

The impact of "gender identity" politics on the rights of women and girls in Brazil

1. A brief History of "gender identity" politics in Brazil

The year of 1979 can be considered the first landmark of "gender identity" politics in Brazil. In the same year that Janice Raymond published "The transsexual empire", a Brazilian surgeon, Roberto Farina, was declared not guilty of physically injuring a male patient (1). Brazilian Justice accepted the claim that it is not a crime to damage human bodies if there is a medical diagnosis of what was called at the time "transsexualism" or "gender identity disorder". Men who received this diagnosis were called "transsexual men" and only decades after Farina's judgement, Brazil would hear about women that also undergo these procedures. The rest of the public were not even aware of the word "transsexual" and used to see these patients as just "travestis" (transvestites), "effeminate" gay men and or men with a mental illness. Patients with diagnosis and body modifications based on "gender identity" started to change their documents by individual judicial actions, although it wasn't very clear how far these legal fictions would get (2).

At the time it didn't seem like a problem: the number of patients with this diagnosis was small, the "treatment" might have been seen as a last resource and it wasn't offered by the Brazilian public health system. Authorities, academics, activists, lawyers and others, as far as we are aware, did not raise red flags about the consequences of "sex changes". Brazilian people, like people in other developing countries, struggle to survive and fight daily against hunger, poverty, absence of housing, healthcare, formal education and low incomes. Even women's organizations might think that, at the time, Brazilian women had more urgent needs like shelters, fighting against domestic violence and reproductive rights. There was not a public discussion about how considering men women for the purposes of changing documents would impact the rights of women and girls, and the population was not informed about the issue. Last year, WDI Brasil found out that post-operated men have the right to be housed in female prisons in Brazil at least in one state, São Paulo, since 2014 (3). This information and others are part of the requirement we registered in 2021, to keep prisons single-sex in Brazil (4).

The year of 2013 might be considered a second landmark for "gender identity" politics in Brazil. The 21th century would put Brazilian women and girls in way darker place in terms of sex-based rights. Not only that, boys and teens also suffer with the "gender affirmative model" being imported from other countries. In this year, congressman Jean Wyllys (from PSOL party, now in PT party) and congresswoman Érika Kokay (PT party) proposed a "gender identity" bill, "Projeto de Lei João Nery" (5). The bill, never voted on by the Brazilian Congress, was very similar to other "gender identity" bills proposed around the world, indicating the action of an international lobby. It had no safeguarding or mention of sex-based rights and was named after a "trans man" that passed away in 2018. In a few words, it demanded that anyone should be treated according to his or her "gender identity", that Brazil should offer the body modifications requested by each individual and, of course, it explicitly included children. Thus, it aimed to extend to anyone the rights assured since the seventies to medical patients with diagnoses based on "gender" - it was a "self id" bill.

Although never voted, the “João Nery” bill would be heavily defended in the following years by “trans rights” and “LGBTQIAP” activists and their supporters, inside and outside political parties. The bill was defended together with the “Gabriela Leite” bill, that was proposed by the same two members of parliament. The “Gabriela Leite” bill, which has the name of a prostituted woman that also passed away, aimed to decriminalize pimping in Brazil (prostitution itself it is not a crime here, but being a pimp still is even if prosecutions are rare). Activists from PT and PSOL remember that Jean Wyllys and Érika Kokay did not consult or discuss these two bills even among affiliates. Men that claim to have “gender identities”, some of them also being pimp lobbyists, silenced the dissent about the topic of prostitution. This suggests that, although 2013 was the year of the proposition of the “Gender Identity” Bill “João Nery”, the “gender identity” lobby was working long before “under the radar” - to use the expression used by “LGBTQ” activists themselves in the manual created by Denton’s office bureau and “LGBT” activists in 2019 (6).

People in general and Left-wing activists in particular were taught that they should think, speak and act as if women and men were defined not by biological sex but their “gender identities” and any kind of discussion was shut under accusations of “transphobia”. Thus, in practical ways, these policies were imposed in many places without the knowledge of the Brazilian population and with no discussion about the impact on our women and girls.

Universities, schools, social movements and professional boards started to erase sex-segregated spaces as toilets, use words as “cisgender” and “transgender” and in less than 10 years, we became a country in which women and men are chased and even prosecuted by stating the reality of what we are. Plus, in the same year of 2013, doctors authorized themselves to change bodies of minors based on “gender identity” diagnoses through the “Parecer n. 8/2013”, from Brazilian professional board of physicians Conselho Federal de Medicina (7).

At the end, the “gender identity” politics, in the extreme way that was proposed by the “João Nery” bill, were put in practice even without any approval from the parliament. The fact that Jean Wyllys is a gay man and “LGBT” activist and Érika Kokay calls herself a feminist made many believe that the right to “gender identity” would be as defensible as the right of sexual orientation and the rights of women and girls in general. There was a lack of public challenge by their parties and social movements in general and Brazilian media pushed transgenderism and the acronym “LGBT”. The constant mimetizing of other movements and the rewriting of history facilitated by the internet, besides other factors, was enough to convince some well-intentioned people and public agencies. The Internet was and still is key to “gender identity” politics here, since Brazilian people are heavy users of social media and companies such as Google, Facebook and Instagram tend to lead users to transgenderist materials and censor those who don’t believe in “gender identities” as a “violation of community standards”. “Trans-rights” activists and their allies taught Brazilian population in parties, in the media, universities, social movements and everywhere else that men who believe they are women should be promptly recognized as “transwomen”, women who believe they are men as “trans men” and that men and women should be “validated” in their other claims of “gender identities”, as “queer”, “non-binary”, “agender” etc. Public discussions about this impact are promptly shut or damaged by accusations of “transphobia”. Many

“trans-rights” activists and their allies have the habit of stalking the social media profiles of their dissenters and push for companies to fire them; they also threaten teachers, colleagues, therapists, doctors, researchers and everyone of suiting and blackmail them with fake statistics of violence (8) (9) and / or mentions of suicides (which in reality are higher after “transition” (10). “Trans-rights” activists were successful in appropriating the fight for the right of sex orientation, pass themselves as “the most oppressed minority of the world” and are in every party, including the groups supposed to be solely for women of these same parties, and got elected - as women - by several offices with many votes. Foundations such as Open Society Foundation finance and/or “help” in some way many NGO’s and activists, and many of them are afraid of losing money and damage their careers and organizations if they speak up. According to Brazilian magazine “Veja”, OSF “helped” Jean Wyllys, the author of the aforementioned “João Nery” bill, to start his research in Harvard (11).

Since “gender identity” politicians are still a minority in the Brazilian Federal Congress and the “Gender Identity ” bill was not even formally discussed, the “gender identity” lobby managed to use administrative norms and judicial actions. The Supreme court of Brazil (Supremo Tribunal Federal), accepted in 2018 the thesis presented in law actions ADI 4.275 and RE 670.422 that anyone has the right to change documents without the need of medical procedures, based solely on personal wishes (12). In 2019, STF also accepted the thesis presented in ADO 26 and MI 4.733, recognizing that, while Brazilian lawmakers haven’t criminalized discriminations based on sexual orientation and “gender identity”, these behaviours should receive the same punishment given to the crime of racism (13).

These two judicial decisions aren’t exactly clear, even for Brazilian jurists: did members of STF decide that human beings can change sex or did they decide that questioning this belief would be a crime? These victories strenghtened the ideia that “gender identity” legally substituted sex as the factor that differentiates men from women in Brazil for any purpose, and that any opposition to the erasure of sex would be a “gender identity” discrimination (“transphobia”).

Brazilian media is biased and even authorities are not informed of what is happening - for example, there is at least one biological male playing in a professional league (14) and many believe that this cannot be questioned because of IOC (International Olympic Committee) “rules”, but IOC’s “rules” are just recommendations, not laws. People who still based their definition of men and women in material reality are being prosecuted, harassed, threatened and fired, including by their own organizations, even when they do search for a solution to solve the clash of rights between women and girls and trans-identified people and even when they just critic some specific “trans-identified person” or some aspect of the “trans” narrative. This extends to healthcare providers that question some aspects of “gender identity” medicine such as its application on minors.

Any organization for females, from Facebook groups to pregnant women to #8M marches, from feminist collectives from lesbians spaces, might be asked, kindly or aggressively, to be “trans-inclusive”, which means include men that call themselves “trans woman” and even other “gender identities” as “travesti” (“transvestite”), “queer”, “non binary” and etc. Some female that call themselves “men” might also demand to be included considering they obviously share sex-based rights with other women. This pressure, and the international

fundings of foundations that push “gender identity” ideology, leads both these organizations and their supporters to alter the language they use and dehumanize females using expressions such as “people who menstruate” and “birthing people” (15). Many universities, schools, gyms and other spaces, voluntarily or pressed by activists, allow men to use female toilets and locker rooms based on their “right to a gender identity” and nowadays even bearded males that “identify as non-binary” demand to go to female facilities (16). Left-wing politicians proposed bills to erase single-sex facilities without discussing it with other affiliates to their party or their electoral base.

Many affiliated women ended up leaving the parties, collectives and other organizations they themselves created or helped grow. Trans-identified men occupy even groups inside the parties that are exclusive for women, besides “LGBTQIAP” groups; thus, affiliated women have not the right to a specific group anymore, while these men usually are at least in one of these two groups. The cases of misogyny inside left parties from both regular men and trans-identified men and the denial of the obvious clash of rights based in sex and “gender identity” originated a left collective called Esquerda sem Misoginia (“Left without misogyny”). Conservative and right-wing women also have to deal with “trans-rights” and “LGBTQIAP” activists since they are also part of these parties and they even occupying positions of power in the current conservative government (17).

Underdeveloped countries are particularly vulnerable to “gender identity” politics. Again, most of the population are forced to deal with very immediate problems, such as how to feed themselves and their children; even middle-class people might struggle to pay the bills. Although the population might see the unfairness of these policies, it is not easy for an average Brazilian woman to take time to understand and research, and to take action and start a grassroots movement with no public or private fundings and no support or few support of parties against a billionaire industry might sound impossible and idealistic to many. Plus, the daily threats to report “gender critical people” to the Police for “transphobia” might frighten some.

2. Examples of the damages from “gender identity” politics in Brazil to the rights of women and children

The list below has some concrete examples of the impact of “gender identity” politics in Brazil. Since many women and men are afraid to be harmed and keep their complaints private, some reports are not allowed to be brought to light.

2.1 About the rights of women and girls to prisons, bathrooms, and other sex-separated facilities

As we mentioned before, post-operated men were allowed to choose female prisons in Brazil, at least in the State of São Paulo. In 2018, at least one legal decision protected single-sex prisons, released by judge Leila Cury (18). Unfortunately, STF kept deciding in favor of trans-identified males (19) (20). The risks to inmates, their babies, guards and staff are obvious; self-identified men not only are not women but retain the same pattern violence of men who recognize the reality of his sex. One of them, “Susy”, was portrayed in a TV show from Globo channel (a media conglomerate in Brazil) having the presenter of the TV

show, local celebrity doctor Dráuzio Varella, present Susy as a victim. “Susy” raped and killed one of his neighbours, who was a 9-year-old boy. He threw his corpse on the street and told his parents he found the boy dead (21).

Regarding toilets, there is an action running in Supremo Tribunal Federal about the right of so-called “transsexuals” to use female’s toilets (22). And another one with a negative (against females) decision in the state of São Paulo (23). In 2021, a security guard in the state of Alagoas was criminally convicted of “discrimination in the basis of gender identity” to the same punishments of the crimes of racism (.24.) for doing his job, preventing males from entering the female toilet. Although these were decisions on individual cases, they are indeed a dangerous precedent and these politics are pushed at schools; in 2021, a video recorded at a school went viral: a male adolescent beats a young Black girl apparently in a fight about toilets and she screams he is not a woman (25). Mainstream media did not inform readers about it

In regard to other female facilities such as locker rooms, hospitals wings and shelters, we are not aware of specific judicial decisions or bills, but since “trans rights” activists push the narrative that males are “women” and that spaces should be segregated by “gender identity” and not sex, they are clearly at risk.

2.2) About the rights of women and girls to the practice of sports separated by sex

There is at least one biological male playing in the female team on the professional level, “Tiffany Abreu”. Brazilian teams and sport organizations claim they are following IOC’s rules, but these rules are not international laws and any country is sovereign to not obey them. The image of a male born child, whose female name is “Maria Joaquina”, that likes skating is also used by local activists.

2.3) About the rights of females to offer, perform and get services only by and for women

Services made by and for women and girls are threatened with lawsuits and “cancellation” when they do not include men. In one of the most famous cases, mirroring the “Yaniv affair” in Canada, a trans-identified politician of the State of Minas Gerais, “Duda” Salabert (PDT-MG) ended up pushing a beauty shop to agree on giving wax services for males (26). We believe that the same accusation of “transphobia” would be thrown at women that insist to be serviced or to service only women in other lines of work, such as gynecologists or nurses.

2.4) About the rights of women and girls to freedom of thinking, expression, associating, discussing and meeting only between themselves

Debate groups (both virtual and in real life), groups exclusively for females, mothers, lesbians, feminist and Black, indigenous or other ethnicity, feminist collectives, Marches and groups within political parties, any kind of organization for any purpose might be asked or even forced to accept trans-identified males. Trans-identified males, usually affiliated to so-called “progressive” political parties, imposed their presence even in the anual organization of Women's March. In 2018, during the organization to #8M (March 8,

International Day of Women) in Rio de Janeiro, a young lesbian was threatened by a transactivist of PSOL (that shouldn't even be there) simply for saying that there are differences between “trans lesbians” and lesbians (27).

Lesbians, for denying access of their bodies to men who claim they are “lesbian transwomen”, are particularly targeted. Residents in the state of São Paulo reported on the conduct of so-called “trans lesbian” Luiza Coppieters, who in 2016 was affiliated to PSOL (28) and 2018, where a strange video was released on the Facebook page of the XVI Walk of Lesbians and Bisexuals Women (29). In 2020, “trans-rights” activists demanded the boycott of Resiliência, a small mix of bar and meeting point in the suburb of Rio de Janeiro, owned by Black lesbian Gisela Carvalho (30).

Persecutions against women also take place also by political parties, including those that claim to support our rights. In 2016, trans-rights” activists and pimp lobby activists from PSOL demanded the expelling of Eloisa Samy, a lawyer, a lesbian and a famous advocate of Human Rights, for her “crimes” of alleged “misgendering” and “transphobia”(31). She was harassed until the point she left the party. In 2021, it was the time of congresswoman and motherhood activist Raquel Marques, affiliated to the REDE Party and elected to a collective mandate in the state of São Paulo with affiliates of PSOL. These “collective mandated” from São Paulo elected two trans-identified biological males, “ERIKA HILTON” and “ERICA MALUNGUINHO”. Raquel Marques was expelled from the mandate in a couple of days and had no right to self defense after an accusation of “transphobia”. Her “fault”: writing at her Facebook account that she wished the Left would give children and mothers the same importance it gives to “transphobia” (32.). After getting much support from her electoral base and getting to appear in the mainstream media, PSOL was forced to re-convocate her.

In the year of 2021, Partido dos Trabalhadores (PT) exposed and threatened with banning Patrícia Lélis. Patrícia mentioned on her Instagram account the incident at the Wii Spa, in Los Angeles, when a trans-identifying man exposed his penis to women and girls. These punishments ended in a Manifest of women on the left to support her (33). In 2021, “Erika Hilton” (an already mentioned “trans rights” activist affiliated to PSOL) and others denounced as “transphobic” a gay man representative that publicly supported the rights of lesbians to sexual orientation and to deny sex to men (34). “ERIKA” also informed followers he was initiating legal prosecutions against 50 people for “racism” and “transphobia” (35). We were informed by at least one woman that she had already been notified by the Police.

The characteristics of social media together with “cancel culture” leads to fast virtual lynchings, boycotts, virtual attacks and psychological violence especially against women. In 2018, feminist make up artist and mother of two Amanda Schon was portrayed as “transphobic” by a famous “trans rights” activist and supporters, including “woke” and pro-prostitution vehicle “Mídia Ninja”. Her “crime”: saying at her Instagram account that women have vaginas and criticizing prostitution. An angry online mob harassed her online, sent threats, demanded magazines to cut professional ties with her, exposed her as a “nazi” and forced her to move out the country for her safety (36). In 2021, artist Aleta Valente was verbally attacked when enjoying a party for a trans-identified male; after

denouncing the fact on her personal profile on Instagram, attacked again and her gallery, pressed to not sell her work anymore (37).

The sanctions for trans-identified males for truly bad behavior are inexistent or hard to achieve. “Indianare Siqueira” who was convicted of proxenetism in France (38) , was affiliated by PSOL and had his pro-prostitution views supported for years. The recommendation for his expulsion mentioned several antisocial behaviors (39). Banned from PSOL, “Indianare” was affiliated to PT (40), runned again in elections of 2018 and was recently chosen by Brazilian edition of French magazine Marie Claire a “defensor of Human Rights” (41). “Lana de Holanda”, also an affiliate of PSOL, wrote on Twitter that “trans women” should kill JK Rowling and all that happened, after several complaints, was that “Lana” deleted the tweet (42).

In 2021, another affiliated of PT, Black feminist and mother activist Maya Ruiz, was accused of “transphobia” by “Ágata”, a biological male also affiliated to the same party. Ágata won in the Justice a compensation for not being allowed to be registered as a “biological mother” of a little boy (43). The accusation against Maya took place because she admitted she feared for her and her little girl's safety regarding the exposure incident on Wii Spa mentioned by Patrícia Lélis. Maya was not formally punished (at least, not yet), but her comrades supported ‘Ágata’, even those who admitted to Maya they are too scared to say something in public (44). So-called “progressives” make clear that transgenderism is an ideology that can not be questioned.

2.5) Imposition of a “gender identity” based healthcare to adults, adolescents and children

Without any public debate, the “gender identity” “affirmative model” was imposed in Brazil. In 2013, a small group of doctors, activists and public officers from the State of São Paulo managed the edition of the Parecer n. 8/2013 (45), from Conselho Federal de Medicina, which authorized Brazilian doctors to apply puberty blockers hormones and cross-sex hormones in children and adolescents below the age of 18 years. In 2019, they not only reinforced that but also dropped the age of surgeries from 21 to 18 years old through the Resolução n. 2265/19 (46). No public discussion among society and even among other Brazilian doctors took place. In 2018, Conselho Federal de Psicologia (the federal board of psychology) released Resolução nº 1/2018 (47), imposing punishments, including loss of license, to professionals that question “gender identities”.

As far as we are aware, medical doctors do not have a similar punitive act, but the few that dare to speak up are labeled as “transphobic”. In 2021, the Conselho Regional de Psicologia of the state of São Paulo released a public note supporting “gender neutral” language (48), recognizing that human beings might be “non binaries”. Children as young as five are being labeled “trans” and told they belong to the opposite sex. Families with sons or daughters struggling with their sex might have difficulties to find a non “affirming” therapist or shrink. We believe that, according to the 9th article of our Declaration, this model works against the Human Rights of minors and does not respect the international principle of children's best interest (49).

Plus, outdated and factually incorrect notions of “gender” are being taught in Brazilian schools.

2.6) Benefits for people that “identify as trans”

Some public universities offer “quotas” (the most famous affirmative politics) to students that say they “are trans” (50). Big companies such as TIM offer opportunities for trans-identifying people, which is a big incentive especially in a poor country (51). In Latin America, Asia and Africa this is enough to convince young people, especially young gay and lesbians, to choose a “trans identity”. This is, as many LGB organizations point out, a modern form of “gay cure”.

3. Conclusion

The damage of “gender identity” politics in Brazil to women and children is undeniable. In the case of children and young people taken to “gender identity” services and whose bodies were modified, also irreparable.

We strongly hope that this article reaches many people, especially women that, despite all the violence, harassment and lack of support, carry on this fight around the world. You are not alone and we will not be silenced.

Members of WDI Brasil

Notes

- (1) <https://www1.folha.uol.com.br/fsp/cotidian/ff300931.htm>
- (2) <http://escola.mpu.mp.br/publicacoes/boletim-cientifico/edicoes-do-boletim/boletim-cientifico-n-57-julho-dezembro-2021/historia-das-politicas-baseadas-em-201cidentidade-de-genero201d-no-brasil-e-no-mundo>
- (3) Resolução nº 11 da Secretaria de Administração Penitenciária do Estado de São Paulo [<https://justica.sp.gov.br/wp-content/uploads/2019/10/Resolucao-SAP-11-de-30-de-marco-de-2014.pdf>]
- (4) Requirement PGR-00112911/2021
- (5) <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=565315>
- (6) https://www.iglyo.com/wp-content/uploads/2019/11/IGLYO_v3-1.pdf
- (7) <https://sistemas.cfm.org.br/normas/visualizar/pareceres/BR/2013/8>
- (8) <https://www.gazetadopovo.com.br/ideias/estatisticas-sobre-trans-no-brasil/>
- (9) <https://www.guiagaysaopaulo.com.br/noticias/cidadania/ibge-e-estudioso-negam-ter-afirmado-que-trans-vivem-ate-35-anos>
- (10) <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>

- (11) <https://veja.abril.com.br/politica/jean-wyllys-vai-pesquisar-fake-news-em-instituto-de-harvard/?fbclid=IwAR3YZ5Zi1UI8HVPth0YuqkMj8NkvFiNOeMGm6MV4REACzxYN8AS8mHMqW2o>
- (12) <https://www.conjur.com.br/2018-mar-01/stf-autoriza-trans-mudar-nome-cirurgia-ou-decisao-judicial>
- (13) <https://www.conjur.com.br/2019-jun-13/stf-reconhece-criminalizacao-homofobia-lei-racismo>
- (14) <https://ge.globo.com/sportv/programas/grande-circulo/noticia/a-vida-tem-limite-s-diz-ana-paula-sobre-a-inclusao-de-atletas-trans-no-esporte-de-alto-rendimento.ghtml>
- (15) "Statute of Birthing People", from the city of Niterói [<https://leismunicipais.com.br/a/rj/n/niteroi/lei-ordinaria/2020/352/3519/lei-ordinaria-n-3519-2020-institui-o-estatuto-municipal-da-pessoa-gestante>].
- (16) <https://www.metropoles.com/distrito-federal/na-mira/jovem-diz-ter-sido-vitima-de-homotransfobia-em-banheiro-de-bar-no-df>
- (17) <https://www.gazetadopovo.com.br/politica/republica/nova-estrutura-dos-direitos-humanos-comprova-bolsonaro-nao-excluiu-lgbts-39fmfj8ogtganhl1sigxpayc6/>
- (18) <https://istoe.com.br/juiza-nega-que-trans-e-travestis-fiquem-em-presidio-feminino/>
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- (26) <https://g1.globo.com/mg/minas-gerais/noticia/2021/10/25/vereadora-duda-sala-bert-diz-que-foi-vitima-de-transfobia-em-loja-de-shopping-em-bh.ghtml>
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- (29) https://m.facebook.com/events/562697990772459?view=permalink&id=580776378964620&_rdr
- (30) <http://blogueirasradicais.com/index.php/2020/09/29/contra-o-linchamento-virtual-de-gisela/>
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- (32) <https://www1.folha.uol.com.br/ilustrissima/2021/02/chegamos-ao-ponto-em-que-e-possivel-cancelar-um-mandato-nas-redes-sociais.shtml>
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- (34) <https://www.instagram.com/p/CVsrJeeLsE/>
- (35) <https://archive.is/IGFIn>
- (36) <https://medium.com/@esquerdasemmisoginia/caso-1-somostodasamanda-a-acusa%C3%A7%C3%A3o-de-transfobia-como-t%C3%A1tica-de-silenciamento-de-mulheres-6737ae65910e>
- (37) <https://medium.com/@esquerdasemmisoginia/caso-aleta-valente-9783def2b85a>
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- (43) <https://medium.com/@esquerdasemmisoginia/caso-7-maya-juventude-da-corrent-e-construindo-um-novo-brasil-do-rio-grande-do-sul-jcnb-ae9b233016a4>
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