

LEGAL NORMATIVE INSTRUMENTS OF UNIFIED SYSTEM OF SOCIAL ASSISTANCE ON CARING AND SHELTERING WOMEN VICTIMS OF GENDER-BASED VIOLENCE IN THE STATE OF MARANHAO

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Abstract

Women victims of gender violence is a complex and multiple phenomenon that stands out in different parameters of discussion and confrontation. This structure of violence rooted and present in our society appears in a colonial historical context marked by the figure of the patriarchal man with subjective dimensions that typify and problematize the relations of power and oppression. Violence against women is closely linked to gender violence, where culturally, men are considered superior beings and exercise this behavior based on exercising supremacy over women. Violence by men against women is just one facet of the various forms of violence that constitute male non-corporality. With the social changes that have taken place over the years, several legal instruments have been created aimed at protecting women and combating violence. Through an exploratory and descriptive research, this article aims to understand

which legal normative challenges, given the instruments and practices used for the care and reception of women victims of violence in the State of Maranhão, within the competence of the Social Assistance Policy operated by the SUAS.

Keywords: Social assistance; Gender; Women; Violence.

1. Introduction

Currently the challenges faced by women victims of gender violence have been a problem that is, lately, on the agenda of political and social discussions, perceptible in various forms in contemporary society. To understand and analyze the care of these women within the competence of the Unified System of Social Assistance (SUAS), it is necessary to rescue historical and normative aspects that come from the division of gender between man (male) and woman (female) and how the role of the state fosters instruments to ensure defense and its advances in the perspective of Social Assistance Policy.

The article 194 of Brazilian Federal Constitution presents a legal framework for understanding the transformations and redefinitions of the historical profile of non-contributory social protection in the country, which qualifies social assistance as a social security policy, beyond health and welfare. Due to the changes and social regulations that occurred in the mid-1980s, social assistance reaches the level of public policy, as an integral part of social security.

Social security is one of the main advances of the Democratic Rule of Law legally established by the Federal Constitution of 1988. Legitimizing this new social logic through the Article 203 of the constitutional text, it is known that "social assistance will be provided to those who need it, regardless of contribution to Social Security, and has specific objectives, as described in the constitutional text".

In 1993 was created the Organic Law of Social Assistance (LOAS), in which the public policy of Social Assistance was defined through its rules, criteria, principles and guidelines. Established in 2004/2005 as a public policy, the SUAS seeks to overcome the old image of clientelist, welfare and philanthropic politics (SANTOS, 2000). The SUAS proposes social protection based on the guarantee of social rights and strengthening of family and community ties, materializing through the recognition of the singularities, diversities and inequalities that characterize the reality of the population served and/or accompanied.

When it comes to women victims of gender violence, the social disadvantage experienced by this public must be prevented, faced and overcome through basic and special social protection actions, in addition to the articulation of other public policies.

Domestic violence against women is closely linked to the gender relations that men culturally are considered to be superior beings, and as such, social pressure is fostered so that their conduct is based on the exercise of power, of aggression and supremacy over women.

Maldonado-Torres (2019) points out that these issues bring reference to the colonial brands suffered, mainly by Latin American countries, understood as a global logic of dehumanization that is capable of existing even in the absence of formal colonies. For women, this colonization represents a process of racial inferiorization and gender subordination resulting from the imposition of a patriarchal colonial state.

Anchored in the colonial matrix of power, the hierarchization and/or coloniality of the gender of gender is

determinant for the construction of patterns and/or profiles of violent men, since society attributes to man dominant male characteristics in relation to the "subalternized" female characteristics establishing a conception of superiority in different forms of violence.

Thus, based on approaches to violence and gender and social inequalities, with policies described and articulated in social assistance and the relevance of SUAS to the legal instruments of protection and guarantees of rights, as well as the origin of patriarchy expressed in such situations of violation of rights, this article seeks the legal structures of SUAS, which contemplates in its action the protection and care to women victims of gender violence in the State of Maranhão.

This work proposes an exploratory and descriptive research, because according to Severino (2007, p. 123), "[...] the exploratory research seeks to raise information about a given object, thus delimiting a field of work, mapping the conditions of manifestations of this object", before document analysis and data extraction from the Network of the Unified Social Assistance System - REDE/SUAS, where it is recorded the actions of care and monitoring by the social instruments of the Social Assistance Policy related to situations of violence against women. And in descriptive research, Trivinõs (1987) points out that the facts and phenomena of a certain reality are presented, but that it requires from the researcher a series of information.

2. Violence and gender inequality

Violence is understood as a social, complex and multifactorial phenomenon that affects people, families and communities in general, as well as compromising the fundamental right to life, health and dignity of the human person. Thus, violence against women, in Brazil, stands out because it is associated with historical factors, in which it is seen as an inferior subject to men.

To understand violence against women, it is necessary to understand the concept of gender. In the words of Cabral (1998), gender is seen as unequal social power relations between men and women that are the result of a social construction of the role of men and women from sexual differences. Butler (1999) points out that these divisions of sex and/or gender are based on male authority, leading to female oppression.

In the current social scenario, gender is understood in some ways and is also linked to sex, in popular understanding, in a generalized way. Thus, gender in a social view first defines men and women as distinct beings and in a wrong way also assigns them certain status and privileges which promotes gender inequality. In this context, the violence that women are subjected to has a close relationship with the gender inequality that, according to Scott (1994, p. 10), comes in the domination "of male appropriation of women's reproductive labor, or that it comes by the sexual reification of women by men", which implies the creation of a culture of violence and oppression against women, since it is assigned a position of inferiority before man, who uses violence to assert his supremacy, guaranteeing his otherness.

Thus, the culture of machismo and patriarchy present in our society has its origin of predominance marked by the use of violence for conflict resolution and domination. Cisne and Santos (2018, p. 18) state that: [...] violence against women concerns the appropriation of the bodies and lives of women in multiple senses. Therefore, individual, marital, and family relations [...] are not restricted, they affect not only physical integrity, but also emotional and subjective.

Lugones (2008) reports that the violence suffered by women in societies presents as an indifference to the deep social transformations in our communal structures, so they are totally relevant to the refusal of colonial imposition, since coloniality permeates all aspects of life and presents itself in the system of power and, as such, the control of sex.

3. The gender dimension in the social assistance policy, and the care offered

The Social Assistance Policy (PAS), as a non-contributory social protection policy, aims to guarantee life, harm reduction and the preservation of risk incidence.

The Organic Social Assistance Law (LOAS) in December 1993 regulated social assistance policy as a public policy and initiated a new path in the field of social security and public social protection. The PAS organizes its services through SUAS, and the provision of social care services in two levels of protection: basic social protection and special social protection, which is subdivided into medium and high complexity. The basic social protection aims to contribute to the prevention of social risk, having as social equipment the Social Assistance Reference Center (CRAS). On the other hand, special social protection aims to promote social assistance to families and individuals who are at personal and social risk, subdividing themselves into medium and high complexity. In the medium complexity has as social equipment the Specialized Reference Center of Social Assistance (CREAS) and the high complexity works the process of institutionalization of individuals in situations of violation of rights, whose family ties have already been broken (BRASIL, 2009a).

In this scenario, the CREAS is located, which is a state public unit of municipal coverage. According to the Ministry of Citizenship (MC), the role of CREAS in SUAS includes offering specialized services of a continuing character to families and individuals at personal and social risk, for violation of rights (MDS, 2011), including, therefore, care for women in domestic and intrafamily violence, victims of physical, psychological or sexual violence.

With this legal framework, the Social Assistance Policy sets the gender category in its conception by incorporating its actions in the centrality of the family, characterizing the perspective of socio-family matriciality as one of the structuring guidelines of the SUAS management. In PNAS, socio-family matriciality is also presented as one of the principles of Social Protection of SUAS.

[...] Socio-family matriciality has a prominent role in the National Social Assistance Policy - PNAS. This emphasis is based on the premise that the centrality of the family and the overcoming of focusing, within the framework of the Social Assistance policy, rest on the assumption that for the family to prevent, protect, promote and include its members is necessary, first of all, to guarantee sustainability conditions for this. (BRASIL, 2005, p. 40).

It is known that the centrality of the family can be presented as an important strategy for women's exit from the cycle of violence and in the fight against domestic violence.

Furthermore, the major challenge for Social Assistance, as a policy guaranteeing the rights of women victims of domestic violence through care services, is to work with a view to promoting women's autonomy,

finding a network of family support for the purpose of reducing inequality and strengthening citizenship rights.

4. Network of confrontation and care for women victims of gender violence

The services offered in the Social Assistance Policy are part of the network of confrontation and care for women victims of gender violence. According to the Ministry of Justice, the service network brings together actions and services in the areas of social assistance, justice, public security and health, integrating the Confrontation Network to contemplate the assistance axis provided in the National Policy to Combat Violence against Women, and in descriptive research, Trivinõs (1987) points out that the facts and phenomena of a certain reality are presented, but that it requires from the researcher a series of information. In this context, it is essential to define what this network would be to combat gender violence, since it seeks to reckon the complexity that revolves around violence against women. Johas (2020, p. 124) states that "a policy to combat violence needs to be focused on the specific contexts of women's lives, in the field of the production of policies to combat violence". Thus, the Special Secretariat of Policies for Women - SPM - defines a confrontation network as:

The articulated action between governmental, non-governmental and community institutions/services, aiming at the development of effective prevention strategies and policies that guarantee the empowerment and construction of women's autonomy, their human rights, accountability of aggressors and qualified assistance to women in situations of violence (BRASIL, 2011, p. 13).

Given the complexity of relative facts of violence against women, the confrontation network, within the four axis foreseen in the National Policy of Confrontation, presents four guarantor objectives in this context: combat, prevention, assistance and guarantee of rights. On the other hand, the care network is related to the set of actions and services that aim to expand and improve the quality of care, to identify and properly refer women in situations of violence and to the comprehensiveness and humanization of care (BRASIL, 2011 p.14).

The Service Network is composed of specialized services such as Reference Centres for Women Care (CRAM) and Specialized Reference Centres for Social Assistance (CREAS), and non-specialized, such as Social Assistance Reference Center (CRAS).

In addition to the National Policy to Combat Violence, it can be cited as important milestones for strengthening the network to combat violence against women and the network to assist women in situations of violence, Law 11.340/2006 (Maria da Penha Act) and the creation, in 2005, of the Women's Care Centre - Call 180.

5. Conclusion

Violence against women, in many ways, demonstrates the severity that has demanded even more actions that underlie the understanding of a process that is marked by the intersubjectivity of power, denial and oppression of women. This article brought some traces that mark the historical understanding that are

determinant to recognize the violence rooted in society and key points to the legal and protective actions that have been built over the years to meet a recurring demand for gender-based violence.

In this way, it is important to know about the typification to subsidize the inclusion on the fact of gender-based violence against women and to guide the qualified technical action to confront and overcome such violence. Despite legal initiatives to ensure protection for women victims of gender violence, through the Social Assistance Policy, it is still necessary to advance the qualification of this service.

It is necessary to build methodologies that are incorporated in the care of families with victims of gender violence, in a permanent process of empowerment of these victims so that they are seen as subjects of rights, with full development capabilities. Moreover, this panorama leads to a necessary ethical and political reflection that links a critical and deep analysis of society, through the laws, customs, culture, history, laws and rights of the very foundations of dignity and humanity.

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