



SITUATION OF LGBTI PERSONS IN BRAZIL

Brief Assessment of the Implementation of the Cycle 3 of the UPR: During its III UPR Cycle, Brazil received 12 UPR recommendations regarding the human rights of LGBTI persons. Nine of the recommendations received focused on the issue of combating violence and discrimination against LGBTI persons. Four of those recommendations (136.4, 136.41, 136.43, 136.44) focused on adopting legislation explicitly prohibiting violence and discrimination on the grounds of SOGI while three of them focused on effective recording, reporting and investigation of crimes against this minority. Brazil also received recommendations on duly protecting the rights of LGBTI persons in prison (136.9) and combating hate crimes against LGBTI persons by including human rights in education curricula (136.67).

National framework: There is no federal legislation regarding LGBTI rights in Brazil, and its majority is guaranteed by the Judiciary, especially by the Supreme and Federal Courts. Civil rights are mostly guaranteed, such as the right to equal marriage and adoption (ADI 4277), the right to donate blood without facing discrimination (ADI 5543), the right to change one's name and gender for transgender people (ADI 4275), and the recent ruling stating that violence against LGBTI people is a crime (ADO 26). Despite the legal framework, its full implementation remains a challenge due to lack of compromise of the current administration.

The rights most commonly violated:

Right to life, security and protection from violence

Right to proper healthcare

Right to gender self determination in all contexts, including in the prison system

Right to an education free of discrimination

Challenges	Cases, facts, comments, impact
To implement security policies to protect LGBTI people from violence and hate crimes.	There is no standard in the public security policies. Brazil remains sadly undefeated in leading the violence and murders against travestis and transsexuals globally. According to ANTRA, there were 140 transgender persons murdered in 2021. And according to Grupo Acontece, there were 317 LGBTI persons murdered in the same year.
To pass legislation to combat hate crimes.	Since Brazil's re-democratization in 1988, no legislation has been passed to protect LGBTI persons, leading to a scenario of profound legal insecurity and violation of basic human rights. There was no institutional articulation of the Brazilian government to approve legislation of this kind whatsoever.
Ensure the self-determination of travestis, transsexuals, intersex and transgender men in the Prison System.	LGBTQIA+ people in the prison system face a lack of access to health care, especially mental health, sexual health and those specific to gender transition for transgender people who have hormone treatment or other specific care interrupted upon entering the system. In Belo Horizonte, state of Minas Gerais, it was reported a wave of suicide attempts by LGBTI+ in the prison system in 2021, with four deaths only in 2022.
To implement public policies to obtain statistical data on the LGBTI population and hate crimes.	As there is no standard in the public security policies, there's also no database on hate crimes or institutional violence, which makes it difficult to elaborate specific policies to LGBTI persons and to establish mechanisms for investigation and administrative accountability for acts of rights violation.
Insert topics related to sexual orientation and gender identity diversity education in the schools' curricula.	The school environment continues to be one of the most violent for this community due to LGBTphobic bullying and attempts to prevent discussions about

diversity, gender and sexuality in schools remain, coming from state representatives who insist on the fallacious "gender ideology", which intends to criminalize sexual and gender dissidences, as well as prevent the effective confrontation of the various forms of criminalization. There is no policy to ensure rights to LGBTI children and teens, to prevent violence and to ensure self determination of gender. Also, there's no standard in school's curriculum

RECOMMENDATIONS

- 1) Create police protocols to address homophobic and transphobic violence in Brazil, as well as for the correct care and approach of LGBTI+ people by public security agents;
- 2) Guarantee the right to self-determination of gender and use of the name for travestis, transsexual women, trans men, transmasculine and other trans people, without any type of discrimination or shame, 14 regardless of bodily or surgical alterations, as well as without any type of differentiated treatment;
- 3) Include themes related to comprehensive sexual education and tolerance to diversity in the school curriculum;
- 4) Bring forward and take steps to approve legislation to ensure the full implementation of the STF's decision regarding the criminalization of homophobia and transphobia, providing for protective measures and investments in public facilities for comprehensive care and protection;
- 5) Strengthen the Federal Program for the Protection of Human Rights Defenders and ensure that the deaths of LGBTI HR defenders are thoroughly investigated and those responsible for said crimes are held accountable.

ADVANCED QUESTIONS

- *What measures does Brazil foresee to establish a national system to integrate states' policies to ensure a unified database and register hate crimes against LGBTI persons?*
- *What measures does Brazil foresee to ensure that legislation regarding the situation of LGBTI+ in prisons and criminal justice is along with international human rights standards?*
- *In response to your national report, after the diagnosis of LGBTI+ individuals in the prison system published in 2020, what measures will you take to prevent violations of the rights of LGBTI individuals in said condition?*
- *What measures does Brazil foresee to strengthen the Federal Program for the Protection of Human Rights Defenders and to ensure that the deaths of LGBTI defenders are thoroughly investigated?*

CONTACT INFORMATION

Associação Brasileira de Gays, Lésbicas e Transgênero

E-mail: abglt@abglt.org or gustavocoutinho@abglt.org

Submission and other documents: www.abglt.org/international