

# Brazil

Persecuting/Intolerant



Trinity Nguyen

## QUICK FACTS

**Political System** | Federal Presidential Republic    **Population** | 208.8 million (July 2018 est.)  
**Head of State** | Jair Bolsonaro (elected 2019)    **GDP Per capita** | \$15,600 (2017 est.)

## EXECUTIVE SUMMARY

Brazil's GBGR score is D - Intolerant in 2011, C - Resistant from 2012-2014, and has been D - Intolerant since 2015. The country has been scoring an F - Persecuting from 2011-2017 on the GBTR. According to Outright Action International, social attitudes towards the LGBTI community are mixed.

The US Department of State (USDOS) reported that "crimes involving violence or threats of violence targeting" members of the LGBTI community remains one of the significant human rights issues in Brazil.<sup>1</sup> Various NGOs reported censorship of LGBTI materials and lack of economic opportunities in Brazil as concerns; LGBTI individuals in Brazil live in hostile environments that threaten their daily lives.<sup>2</sup>

### Background

Brazil is a federal republic under a presidential system. President Jair Bolsonaro was elected in 2018 with 55 percent of the vote. Since Bolsonaro's election, "LGBTIQ groups have reported increased harassment, discrimination, and stigmatization."<sup>3</sup> Despite Brazil's progressive protections for the LGBTI community, Brazil has one of the highest murder rates of LGBTI individuals in the world.<sup>4</sup>

About 64.6% of Brazil citizens identify as Roman

Catholics, 0.4% other Catholic, 22.2% Protestant, 0.7% other Christian, and 2.2% Spiritist.<sup>5</sup> Only about 1.4% identify as other, 8% none, and 0.4% unspecified. Most of Brazil's population is religious. Religious and cultural leaders perpetuate the idea of machismo – praising "extreme masculinity" and shaming femininity.<sup>6</sup> Machismo may correlate to homophobia and the hostile social attitudes towards gender expression.

## KEY FINDINGS

### Legal Landscape

Outright International identifies Brazil as "a legally progressive country on LGBTIQ issues" while acknowledging "barriers to full LGBTIQ equality."<sup>7</sup> The first Criminal Code of Brazil (1831) contains "no provision on sodomy," but other provisions of the Code have been used to persecute LGBTI individuals.<sup>8</sup> Resolution 1/99 enacted in 1999 by the Federal Council of Psychology prohibits "all licensed psychologists to refrain from coercive or unsolicited treatment to homosexuals," essentially prohibiting gay conversion therapy practices.<sup>9</sup>

In August 2010, the Supreme Federal Court of Brazil upheld the Superior Court's rule that same-sex couples have the right to adopt. Consequently, in May 2011, the Supreme Federal Court "issued a decision indicating that same-sex 'stable unions' should be converted to marriage, though no legislative actions were taken by

Congress. Same-sex marriage wasn't recognized until 2013 when the National Council of Justice issued Resolution No.175 which prohibits notaries from refusing to register same-sex marriages.<sup>10</sup>

In May 2019, the Supreme Court ruled to criminalize homophobia and transphobia, setting a precedent to protect the LGBTI community.<sup>11</sup> In August 2019, the Court also reaffirmed same-sex marriage, emphasizing that the definition of a family includes members of the LGBTI community.<sup>12</sup>

### Political Landscape

Despite Brazil's progressive legal efforts towards gender equality, President Bolsonaro actively perpetuates homophobic rhetoric. In April 2019, Bolsonaro claimed that "Brazil must not become a gay tourism paradise" while defining a family as "only those made of a man and a woman."<sup>13</sup> Four months later, in August 2019, the Supreme Federal Court refuted Bolsonaro's claim and reaffirmed that same-sex unions are families.<sup>14</sup>

Bolsonaro's public statements also reflect hostility towards various communities. According to Human Rights Watch, Bolsonaro "has compared Afro-Brazilians to cattle; called refugees "the scum of the earth"; said he would rather have a son die in an accident than be gay; and told a congresswoman he would not rape her because she was 'very ugly'."<sup>15</sup> Within his first days as president, Bolsonaro publicly stated, "I would prefer to have a criminal for a child than a gay child," dehumanizing and alienating the LGBTI community.<sup>16</sup>

President Bolsonaro appointed Damares Alves, a pastor who supports conversion therapy, as head of Public Policies for Human Rights. Within two weeks of her appointment, Alves announced that "sex between women is an aberration" and girls must be "treated as princesses" and boys as princes. Alves further undermined gender expression by stating that "girls wear pink and

boys wear blue," perpetuating harmful rhetoric against transgender and non-binary individuals.

According to the 2019 US Department of State report, officials from LGBTI and Afro-Brazilian groups reported receiving death threats.<sup>17</sup> In January 2019, Federal Deputy Jean Wyllys, one of the first openly gay National Congress deputies, "went into self-imposed exile, abandoning his third term" while receiving police protection from death threats for four years.<sup>18</sup>

### Socio-Economic Landscape

The anti-homophobic socioeconomic discourse remains contested by religious and political leaders. In May 2019, the majority of Brazil's Supreme Federal Court voted to include homophobia and transphobia as equivalent to racism, ruling that it was unconstitutional to not offer LGBTI individuals legal protection as part of antidiscrimination law.<sup>19</sup>

Prior to the ruling, racism was criminalized since 1989 with up to five years of imprisonment. Justice Luiz Fux, a proponent of LGBTI rights, stated in May 2019 that "Racism is a crime against flesh and blood, whether it is a member of the LGBT community, a Jew or an Afro-descendant."<sup>20</sup> The judgment reaffirms Brazil's intolerance for discriminations and framed LGBTI discrimination within the racism legislation. The ruling, therefore, provides legal protections for the LGBTI community against far-right politicians and religious leaders.

According to Grupo Gay da Bahia, an NGO, about 420 members of the LGBTI community were killed throughout Brazil in 2018 and 141 were estimated to be killed by May 2019.<sup>21</sup> The same organization also cited that 33 percent of companies refuse to hire LGBTI employees and 90 percent of transgender women rely on sex work in order to sustain themselves.<sup>22</sup>

## Societal Discrimination

Freedom House identifies societal discrimination and violence against the LGBTI community as “a serious problem.”<sup>23</sup> In March 2018, Marielle Franco, a Black lesbian councilwoman for Rio de Janeiro, was murdered. To date, the crime remains unsolved but has been linked to corruption, militia groups, and the local police force.<sup>25</sup>

In March 2019, Iasmyn Souza and her transgender partner, Caio Dantas, were stabbed to death by their neighbor who also sexually assaulted Iasmyn.<sup>26</sup> The murder of transgender individuals remains a serious concern in Brazil. Grupo Gay da Bahia also reported that “the risk of a transgender person being killed was 17 times greater than a gay person.”<sup>27</sup> The National Association of Transvestites and Transsexuals in Brazil estimated that “there were 163 killings of transgender persons in 2018.”<sup>28</sup>

## ANALYSIS

The likelihood of Brazil improving its GBGR and GBTR score remains highly likely. The Global Acceptance Index, which measures LGBTI acceptance level per country through survey data, ranked Brazil #25 out of 174 countries from 2014-2017 with a score of 6.8. The high score signifies the growing acceptance of the LGBTI community in Brazil, illustrating hope for further progress. Brazil, however, still perpetuates homophobic sentiments through its political and religious leaders, resulting in LGBTI minorities residing in fear of repercussions within their own family, religious groups, and social life.

Brazil’s Supreme Federal Court commits to protecting human rights, especially the LGBTI community, from Bolsonaro’s threats. The legal protections provided by the Court will need to be translated into law enforcement and other social practices, reassuring LGBTI individuals of their safety in the country.

The Americas’ regional score is a 52% F - Persecuting. Although Brazil’s score may seem like an outlier, the country must elect leaders who are representative of the country’s population and are committed to social equity.

## CITATIONS

- 1 U.S. Department of State. Bureau of Democracy, Human Rights, and Labor. 2019. Country Reports on Human Rights Practices: Brazil. Washington, D.C.: US Dept. of State.  
<https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/brazil/> (accessed June 27, 2020).
- 2 Ibid.
- 3 OutRight Action International. 2020. At a Glance: Brazil. New York, NY: OutRight Action International.  
<https://outrightinternational.org/region/brazil> (accessed June 27, 2020).
- 4 U.S. Department of State. Bureau of Democracy, Human Rights, and Labor. 2019. Country Reports on Human Rights Practices: Brazil. Washington, D.C.: US Dept. of State.  
<https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/brazil/> (accessed June 27, 2020).
- 5 Central Intelligence Agency. 2020. The World Factbook: Brazil. Langley, Virginia: CIA.  
<https://www.cia.gov/library/publications/the-world-factbook/attachments/summaries/BR-summary.pdf> (accessed June 27, 2020).
- 6 OutRight Action International. 2020. At a Glance: Brazil. New York, NY: OutRight Action International.  
<https://outrightinternational.org/region/brazil> (accessed June 27, 2020).
- 7 Ibid.
- 8 Ramón Mendos, Lucas. 2019. State-Sponsored Homophobia 2019, 183. 13th ed. Geneva, Switzerland: ILGA.  
[https://ilga.org/downloads/ILGA\\_State\\_Sponsored\\_Homophobia\\_2019.pdf](https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf) (accessed June 27, 2020).
- 9 Ramón Mendos, Lucas. 2019. State-Sponsored Homophobia 2019, 270. 13th ed. Geneva, Switzerland: ILGA.  
[https://ilga.org/downloads/ILGA\\_State\\_Sponsored\\_Homophobia\\_2019.pdf](https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf) (accessed June 27, 2020).
- 10 Ramón Mendos, Lucas. 2019. State-Sponsored Homophobia 2019, 278. 13th ed. Geneva, Switzerland: ILGA.  
[https://ilga.org/downloads/ILGA\\_State\\_Sponsored\\_Homophobia\\_2019.pdf](https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf) (accessed June 27, 2020).
- 11 U.S. Department of State. Bureau of Democracy, Human Rights, and Labor. 2019. Country Reports on Human Rights Practices: Brazil. Washington, D.C.: US Dept. of State.  
<https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/brazil/> (accessed June 27, 2020).
- 12 Human Rights Watch. 2018. "Brazil: An Urgent Call to Protect Rights." Human Rights Watch October 28.  
<https://www.hrw.org/news/2018/10/28/brazil-urgent-call-protect-rights> (accessed June 27, 2020).
- 13 Ibid.
- 14 Ibid.
- 15 Ibid.
- 16 Ramón Mendos, Lucas. 2019. State-Sponsored Homophobia 2019, 107. 13th ed. Geneva, Switzerland: ILGA.  
[https://ilga.org/downloads/ILGA\\_State\\_Sponsored\\_Homophobia\\_2019.pdf](https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf) (accessed June 27, 2020).
- 17 U.S. Department of State. Bureau of Democracy, Human Rights, and Labor. 2019. Country Reports on Human Rights Practices: Brazil. Washington, D.C.: US Dept. of State.  
<https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/brazil/> (accessed June 27, 2020).
- 18 Ibid.
- 19 AP News. 2019. "Brazil's supreme court votes to make homophobia a crime." AP News May 23.  
<https://apnews.com/8690e1965542414794f3c3e0d9263bde> (accessed June 27, 2020).
- 20 Ibid.
- 21 Ibid.
- 22 U.S. Department of State. Bureau of Democracy, Human Rights, and Labor. 2019. Country Reports on Human Rights Practices: Brazil. Washington, D.C.: US Dept. of State.  
<https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/brazil/> (accessed June 27, 2020).
- 23 Freedom House. 2020. Freedom in the World 2020: Brazil. Washington, D.C.: Freedom House.  
<https://freedomhouse.org/country/brazil/freedom-world/2020> (accessed June 27, 2020).
- 24 Ibid.
- 25 Ibid.
- 26 U.S. Department of State. Bureau of Democracy, Human Rights, and Labor. 2019. Country Reports on Human Rights Practices: Brazil. Washington, D.C.: US Dept. of State.  
<https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/brazil/> (accessed June 27, 2020).
- 27 Ibid.
- 28 Ibid.