

# Country Profile Brazil



ReportOUT



**A country profile outlining the human rights context  
of sexual and gender minorities in Brazil**

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## **Employment**

Regarding workplace law in Brazil, the Federal Constitution states 'all persons are equal before the law, without any distinction whatsoever' (Article 5). This is also supported by the Brazilian labour code and labour laws which prohibit employment discrimination, however, none of these laws or codes explicitly refer to sexual and gender minorities (Stonewall, 2018).

Work opportunities for the sexual and gender minorities in Brazil are scarce as discrimination against sexual and gender minorities typically act as a factor as to why they are refused work (Benevedis & Nogueira, 2018). Additionally, trans people are most at risk of not finding a job, with 90% of trans people in Brazil turning to sex work for income as they are so often refused work (Ibid). The average age trans people turn to sex work is around thirteen, with contributing factors such as family rejection or violence causing this too.

Additionally, 68% of workers in Brazil have experienced homophobia in their workplace and one in five were victims of harassment (Out Leadership, 2020). One in three sexual and gender minority workers were comfortable enough to be out to everyone at work (Out Leadership, 2020). This suggests that even within employment, sexual and gender minorities feel it is a risk to be out, especially the trans community, who have no protections from work and are at risk of violence and murder as sex workers in Brazil. Furthermore, due to anti-trans workplace prejudice, transgender students because of discrimination, can find it hard to remain at school and often do not obtain the academic qualifications required by employers (Stonewall, 2018).

## **Education**

In Brazil, the education system does not educate pupils against prejudice and discrimination and does not protect children and adolescents from bullying or from the societal pressures from religious fundamentalists (Out Leadership, 2020). Bolsonaro and his senior officials have vowed to revise school textbooks and remove references to violence against women, feminism, and sexual and gender minorities (Osborne, 2019). Mr Bolsonaro, who once declared "I'm homophobic, with pride", has further pledged to review the content of the country's national high school exam to remove questions on sexual and gender movements (Osborne, 2019).

## **Role of the Family**

With the fulcrum of President Jair Bolsonaro's ideology being very conservative, traditional family norms are at the heart of what he stands for. This means that 'alternative' family types that aren't the traditional 'nuclear family' are seen as problematic (Evans & Davies, 2013). With this, Bolsonaro has abolished the human rights ministry, replacing it with an evangelical pastor to oversee women's, family and human rights (Phillips, 2018). This means that typically right wing and conservative decisions regarding family rights will be implemented, such as opposing abortion, and encouraging extreme gender binaries (Phillips, 2018). Furthermore, with the pastor being an Evangelical Christian, the rights of the sexual and gender minorities will likely be at risk too as typically Evangelical Christians are anti- LGBTQ+ as they are seen to 'threaten' the heteronormative status quo.

## Law

Hate crimes based on sexual orientation or gender identity are not expressly considered aggravating circumstances in sentencing. The use of discriminatory language by public sector actors in regard to gender identity is banned under Decree No 8.727/2016 (Stonewall, 2018).

With these implementations in place, it is easy to assume that Brazil is accepting of the sexual and gender minorities, however policy and its intentions does not mean that the community is safe (Kelly & Caputo, 2011). This is the case in Brazil. Police refuse to report hate crimes and tend to disregard any typically violent crimes against people who identify as a sexual or gender minority (Notaro, 2020) and thus even with laws in place, the community is still at high risk.

Additionally, there are rights that depend on laws or other norms. For example, blood donation for gays is deferred for 6 months, trans people cannot change their name or gender in official documents without lengthy court proceedings, and there is no legislation that protects sexual and gender minorities from discrimination and violence (Wyllis, 2017). This means that even with policy implemented, it fails to acknowledge sexual and gender minorities, meaning that they are not protected by the law.

## Political Factors

Ever since his inauguration as Prime Minister of Brazil in 2018, Jair Bolsonaro has actively attempted to suppress and reverse rights of gender and sexual minorities in the nation (Wakefield, 2020). This has included the attempts of implementing a supreme court to remove all rights for the sexual and gender minorities (Ibid) stating it would be 'completely wrong' to criminalise homophobia and transphobia (Euronews, 2020). Bolsonaro also stated he would rather his son die than be gay (Page, 2018), with each of these instances showing Bolsonaro's intolerance of the sexual and gender minorities. Since Bolsonaro's election in 2018, there has been an increased lack of acceptance of sexual and gender minorities in Brazil, and a rise of violent attacks on the community, with trans people being those at biggest risks of violent attacks and potential murders.

Bolsonaro's government during its tenure has criminalised homophobia and transphobia, however much to the disdain of Bolsonaro himself as aforementioned (Euronews, 2020). Even with the implementation of this policy, it has been found that 40% of trans murders globally have occurred in Brazil (Lopez, 2019). The spike in murders has coincided with the election of Bolsonaro (Lavers 2019) and the lack of policing and reprimands for attackers has led to the trans community in particular fearing for their life, knowing they could be attacked or murdered at any point (Lavers 2019, Pozdeeva, 2019, McCoy, 2019). Additionally, due to the lack of protection for sexual and gender minorities from the government, individuals and groups have to come together in an attempt to protect themselves, with self-defence lessons being taught as an attempt to counter attacks that may occur (McCoy 2019), as well as an app being developed in an attempt to counter murders of the trans community (Tourje'e, 2020). The lengths that the trans community go to in an attempt to protect themselves shows the neglect that the community has faced from the state, with Bolsonaro seemingly being the driving force behind this due to his (Brandello, Pardue & Wink, 2020), marginalising them more. Bolsonaro's government has created a narrative around sexual and gender minorities which have been reflected onto the nation. As a result of this the community are at a high-level risk of violence with a lack of protection, as well as lack of reprimands for the perpetrators.

## Religious Institutions

The current backlash towards sexual and gender minorities in Latin America, in particular Brazil, has a new element; the Evangelical churches as powerful veto players (Iglesias and Adghirni, 2020). Religious groups in Brazil, in particular Evangelicals, are currently taking advantage of the institutions of liberal democracy to block sexual and gender minority rights, protection and progress in Brazil (Iglesias and Adghirni, 2020). Although Catholicism remains a dominant religion in Brazil, over the past two decades it has lost ground to Evangelical Protestantism (Robineau, 2015). The influence of the church is predominantly appreciated during political decisions regarding sexual and gender minority rights. In Brazil, Evangelical churches have seen dramatic growth and support within Parliament (Robineau, 2015). Backed by conservative evangelicals, Jair Bolsonaro – who once said he'd prefer a dead son to a gay son – seeks to 'rescue evangelical values'

Dom Antonio Dias Duarte, Auxiliary Bishop of Rio, reminded us that;  
*"the Brazilian Church, just as all Churches are, is opposed to it".*

Leaders of the Evangelical church have previously had good relationships with Brazil's leftist governments. However, a common ground was produced with Bolsonaro and his ultra-conservative views (Robineau, 2015).

Pastor Silas Malafaia, one of Brazil's most influential Evangelical leaders, said in an interview;  
*"Our alliance with Bolsonaro is so strong because we share the same values,"*

Evangelical pastor and Congressman Marcos Feliciano, an ally of Bolsonaro, was convicted of homophobia by the public prosecutor's office in 2013 after he stated, "the rottenness of homosexual feelings leads to hate, crime and rejection" (Arantes, 2020). In 2019, when the Supreme Court voted to criminalize homophobia, Feliciano specified that this type of action "threatens the freedom of expression of the churches" (Arantes, 2020). Eduardo Bolsonaro and Marcos Feliciano strengthen popular hatred towards sexual and gender minorities by creating fear among their supporters. A common note in their speeches is the representation of sexual and gender minorities as a threat to society and their Christian values (Arantes, 2020).

Since Bolsonaros' first day in office, sexual and gender minorities have been attacked and targeted. Bolsonaro has stated that 'gender-based ideology' is a threat to Brazil's Christian values. Damares Alves, Brazil's human rights minister and evangelical pastor has insisted that "the Brazilian family is being threatened" by sexual and gender minorities (Savarese, 2019).

## Dangers Faced by Sexual and Gender Minorities

In Brazil, one person who is a sexual or gender minority is killed every twenty-five hours (Beresford, 2017), which makes it one of the least safe countries of residence for this community. The insecurity for transgender individuals is extremely alarming. The life expectancy for transwomen in Brazil is between thirty and thirty-five years of age (Bosia et.al. 2020).

Transgender individuals continue to be killed at an extremely alarming rate. According to the National Association of Travestis and Transsexual People (ANTRA) in September 2019, fifteen transgender individuals were killed in Brazil alone, an average of one killing every forty-eight hours (Race and Equality, 2019).

From January 1st, 2019 until September 30th, 2019 it was recorded that eighty-nine transgender individuals had been killed across Brazil, with evidence of extreme violence being present (Race and Equality, 2019). Furthermore, Brazil has the highest number of transgender murders than any other country with 163 recorded in 2018. This figure represents forty-seven percent of all reported murders of trans people in the world. The ANTRA notes that eighty-three percent of these murders had characteristics of extreme cruelty, such as excessive use of dismemberment, drowning and other brutal forms of violence that include stoning's and beheadings (Race and Equality, 2019). From the statistics provided it is clear that transgender individuals live in nation of great violence and the Brazilian government is not seeking to achieve protection for transgender lives (Race and Equality, 2019). The life of trans and intersex people in Brazil is a constant struggle. They face threats to their health and life, violence, and bureaucracy.

As seen in the following examples, evidence of extreme violence is present in the majority of the killings;

On the 15th September 2019, the body of 26-year-old travesty Bruna Torres was discovered in the Brazilian state of Sao Paulo. Bruna's throat had been slit while her hands and feet were tied (Race and Equality, 2019).

On the 20th September 2019, the body of a transgender girl was found in a wooded area of the Sao Paulo metro area. Médely Razard, 15 years old, was found with a gag in her mouth alongside signs of physical trauma. The police investigation concluded that Médely Razard was sexually assaulted and was killed by strangulation with a cord (Race and Equality, 2019).

The body of travesti Junia Bispo was found on September 29 in Uberlândia, Minas Gerais, showing various signs of a violent attack including thirteen stab wounds (Race and Equality, 2019).

Kaike Teodoro (Age 23) "I was literally stoned"

"I transitioned five years ago. It was a very difficult period, I constantly faced aggression, I was humiliated and literally stoned. I am still afraid to walk the streets alone, although the situation in the country is better than it used to be several years ago. However, the problem with social acceptance still remains. If you are transgender, it is very difficult to find official employment, and everybody just does what they can" (Pozdeeva, 2019).

Alessandra Ramos (Age 36) "I may be killed in the street in any given moment"

"I was raised at the Jehovah's Witnesses church, where I learned Brazilian sign language, which later helped me to become a professional sign language interpreter. I left the church at the age of 21, when I started the transition. For a long time, people refused to hire me. And although I am highly qualified – in addition to sign language, I know English, Spanish, Italian, and French – the only reason to refuse has always been the inability to accept who I am. Being not only a person who changed their sex, but also a black person, I am in two at-risk groups. I know that I may be killed in the street at any given moment, and generally speaking, it may be dangerous even to answer a verbal insult in a supermarket. Now, we become visible, it is easy to find information about a person on the Internet, they may be traced and killed. Social unacceptance complicates the situation" (Pozdeeva, 2019).

J F do Nascimento Martin (27 years old)

"Brazilian trans woman was out drinking with her friends Monday night outside an apartment complex in Bayeux, Brazil. Minutes later, the road was thronged by armed men who gunned J F do Nascimento Martins. She tried to flee into the building to protect herself but died shortly after from her fatal injuries" (Milton, 2020).

Dandara dos Santos (42 years old)

The grisly video shows Ms. dos Santos sitting on the ground, covered in dust and blood, being kicked in the face, beaten with a plank of wood and forced into a wheelbarrow. According to the authorities, she was later taken to a nearby street, shot twice in the face and then bludgeoned; the killing is not shown in the video. The gang which attacked her could be seen laughing and cheering as they kicked, punched and beat her with shoes and plank of wood. The terrified Dandara dos Santos, who lived in Fortaleza in the northeast of the country, wiped blood from her face and body in the video while pleading with her attackers to stop (Jackman, 2018).

Quelly da Silva (35 years old)

The brutal killing of a trans woman, whose heart was ripped out and replaced with the image of a saint, and ended with an openly gay congressman and advocate for LGBTQ rights giving up his seat because he feared for his life (Feldman, 2019).

HuffPost Brazil's Andréa Martinelli and Leda Antunes reported on the killing, which they say sent shockwaves through the country's trans community but didn't make it to TV news (Feldman, 2019).

Police arrested Caio Santos de Oliveira, 20, in connection with the crime. (Videos circulating online show him brazenly telling reporters that he killed 35-year-old Quelly da Silva because the "demon" deserved it.) But Andréa points out that de Oliveira can't be charged with a hate crime since transphobia isn't mentioned in the country's criminal code (Feldman, 2019).

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