on the Elimination of All Forms of Violence against Women by the UN, in 1979, and the Convention of the city of Belém do Pará, ratified by Brazil in 1995, which provides for the prevention, punishment and eradication of violence, very important Human Rights Treaties for the Policy for Women (Araújo, 2016).

It is possible to affirm that, in Brazil, there were important productions and publications of laws and public and social policies for women, regarding the confrontation with violence, especially the Maria da Penha Law, published in 2006 (Federal Law no 11.340, of July 8th of 2006), and for the National Pact to Confront Violence Against Women, which was signed by the 27 entities of the federation members of the three levels of government, launched in August of 2007 and reevaluated in 2011, under the eyes of the Brazilian federations that agreed. (Brazil, 2011).

The main changes in the Criminal Code to include femicide, Federal Law no 13.104 of 2015, which also introduced new causes for increased punishment for a greater protection of women more vulnerable to violence. Another significant victory for the defense of women was the increase in the penalty for the crime of sexual harassment, determined by the Federal Law no 13.718 of 2018, in addition to the important programs developed by the Ministry of Women, such as (Federal Decree No 8.086, of March 13th of 2013, which will be resumed in the current Government by the Federal Decree No 11.431, of March 8th of 2023, and the Safe and Protected Woman Program, also established by the Decree No 8.086, of March 13th of 2013, and amended by the Decree No 10.112. of 2019.

As highlighted, actions to address violence against women have made some progress. The political party follow-up is also an important ally for the effectiveness of such actions through socio-political contexts, since decision-making passes through the consent of government institutions, especially the executive branch, to administer, govern and enforce laws. However, it is questionable whether women with disabilities are included in these actions. Can they access the network of services to confront violence against women? Are

they welcomed and respected before the support network? Are they seen as women of rights? Finally, there are several questions that cross them!

As it was possible to observe, important legal provisions have been elaborated and/or promulgated over the last decades in Brazil regarding the problem of violence suffered by women. However, it is understood that this "umbrella" of the policies for attention and protection to cases of gender-based violence remains below the reality of many women, such as women with disabilities. As mentioned at the beginning of the text, women with disabilities have always existed and exist, the big question is when society, the world in its entirety began to perceive them as an integral part of this whole and with specificities that needed to be contemplated in the legal provisions, and be known by the people responsible for the implementation and application of the rules, and the dynamics of the actions carried out in society.

The changes experienced by feminist movements offer important elements for such understanding, since the discussion that is now brought in relation to women with disabilities, was initially made by black women who did not feel present in the discussions made by white feminism and who, in the nineteenth century, pointed to the need to think of feminism from an intersectional perspective, as Akotirene states when he describes that:

Mulheres negras foram marinheiras das primeiras viagens transatlânticas, trazendo identidades políticas reclamantes da diversidade, sem distinção entre naufrágio e sufrágio, pela liberdade dos negros escravizados e contra opressões globais. Elas construíram o pensamento feminista negro que aponta para o cruzamento entre capitalismo, imperialismo ocidental e racismo estrutural (Akotirene, 2018, p. 20).

When the Internal Regulations of the National Conferences for Women are analyzed, it is identified that, at first, there was no concern with the cut of race, nor ethnicity, or any other diversity. However, from the second, it is already possible to identify the concern in ensuring the participation of black women; and from the third onwards, there is the expansion of the cuts that should guide the participation with the inclusion, for example, of forests, countryside and traditional communities (Matos; Lins, 2018).

The proposal to ensure the participation of women in their plurality directly influenced the content of the proposals and, consequently, the public and social policies produced on the basis of the documents of the Conferences, by starting to portray the needs and specificities brought by each participant. However, despite the significant progress resulting from the participation of a greater diversity of women in the National Conferences and even occupying more space in society, when analyzing laws, programs, public and social policies, or any regulation that provides for women, few refer to the condition of women with disabilities.

When the inclusion of girls and women with disabilities in the legal system is analyzed, it can be seen that, as happened with women in general, this inclusion resulted from an initial prediction in the Human Rights treaties and the claim by the Social Movements of Women with Disabilities. So much that, only after the UN Convention on the Rights of People with Disabilities (2006) and the Brazilian Inclusion Law (2015), it was possible to find laws referring expressly to the condition of girls and women with disabilities.

The Criminal Code, for example, only now provides, in its article 121, paragraph 7, the increase of the penalty for cases where the victim of femicide is a woman with disabilities from 2015, Federal Law no 14.3104, of 2015. The Maria da Penha Law, in turn, promoted an advance by requiring, from 2019, that records of crimes of domestic and family violence indicate whether the victim is a woman with disabilities, or if the violence resulted in disability or aggravation of the previously existing disability.

Despite the relevance of the amendment of the important legal acts mentioned above, when seeking the applicability and effectiveness of these devices, there are few judgments found that mention the condition of woman with disability of the victim. Is this because women with disabilities are less likely to be victims of gender-based violence than other women? Unfortunately, no! The low applicability of devices aimed at protecting and defending women with disabilities is in the underreporting of crimes committed against women with disabilities, it is necessary to address the reasons for this lack or the lower number of records in complaints.

In this sense, it should be noted that only in 2021 the Violence Atlas, for the first time, pointed to data related to violence suffered by people with disabilities referring to 2016 data, in the following terms: In Brazil, only in 2016, 2,362 cases of violence against women with disabilities were registered. This number represents an increase of 24.5% compared to 2015, when there were 1,905 cases. Data were collected by the Secretariat of Policies for Women (SPM) of the Ministry of Women, Family and Human Rights (MMFDH), through the Information System on Notifiable Diseases (SINAN).

According to the survey, the States with the highest rates of violence against women with disabilities were: Rio de Janeiro (424 cases), Minas Gerais (332), São Paulo (326), Bahia (236) and Pernambuco (214). Most of the victims (1,821) were between 18 and 44 years old. As to the nature of the disability, the data show that victims with hearing impairment were the most frequent (1,023 cases), followed by those with visual impairment (474), intellectual impairment (272) and motor impairment (190). Most assaults (1,581) were classified as

physical violence, followed by psychological violence (746) and sexual violence (241) (Brazil, 2021).

The lack of knowledge of these provisions and the importance of their applicability both by justice and security systems, as well as by disabled women themselves and their families is the first obstacle to the effectiveness of the laws under discussion. For families, there is little information; for women with disabilities the information is not in an accessible format; for health systems, justice and security lack awareness and training about these devices. And about when and how to apply them, starting by knowing how to identify when you are facing a victim with disability and knowing how to communicate with it from the recognition of its characteristics.

Having overcome the lack of knowledge about the protection and defense devices for women with disabilities, it is essential that health and safety units are accessible in all dimensions. That is, it is not enough that the public buildings where they operate are accessible from the perspective of architectural accessibility, it is necessary that they are in a place of easy access, that communicational accessibility is guaranteed, not only through visual and sound signaling, as well as the availability of a professional translator interpreter of Libras for deaf women and who has the understanding that not all deaf women communicate by the Brazilian Sign Language. However, the most important thing is that the professionals who are in this environment have attitudinal accessibility, which guarantees an effective, respectful and integral service to these women.

Acessibilidade arquitetônica: é a eliminação das barreiras ambientais físicas nas residências, nos edifícios, nos espaços e equipamentos urbanos. Os exemplos mais comuns de acessibilidade arquitetônica são a presença de rampas, banheiros adaptados, elevadores adaptados, pisos táteis, etc., o que ocasiona numa melhor mobilidade e autonomia para as pessoas com deficiência. Acessibilidade comunicacional: diz respeito a quebra de barreiras na comunicação entre todas as pessoas. Acessibilidade atitudinal: diz respeito ao comportamento frente as interações entre pessoas com e sem deficiência, contribuindo para a eliminação de atitudes e expressões preconceituosas. A forma de lhe dá com a deficiência deve ser livre de estereótipos, estigmas e discriminações, uma vez que as atitudes podem impactar significativamente na vida de pessoas com a característica da deficiência (Neta; Silva, 2022).

It is from this perspective that will be addressed, in the next sub-chapter, the importance of the analytical tool of intersectionality in the production and application of policies to confront gender violence, so that women with disabilities have their characteristics recognized and can thus have their needs adequately addressed as victims of violence in society.

2 INTERSECTIONALITY AS AN INCLUSION TOOL FOR WOMEN WITH DISABILITIES IN PUBLIC AND SOCIAL POLICIES TO CONFRONT GENDER VIOLENCE

As it was possible to observe, the creation of public and social policies for women has had advances in terms of confronting gender-based violence, which establish a series of rights capable of providing a more dignified and well-being lifebe to women, only remaining to point out the ways and strategies to have effectiveness to these, to allow them to leave the field of theory and be experienced in everyday life. And in order to fulfill this role, public and social policies are needed that, based on the reality of (in)visibility of women with disabilities, point out solutions and actions for the implementation of existing rights and their expansion.

The recognition of human diversity must go through all kinds of public and social policies, even those aimed at women. The definition of rights and the elaboration of public and social policies for women already constitute a significant advance, because they recognize gender inequalities and ensure measures aimed at reducing the differences between men and women. However, it cannot be ignored that the universe of men, as well as women, is composed of people with numerous distinct and diverse characteristics.

Currently, there is no way to avoid the observance of human diversity, under penalty of promoting discrimination against one or more social groups. On the contrary, it is necessary to pay attention to the multiple identities, understanding that these are the result of a dynamic process; in constant change and that can no longer be plastered (Santos; Kabengele; Monteiro, 2022).

According to Biroli and Miguel:

Outros determinantes, como geração, sexualidade, etnia, localização no globo (ou mesmo a região em um País determinado) ou algum tipo de deficiência física, são também importantes na construção da posição social dos diferentes grupos de pessoas, contribuindo para produzir suas alternativas e os obstáculos que se colocam para sua participação na sociedade (Biroli; Miguel, 2015, p.29).

Thus, an important strategy that has been gaining strength, especially since the 21st century, is the use of intersectionality as an analytical tool for the social coexistence of the diversity of groups in society, which provides a critical analysis in relation to the social injustices that are expressed before some groups of people in society, for example: race, social class, sexualities, gender, disability, ethnicity and others.

In this sense, Kimberlé Crenshaw (2002) proposes that intersectionality is more than uniting two social contingencies. Points out that these crossings are nodal points for the materialization and subjectivation of dictated conditions, promoting spaces of marginalization

and non-acceptance of diversity as a form of historical and social life. By introducing this central issue to feminist studies, the author opens conditions for discussing intersections beyond race, and that makes it possible to understand the existence process as culturally and historically produced.

The concept of intersectionality is used in several areas of knowledge, such as Sociology, Anthropology, Psychology and Social Service, to analyze the complexity of social reality. It is an approach that allows examining the power relations that are established between different categories of identity, such as race, class, gender, ethnicity and physical capacity, which interrelate and shape each other (Collins; Bilge, 2020).

The intersectional perspective allows us to realize that inequalities are not homogeneous, that is, they do not exist only among people belonging to the same race, social class or gender. They also settle among people with different identities, that is, those who belong to more than one category of identity. In this sense, it should be noted that intersectionality allows recognizing different categories that are mixed, without the overlap of one over the other, constituting an important instrument in the elaboration of public policies, social and interventions before demands.

Intersectionality, according to Akotirene, "it is first of all an analytical lens on the structural interaction in its political and legal effects" (Akotirene, 2018, p. 37). Thus, the policies of education, health, work, employment and income generation, for example, when defined, need to consider this heterogeneity of recipients, since in each territory, for each gender, each race, each social class and each capacity, will present a different need and yet there will be people oppressed by all these social markers of difference.

When it comes to public and social policies for dealing with gender-based violence, the social markers of difference that permeate the lives of the victims who will turn to them must also be considered. Confronting violence against women cannot be thought in a small box, as the subject of a specific policy. It needs to be performed transversally, intersectorially and interdisciplinarily, in order to have a greater capillarity, reaching those who also need this protection.

It is a policy that, if not worked in network, involving also actors of the private sphere and other segments of society, will not achieve its purpose, precisely because, although there are no public security units close to all homes, churches, schools, health units, NGOs, associations of residents, social projects, feminist social movements, supporters of the agenda, community health agents themselves and women themselves, as well as others, need to be partners in the struggle for the lives of women.

For this reason, when thinking a public and social policy intersectionally, it will be possible to build the paths for transformation of different realities affected by the same social problem. Public and social policies for women have traditionally made disability invisible, and disability policies have neglected gender. But if you are a woman or a girl with disabilities, face discrimination and barriers because you are woman, because you are disabled and because you are woman and disabled, in this case you are affected by various oppressive axes on top of your body.

CONCLUSION

The analysis of existing public and social policies for the protection and defense of women has shown the erasure in which disabled women have lived; at the same time pointed to intersectionality as an important strategy to break with this invisibility and recognize capacitism as a axis of oppression to which people with disabilities are subject, constituting the identity of disability a social marker that needs to permeate public and social policies in their entirety, being included even among the 10 Principles of Justice for people with disabilities.

Whether public and social policies to address gender-based violence are aimed at safeguarding the life and physical integrity of women, with a view to their being in a more vulnerable position, It is imperative to consider that these women are crossed by different social markers of difference, with different weights, leading to greater vulnerability. For this reason, the use of intersectionality as an analytical tool for the development of public and social policies to deal with gender-based violence will provide the inclusion of the specificities of women with disabilities, contributing to actions being even more effective and assertive.

Recomenda-se, pela interseccionalidade, a articulação das clivagens identitárias, repetidas vezes reposicionadas pelos negros, mulheres, deficientes, para finalmente defender a identidade política contra a matriz de opressão colonialista, que sobrevive graças às engrenagens do racismo cisgenderpatriarcal capitalista" (Akotirene, 2018, p. 28).

Thus, according to the understanding of the author, it is important that all identity markers, especially capacitism, should be seen as an expression of the social issue that must involve all people, especially the state and its managers, social movements, women and society in general, to be elaborated and implemented effective and effective public and social policies, considering the existence of women with disabilities in society, their demands and

being people with rights like any other Brazilian citizen. Women with disabilities exist, have always existed and will exist!

In this sense, the analysis of the present study reaffirms the idea that girls and women with disabilities do not need public and social policies aimed specifically at them, but rather to be included in any public and social policy aimed at women in general, clearly and obviously observing their particularities, when they are related to any gender issue, since the States have a legal duty to guarantee the rights of all people under their aegis, not being able to discriminate against some in detriment of others, thus complying with the provisions of the article 5 of the Brazilian Federal Constitution, which assures, as a fundamental right, that all people shall be treated equally without distinction of any kind.

Women with disabilities are in the same places subject to the same violence as women without disabilities, and suffer from those violence related to their specific characteristics due to capacitism. Therefore, they need to be inserted in the public and social policies developed in all places, for an understanding of the diversity of women existing in the territories, considering the importance of working with the policy of facing gender violence transversely, intersetorially, interdisciplinarily and in network, making it essential the training of all professionals who are at the forefront performing the care of women, to know how to serve them and, especially, identifying their characteristics of disability and desires. It is essential that such training reach schools, health units, churches, associations of residents and other spaces where there is a collective living, and that can serve as a support point for the dissemination of information and visibility of the issue in question in society.

With this change in the use of the analytical tool of intersectionality before public and social policies, the actions implemented will have a new and greater reach to the audiences of women, in a fairer and more inclusive way. Thus, there will be a greater application of the legal devices of protection to women with disabilities, and other women in society, will be produced data more consistent with the reality of women in their diversity and uniqueness, public and social policies will become increasingly effective, effective and assertive because we will have more consistent and appropriate data for their elaboration. As a result, it is hoped to achieve the great goal, that is, the reduction of violence against women and greater social participation of women with disabilities in public and social policies and their social relations.

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