



Permanent Mission of Brazil to the United Nations Office in Geneva
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The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights and, with reference to the note of 29 December 2014 regarding good practices and ways to overcome violence and discrimination on the basis of sexual orientation and gender identity, has the honour to send herewith the requested information.

The Permanent Mission of Brazil avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.

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INTRODUCTION

Resolution 27/32 of the Human Rights Council called for the update of Report A/HRC/19/41 on good practices and ways to overcome violence and discrimination based on sexual orientation and gender identity.

As one of the sponsors of the resolution, the government of Brazil is pleased to provide the following information concerning public policies to promote and protect human rights of LGBT people.

Brazil reaffirms its commitment to eradicate all forms of homophobic, lesbophobic and transphobic violence. Article 5 of the Federal Constitution of Brazil establishes that "All persons are equal before the law, without any distinction whatsoever, Brazilians and foreigners residing in the country are ensured the inviolability of the right to life, to liberty, to equality, to security and to property (...)".

In order to fulfil such a constitutional provision and in recognition of the special vulnerability of LGBT people, the Brazilian government has implemented several public policies aimed at raising awareness about LGBT rights, disseminating a culture of peace and respect for diversity and preventing all forms of homo, lesbo and transphobic violence. In addition, the governmental capacity to deal with issues related to LGBT rights has been progressively enhanced in the latest years.

In 2004 the federal government launched the program "Brasil sem Homofobia" (Brazil Without Homophobia), which is based on a number of initiatives to prevent and halt violence and discrimination against LGBT people and promote their social inclusion. It was all about the cooperation between the federal government and representatives of civil society organizations that, together, provided training and awareness raising programs to public officials on LGBT issues.

In 2009 the federal government made another step forward and created the General Office for the Promotion of LGBT Rights, as part of the Secretariat for Human Rights of the President's Office. Its mission is to encourage and coordinate national and regional capacity building efforts, in order to strengthen governmental response against homo, lesbo and transphobic violence at federal and local levels.

In 2010 the National Council Against Discrimination and for the Promotion of the Rights of Lesbians, Gays, Bisexuals and Transgender People (CNCD/LGBT) was formally created. It

is a consultative body, composed of eighteen members: 9 governmental representatives (of several Ministries) and 9 representatives of civil society organizations, elected for a two-year term.

Finally, in 2013, the National System to Fight Violence Against LGBT People and to Promote LGBT Rights came into force. The National System is a response to an appeal from civil society organizations for enhanced governmental capacity against homophobic violence. It encourages the creation of regional councils for supervision, regional plans and regional executive bodies that will coordinate efforts to prevent violence and punish perpetrators.

The core of the National System consists of a national network of councils on LGBT rights, each one of which is composed of governmental and civil society representatives that should encourage the decentralization, planning and implementation of public policies targeting the LGBT population in every region of Brazil.

It is also worth mentioning the following initiatives encouraged by the Brazilian government to strengthen the institutional capacity of local governments: (i) creation of Regional Committees Against Homo, Lesbo and Transphobia, which monitor cases of violence against LGBT people; and (ii) cooperation with States and municipalities to provide training and capacity building to security forces to deal with homo, lesbo and transphobia.

The aforementioned efforts illustrate the importance given by the government of Brazil to this pressing issue. From the Brazilian perspective, the promotion and protection of LGBT rights are an international obligation, which stems from the recognition of human rights instruments, including but not limited to the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights.

In the following sections, this paper will provide more detailed information on public policies implemented by the government of Brazil in the recent past in order to ensure that LGBT people may enjoy all their human rights in an environment free from violence and discrimination.

CIVIL SOCIETY PARTICIPATION

In 2008 the Brazilian government organized the first National Conference on LGBT Rights, which gathered more than 1.000 governmental and civil society representatives, along with more than 300 observers from 14 countries. The most important outcome was the adoption of the National Plan for the Promotion of Social Inclusion and Human Rights of Lesbians, Gays, Bisexuals and Transgender People (PNLGBT).

The National Plan may be considered a long-awaited response to a request by Brazilian civil society organizations for enhanced dialogue on LGBT issues. It also contributed to strengthen the efforts for the implementation of the Brazil Without Homophobia program.

In 2011 the participants of the second National Conference on LGBT Rights assessed the implementation and effectiveness of the PNLGBT and jointly defined a new set of goals and guidelines for the national policy on LGBT issues.

Also in 2011 the National Council Against Discrimination and for the Promotion of the Rights of Lesbians, Gays, Bisexuals and Transgender People (CNCD/LGBT) held its first meetings. The Council is now part of the structure of the Secretariat for Human Rights of the President's Office and is frequently consulted on issues related to public policies for LGBT people. It is composed of 9 governmental representatives and 9 members elected by civil society organizations.

DATA COLLECTION ON VIOLENCE AND DISCRIMINATION

The Brazilian government is concerned by the lack of credible data on violence and discrimination against LGBT people, not only in Brazil, but worldwide. We believe that without sound information the effectiveness of public policies tends to be thwarted.

To fill such a gap, the federal government has produced annual Reports on Homophobic Violence in Brazil since 2011. Most of the data is collected by the "Disque 100", a free answering call center that receives complaints of human rights violations on a national scale.

The "Report on Homophobic Violence in Brazil - 2012" revealed some important patterns of violence against LGBT people:

82,2% of the cases reported refer to psychological violence, such as bullying, humiliation, threats or verbal hostility. In many cases, however, psychological violence occurs concurrently with other homophobic manifestations, including physical violence, negligence and abandonment. 72,01% of the cases reported imply some kind of open discrimination, such as denial of access to public spaces and other forms of segregation. 32,68% of the cases reported refer to physical violence.

It is also worth noting the special vulnerability of LGBT people to homo, lesbo and transphobic homicides. The data collected suggest that at least 310 homicides were motivated by homo, lesbo or transphobia in Brazil in 2012.

According to the "Report on Homophobic Violence in Brazil - 2012":

"Homophobia has a multifaceted nature, which encompasses more situations than those dealt with by our Penal Code. It is not limited to irrational rejection or hatred against homosexuals, but it is also an arbitrary manifestation of an idea according to which the other person is at the opposite side, as an inferior or an abnormal human being. Due to the perceived difference, the "other" is deprived of humanity, dignity and personality. [...] Human rights violations related to sexual orientation and gender

identity, which affect mainly LGBT population, [...] include several forms of abuse and discrimination and are usually aggravated by other forms of violence, hatred and exclusion, based on age, religion, race/color, disability, and socioeconomic situation." (2013; pp. 10-11)."

In addition, the Brazilian government has supported extensive research on homo, lesbo and transphobic violence, bullying and related issues in schools, with a view to assessing whether and how discrimination affects the ability of LGBT people to enjoy their right to education and how to properly address it. It is worth mentioning the following reports:

"Prejudice and Discrimination in Schools": quantitative analysis of five hundred schools all over the country, about beliefs, attitudes and values related to discriminatory practices against LGBT people in schools. It was based on the answers of students, teachers and other school staff, and parents.

"School Without Homophobia": quantitative analysis in 11 Brazilian capitals, which demonstrated the prevalence of homophobic attitudes in Brazilian schools.

"Talking about Violence and Coexistence in Schools": this survey was conducted in five Brazilian capitals concerning bullying, robberies, thefts, racism, homophobia, gender and persons with disabilities. It also addressed relations between schools and families, punishments and school management.

"National Survey on Health in Schools": this survey addressed issues related to bullying, reproductive and sexual health, violence and security in public and private schools.

The Brazilian government has also encouraged regular assessments on the health situation of LGBT people. The results have been used to improve the quality of health assistance provided by the public health system (Unified Health System - SUS) to this population. Those reports have demonstrated that homophobia is a structural and cultural phenomenon that tends to dehumanize persons perceived as expressing forms of sexuality other than heterosexuality. It is more likely to affect lesbians, gays, bisexuals and transgender people, but it may also affect intersex and persons with gender expression different from the ones usually associated to their biological sex. The main causes of homo, lesbo and transphobic violence are, therefore, cultural norms about what "normal" or "acceptable" patterns of sexual behavior are.

In this context, verbal and physical violence against LGBT people tend to be socially condoned, creating a dangerous environment that inhibits their full enjoyment of human rights. To change this, the Brazilian government deems it important to promote awareness raising campaigns and public policies that promote tolerance and respect for sexual diversity.

LGBT PEOPLE DEPRIVED OF THEIR LIBERTY

In 2014 the CNCD/LGBT and the National Council on Criminal and Prison Policies adopted a joint resolution to regulate the treatment of LGBT people deprived of their liberty. The main concern was the promotion of human rights and the prevention of sexual violence and discrimination against LGBT prisoners.

The Resolution determined that:

Transgender prisoners have the right to be called by their social name. The social name should be registered in the admission file and any other document related to the prisoner.

The members of LGBT prisoners' families are entitled to the same social benefits (including social security) as the families of other prisoners, without any discrimination whatsoever.

Transgender prisoners should be incarcerated in female prisons and female transgender persons should be given the same treatment as any other women in prison.

EDUCATION

The Brazilian government encourages continuing education of fundamental, middle and high school teachers on issues related to gender equality and sexual diversity.

The Ministry of Education has sponsored post-graduate and/or extension courses that enhance the ability of teachers to deal with LGBT students and promote tolerance and human rights in schools, such as: "Education and Human Rights", "School that Protects", "Gender and Diversity in School" and "Management of Gender and Racial Public Policies".

The target audiences are not only teachers, but also school managers, public officials, members of school councils and/or intergovernmental fora and representatives of civil society organizations. The Ministry of Education invested roughly thirteen million dollars in fellowship programs to support those initiatives in 2012.

Brazil has also invested in the production of teaching materials on diversity and tolerance. Some of the most recent publications are:

"Management of Gender and Racial Public Policies";
"Gender and Diversity in School - Education in gender, sexuality, sexual orientation and ethnic and racial relations";
"Diversities: Gender and Sexuality Dimensions";
"Gender, Sexual Diversity and Education: Concepts, Law Practices and Public Policies".

Moreover, the Brazilian government has encouraged academic research on issues related to LGBT Rights. In recent years, the Ministry of Education has provided funds to thematic research on the "Promotion and Protection of the Rights of Lesbians, Gays, Bisexuals, Tranvestites and Transgender

People", including the history of LGBT social movement, discrimination at workplace and other issues related to sexual orientation and gender identity. It has also provided training to civil society representatives in grassroots and communal organization, as well as other forms of pacific association.

In order to reach a broader audience, the Ministry of Education provided funds to a television series on educational experiences that discuss LGBT rights at schools. Five episodes were produced: (1) Human Rights and Sexual Diversity; (2) Sexual Orientation and Gender Identity, (3) Education for Diversity, (4) Different Perspectives on Education and Sexual Diversity, and (5) Debate on Education and Sexual Diversity.

In 2011 the Ministry of Education issued a new regulation that recognized the right of transgender people to use their social names in internal and public proceedings, such as national exams, selection processes and others.

HEALTH ASSISTANCE

The Brazilian government has adopted the National Policy on Comprehensive Health Assistance to LGBT People, which established the guidelines, specific goals, and competences of governmental and private health institutions responsible for providing health assistance to LGBT people.

Since 2008 the Brazilian Government has provided transgender people with full, free of charge assistance in sex reassignment surgery. The Brazilian public health system provides all necessary medicines, psychological and social assistance, as well as the surgery itself, without any cost for the transgender person.

Specific topics related to LGBT rights were also included in the National Policy of Comprehensive Health Assistance to Women, in the National Policy of Comprehensive Health Assistance to Men, and in the National Plan for Health Assistance in the Prison System.

The Ministry of Health has also launched an awareness raising national campaign to help improve self-esteem of transgender people: "I Am Transgender. I Have The Right To Be Who I Am". The initiative helped to promote a positive social image of transgender people, to disseminate information about prevention of Sexually Transmitted Diseases and HIV/AIDS, and to prevent violence and discrimination in health assistance institutions.

CONCLUSION

Brazil commends the Human Rights Council for adopting Resolution 27/32 on sexual orientation and gender identity during its 27th Regular Session on September 2014, and reaffirms its commitment to promote and protect human rights and to ensure their full enjoyment without any discrimination whatsoever.

The aggravated vulnerability of lesbians, gays, bisexuals and transgender people to violence and discrimination based

on sexual orientation and gender identity requires urgent action by the international community. Non-discrimination has been a foundational principle of International Human Rights Law since the creation of United Nations and Member States should make all necessary efforts to live up to it through enhanced dialogue and cooperation.

Brazil will continue to advocate for a world free from violence and discrimination based on sexual orientation and gender identity.