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**VIOLATIONS OF HUMAN  
AND SOCIAL RIGHTS AT  
BORDERS**

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**Abstract:** This article, which has as its theme, Violations of Human and Social Rights at the Borders, has as its general objective to analyze the violations of human and social rights of women on the borders of our country, especially in the State of Mato Grosso do Sul - MS, in the light of the issue of gender inequality that involves all cultural and social relationships. To achieve this objective, the exploration of bibliographic surveys carried out in theses banks of CAPES, CNPQ, plateau jurisprudence bank, studies of the National Council of Justice, IPEA, data from the Public Security Forum and doctrines were used as a research method. specific on the topic. We understand that there have been advances regarding the issue of gender inequality, the disrespect for women's human rights and the violation of women's human and social rights. However, these advances did not reverse the picture of inequality, subjugation and violations of rights in various fields of society, especially in border areas, with cross-border women. Even today we see the vulnerability of women in border regions, exposure to different forms of violence, both physical and symbolic. As we also observe in the current scenario a setback in relation to these women's rights.

**Keywords:** Borders. Human and social rights. Mullers; violations

## INTRODUCTION

*"The essence of human rights is the right to have rights." (ARENDT, 2016).*

Violations of women's human and social rights constitute one of the serious problems that need to be recognized and faced, both by society and by government agencies, through the creation of public policies that address their prevention and combat these violations, as well as the strengthening of victim support networks. It is essential that this phenomenon

is not understood at an individual and private level, but rather as a matter of human and social rights, that is, of the collective of women, since, in addition to affronting the dignity of the human person, it prevents the development of full exercise. citizenship of this social group.

Here we understand citizenship in the sense discussed by Arendt (2016), that is, as the right to have rights. Equality and dignity in the rights of all human beings is not merely a given, but is built through collective coexistence, allowing the construction of a common world, through the processes of affirmation of human rights. It is therefore necessary to question the way society was and is structured and organized, through unequal relations of opportunities and political power, decision-making power both in relation to its social life and in relation to private life. We also mention the unequal relations in the conception of gender, as we understand that it still defines social situations, capacities, privileges both in public and private spaces.

Human rights are ethical parameters for understanding the relevance of the principle of equal rights and equity, which has as its basic principle respect for human dignity, regardless of nationality, ethnicity, color, sex, religion, social class, political philosophy or age. This universalist perspective respects those who are different and defends the human being, because the most important thing is respect for life and freedom. This way, we draw attention in this article to the importance of looking more closely at the border areas of our country, at cross-border populations, at the violations of rights that occur in these areas, especially women, children, indigenous people, migrants, among others.

This article is part of the research project of the Doctoral Degree in Health Psychology at Universidade Católica Dom Bosco, which studies Human and Social Rights of Cross-

border Women in Mato Grosso do Sul - MS, presenting an excerpt of the present study that is in progress. Methodologically, the qualitative research is based on the insertion of the keywords Cross-Border Women, Human and Social Rights, Violations of Women's Rights, Social Inequality. The objective is to investigate and analyze how the violations of Human and Social Rights of border women in the region of Mato Grosso do Sul happen.

## **A LOOK AT THE BORDER**

Brazil is the country in Latin America that has the most territorial borders, in all there are ten countries that surround it. According to the Ministry of National Integration, there are 11 Federation Units, 588 municipalities that aggregate approximately 10 million inhabitants along the border of our country. Therefore, 27% of the national territory is bordered.

The Brazilian border region was established with the name of Border Strip in 1974, delimited at 150 km from the international limit, respecting the municipal cut. The creation of this territory was carried out under the prism of national security, and until today it is a space lacking solid public policies that promote economic and social development (MACHADO, 2005).

Thinking about the border as a different form of territorial organization from that of capitalist logic is also necessary, since the border constitutes an analytical and spatial cut of various social, political, economic, ethnic and cultural realities. As a category of spatial analysis, it involves the issue of capital volatility and production relations across the territory. Furthermore, the border is the stage for cross-cultural and identity encounters and conflicts.

According to Almeida (2017), discussions about borders occur between two currents, the first with a more negative view, claiming that

the border is a "land without law", which serves as a gateway for various crimes, the second current with a more positive perspective, "(...) sees the border as an opportunity to strengthen ties, business relationships and friendships" (ALMEIDA, 2017, p.31).

For Martins (2019), borders are zones marked by tensions, conflicts and disputes. The conflict makes the border a place of discovery of the other and of historical temporalities mismatch. The social space of the frontier is privileged and specific, with striking components from its occupation as a territorial frontier, to the confrontation with the Other, the frontier of the human. Everything that stems from this relationship manifests itself as a place of various disputes, caused by ethnic and social mismatch. For the author, the border will no longer exist when the conflict does not exist, because the conflict makes the border essentially, at the same time, a place of discovery of the other and of mismatch. There is no territory without subjects who build it. The territory is organized through social subjects in movement. The border is a line of separation, whether concrete or abstract, but which is not necessarily rigid.

The border is the result of an imaginary construction, understood as a space for sharing historical processes, a place of passage, transit and circulation of goods, beings, ideas, languages, cultures and social practices that create new territorialities and landscapes with their own characteristics. and individuals (PEREIRA, 2014).

It is at the frontier that we find the human being in his historical limit, where we are faced with the anthropological difficulties of what it is to make history, stories that overcome social needs, transform social relationships and this way create the humanity of man. The frontier is, above all, the frontier of the human. A limit point of territories, which are incessantly redefined,

litigated in different ways and by different human groups (MARTINS, 2019).

Albuquerque (2010), draws attention to the fact that borders are not static, but diversified and dynamic social phenomena, adds Albuquerque:

National borders are much more complex phenomena, they are not limited to limits, currencies, diplomatic treaties, nor can they be simplified as the place of drug trafficking and smuggling. There is no abstract border, what exist are social and singular border situations. Some phenomena can be generalized to other border contexts and others are specific to a given social configuration. (ALBUQUERQUE, 2010, p. 42).

It is a social construction materialized in the relationships between people who live the daily life of contact and exchanges. The frontier is the domain of the peoples who inhabit it, with its own characteristics of places of contact, it has a dynamic character of articulating exchanges, but also a catalyst for conflicts, outside the strict control of the territorial State (MACHADO, 2000).

As we have seen throughout the text, the word border acquires different meanings, related both to the aspect of geographic space and in the metaphorical sense. In this work, the term "border" will be used to describe the territorial limits of the State of Mato Grosso do Sul with Paraguay, based on their geographical, sociocultural, ethnic and racial dispositions.

The state of Mato Grosso do Sul is made up of a native indigenous population, migrants who came from other states in Brazil, but also from neighboring countries that border the state, these being Paraguay and Bolivia and today with migrants who came from other states. diverse countries. As we know, populations migrate in search of a better

quality of life, fleeing war, economic crisis, poverty, political persecution, drought and other natural tragedies.

The population of Mato Grosso do Sul in 2020 was estimated at 2.809 million inhabitants, a population increase of 30 thousand people compared to 2019 and a growth rate above the national average. This is what the Technical Report on Population Estimates 2020 reveals, prepared by SEMAGRO - Secretariat for the Environment, Economic Development, Production and Family Agriculture, based on data from the IBGE - Brazilian Institute of Geography and Statistics published on August 27 in the Diário Union officer <sup>1</sup>.

Of the 79 municipalities in Mato Grosso do Sul, 45 of them have part or all of the territory located on the border with Paraguay and Bolivia. This 150-kilometer wide strip adds up to 143,000 square kilometers, 40% of the 357,100 km<sup>2</sup> that make up the territory of Mato Grosso do Sul. Of the 45 municipalities in Mato Grosso do Sul along the border, 27 have 100% of their territory located in this space. Among them are the borders in the municipalities of Ponta Porã, Amambai and Mundo Novo. The municipality of Corumbá, neighboring Bolivia and the largest in Mato Grosso do Sul and the Midwest, with 64,700 km<sup>2</sup>, has 72.3% of its area in the border area <sup>2</sup>.

In the view of Almeida (2017), Brazilian borders are beginning to be remembered by our governments, with the objective of national security. We witness every day on the borders not only of Brazil, but in the world a selectivity of human beings, they close the territorial limits of countries trying to avoid the entry of people considered undesirable. It is important to emphasize that debating the border issue goes beyond thinking only about national security, it goes far beyond

1. Available at: <http://www.ms.gov.br/ms-tem-estimativa-de-crescimento-de-30-mil-habitantes-em-2020> , accessed on May 4, 2021.

2. Idem.

the territorial separation of two countries, which comprises distinct social, political and cultural relations. Thinking about the border is also thinking about human beings with their vulnerabilities and needs. It means thinking about identities and differences.

After discussing the concept of border, we present in the next item the border of the State of Mato Grosso do Sul, we will discuss the challenges and social problems found in Brazilian borders. Social problems, such as: violence against women, high homicide rate, smuggling, drug trafficking, arms trafficking, human trafficking, sexual exploitation, unemployment, exploitation of cheap labor, basic sanitation problems, homeless people, lack of assistance to health, lack of school education.

## **TRANSFRONTIER WOMEN AND THE VIOLATION OF RIGHTS.**

Continuing our studies, we emphasize that the Brazilian land borders are divided into three arcs, South, Central and North. In Arco Sul, there are 418 municipalities. Arco Central contains 99 municipalities and is characterized by an intense flow of people and goods. In Arco Norte are 71 municipalities. The present research will stick to the problems and challenges found on the border of Mato Grosso do Sul.

We emphasize that the international border, as a role in the national territory, has a greater burden of vulnerability than other parts of the national territory. The border space is the stage for confrontations of different realities that dynamize cross-border dynamics. In addition to the possibility of contacts and the improvement of integration between countries, the border line enhances the illicit dynamics that assign a greater burden of vulnerability from a security point of view. The international border has always been considered a vulnerable region.

According to ACNHUR - United Nations High Commissioner for Refugees and the IOM - International Organization for Migrants (2015), the conditions of vulnerability of women at borders are still marked by violence against women and violations of their social and humans. These women, alone or with small children, face the ranks of migration at the borders, and increasingly represent an important part of the displacement resulting from social inequalities, unemployment, civil wars and misery in the countries of origin. However, many also migrate to escape domestic violence from partners, husbands, boyfriends, parents or siblings.

Although situations of violence against women are not specific to the Border Strip, they can be aggravated by the low institutional density in certain border segments or by being in the background due to the emphasis of security agencies on combating crimes of greater national prominence – such as drug trafficking and smuggling.

In the 1990s, borders gained greater attention from the government, more precisely during the government of President Fernando Henrique Cardoso, with the creation of the Ministry of Defense, through Complementary Law N° 97 of June 9, 1999, including the border in the National Defense Policy - PDN, representing the fundamental milestone in the development of defense and security of the country's border. In 2005, during the government of President Luís Inácio Lula da Silva, an innovation emerged in border policy and management, which was regulated by Decree N° 5,484, of June 30, 2005, as National Defense Policy (PDN), updated in 2012, changing its name to the National Defense Policy (PND), complemented by the National Defense Strategy (END) and the White Paper on National Defense (LBDN), with the objective of controlling violence and criminality aimed at crimes that occurred in

the country. border region. In 2011, Decree No. 7,496 appears, creating the National Border Strategy - ENAFRON, being later revoked by Decree No. 8,903, of November 16, 2016, which creates the Integrated Border Protection Program - PPIF, with the purpose of strengthening prevention, control, inspection and repression of transboundary and environmental crimes. We emphasize, which we will see in the course of the research, that the problems found at the border are not only violence and criminality.

The municipalities with the highest rates of lethal violence in the state of Mato Grosso do Sul were located in the Southwest mesoregion, in the territories bordering Paraguay. This region has a border of 1,300 km with that country, through which three federal highways pass (BR-267; BR-463 and BR-060) and is known for being one of the entrances for drugs and weapons to Brazil. The municipalities with the highest homicide rates in this geographic space were Paranhos (91.3), Antônio João (90.8), Ponta Porã (48.0) and Itaquiraí (67.8). Ponta Porã, the municipality adjacent to the Paraguayan city of Pedro Juan Caballero, has a strategic position as an outpost for international drug trafficking and was exposed in the newspapers when, on June 15, 2016, drug trafficker Jorge Rafaat Toumani was killed in the Paraguayan city, in the plot due to the dispute with the PCC <sup>3</sup>for control of the border.

The perception of the advance of violence in the border region of Mato Grosso do Sul has been observed through the high homicide rates, which, according to Minayo (1994), homicide mortality has been considered a significant indicator of social violence and violation of rights. rights. But there are other indicators that influence the increase in violence, such as social and economic

inequalities, prejudice, unemployment, lack of efficient public policies, etc. Thus, economic and social vulnerability has been pointed out by experts as "(...) general causes of conflict and violence" (Brasil, 2015, p.16).

According to the Federal Public Defender's Office and the Labor Public Ministry, they pointed to the incidence of trafficking in Brazilian and Paraguayan children and adolescents for the practice of crimes such as smuggling of goods and drugs. According to the factors analyzed by the ENAFRON Coordination, the border is a space of vulnerability, the ease of entering and leaving the land and waterways in the border area, provides the interaction between peoples and the movement of people, whether or not being trafficked. According to the Federal Police Department, the cost of travel is low, which is usually done by bus or private car, as well as the use of a passport is not mandatory to travel in most border countries, which contributes to the occurrence of human trafficking in the region. Besides, according to the Public Ministry of Labor, it is also observed the enticement of Paraguayan women and adolescents from the border regions for the exploitation of cheap labor, in informal domestic work in several border states (ENAFRON, 2013).

Confirming what was discussed in the previous paragraph, the International Organization for Migration - IOM, in research on victims trafficked for the exploitation of labor, sexual exploitation, it was reported that half of the victims surveyed are trafficked for the exploitation of the workforce, and most are directed to the construction, agriculture, manufacturing, domestic work, hospitality or food sectors. However, sexual exploitation corresponds to the most common type of exploitation, where, according to the research, it involved more than half of adults and more

3. The PCC (Primeiro Comando da Capital) is considered the largest criminal faction in Brazil and currently has at least 33,000 members, according to investigations by the Federal Police and the Public Ministry of São Paulo. Available at: <https://www.ipa-brasil.org/-/o-primeiro-comando-da-capital-pcc> . Accessed on: September 16, 2021.

than 70% of children, as well as, 80% of the cases, the victims are women. In addition, victims of kidnapping for trafficking are highly likely to have friends and family members involved in this criminal act (UN, 2018).

As stated by Naím (2006), human trafficking and smuggling are among the fastest growing forms of transnational crime, because current world conditions have created increasing demand and supply. Migratory flows are enormous and this illicit trade becomes hidden in the massive movement of people.

The illegal movement of people generally encompasses two related activities: smuggling of migrants and trafficking in persons for the purpose of sexual exploitation, drug sales, etc. In summary, both activities involve the recruitment, movement and delivery of migrants from a host to a State of destination. What distinguishes the two activities is that traffickers enslave and exploit trafficked persons, while smuggled migrants maintain an early consensual relationship with their smugglers. In addition, many smuggled individuals are free at the end of their journey or after a period of indentured servitude. The growth of these two forms of illegal movement of people has been significant and consistent, leading the international community to define the problem and initiate collective action to reduce this widespread phenomenon (SHELLEY, 2010).

Trafficking in persons is one of the greatest threats to fundamental rights and guarantees of human beings such as the right to life, freedom to come and go, among others, which impedes the political, economic, social and cultural development of society. It is also noteworthy that the legal systems of democratic countries are also affected. Because criminals take advantage of all the loopholes in the legal rules to circumvent the legal apparatus, due to the lack of standardization of the definition of the typical fact - crime of trafficking in

human beings, imposed penalties, as well as the limitations imposed by the sovereignty of the countries.

Still on the subject, according to a study produced by the Institute for Economic and Social Development of Borders - IDESF, which aimed to diagnose the development of twin cities on the borders of Brazil, organized crime benefits from poor conditions, the lack of public policies of the border population. Drug trafficking, arms trafficking and smuggling is favored by the lack of formal working conditions and low schooling of the border population, expanding their armies of "mules", smugglers, scouts and transporters of these products arising from crimes, all these factors increase even more informality and the migration of labor to criminal activities (IDESF, 2020).

The aforementioned study also highlights the final consequence of the lack of efficient public policies in border areas: the worrying data on homicides, violence and the scarce investment in the area of public security demonstrate the economic and social dismantling of these extremely wealthy regions. in natural resources. A vicious cycle is then created, in which criminal organizations employ young people, increasing violence and making educational initiatives that could encourage the generation of formal jobs unfeasible (IDESF, 20 20).

The IDESF points out that the problem that starts at the borders affects the whole of society. The damage caused by contempt, the abandonment of governments and the lack of strategic planning of public policies that consider these areas as a source of integration and development have been reflected throughout the country, with the entry of drugs, weapons and illegal products across borders, promoting a vicious circle that burdens the entire state and Brazilian society (IDESF, 2020).

## FINAL CONSIDERATIONS

The brief study done so far is far from exhausting, the issue of violation of women's human and social rights on the borders of Brazil, there is still much to be studied, but we understand, according to everything that has been discussed so far, it is that without public gender policies the principle of equal rights and opportunities runs the serious risk of being reduced to a mere utopia. We understand that there have been advances

regarding the issue of gender inequality, disrespect and violations of women's human and social rights, however, such advances have not reversed the situation of inequalities, subjugation and violations of rights in various sectors of our society. It is important to highlight that the transformations of this social scenario depend on a union of forces between society and the State, through the actions of social movements, efficient public policies of gender equality.

## REFERENCES

ALBUQUERQUE, José Lindomar C. A Dinâmica das Fronteiras: os brasiguaios na fronteira entre o Brasil e o Paraguai. São Paulo: Annablume, 2010.

ALMEIDA, Luciane Pinho. Migrações, Fronteiras e Refúgio: Mato Grosso do Sul na Rota das Migrações Transnacionais/ Luciane Pinho de Almeida (Organizadora). Campo Grande, MS, UCDB, 2017.

ARENDETT, Hannah; tradução Roberto Raposo Origens do Totalitarismo. São Paulo: Companhia das Letras, 2016.

ENAFRON, Diagnóstico Sobre Tráfico de Pessoas nas Áreas de Fronteira. São Paulo: Snj, 2021. 275 p. Disponível em: [https://www.justica.gov.br/sua-protecao/trafico-de-pessoas/publicacoes/anexos-pesquisas/pesquisa\\_-enafron\\_202x266mm\\_1710\\_19h00\\_web.pdf](https://www.justica.gov.br/sua-protecao/trafico-de-pessoas/publicacoes/anexos-pesquisas/pesquisa_-enafron_202x266mm_1710_19h00_web.pdf). Acesso em: 29 julho. 2021.

IDESF - Instituto de Desenvolvimento Econômico e Social de Fronteiras. Disponível em: <https://www.idesf.org.br/2020/10/15/mapeamento-das-politicas-publicas-federais-nas-faixas-de-fronteira/> Acesso em 16 de setembro de 2021.

IPA – Brasil – International Police Association. Disponível em: <https://www.ipa-brasil.org/-/o-primeiro-comando-da-capital-pcc>. Acesso em: 16 de setembro de 2021.

MACHADO, L. O. Estado, territorialidade, redes. Cidades-gêmeas na zona de fronteira sul-americana. In: Silveira M. L. (Org.). Continente em chamas. Globalização e território na América Latina, Rio de Janeiro: Editora Civilização Brasileira; 2005. p. 243-84.

MARTINS, José de Souza. Fronteira: a degradação do Outro nos confins do humano, 2ª ed. São Paulo: Contexto, 2019.

MINAYO, M. C. S.; SOUZA, E. R. Violência e saúde como um campo interdisciplinar e de ação coletiva. História, Ciências, Saúde. 1998; IV (3): 513-531.

NAÍM, Moisés. Ilícito: o ataque da pirataria, da lavagem de dinheiro e do tráfico à economia global. Rio de Janeiro: Jorge Zahar, 2006, p. 6-13.

ONU (Organização das Nações Unidas). Protocolo Adicional à Convenção da Nações Unidas contra a Criminalidade Organizada Internacional relativo à Prevenção, Repressão e Punição ao Tráfico de Pessoas. Disponível em: <http://www.gddc.pt/cooperacao/materia-penal/textos-mpenal/onu/GuiaProtMulheres.pdf> Acesso em: 22 de junho 2021.

PEREIRA, Diana Araújo. Cartografia imaginária da Tríplíce Fronteira. São Paulo: Dobra Editorial, 2014.

SHELLEY Louise. Human Trafficking: A Global Perspective. Cambridge University Press, 2010.