



NON CONFIDENTIAL REPORT TO THE 99TH SESSION OF THE COMMITTEE ON THE RIGHTS OF CHILDREN

Monitoring Cycle: **Brazil**

Civil Society Organization Sender: **NGO Mães pela Diversidade**

Object of the Report: **Observations on the replies of Brazil to the list of issues in relation to its combined fifth to seventh periodic reports**

I. PRESENTATION OF THE ORGANIZATION

Mães pela Diversidade NGO is a secular, independent and non-partisan association, made up of mothers, fathers and family members of LGBTQIA+ children, adolescents and young people from practically all states of the Federation, whose main objectives are the reception, the defense of LGBTQIA+ children, the fight for the rights of LGBTQIA+ people and the fight against LGBTQIAphobia.



Founded in 2014, in São Paulo, Mães pela Diversidade NGO has expanded to other regions of Brazil and currently has 1,944 members in 24 states and the Federal District. It has more than 165k followers in the Facebook community and over 118k followers in the Instagram community.

It works especially in welcoming mothers and fathers of LGBTQIA+ children, sons and daughters who come into contact by any means, regardless of religion, political position, profession, economic or social class.

The Association also works with civil society, providing information and giving testimonies, directly or through its social networks¹, aimed at clarifying the rights of LGBTQIA+ children, sons and daughters and the entire LGBTQIA+ community, with a special focus on reducing prejudice and discrimination and, consequently, the violence that affects this population in all social environments. This work consists of holding lectures, debates and conversation circles, through face-to-face meetings or online, in schools, universities, companies, religious organizations, public agencies, private entities, LGBTQIA+ rights defense organizations, among others, carried out by associated people, including the founders and occupants of positions in the Board of Directors and Coordinators, as well as in the dissemination of informative content materials through social networks.

It also prepares articles, folders, booklets, manuals and videos seeking to provide useful information to the LGBTQIA+ community and to mothers and fathers. Examples of this performance are the ebook entitled *Rights of LGBTI+ Persons* and the *Manual Rights of LGBTQIA+ Persons* available on the Association's website² and several videos available on its social networks, providing guidance on the inclusion of a social name in documents, alteration of birth registration, LGBTQIA+ phobia crimes, hormonal interventions and others.

¹ [Mães pela Diversidade](https://maespeladiversidade.org.br/).

² <https://maespeladiversidade.org.br/leis-e-normas-para-levar-na-bolsa/>.



Mães pela Diversidade NGO also works with public agencies to promote and defend the rights of LGBTQIA+ children, sons and daughters and the construction of public policies that result in the reduction of prejudice and discrimination and in the fight against violence and LGBTQIA+phobia, either through the celebration of agreements or the development of pedagogical activities or, also, provoking action by the Public Prosecutor's Office or decisions by the Judiciary, alone or in conjunction with other LGBTQIA+ rights defense entities. And it also seeks partnerships with public agencies, organizations and civil society entities, aiming to strengthen the LGBTQIA+ rights, specially entitled by children, such as the Public Prosecutor's Office of the State of São Paulo and the OAB/SP, through its Sexual and Gender Diversity Commissions in several of its Subsections.

II. OBSERVATIONS ON THE REPLIES OF BRAZIL TO THE LIST OF ISSUES IN RELATION TO ITS COMBINED FIFTH TO SEVENTH PERIODIC REPORTS

1. INTRODUCTION

There is any law in Brazil that specifically protects, guarantees and promotes adults, young people, adolescents or children LGBTQIA+ rights.

In the face of extremely conservative stances adopted by the National Congress, bills aimed at creating a protective statute for LGBTQIA+ people, including children and adolescents, are eternally paralyzed. Achievements, when they exist, occur through decisions of the Federal Supreme Court in actions to control constitutionality and conventionality, many of them promoted by civil society organizations.



Brazil also does not have legislation regulating social networks and holding large technology companies accountable for usual discrimination and violence in such environments, including cyberbullying against children and adolescents.

Far-right political groups have been organized to combat the gender approach in schools and have persistently invested in the production of municipal and state laws that prohibit gender teaching, neutral language, neutral bathrooms or their use according to gender identity and even the participation of children in LGBTQ parades and transgender children and teens in sport competitions. There have been recurrent decisions made by the Supreme Federal Court, declaring the formal and material unconstitutionality of these laws.

Although we have in Brazil a children and adolescents protection network supported by the Federal Constitution (art. 227), the Child and Adolescent Statute (Law n. 8.069/1990, aka ECA) and the Youth Statute (Law n. 12852/2013) and these laws and other legal instruments provide for compulsory training in matters of human rights, such training has not effectively taken place in a significant way in the area of sexual and gender diversity, neither for teachers, educators, health professionals, judges, prosecutors, law officers or other public agencies in general.

Trans children and adolescents cannot rectify their name and gender directly in administrative bodies, since the provision of the National Council of Justice that regulates this [procedure](#) (n. 149/2023) requires a minimum age of 18 years. To proceed with the rectification, they depend on legal action that has costs that are not always accessible to all families, who have to resort to the Public Defender's Office, already overloaded with other demands.



2. COMMENTS ON BRAZIL'S ANSWERS:

2.1. PARAGRAPHS 3 AND 7 OF THE LIST OF ISSUES AND BRAZIL'S ANSWER

Asked about "information on initiatives and programs to prevent and combat homophobia, xenophobia, transphobia and racism against children in school and in society", Brazil answered:

18. [...] The Pluriannual Plan (PPA) 2024-2027 and the National Strategy to Combat Violence Against LGBTQIA+ Persons (Ordinance No. 756/2023) reinforce these efforts by creating safe educational environments, addressing violence, and strengthening protection networks. Furthermore, Resolution No. 2/2023 of the National Council for the Rights of LGBTQIA+ Persons provides guidelines to ensure access, retention, and protection of LGBTQIA+ individuals in schools.

19. In parallel, the Federal Police launched the "Guardians of Childhood" Program (2024) to prevent sexual abuse and combat racist, homophobic, transphobic, and xenophobic attitudes in educational settings. Within a few months, the program conducted 135 lectures, including 89 for adolescents, 18 for family members, 16 for teachers, and 12 for other stakeholders. These efforts have trained 4,222 adolescents, 817 family members, 616 teachers, and 311 professionals, including guardianship council members, administrators, and educational assistants. By integrating education, law enforcement, and social policies, these initiatives strengthen inclusive education, human rights protections, and the fight against discrimination in schools and communities.



Asked about “updated information on the progress made to ensure inclusive education and the deinstitutionalization of children with disabilities”, Brazil answered:

42. Between 2018 and 2023, the School Census recorded significant advances. Enrollments in special education grew from 1.18 million to 1.77 million, representing 3.7% of total students in 2023. Integration into regular classrooms increased from 85.9% to 91.3%, while Specialized Educational Assistance (AEE) expanded from 19.4% (2009) to 38.2% (2023). Student retention improved from 72.4% (2009) to 85.8% (2022), and failure rates dropped from 23.8% (2008) to 12.8% (2022). Additionally, the dropout rate fell from 3.3% (2010) to 1.4% (2022), and age-grade distortion declined from 67.5% (2010) to 31% (2022).

43. Efforts include 27 monitoring observatories for special education policies and the training of 8,250 teachers in inclusive education, 63,000 teachers and 106,000 school administrators via RENAFOR, 3,500 professionals in bilingual education, and 1,000 teachers in Paralympic sports. Infrastructure investments have equipped 38,000 schools with resource rooms, provided 1,500 accessible school buses, and distributed 95,000 assistive devices and 72,000 Braille books to students with visual impairments. Additionally, 1,250 full-time schools and 2,500 daycare centers have been made fully accessible. Financially, schools serving students with disabilities receive additional PDDE funding, and the BPC at School Program has benefited 425,000 students.

44. The "Back Home" program, under Law No. 10,708/2003, promotes psychosocial rehabilitation, with financial aid increased from R\$ 500 to R\$ 755 (June 2024). The Foster Family Care Service plays a crucial role in transitioning children with disabilities from institutional settings to family environments.



The aforementioned Resolution CNDLGBTQIA+ n. 2/2023 does not have the force of law, being a mere recommendation made by an administrative body, with no provision for sanctions for situations of disrespect for the social name or other violence against LGBTQIA people.

The federal Law of Guidelines and Bases of Education (Law n. 9.394/1996) provides for the inclusion of content related to human rights in the school curriculum, but it does not refer specifically to sexual and gender diversity. In addition, when dealing with the fight against violence in the school environment, it also does not specify situations of homophobia or transphobia.

The National Education Plan, although mentioned, as its guidelines, the overcoming of educational inequalities, “with emphasis on the promotion of citizenship and the eradication of all forms of discrimination” (art. 2, item III) and the promotion of the principles of respect for human rights and diversity (art. 2, item X), does not mention sexual and gender diversity, which, more recently, led to its questioning, when Supreme Court interpreted Law n. 13.005/2014 to ensure the obligation of schools to combat discrimination against LGBTQIA people (ADI n. 5668)

At the 2014 National Education Conference, it was approved the Resolution n. 56, providing for the development of National Curricular Guidelines on Education, Gender and Sexual Diversity by the National Education Council for basic and higher education. The following year, several entities from the Gender and Education Project and other organizations offered to contribute to the development of such guidelines and, at the end of 2015, a strategic workshop was held on “Gender, sexuality and race in education: threats, challenges and political action”, with the participation of civil society. The CNE created a Working Group to develop a regulation on gender identity, sexual orientation and social name, and new proposals resulting from the strategic workshop were formulated with a positive response and even a meeting with the then



president of the CN Basic Education Chamber. However, until now these guidelines have not been concluded or published.

Constant discrimination (such as disrespect for the social name and impossibility of using the bathroom corresponding to gender identity) and violence motivated by homophobia and transphobia have expelled trans children and adolescents from the school environment, pushing them into a life without professional qualifications in which, usually, prostitution has become the only means of survival.

Aiming to institutionalize affirmative actions as policy for trans people, in 2023, Federal Deputy Erika Hilton (PSOL-SP) presented to the National Congress Bill 3109/2023 to establish the reservation of 5% of places in federal universities and other federal higher education institutions for transgender people, but we do not believe it is going to be approved by National Congress.

2. 2. PARAGRAPH 5,f OF THE LIST OF ISSUES

Asked about “Actions taken to end violence against children, including killings and enforced disappearances, committed by military and other security forces during policing operations, and to investigate such acts of violence, prosecute the perpetrators and make the results of the investigations public”, Brazil answered:

- 1. Brazil has reinforced protections for children and adolescents exposed to violence, focusing on preventing re-victimization in public institutions. The country has forged key partnerships, including agreements with the Ministry of Justice, Public Security, and UNODC, such as the Protocol of Intentions to Eliminate Violence Against Children and participation in the 1st Global Ministerial Conference on Ending Violence Against Children (Bogotá). Additionally, Brazil leads annual*



operations against sexual exploitation, such as "Aliados por la Infancia" (targeting online sexual crimes) and "Bad Vibes" (addressing Viber-related crimes). Institutional measures include CNMP Resolutions No. 287 & 298, which established an integrated victim protection system and a National Registry of Violence Cases, as well as judicial recommendations for specialized listening protocols in cases of school violence and parental alienation.

- 2. Efforts to strengthen the child protection system have also focused on institutional care and reintegration. According to CensoSUAS 2023, 28,505 children and adolescents left institutional care or foster services, with 51% reintegrated into nuclear families, 30% placed with extended families, and 18% adopted. However, 4,464 cases (18%) required reentry due to recidivism. To enhance responses, the government has equipped four Integrated Care Centers (AM, PR, BA, and RJ), reinstated the Intersectoral Commission for Combating Sexual Violence (Decree No. 11.533/2023), and launched national awareness campaigns during Carnival, May 18 (Child Protection Awareness), and Child Labor Prevention efforts. Key publications, such as MAPEAR 2.0, the Specialized Listening Guide, and manuals for integrated care center implementation, guide policy advancements. Additionally, initiatives like the IV National Plan for Combating Human Trafficking (Decree No. 12.121/2024) and the Cidadania Marajó Program (Ordinance No. 292/2023) aim to prevent sexual violence and enhance victim protections, while Interministerial Ordinance MJSP/MTE No. 46/2024 ensures residence permit guidelines for trafficking victims, including special provisions for unaccompanied minors.*

Brazil also does not criminalize homophobia or transphobia through law.



The criminal liability of agents of such acts results from judicial decisions of the Federal Supreme Court in actions to control constitutionality that interpreted the Racism Law to cover such situations (ADO 26 and MI 4733). However, crimes of racism, homophobia or transphobia are not punished with more serious sanctions when committed against children or adolescents or by parents or guardians.

The Program to Combat Systematic Intimidation, established by Law n. 13,185/2015, along with other laws and rules published by Brazilian State, does not specifically address situations of bullying or violence against LGBTQIA children and teens.

2.3. COMMENTS ON PARAGRAPH 8,i OF THE LIST OF ISSUES

Asked about information on “availability of health services for children with autism spectrum disorders and vulnerable children, such as transgender children”, Brazil answered:

68. Additionally, the Specialized Health Care Program for the Transgender Population (PAES-PopTrans) aims to enhance health services for transgender children and adolescents within the SUS. Taking an intersectoral approach, the program establishes structured care pathways and proposes the creation of two types of Specialized Outpatient Clinics (SA) and three types of Surgical Services (SC). These measures seek to expand accessibility and provide comprehensive, specialized support for transgender youth, reinforcing Brazil's commitment to inclusive health care.

Although the Brazilian government has announced the creation of the Ordinance, which would provide pubertal block for entering puberty children with gender variability and would reduce the minimum age for cross-hormoneization for trans adolescents to 16 years of age, so



far this measure has not been implemented, which is why our NGO has started a campaign aimed at pressuring for the publication of the respective ordinance by Ministry of Health.

Last week, the Federal Council of Medicine announced the revocation of the Resolution n. 2265/2019 that until now allowed such therapeutic procedures for children and adolescents. If such a measure is implemented, our children and adolescents who experience gender dysphoria will be abandoned to their fate (to avoid this situation our NGO has sent a representation to the Federal Public Prosecutor's Office, asking for legal actions).

III. RECOMMENDATIONS

In order to protect LGBTQIA+ children and teenagers, we respectfully request this Committee to recommend to the State:

1. Approval of the Statute of Sexual and Gender Diversity and other protecting children and adolescents LGBTQIA + laws;
2. Criminal classification of homophobic and transphobic crimes, with a special increase in penalties when committed against children and adolescents or by parents and inlaws;
3. Effective training on sexual and gender diversity for members of the children and adolescents protection network;
4. Creation of health policies that ensure access by children, adolescents and young people to therapeutic procedures related to gender dysphoria, such as pubertal blockade and cross-hormonalization;



5. Legislative changes to explicitly ensure (i) that sexual and gender diversity is addressed in the school curriculum and (ii) that administrative name and gender correction is possible for those over 16 years, without the need for a prior court decision.

Brazil, 2025, April 15th,

REGIANI CRISTINA DE ABREU

Presidente

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