



# **THE UNIVERSAL PERIODIC REVIEW OF LGBTI PERSONS IN FAVELAS.**

**STATE UNDER REVIEW:  
BRAZIL**

**ORGANIZATION SUBMITTING THIS REPORT:  
GRUPO CONEXÃO G DE CIDADANIA LGBT DE FAVELAS**

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## **Preamble**

1. The struggle for the guarantee and effectiveness of sexual and reproductive health and rights, the rights to expression and identity, as well as the bodily rights and autonomy of LGBTI persons are fundamental rights and codified within civil, political, economic, and cultural rights.

2. The Yogyakarta Principles (2006) and the Yogyakarta Principles +10 (2017) are two documents that underscore the universality of human rights and its application to all people without discrimination.

3. Brazil has ratified multiple human rights conventions and treaties, underlining obligation to the protect fundamental human rights of its citizens. However, in Brazil, lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, especially black, indigenous and favela residents, are systematically treated as second-class citizens and face violations to their human rights access to justice.

4. LGBTI persons who live in favelas face systematic discrimination in access to health, infrastructure, water and sanitation, housing, education, alimentation, security, culture and leisure. This is exacerbated by experiences of routine and systematic violence, stigma, and LGBTIphobia in the country, leading Brazil to be the country with the highest murders of LGBTI persons in the world. The majority of victims are black and transgender people.

5. Brazil is a signatory to important international agreements and conventions on human rights, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol (CAT-OP), as well as the Convention on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), all relevant to the specific group in which this report, presented to the fourth cycle of the Universal Periodic Review, focuses.

6. This report will address the situation faced by LGBTI people living in favelas in Brazil with a particular focus on the violations committed by public security agents against this community, with a view to promoting specific public policies for favela populations, guaranteeing economic rights and livelihoods and the reduction of police lethality and violence committed by state agents against LGBTI people in favelas.

7. The data presented here are the results of interviews, focus groups and structured form applications by and of LGBTI individuals living in favela and periphery territories in Brazil, conducted throughout the months of January, February and March 2022, as well as through surveys and crossing information published by other social organizations in Brazil and abroad regarding the period of the last 3 years. We have chosen to number the paragraphs to facilitate the location of information in this report and we

## **About Conexão G**

8. This report is being submitted by Grupo Conexão G de Cidadania LGBT de Favela, an organization founded by LGBT persons in the favela of Maré, Rio de Janeiro/Brazil, in March 2006. The institution's mission is to promote the human rights of LGBT people, guaranteeing their full citizenship and promoting access to civic participation and decision-making, while fighting against historical oppressions, state violence and the intersection between racism, class and LGBTphobia experienced by this population.

## **UPR 3<sup>rd</sup> Cycle Recap and Update**

9. With regard to sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) issues, in the last evaluation cycle, Brazil received twelve recommendations related to the theme, among which none were fully complied with. Of the 12 recommendations, 5 were partially complied with and seven were not complied with or even considered. Overall, the recommendations highlighted the urgency of addressing and monitoring murders and crimes against this population, education in human rights and sensitization of public agents and the development of legislation and policies for protection and social inclusion.

10. Brazil received 36 recommendations regarding public security, most of which include the urgency of human rights education to public officials. Brazil did not fully comply with any of the recommendations, only 7 of the recommendations were partially implemented.

11. This scenario points to a situation of omission by the Brazilian State in the face of its commitment to the international human rights documents which it has signed and committed to complying, as well as the worsening of the human rights situation, especially for LGBTI, black and indigenous people, in the administration of the current president, Jair Bolsonaro.

## 1. Right to Social Security and Non-Discrimination

12. Promoting social security, free from discrimination, is a duty of States and a fundamental human right that has historically been violated when it comes to people living in favelas and peripheries in Brazil. Citizens have the right to social security “and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”<sup>1</sup>.

13. With regard to public security in favelas, it is possible to identify several recommendations made in the 3rd cycle, such as: (i) the need for training and capacity building in human rights for police institutions (recommendations 32, 33, 34, 59 and 105 are highlighted); (ii) the need for continuous, impartial and thorough investigations (recommendations 61, 62, 63, 64, 112 and 114); (iii) the need for attention to racial and other vulnerable minorities (recommendations 42, 68 and 98). Yet, these recommendations have been systematically ignored and not implemented yet. Meanwhile, police forces continue to put black and LGBTI people at particular risk.

14. In our data collection in the favelas, we identified that police incursions in these spaces as actors of the Brazilian State directly affect the experiences and bodies of black LGBTI individuals living in the favelas. The data collected show that 55% of the respondents were prevented from accessing their homes as a result of police actions. The same percentage of people indicated that police enter their homes without a warrant, amounting to serious violations of the right to privacy and dignity, in the context of social security. Further, 90% of black LGBTI respondents indicated that they had been approached or profiled by police, either before or after 18 years of age. Among these respondents, 83.3% suffered physical, moral, or psychological violence, humiliation, harassment, disrespect, or direct threats from police authorities, because of their gender identity or sexual orientation.

16. When we disaggregate the 90% of black LGBTI respondents who were approached by police by gender, 66.7% identified as transgender, revealing that transgender and transsexual women and *travestis* are more vulnerable to abuses committed by police authorities. In addition, 75% of the people approached have already felt threatened by police officers because of their gender identity and/or sexual orientation, and of this amount, 72.2%<sup>2</sup> are transgender people, that is, state agents in Brazil work at home. from a fundamental transphobic perspective. We also collected accounts of five transgender women in the favela da Maré who said they were raped by police officers during military incursions into the territory.

17. It is categorical to say that LGBTI people, especially black people, are particularly vulnerable to their public security being violated by the Brazilian State.

### Suggested Recommendations:

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<sup>1</sup> 30 Basic Human Rights List | Universal Declaration of Human Rights (Right 22). Available at [https://opseu.org/wp-content/uploads/2018/12/30\\_basic\\_human\\_rights\\_list\\_english.pdf](https://opseu.org/wp-content/uploads/2018/12/30_basic_human_rights_list_english.pdf)

<sup>2</sup> All numbers referenced here can be viewed through the graphs we produce, available at [https://rpubs.com/polinhobr/tombacao\\_seguranca](https://rpubs.com/polinhobr/tombacao_seguranca)

18. A) Independent instruments for reporting police crimes, which are completely separate from police agencies, must be enacted.
19. B) It is necessary to create legal and social mechanisms that allow monitoring of police actions with the aim of mitigating abuse of authority and especially sexual violence committed by agents.
20. C) LGBTI persons who face police brutality must have access to justice and redress, as well as easier access to psychological treatment.

## 2. Right to Life and Education

21. Police operations in favelas not only impact freedom of movement, but also result in deaths, persecutions, assaults, arbitrary arrests and, the closure of schools. There are countless violations of fundamental human rights, especially the right to life and education, leading to countless innocent victims.

22. The impact on education is apparent in the six favelas where we surveyed and interviewed residents. According to data from the report *Tiros no Futuro* (Shots in the Future)<sup>3</sup>, 70% of all police operations took place in the vicinity of schools and day care centers. 74% of schools in the municipal network of Rio de Janeiro were affected by shootings, including incurring bullets which went through school walls. This amounts to a violation of the right to education. In all, more than 4,000 gunshots were recorded in the vicinity of schools in 2019. As a result, 295 schools were closed for at least one day within the school year. Most of the occurrences took place in favelas, where about 70% of the students are black. A report noted, “the more shootings recorded, the blacker the profile of these students”<sup>4</sup>.

23. This is just one of the dynamics that highlight the way in which LGBTI favela populations are killed or are among the least literate people in the country. Our data collection indicates that, among LGBTI people, 32.2% declared not having completed elementary school, while only 10.6% completed elementary school. 29.1% declared having completed high school and 24.2% said they had not. While only 0.8% declared having completed higher education and 3.1% had incomplete higher education.

24. The police in Rio are one of the deadliest in the country and even with the ban on police actions in favelas during the pandemic, enacted by the Supreme Court, the police continued to kill blacks and *favelados*<sup>5</sup>: police lethality increased by 38% in 2021 compared to previous years. This violence affects black and LGBTI people in a

<sup>3</sup> REDES DA MARÉ. **Boletim: Direito à segurança pública na Maré**. 6ª Edição. Rio de Janeiro, 2021. Available at <https://www.redesdamare.org.br/media/downloads/arquivos/seguranca-publica-mare-2022.pdf>. Access em: 10 mar. 2022

<sup>4</sup> LEMGRUBER, Julita (coord.). **Tiros no futuro: Impactos da guerra às drogas na rede municipal de educação do Rio de Janeiro**. Rio de Janeiro: CESeC, 2022. Available: [https://cesecseguranca.com.br/wp-content/uploads/2022/02/Tiros-no-futuro\\_relatorioFINAL.pdf](https://cesecseguranca.com.br/wp-content/uploads/2022/02/Tiros-no-futuro_relatorioFINAL.pdf). Access em: 10 mar. 2022

<sup>5</sup> Favelados is a term used to refer to people who live in favelas. For a long time, it was used in a pejorative way, but there is a movement of people who live in favelas that have been adopting the term favelado to express the historical resistance of their agendas and social struggles.

frightening way, especially transgender people. During our data collection activities in the favela da Maré, we spoke with a trans woman who showed a bullet mark in her right buttock, she was shot by a police officer at one of the entrances to the favela.

25. According to data from the Fogo Cruzado Institute<sup>6</sup>, 4,653 shootings were identified in the metropolitan region of Rio de Janeiro in 2021, an average of 13 shootings per day. 2,098 people were shot in favelas of Rio, completing about five every 24 hours. 64% of these people (1,342) were specifically targeted during police operations, which take place primarily in favela territories. This is a trend that has been confirmed since the last quarter of 2020, according to data from the Security Observatories Network. The police allege that armed groups took advantage of the foundations of the ADPF (Alegação de Descumprimento de Preceito Fundamental) to articulate, and with that the security forces returned to act in a violent and deadly way as before the pandemic.

26. The actions resulted in an 8.8% increase in deaths by police intervention in 2021. The Salgueiro and Jacarezinho massacres (the last one the largest in the history of Rio de Janeiro, with 27 deaths) stand out among the episodes of violence, but they are not isolated cases. In Belford Roxo, 36% of violent deaths resulted from police action<sup>7</sup>. In Complexo da Maré, the scenario is repeated. According to a bulletin from Redes da Maré, 20 days of police operation were identified in 2021, with a record of 11 resident deaths. In addition, the criminal expertise - controlled by the police - did not respect the parameters of analysis of bodies and expertise of the places where these people were killed. In 60% of police operations, residents reported the violation of their homes. In the same year, health clinics and services were impacted for 38 days, either with total or partial closure in the middle of the pandemic, paralyzing medical care and the vaccination process of this population.

### Suggested Recommendations

27. A) Ensure and implement policies for inclusive education, consistent with the parameters of the National Education Plan 2014-2024, taking as an ethical principle the promotion of sexual and gender diversity and considering the historical asymmetries that fall on favela territories.

28. B) Prohibit presence and action by police during school hours and promote efforts to build spaces for culture, art, leisure, and education in favelas with a view to strengthening education through diversity and reducing social inequalities based on gender and sexuality principles.

29. C) Strengthen the prevention and effectiveness of the investigation of cases of police violence and provide roadmap training based on human rights and sexual and gender diversity to law enforcement officers and, likewise, ensure that any acts of police violence committed are legally addressed in a swift and transparent way to mitigate

<sup>6</sup> Available at INSTITUTO FOGO CRUZADO. **Relatório Anual 2021: Região Metropolitana do Rio de Janeiro.** Rio de Janeiro, 2021. Disponível em: [https://drive.google.com/file/d/1gyizjq\\_XFEc2ViMZOFDAp\\_NEWVDZIVfa/view](https://drive.google.com/file/d/1gyizjq_XFEc2ViMZOFDAp_NEWVDZIVfa/view). Access em: 10 mar. 2022.

<sup>7</sup> Available at REDE DE OBSERVATÓRIOS DA SEGURANÇA. **ADPF 635: uma dose de reforço necessária.** Rio de Janeiro, 2022. Disponível em: <http://observatorioseguranca.com.br/adpf-635-uma-dose-de-reforco-necessaria/>. Access em: 10 mar. 2022.

abuses of power.

### **3. Arbitrary Arrests**

30. A fundamental principles of human rights is that no one will be subject to arbitrary arrest or imprisonment. However, with the intensification of the actions of the Military Police of Rio de Janeiro in the favelas, there are numerous reports of illegal, arbitrary and abusive arrests and detentions.

31. During our data collection with LGBTI people in the favelas, we identified that 50% of the people approached were taken to the police station or unfairly arrested. While 55.6% were accused of crimes they claim not to have committed. These people report that the police forge criminal situations such as drug possession or even robberies and, in this way, take them to police stations. The prevalence of these frivolous accusations is experienced higher among transgender people.

32. In addition, 61.6% of LGBTI people approached by the police in the favelas were extorted by police officers so they would not be taken to the police station. Of this amount, 67% are transgender people. This is evidence of a routine and systematic abusive police practices and treatment, putting transgender people at particular risk. Most of these transgender women allege that they have also been raped by police officers, these experiences are not only within the context of arrest or detention, but also in public spaces, as well as while engaging in sex work.

33. The power imbalance, and the fact that the perpetrators of violence against these trans women are police officers, deters them from reporting these abuses for fear of retaliation. Those who manage to muster the courage to denounce these agents are subjected to other forms of violence. We found that 15% of LGBTI people surveyed, report experiencing police violence while denouncing police violence, indicating that Brazilian police actively prevent persons from accessing justice and exercising their constitutional and civic rights.

### **Suggested Recommendations**

34. A) Improve access to safe reporting systems of police violence and brutality. Ensure that reporting mechanisms allow for the inclusion of perspectives that consider gender, sexuality and race identity

35. B) Expand efforts to build independent committees where human rights organizations can register and monitor cases of detention of LGBT people in slums and places where transgender people engage in sex work.