

# **The PSI Brazil Public Sector Campaign to End Discrimination Based on Sexual Orientation: Proposals**

TEXT OF THE DOCUMENT FOR MUNICIPALITIES REGARDING LGBT ISSUES

For Municipal Governments, City Councils and City Councilmembers

In 2006, in Yogyakarta, Indonesia, the former UN High Commissioner for Human Rights) set forth “The Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity,” commonly known as the “Yogyakarta Principles.” The document asserts that:

**“All human beings are born free and equal in dignity and rights. All human rights are universal, interdependent, indivisible and interrelated. Sexual orientation and gender identity are integral to every person’s dignity and humanity and must not be the basis for discrimination or abuse.”**

These principles are gradually being adopted by various member states of the United Nations in the form of national legislation. Here in Brazil, it has been no different – at almost every level, the executive, legislative and judicial branches of government have been modifying the legislation on human rights, welfare rights, civil rights, health and social assistance to codify the precept of human dignity regardless of an individual’s sexual orientation or gender identity.

These achievements must be made manifest in the real lives of men and women through developments within local municipalities – where people, including LGBT persons, actually live. It is in the municipalities that the health care, education and social assistance needs of individuals are served.

Accordingly, we need to recognize various situations that affect LGBT persons:

1. The AIDS epidemic in Brazil has had a disproportionate impact on the LGBT population with the prevalence of HIV being greater than 10%, as compared to that observed in the general population (0.6%);
2. A high degree of violence is perpetrated against Brazil’s LGBT population, which is stigmatized and discriminated against. This creates significant obstacles to the prevention, diagnosis and treatment of AIDS/STDs within this population, and represents an obvious violation of the human rights of these individuals;
3. The Report on Homophobic Violence in Brazil (2011), which was prepared by the Brazilian federal government’s Special Office for Human Rights, points out that, in 2011, there were 3,809 reports of human rights violations against LGBT persons – representing 18 violations per day;
4. The infrastructures of public service facilities in education, health and social development do not offer specific services for the LGBT population group to meet their specific needs, helping them to access public services in a welcoming environment that is free from prejudice and/or discrimination based upon sexual orientation or gender identification. On the contrary, various studies evidence the existence of considerable discrimination, prejudice and disrespect in public institutions, such as schools, health clinics and other public facilities.

For this reason – and considering the constitutional principle of the secular nature of the State in Brazil and its obligation to guarantee respect for the human rights of all, regardless of sex, race, color, age or any other condition, including sexual orientation or gender identification – we are offering some proposals that could be implemented in municipalities, either by the executive or legislative branches of government. Obviously these proposals can and should be adapted to the specific characteristics of each municipality since, in various instances there have been some important advances that have already been achieved. Countless numbers of laws, as well as federal, state and local decrees that address LGBT issues may be found at: [www.abglt.org.br/port/leis\\_os.php](http://www.abglt.org.br/port/leis_os.php).

#### **PROPOSALS:**

1. Create institutional space within municipalities (Department of Sexual Diversity) to address public policy concerns for the LGBT community in the areas of social action, culture, tourism, health care, housing, the environment, and sports and leisure activities.
2. As a means of fostering acceptance, create a municipal and/or regional referral center for the LGBT community (offering social and psychological counseling, health and/or legal service advice);
3. Adopt, in the municipality, laws that assure compliance with federal laws regarding commemorative dates for LGBT persons – International Day Against Homophobia and Transphobia (May 17), Transgender and Cross-Dresser Visibility Day (January 29), LGBT Pride Day (June 28), and Lesbian Visibility Day (August 29).
4. Add to municipal laws those constitutional guarantees for LGBT persons, which are already guaranteed under federal law, and adapt public service statutes for municipal workers (recognizing same-sex unions, guaranteeing them the same rights as are offered to heterosexual couples, extending rights such as maternity/paternity leave, honeymoon leave, and day-care support);
5. Where municipalities maintain their own pension plans, modify municipal legislation to guarantee that LGBT workers have the same pension rights and benefits as are extended to heterosexual workers;
6. Create a legal guarantee allowing an individual (transgender or cross-dresser) to use one's name of choice in public spaces, such as at first aid stations, health care clinics, hospital facilities, classroom rosters (e.g. regulations of the Brazilian Ministry of Health.)
7. Create assurances that the executive branch will sponsor LGBT conferences and that its resolutions will be implemented, and that the municipality will establish a specific department to develop public policies related to these issues.
8. In the area of collective bargaining with municipal workers' unions, guarantee:
  - a. Official recognition of same-sex relationships in a manner consistent with the laws and legal decisions of the federal entity to which it belongs;
  - b. The right of the individual to one's name of choice, pensions, community property rights, medical assistance, maternity/paternity leave, and adoption; stable employment for those who test positive for HIV and cross-dressers that are in the process of transgender transition; and medical leaves in general.
  - c. A training program, which includes managers and supervisors, to clarify questions regarding human rights, sexual orientation, and gender identification to eradicate moral harassment of LGBT workers by means of discrimination in public office buildings;
  - d. With the participation of an LGBT Committee, the creation and implementation of a Moral Harassment Law; and

- e. Equal rights and opportunities as regards position/salary structure.

We are certain that the implementation of these proposals, duly adapted to the reality of each municipality, will represent a significant advancement in the creation of a more just and fraternal society, where there exists respect for others and, in turn, individuals can find themselves respected. Finally, through the implementation of these ideas, each municipality will become an example of respect for human rights around the world.

LGBT Committee of ISP Brasil  
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[www.ispbrasil.org.br](http://www.ispbrasil.org.br)