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Intolerance, Stigmatization, Discrimination, Incitement to Violence and Violence Based on Religion or Belief: Input to the United Nations regarding Brazil

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Acronyms

FNI	Facts and Norms Institute
GHRO	Global Human Rights Observatory
IACHR	Inter-American Commission on Human Rights
OAS	Organization of American States
UN	United Nations

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Researcher's views are exclusively on behalf of Facts and Norms Institute.

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INTRODUCTION

On 24 March 2021, the Human Rights Council adopted Resolution 46/27, entitled “*Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief*”, asked the United Nations High Commissioner for Human Rights to prepare a comprehensive follow-up report to the matter and submit it to the Human Rights Council at its forty-ninth session.¹

Pursuant to the Resolution, the Office of the High Commissioner launched a round of written consultations, inviting all current or aspiring Member States of the United Nations, as well as civil society actors and other stakeholders, to collaborate with “any contributions” and “views on potential follow-up measures” regarding the efforts and measures taken by States for the implementation of the following action plan for combating intolerance based on religion or belief:

- a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration, and media education;
- b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;
- c) Encouraging the training of government officials in effective outreach strategies;
- d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter those causes;

¹ United Nations. Combating intolerance, negative stereotyping, and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief. Adopted by the Human Rights Council on 24 March 2021. Doc. A/HRC/RES/49/31, 13 April 2021, paragraph 13.

e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility, or violence;

f) Adopting measures to criminalize incitement to imminent violence based on religion or belief;

g) Understanding the need to combat denigration and negative religious stereotyping of persons and incitement to religious hatred by strategizing and harmonizing actions at the local, national, regional, and international levels through, inter alia, education and awareness-building;

h) Recognizing that the open, constructive, and respectful debate of ideas and interfaith and intercultural dialogue at the local, national, and international levels can play a positive role in combating religious hatred, incitement and violence;

i) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against individuals based on religion or belief;

ii) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society;

iii) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

iv) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches, and other law enforcement investigative procedures.

Facts and Norms Institute was amongst the stakeholders which responded to the questionnaire. The following is the relevant information about the country of Brazil as it were presented by Facts and Norms Institute in September 2021.

Facts and Norms Institute is an independent academic institution based in the Global South, with members present in all continents. The Institute's mission is straightforward: to promote a rational, human rights-based approach to relevant social issues.

The Institute's record includes studies on the relations between human rights and infectious diseases; preventing and tackling torture; racism and religious intolerance; social participation; transitional justice and sustainable development; non-state actors and transitional justice; the rights of persons with albinism; the criminalization of persons living in the street and in extreme poverty; the protection of lawyers; the human rights of indigenous and poor rural communities to water and sanitation; militarization of indigenous land; human rights and internet shutdowns; contemporary forms of slavery and the informal economy; mercury, artisanal and small-scale gold-mining and human rights; and adequate housing and climate change.

* * *

EXECUTIVE SUMMARY

(1) There has been past documentation of issues of intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against practitioners of Afro-Brazilian religions.

(2) After a mission to Brazil in November 2010, the UN Independent Expert in the Field of Cultural Rights reported, *inter alia*, that:

(2.1) Afro-Brazilian religions and belief systems were historically subject to discrimination and negative stereotyping; religious instruction is often biased against religions of African origin and in favour of the beliefs of most of the population;

(2.2) there are reports of religious intolerance against students, families and educational professionals related to the practice of Afro-Brazilian religions, including physical violence against students, forced resignation and removal of professionals, the ban of books, unequal access to school facilities by Afro-Brazilian religious leaders and inaction to address instances of discrimination or abuse of power by teachers and principals against persons professing Afro-Brazilian religions;

(2.3) these situations conduce to the failure or low performance of students, drop-out or requests for transfer to other schools, as well as loss of self-esteem and cultural identity, with particularly adverse impacts on children;

(2.4) Afro-Brazilian religions operating in culturally informal structures have difficulties accessing benefits that are made available to institutionalized and legally recognized religions, including tax exemptions;

(2.5) there are reports of attacks against persons and sites associated with religions of African origin by followers of Pentecostal religions who use the media to portray Afro-Brazilian groups as “devil worshipers”.

(3) Similar problems were reported by the UN Special Rapporteur on Minority Issues after a mission to Brazil in September 2015, *v.g.*,

(3.1) despite being a demographic majority, Afro-Brazilians experience racial discrimination and face severe disadvantage compared with other Brazilians;

(3.2) although there was, generally, a high degree of religious tolerance in Brazil, one exception was the situation of Afro-Brazilian religions, which were facing an increasing number of incidents of violence, intimidation and

discrimination (including harassment, intimidation, hate speech and even acts of violence against practitioners; vandalism of places of worship; discrimination in the workplace, in schools and in hospitals as a result of traditional dress, beads or symbols; harassment of practitioners by Evangelicals, negative stereotyping promoted by mainstream media owned by Evangelicals and attempts to criminalize Afro-Brazilian religious rites involving animal sacrifice);

(3.3) there were reports of widespread impunity regarding the acts of discrimination, hostility *et cetera*, as well as concerns that Afro-religions are not given equal protection and official recognition.

(4) Comparable to indigenous peoples, Quilombolas are also traditional communities with a special relation to their land. The IACHR reported a possible impairment of Quilombola religious rites in the context of a land dispute regarding the Quilombola Community of Rio dos Macacos.

(5) The IACHR also reported violations of freedom of religion in therapeutic communities – private entities that operate as temporary collective residences in which patients are housed and often isolated to keep them abstinent. These reported violations included forced internment, arbitrary medication, restrictions on contact with family members, forced labour, physical abuse, the internment of adolescents and the imposition of religious beliefs and practices as part of the “treatment” under threat of corporal punishment.

(6) The IACHR reported, *inter alia*, two cases of extreme violence against LGBT persons with macabre religious aspects that took place in Brazil. The Commission was informed that sometimes attacks against LGBT persons are religiously motivated.

I. INTOLERANCE, NEGATIVE STEREOTYPING, STIGMATIZATION, DISCRIMINATION, INCITEMENT TO VIOLENCE AND VIOLENCE AGAINST PRACTITIONERS OF AFRO-BRAZILIAN RELIGIONS

At the invitation of the Government of Brazil, the then UN Independent Expert in the Field of Cultural Rights, Ms. Farida Shaheed, undertook a mission to Brazil from 8 to 19 November 2010. The resulting report documents contributions from stakeholders and the contextual information that “Afro-Brazilian religions and belief systems were historically subject to restrictive policies at the national level”; “[p]ersecuted and prohibited at certain times,” they “were labelled [as] ‘superstitions’, ‘cults and ‘witchcraft’;” and also as “‘primitive’ and ‘archaic’ manifestations that would eventually disappear”.²

Regarding the normative level, the report correctly asserts that the Brazilian Federal Constitution recognizes the right to freedom of thought, conscience, religion and belief and seeks to protect places of worship, religious celebrations and rituals, and the free exercise of religious belief, while affirming that no one shall be deprived of any rights because of religious beliefs or philosophical or political convictions.³

The report also acknowledges that the Federal Constitution prescribes that religious education shall be offered as an optional course during normal school hours in public elementary schools, and that this norm was further developed by Law 9.475 of 1997 (modifying law 9.394 of 1996), which stresses that the implementation of the Constitutional provision should ensure respect for the religious diversity of Brazil and

² United Nations. Report of the independent expert in the field of cultural rights, Farida Shaheed, on her mission to Brazil. [UN Doc. A/HRC/17/38/Add.1](#), 21 March 2011, paragraph 79.

³ United Nations. Report of the independent expert in the field of cultural rights, Farida Shaheed, on her mission to Brazil. [UN Doc. A/HRC/17/38/Add.1](#), 21 March 2011, paragraph 74.

proscribes any form of proselytism.⁴

In practice, however, there were reports of i) religious instruction being left to the discretion of teachers and principals and determined by their personal belief system, “with detrimental consequences particularly for religions of African origin”; ii) religious teaching is often imposed as compulsory in public schools and limited to the beliefs of the majority of the population, with the exclusion of religions of African origin from the curriculum; iii) the State lacked neutrality or secular character, as religious teaching was being used to proselytise and public funds were used to purchase only certain religious books and teaching materials for schools.⁵

The Independent Expert further reports complaints of i) “religious intolerance against students, families and educational professionals related to the practice of Candomblé, Umbanda and other religions with African roots”; ii) “instances of physical violence against students (punching, and even stoning)”; iii) instances of “forced resignation or removal of educational professionals who are adherents of religions of African origin or who teach the content of those religions”; iv) “the ban on the use of certain textbooks [with a more inclusive approach]”; v) “unequal access to school facilities by religious leaders, in particular those related to religions of African origin”; iv) “inaction to address instances of discrimination or abuse of power by teachers and principals against persons professing religions of African origin”.⁶

These situations were understood as “conducive to the failure or low performance of students, drop-out or requests for transfer to other schools, as well as loss of self-esteem

⁴ United Nations. Report of the independent expert in the field of cultural rights, Farida Shaheed, on her mission to Brazil. [UN Doc. A/HRC/17/38/Add.1](#), 21 March 2011, paragraph 75.

⁵ United Nations. Report of the independent expert in the field of cultural rights, Farida Shaheed, on her mission to Brazil. [UN Doc. A/HRC/17/38/Add.1](#), 21 March 2011, paragraphs 76-78.

⁶ United Nations. Report of the independent expert in the field of cultural rights, Farida Shaheed, on her mission to Brazil. [UN Doc. A/HRC/17/38/Add.1](#), 21 March 2011, paragraph 80.

and cultural identity”, with the depreciation of the cultural expressions of Afro-Brazilian communities and specific adverse impacts on children.⁷



Practitioners of Candomblé. Wikipedia 2018.

Additionally, the Independent Expert documented concerns with a differentiated access to State benefits for institutionalized and legally recognized religions that enjoy tax exemptions, as Afro-Brazilian religions operating in more informal structures are not eligible for such benefits.⁸

Finally, the report mentions complaints of “[a]ttacks on persons and sites associated with religions of African origin [...] to have occurred, in some instances, by

⁷ United Nations. Report of the independent expert in the field of cultural rights, Farida Shaheed, on her mission to Brazil. [UN Doc. A/HRC/17/38/Add.1](#), 21 March 2011, paragraph 80.

⁸ United Nations. Report of the independent expert in the field of cultural rights, Farida Shaheed, on her mission to Brazil. [UN Doc. A/HRC/17/38/Add.1](#), 21 March 2011, paragraph 79.

followers of Pentecostal religions who use the media to portray religio-cultural Afro-descent groups as ‘devil worshipers’.” According to the report, “[r]aids and attacks on places of religions of African origin [were] still occurring in several Brazilian states, as well as provocation and physical aggression against its practitioners”, including even invasions of Candomblé and Umbanda places of worship by the police itself.⁹

From 14 to 24 September 2015, Ms. Rita Izsák, then the United Nations Special Rapporteur on Minority Issues, undertook an official visit to Brazil. According to the resulting report, despite being a demographic majority, Afro-Brazilians experience racial discrimination and face severe disadvantage compared with other Brazilians. Following a long history of slavery and oppression, Afro-Brazilians are still subject to i) high levels of violence, including State violence, often with complete impunity; ii) lower levels of socioeconomic development; disproportionate poverty and poor social and economic conditions; precarious access to education, employment, health care and housing; iii) overall exclusion from positions of power and influence, despite affirmative action policies; iv) extremely high rates of incarceration associated with the “war on drugs” and a negative stereotyping of Afro-Brazilians (often displayed by mainstream media as criminals); and v) a particular vulnerability of Afro-Brazilian women and girls to abuse.¹⁰

The same report considered that, although there was, generally, a high degree of religious tolerance in Brazil, one exception was the situation of Afro-Brazilian religions, which were facing an increasing number of incidents of violence, intimidation and discrimination.¹¹ In this sense, the Special Rapporteur noted, *inter alia*,

⁹ United Nations. Report of the independent expert in the field of cultural rights, Farida Shaheed, on her mission to Brazil. [UN Doc. A/HRC/17/38/Add.1](#), 21 March 2011, paragraph 81.

¹⁰ United Nations. Report of the Special Rapporteur on minority issues on her mission to Brazil. [UN Doc. A/HRC/31/56/Add.1](#). 9 February 2016, *passim* and paragraphs 88-93.

¹¹ United Nations. Report of the Special Rapporteur on minority issues on her mission to Brazil. [UN Doc. A/HRC/31/56/Add.1](#). 9 February 2016, paragraphs 80-81 *et seqs.*

i) a concerning increase in reports of harassment, intimidation, hate speech and even acts of violence against individual members of Afro-religions such as Candomblé and Umbanda;

ii) vandalism of places of worship, including the burning of temples and the desecration of Afro-religious symbols;

iii) discrimination against members of Afro-religions as a result of traditional dress, beads or symbols, which are often banned from the workplace, while other religious symbols, such as crucifixes, are not; Terreiro women domestic workers reported not being allowed to wear traditional clothes or religious symbols in their workplaces; there were also reports of discrimination against children for wearing traditional dress in schools, and the banning of Afro-religious leaders from performing symbolic rituals in hospitals for members of their faith;

iv) reports of afro-religious practitioners being harassed by Evangelicals, including negative stereotyping against them by mainstream media owned by Evangelicals and attempts to criminalize religious animal sacrifice as a means of criminalizing Afro-religious practices;

v) concerns that Afro-religions are not given equal protection and official recognition as religions, but rather considered as folklore or as a mere cultural manifestation;

iv) reports of widespread impunity regarding the attacks against Afro-religion practitioners and their places of worship, or instances of discrimination, including against children in schools; lack of responsiveness to complaints filed and failure to investigate allegations.¹²

¹² United Nations. Report of the Special Rapporteur on minority issues on her mission to Brazil. [UN Doc. A/HRC/31/56/Add.1](#). 9 February 2016, paragraphs 81-85.

Regarding the latter, the Special Rapporteur indicated that “the lack of accountability and trust in law-enforcement services has meant that followers of Afro-religions report feeling unsafe in their neighbourhoods and cities”, and further noted “the need for police and judicial training in order to better ensure that the rights of Terreiros and their followers are protected”.¹³

The Special Rapporteur also observed that the increasing dominance of certain religious groups and their concentration in power – including recent attempts to alter the Constitution so as to give religious associations the capacity to challenge the constitutionality of laws – could negatively impact the secularist nature of the Brazilian State.¹⁴

II. REPORTED IMPAIRMENT OF QUILOMBOLA RELIGIOUS RITES

Comparable to indigenous peoples, Quilombolas are also traditional communities with a special relation to their land. Many of them were established by people of African-descent, including formerly slaved persons.

One of such communities is the Quilombola Community of Rio dos Macacos. Situated in the province of Bahia, Brazil, the Rio dos Macacos community was reported to exist for more than two hundred years, with a heritage linked to the process of black resistance during the period of slavery. Members of the community reported to the Inter-American Commission on Human Rights (IACHR) that the Brazilian Navy began a process of invasion of their traditional territory decades ago, with subsequent construction a river dam and installation of a military residential condominium in the region.¹⁵

¹³ United Nations. Report of the Special Rapporteur on minority issues on her mission to Brazil. [UN Doc. A/HRC/31/56/Add.1](#). 9 February 2016, paragraph 85.

¹⁴ United Nations. Report of the Special Rapporteur on minority issues on her mission to Brazil. [UN Doc. A/HRC/31/56/Add.1](#). 9 February 2016, paragraph 87.

¹⁵ IACHR – Interamerican Commission of Human Rights. [Resolution No. 44/2020. Precautionary Measure](#)

On 6 August 2020, the IACHR adopted Resolution 42/2020, by which it granted precautionary measures to members of the Quilombola Community of Rio dos Macacos. The applicants alleged that the beneficiaries were at risk due to threats, harassment, and acts of violence perpetrated against them in the context of their dispute for recognition of their territory, and in view of the potential collapse of the dam that is close to the territory. Upon analyzing the submissions of fact and law, the Commission considered that the information demonstrates *prima facie* that the members of community were facing a serious and urgent situation of irreparable harm given that their rights to life and personal integrity are at serious risk. Consequently, the Commission requested that Brazil adopt the necessary measures to protect the rights to life and personal integrity of the members of the community. The IACHR asked the State to protect them from threats and acts of harassment and violence committed by both state officers and third parties, pursuant to international law of human rights; consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and report on the measures adopted in order to investigate the facts that led to the adoption of this precautionary measure and thus avoid its reoccurrence.¹⁶

One point of particular relevance: the cited Resolution 42/2020 mentioned, *inter alia*, that the State informed of previous complaints by community members and their follow-up by State authorities, including the closure of a Terreiro (a religious temple) of the Afro-Brazilian religion Candomblé inside the Quilombola territory after invaders attacked, intimidated and threatened practitioners.¹⁷

No. 1211-19. Comunidad Remanente del Quilombo Rio dos Macacos respecto de Brasil. 6 August 2020, paragraph 4.

¹⁶ IACHR - Interamerican Commission of Human Rights. [Resolution No. 44/2020. Precautionary Measure No. 1211-19](#). Comunidad Remanente del Quilombo Rio dos Macacos respecto de Brasil. 6 August 2020, *passim*.

¹⁷ IACHR - Interamerican Commission of Human Rights. [Resolution No. 44/2020. Precautionary Measure No. 1211-19](#). Comunidad Remanente del Quilombo Rio dos Macacos respecto de Brasil. 6 August 2020, paragraph 12.

In its 2021 Report regarding the Situation of Human Rights in Brazil, the Inter-American Commission of Human Rights (IACHR) observed the “precarious plight” of the Quilombola Community of Rio dos Macacos. The Report mentioned that Rio dos Macacos was chosen by the Brazilian Navy 47 years ago as the site it needed for its Aratu Naval Town (military residential condominium). “Since then,” noted the IACHR, “conflicts have emerged due to violations of the community members’ right to freedom of movement by Armed Forces personnel”.¹⁸ The Commission also noted that the construction of a wall by the Armed Forces in Rio dos Macacos was in discussion and had the potential of “impair[ing] the community’s traditional way of life, especially with respect to fishing, agriculture, and religious rites”.¹⁹

III. REPORTED VIOLATIONS OF FREEDOM OF RELIGION IN THERAPEUTIC COMMUNITIES

In the *supra* cited 2021 Report regarding the Situation of Human Rights in Brazil, the IACHR addressed human rights concerns related to the Brazilian “therapeutic communities”, i.e., private entities (among them entities “financed with government funds”) that treat persons with alleged drug and alcohol use issues that operate as “temporary collective residences in which patients are housed and often isolated to keep them abstinent”.²⁰

According to the Commission, the absence of State control mechanisms leaves the door open to arbitrary practices and human rights violations within these institutions. In

¹⁸ Inter-American Commission on Human Rights. [Situation of Human Rights in Brazil](#). OAS/Ser.L/V/II. Doc. 9 February 12, 2021, paragraph 42.

¹⁹ Inter-American Commission on Human Rights. [Situation of Human Rights in Brazil](#). OAS/Ser.L/V/II. Doc. 9 February 12, 2021, paragraph 44.

²⁰ Inter-American Commission on Human Rights. [Situation of Human Rights in Brazil](#). OAS/Ser.L/V/II. Doc. 9 February 12, 2021, paragraph 224.

this sense, the IACHR was apprised of a variety of violations committed in these therapeutic communities, including, forced internment, arbitrary medication, restrictions on contact with family members, forced labor, physical abuse, the internment of adolescents and *violation of freedom of religion and conscience*.²¹

The Commission was told that in many of these therapeutic institutions the treatment offered is based on religious practices, at times to the detriment of medical care or specialized treatment; and that “those interned are required to submit to religious beliefs that differ from her or her own, in a form of imposition, which in the Commission’s view could violate people’s right to religious freedom.”²²

Civil society organizations also complained of “complained of religious indoctrination measures, the banning of manifestations of religions other than that espoused by the institution, and the obligation imposed on patients to take part in religious activities under threat of corporal punishment.”²³

IV. VIOLENCE AGAINST LGBT PERSONS WITH MACABRE RELIGIOUS ASPECTS

In the 2021 *Report on the Situation of Human Rights in Brazil*, the IACHR also noted with special concern the information received regarding acts of violence committed against transgender diverse gender persons. According to data provided by civil society instances, 164 such persons were murdered in 2018 and 124 in 2019. According to a

²¹ Inter-American Commission on Human Rights. [Situation of Human Rights in Brazil](#). OAS/Ser.L/V/II. Doc. 9 February 12, 2021, paragraph 229.

²² Inter-American Commission on Human Rights. [Situation of Human Rights in Brazil](#). OAS/Ser.L/V/II. Doc. 9 February 12, 2021, paragraph 230.

²³ Inter-American Commission on Human Rights. [Situation of Human Rights in Brazil](#). OAS/Ser.L/V/II. Doc. 9 February 12, 2021, paragraph 230.

survey, 80% of the deaths were particularly cruel.²⁴

One example had a macabre religious aspect: Quelly da Silva, a trans woman, was murdered and had her heart ripped out and replaced with a religious image.²⁵ Reports in the press mentioned that the murderer admitted guilt and tried to justify his brutal acts by affirming that Ms. Quelly da Silva was “a demon” of a sort.²⁶

Another case in point is in the Inter-American Commission’s 2015 Report on *Violence against Lesbian, Gay, Bisexual, Trans, and Intersex Persons in the Americas*. In the report, the IACHR mentioned how it had been informed that “sometimes attacks against LGBT persons are religiously motivated”. The example given by the Commission pertained an attack of a 19-year-old gay man in Brazil, perpetrated by three adult men. Two of them “punched the victim repeatedly while the third prayed for the victim to be saved from his ‘sins’.” After that, “one of the attackers wrapped the victim’s arm in a cloth and set it on fire. The attackers allegedly abandoned the victim with a note in his pocket that read: ‘the fire of purification was set upon he who declared his bestial lover’.”²⁷

²⁴ Inter-American Commission on Human Rights. [Situation of Human Rights in Brazil](#). OAS/Ser.L/V/II. Doc. 9 February 12, 2021, paragraph 267.

²⁵ Inter-American Commission on Human Rights. [Situation of Human Rights in Brazil](#). OAS/Ser.L/V/II. Doc. 9 February 12, 2021, paragraph 267.

²⁶ Andréa Martinelli; Leda Antunes; HuffPost. [“Quelly da Silva: O nome da travesti que foi assassinada e teve o coração arrancado”](#). Portal Geledés, 25 January 2019; G1 Campinas. [“Companheiro de transexual que teve coração arrancado diz que autor ‘não pode viver em sociedade’”](#). Globo G1, 23 January 2019.

²⁷ Inter-American Commission on Human Rights. [Violence against Lesbian, Gay, Bisexual, Trans, and Intersex Persons in the Americas](#). OAS/Ser.L/V/II.rev.1 Doc. 36, 12 November 2015, paragraph 212.

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