

**Brazilian society**

## Brazil's top court votes to criminalise homophobia and transphobia

Decision bucks tide of hostility towards sexual minorities since Bolsonaro became president



Brazil has long been home to a vibrant LGBT community, and in 2013 it legalised same-sex marriage © AFP

Bryan Harris and Andres Schipani in São Paulo MAY 24, 2019

---

A majority of judges on Brazil's top court has voted in favour of making homophobia and transphobia crimes, in a decision that bucks a rising tide of state-backed hostility towards sexual minorities in Latin America's largest country.

Since the election as president in October of [Jair Bolsonaro](#), a rightwing former army captain who once said he would rather his son be dead than gay, LGBT activists have complained about a growing number of hate crimes and a rise in violence against the gay community. More than 140 LGBT people have been killed in the country since Mr Bolsonaro's inauguration in January, according to Grupo Gay da Bahia, an activist group.

Late on Thursday, six of the 11 judges on Brazil's supreme court voted that it was unconstitutional to exclude sexual minorities from the nation's anti-discrimination law.

The decision paves the way for a ruling in early June, which would make discrimination on the grounds of sexual orientation or gender equivalent to racism and make crimes punishable under the country's anti-racism law. "Homophobic crimes are as alarming as physical violence. The judiciary must act in defence of minorities against violence by the majority," said Judge Luiz Fux.

The court's decision will put pressure on Brazil's parliament, which has for years been debating whether to make homophobia a crime but has been unable to overcome opposition from conservative religious groups. "Projects in Congress do not go forward. We don't know when they will approve it and [in the meantime] homophobia continues," said Judge Fux.

The ruling will be seen as a blow to Mr Bolsonaro, who was elected on a conservative, family-values platform that garnered intense support from Brazil's increasingly powerful evangelical bloc. The Brazilian president has been open about his feelings towards the gay community, once declaring: "I'm homophobic with pride."

More recently, he [fuelled outrage](#) by saying Brazil shouldn't become a "gay tourism paradise". "If you want to come here and have sex with a woman, go for [it. But] Brazil can't be a country of the gay world, of gay tourism," he said.

A predominantly Catholic country, Brazil has long been home to a vibrant LGBT community, and in 2013 it legalised same-sex marriage.

Since the election last year, however, reports of violence against sexual minorities have tripled, says activists. In January, Jean Wyllys — the country's only openly gay congressman — fled Brazil for France, citing threats to his life.

"With this government, people are feeling more free to intimidate the LGBT population, whether with harassment or verbal discrimination. It is a triumph to show them that such violence cannot go unpunished," said Bárbara Aires, a transsexual activist from Rio de Janeiro. "We cannot let these crimes continue to be seen as simply aggression or murder, because they are not."

Renan Quinalha, a professor of law at the Federal University of São Paulo, hailed the decision: "In this particular moment, with an extremely conservative government, this is a message to society that [homophobia] is no longer tolerable."

However, Marco Feliciano, a prominent evangelical minister, decried the decision, calling it an affront to religious speech and belief.

"We have freedom of speech, of belief and worship. We cannot tear pages from our book, the Bible. The court decision cannot take from a priest, pastor or a Christian for that what he thinks."

*Additional reporting by Carolina Unzelte*

## Letter in response to this article:

[\*Don't validate Bolsonaro's so-called family values, FT / From Robert March, Munich, Germany\*](#)

[Copyright](#) The Financial Times Limited 2019. All rights reserved.

