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# “I Became Scared, This Was Their Goal”

Efforts to Ban Gender and Sexuality Education in Brazil



# **“I Became Scared, This Was Their Goal”**

Efforts to Ban Gender and Sexuality Education in Brazil

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## Summary

Before [being intimidated], we would watch films and have debates and discussions in the classroom [about gender and sexuality]. But I became scared, this was their goal. I don't have the same willingness anymore. I am very careful now.

— Maria Silva (pseudonym), public high school teacher in Londrina, Paraná

Since around 2014, lawmakers at the federal, state, and municipal levels in Brazil have introduced over 200 legislative proposals to ban “indoctrination” or “gender ideology” in Brazilian schools. These proposals, which target gender and sexuality education, have been the subject of intense political and social debate in Brazilian society, with some bills ultimately passing, many still pending, and others withdrawn.

This report is based on a review by Human Rights Watch of 217 of these bills and laws, and on 56 interviews with teachers and education experts, including representatives of state departments of education, unions, and civil society organizations.

The report focuses on legislative and political attempts to suppress holistic and comprehensive approaches to education on gender and sexuality in primary and secondary public schools in Brazil. It contextualizes such attacks within the framework of the right to education, to information, and to health, as well as the related right to access comprehensive sexuality education (CSE), which they contravene.

While Brazilian law and policy, both at the federal and state levels, require CSE instruction, most of the efforts by lawmakers and conservative groups described in this report aim to specifically ban the key concepts of “gender” and “sexual orientation” in all areas of school, including as they relate to the rights of girls, women, and lesbian, gay, bisexual, and transgender (LGBT) people.

The report illustrates a campaign—at times coordinated, at times diffuse—to discredit and ban gender and sexuality education, bolstered by the administration of President Jair Bolsonaro, which has fully embraced the alleged justification for these bills, amplifying it for political effect, including during his 2018 presidential campaign.

Interviews with 32 teachers from 8 states in Brazil revealed hesitancy or fear among some teachers when it comes to addressing gender and sexuality in the classroom due to legislative and political efforts to discredit such material, and at times harassment by elected officials and community members.

Human Rights Watch has confirmed that at least 21 laws directly or indirectly banning gender and sexuality education remain in force in Brazil (1 state, 20 municipal). Related bills are also pending in the federal, state, and municipal legislatures, with at least some legislatures continuing to propose such bills, although there have been some crucial judicial victories.

In 2020, the Supreme Court issued landmark rulings striking down eight of these laws: seven municipal laws from the states of Goiás, Minas Gerais, Paraná, and Tocantins, and one state law from Alagoas. The court found the bans violated the rights to equality, non-discrimination, and education, among others. In one ruling, the court found that a law banning “gender ideology” “imposed silence, censorship, and [...] obscurantism.”

The Supreme Court has thus served as a very important check on such laws, including at a time when President Bolsonaro has increasingly sought to intimidate the court and threatened and insulted Supreme Court justices. Education experts told Human Rights Watch that education authorities need to do more to raise awareness about these decisions to ensure teachers and parents know that they have the freedom to teach these subjects, in accordance with the curriculum. At least four related cases remained pending before the court in May 2022.

Some Brazilian lawmakers frame their opposition to gender and sexuality education in terms of “early sexualization.” For example, during his 2018 election campaign, Bolsonaro railed against “gender ideology” and has since continued to accuse teachers of “indoctrinating” students through gender and sexuality education, arguing that such material constitutes “early sexualization.” In June 2021, city councilors in Divinópolis, Minas Gerais state, unanimously approved a project that bans giving public funds for events and services that “directly or indirectly promote the sexualization of children and adolescents.” In December 2021, Caucaia, a city in Ceará state, passed a law banning discussion of “matters related to sexuality” and “gender ideology” in municipal schools.

Minister of Women, Family, and Human Rights, Damara Alves, who stepped down in March 2022 to run for office, has decried the “indoctrination” of children and adolescents and has proposed an official channel for parents of students to complain to the government about teachers who threaten “morals, religion, and family ethics.” Her ministry has not publicly announced action on this proposal but has changed the protocols of a hotline, Dial 100, that receives complaints of violations of human rights to start considering “gender ideology” as a motive for such violations.

The striking down of bills has not deterred Ministers of Education in the Bolsonaro administration from employing dangerous rhetoric, running the risk of entrenching such ideas in the federal educational institutions. Bolsonaro’s third minister of education, Milton Ribeiro, who stepped down in March 2022 following allegations of corruption against him and his ministry, has criticized the “eroticization of children” and said gender and sexuality education is an “incentive” for youth to have sex.

The teachers with whom Human Rights Watch spoke all voiced apprehension about addressing gender and sexuality in the classroom due to political efforts to discredit such material. Twenty of the teachers suffered harassment for addressing gender and sexuality between 2016 and 2020, including from elected officials and members of their community on social media and in person.

In early 2020, for example, Alan Rodrigues, a public high school teacher in Rio de Janeiro city who organized a campaign against sexual violence with his students, received an anonymous email: “Stop the indoctrination of students! We let it slide in 2019! Teachers like you should die! We are watching! You will get only one warning!” Rodrigues told Human Rights Watch that he has received threats since 2014 for addressing questions of gender and sexuality in the classroom.

Virginia Ferreira, an English teacher in Vinhedo, São Paulo, was accused by municipal government officials of “indoctrination” and “losses to students’ learning” after she asked her eighth-grade students to research feminism and gender-based violence in commemoration of International Women’s Day in 2019. Virginia Ferreira underwent two years of disciplinary proceedings and endured threats and posts via social media aimed at discrediting her professionally.



Clara Santos, a public school science teacher from Rio de Janeiro, was accused by fellow teachers of being an “indoctrinator” after she tried to organize workshops with students around gender-based violence, feminism, and sexuality in 2018. The principal told her not to discuss sexuality, gender identity, or abortion and prohibited her from using the word “gender” in the workshop titles. The incident led to Santos becoming careful about what projects she proposed and ultimately leaving the school.

Some teachers have been summoned to provide statements to the police, public prosecutors’ offices, or departments of education.

The prevalence of such harassment across Brazil is unclear, though teachers and education experts say the laws and bills, the political rhetoric, and anecdotes of teacher harassment create a “chilling effect” on some teachers’ willingness to talk about gender and sexuality in class. The Supreme Court noted in a ruling striking down the Alagoas law in 2020 that a “chilling effect” may lead teachers “to stop dealing with relevant topics [...] which, in turn, would suppress debate and discourage students from addressing such issues, comprising the freedom to learn and the development of critical thinking.”

School Without Party, founded in 2004, has been a vocal group advocating to ban or restrict education on gender and sexuality in legislatures across Brazil. It purports to uphold “neutrality” in schools, while banning “indoctrination” and “proselytism in addressing questions of gender.”

The concept of “gender ideology,” which originated independently of School Without Party but which the group adopted, is also key in the debate. “Gender ideology” is a catch-all term generally intended to denote a feminist and “gay” effort to undermine “traditional” values. First propagated by the Vatican since at least the 1990s, the term is now used globally, sustained by opportunistic politicians and ideologues who have capitalized on its lack of precise definition and deployed it to attack a host of different issues, such as same-sex marriage, feminism, reproductive rights, transgender people’s rights, comprehensive sexuality education, and even measures to combat domestic violence.

In Brazil, conservative groups and elected public officials have employed “gender ideology” rhetoric to fuel allegations of “indoctrination” of children in schools with “political” and “non-neutral” ideas related to gender and sexuality. By instilling fear that

children are at risk due to such “dangerous” information, these stakeholders continue to weaponize education for political gain among a conservative segment of the population.

Under international law, children’s right to comprehensive sexuality education (CSE)—age-appropriate learning material that can help foster safe and informed practices to prevent gender-based violence, gender inequality, sexually transmitted infections, and unintended pregnancies—is an essential element of the right to education. Information about gender and sexuality is a crucial component of CSE. Brazil’s high level of gender-based violence, including violence against women, girls, and LGBT people, is one indicator of a critical need for such instruction in schools. Studies and education experts link CSE to positive outcomes, such as delayed initiation of sexual intercourse and increased use of condoms and contraception, increased knowledge on protection from sexual and gender-based violence, as well as positive attitudes toward gender equity and diversity.

To uphold the right to education and counter the chilling effect on CSE, legislatures at all levels of Brazilian government—federal, state, and municipal—should immediately withdraw bills or revoke laws that infringe upon the rights of students to learn about gender and sexuality. Officials at the federal, state, and municipal levels should cease to politicize gender and sexuality education or to use it as a wedge issue to consolidate support and attack political opponents. The Ministry of Education and state and municipal departments of education should implement and adhere to existing law and guidelines, Supreme Court rulings, and international human rights law protecting the right to CSE.

Ultimately, it is teachers and young people—those who need the information most—who are most directly and negatively impacted by the political mischaracterization and weaponization of such learning material as “gender ideology” or “early sexualization.” Brazil should favor age-appropriate, affirming, and science-based information about gender and sexuality, which all youth need to live healthy and safe lives.

## Methodology

Human Rights Watch conducted the bulk of the research for this report between January 2020 and October 2021. The research on federal, state, and municipal law and policy, as well as on political rhetoric in the country, was primarily conducted online. Human Rights Watch analyzed 217 relevant bills and laws.

To identify interviewees, Human Rights Watch conducted outreach through legal advocates, education organizations, and LGBT rights groups. Some interviews were conducted during a research trip to the Brazilian cities of Rio de Janeiro, Brasília, São Paulo, and Salvador in January 2020. Most interviews were conducted remotely due to Covid-19 travel restrictions between February 2020 and September 2021. Some follow-up conversations were conducted in January and February 2022.

Human Rights Watch conducted a total of 56 interviews specifically related to attacks on gender and sexuality education. Thirty-two of those interviews were with teachers from eight states in Brazil: Alagoas, Minas Gerais, Paraíba, Paraná, Rio Grande do Sul, Rio de Janeiro, São Paulo, and Santa Catarina. Twenty-four of the interviews were with department of education officials, prosecutors, and education experts or individuals who work in the field of education, from civil society, academia, journalism, textbook authors, and teachers' unions.

No compensation was paid to interviewees. Human Rights Watch obtained verbal informed consent from interviewees and explained to them why Human Rights Watch was conducting the research and how it would use their accounts, that they did not need to answer any questions, and that they could stop the interview at any time. Interviewees were given the option of using pseudonyms in published materials for the project; use of pseudonyms in this report is reflected in the footnote citation.

Human Rights Watch submitted information requests to six state departments of education in Brazil, asking for reviews of disciplinary or administrative proceedings against teachers related to teaching about sexuality and gender. Where the departments provided this information, it is noted in the relevant background section for the state.

# I. Background

This background section presents the right to gender and sexuality education under international law and under Brazilian law and policy, followed by an explanation of why such education is acutely needed in Brazil. It also addresses the rise of groups opposing gender and sexuality education and the reasons their anti-gender discourse has become common since 2013. One reason that stands out is the perceived political advantage that some politicians think attacks on gender and sexuality education provide them with some segments of the population.

## Right to Gender and Sexuality Education under International Law

Children are guaranteed the right to education, the right to access information, and the right to the highest attainable standard of health, including sexual and reproductive health, under international law. As a derivative of these rights, children and adolescents have the right to receive “comprehensive sexuality education” (CSE), which the United Nations Population Fund (UNFPA) defines as a “right-based and gender-focused approach to sexuality education [...] that aims to equip children and young people with the knowledge, skills, attitudes and values that will enable them to develop a positive view of their sexuality, in the context of their emotional and social development.”<sup>1</sup>

CSE is grounded in the principle that fundamental human rights are inseparable and interdependent,<sup>2</sup> emphasizing non-discrimination and equality,<sup>3</sup> as well as the best

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<sup>1</sup> United Nations Population Fund (UNFPA), Operational Guidance for Comprehensive Sexuality Education: A Focus on Human Rights and Gender (New York: United Nations Population Fund, 2014), p. 6, [https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA\\_OperationalGuidance\\_WEB3\\_o.pdf](https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA_OperationalGuidance_WEB3_o.pdf) (accessed April 26, 2021). See also United Nations Educational, Scientific and Cultural Organization (UNESCO), International Technical Guidance on Sexuality education: An Evidence-Informed Approach (Paris: UNESCO, 2018), <https://www.unfpa.org/sites/default/files/pub-pdf/ITGSE.pdf> (accessed April 26, 2021).

<sup>2</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 22 on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights), U.N. Doc. E/C.12/GC/22 (2016), paras. 9-10.

<sup>3</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art. 2 (acceded to by Brazil on January 24, 1992); International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 26 (acceded to by Brazil on January 24, 1992).

interest of the child.<sup>4</sup> Its comprehensive nature, compared with narrower curricula focused on sexuality or reproductive health education only, means children and adolescents learn about a breadth of topics over the course of their education, centered in a human rights approach and gender equality framework, which are relevant to their everyday lives.

CSE is crucial in fostering safe and informed practices when it comes to sexual development, relationships, and safer sex, and prevent gender-based violence, gender inequality, sexually transmitted infections, and unintended pregnancies. The UNFPA identifies the following core principles as essential in sexuality education programs:<sup>5</sup>

- Respect for human rights and diversity, with sexuality education affirmed as a right;
- Critical thinking skills, promotion of young people's participation in decision-making and strengthening of their capacities for citizenship;
- Fostering of norms and attitudes that promote gender equality and inclusion;
- Addressing vulnerabilities and exclusion;
- Local ownership and cultural relevance; and
- A positive life-cycle approach to sexuality.

This report focuses on attacks against the gender and sexuality components of the international CSE standards.

## Gender and Sexuality Education under Brazilian Law and Policy

Public education in Brazil is governed by various laws and guidelines with varying degrees of binding effect, and which mutually inform and complement each other. In their totality, they provide a strong legal and policy foundation for education related to gender and human sexuality, a view that the Supreme Court has upheld—but that remains constantly under attack at the federal, state, and municipal levels, as documented in this report.<sup>6</sup>

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<sup>4</sup> Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 3 (ratified by Brazil on September 24, 1990).

<sup>5</sup> United Nations Population Fund (UNFPA), *Comprehensive Sexuality Education: Advancing Human Rights, Gender Equality, and Improved Sexual and Reproductive Health* (New York: United Nations Population Fund, 2011), pp. 15-20, [www.unfpa.org/webdav/site/global/groups/youth/public/Comprehensive%20Sexuality%20Education%20Advancing%20Human%20Rights%20Gender%20Equality%20and%20Improved%20SRH-1.pdf](http://www.unfpa.org/webdav/site/global/groups/youth/public/Comprehensive%20Sexuality%20Education%20Advancing%20Human%20Rights%20Gender%20Equality%20and%20Improved%20SRH-1.pdf) (accessed April 26, 2021).

<sup>6</sup> The relevant Supreme Court rulings will be analyzed in detail in Section III.

Under the constitution the federal government is charged with establishing general guidelines and standards for education, including national curricula (which bind the states and municipalities), while the state and municipal governments can supplement education law and policy to fit regional or local needs.<sup>7</sup>

Generally, municipal and state departments of education run public primary (early childhood and “Fundamental I”) and secondary schools (“Fundamental II” and high school), respectively, and create specific curricula and guidelines for these distinct education systems, which teachers implement at the school level.<sup>8</sup> In practice, teachers have a lot of discretion as to how they implement those curricula and guidelines.<sup>9</sup>

### *Law on National Education Guidelines and Framework*

The 1996 Law on National Education Guidelines and Framework (Lei de Diretrizes e Bases da Educação Nacional),<sup>10</sup> which defines and regulates the organization of Brazilian education, makes no explicit reference to gender or sexuality education, though it contains provisions consistent with it.

The law establishes that school curricula will include content relating to human rights and the prevention of violence against children and adolescents.<sup>11</sup> It also stipulates that teaching will be based on the principles of “respect for freedom and appreciation of tolerance.” For elementary education, the law upholds “the bonds of human solidarity and reciprocal tolerance,” while for high school education, the law mandates the teaching of “applied human and social sciences.”

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<sup>7</sup> Constitution of the Federative Republic of Brazil (1988), art. 24 (IX), [http://www.planalto.gov.br/ccivil\\_03/constituicao/constituicao.htm](http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm) (accessed April 26, 2021); ADI 3.669, Supreme Federal Court, June 18, 2007, <https://jurisprudencia.stf.jus.br/pages/search/sjur6041/false> (accessed April 26, 2021); ADI 1.399 SP, Supreme Federal Court, March 3, 2004, <https://jurisprudencia.stf.jus.br/pages/search/sjur97458/false> (accessed April 26, 2021).

<sup>8</sup> For an overview of the main responsibilities of administrative bodies at the state and municipal level, see Table 1.1 in “The Brazilian education system” in Organisation for Economic Co-operation and Development (OECD), *Education in Brazil: An International Perspective* (Paris: OECD, 2021), <https://www.oecd-ilibrary.org/sites/c61f9bfb-en/index.html?itemId=/content/component/c61f9bfb-en#tablegrp-d1e1804> (accessed April 26, 2021).

<sup>9</sup> Human Rights Watch video interview with Leandro Beguoci, communications officer at the Paraná Department of Education, February 3, 2022. Human Rights Watch video interview with Fernanda Forster, Human Rights and Diversity Coordinator at the Santa Catarina Department of Education, February 21, 2022.

<sup>10</sup> Law No. 9.394 (1996), [http://www.planalto.gov.br/ccivil\\_03/Leis/L9394.htm](http://www.planalto.gov.br/ccivil_03/Leis/L9394.htm) (accessed October 1, 2021).

<sup>11</sup> *Ibid.*, art. 26 (§ 9).

As discussed in Section III of this report, in 2020, Brazil's Supreme Court interpreted provisions of this law to require the provision of gender and sexuality education in a series of decisions from 2020.

### *National Curriculum Guidelines*

The 2013 National Curriculum Guidelines (Diretrizes Curriculares Nacionais) are binding standards for primary and secondary education that guide the organization, development, and evaluation of school curricula and education systems in Brazil.<sup>12</sup>

For elementary education, the guidelines highlight the importance of addressing “health, sexuality and gender,”<sup>13</sup> recognizing that puberty is a time when adolescents “modify social relationships and affective bonds” and increase “their learning about sexuality and gender relations.”<sup>14</sup> The guidelines emphasize that schools should be attentive to diversity, including with respect to gender and sexual orientation.<sup>15</sup>

With respect to secondary education, the guidelines establish that curricula should consider activities “to promote physical and mental health, sexual health and reproductive health,”<sup>16</sup> as well as combat discrimination and violence through the discussion of issues related to gender, gender identity and sexual orientation.<sup>17</sup>

### *National Common Curricular Base*

The 2017 National Common Curricular Base (Base Nacional Comum Curricular) establishes the content, knowledge acquisition, and skills that must be developed in primary and

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<sup>12</sup> National Curriculum Guidelines for Basic Education (2013), Brazilian Ministry of Education, p. 4, [http://portal.mec.gov.br/index.php?option=com\\_docman&view=download&alias=13448-diretrizes-curriculares-nacionais-2013-pdf&Itemid=30192](http://portal.mec.gov.br/index.php?option=com_docman&view=download&alias=13448-diretrizes-curriculares-nacionais-2013-pdf&Itemid=30192) (accessed April 26, 2021).

<sup>13</sup> Resolution No. 7, Brazilian Ministry of Education, December 14, 2010, art. 16, [http://portal.mec.gov.br/dmdocuments/rceboo7\\_10.pdf](http://portal.mec.gov.br/dmdocuments/rceboo7_10.pdf) (accessed April 26, 2021); National Curriculum Guidelines for Basic Education (2013), p.115.

<sup>14</sup> National Curriculum Guidelines for Basic Education (2013), p.110.

<sup>15</sup> Ibid., pp. 105, 115.

<sup>16</sup> Resolution No. 3, Brazilian Ministry of Education, November 21, 2018, art. 27 (§ XIX), <http://portal.mec.gov.br/docman/novembro-2018-pdf/102481-rceboo3-18/file> (accessed April 26, 2021).

<sup>17</sup> Ibid., art. 27 (§ XV).

secondary education, specifying the educational standards required by subject and, in some cases, year of schooling from grades 1 to 12.<sup>18</sup>

Under “sciences,” it calls for instruction related to reproduction and human sexuality in the final years of elementary education so that students can “interpret the physical and emotional changes that accompany adolescence and to recognize the impact they can have on self-esteem and the safety of your own body.”<sup>19</sup> The guide also emphasizes that students should be able to make decisions “that represent self-care for their body and respect for the bodies of others, with a view toward comprehensive care for physical, mental, sexual and reproductive health.”<sup>20</sup>

In the suggested history guidelines for the ninth grade (out of 12), the Curricular Base asks that students “discuss and analyze the causes of violence against marginalized populations,” including women and sexual minorities, to promote tolerance.<sup>21</sup>

### *National Curricular Parameters*

The 1997 National Curricular Parameters (Parâmetros Curriculares Nacionais, PNCs) aim to “guide and ensure the coherence of investments in the educational system, socializing discussions, research and recommendations.”<sup>22</sup> The parameters, which only apply to primary education, are not legally binding.

The parameters’ 10th chapter covers issues including sexual orientation, gender roles, tolerance, discrimination and stereotypes in relationships, HIV/AIDS, and unwanted pregnancies in adolescence.<sup>23</sup> The parameters suggest subject areas in which sexual orientation can be addressed, including science and history.<sup>24</sup>

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<sup>18</sup> National Common Curricular Base (2017), Brazilian Ministry of Education, p. 7 (accessed April 26, 2021); Todos Pela Educação, “What Are the Curriculum Guidelines and What Are They For?,” January 8, 2018, <https://todospelaeducacao.org.br/noticias/o-que-sao-e-para-que-servem-as-diretrizes-curriculares/> (accessed April 26, 2021).

<sup>19</sup> National Common Curricular Base, pp. 327, 349 (unofficial translation by Human Rights Watch).

<sup>20</sup> Ibid., p. 327 (unofficial translation by Human Rights Watch).

<sup>21</sup> Ibid., p. 431.

<sup>22</sup> National Curricular Parameters (1997), Brazilian Ministry of Education, p. 13, <http://portal.mec.gov.br/seb/arquivos/pdf/livro01.pdf> (accessed April 26, 2021).

<sup>23</sup> National Curricular Parameters (1997), Brazilian Ministry of Education, Volume 10.2 - Sexual Orientation, p. 73, <http://portal.mec.gov.br/seb/arquivos/pdf/livro102.pdf> (accessed April 26, 2021).

<sup>24</sup> Ibid., p. 95-101.



The ninth chapter of the PNCs is on health, and encourages the inclusion of gender and sexuality education, recognizing that “it is not possible to understand or transform the health situation of an individual or a community without taking into account that it is produced in relation with the physical, social and cultural environment.”<sup>25</sup> It also highlights the importance of health education to prevent sexually transmitted infections, sexual violence, and other forms of social violence.<sup>26</sup>

Generally, state and municipal departments of education have created specific curricula and guidelines for their respective education systems, which teachers must implement at the school level. Human Rights Watch has reviewed the state-level guidelines of Alagoas, Minas Gerais, Paraíba, Paraná, Rio de Janeiro, Rio Grande do Sul, São Paulo, and Santa Catarina and found that each state includes language that encompasses gender and sexuality education, albeit in broad terms. In reality, teachers have a lot of discretion as to how they implement those broad curricula and guidelines.<sup>27</sup>

## Need for Gender and Sexuality Education in Brazil

Two UNESCO evidence reviews based on a total of 184 scientific studies, including in low- or middle-income countries, found that CSE contributes to delayed initiation of sexual intercourse, reduced risk-taking with respect to sexuality, and an increased use of condoms and contraception.<sup>28</sup>

While many CSE studies focus on health outcomes, certain studies indicate that this kind of education can also contribute to wider outcomes, such as preventing and reducing gender-based violence and discrimination, as well as increasing gender equitable attitudes, self-efficacy, and confidence in students.<sup>29</sup> Experts in sexuality education have made similar points.<sup>30</sup>

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<sup>25</sup> National Curricular Parameters (1997), Brazilian Ministry of Education, Volume 09.2 - Health, p. 65, <http://portal.mec.gov.br/seb/arquivos/pdf/livro092.pdf> (accessed April 26, 2021).

<sup>26</sup> Ibid., p. 79.

<sup>27</sup> Human Rights Watch video interview with Leandro Beguoci, communications officer at the Paraná Department of Education, February 3, 2022; Human Rights Watch video interview with Fernanda Forster, Human Rights and Diversity Coordinator at the Santa Catarina Department of Education, February 21, 2022.

<sup>28</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO), *International Technical Guidance on Sexuality education: An Evidence-Informed Approach* (Paris: UNESCO, 2018), p. 28, <https://www.unfpa.org/sites/default/files/pub-pdf/ITGSE.pdf> (accessed April 26, 2021).

<sup>29</sup> Ibid., pp. 28-29.

<sup>30</sup> Ibid.

While more empirical research needs to be done, a separate literature review by UNFPA suggests that the reasons CSE could contribute to the primary prevention of gender-based violence include that it potentially decreases risk factors and builds protective factors against it. It may do so, for example, by challenging gender inequality and unequal gender norms, supporting non-violent attitudes, challenging the acceptance of violence, and building skills for healthy relationships.<sup>31</sup>

Statistics on gender-based violence and discrimination in Brazil point to a need for CSE. UN Women reported that 16.7 percent of Brazilian women have been victims of sexual or physical violence by a partner based on a 2018 study.<sup>32</sup> In 2020, more than one million cases of domestic violence and about 5,500 cases of femicide—defined under Brazilian law as the killing of women “on account of being persons of the female sex”—were pending before the courts.<sup>33</sup> Reports of attacks against women resulting in injuries filed at police stations fell 7 percent in 2020,<sup>34</sup> while calls to a police hotline to report domestic violence increased 16 percent,<sup>35</sup> suggesting women may have had difficulty going to police stations during the Covid-19 pandemic. In 2021, there were 1,319 femicides in Brazil, which is an average of one victim per 7 hours.<sup>36</sup>

With respect to sexual violence against children, Dial 100, a nationwide hotline in Brazil that receives complaints of human rights violations, registered 159,063 reports in 2019, 55 percent of them on violence against children and teenagers, of which 11 percent were related to sexual violence.<sup>37</sup> 2019 is the last year for which a Dial 100 report is publicly available.<sup>38</sup> The Ministry of Women, Family, and Human Rights noted in a statement,

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<sup>31</sup> United Nations Population Fund (UNFPA), *Comprehensive Sexuality Education as a Strategy for Gender-Based Violence Prevention* (Bangkok: UNFPA, 2021), pp. 34-38, [https://mongolia.unfpa.org/sites/default/files/pub-pdf/211129\\_unfpa\\_cse\\_report\\_v3\\_o.pdf](https://mongolia.unfpa.org/sites/default/files/pub-pdf/211129_unfpa_cse_report_v3_o.pdf) (accessed April 26, 2021).

<sup>32</sup> UN Women, “Brazil,” undated, <https://evaw-global-database.unwomen.org/en/countries/americas/brazil> (accessed April 26, 2021).

<sup>33</sup> National Justice Council, *Monitoring of the National Judicial Policy to Combat Violence against Women*, “Litigiousness,” [https://paineis.cnj.jus.br/QvAJAXZfc/opendoc.htm?document=qvw\\_l%5Cpainelcnj.qvw&host=QVS%40oneodimioo3&anonymos=true&sheet=shVDResumo](https://paineis.cnj.jus.br/QvAJAXZfc/opendoc.htm?document=qvw_l%5Cpainelcnj.qvw&host=QVS%40oneodimioo3&anonymos=true&sheet=shVDResumo) (accessed May 1, 2021).

<sup>34</sup> Brazilian Public Security Forum, *Yearbook 2021 Brazilian Public Security Forum*, 2021, p. 14, <https://forumseguranca.org.br/wp-content/uploads/2021/07/anuario-2021-completo-v6-bx.pdf> (accessed May 1, 2021).

<sup>35</sup> *Ibid.*, pp. 93-94.

<sup>36</sup> Brazilian Public Security Forum, *Violence Against Women in 2021*, 2021, p. 3, <https://forumseguranca.org.br/wp-content/uploads/2022/03/violencia-contra-mulher-2021-v5.pdf> (accessed March 29, 2022).

<sup>37</sup> Brazilian Ministry of Women, Family, and Human Rights, *Dial Human Rights: Report 2019*, pp. 22, 26, 42, [https://www.gov.br/mdh/pt-br/centrais-de-conteudo/disque-100/relatorio-2019\\_disque-100.pdf](https://www.gov.br/mdh/pt-br/centrais-de-conteudo/disque-100/relatorio-2019_disque-100.pdf) (accessed May 1, 2021).

<sup>38</sup> Brazilian Ministry of Women, Family, and Human Rights, “Disque Direitos Humanos – Disque 100,” <https://www.gov.br/mdh/pt-br/centrais-de-conteudo/disque-100> (accessed March 29, 2022).

however, that in the first five months of 2021, the hotline registered 6,000 reports of sexual violence against children.<sup>39</sup>

Violence based on sexual orientation and gender identity is also commonplace, with the national Human Rights Ombudsperson's Office receiving 1,134 complaints of violence, discrimination, and other abuses against LGBT people between January and June 2020 and about 1,100 between January and October 2021.<sup>40</sup>

A report from Grupo Gay da Bahia, one of Brazil's main civil society organizations compiling statistics on violence against LGBT people, found that in 2021 at least 276 LGBT people were killed and 24 died of suicide.<sup>41</sup> The organization, which uses open-source research, attributed the instances to homophobia and transphobia, which it regards as a reflective of structural discrimination that leads to heightened vulnerability, violence, and self-harm for LGBT people when compared to the rest of the population.

## The Rise of Groups Opposing Gender and Sexuality Education

Despite the legal and policy foundation for sexuality and gender education in Brazil, and the clear need for it, in recent years groups and forms of discourse that rile against the alleged dangers of such education have become more active.<sup>42</sup>

### *School Without Party*

School Without Party (Escola sem Partido) is a group with legal personality, which describes itself as an initiative of students and parents combatting the alleged "degree of political and ideological contamination of Brazilian schools."<sup>43</sup> It characterizes teachers as

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<sup>39</sup> Brazilian Ministry of Women, Family, and Human Rights, "Dial 100 has more than 6 thousand reports of sexual violence against children and adolescents in 2021," May 17, 2021, <https://www.gov.br/mdh/pt-br/assuntos/noticias/2021/maio/disque-100-tem-mais-de-6-mil-denuncias-de-violencia-sexual-contras-criancas-e-adolescentes-em-2021> (accessed May 1, 2021).

<sup>40</sup> Human Rights Watch, World Report 2021 (New York: Human Rights Watch, 2021), Brazil chapter, <https://www.hrw.org/world-report/2021/country-chapters/brazil#e81181>; Human Rights Watch, World Report 2022 (New York: Human Rights Watch, 2022), Brazil chapter, <https://www.hrw.org/world-report/2022/country-chapters/brazil#e81181>.

<sup>41</sup> Grupo Gay Da Bahia, Violent LGBT+ Deaths in Brazil – Report 2021, 2022, p. 2, <https://grupogaydabahia.files.wordpress.com/2022/03/mortes-violentas-de-lgbt-2021-versao-final.pdf> (accessed March 29, 2022).

<sup>42</sup> For one historical and philosophical account of the origins and expansion of anti-gender policies in Brazil, see Sonia Corrêa & Isabela Kalil, Anti-Gender Politics in Latin America: Brazil, Sexuality Policy Watch, 2020, pp. 48-69, <https://sxpolitics.org/GPAL/uploads/Ebook-Brasil%2020200204.pdf> (accessed October 1, 2021).

<sup>43</sup> School Without Party, "About Us," undated, <http://escolasempartido.org/quem-somos/> (accessed May 1, 2021).

an “army” that “abuses the freedom of teaching and impose[s] its own worldview on [students].”<sup>44</sup> The group is concerned with the alleged biased treatment by teachers of certain topics, such as “Western civilization,” Christianity, “the traditional family,” private property, capitalism, the free market, agribusiness, and the military, among others.<sup>45</sup>

Since its inception in 2004, this group has aligned itself with conservative rhetoric in Brazil and styled itself as vehemently anti-Communist and strongly aligned with conservative religious views.<sup>46</sup> This is the backdrop to the concept of “ideological indoctrination” as used by School Without Party referencing “Marxist indoctrination” and political “brainwashing” in schools.<sup>47</sup> School Without Party became more visible in 2014 when it deployed “gender ideology” in its rhetoric and began drafting and proposing bills banning “indoctrination” at the municipal, state, and federal levels.<sup>48</sup>

“School Without Party” was one of the slogans used by Bolsonaro and his followers to appeal to a conservative support base by conjuring an imagined enemy,<sup>49</sup> a tactic rendered more effective because of the group’s focus on a perceived threat to schoolchildren represented by gender and sexuality education.

Some of the earliest supporters of School Without Party were members of the Bolsonaro family, including future President Bolsonaro himself.<sup>50</sup> In 2014, then-Rio state legislator Flávio Bolsonaro and councilmember Carlos Bolsonaro, sons of the future president, presented bills in the state of Rio and the city of Rio respectively to ban “indoctrination” in

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<sup>44</sup> Ibid.

<sup>45</sup> School Without Party, “Frequently Asked Questions,” undated, <http://escolasempartido.org/perguntas-e-respostas/> (accessed May 1, 2021).

<sup>46</sup> Luis Felipe Miguel, “From ‘Marxist indoctrination’ to ‘Gender Ideology’: Escola Sem Partido (Non-Partisan School) and Gag Laws in [the] Brazilian Congress,” *Law and Praxis Magazine*, vol. 7, n. 3 (2016), pp. 592-96, <https://www.e-publicacoes.uerj.br/index.php/revistaceaju/article/view/25163> (accessed May 1, 2021).

<sup>47</sup> Ibid., p. 595, 600-01

<sup>48</sup> Daniele Brait, “The Protagonists in School Without Party,” in *Ação Educativa, The Ideology of the School Without Party Movement: 20 Authors Dismantle the Discourse*, first edition, p. 161-165 (São Paulo: Ação Educativa, 2016).

<sup>49</sup> Paulo Saldaña, “Bolsonaro’s Drivers, School Without Party and Gender Ideology Have Religious Roots,” *Folha de São Paulo*, October 23, 2018, <https://www1.folha.uol.com.br/educacao/2018/10/motores-de-bolsonaro-escola-sem-partido-e-ideologia-de-genero-tem-raizes-religiosas.shtml> (accessed May 1, 2021).

<sup>50</sup> Jair Bolsonaro’s Twitter page, May 15, 2014,

<https://twitter.com/jairbolsonaro/status/466974692881223680?s=20&t=i4NsNoloSam3IND7spIRvQ> (accessed October 1, 2021); Carlos Bolsonaro’s Twitter page, April 14, 2017,

<https://twitter.com/CarlosBolsonaro/status/852952670520451072?s=20&t=u3HgZsXt1MUOinbOKW1iYg> (accessed May 1, 2021); Flavio Bolsonaro’s Twitter page, May 29, 2017,

<https://twitter.com/FlavioBolsonaro/status/869342553979703296?s=20&t=y-3j20aTs14omod9aygIEQ> (accessed October 1, 2021).

schools based on a legislative template that School Without Party created for all levels of the Brazilian government.<sup>51</sup> Many other bills and laws analyzed in this report are based on this template, resulting in virtually identical legislative proposals at the federal, state, and municipal levels.

As one spokesperson at the Paraná state Department of Education told Human Rights Watch, “School Without Party has failed to provide proof that indoctrination occurs in Brazil’s schools, that it is a systemic problem. Ultimately, it is a distraction from other important education challenges.”<sup>52</sup>

### *“Gender Ideology”*

“Gender ideology” is a catch-all term generally intended to denote a LGBT and feminist effort to undermine “traditional” values. First propagated by the Vatican,<sup>53</sup> the concept has been popularized by opportunistic politicians and ideologues around the world who, among other things, denounce the alleged “indoctrination” of children with information related to gender and sexuality.<sup>54</sup>

Given its lack of a precise definition, proponents have conveniently deployed the term to attack a host of different issues, such as comprehensive sexuality education, same-sex marriage, feminism, reproductive rights, and transgender people’s rights.<sup>55</sup>

In Brazil, where the term began to take off politically around 2013,<sup>56</sup> “gender ideology” has been mobilized in combination with “political indoctrination”<sup>57</sup> by figures in the political

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<sup>51</sup> Bill 2974/2014, Legislative Assembly of Rio de Janeiro (shelved, copy on file with Human Rights Watch); Bill 867/2014, City Council of Rio de Janeiro (pending)  
<http://mail.camara.rj.gov.br/apl/legislativos/scpro1316.nsf/f6d54a9bf09ac233032579de006bfef6/5573ae961660b4cd83257cebo06bc7d4?OpenDocument> (accessed October 1, 2021).

<sup>52</sup> Human Rights Watch video interview with Leandro Beguoci, communications officer at the Paraná Department of Education, February 3, 2022.

<sup>53</sup> Mary Anne Case, “Trans Formations in the Vatican’s War on ‘Gender Ideology,’” *Chicago Unbound* (University of Chicago Law School), 2019, [https://chicagounbound.uchicago.edu/journal\\_articles/9669/](https://chicagounbound.uchicago.edu/journal_articles/9669/) (accessed May 1, 2021).

<sup>54</sup> Sonia Corrêa, Roman Kuhar, David Paternotte, “The globalisation of anti-gender campaigns,” *International Politics Society*, May 31, 2018, <https://www.ips-journal.eu/topics/democracy-and-society/the-globalisation-of-anti-gender-campaigns-2761/> (accessed May 1, 2021).

<sup>55</sup> Ibid.

<sup>56</sup> Sonia Corrêa & Isabela Kalil, *Anti-Gender Politics in Latin America: Brazil*, p. 47.

<sup>57</sup> Ibid., pp. 64-67.

and religious right “for whom the dissolution of conventional sexual morality is a step in the communist strategy,” according to an analysis by one academic.<sup>58</sup>

### *Changes to Education Policy*

Critics of “gender ideology” have had some influence on Brazilian education policy. They mounted a campaign resulting in watered-down language on comprehensive sexuality education in the National Common Curricular Base (Base Nacional Comum Curricular, BNCC) approved in 2017. An earlier draft of the document included the terms “sexual orientation” and “gender” in the context of ensuring respect and acceptance of diversity as underlying principles, as well as in subjects such as art, religion, and sciences.<sup>59</sup>

In 2017, in the final stages of the drafting of the BNCC, President Michel Temer’s Ministry of Education, under pressure from conservative actors, excised the term “sexual orientation” from parts of the draft dealing with early childhood and elementary education,<sup>60</sup> as well as the term “gender” in some parts of the document.<sup>61</sup> The National Education Council (Conselho Nacional de Educação) further scrapped any remaining references,<sup>62</sup> citing the “many controversies during the public debates of the BNCC.”<sup>63</sup>

In 2014, conservative groups also convinced legislators to excise terms related to gender and sexuality education from the draft National Education Plan (Plano Nacional de

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<sup>58</sup> Luis Felipe Miguel, “From ‘Marxist indoctrination’ to ‘Gender Ideology’: Escola Sem Partido (Non-Partisan School) and Gag Laws in [the] Brazilian Congress,” p. 601-03. For another historical and philosophical account of the convergence of these strains of thought, see Sonia Corrêa & Isabela Kalil, *Anti-Gender Politics in Latin America: Brazil*, p. 65-67.

<sup>59</sup> See generally Brazilian Ministry of Education, *National Common Curricular Base: 2<sup>nd</sup> Revised Version*, April 2016, <http://basenacionalcomum.mec.gov.br/images/relatorios-analiticos/bncc-2versao.revista.pdf> (accessed May 1, 2021).

<sup>60</sup> “MEC removes term ‘sexual orientation’ from the final version of the curriculum,” *G1* (Grupo Globo), April 7, 2017, <https://g1.globo.com/educacao/noticia/mec-tira-termo-orientacao-sexual-da-versao-final-da-base-curricular.ghtml> (accessed April 1, 2021).

<sup>61</sup> Mariana Tokarnia, “MEC Removes Term ‘Sexual Orientation’ from the Final Version of the Curricular Base,” *Agência Brasil*, April 7, 2017, <https://agenciabrasil.ebc.com.br/educacao/noticia/2017-04/mec-retira-termo-orientacao-sexual-da-versao-final-da-base-curricular> (accessed April 1, 2021).

<sup>62</sup> Paula Ferreira, Renata Mariz, “CNE Removes Gender and Sexual Orientation from the Curricular Base,” *O Globo*, December 12, 2017, <https://oglobo.globo.com/sociedade/educacao/cne-retira-genero-orientacao-sexual-da-base-curricular-22179063> (accessed April 1, 2021).

<sup>63</sup> Brazilian Ministry of Education, *Process No. 23001.000201/2014-14*, 2017, p. 30. [http://portal.mec.gov.br/index.php?option=com\\_docman&view=download&alias=78251-minuta-parecer-projeto-resolucao-que-trata-bncc-2-pdf&category\\_slug=dezembro-2017-pdf&Itemid=30192](http://portal.mec.gov.br/index.php?option=com_docman&view=download&alias=78251-minuta-parecer-projeto-resolucao-que-trata-bncc-2-pdf&category_slug=dezembro-2017-pdf&Itemid=30192) (accessed April 1, 2021). See also Júlia Daher, “The Curricula Base Is Approved, How Is the Issue of Gender in School Treated?,” *De Olho nos Planos*, April 2, 2018, <https://deolhonosplanos.org.br/bncc-aprovada-genero-orientacao-sexual/> (accessed May 1, 2021); Natália Cancian, “Ministry Withdraws ‘gender identity’ and ‘sexual orientation’ from the Curricular Base,” *Folha de São Paulo*, April 6, 2017, <https://www1.folha.uol.com.br/educacao/2017/04/1873366-ministerio-tira-identidade-de-genero-e-orientacao-sexual-da-base-curricular.shtml> (accessed May 1, 2021).

Educação, PNE),<sup>64</sup> another binding federal document that determines guidelines, goals, and strategies for educational policy for the period 2014 to 2024.<sup>65</sup> Conservative and religious groups at the time opposed the inclusion of language related to the promotion of “racial, regional, gender, sexual orientation equality,”<sup>66</sup> arguing that this amounted to teaching “gender ideology” and a distortion of the traditional family model.<sup>67</sup>

The National Common Curricular Base and the National Education Plan are two core documents that guide and inform Brazilian education at the national level. As explained earlier, other laws and guidelines still allow for the presentation of material on gender and sexuality in schools. Nevertheless, in recent years actors opposing such material have taken the opportunity to influence the national debate whenever an update on any of these guiding documents is envisioned, a strategy exemplified by the reforms to PNE and BNCC.

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<sup>64</sup> See Meire Ellen Moreno, Silvana Mariano, “‘Gender’ in the National Education Plans (2001 and 2014): Anti-feminist Discourses and Inflections in the Decision-Making Processes,” *ScieELO Preprints*, June 11, 2021, p. 10, <https://preprints.scielo.org/index.php/scielo/preprint/download/2464/4228/4396> (accessed October 1, 2021).

<sup>65</sup> National Education Plan – Law No. 13.005/2014, Brazilian Ministry of Education, Art. 2, <http://pne.mec.gov.br/18-planos-subnacionais-de-educacao/543-plano-nacional-de-educacao-lei-n-13-005-2014> (accessed May 5, 2022).

<sup>66</sup> See generally Patrícia de Oliveira e Silva Pereira Mendes, Kátia Maheirie, Marivete Gesser, “The Withdrawal of the Terms ‘Gender Equality and Sexual Orientation’ from the Education National Plans—PNE 2014-2024,” *Diversity and Education Magazine*, vol. 8, n. 3 (2020), <https://www.seer.furg.br/divedu/article/view/12282/8469> (accessed October 1, 2021).

<sup>67</sup> Ibid., pp. 144-46; Izabelle Mundim, “What Is the Gender Ideology that Has Been Banished from Education Plans Anyway?,” *Universo Online*, August 11, 2015, <https://educacao.uol.com.br/noticias/2015/08/11/o-que-e-a-ideologia-de-genero-que-foi-banida-dos-planos-de-educacao-afinal.htm> (accessed October 1, 2021).

## II. Laws Banning Gender and Sexuality Education

Starting in 2014, conservative groups and lawmakers in Brazil began to introduce a slew of bills and laws seeking to ban and even criminalize gender and sexuality education at the federal, state, and municipal levels. Human Rights Watch has reviewed 217 legislative proposals introduced between 2014 and 2022 that aim to ban such learning material directly or indirectly.<sup>68</sup>

The bills can be generally divided into two categories: bills that explicitly ban gender and sexuality education, and bills that ban “indoctrination.” Human Rights Watch confirmed that at least 47 of these bills were passed into law and at least 20 are currently in force in municipalities, and one in the state of Ceará. At least 41 of the bills reviewed remain pending, including 15 in the federal Chamber of Deputies. These numbers, however, are most likely an undercount given that Human Rights Watch was unable to access certain municipal websites or online databases the last time it attempted to in October 2021 as they were down.

Brazil’s Supreme Court has been a crucial check on the laws that have been passed, having struck down all eight (seven municipal, and one state) that it reviewed in 2020. In its rulings, the Supreme Court upheld the rights to education and non-discrimination, among others. At least four related cases remain pending before the court as of May 2022. Lower courts have suspended or struck down at least 17 laws.

Despite the rulings, these laws and bills have far-reaching consequences and continue to inform education debates in Brazil with knock-on effects at the school level. Indeed, some new laws and bills have continued to crop up in the country as recently as March 2022 despite the rulings,<sup>69</sup> although their number is lower in recent years, suggesting that the

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<sup>68</sup> As a starting point for the research, Human Rights Watch referenced and updated the following database, but did not include the bills and laws therein that went beyond the scope of the present research: Fernanda Pereira de Moura, Renata da C. A. da Silva, “Six Years of ‘School Without Party’ Bills in Brazil: Survey of State, Municipal, District and Federal Bills that Censor the Freedom to Learn and Teach,” National Front School Without Gag, 2020, <https://professorescontraoescolasempartido.wordpress.com/vigiando-os-projetos-de-lei/> (accessed October 1, 2021).

<sup>69</sup> Law No. 3.046 of March 9, 2022, Sinop/MT Municipal Legislation, <https://leismunicipais.com.br/a2/mt/s/sinop/lei-ordinaria/2022/305/3046/lei-ordinaria-n-3046-2022-proibe-a-distribuicao-exposicao-e-divulgacao-de-material-didatico-contendo-manifestacao-da-ideologia-de-genero-nos-locais-publicos-privados-de-acesso-ao-pub> (accessed May 4, 2022).



rulings have had a deterrent impact on such legislative efforts. Opportunistic political rhetoric alleging “indoctrination,” “gender ideology,” or “early eroticization” continues.<sup>70</sup>

As a communications officer for the Paraná state Department of Education told Human Rights Watch, “[such bills] are a strategy that [politicians] may use to be accountable to a conservative electoral base, even if they know that a bill is unconstitutional based on a Supreme Court decision. This hinders the legislative process.”<sup>71</sup>

Teachers and education experts interviewed for this report told Human Rights Watch that more needs to be done to spread awareness of the Supreme Court rulings among the public in Brazil. They say that the rulings have not in and of themselves dispelled the laws’ chilling effect on teachers, some of whom may be scared to address gender and sexuality in the classroom for fear of retribution.

As Fernanda Moura, teacher and member of the Teachers Against School Without Party Collective (Coletivo Professores Contra o Escola Sem Partido) suggested, the government and other stakeholders should also do their part to educate the public about the meaning and implications of the court rulings and publicly defend the right to gender and sexuality education:

Neither the media, nor [allies in] the Brazilian left, nor even the teachers’ unions propagated the victories we had at the Supreme Court as they should have. The Brazilian population does not even know that these judgments exist. I dare say even the teachers don’t know.<sup>72</sup>

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<sup>70</sup> Iuri Pitta, “In a Letter to Evangelicals, Moro Attacks ‘Gender Ideology’ and Pro-Abortion Policies,” *CNN Brasil*, January 26, 2022, <https://www.cnnbrasil.com.br/politica/em-carta-a-evangelicos-moro-ataca-ideologia-de-genero-e-politicas-pro-aborto/> (accessed February 1, 2022); David Medeiros, “Bolsonaro Celebrates Mendonça’s Rapporteurship in the Supreme Court on Gender Issues,” *Universe Online*, January 27, 2022, <https://noticias.uol.com.br/ultimas-noticias/agencia-estado/2022/01/27/bolsonaro-comemora-relatoria-de-mendonca-no-stf-em-pautas-de-genero.htm> (accessed February 1, 2022).

<sup>71</sup> Human Rights Watch video interview with Leandro Beguoci, communications officer at the Paraná Department of Education, February 3, 2022.

<sup>72</sup> Human Rights Watch email communication with Fernanda Moura, August 3, 2021.

## Federal Bills

Human Rights Watch reviewed 17 bills that members of Congress from various parties introduced in the Chamber of Deputies, Brazil's lower house of Congress, between 2014 and 2020 that directly or indirectly ban gender and sexuality education. None of them have passed, in part due to opposition from certain parties. Fifteen of these bills were pending as of February 2022, and the other two were either withdrawn by their sponsors or shelved. If passed, these bills would represent a severe regression at the federal level from laws and guidelines in Brazil that support gender and sexuality education. As one history teacher from Paraíba, Renan Costa, put it to Human Rights Watch, "Ten years ago, there was a focus on diversity in schools [at the federal level]. Now, there's a process of silencing."<sup>73</sup>

### *Bills Explicitly Banning Gender and Sexuality Education*

Sixteen of the seventeen bills introduced in the Chamber of Deputies between 2014 and 2020 are focused on questions of gender and sexuality education. They seek to ban "application of gender ideology" in schools and, in some cases, ban the use of the words "gender" or "sexual orientation" altogether.

For example, Bill 4893/2020 aims "to typify as a crime the conduct of those who, within the institutions of the municipal, state and federal education system, adopt, disseminate, carry out, or organize teaching policies, school curricula, compulsory, complementary, or optional subjects, or cultural activities that have a gender ideology as content."<sup>74</sup> This crime is sanctioned with imprisonment for up to one month. The bill does not define "gender ideology."

Bill 10659/2018 amends the Law on National Education to "prohibit political, moral, religious indoctrination, or gender ideology in schools," upholds "non-interference and respect for the student's religious, moral, religious [sic], and political convictions," and bans "the adoption of gender ideology or sexual orientation [ideology]."<sup>75</sup> The bill's text also does not define "gender ideology."

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<sup>73</sup> Human Rights Watch phone interview with Renan Costa, July 24, 2020.

<sup>74</sup> Bill 4893/2020, Chamber of Deputies, art. 1,

<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2264281> (accessed February 1, 2022).

<sup>75</sup> Bill 10659/2018, Chamber of Deputies, arts. 1-2,

<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2182388> (accessed February 1, 2022).

Bill 258/2019 amends the same law, upholding “respect for religious beliefs and the moral, philosophical, and political convictions of students, their parents or guardians, with family values taking precedence over school education in aspects related to moral, sexual and religious education.” The bill also states a school “will not develop teaching policies, nor will it adopt school curriculum, mandatory subjects, not even in a complementary or optional manner, that are likely to apply gender ideology, the term ‘gender’ or ‘sexual orientation.’”<sup>76</sup>

Bill 5487/2016 prohibits the Ministry of Education from “distributing books to public schools dealing with orientation on the sexual diversity of children and adolescents.”<sup>77</sup> Meanwhile, Bill 1239/2019, prohibits federal, state, district, and municipal governments from “applying financial resources, of any nature, in actions of diffusion, implantation, and valorization of gender ideology, directly or indirectly.”<sup>78</sup>

Bill 246/2019 mandates that the government “will not interfere in students’ sexual maturation process, nor will it allow any form of dogmatism or proselytism in addressing questions of gender.”<sup>79</sup> The bill’s legislative intent says that “it is a well-known fact that teachers [...] have been using their classes and their works [...] to make [students] adopt standards of judgment and moral conduct—especially sexual morals[.]” The author of this bill, Deputy Bia Kicis, was elected in February 2021 to the presidency of the Chamber of Deputies’ Commission on the Constitution and Justice, one of the most important gatekeeping positions in the legislative process.<sup>80</sup>

### *“Indoctrination” Bill*

Bill 867/2015 would amend the Law on National Education Guidelines and Framework to ban “the practice of political and ideological indoctrination, as well as the transmission of

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<sup>76</sup> Bill 258/2019, Chamber of Deputies, art. 6, <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2190772> (accessed February 1, 2022).

<sup>77</sup> Bill 5487/2016, Chamber of Deputies, art. 1, <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2087086> (accessed February 1, 2022).

<sup>78</sup> Bill 1239/2019, Chamber of Deputies, art. 1, <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2193377> (accessed February 1, 2022).

<sup>79</sup> Bill 246/2019, Chamber of Deputies, art. 2, <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2190752> (accessed February 1, 2022).

<sup>80</sup> “What Does the CCJ Do and Why the Presidency of the Commission is Considered One of the Most Important Positions in Congress,” *G1* (Grupo Globo), February 3, 2021, <https://g1.globo.com/politica/noticia/2021/02/03/o-que-faz-a-ccj-e-por-que-a-presidencia-da-comissao-e-considerada-um-dos-cargos-mais-importantes-no-congresso.ghtml> (accessed October 1, 2021).

content or the performance of activities that may conflict with the religious or moral beliefs of students' parents or guardians.”<sup>81</sup>

While the wording of this “indoctrination” bill and those described below does not explicitly reference gender and sexuality education, the bills’ language is taken verbatim from the School Without Party prototype bills, found on its website.<sup>82</sup> Given the group’s politicization of “gender ideology” and the national rhetoric around “indoctrination” and “early sexualization,” if passed, such bills would seriously threaten gender and sexuality in schools as they are currently written, particularly when they hold “religious or moral beliefs” above educational material.

## State Bills and Laws

At the state-level, Human Rights Watch reviewed 31 bills that were introduced in legislatures between 2014 and 2019 in 16 of Brazil’s 27 federal entities. Of these at least 8 bills remain pending (others were shelved) as of February 2022. Alagoas’ state legislature passed its bill in 2016, but the Supreme Court struck it down in 2020. At least one law is currently in force, in the state of Ceará.

### *Bills Explicitly Banning Gender and Sexuality Education*

Like at the federal level, some of the state bills are focused on questions of gender and sexuality education. One such law is currently in force in the state of Ceará, which in 2016 passed its state education plan that prohibits “the use of gender ideology in state education.”<sup>83</sup>

A pending bill in the Legislative Assembly of the State of Rio de Janeiro, Bill 1615/2016, prohibits “education professionals, within the public or private educational institutions of the State of Rio de Janeiro, to teach about gender ideology, sexual orientation and the

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<sup>81</sup> Bill 867/2015, Chamber of Deputies, art. 3,

<https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=1050668> (accessed February 1, 2022).

<sup>82</sup> School Without Party, “Bills,” undated, <http://escolasempartido.org/anteprojeto/> (accessed May 1, 2021).

<sup>83</sup> Law No. 16.025, Legislative Assembly of the State of Ceará, art. 3 (XV), <https://bela.ce.gov.br/index.php/legislacao-do-ceara/organizacao-tematica/educacao/item/4019-lei-n-16-025-de-30-05-16-d-0-01-06-16> (accessed February 1, 2022).

like.”<sup>84</sup> The bill also bans “the use of any pedagogical means that may lead to ideological conceptions consistent with gender and sexual orientation.”<sup>85</sup>

A pending bill in Ceará, PL 20/2019, stipulates that “the government will not interfere in the sexual orientation of the students, nor will it allow any practice capable of compromising or directing the natural development of their personality, especially with regard to the biological identity of sex, with the application of the premises of gender ideology being especially prohibited.”<sup>86</sup>

### *“Indoctrination” Bills*

A bill, PL 960/2014, in the Legislative Assembly of the State of São Paulo bans “the practice of political and ideological indoctrination in the classroom,” as well as “the placement, in a mandatory subject, of content that may conflict with the religious or moral convictions of students or their parents or guardians.”<sup>87</sup>

In the Legislative Assembly of the State of Pernambuco, PL 823/2016 bans “indoctrination” and pedagogical content that can induce students to a single religious, political, or ideological thought and forbids teachers from “coopting students for any type of religion, ideology, or political party.”<sup>88</sup> The legislative intent cites School Without Party, and notes that “it is a well-known fact” that teachers try to get students “to adopt certain standards of judgment and moral conduct – especially sexual morals[.]”

## Municipal Bills and Laws

Most of the bills in Brazil that aim to restrict gender and sexuality education have been introduced at the municipal level. Human Rights Watch has reviewed 169 bills introduced between 2014 and 2022 in municipal legislatures in 23 of Brazil’s 26 federal states. Like

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<sup>84</sup> Bill 1615/2016, Legislative Assembly of the State of Rio de Janeiro, art. 1, <http://alerjln1.alerj.rj.gov.br/scpro1519.nsf/c9e0ca33ab2b2e8783257dd50061d17e/78ca3ffe81657e0983257f7foo4d09d8?OpenDocument&Start=1&Count=200&Expand=1.1.1> (accessed October 1, 2021).

<sup>85</sup> *Ibid.*, art. 2.

<sup>86</sup> Bill 20/2019, Legislative Assembly of the State of Ceará, art. 1, [https://www2.al.ce.gov.br/legislativo/proposicoes/ver.php?nome=30\\_legislatura&tabela=projeto\\_lei&codigo=20](https://www2.al.ce.gov.br/legislativo/proposicoes/ver.php?nome=30_legislatura&tabela=projeto_lei&codigo=20) (accessed October 1, 2021).

<sup>87</sup> Bill 960/2014, Legislative Assembly of the State of São Paulo, art. 2, <https://www.al.sp.gov.br/propositura/?id=1215641> (accessed October 1, 2022).

<sup>88</sup> Bill 823/2016, Legislative Assembly of the State of Pernambuco, arts. 2-3, <https://www.alepe.pe.gov.br/proposicao-texto-completo/?docid=17EF97A6DoFBD90303257FB006DDE7A> (accessed October 1, 2021).

the bills at the federal and state level, they follow a similar pattern: bills that ban gender and sexuality education directly, and bills that focus on “indoctrination.”

Of the laws that have been passed and are currently in force (that is, not struck down by courts, as will be discussed in the next section) most are municipal laws. Human Rights Watch confirmed that at least 20 of these laws are currently in force, though this may be an undercount given that researchers were not able to access all of the municipal websites and/or databases. The cities have an estimated average population of 180,000 inhabitants, with a range of 17,000 to 823,300 inhabitants, according to government figures.

State	Municipality	No./Year	Aim of law
Ceará	Juazeiro do Norte	4853/2018	Bans teaching of “gender ideology”
Ceará	Caucaia	3376/2021	Bans “matters related to sexuality” and “gender ideology”
Espírito Santo	Guarapari	4227/2018	Bans information on sexual orientation, “gender ideology,” and indoctrination
Espírito Santo	Cachoeiro de Itapemirim	7136/2015	Bans ideological indoctrination
Espírito Santo	Marechal Floriano	1962/2018	Bans indoctrination and “dogmatism” with respect to gender
Mato Grosso	Água Boa	1421/2018	Bans indoctrination and information in conflict with parents’ moral convictions
Mato Grosso	Sinop	3046/2022	Bans “gender ideology” and information related to sexual orientation and sexual and reproductive rights
Paraíba	Campina Grande	6950/2018	Bans “gender ideology”
Paraíba	Patos	4939/2018	Bans information on “gender equality (ideology)” and sexual orientation
Paraíba	Sousa	2734/2017	Bans “gender ideology,” “orienting the sexuality of students”
Paraná	Arapongas	4609/2017	Bans “indoctrination” and information in conflict with parents’ moral convictions
Paraná	Arapongas	4622/2017	Bans information on “gender ideology and equality”
Pernambuco	Araripina	2884/2017	Bans “gender ideology”
Pernambuco	Garanhuns	4432/2017	Bans “gender theory, issues of gender, gender identity, or gender ideology”
Rio de Janeiro	Nova Iguaçu	4576/2016	Bans information on sexual diversity
Rio Grande do Norte	Apodi	1254/2018	Bans “gender ideology”
Rio Grande do Norte	Pau dos Ferros	1612/2017	Bans “gender ideology,” “orienting the sexuality of students”
Santa Catarina	Criciúma	7159/2017	Bans indoctrination and “dogmatism” with respect to gender
São Paulo	Pedreira	3670/2017	Bans information on sexual orientation and “gender ideology”
São Paulo	Várzea Paulista	2336/2017	Bans information on sexual orientation and “gender ideology”

The law in Nova Iguaçu bans “books, publications, posters, films, videos, banners or any type of material [...] containing guidance on sexual diversity” in city schools.<sup>89</sup> The Public Prosecutor’s Office has challenged the law at the Supreme Court and has recommended that the Department of Education not enforce the law.<sup>90</sup> Lidianie L., an early childhood education teacher in Nova Iguaçu, told Human Rights Watch that the law is not currently being enforced in classrooms, but that she does not think teachers are addressing topics related to sexual diversity, in part due to fear of being harassed by conservative people in the community. She also said that she feared that the law would be enforced in the future:

It is awful for us to have an existing law that can be enforced at any moment. We want the law struck down.... Nothing currently prohibits teachers from being harassed in the future.<sup>91</sup>

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<sup>89</sup> Law 4.576 of February 15, 2016, Nova Iguaçu City Hall, art. 1, <http://www.cmni.rj.gov.br/site/legislacao-municipal/leis-ordinarias/2016/lei-4576-2016.pdf> (accessed October 1, 2021).

<sup>90</sup> “Supreme Court Justice Dismisses ADPF Proceeding Against RJ Municipal Law,” *Jusbrasil*, undated, <https://stf.jusbrasil.com.br/noticias/504617832/ministro-nega-tramite-a-adpf-contr-lei-de-municipio-do-rj> (accessed October 1, 2021); Gabriela Mattos, “MP Recommends that Nova Iguaçu Not Apply ‘Homophobic Law,’” *O Dia*, March 2, 2016, <https://odia.ig.com.br/rio-de-janeiro/2016-03-01/mp-recomenda-que-prefeitura-de-nova-iguacu-nao-aplique-lei-homofobica.html> (accessed October 1, 2021).

<sup>91</sup> Human Rights Watch video interview with Lidianie L., June 18, 2021.

### III. Supreme Court Rulings

The propagation of bills and laws in Brazil aiming to ban discussions of gender and sexuality or “indoctrination” in schools have been challenged in courts, including Brazil’s Supreme Court. Since April 2020, the Supreme Court has struck down seven municipal laws and one state law or provisions of these laws as unconstitutional, delivering an important blow to attempts to ban gender and sexuality education. At least 16 laws have been struck down by lower courts between 2015 and 2018, though this is likely an undercount.

Among the cases that have reached the Supreme Court, none of the laws prohibiting gender and sexuality education or “indoctrination” have been upheld. Four legal challenges to similar laws remain pending at the Supreme Court as of May 2022.<sup>92</sup> The following table lays out basic facts about the cases that have been decided:

Date of Ruling	Case No.	Type of law	Municipality, State	Aim of unconstitutional law or provision(s)
April 27, 2020	ADPF 457	Municipal	Novo Gama, Goiás	To ban teaching of “gender ideology”
May 11, 2020	ADPF 526	Municipal	Foz do Iguaçu, Paraná	To ban teaching of “gender ideology,” and the terms “gender” and sexual orientation”
May 29, 2020	ADPF 467	Municipal	Ipatinga, Minas Gerais	To ban teaching of “gender ideology,” “gender diversity,” and “sexual orientation.”
June 29, 2020	ADPF 460	Municipal	Cascavel, Paraná	To ban teaching of “gender ideology,” and the terms “gender” and sexual orientation”
August 24, 2020	ADPF 600	Municipal	Londrina, Paraná	To ban “gender ideology and/or the concept of gender stipulated by the Yogyakarta Principles”
August 24, 2020	ADPF 465	Municipal	Palmas, Tocantins	To ban “gender ideology or theory” and “issues realized to sexuality and eroticization”
August 24, 2020	ADPF 461	Municipal	Paranaguá, Paraná	To ban teaching of “gender ideology,” and the terms “gender” and sexual orientation”
August 24, 2020	ADI 5537	State	State of Alagoas	Banning “indoctrination”

<sup>92</sup> ADPF 578 (Santa Cruz de Monte Castelo, PR), <https://portal.stf.jus.br/processos/detalhe.asp?incidente=5674412>; ADPF 462 (Blumenau, SC), <http://portal.stf.jus.br/processos/detalhe.asp?incidente=5204908> (accessed May 5, 2022); ADPF 466 (Tubarão, SC), <http://portal.stf.jus.br/processos/detalhe.asp?incidente=5206804> (accessed May 5, 2022); ADPF 522 (Petrópolis and Garanhuns, PE), <http://portal.stf.jus.br/processos/detalhe.asp?incidente=5485351> (accessed May 5, 2022).



While the reasoning in the Supreme Court’s decisions varies, they share some core findings regarding violations of “procedural and substantive” constitutional principles. Procedurally, the court held that state and municipal laws cannot override the 1996 Law on National Education Guidelines and Framework discussed in the Background section of this report. Substantively, the court found that the laws restrict various freedoms guaranteed under the constitution, including the freedom to teach and the guarantee of non-discrimination.

## State and Municipal Laws Banning Gender and Sexuality Education Cannot Override Federal Education Law

In unanimously striking down the law from Novo Gama, Goiás state, which banned “gender ideology” in schools, the Supreme Court held that municipalities cannot override federal education law, which allows for learning material related to gender, sexuality, and diversity. It noted that it is the responsibility of the federal government to “legislate on guidelines and bases of national education.”<sup>93</sup>

While municipalities may “supplement the federal legislation, with a view to regulating the local interest,” this “does not justify the prohibition of pedagogical content, which does not correspond to the guidelines established in the Law of Guidelines and Bases of National Education[.]”<sup>94</sup> This same reasoning was applied in striking down the Cascavel,<sup>95</sup> Ipatinga,<sup>96</sup> Londrina,<sup>97</sup> Foz do Iguaçu,<sup>98</sup> and Palmas,<sup>99</sup> Paranaguá,<sup>100</sup> laws, as well as the Alagoas state law.<sup>101</sup>

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<sup>93</sup> ADPF 457 (Novo Gama, GO), Federal Supreme Court, April 27, 2020, Acórdão, para. 1, <https://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=752834386> (accessed July 1, 2021).

<sup>94</sup> Ibid.

<sup>95</sup> ADPF 460 (Cascavel, PR), Federal Supreme Court, June 29, 2020, Acórdão, para. 1, <https://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=753445537> (accessed July 1, 2021).

<sup>96</sup> ADPF 467 (Ipatinga, MG), Federal Supreme Court, May 29, 2020, Voto, pp. 4-9, <https://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=753189469> (accessed July 1, 2021).

<sup>97</sup> ADPF 600 (Londrina, PR), Federal Supreme Court, August 24, 2020, Acórdão, para. 1, <https://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=753837225> (accessed July 1, 2021).

<sup>98</sup> ADPF 526 (Foz do Iguaçu, PR), Federal Supreme Court, May 11, 2020, Voto, para. 4, <https://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=752833807> (accessed July 1, 2021).

<sup>99</sup> ADPF 465 (Palmas, TO), Federal Supreme Court, August 24, 2020, Acórdão, para. 1, <https://stf.jusbrasil.com.br/jurisprudencia/928281401/arguicao-de-descumprimento-de-preceito-fundamental-adpf-465-to-4000164-1220171000000/inteiro-teor-928281409> (accessed July 1, 2021).

<sup>100</sup> ADPF 461 (Paranaguá, PR), Federal Supreme Court, August 24, 2020, Acórdão, para. 1, <https://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=753886751> (accessed July 1, 2021).

<sup>101</sup> ADI 5537 (Alagoas), Federal Supreme Court, August 24, 2020, Acórdão, paras. 1-4, <https://redir.stf.jus.br/paginadorpub/paginador.jsp?docTP=TP&docID=753837203> (accessed July 1, 2021).

## Laws Restricting Gender and Sexuality Education an Affront to Constitutional Freedoms

In unanimously striking down the Cascavel law, which banned addressing “gender” and “sexual orientation” in schools, the court ruled that it violated “the principles of freedom, as a prerequisite for citizenship; the freedom to teach and learn; the valorization of education professionals; the democratic management of education; the social quality standard of teaching; the free manifestation of thought; and the free expression of intellectual, artistic, scientific and communication activities, free of censorship or license.”<sup>102</sup> Analogous reasoning was applied in the cases arising from Novo Gama,<sup>103</sup> Ipatinga,<sup>104</sup> Londrina,<sup>105</sup> Foz do Iguaçu,<sup>106</sup> Palmas,<sup>107</sup> Paranaguá,<sup>108</sup> and Alagoas<sup>109</sup> laws.

The Novo Gama decision clarifies that these principles do not only protect “true, admirable, or conventional opinions, but also those that may not be shared by the majorities.”<sup>110</sup> The Cascavel decision explains that any purported “neutrality” in the classroom that arises from banning discussions of gender and sexual orientation is a falsehood that actually “sterilizes the social participation resulting from the pluralistic teaching acquired in the school environment[.]”<sup>111</sup> Indeed, it is this pluralism that give students “the opportunity [] to build their own path, different or consistent with that of their parents or teachers.”<sup>112</sup>

In a concurring opinion, Justice Edson Fachin held that “preventing the concrete subject from accessing knowledge about their identity and personality rights violates the fundamental precepts inscribed in the Constitution, among them, the pluralism of ideas and pedagogical conceptions.”<sup>113</sup>

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<sup>102</sup> ADPF 460 (Cascavel, PR), Acórdão, para. 2.

<sup>103</sup> ADPF 457 (Novo Gama, GO), Acórdão, para. 3.

<sup>104</sup> ADPF 467 (Ipatinga, MG), Voto, pp. 17-20.

<sup>105</sup> ADPF 600 (Londrina, PR), Acórdão, para. 2.

<sup>106</sup> ADPF 526 (Foz do Iguaçu, PR), Voto, p. 15.

<sup>107</sup> ADPF 465 (Palmas, TO), Acórdão, para. 2.

<sup>108</sup> ADPF 461 (Paranaguá, PR), Acórdão, para. 2.

<sup>109</sup> ADI 5537 (Alagoas), Acórdão, para. 5, Voto, pp. 11-20.

<sup>110</sup> ADPF 457 (Novo Gama, GO), Acórdão, para. 3.

<sup>111</sup> ADPF 460 (Cascavel, PR), Acórdão, para. 4.

<sup>112</sup> *Ibid.*, Acórdão, para. 7.

<sup>113</sup> ADPF 457 (Novo Gama, GO), Voto vogal, p. 5.

## Laws Restricting Teaching Gender and Sexual Diversity Violate Non-Discrimination Guarantees

In unanimously striking down provisions of the Ipatinga law banning teaching related to “gender ideology,” “gender diversity,” and “sexual orientation” in municipal schools, Rapporteur Justice Gilmar Mendes held that the constitution and international law guarantee equality and dignity of the person, which in turn “demands respect for private autonomy and the legitimate options of people regarding their existential choices.”<sup>114</sup> He highlights that in light of these guarantees, “there is a state duty to adopt policies to combat inequalities and discrimination, including with regard to the cultural, social and economic standards that produce this situation.”<sup>115</sup> Similar reasoning was applied in the Supreme Court decisions arising from cases in Novo Gama,<sup>116</sup> Cascavel,<sup>117</sup> Londrina,<sup>118</sup> Foz do Iguaçu,<sup>119</sup> Palmas,<sup>120</sup> and Paranaguá.<sup>121</sup>

A key holding in the Ipatinga ruling is that barring discussions about sex and gender does not represent a position of “neutrality,” but rather “reflects a well-defined political and ideological position, which chooses to reinforce prejudices and discrimination existing in society.”<sup>122</sup> Similarly, in striking down the law from Novo Gama, Goiás State, Rapporteur Justice Alexandre de Moraes approvingly cites that “there is no axiological neutrality with regard to the achievement of these teaching objectives, which are aimed at training tolerant people, who respect human rights and individual and group differences in society.”<sup>123</sup>

### “Chilling Effect” of Bills and Laws

In August 2020, when the Supreme Court struck down the law from Alagoas state, the ruling, penned by Justice Luís Roberto Barroso and endorsed by all but one justice, upheld tolerance and pluralism of thought. The decision found that such laws could have a

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<sup>114</sup> ADPF 467 (Ipatinga, MG), Voto, p. 12-14.

<sup>115</sup> Ibid., Voto, p. 15.

<sup>116</sup> ADPF 457 (Novo Gama, GO), Acórdão, paras. 4-5.

<sup>117</sup> ADPF 460 (Cascavel, PR), Acórdão, paras. 15-17.

<sup>118</sup> ADPF 600 (Londrina, PR), Acórdão, paras. 3-4.

<sup>119</sup> ADPF 526 (Foz do Iguaçu, PR), Voto, p. 16.

<sup>120</sup> ADPF 465 (Palmas, TO), Acórdão, paras. 3-4.

<sup>121</sup> ADPF 461 (Paranaguá, PR), Acórdão, paras. 3-4.

<sup>122</sup> ADPF 467 (Ipatinga, MG), Voto, p. 15.

<sup>123</sup> ADPF 457 (Novo Gama, GO), Voto, p. 13.

“chilling effect” on teachers and lead them “to stop dealing with relevant topics [...] which, in turn, would suppress debate and discourage students from addressing such issues, compromising the freedom to learn and the development of critical thinking.”<sup>124</sup>

Teachers and education experts in Brazil told Human Rights Watch that the laws banning gender and sexuality education have had a profound impact on students and teachers. While the Supreme Court rulings in 2020 were a welcome development, the legacy of the laws continue to exert a chilling effect on the provision of such education. All 34 teachers whom Human Rights Watch interviewed for this report expressed fear or caution about addressing gender and sexuality education material in their classrooms due to the legal and political context in Brazil, including the legislative proposals described above. Education experts interviewed by Human Rights Watch corroborated the existence of this fear.

Denise Carreira, coordinator of Educational Action (Ação Educativa), a civil society organization working to uphold the right to education in Brazil, told Human Rights Watch:

One of the great effects of the role of ultra-conservative movements in education in recent years has been the growth of self-censorship among education professionals. We have a way to go to reverse the climate of fear and insecurity promoted by these ultra-conservative movements that continue to propose anti-gender laws in municipalities and states and encourage persecution in schools.<sup>125</sup>

Andressa Pellanda, coordinator-general of the Brazilian Campaign for the Right to Education (Campanha Nacional pelo Direito à Educação), described the court rulings as “an important victory to signal institutional, democratic, and legal support against these types of threats to gender, sexuality, and education rights,” but added that court rulings are “not enough”:

There is an issue at the level of society, which permeates institutions and has reached the school institution very strongly. Teachers continue to feel

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<sup>124</sup> ADI 5537 (Alagoas), Voto, paras. 41, 31.

<sup>125</sup> Human Rights Watch email communication with Denise Carreira, August 9, 2021.

insecure about the approach to this topic as they continue to suffer threats.<sup>126</sup>

As Fernando Seffner, a professor in the Faculty of Education at the Federal University of Rio Grande do Sul, told Human Rights Watch:

Actions by the Supreme Court indicate that, if a legal proceeding is filed against you, you can win the case against the ‘gender ideology’ movements, but these decisions do not prevent situations of intimidation of teachers from happening every day.<sup>127</sup>

Both Pellanda and Seffner called for the need for a strategy that is parallel to legal proceedings, namely training for professionals and communities, including those resistant to this type of gender and sexuality education, about the benefits of this type of material.

Rafael Kirchhoff, a lawyer and leader in the National Association of Lawyers for LGBT Human Rights (Associação Nacional de Juristas pelos Direitos Humanos LGBT, ANAJUDH) echoed this sentiment and highlighted that for teachers to feel safe and reduce self-censoring:

It is necessary for the Supreme Court decisions to be transformed into public policies, that is, for public administrators to establish adequate and clear [educational] contents and methodologies to assist teachers in this task.<sup>128</sup>

Mario Sousa, an art teacher from Paraná, told Human Rights Watch what this means in practice:

I am gay, but I never talk to my students about this because I’m scared of being exposed. I feel that there exists a need to talk about questions of gender and sexuality [in the classroom]. Sometimes the students come and

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<sup>126</sup> Human Rights Watch email communication with Andressa Pellanda, August 3, 2021.

<sup>127</sup> Human Rights Watch email communication with Fernando Seffner, July 28, 2021.

<sup>128</sup> Human Rights Watch email communication with Rafael Kirchhoff, August 3, 2021.

talk to us about these questions because they often don't have the opportunity to talk about these issues with their parents.<sup>129</sup>

Sayonara N., a geography teacher in a municipal school in Uberlândia, Minas Gerais, told Human Rights Watch that she feels that harassment has decreased since the Supreme Court decisions but teachers still do not “want problems” so they find ways to talk about gender and sexuality indirectly.<sup>130</sup>

Eduardo Vasconcelos, president of the Alagoas Teachers Union (Sindicato dos Professores de Alagoas, SINPRO-AL), said that despite the Supreme Court ruling striking down a state law banning “indoctrination” in 2020, lawmakers behind the law and their supporters remain a threat to educational freedom in Alagoas:

The law has not died. The sentiment that it evoked continues. While the movement has lost some power now, there are still many, like some Pentecostals and Catholics, who still support it.... It goes beyond gender and sexuality, it relates to political power.<sup>131</sup>

Vasconcelos added that despite the ruling, “teachers feel ideologically monitored” by conservative forces in society. Vasconcelos and three other representatives from three teachers’ unions in the states of Paraíba, Paraná, and Rio de Janeiro told Human Rights Watch that they think teachers have already begun to self-censor material on gender and sexuality to avoid backlash on these issues.<sup>132</sup>

## Challenges Facing the Supreme Court

While the Supreme Court has served as an important check on laws and bills banning gender and sexuality education, this has occurred at a time when the Bolsonaro administration has increasingly attacked the court, with the apparent aim of intimidating it, and threatened and insulted its justices.

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<sup>129</sup> Human Rights Watch video interview with Mario Sousa (pseudonym), June 15, 2020.

<sup>130</sup> Human Rights Watch video interview with Sayonara N., March 18, 2020.

<sup>131</sup> Human Rights Watch phone interview with Eduardo Vasconcelos, February 12, 2021.

<sup>132</sup> Human Rights Watch telephone interviews with Renan Bainilha, July 23, 2020; Elton Pereira, July 24, 2020; and Raphael Motta, February 24, 2021.

In April and May 2020, at a time when President Bolsonaro was attacking the Supreme Court, including for its rulings on his Covid-19 policies, his supporters held rallies calling for a military regime and the closure of the Supreme Court and Congress.<sup>133</sup>

On September 7, 2021, President Bolsonaro said he would not abide by any decision by Supreme Court Justice Alexandre de Moraes.<sup>134</sup> Justice Moraes oversees federal police investigations into whether the president illegally interfered with internal federal police appointments to further his personal interests,<sup>135</sup> released a secret federal police document for political reasons, and spread false information about the electoral system.<sup>136</sup> On September 8, Chief Justice Fux responded that insulting justices and inciting non-compliance with judicial decisions “are anti-democratic, illegal, and intolerable practices.”<sup>137</sup>

In a written statement on September 9, following widespread national and international criticism of his positions, President Bolsonaro said he never intended to assail other branches of government.<sup>138</sup> But he did not backtrack from his unproven claim that Brazil’s electoral system is unreliable, which he had repeated on September 7, and which is an apparent attempt to delegitimize an electoral loss on his part.

On August 4, Supreme Court justice Moraes ordered an investigation into whether President Bolsonaro’s baseless electoral fraud claims constituted an offense, such as falsely accusing someone of committing a crime with electoral purposes or inciting the

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<sup>133</sup> Rafael Moraes Moura, “Supreme Ministers Repudiate Protest in Favor of Military Intervention Attended by Bolsonaro,” *Estadão*, April 19, 2020, <https://politica.estadao.com.br/noticias/geral,e-assustador-ver-manifestacoes-pela-volta-do-regime-militar-diz-barroso,70003276434> (accessed February 28, 2022).

<sup>134</sup> “Brazil: Bolsonaro Threatens Democratic Rule,” Human Rights Watch news release, September 15, 2021.

<sup>135</sup> José Casado, “Coup: Supreme Court Orders 10 Deputies and 3 Bolsonaro Sons to Be Investigated,” *Veja Magazine*, July 2, 2021, <https://veja.abril.com.br/coluna/jose-casado/golpe-stf-manda-investigar-10-deputados-e-3-filhos-de-bolsonaro/> (accessed February 28, 2022).

<sup>136</sup> Márcio Falcão e Fernanda Viva, “Moraes Includes Bolsonaro in Fake News Inquiry for Attacks on Electronic Voting Machines,” *G1* (Grupo Globo), August 4, 2021, <https://g1.globo.com/politica/noticia/2021/08/04/moraes-inclui-bolsonaro-em-inquerito-de-fake-news-por-ataques-as-urnas-eletronicas.ghtml> (accessed February 28, 2022).

<sup>137</sup> “Fux Warns of Bolsonaro’s Crime of Responsibility, Lira Already Talks About ‘Enough’ Without Citing Impeachment,” *Folha de São Paulo*, September 8, 2021, <https://www1.folha.uol.com.br/poder/2021/09/fux-diz-que-desobediencia-de-bolsonaro-a-decisoes-do-stf-sera-crime-de-responsabilidade.shtml> (accessed February 28, 2022).

<sup>138</sup> President’s Office, Official Note – President Jair Bolsonaro – 09/09/2021, <https://www.gov.br/planalto/pt-br/acompanhe-o-planalto/notas-oficiais/2021/nota-oficial-presidente-jair-bolsonaro-09-09-2021> (accessed February 28, 2022).

subversion of political and social order.<sup>139</sup> The president threatened to respond with actions “not within the bounds of the Constitution.”<sup>140</sup> He also petitioned the Senate to impeach Justice Moraes, the first time such a petition has been made since democracy was restored in Brazil in 1985. The Senate president rejected it.<sup>141</sup>

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<sup>139</sup> “Read the Entirety of Alexandre de Moraes’ Decision that Included Bolsonaro in a Fake News Inquiry for Attacks on Electronic Voting Machines,” *G1* (Grupo Globo), August 4, 2021, <https://g1.globo.com/politica/noticia/2021/08/04/leia-a-integra-da-decisao-de-alexandre-de-moraes-que-incluiu-bolsonaro-em-inquerito-das-fake-news-por-ataques-as-urnas-eletronicas.ghtml> (accessed February 28, 2022).

<sup>140</sup> “Bolsonaro Threatens to React Outside the ‘4 lines’ of the Constitution to Supreme Court Inquiry,” *CNN Brasil*, August 4, 2021, <https://www.cnnbrasil.com.br/politica/bolsonaro-ameaca-reagir-fora-das-4-linhas-da-constituicao-a-inquerito-no-stf/> (accessed February 28, 2022).

<sup>141</sup> “Pacheco Rejects Bolsonaro’s Request to Impeach Moraes,” *Agência Senado*, August 25, 2021, <https://www12.senado.leg.br/noticias/materias/2021/08/25/pacheco-rejeita-pedido-de-bolsonaro-por-impeachment-de-moraes> (accessed February 28, 2022).



## IV. Political Rhetoric and Policies Discrediting Gender and Sexuality Education

While the onslaught of bills and laws aiming to ban gender and sexuality education began around 2014, President Jair Bolsonaro has amplified the rhetoric disparaging and discrediting gender and sexuality education. Several of his political appointees have adopted similar rhetoric and, in some cases, put in place policies that undermine gender and sexuality education in schools.

### President Jair Bolsonaro

Bolsonaro has a long history of mischaracterizing and vocally opposing gender and sexuality education, including on the grounds that it constitutes “early sexualization.”<sup>142</sup>

In May 2020, in response to the court handing down the first of its rulings striking down a municipal law (Novo Gama) prohibiting “dissemination of material referencing gender ideology,”<sup>143</sup> Bolsonaro vowed to send Congress a federal bill to ban such content.<sup>144</sup> There were already 15 bills pending before Congress banning related material.

Bolsonaro said that such a bill was one of “constitutional urgency,” directly contravening the Supreme Court’s April 2020 ruling that highlighted that the impugned law “imposed silence, censorship, and more broadly, obscurantism” and that it ran counter to the “promotion of the good of all” and equality before the law.”<sup>145</sup> This disregard for the Supreme Court is consistent with President Bolsonaro’s pattern of trying to undermine the Supreme Court, as described in the previous section of this report.<sup>146</sup>

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<sup>142</sup> Paulo Saldaña, “Bolsonaro’s Drivers, School Without Party and Gender Ideology Have Religious Roots,” *Folha de São Paulo*, October 23, 2018, <https://www1.folha.uol.com.br/educacao/2018/10/motores-de-bolsonaro-escola-sem-partido-e-ideologia-de-genero-tem-raizes-religiosas.shtml> (accessed May 1, 2021).

<sup>143</sup> Law 1.516/2015, Novo Gama City Hall, <https://acessoainformacao.novogama.go.gov.br/legislacao/lei/id=49> (accessed July 1, 2021).

<sup>144</sup> Ricardo Della Coletta, “After Supreme Court Strikes Down Municipal Law, Bolsonaro Promises to Send Bill Against ‘Gender Ideology,’” *Folha de São Paulo*, May 12, 2020, <https://www1.folha.uol.com.br/cotidiano/2020/05/apos-stf-barrar-lei-municipal-bolsonaro-promete-enviar-projeto-contrainformacao-novogama.go.gov.br/legislacao/lei/id=49> (accessed May 1, 2021).

<sup>145</sup> ADPF 457 (Novo Gama, GO), Acórdão, para. 4.

<sup>146</sup> “Brazil: Bolsonaro Threatens Democratic Rule,” Human Rights Watch news release, September 15, 2021.

Such harmful rhetoric has had a negative impact on the discussion of gender and sexuality issues in certain segments of Brazilian society. For instance, in the context of the 2018 presidential race, Bolsonaro accused his opponent, Fernando Haddad, of creating a “gay kit” when Haddad was the minister of education in 2011.<sup>147</sup>

“Gay kit” is a term employed by Bolsonaro and other opponents to misrepresent School Without Homophobia (Escola Sem Homofobia), a project commissioned by the Human Rights Commission of the Chamber of Deputies, consisting of written and audiovisual material meant to promote “values of respect for peace and non-discrimination based on sexual orientation” in schools.<sup>148</sup>

After the project faced backlash from conservative lawmakers, including Bolsonaro, who was a member of the Chamber of Deputies at the time and who said it “encouraged homosexuality,” then-President Dilma Rousseff scrapped the project, and the materials were never distributed.<sup>149</sup> Seven years later, during Bolsonaro’s presidential race, misinformation linking Haddad to a caricature of “gay kits” spread widely via WhatsApp, encouraged by Bolsonaro, alarming voters and riling his conservative base. Political analysts believe Bolsonaro gained votes from conservatives through the spread of false information about the project.<sup>150</sup> A survey of 1,491 people by Avaaz/Ideia Big Data found that 84 percent of Bolsonaro voters believed the so-called “gay kits” story.<sup>151</sup>

Since taking office, Bolsonaro has periodically brought up the alleged “gay kit” for political gain. In April 2021, during a public appearance, Bolsonaro mentioned a book he claimed was part of the “gay kit,” which he linked to the alleged “sexualization in schools” and

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<sup>147</sup> Patrícia Figueiredo, “Bolsonaro lies when saying that Haddad created ‘gay kit,’” *El País*, October 13, 2018, [https://brasil.elpais.com/brasil/2018/10/12/politica/1539356381\\_052616.html](https://brasil.elpais.com/brasil/2018/10/12/politica/1539356381_052616.html) (accessed May 10, 2021).

<sup>148</sup> Ibid.

<sup>149</sup> Camila Campanerut, Karina Yamamoto, “After Pressure Against Palocci, Government Suspends MEC Anti-Homophobia Kit,” *Universo Online*, May 25, 2011, <https://educacao.uol.com.br/noticias/2011/05/25/governo-recua-com-kit-anithomofobia-por-pressao-da-frente-parlamentar-evangelica-e-catolica.htm> (accessed May 10, 2021).

<sup>150</sup> Bruno Fonseca, Eliziane Lara, Gabriella Hauber, Alexandre Policarpo, “Bolstered by Bolsonaro Supporters, Google Search for Fake ‘Gay Kit’ Broke Record Before Superior Electoral Court Sanction,” *El País*, October 17, 2018, [https://brasil.elpais.com/brasil/2018/10/17/politica/1539803187\\_851518.html](https://brasil.elpais.com/brasil/2018/10/17/politica/1539803187_851518.html) (accessed May 10, 2021); Almudena Barragán, “Five ‘Fake News’ that Have Benefitted Bolsonaro as a Favorite in Brazil,” *El País*, October 18, 2018, [https://verne.elpais.com/verne/2018/10/18/mexico/1539847547\\_146583.html](https://verne.elpais.com/verne/2018/10/18/mexico/1539847547_146583.html) (accessed May 10, 2021).

<sup>151</sup> “Stolen by WhatsApp! Brazil Poll Shows Election ‘Drowned’ in Fake News,” Avaaz, October 31, 2018, <https://secure.avaaz.org/page/en/media/pressreleases/918.html> (accessed May 10, 2021).

“indoctrination” that occurred under the former President Luiz Inácio Lula da Silva’s administration, who is likely to face Bolsonaro in the 2022 presidential election.<sup>152</sup>

In May 2021, during a launch of the federal government’s awareness campaign to combat the sexual exploitation of children and adolescents, Bolsonaro criticized the 2010 National Program of Human Rights (Programa Nacional de Direitos Humanos, PNDH-3) that was adopted during Lula’s presidency, saying it encouraged and protected pedophilia and that “there were people at the time of the government involved in pedophilia.”<sup>153</sup> The PNDH contained commitments to advance the rights of LGBT people, including with respect to same-sex unions and adoption.<sup>154</sup>

Fernando Seffner, a professor in the Faculty of Education at the Federal University of Rio Grande do Sul, described the effects of the president’s comments on teachers:

As distant as the president may seem from the daily life of schools, his statements encourage those who think like him to intimidate teachers, [who are] seen as enemies. The endless repetition of accusations without proof (for example, saying that there were booklets teaching how to change the sex of children, without ever showing such a booklet) creates a climate of potential intimidation.<sup>155</sup>

Eduardo Vasconcelos, president of the Alagoas Teachers Union (Sindicato dos Professores de Alagoas, SINPRO-AL), explained to Human Rights Watch that teachers feel more monitored under the current administration: “Under Bolsonaro, the situation got worse because conservative groups feel more security, including legal, to be intolerant.”<sup>156</sup> One teacher from Rio de Janeiro city shared that sentiment: “In 2018 [with the election of President Bolsonaro], things changed and you had to be careful about what you said.”<sup>157</sup>

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<sup>152</sup> Ingrid Soares, “Bolsonaro Makes Homophobic Comment and Says Workers’ Party Encouraged Sexualization,” *Correio Braziliense*, April 27, 2021, <https://www.correiobraziliense.com.br/politica/2021/04/4920551-bolsonaro-faz-comentario-homofobico-e-diz-que-pt-promoveu-sexualizacao-nas-escolas.html> (accessed May 10, 2021).

<sup>153</sup> “Without Evidence, Bolsonaro Cites Previous Governments’ Involvement with Pedophilia,” *Poder 360*, May 17, 2021, <https://www.poder360.com.br/governo/sem-provas-bolsonaro-cita-envolvimento-de-governos-anteriores-com-pedofilia/> (accessed October 1, 2021).

<sup>154</sup> Human Rights Secretariat of the Presidency of the Republic, National Human Rights Program: PNDH-3, 2010, pp. 98-99, <https://www.mpma.mp.br/arquivos/CAOPDH/PNDH-3.pdf> (accessed October 1, 2021).

<sup>155</sup> Human Rights Watch email communication with Fernando Seffner, July 28, 2021.

<sup>156</sup> Human Rights Watch phone interview with Eduardo Vasconcelos, February 12, 2021.

<sup>157</sup> Human Rights Watch video interview with Clara Santos (pseudonym), September 25, 2020.

Bolsonaro's comments disparaging gender and sexuality education are only more striking in the context of his long history of homophobic and misogynistic comments, which have continued well into this presidency.<sup>158</sup> In April 2020, Bolsonaro accused the World Health Organization (WHO) of encouraging masturbation and homosexuality, mischaracterizing a 2010 publication by the WHO and the German Federal Center for Health Education geared towards parents.<sup>159</sup>

Natacha Costa, executive director of the Learning School Association (Associação Cidade Escola Aprendiz), a civil society organization that works across Brazil on promoting human rights-based education policies, told Human Rights Watch that Bolsonaro's anti-LGBT statements amounted to a "symbolic authorization" of discriminatory attitudes among the general public.<sup>160</sup> Ligia Ziggitti, a lawyer and leader in the National Association of Lawyers for LGBT Human Rights (Associação Nacional de Juristas pelos Direitos Humanos LGBT, ANAJUDH), said that while homophobia and transphobia predate Bolsonaro, his rhetoric "accentuates the moral panic related to LGBTI human rights and inclusive education."<sup>161</sup>

## Ministers of Education

Some of Bolsonaro's appointees as ministers of education have also adopted his rhetoric discrediting gender and sexuality education, sending harmful and discriminatory messages from the most senior levels of the education system. Three consecutive ministers of education since January 2019 have expressed support for the notion that children are being "indoctrinated" in schools. Upon taking office in 2019, the first minister, Ricardo Vélez, said that he would fight "gender ideology" and any "harmful agendas" imposed on Brazilian customs.<sup>162</sup> The second minister, Abraham Weintraub, who also

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<sup>158</sup> Tom Phillips, "Brazil: Bolsonaro Reportedly Uses Homophobic Slur to Mock Masks," *The Guardian*, July 8, 2020, <https://www.theguardian.com/world/2020/jul/08/bolsonaro-masks-slur-brazil-coronavirus> (accessed October 1, 2021).

<sup>159</sup> "Bolsonaro Says WHO Encourages Masturbation and Homosexuality in Children," *Universo Online*, April 29, 2020, <https://noticias.uol.com.br/saude/ultimas-noticias/redacao/2020/04/29/bolsonaro-diz-que-oms-incentiva-sexualidade-infantil-mas-apaga-post.htm> (accessed October 1, 2021).

<sup>160</sup> Human Rights Watch email communication with Natacha Costa, August 4, 2021.

<sup>161</sup> Human Rights Watch email communication with Ligia Ziggitti, August 3, 2021.

<sup>162</sup> "Minister of Education Talks About Gender Ideology and School Without Party," Federal Senate news release, February 25, 2019, <https://www12.senado.leg.br/noticias/materias/2019/02/25/ministro-da-educacao-fala-sobre-ideologia-de-genero-e-escola-sem-partido> (accessed October 1, 2021).

denounced “gender ideology,” said in July 2020 that in the current government, “the gay kit is out, and family-based reading is in.”<sup>163</sup>

In September 2020, the third education minister, Milton Ribeiro, who stepped down in March 2022 following allegations of corruption against him and his ministry,<sup>164</sup> slammed comprehensive sexuality education, linking it to the “eroticization of children.”<sup>165</sup> While he acknowledged that there is a role for sex education to “prevent a child from being molested,” he said reforms are needed to prevent “ideology” in the classroom that leads to students “knowing everything about sex, how to put on a condom, take a condom off, [...] children have to learn other things.” The minister also equated sexuality education for teenagers to an “incentive” for them to have sex.<sup>166</sup>

In the same 2020 interview, Ribeiro disparaged “gender discussions” by saying that “biology says the issue of gender is not normal.” Conflating gender with sexual orientation, he followed these remarks by saying that he does not “agree” with “the option you have as an adult to be a homosexual.” When pressed about the role of schools in addressing bullying, he responded that homosexual children come from “maladjusted families” and that homosexuality is a choice: “I see a 12, 13-year-old boy choosing to be gay, he has never been with a real woman [...] These are questions of values and principles.” The minister also expressed reservations about the presence of transgender teachers in schools.

In March 2021, Ribeiro chose Sandra Ramos, a professor who has criticized “gender ideology,” to lead the ministry’s coordination of teaching materials. In April 2021, Ribeiro asserted that teaching about gender would “violate the innocence” of elementary school-aged children.<sup>167</sup>

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<sup>163</sup> Rodolfo Costa, “‘A Lot of Crap Has Already Come Out,’ Says Weintraub About ‘Cleanse’ Made in Books,” *Correio Braziliense*, January 7, 2020, [https://www.correiobraziliense.com.br/app/noticia/estudante/ensino\\_educacao\\_basica/2020/01/07/interna-educacao\\_basica-2019,818832/ja-saiu-muita-porcaria-diz-weintraub-sobre-limpa-feito-em-livros.shtml](https://www.correiobraziliense.com.br/app/noticia/estudante/ensino_educacao_basica/2020/01/07/interna-educacao_basica-2019,818832/ja-saiu-muita-porcaria-diz-weintraub-sobre-limpa-feito-em-livros.shtml) (accessed October 1, 2021).

<sup>164</sup> “Milton Ribeiro resigns from the Brazilian Ministry of Education,” *Exame*, March 28, 2022, <https://exame.com/brasil/milton-ribeiro-pede-demissao-do-ministerio-da-educacao/> (accessed April 28, 2022).

<sup>165</sup> Jussara Soares, “Back to School in the Country and Internet Access are not Ministry topics, Says Minister,” *Estadão*, September 24, 2020, <https://educacao.estadao.com.br/noticias/geral,voltas-as-aulas-no-pais-e-acesso-a-web-nao-sao-temas-do-mec-diz-ministro,70003450120> (accessed October 1, 2021).

<sup>166</sup> *Ibid.*

<sup>167</sup> Alexandre Santos, “Minister Says Children Know How to Use Condoms and Teacher Reacts: Shameful,” *Universe Online*, April 30, 2021, <https://educacao.uol.com.br/noticias/2021/04/30/ministro-da-educacao-criancas-nao-sabem-ler-mas-sabem-colocar-camisinha.htm> (accessed October 1, 2021).

In June 2021, Ribeiro said the national high school exam (ENEM) should avoid “issues of an ideological nature,” citing a question on a previous year’s exam that he claimed was about “transvestite clothing.”<sup>168</sup> Ribeiro was referencing a question arising from a journalistic text on the vernacular language of trans and gay people in Brazil, which tested reading comprehension.<sup>169</sup> The minister also criticized a question related to the gender pay gap, calling it “an unnecessary question.”<sup>170</sup>

Natacha Costa, executive director of the Learning School Association (Associação Cidade Escola Aprendiz), expressed concern that Ribeiro’s statements would reinforce discrimination:

The minister of education is, theoretically, one of the greatest authorities on the subject and any signs towards intolerance or acceptance of homophobic and discriminatory attitudes contribute to the construction of a symbolic field in which such attitudes are authorized, including at school and in the classroom.<sup>171</sup>

Fernando Seffner, a professor in the Faculty of Education at the Federal University of Rio Grande do Sul, told Human Rights Watch that such comments from an education minister could “fuel prejudice, stigma and violence” against LGBT people:

It had a very bad impact, as Brazil already has a tradition in phrases like this, in the style ‘I prefer a thief to a gay son,’ and such speeches fuel prejudice, stigma, and violent actions against such groups.<sup>172</sup>

Andressa Pellanda, coordinator-general of the Brazilian Campaign for the Right to Education (Campanha Nacional pelo Direito à Educação), described the former minister’s

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<sup>168</sup> Ana Paula Bimbatí, Gilvan Marques, “Against Ideology, Ribeiro Repeats Bolsonaro and Wants Early Access to ENEM,” *Universo Online*, June 3, 2021, <https://educacao.uol.com.br/noticias/2021/06/03/contras-questoes-ideologicas-milton-ribeiro-quer-acesso-antecipado-a-enem.htm> (accessed October 1, 2021).

<sup>169</sup> Leonardo Martins, Mirthyani Bezerra, “Bolsonaro Criticizes ENEM Question About Dialect Among Gays: ‘It Does Not Measure Knowledge,’” *Universo Online*, November 5, 2018, <https://educacao.uol.com.br/noticias/2018/11/05/bolsonaro-critica-questao-enem-2018-dialeto-travestis.htm> (accessed October 1, 2021).

<sup>170</sup> Ana Paula Bimbatí, Gilvan Marques, “Against Ideology, Ribeiro Repeats Bolsonaro and Wants Early Access to ENEM.”

<sup>171</sup> Human Rights Watch email communication with Natacha Costa, August 4, 2021.

<sup>172</sup> Human Rights Watch email communication with Fernando Seffner, July 28, 2021.

position as amounting to the “rigging of educational policies in line with religious and discriminatory values.”<sup>173</sup>

For Fernanda Moura, a teacher, member of the Teachers Against School Without Party Collective (Coletivo Professores Contra o Escola Sem Partido), Ribeiro’s statements reinforced among teachers an impression that “laws are worthless,” creating “legal uncertainty” among teachers as to whether are allowed to teach about gender and sexuality.<sup>174</sup>

Rafael Kirchhoff, a lawyer and leader in the National Association of Lawyers for LGBT Human Rights (Associação Nacional de Juristas pelos Direitos Humanos LGBT, ANAJUDH), echoed education professionals’ concerns that the former minister’s promotion of discriminatory views, aimed not at improving education but at galvanizing a conservative political base, could “weaken the [teaching] profession and public education itself.”<sup>175</sup>

Victor Godoy became the fourth minister of education in the Bolsonaro administration in April 2022.<sup>176</sup>

## Minister of Women, the Family, and Human Rights

Minister of Women, the Family, and Human Rights Damara Alves, who stepped down in March 2022 to run for office,<sup>177</sup> signaled support for the idea that teachers are “indoctrinating” students through gender and sexuality education. During her tenure, Alves implemented policies that threaten the provision of such materials in schools.

On the day of her swearing in, January 2, 2019, Alves pledged to end “the ideological indoctrination” of children and adolescents. Though she did state that “no rights won by the LGBTI community will be violated,” she also evoked gender stereotypes, saying that

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<sup>173</sup> Human Rights Watch email communication with Andressa Pellanda, August 3, 2021.

<sup>174</sup> Human Rights Watch email communication with Fernanda Moura, August 3, 2021.

<sup>175</sup> Human Rights Watch email communication with Rafael Kirchhoff, August 3, 2021.

<sup>176</sup> “Government Confirms Victor Godoy as Minister of Education,” *Deutsche Welle*, April 18, 2022, <https://www.dw.com/pt-br/governo-oficializa-victor-godoy-como-ministro-da-educacao/a-61506151> (accessed April 28, 2022).

<sup>177</sup> “Former Minister Damara Alves Launches Pre-Candidacy for the Senate for the Federal District,” *Carta Capital*, April 25, 2022, <https://www.cartacapital.com.br/politica/ex-ministra-damara-alves-lanca-pre-candidatura-ao-senado-pelo-distrito-federal/> (accessed April 28, 2022).

“girls will be princesses and boys will be princes.” Gender stereotypes are often at the root of discrimination against women and LGBT people.

In 2019, Alves said:

Gender ideology is violence against children. It's not sexual diversity, it's not homosexuals, lesbians, or transvestites. It's beyond that. They chose Brazil as the laboratory for this theory, but we are sending a message that the game is over, our children are not guinea pigs.<sup>178</sup>

In November 2019, Alves announced that the federal government would create a channel for parents to complain about teachers who threaten “morals, religion, and family ethics.”<sup>179</sup> Her ministry has not followed up publicly on this proposal, but it has since changed the protocols of a hotline, Dial 100, to report human rights violations to include “gender ideology” as a motive for such violations, which press reports allege may have led to preliminary investigations into at least two schools.<sup>180</sup> Human Rights Watch did not verify these cases. Teachers’ unions have sued the government to excise this reference in the Dial 100 protocols.<sup>181</sup>

Under Alves, the Ministry of Women, the Family, and Human Rights launched a campaign in February 2020—in consultation with a group started by evangelical pastors, according to press reports—to prevent early pregnancy, which does not mention abstinence, the use of

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<sup>178</sup> “Damares Supports Decision to Withdraw Gender Studies from SC Schools,” *Carta Capital*, August 30, 2019, <https://www.cartacapital.com.br/educacao/damares-apoia-decisao-de-retirar-estudos-de-genero-de-escolas-de-sc/> (accessed October 1, 2021).

<sup>179</sup> “Damares Announces Channel to Report Teachers for Acts Against the Family,” *Veja Magazine*, November 20, 2019, <https://veja.abril.com.br/educacao/damares-anuncia-canal-para-denunciar-professores-por-atos-contr-a-familia/> (accessed October 1, 2021).

<sup>180</sup> Bruno Alfano, “Dial 100: Manual Created by Damares’ Ministry Provides for Complaints ‘by Gender Ideology,’” *O Globo*, December 7, 2021, <https://oglobo.globo.com/brasil/direitos-humanos/disque-100-manual-criado-por-ministerio-de-damares-preve-denuncias-por-ideologia-de-genero-25305729> (accessed February 15, 2022); Jamil Chade, “Government is Sued at the Supreme Court for using Dial 100 for Political Persecution,” *Universo Online*, February 9, 2022, <https://noticias.uol.com.br/colunas/jamil-chade/2022/02/09/governo-e-denunciado-no-stf-por-usar-disque-100-para-perseguiacao-politica.htm?cmpid=copiaecola> (accessed February 15, 2022).

<sup>181</sup> National Confederation of Education Workers, “Government Is Sued at the Supreme Court for Using Dial 100 for Political Persecution,” February 9, 2022, <https://www.cnte.org.br/index.php/menu/comunicacao/posts/cnte-na-midia/74594-governo-e-denunciado-no-stf-por-usar-disque-100-para-perseguiacao-politica> (accessed March 30, 2022).



condoms or any contraceptive method, and focuses on delaying sex.<sup>182</sup> The campaign also does not address information on protection for lesbian, gay, or bisexual adolescents. In January 2020, the Federal Public Defender, which advocates for the rights of Brazilians and aims to increase access to justice, had recommended the campaign not be launched given the lack of evidence that abstinence-only education is effective.<sup>183</sup>

At a press conference in February 2022, the ministry revealed new materials on early pregnancy that focus on delaying sex and “early eroticization.”<sup>184</sup> The Ministry of Citizenship also announced a campaign to combat “early eroticization” of children.<sup>185</sup> During the conference, Alves suggested that when girls and adolescents do get pregnant, they should follow the pregnancy to term.<sup>186</sup> She also said that in Brazil “children were eroticized with public policies” under previous governments.<sup>187</sup>

Health education programs that withhold critical information on sexual health, promote inaccurate information, or ignore or stigmatize healthy adolescent sexual behaviors can be harmful to young people, with assessments of these programs consistently showing that they are not effective.<sup>188</sup> On the other hand, programs that combine a focus on delaying sexual activity with content about condom or contraceptive use have been found to be effective.<sup>189</sup>

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<sup>182</sup> “Damares’ Campaign Against Early Pregnancy,” *Deutsche Welle*, February 4, 2020, <https://www.dw.com/pt-br/tudo-tem-seu-tempo-a-campanha-de-damares-contr-gravidez-precoce/a-52252813> (accessed October 1, 2021); Ernesto Londoño, Letícia Casado, “Brazil Under Bolsonaro Has Message for Teenagers: Save Sex for Marriage,” *New York Times*, January 26, 2020, <https://www.nytimes.com/2020/01/26/world/americas/brazil-teen-pregnancy-Bolsonaro.html> (accessed October 1, 2021).

<sup>183</sup> Mariana Zylberkan, “Public Defender’s Office Asks Ministry to Cancel Campaign on Sexual Abstinence,” *Veja Magazine*, January 31, 2020, <https://veja.abril.com.br/brasil/defensoria-pede-para-ministerio-cancelar-campanha-sobre-abstinencia-sexual/> (accessed October 1, 2021).

<sup>184</sup> Brazilian Ministry of Women, Family, and Human Rights, “Federal Government Announces Actions to Prevent Teenage Pregnancy,” February 1, 2022, <https://www.gov.br/mdh/pt-br/assuntos/noticias/2022/fevereiro/governo-federal-anuncia-acoes-para-prevenir-gravidez-na-adolescencia> (accessed February 20, 2022).

<sup>185</sup> Brazilian Ministry of Citizenship, Guidance on Prevention of Early Sexualization in Early Childhood, February 2022, <https://www.gov.br/cidadania/pt-br/noticias-e-conteudos/publicacoes-1/desenvolvimento-social/GUIASNAPI3.pdf> (accessed February 20, 2022).

<sup>186</sup> “Ceremony in reference to the National Week for the Prevention of Pregnancy in Adolescence,” [n.d.], video clip, YouTube, at 1:05:46, [https://www.youtube.com/watch?time\\_continue=4457&v=Di6zh9VQOKU&feature=emb\\_title](https://www.youtube.com/watch?time_continue=4457&v=Di6zh9VQOKU&feature=emb_title) (accessed February 20, 2022).

<sup>187</sup> Ibid.

<sup>188</sup> John Santelli et al., “Abstinence-Only-Until-Marriage: An Updated Review of US Policies and Programs and Their Impact,” *Journal of Adolescent Health*, vol. 61 (2017), pp. 273–308, <https://pubmed.ncbi.nlm.nih.gov/28842065/>; Kristen Underhill, et al., “Sexual Abstinence Only Programmes to Prevent HIV Infection in High Income Countries: Systematic Review,” *British Medical Journal*, vol. 335 (2007), <http://bmj.com/cgi/content/full/335/7613/248> (accessed May 5, 2022).

<sup>189</sup> UNESCO, International Technical Guidance on Sexuality education: An Evidence-Informed Approach,” p. 29.

Andressa Pellanda, coordinator-general of the Brazilian Campaign for the Right to Education (Campanha Nacional pelo Direito à Educação), said Alves' work and her public messaging reinforced anti-gender developments advanced by the Ministry of Education:

Although the Ministry of Education has played an important and structural role in the anti-gender agenda in education, the symbolic force of Damares as a pillar of this ultra-conservative and anti-secular agenda of the State is very relevant in the analysis of this government and reverberates in education.<sup>190</sup>

Denise Carreira, coordinator of Educational Action (Ação Educativa), described to Human Rights Watch Alves' approach to issues affecting women and LGBT people as follows:

The [former] minister assumes a discourse of protection against violence, but totally disconnected from the full recognition and promotion of the rights of these populations.<sup>191</sup>

A source at a state department of education in Brazil said that, ultimately, rhetoric around “indoctrination” in the public debate at the national level from the Bolsonaro administration reaches schools at the local level via media and creates doubts and problems that might not exist in reality.

An official from the Santa Catarina Department of Education told Human Rights Watch that in recent years there has been increased discussion on “gender ideology” in the state, fueled by certain lawmakers and social media, with some parents complaining about teachers' discussions of gender and sexuality to the department.<sup>192</sup>

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<sup>190</sup> Human Rights Watch email communication with Andressa Pellanda, August 3, 2021.

<sup>191</sup> Human Rights Watch email communication with Denise Carreira, August 9, 2021.

<sup>192</sup> Human Rights Watch video interview with Fernanda Forster, Human Rights and Diversity Coordinator at the Santa Catarina Department of Education, February 21, 2022.

## V. Impact on Teachers: Case Studies from Six States

The bills and laws banning gender and sexuality education, combined with political rhetoric discrediting it at the highest levels of government, have practical consequences.

Human Rights Watch interviewed 32 public school teachers in 8 states to better understand the impact of the political climate and slew of legislation on their ability to do their job without interference. Virtually all expressed fear or caution about addressing gender and sexuality education material in class due to the legal and political context in Brazil.

Twenty of the teachers said they suffered harassment for addressing gender and sexuality between 2016 and 2020, including from elected officials and members of their community on social media and in person, and some were summoned to provide statements to the police, prosecutors' office, or departments of education. Even though none were ultimately disciplined, the processes themselves took a personal toll, including on their mental health. Some left their jobs because they felt harassed.

This section presents eight in-depth case studies of harassment. The case studies are not meant to be representative samples given the size of Brazil, but rather illustrate the chilling impact on teachers on the frontlines of these attacks in their communities of the documented bills, laws, and rhetoric that aim to discredit comprehensive sexuality education at the national level. The cases are prefaced with a background section regarding gender and sexuality education in the states where they occurred.

### São Paulo

#### State Background

Human Rights Watch reviewed 35 legislative attempts at the state and municipal level in São Paulo state between 2014 and 2019 to ban gender and sexuality education. Two state-level bills were pending in March 2022, both of which aim to ban “indoctrination.”<sup>193</sup> Referencing

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<sup>193</sup> Bill 960/2014; Bill 1301/2015, Legislative Assembly of the State of São Paulo, <https://www.al.sp.gov.br/propositura/?id=1278983> (accessed October 1, 2021).

“gender ideology,” one of the bills states that teachers shall not “compromise” students’ “biological gender identity.”<sup>194</sup>

In 2020, a bill was introduced in the state legislature that aimed to ban “advertising, through any communication means and media, of material that contains allusion to sexual preferences and movements on sexual diversity related to children in the State.”<sup>195</sup> Since the bill did not define “communication means,” the bill could have impacted teaching materials on gender and sexuality education. In April 2021, progressive legislators amended the bill to ban “allusions to drugs, sex and explicit violence related to children,”<sup>196</sup> noting that the original bill “associates LGBTI+ people with ‘harmful practices’ and ‘inappropriate influence.’”<sup>197</sup> The amendment was approved and the bill was pending in March 2022.

In 2019, the governor of São Paulo state, João Doria, ordered the retraction of learning materials for eighth grade students, generally around 13 to 14 years old, which explained the concepts of biological sex, gender identity, and sexual orientation and addressed pregnancy and sexually transmitted infections (STIs).<sup>198</sup> Labelling the material as an “unacceptable error,” the governor said that his government “neither agrees with nor accepts incitement of gender ideology.”<sup>199</sup> In an August 2021 interview, Governor Doria said that he had “no regrets” about this decision.<sup>200</sup>

### *Case Study: Virginia Ferreira, English teacher, municipal intermediate school, Vinhedo*

#### **Gender Education**

In March 2019, Ferreira organized a project to commemorate International Women’s Day with her eighth-grade class in Vinhedo, São Paulo state. The project focused on research

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<sup>194</sup> Bill 1301/2015, art. 2.

<sup>195</sup> Bill 504/2020, Legislative Assembly of the State of São Paulo, <https://www.al.sp.gov.br/propositura/?id=1000331594> (accessed October 1, 2021).

<sup>196</sup> Amendment No. 2 to Bill 504/2020, Legislative Assembly of the State of São Paulo [https://www.al.sp.gov.br/spl/2021/04/Acessorio/1000367139\\_1000432084\\_Acessorio.doc](https://www.al.sp.gov.br/spl/2021/04/Acessorio/1000367139_1000432084_Acessorio.doc) (accessed October 1, 2021).

<sup>197</sup> Ibid.

<sup>198</sup> “Doria Orders the Retraction of Science Booklet that Talks About Sexual Diversity: ‘We Do Not Accept Apology for Gender Ideology,’” *G1 SP* (Grupo Globo), September 3, 2019, <https://g1.globo.com/sp/sao-paulo/noticia/2019/09/03/doria-manda-recolher-livros-de-ciencia-que-fala-sobre-diversidade-sexual-nao-aceitamos-apologia-a-ideologia-de-genero.ghtml> (accessed October 1, 2021).

<sup>199</sup> João Doria’s Twitter page, September 3, 2019, <https://twitter.com/jdoriajr/status/1168866707349364736?s=20> (accessed October 1, 2021).

<sup>200</sup> “Doria Says He Does Not Regret Retracting a Book on Gender Identity,” *Uníversonline*, August 23, 2021, <https://educacao.uol.com.br/noticias/2021/08/23/doria-diz-que-nao-se-arrepende-de-recolher-livro-sobre-identidade-de-genero.htm> (accessed October 1, 2021).

on patriarchy, the origins of feminism, and racism, in a Brazilian context. As part of the language dimension of the project, she had her students research English vocabulary related to gender and used excerpts from English-language books.<sup>201</sup>

### **Accusations and Threats**

That month, a right-wing group, Movimento Brasil Livre, published a series of posts on its Facebook account accusing Ferreira of “indoctrination.”<sup>202</sup> Some of the posts contained audio of Ferreira speaking, which a student recorded secretly in the classroom. In one post, São Paulo city councilor Fernando Holiday described Ferreira’s work as a “tragic example of teachers indoctrinating students in the classroom” and “political proselytizing.” The posts called for the passage of a bill seeking to ban “indoctrination,” which was then pending in the Vinhedo City Council.<sup>203</sup>

Ferreira told Human Rights Watch that the posts elicited threatening comments that aimed to discredit her:

Some of the threats made were about punishing me to make an example. Here, I understood the threats to be about having me fired. In one of the posts there was a comment that I deserved a punch in the face. I saw a lot of psychological and moral violence, trying to discredit my work.<sup>204</sup>

Ferreira informed the municipal Department of Education of the hostile posts and messages, asking them to make public statements in support of lessons addressing women’s rights, but they did not do so.<sup>205</sup>

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<sup>201</sup> Human Rights Watch video interview with Virginia Ferreira, October 1, 2020.

<sup>202</sup> Free Brazil Movement’s Facebook page, “Fernando Holiday Talks About the Indoctrination Case that Took Place in Vinhedo,” March 15, 2019, <https://www.facebook.com/watch/?ref=external&v=272261120387561> (accessed October 1, 2021); Free Brazil Movement’s Facebook page, March 13, 2019, <https://www.facebook.com/MBLvinhedo/photos/a.728799823820142/2388287824537992/?type=3&theater> (accessed October 1, 2021); Free Brazil Movement’s Facebook page, “Audio Catches Indoctrination by an English Teacher from the Vinhedo Public School Network,” March 14, 2019, <https://www.facebook.com/watch/?v=597854580686503> (accessed October 1, 2021).

<sup>203</sup> Bill 71/2017, Vinhedo City Council, <https://consulta.siscam.com.br/camaravinhedo/Documentos/Documento/85675> (accessed October 1, 2021).

<sup>204</sup> Human Rights Watch follow-up communication with Virginia Ferreira, December 16, 2020.

<sup>205</sup> Ibid.

## Disciplinary Proceedings

According to the case file (on file with Human Rights Watch), the parent of the student who had recorded Ferreira in the classroom lodged a complaint against Ferreira at the Municipal Ombudsperson's Office (Ouvidoria Geral do Município). The complaint accused Ferreira of addressing "political and ideological issues with no connection with the [educational] plan."

After a preliminary investigation, the municipality opened a disciplinary-administrative case in May 2019, which could have led to Ferreira's firing. Documents from the case file show that the Department of Education recommended that disciplinary proceedings be opened, arguing that there may have been "losses to students' learning" by Ferreira "deviating from the program of the discipline and year." A lawyer for the city recommended closing the case, finding the preliminary investigation "totally deficient" given the lack of any evidence of "indoctrination."

In July 2019, Ferreira was asked to present a defense before the Commission for Disciplinary Proceeding. She described the process as intimidating. Ferreira was notified that the case was closed in February 2020, having found "no irregularity" in her actions.<sup>206</sup>

## Mental Health Impact

As a result of the attacks on her character and the proceedings, Ferreira suffered anxiety, became afraid to walk the streets of Vinhedo, and sought therapy. She told Human Rights Watch:

I kept going to school, but with insecurity. I felt I was at risk of being fired. I love what I do, working with students sustained me, but psychologically I had problems [...] anxiety, uncertainty, a sense of being persecuted. I was fearful of walking in the streets here. Vinhedo is a small town and I've been living here over 30 years so people know me.<sup>207</sup>

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<sup>206</sup> Felipe Betim, "English Teacher Suffers Disciplinary Process for Talking About Feminism in the Birthplace of Brazil Free Movement," *El País*, February 18, 2020, <https://brasil.elpais.com/brasil/2020-02-17/professora-de-ingles-sofre-processo-disciplinar-por-falar-sobre-feminismo-em-cidade-berco-do-mbl.html> (accessed October 1, 2021).

<sup>207</sup> Human Rights Watch video interview with Virginia Ferreira, October 1, 2020.

## Rio de Janeiro

### State Background

Human Rights Watch reviewed 15 bills proposed at the state and municipal level in Rio de Janeiro state between 2014 and 2018 to ban gender and sexuality education. One state-level bill, pending in October 2021, forbids “education professionals, within the public or private educational institutions of the State of Rio de Janeiro, from preaching gender ideology, sexual orientation and the like.”<sup>208</sup>

In the capital of the state, Rio de Janeiro city, as of May 2022, there were three pending municipal bills, which aim to ban “indoctrination,”<sup>209</sup> information on “sexual orientation and gender ideology,”<sup>210</sup> and “information about sexual diversity.”<sup>211</sup>

Attempts to censor material on gender and sexuality have gone beyond the classroom. In 2019, then-mayor of Rio de Janeiro, Marcello Crivella, ordered inspectors to confiscate “inappropriate” material related to homosexuality at the Rio de Janeiro Book Biennale after he saw, during his visit, a graphic novel that depicted two men kissing. The mayor argued that the government needed to “protect our children” from “early access to subjects that are not according to their age.”<sup>212</sup> A Rio de Janeiro judge issued an injunction preventing the city from seizing books and revoking the event’s permit, which Crivella also threatened to do.

Human Rights Watch submitted an information request to the Department of Education of the state of Rio de Janeiro about proceedings against teachers based on keywords (an imperfect proxy to gauge the content of the complaints as the files are confidential). Between 2015 and 2020, the State of Rio de Janeiro had 50 disciplinary-administrative proceedings in which complainants alleged “indoctrination” (5); “teacher-activist” (2); “cultural Marxism” (1);

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<sup>208</sup> Bill 1615/2016, Legislative Assembly of the State of Rio de Janeiro, <http://alerjln1.alerj.rj.gov.br/scpro1519.nsf/c9e0ca33ab2b2e8783257dd50061d17e/78ca3ffe81657e0983257f7foo4d09d8?OpenDocument> (accessed October 10, 2021).

<sup>209</sup> Bill 867/2014, Rio de Janeiro City Council, <http://mail.camara.rj.gov.br/APL/Legislativos/scpro1316.nsf/f6d54a9bf09ac233032579de006bfef6/5573ae961660b4cd83257cebo06bc7d4?OpenDocument> (accessed October 10, 2021).

<sup>210</sup> Bill 1818/2016, Rio de Janeiro City Council, <http://mail.camara.rj.gov.br/APL/Legislativos/scpro1316.nsf/ocfaa89fb497093603257735005eb2bc/1c6cf56ed1b6f49783257f8700696b9d?OpenDocument> (accessed October 10, 2021).

<sup>211</sup> Bill 1082/2011, Rio de Janeiro City Council, <http://mail.camara.rj.gov.br/APL/Legislativos/scpro0711.nsf/18c1dd68f96be3e7832566ec0018d833/6c6d179bf13ca763832578e900474607?OpenDocument> (accessed October 10, 2021).

<sup>212</sup> Beatriz Jucá, “Judge Disallows Homophobic Censorship of Crivella at the Book Biennial in Rio,” *El País*, September 7, 2019, [https://brasil.elpais.com/brasil/2019/09/06/politica/1567794692\\_253126.html](https://brasil.elpais.com/brasil/2019/09/06/politica/1567794692_253126.html) (accessed October 1, 2021).

“wrongdoing” and “gender” (2); “wrongdoing” and “sexuality” (38); or “wrongdoing” and “LGBT” (2).

Of these cases, forty-six were still pending at time of writing. One “cultural Marxism” case was shelved, two cases of “wrongdoing” and “sexuality” resulted in suspension, and one case of “wrongdoing” and “LGBT” resulted in a warning. In addition, between 2019 and 2020, the Department of Education’s Ombudsperson received three complaints of “gender ideology” and five complaints of “indoctrination.” None of these resulted in disciplinary measures.

*Case Study: Alan Rodrigues, pedagogy teacher, state vocational public high school, Rio de Janeiro*

**Gender Education**

Alan Rodrigues, who teaches pedagogy at a vocational high school, told Human Rights Watch he has frequently discussed subjects like gender, gender-based violence, sexuality, and race in his classroom:

Students want it and need it. The school also has a large population of girls that have relationships with girls, high number of lesbian relationships. There’s also a high rate of suicides, and many girls who have suffered sexual violence. One year, it was reported that 30 men raped a young woman in a part of Rio.<sup>213</sup> All the women in my school talked about this incident in the classroom. I talked to them about this case. The topic of gender-based violence cannot be omitted.<sup>214</sup>

**Accusations and Threats**

In 2014, Rodrigues organized a campaign with his students to address sexual violence, which he said 8 out of 40 students in his class had experienced per their own account. He was threatened and physically intimidated because of this campaign:

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<sup>213</sup> “Victim of Gang Rape in Rio Says She Woke Up Doped and Naked,” *G1 Rio* (Grupo Globo), May 26, 2016, <http://g1.globo.com/rio-de-janeiro/noticia/2016/05/vitima-de-estupro-coletivo-no-rio-conta-que-acordou-dopada-e-nua.html> (accessed October 31, 2021).

<sup>214</sup> Human Rights Watch video interview with Alan Rodrigues (pseudonym), September 17, 2020.



A man approached me on the street and said that he was the father of one of my students. He put his hand on my chest and said, ‘You have to stop talking bullshit in the classroom. My daughter does not need to learn gender ideology.’ He also told me he was a member of a paramilitary group, that he was armed, and that he would shoot me.<sup>215</sup>

In 2017, Rodrigues received an email from a self-declared “Communist Teachers Hunting Command,” a reference to a violent paramilitary group in Brazil during the military dictatorship of the 1960s. The e-mail said, “This is your first and last warning. Stop with your sick indoctrination or we will have to take measures. We know where you live, we know who your family is. We will not hesitate to use force if necessary!”<sup>216</sup> Rodrigues did not file a police report about the 2014 and 2017 incidents because he said he did not take the threats too seriously at first. Rodrigues said, however, that he believes that threats against teachers in the community increased after 2017 with the increased visibility of extreme right-wing politicians.

Rodrigues received threats again in February 2020 due to his discussion of social issues with his students. One of the emails said “Stop the indoctrination of students! We let it slide in 2019! Teachers like you should die! We are watching! You will get only one warning!”<sup>217</sup> Copies of two of the email threats are on file with Human Rights Watch. According to Rodrigues, in other messages he received via email and WhatsApp, “They [said they] knew my address, my national identification card number, my telephone number.”<sup>218</sup>

Rodrigues said that he told the school’s principal about this case, who encouraged him to file a case with the police. Rodrigues filed a report with the unit for virtual crimes at the Civil Police Station for the Repression of Computer Crimes in Rio de Janeiro in March 2020. He said the police did a preliminary investigation, but closed it one month after his filing. Rodrigues said two officers told him they did not have the resources to investigate further.

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<sup>215</sup> Ibid.

<sup>216</sup> A copy of the e-mail is on file with Human Rights Watch.

<sup>217</sup> The email communication is on file with Human Rights Watch.

<sup>218</sup> Human Rights Watch video interview with Alan Rodrigues (pseudonym), September 17, 2020.

*Case Study: Clara Santos, science teacher, municipal elementary school, Rio de Janeiro*

### **Gender Education**

Clara Santos told Human Rights Watch that in 2018 she collaborated with a geography teacher to plan a week of activities to “discuss issues such as gender roles, feminism, gender-based violence, women’s history, and the history of Black women through workshops, debates, film screenings.”<sup>219</sup>

### **Resistance**

Santos and her colleague did not have strong support from the school administration, nor from other teachers. Santos recounted that some teachers warned her not to address sexuality and called the two teachers “indoctrinators” and “ideological.”<sup>220</sup>

Santos and her colleague eventually obtained authorization to organize the event, but the administration limited the activities to students between 11 and 16 years old and prohibited them from discussing certain subjects seen as highly controversial, such as abortion, sexual orientation, and gender identity.<sup>221</sup>

“Before this incident, I had never been censored at the school,” Santos told Human Rights Watch. “So much about politics in school changed in 2018 after the election of President Bolsonaro, like what you could say.”<sup>222</sup>

As a result of the project, Santos and the school principal had a falling out. Santos explained that this led to the principal seeking to end her contract and speaking in negative terms about her to other schools. Ultimately, Santos had to leave the school when her contract ended and return to the school where she previously taught.<sup>223</sup>

Santos told Human Rights Watch:

I was very impacted psychologically by everything that occurred. I began therapy. Part of it was that I was a young teacher, entering school with

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<sup>219</sup> Human Rights Watch video interview with Clara Santos (pseudonym), September 25, 2020.

<sup>220</sup> Ibid.

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

<sup>223</sup> Ibid.

ideas and projects. I was harassed by older teachers. I lost the battle; I felt no support.<sup>224</sup>

## Paraná

### State Background

Human Rights Watch reviewed 27 legislative attempts at the state and municipal level in Paraná to ban gender and sexuality education, presented between 2014 and 2018. At least three cities in Paraná currently have such laws on the books: Arapongas,<sup>225</sup> Rolândia,<sup>226</sup> and Cambira. A bill pending in the state’s capital, Curitiba, aims to ban “indoctrination” and information about sexual orientation and “gender ideology.”<sup>227</sup> Another bill in Ponta Grossa, introduced in June 2021 but later withdrawn, would have banned “gender ideology” in schools.<sup>228</sup>

Four of the eight anti-gender laws that the Supreme Court has struck down have been from municipalities in Paraná: Foz do Iguaçu, Cascavel, Paranaguá, and Londrina.

An official from the state Department of Education told Human Rights Watch that they have not received any evidence of “indoctrination” occurring in the state. The department’s position is of inclusion with respect to gender and diversity, which is reflected in the curricula issued to teachers, though the latter have discretion with respect to how they implement those curricula

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<sup>224</sup> Ibid.

<sup>225</sup> Law 4.609 of November 8, 2017, Arapongas City Council, <https://leismunicipais.com.br/a/pr/a/arapongas/lei-ordinaria/2017/461/4609/lei-ordinaria-n-4609-2017-dispoe-no-ambito-do-sistema-municipal-de-ensino-o-programa-escola-sem-partido-e-da-outras-providencias?q=Programa%20Escola%20Sem%20Partido> (accessed February 1, 2022); Law 4.622 of December 1, 2017, Arapongas City Council, <https://leismunicipais.com.br/a/pr/a/arapongas/lei-ordinaria/2017/463/4622/lei-ordinaria-n-4622-2017-proibe-a-distribuicao-exposicao-e-divulgacao-de-material-didatico-contendo-manifestacao-da-ideologia-e-igualdade-de-genero-nos-locais-publicos-privados-de-acesso-ao-publico-e-de-entidades-de-ensino-no-municipio-de-arapongas?q=IDEOLOGIA+E+IGUALDADE+DE+G%C3%84NERO> (accessed February 1, 2022).

<sup>226</sup> Law 3.849 of December 27, 2017, Rolândia City Council, <https://leismunicipais.com.br/a1/pr/r/rolandia/lei-ordinaria/2017/385/3849/lei-ordinaria-n-3849-2017-proibe-as-escolas-publicas-municipais-e-particulares-de-adotarem-programas-que-impoem-a-ideologia-de-generos> (accessed February 1, 2022).

<sup>227</sup> Bill 275/2017, Curitiba City Council, [https://www.cmc.pr.gov.br/wspl/sistema/ProposicaoDetalhesForm.do?select\\_action=&ordena=005.00275.2017&pro\\_id=31317&popup=s&chamado\\_por\\_link&pesquisa=](https://www.cmc.pr.gov.br/wspl/sistema/ProposicaoDetalhesForm.do?select_action=&ordena=005.00275.2017&pro_id=31317&popup=s&chamado_por_link&pesquisa=) (accessed February 1, 2022).

<sup>228</sup> Bill 120/2021, Ponta Grossa City Council, <https://www.legislador.com.br//LegisladorWEB.ASP?WCI=ProjetoTexto&ID=9&inEspecie=1&nrProjeto=120&aaProjeto=2021&dsVerbete=ideologia+de+genero> (accessed February 1, 2022).

in the classroom. The department also has a center for the coordination of diversity and human rights.<sup>229</sup>

*Case Study: Anna Martins, school principal; Maria Silva, sociology teacher; Mario Sousa, art teacher; Juliana Carvalho, geography teacher. State public high school, Londrina*  
**Citizenship Education**

Anna Martins, Maria Silva, Mario Sousa, and Juliana Carvalho work at a high school in Londrina. In 2019, Filo,<sup>230</sup> the international theater festival, approached the school about presenting a piece, “Quando Quebra Queima,” on its premises. The piece, created by São Paulo students and listed on the festival page with an age rating of 10 years old,<sup>231</sup> is about the school occupations that occurred across Brazil in 2016, including in the high school, in response to the federal government’s austerity measures at that time.<sup>232</sup> Martins said:

We wanted to show it because at the school we recognize the right to freedom of expression, to strike, to occupy spaces.<sup>233</sup>

Carvalho recounted:

The piece was also about prejudices, about bullying. After it was shown, students and teachers became emotional. This is why we wanted to show it.<sup>234</sup>

The play was shown on November 1, 2019. Teachers told Human Rights Watch that the last scene of the play includes a joyous moment during which many actors begin to kiss and there is at least one kiss between actors of the same sex.

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<sup>229</sup> Human Rights Watch video interview with Leandro Beguoci, communications officer at the Paraná Department of Education, February 3, 2022.

<sup>230</sup> International Festival of Londrina, homepage, undated, <https://filo.art.br/> (accessed October 1, 2021).

<sup>231</sup> International Festival of Londrina, “Quando Quebra Queima,” undated, <https://filo.art.br/espetaculos/quando-quebra-queima/> (accessed October 1, 2021).

<sup>232</sup> Peter Prengaman, Sarah Dilozenzo, “Brazilian Students Occupy High Schools Nationwide to Protest Budget Cuts,” *Independent*, November 25, 2016, <https://www.independent.co.uk/news/world/americas/brazil-students-occupy-protest-high-schools-budget-cuts-austerity-policies-president-michel-temer-a7438431.html> (accessed October 1, 2021).

<sup>233</sup> Human Rights Watch interview with Anna Martins (pseudonym), June 3, 2020.

<sup>234</sup> Human Rights Watch interview with Juliana Carvalho (pseudonym), June 15, 2020.

## Accusations and Threats

One parent learned about the play after the fact from her daughter, a student who was required to attend as part of her class. This parent posted a video of herself on Facebook alleging that the school had coerced the students into watching a play that encouraged students to rebel against the school, condoned violence, and incentivized homosexuality.<sup>235</sup> In the video, which contained no clips of the play, the parent denounces the “manipulation” and “indoctrination” of students.

According to Martins, the student’s parent went on radio programs to criticize the teachers and to call for a protest. “Many people came, and even the television news,” she said.<sup>236</sup> Silva said the parent’s campaign against the school also led to threatening phone calls to the school, and that “people would come by the school screaming threats.”<sup>237</sup>

## Involvement of Politicians

Federal deputy Filipe Barros issued his own video on November 5.<sup>238</sup> He called out two of the teachers and denounced “indoctrination,” the “gay kiss,” and incitement to violence. He threatened to make complaints to the Ministry of Education, the Ministry of Family, the Londrina Regional Nucleus of Education, and the Public Prosecutor’s Office. According to Barros, the play violated the Child and Adolescent Statute (ECA), a comprehensive law that protects the human rights of children and adolescents in Brazil.

On November 6, in a video Barros posted on his Facebook page, Barros personally delivered a complaint to Damares Alves, former minister of women, family and human rights, who also appeared in the video. Barros called the incident “criminal” and “abject” and accused the school of trying to “prematurely eroticize” students.<sup>239</sup> In the video, the minister “received” the complaint.

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<sup>235</sup> “Mother Revolts at the Exhibition of a Theatrical Play at a School in Londrina,” *24 Horas*, November 5, 2019, <https://24h.com.br/politica/mae-se-revolta-com-exibicao-de-peca-teatral-em-colegio-de-londrina/> (accessed October 1, 2021).

<sup>236</sup> Human Rights Watch interview with Anna Martins (pseudonym), June 3, 2020.

<sup>237</sup> Human Rights Watch interview with Maria Silva (pseudonym), June 15, 2020.

<sup>238</sup> Filipe Barros’ Facebook page, November 5, 2019, <https://www.facebook.com/watch/?v=2550139415077513> (accessed October 1, 2021).

<sup>239</sup> Filipe Barros’ Facebook page, November 6, 2019, <https://www.facebook.com/watch/?v=2386758891565019> (accessed October 1, 2021).

## Complaints

The state Department of Education in Londrina received a complaint about the incident, leading it to send investigators from its legal division in Curitiba, the capital.<sup>240</sup> According to Carvalho, investigators interviewed everyone, including the parent and daughter who initiated the complaint, as well as the four educators whom Human Rights Watch interviewed.<sup>241</sup> On December 10, 2019, the Department of Education officially shelved the investigation.<sup>242</sup>

## State Public Prosecutor's Office

On February 7, 2020, the Paraná Public Prosecutor's Office in Londrina published an administrative recommendation in response to media reports about the incident.<sup>243</sup> The recommendation called on educational institutions to cease “applying any arbitrary sanctions” on teachers and ensure there is no “moral harassment [of them]” on the grounds that it violates “the freedom to learn, teach, research and disseminate openness, art and knowledge and the pluralism of ideas and pedagogical concepts.”

## Mental Health Impact

Martins, Silva, Sousa, and Carvalho all told Human Rights Watch that they were scared to leave their homes in the aftermath of the intimidation, including due to death threats that they were receiving on social media.<sup>244</sup> Sousa said:

People knew about what happened and people on the street would heckle me. One day I was waiting around the school and people from a car began to curse at me. I experienced panic when I was outside. It was total fear about going out.<sup>245</sup>

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<sup>240</sup> Isabela Fleischmann, “After Criticism of FILO’s Play, Demonstration Defends Hugo Simas,” *Folha de Londrina*, November 12, 2019, <https://www.folhadelondrina.com.br/geral/depois-de-criticas-a-peca-do-filo-manifestacao-defende-hugo-simas-2973043e.html> (accessed October 1, 2021).

<sup>241</sup> Human Rights Watch phone interview with Juliana Carvalho (pseudonym), June 15, 2020.

<sup>242</sup> Report on file with Human Rights Watch.

<sup>243</sup> Paraná Public Prosecutor's Office, 24th District Attorney of Londrina, Administrative Recommendation, No. 001/2020, on file with Human Rights Watch.

<sup>244</sup> Human Rights Watch phone interview with Anna Martins (pseudonym), June 3, 2020; Human Rights Watch phone interview with Maria Silva (pseudonym), June 15, 2020; Human Rights Watch phone interview with Juliana Carvalho (pseudonym), June 15, 2020.

<sup>245</sup> Human Rights Watch video interview with Mario Sousa (pseudonym), June 15, 2020.

## Chilling Effect on Gender and Sexuality Education

Sousa said after the incident he was scared to discuss issues in the classroom that might be seen as controversial:

The climate was horrible in the classroom, there was so much tension. I was scared of being filmed. In fact, one day I found that one student was filming me in the classroom. Previously, I would speak about questions of sexuality and gender when I taught about Brazilian art, also about slavery and racism, but now I don't have the courage to do so.<sup>246</sup>

Silva explained to Human Rights Watch:

Before this incident, we would watch films and have debates and discussions in the classroom. But I became scared, this was their goal. It impacted me a lot. I don't have the same willingness anymore. I am very careful now. I don't know if I've been recorded in the classroom, but it is something we're scared of since [a politician] is encouraging students to record their teachers.<sup>247</sup>

### *Case Study: Grasiela P., public elementary school, Cascavel*

#### Sexual and Reproductive Health Education

In September 2018, Grasiela P. was teaching a fifth-grade class, with students between the ages of 11 and 13. Grasiela P. told Human Rights Watch this particular class was older and more mature than the average fifth grade class and that students had asked Grasiela P. about reproductive issues.<sup>248</sup>

Grasiela P. acquired teaching materials for this subject from the Specialized Center for Parasitological Infections (Centro Especializado de Doenças Infecto Parasitárias, CEDIP), which provides materials for educators. She then undertook to address the human body, sexual reproduction, pregnancy, and STIs, using the materials she acquired, including condoms

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<sup>246</sup> Ibid.

<sup>247</sup> Human Rights Watch phone interview with Maria Silva (pseudonym), June 15, 2020; "PSL Deputy Asks Students to Record Videos to Report Teachers," *Univêso Online*, October 29, 2018, <https://tribunapr.uol.com.br/noticias/brasil/deputada-do-psl-pede-que-alunos-gravem-videos-para-denunciar-professores/> (accessed October 1, 2021).

<sup>248</sup> Human Rights Watch video interview with Grasiela P., December 21, 2020.

and models of reproductive organs. She took pictures of the students in the class to share on Facebook with parents, who had authorized this method of communication with them.

### Threats and Accusations

Grasiela P. said pictures of her classroom were spread on social and traditional media,<sup>249</sup> triggering disinformation about her pedagogical approach:

It was 30 days of a snowball effect. I was undermined in the media, people saying that I was teaching children to have sex. I was harassed on social media with a bomb of hateful discourse. A person said that they would kill me.<sup>250</sup>

The issue reached the mayor of Grasiela P.'s city, who suspended her for 30 days without pay without clarifying the facts with Grasiela P.

The municipal Department of Education opened administrative-disciplinary proceedings against Grasiela P. in October 2018 for teaching contraceptive methods “in disaccord” with the city’s curriculum, which permits that teaching on this subject be limited to “basic information”; the resolution alleges, among other things, that she provided “in depth” information. It also alleged that she violated the Statute of the Child and Adolescent, which prohibits children from being “object of any form of negligence, discrimination, exploitation, violence, cruelty, and oppression” because she photographed the students in a “humiliating situation.”<sup>251</sup> The education department closed the investigation in January 2020, finding no wrongdoing.

The civil police also summoned Grasiela P. to a police station to take her statement, apparently in response to a police complaint. The preliminary police investigation was closed in January 2019, her lawyer said.

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<sup>249</sup> “Teacher is Removed After Publishing Photos of Children in Sex Education Class in Cascavel,” *G1* (Grupo Globo), October 30, 2018, <https://g1.globo.com/pr/oeste-sudoeste/noticia/2018/10/30/professora-e-afastada-apos-publicar-fotos-de-criancas-em-aula-de-educacao-sexual-em-cascavel.ghtml> (accessed October 1, 2021); “Addressing Sexual Content to 5th Grade Students Was Exaggerated, Says Psychology Educator,” *G1* (Grupo Globo), October 31, 2018, <https://g1.globo.com/pr/oeste-sudoeste/noticia/2018/10/31/abordagem-de-conteudo-sexual-a-alunos-do-5o-ano-foi-exagerada-diz-psicopedagoga.ghtml> (accessed October 1, 2021).

<sup>250</sup> Human Rights Watch video interview with Grasiela P., December 21, 2020.

<sup>251</sup> Documents from the case file on file with Human Rights Watch.



## Chilling Effect on Sexuality Education

Grasiela P. said she was “enraged” by the proceedings against her. She described their impact on the willingness of other teachers to address similar issues, pointing out that in Cascavel, which has a high rate of STIs, sexuality education is particularly important:

Our school lacks a lot of understanding on human sexuality, it lacks courage to speak on this. People are scared to talk about it because they think they will be persecuted like I was.<sup>252</sup>

## Alagoas

### State Context

The state legislature of Alagoas passed a law in 2016 that purported to curb “ideological indoctrination” by prohibiting teachers from “tak[ing] advantage of the inexperience, lack of knowledge, or immaturity of students to co-opt them into any type of specific view of religion, ideology or party politics.”

In August 2020, the Supreme Court struck down the law. The ruling, penned by Justice Luís Roberto Barroso and endorsed by all but one justice, upheld tolerance and pluralism of thought. The decision found that such laws could have a “chilling effect” for teachers and lead them “to stop dealing with relevant topics [...] which, in turn, would suppress debate and discourage students from addressing such issues, comprising the freedom to learn and the development of critical thinking.”

### *Case Study: Antonio Lima, physical education teacher, public high school*

#### Gender and Sexuality Education

In 2017, Antonio Lima organized a series of events in support of sexual and gender diversity at his high school in Alagoas. The goal of the project, which was created with students and approved by the school council, was to “understand the diversity of concepts in the field of sex, gender identity, and sexual orientation” and to “sensitize the school community to curb prejudice and discrimination towards diverse manifestations of human

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<sup>252</sup> Human Rights Watch video interview with Grasiela P., December 21, 2020.

sexuality, gender identity and sexual orientation.”<sup>253</sup> Activities that Lima and the students undertook to explore and learn about the issues included film screenings, a photography exhibition, a round table discussion, and workshops.

### **Accusations and Threats**

Lima said that the problems began after a media outlet accused him of encouraging students “to dress as transsexuals.” This led to at least 79 posts and messages on social media that sought to intimidate and harass him, including through incitement to physical violence. The comments included statements like “you have to put a bullet in these disgraceful acts,” “if that shameless faggot were my grandson’s teacher, he’d take a beating with a whip to urinate blood,” and “put an end to these faggots...beat with a stick the teachers who foment this aberration.” Another message said Lima should be raped and stabbed to death.<sup>254</sup> Lima told Human Rights Watch he was “very scared” because of the posts and messages.

Lima went to a police precinct specialized in cybercrimes in the state capital to lodge a complaint. He was referred to the precinct in his city, where he registered a police report regarding death threats. After Lima filed the complaint, police did not contact him again.

### **Fear of Proceedings**

After media outlets criticized the project, at least five Alagoas state lawmakers lambasted the project and called for proceedings against those responsible for it, including creating a Parliamentary Commission of Inquiry to investigate and involving the Public Prosecutor’s Office so that any wrongdoing “is punished according to the law.”<sup>255</sup>

In September 2017, the State Public Prosecutor’s Office summoned Lima and asked him to explain the project. Lima described the process:

I don’t know if there was a complaint against me. The officials did not explain the context. It was scary. To be summoned is not simple. There’s a

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<sup>253</sup> Report and photographs by the teacher to the Alagoas Department of Education on the project, September 2017, on file with Human Rights Watch.

<sup>254</sup> The messages are on file with Human Rights Watch.

<sup>255</sup> Sources withheld to protect the identity of the teacher.

possibility that you may be prosecuted, punished. I had already been scared because of the threats and attacks I had been receiving.<sup>256</sup>

Prosecutors did not contact him again. The incident took a toll on Lima's professional and personal life. He described feeling "shame, guilt even though I didn't do anything wrong." Soon after, he decided to leave teaching, and took on a new administrative job in a different town. He said:

I don't return [to the town]. I just went there to vote, but I never returned again. I became very scared. Even when I need to go there for my [current] work, I don't go, I assign someone else to go.<sup>257</sup>

## Santa Catarina

### State Background

Legislators have introduced at least 14 bills at the state and municipal level in Santa Catarina state to ban gender and sexuality education between 2014 and 2019. One pending state-level bill prohibits "indoctrination."<sup>258</sup> At the municipal level, a law still in force as of February 2022, states that "the government will not interfere in the students' sexual maturation process, nor will it allow any form of dogmatism or proselytism in the approach to gender issues."<sup>259</sup>

In August 2019, the governor of Santa Catarina said that he would not allow the inclusion of language in the Basic Curriculum for Early Childhood and Elementary Education that would have supported education related to "gender relations and sexual diversity," generally, as well as information regarding gender identity in the eighth grade (in this grade, students are usually 13-14 years old).<sup>260</sup> In a video made for social media, the governor, standing alongside the state Secretary of Education, associated such learning material with "gender ideology."<sup>261</sup> The

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<sup>256</sup> Human Rights Watch video interview with Antonio Lima (pseudonym), November 6, 2020.

<sup>257</sup> Ibid.

<sup>258</sup> Bill 0290.3/2017, Legislative Assembly of the State of Santa Catarina, <http://www.alesc.sc.gov.br/legislativo/tramitacao-de-materia/PL/0290.3/2017> (accessed February 1, 2022).

<sup>259</sup> Ordinary Law No. 7159/2017, Criciúma City Council, <https://www.camaracriciuma.sc.gov.br/documento/lei-ordinaria-no-7159-2017-28935> (accessed February 1, 2022).

<sup>260</sup> "We Will Not Allow Addressing It", Says Carlos Moisés About Gender Identity in SC Education Curricula," *G1 SC* (Grupo Globo), August 29, 2019, <https://g1.globo.com/sc/santa-catarina/noticia/2019/08/29/nao-permitiremos-a-abordagem-diz-carlos-moises-sobre-identidade-de-genero-em-curriculos-da-educacao-de-sc.ghtml> (accessed October 10, 2021).

<sup>261</sup> Carlos Moisés' Twitter page, August 28, 2019, <https://twitter.com/carlosmoises/status/1166841729166823425?lang=en> (accessed October 10, 2021).

final version of the curriculum does include broad language that would support gender and sexuality education, particularly in the sciences curriculum for the eighth grade, but the specific language above was excised.<sup>262</sup>

Shortly after President Bolsonaro was elected in 2018, one of the most outspoken opponents of the concepts of gender and gender identity, state deputy Ana Campagnolo, called on students to report their teachers for indoctrination, including through submitting videos, through an informal channel on social media.<sup>263</sup> The federal Attorney General's Office, an independent body, requested an injunction to prevent the deputy from maintaining such a channel. In 2019, the Supreme Court issued the injunction, highlighting the freedom of thought in academic environments.<sup>264</sup>

An official from the state Department of Education told Human Rights Watch that in recent years there has been an increased discussion of “gender ideology” in the state, which has been fueled by certain lawmakers and social media. Some parents have complained to the department about “indoctrination” with “gender ideology.” The department welcomes parents’ engagement in students’ education, though the official also said that the curricula issued by Santa Catarina state are guided by diversity, including with respect to gender and sexuality, so any complaints about teaching material are analyzed in relation to the documents that guide education. The official also said that teachers have autonomy as to how they implement the curricula.<sup>265</sup>

### *Case Study: Robson Fernandes, history teacher, public high school*

#### **Gender and Sexuality Education**

Between 2015 and 2016, Robson Fernandes worked with colleagues to implement a project in his school that aimed to decrease discrimination, including based on sexual orientation and gender identity, through activities including “awareness and sensitization

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<sup>262</sup> Santa Catarina Department of Education, “Curricular Base for Early Childhood and Elementary Education in Santa Catarina,” 2019, <http://uaw.com.br/admin/portifolio/arq/35.pdf> (accessed October 10, 2021).

<sup>263</sup> Julia Lindner, “Bolsonaro-allied Deputy Creates Anonymous Channel for Complaints Against Teachers,” *Estadão*, October 29, 2018, <https://politica.estadao.com.br/noticias/geral,deputada-aliada-do-bolsonaro-cria-canal-anonimo-de-denuncia-contra-professores-universitarios,70002571720> (accessed October 10, 2021).

<sup>264</sup> “Supreme Court Justice Overturns Decision That Allowed Deputy to Encourage Complaints Against Teachers,” *Folha de São Paulo*, February 8, 2019, <https://www1.folha.uol.com.br/educacao/2019/02/ministro-do-stf-derruba-decisao-que-permitia-que-deputada-estimule-denuncias-contra-professores.shtml> (accessed October 10, 2021).

<sup>265</sup> Human Rights Watch video interview with Fernanda Forster, Human Rights and Diversity Coordinator at the Santa Catarina Department of Education, February 21, 2022.

workshops.”<sup>266</sup> Fernandes received a human rights award from the federal government in 2015 for the project’s contribution to “building a culture of peace in society.”<sup>267</sup>

Fernandes told Human Rights Watch that he regularly covers topics of gender and sexuality in his history classes, including the international human rights context and his own experience with discrimination as a gay man.

### Accusations and Threats

As a result of media attention around the project he led in 2015-2016, Fernandes experienced homophobic harassment on social media, including threats of physical violence. He also told Human Rights Watch that his car was scratched and his tires were punctured on at least five separate occasions. As a result of what he described as “the persecution, the aggression, the hate,” Fernandes’s mental health suffered and he left his job in 2016.<sup>268</sup>

In March 2020, at a different school, Fernandes faced further problems with a student’s father:

[He] did not want his son [of around 18 years old] to learn about gender and sexuality. The father pulled me out of class and was verbally aggressive, saying homophobic things, questioning my sexuality. We went to principal’s office, where we heard the father for two hours. The principal was trying to calm him. He pointed his finger at me, trying to intimidate me. I felt that if I stood up, he [the father] would hit me.

I went to the police station to file a police report. I have still not heard from the police about my complaint and I haven’t followed up because the

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<sup>266</sup> Janine Gomes da Silva, Robson Ferreira Fernandes, “Teaching History and the Project ‘Gender and Diversity at School’: Posters as Sources for Subjectivities,” *Frontiers: History Magazine*, vol. 22, no. 39 (2020), pp. 86-106, <https://www.redalyc.org/jatsRepo/5882/588263833012/html/index.html> (accessed October 10, 2021).

<sup>267</sup> “Initiative Awards People Who Stood Out in Fighting Human Rights Violations,” YouTube, December 12, 2015, [https://www.youtube.com/watch?v=-J\\_otuVv8po&t=157s](https://www.youtube.com/watch?v=-J_otuVv8po&t=157s) (accessed October 10, 2021); “Meet the Winners of the 21st Edition of the Human Rights Award,” Brazilian Ministry of Women, Family, and Human Rights news release, December 3, 2015, <https://www.gov.br/mdh/pt-br/sdh/noticias/2015/dezembro/conheca-os-vencedores-da-21a-edicao-do-premio-direitos-humanos> (accessed October 10, 2021).

<sup>268</sup> Human Rights Watch video interview with Robson Fernandes, October 1, 2020.

student is no longer a student. Though I am scared that another parent might attack me for talking about gender and sexuality.<sup>269</sup>

## Paraíba

### State Background

There have been at least 10 legislative attempts at the state and municipal levels in Paraíba to ban gender and sexuality education between 2015 and 2017. At the state-level, one bill that aimed to institute the “School Without Party Program” and ban “indoctrination” was shelved in 2019.<sup>270</sup> In the state’s capital, João Pessoa, three municipal bills were shelved, or passed and vetoed. In 2020, the mayor vetoed a bill that prohibited “gender ideology and distribution of teaching material with inappropriate content for school children and adolescents”<sup>271</sup> on the grounds that federal education law trumps state legislation and that education on gender and sexuality is protected by the principles of equality and non-discrimination.<sup>272</sup>

At least three laws banning “gender ideology” were passed and are still in force at the municipal level in Paraíba in the cities of Patos,<sup>273</sup> Santa Rita,<sup>274</sup> and Sousa.<sup>275</sup> The city of Campina Grande also passed a law in 2020 banning “gender ideology,” but a Paraíba court struck it down in April 2021.<sup>276</sup>

Human Rights Watch submitted information requests to various state Departments of Education in Brazil, asking for reviews of disciplinary proceedings using certain keywords (an imperfect proxy to gauge the content of the complaints as the files are confidential). Between

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<sup>269</sup> Human Rights Watch video interview with Robson Fernandes, December 22, 2020. Follow-up on February 20, 2022.

<sup>270</sup> Bill 267/2015, Legislative Assembly of Paraíba, [http://sapl.al.pb.leg.br/sapl/consultas/materia/materia\\_mostrar\\_proc?cod\\_materia=44734](http://sapl.al.pb.leg.br/sapl/consultas/materia/materia_mostrar_proc?cod_materia=44734) (accessed October 10, 2021).

<sup>271</sup> Bill 1/2017, João Pessoa City Council, [https://sapl.joaopessoa.pb.leg.br/media/sapl/public/materialegislativa/2017/69590/69590\\_texto\\_integral.odt](https://sapl.joaopessoa.pb.leg.br/media/sapl/public/materialegislativa/2017/69590/69590_texto_integral.odt) (accessed October 10, 2021).

<sup>272</sup> Veto 319/2020, João Pessoa City Hall, [https://sapl.joaopessoa.pb.leg.br/media/sapl/public/materialegislativa/2020/101838/veto\\_319-2020.pdf](https://sapl.joaopessoa.pb.leg.br/media/sapl/public/materialegislativa/2020/101838/veto_319-2020.pdf) (accessed October 10, 2021).

<sup>273</sup> Law 4.939/2018, Patos City Council, [http://camarapatos.pb.gov.br/files/2018/2018\\_05\\_16\\_10\\_46\\_06.pdf](http://camarapatos.pb.gov.br/files/2018/2018_05_16_10_46_06.pdf) (accessed October 10, 2021).

<sup>274</sup> Municipal Law No. 1.869/2018, Santa Rita City Hall, <https://www.santarita.pb.gov.br/procuradoria/lei-municipal-n-1-869-2018/> (accessed October 10, 2021).

<sup>275</sup> Ordinary Law No. 2.734/2017, Sousa City Council, [https://www.camarasousa.pb.gov.br/arquivos/709/\\_0000001.pdf](https://www.camarasousa.pb.gov.br/arquivos/709/_0000001.pdf) (accessed October 10, 2021).

<sup>276</sup> “Plenary of Court of Paraíba Rules Unconstitutional Law That Prohibits ‘Gender Ideology’ in Schools in Campina Grande,” Court of Paraíba news release, March 3, 2021, <https://www.tjpb.jus.br/noticia/pleno-do-tjpb-julga-inconstitucional-lei-que-proibe-ideologia-de-genero-em-escolas-de> (accessed October 10, 2021).

2017 and 2020, the state of Paraíba initiated 43 disciplinary-administrative proceedings where complainants alleged either “irregularity – sexuality” or “brainwashing”; 19 cases were ultimately dismissed, while others resulted in a warning (10), suspension (7), forwarding to the Public Prosecutor’s Office (1), removal from duty (2), termination or extinction of contract (4), and/or firing (2).

### *Case Study: Renan Costa, history teacher, high school, João Pessoa*

#### **Gender and Sexuality Education**

In August 2019, Renan Costa assigned a project in which his high school students, in groups of three, had to choose a social movement in Brazil and analyze it in depth. They had to explain what the movement fought for and why they chose it. Students chose movements representing a range of political viewpoints, he said:

Examples of movements chosen include the LGBT movement, the Black movement, Movimento Brasil Livre, Indigenous movement, global warming, movements for and against abortion, legalization of marijuana. There was great diversity in the type of movements that were chosen. Students created posters and these were displayed in the school. There were more than 100 posters. It led to very rich debate.<sup>277</sup>

#### **Accusations and Threats**

After the posters were displayed, a state lawmaker published photos of the posters on social media and wrote that the school had been overtaken by “anarchy” and that “education in [Paraíba] has really turned into a case for the police.”<sup>278</sup> Costa told Human Rights Watch that the lawmaker chose to post pictures of posters related to progressive movements—feminism, LGBT rights, abortion, and “Lula Livre”—which did not reflect the totality of the student submissions.<sup>279</sup>

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<sup>277</sup> Human Rights Watch phone interview with Renan Costa, July 24, 2020.

<sup>278</sup> Wallber Virgulino’s Instagram page, August 29, 2019, [https://www.instagram.com/p/B1woOyahC9g/?utm\\_medium=copy\\_link](https://www.instagram.com/p/B1woOyahC9g/?utm_medium=copy_link) (accessed October 10, 2021); “Walber Virgulino Attacks Work Done by Students at School and Teacher Complains About Censorship,” *Parlamento PB*, August 30, 2019, <https://parlamentopb.com.br/walber-virgulino-ataca-trabalho-feito-por-alunos-em-escola-e-professor-se-queixa-de-censura/> (accessed October 10, 2021).

<sup>279</sup> Human Rights Watch phone interview with Renan Costa, July 24, 2020.

The lawmaker's post triggered further public backlash against the project on social media. The principal asked Costa to write up an explanation of the project, which was published on the school's social media channels. Various comments on Instagram accused the teachers or the school of "indoctrinating" students.<sup>280</sup> Costa recalled, "There was a queue of parents asking for my firing."<sup>281</sup>

Costa said that the principal accused him of being too political and moved him from teaching high school students to teaching elementary-age students in the same mixed-level school, which he saw as a demotion. He was also assigned fewer work shifts, resulting in a pay reduction.

The incident took a psychological toll, Costa said. He took two weeks' medical leave due to resulting depression, saw a neurologist, and was prescribed medication. "It was a debilitating period," he summarized.

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<sup>280</sup> School's Instagram page, August 24, 2019, [https://www.instagram.com/p/B1jq7LwnOcV/?utm\\_medium=copy\\_link](https://www.instagram.com/p/B1jq7LwnOcV/?utm_medium=copy_link) (accessed October 10, 2021).

<sup>281</sup> Human Rights Watch phone interview with Renan Costa, July 24, 2020.



## VI. Brazil's International Obligations to Uphold Gender and Sexuality Education

Brazil is party to multiple treaties that require the state to respect, protect, and fulfill the right to gender and sexuality education. These agreements include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>282</sup> They also include regional Inter-American agreements, such as the American Convention on Human Rights (ACHR), the Protocol of San Salvador, and the Convention of Belém do Pará.<sup>283</sup>

### Right to Education

The right to education is affirmed in the ICESCR, the CRC, and the Protocol of San Salvador,<sup>284</sup> as well as in Brazil's Constitution. Article 205 of the constitution establishes that education “shall be promoted and encouraged with societal collaboration, seeking the full development of the individual, preparation for the exercise of citizenship and qualification for work.”<sup>285</sup>

As UN experts and treaty bodies such as the Committee on the Rights of the Child have recognized, the right to education encompasses the right to comprehensive sexuality

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<sup>282</sup> ICCPR; ICESCR; CRC; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, 1979 G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981 (ratified by Brazil on February 1, 1984).

<sup>283</sup> American Convention on Human Rights (“Pact of San José, Costa Rica”), adopted November 22, 1969, O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123, entered into force July 18, 1978, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 (1992) (acceded to by Brazil on September 25, 1992); Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (“Protocol of San Salvador”), O.A.S. Treaty Series No. 69 (1988), signed November 17, 1988 (acceded to by Brazil on August 21, 1992); Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belém do Pará Convention), adopted June 9, 1994, OAS/ser.L/II.2.27, CIM/doc.33/94, entered into force March 5, 1995 (ratified by Brazil on November 27, 1995).

<sup>284</sup> ICESCR, art. 13; CRC, art. 28; Protocol of San Salvador, art. 13.

<sup>285</sup> Constitution of the Federative Republic of Brazil (1988), art. 205,

[http://www.planalto.gov.br/ccivil\\_03/constituicao/constituicao.htm](http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm) (accessed April 26, 2021)

education (CSE).<sup>286</sup> The UN special rapporteur on the right to education described sexual education as “both a human right in itself and an indispensable means of realizing other human rights, such as the right to health, the right to information and sexual and reproductive rights.”<sup>287</sup>

The special rapporteur has also noted that CSE “must be free of prejudices and stereotypes that could be used to justify discrimination and violence against any group,” and “must pay special attention to diversity, since everyone has the right to deal with his or her own sexuality without being discriminated against on grounds of sexual orientation or gender identity.”<sup>288</sup>

Where curricula do not meet international human rights standards, the Committee on the Rights of the Child has said that the right to education may require “the fundamental reworking of curricula to include the various aims of education and the systematic revision of textbooks and other teaching materials and technologies, as well as school policies.”<sup>289</sup>

The state also infringes on the right to education when it fails to adopt effective measures to prevent bullying, isolation, or discrimination resulting in persistent stress or mental health issues that make it difficult for students, including girls and LGBT youth, to remain in school and focus on learning. The Committee on the Rights of the Child has identified steps that governments should take to protect children from bullying, harassment, and other forms of violence. These include challenging discriminatory attitudes that allow intolerance and violence to flourish<sup>290</sup> and disseminating information about child protection through public campaigns and school education.<sup>291</sup>

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<sup>286</sup> Committee on the Rights of the Child, General Comment No. 15 (2013) on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health,” U.N. Doc. CRC/GC/15 (2013), para. 60, <https://www.refworld.org/docid/51ef9e134.html> (accessed July 12, 2021).

<sup>287</sup> UN Human Rights Council, Report of the United Nations Special Rapporteur on the Right to Education, Vernor Muñoz, U.N. Doc. A/65/162, July 23, 2010, <https://undocs.org/A/65/162> (accessed July 13, 2021), para. 19.

<sup>288</sup> *Ibid.*, paras. 63, 23.

<sup>289</sup> Committee on the Rights of the Child, General Comment No. 1, The Aims of Education, U.N. Doc. CRC/GC/2001/1 (2001), para. 18, <https://www.refworld.org/docid/4538834d2.html> (accessed October 12, 2021).

<sup>290</sup> Committee on the Rights of the Child, General Comment No. 13, The Right of the Child to Freedom from All Forms of Violence, U.N. Doc. CRC/C/GC/13 (2011), para. 47(a)(i), [https://www2.ohchr.org/english/bodies/crc/docs/crc.c.gc.13\\_en.pdf](https://www2.ohchr.org/english/bodies/crc/docs/crc.c.gc.13_en.pdf) (accessed October 12, 2021).

<sup>291</sup> *Ibid.*, para. 47(a)(ii).

The American Convention on Human Rights, the Protocol of San Salvador, and the Convention of Belém do Pará include provisions that support the provision of information in schools to prevent sexual violence and discrimination, including gender and sexuality education.<sup>292</sup> In June 2020, in the case of *Paola Guzmán Albarracín v. Ecuador*, the Inter-American Court of Human Rights stated that children have a right to an educational environment that is safe and free from sexual violence and recognized the right to comprehensive sexuality education.<sup>293</sup> The Inter-American Commission on Human Rights has called for states to follow the necessary protocols to ensure access to information and integral education, so that the right to health and sexual health may be realized.<sup>294</sup>

## Right to Access Information

International law and the Brazilian Constitution recognize the right to access information.<sup>295</sup> Article 5 of the Brazilian Constitution stipulates that “access to information is assured to everyone [...] all persons have the right to receive from public agencies information in their private interest or of collective or general [interest.]”<sup>296</sup> The CRC reaffirms that children enjoy the freedom to seek and receive information, as part of the right to freedom of expression,<sup>297</sup> which can only be restricted when necessary to preserve the rights of others or the protection of national security, public order, public health, or morals.<sup>298</sup>

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<sup>292</sup> American Convention on Human Rights, arts. 1, 13 19, 24; Protocol of San Salvador, arts. 3, 10, 13, 15; Convention of Belém do Pará, arts. 4, 6, 7, 8. See also Human Rights Watch, *Amicus Curiae in the case of Guzmán Albarracín y otros vs. Ecuador*, July 15, 2020.

<sup>293</sup> *Albarracín y otras vs. Ecuador*, Inter-Am Ct.H.R., Judgment of June 24, 2020, Series C, No. 405, paras. 118, 139 [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_405\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_405_esp.pdf) (accessed September 10, 2020).

<sup>294</sup> “IACHR Urges All States to Adopt Comprehensive, Immediate Measures to Respect and Protect Women’s Sexual and Reproductive Rights,” Inter-American Commission on Human Rights news release, October 23, 2107, [https://www.oas.org/en/iachr/media\\_center/PReleases/2017/165.asp](https://www.oas.org/en/iachr/media_center/PReleases/2017/165.asp) (accessed October 1, 2021).

<sup>295</sup> ICCPR, art. 19(2). ACHR, art. 13(1).

<sup>296</sup> Constitution of the Federative Republic of Brazil (1988), art. 5 (XIV, XXXIII).

<sup>297</sup> CRC, art. 13(1). See also ICCPR, art. 19.

<sup>298</sup> CRC, art. 13(2).

Multiple bodies have highlighted the state’s obligation to provide full and accurate information necessary for the protection and promotion of the right to health, including in particular sexual and reproductive health.<sup>299</sup>

States deny access to information when they categorically withhold age-appropriate and science-based information about gender and sexuality from students, including information that is relevant to students’ sexual and reproductive health. They also limit access to information when they prohibit teachers and other school personnel from offering guidance and learning materials on these questions. The CRC has identified lack of “access to sexual and reproductive health services and information” as a particular issue for “[a]dolescents who are lesbian, gay, bisexual, transgender and intersex.”<sup>300</sup>

## Right to Health

The ICESCR recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”<sup>301</sup> The CRC explicitly provides that children are entitled to this right, and obligates governments to “ensure that all segments of society, in particular parents and children, are informed [and] have access to education,” and “develop preventive health care, guidance for parents and family planning education and services.”<sup>302</sup> Brazil’s Constitution also affirms the right to health, pledging that it “is the right of all and the duty of the National Government and shall be guaranteed by social and economic policies.”<sup>303</sup>

States fail to live up to their obligations to protect the right to health when age-appropriate information that promotes health is unduly withheld from students. The Committee on the

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<sup>299</sup> See ICESCR, art. 2(2); Committee on Economic, Social and Cultural Rights, General Comment No. 14 (2000) on the right to the highest attainable standard of health, U.N. Doc. E/C.12/2000/4 (2000), <https://undocs.org/Home/Mobile?FinalSymbol=E%2FC.12%2F2000%2F4&Language=E&DeviceType=Desktop&LangRequested=False> (accessed March 29, 2022), paras. 11, 14, 21, 23, 34, 36; Committee on Economic, Social and Cultural Rights, General Comment No. 22 (2016) on the right to sexual and reproductive health, U.N. Doc. E/C.12/GC/22 (2016), [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGC%2F22&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGC%2F22&Lang=en) (accessed March 29, 2022), paras 41-44; and Inter-American Commission on Human Rights, *Access to Information on Reproductive Health from a Human Rights Perspective*, 2011, <http://www.cidh.oas.org/pdf%20files/womenaccessinformationreproductivehealth.pdf> (accessed April 28, 2022).

<sup>300</sup> Committee on the Rights of the Child, General Comment No. 20 (2016) on the Implementation of the Rights of the Child During Adolescence, U.N. Doc. CRC/C/GC/20 (2016), para. 33, <https://undocs.org/en/CRC/C/GC/20> (accessed July 12, 2021).

<sup>301</sup> ICESCR, art. 12; Protocol of San Salvador, art. 10.

<sup>302</sup> CRC, art. 24(1), (2)(e)-(f).

<sup>303</sup> Constitution of the Federative Republic of Brazil (1988), art. 196.

Rights of the Child has said that “[a]ge-appropriate, comprehensive and inclusive sexual and reproductive health education, based on scientific evidence and human rights standards and developed with adolescents, should be part of the mandatory school curriculum and reach out-of-school adolescents.”<sup>304</sup> The committee has also said that governments must “refrain from censoring, withholding, or intentionally misrepresenting health-related information, including sexual education and information, and [...] ensure children have the ability to acquire the knowledge and skills to protect themselves and others as they begin to express their sexuality.”<sup>305</sup>

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<sup>304</sup> Committee on the Rights of the Child, General Comment No. 20 (2016) on the Implementation of the Rights of the Child During Adolescence, U.N. Doc. CRC/C/GC/20 (2016), para. 61, <https://www.refworld.org/docid/589dad3d4.html> (accessed October 10, 2021).

<sup>305</sup> Committee on the Rights of the Child, General Comment No. 3 (2003), HIV/AIDS and the Rights of the Child, U.N. Doc. CRC/GC/2003/1 (2003), para. 16, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsiQql8gX5ZxhocQqSRzx6ZeEf9bA8YygWAWHjeBgKhconjrTtlx2oRETRkrClfoqEtVIKxay%2fFwzytKp1XPhB%2f6joKO6UvePMIHldiwQtwk> (accessed October 10, 2021).

## **Recommendations**

### **To Federal, State, and Municipal Legislatures**

- Repeal or withdraw any laws or pending bills that aim to ban “gender ideology,” censor the terms “gender” or “sexual orientation,” or otherwise infringe upon the right of students to comprehensive sexuality education (CSE) per Supreme Court rulings in ADPF 457, ADPF 526, ADPF 467, ADPF 460, ADPF 600, ADPF 465, ADPF 461, and ADI 5537, and international human rights law.

### **To Lawmakers and all Public Officials**

- Refrain from making public statements that equate education related to gender and sexuality, or the teaching of CSE, with “premature eroticization,” “gender ideology,” or “indoctrination” of students.
- Desist from intimidating, threatening, harassing, or mobilizing against individual teachers on social media platforms for addressing CSE in the classroom.

### **To the Ministry of Education**

- Promote age-appropriate CSE as defined by the United Nations and in accordance with existing law and policy, Supreme Court rulings, and human rights law. Policies should explicitly address safe and informed practices when it comes to sexual development, relationships, and safer sex; increase awareness to prevent intolerance, gender-based violence, gender inequality, sexually transmitted infections, and unintended pregnancies; and affirm sexual and gender diversity. Those policies should be developed in consultation with education experts and young people.

### **To the Ministry of Women, Family, and Human Rights**

- Ensure that any campaigns or policies related to the prevention of early pregnancy are firmly in line with international standards on CSE. Promote scientifically accurate, evidence-based, and non-stigmatizing information.

- Excise “gender ideology” as a basis for reporting human rights violations from the protocols of the Dial 100 reporting hotline, including in the Human Rights Taxonomy Manual which informs the complaint categories in Disque 100.

## **To the National Council of Education**

- Issue a resolution establishing that sexuality education in Brazil needs to be in line with international standards on CSE as defined by the United Nations agencies and expert human rights bodies and in accordance with existing education law and guidelines, Supreme Court rulings, and international human rights law. The resolution should state that state and municipal departments of education should support teachers’ ability to address such learning material freely and safely and should be drafted in consultation with students, teachers, and other education experts.

## **To the National Council of Public Prosecutors’ Offices**

- Issue a resolution establishing that Public Prosecutors’ Offices should abstain from investigating cases that do not constitute crimes under Brazilian law, including spurious allegations of “indoctrination,” promotion of “gender ideology,” or discussion of gender, gender identity, or sexual orientation in schools.
- Recommend that Public Prosecutors’ Offices issue administrative recommendations consistent with the Brazilian law and Supreme Court rulings calling on educational institutions to respect the freedom of teachers to teach, learn, and disseminate information related to CSE, as well as the obligation to teach CSE under international human rights law. They should clarify that teaching or disseminating such material is not a crime under Brazilian law.

## **To State and Municipal Departments of Education**

- Ensure that education curricula are in line with international standards on CSE as defined by the United Nations agencies and expert human rights bodies, as well as with existing federal education law and guidelines, Supreme Court rulings, and international human rights law.
- Where existing curricula address elements of CSE superficially, clarify that such provisions include a duty to teach age-appropriate and science-based material

about safe and informed practices when it comes to sexual development, relationships, and safer sex; intolerance, gender-based violence, gender inequality, STIs, and unintended pregnancies; and acceptance related to sexual and gender diversity.

- Ensure that school administrators, teachers, and other school staff understand and feel supported in teaching and holding activities aimed to expand knowledge on CSE based on Brazilian and international human rights law.
- Develop trainings and guidance for department staff, school administrators, teachers, and other school staff that address how to adequately manage, contain, and deescalate complaints to the departments of education or to the schools against teachers based on unfounded or spurious allegations related to CSE.
- Compile and evaluate data on complaints related to the teaching of CSE, including spurious allegations of “indoctrination,” promotion of “gender ideology,” or discussion of gender, gender identity, or sexual orientation in schools. Such data should include the number of complaints filed, the accusations made, the subject the teacher was teaching, the age of the students, and other contextual information about the incident.
- Use this data to better understand how departments of education and schools should communicate with school communities on children and adolescent’s rights to CSE.
- Where the departments of education receive official complaints related to CSE based on unfounded or spurious allegations and these lead to the opening of administrative or disciplinary proceedings against teachers, ensure that department officials process such cases in an expedited manner to avoid the emotional, psychological, and professional repercussions that these proceedings have on teachers who have committed no wrongdoing.

## **To State Prosecutors’ Offices**

- Abstain from investigating cases that do not constitute crimes under Brazilian law, including spurious allegations of “indoctrination,” promotion of “gender ideology,” or discussion of gender, gender identity, or sexual orientation in schools.
- Issue administrative recommendations consistent with Brazilian law and Supreme Court rulings calling on departments of education and schools to respect the freedom of teachers to teach, learn, and disseminate information related to CSE



and the obligation to teach CSE under international human rights law. They should clarify that teaching or disseminating such material is not a crime under Brazilian law.

- Compile and evaluate data on complaints to the Prosecutors' Offices and to civil police departments related to the teaching of CSE, including spurious allegations of "indoctrination," promotion of "gender ideology," or discussion of gender, gender identity, or sexual orientation in schools. Such data should include the number of complaints filed, the accusations made, the subject the teacher was teaching, the age of the students, and other contextual information about the incident, and should be made available to the departments of education in a manner that respects individual's privacy.

## **To State Civil Police Departments**

- Abstain from investigating cases that do not constitute crimes under Brazilian law, including spurious allegations of "indoctrination," promotion of "gender ideology," or discussion of gender, gender identity, or sexual orientation in schools.
- Issue trainings and guidance for police registering complaints that makes it clear that teaching CSE does not constitute a crime under Brazilian law and instruct them not to open investigations based on unfounded or spurious allegations related to CSE.
- Share with the state prosecutors' offices complaints related to teaching of CSE to better understand the extent of attacks on this type of education, including spurious allegations of "indoctrination," promotion of "gender ideology," or discussion of gender, gender identity, or sexual orientation in schools.

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# MINISTÉRIO DA EDUCAÇÃO

## “I Became Scared, This Was Their Goal”

### Efforts to Ban Gender and Sexuality Education in Brazil

Since around 2014, lawmakers at the federal, state, and municipal levels in Brazil have introduced over 200 legislative proposals prohibiting gender and sexuality education in schools under the guise of protecting children and adolescents from “gender ideology” and “indoctrination.” These proposals and their rationale have been the subject of intense political and social debate in Brazil.

“*I Became Scared, This Was Their Goal*” analyzes these bills and laws, as well as the administration of President Jair Bolsonaro’s full political embrace of them. The report is based on 56 interviews with education experts and public school teachers, all of whom voiced apprehension about addressing gender and sexuality in the classroom due to political efforts to discredit such material. Some have been harassed by elected officials and community members for doing so, and have even had administrative proceedings opened against them.

The Supreme Court has served as an important check on such legislative proposals, even as the Bolsonaro administration has increasingly attacked the court, with the apparent aim of intimidating it, and threatened and insulted its justices. In 2020, the Supreme Court issued landmark rulings striking down eight of these laws on the grounds they violated the rights to equality, non-discrimination, and education.

Nevertheless, Human Rights Watch has confirmed that at least 20 laws directly or indirectly banning gender and sexuality education remain in force in Brazil. Related bills are also pending in the federal, state, and municipal legislatures, some of which continue to propose such bills.

Human Rights Watch calls on Brazilian authorities to take immediate steps to uphold the right to comprehensive sexuality education by adhering to existing Brazilian law, Supreme Court rulings, and international human rights law and ceasing to politicize gender and sexuality education as a wedge issue to consolidate support and attack political opponents.

*(above) A man walks near the Ministry of the Education building in Brasília, Brazil, March 23, 2022.*

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*(front cover) A teacher speaks to students during a lesson at a public school in São Paulo, Brazil on October 18, 2021.*

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