

	 UNIVERSITY OF GOTHENBURG	

## **LGBT RIGHTS IN BRAZIL:**

An analysis of the public policies established by the Federal Government to recognize the human rights of the LGBT community

*By*

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### **Declaration form**

The work I have submitted is my own effort. I certify that all the material in the Dissertation which is not my own work, has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

Signed: Lucas Paoli Itaborahy

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# ABSTRACT

This dissertation aimed at examining the achievements of the Federal Government of Brazil for lesbians, gays, bisexuals and transsexuals (LGBT), comparing the public policies established by the administrations of Fernando Henrique Cardoso (1995-2002) and Lula (2003-2010) to that community. This study particularly focused on investigating the factors responsible for the progressive reforms made by those governments in order to recognize the human rights of LBGTs in Brazil, and analyzing the relationship between the state and the LGBT Movement, the roles played and discourses employed by each of these actors in those reforms. Attention was also given to the social, economic and political conjuncture of the country, as well as the structures within the government and potential international and transnational influences. The research methods employed were Content Analysis and Discourse Analysis and the objects of my analyses were the following policies: *Programa Nacional DST/AIDS*, *Programa Nacional de Direitos Humanos I, II and III*, *Programa Brasil sem Homofobia* and the *Plano Nacional LGBT*. The data used were the actual content of those policies, official reports, speeches and articles, existing literature on the topic, as well as interviews performed by me and another author with LGBT activists and government officials. My study revealed that these activists introduced a rights-based discourse in their state-directed strategies which heavily influenced the government's response to the AIDS crisis, with the incorporation of activists as executors of state policies. As a result of the steady engagement between these two actors, activists were able to expand the scope of the government's actions from the health domain to the human rights field. Ultimately, the government turned activists into policy makers and progressively recognized LGBT rights in the public policy domain through discourses of human rights and full citizenship.

**Keywords:** LGBT, Brazil, Federal Government, Lula, FHC, activists, human rights, public policies, discourse

*“(...) there is only one way for, step by step, society to recognize the [LGBT] movement: each time we must fight more, walk with our heads held high, fight harder against prejudice, denounce more firmly arbitrariness.*

*Only like this will we be able to win over the entire citizenship so that everybody can walk the street with their heads held high, without anybody wanting to know who we are, only that we are all Brazilians and we want to build this country without prejudices.”*

**Lula Inácio Lula da Silva**

Speech of the former President of Brazil on June 5, 2008  
at the opening of the first National LGBT Conference

## LIST OF ABBREVIATIONS

ABGLT - *Associação Brasileira de Gays, Lésbicas, Bissexuais, Travestis e Transexuais*  
(Brazilian Association of Gays, Lesbians, Bisexuals, Transvestites and Transexuals)

BSH - *Programa Brasil sem Homofobia* (Brazil Without Homophobia Program)

CNCD - *Conselho Nacional Contra Discriminação* (National Council Against Discrimination)

FHC - Fernando Henrique Cardoso

LGBT - Lesbians, Gays, Bisexuals and Transsexuals

PNDA - *Programa Nacional DST/AIDS* (National DST/AIDS Program)

PNDH - *Programa Nacional de Direitos Humanos* (National Human Rights Program)

PNLGBT - *Plano Nacional para Promoção da Cidadania e Direitos Humanos de LGBTs*  
(National Plan for Promotion of LGBT Citizenship and Human Rights)

PT - *Partido dos Trabalhadores* (Worker's Party)

SEDH - Special Human Rights Secretariat of the Presidency of the Republic

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# CHAPTER 1

## Introduction

### 1.1 Contextualization

Brazil is a country internationally known for having a very liberal society which often displays attitudes of sexual openness and a great freedom of expression. However, when it comes to sexual minorities, such as lesbians, gays, bisexuals and transsexuals (LGBT), Brazilian society can be discriminatory and intolerant due to the persistent presence of religious and moral conservatism which, aggravated by high levels of poverty and lack of education, create a “reality of massive inequality”, as indicated by Vianna and Carrara (2007).

According to the Grupo Gay da Bahia (2004), one of the oldest NGOs that monitors hate crimes in the LGBT community, approximately 150 LGBTs are murdered every year, being the transvestites the biggest targets, due to social stigmatization and marginalization, and their subsequent involvement with prostitution and drug traffic.<sup>1</sup> The human rights helpline of the government of Brazil registered in 2011 an average of 3,4 daily complaints of violence committed against that population, including physical, sexual, psychological and institutional violence and cases of discrimination based on sexual orientation.<sup>2</sup>

To make matters worse, the country lacks laws that protect LGBT people against hate speech and crimes and against sexual orientation and gender identity discrimination at the federal level<sup>3</sup>. Although Brazil is a secular state, as declared by the 1988 Constitution, radical catholic and evangelical politicians have been creating a massive opposition to LGBT rights in the Legislative power. As a consequence, important bills of law, such as for the

<sup>1</sup> See other studies regarding violence against LGBT people in Brazil published by GGB: *Violação dos direitos humanos e assassinato de homossexuais no Brasil – 1999* (2000); *Assassinato de homossexuais: Manual de Coleta de Informações, Sistematização e Mobilização Política contra Crimes Homofóbicos* (2000); *Causa Mortis: Homofobia* (2001); *O Crime Anti-Homosexual no Brasil* (2002).

<sup>2</sup> See “*Atividades marcam Dia International Contra a Homofobia, comemorado nesta quinta*”, Secretaria de Direitos Humanos, available at: <http://www.sedh.gov.br/clientes/sedh/sedh/2012/05/17-mai-2012-atividades-marcam-dia-internacional-de-combate-a-homofobia-comemorado-nesta-quinta> (accessed 17.05.12).

<sup>3</sup> Despite this, 14 states and nearly 80 municipalities have passed laws that prohibit sexual orientation discrimination (Conselho, 2004).

criminalization of homophobia (introduced in 2006) and for the recognition of same-sex couples (introduced in 1995), remain unapproved. Only in May 2011, the Federal Supreme Court finally recognized same-sex couples living in stable unions as family units and, therefore, entitled to the same rights as different-sex couples living in the same kind of union.

Notwithstanding these barriers, the federal government has been consistently “friendly” and receptive to the LGBT community, as Goméz (2010) notices, and has established a long tradition of human rights and anti-discriminatory policies. The government’s continued support to LGBT rights started in mid 90’s, during the administration of Fernando Henrique Cardoso (1995-2002), as a response to the AIDS crisis, but it was only during the administration of Luis Inácio Lula da Silva (2003-2010) that the most impressive reforms were undertaken in the field of human rights. Yet, all these efforts would not have been possible without the large contribution of the national LGBT Movement.

## **1.2 Objectives**

This dissertation aims at investigating the factors responsible for these progressive reforms made by the Federal Government in order to recognize the human rights of LBGTs in Brazil. I am particularly interested in analyzing the relationship between the Government and the LGBT Movement, the roles played and discourses employed by each of these actors in those reforms, as well as the social, economic and political conjuncture of the country. I will also be looking at the structures within the government which allowed such reforms and potential international and transnational influences.

The analysis of these factors will enable me to reach my ultimate goal, which is to examine the achievements of the Federal Government in terms of LGBT rights, comparing the public policies established by the administrations of FHC and Lula to that community. The policies which will be the object of my study are listed as follows:

<b>Administration</b>	<b>Body responsible</b>	<b>Public Policies</b>
<b>FHC (1995-2002)</b>	Ministry of Health	<i>Programa Nacional DST/AIDS (PNDA)</i>
	Ministry of Justice	<i>Programa Nacional de Direitos Humanos I (PNDH I)</i> <i>Programa Nacional de Direitos Humanos II (PNDH II)</i>
<b>Lula (2003-2010)</b>	Special Secretary of Human Rights	<i>Programa Brasil sem Homofobia (BSH)</i>
		<i>Plano Nacional LGBT (PNLGBT)</i>
		<i>Programa Nacional de Direitos Humanos III (PNDH III)</i>

## 1.3 Methodology

### 1.3.1 Data collection

The data collected for this dissertation consist of two types: primary and secondary sources of data. The primary data were the actual content of the policies, information on their elaboration and implementation, as well as interviews performed by me. The secondary data consisted of existing literature on the topic and interviews performed by another author.

The collection of the first type of data started in 2009, when I worked as a consultant for the United Nations Development Program at the Special Human Rights Secretariat of the Presidency of the Republic (SEDH). From May 2009 until July 2010, I was assigned to many different tasks at the BSH. During this time, I gathered myself most of the primary sources of data used in this dissertation: the actual content of the above mentioned policies; information on the process of their elaboration; official speeches and reports (including the ones written by me) about their implementation; newspaper articles and other media information. Most of this material collected though was about the Lula administration.

My experience also allowed me, on the one hand, to acquire an extensive knowledge on the human rights agenda of the Federal Government, especially regarding LGBT issues, understand the policy-making process and the interaction between state and civil society. On the other hand, I was able to establish contact with several LGBT activists, know more about

their history, priorities and claims, and thus grasp the dynamics of the Brazilian LGBT Movement.

Moreover, due to my involvement with the publishing of academic production funded by the government, I had access to several publications on LGBT issues in Brazil, which were very useful for this dissertation, and realized there has not been much literature on public policies for that population through a human rights perspective. Most of the published work regarded the history of the LGBT Movement, their relationship with political parties, the legal development of sexual rights in the country and there was a small number of studies on the BSH - in Portuguese only. I also found a gap in the literature concerning the relationship between the Movement and the Federal Government, apart from their involvement in the AIDS crisis, and no comparative analysis between the administrations of FHC and Lula regarding LGBT rights. So, it was with that in mind that I chose the topic of my masters' dissertation, hoping to contribute substantially to the studies on human rights practice with my findings on the achievements of the Federal Government for the LGBT population.

Hence, during the second semester of 2011, I did a further investigation on existing literature and much to my surprise I found recent publications that were very relevant for my dissertation. The most important ones were the work of Rafael de la Dehesa (2010) on the LGBT Movement's insertion into the public sphere in the 80s and its engagement with the Federal Government during the AIDS crisis. However, Dehesa's analysis overemphasized the period of the FHC administration, not paying much attention to Lula. The study of Marcelo Daniliauskas (2011) compensated for this due to his detailed analysis about the creation of the BSH. Additionally, the book edited by Javier Corrales and Mario Pecheny (2010) made a relevant contribution due to the vast amount of articles which approached, *inter alia*, the political struggle of the LGBT Movement, the relationship between state and civil society in HIV prevention efforts and debates on sexual rights in Brazil.

Furthermore, I could benefit a lot from Daniliauskas' (2011) interviews with several activists and state officials regarding their engagement for the establishment of the BSH, notably the ones he performed with activist Cláudio Nascimento and SEDH official Ivair Augusto, co-designers of the BSH. In order to fill in the gaps left by their interviews, I decided to perform myself complementary interviews with key LGBT activists involved in the elaboration of the BSH and the PNGLGBT and SEDH officials. The semi-structured interviews were carried out in Brasília, the federal capital, in January 2012 and provided me

with important information regarding the roles of activists and the government in the creation of the above mentioned policies, emphasizing the differences between FHC and Lula. The people interviewed are listed as follows:

- **Toni Reis:** activist since the 80s and president of the Brazilian Association of Lesbians, Gays, Bisexuals and Transexuals. He is considered the spokesman of the LGBT Movement and was the main interlocutor between the latter and the Lula administration.
- **Nilmário Miranda:** he was federal deputy from the Worker's Party for 12 years and Human Rights Secretary of Lula from 2003 until 2005.
- **Eduardo Santarelo:** former LGBT activist, member of the coordination unit of the BSH from 2005 to 2009 and co-director of the National LGBT Council until 2011;
- **Edvaldo Souza:** former LGBT activist, former BSH consultant and editor of the PNLGBT, current advisor of the Executive-Secretary of Human Rights;
- **Wellington Pantaleao:** former human rights militant and current advisor of the Secretary for Promotion and Defense of Human Rights.
- Other activists and officials involved in the public policies examined were also interviewed but due to confidentiality reasons, their names will not be revealed.

### 1.3.2 Research Methods

In order to analyze the data collected, I will employ two different qualitative research methods: content analysis and discourse analysis. The first one will basically enable me to analyze progressive developments among the content of the policies examined, while the second method will allow me to investigate the discursive practices of the LGBT Movement and the Federal Government and how they influenced each other and contributed to real achievements in terms of LGBT rights.

a) *Content analysis*

Content analysis (CA) is “any technique for making inferences by systematically and objectively identifying special characteristics of messages” (Holsti, 1969). Among the advantages to using CA while analyzing available data is that this methods allows the researcher to discover the writer’s intention or uncover relevant hypotheses (Bryman, 2012). In my research, I employed CA mostly while analyzing the actual content of the public policies enacted by the Federal Government. This method proved to be very useful while comparing and contrasting the content of one policy to the other, in order to find out progressive developments among them which represented real achievements on LGBT rights.

First, I defined the aspects of the policies that were being investigated, which were any reference to LGBT rights. Second, keeping in mind the research objectives, I selected the elements to be examined, paying attention to the factors responsible for the establishment of such policies, the relationship between the government and the LGBT Movement, as well as the internal and external context and structures influencing their agency. Then, I formulated categories that were relevant for my research and divided them according to the role of the government, on the one hand, and the role of activists, on the other. The most difficult task was to make inferences on the degree in which each actor was influencing the other and try to find implicit elements (socio-economic, political or historical) shaping their discourse. As warned by Bryman (2012), this method intertwines somehow with discourse analysis, as it will be seen next.

b) *Discourse analysis*

Discourse analysis (DA) is an important tool to interpret and reveal the hidden motivations behind a text and can be applied to different forms of text, not only written text, like newspaper articles and public statements, but also interviews, speeches and such. According to Bryman (2012), the insights from philosopher Michael Foucault (1926-84) heavily influenced DA, particularly one of its variants called Critical Discourse Analysis (CDA), which will be used in the present dissertation.

Bryman (2012) claims that Foucault saw discourse as symbolizing the way in which a particular set of linguistic categories relates to an object and how depicting these categories enable us to comprehend that object better, as well as the social and historical context in

which a particular discourse is embedded. In a CDA perspective, the role of the language is considered as a ‘power resource that is related to ideology and socio-cultural change’ (Bryman 2012: 536). In other words, the discourse is used as a means for the exercise of power and the use of language will constitute a certain social reality. Therefore, using CDA makes it possible to see how discourses are constructed and maintained in relation to a given social phenomena. For this reason, CDA practitioners are generally more receptive to the idea of pre-existing structures influencing individual agency.

In order to accomplish this research, I will examine the discourse of the Federal government on LGBT rights as expressed in the official documents of the policies established to that community, reports about those policies, speeches and interviews which I performed with current and former government officials. I will then contrast the results with the discourse of LGBT activists, expressed in previous literature and also in interviews performed by me and other researchers. My analysis will show how the government is recognizing the rights of LGBT people and legitimizing issues of sexual orientation and gender identity as human rights issues, making it possible for LGBTs people to be more socially accepted and legally protected. In other words: the government’s discourse on LGBT rights thus constituted what these rights consist of and produced a certain social reality favorable to the LGBT population.

Moreover, following Fairclough (2001), I intend to prove the existence of dialectical relationship between the government’s discourse and the discourse of the LGBT activists. My DA will show how the discourse of the former changed throughout the time in response to the discourse of the latter and vice-versa. The government draws heavily on the discourse of activists in order to formulate their policies, which will then influence the lives of LGBTs and, ultimately, the Brazilian society. Activists, in turn, rely on the government’s discourse in order to reinforce their claims, validating their social position as rights-bearing citizens.

## **1.4 Chapters presentation**

The second chapter of this dissertation is intended to give background information on the history of the Brazilian LGBT Movement and, particularly, its political emergency in the public sphere. I will explore how the Movement was born under the military dictatorship of

the 80s and took advantage of the re-democratization process to insert its demands in the political debate. I will explore the first electoral strategies employed by LGBT activists and how they persisted in their first legislative campaigns and enabled them to join efforts with the Federal Government to fight the AIDS epidemics in the 90s. This chapter will also show how those campaigns influenced the language of the activists, enabling the establishment of human rights based discourses.

Chapter 3 will examine how the government responded to the AIDS crisis during the FHC administration and, under the influences of transnational neoliberal economic adjustments, brought LGBT activists to the public policy domain, changing dramatically the relationship between state and civil society. I will endeavor to give details on the new role played by activists and how it slowly prompted a change in the government's discourse on LGBT rights and, influenced by the country's insertion in a international human rights debate, gave rise to the first public policies to LGBTs in the field of human rights.

Chapter 4 will analyze further policies established to this population by the Lula administration. I will compare both administrations in order to show how Lula departed from developments made by FHC to accomplish a series of positive reforms on LGBT rights. In this chapter, I will investigate his efforts to recognize these rights in a full human rights frame. Attention will be given to the structural changes made by this administration and to the role played the LGBT Movement while pushing the government to meet their demands. I will explain how activists achieved a bigger space in the decision making process, successfully influencing the government's discourse and thus the human rights policies established to them.

Finally, the last chapter will conclude by making a general overview of previous discussions. I will make clear the different approaches and discourses used by each administration, drawing comparisons among the policies established in order to show the developments achieved by the Federal Government to the LGBT population. I will make an attempt to highlight the roles played by each of these actors and how their discourses influenced one another and developed throughout the time, thus creating a more favorable reality for LGBTs in the Brazilian society. In the end, I will draw some critical considerations and propose recommendations.

## CHAPTER 2

# The Political Emergence of the LGBT Movement in Brazil

The Brazilian LGBT Movement<sup>4</sup> is considered by many as one of the oldest and largest movements in Latin America and it is among the most politically engaged ones in the region (Dehesa, 2010; Facchini, 2005; Goméz, 2010). As a matter of fact, the successful history of this Movement is embedded in the country's political history of the second half of the 20<sup>th</sup> century, as it emerged as part of a larger democratic opposition to the military dictatorship regime that was installed in 1964 and lasted for two decades.

The first activists displayed a strong antiauthoritarian language aimed at strengthening a “homosexual identity” and were initially inspired by socialist and anarchist ideologies (Facchini, 2005; MacRae, 1990). They began campaigning in the 1970s for democracy and their fight for homosexual liberation was rooted in a bigger fight for cultural and sexual changes (Daniliauskas, 2011). These early activists, Dehesa (2010) notices, were closely connected to student and youth activists, as well as leftist organizations, which were all seeking to contest and extend the boundaries of the political public sphere.

Therefore, understanding the social, political and economic context in which these activists were inserted is fundamental to analyze the political emergence of the organized LGBT movement in Brazil. The purpose of this chapter is indeed to provide background information on how LGBT activists took advantage of the redemocratization process and the AIDS crisis to insert its demands in the political debate. This chapter consists of a literature review of the most comprehensive studies on the matter, particularly the works of James Green (1999), Regina Facchini (2005), Rafael de la Dehesa (2010), *inter alia*. I will also endeavor to provide a discourse analysis of the strategies used by LGBT activists, showing how they evolved throughout their political emergence and shaped their discourse.

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<sup>4</sup> According to Simões and Facchini (2009), the Brazilian movement was self-described as Homosexual Liberation Movement until 1993, when it became the Gay and Lesbian Movement. In 1995, Transvestites were incorporated and, in 1999, Bisexuals. In the 2005 national meeting, a resolution was approved to also include Transsexuals under the T segment and in the 2008 National Conference, the name of the movement was changed again to Lesbian, Gays, Bisexuals, Transvestites and Transsexuals, following a trend in the international movement to give more visibility to lesbians and avoid the hierarquization of gay men over women.

## 2.1 The rise of the homosexual liberation movement under the dictatorship

As mentioned earlier, since 1964 the country had been undergoing a military dictatorship and, at the same time, young people began organizing, nationally and internationally, towards a “generational shift in beliefs and values” (Dehesa, 2010:70). This youth counterculture motivated student mobilization in the 60s and 70s and was also responsible for the rise of a number of identity-based social movements, including the homosexual liberation movement, calling for democratic and revolutionary change (Alves, 1993).

The Brazilian youth counterculture movement became known as *Tropicalismo* and it also used an antiauthoritarian language, as it emerged against the most hard-line period of the dictatorship, confronting the notion of national identity and the illusion of economic prosperity promoted by the militaries during the country’s so-called “economic miracle”<sup>5</sup>. As in much of the world, young people in Brazil were focused on a politics of everyday life, instead of long-term structural changes, seeking individual liberation and sexual freedom and challenging traditional notions of sexuality and genre (Dehesa, 2010; Green, 1999).

When the military coup announced a gradual democratic opening, known as *abertura*, in the end of the 70s, this cultural and sexual contestation, which was primarily politicized by *Tropicalists* (MacRae, 1982), gained impulse and ultimately found expression within the partisan left, paving the way for its opening for homosexual liberation.<sup>6</sup>

Indeed, it was during the *abertura* that homosexual liberation movement began organizing, mostly in Rio de Janeiro and São Paulo. In 1978, activists created Brazil’s first homosexual group, *Somos: Grupo de Afirmação Homossexual*. In the following year, the group held a debate at the University of São Paulo aiming at organizing Brazil’s “minorities”, thus forging an early alliance with women, blacks, and indigenous people, regarded by Green

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<sup>5</sup>As argued by Alves (1985), the sudden economic growth from 1968 to 1973 was financed mostly by international funding agencies and foreign investment that took advantage of the current repression of labor and political dissent. This situation produced an apparent feeling of nationalism among certain sectors of the society, often invoked to overshadow the political and social repression of the dictatorship.

<sup>6</sup>In the beginning, the Brazilian left responded to *Tropicalismo* with hostility, arguing that it was an expression of a culturally alienated middle class whose concerns were tied to personal rather than social transformations (Dehesa, 2010). They were also resistant to the homosexual movement, afraid that focusing on specific issues, such as sexuality, would divide the left and hinder the general struggle against the dictatorship (Green, 1999). In the face of the crisis of Marxism and the regional emergence of neoliberal economic policies, the partisan left was forced to open its debate to other discourses, such as the discourse on sexuality promoted by both *Tropicalists* and homosexuals.

(1999) as the “coming-out event” for the Brazilian homosexual movement. The first lesbian group was only created in 1980, when the movement had reached an early peak of nearly twenty groups organized in several states (Facchini, 2005).<sup>7</sup>

## 2.2 The AIDS crisis and the re-democratization process

The first half of the 1980s saw the decline of the homosexual liberation movement in Brazil due to the global appearance of the HIV/AIDS epidemic, responsible for the death of many activists and internal divisions in the homosexual movement (Dehesa, 2010; Green, 1999). The international and local media began framing the epidemic as the “gay cancer” or “gay plague”, as the homosexual population was initially considered the group most at risk. The movement responded with internal divisions: some wanted to gather efforts to fight the epidemic while others thought it would be best to refrain from participating in this debate in order to avoid the identification of AIDS as a homosexual disease (Câmara, 2002; Facchini, 2005).

Another factor that contributed to the dissipation of the homosexual movement in the early 80s was an increase in violence against gay men and transvestites committed not only by homophobic civilians, convinced that AIDS was a direct result of gay lifestyles (Gómez, 2010), but also by paramilitary units of the armed forces, which embarked on some sort of extralegal social cleansing, kidnapping and torturing “immoral” opponents of the dictatorship (Green, 1999). There are records of a special unit targeting homosexuals and transvestites, the *Cruzada Anti-Homossexualista*, known for sending threatening letters to members of the group *Somos* in 1981.<sup>8</sup> As a result, from the twenty groups existent in 1981, only six groups survived in the country in 85 (Facchini, 2005).

With the fall of the military dictatorship and the transition to democracy, there was also a reorientation of efforts among activists to fight the AIDS epidemic, change social prejudices that regarded homosexuality as a disease and finally bring this issue to the public sphere (Dehesa, 2010; Simões and Facchini, 2009). At the same time, a multi-party system was

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<sup>7</sup> See Green (1994) and MacRae (1992) for more detailed information on the early homosexual movement in Brazil.

<sup>8</sup> According to records from the *Grupo Gay da Bahia*, more than twelve hundred of homosexuals and transvestites were murdered in Brazil from the mid-1980s to the mid-1990s (Mott, 1996).

reestablished with the *abertura*, fostering competition among left parties for electoral prestige and forcing left party militants to establish closer ties to several identity-based social movements. Homosexual activists took advantage of this broader transformation in the boundaries of the political sphere to also push their own agenda into the left's debate and to fight the social stigma they still represented (Dehesa, 2010). In other words, they saw this as window of opportunity to reinforce their recognition in the political scene.

The Workers Party (PT), founded in 1980, was the first party to show a sign of openness to the debate on homosexual liberation, as their leader and former trade union militant Luiz Inacio "Lula" da Silva spoke on the issue at its first National Convention in 1981:

*"We do not accept that homosexuality be treated as an illness in our party, much less as a police matter. We defend the respect that these people deserve and invite them to join the greater effort of building a new society"* (*Partido dos Trabalhadores, 1998: 111*).

In the speech above it is clear the PT's intentions not only to change stigmatized understandings of homosexuality in their discourse but also turn homosexuals into allies in their political agenda. In fact, one year after, an antidiscrimination plank was included in its first national program in the context of the 1982 elections and they also began organizing gay and lesbian sectoral groups within the party to educate the membership about the issues of the movement (Green, 1999). At the same time, the Socialist Convergence, a small Trotskyist group, joined the partisan left's opening to the homosexual movement (Dehesa, 2010).

Nonetheless, it is important to notice that this approximation with the left did not mean that homosexual activists simply aligned to those parties. On the contrary, most activists, especially feminist lesbians, actually rejected party alignment (Green, 1999). They regarded partisan alliances more instrumentally than ideologically, as stated by Dehesa (2010), in order to insert their demands in the country's political scene.

## 2.3 The Movement's first political strategies

In 1982 Brazil had its first legislative and gubernatorial elections since the dictatorship was installed, paving the way for democracy in a still authoritarian context. According to Dehesa (2010), these elections were a decisive moment in the political trajectory of the homosexual movement, setting precedents for later electoral activism and legislative campaigns, and, I will argue, for a later engagement with the Federal Government.

As previously mentioned, activists did not align to any political party and instead embraced ‘state-directed strategies’, as labeled by Dehesa (2010), approaching candidates across party lines regardless of their sexual orientation or political affiliation, seeking not only autonomy and cross-party visibility, but also political commitment to their demands after the elections. The strategies employed by activists consisted of, *inter alia*, approving joint resolutions among groups stating their non-support to any specific party, presenting a list of demands to all candidates, inviting them to political debates and sending out questionnaires. The PT was mostly receptive to these efforts and it was actually the only party attending debates and inviting gay activists to its rallies (Dehesa, 2010). It was also the only party who answered a questionnaire urging all political parties to take a stand on homosexuality, with the inclusion of an antidiscrimination plank in its national program, as noted in 2.2.

Another relevant strategy pointed out by Dehesa (2010) was a petition directed to the federal government in 1981 to suspend the application in Brazil of the Paragraph 302.0 of the World Health Organization’s (WHO) International Classification of Diseases, which at the time still categorized homosexuality under “deviance and sexual disorder”. Activists also approached several state and municipal lawmakers requiring the introduction of non-binding motions against Paragraph 302.0. The campaign turned out quite successful and in 1985 the Federal Medical Council finally passed a resolution, following precedents set by Nordic countries, suspending the paragraph’s application in Brazil (Mott, 1995).

Besides these state-directed political efforts, homosexual activists employed an important discursive strategy. They used a relatively identitarian discourse, framing the homosexual community as a rights-bearing minority group (Marsiaj, 2006). The discourse on ‘minority rights’ was indeed a very smart move, resulting from activists’ earlier involvement with a number of identity-based movements, such as the youth and student movements, as explained in 2.1. The language of rights allowed homosexual activists not only to forge closer ties to

such movements and participate within a broader democratic, ideologically heterogeneous front against the dictatorship, as observed by Dehesa (2010), but also provided a basis to push their demands into the leftist debate.

This rights-based discourse was clearly visible in the Movement's campaign to pressure the Constituent Assembly, which was rewriting the nation's constitution during 1987-88, to include 'sexual orientation' as one of the grounds for protection against discrimination, guaranteeing equal rights for all citizens (Marsiaj, 2006). Despite their efforts, homosexual activists did not succeed in persuading lawmakers across party lines to vote for the constitutional amendment, whose author was former PT president José Genoino. Of the 461 members voting on the measure, only 130 were in favor and this support came mainly from left-wing parties, while religious lawmakers from the center and right managed to use biblical precepts to oppose the inclusion of sexual orientation discrimination in the 1988 constitution (Dehesa, 2010; Mascarenhas, 1998).<sup>9</sup>

## 2.4 The resurgence of activism in the 90s and the case for civil unions

In accordance with the arguments in 2.2, the AIDS epidemic generated a dramatic change in the homosexual movement in mid-80s and was partially responsible for an initial reduction in the number of groups. However, in the 90s the movement experienced a considerable resurgence, as the AIDS crisis brought the issue of homosexuality to the public sphere and opened new sources of funding for prevention work from the government and international financial agencies, mainly through the *Programa Nacional DST/AIDS* created by the Ministry of Health in 1986.<sup>10</sup>

Although this program will be discussed more in details in the next chapter, it is important to mention here that it began providing funds for the Movement's activities, including two important events in 1995. The first one was the national meeting of LGBT activists, which experienced a huge increase in the number of groups attending (from 6 groups in 1991, to 84 in that year) (Facchini, 2005). In that meeting activists established a

<sup>9</sup> See Dehesa (2010: 124) and Marsiaj (2006: 200) for figures on party support for an antidiscrimination amendment contemplating sexual orientation in the constitution.

<sup>10</sup> According to Green (1999), mass-media coverage on AIDS ended up increasing public discussion of homosexuality in Brazil, especially after popular artists announced their diagnosis with the disease, and instigating activists' engagement with the issue.

national umbrella organization, the *Associação Brasileira de Gays, Lésbicas, Bissexuais, Travestis e Transexuais* (ABGLT), which helped unify the Movement's voices and foster dialogue with the state. Facchini, and approved a resolution defining same-sex civil unions as the movement's top priority, according to Facchini (2005).

On the other event, the 17<sup>th</sup> conference of the International Lesbian and Gay Association (ILGA), held for the first time in the city of Rio de Janeiro, PT deputy Marta Suplicy launched a national campaign to approve a bill legalizing same-sex domestic partnerships – the *parceria civil registrada* (PCR) bill<sup>11</sup>. A year before, PT candidate for the 1994 presidential elections, Lula, had withdrawn his support for the issue due to the party's alliance with activists in the ecclesiastical-base communities of the Catholic Church (Green, 1999), which became much more outspoken than on the antidiscrimination amendment of 1988. In fact, the Church spearheaded conservative religious sectors of the Chamber of Deputies, repeatedly blocking the vote on the PCR bill since 1995 (Dehesa, 2010).

After many unsuccessful attempts to vote on the PCR bill for over a decade, Brazilian activists eventually dropped the legalization of same-sex civil unions from its priorities and adopted a discourse against homophobia. Miskolci (2007) indicates that the PCR lost its legitimacy due to disputes among segments of the movement over the hierarchicalization of civil unions in relation to other issues. The focus on eliminating homophobia seemed more inclusive since it embraces all the LGBT segments thoroughly. Put differently, it benefits a wider range of people, unlike the law on same-sex unions, which benefits only those who are engaged in relationships and willing to register them in the molds of heterosexual unions Miskolci (2010).

## 2.5 Discursive developments

Before concluding this chapter, it is appropriate to draw attention here to certain trends and developments in the activists' discourse, which became more evident in the two last legislative campaigns, notably for the constitutional antidiscrimination amendment and the

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<sup>11</sup> The original text of the Bill can be found here: [http://www.ggb.org.br/projetolei\\_1151.html](http://www.ggb.org.br/projetolei_1151.html) (accessed in 05.02.12).

same-sex civil unions, and influenced dramatically their further engagement with the Federal Government, as I will discuss in the next chapters.

First, there was an increase in the appeals “framing sexual rights as an extension of both universal human rights and liberal citizenship” (Dehsa, 2010:132). During both campaigns, activists increasingly legitimized their demands through a human rights frame and evoked arguments that grounded antidiscrimination and civil unions in broader claims for citizenship and equal access to the public sphere. Thus there was no justification for excluding the homosexual community from the rights enjoyed by all other citizens. As argued by Neil Stammers, *“the construction and use of human rights discourses by social movements can play an important and positive role in challenging relations and structures of power”* (1999: 987). The discussions in the following chapters will prove that the Brazilian LGBT Movement is a good example of this reasoning.

Second, some discursive shifts were observed on the movement’s banner: from ‘homosexual liberation’ until late 70s, to ‘homosexual rights’ in mid 80s, and later to ‘gays, lesbians, bisexuals and transsexuals rights’ in mid 90s. While the focus on ‘rights’, rather than ‘liberation’, represents a serious political move trying to constitute the homosexual community as a clearly delineated, rights-bearing minority group (Dehesa, 2010), the focus on other identities, rather than just ‘homosexual’, reflects an effort of building an identitarian-based politics and a broader reinvention of the movement’s priorities, following international developments on the field (Facchini, 2005).

It might be relevant to emphasize here that all these discursive developments and strategies employed by the LGBT activists mentioned earlier were not idealistically designed as part of a master plan. That is not to say that they were not rationally driven, but that they did not follow an intentional progressive construction. Instead, they were influenced by the country’s political debate, as it was elucidated in several parts of this chapter, and by international and transnational repertoires of LGBT politics.

In this respect, both Dehesa (2010) and Mott (1995) highlights that activists were often inspired by strategies of the international LGBT Movement and used these examples as a symbolic appeal while convincing politicians of their demands. For instance, the questionnaire sent out during the 82 elections was adapted from a global survey by the

International Gay Association<sup>12</sup>, while the petition circulated was inspired by a very similar campaign organized earlier by the German and Nordic homosexual movements.

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<sup>12</sup> International Gay Association, “Political Parties: World Survey 1981”, AEL/UNICAMP.

## CHAPTER 3

### The FHC Administration (1995-2002)

It was seen in the previous chapter that LGBT activists in Brazil initiated a number of state-directed strategies in the 1982 elections, instead of aligning to a specific political party, paving the path for their insertion in the country's political scene. These strategies persisted after the elections and influenced their first legislative campaigns throughout the 80s and the 90s. More importantly, they allowed activists to engage heavily with the Federal Government and participate in the public health debate in the wake of the AIDS crisis. The discussions in this chapter intend to prove how the LGBT Movement played a significant role in the state's response to AIDS during the 90s; a role characterized by the continuous adoption of a rights-based discourse and active involvement as technical experts.

Dehesa (2010) suggests that Brazilian activists' engagement with the Federal Government on HIV prevention enabled them to stretch the boundaries of state subjectification<sup>13</sup> and their achievements penetrated the society more deeply. Nevertheless, Gómez (2010) underscores that such outcomes would not have been possible without the government's openness to the LGBT Movement and fairly receptiveness to their demands. The arrival of the more liberal presidency of Fernando Henrique Cardoso (FHC) in 1995, notwithstanding its right-wing orientation, provided more opportunities for activists to push the government to do more on AIDS.

In fact, recent research by Renee Loewenson (2003) indicates that the success of civil society mobilization in response to epidemics, such as AIDS, is the presence of federal institutional structures guaranteeing interest-group representation. She thus encourages us to examine such structures and look at the factors "within the state" that influence the capacity and effectiveness of activism. This is exactly what I intend to do in this chapter. I will examine the government's structures that enabled dialogue between the LGBT community and the FHC administration, which governed the country for 2 mandates (from 1995 until

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<sup>13</sup> The notion of subjectification was developed by Foucault and it refers to the construction of the individual subject. Therefore, state subjectification refers to the process through which individual human beings become subjects recognized and controlled by the state and legitimized as members of the society (Rabinow, 1984).

2002), and were responsible for the establishment of the following policies: the *Programa Nacional DST/AIDS*, the *Programa Nacional de Direitos Humanos I* and II and the *Conselho Nacional Contra Discriminação*. I will employ the following research methods: content analysis and discourse analysis, but unlike Loewenson (2003) and following a critical discourse analysis perspective, attention will also be given to factors outside the state, such as the impact of international agreements and transnational economic reforms, and under the state, such as the role of the LGBT Movement.

### 3. 1 Brazil's neoliberal response to AIDS

According to the discussions in the previous chapter, the government's first response to the AIDS crisis in Brazil was the establishment of the *Programa Nacional DST/AIDS* (PNDA) by the Ministry of Health in 1986. In the 90s, the program strengthened the federal government's engagement with the LGBT Movement and became the main interlocutor of the Movement's demands to the state (Daniliauskas, 2011). It all started when the program created its NGO Articulation Unit in 1992, as a part of a series of loan negotiations with the World Bank, "restructuring the state's relations with the civil society based on public-private partnerships in the delivery of state services" (Dehesa, 2010: 179).

Dehesa (2010) draws on Foucault's notion of 'governmentality' to explain this twist in the state-civil society relationship (Foucault, 1991). According to him, governmentality refers to the "conduct of conduct", or the regulation of behavior, to particular rationalities or technologies of governance (Burchell, 1996). The author further relies on Curtis (2002) to argue that modern forms of governmentality are directly related to biopolitics and populations are taken as their object.<sup>14</sup> They are also related to the development of new scientific discourses, such as in public health, which enable "new forms of regulation or intervention seeking to reshape the conduct, desires, and capacities of target populations" (Dehesa, 2010: 179).

In fact, the World Bank loans changed dramatically the role of the PNDA, instituting new technologies of governmentality that promoted the decentralization and "cost-effective"

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<sup>14</sup> According to Foucault, biopolitics marks the threshold of modernity, placing life at the center of political order and as the object of political strategies (Lemke, 2011). It relates to the practices of modern governments to achieve "the subjugations of bodies and the control of populations" (Foucault, 1979: 140).

targeting of public services, progressively through the articulation of actors both within and outside the national territory (Dehesa, 2010). Therefore, it is possible to read the articulation of the Brazilian government with external actors, such as the World Bank, to attract funding for domestic actors, such as NGOs, as a way of optimizing the life processes of populations at risk with the HIV epidemic, mainly the homosexual population. There is an implicit attempt to regulate their behavior, eliciting their adherence to a new health regime, where sexuality became a politicized matter (Foucault, 1979).

These new technologies of governmentality, Burchell (1996) argues, rely on the constitution of political subjects and the internalization of discipline and, therefore, allow a stretch in the boundaries of state subjectification, as emphasized by Dehesa (2010). This is exactly what happened in Brazil. The AIDS crisis prompted the government's recognition of homosexuals as political subjects, not necessarily due to their involvement in the fight against the epidemics but because they have become targets of the HIV prevention work and had to have their sexual behavior controlled by the state in order to contain the disease.

The signing of the Brazilian agreement with the World Bank must be understood as part of a broader transnational neoliberal restructuring of the state which increasingly dominated Latin America during the 90s as a solution to the economic recession of the previous decade and reflected the region's insertion in the global market in the post-Cold War context. Neo-liberalism had a strong resonance in the region due to both economic and ideological reasons. On the one hand, it was a local manifestation of globalization, opening the countries for foreign investments, international funding agencies and non-state actors, such as NGOs. On the other hand, neoliberal emphasis on individualism, self-regulation and deepening of private power came in very handy in a context of redemocratization after decades of military dictatorships.

The majority of NGOs established in the 90s came from social movements and shared some sort of sympathy with the neoliberal strategy of promoting the use of social organizations in the solution of socio-economic problems and turning activists into "private" implementers of government policy (Taylor, 1999). In turn, governments rapidly embraced this strategy, since they were simultaneously engaged in privatization and huge public spending cutbacks. Therefore, the deployment of NGOs was the best solution to provide public goods but with the funding of private capital. In this sense, Taylor concludes:

*“Thus, a neo-liberal civil society functions to provide answers to local problems-answers that are not imposed from above but are generated from below-via organizations that embrace the decentralization of policy implementation and which utilize talents and initiatives that emanate from the community itself”* (1999: 290).

### **3. 2 A new role for civil society**

Brazil’s negotiations with the World Bank started in 92 and resulted in the first AIDS and STD Control Project, which lasted from 1994 to 1998. Known as AIDS I, this project was very innovative, including for the first time civil society participation in the implementation of its actions, and it became an international reference in HIV prevention, mainly after 1996, when the Brazilian government decided to extend universal access to free medications, including antiretroviral drugs, through the PNDA (Daniliauskas, 2011; Simões and Facchini, 2009). Already in the first trimester of 1997, the country reported a considerable drop in AIDS deaths and, since 2000, extensive prevention efforts have cut in half the incidence of new HIV cases (Biehl, 2004, Gómez, 2010).

The engagement of the LGBT Movement in the government’s response to AIDS since early 90s contributed to the framing of public health as a human rights issue and definitely impacted on the government’s decision to extend universal access to free medications (Petchesky, 2003). As they got involved with HIV prevention, activist brought their rights-based discourse to the public health debate and managed to persuade the government to treat universal access to medicine as a basic human right of all Brazilian citizens. It was not by chance that in 2001 the country successfully introduced a resolution at the UN Human Rights Commission defining access to affordable HIV/AIDS drugs as a basic human right.<sup>15</sup>

Then again, LGBT activists’ central involvement in prevention efforts was undoubtedly facilitated by the successive World Bank loans debated in 3.1. Such loans have indeed prioritized the decentralization of tasks and increased LGBT activists’ incorporation as technical experts, since they offered certain cost-benefit advantages and much cheaper labor power than state servants (Galvão, 2000). Furthermore, these activists provided their own

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<sup>15</sup> United Nations High Commissioner for Human Rights. *Access to Medication in the Context of Pandemics Such as HIV/AIDS. Commission on Human Rights Resolution 2001/33.* Available at: [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.RES.2003.29.En](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.RES.2003.29.En) (Accessed 20.02.12)

specialized knowledge in the field and credibility with the target populations. They knew better how to tackle the problems of their community, which, in turn, was more likely to trust them than outsiders (Taylor, 1999). The World Bank explicitly corroborated this idea by saying that:

*“The implementation of HIV/AIDS and STD control efforts among specific high risk groups can be most effectively carried out by societal organizations that have formed a relationship of trust with members of certain high risk groups. The individuals being targeted often belong to marginalized segments of society with which governments have little experience” (2002: 8).*

Hence, the outcome of these neoliberal technologies of governmentality is a significant growth in public-private partnerships, characterized by a new role for civil society in the biopolitical administration. This role is described by Burchell (1996) as a “contractual implication”, a trade whereby individuals and collectivities are actively brought into areas that had hitherto been the duty of state agencies in exchange for assuming responsibility for the implementation of activities. The result is a process of ‘responsibilization’, which corresponds to the new forms in which the civil society is encouraged, “freely and rationally”, to actively participate in the solution of specific problems (Burchel, 1996, Lemke, 2001). By 1997, Brazil had become the country with the largest and most elaborate efforts to subcontract AIDS services to NGOs (Galvão, 2000), and the number of projects supported by the World Bank rose from 28 under AIDS I to 193 under AIDS II, which lasted from 1998 to 2003 (World Bank, 2004).

A further step was taken by the FHC administration towards the LGBT movement in its second mandate when the *Programa Nacional DST/AIDS* (PNDA) launched the SOMOS Project in partnership with the *Associação Brasileira de Gays, Lésbicas, Bissexuais, Travestis e Transexuais* (ABGLT) in 1999. The main goal of SOMOS was to help establish and strengthen new NGOs working with LGBT people (Ministério da Saúde, 2005). Indeed, SOMOS became some sort of ‘NGO factory’ (Dehesa, 2010) and contributed to a process of “NGOization” in the LGBT movement (Ramos, 2004). By 2007, for instance, there were about seven hundred NGOs working with HIV prevention (Vianna and Carrara, 2007). The project also extended the scope of activism and stretched the government’s prevention policies beyond the public health domain, enabling activists not only to promote safe-sex but

work with sexuality issues in general, recasting citizenship through discourses of individual autonomy, personal responsibility and empowerment (Alvarez et al, 1998).

The government's commitment not only to medical treatment but to eradicate violence and discrimination against LGBTs became more evident in 2002 when a new prevention program, based on TV propaganda, was established exclusively to that population. According to Gómez (2010), the series of public service announcements that followed had the objective of educating the population on the importance of safe-sex, increasing familial acceptance of and support to gay people and, finally, reducing social stigma of homosexuality. While launching this new program, the director of the PNDA openly stated in a BBC interview that protecting homosexuals from AIDS was just as important as any of their other programs and reiterated that "respecting differences is as important as using condoms" (Murray, 2002). This reaffirmed the government's willingness to take a risk and support the LGBT community, regardless of the strong social repression faced by them, due to persistent rumors of AIDS being attributed to gay's lifestyles.

Nonetheless, an important criticism is often made to this civil society's new role in the neoliberal public-private partnerships. The incorporation of LGBT activists into the formulation and implementation of state policies transformed the nature of activism and might have undermined their capacity for critical engagement (Dehesa, 2010). If once activism was more concerned with public oversight and supervision of the state's actions, now activists have come to position themselves as executors of policy. In other words, the state-civil society relationship changed from contentious to cooperation and this might have weakened the latter's autonomy in relation to the former.

Whatever the case may be, it is incontestable that the new role of civil society in HIV prevention state efforts has considerably stretched the boundaries of state-subjectification, in *Foucaultian terms*, and broadened the extent of public policy in Brazil, prompting government's support and funding not only to the fight against AIDS but to the LGBT movement's activities, creation of more NGOs and training of activists but also to increasingly educate the society and overcome social stigma. More precisely, it has expanded the government's scope of action from health issues to full citizenship and human rights. The first formal step in this direction was seen in 1996 with the launch of the first *Programa Nacional de Direitos Humanos*, which will be discussed in the next session.

### **3.3 Programa Nacional de Direitos Humanos I and II**

Parallel to the AIDS debate, the 90s also witnessed in Brazil the rise of another debate: a human rights debate. The first *Programa Nacional de Direitos Humanos* (PNDH I) was launched in 1996, based on the resolutions of the World Conference on Human Rights, held by the United Nations in Vienna in 1993. Brazil was among the participants and signed the final resolution, the first human rights treaty to include ‘sex’ as a category of discrimination.<sup>16</sup> Since then, an evolving legal framework has constructed sexual rights as part of human rights and Brazil started doing this with the PNDH I, which was the first federal government’s official document to make an explicit reference to ‘homosexuals’.

After Vienna, the President FHC publicly stated that “the fight for freedom and democracy has a specific name: human rights” (Brasil, 1996, p.4) and commanded the Ministry of Justice to elaborate the PNDH I. The document was written in conjunction with civil society organizations, which identified the main obstacles to the promotion and protection of human rights in Brazil and presented concrete measures to be executed by all ministries of the federal government. Moreover, the PNDH I clearly reflects the country’s compliance with human rights international agreements signed in the early 90s.<sup>17</sup>

In its introduction, the PNDH I defines human rights as the fundamental rights of all people, including homosexuals:

*“Human rights are the fundamental rights of all people, whether they are women, black, homosexuals, indigenous, elders, disabled, [...]. Everyone, as persons, must be respected and have their physical integrity protected and assured” (Brasil, 1996: 3).*

One could argue that the emphasis on certain groups of people reveals the government’s intention to give visibility to those people who, despite being socially discriminated, are rights-bearing citizens and should be respected and have their physical

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<sup>16</sup> According to Correa (2009), before Vienna the term “sex” had been only interpreted by the UN with a gender connotation, as a category distinguishing only men and women. In the Vienna Declaration, though, the interpretation of the term is broadened in order to encompass issues of sexuality and sexual orientation.

<sup>17</sup> After the 1988 Constitution imposed to the Brazilian state the compliance with international human rights standards, the governed signed, in early 90s, the following human rights treaties: International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights, as well as the American Convention on Human Rights and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

integrity protected. In this sense, it is important to notice all over the document the government's fundamental concern to the violence suffered by such groups of people, which can be interpreted through Foucault's notion of biopolitics as a practice of modern states to regulate the life of populations. This is clearly observed in the first action that refers to homosexuals. In its section on the protection of the right to life and the security of people, homosexuals are cited among the groups in the most vulnerable situation, which require specific short-run programs to prevent violence against them (Brasil, 1996: 7).

In the section on "Protection of the right to equal treatment under the law", the PNDH I proposes the immediate introduction of legislations prohibiting all types of discrimination and includes for the first time 'sexual orientation' discrimination (Brasil, 1996: 11). The idea behind this action is to implement the underlying principles of equality and non-discrimination present in the 1988 Constitution. Given that the latter did not include 'sexual orientation' in its anti-discrimination provision, as seen in Chapter 2, the PNDH can be considered a step further to the protection of the human rights of LGBT people, notably changing the government's discourse on discrimination issues.

The second PNDH, launched in 2002, at the end of FHC's second mandate, features several textual developments in relation to the previous program regarding LGBT rights. First of all, the preface signed by the President of the Republic recognizes that some issues, such as the 'rights of homosexuals', were previously considered as taboos and not given enough attention, but are now inserted in the public policy domain (Brasil, 2002: 5). In other words, the President himself acknowledges a historical discrimination faced by such people and reaffirms the legitimacy of their rights. He further calls upon the civil society, which also helped on the elaboration of the PNDH II, to assist on the implementation of its actions.

Perhaps the main progress of the PNDH II was the incorporation of gays, lesbians, transvestites, transsexuals and bisexuals (GLTTB)<sup>18</sup> among the social groups that should be treated equally. Such incorporation was a response to the civil society criticism on the PNDH I favoring only the homosexual segment. It also represents the government's adherence to the discourse of the LGBT Movement, which increased the visibility of other segments in the late 90s, as discussed in the previous chapter.

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<sup>18</sup> In the PNDH II, the abbreviation appears as GLBTT because that was commonly used at that time. As noted in the previous chapter, the community came to be officially designated as LGBT in 2008.

In this document, it is also possible to see that the issue of ‘sexual orientation’ gained certain prominence in relation to the previous program and received particular attention in the sections on the rights to freedom, equality, health and work. On the guarantee to the right to freedom, the PNDH II proposes amendments to the constitution and the Penal Code in order to include not only the prohibition of sexual orientation discrimination but the right to freedom of sexual orientation (Brasil, 2002: 12). This implies a positive reformulation of the issue of sexual orientation, which is no longer linked to a negative right (the right to non-discrimination), as it was on PNDH I, but now a positive right associated with the right to freedom.

Additionally, the document incorporates, for the first time, the LGBT Movement’s demand for the legalization of same-sex unions, showing the government’s support to movement’s main priority at that time, as seen in Chapter 2, and encourages policies to reassure their right to adopt children and adolescents (Brasil, 2002: 15). The PNDH II also includes an extensive set of nine actions that recognize and protect the right to equality of GLTTB people. Here the government not only suggests the implementation of programs to prevent and fight violence against such people but introduces practical policies to tackle this issue, such as awareness-raising campaigns; training of professionals of several fields (teachers, judges, lawyers, police and security agents and so on); formulation of socio-economic policies and educational programs, among others (Brasil, 2002:19).

In sum, all these actions described above reveal the government’s concern not only to the issue of violence and physical integrity, as it was the case of PNDH I, but to guaranteeing equal rights to LGBTs. Therefore, one could argue that the PNDH II represents a considerable progress in the federal government’s discourse on such people, with a larger number of proposals and recommendations in a variety of areas. Comparing both programs further enables us to see how the government changed its conceptualization of that community: from ‘homosexuals’ to GLTTB people and from people in the most vulnerable situations to rights-bearing citizens.

### **3.4 Conselho Nacional Contra Discriminação**

In this session I will examine the establishment of the *Conselho Nacional Contra Discriminação* (CNCD), created in 2001 to implement the resolutions of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held by the United Nations in Durban in the same year.<sup>19</sup> In this conference, the Brazilian delegation proposed the inclusion of a provision condemning sexual orientation discrimination, in line with the commitments made on the PNDH I.<sup>20</sup> Although this provision was rejected, it instigated international and national discussions on the matter.

The idea of such proposition was a result of the FHC administration's evolving engagement with civil society. During the preparation for the conference, the government instituted a committee formed by civil society members, including the LGBT activist Cláudio Nascimento, and organized a number of national and regional seminars in order to build a common agenda. Nascimento explained during an interview with Daniliauskas (2011) that he managed to persuade the government to include sexual orientation discrimination by arguing that it fits in the category of 'related intolerance'. Many Brazilians are both black and homosexuals and thus suffer multiple types of discrimination: racism and homophobia.

This initiative was approved in the Latin American pre-conference<sup>21</sup>, even though it failed to be included in the Durban's final resolution.<sup>22</sup> Nonetheless, many scholars (Correa, 2009; Daniliauskas, 2011; Facchini, 2009) consider that Brazil's biggest achievement was to promote an international debate on sexual orientation discrimination, which was not possible in previous conferences, such as the International Conference on Population and Development (Cairo, 1994) and the IV World Conference on Women (Beijing, 1995).

Durban also had a direct impact in the country: the establishment of the CNCD, proposed by activists during the conference's preparation with the express intent of ending multiple types of discrimination and violence (Gómez, 2010). Indeed, the CNCD was

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<sup>19</sup> See the decree nº 3.952, of 04 October 2001, available at: <http://portal.mec.gov.br/seesp/arquivos/pdf/dec3952.pdf> (accessed 12.03.12).

<sup>20</sup> See A/CONF.189/12, available at: [http://www.un.org/WCAR/aconf189\\_12.pdf](http://www.un.org/WCAR/aconf189_12.pdf) (accessed 12.03.12).

<sup>21</sup> The conference was held in Santiago, Chile, in 2000 and the resolution approved became known as *Declaración de Santiago*, available at: [http://www.oas.org/dil/esp/afrodescendientes\\_tematica\\_declaracion\\_conferencia Regional\\_santiago\\_chile\\_2000.pdf](http://www.oas.org/dil/esp/afrodescendientes_tematica_declaracion_conferencia Regional_santiago_chile_2000.pdf) (accessed 12.03.12).

<sup>22</sup> See the final resolution, available at: <http://www.un.org/WCAR/durban.pdf> (accessed 25.02.12).

composed of several NGOs, including representatives of many LGBT organizations, and became the main intersection between the government and the LGBT movement in the beginning of the Lula administration. Eventually, it was responsible for the creation of the *Programa Brasil sem Homofobia*, theme of discussion in the next chapter.

## CHAPTER 4

### The Lula administration (2003-2010)

While the 1982 elections can be considered a decisive point for the political emergence of the LGBT Movement in Brazil, as shown in Chapter 2, the AIDS crisis is seen by many as a “watershed moment” in the history of LGBT politics in the country (Miskolci, 2011), mainly for approximating the civil society and the state, particularly the Federal Government. As seen in Chapter 3, Brazilian activists introduced an evolving rights-based discourse to the public health debate throughout the 90s and successfully pushed the boundaries of subjectification, transforming the public policy domain into a field where the human rights of LGBT people can be claimed and recognized (Dehesa, 2010).

Previously I discussed how these rights were institutionalized by the FHC administration, first through a public health discourse with the *Programa Nacional de DST/AIDS* and the adoption of neoliberal adjustment policies, and later through a human rights discourse with the *Programa Nacional de Direitos Humanos I and II*, and the creation of the *Conselho Nacional Contra Discriminação*. This reflects a much broader scope in the federal government’s agenda for LGBT people and an increasing process of their recognition as rights-bearing citizens.

The Lula administration, which also governed the country for two mandates (from 2003 until 2010), accelerated this process by changing completely the focus of LGBT politics into the human rights field and establishing a series of human rights public policies for LGBTs under the authority of the *Secretaria Especial de Direitos Humanos*. These policies will be the core of the present chapter’s discussion and are listed as follows: the *Programa Brasil sem Homofobia* in 2004, the *Plano Nacional LGBT* in 2009 and *Programa Nacional de Direitos Humanos III* in 2010.<sup>23</sup> I will employ the following research methods, content analysis and discourse analysis, while examining the actual content of these policies,

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<sup>23</sup> Other policies were established in other ministries and secretariats after the *Programa Brasil sem Homofobia* was launched in 2004. However, for the purpose of this dissertation, I will focus only on the ones which were the responsibility of the SEDH.

secondary data from interviews performed by Daniliauskas (2011) and primary data from the interviews I carried out in January 2012 and other official documents I collected.<sup>24</sup>

The specific objective of this chapter is to analyze the roles of the LGBT Movement and the Federal Government in the creation of the above mentioned policies. I will also discuss some relevant changes in the government's structure which enabled interactions between these two actors, as well as the political arrangements that brought those policies to life. It is important to notice that I do not intend to provide a detailed account of the content of all the actions proposed by those policies or focus extensively on their implementation. My aim is rather to examine the discursive development of the Brazilian government on LGBT rights during the Lula administration through those policies.

## **4.1 The human rights discourse of the Lula administration**

In order to analyze the public policies enacted by the Lula administration to the LGBT community, it will be necessary to draw attention to the antecedents of this government, since such policies were not implemented all of a sudden. As Howlett and Ramesh (2003) points out, when a new administration takes power, it does not simply start from scratch. There are several factors that facilitate or hinder policy reforms, as well as institutions, agencies and officials that come from previous administrations. Additionally, there are national and international agreements, long-term budget plans and other policies enacted previously which might have an impact on the new government's reforms. All these factors will be explored in this chapter.

The FHC administration initiated a human rights tradition in the second half of the 90s, inserting the country in a broader international human rights debate. This certainly have internal impacts, as discussed in the previous chapter, which culminated with the creation of the *Conselho Nacional Contra Discriminação* (CNCD) in 2002. The arrival of Lula in the government represented a big step forward in the country's fight for human rights and, particularly, LGBT rights. Not only because it was the first left-wing government since

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<sup>24</sup> See section 1.3 from Chapter 1 for a detailed explanation on my interviews and data collection.

formal democracy was reinstalled in 1986<sup>25</sup> but also because Lula, former Workers Party (PT) leader and trade union militant, had been one of the key protagonists in the opposition against the military dictatorship and raised the human rights flag throughout his entire political trajectory (Parana, 2009).

It might be appropriate to remember here, in line with Chapter 2, that Lula and the PT supported the LGBT Movement innumerable times since the 80s, and even thought the latter did not align completely to any political party in the beginning, as part of their state-directed strategies, they became good political partners over time. The friendly relationship they developed reached a new level when Lula ran for presidential elections in 2002. That moment, I suggest here, marked a rupture from the activists' non-alignment strategies since they explicitly expressed their ideological affinity with the PT, collecting over two hundred signatures for a manifesto in support of Lula.<sup>26</sup> Right after he took office, the same activists presented the new government with a list of legislative and public policy demands<sup>27</sup>, setting precedents for the creation of the *Programa Brasil sem Homofobia*.

The achievements observed in the Brazilian policy-making domain were definitely facilitated by some structural reforms made by Lula and the human rights approach of his administration. In 2003, he created special secretariats directly connected to the Presidency of the Republic<sup>28</sup>: the *Secretaria Especial de Direitos Humanos* (SEDH), a *Secretaria Especial de Política para as Mulheres* (SPM) e a *Secretaria Especial da Promoção da Igualdade Racial* (SEPPIR). This ministerial reform represents Lula's intentions to give human rights issues more relevance in the government's structure and frame these issues as presidential matters. These intentions were made even clearer in 2010 when a law turned the special secretariats into ministries, giving them more political and budgetary autonomy.<sup>29</sup>

Moreover, the creation of these secretariats reaffirmed Lula's unwavering commitment to human rights, particularly to women's rights and racial equality. LGBT issues and others

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<sup>25</sup> As debated in Chapter 2, left-wing parties, especially the PT, were more supportive of LGBT rights during the re-democratization process of the 80s and, supporting Marsiaj's (2006) assertion that such rights are more likely to be incorporated into leftist party agendas in Brazil, than into those of right-wing parties.

<sup>26</sup> Information provided by activists-members of the PT's LGBT sectorial group in interview with me.

<sup>27</sup> Ibid.

<sup>28</sup> See Law no. 10.683, of 28 May 2003. Available at: [http://www.planalto.gov.br/ccivil\\_03/leis/2003/L10.683.htm](http://www.planalto.gov.br/ccivil_03/leis/2003/L10.683.htm) (accessed 14.03.12).

<sup>29</sup> See Law nº 12.314, of 19 August 2010. Available at: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2007-2010/lei/l12314.htm](http://www.planalto.gov.br/ccivil_03/_ato2007-2010/lei/l12314.htm) (accessed 14.03.12). This law also altered the names of the secretariats, removing the word "special".

were allocated within the SEDH. Daniliauskas underscores that such secretariats refer to the constitution of new political subjects and targets of Lula's public policies, namely the Women's Movement, Black Movement, LGBT Movement, *inter alia*. Their creation can be further interpreted as a response to the historical demands of such movements and represents Lula's main priorities: to improve social conditions and eliminate inequalities in the Brazilian society, "through a political structure of dialogue, participation and partnership" (2011: 74).

This strategy was evident on the great number of national conferences held by Lula, revealing the government's engagement in a politics that intensify direct, participatory and popular democracy<sup>30</sup>. Daniliauskas (2011) highlights two important aspects of these conferences: they represent a decision-making strategy that prioritize civil society involvement in state tasks, reinforcing previously discussed neoliberal trends initiated by the FHC administration, and include the three levels of the Brazilian government (municipal, state and federal), reaching the society more deeply. The propositions that come out from these conferences are used to elaborate the government's human rights programs and plans. For the purpose of this dissertation, I will focus later only on the 2008 National LGBT Conference, which laid the basis for the 2009 National LGBT Plan.

## 4.2 The creation of the Programa Brasil sem Homofobia

The *Brasil Sem Homofobia* (BSH), launched by the Federal Government in 2004, was the result of its steady engagement with the LGBT Movement and it would not have been possible without the joint work among the *Programa Nacional DST/AIDS* of the Ministry of Health (PNDA), the *Secretaria Especial de Direitos Humanos* of the Presidency of the Republic (SEDH) and the *Conselho Nacional Contra Discriminação* of the Ministry of Justice (CNCD).

In my interview with the LGBT Movement's leader Toni Reis, he explained that activists were very unsatisfied with the previous government's slow implementation of the *Programa Nacional de Direitos Humanos* (PNDH) and used the space they occupied in the CNCD to demand Lula's compliance with the promises made to them during the 2002

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<sup>30</sup> From 1941 until 2010, 113 national conferences were held in Brazil, of which 72 were convoked by the Lula administration. Available at: [http://www.secretariageral.gov.br/.arquivos/arquivos-novos/CONFERENCIAS%20NACIONAIS\\_Tabela\\_1941\\_%202010\\_26abril2010.pdf](http://www.secretariageral.gov.br/.arquivos/arquivos-novos/CONFERENCIAS%20NACIONAIS_Tabela_1941_%202010_26abril2010.pdf) (accessed 15.03.12).

elections. In response, the Human Rights Secretary at that time, Nilmário Miranda, convoked a meeting with LGBT activists, who then proposed the creation of a set of policies exclusively to the LGBT community that would be permanent and transversal to all ministries - something not accomplished by the FHC administration, as observed by some activists in my interviews. Miranda then nominated Ivair Augusto, advisor of the SEDH and Executive-Secretary of the CNCD, to be the interlocutor between activists and the ministries and conduct the negotiations for the formulation of such policies.<sup>31</sup>

In order to facilitate these negotiations, the SEDH turned to the PNDA requiring assistance, since it had been quite successful in establishing objective partnerships with LGBT activists during the FHC administration. Toni Reis confirmed to me that the model of public-private partnerships developed through HIV prevention served not only as an instrument for the improvement of activists' advocacy skills and technical training but it extended the scope of their action to other areas, such as the human rights field. In brief, the PNDA became some sort of consultancy board guiding the SEDH on the feasibility of the activists' proposals. In my interview with SEDH official Eduardo Santarelo, who was one of the coordinators of the BSH, he stated that the government was actually concerned with guaranteeing institutional support and political commitment to the LGBT policies in order to avoid their non-implementation, as it had happened with the PNDH II. In other words: they learnt it was not enough to formulate policies – they should be somehow put into practice.

Following Nilmário Miranda's recommendations, activists immediately approached the members of the CNCD and worked overnight to write down a resolution to be presented in the Council's meeting on the next day, affirmed activist Cláudio Nascimento in interview with Daniliauskas (2011). They managed to persuade the CNCD to approve the resolution in November 2003 and establish a working group to help the SEDH in the formulation of the program, as stated by some activists during my interviews.

Spearheaded by the *Associação Brasileira de Gays, Lésbicas, Bissexuais, Travestis e Transexuais* (ABGLT), the working group revisited the demands of the LGBT Movement proposed over the years during its meetings and sent them to the SEDH, so it would discuss their content with the other ministries. ABGLT's President Toni Reis explained to me that, from December 2003 until May 2004, activists met with ministries, secretariats and other agencies exposing the Movement's proposals, educating the government officials on LGBT

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<sup>31</sup> Information provided by Ivair Augusto in interview with Daniliauskas (2011).

rights and convincing them on the importance of creating public policies to eliminate discrimination and violence against LGBT people. By doing this, they managed to promote more dialogue and interaction between the state and civil society, as well as instruct the latter on how the government's structures and politics work in actual fact. If they wanted their demands to be recognized, they should know exactly how and where to claim them. In short, it was a process of mutual learning: the government would learn about LGBT rights while activists would learn about policy making. It was also a process of strengthening alliances between the Federal Government and civil society and identifying potential supporters for the LGBT program, as stated by Nascimento in interview with Daniliauskas (2011).

From the discussions made so far, it is possible to conclude that the BSH was a project proposed by the LGBT Movement and then accepted by the government. It was not Lula's initiative, although it is uncontestable that this administration was much more receptive and willing to support them than previous administrations, as activists and SEDH officials unanimously stressed in their interviews with me. Both parts employed discursive strategies that I consider very smart due to their opportunist feature, since they took advantage of previous discursive arrangements in order to save time and accelerate the establishment of the program. On the one hand, the Movement drew their proposals from resolutions previously agreed in their meetings, what Daniliauskas (2011) interprets as retrieval of historical LGBT demands. On the other hand, the Lula administration relied on the positive experience of bodies developed by a preceding administration (the PNDA and CNCD) to push LGBT rights into the government's human rights agenda.

What was very ground-breaking about this program is actually the level of civil society participation, which is not merely executing state policies, as it happened during the FHC administration, but influencing directly in the policy-making and working together with the ministries. In my interview with activist Toni Reis, he argued that "*for the first time in the history of the country, the LGBT Movement had the opportunity to openly discuss their demands with the whole government*", which I consider as an outcome of Lula's discourse on building up a participatory and popular democracy.

### **4.3 The implementation of the Brasil Sem Homofobia**

All activists and government officials interviewed by me agreed that the BSH can be considered a successful attempt of the Lula administration to recognize the demands of the LGBT Movement and validate them into the public policy domain. It also represents the consolidation of an important shift in the discourse of the Federal Government on LGBT Rights: they are no longer associated with AIDS and health issues, but to promotion of homosexual citizenship and elimination of homophobia. This is crystal clear on the program's subtitle – “Program to Fight Violence and Discrimination against GLBT and Promote Homosexual Citizenship”, which reveals the government's intention not only to protect the physical integrity of that population but uphold their position as rights-bearing citizens.

The opening letter signed by the Human Rights Secretary makes these intentions even more evident and reaffirms the government's idea to formulate a more positive agenda for LGBT people. He frames the BSH as a fundamental tool for extending citizenship to all members of society and as a “historical symbol of the fight for the right to dignity and for the respect for diversity” (Conselho, 2004: 7). The Secretary also highlights the role of the civil society in engaging successfully with the government and considers that the public policies proposed in this program are already triumphant because they were elaborated through consensus between the Movement and 11 ministries.

While introducing the underlying principles of the BSH, the government emphasizes that the program marks the inclusion of LGBT rights in the political agenda of other ministries and secretariats, not only the Minister of Health, and will serve as a guideline for these bodies to establish and implement public policies to that population (Conselho, 2004: 11-12). I draw attention here to the government's reaffirmation that the fight against homophobia and the protection of human rights of LGBTs have become “state commitments” to the society. In a nutshell, the state is taking responsibility for the promotion of LGBT rights in Brazil.

The results of my content analysis indicate that the actions in the BSH stand out as a progress in the government's discourse on LGBT rights, comparing this program with the PNDH II. While the latter contained 15 actions divided into only 4 areas<sup>32</sup>, the former was

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<sup>32</sup> Rights to freedom, equality, health and work. See 3.3 of Chapter 3.

composed of 53 actions to be implemented in a wide range of areas (11, in total)<sup>33</sup>. For the purpose of this dissertation, I will focus my analysis on the actions implemented by the SEDH, since it is the object of my study, as stated in the introduction of this chapter. As a matter of fact, those actions were the main responsible for the early success of the BSH and its worldwide repercussion, although LGBT activists, including Toni Reis, mentioned to me that the Ministries of Education, Culture and Health were also prosperous. Nilmário Miranda endorsed this statement saying that the BSH “*encouraged programs, projects and sectorial actions to fight discrimination and promote LGBT citizenship*” in other fields.<sup>34</sup>

The first action to be discussed was the establishment of the *Centros de Referência em Direitos Humanos de Prevenção e Combate à Homofobia* (CR), responsible mainly for offering free juridical, psychological and social work services for the LGBT community. The CRs were also assigned to report cases of human rights violations and other abuses, supporting the work of lawyers, police and security agents in combating homophobic violence; conduct trainings of these agents and other professionals, such as teachers and public servants, on LGBT issues; and improve the work of NGOs and governmental agencies to the LGBT population (Itaborahy, 2009).

Between 2009 and 2010, I had the opportunity to work for the SEDH and was involved with the monitoring and assessment of the CRs. Therefore, I was able to verify that the SEDH funded and maintained, from 2005 until 2009, the creation of over 40 CRs all over the country. The majority of the CRs were managed by local LGBT NGOs, while the others were allocated in local governmental offices, such as secretariats for human rights, public security or justice (Itaborahy, 2009).

My reports enabled me to conclude that the main reason behind the success of the CRs is that they allowed the creation of local networks to prevent and combat homophobia in Brazil, taking the Federal Government’s efforts to the LGBT community, translated into the BSH, to the municipal and state levels and thus reaching the society more deeply. On a positive note, most of the CRs were able to integrate the work of LGBT activists with local governments, improving the model of public-private partnerships initiated by the FHC

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<sup>33</sup> Promotion of human rights; legislation and justice; international cooperation; right to security; right to education; right to health; right to work; right to culture; policies for the youth; policies for women; policies against racism and homophobia (Conselho, 2004: 19-26)

<sup>34</sup> See Brasil (2008a: 12-56) for a review on the implementation of actions by the all ministries; Dehesa (2010: 195-200) for an analysis on the actions implemented by the Ministries of Culture and Education; and Daniliauskas (2011: 114-150) for a more specific and substantial analysis on Education.

administration, and were perceived as a victory to the LGBT community, as argued by SEDH officials Eduardo Santarelo, Edvaldo Souza and Wellington Pantaleao in my interviews.

This model of state-sponsored LGBT policies launched by Lula soon received the attention of national and international media and, by 2006, the BSH had become an worldwide reference in public policies for LGBTs (Dehesa, 2010; Daniliauskas, 2011). It was not too long until the country received invitations from Latin-American countries, such as Argentina, Panama and Uruguay, to help the creation of similar programs.<sup>35</sup> In 2007, Brazil led a regional coalition to establish the “*Mercosur sin Homofobia*”, a program based on the BSH among members of the Mercosur<sup>36</sup> (ILGA, 2007). In June 2010, the escalation of the program’s success reached bigger proportions when a bilateral seminar was organized by the SEDH with the European Union, as an attempt to export the framework of BSH to European countries.<sup>37</sup>

One last remark about the content of BSH is that by focusing on the discourse of homophobia, the government is assimilating the language of LGBT activists, who began a campaign to criminalize discrimination against LGBT people in 2001.<sup>38</sup> The launch of the BSH thus symbolized the Federal Government’s adherence to their discourse against homophobia.

#### 4.4 The second Lula mandate

Despite all the initial success and external projection of the BSH, the second Lula mandate (2007-2010) began with a massive criticism from within the LGBT Movement, detecting certain flaws in the execution of the program: lack of financial resources, lack of an

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<sup>35</sup> Information collected by the author between 2009 and 2010.

<sup>36</sup> The *Mercado Común del Sur*, known as Mercosur, is the economic and political agreement made among Argentina, Brazil, Paraguay and Uruguay in 1991. Currently, Bolivia, Chile, Colombia, Ecuador and Peru are associate members.

<sup>37</sup> I was among the organizers of this seminar, whose title was “Human Rights Dialogues in Brazil and in the European Union: public institutions and civil society”. The main goal of the event was to open space for civil society engagement in formulation of public policies in 3 thematic areas: human rights defenders, public security agents and LGBT people.

<sup>38</sup> The campaign initiated with the introduction of the bill PL 5003 at the Chamber of Deputies in 2001, which was renamed to PLC 122 in 2006 and reintroduced in the Senate. However, religious opposition has postponed its voting innumerable times since then. More information available at: <http://www.plc122.com.br> (accessed 21.03.12).

organizational unit, and lack of monitoring and evaluation from the SEDH. In this section, I will present the problems pointed out by the Movement and the solutions provided by the government.

First of all, the problem with financial resources to execute the BSH was an issue noticed by activists even before the launch of the program. Toni Reis mentioned to me that they believed “*the budget pre-assigned would not be enough to implement all the actions in the long-run*”. In order to solve this issue, activists launched a strategy of proposing parliamentary amendments in order to fund the ministries’ implementation of the BSH<sup>39</sup>. In turn, the SEDH committed itself to guarantee that such amendments would indeed be allocated for the program’s actions, as Eduardo Santarelo informed me. This strategy was so effective that, according to Daniliauskas (2011), the final budget of the BSH became one of the biggest ones of all the SEDH’s programs.

The second criticism related to the lack of an organizational structure to manage the BSH. From 2004 until 2006, there was no formal staff and Ivair Augusto, remained the only one in charge of the program.<sup>40</sup> In 2007, an organizational unit composed by 3 public servants, including my interviewee Eduardo Santarelo, was created and attempts were made to improve the monitoring of the program’s implementation. Some LGBT activists who I interviewed pointed out that those attempts were not sustained since the inter-ministerial meetings to assess their implementation of the BSH became less frequent as of 2007.

Bearing this in mind, the Federal Government replied to the activists’ complaints with a very smart initiative in November 2007: the President himself convoked the first National LGBT Conference to be held in the following year.<sup>41</sup> As stated in 4.1, the idea for this type of conference was based on Lula’s strategy to increase democratic and popular participation and it was the first of its kind in the world. During 2008, preparatory conferences were held in 102 municipalities and in all 27 Brazilian states. The national one was held between 5-8 June, with the participation of more than 1000 people, and over 500 propositions were approved in a variety of fields (Brasil, 2008). By holding such event, the government had the express

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<sup>39</sup> Members of the parliament can transfer certain amounts of public resources, known as parliamentary amendments, to actions of the Executive power. More information about the financial structure of the federal government is available at: <http://www2.camara.gov.br/atividade-legislativa/orcamentobrasil/cidadao/entenda/cartilha/cartilha.pdf> (accessed 22.03.12).

<sup>40</sup> Information collected by the author between 2009 and 2010.

<sup>41</sup> See the Presidential decree of 28 November 2008, available at: [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2007-2010/2007/Dnn/Dnn11426.htm](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2007/Dnn/Dnn11426.htm) (accessed 22.03.12).

intent of discussing and proposing, together with the civil society, guidelines for the implementation of public policies for LGBTs (Brasil, 2008).

It is necessary to highlight here three overarching accomplishments of this Conference. First, the government instituted a much more formal, and inclusive policy-making process than the one employed in the creation of the BSH. Despite relying on the same principle – the use of activists as policy-makers, this time the government invited everyone (*“not only the Movement’s elite”*, as pointed out by some activists in interviews with me) to take part, thus engaging in a bigger democratic venture. Second, the government took advantage of this opportunity to use the propositions approved in the Conference as subsidies for the creation of a National LGBT Plan in the year after.

Finally, this Conference came to be an emblematic moment in the history of the country, due to the actual presence of the President in the opening ceremony. I argue this was a genuine sign of the government’s open commitment to LGBT rights, since Lula had not attended all the other conferences. His presence was thus perceived as giving enough legitimacy for the political recognition of LGBT demands, as agreed by Nilmário Miranda, Toni Reis, Eduardo Santarelo, Edvaldo Souza and Wellington Pantaleao in all their interviews. Lula himself acknowledged, during his speech, the magnitude of his presence:

*“Never in the history of the planet has a president ever opened a conference like this one, I am proud because we are living in Brazil in an era of reform (...)”* (LULA, 2008: 266).

*“During my life, I have met very important world figures, who do not have the courage to take up homosexuality in their countries. It gives the impressions that it doesn’t exist (...)”* (268).

In the above speech, it is also possible to see how the President attaches importance to holding an event like this in order to give visibility to homosexuality and promote social reforms. Throughout his speech, he also admits the unequal treatment that has been given to this population and highlights the need to fight against prejudices in order to achieve full citizenship for LGBTs. Lula concludes by emphasizing the potentially positive effects of the Conference to the consolidation of LGBT rights:

*“I think that you have not even realized the possible dimensions of what might be accomplished here today, an exponentially increasing effect of breaking down prejudices and gaining rights”* (269).

## **4.5 Plano Nacional LGBT and Programa Nacional de Direitos Humanos III**

As mentioned earlier, the Conference's immediate outcome was the creation of the *Plano Nacional para Promoção da Cidadania e Direitos Humanos de LGBTs* (PNLGBT). The SEDH hired a consultant, Edvaldo Souza, to be responsible for negotiating with each ministry which of the actions approved in the Conference they would be able to implement.<sup>42</sup> Unlike the BSH, which was agreed by only 11 ministries, this time the SEDH made sure that all the 18 ministries committed themselves with certain policies and, in order to avoid their non-implementation, they were distributed according to the ministry in charge of their execution and deadlines were established on each of them, in the short (2009), mid (2010-11) and long (2012) runs respectively (Brasil, 2009).

While interviewing Edvaldo Souza, he regarded the PNLGBT, launched in June 2009, as an enhanced version of the BSH. My content analysis confirmed his view, given that the new plan contained 51 general guidelines and 180 more specific and action-oriented policies, while the previous program had only 53 policies, which were not very well formulated. In order to guarantee the plan's implementation, still in 2009, the government instituted an inter-ministerial workgroup and a technical committee to monitor and issue periodic reports (Brasil, 2009).<sup>43</sup>

Moreover, in 2010, the government established two new bodies in charge of the PNLGBT: the General Coordination for Promotion of LGBT Rights and the National Council to Fight Discrimination and Promote LGBT Rights.<sup>44</sup> The first one substitutes the organizational unit created to execute the BSH, instituting a more formal and politically developed body in the structure of the SEDH. The second one was actually the result of a restructuring of the CNCD, which instituted a specific council to deal with discrimination faced by LGBT, thus increasing the consultative and deliberative space occupied by the LGBT Movement inside the government.

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<sup>42</sup> Information collected by the author between 2009 and 2010.

<sup>43</sup> Until the end of Lula's mandate, these materials had not been published yet and therefore this topic will not be approached in the present dissertation.

<sup>44</sup> See decree 7.388, of 9 December 2010. Available at [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2007-2010/2010/Decreto/D7388.htm](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2010/Decreto/D7388.htm) (accessed 23.03.12).

Finally, the last venture of the Lula administration involving LGBT rights was the launch of the *Programa Nacional de Direitos Humanos* III in late 2010.<sup>45</sup> According to Carbonari (2010), never in the history of the country a governmental human rights program caused so much controversy and gained massive media attention like this. Unlike the previous versions, all launched by the FHC administration<sup>46</sup>, this program touched upon very sensitive and contentious issues, instigating harsh responses from “reactive and conservative” sectors of the society (Carbonari, 2010). These issues included the creation of a commission to unravel truth about the human rights violations committed by the military during the dictatorship, rights to abortion and same-sex unions, among others (Brasil, 2010).

Regarding same-sex unions, this issue appeared again in the discourse of the LGBT Movement during their 2008 National Conference, after claims were filed at the Supreme Court, early that year, arguing that the non-recognition of same-sex unions violated fundamental precepts of the Federal Constitution.<sup>47</sup> LGBT activists then convinced Workers Party deputy, José Genoíno to introduce a bill<sup>48</sup> on the matter in April 2009, while the Federal Government endorsed the initiative by including its support to the bill on the PNLGBT<sup>49</sup> and, of course, on the PNDH III<sup>50</sup>.

The main difference between these policies is that the PNDH III proposes a much more positive agenda, with the explicit purpose of reassuring respect to sexual orientation and gender identity (Brasil, 2010: 98). It barely speaks of homophobia and violence against LGBTs, focusing instead on the recognition of rights and guarantee of social justice as instruments to overcome inequalities. The President himself justifies this more positive attitude while introducing the underlying principles of the program: “liberty, equality and fraternity”, clearly inspired by the French Revolution. He further sets the tone present throughout the document:

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<sup>45</sup> As a matter of fact, the PNDH III was supposed to be launched in 2009, but due to the huge controversy of some of its topics, it was postponed for the following year. See decree 7.177, of 12 May 2010, available at [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2007-2010/2010/Decreto/D7177.htm](http://www.planalto.gov.br/ccivil_03/_Ato2007-2010/2010/Decreto/D7177.htm) (accessed 24.03.12).

<sup>46</sup> See section 3.3 of Chapter 3.

<sup>47</sup> Two actions were filed, a direct action of unconstitutionality (ADI 4277) and a claim of non-compliance with a fundamental precept (ADPF 132). A favorable decision was issued by the Court in May 2011, recognizing same-sex unions as family units. See STF (2011).

<sup>48</sup> See PL 4914/2009, available at: [http://www.matrimoniohomoafetivo.com.br/mha//e107\\_plugins/wrap/wrap.php?8](http://www.matrimoniohomoafetivo.com.br/mha//e107_plugins/wrap/wrap.php?8) (accessed 25 March 2012).

<sup>49</sup> See action 1.2.34 of the PNLGBT (Brasil, 2009: 27).

<sup>50</sup> See Guideline 10, strategic objective V, action b; and proposal 115 (Brasil, 2010: 98; 210).

*“There will be no peace in Brazil and in the world as long as there are injustices, exclusions, prejudices and oppression of any kind. Equality and respect to diversity are essential elements to reach a harmonious social coexistence and to make sure Human Rights are not a dead letter in the law” (Brasil, 2010: 13).*

Hence, with the PNDH III, Lula takes a step further in the human rights debate, breaking several taboos and bringing issues that had been long considered as private to the public sphere. The ultimate goal, as stated above, is to achieve equality and respect to diversity, while guaranteeing human rights implementation in Brazil. This discourse was coherently present throughout both his mandates and is consistent with the discourses used to legitimize the BSH and the PNLGBT, and to the broader human rights discourse established by his government, as approached in the beginning of this chapter.

# CHAPTER 5

## Conclusion

### 5.1 Trends in the development of LGBT Rights

A recent article published by a Brazilian judge and expert on LGBT rights, Roger Raupp Rios, identify a series of trends in the development of such rights in Latin America:

*“(1) recognition of these rights within an overall context of re-democratization in Latin America; (2) the impact of the HIV/AIDS epidemic; (3) the link between these rights and public health concerns; and (4) the affirmation of these rights within demands for social rights” (2010: 254).*

The discussions presented in Chapters 2 and 3 of this dissertation prove Brazil's conformity with these trends and I will suggest later, following the debate seen in Chapter 4, that the demands in this country went beyond social rights. My studies reveal perhaps another trend initiated by the Brazilian case and sheds light on something overlooked by Rios (2010): the affirmation and recognition of LGBT rights within demands for human rights and full citizenship, through the establishment of successful state-sponsored LGBT policies.

I argued in Chapter 2 that the Brazilian LGBT Movement began organizing politically in the 70s, but did not align to any political party. Instead, they were inserted into a broader democratic front opposing the military regime and fighting for human rights. This definitely facilitated activists' adoption of a rights-based discourse during the re-democratization process. This non-alignment also facilitated activists' employment of what Dehesa (2010) named ‘state-directed strategies’ in their first electoral and legislative campaigns, preserving the Movement’s autonomy and further allowing its engagement with the state, regardless of the party in power, as it was seen in Chapters 3 and 4.

Furthermore, I discussed in Chapter 2 the initial impacts of the HIV/AIDS epidemics in the country and in the dynamics of the LGBT Movement, corroborating Rios' assertion that:

*“although the epidemic was initially a factor in the stigmatization of gays and transvestites, eventually responses developed to fight the epidemic provided greater reflection and networking among such groups” (2010: 254).*

This is exactly what happened in Brazil. The AIDS crisis was not only responsible for an increase in the number of NGOs in the 90s but also for the specialization of activists in HIV prevention efforts and creation of the Brazilian Association of Gays, Lesbians, Bisexuals and Transsexuals (ABGLT), which strengthened the movement’s relationship with the Federal Government. Moreover, the AIDS crisis brought the issue of homosexuality to the public health debate, opening new sources of funding for prevention work, mainly through the *Programa Nacional DST/AIDS* (PNDA) created by the Ministry of Health in 1985.

I examined in Chapter 3 that the FHC administration changed the structure of this program, signing a series of loan agreements with the World Bank that prioritized civil society involvement in the delivery of HIV prevention services. I emphasized that these loans were a reflection of a neoliberal globalization that increasingly dominated Latin America during the 90s and transformed the relationship between state and civil society, incorporating LGBT activists as technical experts. As a result, these activists became key protagonists in the Federal Government’s response to AIDS and developed a new role in the public-private partnerships as executors of state policies. I also introduced Dehesa’s (2010) arguments, based on Foucault, that the new technologies of governmentality introduced by neoliberalism allowed LGBT activists to stretch the boundaries of state-subjectification. Their incorporation in the public policy domain culminated in their constitution as political subjects and broadened the extent of the government’s actions for that community to other areas beyond the health domain.

I further claimed that LGBT activists used the opportunities offered by the FHC administration to bring their rights-based discourse to the public health debate and uphold their position as rights-bearing citizens. As a consequence, these activists also contributed to an evolving human rights debate, broadening the scope of government’s public policies from HIV prevention to human rights. This process was definitely intensified by the Lula administration and resulted in impressive reforms and the establishment of unprecedented policies such as the *Programa Brasil sem Homofobia* and the *Plano Nacional LGBT*, as seen in Chapter 4.

In this respect, I argue here that Brazil stands out from the other Latin American countries, going beyond the early mentioned trend 4 observed by Rios (2010). This dissertation showed that LGBT rights were recognized by the Federal Government, particularly by Lula, not only within demands for social rights, but for all human rights. My studies confirmed what Gómez (2010) suggested to be the reason behind the success of the Brazilian case: the combination of two factors, the existence of a strategic collective mobilization of LGBT activists and the presence of a receptive government, openly committed to their demands. In the next section, I will draw some general conclusions by comparing the public policies established by the FHC and Lula administrations in order to show the achievements of the Federal Government to the LGBT population.

## 5.2 Comparative conclusions

First of all, it is clearly visible a change in the role of LGBT activists between the two administrations. In the FHC administration, activists acted more as executors of state policies, benefiting from neoliberal reforms and receiving government's funding for HIV prevention work. Lula not only intensified this role but also turned them into policy makers, inviting activists to help formulate the policies directed to them. This happened in a small scale with the BSH and later in a bigger scale, convoking the whole civil society for the first National LGBT Conference, which subsidized the formulation of the PNLGBT.

In my interviews with LGBT activists, they argued that the level of civil society participation in the PNDH I and II, created by FHC, was very low and activists' role was simply consultative. *"This process occurred mainly through correspondences (e.g. via e-mails) and not through dialogue or joint work. In the Lula administration there was active and representative participation of the LGBT Movement in the elaboration of the BSH, PNLGBT and the PNDH III"*, stated Toni Reis. In this sense, I also conclude that the decision-making process in the Lula administration was much more democratic and inclusive than it was with FHC. The National LGBT Conference is a great example of that.

An interesting aspect of this conference, and perhaps one of the main achievements of Lula, was the mobilization of a wider range of the Brazilian population. The same thing happened when the SEDH funded, through the BSH, the establishment of *Centros de*

*Referência* in more than 40 Brazilian cities. As argued in Chapter 4, they enabled the creation of local networks to prevent and combat homophobia, reaching deeper levels of the society.

Another point that should be paid attention to is Lula's intensification of the country's human rights tradition, which was slowly started by FHC. It was seen in Chapter 4 that the defense of human rights was a priority in the discourse of the Lula administration, which helps explain why there were much more developments in this field, particularly in relation to LGBT rights. "*There were no dialogues between the FHC Government and the LGBT Movement [in terms of human rights], besides the venues opened by the Ministry of Health*", recalls Toni Reis. This scenario changed dramatically with Lula and he successfully strengthened the relationship between the state and civil society. The former Human Rights Secretary, Nilmário Miranda, mentioned in my interview that:

*"The Palácio do Planalto [the official workplace of the President] began to be attended by civil society and organized groups, the President himself began to meet with homeless people, children and adolescents victims of sexual exploitation and child labour, indigenous [...], and LGBT people".*

This information was corroborated by the LGBT activists I interviewed and all of them, including Toni Reis, informed having constant hearings with most of the Ministers of the Lula administration during the preparation for the BSH and the PNLGBT. The number of national conferences held by Lula with civil society (triple the number held by FHC), including the first LGBT conference in the world convened by a President, is another indicator of the strong emphasis on human rights in his discourse.

Regarding the scope and implementation of the public policies examined in this dissertation, some differences must be highlighted in order to understand the development of LGBT rights in the government's discourse which, due to heavy engagement with LGBT activists, was influenced by their own discourse. For obvious reasons, much of the attention of the PNDA was placed upon the fight against AIDS, although it had the spillover effect of supporting the Movement's broader activities and increasing the skills of its members. LGBT activists smartly used the doors opened by HIV prevention efforts of FHC to bring other issues from their agenda to public policy domain. The PNDH I and II, for instance, changed the state focus to fight violence against LGBT people, though the second features a broader human rights framework, still using a more preventive discourse.

My examination of the policies established by the Lula administration, namely the BSH, PNLGBT and PNDH III, allowed me to highlight a few discursive developments among them. In the BSH, it is evident the introduction of the discourse on homophobia, in consistence with the Movement's priorities at that time. The PNLGBT reinforces the BSH and consolidates the protection of human rights and promotion of citizenship of all LGBT segments. It is more evident in this plan the government's attempt to achieve equal rights for all Brazilian citizens, regardless of their sexual orientation and gender identity. Moreover, in order to reinforce the implementation of its actions and meet the Movement's demands, the PNLGBT specifies deadlines and Ministries responsible for each action, something not observed in previous policies. The number of ministries involved in this plan is also bigger than in the BSH and it indicates the Movement's achievement of a larger space in the government's agenda. At last, the PNDH III follows the lines of the PNGLBT, dropping the discourse on homophobia and violence against LGBT and fully adopting the discourse on social justice and recognition of human rights as means of overcoming inequalities in the society.

### 5.3 Critical considerations

The trajectory of policies examined in this dissertation can be seen as a successful process of collective participation and mutual agreement between the Federal Government and LGBT activists. Nevertheless, this process was not as straightforward as it might have seemed in this conclusion. On the opposite, the discussions in Chapter 3 and 4 proved that LGBT policy-making in Brazil was definitely not a linear process - it was subject to different types of influences, such as the differences on the discourses and approaches of distinct administrations, the bodies established by them, the way they interacted with the civil society, the discourse of activists pushing their demands to the public debate, the impact of transnational reforms, such as neo-liberalism, and international phenomenon, such as AIDS, as well as the political and socio-economic context of the country.

Although it was clear that the Lula administration achieved more in terms of public policies for LGBTs than the previous administration, it would be wrong to deduct that the merit was all Lula's alone. It was rather a result of the steady engagement between the Federal Government and the LGBT Movement, initiated by FHC and intensified by Lula. It would be

also wrong to say his administration was impeccable and did everything the Movement wanted. That is not the case. He indeed received many criticisms, mainly regarding the non-implementation of certain actions and lack of sufficient budget, but it was observed that his administration was much more receptive and willing to dialogue with activists in order to meet their demands.

It is also important to notice that Lula received other critical judgments, given that the LGBT Movement is not completely uniform. For the purpose of this dissertation, I attained to the position of the majority of the activists, but the dissident voices cannot be taken for granted since they shed light on some aspects that might have been overlooked in my analysis. For instance, there's a small section of the Movement, composed mainly by academics, that is very suspicious about the identitarian discourse promoted by rights-based politics. As warned by Carrara (2010), the focus on the language of rights may have dangerous consequences in a country, like Brazil, with so many socio-economic inequalities, since the rights recognized might be accessible only to an elite, resulting in a more hierarchical society and stratification of citizenship based on sexual identities. My focus on the major voices of the Movement might also have neglected the fragmentations within it, especially the particular claims of lesbians and transvestites, while emphasizing the discourses of gay activists.

In addition, there is a more radical sector of the Movement that actually condemns the greater approximation between the state and civil society observed in the Lula administration. They argue that the "*incorporation of activists into the formulation and implementation of state policies may jeopardize their critical role and autonomy*", as explained to me by former activist and current SEDH official, Edvaldo Souza. The underlying fear behind this strategy finds resonance in Foucault's meaning of state-subjectification, which goes beyond what was explored in Chapter 3. When talking about the constitution of political subjects, he also implied a regulation of individual behavior (Rabinow, 1984). Therefore, while bringing activists to the public policy domain, the governments might not be genuinely deepening democratic practices, but essentially increasing their chances of obtaining a greater control over civil society.

In any case, the vast majority of LGBT activists, including the ones interviewed by me seemed very satisfied with the accomplishments of Lula's administration regarding public policies for LGBTs. He managed to establish the proper tools for the achievement of a full

LGBT citizenship, labeled by Toni Reis in my interview, as the “LGBT citizenship tripod”: a National Plan, including all the Movement’s demands and specifying the actions to be executed and the government’s sectors responsible for them; a General Coordination to enforce the Plans’ implementation; and the National Council to monitor the government’s implementation of the Plan and guarantee public oversight. It will depend now on the next administration to effectively put this tripod into practice and improve the chances of achieving full LGBT citizenship.

## 5.4 Recommendations

As indicated above, there is a gap in Brazil between the formulation and implementation of public policies for LGBTs in the human rights field. Therefore, my first recommendation would be that the next administrations use properly the structures created so far, considered as ideals by both activists and SEDH officials I interviewed, to enforce policy implementation and create real indicators of their effectiveness. This might include the systematic elaboration and publication of periodic reports and reviews, which would create conditions for assessment of the policies, increase public oversight and serve as subsidies for academic production on the matter, which is still very scarce, as stated in Chapter 1 of this dissertation.

Another way to secure implementation would be the approval of a Presidential decree giving the PNLGBT the force of law. Much for the Movement’s disappointment, both the PNLGBT and the BSH were not approved by decree, which means that the ministries do not have legal obligation to implement them, thus making it difficult to ensure their commitment to the policies. Also related to legislation, I would recommend that the Federal Government would invest more efforts to guarantee the legal protection of LGBT rights. Despite Brazil’s success in terms of public policies, the laws recognizing the rights of that population are still weak in comparison with other Latin American countries. Argentina and the Federal District of Mexico, for example, already legalized same-sex marriage, while Bolivia and Ecuador have already criminalized homophobia (Itaborahy, 2012).

Moreover, I would also recommend further studies to complement the work achieved by this dissertation. First, it would be very valuable to have analyses about the development

of LGBT rights under the FHC and Lula administration with a more legal perspective. In this dissertation, the public policies were purposely prioritized in detriment of legal developments and evolving jurisprudence, which may create the false impression that there were not any. Second, I would recommend a study, after 2012, assessing the effectiveness of the PNLGBT. The long-run actions contained in the Plan were to be implemented by 2012. Therefore, it would be possible, in the next year, to have an overview of what has been accomplished or not.

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# Bibliography

Alvarez, Sonia; Dagnino, Evelina; e Escobar, Arturo (1998) Introduction: The Cultural and the Political in Latin American Social Movements, Alvarez, S.; Dagnino, E.; e Escobar, A. (eds.) *Cultures of Politics, Politics of Cultures. Re-visioning Latin American Social Movements*. Boulder/Oxford, Westview , 1-29

Alves, Márcio Moreira (1993) 68 mudou o mundo. Rio de Janeiro: Editora Nova Fronteira.

Alves, Maria Helena Moreira (1985) *State and Opposition in Military Brazil*. Austin: University of Texas Press.

Biehl, João (2004) The activist state: Global pharmaceuticals, AIDS, and citizenship in Brazil. *Social Text* 22 (3):105–32.

Brasil (1996) Programa Nacional de Direitos Humanos. Brasília: Presidência da República, Secretaria de Comunicação Social, Ministério da Justiça. Available at <http://portal.mj.gov.br/sedh/pndh/pndh1.pdf> (accessed 17.05.12)

Brasil (2002) Programa Nacional de Direitos Humanos II. Brasília: Ministério da Justiça, Available at: <http://portal.mj.gov.br/sedh/pndh/pndh2.pdf> (accessed 17.05.12)

Brasil (2008) Anais da Conferência Nacional de Gays, Lésbicas, Bissexuais, Travestis e Transexuais – GLBT. Secretaria Especial dos Direitos Humanos. Brasília. Available at: <http://portal.mj.gov.br/sedh/co/glbt/texbaglbt.pdf> (accessed 18.05.12)

Brasil (2009) Plano Nacional de Promoção da Cidadania e Direitos Humanos de LGBT (Lésbicas, Gays, Bissexuais, Travestis e Transexuais) / Secretaria Especial dos Direitos Humanos da Presidência da República. Brasília. SEDH/PR. Available: <http://portal.mj.gov.br/sedh/homofobia/planolgbt.pdf> (accessed 20.05.12)

Brasil (2010) Programa Nacional de Direitos Humanos – PNDH-3 / Secretaria Especial dos Direitos Humanos da Presidência da República. Brasília: SEDH/PR, 2010. Available at: <http://portal.mj.gov.br/sedh/pndh3/pndh3.pdf> (accessed 20.05.12)

Bryman, Alan (2012) *Social research methods*. 4.ed. Oxford: Oxford University Press.

Burchell, G. (1996) Liberal Government and Techniques of the Self. In A. Barry, T. Osborneand N. Rose (eds.) *Foucault and Political Reason*, London, U.C.L. Press:19–36.

Câmara, Cristina (2002) Cidadania e orientação sexual: a trajetória do Grupo Triângulo Rosa. Rio de Janeiro: Academia Avançada.

Carbonari, Paulo César (2010) PNDH 3: Por que mudar? DHnet. Available at: [http://www.dhnet.org.br/pndh/textos/carbonari\\_pndh\\_3\\_pq\\_mudar.pdf](http://www.dhnet.org.br/pndh/textos/carbonari_pndh_3_pq_mudar.pdf) (accessed 20.05.12)

Carrara, Sérgio (2010) Políticas e direitos sexuais no Brasil contemporâneo. Bagoas, Natal, v.4, n.5, p.131-147.

Conselho Nacional de Combate à Discriminação (2004) Brasil sem Homofobia: programa de combate à violência e à discriminação contra gltb e promoção da cidadania homossexual. Brasília, DF. Available at: [http://www.mj.gov.br/sedh/documentos/004\\_1\\_3.pdf](http://www.mj.gov.br/sedh/documentos/004_1_3.pdf) (accessed 17.11.2011)

Correa, S (2009) O percurso global dos direitos sexuais: Entre margens e centros. *Bagoas: revista de estudos gays / Universidade Federal do Rio Grande do Norte, Centro de Ciências Humanas, Letras e Artes*. V.3, n.4, jan./jun. Natal: EDUFRN.

Curtis, Bruce (2002) Foucault on Governmentality and Population: The Impossible Discovery', Canadian Journal of Sociology 26(2): 257-72

Daniliauskas, Marcelo (2011) Relações de gênero, diversidade sexual e políticas públicas de educação: uma análise do Programa Brasil sem Homofobia. Universidade de São Paulo.

Dehesa, Rafael de la (2010) Queering the Public Sphere in Mexico and Brazil: Sexual Rights Movements in Emerging Democracies. Duke University Pres.

Facchini, R (2005) Sopa de letrinhas?: movimento homossexual e produção de identidades coletivas nos anos 90. Rio de Janeiro, Garamond.

Foucault, Michel (1979) *The History of Sexuality*, vol. 1. An Introduction, London: Allen Lane.

Foucault, Michel (1991) Governmentality, in: Graham Burchell, Colin Gordon, & Peter Miller (eds.), *The Foucault Effect: Studies in Governmentality*, Hemel Hempstead: Harvester Wheatsheaf, pp. 87-104.

Galvão, Jane (2000). AIDS no Brasil: a agenda de construção de uma epidemia. Rio de Janeiro: ABIA; São Paulo: Editora 34.

Goméz, Eduardo (2010) Friendly Government, Cruel Society: AIDS and the Politics of the Gay Community's Response in Brazil. In: Javier Corrales and Mario Pecheny (Eds). *Sexuality Politics in Latin America*, University of Pittsburgh Press.

Green, James (1994) The *Emergence of the Brazilian Gay Liberation Movement, 1977-1981*. Latin American Perspectives, vol. 21, nº 1, 38-55

Green, James (1999) More Love and More Desire: The building of a Brazilian movement. In: Javier Corrales and Mario Pecheny (eds), *The Politics of Sexuality In Latin America. A Reader on Lesbian, Gay, Bisexual and Transgender Rights*. University of Pittsburgh Press, 2010: 69-85.

Grupo Gay da Bahia (2004). Assassinatos de Homossexuais no Brasil. Available at: <http://www.ggb.org.br/> (accessed 01.10.11).

Holsti, O.R. (1969) Content analysis for the Social Sciences and Humanities. Reading, Ma: Addison-Wesley.

Howlett, Michael; Ramesh, M (2003) Studying public policy: policy cycles and policy subsystems, 2<sup>a</sup> edição, Canada, Oxford University Press.

ILGA (2007) Em direção a um Mercosul sem homofobia. Available at: <http://ilga.org/ilga/pt/article/1105> (accessed 18.05.12)

Itaborahy, Lucas Paoli (2009) Relatório de avaliação do atual modelo de funcionamento dos Centros de Referência em Direitos Humanos de Prevenção e Combate à Homofobia. Secretaria Especial de Direitos Humanos, Brasília.

Itaborahy, Lucas Paoli (2012) State-Sponsored Homophobia report: a world survey of laws criminalizing same-sex sexual acts between consenting adults. ILGA, The International Lesbian, Gay, Bisexual, Trans and Intersex Association. Available at:

[http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2012.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2012.pdf)  
(accessed 21.05.12)

Lemke, T. (2001), “‘The birth of bio-politics’: Michel Foucault’s lecture at the Collège de France on neo-liberal governmentality”, *Economy and Society*, 30 (2), pp. 190-207. Available at: [http://mfaishalaminuddin.lecture.ub.ac.id/files/2009/11/BIRTH-OF-BIOPOLITICS\\_On-Foucaults-Lecture\\_Lemke.pdf](http://mfaishalaminuddin.lecture.ub.ac.id/files/2009/11/BIRTH-OF-BIOPOLITICS_On-Foucaults-Lecture_Lemke.pdf) (accessed 12.05.12).

Lemke, T. (2011). Biopolitics and Beyond. On the Reception of a Vital Foucauldian Notion. Available at: [http://www.biopolitica.cl/docs/Biopolitics\\_and\\_beyond.pdf](http://www.biopolitica.cl/docs/Biopolitics_and_beyond.pdf) (accessed 05.03.11)

Loewenson, Rene (2003) Civil society influence on global health policy, Annotated Bibliography on Civil Society and Health. Zimbabwe: WHO Civil Society Initiative and Training and Research Support Centre. Available at: <http://www.tarsc.org/WHOCSI/pdf/WHOTARSC2.pdf> (accessed 12.03.12)

Lula, Luis Inácio (2008) Speech of the President of the Brazilian Republic at the Opening of the First National Conference of Gays, Lesbians, Bisexuals, Transvestites, and Transsexuals” in *The Politics of Sexuality in Latin America: A Reader on Lesbian, Gay, Bisexual, and Transgender Rights*, edited by Javier Corrales and Mario Pecheny. Pittsburgh: University of Pittsburgh Press: 265-69

MacRae, Edward (1982) Os respeitáveis militantes e as bichas loucas. In: Eulálio Alexandre, ed., *Caminhos cruzados: Linguagem, antropologia, e ciências naturais*. SP: Editora Brasiliense, 99-111.

MacRae, Edward (1990) A Construção da Igualdade- Identidade Sexual e Política no Brasil da "Abertura". Campinas: Editora da Unicamp.

Macrae, Edward (1992) Homossexual Identities in Transitional Brazilian Politics. In; Escobar, A. & Alvarez, S. (Orgs.). *The Making of Social Movements in Latin America – Identity, Strategy and Democracy*. San Francisco – EUA: Westview Press, pp. 185-203.

Marsiaj, Juan P. (2006) Social Movements and Political Parties: Gays, Lesbians, and *Travestis* and the Social Struggle for Inclusion in Brazil. in Corrales (2010). In: Corrales, J.; Pecheny, M.. (Org.). *The politics of sexuality in Latin America: a reader on lesbian, gay,*

*bisexual, and transgender rights.* 1 ed. Pittsburgh: University of Pittsburgh Press, 2010, p.197-211

Mascarenhas, João Antonio S. (1998) A tríplice conexão: Machismo conservadorismo político, falso moralismo. Rio de Janeiro: Planeta Gay Books / Ed. Velocípede.

Miskolci, Richard (2007) Pânicos Morais e Controle Social: Reflexões sobre o Casamento Gay. Cadernos Pagu (UNICAMP), v. 28, p. 101-128.

Miskolci, Richard (2011) Não Somos, Queremos - Reflexões queer sobre a Política Sexual Brasileira Contemporânea. In: Leandro Colling. (Org.). Stonewall 40 + o que no Brasil?. 1 ed. Salvador: EDUFBA, v. 1, p. 37-56.

Mott, Luiz (1995) The Gay Movement and Human Rights in Brazil. In *Latin American Homosexualities*, edited by Stephen O. Murray. Albuquerque: University of New Mexico Press, 221-230.

Mott, Luiz (1996) Epidemic of Hate. Violation of Human Rights of Gays, Lesbians and Travestites in Brazil. S. Francisco: International Gay and Lesbian Human Rights Comission.

Paraná, Denise (2009) A História de Lula – O Filho do Brasil. Editora Objetiva, São Paulo.

Partido dos Trabalhadores (1998) Resoluções de Encontros e Congressos: Resoluções de Encontros e Congressos: 1979-1998. São Paulo: Ed. Fundação Perseu Abramo/Diretório Nacional do PT.

Petchesky, Rosalind Pollack (2003) Global Prescriptions: Gendering Health and Human Rights. London: Zed Books.

Rabinow, Paul. (1984) The Foucault Reader. New York, Pantheon Books, p.4-31

Ramos, Silvia. (2004) O Papel das ONGs na Construção de Políticas de Saúde: a AIDS, a saúde da mulher e a saúde mental. Ciência & Saúde Coletiva, v.9, nº4, 1067-78

Rios, Roger Raupp (2010) Sexual Rights of Gays, Lesbians, and Transgender Persons on Latin America: a Judge's View. In: Corrales, J.; Pecheny, M.. (Org.). The politics of sexuality in Latin America: a reader on lesbian, gay, bisexual, and transgender rights. 1 ed. Pittsburgh: University of Pittsburgh Press, p. 251-258.

Stammers, Neil (1999) ‘Social Movements and the Social Construction of Human Rights’, *Human Rights Quarterly*, 21, p. 987.

Simões, Júlio A.; Facchini, Regina (2009) Na trilha do arco-íris: do movimento homossexual ao LGBT. São Paulo: Editora Fundação Perseu Abramo.

STF (2011) Supremo reconhece união homoafetiva. Available at: <http://www.stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=178931> (accessed 20.05.12)

Taylor, Lucy (1999) Globalization and Civil Society-Continuities, Ambiguities, and Realities in Latin America, *Indiana Journal of Global Legal Studies*: Vol. 7: Iss. 1, Article 10. Available at: <http://www.repository.law.indiana.edu/ijgls/vol7/iss1/10> (accessed 12.05.12)

Vianna, Adriana R.B. and Carrara, Sérgio (2007) Sexual Politics and Sexual Rights in Brazil: A Case study. In: Corrales, J.; Pecheny, M.. (Org.). The politics of sexuality in Latin America: a reader on lesbian, gay, bisexual, and transgender rights. 1 ed. Pittsburgh: University of Pittsburgh Press, 2010, v. , p. 251-258.

World Bank (2002) BRASIL – BR – AIDS and STD Control III”, Project Information Document PID11512. Available at: [http://wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2003/03/11/000094946\\_02112104094085/Rendered/PDF/multi0page.pdf](http://wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2003/03/11/000094946_02112104094085/Rendered/PDF/multi0page.pdf) (accessed 17.05.12)

World Bank (2004) Sector and Thematic Evaluation Group and Operations Evaluation Department, Project Performance Assessment Report: Brazil First and Second AIDS and STD Control Projects (Loan 3659- BR and 4392-BR), Report No.28819. Available at:[http://lnweb90.worldbank.org/oed/oeddclib.nsf/DocUNIDViewForJavaSearch/DA1801C961D8F41785256E8B0055A79E/\\$file/ppar\\_28819.pdf](http://lnweb90.worldbank.org/oed/oeddclib.nsf/DocUNIDViewForJavaSearch/DA1801C961D8F41785256E8B0055A79E/$file/ppar_28819.pdf) (accessed 17.05.12)