FOR A BRAZIL WITHOUT HOMOPHOBIA

Francisca de Paula de Oliveira

ABSTRACT

The aim of this paper is to analyze processes by which power relations are established between the State and the Brazilian LGBT movement from 2004 to 2015. It seeks to understand a set of actions that resulted in the creation of a government program entitled “Brazil without Homophobia” (BSH). Thereunto, we present a brief history of the program in order to analyze its insertion in the public policy field. In the interpretation of these actions, designs of LGBT policies are on focus. The recognition was analyzed based primarily on the theoretical framework of Fraser (2001); and the public policy proportion was analyzed based on the theoretical and conceptual contribution of Frey (2000). The methodology included analysis of official documents, literature and free interviews with significant actors on the subject here focused.

KEYWORDS

LGBT Movement; recognition; public policy; Brazil without Homophobia.

Introduction

In this article we analyze a set of actions focusing on the process of building the demands for recognition of the Brazilian population of Lesbian, Gay, Bisexual and Transgender – LGBT rights, which culminated in the creation of a government program, entitled “Brazil without Homophobia” (BSH).

Initially, a brief historical background about the source of the referred program is exposed; then we investigate its inclusion in the Public Policy scope. The methodological approach was supported by bibliographic and documentary research as well as interviews with activists of the Brazilian LGBT movement.

The “Brazil without Homophobia” (BSH) program, created in 2004 within the Special Secretariat for Human Rights, during the first administration of the, at the time, President Luís Inácio Lula da Silva, has the basic premises:

a) Deploy throughout the national territory Human Rights Reference Centers for the Fight against Homophobia;
b) Finance Research Centers and promote LGBT citizenship;
c) Enable groups and leaders in the subject of human rights for the fight against Homophobia.

This government program, in its set of propositions, enters the history of the LGBT population as a symbolic framework of public policy, despite the apparent instability in the con-

---

1 Paper presented by the WG “Políticas públicas de gênero e agenciamento: da disciplina dos corpos à inclusão e às garantias de direitos”, at the Fifth International Congress on Cultural Studies: Gender, Human Rights and Activisms.

2 Professor of the Social Sciences Course of the Federal University of Amapá (UNIFAP). Deputy Coordinator of the Open University of Brazil (UAB). E-mail: fpoliveira48@gmail.com
solidation of LGBT citizens. However, while the “Brazil without Homophobia” was built from a public policy perspective, it is clear that, from a functional point of view, this program did not incorporate all of the relevant instruments to the primary idea.

Klaus Frey (2000) subsidizes this debate by providing a methodological theoretical apparatus about public policy, considering the context in which it was generated. For this purpose, the author points out contradictions inherent in public policies in Brazil to analyze their applicability. In this sense, he describes the constitutive mechanisms of the *policy cycle* while processing the formulation, implementation and evaluation of impacts.

The set of actions contemplated in BSH, although being in line with the dynamics of the *policy cycle* (Frey, 2000), differentiates between what “should be” - the process of formulating actions - and what is perceivably implemented. We can observe that the dimension of public policy considered here reflects various situations of political setbacks that hinder the full exercise of LGBT citizens.

In the following discussion, a brief consideration of Human Rights will be established, given that Brazilian managers attribute to such rights a sense of public policy. This idea was a key element in 1996, during the first version of the National Human Rights Plan (PNDH). However, the lack of reference regarding human rights of LGBT population was evident. With the second version of the National Human Rights Plan (PNDH II) in 2002, the inclusion of LGBT people is implicitly seen. However, among 518 proposed actions, only five contemplated such demand.

Another factor that precedes the creation of the “Brazil without Homophobia” refers to the consolidation of the Brazilian democracy in the 1980s. Throughout that decade, the Brazilian State proposed to ensure and protect the rights of all citizens. Thus, due to the possibility of the full exercise of citizenship, voices in favor of the recognition of the rights of LGBT people echoed in the Federal Congress. On this issue, it is worth noting the attempt to include in the Brazilian Constitution of 1988, terms such as “sexual orientation” and “gender identity” (CARRARA, 2001, p. 134), which was foiled.

Meanwhile, from the conventional point of view, the realization of dialogue between the LGBT movement and the Brazilian government was given by the installation of Councils through which priorities were signed to compose the government agenda. But only in December 2010 the “National Council to Combat Discrimination and Promotion of Lesbian, Gay, Bisexual, and Transgender (CNCD/LGBT) – Decree n. 7.388” (Portuguese: *Conselho Nacional de Combate à Discriminação e Promoção dos Direitos de Lésbicas, Gays, Bissexuais, Travestis e Transexuais* - CNCD/LGBT) was created, which ensured that population a political participation.

### Analysis of the “Brazil without Homophobia” program in view of the Recognition theory

The “Brazil without Homophobia” program, besides emerging as a public policy proposal, also constitutes the basis for recognition of the rights of LGBT people. This analysis focuses on the notion of Recognition and seeks to clarify how such public policy interconnects the social recognition of LGBT individuals.

The term *Recognition*, whose meaning attaches positive value to the subject, was coined in the philosophical scope by authors such as Axel Honneth and Nancy Fraser. In
Fraser’s interpretation (2001), the concept of recognition turns out to be relevant when she questions the attribution of meanings to differences.

The dynamic of recognition, in Fraser’s version, refers to “Participatory Parity”. In this perspective, this term is especially associated with the pragmatism of this author, as she brings the gender issues that emerge in the contemporary scene.

In the discussion and analysis of this dynamic, Fraser summarizes the recognition policies. This suggests an interpretation, above all, since the term takes on a critical dimension in the contemporary world in which the proliferation of differences claims the right to be different.

Then, thinking about the mainstreaming of exposed policy, emphasis is placed on the process that culminates in the political recognition of the LGBT movement. Another way to understand this mainstream would be the multiple dimensions of the marked actions in the “Brazil without Homophobia”, because it is clear that this program condenses a bundle of actions without a monitoring and financing structure.

Still in this bias, this government program provides a set of actions that tangent, peripherally, public policies. Its scope covers precariously within the policy itself. Also, it did not overcome the performance of focus in the context of homophobia, only one of the numerous problems faced by the LGBT population.

In this context, the BSH worked as a monitoring political tool of LGBT requests. Therefore, its importance is due to the insertion of these requests in the government agenda, as well as scheduling and guiding such requests, up to now barely visible to the State. It is understood, therefore, that this program promoted the political recognition of the LGBT movement on a governmental level.

From the moment that the Lula government pledged to combat violence and discrimination against the self-declared LGBT social actors, this political attitude change initiated a great excitement inside and outside the national LGBT movement. That is, Lula, by emphasizing the BSH recognition of LGBT identities in the governmental level, impacted several sectors of the Brazilian society.

Analysis of the contradictions inherent to the BSH formulation process

In the LGBT activism field, differences in interpretation of the BSH prevail. If for some activists this program means a regulatory event for LGBT public policy, for others this program not only intimidates the movement’s actions in question, but also limited them.

It is worth mentioning that Julian Rodrigues recognizes that the creation of the BSH accepted the citizen participation of LGBT people. According to this activist, the construction of this government program represented a political alliance between the LGBT population and the Workers’ Party (Portuguese: Partido dos Trabalhadores, PT) government. Based on these considerations regarding BSH, we can observe a distinct way to enter the political participation spaces and ensure the rights that were denied to LGBT individuals. In this aspect, Julian Rodrigues says:

---

Julian Rodrigues is an activist in the CORSA group, of the Aliança Paulista LGBT and ABGLT.
The major milestone was the Brazil without Homophobia Program, because it opened the channels of participation and opened doors in ministries. The problem is that BSH was not institutionalized by decree, ordinance, etc. It was not included in the Multi-Annual Plan (Plano Plurianual - PPA) nor explicit in budget actions. The program followed because of the managers’ goodwill and a lot of political harmony with the LGBT movement, especially the ABGLT. The first Conference, however, had ANOTHER construction process. Another heavy-weight player entered the scenario - the sectoral LGBT of PT. In 2006, I organized the preparation (as the Sectoral Coordinator) of Lula’s LGBT program (Building a Brazil without Homophobia). (Julian Rodrigues, interview granted by email, on Dec 11, 2012).

Analyzing the contradictions that have been identified throughout the BSH formulation process, two aspects are particularly relevant. In first place, the contradictory position of the LGBT movement with the government. In second place, to make room for negotiation, the government brings to the center of discussion the conflict of interest. However, power relations are permeated with preconception, which triggers new conflicts.

In this sense, as indicated by the activist Lula Ramires⁴, the BSH does not have the law status. Because of this, it cannot be seen as the regulatory event of public policies claimed by the LGBT movement. Put in another way, this activist argues:

> In my very modest opinion, I do not see a regulatory event in Brazil without Homophobia nor in the first Conference (considering that this program created the National Plan to Combat Homophobia two years later), because they constitute, in fact, letters of intent and have no legal force that can compel the Executive Power to act firmly in that direction. It is therefore the criterion of “sensitivity” of the duty manager to follow up the actions indicated (or “deliberated”) or not. Like you say, it is a pact or an alliance, if you like, but still very fragile. In my view, it is directly related to the enormous resistance that we still face in the Legislature, especially in conservative and religious stands (fundamentalists), both Catholic and evangelical. (Lula Ramires, interview granted on November 5th, 2012).

Justo Favaretto⁵, activist of the LGBT movement, believes that the union of the movement’s leaders with the Lula government damaged and weakened the claims of the LGBT population. Although he considers legitimate the movement and government approach, the activist said that the proposals of the LGBT public policy “actually remained on paper” with the aggravating factor that there is a widespread impression that much has been solved, which would influence on the overall levels of the movement’s mobilization. In his evaluation of the results regarding this approach, he considers the following:

> The draft law No. 122 in these eight years of Lula’s government, was going “back and forth”, and he did not say a word in favor. But, as he was more sympathetic to the cause, he attended to the first LGBT Conference, raised our flag, which is positively emblematic, so is

---

⁴ Lula Ramires is an activist in the CORSA group, social name: Luiz Ramires Neto; Graduate in Philosophy, Masters and PhD student in Education from the University of São Paulo. He is currently the Policy, Activism and Community Coordinator of the CORSA group.

⁵ “[...]I am First Secretary of the non-governmental organization “Primavera de Sertãozinho” (São Paulo’s inland city), I am a member of the sexual diversity commission of OAB (Brazilian Bar Association) subsection of “Sertãozinho”, but my greatest work is individual, independent, I’m better this way” (Interview granted Dec 30th 2012 via Facebook).
emblematic the President Dilma’s actions, but negatively. (Justo Favaretto, interview granted on Dec 30th 2012, via Facebook).

When asked about the results generated by the BSH, Favaretto was pessimistic:

What results? Homophobic murders increased in an upwards scale, we are world champions in this matter! There is no practical result; we are expelled from school because of homophobic bullying. Transvestites are thrown into marginality due to this as well. Many young people are kicked out of home! And all to keep us quiet by whitewashing the situation without practical effect. (Justo Favaretto, interview granted on Dec 30th 2012, via Facebook).

“Whitewashing the situation without practical effect” is the summarized perception of this activist regarding the relationship between the LGBT movement and the Lula government, above all, concerning this governmental program which proposed to combat violence and discrimination against this population. However, considered or not as regulatory event, it is important to clarify that the BSH was a result of an effective articulation between the government and the LGBT movement. The consequences of these articulations culminated in the campaign support of this movement towards the, at the time, Presidential candidate, Luiz Inácio Lula da Silva.

Thus, a campaign commitment was settled, in which Lula agreed to promote the National Conferences on gender and alternative sexual identities themes. In this context, the political role of the LGBT movement was fundamental in the awareness of the Brazilian government’s recognition regarding LGBT citizens. Julian Rodrigues said this process:

Was the candidate’s public commitment to some important goals, including the holding of the First LGBT Conference. Thus, from the second half of 2007, I opened a dialogue while LGBT sector with the then Minister, Paulo Vannuchi. Workers’ Party members dialogued and discussed how to move forward in implementing the program and agreed in the campaign. Paulo’s performance was fundamental, an ally, and a great minister, sensitive and competent. After this initial dialogue with the sector, we called the ABGLT, ANTRA and other entities to discuss about the construction of the Conference. That is, there was a PARTY MEDIATION before a direct dialogue with the social movement. And everything worked fairly well because most of the movement’s leaders were affiliated or sympathizers of the Workers’ Party (PT) and/or allied to the base parties. Thus, by leaps and bounds, we managed the historic National Conference in June 2008, with the presence of Lula. (Julian Rodrigues, interview granted by email, on Dec 11th 2012).

Later, having located the advances and limitations of the BSH in all of their actions, which address the construction of the government agenda, what remains is to describe how to set the relationship of the LGBT movement with managers of public policies. In general, as Ivair Augusto Alves dos Santos points out, the process that triggered the construction of BSH involved 14 ministries that have committed to add proposals. Trading strategies that required the role of other public policy agents can be understood according to the report of Santos:

---

6 One of the public managers who served as the Special Advisor of the Special Secretariat for Human Rights and as the Executive Secretary of the National Council for Combating Discrimination.
I started talking to each ministry and obtained the support of 14. Each of them put on paper what they could and intended to perform, and the program was the sum of the proposals of each ministry. Some proposals were far too short considering what was needed - but that was not important at the moment. Establish a political and government proposal on the issue was important, as well as expanding beyond health and human rights, involving other areas. This joint work led to the first government document regarding this issue. (Ivair Augusto Alves dos Santos, interview granted to the Dignidade Group. In: Dignidade Group, 2008 p. 79).

Also, according to Ivair Santos, they were very important in the creation and development of BSH, as well as the experiences of entities that make up the national LGBT movement. It is in these terms that this manager refers to the role played by these entities as the following:

The Dignidade Group had the negotiation experience. Another aspect was: the government knows nothing about the LGBT theme. And in this sense the Dignidade Group was fundamental: they conciliated competence in their approach and in their way of speaking with the government so that they could accomplish what mattered to both sides, with great objectivity. (Ivair Augusto Alves dos Santos, interview granted to the Dignidade Group. In: Dignidade Group, 2008 p. 79).

Admired by the solid base on which the political arrangements that shaped the BSH are operated, Ivair Santos argues:

I have not seen any movement with advocacy action as they had with this specific movement. They managed resources for a government program. These amendments were able to implement substantial changes so politics would happen. And the Dignidade Group was ahead. I was surprised with the quickness. They did what no one else did. With the quality in which it was done, was impressive. (Ivair Augusto Alves dos Santos, interview granted to the Dignidade Group. In: Dignidade Group, 2008 p. 79).

Considerations about the challenges on thinking LGBT public policy

Considering the current political scenario, in which the lethargy of legislative and executive powers are visible, the LGBT movement seeks to overcome the setback of negoti-

---

8 The 2015 edition of the “Estado dos Direitos Humanos no Mundo”, released on February 14 of 2015 homophobic manifestations of fundamentalist nature, resulted by political and religious pressure against the public. The report cites statistics compiled by the NGO Gay Group of Bahia (Portuguese: Grupo Gay da Bahia), of which 312 people were killed in homophobic or transphobic hate crimes in Brazil in 2013.
9 Note that the first homophobic manifestations in Congress were led by two deputies: Marcos Feliciano and Jair Bolsonaro. Mr. Bolsonaro, in order to prove the denial of LGBT human rights, called for religion to come to the defense of “gay torture.” He supports the idea of punishing, with physical violence, the child who identifies himself as gay. Along the same line, the deputy Fernando Chiarelli comes out in defense of “drubbing” children that are gay.
10 Under pressure by the homophobic current present in the legislature, President Dilma Rousseff, on May 25, 2011, vetoes the material to combat homophobia produced by MEC, named Kit Anti-Homofobia (Anti-Homophobia Kit). It is noteworthy that the contents of the kit was evaluated and approved by the United Nations Educational, Scientific and Cultural Organization (UNESCO).
ations signed during Lula’s administration. Unequal power relations, in this perspective, emerge as another challenge that has the potential to shake the bases of this social movement. However, the movement’s articulation with the judiciary11 provides a broader understanding of Brazil’s Constitution of 1988. This allows a greater coverage of human rights, to the extent that the Supreme Federal Court of Brazil (STF) recognizes the Stable Union between gay couples and ensures, constitutionality, the adoption by these couples.

Returning to the articulations prior to the origin of BSH, Lula’s administration created the National Council for Combating Discrimination. This brought together representatives of the LGTB community and representatives of the public administration. This participatory management model is concomitantly a structured political field that aims to the construction of the Brazil without Homophobia Program. This government program aimed to act on different fronts, both related to combating violence as well as the promotion of human rights in various areas such as health, education, labor, culture, youth and women matters12.

Therefore, the flexibility characteristic is what distinguishes the first of the second Lula administration. During the second term, the participation of entities that make up the LGBT movement in various power struggles was notorious. In the dynamics of building alliances between this social movement and the government, Lula was a pioneer regarding the participation of the LGBT population as a priority in the government agenda.

However, the recent process of participation of citizens in the current administration of President Dilma is paradoxical, since new forms of social representation are revealed as a permanent expression of diversity and contradiction. In other words, as seen, the entry of LGBT individuals in privileged areas of political disputes has found resistance from social groups and sectors of policy. These, in turn, hindered the opening of plural spaces for political participation.

In this sense, ideological justifications strongly founded on homophobic manifestations bring difficulties to the actions of combating homophobia. The permanence of LGBT individuals in the political participation is ensured by Brazil’s Constitution of 1988. Nevertheless, it is clear that the sexual orientation term was not included in the Constitution as one of the forms of discrimination of differences.

The understanding that we have is that this fact provides the necessary conditions to configure prejudices. Thus, due to a homophobic dynamic, prejudice against LGBT people is engendered in the public policy space; it articulates and reproduces homophobic discourses that are widespread in social environments. Yet, even facing resistance from Brazil’s Federal Legislature to approve anti-homophobic laws, the movement can advance the Health Policy field, answering the LGBT requests.

12 This Program, through the Special Secretariat for Human Rights of the Presidency of the Republic, was launched in 2004. In the same year, the Ministry of Health published an ordinance, calling upon technical committees to discuss issues related to the needs of minority groups excluded from the health public policy, such as the LGBT population. So, in August of 2004, the Comitê Técnico de Saúde LGBT (LGBT Health Technical Committee) is institutionalized, through Ordinance No. 2227, which established a commitment to: 1) systematize proposals considering LGBT health public policy; 2) promote health public policies for this population; 3) incorporate subsidies for the social movements and research in the development of these policies; and 4) take part in actions aimed at LGBT health.
Sequentially, in 2007, the Integrated Plan to Combat the Feminization of the Aids Epidemic and Other STDs was launched. This plan aimed to attend the lesbian and bisexual contingent. In the same year, with the completion of the National Seminar of the LGBT Population Health (Portuguese: Seminário Nacional de Saúde da População LGBT), the need to develop health policies to cover the entire contingent of the LGBT population was discussed, since the Action Plan (established in 2004-2007) did not benefit this population.

That said, when it comes to establishing an overview of the challenges faced by this social movement, we highlight the actions of the Judiciary, which, unlike the Legislature, comes out in the defense of civil and social rights of people who self-declare themselves homosexuals. Thus, the Judiciary returned to the LGBT population the right to build a life in common, in addition to other benefits. Several jurisprudences aimed at the recognition of homosexual couples having the right to adopt children, were also brought forth.

The current representative of the Federal Executive Power promised, during the election campaign, to continue combating homophobic actions. In his government, the main approach measures regarding this theme were given by the creation of the National LGBT Council (Portuguese: Conselho Nacional LGBT) and the holding of the Second Conference. The strengthening of this Council expresses a social mobilization, which defines the relation between the differences, taking into account the sexual orientation.

Finally, the merits of the BSH Program are due to the visibility promotion of LGBT identities and due to the battles in favor of the recognition of these rights, giving visibility to heteronormative contradictions. BSH also led and supported the creation and maintenance, throughout the entire national territory, of the Human Rights Reference Centers for the Fight against Homophobia.

However, multiple challenges set to this social segment are intrinsic to themselves, with contradictions and paradoxes. Only the joint efforts and the mobilization of governmental and non-governmental organizations can overcome the challenges, by making the social politics effectively listen to the LGBT population.

Bibliographic references


