



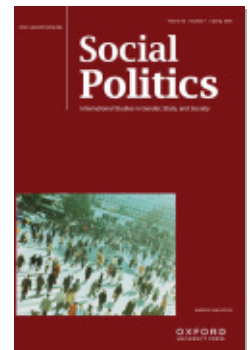
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Lívia Gonçalves Buzolin

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Autocratization and Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Rights in Brazil: Contextualizing Attacks and Resistances under Bolsonaro's Government

Lívia Gonçalves Buzolin ^{1,*}

This work describes a case study of Brazil that aims to comprehend, first, how the autocratic leader, Jair Bolsonaro, acted to undermine lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) rights during his government (2019–2022); and, second, how resistance was drawn by civil society organizations, lawmakers, and Federal Supreme Court Justices. Bolsonaro's strategy was not to combat LGBTQI rights obviously and directly. In four years, he was able to undermine previous policies through budgeting and closing spaces for civil society participation and emphasize "gender ideology" and religious freedom to promote the Christian heteronormative model of family and "traditional values." Resistance was offered by a powerful triad targeted during Bolsonaro's government: civil society organizations, lawmakers, and Supreme Court Justices. This article shows how LGBTQI resistance needs to happen collectively and involve strong players to achieve non-retrogression during periods of autocratization. The role of feminist and LGBTQI movements in these processes needs to be rethought.

Key words: autocratization; Brazil; democracy; LGBTQI rights; resistance.

Introduction

Since 2010, Brazil has made progress in recognizing lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI) rights, principally through judicial decisions. Decisions by Supreme Court Justices guaranteed the right for same-sex¹ couples to get married, made it possible for transgender people to

¹São Paulo Law School, Getúlio Vargas Foundation, São Paulo 01313-020, Brazil

*Corresponding author: São Paulo Law School, Getúlio Vargas Foundation, R. Dr Plínio Barreto, n. 365, Bela Vista, São Paulo 01313-020, Brazil. Email: livia_gb@hotmail.com; livia.buzolin@fgv.br

change their names and gender markers on documents, criminalized homophobia and transphobia, confirmed the right to sex education, and allowed blood donation by men who have sex with men (Côrtes and Buzolin 2024). These legislative advances gave Brazil some of the strongest protective rights for LGBTQI people among Latin America countries, and indeed the world (Maia, Chiu, and Desposatto 2023).

While LGBTQI rights recognition was happening in Brazil, a global wave of autocratization or democratic backsliding was taking place. According to Kim Scheppele, this wave is led by the new autocrats, that is, charismatic leaders “who first came to power through elections and then translated their victories into illiberal constitutionalism” (Scheppele 2018, 548). By 2023, 71 percent of the world’s population was living in electoral or closed autocracies, which means that most of the world’s population was living in regimes with the absence of free and fair multiparty elections for the executive, and an absence or insufficient fundamental democratic components such as freedom of expression, freedom of association, and free and fair elections (Nord et al. 2024).

Autocratic leaders can behave, at least, in two different ways around gender equality and sexual citizenship: acting to promote women’s and LGBTQI rights or to suppress them. As to the first way, autocrats may adopt gender-equality reforms to increase regime legitimacy while shifting attention away from violations of electoral integrity and human rights in a maneuver that was named “autocratic genderwashing” by Bjarnegård and Zetterberg (2022). An example of this is using gender quotas to nominate women to help maintain or solidify autocrats’ party dominance as observed in African autocracies (Tripp 2024).

Another way autocrats can act is by suppressing sexual minorities and women’s rights by going against feminist and LGBTQI movements’ demands, using “gender ideology” as a strategy to contain policy developments associated with sexual and reproductive rights (Corredor 2019). An alliance between evangelical and catholic groups is a distinctive mark of the anti-gender movement in Latin America (Barajas 2022), where “gender ideology” has been deployed to create an antinomy between sexual and reproductive rights (“the ideological”) and laws of nature (“the true”; Biroli, Vaggione, and Machado 2020).

In the region, the political use of “gender ideology” was quickly adopted by right-wing politicians who turned it into a resourceful tool to ascend to power, succeeding left-wing presidents who were historically allied with feminist and queer movements. That was the case of Jair Bolsonaro in Brazil, President from 2019 to 2022, elected after more than a decade of Workers Party governments in the country. Bolsonaro is known for being openly against LGBTQI rights recognition and for misogynistic statements. During the 2018 election campaign, Bolsonaro mobilized the danger of “gender indoctrination” to harm Fernando Haddad’s candidacy (Leite 2019) and included the fight against “gender ideology” in his electoral program, preceding the open adherence to this agenda by at least three ministries—the Ministry of

Women, Family, and Human Rights, the Ministry of Foreign Relations, and the Ministry of Education (Biroli, Vaggione, and Machado 2020, 156).

Once Bolsonaro was enrolled as President (2019), speculation began about the future of the gender and sexuality agenda with LGBTQI rights setback a probability. As will be further explored in this article, he deployed a two-pronged strategy to undermine LGBTQI rights: on the one hand, there was the dismantling of previous governments' policies that were protective of LGBTQI people, and, on the other hand, there was the mobilization of "gender ideology" and the strengthening of the Christian heteronormative family model.

Despite a series of actions aimed at weakening LGBTQI rights, the overall consequences of Bolsonaro's administration were less negative than initially expected by progressive actors. LGBTQI rights did not suffer a setback or a strong weakening and, in the end, they were able to prevail in the context of autocratization. The article aims (1) to focus on the actions taken by the right-wing government against LGBTQI rights, and (2) to suggest some reasons that might explain why the government was not able to undermine LGBTQI rights in the way expected and feared by progressive sectors. The role of civil society organizations, lawmakers, and Federal Supreme Court Justices is considered part of a successful resistance due to the reach and intensity of the results of their actions. In the end, resistance needs to happen collectively, and it takes different approaches from strong players to achieve non-retrogression.

The text is structured as follows: first, the data collection is presented in the Methods section. The section "Bolsonaro's two-pronged strategy" exposes Bolsonaro's strategy to undermine LGBTQI rights. The next section, "Brazilian resistance: a powerful triad," presents an overview of the resistance carried out by civil society organizations, lawmakers, and Supreme Court Justices. The following section, "How to resist an autocrat?," reflects on ways to resist an autocrat from the LGTQI rights and Brazilian perspective. In the last section, I present my final remarks.

Methods

This article describes a case study about Brazil that aims to comprehend, first, how the autocratic leader, Jair Bolsonaro, acted on LGBTQI rights during his government, and, second, how resistance was offered by civil society organizations and state actors. I used document analysis and predominantly applied the inductive method to conceptualize the findings from the empirical material (Machado 2017)—rather than testing a preconceived hypothesis—hoping that the argument presented in the article could be tested in other research and contexts.

The data were collected from 2021 to 2023, and the documents analyzed are considered primary data sources (Reginato 2017). They are public and

come from the official websites of the Brazilian Chamber of Deputies, the Federal Senate, the Federal Supreme Court, and Federal Government.²

Presidential decrees, court decisions from the Federal Supreme Court, and bills from the National Congress on LGBTQI rights were mapped in the institutions' official websites by using the following keywords: gay; lesbian, homosexual, bisexual, transexual, transgender, travesty, LGBT, "homoaffective," same-sex, sexual orientation, homophobia, transphobia, gender identity, gender ideology, pederasty, homosexuality, transsexualism, gay and lesbian studies, and sexual option. The consultation period is close to the latest Brazilian democratic period, that is, from 1987 to 2022, which encompasses the 48th to the 56th legislatures.

From the results, I created a larger dataset with 274 bills, sixteen Supreme Court Decisions, and eleven Presidential Decrees (Buzolin 2025), and, after reading the documents' content, classified them as "favorable" or "contrary" to LGBTQI rights to allocate them as either part of the attack or part of the resistance. Later, I focused on documents issued during Bolsonaro's government (2019–2022) due to the research design proposed for this article.

Therefore, the selected documents considered in depth are Presidential Decrees nos. 9.883, 2019 and 10.346, 2020; 112 bills on LGBTQI rights presented during the 56th Legislature; and nine Supreme Court decisions in the cases of criminalization of homophobia and transphobia (ADO no. 26 and MI no. 4.377, 2019) and sex education (ADPF 460, 2020; ADPF 461, 2020; ADPF 467, 2020; ADPF 526, 2020; ADPF 457, 2020; ADI 5537, 2020, and ADI 5580, 2020).

Lastly, I used newspaper reports from Brazilian media as secondary data to support literature references or to illustrate recent events. Newspapers and media outlets with a large reach, such as *O Globo*, *Estado de Minas*, *Folha de São Paulo*, *BBC Brasil*, and *CNN Brasil*, were consulted, in particular to find statements given by Bolsonaro and his head of cabinets as an example of the strategy to undermine LGBTQI rights, as I develop in the following section.

Bolsonaro's two-pronged strategy

V-Dem Reports (Alizada et al. 2021; Nord et al. 2024) show that, since 2016, Brazil was experiencing a democracy backsliding, and its Liberal Democracy Index dropped after a series of political scandals that led to the impeachment of the former President, Dilma Rousseff (PT), in that year and President Lula's arrest in 2017 on corruption charges.

Bolsonaro's election in 2018 happened amidst a scenario of societal polarization, attacks on media pluralism, and a decline in academic and cultural freedom. During his mandate, the autocratization process accelerated its pace, and a common pattern of how autocratization unfolds was observed in the country, that is, media control and attacks on academia and civil society,

followed by disrespect of political opponents and encouragement of societal polarization, while using the machinery of the government to spread disinformation. Finally, attacks on elections and other formal institutions happened.

According to [Vieira, Glezer, and Barbosa \(2022\)](#), Jair Bolsonaro's method to erode democracy was something the authors named "autocratic infralegalism." This method favored the implementation of a populist and authoritarian agenda through (1) the issuing of presidential decrees, (2) nominations to command posts of figures who display a discourse contrary to the institutional objectives of their posts, and (3) actions in the administrative, budgetary, and bureaucratic spheres, supported by para-institutional pressures on public agents, all aimed at the erosion of the rights and values enshrined in the 1988 Brazilian Constitution.

In that sense, Bolsonaro's method never perfectly fitted the autocratic legalism classification ([Scheppelle 2018](#)) nor with so-called abusive constitutionalism ([Landau 2013](#)), because he did not try to amend the Constitution or enact laws contrary to liberal and democratic rules, but rather used presidential legislative power to enforce his illiberal agenda.

To undermine LGBTQI rights, Bolsonaro's strategy unfolded on two fronts: on the one hand, there was the dismantling of previous governments' policies that were protective of LGBTQI people, and, on the other hand, there was "gender ideology" mobilization and the strengthening of the Christian heteronormative family model. To do so, he used mainly strategic nominations of conservative chiefs to the Ministry of Women, Family, and Human Rights, the Ministry of Foreign Affairs, and the Ministry of Education ([Biroli, Vaggione, and Machado 2020](#), 156) who acted as spokespersons for government politics. He also issued presidential decrees, an instrument constitutionally prescribed³ and historically responsible for maintaining strong powers for Brazilian presidents ([Figueiredo and Limongi 2001](#)), to attack LGBTQI rights without being held accountable in the short term.

Since the enactment of the Brazilian Federal Constitution in 1988, some public policies were adopted by the Executive Branch aimed at the LGBTQI community, namely, the HIV/AIDS public policy in the 1980s ([Dehesa 2010](#)), and human rights national programs in the 2000s during President Lula's government, such as Brazil Without Homophobia (2004), I National LGBT Conference (2008), the National Plan for Citizenship and LBTT Human Rights (2009), and the National Counsel Against Discrimination and for LBTT Rights Promotion created in 2010 ([Mello and Braz 2020](#)).

Even though it was during the eight years of Lula's government that the LGBTQI population received attention from the Executive Branch in an unprecedented manner, [Luiz Mello and Camilo Braz \(2020\)](#) pose an important question about the lack of federal legislation approved by the National Congress to ensure these rights. This scenario prevented transversal actions and programs from becoming state policies, and when neoconservatism arose in the country from the 2010s onward ([Biroli, Vaggione, and Machado 2020](#)), policies aimed at enhancing LGBTQI rights faced an uncertain future.

The way that previous policies were designed contributed to how they could be dismantled. So, one of the first measures adopted by Bolsonaro's government regarding the first front was to use presidential decrees to dismantle the National Councils, a previous public policy to ensure civil society participation in the federal administration that was particularly strengthened during Lula's first and second governments (2003–2011). Decree 9.883, of June 27, 2019, changed the National Council Against Discrimination to remove LGBT people as its primary beneficiaries and reduced its structure by decreasing by 80 percent the number of members of civil society who could be part of it.

In the next year, Decree 10.346, of May 11, 2020, revoked the call that had been made during President Temer's government to hold the IV National LGBT Conference. This was a space where civil society organizations and activists could discuss and design future policies in the LGBTQI area. By discontinuing the holding of national conferences in this area, Bolsonaro reduced the possibilities of LGBTQI people and activists expressing demands to the federal government (Pereira 2022).

The public attack on civil society organizations was also present in Bolsonaro's speeches. He stated they were a "cancer to be extinct" and implied that they were responsible for the Amazon fires in 2020 before the United Nations⁴. According to Castro et al. (2023), Bolsonaro's action plan turned precisely against those sectors or civil society organizations that could monitor and inspect government actions. It acted to reduce the funding of entities with a strong capacity for social mobilization in addition to seeking to extinguish or render innocuous the performance of the Councils, formal spaces for civil society participation in the control of public policies.

The final blow to previous policies was budgetary. During the first year of Bolsonaro's government (2019), only 4.3 percent of funds available for national LGBTQI public policy from the previous government were used (Corrêa et al. 2021). It got worse in the next year, when the 2020 Lei Orçamentária Anual (LOA), which is a law enacted by the Executive Branch on expenses and revenues that will be incurred over the next year—the first drawn by Bolsonaro—did not provide any specific action aimed at LGBTQI issues in the Ministry of Women, Family and Human Rights budget.

The second front of attacks on LGBTQI rights followed a broader and older strategy: to mobilize the danger of "gender ideology" to promote a unique family model as worthy public action. Feminist studies and gender theories started to be challenged by the Vatican in the 1990s, at the International Conferences in Cairo (1994) and Beijing (1995). Over the years, members of the Catholic Church were responsible for drafting documents that denounced the existence of "gender ideology" in the world (Junqueira 2018), claiming it would be responsible for the destruction of the traditional Christian, cis, and heteronormative family, and declaring that mothers and fathers should act to prevent the gender indoctrination of their children in schools.

According to [Judith Butler \(2024\)](#), gender weaponization is essentially authoritarian. Since “gender ideology” condenses a wide range of fears and anxieties from the contemporary right, the call to fight against “gender ideology” is part of a larger project of restoring male privilege that seeks to strengthen authoritarian regimes as legitimate forms of paternalism. The author acknowledges that, in this process, gender and sexual minorities are portrayed as dangers to society with the ulterior motive of suppressing their rights and fundamental liberties.

In Brazil, “gender ideology” was first used in the public arena in 2003, when a house representative, Elimar Máximo Damasceno (PRONA/SP), used the term to refer to an alleged sexual misconduct ([Corrêa et al. 2021](#)). In the same year, the house representative proposed Bill No. 2279/2003 to criminalize public kissing between “same-sex people” under the justification that this type of kiss would scandalize shopping-center customers “when practiced by same-sex people, in front of children” ([Buzolin 2024](#)).

However, from 2010 onward an intensification of this type of discourse in the National Congress was observed. Inputs from the anti-gender movement—which was already strengthened worldwide—and from religious actors were adopted by conservative lawmakers. State actors used “gender ideology” as a tactical instrument to distort the demands of feminist and LGBTQI movements, and since its definition is generic and broad, “gender ideology” was used in the public sphere as everything that could hurt “traditional values” and as an opposition to feminist and LGBTQI demands, such as same-sex marriage, reproductive rights, feminism, gender identity, and even to refuse measures against domestic violence ([Human Rights Watch 2022](#)).

Controversial statements were Bolsonaro’s hallmark during almost thirty years as a federal lawmaker⁵ in the House of Representatives and attacks on LGBTQI rights were known to be his strategy. In November 2010, during the School without Homophobia Seminar⁶ held at the National Congress, Bolsonaro gave speeches associating the elaboration of didactic material to combat homophobia with a stimulus to homosexuality and promiscuity, arguing that the discourse of fighting against homophobia masked the “enticement” and the distortion of children ([Leite 2019](#), 125). This material began to be pejoratively called “gay kit” in the public sphere, and in May 2011, President Dilma Roussef suspended the School without Homophobia Project, and the material was never distributed in schools.

At the same time, “gender ideology” was successfully deployed by conservative lawmakers during the discussions of the II National Plan of Education, achieving the removal of the terms “sexual orientation” and “gender” from the final text approved in 2014, thus annihilating sex education as an education strategy ([Buzolin 2024](#)). At the time, Bolsonaro was the spokesperson for the conservative opposition to the II National Plan of Education, which was designed by Lula’s previous government.

As mentioned, on his path to becoming President, Bolsonaro and his son, Carlos Bolsonaro, distorted sexual diversity in the 2018 presidential campaign by publishing online content about the so-called “gay kit” and the danger of “gender indoctrination” to damage Fernando Haddad’s candidacy (Leite 2019). On January 1, 2019, Bolsonaro inaugurated his mandate with a speech on the intention of freeing the country from “gender ideology” (Biroli, Vaggione, and Machado 2020, 156).

The speech was followed by problematic statements by the chief of the Ministry of Women, Family, and Human Rights, Damara Alves, a conservative lawyer and evangelical pastor, nominated by Bolsonaro with the purpose of being the face of the conservative wing. After her nomination, Damara stated that Brazil was entering “a new era, in which boys wear blue and girls wear pink,”⁷ in clear opposition to gender identity policies. Later in 2019, she also claimed that gender perspective was a cause of young people’s suicide and self-mutilation and that she felt compelled to fight “gender ideology” after doctors were telling kids they could choose between “70 different types of gender identity.”⁸ On other occasions she mobilized human rights language to talk about what would be the government’s policy regarding LGBTQI people: “let me say two words: promotion and protection. The Bolsonaro government does not promote this agenda, it protects this public. We don’t do promotion, we do protection.”⁹

In this context, the most significant action taken by the Ministry of Women, Family and Human Rights to fight “gender ideology” was its prescription in the *Manual de Taxonomia de Direitos Humanos (Human Rights Taxonomy Handbook)* that allowed anonymous complaints based of “gender indoctrination” in schools to be made to the Ministry’s official channels after April 2021. These channels were actually used and led a school principal in Rio de Janeiro State to be summoned to testify before the police about the fact that teachers at his institution were supposedly promoting “communism and gender ideology” in classes.¹⁰ As a result of this intimidation, even teachers who were not subject to anonymous denunciations became afraid; and gradually stopped talking about gender and sexual orientation during classes (Human Rights Watch 2022).

Therefore, when we consider the two ways autocrats can behave around gender equality and sexual citizenship, Bolsonaro chose to suppress sexual minorities and women’s rights. What he was able to do in his government was to portray attacks on two fronts: first, dismantling previous progressive government policies by closing spaces for civil society participation and for not providing a budget targeted to protect the LGBTQI population; and, second, his government mobilized “gender ideology” to promote a unique family model as worthy public action and to create fear in schools as “gender indoctrination” could be used to make anonymous human rights violation complaints through official channels. The use of the President’s legislative power and the nomination of conservative actors to cabinets to act as spokespersons

of the anti-gender and anti-LGBTQI agenda stood out as instruments of how his government has done it.

Meanwhile, resistance strategies were being drawn and implemented by some of the actors targeted by Bolsonaro's speeches and actions. The ways found by civil society organizations, lawmakers, and Supreme Court Justices to resist the attacks are explored in the next section.

Brazilian resistance: a powerful triad

Autocratic resistance can take different shapes and forms. It can happen in private spaces when autocrat supporters are confronted about their unconditional support whether by their children or grandchildren who are LGBTQI¹¹ or simply do not share homophobic or transphobic views that were so attached to this kind of support. Resistance can also transcend private spaces and manifest itself in the public sphere. This article highlights how autocratic anti-LGBTQI politics in Brazil encountered resistance from three major players: civil society organizations, lawmakers, and Supreme Court Justices.

The choice for presenting how these players resisted is not random, but rather motivated by the fact that they were heavily targeted during Bolsonaro's government. Since it is not guaranteed that civil society organizations will always offer successful resistance to autocratization ([Rakner 2021](#)), the Brazilian case is illustrative of how civil society in that country was able to resist. As mentioned above, in 2020, Bolsonaro stated that civil society organizations were a "cancer to be extinct." At that time, Brazil was experiencing the COVID-19 pandemic in which there was a public clash between Bolsonaro, the Federal Supreme Court, and the National Congress. In this year, the former President attended popular demonstrations in favor of closing the National Congress and the Federal Supreme Court¹², in behavior contrary to the rules of social distancing and mask use, inciting civil disobedience when the country was going through one of the worst moments of the COVID-19 pandemic. In turn, these players fought back and were part of the successful resistance that prevented a LGBTQI rights overturn.

Brazilian feminist and LGBTQI social movements have been organized since the late 1970s and the beginning of the 1980s when the country was facing another authoritarian period: the military dictatorship that held power from 1964 until 1985. By 2018, these movements were already established as part of civil society activities and, although there may be a consensus on the role of these movements in the rise of autocratic leaders ([Paternotte and Kuhar 2017](#)), the fact is that they were also responsible for designing some of the strategies that helped to resist the attacks against democracy, such as popular demonstrations and online campaigns, combating fake news, and denouncing human rights violations to an international audience.

Weeks before the 2018 election, feminist actors, and organizations organized an online campaign against Bolsonaro's candidacy in a movement called "Ele Não" (#NotHim). The movement started after a Facebook group was created by Ludimilla Teixeira, a Black feminist activist from Salvador, Bahia, to urge Brazilians to vote for anyone but Bolsonaro (Pereira and Aguiar 2021). A march took place in several Brazilian cities on the weekend prior to the election in the largest demonstration of women in the history of Brazil and one of the largest demonstrations against a candidate, regardless of women¹³.

During Bolsonaro's campaign and even after the election, a series of fake news stories was used to reproduce misinformation about sexual and reproductive rights, resorting to the fight against the "gay kit," "gender ideology," and the defense of the "traditional Brazilian family" (Maranhão et al. 2018). As a counterstrategy, LGBTQI non-governmental organizations (NGOs) were responsible for producing reliable information, drawing attention to the structural homophobia and transphobia within the Brazilian society and public administration, shedding light on the fact that the country is one of the most violent in the world and where the most LGBTQI people get murdered. Data production on the anti-LGBTQI violence by NGOs and activists precedes Bolsonaro's government and, by counting violence, activists "produced a set of knowable and feelable qualities to violence that exceeded the rhetoric of numbers themselves" (Sosa 2023, 99).

Until 2022, there were no official data regarding sexual orientation and gender identity produced by the Instituto Brasileiro de Geografia e Estatística (IBGE), which is the public institute responsible for providing geographic and statistical information about Brazilian society. In the absence of official data, two important LGBTQI NGOs, Grupo Gay da Bahia (GGB) and Associação Nacional de Travestis e Transexuais (ANTRA), were responsible for issuing reports on human rights violations against this population, making it possible to check, for example, the number of violent deaths from 2019 to 2022,¹⁴ which was framed as a form of political resistance by Silva et al. (2021).

Social movements and civil society organizations were also responsible for denouncing anti-LGBTQI strategies from different public actors to an international audience. In 2021, nine pro-LGBTQI rights NGOs¹⁵ issued a report named "Ofensivas Antigênero no Brasil: políticas de Estado, legislação, mobilização social," which translates to "Anti-gender Offenses in Brazilian State Policies" (Corrêa et al. 2021) and presented it to the United Nations Independent Expert on Sexual Orientation and Gender Identity and Human Rights. Another important report produced was "'Tenho medo, esse era o objetivo deles'. Esforços para proibir a educação sobre gênero e sexualidade no Brasil"¹⁶ ("I'm afraid, that was their goal.' Efforts to Ban Gender and Sexuality Education in Brazil") issued by Human Rights Watch in 2022 regarding public actors' "gender ideology" manipulation to prevent teachers from talking about gender and sexual orientation in schools.

As to public spaces, lawmakers played a crucial role in the resistance by disputing seats in the federal, state, and municipal legislatures—spaces that are becoming increasingly conservative—and using their mandates to block attacks against LGBTQI rights. According to a report produced by ANTRA (Benevides and Simpson 2020), the 2020 municipal and state elections registered a 275 percent increase in trans people elected in relation to the 2016 municipal election. For the 2022 federal election, there was a 49 percent increase in the number of candidacies from trans people compared to 2018, reaching a new record for the participation of trans people in the race for political positions (Barros, Rossi, and Cabral 2023). In a context where women represent only 17 percent of the Brazilian federal legislative seats, the election of two trans women to the National Congress in 2022, Erika Hilton (PSOL/SP) and Duda Salabert (PDT/MG), is remarkable.

Since LGBTQI rights have become more contentious over time, it was not a surprise that the 56th Legislature (2019–2022) registered the largest number of bills on the topic when the entire democratic period is considered, that is, from 1987 to 2022. Figure 1 shows that bill presentation increased as the Legislatures passed. LGBTQI rights stopped being absent in the 48th Legislature and became increasingly present over the next thirty-five years. In the 56th Legislature (2019–2022) the number of bills that, in some way, addressed LGBTQI rights almost doubled and this is the period in Brazilian history when the highest number of bills was registered.

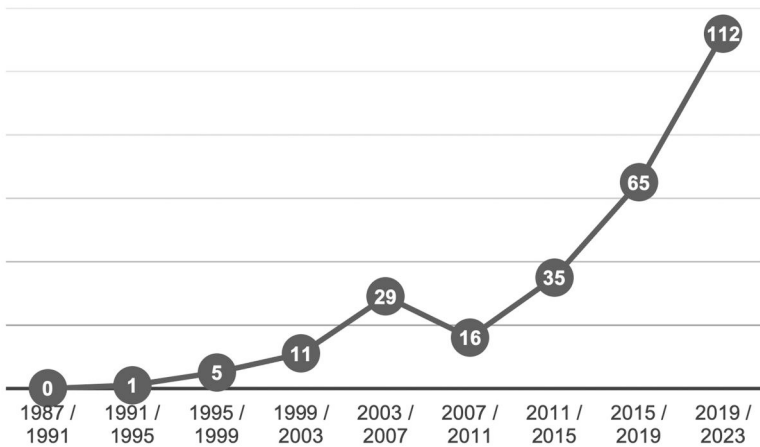


Figure 1. Presentation of bills on LGBTQI rights in the National Congress from 1987 to 2022.

Source: Own elaboration based on data from the House of Representatives and the Federal Senate.

Among the 112 bills under the umbrella of “LGBTQI rights” mapped in the 56th Legislature (2019–2022), there were bills about (1) policies to fight homophobia and transphobia; (2) gender identity and transgender people rights; (3) same-sex family; (4) sex education; (5) conversion therapy or “gay cure”; (6) National LGBT Pride Day; and (7) blood donation by men who have sex with other men. What came as a surprise was the fact that most of the bills were favorable to LGBTQI rights: 74 percent were favorable bills to LGBTQI rights and 26 percent were contrary. This proportion is higher than the average for the democratic period analyzed as a whole, in which of the 274 bills found, 92 (36 percent) are bills contrary to LGBTQI rights and 182 (64 percent) are in favor.

Davi Miranda, one of the few openly LGBTQI lawmakers at the federal level in the 56th Legislature (2019–2022), was responsible for presenting several of the favorable bills regarding LGBTQI rights in the National Congress in a demonstration of how representation matters. For instance, he presented a bill (PDL No. 487/2019) to suspend Decree No. 9.883, about the National Council Against Discrimination mentioned above. According to the bill’s justification, the Decree issued by Bolsonaro had an “LGBTphobic motivation.” However, the bill was never voted in plenary—as with most bills on LGBTQI rights in Brazil—and the decree ended up being revoked by President Lula in 2023 through Decree No. 11.471 which created the National Council for the Rights of Lesbian, Gay, Bisexual, Travesty, Transgender, Queer, Intersex, Asexual and Other Persons.

Overall, resistance in Congress was revealed both by the election of a higher number of LGBTQI people and by the actions of lawmakers who were responsible for presenting a considerably greater number of favorable proposals (74 percent of the total), by openly LGBTQI lawmakers and by allies. This type of resistance within such a conservative and disputed space was crucial to prevent Bolsonaro’s government agenda from advancing and being converted into laws, that is, state policies. This scenario reveals that the previous diagnosis about the National Congress’s inability to legislate on LGBTQI rights (Côrtes and Buzolin 2024) can have positive effects when it also serves to stop an agenda of rights regression in an autocratization context.

Another major ally in the LGBTQI resistance was the Brazilian Federal Supreme Court, which ruled favorably on most cases regarding LGBTQI rights during Bolsonaro’s government, a similar outcome as observed in the National Congress. Since the 2010s, the Federal Supreme Court has ruled sixteen cases in judicial review that were favorable to LGBTQI rights, deciding on same-sex marriage, gender identity, criminalization of homophobia and transphobia, blood donation by men who have sex with other men, sex education, and decriminalization of pederasty in the Military Penal Code. Figure 2 below shows that most of these cases went to trial under Bolsonaro’s government.

The court acted on two fronts: as a space of resistance where the political forces of Bolsonaro’s opposition managed to vocalize their demands (Cunha, Oliveira, and Buzolin 2023) and by deciding key cases to fight the anti-LGBTQI

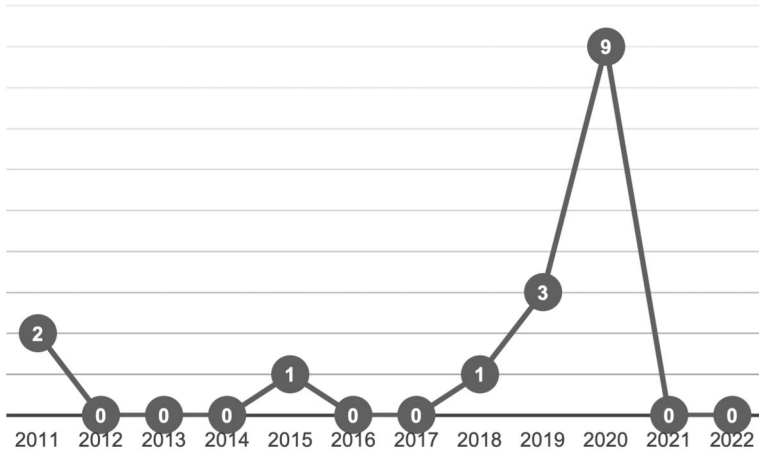


Figure 2. Judicial review decisions on LGBTQI rights issued from 2010 to 2022.

Source: Own elaboration from Federal Supreme Court data.

agenda. As to the first front, a case of constitutional review (case ADPF 942) was filed for the removal of the term “gender ideology” from the *Taxonomy of Human Rights Handbook*, and to end the possibility of anonymous complaints based on “gender indoctrination” in schools to be made to official hotlines. Before the Supreme Court had the chance to the rule on the case, the Ministry of Women, Family and Human Rights changed the *Handbook*, removing the term from its text (Maracci and Prado 2022).

On the second front, the Supreme Court ruled in favor of the criminalization of homophobia and transphobia (cases ADO 26 and MI 4.733) and to secure sex education in schools (cases ADPF 460/2020; ADPF 461/2020; ADPF 467/2020; ADPF 526/2020; ADPF 457/2020; ADI 5537/2020 and ADI 5580/2020), sending a clear message against homophobic speeches and attempts to criminalize “gender ideology,” Bolsonaro’s main strategies to undermine LGBTQI rights. It is important to point out that all these cases were filed prior to his election, that is, between 2016 and 2018, but the Federal Supreme Court used its agenda power to rule the cases in the first two years of Bolsonaro’s government.

In June 2019, the Federal Supreme Court ruled in favor of criminalizing homophobia and transphobia, in a historical trial in which most LGBTQI lawyers argued before the Supreme Court the reasons for granting the request (Buzolin 2022). According to data gathered by the International Lesbian, Gay, Bisexual, Trans and Intersex Association on the forty-eight countries in the world that recognize a criminal liability for offenses committed on the basis of sexual orientation (ILGA World 2020), Brazil was the only country that came to this point with a decision from a constitutional court and not with legislation. The decision stated that homotransphobic practices should be

considered a crime of racism, as prescribed by a federal law enforced in the whole country since 1989. Having already decided, back in 2003, that anti-Semitism is a type of racism, the Court stated that the concept of racism goes beyond biological or phenotypical aspects and means the denial of dignity and humanity for vulnerable groups, therefore considering homophobia and transphobia an act of racism.

Later, in 2020, the Court ruled in seven cases to declare unconstitutional laws that somehow prohibited mentioning gender and sexuality in schools. The cases were ruled by different Supreme Court Justices with similar reasonings about teachers' freedom of speech and how to tentatively enforce a "neutral" position in schools actually reflects a well-defined political and ideological position, which chooses to reinforce existing prejudices and discrimination in society. Justice Roberto Barroso, who was personally targeted in Bolsonaro's speeches,¹⁷ issued the most progressive vote. By focusing on gender and sexuality, Justice Roberto Barroso understood that sex education is essential for students to exercise their freedom and autonomy while they are experiencing their own sexualities and developing their gender identity, in addition to being necessary to protect students against discrimination and sexual threats.

After four years of tension between the former President and members of civil society organizations, lawmakers, and Supreme Court Justices, the balance was that Bolsonaro lost the race for his re-election as President in 2022 and Brazil managed to halt autocratization before a democratic breakdown and is now "bouncing back" to democracy (Nord et al. 2024). This result involved a series of factors, and the dispute over LGBTQI rights is deepened in the next section to highlight the lessons to be learned from the resistance mobilized by one of the minority groups most targeted by autocrats worldwide.

How to resist an autocrat?

As mentioned, autocratization is a global trend. However, despite the strengthening of the anti-gender movement and the resurgence of anti-democratic tendencies by far-right and conservative actors in the region, Latin America went against the global trend by increasing its democracy levels (Nord et al. 2024). According to the authors, even countries that were in a critical process of autocratization, such as Brazil, were able to bounce back to democracy by having (1) a large-scale popular mobilization against the autocrat; (2) a coalition between civil society and a unified opposition; (3) an independent judiciary willing to reverse executive takeover; (4) critical elections and alternation in power, and (5) international support and protection.

These were events observed in countries that recently were in an episode of autocratization and are currently democratizing. In the Brazilian case, male figures such as President Lula, Vice President Geraldo Alckmin, and Supreme

Court Justice Alexandre de Moraes were mentioned as part of the structure that helped the country bounce back to democracy. Nonetheless, by analyzing attacks and resistance involving LGBTQI rights, this article followed a less explored path, challenging the role attributed to gender and sexuality in the autocratization process.

Different from what was expected, Bolsonaro's strategy was not to combat LGBTQI rights obviously and directly. He did not try to forbid same-sex marriage or deny the possibility for transgender people to change their names and gender marks. In turn, his government had a dubious performance, on the one hand, stating that it would protect this population and, on the other hand, being very defensive about "gender ideology." In four years, he was able to (1) undermine previous policies through budgeting and closing spaces for civil society participation and (2) emphasize "gender ideology" and religious freedom to promote the Christian heteronormative model of family and "traditional values."

Resistance to these autocratic anti-LGBTQI politics in Brazil was offered by a powerful triad that was targeted during Bolsonaro's government. A number of civil society organizations, part of the feminist and LGBTQI social movements, organized popular demonstrations and online campaigns against Bolsonaro, fought fake news by producing reliable data to demonstrate how violent the country was to LGBTQI people from 2019 to 2022, and issued reports to denounce human rights violations to an international audience.

Lawmakers were also key in blocking legislative attacks from conservative actors and supporters of Bolsonaro's view on LGBTQI people. A successful strategy was an increase of the LGBTQI people running for public office in the 2020 municipal and state elections and, later, in the 2022 federal election, which saw the election of two trans women to the National Congress for the first time in Brazilian history. LGBTQI lawmakers and allies also acted by presenting bills to block conservative demands and to advance the sexuality and gender agenda, registering 74 percent of the favorable bills to LGBTQI rights. The absence of bill approval by the end of the 56th Legislature (2019–2022) can be considered positive since it kept the status quo in the National Congress and not one contrary bill passed in the period.

Another way to block attacks on LGBTQI rights was through legal statements from the Federal Supreme Court and its Justices. As mentioned, by acting as a space of resistance to oppose Bolsonaro, an intimidation effect was felt and "gender ideology" was removed from the *Taxonomy of Human Rights Handbook*, ending the possibility of anonymous complaints based on "gender indoctrination" in schools to be made to official hotlines. Supreme Court Justices used agenda power and ruled in favor of the criminalization of homophobia and transphobia and to secure sex education in schools, making it illegal to give homophobic speeches and to attempt to criminalize "gender ideology," Bolsonaro's main strategies to undermine LGBTQI rights.

On balance, by 2022, not only LGBTQI rights recognized prior to Bolsonaro's government—that is, same-sex family, the possibility for transgender people to change their names, and decriminalization of pederasty in the Military Penal Code—remained in force, but new rights were granted during his government by the Supreme Court, namely criminalizing homophobia and transphobia, ensuring the right to sex education, and allowing blood donation by men who have sex with other men. LGBTQI representation in public offices increased and an unprecedented number of trans women were elected to the National Congress, where the highest number of LGBTQI rights bills was registered, with 74 percent of these being favorable. A number of civil society organizations, part of feminist and LGBTQI movements, continued to produce reliable data and courageously denounced the government's attacks on international organizations.

To frame these results as resistance presents a challenge because the conduct of civil society organizations, lawmakers, and Supreme Court Justices was not exactly a novelty, whereas data production by activists and NGOs, the presentation of favorable bills, and LGBTQI rights recognition through the courts were happening prior to Bolsonaro's government.

However, even though there was a continuum in the actors' behaviors, what stood out was the reach and intensity of the results of their actions. When the democratic period is considered as a whole, that is, from 1987 to 2022, it was during the autocratization period (2019–2022) that a larger number of bills and Supreme Court decisions on LGBTQI rights were issued (as [figs 1 and 2](#) show), and transgender people were elected to the House of Representative for the first time in Brazilian history.

Another point to be raised is that the positive results regarding this resistance should not be interpreted lightly. During the period in which Brazil moved toward autocratization, a heavy climate of threats and moral panic was in force. Activists left the country, attacks on human rights were reported daily, and the number of violent deaths of LGBTQI people remained high. One of the lessons to be learned is that resistance needs to happen collectively, and it takes different approaches from strong players to avoid retrogression.

Another lesson is that women and LGBTQI movements are rooted and can no longer be ignored, they are vigilant and have demonstrated they are not afraid to compete for public spaces even in a context of autocratization. In the end, investing in the defense of the heteropatriarchal family and attacking women and LGBTQI people was revealed as a bad electoral strategy, since Bolsonaro's rejection among women and minorities was decisive in him losing the 2022 election. It also shows a lack of knowledge about Brazilian society, over half of which consists of families headed by women¹⁸, so attacks on them may not be the best strategy for building public policies and garnering electoral support.

Final remarks

The relationship between LGBTQI rights and democracy in Brazil is worth studying because the country has some of the strongest legally enshrined LGBTQI rights in Latin America, and indeed the world. At the same time, Brazil was experiencing a rapid autocratization process that was contained before democracy broke down. In this process, a male figure known for being proud of his heteronormative way of living was elected President, relying on anti-gender and anti-LGBTQI discourses. In this scenario, one could wonder if his election was a direct reaction to the feminist and LGBTQI movements' advances since these movements may have gone too far in their demands and achievements. To challenge this idea, this article presented how resistance was drawn in the autocratic period.

I have demonstrated that undermining LGBTQI rights was not that simple. Even with the control of one of the most powerful institutions in Brazil—the Executive Branch—Bolsonaro was not able to overturn LGBTQI rights. His attempts to do so involved dismantling previous policies through budgeting, closing spaces for civil society participation, and mobilizing “gender ideology” and religious freedom to promote the Christian heteronormative model of family and “traditional values.” He also attacked civil society organizations, National Congress lawmakers, and Supreme Court Justices in his speeches, and, in turn, these actors fought back and were part of a successful resistance that not only was able to secure LGBTQI rights but also contributed to their advancement during this period.

By 2022, homophobia and transphobia were criminalized, sex education was secured in schools, blood donation by men who have sex with other men was allowed, an unprecedented number of trans people were elected to the National Congress, the highest number of LGBTQI rights bills were presented, and LGBTQI and feminist NGOs produced reliable information to educate Brazilian society about the frightening levels of violence against this population and to denounce it to an international audience.

It may be the case that because Bolsonaro was always so open about his position against LGBTQI rights, the resistance was seeing the attacks coming and was better prepared to design strategies. Another aspect to consider is that autocrats usually work by division, fear, and attacks on different actors, which can create a favorable environment for alliances that have the common objective of resisting them. Only future research with social movements and key actors can illuminate how strategies were conceived and designed during a period of autocratization, and if this kind of resistance can be replicated in other contexts. Understanding from which levels of democracy erosion it is possible to bounce back is another challenge, and I hope this article has started an important conversation on the different roles LGBTQI rights can play in the ongoing wave of autocratization.

Notes

1. In this article, different terminologies are adopted to reproduce the narrative in the empirical data, that is, court decisions, bills, presidential decrees, even if such terminology is not the most inclusive or recent.
2. Official websites accessed are: <https://www.camara.leg.br/buscaProposicoesWeb/pesquisaAvancada> e <https://www25.senado.leg.br/web/atividade/materias> and <https://legislacao.presidencia.gov.br/#>.
3. Article 84. “The President of the Republic shall have the exclusive power to:
 - ... VI—provide for the following, by means of a decree:
 - (a) organization and operation of federal government services, whenever no augmentation of expenditures or creation or abolishment of government bodies is involved;
 - (b) abolishment of public positions or posts, if vacant.”
4. *Source: O Globo.* <https://oglobo.globo.com/brasil/bolsonaro-chama-ons-de-cancer-entidades-contratacam-24624003>, accessed on 18 May 2023.
5. This period is also marked by constant changes of political parties and a low rate of approval of Bolsonaro’s bills. *Source: Câmara dos Deputados.* <https://www.camara.leg.br/deputados/74847/biografia>, accessed on 13 May 2023.
6. The Seminar was part of a project called “Escola Sem Homofobia” (School Without Homophobia) launched in 2009 to offer changes in school practices and in the curriculum, to promote an environment conducive to equality and respect for diversity in everyday school life (Rodrigues and Silva 2020).
7. *Source: O Globo.* <https://g1.globo.com/politica/noticia/2019/01/03/em-video-damares-alves-diz-que-nova-era-comecou-no-brasil-meninos-ves-tem-azul-e-meninas-vestem-rosa.ghtml>, accessed on 12 May 2023.
8. *Source: Estado de Minas.* https://www.em.com.br/app/noticia/politica/2019/06/05/interna_politica,1059522/debate-sobre-ideologia-de-genero-provoca-sofrimento-em-jovens-damares.shtml, accessed on 16 May 2023.
9. *Source: https://www.youtube.com/watch?v=qouJ-2javsY*, accessed on 12 May 2023.
10. *Source: O Globo.* <https://oglobo.globo.com/brasil/direitos-humanos/dis-que-100-manual-criado-por-ministerio-de-damares-preve-denuncias-por-ideologia-de-genero-25305729>, accessed on 16 May 2023.
11. See Leite (2020) to better understand how youth expressions of gender and sexuality have played a fundamental role in confronting conservative conceptions and values.
12. On April 19, 2020, Bolsonaro participated in a demonstration in Brasília in favor of military intervention in the country. *Source: Folha de São Paulo, April 20, 2020,* <https://folha.com/o4mwqts5>, accessed on 18 April 2023.
13. *Source: BBC Brasil.* <https://www.bbc.com/portuguese/brasil-45700013>, accessed on 3 April 2024.

14. GGB's reports are available here: <https://grupogaydabahia.com.br/observatorio-da-violencia/>. ANTRA's reports are available here: <https://antrabrazil.org/assassinatos/>, accessed on 2 April 2024.
15. Observatório de Políticas de Sexualidade (ABIA); Ação Educativa; Gênero e Educação; Associação Brasileira de Gays, Lésbicas, Bissexuais, Travestis, Transsexuais e Intersexos (ABGLT); Associação Nacional de Travestis e Transsexuais; Conselho Latino-Americano das Mulheres (CLADEM/Brasil); CONECTAS Direitos Humanos; Núcleo de Direitos Humanos e Cidadania LGBT+ da Universidade Federal de Minas Gerais e IPAS.
16. <https://www.hrw.org/pt/report/2022/05/12/381942>, accessed on 17 May 2023.
17. Bolsonaro attacked Supreme Court Justice Roberto Barroso in interviews and YouTube Lives on several occasions. Close to the 2022 election, he called Barroso a “criminal”. *Source: CNN Brasil.* <https://www.cnnbrasil.com.br/politica/bolsonaro-chama-barroso-de-criminoso-e-critica-mor-aes-por-perseguido-implacavel/> accessed on 6 April 2024.
18. According to the Brazilian Censo, 51 percent of households are headed by women, that is, the woman is responsible for the household and its decisions. Women are also the majority of the Brazilian population. *Source: IBGE.* <https://censo2022.ibge.gov.br/panorama/>, accessed on 9 April 2024.

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