



LGBT COMMUNICATION MANUAL

LESBIANS, GAY MEN, BISEXUALS,
TRANSVESTITES AND TRANSEXUALS



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Organizadores:

Ferdinando Martins, Lilian Romão, Liandro Lindner, Toni Reis

Technical Revision:

Léo Mendes, Lilian Romão, Liandro Lindner, David Harrad, UN-AIDS Brazil

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FOREWORD

This LGBT communication manual (Lesbians, Gay Men, Bisexuals, Transvestites and Transsexuals) is aimed at communication professionals, students and teachers (journalists, broadcasters, publicity agents, public relations professionals, among others).

It is one of the goals of the current board of directors of the Brazilian Lesbian, Gay, Bisexual, Transvestite and Transsexual Association – ABGLT, as well as of activists involved with the LGBT segment in Brazil, to reduce the use of inappropriate and prejudiced terminologies that adversely affect the citizenship and dignity of 20 million Brazilian LGBT people, their families, friends, neighbours and work colleagues.

Over time, the efforts made by the LGBT Movement in all the Brazilian states have raised the awareness of communicators and brought allies to the cause. The Movement and the Media still have, however, a long way to go to ensure the transmission of information of better quality and more committed to social causes.

Every day the media is bombarded with information from all sides: press releases, suggestions for coverage, press kits, reports, bulletins, suggestions and complaints. As a result, issues involving the LGBT population are not always given adequate priority or value.

At the same time, raising this issue requires reliable sources, a spirit of democracy and, principally, freedom from prejudices. Debating new

concepts with the LGBT community, as well as with the media, is fundamental for renewing concepts and constantly contributing towards Brazilian democracy. The intention of the Brazilian Lesbian, Gay, Bisexual, Transvestite and Transsexual Association (ABGLT), through its “Allies” Project, in investing in this work, is to provide a tool capable of assisting journalistic coverage of LGBT issues.

Although its focus is journalists, the aim of this **LGBT Communication Manual**, as its name indicates, is also to be useful for other areas of communication, and that as LGBT issues become constantly discussed with quality, attitudes of respect and comprehension will become more widespread in relation to this expressive segment of the population.

The manual is directly related to the LGBT Movement’s goals of contributing towards the production of tools capable of educating and informing Brazilian society about its human rights. Furthermore, it aims to reinforce the roles played by each and every citizen in building a fairer, more human society with solidarity and full access to the rights provided for by the Brazilian Constitution.

May the investment in education be, increasingly, our weapon in combating social injustices.

Pedro Chequer

UNAIDS Country Coordinator - Brazil

Toni Reis

President ABGLT

Léo Mendes

Communication Secretary ABGLT



INTRODUCTION

For some years now, lesbian, gay, bisexual, transvestite and transsexual (LGBT) people have been gaining space in the Brazilian media. Almost daily reports are published dealing directly or indirectly with sexual orientations and gender identities in a diverse range of media. Facts such as the holding in 2008 of the *1st Brazilian LGBT Conference*, convened by the President of the Republic, are an incentive to the increased volume of information produced.

Despite this, the approaches taken by the media are not always politically correct. It is common to come across the use of terms, names and expressions that reinforce prejudice, stigma and discrimination.

For this reason the Joint United Nations Programme on HIV/AIDS (UNAIDS) has encouraged the publication of this **LGBT Communication Manual**, as part of ABGLT's "Allies" Project. In this manual communication professionals, students and teachers will find information on technical expressions used when covering issues relating to lesbians, gay men, bisexuals, transvestites and transsexuals.

The Manual has been based in part on the resolutions approved by ABGLT's 1st Congress and the 1st National LGBT Conference. All of the texts have been produced based on the relationship existing between the movement and the media and on the reality of editorial rooms, press agencies and other spaces that one way or another create messages for and/or about the LGBT public.

Changes to society's cultural norms require communication professionals to respect children, teenagers, the young, the elderly, women, Black and Indigenous people, the disabled and LGBT people.

Article 5 of the Federal Constitution determines that all citizens must be treated equally and that Human Dignity is an immeasurable right that must be protected by the State and guaranteed by Society.

This Manual, in addition to explaining in a didactic manner the correct terminology to be used when dealing with the various facets of homosexuality, lesbianity, bisexuality, transvestilities and transsexualities, also helps communication professionals to avoid running the risk of being sued for damages or committing the crimes of violation of rights, slander or libel.

Every day communication professionals influence the opinions of millions of Brazilians, whether through news items in papers, television, radio, the internet or advertisements billboards, magazines, as well as entertainment, leisure or cultural radio and television programmes.

The use of expressions such as “brats”, “a woman’s place is in the kitchen”, “dark skinned rogue”, “Indian’s day out”, “four-eyed”, “cripple”, “AIDS patient”, “homosexualism”, “sexual option”, “dyke”, “poof”, “AC-DC”, in addition to being incorrect, may be illegal and/or prejudicial to the honour and dignity of millions of people and their families.

By replacing the expression “brats” with “children or adolescents”, “a woman’s place is in the kitchen” with “women have the right to be independent”, “dark skinned rogue” with “Black people who are the pride of Brazil”, “Indian’s day out” with “Indians who lived in Brazil before us”, “four-eyed” with “visually impaired”, “crippled” with “physically disabled”, “AIDS patient” with “person living with HIV”, “homosexualism” with “homosexuality”, “sexual option” with “sexual orientation”, “dyke” with “lesbian”, “poof” with “gay”, “AC-DC” with “bisexual”, among other terms, communication professionals place their social responsibility and professionalism above social prejudices.

Professional responsibility in the media and respect for human diversity

ABGLT considers that the media plays a fundamental role in the social participation and monitoring of public policies and resources, the cultural education of our people and the social transformation that contributes towards the quality of life of all people by keeping them well informed.

As such ABGLT has defined certain goals in relation to the media:

- 1.** Create tools capable of encouraging journalist coverage with new focuses on LGBT issues;
- 2.** Minimize prejudiced focus on adverse situations involving the LGBT community, so as reduce its harmful and negative influence on society;
- 3.** Encourage journalistic coverage in editorial rooms directly related to the movement, such as: Politics, Education, Culture, Rights, Cities, and not just the Crime pages, which often reproduce prejudiced information arising in Police Stations;
- 4.** Encourage the use of positive and creative images capable of both selling a product and also ensuring the dignity of LGBT people;
- 5.** Enhancing the dialogue with the producers

of soap operas, comedy, scientific and cultural radio and television programmes, offering information and sources that are increasingly correct and capable of contextualizing the reality of the LGBT community in a professional and ethical manner;

6. Establish different ways of interacting with new forms of media, as well as with community media, creating new spaces for dialogue with society, making increasing use of the internet and communication through blogs, sites, mobile telephones, among others;

7. Strengthen human development based on the respect for religious, cultural, sexual, racial, ethnic and human diversity, so as to help to build a world of peace and respect for all people;

8. Encourage the participation of communication professionals, students and teachers, LGBT activists, as well as people from other relevant areas, in workshops, seminars, debates, round tables, conferences, meetings, congresses, public hearings, with the aim of raising awareness and disseminating knowledge so as to provide a foundation for communication that respects LGBT people.

This is the first edition of this Manual. We are keen to encourage dialogue, with the aim of enhancing it so that future editions can be clearer, more objective and contribute further towards the dignity of LGBT people.

ABGLT welcomes queries, criticisms or suggestions for the future revision of this Manual.

E-mail: presidencia@abglt.org.br or secom@abglt.org.br
www.abglt.org.br

Liandro Lindner
Ferdinando Martins
Lilian Romão



1. SEXUALITY

Biological sex:

A set of chromosomal information, genital organs, reproductive abilities and secondary physiological characteristics that distinguish males and females.

Gender:

A concept formulated in the 1970s and deeply influenced by the feminist movement. It was created to make a distinction between biological and social dimensions, based on the rationale that whereas the human species has males and females, the way people are men and women is prescribed by a society's culture. Gender therefore means that men and women are products of social reality and not the result of their bodies' anatomy.

Sexuality:

Refers to the cultural notions of pleasures and social and bodily interchanges ranging from eroticism, desire and affection, to notions relating to health, reproduction, the use of technologies and the exercising of power in society. Within the social sciences the current definitions of sexuality cover meanings, ideas, desires, sensations, emotions, experiences, behaviours, prohibitions, models and fantasies that are configured in diverse manners in different social contexts and periods in history. It is, therefore, a dynamic concept in evolution and subject to diverse uses, multiple and contradictory interpretations, as well as being subject to debates and political disputes.

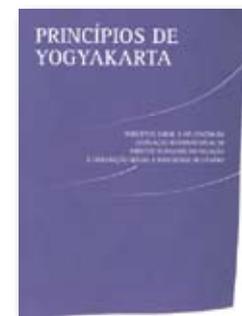
2. SEXUAL ORIENTATION

Sexual orientation:

Refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different sex/gender or the same sex/gender or more than one sex/gender.

Basically there are three predominant sexual orientations: towards the same sex/gender (homosexuality), towards the opposite sex/gender (heterosexuality) or towards both sexes/genders (bisexuality). Studies show that the characteristics of sexual orientation vary from person to person.

The term "homosexual" was created by a Hungarian doctor, Karoly Maria Kertbeny, in 1869. Since then the term has been used to designate people of the same sex/gender (men and women) who are attracted to each other. (In: Direitos Humanos e Contribuição à Cidadania Homossexual).



¹ Definition contained in the Yogyakarta Principles: Principles on the application of international human rights law in relation to sexual orientation and gender identity. Yogyakarta, Indonesia, 2006, p. 6.

Homosexuality instead of homosexuality

In 1973, the United States removed “homosexuality” from the American Psychology Association’s list of mental disturbances, *using Homosexuality in its place.*

On February 9th 1985, the Federal Council of Medicine approved the removal, in Brazil, of homosexuality as a sexual deviation under Code 302.0 of the *International Classification of Diseases.*

On May 17th 1990, the *World Health Assembly* approved the removal of Code 302.0 from the *World Health Organization’s International Classification of Diseases.* The new classification came into effect among the United Nations member states with effect from January 1st 1993.

In 1999, the *Federal Council of Psychology* issued Resolution 001/99, stating that “homosexuality is not an illness, a disturbance or a perversion”, that “within society there is concern about sexual practices that diverge from the socially and culturally established norm” (i.e., heterosexuality), and, in particular, that “Psychology can and must contribute with its knowledge to provide enlightenment on issues relating to sexuality, so as to overcome prejudice and discrimination”. As such, in Brazil and in other countries, science does not consider homosexuality to be an illness.

For this reason the suffix “ism” (a terminology referring to “illness” - homosexuality) has been replaced with “ity” (referring to a “way of being” - homosexuality).

Bisexual:

Refers to a person who relates affectionately and sexually with people of both sexes/genders. “Bi” is an abbreviated way of referring to bisexual people.

Bisexuality:

A term used to describe the bisexual experience in a broad manner.

Cure of homosexuality:

At the end of the 20th century, Science declared that homosexuality and bisexuality are not illnesses or disturbances and that they are just as natural as heterosexuality. The Federal Council of Psychology, through its Resolution 001/99, prohibits any attempts by psychologists to “cure” homosexual or bisexual patients. In such cases, psychologists who infringe the Resolution may suffer sanctions, including the loss of the right to practice their profession. Psychiatrists or doctors who attempt to “cure” homosexuality should be reported to the Regional Council of Medicine.

GLS:

This acronym is commonly used to designate not just “*gays*” and “*lesbians*”, but also those who, regardless of their sexual orientation or gender identity, openly support or are “*sympathizers*” of LGBT diversity. GLS is also used to describe cultural and commercial activities common to this group of people.

The acronym GLS is not inclusive, given that it does not identify bisexuals, transvestites and transsexuals. As such, it should not be used to refer to the political aspects of the various elements of the LGBT movements.

Hermaphrodite:

See “Intersexual”.

Heteronormativity:

An expression used to describe or identify a supposed social norm relating to standardized heterosexual behaviour, whereby this standard of behaviour is considered to be the only socially valid form of behaviour and anyone who does not follow this social and cultural posture is placed at a disadvantage in relation to the rest of society. This concept is the basis of discriminatory and prejudiced arguments against LGBT, principally those relating to the formation of families and public expression.

Heterosexism:

An attitude based on the idea that heterosexuality is the only healthy form of sexual orientation. This term is used with the same connotation as the words racism and sexism.

Heterosexual:

An individual who is attracted emotionally and physically to people of the opposite sex/gender. Heterosexuals do not necessarily have to had sexual experiences with people of the other sex/gender in order to identify themselves as being heterosexual.

Heterosexuality:

A term used to describe the sexuality of heterosexual people in its broadest sense, including not just sex itself (sexual attraction and sexual intercourse), but also emotions and the implications of both on behaviours and human relationships. Although in dictionaries the words heterosexuality and heterosexualism are shown as synonyms, the LGBT movement does not use the suffix “ism” to identify sexual orientation or identity because of the negative connotations indicating illness or disturbance, as explained earlier.

Homoaffective:

An adjective used to describe the complexity and multiplicity of the emotional and/or sexual relationships between people of the same sex/gender. This term is not a synonym of homoerotic or homosexual, since it also implies the emotional and affectional aspects involved in loving relationships between people of the same sex/gender. It is a term much used in the legal world. It is not used to describe people, but rather the relationships between people of the same sex/gender.

Homoerotic:

A flexible notion describing the plurality of sexual practices or desires relating to people of the same sex/gender. Like the word homoaffective, it is not used to describe people but rather aspects relating to homoerotic relations.



Homosexual:

An individual who is attracted sexually, emotionally and affectionally to people of the same sex/gender.

Homosexuality:

Refers to sexual and emotional attraction to people of the same sex/gender. See also “Homosexuality”.

Homosexuality:

This term is incorrect and prejudiced owing to the suffix “ism”, which denotes illness or abnormality. The term that should be used in its place is homosexuality as it refers correctly to an individual’s sexual orientation, indicating their “way of being”.

Intersexed:

See “Intersexual”.

Intersexual:

Is the general term used to refer to a variety of conditions (genetic and/or somatic) a person is born with, having reproductive and sexual anatomy not in keeping with the typical definitions of female or male.

Lesbian:

Refers to a woman who is attracted emotionally and/or sexually to people of the same sex/gender. A woman does not necessarily need to have had sexual experiences with other women in order to identify as being a lesbian.

Pansexual:

A polemic term referring to people whose sexual desire is far-reaching and can even be projected towards objects.

Sexual deviation:

The Federal Council of Medicine has not considered homosexuality to be a “sexual deviation” since 1985. This term is offensive and should not be used by communication professionals since it indicates that homosexuality is an “anomaly”, something outside of heterosexual “normality”.

Sexual normality:

With regard to sexuality, there is no such thing as a standard of normality or abnormality. A person’s sexual and/or emotional manifestations are individual and personal. Referring to the “normality” of sexual identity or orientation assumes the existence of a “deviation from normality” or “abnormality”. It is therefore an expression that should be avoided when referring to LGBT people as it can reinforce prejudice and discrimination against them.

Sexual option:

This expression is incorrect. The accepted term is “sexual orientation”. The explanation for this is that a persons’ sexual orientation is not something they consciously “opt” for. In the same way that a heterosexual person does not opt to be heterosexual, neither does homosexual person (either female or male).



LGBT

On June 8th 2008, in Brasília, during the 1st National LGBT Conference, convened by the Federal Government and involving more than ten thousand people during the state level conferences that preceded it, as well as the 1,200 national delegates, the decision was taken to use the term LGBT to identify the joint actions of lesbians, gay men, bisexuals, transvestites and transsexuals in Brazil. Later, in December 2008, at the largest LGBT movement event in Brazil, the Brazilian Lesbian, Gay Men, Bisexual, Transvestite and Transsexual Meeting, the decision to use the term LGBT was further ratified.



3. GENDER IDENTITY

Gender identity:

Refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.

Gender identity is the perception people have of themselves as being of the male or female gender or some combination of the two, regardless of their biological sex. It is a person's inner conviction that they are of the male gender (man) or the female gender (woman).

Androgyny:

A generic term used to describe any individual whose social posture, especially with regard to clothing, is common to both genders.

Drag queen:

A man who wears women's clothes in a satirical and extravagant manner to perform professionally in shows and other events. A drag queen can be considered to be a kind of "female impersonator" (see below), as the use of women's clothes is related to artistic issues – but the difference is that their use necessarily focuses on humour and exaggeration.

² Definition contained in the Yogyakarta Principles: Principles on the application of international human rights law in relation to sexual orientation and gender identity. Yogyakarta, Indonesia, 2006, p. 6.

Drag king:

A “male” version of a drag queen, i.e. a woman who wears men’s clothes as part of their job.

Impersonator:

An individual who wears clothes of the opposite gender for artistic reasons.

F to M / FTM / F2M:

Expressions used to designate the biological change of the female sex organ to the male one, especially by means of sex reassignment surgery.

M to F / MTF / M2F:

Expressions used to designate the biological change of the male sex organ to the female one, especially by means of sex reassignment surgery.

T-Lover:

Refers to people who feel attracted to transvestites and/or transsexual persons. Generally, speaking such people have a heterosexual or bisexual sexual identity.

Transsexual:

A person whose gender identity is different to the sex they were born with. Transsexual men and women may manifest the desire to undergo medical and surgical interventions to adapt the physical attributes they were born with (including their genital attributes) to their gender identity.

Transgender:

Terminology used to describe people who transit between genders. Their gender identity transcends the conventional definitions of sexuality.

Transvestite:

A person whose sex is male or female at birth, but whose gender identity is the opposite of their biological sex and who takes on gender roles different to those imposed by society. Many female transvestites modify their bodies through hormone treatment, silicone application and/or plastic surgery, although it must be emphasized that this is not the case of all female transvestites (definition approved at the 2008 National LGBT Conference). Differently to transsexuals, transvestites do not have the desire to undergo sex reassignment surgery (change their genital organs).³ Female transvestites (those who have breasts, a body of female appearance, female clothes, hair and mannerisms) are referred to in the feminine. It is incorrect to refer to them in the masculine since they are of the female gender.



Desire, practice, identity

Several misconceptions found in the media arise from the confusion between LGBT desires, practices and identities. Although they are interlinked, these dimensions do not necessarily coincide. For example, there are those who feel desire but deny it, and do not have LGBT practices or identities. Furthermore, a man - for example - may have sex with another man, without identifying as being homosexual, bisexual or gay. He may have homosexual practices, but continue to identify as being heterosexual. He may be in a specific situation, such as being a prison inmate, living in men only lodgings, or even having transactional sex with male clients.

Two acronyms have been coined by health professionals in relation to AIDS prevention, although not relating to cultural, gender identity or sexual orientation issues:

MSM: Men who have Sex with Men.

WSW: Women who have Sex with Women.

In these cases, the acronyms do not identify sexual orientation or gender identity, but rather the sexual behaviour of these people.

³ Definition provided by the National Articulation of Transvestites and Transsexuals (*Articulação Nacional de Travestis e Transexuais – ANTRA*).



4. SOCIAL ATTITUDE

For the LGBT community, revealing publicly one's sexual orientation or gender identity is a significant moment in one's personal and social life. The Movement respects and supports each individual's decision to come out and seeks to offer guidance and assistance whenever requested. The act of coming out is extremely significant, not least because it also has implications for the Movement itself. It is common, for example, for celebrities who reveal their sexual orientation to contribute towards new levels of awareness and issues of social relevance.

With regard to the media, LGBT Movement stakeholders seek to encourage it to have a posture that is ethical, not sensationalist and which does not vulgarize or ridicule LGBT people. However, this is not always possible, principally in the case of "gossip" media aimed at exposing the lives of artists and celebrities, and also in the case of the sensationalist media.

This interferes negatively on the view of media behaviour the LGBT movement attempts to create, since it reduces the possibilities of ethical and professional dialogue. Depending on the manner, language and degree of exposure, such behaviour can also be prejudiced and homophobic and violate people's individual freedom.

Coming out:

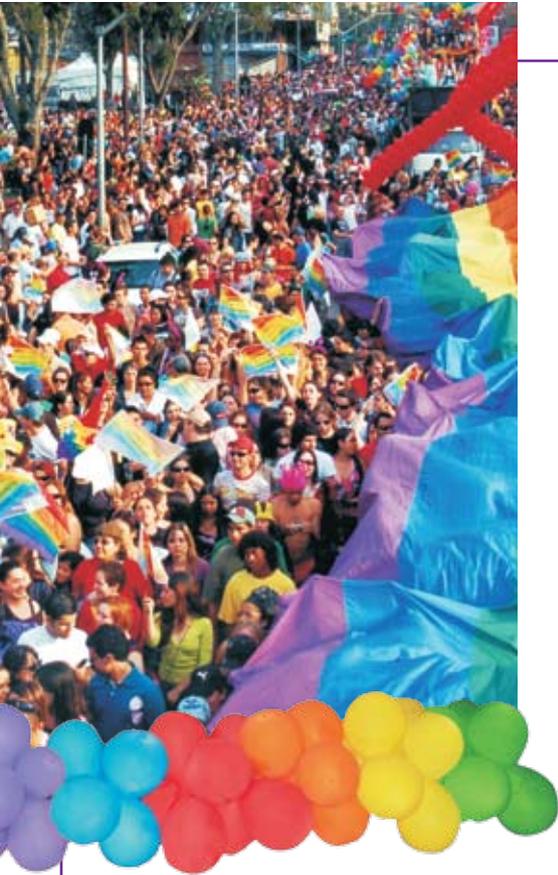
A process of self-acceptance which may take an entire lifetime. A person builds their identity as a lesbian, gay man, bisexual or transgender person, at first keeping it to themselves. Later they may or may not reveal it to other people. See: "coming out of the closet".

"Coming out of the closet":

Revealing publically one's sexual orientation and/or gender identity. See: "Coming out", above.

"Outing":

An expression used to designate the act of revealing someone else's sexual orientation in public or through the mass media.



Gay Pride March:

The correct term is LGBT Pride March, since the event is in commemoration of the LGBT community as a whole. The use of Gay Pride March as a headline or an expression does not contemplate the various people who organize and take part in the event, which is precisely a manifestation of diversity. Similarly, concentrating media coverage on certain of the March's participants, such as half-naked people, go-go boys wearing only underpants or drag queens, puts over a distorted image of the event, as it also includes families, young heterosexuals, homosexual couples, children, teenagers, elderly people, disabled people, politicians and so forth. The **number of participants in LGBT Pride Marches** varies depending on the source of information. Ideally this information should be obtained from the event organizers.

Outing other people

Taking articles 3 and 9 of the Journalists' Code of Ethics, a person's sexual orientation should only be published if it is relevant to the subject matter and only if the person agrees. The Federal Constitution guarantees confidentiality and privacy in relation to people's lives.

It is recommended that if the subject matter relates to the interviewed person's life they should be consulted prior to the interview being broadcast or published as to whether they have any objection to their sexual orientation being mentioned. If they do object, their decision should be respected. If they do not object, they should be asked to sign a statement authorizing the newspaper, radio or television to publish their image and their sexual orientation.

The sexual orientation of dead people should be kept confidential. Publicizing it without the authorization of their parents or close relatives may result in their suing for defamation or damages.

Similarly, the fact of someone being HIV positive should only be published if the person formally agrees or, if they are no longer alive, only with the family's agreement. In Brazil the National Network of People Living with HIV/AIDS, the National Movement of Positive Women Citizens and the National Network of Adolescents and Young Adults Living with HIV/AIDS have a variety of community leaders who are publicly open about being HIV positive and willing to give interviews with the aim of reducing social prejudice.

5. HOMOPHOBIA

Homophobia can be defined as the fear, aversion or irrational hatred of homosexuals and, consequently, all those whose sexual orientation or gender identity is seen to be different from heteronormative standards. It is a particularly serious social and political problem, although it varies in intensity and frequency depending on the society in question. The concept of homophobia has become widely used by activists, academics and also by the media, even though it does not describe with great precision the ample spectrum of phenomena to which it refers.

Phobias:

Psychiatric disturbances expressed in the form of morbid, irrational, disproportional, persistent and repugnant aversion and fear, which can and should be treated.

Homophobia:

Has been an umbrella concept used to describe a varied range of social phenomena related with prejudice, discrimination and violence against homosexuals. In the majority of cases, rather than being treated with therapy and antidepressant drugs, the phenomena of intolerance, prejudice and discrimination against gay men, lesbians (lesbophobia) and the transgendered (transphobia) should be treated with punishment established by law and with education. Homophobia is also responsible for prejudice and discrimination, for example, at work, at school, at church, in the street, at health centres, as well as for the lack of affirmative public policies contemplating the LGBT community. Homophobia can also be manifested in countless different ways by the media.

Hate crimes:

Within the LGBT context this expression is used to describe crimes motivated by homophobic reactions.

Homophobia:

The rejection and/or aversion to any expression of sexuality different to heteronormative standards. Homophobia is frequently manifested through all kinds of discriminatory actions, often violent, arising from hatred in relation to someone's sexual orientation.

Lesbophobia:

Refers to the rejection and/or aversion to lesbians. It is an expression that relates more to the differentiated political actions of the LGBT movement.

Transphobia:

Refers to the rejection and/or aversion to transgendered persons. It is an expression that relates more to the differentiated political actions of the LGBT movement.

Internalized homophobia:

Refers to an LGBT person's fear of their sexual orientation being disclosed publically, whereby they themselves adopt prejudiced attitudes towards other LGBT people.

State homophobia:

A term used to refer to the posture of the State, through legislation, omission or the acts of its authorities in promoting discrimination or inciting hate, hostility or condemnation of homosexuals. In May 2009, 80 countries still criminalize homosexuality and in seven of them it is punished with the *death penalty*.

Rape:

Is the practice of unconsented sex, imposed using violence or serious threats of any nature, or imposed on people incapable of consenting to the sex act (such as children). Under the Brazilian Penal Code, rape is the penetration of the penis in the vagina without a woman's consent. All other forms of sexual violence, including sexual violence against men, are classified as indecent assault, despite sometimes being commonly referred to as rape. In this case, under the Penal Code, gay men and lesbians, especially the former, have very little or no chance of suing those who attack



them sexually by alleging rape: forced sexual intercourse in such cases is considered to be indecent assault. The alteration of this article of the Penal Code is a demand of the feminist movement and the child and adolescent movement. As it stands, the law reproduces the patriarchal and *machista* posture of Brazilian society, and the fact of it being maintained to this day reflects the continuation of certain prejudiced behaviour standards.

Indecent Assault:

A criminal offence under Brazilian legislation based on the principle that indecent actions must be repressed. In some cases this argument is used to restrain LGBT from demonstrating affection between themselves in public.

Paedophilia:

Classified by the World Health Organization as a mental and personality disorder in adults, and also as a sexual deviation. Sexual acts between adults and children (boys and girls) under the age of consent (whether they result in sexual intercourse or not) are considered to be a crime under Brazilian legislation. It has been scientifically demonstrated that whether a person is heterosexual or homosexual does not predispose them to a greater or lesser extent to sexually abusing children, but rather that paedophilia results from a psychic condition unrelated to sexual orientation. It must be emphasized that paedophilia is in no way directly related to homosexuality and it is essential not to associate paedophilia with sexual orientation.

Promiscuity:

Given that LGBT people are singularized by characteristics relating to sex, a stereotype exists associating them with promiscuity. Care should be taken to avoid this oversimplified view.

ABGLT – the Brazilian Lesbian, Gay, Bisexual, Transvestite and Transsexual Association – does not admit as members organizations that defend paedophilia and requires organizations applying for membership to provide a written statement that they are contrary to commercial sexual exploitation, sexual tourism and pornography involving children and adolescents, and that they will uphold the United Nations Convention on Children’s Rights and the Brazilian Statute on Children’s and Adolescents’ Rights (Law No. 8069/90).

Sexual Activity:

Sexual orientation is not related to sexual performance. Sexuality, regardless of sexual orientation, involves a range of emotional, affectional, social, historical and biological factors that reach far beyond the sex act itself. Although curiosity exists on the part of the general public as to the sexual activity of LGBT people, all citizens have the right to privacy regarding their sexual behaviour. Furthermore, sexual activity has nothing to do with people's sexual orientation or gender identity and cannot be related to behavioural disturbances such as promiscuity or paedophilia, for example.

A portrait of homophobia in the media

“Defamation and Discrimination in the Media - 22 cases”

This is the title of a chapter of the study entitled *Causa Mortis: Homophobia – Human Rights Violations and Murder of Homosexuals in Brazil, 2000*, by Luiz Mott and Marcelo Cerqueira. The publication contains a survey based principally on media information (newspapers, television and internet). This chapter in particular highlights specific cases of discrimination by the Brazilian media in the year 2000.

Like other social segments, the media can also be responsible for homophobia-related acts. It is common for LGBT people to be generalized and ridiculed by the media. They have been the target of fiction programmes and used as characters, especially in comedy programmes. The broadcasting of such caricatures and stereotyped ideas regarding homosexuality can generate discrimination and prejudice. Fortunately there is an increasing number of movements against “trash” in

the media and the judiciary branch has responded by curbing the dissemination of prejudice. The media must take care to avoid prejudiced references to homosexuals, avoid making LGBT people feel inferior, avoid derision and not incite violence as a means of supposedly turning them into heterosexuals.

The following are some cases of discriminatory behaviour reproduced or portrayed by the media, taken from the survey mentioned above:

- **JOURNALIST DISCRIMINATES HOMOSEXUALS, FEDERAL DISTRICT**

“The constitution prohibits discrimination on the grounds of age, sex or colour. Therefore, expecting no one to say anything about same sex unions is the same as putting the elderly in kindergartens and men using women's toilets”. (22-9-2000)

- **HOMOPHOBIC PAMPLFLET IS FOUND IN PARTY POLITICAL OFFICE IN MINAS GERAIS**
Bearing a photo of two men kissing, the folder says: "This is what the Workers' Party wants for our families". The folder is signed by the Movement in Defence of the Dignity of the Brazilian Christian Family. The text also says: "Say no to this aberration". (19-9-2000).

- **JOURNALIST CONDEMNS GAY PARADE IN ESPÍRITO SANTO**
"Apart from the Pitta and Nilcéia 'phenomenon' and other sordid cases, on Sunday 25th São Paulo was home to the 4th LGBT Pride March, providing the Police with an agglomeration of 100 thousand 'faggots', the largest event of its kind in Brazil". (2-7-2000)

- **MONT BLANC POSTER CONFISCATED FOR SUGGESTING LESBIANISM, RIO DE JANEIRO**
A campaign promotion poster displayed in the Caneta Continental shop window, at the Barra Shopping Center in Rio de Janeiro was confiscated by two Justice Officers of the Juvenile Court. The reason alleged is that the poster suggests lesbianism, because it contains a picture of a woman with naked breasts being supported by what are apparently another woman's hands, given that they have painted nails. The words "I love you" have been written on the body using a Mont Blanc pen. In addition to having the poster confiscated, the shop has also been accused of displaying a scene of nudity in contravention of the Statute of Children's and Adolescents' Rights. (13-3-2000)

- **HACKER DESTROYS GAY INTERNET SITES**
The following message appeared on Brazilian gay internet sites: "This site has been hacked by the anti-gay movement: hahahahahaha hahahahahaha hahahahahaha hahahahahaha hahahahahaha hahahahahaha. Fairies and faggots won't have a place to meet! Get gays off the Internet, long live heteros! (29-9-2000)

- **TV PRESENTER MOCKS GAYS IN SÃO PAULO (23/6/2000)**

- **GAY PRIDE POSTER BANNED ON SÃO PAULO UNDERGROUND (23/06/2000)**

- **SOAP OPERA DISCRIMINATES HOMOSEXUAL (3/6/2000)**

- **WEB MAGAZINE READERS' HOMOPHOBIA (15/5/2000)**

- **HOMOSEXUAL CHARACTERS CENSORED ON TV (24-9-2000)**

- **GAY KISS CENSORED (16/11/2000)**

Lower Chamber Proposed Law (Projeto de Lei da Câmara) No. 122/2006:

This Bill makes homophobia a crime throughout the Brazilian territory. It is currently the Brazilian LGBT movement's main battle flag and is being analysed by the Senate.

Proposed Law No. 5003/2001:

the number given to Proposed Law No. 122/2006 when it was presented in the Lower Chamber.

Common doubts about Lower Chamber Proposed Law No. 122/2006

Ever since it began to be discussed in the Senate, Lower Chamber Proposed Law No. 122/2006 has been the target of harsh criticism by certain religious fundamentalist sectors (notably catholic and evangelical sectors). The majority of this criticism has no secular or objective basis. Rather, it is the fruit of an erroneous attempt to raise religious arguments, particularly biblical ones, within the legislative branch. They do not discuss the merit of the proposed law, or its appropriateness or otherwise with regard to human rights and the legal system. They merely reaffirm prejudices based on erroneous religious interpretations.

Does Proposed Law No. 122/2006 restrict freedom of expression?

No. The proposed law only punishes prejudiced behaviour and speech, in the same way as currently happens in cases of racism. If the term "homosexual citizen" is replaced with "Black or Jewish Citizen" it is clear that the proposed law's provisions are no different to those of the racism law already in place. Consideration should also be given to the fact that freedom of expression is not absolute or unlimited – that is to say, it cannot be used as a shield to permit crimes, defamation, the promotion of hatred, attacks against people's honour or other spurious acts. This is the understanding of the best constitutionalist tradition and also of the Federal Supreme Court.

Does Proposed Law No. 122/2006 restrict religious freedom?

No. The proposed law does not interfere with religious freedom. What it intends to restrict are notably discriminatory, offensive or scornful manifestations, particularly those that incite violence against lesbians, gay men, bisexuals, transvestites and transsexuals. Being homosexual is not a crime, nor is it a disturbance or an

illness, according to the World Health Organization. Religions can therefore freely manifest theological judgements (such as considering homosexuality to be a “sin”). But they cannot propagate scientific untruths, reinforcing stigma against given segments of the population. No person or institution is above the Brazilian Constitution or legal system, which prohibits any kind of discrimination. Public broadcasting services (such as radios or TVs), public manifestations or other means cannot be used to incite hatred or disseminate discrimination – whether it be against women, Black people, Indians, the disabled or homosexuals. Religious freedom cannot be used as an excuse for attacks on the honour or dignity of any person or social group.

The terms “sexual orientation” and “gender identity” are imprecise and are not defined in Proposed Law No. 122/2006. Is the proposed law therefore technically inadequate?

No. Sexual orientation and gender identity are scientifically consolidated terms in several areas of human knowledge, principally psychology, sociology, cultural studies, among others. Furthermore, the penal legislation is full of examples of definitions that are not detailed in the Acts themselves. It is up to the judge, on a case by case basis, to determine whether or not prejudice has taken place under the provisions of the law.



Foto: Saulo Cruz



6. AIDS

For more than a decade Acquired Immune Deficiency Syndrome – AIDS has not been labelled as a disease exclusively affecting gay men. Care must therefore be taken not to make this association which arose as a result lack of knowledge about the epidemic when it began to spread in the early 1980s.

Aids:

Acquired Immune Deficiency Syndrome is an infectious disease whereby the body's immune system progressively deteriorates. As a result of infection, people who have AIDS are vulnerable to several other kinds of infections (secondary or "opportunistic" infections).

When the epidemic first began to be studied, AIDS was referred to as "Gay Cancer" (because it only appeared to affect gay men) and it was only after there had been millions of victims of all sexual orientations that the disease stopped being associated only with homosexuals.

Vulnerability:

According to the World Health Organization, vulnerability is the increased possibility of exposure to or infection by HIV and of suffering the unnecessary consequences of the disease. Real risk of infection through bisexual or homosexual exposition is 11 times greater than through heterosexual exposition and as at June 2008 a cumulative total of 93,744 AIDS cases had been reported in Brazil in the bisexual and homosexual transmission categories, accounting for 18.5% of all cases, according to the Ministry of Health's STD, AIDS and Viral Hepatitis Department. For this reason, prevention policies such as the use of male condoms, lubricant gel, support for LGBT citizenship events, help to promote the health of the LGBT community, which is vulnerable to AIDS, and considerably reduce costs of medication and hospital care.

"Vulnerability to HIV and its consequences are heightened by violations of the right to life, freedom, information, education, health and equality (non-discrimination), which have a direct impact on these communities' power to negotiate and on reducing their access to services. Reducing vulnerability is related to increased active citizenship, whereby in addition to having rights and duties, above all citizens take an increasing part in public matters".

(Resolutions of the 1st ABGLT Congress, 2005)





7. POLITICS AND MILITANCY

In recent decades the LGBT movement worldwide has been fighting for the end of homophobia, for equal rights, and for the voicing of the demands of lesbians, gay men, bisexuals, transvestites and transsexuals. The progress made in various places and areas are consequences of the action of activists in various countries.

ADVOCACY:

Formally defined as “arguing in defence of a cause or someone”. In the LGBT movement it consists of an action strategy to ensure rights and the development of public policies in a variety of areas relating to LGBT issues, such as stable union, laws to combat homophobia, STD and AIDS prevention, and services for the LGBT community.

Civil rights:

Are the personal protections and privileges provided to all citizens by law. Civil rights are distinct from “human rights” or “natural rights”, also referred to as “divine rights”. Civil rights are those established by the nations and limited to their territorial boundaries, whereas natural or human rights are those that many academics classify as rights that people naturally have when they are born.

Brazilian legislation currently denies homosexuals 37 civil rights:

- 01) They cannot marry;
- 02) Their stable unions are not recognized;
- 03) They cannot use their partner's surname;
- 04) They cannot add their income together to obtain joint financing;
- 05) They cannot add their income together to rent property;
- 06) The partners of LGBT civil servants are not recognized as dependents;
- 07) They cannot include their partners as dependents under their private health plans;
- 08) They are not included in State family programmes;
- 09) They cannot include their partners as dependents for social security or pension benefits purposes;
- 10) They do not have the right to accompany their partner if he/she is a civil servant and is transferred;
- 11) The property in which the couple lives is not free from seizure;
- 12) They have no guarantee of alimony in the event of separation;
- 13) They have no guarantee of keeping half the couple's assets in the event of separation;
- 14) They cannot be the guardian of their partner's children;
- 15) They cannot adopt children jointly;
- 16) They cannot adopt their partner's children;
- 17) They do not have maternity/paternity leave when their partner's child is born;
- 18) They do not have maternity/paternity leave if their partner adopts a baby;
- 19) They do not receive family allowance;
- 20) They do not have compassionate leave from work if their partner dies;
- 21) They do not receive funeral allowance;
- 22) They cannot be the executor of their deceased partner's estate;
- 23) They do not have the right to inherit from their partner;
- 24) They have no guarantee of being able to stay in their home in the event of the death of their partner;
- 25) They do not have the right of usufruct over their partner's assets;
- 26) They cannot sue for damages if their partner is a victim of a crime;
- 27) They do not have the right to "intimate visits" if their partner is serving a prison sentence;
- 28) They cannot be present when their partner gives birth;
- 29) They cannot authorize surgery when their partner's life is at risk;
- 30) If their partner is declared mentally incapable they cannot be their guardian;
- 31) They cannot include their partner as a dependent on their income tax return;
- 32) They cannot submit a joint income tax return;
- 33) They cannot deduct their partner's medical or education expenses from their income tax returns;
- 34) They cannot deduct income tax paid in their partner's name;
- 35) They cannot declare jointly income common to both partners;
- 36) They are not recognized as a family but rather as business partners;
- 37) Their legal cases are not judged by the Family Division.

Super Interessante Magazine, Edição 202 – July 2004, by Sergio Gwercman.



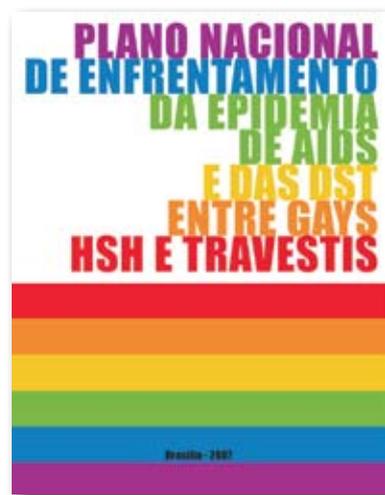
LGBT Movement:

Is the effort made over time to obtain understanding and equal treatment for LGBT. The expression is frequently used to refer to the fight against discrimination and for legal rights. The movement is comprised of organizations that undertake this fight and explicitly defend the human rights of homosexuals throughout the world.



National Plan for LGBT Citizenship and Human Rights:

Contains 51 guidelines and 180 actions that will orient the formulation of public policies in this area. The Plan is the result of the proposals approved by the 1st National LGBT Conference held in June 2008. The Plan is divided into two strategic areas. One relates to education and the promotion of knowledge, the capacity building of stakeholders, the defence and protection of rights, awareness raising and mobilization. The second area concentrates on the formulation and promotion of federative cooperation, the articulation and strengthening of social networks, articulation with other government branches, international cooperation and the management and systemic implementation of the LGBT policy. All the actions have a timeframe for being put into place – between 2009 and 2011. To access the complete plan, visit www.abglt.org.br



National Plan to Combat the AIDS and other STD Epidemic among Gay Men, other Men who have Sex with Men (MSM) and Transvestites:

This plan was launched in 2008, having been drawn up following the identification of the vulnerabilities that contribute towards making this group more susceptible to infection, including homophobia and difficulty in accessing public services for sexually transmitted disease prevention and treatment. One of the goals of the plan is to ensure that there are health teams trained to meet the needs of fighting the AIDS epidemic among gay men and MSM in all the country's states.

Between 1996 and 2006, AIDS cases among homosexuals and bisexuals aged 13 to 24 increased from 24% to 41%. In the 25 to 29 age group the increase was from 26% to 37%. According to the Knowledge, Attitudes and Sexual Practices survey, AIDS incidence in this segment is 226 cases per 100 thousand inhabitants – eleven times higher than among the general population.





8. STABLE UNION AND FAMILY

People of the same sex are not allowed to marry in Brazil. Homosexual couples (male or female) who decide to adopt a child have to go through long legal proceedings. Marriage and the formation of families are rights denied to the LGBT population. In 1995 Proposed Law No. 1,151/95 was submitted to the National Congress with the aim of officializing unions between people of the same sex. It was not approved and in 2009 was replaced by Proposed Law No. 4,914/09.

Proposed Law No. 4,914/09:

Extends to same sex couples the provisions of the Civil Code regarding stable unions between men and women, with the exception of the article that provides for its conversion into marriage.

Conjugalitv:

The notion of family has changed and taken on new arrangements. This has enabled juridical solutions to be found, such as the granting by the National Institute of Social Security of the right to pensions and other rights provided for under social security law.

Homoparenthood:

Is a neologism created to define homosexuals who are parents, whether adoptive or not, and who bring up their children like any other family (based on a perspective that a family can be formed in various different ways). The term homoparenthood was used for the first time in France, in 1996, by the *Association des Parents et Futurs Parents Gays et Lesbienues*.



Marriage between people of the same sex:

Term used to refer to countries where the law allows marriage between people of the same sex. In Brazil, the LGBT movement defends Stable Union rather than marriage. The term “marriage” can also be used to refer to religious ceremonies uniting people of the same sex, performed for example by some Protestant denominations and some non-Christian religions. Although the expression as such is not incorrect in itself to describe legalized unions between homosexuals having identical rights to those guaranteed by civil heterosexual marriage, the word marriage, in Brazilian culture, has strong connotations with the institution of religious matrimony, and the term “gay marriage” is frequently used in an inappropriate, if not frivolous, manner, to designate the formalization of stable unions between same sex couples. Communication professionals should take care not to provide society at large with distorted information on this issue. The correct term to use in the case of homoaffective couples is Stable Union.

Stable union:

Term used to describe same sex unions legally recognized by the State. Throughout the world there are different levels of rights guaranteed through stable union between same sex couples, ranging from the most basic to the same rights as those existing under civil heterosexual marriage. In all cases the term stable union should be used, restricting the use of the term marriage to religious situations.

Find out more about countries that have legislation on Stable Union

Marriage between same sex couples

Belgium (2003); Canada (2005); Netherlands (2001); Norway (2009); South Africa (2006); Spain (2005); Sweden (2009); United States: Connecticut (2008); Iowa (2009); Maine (2009); Massachusetts (2004); Vermont (2009)

Legislação de parceria civil oferecendo aos parceiros do mesmo sexo a maioria dos dsamentoCivil partnership legislation providing same sex couples with the majority of rights guaranteed under civil marriage

Denmark (1989); Finland (2002); Germany (2001); Iceland (1996); Switzerland (2007); United Kingdom (2005); New Zealand (2005); Australia: Tasmania (2004); Australian Capital Territory (2008); Victoria (2008); United States: California (2000), Connecticut (2004), District of Colombia (2002); New Hampshire (2008), New Jersey (2007), Oregon (2008), Vermont (2000), Washington (2007); South America: Colombia (2007)

Civil partnership legislation providing same sex couples with some of the of rights guaranteed under civil marriage

Israel (1994); Mexico: Coahuila (2007), Federal District (2007); United States: Colorado (2009), Hawaii (1997), Maryland (2008); New York (2003); Rhode Island (2008)

Source: *State Homophobia– May 2009 – ILGA – International Lesbian, Gay, Bisexual, Trans and Intersex Association (www.ilga.org)*



9. RELIGION

Under various religions, especially monotheist ones, sexual practices are subject to control and repression. In the case of Brazil, one of the principal obstacles to the approval of laws that benefit homosexuals is pressure from fundamentalist, literalist (who interpret the Bible literally) and dogmatic religious parliamentarians in the Lower House and in the Senate. Despite Brazil being a Secular State, Christian culture is deeply rooted throughout the country.

Secular State:

Ever since the Proclamation of the Republic, in 1889, the Brazilian State has been secular. This means that while religious manifestations are respected they should not interfere with governmental decisions. In a Secular State there is no official religion. In practice, however, religion is present in Brazilian government: it is not uncommon to find crucifixes on the walls of government departments; the national calendar includes religious holidays; the government grants the use of television and radio stations to certain religious denominations that also make the most of this to use the mass media to attack other religions. The secularity of the State represents civic progress, because it prevents a given religious belief, which may have been predominant at a certain moment in history, from imposing itself on others and using its influence to coerce people into adopting its principles. The defence of the Secular State is also a battle flag of the LGBT movement. This is because, today, fundamental religious leaders in the National Congress are the principle critics and opponents of the approval of laws that defend the rights of the LGBT population.

Radio and television debates:

It is common, when debating proposed laws or the civil rights of the LGBT population, for the media, including newspapers and magazines, to invite religious representatives, especially homophobic ones, to discuss these issues with LGBT activists. In this case, ABGLT suggests that the media invite politicians (belonging to evangelical parliamentary fronts or those of other religions) to debate with politicians who are members of the

Parliamentary Front for LGBT citizenship, as well as LGBT activists. Representatives of religions should be invited to debate between each other. For example: invite a Protestant minister who is contrary and another who is favourable to take part in a debate with an LGBT activist. In the case of a scientific debate, we suggest inviting psychologists who consider homosexuality to be natural to debate with other scientists who do not agree, in addition to LGBT activists.

How religions see homosexuality

Christianity: In general Christian religions condemn homosexuality. However, there are some groups that tend towards respect and preach tolerance, such as the Anglican and some Presbyterian churches. Despite the hard line taken by the majority of Christian churches, there is an expressive number of homosexuals who practice the Christian faith, some of whom hold ecclesiastical office.

Judaism: Considers homosexuality to be anti-natural. It adopts the standard of “accepting the sinner, but not their sin”. Jewish LGBT groups are the most mobilized among religious homosexuals.

Kardicism: Accepts homosexuality as a result of karmic conflicts, but encourages celibacy.

Buddhism: Homosexuality is not a matter of religious interest, but rather something of a personal nature. The sex life of its participants is not considered a determinant of religious life. A homosexual, like any other member, must act with responsibility, respect and wisdom.

Hinduism: Accepts homosexuality as a moral issue. Hindu mythology contains stories of relationships between creatures of the same sex. In the West, homosexuals appear to be well integrated into its rituals. However, the picture can be different in some Eastern countries with more fundamentalist cultures.

Islam: Openly condemns both homosexuality and homosexuals. Homosexuals, or even sporadic homosexual acts, are punished severely, including by the death penalty in seven Islamic countries.



10. DATES

The LGBT calendar contains commemorative dates that mark the movement's progress and achievements.

Transvestite Visibility Day (January 29th):

This date was chosen because on this day in 2004 the Ministry of Health's DST, AIDS and Viral Hepatitis Department launched the *Transvestite and Respect* campaign with the aim of sensitizing educators and health professionals and motivating transvestites and transsexuals in seeking their own citizenship and self-esteem. Since then an increasing number of Brazilian cities arrange activities to celebrate the occasion.

Day against Homophobia (May 17th):

Between 1948 and 1990, the World Health Organization (WHO) classified homosexuality as a mental disorder. At that time the term "homosexuality" was used, whereby the suffix "ism" signifies illness. On May 17th 1990, the World Health Assembly approved the removal of Code 302.0 (homosexuality) from the International Classification of Diseases, stating that "homosexuality is not an illness or a disturbance". Ever since then the LGBT movement has encouraged the use of the term "homosexuality" rather than "homosexuality". On this symbolic date events are organized in many countries throughout the world to draw the attention of governments and public opinion to the situation of oppression, marginalization, discrimination and social exclusion that LGBT people face in most countries.



LGBT Pride Day (June 28):

Originates in the riots at New York's Stonewall Bar, on June 28th 1969, when a crowd rebelled against the police when it attempted to arrest homosexuals there. LGBT people and allies resisted the police for three days and nights and the date became known as the *Stonewall Rebellion*. One year later, on June 28th 1970, the first *Gay Pride* march was held and this resistance raised awareness in many countries, especially the United States, regarding the problems faced by LGBT people, who were seeking respect and the recognition that they had and have civil rights. The modern movement for homosexual rights was born.

Lesbian Visibility Day (August 29th):

The date refers to the day on which the first *National Lesbian Seminar* was held, in 2006 in Brazil. It is a day dedicated to discussing and giving visibility to Brazil's lesbian community.



11. SYMBOLS OF THE LGBT MOVEMENT

Throughout the world several different symbols represent the LGBT population. Below are some of the most used symbols.

Rainbow:

Created for the 1978 San Francisco Gay Freedom Day Parade, the rainbow has become the main symbol of LGBT pride worldwide. Representing human diversity, it is used mainly on flags, although it is also possible to find it on a variety of objects. There are also shops specialized in selling rainbow products.

Meaning of the Colours

The LGBT flag is formed of six different coloured stripes, each one with its own meaning. No one stripe is the flag's "first stripe", but rather can it begin with red or with violet.

Red: Life

Orange: Healing

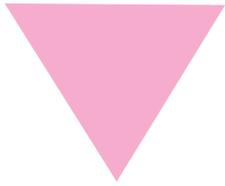
Yellow: Sunlight

Green: Nature

Blue: Harmony

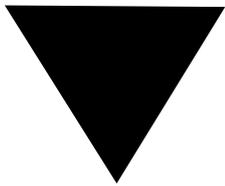
Violet: Spirit

In addition to the six stripe version, currently other versions of the rainbow flag can be seen in LGBT manifestations. Some also have a black stripe, symbolizing homosexuals who have died from AIDS, whilst others mix the colours of the rainbow with national or regional symbols, thus representing the LGBT population of the country or region.



Pink Triangle:

Symbol created to identify male homosexuals in the Nazi concentration camps. After the 2nd World War it became a symbol of gay pride.



Black Triangle:

A Nazi symbol used to identify lesbians, prostitutes, childless women and those with “anti-social” peculiarities out of keeping with the wife-mother-housewife norm. Similar to its pink counterpart, the black triangle became a symbol of both lesbian pride and feminism.



Labrys:

A double-bladed axe used by the Amazon warriors in mythology, later becoming the symbol of lesbian groups.



Lambda:

A Greek letter adopted by one of the first LGBT rights defence groups in the United States, the Gay Activists Alliance of New York, in 1970. In 1974 it became known as a global symbol of LGBT rights defence during the International Gay Rights Congress, in Edinburgh, Scotland. Although considerably used abroad, it is not well known in Brazil.





12. A ABGLT

The Brazilian Lesbian, Gay, Bisexual, Transvestite and Transsexual Association – ABGLT was created on January 31st 1995, by 31 founding groups. Currently it is a national network of 220 organizations. It is the largest LGBT network in Latin America.

Its mission is to promote the citizenship and defend the rights of lesbians, gay men, bisexuals, transvestites and transsexuals, contributing towards the construction of a democracy free from all forms of discrimination, affirming free sexual orientation and gender identities.

ABGLT's current work priorities include:

- Monitoring the implementation of the decisions of the 1st National LGBT Conference;
- Monitoring the Brazil Without Homophobia Programme;
- Combating homophobia in schools;
- Combating AIDS and other sexually transmitted diseases;
- The recognition of Sexual Orientation and Gender Identity as Human Rights in the Mercosul;
- Building the capacity of lesbian leaders in human rights and advocacy;
- Promoting job opportunities and access to social security for transvestites;
- Capacity building in LGBT cultural projects;
- Advocacy in the Legislative, Executive and Judiciary branches (www.abgl.org.br/aliadas)

On July 27th 2009, ABGLT was the first LGBT organization from a Southern developing country to be granted consultative status by the United Nations Economic and Social Council (ECOSOC), this being one of civil society's main forms of access to the U.N. Non-governmental organizations with ECOSOC status can submit verbal and written reports to UNO meetings. Jointly with other LGBT ONGs with ECOSOC status it will gradually be possible to increase the attention paid by the U.N. to the human rights violations and discrimination on the grounds of sexual orientation and gender identity that occur throughout the world.





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ATTACHMENTS

The **Brazilian Journalists' Code of Ethics** has four recommendations pertinent to the LGBT population:

Article 3. The information published by the public communication media shall be founded on the real occurrence of facts and shall have as its purpose the social and collective interest.

Article 9. It is the journalist's duty to respect citizens' right to privacy.

Article 10. No journalist may agree with the practice of persecution or discrimination for social, political, religious or racial motives, nor on the grounds of sex or sexual orientation.

Article 16. Journalists must vigorously defend national sovereignty, in its political, economic and social aspects, and the prevalence of the wishes of the majority of society, whilst respecting the rights of the minorities.

Federal Council of Psychology, Resolution No. 001/99, dated March 22nd 1999

“Establishes Professional conduct norms for psychologists with regard to Sexual Orientation”

THE FEDERAL COUNCIL OF PSYCHOLOGY, in the use of its legal and regimetal attributions,

WHEREAS psychologists are health professionals;

WHEREAS in professional practice, regardless of the area in which they work, psychologists are frequently referred to on issues relating to sexuality.

WHEREAS the way each person lives their sexuality is part of their identity, and which should be understood in its totality;

WHEREAS homosexuality is not an illness, disturbance or perversion;

WHEREAS concern exists in society regarding sexual practices that diverge from the socially and culturally established norm;

WHEREAS Psychology can and must contribute with its knowledge to provide enlightenment on matters relating to sexuality, so as to overcome prejudice and discrimination;

RESOLVES:

Article 1 – Psychologists shall work in accordance with the ethical principles of the profession, especially those relating to non-discrimination and the promotion of the well-being of people and humanity.

Article 2 – Psychologists shall contribute, with their knowledge, to a reflection on prejudice and the disappearance of discriminations and stigmatizations against those who have homoerotic behaviours or practices.

Article 3 – Psychologists shall not undertake any action capable of favouring the pathologization of homoerotic behaviours or practices, nor shall they undertake coercive actions to encourage homosexuals to undergo unrequested treatment.

Paragraph one – Psychologists shall not collaborate with events and services that propose the treatment or cure of homosexualities.

Article 4 – Psychologists shall not make pronouncements, nor take part in public pronouncements, in the mass media, so as to reinforce existing social prejudices towards homosexuals as suffering from any psychic disorder.

Article 5 – This Resolution shall come into force on the date of its publication.

Article 6 – All provisions to the contrary are hereby revoked.

Brasília, March 22nd 1999.
ANA MERCÊS BAHIA BOCK
President of the Council

Proposed Law No. 4,914 – Stable Union Alters Law No. 10,406, dated January 10th 2002 – the Civil Code

The National Congress decrees:

Article 1 - This Law adds provisions to Law No. 10,406, dated January 10th 2002 – the Civil Code, relating to stable union between people of the same sex.

Article 2 - Adds article 1,727 A, to Law No. 10,406, dated January 10th 2002, the Civil Code.

“Article 1,727 A – The preceding articles under this Heading, with the exception of article 1.726, apply to the relationships between people of the same sex, guaranteeing the rights and duties arising therefrom.”

Article 3 – This law shall come into force on the date of its publication.

Justification:

The relationships between people of the same sex, denominated homoaffective relationships by the jurisprudence, are an increasing visible juridical reality in Brazil.

Given the lack of a legal norm produced by the Legislative branch, citizens seek in another Branch of the Republican Government – the Judiciary branch – the necessary consolidation of one of their Human Rights, namely to have their inalienable right to a relationship of affection recognized and for such a relationship to generate its own juridical effects, arising from its legal or judicial recognition.

The absence of legislation on the social fact in question, leads to a lack of rights and obligations proper to and characteristic of relationships of affection such as, for example, the joining of efforts to build the relationship, which currently does not generate obligations, duties

or rights for any of those involved and/or third parties.

This legislative omission causes profound perplexity in society, which is daily resolved by recourse to the Judiciary branch.

Countries from all the continents have examined the matter and produced positive legislation on the subject, including our Latin American neighbours, so that there are no longer objective arguments as to why the question should not be raised and voted in the National Congress.

The proposal regulates the rights and contemplates the mutual duties and obligations of those in homoaffective relationships, based on the constitutional imperative of equality and equal treatment; with the exception of the contents of the article relating to marriage (Article 1726).

This matter is neither unconstitutional nor injudicial, since it merely normalizes the vast jurisprudence already accumulated in the Courts, which have understood the application of analogy and equity to be the best way of filling the legal gap in this question.

A new Legal Institution is not being created, but rather will be recognized by the normative legal system in the same way as it already is by jurisprudence, being treated as a Stable Union for all the purposes of the Law.

This proposed law does not require regulatory norms posterior to the approval of the matter, given that the matter will be regulated by the existing norms, contained in the Civil Code and/or in sparse norms, as understood in a consolidated and continuous manner by the Courts.

Session Chamber, March 11th 2009

CONTACTS - ABGLT

Board of Directors

President: Toni Reis
presidencia@abglt.org.br

Vice President - Lesbians: Yone Lindgren
yonelindgren@yahoo.com.br

Vice President - Trans: Liliane Anderson
astraes2004@yahoo.com.br

General Secretary: Cláudio Nascimento (licenciado)

Human Rights Secretary: Vacante

Communications Secretary: Léo Mendes
secom@abglt.org.br

Finance Secretary: Beto de Jesus
betojesus@uol.org.br

Regional Secretariats

Northern Region: Sebastião Diniz
dinizbv@hotmail.com

Midwest Region: Clóvis Arantes
clovaran@hotmail.com

North East Region: Edson Axé
edsonaxe@yahoo.com.br

South East Region: Carlos Magno
karlmagnum@hotmail.com

Southern Region: Alexandre Böer (licenciado)

Rafaelly Wiest
presidente@grupodignidade.org.br

Contact:

www.abglt.org.br

Concept:



Execution:



Funding:

