

# **The opposition to LGBT rights in the Brazilian national congress (1986-2018): actors, dynamics of action and recent developments**

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## **Abstract**

This article aims to analyze the actors, the dynamics of action and recent developments experienced by the opposition to LGBT rights in the Brazilian National Congress in the post-redemocratization period. Using historical data on the debates of pro-LGBT bills after 1986, the article identifies main arguments used by opponents to LGBT rights and their strategies to block the passing of those bills in National Congress. The article also analyzes legislation initiatives that explicitly deny civil and social rights to the LGBT population presented both in the Chamber of Deputies and in the Federal Senate. Through these initiatives, it was possible to identify the profile of parliamentarians opposed to LGBT rights and their political trajectories. Finally, we identify the subjects addressed by LGBT anti-rights bills, as well as electoral funding and performance of opponents to LGBT rights. The data show the asymmetries between opponents and supporters of LGBT rights, shedding light to the challenges faced by the LGBT movement to guarantee their rights in the National Congress.

**Keywords:** LGBT rights; sexual orientation; gender identity; conservatism; evangelical caucus.

## Introduction

**T**he issue of Lesbian, Gay, Bisexual, Transvestite and Transsexual (hereafter LGBT) rights has gained increasing visibility in Brazilian public opinion in recent years. Mobilizations such as LGBT pride parades, litigation and public denunciations of homophobic discrimination and violence have contributed to the broadening of the civil rights debate and to the inclusion of the LGBT agenda into the national political scene. Those actions have produced some important legal achievements such as the legal recognition of same-sex unions by the Federal Supreme Court in 2011. In the last three presidential elections (2010, 2014 and 2018), issues such as the criminalization of homophobia, the distribution of teacher training materials to address the issue of sexual diversity in the classroom (pejoratively named as “gay kit” by religious groups) and the approval of same-sex marriage shaped the electoral campaign of various candidates and resulted in heated debates on both social and traditional media among social sectors favorable to and against to the extension of rights to the Brazilian LGBT population.

Concomitant to the growing visibility of LGBT activism and its demands vis-à-vis political institutions, sectors opposed to the claims of sexual rights have gained prominence in political news. This is largely due to the increase, especially in the last two decades, in the number of elected congressmen (mostly linked to religious denominations) who bring among their political statements the rejection of any recognition or any guarantee of rights for the LGBT population. In the 1980s and 1990s, the action of those parliamentarians focused on blocking any legal proposition that would guarantee rights to this population or even recognize it as “subject of rights”. Recently, the action of parliamentarians opposed to LGBT rights has focused on proposing legislation that clearly restricts rights for the LGBT population.

Most of the proposals aim at suspending resolutions, ordinances and any other normative/legal acts issued by judiciary and executive bodies or by professional associations (such as the Federal Council of Psychology) that would promote or protect the rights of the LGBT population.

This paper aims to analyze the actions of LGBT rights opponents in the Brazilian National Congress since the end of military rule in 1985. The trajectory of the opposition to LGBT rights in the National Congress will be presented in order to identify the social actors, their performance standards and their recent transformations, along with the preliminary mapping of the legislation initiatives that explicitly denied rights to the LGBT population. The mapping made it possible not only to outline the profile of parliamentarians opposed to LGBT rights, but also to highlight the issues addressed by LGBT anti-rights bills.

### **The trajectory of the opposition to LGBT rights in the National Congress (1986-2018)**

The process of re-democratization, which began in 1985, represented an important political opportunity (Tarrow, 2011) for the emerging Brazilian homosexual movement to present its demands vis-à-vis the State, as the return of civilians to power was accompanied by the end of political repression and the openness of spaces of dialogue with institutional politics (Facchini, 2005; Câmara, 2002). The first political opportunity emerged in the 1986 elections, when the members of the National Constituent Assembly (NCA) were elected – they were responsible for drafting the new constitution. The NCA was characterized by a wide participation of civil society sectors, who presented their demands to parliamentarians through the so-called “popular lobbies” (Carvalho, 1998). Several social movements (black, feminist, indigenous, environmentalist) saw an opportunity on the NCA to claim the

inclusion of new issues and rights in the new constitution. Many homosexual activists engaged in the campaigns of candidates from the left, mostly from the newly created Workers' Party (PT). The homosexual movement used the debates in the Constituent Assembly to demand the prohibition of discrimination based on sexual orientation by proposing the inclusion of the term "sexual orientation" among the grounds of non-discrimination in debate at the time for the future constitutional text. The proposal main defender was João Antônio Mascarenhas, lawyer and president of the group Triângulo Rosa (Rio de Janeiro) (Câmara, 2002).

The proposal was introduced in three subcommittees: Commission I (Sovereignty and Rights of Men and Women), VII (Social Order) and VIII (Family, Education, Culture and Sports). The proposal was supported by parliamentarians from various political parties, particularly by José Genoíno and Benedita da Silva, both from PT (Câmara, 2002). It was in the Subcommittee of Blacks, Indigenous Peoples, Persons with Disabilities and Minorities that the proposal received the fierce opposition of the newly formed "evangelical caucus" At that time, the group of 33 deputies focused on committees whose subjects included "maintaining morality and good manners" (Pierucci, 1996). It is important to remember that back then Brazil experienced the peak of the AIDS epidemic and the homosexual population was still the main victim of the disease. The Brazilian public opinion witnessed the revival of several stigmas directed at homosexuality. The evangelical caucus blamed "free love" and "homosexuality" for the origin of the disease.

Parliamentarians opposing the inclusion of the term "sexual orientation" in the list of constitutional protections used several arguments to reject the proposal. Congressman Salatiel Carvalho (Liberal Front Party - PFL), pastor of the Presbyterian Church, claimed that the evangelical community and most of the Brazilian population did not accept "homosexuality" because it threatened "correct" definitions of family and education. The term "sexual

orientation” was also criticized by Congresswoman Sandra Cavalcanti<sup>1</sup> (PFL) for allegedly opening the possibility of legally protecting “sexual deviants” and “other types of sexual behavior”. Congressmen Eliel Rodrigues (Brazilian Democratic Movement Party - PMDB), member of the Assembly of God, stated that free sexual orientation would result in constitutional proselytism of homosexuality, which would be harmful to the Brazilian religious beliefs and conceptions.

Oponents of the prohibition of discrimination based on sexual orientation also claimed it would also allow the legal recognition of same-sex unions, even though it was not at that moment a demand of the homosexual movement (Santos, 2011). By politicizing the question of marriage, the evangelical caucus intended to generate public dislike of the demands of the homosexual movement. In the social imaginary, marriage was permeated by the symbolism of the religious marriage. The figure of “two men or two women” marrying in church was widely used by conservative sectors to reject the inclusion of the term “sexual orientation”. As a result of the criticisms and oppositions, the inclusion of the term sexual orientation was rejected by 317 votes (56,70% of NCA members) (Câmara, 2002).

The Catholic Church, via the National Conference of Bishops of Brazil (CNBB), was relatively distant from the debates about the proposal to include the term sexual orientation in the constitution. It is important to remember that at that time the most politically active sectors of the Catholic clergy in the NCA were linked to liberation theology. They had strong roots in left-wing parties and were engaged in the guarantee of social rights and the land reform. This does not mean that the Catholic Church had a more

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<sup>1</sup> Ms. Cavalcanti was a member of the Catholic Action, a Christian-Democratic group active in the 1950s. During the NCA, she defended the extension of censorship to programs or advertising messages, broadcast on radio and television stations, which “attack morals and customs, the religions, the races and incite vices” (CPDOC/FGV). Available at <http://www.fgv.br/cpdoc/acervo/dicionarios/verbete-biografico/sandra-martins-cavalcanti-de-albuquerque>. Access 24 May 2019.

“progressive” stance on the so-called “moral agenda”. In analyzing the work of the Catholic Church in the NCA, Wohnrath (2017) stated that the Catholic Church, via CNBB, gave the “moral back up” in debates about issues such as the decriminalization of abortion and the prohibition of discrimination based on sexual orientation, while the evangelical parliamentarians assumed the leading role of the defense of Christian moral values in the debates.

This was due to the fact that evangelical parliamentarians had “the voting power: the effective political decision under the NCA regime” (Wohnrath 2017, p.107-8). In addition, the author argues, “on moral issues, [evangelical] parliamentarians followed the family model historically proposed by the Church” (Wohnrath 2017, p.108).

The configuration of the opposition to LGBT rights changes when a bill to recognize same-sex unions was introduced by Congresswoman Marta Suplicy (PT) in 1994. Initially titled as “civil union”, the bill received various criticisms for allegedly attempting to equate homosexual unions with stable unions, which should be the subject of a Constitutional Amendment (PEC), since the constitution established a stable union as “a union between a man and a woman.” In order to avoid its rejection in the Constitution and Justice Commission (CCJ), the rapporteur of the bill, congressman Roberto Jefferson (Brazilian Labor Party - PTB) presented a substitute bill, renaming it as “Registered Civil Partnership” (Mello, 2005). In addition, the substitute bill vetoed the joint child adoption by same-sex couples and limited the rights of same-sex couples to the assets scope (Santos, 2011).

At that moment, the importance of the role of the Catholic Church emerged. The CNBB explicitly ruled against approving the bill (Family Pro-nouncement, 34th General Assembly of the CNBB, April 1996 apud Mello, 2005). The CNBB stated that “a hedonistic and consumerist culture, with increasing moral permissiveness” would be against the family and would “disorient the youth”, resulting in “a culture of death, ever more widespread,

that stifles the family as the natural source of life." In this regard, they appealed to parliamentarians not to approve bills that would decriminalize the abortion, guarantee human sterilization and recognize same-sex civil unions.

Congressman Salvador Zimbaldi (Brazilian Social Democracy Party - PSDB) was one of the greatest protagonists in opposition to the bill. Representing the "Catholic community, especially of the charismatic renewal movement"<sup>2</sup>, Mr. Zimbaldi argued that homosexual unions were "unnatural"; homosexuals were "agents of evil" who threatened the existence of society (*apud* Mello, 2005). For him, Brazilian society presents no prejudice against homosexuals (after all, there was no legislation against homosexuality in Brazil). Homosexuals "exclude themselves" by not following social norms. He considered the bill an attempt to "glorify homosexuality". Legal arguments were also used, including that the constitution, once it establishes as stable union as a union between man and woman, therefore excludes the possibility of recognition of same-sex unions.

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<sup>2</sup> Available at <http://www.fgv.br/cpdoc/acervo/dicionarios/verbete-biografico/salvador-zimbaldi-filho>. Access on 24 May 2019.

Together with religious and legal arguments, Filemon Rodrigues (PTB), member of the evangelical caucus, said that the bill went against the conviction of most Brazilians. For him, the bill represented an attempt of "half a dozen homosexual advocates" (apud Mello, 2005, p.108) to impose on the "Brazilian Nation" a behavior that would injure their moral convictions. He proposed to call a plebiscite so that the population could decide whether to approve "the marriage of a man with a man and a woman with a woman" (op cit) or not.

Despite opposition from the religious group, the bill passed on the special commission formed for its appreciation. Nevertheless, due to the pressure and maneuvers of conservative sectors in the Congress, congresswoman Marta Suplicy (PT) withdrew twice the bill from voting. In 1999, on the eve of the voting the civil partnership bill, several members of the Congress received faxes and e-mails from religious institutions "alerting" them regarding the possible negative electoral consequences for those members voting in favor of the bill. In 2001, congressmen from the evangelical caucus contacted the leadership of President Fernando Henrique Cardoso' government (1995-2003) in the Congress and stated that if the bill were once again on the voting list, they would oppose the fiscal adjustment, which was a priority for the government at the time. On both occasions, the bill was used as a "currency" between members of the evangelical caucus and Executive power (Santos, 2011). This strategy became the *modus operandi* of the opponents to LGBT rights, especially for the member of the evangelical caucus.

The rise of PT to the presidency in 2003 represented the possibility of the LGBT movement to have its demands accepted by the state. The party was the first to include LGBT rights on its political platform. There was also a commitment by several party leaders to promote policies targeting the LGBT population. The contradiction is that the arrival of the PT to the federal government was made possible by an alliance with some congressmen of the

evangelical caucus. Oro (2003) and Campos Machado (2006) emphasize the importance of the support of the Universal Church of the Kingdom of God (IURD) and the Pentecostal electorate for the PT's victory in presidential elections in 2002, 2006 and 2010.

President Lula's first and second governments (2003-2011) witnessed an unusual political situation. On one hand, the Executive power backed up the demands of the LGBT movement such as the implementation of the "Brazil without homophobia" plan and opened spaces for participation and expression of the demands of the movement (LGBT Conferences and the LGBT Council). On the other hand, there was a strengthening of the opposition to LGBT rights in Congress. The bill to criminalize homophobia passed in 2006 in the Deputy Chamber but faced a strong opposition in the Senate. The senator and bishop of the Universal Church of the Kingdom of God (IURD), Marcelo Crivella (Brazilian Republican Party - PRB) was the leader of that opposition. According to the senator, the bill was against religious freedom since churches would be prohibited from preaching the teachings of the Bible, that claims that homosexuality is "wrong" and an "aberration" (Santos, 2011). Senator Crivella also disqualified that homophobia and racism should have the same status. For him, the discrimination against black people is the result of 350 years of hateful persecution while homophobia was only the expression "of an opinion contrary to a practice not unanimously accepted by all Brazilians" (apud Santos, 2011, p.137). In addition to the intense opposition in the Senate, Crivella made extensive use of the media and the electoral power of the IURD to prevent the bill to be approved. After several strategies to postpone the debate and possible vote, the bill eventually ended up being filed in 2011.

The 2010 election highlighted the evangelical politicians' "exchange currency" strategy. They managed to get the commitment of presidential candidates Dilma Rousseff (PT) and José Serra (PSDB) that, if elected, they will not support bills that decriminalizes abortion, legally bans homophobia

or recognizes "gay marriage" (Santos, 2011). The election of Dilma Rousseff represented a "setback" in the LGBT rights agenda. In 2011, under pressure from the evangelical caucus, the president suspended the distribution, to high school teachers, of "School without homophobia", a material designed by the Ministry of Education (MEC) to deal with issues of gender and sexuality among students. Ms. Rousseff's remarked that her government does not "advertise any sexual option" (UOL, 2011), meaning that she would not jeopardize her coalition support in Congress in order to protect LGBT rights. The position of the president raised criticism from LGBT activists, including those from PT, who rejected her decision (Rodrigues, 2011).

Another major setback for LGBT rights came in 2013, when congressman Pastor Marcos Feliciano (Christian Social Party - PSC) took over the chairmanship of the Human Rights Commission of the Chamber of Deputies. Traditionally occupied by parliamentarians linked to the fight for human rights, the presidency of the commission ended up being occupied by the PSC due to an agreement with the government coalition so that the PT would have the chair of the following commissions: Constitution and Justice, Social Security and Family and Foreign Affairs and National Defense (UOL, 2013).

Once as chair of the commission, Mr. Feliciano put into debate controversial bills related to both sexual and reproductive rights. The main one was a bill proposed by congressman João Campos (PSDB), which aimed to repeal Resolution 1/1999 of the Federal Council of Psychology (CFP). That resolution prohibits the "treatment" of homosexuality. Known as the "gay cure," the bill, if approved, would allow the application of some supposed psychological techniques for "sexual reorientation" to those who "voluntarily wish to leave homosexuality."

The debates about the "gay cure" took place while Brazil was shaken by the "June Journeys" (also known as the "Brazilian Spring"). Initially organized in opposition to the increase in public transportation fares in São Paulo,

the mobilizations quickly took national dimensions. Eventually, they ended up including other demands, among them there was the opposition to the "gay cure." Under pressure from his party and the negative repercussions on public opinion, the bill was withdrawn from the voting list by congressman João Campos.

The offensive against LGBT rights reemerged in the 2014 elections. The issue of LGBT rights was again politicized by both left and right candidates on the ideological spectrum. The mobilizations of June 2013 and the intense political polarization led the president Dilma Rousseff to reconfigure her political rhetoric, explicitly declaring her support for the LGBT cause. However, the president's support did not prevent another important defeat to the LGBT movement: with the support of the CNBB and Catholic parliamentarians, the evangelical caucus managed to exclude all references to "gender equality", "sexual orientation" and "gender identity" of the National Education Plan (2014-2024), under the argument of avoiding the spread of the so-called "gender ideology", seen as a threat to children and the families (Mundim, 2015). The 2014 elections witnessed the growth of the evangelical caucus, which increased from 66 to 74 members.

In 2015, amid the political crisis that hit Dilma Rousseff's second term, congressman Eduardo Cunha (PMDB), a member of the Assembly of God (AD) and an explicit opponent of LGBT rights, was elected as chair of the Chamber of Deputies. Cunha's victory was the result of an alliance among agrobusiness, evangelical and public security lobbies, nominated by the media as the BBB caucus (an acronym in Portuguese to ox, bullet and bible – "Boi, Bala e Bíblia"), in allusion to the TV reality show "Big Brother Brasil". The BBB caucus recreated the so-called "Big Center" ("Centrão"), a conservative front very active in the NCA to block progressive initiatives for the new constitution. As chairman, Cunha put into debate bills that were contrary to the sexual and reproductive rights. There was also an increase in the number of bills opposing LGBT rights, presented by members of an empowered evangelical caucus.

Mr. Cunha was central to the opening of impeachment proceedings against President Rousseff. The evangelical caucus also played a prominent role in the removal of former President Dilma Rousseff, with 93% of its members voting in favor of the impeachment (Gazeta do Povo, 2016). The support for the impeachment was "rewarded" with the nomination of three members of the evangelical caucus for the Ministries of Development, Industry and Foreign Trade and Labor (Ruffato, 2016).

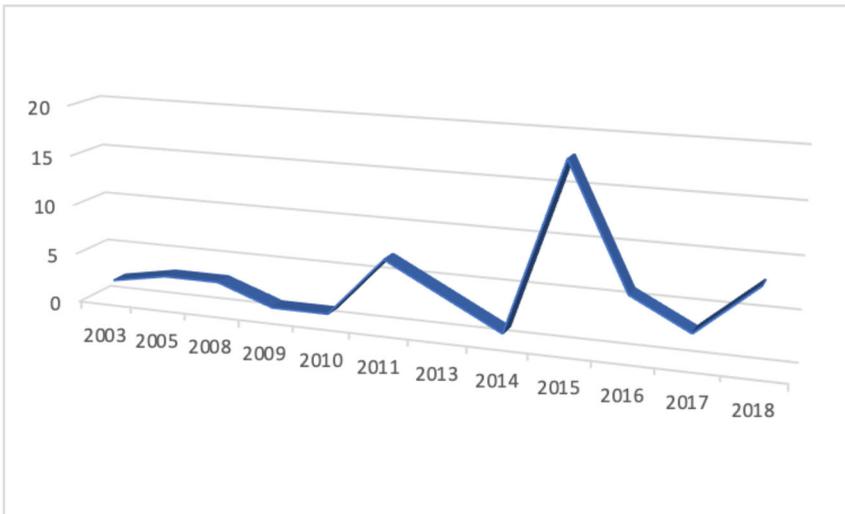
The important role of the evangelical caucus was once again observed in the 2018 presidential elections. Two candidates embraced explicitly the moral agenda: Jair Bolsonaro (Social Liberal Party - PSL) and Corporal Daciolo (Patriot - Patriota). In one of the few press appearances during the presidential race, Jair Bolsonaro declared himself against the so-called "Gay Kit" elaborated when Fernando Haddad (PT), his opponent, was the Ministry of Education (MEC). The opposition to the so-called "gender ideology" assured the then candidate Bolsonaro the support of various religious leaders, including pastors Silas Malafaia (AD) and Edir Macedo (IURD), the two largest evangelical denominations in Brazil.

### **The propositions opposing LGBT rights in the National Congress (2003-2018)**

In order to deepen the understanding of the dynamics of LGBT rights opponents in the National Congress, a survey was carried out on the legislative proposals available on the websites of the Chamber of Deputies and the Federal Senate. The research used as keywords the following terms: homosexual, sexual orientation, homoaffective, same sex, gender identity, transvestite, transsexual, homophobia, heterophobia, heterosexual, family status and gender ideology. Only bills that explicitly restricted rights to the LGBT population and/or denying recognition of their identities were included in the sample. Bills that could eventually have negative impacts to LGBT rights

but did not explicitly mention the LGBT population were left out of the sample<sup>3</sup>. In total, 57 bills were identified. They followed the criteria defined above in the established research timeframe (from January 1, 2003 to December 31, 2018). The following graph shows the evolution of these bills.

**Graph 1: Evolution of Anti-LGBT Rights Bills (2003-2018)**



Source: Chamber of Deputies and Federal Senate

There was a significant increase in bills against LGBT rights from 2010, with three peaks, in 2011, 2015 and 2018. In 2011, there was the reaction of the religious groups against the distribution of the "School without Homophobia". In 2015, there were articulations from the BBB caucus for the

<sup>3</sup> The proposed Constitutional Amendment (PEC) 99 of 2011, presented by congressman João Campos (PSDB), aims to add "to article 103, of the Federal Constitution, section X, which provides pleading capacity for religious associations to propose declarations of unconstitutionality or constitutionality of laws and normative acts related to the Federal Constitution. "If approved, religious denominations would have the possibility to question the constitutionality of laws that supposedly violated their moral values."

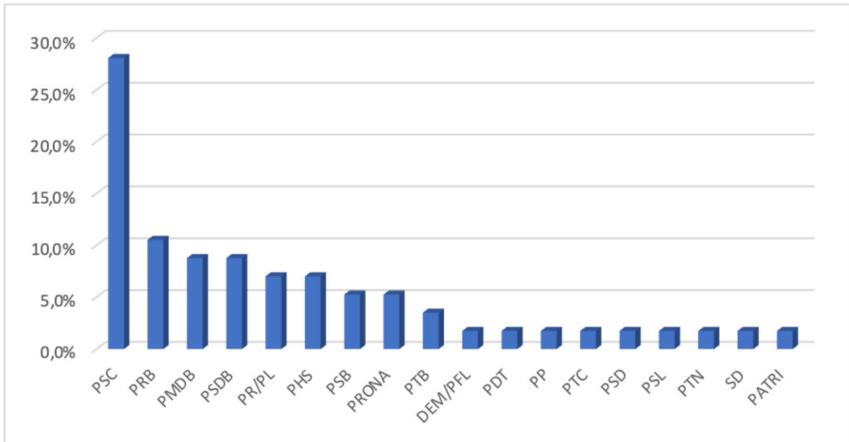
impeachment of President Dilma Rouseff and reactions to her government initiatives favorable to the LGBT population. An example of these initiatives was the Resolution 12/2015 of the National Council to Prevent Discrimination and Promote the Rights of Lesbian, Gay, Transvestite and Transsexuals (CNCD/LGBT), part of the Human Rights Department, which regulated the use of the social name<sup>4</sup> for transvestites and transsexuals. Finally, in 2018, the issue of sexual diversity and LGBT rights was at the core of presidential debates. It was largely used by Jair Bolsonaro to unify the “conservative vote” around his candidacy. Another important data is that most of these bills (61.4%) was presented between 2015 and 2018, showing that the opposition to LGBT in National Congress has grown considerably in recent years.

Most propositions (66.7%) are legislative decrees. There is a reason for opponents of LGBT rights to opt for such decrees rather than an ordinary bill. The legislative decrees, once approved, are sanctioned by the president of the Federal Senate and there is no possibility of a veto by the Executive. Almost all the bills (83.9%) follow the ordinary procedure, they do not have an urgent nature. Regarding the legislative procedures, it is interesting to note that 42.1% (N = 24) of the anti-LGBT rights’ bills were unsuccessful. They were archived, returned, withdrawn by the author or simply rejected. On the other hand, 21.1% (N = 12) were attached to other similar bills, demonstrating a certain “redundancy” in the anti-LGBT rights bills. Only one bill was ready for deliberation: Legislative Decree 235 of 2015, authored by Pastor Marcos Feliciano and Eduardo Bolsonaro (both of PSC), which demands the suspension of Ordinance No. 94 of September 30, 2015 from the Ministry of Culture (MINC), which “creates the Technical Committee for Culture of Lesbian, Gay, Bisexual, Transvestite (LGBT) under the Ministry of Culture.”

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<sup>4</sup> The resolution allowed transgender people to use their given name in accordance with the gender he/she identifies with in forms and other official documents.

**Graph 2: Legislative Propositions by Political Party (2003-2018)**



Source: Chamber of Deputies and Federal Senate

The bills' authors are mostly affiliated to parties identified by academic literature (Carreiro, 2006; Kinzo, 1993; Figueiredo; Limongi, 1999; Rodrigues, 2002) as center-right and right. PSC accounts for 28.1% of the propositions, followed by PRB (10.5%) PMDB and PSDB (each with 8.8%), Party of the Republic (PR) and Humanist Party of Solidarity (PHS) (each with 7%) and. The PSC and PRB are political wing of religious institutions (AD and IURD, respectively). The PMDB, PSDB PR and PHS are center-right and right-wing parties that host many congressmen with religious links.

**Table 1: Issues of anti-LGBT bills (2003-2018)**

	Frequency	%
Social name for travestites and transsexuals	10	17,50%
"Gay cure" (Repeal of Resolution 1/1999 prohibiting the treatment of homosexuality)	7	12,30%
Plebiscite about same-sex unions	4	7%
Committee on gender, Ministry of Education	4	7%
Prohibition of dissemination of gender ideology in education	4	7%
Gender, sexual orientation and gender identity in the National Plan of Education	3	5,30%
Same-sex marriage	3	5,30%
Inclusion of Sexual Orientation / Gender Identity in Police Reports	2	3,50%
Sex reassignment procedures	2	3,50%
Adoption by same-sex couples	2	3,50%
Prohibition of gender, sexual orientation and gender identity in the Child and Adolescent Statute	2	3,50%
Inclusion of Transgender Social Name and Sexual Orientation / Gender Identity in police reports	2	3,50%
Public display of affection	1	1,80%
Repeal of the 2011 STF decision on same-sex unions	1	1,80%
LGBT Culture Technical Committee on the Ministry of Culture	1	1,80%
"Sexual reorientation"	1	1,80%
Prohibition of gender in the Child and Adolescent Statute (ECA)	1	1,80%
Gender Committee, Ministry of Education	1	1,80%
"Criminalization of heterophobia"	1	1,80%
Heterosexual Pride Day	1	1,80%
Family statute	1	1,80%
Repeal of the National Conference on LGBT policies	1	1,80%
Prohibition of stable union between more than two people	1	1,80%
Discrimination or prejudice against Christian faith in Brazil	1	1,80%
<b>Total</b>	<b>57</b>	<b>100,00%</b>

Source: Chamber of Deputies and Federal Senate

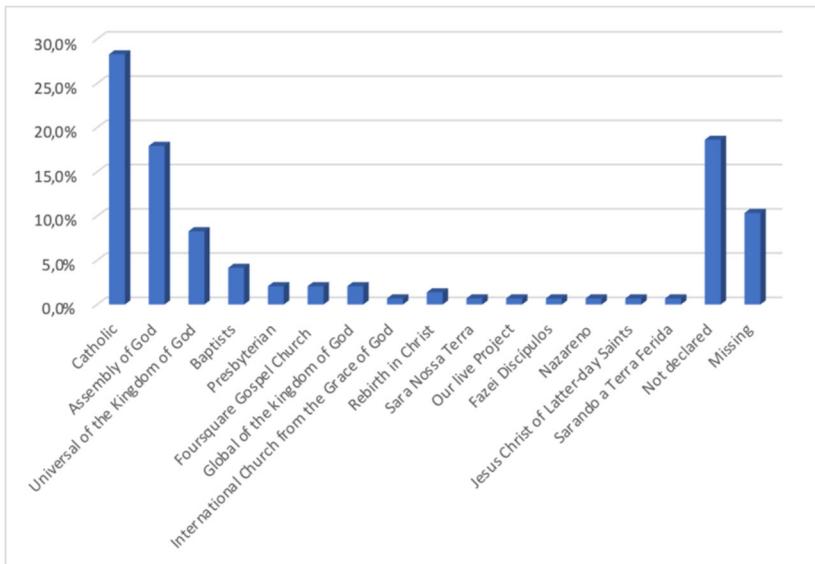
Among the issues covered by the anti-LGBT bills were the opposition to the use of the social name by transgenders, the repeal of Resolution 1/1999 which prohibited the treatment of homosexuality (known as the "gay cure" bill), the call for a plebiscite on same-sex unions, the removal of the terms sexual orientation/gender identity in the National Plan of Education, at the Child and Adolescent Statute and on police reports and the prohibition of the dissemination of the so-called "gender ideology". They are 82.5 % (N = 47) of the bills. Except for the bill calling a plebiscite on same-sex unions, all other bills had as their "targets" resolutions, ordinances and other types of regulation that guaranteed rights to the LGBT population. This data demonstrates that, at least when it comes to the bill proposals, LGBT rights opponents act eminently in a reactive manner. Thus, one can say that the increase in the number of bills against LGBT population in recent years can be seen as direct result of the advance of legislation favorable to LGBT rights.

### **Opponents of LGBT rights in the National Congress (2003-2018)**

Based on the bills presented in the Chamber of Deputies and in the Federal Senate, it was possible to identify congressmen and women who opposed the LGBT rights. Among them, there are the authors and signers of bills contrary to LGBT rights – 144 representatives and one senator in total. The data of opponents of LGBT rights were collected in biographies available at the websites of the Chamber of Deputies and the Senate. The registration of candidacies in the Superior Electoral Court (TSE) were used as well. Information provided by the Inter-Union Department of Parliamentary Advice (DIAP) was also used about the composition of the National Congress, particularly the data on religious affiliation of the members of the Roman Catholic and Evangelical Catholic Caucuses.

The opponents to LGBT rights are mostly men (94,5%), white (77.9%) and over 40 years-old (77.2 %), from the Southeast and Northeast regions (44.8% and 22.1% respectively), are businessmen, politicians and white-collar professionals (59,3%), hold an university degree (77.2%), are in their first term (49%) and are linked to religious institutions (77.2%). The profile of the opponents of LGBT rights is very similar to most of Brazilian congressmen. The great difference lies in the affiliation to religious groups, which are relatively "over-represented" among LGBT rights opponents in relation to the Congress as a whole. This data shows that the religious cleavage seems to be preponderant in the antagonism to free sexual expression.

**Graph 3: Religious affiliation of LGBT rights' opponents (2003-2018)**



Source: Inter-Union Department of Parliamentary Advice (DIAP)

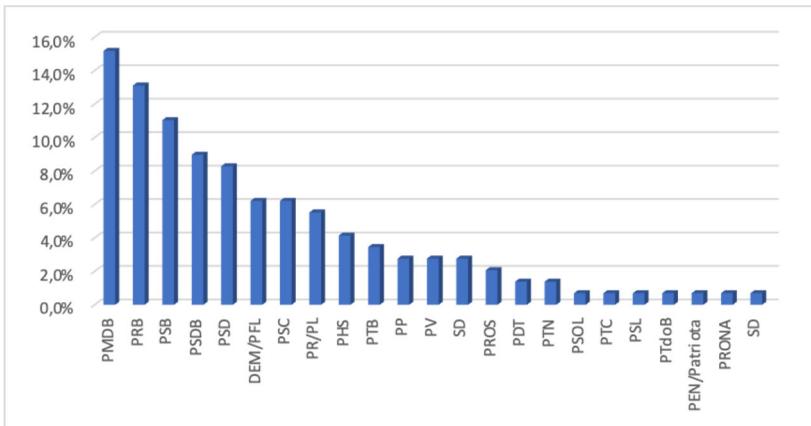
The graph above shows that the three main religions among opponents of LGBT rights in Congress are also the denominations which have explicitly opposed to bills that benefit the LGBT population: The Catholic Church, AD and IURD. Together with other evangelical denominations, they account for 71% of the LGBT rights opponents in the National Congress, demonstrating once again the religious dimension of the opposition to free sexual expression. Regarding the two larger evangelical denominations (AD and IURD), it is important to note that the opposition to the extension of rights to LGBT has been one of the main mobilization agendas for its members, since the re-democratization in 1985. Both churches have political offices and have been supporting financially the election of deputies and senators engaged in defending their interests in Congress (Campos Machado, 2005).

Another relevant fact regarding religious links concerns the participation of opponents in religious caucuses in the National Congress. Approximately 39% of opponents are part of the Evangelical Caucus; 15.2% of the Roman Catholic Apostolic Caucus and 23.4% of the opponents are part of both caucuses. When analyzing opponents of LGBT rights who are members of both caucuses, the majority (52.9%) is Catholic, suggesting a possible articulating strategy with the Evangelical caucus in order to take advantage in political terms of the anti-LGBT rights agenda. It also suggests that the evangelical caucus is a key player when it comes do the opposition to LGBT rights in the National Congress.

Among political parties, those identified as ideologically centered and right-wing tend to group most LGBT rights opponents. It is important to highlight, within this ideological spectrum, the prominence of the Brazilian Republican Party (PRB). Although its bench ranged from 1 (0.19%) to 21 (4.10%) of the seats in the Chamber of Deputies, PRB members ranked 2<sup>nd</sup> among LGBT rights opponents, ahead of bigger parties such as the PSDB and the Democrats (DEM, former PFL). This is explained, as mentioned

earlier, by the fact that the party is the "political wing" of the IURD, an institution that has the opposition to the demand of the LGBT movement as a top priority in its agenda in Congress.

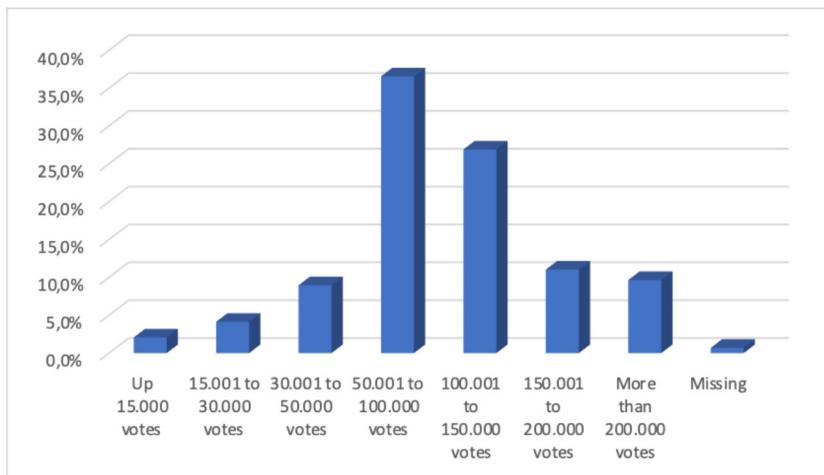
**Graph 4: Party Affiliation of LGBT rights' opponents (2003-2018)**



Source: Chamber of Deputies and Federal Senate

The exception is the Brazilian Socialist Party (PSB), traditionally identified as center-left. Following the break-up of its alliance with the PT in 2013 because of the party's plan to launch its own presidential candidacy, the PSB underwent major political-ideological changes, with many of its parliamentarians taking positions against traditional left demands. During the impeachment procedures against President Dilma Rousseff, 29 MPs (90.62%) from the PSB bench voted in favor of the removal of the president, (D'Agostino, 2016) leading important PSB members to leave the party such as the chairman Roberto Amaral and congresswoman Luiza Erundina; both left the party in 2016.

**Graph 5: Opponent to LGBT Rights voting in the 2014 General Elections**



Source: High Election Court

Another relevant fact concerns the voting obtained by opponents of LGBT rights. Among them, 26 parliamentarians (17.9%) achieved a vote equal to or higher than the electoral threshold. This rate is almost triple the total number of representatives who achieved the electoral threshold (6.8%, or 35 deputies) in the 2014 elections. If we look at the opponents' voting, almost half of them (47.6% or 69 representatives) had 100,000 votes or more, which represents an "admirable" performance, given the Brazilian electoral system of open-list proportional representation, in which the competitiveness among the candidates is high, resulting in a large fragmentation of votes between the different parties.

The excellent electoral performance is largely due to the vast financial resources available to the campaigns of opponents of LGBT rights. Out of a total of 135 parliamentarians for whom information on campaign donations was obtained, 53 parliamentarians (39.3%) reported having received

donations of R\$ 1 million (approximately US\$ 376,562.73)<sup>5</sup> or more. On average, opponents of LGBT rights declared donations in the amount of R\$ 1,116,975.62 (US\$ 420, 611.40). In order to get an idea of the economic power of LGBT rights opponents, the only openly gay candidate committed to the agenda of sexual diversity elected in 2014, congressman Jean Wyllys (Socialism and Liberty Party - PSOL) obtained 144,760 votes and declared campaign donations totaling R\$ 75,592.00 (US\$ 28,465.13). The amount equals only 6.8 percent of the average resources received by opponents of the gender diversity agenda elected in 2014. This asymmetry of economic and political power between LGBT rights opponents and advocates in the Brazilian Congress largely explains the extreme difficulty in moving forward with pro-sexual diversity legislation.

### **Final considerations**

This article analyzed the opposition to LGBT rights in the Brazilian National Congress the post-re-democratization period. The article identified the two main opposing actors of this agenda in the National Congress: the evangelical caucus and the Catholic Church, through the National Confederation of Bishops of Brazil (CNBB). As shown, the opposition to LGBT rights are not new in Brazil and can be traced back to the National Constituent Assembly in the 1980s, when homosexual activism first brought the issue of sexual diversity in the institutional politics.

It was possible to identify some nuances in the acting of evangelicals and Catholics. The evangelical caucus led the opposition to bills which recognize non-heterosexual identities, prohibit discrimination and protect

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<sup>5</sup> According to the exchange rate of 2,6556 Brazilian reais to 1 US dollar in December 31, 2014. Available in <http://www.yahii.com.br/dolardiario14.html>. Accessed in May 24, 2019.

the LGBT population against violence, such as the prohibition of discrimination based on sexual orientation (1987), the criminalization of homophobia (2006-11) and the ban on the treatment of homosexuality as a disease, known as the "gay cure" (2013).

The CNBB and the parliamentarians linked to the Catholic Church took the leading role of the opposition to LGBT rights when the issue in debate was the recognition of same-sex civil partnership (1995). The agenda of same-sex unions has been central to the Catholic Church acting against LGBT movement's political agenda, not only in Brazil but also in other countries in Europe and Latin America. The elaboration of the term "gender ideology" by the Catholic intelligentsia in the early 2000s is directly linked to the Church's reaction to the advocacy of feminist groups in the international arena (Prado; Corrêa, 2018; Miskolci, 2018) and to the mobilization of lesbian and gay groups in favor of same-sex marriage in some European countries (Cornero-Valle; Pichardo, 2017; Kuhar; Paternotte, 2017; Miskolci; Campana, 2017). However, in Brazil, the term "gender ideology" only appears in public opinion and the rhetoric of opponents of LGBT rights around 2014, during the debates on the National Plan of Education (2014-2024). In 2015, with the election of one of the most conservative National Congress since the 1964 military coup (Souza; Caram, 2014), the opposition against LGBT rights skyrocketed. Only in that year, 18 bills were presented by congressmen, accounting for 31.6% of all anti-LGBT bills in the period of this research (2003-2018). Besides, the last four years (2015-2018) concentrated not less than 61.4% of all anti-LGBT bills, showing the centrality of the opposition to LGBT rights in National Congress.

We believe that at least three factors explain the boost in the opposition of LGBT rights. Firstly, we can identify the increase of the Evangelical caucus (DIAP, 2018). As shown throughout the article, it has played a central role in pushing an anti-LGBT agenda in National Congress. Secondly,

2015 witnessed the election of Eduardo Cunha (PMDB), an evangelical congressman and explicit opponent of LGBT rights, as chair of the Chamber of Deputies. His victory was facilitated by the alliance among agrobusiness, evangelical and public security lobbies, nominated by the media as the BBB caucus. As chairman, Cunha included bills that were contrary to the sexual and reproductive rights of women and LGBT in the voting agenda. Thirdly, but not lastly, we saw the joint commitment of members of the evangelical and Catholic caucuses and the CNBB in National congress around a common moral agenda. The new target of this moral agenda was the opposition to the debate of the so-called “gender ideology” in schools and universities. This indicates that education has become the new fundamental arena of action for Catholics and evangelicals in opposition to the sexual diversity agenda in parliament, confirming Prado and Corrêa (2018) remarks on the importance of education as the new “battlefield” of sexual rights. The buzzword “gender ideology” helps to galvanize a alliance of conservative groups around a moral agenda that, at the first glance, might be improbable (Miguel, 2016; Miskolci, 2018).

When analyzing bills that explicitly denied rights to the LGBT population, the data show how opponents to the sexual diversity agenda operate in parliament. It indicates that most of the bills aimed to repeal judicial decisions, resolutions and governmental ordinances that guaranteed rights to the LGBT population, demonstrating the eminently reactive character of the opponents’ action to the agenda of sexual diversity. In some sense, the data confirm Prandi and Santos (2017) claim that the action of evangelical (and other religious congressmen) is mainly reactionary. Consequently, the increase in the visibility of opponents of LGBT rights would directly be linked to the advancement of the sexual diversity agenda, especially in the executive and judicial branches. However, we must keep in mind that National Congress is one of the arenas where the opposition to LGBT rights act. At the public opinion, for instance, opponents to LGBT have played a more

active and aggressive role, portraying feminist and LGBT activists as public enemies that should be destroyed in order to supposedly protect “the family”. Besides, the recent articulation of the evangelical caucus, Catholics and other conservative groups was fundamental to guarantee Jair Bolsonaro election in 2018. With a strong ally in the executive power, it is highly possible that opponents to LGBT rights will push their “anti-gender” agenda in National Congress more aggressively.

The data also demonstrate that most of bills were Legislative Decrees, which are approved only by the National Congress, with no possibility of veto by the President. It suggests a possible strategy of LGBT right's opponents to avoid possible intervention by the executive branch. In addition, most of the anti-LGBT rights bills have been archived, withdrawn or rejected. A fifth of the bills have been attached, that is to say, annexed to other bills with similar content, demonstrating certain redundancy in bills contrary to the LGBT rights. Only a single bill, Legislative Decree nr. 235 of 2015 (repealing the Ordinance that created the “LGBT Culture Technical Committee” in the Ministry of Culture), was ready to be voted in plenary. This data shows that probably the presentation of anti-LGBT bills may work more as electoral marketing towards conservative constituencies than a desire to legislate on a moral agenda.

When one looks at the profile of parliamentarians opposed to LGBT rights in the National Congress, the data show that it fits into the profile of most Brazilian parliamentarians: he is mostly a white man, over 40 years old, with a complete higher education, a businessman, politician or white-collar professional, coming from the Southeast and Northeast regions and in his first term. The distinctive feature between the opponent of LGBT rights and a regular congressman is his religious link. LGBT rights opponents are mostly linked to religious denominations, pointing to the centrality of religious cleavage in understanding the antagonism to the sexual diversity agenda in the Brazilian Congress. Religious cleavage also articulates with the

ideological-partisan cleavage. Opponents of LGBT rights are mostly affiliated to political parties identified as center-right and right-wing, with emphasis on the PRB, the IURD's political wing at the National Congress.

Most of parliamentarians opposed to LGBT rights who indicated previous religious links are members of Brazilian three major religious denominations: The Catholic Church, Assembly of God (AD) and the Universal Church of the Kingdom of God (IURD). It is interesting to note an important peculiarity in the action of the parliamentarians linked to these denominations. The evangelical parliamentarians of the AD and the IURD are mostly part of the Evangelical Caucus. However, among Catholic parliamentarians, many of them are part of both the Catholic and Evangelical caucuses, pointing to a possible strategy of articulating to evangelical parliamentarians to capitalize politically on the rejection of LGBT sexual rights. This strategy is understandable, since LGBT rights opponents have had an excellent electoral performance in the past elections. Almost half of them won 100,000 votes or more in the 2014 election, an expressive result, taking into consideration that the Brazilian electoral system, based on an open-list proportional representation. This electoral system intensify competition among the candidates and parties, resulting in extensive vote fragmentation (Mainwaring, 1999).

The excellent electoral performance is also explained by the enormous resources received by the campaigns of LGBT rights' opponents. On average, they declared campaign donations of around one million reals. This amount is much higher than the campaign donation declared by the only openly gay representative and a supporter of the sexual diversity, congressman Jean Wyllys (PSOL).

The data suggest that opposition to LGBT rights has guaranteed many Brazilian congressmen access to large financial resources, resulting in excellent electoral performance. In addition, the data highlight the extreme asymmetry of economic and political power between opponents and

advocates of the sexual diversity agenda, explaining the National Congress current inertia in passing laws that recognize LGBT rights. In this sense, if the current rules of the Brazilian political system are to be maintained, the sexual diversity agenda will still have many difficulties in progressing in the National Congress.



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Received: May 29, 2019.

Accepted: June 15, 2019.