

# **Anti-gender politics and policies in Brazil**

**Submitted to the Mandate of the United Nations Independent Expert on Sexual Orientation and Gender Identity by**

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Revised Submission

## **A brief historical overview**

### **Antecedents**

In order to more fully understand the political and policy atmosphere in relation to gender, sexuality and human rights in Brazil it is necessary to offer a sketchy bird's eye view of the evolution of related politics and policies in preceding decades. One first aspect to be kept in mind is that these political and policy domains has evolved in tandem with the process of the country's political re-democratization, which began in the late 1970s and extended until the late 1980s. During this period a plural gamut voices of resistance have arisen to contest the military dictatorship and constant political mobilizing gradually created the conditions for the lingua franca of human rights to be incorporated in the national political and policy vocabulary. These voices comprised a very wide and complex spectrum of political movements, including those claiming rights in the realms of gender, reproduction, and sexuality and, as noted by various authors, the HIV and AIDS epidemic coinciding with the height of re-democratizing mobilizations would further fuel the public articulation of these claims.<sup>1</sup>

In 1988, a new Federal Constitution was approved that established solid grounds in relation to both freedom and equality, including sexual and racial equality, right to privacy and full protection against discrimination. The Constitutional Preamble also encompasses the incorporation of international human rights norms in domestic legal frames whenever treaties and conventions are ratified. In relation to the areas under examination in this report, this applies to CCPR, CESC, CEDAW, CRC and the Convention Against Racism and on the Rights of Persons with Disabilities.

Since when the new Constitution was adopted, the emerging feminist and LGBT+ movements has continuously propelled deep socio-cultural transformations and effectively used the spaces then opened for civil society organizations to engage with law reform and public policy design in various areas, such as health, education and human rights.<sup>2</sup> These engagements began, in the early 1980s, in the areas of women's health and gender-based violence to later expand towards HIV/AIDS policies, education and

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<sup>1</sup> See Parker, R, Guimarães, K, Mota, M., Quimmel, R., and Terto, V. (1995). AIDS Prevention and Gay Community Mobilization in Brazil. *Development*, 2, 49-53.

<sup>2</sup> See de la Dehesa, R. (2010). *Queering the Public Sphere in Mexico and Brazil: Sexual Rights Movements in Emerging Democracies*. Durham: Duke University Press

LGBT+ rights. Through different pathways, some more political others more technocratic, feminist and LGBT rights claim gradually moved from the margins to the center of state politics and policymaking.<sup>3</sup>

In the 2000s, these political, legal and policy claims gained greater policy and normative consistency through legislation, as for example a groundbreaking law to prevent and punish gender-based violence<sup>4</sup>, but also a wide range of federal and local level anti-discrimination legislation in relation to LGBT+ persons. Furthermore, a National Secretary for Women's Policy was created and a National LGBT+ Rights policy area established at the National Secretary of Human Rights. Between 2004 and 2012 a series of state funded national conferences on women's and LGBT+ conference have taken place in which demands for public policies were raised to be later transported to relevant areas of the executive branch<sup>5</sup>. The two key areas more positively affected by these participatory process in relation to gender equality were women's political participation, gender-based violence and sexual and reproductive health and in what concerns LGBT+ claims the main advancements were achieved in relation to non- discrimination, public education and health.

It should be also underlined that, since the 1990s, claims and gains in these various legal and policy domains were also transported to Foreign Policy guidelines and Brazilian diplomacy has actively defended human rights premises related to gender, sexuality, sexual and reproductive health and rights in international arenas, as in the case of the series of the United Nations Conference of 1990s and, later on at UN Human Rights Council and the Interamerican Human Rights System. As it is well known, these developments were vital to sediment normative and policy definitions in relation to gender, gender equality, sexual and reproductive health, reproductive rights but also the foundations of sexual rights, this latter opening the way for future elaborations on human rights relating to sexual orientation and gender identity.<sup>6</sup>

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<sup>3</sup> See Adriana Vianna and Sergio Carrara (2007) Sexual Politics and Sexual Rights in Brazil: A case study. In Parker R.; Petchesky, R.; Sember, R. (eds.). *Sex Politics: Reports from the frontlines*, 2007 accessed at [https://www.sxpolitics.org/frontlines/book/pdf/capitulo1\\_brazil.pdf](https://www.sxpolitics.org/frontlines/book/pdf/capitulo1_brazil.pdf) on April 26th 2021

<sup>4</sup> The Maria da Penha Law, approved in 2006. Accessible at [http://www.planalto.gov.br/ccivil\\_03/\\_ato2004-2006/2006/lei/111340.htm](http://www.planalto.gov.br/ccivil_03/_ato2004-2006/2006/lei/111340.htm)

<sup>5</sup> The 2008 Conference on LGBT+ Policy achieved substantive international visibility because it was attended by President Lula da Silva and various cabinet members and this presence has given a totally new legitimacy to this policy agenda.

<sup>6</sup> See Ryan Thoreson and Laura Saldivia (2018) "Legal Developments in the Domain of Sexual Rights" in Sonia Corrêa and Richard Parker (ed) *SexPolitics: Trends and Tensions in the 21 century* . Pages 37-68. Accessible at <https://sxpolitics.org/trendsandtensions/uploads/volume1-2018-21092018.pdf>

The 1990s and 2000s were, therefore, very positive for the advancement of gender equality, women's and LGBT+ rights. But, obstacles and caveats are also mentioned. As in many other countries, the Brazilian democracy has been impaired by the deleterious effects of neoliberal rationality in economic, social and political terms. The realm of gender, sexuality and human rights policy was especially affected by the regressive re-politization of conservative Catholicism and the new politicization of Evangelical fundamentalism, which simultaneously impacted on social norms, lawmaking and public policies design, either through electoral politics or through other means. In the realm of lawmaking the growing presence and influence of religious conservatism implied repetitive clashes when progressive legal changes proposed in relation to gender and sexuality matters was countered by the growing resistance, or even backlashes, propelled by dogmatic religious forces and their secular partners. These conditions explain why, despite the tabling of substantive provisions, it has been impossible, during this period, to attain significant legal reforms in relation to abortion rights, same sex marriage or the criminalization of homophobia and transphobia.

Additionally, laws and policies approved in the period under examination were not always effectively translated into the daily realities of peoples' lives and these gaps added more water to the troubled waters of the gender and sexuality political mill. Firstly, because it signaled towards the frailty of achieved legal and policy commitments, but also because the disjunctions between norms and realities contributed to the discredit of state policies, especially amongst those sectors mostly affected by social and racial inequalities and vulnerabilities. Taking advantage of this gaps and frailties, from the mid 2000s onwards, neoconservative religious forces would launch a stronger and more systematic offensive against gender and sexuality cultural changes and related policy and legal gains.

This neoconservative reaction began escalating in 2010 when, right before a presidential election, major controversies erupted in relation to the III National Human Rights Plan (NHRP), when sharp conflicts turned around decriminalization of abortion, LGBT+ rights as well as the removal of religious symbols from state.<sup>7</sup> Then in the course of the electoral process, Dilma Rousseff, who would become the first female president of the country, was fiercely attacked because of views she had previously expressed in favor of legal abortion. Right after her election, these pressures and tensions shifted more directly to the

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<sup>7</sup> See Sonia Corrêa, *Abortion and Human Rights in Brazil -Part II* (2010) accessible at <https://sxpolitics.org/abortion-and-human-rights-in-brazil-part-2/5184> on April 26th 2021. Other controversial policy areas were the creation of a Truth Commission devoted to review the military dictatorship human rights violations and indigenous rights.

realm of LGBT+ rights. In early 2011, the Supreme Court issued a positive decision on same sex civil unions, overcoming the stalemate installed in Congress since the mid 1990s. Almost immediately, a set of educational videos produced by the Ministry of Education, to promote respect for gender and sexual diversity in the public-school system, was fiercely assaulted by Congress neoconservative religious caucus. Under this pressure, Rouseff suspended the so called “Gay Kit” as it was named by its opponents.<sup>8</sup> Two years later, these assault would gain a wider and deeper contours.

The term “gender ideology” was used for the first in Brazilian statecraft parlance in 2003, when a conservative federal parliamentarian resorted to this semantic formula to viciously attack “sexual misconduct”.<sup>9</sup> His speech coincided in time with the first Brazilian translation of the Vatican’s *Lexicon of Ambiguous term and discussions on the family, life, and ethical questions* that constitutes a landmark document to guide the global propagation of anti-gender narratives and arguments. Four years later, in 2007, the Conference of Latin American Catholic Bishops Conference (CELAM) was held in Aparecida do Norte and its final document recommended Church authorities to engage in combat against “gender ideology”.

After CELAM a systematic regional and national propagation of anti-gender discoursed couched under the formula “gender ideology” was launched. In Brazil, this propagation was initially done through ultra-Catholic circuits, such as the Institute Plínio Correia de Oliveira (IPCO)<sup>10</sup> and the Charismatic publishing house Canção Nova that, in 2008, published the Portuguese translation of a shorter version of the book *The gender agenda: redefining equality* (1997), authored by Dale O’Leary.<sup>11</sup> This diffusion remained

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<sup>8</sup> When informing the public about the decision, Rouseff declared that her government would not “impose” sexual orientation on public school students.

<sup>9</sup> Elimar Damaceno was a MP from the now extinct right-wing nationalist minority party PRONA, whose agenda openly revived discourses and imageries from 1930s Brazilian Fascism.

<sup>10</sup> The IPCO is a new institution established in the late 1990s when Tradition, Family and Property (TFP), the ultra-Catholic organization and network formally established in 1960 (but whose ideological inspirations can be tracked back to the 1930s) was fractured after the death of its founder Plínio Corrêa de Oliveira. When created TFP was an important player in the dynamics that led to the 1964 military coup. Though originally Brazilian, as analyzed by Neil Datta, it has ramified transnationally across the Americas, but also in Europe. See <https://hrcak.srce.hr/220289>

<sup>11</sup> More information on Dale O’Leary, her book and the relevance of Latin America in the description it offers can be found in Sonia Corrêa (2018). A “política do gênero”: um comentário genealógico. *Cadernos Pagu* (53), n.p. <https://doi.org/10.1590/18094449201800530001>

largely confined to Catholic circuits until 2013 when it was picked up by fundamentalist Evangelical digital media and leadership now also engaged in anti-gender political mobilization.<sup>12</sup>

After that, though the term already circulated in Congress during the controversy around the so called “Gay Kit”, it was from 2012 onwards, “gender ideology” would definitely enter the vocabulary of neoconservative religious and right-wing actors. This was when a convergence between dogmatic Catholics and Evangelicals solidified in an orchestrated attack against gender in education in the course of a nationwide multi-level process of debates on what would become the 2014 -2024 National Education Plan (PNE). A supposedly secular group named Escola sem Partido (School without Party) that had condemned “ideology” in public education, since the early 2000s joined has also this joined campaign, whose outcome was very successful as the terms gender and sexuality were excluded from the final PNE policy guidelines (which, however, recommended the debate on these matters to be discussed at state and municipal levels).<sup>13</sup>

Few years later, in November 2017, these same actors would be part of a yet more heterogenous political assemblage that propelled a fierce digital attack against Judith Butler, who was visiting Brazil. In this occasion, an effigy portraying Butler as a witch was burned in a street protest in São Paulo.<sup>14</sup> Corrêa and Kalil (2021) interpret the attack on Butler as the anteroom of the 2018 presidential elections in which the same anti-gender assemblage, as manifested in this event, would play a significant role in propelling waves of moral panic that contributed to the victory of the far-right candidate Jair Bolsonaro.<sup>15</sup>

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<sup>12</sup> See Carla Castro Gomes (2020) *Propagação dos termos “ideologia de gênero” e “aborto” nas mídias religiosa digitais brasileiras*. Accessible in <https://sxpolitics.org/ptbr/wp-content/uploads/sites/2/2020/02/Ebook-Propagac%CC%A7a%CC%83o-20200203.pdf>

<sup>13</sup> See <https://doi.org/10.14295/de.v8i2.12282>

<sup>14</sup> This episode sharply illustrates the place that gender theory occupies in the line of fire of anti-gender formations. It indicates that it is not feasible to try containing anti-gender ideology and attack by claiming the theoretical solidity of the gender epistemological frame. This is so because this frame itself is what is being contested and “demonized”.

<sup>15</sup> See Corrêa, S. and Kalil, I. (2021) “The case of Brazil” in [Anti-gender politics in Latin America – Country case studies summaries](#) (pages 47-65).

## **The current political and policy landscape**

In January 2019, the new government's intentions to starkly repudiate "gender" was bluntly announced in the presidential inauguration speech.<sup>16</sup> Subsequently, this ideological position would be transported to frequent speech acts, further attacks on gender and sexuality in education and the systematic infusion of anti-gender ideologies into human rights and foreign policy guidelines. This makes of Brazil one of the few countries in world where anti-gender ideology is extensively embedded in statecraft. The other well-known examples are Hungary and Poland with which the current Brazilian administration has partnered in intergovernmental initiatives, in particular, the so-called Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family and the alliance crated by the Trump administration for propelling the Advancement of International Religious Freedom.<sup>17</sup>

It is worth also observing that, as it also happens in other Latin American countries, past and present anti-gender politics in Brazil are deeply intertwined with the much older opposition against sexual and reproductive rights, in particular, the right to abortion. In the period under examination in this report, this imbrication is sharply illustrated by the scandalous case of an eleven years old girl who got pregnant after having been systematically abused for many years by an uncle. Even though, under the law, she had the right to interrupt the pregnancy, neoconservative religious groups and other actors have created almost unsurmountable obstacles to impede the procedure. This included the direct intervention of high-level functionaries of the Ministry of Women, Family and Human Rights headed by the pastor Damares Alves, known internationally for her anti-gender and anti-abortion stances.<sup>18</sup>

This report, while briefly recapturing attacks on gender in education that preceded the current federal administration, focuses mainly on post-2019 speech-acts, policy definitions and guidelines, and legislative proposals that glaringly reflect the vicious anti-gender atmosphere now presiding over Brazilian politics

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<sup>16</sup> The exact terms used in Bolsonaro inaugural speech were: "... we will unite persons, value the family respect religions and our Judeo-Christian tradition, fight against gender ideology and preserve our values. Brazil will once again become a country free from ideological binds"

<sup>17</sup> See [Geneva Consensus Declaration](https://www.forbes.com/sites/ewelinaochab/2020/02/06/us-launches-the-first-ever-international-religious-freedom-alliance/?sh=7d95a06640e6). For the Alliance on International Religious Freedom see <https://www.forbes.com/sites/ewelinaochab/2020/02/06/us-launches-the-first-ever-international-religious-freedom-alliance/?sh=7d95a06640e6>

<sup>18</sup> See [The case from the Girl of Espírito Santo: Is this a turning point in the long journey for abortion rights in Brazil?](#)

and policymaking. As a final note, while this report is nationally framed, it is crucial to recall that anti-gender ideologies and aggressive politics is a transnational phenomenon, predominantly visible in Europe and Latin America, but not exactly absent elsewhere.<sup>19</sup> This implies that even when the effects of anti-gender campaigns and state policy distortions here described can be attributed to national social actors and state institutions, they must also be situated in relation to the wider landscape of the geopolitics of anti-genderism and, most principally, it is important to underline that strong connections exist between Brazilian state and non-state actors and transnational anti-gender and anti-abortion forces. .

## **2019-2021 – Intensified state -led anti-genderism**

### **The President’s Office**

As noted above, the substantive opposition to gender of the Bolsonaro administration was expressed in the presidential inauguration speech that ended as follows: “.. Our goal is to unite people, to value the family, to respect religions and our Judeo-Christian tradition, fight against gender ideology and preserve our values” . Shifting to 2021, few weeks before the submission of this report, the president himself fired the president of INEP (Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira) -- which is responsible for the design and application of the admission procedures to public universities (ENEM)—because he had not censored a question on gender had been included in the 2021 exam. This question was about gender-based wage inequalities and it was illustrated by the sharp differential between the earnings of a male soccer and a female soccer player, both well-known internationally.<sup>20</sup> The president justified his act by declaring that “question was ridiculous because it is not possible to compare the scale of audiences of male and female soccer matches” .

This was only presidential anti-gender concrete policy act enacted by the presidency. But between these two points in time, Mr. Bolsonaro has deployed dozens of deplorable anti-gender speech acts, mainly through his social networks and, not infrequently, his declarations have been replicated by members of the cabinet. For example, in 2019 he said he had requested the Minister of Education to elaborate a law provision to eradicate “gender ideology” in the classrooms to fully protect children, as if – as it will be seen further ahead -- there were not already hundreds of law provisions on the matter, a number of them

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19 See: [Anti-gender Campaigns in Europe](#) (Kuhar and Patternote, 2017), [Habemus Gender!](#) (ed. Sara Bracke and David Patternote, 2017), [Anti-gender Politics in Latin America - Country Case Summaries](#) (ed. Sonia Corrêa, 2020).

<sup>20</sup> The male player is Neymar, who happens to be a supporter of Bolsonaro, and the female player is Marta.

already approved. Later, in a live performance, sidelined by two military ministers, he tore a Minister of Health handbook on STI prevention declaring that he did so to protect family values. When checking the fact-finding site *Aos Fatos* it is possible to verify that, since January 2019, the president made 56 mentions to ideology and it is not excessive to suppose that at least one-third of them may have referred to “gender ideology”, either directly or indirectly. One recent example was his verbal attack against a candidate for mayor in Rio of which the content was “vote for him and you will see the ideological garbage your kids will be exposed to in the classroom”.

These speech acts, though grotesquely biased and discriminatory, have not been judicially contested, because it would be very difficult to qualify them as unconstitutional, but also because in similar cases the judiciary has granted the right of freedom of expressions to other state authorities deploying similar discourses and accusations related to views on gender and abortion rights<sup>21</sup>. Although these presidential discourses cannot be described as “policy” they are not irrelevant because they feed and fuel the anti-gender fears and panic that began being propelled in the early 2010s. These bouts of anti-gender parlance on the part of the maximum state authority inevitable have deleterious effects on social and institutional fabrics, in particular educational spaces but also – although this effect is more difficult to measure – on the dynamics of daily life where gender-based violence both against women and LGBT persons, in particular trans and *travesti* women has evidently increased.

### **The Ministry of Women, Family and Human Rights (MNFDH)**

The Ministry of Women, Family, and Human Rights (MMFDH) is today a key institutional hub for the consolidation of anti-gender policies in Brazil. It is headed by Minister Damares Alves, a pastor who, right after assuming her post, became internationally known for her declaration that Brazil would now enter “a new era, which boys wear blue and girls wear pink.”<sup>22</sup> In her own words, this meant the return of conservative values on gender and sexuality, which would have been abandoned by previous administrations that unduly “politicized” these matters. The “combat against gender ideology” and the promotion of “traditional values” are now core tenets of the National Human Rights Policy. The alteration of the structure and name of the Ministry was the very first sign of this ideational turn. The new machinery

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<sup>21</sup> In that respect, one iconic episode to be mentioned was that, in 2020, Minister Damares Alves used her social networks to accuse the feminist sociologist Jacqueline Pitanguy of being “killer of babies”. When Pitanguy presented a legal request for the postings to be deleted it was denied by the Rio de Janeiro Judiciary System because the judges considered that Minister was merely exercising her right to freedom of expression.

<sup>22</sup> See: <https://oglobo.globo.com/sociedade/menino-veste-azul-menina-veste-rosa-diz-damares-alves-em-video-23343024>

combines three previously autonomous national secretaries – Human Rights, Women’s Policy, and Racial Equality – and now includes a strong family unit and this is reflected in the name of the Ministry. The repudiation of gender and related human rights contents often expressed by the new Ministry converges towards the centrality of the family in the new policy frames, now managed by the National Secretary of the Family headed by a well-known anti-gender, anti-abortion and pro-traditional family lawyer.<sup>23</sup>

It is quite significant, however, that “women” has been retained and it is the first term in the new denomination of the Ministry. This means that the new administration, despite its open repudiation of gender, continues to politically promote of women’s human rights in its own terms. Furthermore, despite the glaring homophobic and transphobic discourses of the president and many of his political supporters the Department for the Promotion of LGBT + Rights was not formally dismantled.<sup>24</sup> On various occasions, Alves has affirmed that her Ministry and the Presidency are not biased or homophobic/transphobic but rather that they recognize the LGBT + community as a vulnerable group that qualifies as beneficiaries of public policies.<sup>25</sup> The framework reflects a substantive shift in the policy approach to human rights, which can be summarized by the following affirmation by the Minister: “LGBT + public policies must protect, not to promote gender and sexuality diversity”.<sup>26</sup>

This definition does not coincide with the human rights paradigm and epistemology emanating from the international standards of integrity and indivisibility of human rights adopted in Vienna in 1993, which, on the one hand, preconize the protection of bodies and subjects against violence and discrimination but, on the other, emphasizes and guarantees freedom, autonomy and the personal prerogatives of individuals and groups freely to associate, express their opinions and world views, and decide for themselves what to do about their lives and bodies. Quite clearly, this second cluster is being expurgated from the human rights frame implemented by the Bolsonaro’s administration.<sup>27</sup>

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<sup>23</sup> The Family Secretary is Angela Gandra, the daughter of an acknowledged conservative jurist named known to Ives Gandra Martins. Both father and daughter are known to have organic connections with ultra-Catholic institutions such as Opus Dei and TFP, as well as with other neoconservative US and European platforms. Ms Gandra attended the World Conference on the Family in Verona (2019), the launching of the initiative for the Advancement of International Religious Freedom (Washington, Jan 2020) and a seminar on the family organized by Ordo Iuris (Warsaw Nove 2020).

<sup>24</sup> See <https://sxpolitics.org/human-rights-gender-and-sexuality-a-minister-who-does-not-play-around/19887>

<sup>25</sup> See: <https://www.bbc.com/portuguese/internacional-50800983>

<sup>26</sup> See: <https://www.youtube.com/watch?v=qouJ-2javsY>

<sup>27</sup> See: <https://sxpolitics.org/human-rights-gender-and-sexuality-a-minister-who-does-not-play-around/19887>

This is major shift, but it does not mean a complete repudiation of human rights. Rather it implies a “cleansing” of human rights premises: human rights language and instruments are now exclusively geared towards the tutelage and protection of those portrayed as “vulnerable”: embryos, sexually abused girls and boys, the elderly, young people who self-mutilate or commit suicide, people who are deaf, blind, or have other special needs, those who suffer from microcephaly, and drug users. The priority focus on violence, not insignificantly, converges with the “war” against urban violence, criminality, drug trafficking, and use that was central to the electoral discourse of Bolsonaro and that remains quite active today. This also mean that a structural connection is now established between the national human rights frame and the government public security agenda.

### *Centrality of the “family “*

The set of MMFDH soft and strong policies implemented in the last two years must be read against this backdrop. In term of the institutional architecture, in addition the creation of new sub-secretaries, it is quite notable that LGBT+ department was kept intact, while the National Council against LGBT + Discrimination, that ensure civil society participation in policy design, was dismantled <sup>28</sup>. The list of soft policies includes the launching of a policy guideline aimed at the promotion of sexual abstinence for young people to prevent teenage pregnancy<sup>29</sup> and the encouragement of the creation of and the participation in the so-called “ Ex-Gays Movements” <sup>30</sup>. But quite evidently the strengthening of the family is today the backbone of the ministerial policy frame. In 2020, MMFDH has designed and began implementing a set of new policies that comprise:

- a) the promotion of municipal policies to enhance and monitor family structures and through new local mechanisms that will count on the support of religious organizations.

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<sup>28</sup> See: <http://www.generonumero.media/extincao-do-conselho-de-combate-discriminacao-lgbt-e-o-novo-capitulo-do-desmonte-de-politicas-do-governo-destinados-comunidade/>

<sup>29</sup> See: <https://www.bbc.com/portuguese/brasil-48479429>

<sup>30</sup> See: <https://epoca.globo.com/guilherme-amado/damares-recebe-movimento-de-ex-gays-no-ministerio-promete-acolhimento-23874107>. Key figures of the Brazilian conversion therapy camp have participated in this meeting, such as Miriam Froes, an evangelical pastor who often claim freedom of speech to speak of homosexuality as a sin and Rozangela Alves Justino, who is one of the authors of the judicial lawsuit contrary to resolution 01/1999 of the Federal Council of Psychology, which prohibits “sexual conversation” therapies.

- b) a national call for religious entities to get registered as partners in the development MMFDH policies<sup>31</sup>; d) establishment of a training platform for the formation of local “guardianship counselors” that will enable them to implement the MMFDH family policy guidelines<sup>32</sup>;
- e) in partnership with the Minister of Education research funding agency (Coordenadoria de Aperfeiçoamento de Pessoal de Nível Superior - CAPES) a new line of investment was established to enhance social science research on the family and related policies.<sup>33</sup>

In this analysis it is productive to focus on item (e) because it has been subject to debates and to critiques on the part of scholars engaged with gender and sexuality research. This new line of funding for studies of the family is inherently linked to past and present attacks on academic production on gender and sexuality. Since right after assuming her post, Minister Alves, usually in consonance with presidential speech acts, has vehemently criticized academic research on sexuality and gender diversity portraying this field as “immoral” or “useless” . In a recent social network live debate, the Minister explicitly declared that this new line of funding was aimed at leaving behind previous investments in unacceptable topics of research, such as “gay saunas”. The joint program established with CAPES has allocated 2,5 million R\$ (500,000 US\$) to fund the study of the family in various social sciences disciplinary areas.<sup>34</sup>

It should be also noted that the call for application for this research does not offer a precise demographic, sociological or anthropological definition of the family, neither gives parameters that would allow for a classification of family diversity. This lack of definition is very problematic because, as analyzed in-depth, in a submission on the protection of the family presented by Brazilian academic associations and NGOs to the HRC in 2015, Brazilian families are highly diverse. This is illustrated, for example, by the high percentage of female-headed households (43 percent or 28 million families).<sup>35</sup> The new line of research funding now established can be therefore read as a direct state investment in the promotion of a family model that goes against the grain of this wide diversity.<sup>36</sup> It pulls waters to the mills of secular and religious actors that, in recent years, have systematically resorted to the trope of the family – meaning the

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<sup>31</sup> See <https://www.cartacapital.com.br/politica/para-atrair-religiosos-governo-cria-cadastro-para-liberar-verba-a-entidades/>

<sup>32</sup> Local Guardianship Councils are participatory mechanism created in the 1990 to monitor and enhance the implementation of the National Statute of Children’s and Adolescents Rights

<sup>33</sup> See <https://www.gov.br/capes/pt-br/aceso-a-informacao/acoes-e-programas/bolsas/programas-estrategicos/formacao-de-recursos-humanos-em-areas-estrategicas/familia-e-politicas-publicas-no-brasil>

<sup>34</sup> See the call for application [here](#)

<sup>35</sup> See: [https://sxpolitics.org/wp-content/uploads/2016/03/Protection\\_of\\_the\\_family\\_OCHR.pdf](https://sxpolitics.org/wp-content/uploads/2016/03/Protection_of_the_family_OCHR.pdf)

<sup>36</sup> See: Nota da Associação Nacional de Pesquisas e Pós-Graduação em Psicologia sobre o edital ([https://www.anpepp.org.br/download/download?ID\\_DOWNLOAD=345](https://www.anpepp.org.br/download/download?ID_DOWNLOAD=345)) e da Rede Fluminense de Núcleos de Pesquisa de Gênero, Sexualidade e Feminismos nas Ciências Sociais (<https://sxpolitics.org/ptbr/capes-e-ministerio-dos-direitos-humanos-se-aliam-numa-visao-conservadora-de-familia-alertam-pesquisadores/11671>)

heterosexual traditional family -- to openly antagonize “gender ideology”. This adamant defense of traditional family values also intertwines with the fierce opposition to abortion rights, above mentioned, that entirely glosses over the dramatic Brazilian reality of intra-household sexual abuse and violence.

*“Gender ideology” as “institutional violence”*

Another policy line developed more recently by the MMFDH concerns directly the subject of this report. In April 2021, the Ministry sponsored a virtual training named National Forum on Institutional Violence against Children and Adolescents. It was organized by the National Secretariat for the Rights of Children and Adolescents. Its main objective was to discuss "gender ideology" and its negative effects on education and health. The April session was the first in a series.

“Child protection” was the main tenet guiding the various interventions that were offered in the course of the two-days virtual seminar. As expressed by all speakers, childhood and youth are special stages of human development that require special protection against many threats, in particular the "indoctrination” of "gender ideology" that, in their view, can and should be defined as institutional violence.

The other central argument running across the seminar was that everything that goes “against nature”, or the essence of humans and institutions, as it is the case of “gender ideology”, is to be considered violence. In the particular case of “gender ideology”, the view of speakers is that the violence it implies should be characterized as “institutional” because it is legitimized by state officials, teachers and health professionals, amongst other. In order to move forward with agenda, the under-Secretary responsible for Children and Adolescent of the Ministry proposed that the law approved in 2017 to ensure the protection and integrity of children and adolescents submitted to judicial or police procedures should be applied to other institutional spheres, such as public education and the public health system as to ensure protection against “gender ideology”.<sup>37</sup> This proposition is highly problematic as it means tortuously transporting rules specifically designed to be used in the judicial and police environments to other domains regulated by entirely different ethical and normative parameters.

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<sup>37</sup> Law 13.431/17, named Lei da Escuta Protegida ([Lei 13.431/17](https://liberta.org.br/o-que-diz-a-lei-da-escuta-protegida/)). To read a commentary on this legislation see <https://liberta.org.br/o-que-diz-a-lei-da-escuta-protegida/>

The Forum was created to, in consultation with experts and civil society organizations aims, to propose public policies and new legislation to eradicate this “institutional form of violence” and encourage research on its “detrimental effects” .<sup>38</sup>

### *Cleansing gender language and related terminologies*

The MMFDH is also cleansing gender language from its documents. This s “hygienic” operation started in 2019 when a 2013 Presidential Decree -- which established a new policy architecture to respond to gender based violence – was altered and, amongst other changes, the term gender was systematically deleted.<sup>39</sup> Then, in 2020, the Ministry hotlines that receive complaints on human rights violations (number 100) and women’s rights violations (number 180), established in 2000 and 2005 respectively, were re-structured . The two lines have been merged in one sole number (Disque DH) and, most importantly, the semantic and definitions of the guidelines that frame and organize the reception, codification and response to complaints received have were substantively revised.

One outcome of this cleansing operation is the *Manual for a Taxonomy of Human Rights* that has been elaborated to guides the work of the National Ombudsman Office for Human Rights that is on charge of supervising the operation of the hotline (2020).<sup>40</sup> Not surprisingly the term gender is never used in the various categories of violation listed in the Manual, and the term femicide is also absent, even though a specific law on this crime has been approved in 2015.<sup>41</sup> The same applies to language on homophobia and transphobia, even when, in 2019, the Supreme Court has issued a decision of criminalization of homophobia and transphobia.<sup>42</sup> In addition to the stark ideological and policy implications of having statecraft language so deeply altered, these changes may enormously impair the consistent comparison of data collected by the hotlines before and after 2020.

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<sup>38</sup> It does not seem accidental that the first session of the Forum has occurred few days before a drastic law provision aimed at criminalizing the propagation of “gender ideology” and mutilations that may derive from started to be debated at the House Committee on Citizenship, Constitution and Justice.

<sup>39</sup>

<sup>40</sup> See [https://www.gov.br/mdh/pt-br/ondh/centrais-de-conteudo/manuais/manual\\_taxonomia\\_a5.pdf/view](https://www.gov.br/mdh/pt-br/ondh/centrais-de-conteudo/manuais/manual_taxonomia_a5.pdf/view)

<sup>41</sup> It is also worth noting that complaints referring to abortion including access to legal abortion services are now classified as “pregnancy interruption implying the destruction of intra-uterine life”.

<sup>42</sup> See <https://www.bbc.com/portuguese/brasil-47206924>

## **The Ministry of Foreign Affairs (MRE)**

In 2019, in its first participation at the United Nations, the then recently elected Brazilian government emitted contradictory signs in relation to gender and LGBTTI human rights. The 40<sup>th</sup> Session of the Human Rights Council was attended by Minister Damares Alves, who used it as a global stage to adamantly manifest the newly adopted Brazilian state position on the defense of the right to life conception.<sup>43</sup> But on the same occasion, she manifested support for the protection of LGBTI persons against human rights violations. Later in March, however, the Brazilian delegation, in its final observations to the outcomes of the 63<sup>rd</sup> Session of the Commission on the Status of Women (CSW), criticized the alternate use of the terms gender and sex because the Brazilian state believes that “for these purposes, gender is the synonym of sex and sex is biologically defined as men and women”.<sup>44</sup>

A few month later, at the 41<sup>st</sup> HRC Session (June- July), Brazil as a historical member of the SOGI Core Group supported the continuation of the mandate of the Independent Expert on SOGI and Human Rights. Yet, at the end of the negotiations, the Brazilian ambassador took the floor to make clear that Brazil would reserve its right to interpret the term gender, enshrined in the resolution, to mean “biological sex”. In the course of the same session, Brazil raised other 14 interpretative declarations on gender language used in other adopted resolutions.<sup>45</sup> Brazilian delegations would raise the same reservations and interpretations of gender to mean biological sex in various other inter-governmental negotiations such as the IX Meeting of International Mechanism for Humanitarian Assistance (June, 2019), the OAS General Assembly of Medellín (June, 2019), and the 43<sup>rd</sup> Session of the Human Rights Council (June-July, 2020).

These positions reflected the new directives on terminology adopted by the Minister of Foreign Affairs sent to all Brazilian embassies in June 2019.<sup>46</sup> Press reports on these new directives mobilized the ABGLTT (the Brazilian Association of Gays, Lesbian, Transgender, and Travestis) to request, through the Law on Access to Information, additional transparency on the new gender policy guidelines. The Ministry, however, refused to deliver the required information alleging that it would be kept confidential until 2024.

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<sup>43</sup> This position is inconsistent with the 1988 Federal Constitution that does not include the right to life from conception, even when this premise had been proposed in the early stages of the constitutional reform.

<sup>44</sup> See the [UN Webcast](#) of the session in which this declaration was made.

<sup>45</sup> See [Brasil veta gênero em resoluções e cria mal estar](#), published by UOL

<sup>46</sup> See [Novo Dicionário do Itamaraty](#) article published by UOL. The session on Brazil of the SPW bulletin on sexual politics covering the period May -August 2019 offers a description of how this policy was then installed and how it connected with with other anti-gender policy initiatives. Accessible at <https://sxpolitics.org/antigender-politics-from-may-to-august-2019/20119>

In response, ABGLT presented a constitutionality grounded request to the Supreme Court demanding it to call upon the Foreign Office to make the policy guidelines available to the public.<sup>47</sup> A month later in the Demographic Summit organized by the Hungarian Government in Budapest, Minister Damares Alves once again reiterated the Brazilian state repudiation of gender in the following terms: “It is not possible to prioritize the family without investing in our children, respecting their integrity and treating them as the children they are and declaring a resounding no to ‘gender ideology’ “. <sup>48</sup> As the first version of this report was being prepared in the week of International Women’s Day 2021, Brazil refused to sign a declaration promoted by 60 UN member states and this triggered reactions and critiques. <sup>49</sup>

As a last observation, the Minister of Foreign Affairs who was main champion of this anti-gender policy agenda was exonerated in April 2021. While this change may imply a softening of the official semantic on these matters, nothing suggests that the general policy guidelines will be substantively altered, including because the anti-gender frame is soundly established at the MMFDH that has extensive transnational and intergovernmental connections. <sup>50</sup>

### **Gender, sexuality, and sexual diversity in education: A longstanding battlefield**

As noted above, gender in education has been, since the early 2010s, the main target of neo-conservative religious and secular forces. The attacks that have taken place in the multi-level debates on PNE 2014-2024, on the one hand, achieved the elimination of gender and sexuality in the final policy document and, on the other, because the text remitted the inclusion of this content to local levels what followed was an avalanche of state and municipal initiatives proposing the elimination of the term gender in state and municipal educational plans. This section focus on the legislative realm but also includes information on new developments of these frays, such as new modalities of education, intervention of public education pedagogic materials and recent attacks on gender neutral language.

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<sup>47</sup> See the [CONJUR report](#) on the matter.

<sup>48</sup> To read the full speech: <https://sxpolitics.org/ptbr/transcricao-discurso-da-damares-cupula-da-demografia/9709>

<sup>49</sup> See [Brasil choca sobre propostas a ONU sobre direitos da mulher](#)

<sup>50</sup> On April 28th, Secretary Angela Gandra participated in a virtual seminar sponsored by the Polish organization Ordo Iuris to reaffirm the commitment of state partners to the Geneva Consensus and mobilize a debate on the content of the document with parliamentarians, state officials and religious actors on the so-called Intermaris Region. In this occasion, Ms Gandra, who was the only state representative from outside the region, reiterated the willingness of Brazil to continue leading the initiative.

### *Anti- gender legislation in public education*

A survey carried out by the investigators Fernanda Moura and Renata Aquino, from the Movimento dos Professores contra o Escola sem Partido (Teachers against School without Party Movement), identified until the end of 2020 sixty-two (62) exclusively anti-gender law projects being processed at the level of states and municipalities and other seven (7) law provisions tabled at the National Congress. In addition, other forty-four (44) state and municipal law provisions had been promoted by anti-gender groups in partnership with the School without Party movement that also address other contents (such as ideology). The list of these anti-gender provisions can be accessed in the website of the Movement.<sup>51</sup>

Many of these law provisions, as for example the various tabled at the National Congress not yet approved. Many others have been approved but just exist on paper but have not been implemented. However they keep feeding anti-gender crusades that nefariously impact the school environment, independently of the status of the legislation. They have affected the relationship between teachers and students or between schools and families. Betting on misinformation, ignorance and moral panic, the anti-gender movements and the “Escola sem Partido” continue to irresponsibly propagate the false information that schools are “prohibited” from addressing gender and sexuality issues. These groups also stimulate media and social network attacks and persecution of “gender” teachers promoting a climate that favors censorship and self-censorship in educational institutions.

The Supreme Court has already judge unconstitutional eleven approved anti-gender state and municipal laws and established that they are unconstitutional, the latest in June 2020.<sup>52</sup> However, this high-level juridical barrier of containment is not preventing those who oppose gender in education to continue tabling and approving law provisions in that direction, as it happened in the capital city of Belo Horizonte, in August 2020, when a local provision tabled in 2017 that has been subject to grate controversy was preliminarily approved.<sup>53</sup>

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<sup>51</sup> Accessible at <https://profscontraoesp.org/vigiando-os-projetos-de-lei/>

<sup>52</sup> To read about the most recent (2020) decisions, see <https://acaoeducativa.org.br/em-nova-decisao-stf-afirma-que-e-dever-do-estado-abordar-genero-e-sexualidade-na-escola/>

<sup>53</sup> See <https://www.cmbh.mg.gov.br/comunica%C3%A7%C3%A3o/not%C3%ADcias/2020/08/escola-sem-partido-avan%C3%A7a-em-2%C2%BA-turno-30-emendas-foram-apresentadas-ao>

### *Cleansing gender and related language in Public Education Pedagogical Books*

The National Program on School Books (Programa Nacional do Livro Didático) is a substantive and longstanding policy that supports the production of pedagogical materials for roughly 80 million students of the Public Educational Systems (primary and secondary). These educational materials, especially in the case of social related disciplines have been since the early 2010s another main target of forces calling for the ideological neutrality of education (which includes gender).

Historically the periodical Calls for Application through which publishing houses qualify for being contracted by the Program set ethical parameters for the selection of these materials. For example, in its last 2017 edition, the Call included the requisite that all pedagogical materials that conveyed “stereotypes and prejudices in relation to social and economic conditions, regional origin, racial and ethnic identity, gender sexual orientation, age, idiom and ableism” would be excluded from the Program. The 2021 Call for Application issued in February 2021, has entirely eliminated these requisites, the language presently used is to “positively promote the image of Brazilians, men and women”. This erasure is being sharply contested by educational experts, academics and public-school teachers platforms, as for example the manifesto published by the Fórum das Ciências Humanas, Sociais, Sociais Aplicadas, Letras, Linguística e Artes (FCHSSALLA) and the Associação de Linguística Aplicada do Brasil (ALAB).<sup>54</sup>

### *Prohibition of gender- neutral language*

A new development in gender battleground, which also links to the educational field, is the proliferation of legal provisions aiming at prohibiting the use of gender-neutral language in schools and other public services that began materializing at the end of 2020. The first provision was tabled at the Federal House of Representatives in November 2020 and its aims at impeding the use of gender-neutral language to refer to people who do not identify as masculine nor feminine genders, in secondary schools and academic institutions.<sup>55</sup> Similar provisions have been presented to the State Assemblies of Rio de Janeiro (1) and

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<sup>54</sup> See [https://xpolitics.org/ptbr/manifesto-critica-edital-de-convocacao%cc%a7a%cc%83o-do-programa-nacional-do-livro-didatico/11832](https://xpolitics.org/ptbr/manifesto-critica-edital-de-convocacao-a-7a-convocacao-do-programa-nacional-do-livro-didatico/11832)

<sup>55</sup> See <https://www.camara.leg.br/noticias/709539-projeto-proibe-linguagem-neutra-de-genero-em-instituicoes-de-ensino-e-bancas-de-concurso/>

São Paulo (2), and a bureaucratic ordinance is currently in force in the municipality of Santo André (SP).

<sup>56</sup> Gender neutral language has also become a polemic topic in social networks and the mainstream media.

### *New Modalities of Education*

Another area to be looked at, when analyzing anti-gender policy measures in Brazil, are the legal and policy proposals of homeschooling that began prospering in society in the last decade. A decision of the Supreme Court, issued in September 2018, ambivalently determined that homeschooling could not be permitted before its proper legal regulation and this triggered the tabling of law provisions to establish this new modality of regulation.<sup>57</sup> In December 2020, the Federal District Assembly has approved a first legislation on home schooling<sup>58</sup>. This s modality of education is also a priority of the Bolsonaro administration that, in 2019, attempted to implement it through a provisional measure but sub subsequently opted for tabling an ordinary law provision, which is being rapidly processed because the political conditions of the new legislature is favorable to this acceleration.<sup>59</sup>

Another critical domain to be examined is the growing militarization of public schools. Though militarization of schools is not exactly new, as it has been adopted by several Brazilian states for many years, it gained much leverage with the launching, in 2019, of the National Program for the Implantation of Civic-Military Schools promoted by the Ministry of Education.<sup>60</sup> Since then 643 municipalities (roughly 12 % of all municipalities) and 16 states (roughly 60%) have adhered to the program. Furthermore, an emergency law recently approved in the State of Paraná projects the militarization of 186 public schools. The provision was based on an extremely controversial public consultation made with the schools.

Homeschooling and militarization must be understood as a direct development or updating of earlier campaigns against “gender ideology” because these modalities of education reactivate or reiterate

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<sup>56</sup> This list includes: PL 5198/20 and PL 5248/2020, authored by federal MPs Junio Amaral and Guilherme Derrite, respectively that aim to ban the use of neutral language in educational institutions reiterating the strict binary division between male and female. Added to this is PL 4893/20, which, as presented above, seeks to criminalize "gender ideology" in Brazilian schools.

<sup>57</sup> See <http://stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=389496>

<sup>58</sup> See <https://www.correiobraziliense.com.br/cidades-df/2020/12/4896192-df-e-pioneiro-em-regulamentacao-e-educacao-em-casa-fica-a-cargo-da-familia.html>

<sup>59</sup> To learn about recent developments <https://inclusaoja.com.br/2021/04/29/leped-repudia-projeto-de-educacao-domiciliar-apoie-manifesto/>

<sup>60</sup> See <https://www1.folha.uol.com.br/educacao/2020/11/apos-consulta-popular-parana-aprova-modelo-civico-militar-em-mais-de-8-das-escolas.shtml>

hierarchical logics of transmission of knowledge, gender asymmetries, the sexual division of labor and the disciplining of bodies. They also tend to ground and propel stigma and discrimination. In particular, the rules of civil-military schools that impose draconian dress codes and corporal and personal conducts, may potentially be violating the rights to individuality and personality, free expression and subjectivity, soundly established by constitutional norms.

### *The criminalization of “gender”*

While law provisions against gender in education have been proliferating at state and municipal levels since 2014 (2015 at the National Congress) in the post 2019 period a new and very troubling trend has been registered: the proliferation of remarkably regressive and detrimental proposals aiming at criminalizing gender and sexuality approaches in education but also in other areas such as health, either by characterizing them as an encouragement to child pornography (the groups propelling these provisions self-identify as “Escola sem Pornografia”), or else because, as already noted above, the new argument now used is that propagation of “gender ideology is institutional violence”. In the first semester of 2019, eight provisions tabled at the House of which seven were framed as criminal law.<sup>61</sup> Then in 2002, a new provision was tabled that typifies as a crime the conduct of any person who in the public-school system “adopts, disseminate or implement an education policy, curricula, a specific discipline (be it compulsory, facultative or complementary) or even cultural activities on “gender ideology”<sup>62</sup>

## **Civil society and legislative attacks on diverse gender identities**

This section looks specifically at recent dynamics of assaults against gender diversity propelled at the level of civil society and legislative bodies that cannot yet be described as established state policies, but which are not either entirely disconnected from the dynamics at play at the Federal Executive Branch.

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<sup>61</sup> For more detailed information see: <https://sxpolitics.org/mapping-of-bills-against-gender-ideology-in-the-house-of-representatives/20082>

<sup>62</sup> See <https://www.camara.leg.br/noticias/699563-projeto-criminaliza-promocao-de-ideologia-de-genero-nas-escolas/>

## Gender Identity in Childhood

In early 2018, the Supreme Court issued a landmark decision recognizing the right to gender identity that eliminated requirements of biomedical diagnoses. This judgement has not, however, pacified the debate around the subject and attacks have branched out in new directions.<sup>63</sup> One of these new direction is the realm of the rights of trans children, in relation to which a diverse gamut of civil society anti-gender groups are now extremely active. It should be noted that these initiatives are linked to the MMFDH recently launched Forum of Institutional Violence against Children and Adolescents described above.

The organization "In the Right Body" (*No Corpo Certo*), for example, gathers "mothers, fathers, and professionals from various fields who question the 'transgender' discourse, especially its impact on children, adolescents, and youth."<sup>64</sup> *No Corpo Certo* compiles international material and produces local content to assert the "non-existence of trans children." Its main targets are the three Brazilian institutional protocols that regulate the rights of trans people in the Health System: the second version of the ordinance on the Transsexualizing Process<sup>65</sup>; the resolution of the Federal Council of Medicine 3 that regulates hormone treatment for children and adolescents diagnosed with Gender Identity Disorder<sup>66</sup>; and the resolution 1/2018 of the Federal Council of Psychology, which prevents the use of conversion therapies for transsexuality and promotes the confrontation of transphobia<sup>67</sup>. The movement against trans rights in childhood has also been calling on its audience to ask state and federal lawmakers to draft bills banning the provision of hormone therapies and puberty blockers to persons under 18.

Furthermore and even more important, a number of legal proposals aligned with to these views have already been tabled, some of which are also framed as criminal legislation. PDL (Legislative Decree Project) 19/2020 tabled by MP Chris Tonietto that calls for the suspension of the Federal Council of Medicine's Resolution n. 2265 of 2019, which provides for the "specific care to the person with gender incongruence

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<sup>63</sup> To access a summary of the decision:

<http://www.stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=371085>

<sup>64</sup> Website of the organization:: [www.nocorpocerto.com](http://www.nocorpocerto.com)

<sup>65</sup> See: [http://bvsmms.saude.gov.br/bvs/saudelegis/gm/2013/prt2803\\_19\\_11\\_2013.html](http://bvsmms.saude.gov.br/bvs/saudelegis/gm/2013/prt2803_19_11_2013.html)

<sup>66</sup> It is important to note that protocol while ensuring access to biomedical interventions is still grounded on problematic biomedical premises. For additional information, see Schwend (2020).

<sup>67</sup> See: <https://site.cfp.org.br/tag/resolucao-01-2018/#:~:text=Com%20a%20Resolu%C3%A7%C3%A3o%201%2F2018,forma%20de%20preconceito%20ou%20discrimina%C3%A7%C3%A3o>

or transgender and revokes the CFM Resolution n 1.955/2010".<sup>68</sup> Bill 3419/2019, authored by Federal MP Heitor Freire aims at prohibiting hormone treatments and sexual reassignment treatments for people under 21,<sup>69</sup> and according to its author the inclusion of these services in the Public Health System's derives from "gender ideology activism" that "propagates terrorism" and imply in the "abuse of children". The project establishes criminal punishment for parents, guardians or health professionals who provide this type of treatment. As the second version of this report was being finalized in early May 2021, one of these anti-gender criminalizing provisions, PL 3492/2019,) reached the latest stage of processing at the Committee on Citizenship, Constitution and Justice,<sup>70</sup> which is the last step before plenary voting and the provision was cleared by its rapporteur. The provision alter articles of the 1940 Penal Code to include the imposition of the "gender ideology" as an aggravating circumstance of crimes against children and adolescents.<sup>71</sup>

These anti gender identity legislative activism is already negatively impacting on health services for transgender people, in particular children and adolescents and this compromises their right to health, as enshrined in the Federal Constitution.<sup>72</sup> Quite evidently the policy established by the Public Health System to ensure access to the transsexualization process is now threatened, not only by the withdrawal of federal funding, but also because of the constant harassment perpetrated against health professionals engaged in these services by the above- mentioned civil society organizations, religious groups and, eventually, local politicians.<sup>73</sup>

## Gender Identity in Sports

The world of sports is another site in which attacks on trans rights have clearly intensified since 2019. The participation of transgender athletes in national league tournaments is now an arena of heated debate. An iconic case refers to volleyball player Tiffany, which sparked intense legislative activity at both state (São Paulo) and federal levels but also mobilized discussions in official sports regulatory committees.<sup>74</sup> The

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<sup>68</sup> This law provision was fundamentally mobilized by the Women's Campaign for Women's Rights the Corpo Certo Group

<sup>69</sup> See: Projeto de Lei: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2207336>

<sup>70</sup> Since February 2021, the Committee is presided by an acknowledged anti-gender female MP that systematically champion all regressive agendas of the Bolsonaro administration.

<sup>71</sup> The provision was motivated by depictable murder of a boy by his mother and her lesbian partner who would have tried to sexually mutilate the child. This crime provided anti-gender voices an opportunity to associate "gender ideology", harm and murder, even when activist and expert voices pointed to the fact that the cruelty implied in the cases should be generalized.

<sup>72</sup> See: [//www.scielo.org/article/csc/2017.v22n5/1509-1520/](https://www.scielo.org/article/csc/2017.v22n5/1509-1520/)

<sup>73</sup> See: <https://oglobo.globo.com/sociedade/emenda-que-proibe-terapia-hormonal-para-criancas-adolescentes-trans-divide-posicoes-em-sp-23917696>

<sup>74</sup> See: <https://sxpolitics.org/ptbr/a-inclusao-de-pessoas-trans-e-o-caso-tiffany/8004>

thesis that trans female athletes have advantages when competing – when considering hormonal measurements and body structure – is being widely and systematically used by conservative political groups as well as by members of the sports associations to hinder previous decisions of ethical committees that established more inclusive policies in sports competitions at national level.

### **Gender Identity and Incarceration**

Another key policy domain where tensions are building up concerns the right of incarcerated trans women and *travestis* to be housed in the pavilions of their choice including those corresponding to their female gender social identity. This issue has been under debate since the early 2010s. In 2014, the Minister of Justice department in charge of the national prison system has issued a regulation defining that both trans men and women should be incarcerated in female pavilions and that trans women should receive the same treatment as women. Since this regulation was not being implemented the National Association of Bisexual, Lesbians, Gays and Trans Persons presented, in 2018, a lawsuit interrogating the unconstitutionality of prison rules in relation to trans women and *travestis*. In September 2020, a first decision was issued ruling that trans women have the right to decide if they want to be incarcerated in the female or male pavilions. In case they choose to be in male pavilions they should have special protection against potential violence. In March 2021, the Justice in charge on the claim extended the right to *travestis*.<sup>75</sup> Since when the initial petition was tabled it was contested by an *Amici Curi* presented by a conservative parliamentarian from the State of Rio de Janeiro. When this decision was published, an anti-gender feminist group requested the Federal Prosecutor Office to suspend the Supreme Court decision because, in the argument raised by the request, if implemented the rule will imply that female inmates would be under threat.<sup>76</sup>

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<sup>75</sup> To read about the decision in Portuguese:  
<http://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=462679&ori=1>

<sup>76</sup> See <https://www.gazetadopovo.com.br/vida-e-cidadania/ong-pelos-direitos-das-mulheres-vai-a-pgr-contra-homens-biologicos-em-presidios-femininos/>

## **Rising levels of violence and absence of State responses**

In addition to the overarching detrimental effects of MFMDH and Foreign Affair policies above described and ongoing fierce battles unfolding around gender in education and trans rights, there are other effects of anti-gender politics to be looked at, in particular in what concerns of rising levels of gender- based violence.

As shown previously, the transplanting of anti-gender ideology to statecraft went hand with the ideational shift of the national human rights policy frame towards the prioritization of “violence, vulnerability and measures of protection”, in detriment of an epistemology that views human rights as protection against violence and exclusion, redress of inequalities and enhancement of freedom and autonomy. Quite strikingly this re-orientation that prioritizes the combat against violence is not translating into concrete measures aimed at the protection of vulnerable groups and persons directed impacted by gender base violence broadly speaking. For example, available data informs that, between 2018 and 2019, the overall number of homicides has decreased in Brazil, but the number of femicides has increased by 7,3 percent. Though national data is not yet available for 2020 there are strong signs that both lethal violence against women and the number of rapes has steadily during the year under the disastrous impacts of the COVID 19.

In the case of lethal crimes against LGBT+ persons one recent positive development is that the annual report on violence Mapa da Violência, published by the Forum Brasileiro de Segurança Pública has, in 2019, for the first time included the category LGBT+ victims. Although this is to be applauded, the addition of the category does not allow yet for analyzing trends across time. This means that the only available sources to offer historical series on LGBT murders are those established by LGBT NGOs and networks, that are based on press news.

One of this sources is the Annual Reports prepared by ANTRA – the National Association of Travestis and Transsexuals. ANTRA’s last report shows that the number of homicides of trans persons, which had decreased between 2018 and 2019 (following the overall trend of lethal violence), in 2020 has also increased from 124 to 175, making Brazil once again the world champion of transphobic crimes.<sup>77</sup> The report also remarks, once again, that these crimes are not properly investigated and that police and judicial procedures are often biased and selective in ways that lead to the concealment of the scale and nature of transphobic crimes in the country. In particular, these investigations do not value, as they should the cruel

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<sup>77</sup> See the ANTRA full report: <https://antrabrasil.org/assassinatos/>

features of these murders, in particular of trans women, as it has been consistently reported in academic research.<sup>78</sup>

Although it is not possible to attribute the rise of gender-based violence, including against trans persons, to the sustained propagation of the “gender ideology” strawman, it is not seem absurd to raise the hypothesis that this overall anti-gender political climate drastically hinders the promotion of reasonable debates on femicide and transphobic violence and, most principally, create insurmountable barriers for the prevention of this escalating violence. Against this backdrop, it is deplorable and totally unjustifiable that the MMFDH was not able, neither in 2019 nor in 2020, to fully spend its budget devoted to the prevention and response to gender-based violence. In the same manner, it has just used 4,3 percent of funds available in 2019 for the national LGBT+ policy and in 2020, the Secretaria Nacional de Proteção Global where human rights protection at large is allocated, has used just roughly 20 percent of its budget (R\$ 40,3 million).

## **Civil Society Responses**

This session offers a concise description of the most relevant civil society initiatives in response to expanding anti-gender crusades in Brazil, which does not do full justice to the vast gamut of projects and mobilizations engaged in contestation and containment of the detrimental effects of these state and non-state led campaigns.

### **Gender in Education**

Long before the intense eruptions of anti-genderism in 2018, CSOs and researchers have been tracking and contending attacks on gender. These efforts have gradually coalesced in a plural coalition comprising teachers unions and federations, NGOs engaged in the promotions of the right to education, feminist CSOs, LGBT+, and anti-racist networks.<sup>79</sup> This coalition has sustained a number of strategic litigations at the

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<sup>78</sup> One example is the study performed by NUH, the center for sexuality research of the University of Minas Gerais (UFMG) that examined the police and judiciary data base on the homicides of transpersons, identifying caveats of investigations but also the blatant cruelty of a substantive number of these murders. Accessible here: <https://www.fafich.ufmg.br/nuh/2020/01/09/divulgado-o-relatorio-dos-registros-de-homicidio-envolvendo-lgbts-em-minas-gerais-entre-2016-2018/>

<sup>79</sup> Artigo 19, Associação Brasileira de Famílias Homotransafetivas (ABRAFH), Associação Brasileira de Gays, Lésbicas, Bissexuais, Travestis, Transexuais e Intersexos (ABGLT), Associação Mães pela Diversidade, Associação Nacional de Pós-Graduação e Pesquisa em Educação (ANPED), Associação Nacional de Política e Administração de Educação, Associação Nacional dos Centros de Defesa da Criança e do Adolescente (ANCED), Cidadania, Estudo,

Supreme Court, which constitute the best example of institutionally grounded response to anti-gender politics in Brazil. It is certainly a model to be looked at, even, in the current Brazilian political climate, successful high-level litigations do not automatically translate into transformed realities at the ground level.

### *Strategic litigation against anti-gender legislation in education*

In the last few years, organizations for the defense of public education, in partnership with human rights, feminist, LGBTI, and anti-racist organizations have started a series of strategic litigation lawsuits to contest state and municipal level anti-gender education laws. The Supreme Court has already judged eleven of them, mobilized by the *Escola Sem Partido* and their allies. These decisions reaffirm existing legal frameworks that ground the offering of gender and sexuality education in the Brazilian public school system.<sup>80</sup> They also defined as unconstitutional aggressions and persecutions against teachers engaged in gender and sexuality education and state that it is the duty of the Brazilian State to guarantee gender and sexuality education to prevent or sexual abuse and domestic violence against children and adolescents.<sup>81</sup>

The Court has also established clear boundaries between the rights of families and the rights of children and adolescents to access humanistic and scientific knowledge in the school system, as part of their constitutional rights to citizenship. Despite having been defeated the anti-gender and *Escola sem Partido* groups have not relented. They continue to promote campaigns against gender programs and teachers that

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Pesquisa, Informação e Ação (CEPIA), Articulação de Mulheres Brasileiras (AMB), Associação Nacional de Travestis e Transexuais (ANTRA), Associação Nacional de Juristas pelos Direitos Humanos LGBTI (ANAJUDH), Campanha Nacional pelo Direito à Educação, Centro de Defesa da Criança e do Adolescente do Ceará (CEDECA Ceará), Centro de Estudos Educação e Sociedade (CEDES), Cidade Escola Aprendiz, Comitê da América Latina e do Caribe para a Defesa dos Direitos das Mulheres (CLADEM Brasil), Centro Feminista de Estudos e Assessoria (CFEMEA), Cidadania, Estudo, Pesquisa, Informação e Ação (CEPIA), Conectas Direitos Humanos, Confederação Nacional dos Trabalhadores em Educação (CNTE), Confederação Nacional dos Trabalhadores dos Estabelecimentos em Educação (CONTEE), Conselho Nacional de Igrejas Cristãs, Frente Nacional Escola Sem Mordada, Geledés – Instituto da Mulher Negra, Grupo de Advogados pela Diversidade Sexual e de Gênero (GADvS), Instituto Alana, Instituto Brasileiro de Direito da Família (IBDFAM), Movimento Educação Democrática, Open Society Justice Initiative, Plataforma de Direitos Humanos – Dhesca Brasil, Projeto Liberdade, Rede Nacional de Religiões Afro-brasileiras e Saúde (RENAFRO), Sindicato Nacional dos Docentes das Instituições do Ensino Superior (ANDES-SN), THEMIS - Assessoria Jurídica e Estudos de Gênero, União Nacional dos Conselhos Municipais de Educação (UNCME), Associação TAMO JUNTAS – Assessoria Jurídica Gratuita para Mulheres Vítimas de Violência.

<sup>80</sup>See: <http://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=450392&ori=1>;  
<http://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=442331&ori=1>;  
<http://www.stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=446545>

<sup>81</sup> Carreira, Denise. Gênero na BNCC: dos ataques fundamentalistas à resistência política. Educação é a Base? 23 educadores discutem a BNCC. São Paulo, Ação Educativa, 2019.

are engaged in them and keep tabling law provisions that are adamantly at odds with Constitutional definitions on freedom on consciousness, and pedagogical frameworks (art. 206, item III). As to further illustrate the country's political climate and how it affects gender and educational matters, in November 2020, the Court would examine the last five lawsuits that had been tabled to contest anti-gender laws. However, the examination was postponed by the Chief Justice, probably because Court became the target of fierce digital attacks.

## **LGBT + Rights**

The Brazilian Association for Gays, Lesbian, Trans, and Travesti Rights (ABGLT) and the National Association for Trans Rights (ANTRA) have been and continue to be key actors at the anti-gender frontlines described in this report. They have responded to the contestation of policy measures adopted since 2019, such as the demise of the LGBT+ Council, the non-use of existing budgets, and, in particular, the lawsuit presented by ABGLT calling for the transparency of the foreign gender policy. Their work is also critical in the documentation of human rights violations, in particular of lethal violence, which allows for the contestation of official data. These two networks have also systematically criticized and responded to positions taken by Brazil in international arenas in relation to gender and LGBT+ rights.

## **Gender knowledge production**

It is not possible to fully map the multiple initiatives underway to study and map anti-gender politics in its multiple connections with national and transnational forces. The academic field of gender and sexuality research has also invested in the investigation of how policies adopted since 2019 are impacting specific domains of institutional and social life. Academic associations have also responded to attacks on social science knowledge production and gender and sexuality studies. In 2021, for example the new line of funding for the study of the family has triggered a number of public critiques.

## **Foreign Policy**

Since 2019, the anti-gender developments in Foreign Policy are also being tracked and responded to by CONECTAS Human Rights and its Brazilian and international partners. These efforts have attained a quite substantial impact in Brazilian media vehicles in 2020.

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