

EVIDENCE REPORT

No 61

Sexuality, Poverty and Law

A Critical Analysis of Public Policies on Education and LGBT Rights in Brazil

Ilana Mountian

March 2014

The IDS programme on Strengthening Evidence-based Policy works across seven key themes. Each theme works with partner institutions to co-construct policy-relevant knowledge and engage in policy-influencing processes. This material has been developed under the Sexuality, Poverty and Law theme.

This report was commissioned by the Institute of Development Studies, University of Sussex.

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We would like to thank Rogério Junqueira for his support, and Daniel Arruda and Leonardo Tolentino for the suggested material.

The material has been funded by UK aid from the UK Government, however the views expressed do not necessarily reflect the UK Government's official policies.

AG Level 2 Output ID: 350

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First published by the Institute of Development Studies in March 2014

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Introduction: conceptual considerations and limitations of the study

Most travestis are outsiders (marginais) their whole lives and when they age they become old outsiders.

(A., travesti)

When I left home I couldn't study any longer because it wasn't possible to reconcile my survival with study and work.

(K., travesti)

This audit analyses key aspects of public policies in education and sexuality in Brazil, which have been designed as part of the wider programme Brazil Without Homophobia (BWH – Programa Brasil sem Homofobia), launched in 2004. Tackling homophobia and its cultural and social effects has been highlighted by a number of authors as an important policy strategy. This is because it contributes to the elimination of discrimination and exclusion experienced by LGBT (lesbian, gay, bisexual and transsexual) people and curtails the negative effects of homophobia on poverty levels and on people's access to basic needs (SIDA and Jolly 2010; Armas 2007).

This report presents an analysis of public education policies and considers where these policies intersect with programmes aimed at preventing and reducing discrimination and violence against LGBT people. The first part of the report details the current Brazilian social context focusing on: levels of inequality and poverty; educational indicators; data on homophobic violence; and an assessment of dogmatic religious discourses that are increasingly affecting policymaking and implementation in areas pertaining to sexuality. The report then considers the intersection of education policies with sexuality, and examines this intersection in relation to national policy measures aimed at tackling homophobia.

In analysing the policy domain of education and sexuality, the study is inspired by (among others) Pecheny and De la Dehesa (2011: 31) who define public policies as 'initiatives taken by the government or by the State, by a public authority, alone or in collaboration, with civil society actors at different levels'. This definition is crucial in Brazil because since the early days of democratisation in the 1980s public policies in a wide range of sectors, including education, have increasingly involved a wide web of social actors. Another conceptual aspect to highlight is that gender and sexuality always intersect with other asymmetries of class, race, ethnicity, age and ableism. This implies that poverty measures cannot be defined exclusively in terms of lack of access to income, but rather must also take into account other dimensions of social exclusion (Chambers 2005).

In common with many other countries, sexuality has not figured historically in Brazil's pantheon of so-called 'structural policies', but remained confined to specific areas, such as sexuality education or HIV/AIDS prevention. The fact that sexuality is not usually recognised as a key dimension of social wellbeing is one limitation of social policies because simply by being lesbian, gay, transsexual, *travesti* or an intersex person frequently impairs the ability of these individuals to access educational, economic and social resources. The launching of the BWH programme in 2004 signalled a positive shift in that respect, partly because it coincided with the consolidation and expansion of Brazil's income transfer programme in 2002, when the Workers' Party administration began.

This expanded income transfer programme was renamed *Bolsa Família* (Family Grant), a federal programme of direct income transfer to families in situations of poverty or extreme

poverty. It focuses upon households with children between birth and the age of 15 whose monthly income is of 70 Brazilian reais (R\$) (approximately £18.00). The transfer is directly made to women who are responsible for ensuring children's school attendance and regular health reviews (including vaccination) and who are seen by the programme managers as the most efficient administrators of scarce resources.

Bolsa Família, in combination with other measures such as systematic increases in the minimum wage, has had undeniable positive impacts in terms of poverty alleviation and reducing inequality (Osório and Ferreira 2012). As summarised by Soares (2013):

The most obvious and impactful fact is the following: in 1993, the year before the implementation of the Plano Real (effective in controlling inflation), 23 percent of Brazil's people lived in extreme poverty. (...) The Plano Real transformed that devastating scene in one year: in 1995 — the first year of President Fernando Henrique Cardoso's first term — the percentage of the population in extreme poverty decreased to 17 percent. In 2003, the percentage of people in extreme poverty remained the same. In 2009 it fell to 8.4 percent. A number still excessively high and unacceptable, but also much lower than in the beginning of the 1990s. (Soares 2013)

In 1993, there were 51 million Brazilians with a monthly household income below R\$752 (approximately £190.00) (2011 value). In 2001, there were 46 million. In 2011, this population decreased to 24 million. Those whose monthly household income remained between R\$751 and R\$1,200 in 1993 numbered 41 million. That group fell to 38 million in 2011. On the other hand, Brazilians whose household income was between R\$1,200 and R\$5,147 numbered 45 million in 1993. In 2011, that figure more than doubled, reaching 105 million. Note that during the 18 years in question (1993—2011), Brazil's population grew at a slower rate: in the 1940s the average birth rate was 2.39 and in the 1950s it reached 2.99, while it fell in the 1990s (to 1.64) and even further (to 1.17) in the first decade of the twenty-first century. When the dynamics of demography are taken into account, the meaning behind the process of decreasing inequality is more effectively revealed. These figures encourage Marcelo Neri [economist and former president of the IPEA (Instituto de Pesquisa Econômica Aplicada of the federal government)] to affirm the following: '39.6 million Brazilians entered the tier of the so-called new middle class (class C) between 2003 and 2011 (59.8 million since 1993).'

Given that women were defined as the main beneficiaries of *Bolsa Família*, the programme's impact has been assessed in relation to women's empowerment. These outcomes are defined as gender impacts, although it is not yet fully clear how the positive outcomes of the programme in income terms is altering the sexual division of labour or reducing domestic and sexual violence (Batthyany and Corrêa 2010; Lavinás, Cobo and Veiga 2012). Yet 'sexuality' as a descriptor or marker of social differentials is nowhere to be seen in the *Bolsa Família* guidelines and evaluations. This 'silence' shows that even when the redesigning and expansion of the *Bolsa Família* coincided in time with the launching of the BWH programme in 2004, the articulation between poverty reduction concerns and sexuality – or to be more precise, the effort to reduce discrimination and exclusion of LGBT persons – cannot be simply understood in structural policy terms.

Ideally, a comprehensive assessment of how poverty and sexuality-related policies intersect in Brazil would also require a systematic analysis of how sexuality is (or is not) taken into account by *Bolsa Família*. While it has not been possible to expand the audit in that direction it is worth considering the possibility of such a study in the future. It is to be noted that the definition of family adopted by the programme is wide enough to give room for such an investigation. As defined by the Ministry of Social Development that leads on the income transfer programme:

Family is the nuclear unity composed by husband and wife, eventually enlarged by other individuals from the wider kinship, or the wider circle of affinity that forms a domestic group, living under the same roof and that maintains itself by the support of its members.¹

(Ministry of Social Development, 2004, 2013 website²)

While recognising this limitation of the audit it is also important to underline that expanding the access to education and eliminating barriers to learning within the state school system are also measures that, in the medium and long run, positively impact on poverty and inequality reduction. Consequently programmes designed to prevent homophobia and promote the respect of sexual diversity in the public education system must also be seen as policy measures that contribute to that end.

1 Methodology

The empirical material that informs this audit comes from two main sources. The first is the critical review of policy documents produced by the secretary of continuous learning, literacy, diversity and inclusion (SECADI³ – Secretaria da educação continuada, alfabetização, diversidade e inclusão), the sector at the Ministry of Education since 2004 that has been made responsible for the implementation of the educational components of the BWH programme.⁴ The second main source was a series of seven interviews conducted with key informants from different parts of Brazil who were either directly involved in the development of policies against homophobia in the educational system, or are researchers in this particular domain, and with some LGBT rights activists. A guideline oriented the interviews, but interviewees were free to choose the contents they wanted to answer. The interviews were anonymous and confidential but the profile and institutional affiliations of the persons who participated are provided in Chart 1 below.

Furthermore, members of the research team have participated in a meeting entitled *School trajectories of travestis and transsexual people: history, limitations and rights* organised by the Department of Education of Belo Horizonte (capital city of the state of Minas Gerais) in partnership with LGBT Rights Center of the Municipal Government⁵ that involved *travestis*, transsexual women, educators and policymakers. The meeting was recorded and the transcripts were used in the development of the analysis. Lastly, to provide additional illustrations of the negative impacts of homophobia on access to education and the exercise of citizenship rights, elements selected from six interviews with *travestis*⁶ from previous research (Mountian 2013) were incorporated.

¹ In Portuguese the definition reads as follows: 'Família é a unidade nuclear, eventualmente ampliada por outros indivíduos que com ela possuem laços de parentesco ou de afinidade, que forme um grupo doméstico, vivendo sob o mesmo teto e que se mantém pela contribuição de seus membros'.

² <http://legis.senado.gov.br/legislacao/ListaPublicacoes.action?id=238180> and www.mds.gov.br/bolsafamilia.

³ SECADI, in articulation with other sectors of public education, implements policies in the areas of human rights, literacy and education for young people and adults, special learning, indigenous schooling, rural schools, race and ethnic relations, among others. It aims to contribute to the development of inclusive practices in education and the implementation of transversal public policies.

⁴ The list of revised documents is presented in Annex 1.

⁵ Centro de Referência LGBT da Secretaria Municipal Adjunta de Direitos e Cidadania

⁶ This document uses the term *travesti*, instead of transsexual, to be faithful to the sexual political meaning of this word in Brazil to denote differential modalities of gender performativity. *Travestis* are biologically born male who design themselves as women, who usually do not undergo sex re-assignment surgery but resort to other techniques of body modification, such as hormones or silicone application. This term refers to their identity politics.

Chart 1

1. Staff member of INEP (Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira. Sistema Nacional de Avaliação da Educação Básica/ National Institute for Research and Study on Education Anísio Teixeira)
2. Academic professor and public school teacher for 20 years, worked in public administration, worked on training courses for sexuality and gender in schools
3. Academic researcher and professor, participated in the assessment of training programmes on gender and sexuality funded by the Ministry of Education (GDE (Gênero e diversidade na escola))
4. Public school teacher, worked in public educational administration, participated in SECADI
5. Public school teacher, worked in public administration, and at the Ministry of Education for gender, sexuality and race and ethnicity areas, worked in SECADI
6. Academic professor and researcher on education, sexuality and gender, is a member of National LGBT Council (Conselho Nacional de Combate à Discriminação LGBT), has also worked in SECADI
7. Transsexual woman who is a public administrator and school teacher and participates in Rede EducTrans (a network of transsexual people who work in education, mostly teachers)

2 Brazil's socioeconomic landscape

This sub-section offers concise social and economic statistical information on Brazil as well as a compilation of existing data on discrimination and homophobia.

2.1 Poverty and inequality

Important gains have been made in the last two decades (particularly during 2000) in terms of poverty reduction. Even so, in absolute terms, the number of people living below the poverty level and in extreme poverty is still large enough to necessitate the continuation and improvement of poverty reduction strategies. Between 1992 and 2012 some 12 million people were no longer in absolute poverty; this marks an important reduction in this period from 13.7 per cent (1992) to 3.6 per cent (2012) (IPEA 2013).

Although levels of inequality in Brazil have also been reduced, they remain starkly marked:

If you apply the Gini coefficient to measure income inequality, in 2011, Brazil achieved the lowest level of inequality since 1960, the first year this measurement was used. Between 1960 and 1990, inequality grew from 0.5367 to 0.6091. From that point it decreased until 2010, when it reached 0.5304. It continued to fall in 2011, when it reached the lowest number ever, 0.527. Even though the inequality coefficient was at its lowest ever two years ago, Brazil continues to be one of the 12 most unequal countries in the world.
(Soares 2013)

2.2 Education

2.2.1 Illiteracy

Brazilian illiteracy levels have systematically decreased in the course of the last 30 years. Illiteracy among people aged 15 years or more has decreased 31 per cent between 2001 (12.1 per cent) and 2011 (8.6 per cent). The highest reduction of illiteracy was among people aged between 15 and 24 years (from 4.2 per cent to 1.5 per cent), and 25 to 59 years (from 11.5 per cent to 7.0 per cent).

Today the percentage of illiterate people is 7.9 per cent of the population aged over 10 years old, which corresponds to 13.1 million people. There are 6.5 million men (8.1 per cent of the male population) and 6.6 million women (corresponding to 7.7 per cent of the female population) (IBGE, PNAD 2011: 109, 110) and 50.7 per cent of illiteracy occurs among people aged between 25 to 59 years, equivalent to more than 6.5 million people (IBGE 2012: 122). In 2011, the Ministry of Social Development (responsible for the *Bolsa Família*) registered 5.1 million people (older than 15) who were completely illiterate and 9.4 million people considered functional illiterates (having had fewer than four years at school) who would become beneficiaries of the programme in order to combat inequality related to poor education. This figure confirms the high correlation between poverty levels and access to education.

2.2.2 Other educational indicators

Other significant educational indicators in Brazil include average levels of schooling, school attendance levels, grade repetition and educational patterns of inequalities. For example, the average years of schooling in the labour force is 8.4 years in Brazil; this differs across the sexes, with an average of 9.1 years of schooling for women, and 7.8 years of schooling for men (PNAD/IBGE 2011: 133). The distribution of people within the labour force is 57.4 per cent men and 42.6 per cent women (PNAD/IBGE, 2011:127). This shows that time in school does not necessarily imply equity at work.

Failure to attend school also remains very high, at almost three times higher than the 29 European countries selected for the last IBGE census (IBGE 2012: 116). However, it is relevant to note that between 2001 and 2011 the percentage of non-attendance dropped from 43.8 per cent to 32.2 per cent.

2.3 Discrimination against LGBT persons and homophobic violence

While data on discrimination in general and on LGBT persons in particular are usually scarce in Brazil, in recent years this gap has been filled by a series of partial but complementary studies. Between 2003 and 2006 CLAM (the Latin American Center for Sexuality and Human Rights) investigated the experience of discrimination among participants of the LGBT Pride Parades of São Paulo, Rio de Janeiro and Recife. They concluded that discrimination is mostly experienced at the level of families and communities and in educational environments. In 2009, the Perseu Abramo Foundation conducted a nationwide survey (2,014 subjects), the results of which showed that 90 per cent of interviewees believe that in Brazil there is prejudice against LGBT people. Significantly however, just 28 per cent of them admitted to having discriminated against somebody because of their sexual orientation or gender identity.

In 2011, the National Secretary of Human Rights of the federal government compiled data on violence and other human rights violations reported on a wide range of hotlines run by the

federal administration. These lines received complaints from both women and LGBT people, accounting for more than 6,000 episodes of human rights violations, including 281 homicides.⁷ Data on extreme forms of violence and victimisation broadly speaking are still far from precise and reliable in Brazil and limitations are still more pronounced and evident in the case of LGBT persons. In a bid to fill this gap, since the 1990s the Gay Group from Bahia (GGB) has been collecting and analysing press reports on assassinations of gays, lesbians and *travestis*. GGB data for 2011 identified 261 murders in 2011, a figure that is very close to the one collected by the National Secretary of Human Rights hotline. For 2012 however, GGB collected information on 338 assassinations, an increase of 27 per cent in relation to 2011.⁸ Not surprisingly Brazil has been identified as a worldwide hotspot of homophobic and transphobic crimes (TGEU 2013).⁹

From the point of view of this audit it is particularly relevant to note that discrimination and homophobia in the state school system have also been studied in recent years. Castro, Abramovay and Silva (2004) for example, show that 25 per cent of students interviewed in their sample (16,500) did not want to have a homosexual as a colleague. Another study funded by the Ministry of Education and conducted by FIFE¹⁰ (Mazzon 2009) that surveyed 15,000 students in 501 schools also identified a wide range of acts of humiliation and homophobic violence in public schools. The authors of these studies emphasise the intersections between all forms of discrimination and violence based on class, race, gender and sexuality and note that these episodes have negative impacts on the learning process.

The research conducted by Souza *et al.* (2012) in the state of Pernambuco interviewed 110 *travestis* in the cities of Recife and Olinda. It concluded that 44.9 per cent did not finish elementary school (*ensino médio*), and 79.2 per cent left their parental home before the age of 18 due to their gender identity and sexual orientation. The interviews from our previous research (Mountian 2013) also illustrate the difficulties experienced during school attendance and the high levels of exclusion suffered by *travestis*.

3 Locating sexual politics in Brazil's policy landscape

In order to understand the trajectory of educational policies aimed at promoting respect for sexual diversity and curtailing homophobia, it is important to situate them briefly in relation to the wider Brazilian political landscape. The processes of re-democratisation that swept the country from the 1970s reconfigured Brazilian politics in general, and have continued to trigger intense struggles around citizenship and human rights in relation to gender and sexuality in particular. The ongoing mobilisation around sexual politics has, in many cases, positively translated into legal reforms and inclusion in public policy: this is evident in programmes on education, sexual diversity and homophobia, as examined in this audit.

⁷ Data sources included: Disque 100 (Disque Direitos Humanos da Secretaria de Direitos Humanos da Presidência da República) (the hotline of the National Secretary for Human Rights to collect human rights violations including homophobic crimes), Central de Atendimento à Mulher – Ligue 180 (the hotline devoted to gender-based violence and women's rights), Disque Saúde e Ouvidoria do SUS: serviço do Ministério da Saúde (hotline set by the Ministry of Health to provide health information and denouncements of ill treatment in public health services), email messages sent to the Conselho Nacional de Combate à Discriminação LGBT e para a Coordenação-Geral de Promoção dos Direitos de LGBT (the LGBT Rights National Council and LGBT rights department at the National Secretary for Human Rights); and media reports.

⁸ See <http://noticias.terra.com.br/brasil/policia/assassinato-de-lgbt-aumenta-27-em-2012-diz-grupo-gay-da-bahia.487765725992c310VgnVCM5000009ccceb0aRCRD.html>.

⁹ Transgender Europe monitoring of data on reported transphobic violence worldwide cites Brazil as the country with the highest number of reported deaths of trans people: 468 homicides from 1 January 2008 to April 2013, www.transrespect-transphobia.org/en/tvt-project/tmm-results/march-2013.htm.

¹⁰ Fundação Instituto de Pesquisas Econômicas.

These progressive steps have not been without fault lines or exempt from backlashes however. For example, when analysing ‘progressive’ legal and policy reforms in Brazil it is necessary to underline that while (not infrequently) superb on paper, the politics may not effect substantive change in people’s lives, either because the policies remain unknown or unfunded, or because the policies encounter resistance by institutions and other social actors. Furthermore, since the early days of democratisation Brazilian sexual politics has faced robust conservative resistance. While initially this resistance came from the Catholic hierarchy, more recently it has been propagated by Pentecostal Evangelicals, whose number and political influence has greatly increased since the 1970s (Pierucci and Prandi 2000; Queiroz 2013; Mountian 2012).

To illustrate the relevance and policy influence of the growing moral conservatism in Brazilian politics, one can draw on three episodes that occurred over the same period in which the educational policies under examination were designed and began to be implemented. In 2009, for the first time in history an agreement, whose contents were not publicly discussed until right before its approval, was signed between the Vatican and the Brazilian state that was blatantly at odds with the strong tenets of secularity that characterised the Brazilian republic since 1889 (Cunha 2009). Then, in the 2010 presidential elections, debates around abortion and same-sex marriage dominated the campaign agenda. The candidate who was eventually elected as president, Dilma Rousseff, was openly attacked for having in the past supported lawful abortion. Such was the political pressure placed on her, by the end of the campaign she signed a letter to the ‘people of God’ promising not to present any statutory reform related to abortion and same-sex marriage (Corrêa 2010). Lastly as this study was under way in February 2013, a cross-party leaders’ agreement led to the election of an evangelical pastor – widely known for his racist, sexist and homophobic positions – as the president of the Committee on Human Rights and Minorities of the House of Representatives.¹¹

In a country as large, heterogeneous and unequal as Brazil, it is not possible to conclude that the growth of moral conservatism is the only factor explaining the poor performance of policies aimed at tackling homophobia in the state education system. Many other factors are at play, including the complexities posed by decentralisation and the lack of technical capacities at local levels. Even so, as the analysis that follows illustrates, the growing weight of dogmatic religious influence in policy formation is not easily circumvented.

4 Policies in focus: education and sexuality policies in Brazil

The first initiatives designed to support sexual diversity and tackle sexual discrimination and homophobia in the Brazilian school system can be traced back to the mid-1990s when guidelines on sexuality education were adopted as a cross-cutting national curriculum by the Minister of Education. These topics also started to be discussed by the National Human Rights programmes.¹² Subsequently, a series of state and municipal-level initiatives have blossomed in which guidelines to address discrimination against gays, lesbians, transsexual

¹¹ Marco Feliciano recently said that AIDS was a ‘gay cancer’ and that Africa has been ‘cursed since the times of Noah,’ which explains the poverty, violence and disease afflicting that continent (*The Washington Post* 9 April 2013). In his book, he states: ‘When you promote a woman to have the same rights as men, she would want to work, her part of being mother starts getting diminished...[She will] either not marry, or keep a marriage, or [have] a relationship with a person of the same sex, enjoying the pleasures of a childless union’ (www.ccr.org.br/noticia-detalle.asp?cod=14759).

¹² The corresponding policy documents are the following: Diretrizes para uma Política Educacional em Sexualidade (1994); Lei de Diretrizes e Bases da Educação (1996); Parâmetros Curriculares Nacionais (1997); Plano Nacional de Educação (2001); Programa Nacional de Direitos Humanos I e II (1996 e 2002).

people and *travestis* in the school system have been adopted, sometimes with support from the federal government (Irineu and Froemming 2012). Between 2003 and 2010, a series of federal policy guidelines were developed that addressed the needs and rights of LGBT persons.¹³ Feminists and sexual educators were definitely the main actors behind early initiatives on sexuality education, but the multiple initiatives that emerged in the 1990s and 2000s in the realm of education and sexuality cannot be entirely disconnected from the long trajectory and virtuous features of the Brazilian response to HIV/AIDS in terms of tackling discrimination against gays, *travestis*, transsexual women and sex workers (Parker 1993; Galvão 2002).

On the other hand the push for sexual diversity and anti-homophobia programmes that characterised the political landscape in 2000 was decidedly the result of the growing strength of LGBT rights activism and made possible by the early openness of the federal administration (under the Workers' Party) to its demands. A turning point in this trajectory was the announcement of the BWH programme in 2004, which covered a wide range of policy areas including health, education, labour, justice and public security. The new programme would be run by the National Coordination for LGBT Rights (Coordenação Geral de Promoção dos Direitos LGBT), located at the Special Secretary for Human Rights, and its guidelines were defined in 2008 by the National Plan for LGBT Citizenship (Plano de Cidadania LGBT – Plano Nacional de Promoção da Cidadania e Direitos Humanos de LGBT – Lésbicas, Gays, Bissexuais, *Travestis* e Transexuais) and were approved at the First Conference on LGBT Policies, which included a number of definitions in the area of education.

The main educational strategy defined by the BWH programme was to provide support for the development and implementation of courses and workshops for state school teachers about respect for sexual diversity and the prevention of homophobia. They offered both theory and information on gender and sexual prejudice, discrimination, homophobia and their effect upon citizenship and human rights. The policy viewed schools as a key strategic location for the promotion of social and cultural transformation. This line of work was under the responsibility of SECADI, at the Ministry of Education. A fund was established to which universities, non-governmental organisations (NGOs) and institutions could apply for grants to develop the courses.

The achievement of these developments are noteworthy, considering the sharp resistance and conservative reactions observed in a wide number of countries in the global South in relation to recognising homophobia in educational institutions and respecting LGBT rights. However, in addition to prevalent conservative resistance, this trajectory of policy formation has faced a number of additional conceptual, institutional and political obstacles. We consider these obstacles to policy efficacy below. First, however, we turn to the empirical accounts of people's lives in relation to the BWH programme, and consider whether – for these people – this policy is a matter of rhetoric or reality.

¹³ The main plans and programmes then developed are: Plano Nacional de Educação em Direitos Humanos (2003) (PNEDH); Programa Brasil sem Homofobia (2004) (PBSH); Plano Nacional de Promoção da Cidadania e Direitos Humanos de LGBT (2009); Programa Nacional de Direitos Humanos III (2010).

5 Brazil without homophobia? The rhetoric and reality of policy

5.1 Homophobia and schools: the case of *travestis* and transsexual people

Research has shown that many LGBT people stopped attending their school after suffering violence there. As a result, access to employment for LGBT people with low levels of schooling is severely limited. In the case of *travestis* and transsexual women, for example, these processes of exclusion persisted beyond their experience of violence and discrimination in school (Souza *et al.* 2012; Mountian 2013). Bohm (2009) highlights how homophobic violence against *travestis* in schools has a negative impact on success in accessing secondary and higher education. This was also noted in the interviews, such as that with Interviewee 7 (public administrator, teacher):

We can say that there are innumerable situations in which schools deny the existence of this population [*travestis* and transsexual people]. Some trans people left school, some survived prejudice and managed to do something by themselves, to attend a university and to work in areas of public education and health ... But there are few people who managed to do this. We have around 60 teachers who are trans people in Brazil. I believe that there can be more but many are afraid to come out and suffer transphobia.

Regarding the presence of *travestis* in the school environment, Interviewee 2 highlights:

If there was a *travesti*, even if she was occupying a bottom job at the hierarchical scale, working in a school, this would have much more impact than training courses for the teachers. Because there, what is at stake is respect for rights, in everyday life (*convivência*).

If we consider the possibilities of academic training and social protection, *travestis* and transsexual people are located in a vulnerable social space. Apart from the high number of homophobic homicides, we also consider marginalisation and restrictions, especially among trans people and *travestis* on accessing services for social protection. Regarding these issues, at least four interviewees (nos 2, 3, 5 and 6) cited the attempts to pass PLC 122, a bill to criminalise homophobia, which was in dispute in Brazilian politics. According to the interviewees, this legislation could give greater legal support for affirmative action and visibility, allowing discriminatory acts, mainly in the school environment, to be confronted.

5.2 Homophobia, heteronormativity and class

The interviewees stressed the relationship between heteronormativity and homophobia and the impact on poverty in a number of different ways. Interviewee 1 (staff member at INEP), for example, describes the impact of this proscriptive relationship on differential access to resources for heterosexuals compared to LGBT people:

It is clear that homophobia, as well as other forms of discrimination, produce and feed other hierarchies. Heterosexual people have advantages including financial advantages, in their professional careers ... due to homophobia. But this should not be tackled only as a matter of social class or economic opportunity: it is needed to get to the heart of the issue; confronting (*enfrentando*) heterosexism.

Class was highlighted as a determining factor for LGBT people accessing rights, while in other cases, homophobia was mentioned as a cross-cutting issue among all social classes. Interviewee 6 (academic, LGBT council) describes class difference as further engendering LGBT people's vulnerability. Interviewee 3 (academic), similarly acknowledges the socioeconomic intersections of class difference with homophobia: this interviewee lived in a city that is an international tourist destination for homosexual people, and pointed out that despite this 'tourist label', LGBT people in poor communities such as *favelas* (slums) experience greater vulnerability and a denial of their rights in contrast with wealthier LGBT people living in the same city. However, even with these class-based inequalities, Interviewee 3 points out that there have also been some positive advances:

The challenges arising from a person's sexual orientation are also bound up with challenges related to whether that person lives in the slums. So stigma and discrimination are juxtaposed. Some examples of LGBT community leadership started to emerge these past years, giving visibility to this theme inside the debates about *favelas*. The first LGBT parade (*parada do orgulho LGBT*) in a slum in Rio de Janeiro (*favela carioca*) happened [a] few years ago. I think this type of initiative can be a good start to reflect on our participation in more vulnerable communities in this field.

Further, Interviewee 2 notes how marketing strategies to the LGBT public target the higher social classes. This serves to circumscribe the space for 'pink' money to be used to purchase rights, in that those who can afford to consume will have their rights respected in those spaces dedicated for that. Moreover, Interviewee 6 highlights how commercial establishments charge more when they are 'gay-friendly'. Such places suggest that beyond the service they offer, the consumer can have respect and non-discrimination – not as a right – but as part of the product.

6 Obstacles to policy implementation: policy audit findings

It is evident then, that Brazil's attempt to combat discrimination and support sexual diversity in its education system has not translated into real benefits for the main recipients of these policies. This is particularly clear in the high levels of school non-attendance among *travestis* who had experienced homophobic violence at school. A set of negative ramifications for the LGBT population follow from the linked social, economic and educational marginalisation that particularly poor LGBT people experience in *favelas*, for example. In this section, we explore some of the obstacles that prevent the successful implementation of the BWH programme, as identified through our research. These include: the absence of a coherent, long-term implementation strategy; lack of conceptual clarity and absence of clear guidelines; and moral conservatism. Thereafter, we consider a set of recommendations that might work to better support the effective implementation of this policy, or of other similar education and sexuality policies, in the future.

6.1 The absence of a coherent, long-term implementation strategy

Mello *et al.* (2012) performed a full assessment of the programmes clustered under the BWH programme and concluded that, although well intended, they were compromised by a number of factors. If one main caveat was lack of funding, another aspect highlighted in the analyses was that the various components of the programme did not go beyond sparse and

fragmented local initiatives that lacked the potential for igniting and sustaining long-term social change. In their view, the various programmes under the BWH umbrella never became integral components of structural public policies aimed at reducing poverty and exclusion. When revising data collected by the Census Bureau on Local Public Policies (MUNIC 2009 in IBGE), Mello¹⁴ (2011, interview) shows that among the 5,565 Brazilian municipalities, only 130 policies and programmes for LGBT people were being implemented in 2009. Even when this list includes the most populated cities (covering roughly 24 per cent of the urban population), this finding suggests that policies are not reaching those who may need them more, as in the case of lesbians, *travestis*, transsexuals and gay people living in small cities and rural areas where levels of discrimination tend to be higher.

In relation to the education component specifically, Mello *et al.* (2012) list some positive impacts of the courses promoted by the Ministry of Education/SECADI such as those under the umbrella of *Gênero e Diversidade na Escola* (GDE, Gender and Diversity in School), particularly regarding the importance of courses and workshops for school teachers and school staff. But they also note that, by and large, programmes promoted under the BWH umbrella were not able to recruit and bind in professors and other school staff in order to inhibit discrimination and homophobia over a sustained period. Both Mello *et al.* (2011) and Irineu and Froemming (2012) observe that the inclusion of sexual diversity in educational policy guidelines is usually time-limited and almost never proposes and implements permanent programmes. Mello *et al.* in particular note that GDE grant application processes experienced problems of continuity. They underline the fragile or total absence of coordination between the educational programmes developed under the BWH and GDE umbrellas and other structural public policies for poverty reduction, in particular *Bolsa Família* (which provides an incentive for the children of poor families to remain in school), or even policies aimed at reducing gender-based violence or to promote respect for human rights.

As the subsequent sub-sections discuss, these recent assessments of policy implementation and the key informants who were interviewed for this study have identified two other factors that systematically hamper the effective and consistent implementation of Brazilian policies aimed at tackling homophobia and promoting sexual diversity in the state education system: a lack of conceptual clarity and a lack of clear guidelines.

6.2 Lack of conceptual clarity and absence of clear guidelines

The theme 'sexual orientation' was included in the National Curriculum Guidelines (or PCNs – *Parâmetros Curriculares Nacionais*) in the mid-1990s, defining sexuality education as a theme that transects the curriculum. However, the term was then used to denote 'sexual education' and not 'sexual orientation'. The double meaning that this term implies has created great confusion when the new guidelines on sexual diversity and homophobia began circulating in public educational circles. The overall approach of the material on sexuality was strongly 'biological' or essentialist. Bohm (2009) observes correctly that the text does not mention *travestis*, transsexual or intersex, and remains informed by deeply ingrained heteronormative conceptions. In his view, even the guidelines defined under the BWH umbrella and the resolutions resulting from the First Conference on LGBT Public Policies lack a more precise understanding of gender identity. Further, it is important to highlight that these are guidelines, and as such, their implementation varies according to political interest and local acceptance.

A number of our interviewees have also noted that today the term 'diversity' or promotion of diversity is being increasingly used as a replacement for educational interventions against homophobia and also sexism. In their view this semantic sliding is problematic because it silences the difficult questions and controversies that are usually triggered when

¹⁴ www.clam.org.br/publico/cgi/cgilua.exe/sys/start.htm?infoid=7648&sid=43.

discrimination against sexual differences and gender biases are named as factors that feed social inequality and disrespect for rights. Interviewee 1, for example, points out the routes to establish a more precise and consistent conceptualisation of sexuality in the design of Brazilian educational policies. This interviewee also notes the implications of this conceptual confusion for challenging homophobia in schools. In his own words:

MEC [Ministry of Education] has not produced until today any guideline showing clearly that it fully understands homophobia as an educational problem that affects the formation of everybody and undermines the quality of education. It is important to remember that, in the Brazilian federative model, MEC has no power to intervene in the schools and curricula. What it does is to induce, to stimulate the policies that it is interested in. Their most efficient way to produce effects in the schools is via elaboration of guidelines and directions (*diretrizes norteadoras*) for the systems. The training courses for school teachers are important, but without directions, the teachers who dedicate themselves to fighting homophobia, seem to do it by their own will, as if they were identifying an non-existent problem.

Interviewee 2 (an academic) points out that the limited actions against homophobia can be seen in the dialogue with the Ministry of Education. When questioned by the social movements regarding affirmative action and interventions, the ministry replied saying that it is not their role to regulate the learning in universities, thus showing a resistance to deal with the theme.

Interviewees have also highlighted other issues regarding the development of initiatives to tackle homophobia in schools and the difficulties in implementing them. Regarding the initiatives for teacher training and curriculum development, Interviewee 2 points out that the federal, state and city governments have made important efforts in the development of workshops and courses for teacher training. These workshops and courses, however, have limited reach, as Interviewee 2 highlights: 'when you launch a kit (educational material), these actions are done in a much less active (*propositivo*) way. There is a certain difficulty in institutionalising policies'. Further, Interviewee 7 (public administrator, teacher) highlighted the limited educational material in this area.

The invisibility of homophobia has also been highlighted as a field for intervention. According to Interviewee 5 (teacher), homophobic acts are unseen and unrecognised. While these remain invisible it would be necessary not only to 'value sexual diversity, eliminating the idea of tolerance or solely respect for homosexual people', but rather to take debate and understanding further.

This proposal coincides with the propositions made by Interviewee 6, who considers the deconstruction of heteronormativity to be a priority in the struggle against homophobia. Nonetheless, for Interviewee 6, it is not about valuing diversity or not, because diversity can only be affirmed according to current gender conventions and understandings:

The priority that I see is to dismantle the device of heteronormativity (...) I think we have to attack the production of the norm. This is not in order to continue talking about respect for diversity, but to end the way in which the device of heteronormativity functions.

The effects of particular forms of heteronormativity have been highlighted in relation to the work with children from same-sex couples, as their parents are concerned about how their children will be received by the school (Interviewee 3, academic). For Interviewee 4 (teacher), the school perpetuates the model of the traditional family (father, mother and son), and families who are not modelled in this way are seen as without structure (*desestruturadas*).

There were also different viewpoints regarding which policies were most effective. While Interviewee 2 (academic) saw teacher training as having reached saturation point and thus warranting the promotion of new strategies, Interviewee 6 (academic, LGBT council) perceived teacher training as a critical component in effectively implementing policy on sexual diversity within schools.

Among the interviews there were a number of different perspectives regarding what is considered the overall priority for emergent LGBT policies in Brazil, including those implemented within schools. Affirmative action policies for inclusion and actions regarding tolerance and respect, contrasted with proposals of a more disruptive character: these included the promotion of a queer culture in which gender binaries and heteronormativity are fundamentally challenged.

6.3 Moral conservatism

In 2010, Mello *et al.* identified the growing resistance posed by dogmatic religious forces as a key obstacle to the implementation of the educational strategies defined by the BWH and the National Plan for LGBT Public Policies. Shaheed (UN 2011¹⁵) also notes that in a number of states in Brazil, schools do not follow the guidelines for secularity and impose religious education in state schools. Shaheed also highlighted the presence of religious intolerance and racism. Our interviewees also highlighted this aspect and expressed concerns over the current political context particularly regarding human rights, which impacts on the work against homophobia in schools. For Interviewee 2 (academic), the transition from [Luiz Inácio Lula da Silva](#)'s to Dilma Rousseff's government made the debates and actions for LGBT politics more controversial and highly vulnerable to dogmatic religious pressures.

To better understand this assessment it is worth recapturing a series of episodes that have taken place since 2011. In May 2011, the Evangelical group in Congress, in alliance with other conservative actors, directly pressured the Ministry of Education and the Presidential Cabinet itself to suspend the planned distribution in schools of educational material (6,000 copies of videos) produced under the sponsorship of the Minister of Education as part of the sexual diversity promotion programmes. President Rousseff herself then decided that the distribution would be cancelled. The fact that she went on TV to announce her decision reveals how critical the issue had become in high-level policy and political terms.¹⁶ Another setback regarding sexuality matters in the school system was that the Ministries of Health and Education (also under conservative pressure) decided against installing condom dispensers in secondary schools. In the 2012 Carnival, the HIV prevention campaign designed to target young men who have sex with men was also suspended. Then in early 2013,¹⁷ the distribution of a booklet written in cartoon format to inform about HIV/AIDS prevention, teenage pregnancy and measures against homophobia targeted at secondary schools was also cancelled.¹⁸ In all cases, technical staff in the ministries had previously approved the materials.

The withdrawal of the educational material against homophobia (2011) was widely criticised. Politically, this moment led to a dashing of expectations among activists and supporters of the Workers' Party regarding developments towards LGBT rights. These expectations had been nurtured by the traditional support within the Workers' Party for various human rights demands. As Interviewee 6 also points out, there were additionally problems stemming from the lack of organisation among LGBT movements.

¹⁵ www.estadao.com.br/noticias/impresso,onu-critica-imposicao-de-ensino-religioso-em-escolas-publicas,724971,0.htm.

¹⁶ www1.folha.uol.com.br/poder/920652-dilma-suspende-kit-gay-apos-protesto-da-bancada-evangelica.shtml.

¹⁷ www.estadao.com.br/noticias/vidae,governo-suspende-kit-educativo-sobre-aids,1009311,0.htm.

¹⁸ The coordinator of UNAIDS who collaborated to produce the material suspended in 2013 has openly criticised these various decisions, www.estadao.com.br/noticias/geral,unaid-critica-suspensao-de-kit-educativo-sobre-doenca,1010289,0.htm.

Nonetheless, it is important to note that conservative resistance to the implementation of sexuality-related programmes is neither recent nor exclusively attributed to the pressures of the Evangelicals. In the 1990s, the Catholic hierarchy openly criticised the free distribution of condoms and the openness to sexual diversity that guided the Brazilian HIV/AIDS response. As noted by Interviewee 1, since the early 2000s school teachers report that in many settings the prevalent discourse of colleagues and parents is that educational work against homophobia will incite people to become homosexuals.

Interviewees 4 (teacher) and 6 (academic, activist) mentioned that religious pressures are also strongly at work at school level where intimidation and harmful actions against teachers who deal with the theme of sexual diversity as part of their educational plan have also been reported. In Interviewee 4's perception, today 'educators that work with sexuality in public school system quite often require legal protection. Situations are not unusual when professors are teaching gender and sexuality contents and parents show up in school to contest and threaten them'. According to Interviewee 6:

In Rio Grande do Sul [a state in the south of Brazil], I've witnessed teachers being fired due to conflicts with pastors. They were dismissed because they were defending the respect for diversity. Other teachers clearly retreated from providing them support.

7 Discussion

The importance of tackling homophobia in Brazil is incontestable, given the high incidence of homophobic violence and how it directly impacts on access to basic human rights, such as education. In our assessment of how public policies aimed at tackling homophobia in the school system have been developed and implemented, current debates point to regressive trends in terms of human rights and democratic values such as the respect for plurality.

It is necessary, therefore, to understand that given the extent of homophobia in the state school system, restrictions that limit the discussion of the problem will necessarily affect students' capacity to learn, engage and participate when directly affected by discrimination, stigma and violence on the basis of their sexuality. This negative impact translates into barriers to employment and therefore correlates with low socioeconomic indicators that link poverty with poor levels of education. This research has shown that after suffering violence in schools, many LGBT people stop attending schools. Work for this group is then limited to the informal sector with its attendant precariousness.

The classroom remains a strategic space for moral and ethical learning and social change: a space where public debates can flourish and one where their long-term implementation can be rooted. School systems present an opportunity for the systematic dismantling of sexism, racism and other forms of prejudice and discrimination that undermine socioeconomic equality. When public policies on education and sexuality are not effectively implemented, this absence will negatively impact on these intersecting and systemic forms of inequality. Further, interventions aimed at preventing and reducing discrimination and homophobia in schools will have a positive impact on violence rates, in particular in the case of beatings and homicides of LGBT people.

Social inequality, persistent discrimination of gender non-conforming persons and homophobia hinder human rights and are also an underlying factor in poverty and inequality. The Organização Internacional do Trabalho (OIT) (2011) report concludes that inequality, insecurity and exclusion are fed by discrimination. They argue that non-discrimination and

social stability are fundamental, particularly in times of economic adversity. They also mention studies that show that if the effect of gender discrimination on salary levels were eliminated in Brazil poverty would decrease by a range of ten per cent. Similar reasoning can be developed with regards to other forms of exclusion and discrimination, including those based on sexual orientation and gender identity. In other words, homophobia should be added to the list of factors that underlie structural social and economic inequality.

8 Conclusion

This policy audit found that sexual discrimination against LGBT people was difficult to address within schools for a number of reasons, including the lack of understanding by the educational authorities of homophobia as a structural issue of social inequality. It has been pointed out as well that there is some resistance from religious fundamentalist sectors, both in politics and in education. The effects of these difficulties and resistance from the religious right can be seen in the silencing of measures against homophobic violence in schools, ineffective and sparse policies, and the hierarchical urgency of needs, where homophobia (as well as sexism) is seen as less important.

These aspects are highlighted in related studies (Mello *et al.* 2012) that assessed LGBT rights and public policies in a range of areas such as education, security, work, social care and health. These public policies were found to be fragile, inconsistent, and non-existent in many sectors, despite sourcing of these policies from national plans such as Brazil without Homophobia (Brasil sem Homofobia), the LGBT National Plan (Plano Nacional LGBT) and the National Programme of Human Rights (Programa Nacional de Direitos Humanos). In these areas, Mello *et al.* argue, policies are often universalistic and do not consider social differences according to sexuality, gender and race. Policies for LGBT tend to be sparse, with little funding, short in duration, and not part of an integrated national plan. Further, policies and educational guidelines offered by the federal government are implemented in each state, municipality and schools according to political interest and local acceptance.

In conclusion, this policy audit highlights the need to tackle homophobia (and sexism) in Brazil through the educational system, and it highlights a number of obstacles to the implementation of Brazil's policies on sexuality and education for addressing discrimination against LGBT people in schools. Further, it points to the intersection between sexuality and poverty for these LGBT people who experience homophobic violence. Based on these findings, it recommends further investigation into the ability of LGBT individuals and families who live in extreme poverty to access social welfare provisions, like the *Bolsa Família*.¹⁹ We list further recommendations for implementing sexual diversity programmes through the education system below.

8.1 Recommendations

- Homophobia (as well as sexism, racism, classism, ableism and others) should be considered as a structural matter.
- A clearly supported strategy is needed against homophobia and sexism in educational policies and the national curriculum.

¹⁹ It is noteworthy that income transfer programmes such as *Bolsa Família* do not recognise the category 'sexuality' or sexual identity in their terms of reference; nor do these programmes often consider provisions for families who do not fit the model of a heterosexual nuclear unit.

- There is a need to articulate and strengthen the intersectionality between educational policies against homophobia with other public policies, such as poverty reduction, work, health and others.
- Long-term policies against homophobia should be developed.
- There is a need to acknowledge and develop strategies to tackle local resistance to policy implementation.
- Resources are required to support staff promoting equality (information, workshops, protection from abuse, permanent forums).

From this audit, it becomes clear that initiatives against homophobia in schools need to be further developed and be part of a wider agenda to tackle homophobic violence and discrimination. It is fundamental that policies that consider sexuality and gender in Brazil, beyond stereotypical understandings, are developed – and that they also consider the intersections with race, class, age, disability and other factors. These policies have to work as an integrated and coordinated multi-sectoral strategy in order to overcome exclusion, social inequality and poverty.

Annex 1 The main issues highlighted by the interviewees

- Lack of understanding of homophobia, as well as sexism and racism, as structural issues that urgently need to be tackled.
- Ambiguity within the positions held by the national government concerning LGBT rights.
- Concerns around alliances between the government and religious dogmatic politicians (e.g. human rights commission presided over by an Evangelical pastor).
- Local and religious resistance to the implementation of courses and activities against homophobia, including resistance from educators, parents and religious leaders (pastors).
- Homophobic violence in schools.
- Lack of innovative strategies to reduce homophobia in schools.
- Lack of funding, short-term programmes and fiscal reductions.
- The blocking of governmental educational material.
- Lack of educational material.
- The need for legal support to bolster the work in schools against homophobia (Bill project PLC 122 to criminalise homophobia).
- The deconstruction and challenge to heteronormativity and gender binarism.
- The need to value sexual diversity.
- Further research required into the effects of homophobia in relation to poverty and access to basic rights.
- Acknowledgement of the higher vulnerability of poor and extremely poor LGBT people.
- Acknowledgement that homophobia exists within all social classes.
- The need for safe spaces for LGBT people.

Annex 2 List of revised documents

First National Conference for LGBT citizenship

Second National Conference for LGBT public policies and human rights

Brasil Carinhoso

Bolsa Família

Brasil sem homofobia: Programa de Combate à Violência e à Discriminação contra GLTB e de Promoção da Cidadania Homossexual

Diretrizes para uma Política Educacional em Sexualidade

Gênero e Diversidade na Escola: Formação de Professoras/es em Gênero, Sexualidade, Orientação Sexual e Relações Étnico-Raciais

Parâmetros Curriculares Nacionais

Parâmetros Curriculares Nacionais – temas transversais: orientação sexual

Programa Mais educação

Programa Nacional de Direitos Humanos

Plano nacional de promoção da cidadania e direitos humanos de lésbicas, gays, bissexuais, travestis e transexuais – PNPCDH-LGB

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