

Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva

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The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honor to submit herewith the reply from the Federative Republic of Brazil to the letter of the Independent expert on protection against violence and discrimination based on sexual orientation and gender identity, dated 21 November 2019.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 29 January 2020

To the attention of the Independent Expert on SOGI

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# FEDERATIVE REPUBLIC OF BRAZIL

RESPONSE TO THE LETTER - DATED 21 NOVEMBER 2019 - FROM THE INDEPENDENT EXPERT ON PROTECTION AGAINST VIOLENCE AND DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER

# IDENTITY

With regard to the letter — dated 21 November 2019 — from the Independent expert on protection against violence and discrimination based on sexual orientation and gender identity, the Brazilian Government presents the following information:

(i) What different practices fall under the scope of so-called "conversion therapy" and what is the commom denominators that allow their grouping under this denomination?

The practice of "conversion therapy" is prohibited in Brazil. On March 22 1999, the Federal Council of Psychology (CFP, in its Portuguese acronym) published Resolution No. 001/99, which establishes rules for psychologists in relation to the subject of sexual orientation. According to the Resolution, psychologists are prohibited from offering conversion therapy, but they can treat the anguish experienced by LGBT people who face personal conflicts and discrimination, in order to help them overcome situations of difficulty.

Please find below the text of Resolution No. 001/99:

"Art. 1 - Psychologists will act according to the ethical principles of the profession, notably those related to non-discrimination and the promotion and well-being of people and humanity.

Art. 2 - Psychologists must contribute with their knowledge to a reflection on prejudice and the extinction of discrimination and stigmatization against those who have homoerotic behavior or practices.

Art. 3 - Psychologists will not perform any action that favors the pathologization of homoerotic behavior or practices, nor will they adopt coercive actions aimed at guiding homosexuals towards unsolicited treatments.

Sole paragraph - Psychologists will not collaborate with events and services that propose the treatment and cure of homosexualities.

Art. 4 - Psychologists will not make declarations, nor will they participate in public pronouncements in the mass media to reinforce the existing social prejudices against homosexuals as having any psychic disorder. Art. 5 - This Resolution enters into force on the date of its publication.

Art. 6 - All provisions to the contrary are revoked. '

Finally, the Supreme Federal Court has ratified the Resolution of the Federal Council of Psychology in a preliminary order, since there was a contrary lawsuit in lower courts that challenged CFP's competence.

In accordance with this understanding, "conversion therapies' are not a part of the National Policy on the Integral Health of Lesbians, Gays, Bisexuals, Transvestites and Transsexuals (PNSILGBT), which aims, instead, at promoting all aspects of LGBT people •s health, according to their demands and needs. Established by Ordinance No. 2.836 of December 1 st 2011 and implemented by the Ministry of Health, this policy includes sexual orientation and gender identity in the analysis of the social determination of health. Its goals are also to eliminate discrimination and institutional prejudice as well as to contribute to the reduction of inequalities and to the consolidation of the Brazilian National Health System as a universal, integral and equitable one. According to Ordinance No. 2.836, one of the specific goals of this policy is to reduce mental health problems experienced by LGBT people, with prevention, promotion and recovery actions.

1. Are there definitions adopted and used by States on practices of so-called "conversion therapy"? If so, what are those definitions and what was the process through which they were created or adopted?

All states in Brazil recognize the Supreme Federal Court's decision as the ultimate decision on the matter and do not offer "conversion therapy".

1. What are the current efforts by States to increase their knowledge of practices of so-called "conversion therapy"? Are there efforts to produce information and data on these practices?

Brazilian states do not offer "conversion therapy". There are states in Brazil that carry out advertising campaigns jn order to disseminate the prohibition of "conversion therapy".

1. What kinds of information and data are collected by States to understand the nature and extent of so-called "conversion therapies" (e.g. through inspections, inquiries, surveys)?

Such information is not available.

1. Has there been an identification of risks associated with practices of so-called "conversion therapy"?

The practice of "conversion therapy" is prohibited in Brazil.

1. Is there a State position on what safeguards are needed, and what safeguards are in place to protect the human rights of individuals in relation to practices of so-called "conversion therapy"? This question includes the following:
2. Safeguards to protect individuals from being subjected to "conversion therapies".
3. Broader statutory rules or administrative policies to ensure accountability of health care and other providers.

There is no legislation - i.e. acts approved by the Brazilian National Congress - in force that expressly prohibits "conversion therapies", however the 1988 Brazilian Federal Constitution guarantees that people are treated in a free and equal manner. The Federal Supreme Court has decided, in a preliminary order, in favor of the prohibition of "conversion therapies".

The Federal Council of Psychology's Code of Conduct penalizes professionals that offer "conversion therapies", which may have their professional authorization revoked. Professionals who insist on offering "conversion therapies" may be held accountable for the crime of fraud by the Brazilian Penal Code, since they offer cure for a condition that is not considered as a disease by medical

sciences.

1. Are there any State institutions, organizations or entities involved in the execution of practices of so-called conversion therapy? If so, what criteria have been followed to consider these as a form of valid State action?

The practice of "conversion therapy" is prohibited in Brazil.

1. Have any State institutions taken a position in relation to practices of so-called "conversion therapy", in particular:
2. Entities or State branches in charge of public policy;
3. Parliamentary bodies;
4. The Judiciary;
5. National Human Rights Institutions or other State institutions;
6. Any other entities or organizations.

The Brazilian Supreme Court established that the Federal Council of Psychology (CFP) js the institution responsible for the regulation of psychologist. The CFP is opposed to the offering of "conversion therapies", as demonstrated in Resolution No. 001/99. The Legislative Power has been debating this issue, but there is no decision thereon so far.