KU LEUVEN

FACULTEIT SOCIALE WETENSCHAPPEN

Queering Public Policy

The LGBTQ Movement Influence on Policymaking in Brazil

Diego GALEGO

Proefschrift aangeboden tot het verkrijgen van de
graad van Doctor in de Sociale wetenschappen [KU Leuven]
en Doctor of Public Policies [UA]

Bidiplomering met Universidade de Aveiro, PT

Supervisor KU Leuven: Prof. Dr. Marleen Brans
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Onderzoekseenheid: Instituut voor de Overheid [OE IO]

2022

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Dear folks, what a day to defend this PhD? Today is full of symbolism and meaningful things. The 29th of April is memorable.

Today, we celebrate the Feast of Saint Catherine of Siena in the Catholic tradition. She is considered the second doctor of the Church and an activist. What a day to complete a PhD on LGBTQ activism, right?

Today, we celebrate the day of the life of those who were born on the 29th of April. Annie Hondeghem, thank you very much for sharing your day with us.

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I want to finish with a reflection. I think we should approach a PhD journey differently. Of course, do not exempt the individual responsibility with the PhD journey but bring in the collective responsibility of such a journey. Because when a PhD is awarded, the academic community is awarded.

When a PhD fails, the community fails.

When a PhD succeeds, the community succeeds.

When we celebrate, we must celebrate as a community as we will do now after the chair closes the session.

Let us celebrate the feast, the life, and the closing cycle with all involved in this journey. Thank you, everybody, for being here, for those who collaborated directly and indirectly for this moment. And last words I borrow from a former KU Leuven rector, Pieter de Sommer, “we as academia are allowed to commit mistakes to learn”. Thank you!

Leuven, Belgium – 29th of April 2022
Diego Galego

List of Abbreviations

ABGLT	Brazilian Lesbians, Gays, Bisexuals, Travestis, Transsexuals and Intersex Association
ABL	Brazilian Lesbian Association
ADO	Direct Action of Unconstitutionality by Omission
ANTRA	Brazilian Travestis and Transexual Association
CNCD-LGBT	National Council Against Discrimination of LGBT people
CNJ	National Council of Justice
GGB	Grupo Gay da Bahia
LBL	Brazilian League of Lesbians
LGBTQ	Lesbians, Gays, Bisexuals, Transgenders, and Queer people
MI	Mandatory Injunction
PL	Bill
PLC	Bill from the House
PT	Workers' Party
STF	Supreme Federal Court

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Notes on Terminology and Conventions

I attempt to use consistent terminology throughout the dissertation. The historical acronym LGBT has improved to include more socially and politically excluded communities. In general, LGBTQ refers to an internationally established collective identity claimed by politically mobilized lesbians, gays, bisexuals, transgender and queer people. In this dissertation, LGBTQ is used to include every gender identity and sexual orientation that are considered underrepresented, lesbians, gays, bisexuals, transgender, travestis, transsexuals, queer, intersex, asexual, and other identities (LGBTQIA+) (see a complete discussion on key concepts in Annex I).

In the context of the criminalisation case in Brazil, readers will notice that the acronym is LGBTphobia. Moreover, it follows the term used in the official documents of the case. These choices are to respect the identities of the movement participants and maintain the conceptual and analytical fidelity of specific terms.

Generally, I opt for *Portuguese* acronyms when referring to official documents or public institutions, followed by the English translation throughout the text. Interview quotations are presented in English. I also followed the convention of inserting, clarifying or missing words in [brackets]. Legal terminologies are kept in Latin, followed by an English translation.

CHAPTER - 1 INTRODUCTION

1. Research Puzzle: Social Movement Influences on Policymaking

After Bolsonaro's election in 2018, the president of the Brazilian Bar Association (OAB), Maria Berenice Dias, advised lesbians, gays, bisexuals, transgenders, and queer (LGBTQ) people to get married before January 2019 (Da Redação, 2018), because same-sex marriage was only allowed by jurisprudence and not law, and thus was expected to be changed by the new government. As a result, many LGBTQ persons feared for their rights and rushed to marry before the new president's inauguration (Lemos & Sampaio, 2018). Besides the issue of marriage itself, there was also a clear sign that the Federal Executive would become less collaborative with social movements and even less with the LGBTQ movement to address their issues (Iamamoto, Mano, & Summa, 2021; Webber, 2020a).

However, in 2019, the Brazilian Supreme Federal Court granted another right to LGBTQ people. The Court's decision to criminalise LGBTphobia as social racism under the anti-racism law marks the end of eighteen years of a conflict-ridden policy process (2001-2019). Amid several adversities throughout the policy process, the LGBTQ movement influenced policymaking by shifting strategies and venues of activism from the legislative to the executive, then from the legislative to the judiciary branch.

Scholars argue that the genesis of many public policies is the problem definition, leading to the complexity of the policy cycle, often divided into five stages: agenda-setting, formulation, decision-making, implementation and evaluation (Howlett, Ramesh, & Perl, 2009; Kingdon, 1984; G. Peters, 2015a). Public policy literature broadly recognises the importance of a clear problem definition in the agenda-setting for an effective policy formulation (Cloete, 2018; Kingdon, 1984). However, the question of why some policy issues reach the policy agenda-setting and formulation stages while others do not is still unanswered. Although scholars have considered 'influence' as a variable to explain a wide range of policy outcomes (Adams, 2007; Baumgartner & Leech, 1998; Campbell, 2002; Kingdon, 1984), so far, little attention has been devoted to the nature and structure of LGBTQ movements' ability to influence policymaking.

Influence (social, interpersonal, informational, and normative) refers to a direct or indirect pressure exerted on a person or group to affect actors' attitudes, behaviours, thoughts and opinions caused by other people (APA - American Psychological Association, n.d.;

Friedkin, 1998a). Several scholars rely on the concept of influence to explain social and political power relations and their implications for policy decisions (Adams, 2007; Bijlsma, Bots, Wolters, & Hoekstra, 2011; Craft & Howlett, 2012; Friedkin, 1998b; Waldman, Barakat, & Varisco, 2014). Influence in the policy process is not a new topic. However, it is often a question put aside by policy scholars (Michalowitz, 2007) and generates only a "few conclusions about the nature and processes of influence" (Scott, 2017, p. 481). The influence on policymaking happens through strategies such as creating networks, joining interest groups, lobbying and building advocacy coalitions within governmental and institutional settings (Baumgartner & Leech, 1998; Furlong, 1997; Kingdon, 1984; Mahoney & Thelen, 2009).

Given that public policies are often made behind closed doors, social movements have created mechanisms and deployed strategies to mobilise around shared goals and objectives to influence policymaking (Burstein, 2021; Burstein & Linton, 2002). In pursuing institutionalisation within the State-apparatus, movements embark on the policy process as a policy actor raising demands and needs that mainly affect socially and politically excluded citizens (Davidson, 2020; Meyer, 2005; Swiebel, 2009; Vanhala, 2009). Social movement scholars emphasise that influence is more likely to happen in the early stage of policymaking, like the agenda-setting and formulation (Amenta, 2013; Meyer, 2005). Therefore, the LGBTQ movement's influence will be studied by analysing two stages of the policy cycle: agenda-setting and formulation. This dissertation aims to investigate and explain the social movement's influence on policymaking by analysing the criminalisation of the LGBTphobia case in Brazil. In this research, influence is perceived as the process the LGBTQ social movement can develop to first access and then influence a policy process in Brazil. And "how" is operationalised by looking at different strategies the movement deployed according to venues of activism – federal legislative, executive and judiciary (more details on the concept of influence in Annex I)

In addition, this research aims to provide theoretical and empirical insights into agenda-setting and formulation studies based on LGBTQ politics and policy, particularly in democratic countries with high rates of homophobia. The research departs from the following general question: how do social movements influence policymaking? This research synthesizes three different theories – public policy (agenda-setting, formulation, policy change), social movements (LGBTQ movement), and queer theory – as well as insights from related literature to answer this research question. In addition, by taking a critical realist approach combined with process tracing, it was possible to unpack a causal mechanism of influence driving the anti-homophobia policy process in Brazil.

Public policy studies focusing on policy change analysis provide analytical tools to investigate the interaction of policy actors within the policymaking process, becoming co-producers of the policy (Brandsen, Steen, & Verschuere, 2018; Howlett & Cashore, 2009; Knill, Steinebach, Adam, & Hurka, 2020). Social movement studies focusing on the interaction between movement-policy relationships provide a repertoire of strategies to understand mechanisms of influence beyond state-movement relations (Amenta, 2014; Amenta, Caren, Chiarello, & Su, 2010; Burstein, 2021; Meyer, 2005; Uba, 2009). In addition, the queer theory provides analytical tools for deconstructing the normative and compulsory heterosexuality approach to gender and sexuality imposed on many societies (Blackmore, 2011). Going beyond identity, "queering" public policy can be read as significant changes in how queer subjects became policy actors in LGBTQ policies and politics (Paternotte, 2018; N. J. Smith & Lee, 2015) and in how issues regarding gender, sexuality and beyond are now on the public policy agenda (de la Dehesa, 2010; Smith, 2007, 2018). In the Brazilian case, LGBTQ individuals or groups deployed strategies to overcome discrimination inside or outside the government, consequently influencing the national policy process.

In this dissertation, the LGBTQ movement strategies are considered collective actions and practices of social learning promoted by LGBTQ organisations, groups, and activists in Brazil, seeking equality and overcoming social and political exclusions, injustices, and human rights violations. Given Brazil's geographical, political, and cultural diversity, it is not easy to identify a unison LGBTQ movement (Aguião, 2018; Hutta, 2011). These diversities engendered many configurations, tensions and disagreements within the LGBTQ agenda and actions in the country (Colling, 2018; Facchini, 2002; Facchini & França, 2020). However, a common motivation for LGBTQ actions was to overcome discrimination in public and political spheres (Aguião, Vianna, & Gutterres, 2014; de la Dehesa, 2010; Green, 2010; Vianna & Carrara, 2010).

This dissertation reveals under what conditions and how the LGBTQ movement influencing the social, political and judiciary spheres in Brazil managed to shape public policies for LGBTQ issues in one of the most violent countries for LGBTQ people globally.

2. Research Context

2.1. Why Research the Criminalisation of LGBTphobia in Brazil?

According to national and international reports, Brazil has reached high numbers of homophobic violence and human rights violations against LGBTQ citizens (Arroyo, Arias, &

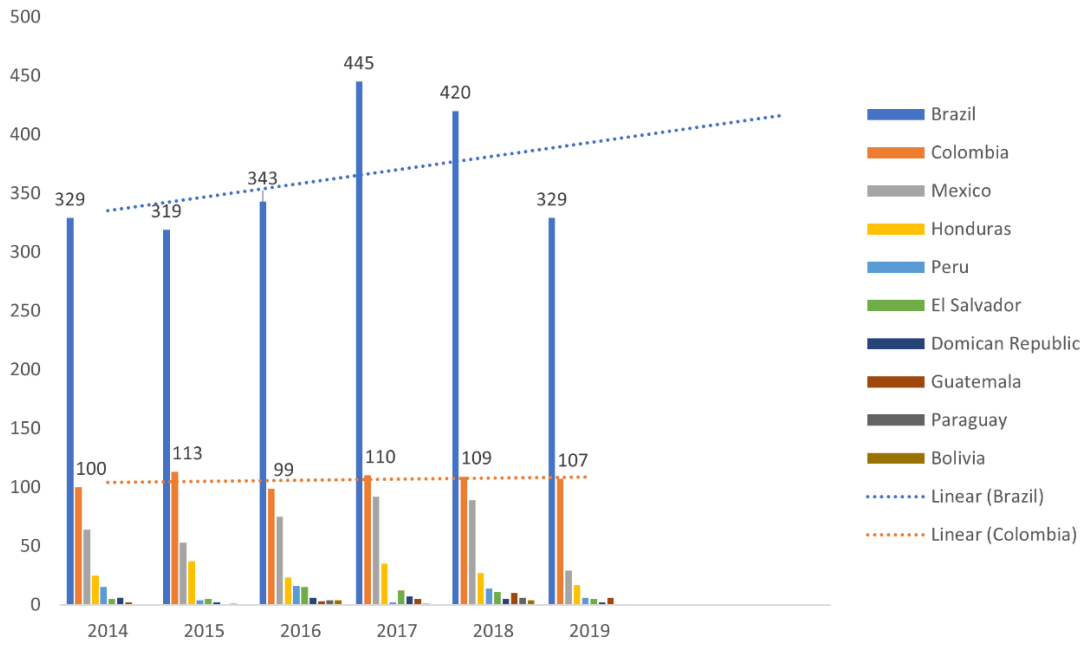
Sottile, 2019; GGB - Grupo Gay da Bahia, 2019; Trans Brazil Network, 2020). In 2019 one LGBTQ person was murdered or committed suicide every 26 hours (Oliveira & Mott, 2020).

Even though Brazil abolished the sodomy law from the Imperial Penal Code in 1830, homosexuality remained a taboo and a target to be defeated by police officers, politics, religions, and culture (J. S. Trevisan, 2000). With Brazil's re-democratisation in 1985, the *Citizen Constitution* was adopted in 1988, in which civil society organisations became more influential in policymaking (Júnior, Romano, & Antunes, 2005). This influence allowed the LGBTQ movement to enter the political sphere and exert pressure for adequate LGBTQ public policy (Longaker, 2019a). However, since 1985 the federal Congress has never enacted legislation for LGBTQ issues. It results from various contextual, institutional and political conditions driving lawmakers to delay adopting LGBTQ bills leaving LGBTQ citizens unprotected (Marsiaj, 2012; Mello, Avelar, & Maroja, 2012; Santos, 2016; Schulenberg, 2009). Therefore, to compensate for the lack of political support from the federal legislature, the federal executive and judiciary have created palliative policies for LGBTQ issues.

The interaction between the LGBTQ movement and the government started in the 1980s, responding to the HIV/AIDS epidemic through health policies (Gomez, 2011). Nevertheless, the first public policy fully addressing LGBTQ demands and human rights was adopted in 2004, the programme "Brazil Without Homophobia (2004)". It aimed to raise awareness and promote citizenship for LGBTQ people in education, health, social security, employment, diversity, culture, and public security services. Furthermore, such landmark policy exhibits certain intersections and dialogue between the LGBTQ social movement, human rights activists and collective or individual actions, advocating for more adequate and effective LGBTQ public policies in Brazil as a pathway to social and political transformations (Irineu, 2014).

The Brazilian LGBTQ movement gained considerable legitimacy as a policy actor, allowing it to influence different social and political spheres through building partnerships and coalitions with the government, private sector entities and visibility in the national media (Aguião, 2018; Facchini & França, 2020; Irineu, 2016; Klein, 1999). However, despite such influence and visibility on the public scene, violence against LGBTQ people (physical, psychological and verbal) has increased over the last two decades (Oliveira & Mott, 2020). Figure 1 shows the numbers of registered violence against LGBTQ people in ten countries in Latin America between 2014 and 2019. Brazil and Colombia, the two highest violent countries in the graph, present a linear progression of cases, and the violence in Brazil is the most expressive.

Graph 1.1. Numbers of Registered Cases of Homophobic Homicide in 10 Latin American Countries between 2014 and 2019.



Sources: (Oliveira & Mott, 2020) GGB – Grupo Gay da Bahia, homophobia, and violence reports (2000-2019); (Baca & Alonzo, 2019) Report of Homicides of LGBT people in Latin America (2014-2019).

Violence against LGBTQ people is the main argument for criminalising sexual orientation and gender identity offences in many Latin American countries (Baca & Alonzo, 2019; Mott, 2010). The LGBTQ movement has employed different strategies to overcome discrimination by calling political and social attention to this matter, consequently pressuring governments to respond to many violent cases involving LGBTphobia (Corrales, 2019; Encarnación, 2018; Longaker, 2019a).

Given that the Brazilian National Congress delays legislating on the anti-homophobia policy, the judicial decision criminalising LGBTphobia in 2019 at the federal level follows precedents from judicializing other societal issues. Since 2000, the judicialization of policies in Brazil has become a strategy to address highly relevant and controversial issues not addressed by legislative decisions. For example, the Supreme Federal Court decided upon the same-sex marriage (2011-2013), ethnic-racial quotas for public university admission (2012), emergency repairs in prisons (2015), interruption of pregnancy up to 3 months of pregnancy (2016), the criminalisation of LGBTphobia (2019), blood donation allowed by LGBTQ people (2020), among other cases (Barroso & Osorio, 2019; Rios-Figueroa & Taylor, 2006; Schulenberg, 2009). Moreover, the 2019 decision on the criminalisation of LGBTphobia followed precedents at the state level, such as from Rio de Janeiro (Law 3.406/2000), the

Federal District (Law 2.615/2000), São Paulo (Law 10.948/2001), Minas Gerais (Law 14.170/2002), Paraíba (Law 7.309/2003), Mato Grosso do Sul (Law 3.157/2005) and Maranhão (Law 8.444/2006). However, the judicialization of social policies at the state level reflects controversial patterns in Brazilian politics, subsisting at the national level. For example, the governmental inability to meet the LGBTQ population's needs, protection and inclusion (Mello, Brito, & Maroja, 2012) and conservative religious opposition delay the LGBTQ bill's approval in Congress (Santos & Melo, 2018).

The relevance of this research lies in investigating the relationship between social movements and public policy, explicitly analysing LGBTQ strategies influencing policymaking in a country with high rates of homophobia. Therefore, by unpacking a causal mechanism to explain the LGBTQ movement's influence on policymaking in Brazil, this dissertation intends to advance theoretical and empirical knowledge on movement-policy interactions through a Global South case study.

3. Research Objective

This research aims to advance theoretical and empirical knowledge about social movement influence on policymaking by analysing the Brazilian Court case that criminalised LGBTphobia in 2019. Social movement influence on policymaking is an active field of research (Amenta, 2014; Bosi & Uba, 2021; Burstein, 1999, 2021), analysing the interactions between collective actions and several policy domains. However, according to Bosi & Uba (2021), gaps in the scholarship could be improved by integrating cognate areas of studies, opening up the field to broader perspectives. This dissertation provides insights to investigate how the LGBTQ movement influenced policymaking in countries where homophobia is high to fill a gap in the literature by integrating research on social movement, public policy, and human rights to broaden the debates over political homophobia (Smith, 2020; Weiss & Bosia, 2013). Political homophobia, as defined by Weiss & Bosia (2013, p. 2), refers to "state strategies, social movement, and transnational phenomenon, powerful enough to structure the experiences of sexual minorities and expressions of sexuality". Moreover, state actors often practise political homophobia (Weiss & Bosia, 2013).

In particular, this dissertation started with an exploratory question – does the LGBTQ movement influence the LGBTQ policy formulation process? An exploratory survey of the academic literature and grey literature (institutional reports) revealed the salience of LGBTQ policy issues in different European, African, North American, and Latin American countries.

The rise of far-right politicians getting elected in several Western countries, and the increasing opposition to LGBTQ people and policies, brought the Brazilian case forth. It took eighteen years to conclude the criminalisation of the LGBTphobia process in Brazil by judicial decision. Furthermore, despite a far-right government, LGBTphobia was criminalized. Therefore, this research focuses on the LGBTQ movement's strategies to influence the policy process between 2001 and 2019 by analysing the agenda-setting and formulation stages.

3.1. Research Questions

While the influence of social movements on the policy process has been widely researched (Amenta et al., 2010; Burstein, 1999, 2021; Giugni, 2007; Uba, 2009), this dissertation, situated within the field of policy studies, looks at *how* the LGBTQ movement influenced policymaking in a Global South country. By combining critical realism and process-tracing methods, the research provides a comprehensive policy analysis by identifying mechanisms of influence exerted by the LGBTQ movement in policymaking in Brazil. This research thus deals with the following research question:

How does the LGBTQ movement influence policymaking in Brazil?

The research relies on the conceptual and theoretical insights from the literature on public policy studies – agenda-setting, policy formulation, policy change – social movement theories, queer theory, and human rights literature. In addition, to provide accurate answers to the main research question, the following sub-questions focus on the mechanisms of interaction between policy actors – policymakers, activists, academics – and societal issues.

As the public policy process begins from a problem definition, primarily generating ideas, alternatives, and possible solutions to be selected by governmental actions, it is then valid to ask how the issue of LGBTphobia found its way onto the political agenda.

> *1. How did the LGBTQ movement influence the political agenda-setting and formulation of anti-homophobia policies? What strategies were employed by the movement to influence and shape this policy in Brazil?*

The democratisation of Brazil allowed civil society organisations and social movements to participate in the policy process, policy formulation and changes. This leads to the question:

2. Were policy changes carried out to LGBTQ policies in democratic Brazil? If yes, who were the key actors making those changes? What was the direction of that change?

Interest groups, lobbying groups and advocacy coalitions often influence the public policy process, employing several strategies to get their policy agenda into the "formal" governmental agenda (Burstein, 2021; Burstein & Linton, 2002). Policy networks and policy communities are often in line with mainstream policy issues, and members of the parliament openly reject LGBTQ issues, so it is most likely that this policy would not have gotten into the political agenda without the LGBTQ movement influence.

3. How did LGBTQ groups influence the policymaking in Congress? What strategies did the LGBTQ movement employ to push forward LGBTQ issues into the political agenda?

Given that many LGBTQ bills lack political support in Congress, the LGBTQ movement opened litigation actions in the Supreme Federal Court and succeeded in some processes.

4. How did the LGBTQ movement influence the Supreme Federal Court decisions on the criminalisation of LGBTphobia? What strategies did the LGBTQ movement use to influence Justices' decisions?

4. Structure of the Dissertation

This dissertation comprises five chapters, next to the introduction and conclusion. Chapter 2 provides a literature review on the relationship between social movements and public policy, focusing on strategies to influence. A scoping review of 35 publications generated a database for a case survey of 76 cases from many countries. This chapter relies on a model to search for empirical evidence to demonstrate the movement-policy relationship interactions by combining two existing analytical models: the effects model and the political mediation model. Furthermore, the chapter provides an expanded repertoire of strategies deployed by social movements to influence policymaking in different policy stages, political and contextual conditions.

Chapter 3 presents the methodological approach of this research and continues with a description of the analytical framework and the materials and methods used for data collection and processing. The analysis takes an actor-centred perspective and will develop an analytical model by combining critical realism and explaining-outcome process-tracing to unpack a proposed causal mechanism. Finally, this chapter provides an overview of the main sources of information used.

The empirical analysis is divided into two chapters. Chapter 4 focuses on the policy change analysis of LGBTQ policy outputs created by the federal executive and adopted in Brazil between 1996 and 2020. This chapter proposes and develops the Potemkin policy model to analyse the manipulation dimension identified from changes in policy instruments, ideas, and actors happening by the political elite's decisions. Chapter 5 shows how the criminalisation of LGBTphobia unfolded by presenting the analysis of events, actors, strategies, and decision-making with a narrative approach detailing the 18-years of the policy process. This chapter is divided into three main acts, according to decision-making patterns from the legislative and judiciary powers.

Chapter 6 presents a discussion connecting this dissertation's theoretical and empirical parts. Reflections on key elements of the analytical framework – advancement and limitations – contribute to explaining the findings and future refinement of the movement-policy relationship analysis based on an actor-centred case study.

Chapter 7 is the conclusion. This chapter summarises the main conclusions based on the analytical and theoretical frameworks developed throughout the chapters. Furthermore, the study's limitations are presented, and policy recommendations emerging from the empirical analysis are formulated. Finally, possible avenues for future research are outlined.

CHAPTER 2 - LITERATURE REVIEW

1. Introduction

Policymakers are often formulating public policies behind closed doors. However, for many years now, social movements have been deploying several strategies to overcome barriers and include underrepresented citizens in the policymaking process (Burstein, 1999; Burstein & Linton, 2002). In the last decade, research on the relationship between social movements and public policymaking has increased, unveiling the political influence of social movements oscillating between movement-centred and policy-centred studies (Amenta, 2014; Burstein, 2021; Meyer, 2005; Uba, 2009). Scholars have often analysed the effect of movements as movement outcomes, which are "political outcomes that movements may sometimes influence" (Amenta, 2014, p. 27). Although the movement-policy relationship has gained prominence in academic analysis, empirical results of movement influence on outcomes remain inconclusive (Bosi & Uba, 2021). A possible explanation for such a result is that scholarship primarily focuses on single country cases, mainly analysing social movements in the US (Amenta, 2014; Amenta et al., 2010; Giugni, 1998, 2007; Kitschelt, 1986). According to previous systematic reviews (Amenta, 2014; Burstein & Linton, 2002; Uba, 2009), this and more gaps in the scholarship still need an improvement to capture better the mechanisms of influence between movement and policymaking.

Scholars often use a theory testing approach to search for predefined variables to identify, understand, and compare movement influence on policymaking. Even though such focus facilitates the analysis of the movement's influence, it restricts the movement actions to one specific social or political context, misrepresenting the variety of strategies movements deploy to influence. Analyses have mainly focused on the influence of public opinion, political parties, interest groups, social movement organisations (SMOs), contentious politics, and political opportunity structures (Amenta, Andrews, & Caren, 2019; Burstein, 1999, 2021; Burstein & Linton, 2002; Giugni, 2007; Uba, 2009). In addition, most of the literature reviews on the interplay between social movement and policymaking are based on major political science and sociology journals (Burstein & Linton, 2002; Uba, 2009), consequently resulting in an analysis limited to the English language publications. The language limitation and lack of cross-country studies are often mentioned as a gap in the scholarship (Bosi & Uba, 2021;

Giugni, 1998; Uba, 2005), which remains underdeveloped.

This chapter addresses the following questions. How do social movements influence policymaking? Which are the emerging strategies deployed by social movements to influence policymaking? What are the most effective actions social movements take to influence public policymaking? In order to answer the questions and fulfil some of the gaps in the scholarship, this chapter develops an analytical model, which allows broadening the selection of the dependent variable(s) (the object of study), leading to advancements in methodological and analytical perspectives. Hence, this systematic review goes beyond single-case investigations, theory testing, language limitations and Western-centred contexts. In this study, influence is defined as direct or indirect pressure exerted on a person or group to affect actors' attitudes, behaviours, thoughts and opinions caused by other people (Friedkin, 1998a). Thus, influence will be examined by analysing the agency of policy actors' interactions in a policy process. Such exchange accounts for the diversity of social movement actions and the different pathways movement actors take – direct, indirect, or joint actions – to potentially influence policymaking (outcome).

This systematic review combines two methods to unpack the movement-policy relationship. First, using the scoping review method (Tricco et al., 2018), a database was created with 35 academic records to map empirical knowledge for a case survey (Yin & Heald, 1975). Second, the case survey method contributed to analysing 76 cases and identifying trends of social movement goals and actions to reach an outcome. Social movement outcome aims "to advance the interests of their adherents or beneficiaries by securing specifiable objectives" (Benford & Snow, 2000, p. 632). Social movements deploy strategies of action to reach the outcome(s). A repertoire of effective strategies was identified from different social movements worldwide, often deploying joint actions to reach an outcome successfully.

The remainder of this chapter has five sections. The first exposes the growing body of academic literature focusing on the movement-policy relationships. The second develops an analytical model to broaden the analytical framework of the movement-policy relationship by accounting for the diversity of goals, actions and outcomes moving beyond some pre-selected variables, contextual conditions and political systems. The third section presents the methodological decisions, methods, and preliminary findings. The fourth section summarizes the case survey findings by presenting the relationship between social movements and public policy based on the empirical observations of goals, actions and outcomes. Finally, the last section concludes with contributions, limitations of this study, and a future research agenda.

2. Theoretical Background

The growing body of research on social movement and policy has developed substantive theoretical models to analyse the movement-policy relationship. Some analytical frameworks have become mainstream: such as political opportunity structures (Kitschelt, 1986; Meyer & Staggenborg, 1996; Rootes, 1997), institutional politics (Meyer, 2005), contentious politics (McAdam, Tarrow, & Tilly, 1996; Tarrow, 2011b, 2015), interest groups politics (Baumgartner & Leech, 1998; Baumgartner & Mahoney, 2005) and resource mobilisation (Benford & Snow, 2000; Foweraker, 1997; Polletta & Jasper, 2001). However, others would criticise the dominant frameworks for only appraising movement-state interaction (Amenta, 2014; Amenta et al., 2019; Meyer, 2005; Meyer & Lupo, 2010), and develop a more actor-centred framework focusing on contextual conditions (Mahmood & Muntaner, 2019; Thörn, Mayer, & Thörn, 2016; Uba, 2009), political regime (Amenta, 2014; Amenta et al., 2010), and the policy process (Burstein, 2021; Burstein & Linton, 2002). A more inclusive understanding of social movements challenging the system of authority was proposed by Snow (2004), in which movements target "institutional, organisational and cultural domains other than just the state or the polity" (p. 3). In this vein, Armstrong & Bernstein (2008) suggest a multi-institutional politics approach to analyse movements challenging the system of authority through "the state, other institutions, or cultural meanings" (p. 84). This approach allows the agency of movement actors to flourish as challengers of inequality, exclusion, and the status quo of society, by seeking to influence policymaking via direct or indirect actions to assure social, cultural, economic and political rights to citizens (Zald, 1996).

Moreover, the debate on movement influence focuses on how social movements achieve their goals. Then, movements' strategies entered the debate, often articulated within a particular context or political regime (Sawyers & Meyer, 1999). Understanding strategies as actions carried out by "players with goals to influence other players, whether, in conflict or cooperation" (Jasper, Moran, & Tramontano, 2015, p. 1), scholars highlight the agency of movement actors in responding to social or political problems not yet met by governmental actions (Moulaert, Mehmood, MacCallum, & Leubolt, 2017). Strategies and actions are used interchangeably throughout this chapter. Movement actors' may discuss and agree on "fundamental decisions and actions that shape and guide what an organisation (or other entity) is, what it does, and why it does it" (Bryson, 1988, p. 74) to reach an outcome. This approach gained prominence in theory testing literature seeking for mechanisms with the presence/absence or success/failure of a specific strategy – public opinion, collective action,

political opportunity, resources mobilisation, political party and others (e.g., Amenta et al., 2019; Burstein, 2021; Giugni, 1998, 2007). However, movement actors take different pathways to influence policymaking, which may generate other causal forces of influence that scholars are unaware of, perhaps, because often studies are testing a strict analytical framework. Two are the prominent frameworks that guide scholars in explaining movement-policy influence, effects, and political mediation models.

Giugni (2007) developed the effect model to analyse the impact of social movement's influence on policymaking based on direct, indirect, or joint effects. The direct effect happens when "movements positively impact policy through their forces" (Giugni, 2007, p. 53), regardless of external support. By contrast, the indirect effect follows two steps over time. The movement first influences external actors, namely political alliances and public opinion, who influence policymaking. Finally, the joint effect combines simultaneous internal and external mobilisations provoked by the movement, which can reach the political sphere by influencing public opinion, consequently influencing policy. Although Giugni's effects model informed researchers of social movements on identifying movement impact in policymaking, its analytical variables are limited to the presence or absence of appropriate conditions for actions.

Consequently, it may lead to inconclusive results over contextual conditions regarding joint effects. For example, Giugni's analysis of three movements in the US suggests that "social movement has little, if any, impact on public policy" (Giugni, 2007, p. 53); even if the movement will impact, it depends on the combination of predefined strategies. The effect model induces analysts to search for a specific pattern of influence. On the other hand, restricting the scope of analysis to external resources of mobilisation and political opportunities – public opinion and political alliances – leads to partial results of what could be diverse conditions for movements to influence public policy.

The 'political mediation model' was developed by Amenta and colleagues (Amenta, 2013; Amenta, Caren, & Olasky, 2005; Amenta, Carruthers, & Zylan, 1992) to analyse social movement impact on policymaking, emphasising observable contextual conditions. According to this model, movements influence political decisions by focusing on the "basic idea that challengers must engage in collective action that changes the calculations of relevant institutional political actors and this mobilise and adopt strategies in ways that fit political circumstances" (Amenta et al., 2005, p. 519). Even if the political mediation model is insightful for researching movement-policy influence on institutional contexts, its analytical dimensions are limited to searching for a combination of mobilisation strategies and political opportunities emerging more in "some political contexts than others" (democratic system) (Amenta, 2013;

Amenta et al., 2005, p. 519). According to Uba's (2009) systematic review on the contextual dependence of social movement actions, a democratic regime is not a necessary condition for the impact of the social movement. Moreover, the political mediation model holds that political context matters to the success or failure of policy outcomes (Amenta et al., 2005). In this sense, the movement influences policy processes vary according to the stage of policymaking. It would be "easiest for challengers to influence policy in its earliest phases" (Amenta, 2013, p. 2; Meyer, 2005). However, others would say that the influence on policymaking may vary according to the policy window of opportunity and go beyond agenda-setting (Bidegain & Maillet, 2021), affecting different policy process stages.

Table 2.1. Comparison of Existing Analytical Frameworks

Dimensions	Effects-model	Political mediation model
Political Regime	Democracy	Democracy
Strategies	Public Opinion, Political Alliances, Mobilisation	Collective Action, Political Opportunity, Mobilisation
Time	Varies according to target and outcome	"Window of opportunity"
Contextual conditions	Combination of resources and mobilisation	Combination of time, strategies and regime
Outcome	Influence Policy Change/Reform	Influence Political Decisions
Analytical	Presence/Absence of appropriate conditions for action	Success/Failure of actions in a given political context

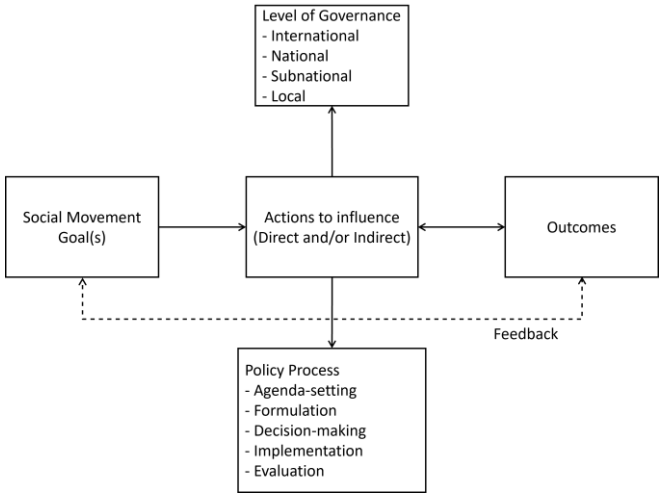
Source: Based on (Giugni, 2007) and (Amenta et al., 2005)

This chapter proposes an alternative analytical model to broaden the scope conditions and the dependent variables selection for the movement-policy relationship analysis. It combines the effects model with the political mediation model. Shifting from institutional frameworks to an actor-centred framework, the proposed model allows researchers to explore the social movement actions, strategies, and outcomes emerging from the empirical evidence accounting for the relationship between movement and policy complexity. The model presents a transition from the "effects model" to an "actions model", thus advancing theoretical and methodological knowledge. In other words, the analytical model departs from the organisational aspect of a movement to the agency of movement actors, who are mobilising accordingly towards a goal, adapting strategies to contextual conditions and relying on resources available. By proposing an alternative model that accounts for various actions, the model expands the arsenal of effective strategies deployed by social movements in different social and political contexts across different policy process stages.

3. Movement-Policy Relationship: An Alternative Analytical Model

Figure 2.1 shows the alternative analytical model to analyse the movement's influence on policymaking. It combines the three dimensions proposed by the effects model – direct, indirect and joint influence – with the contextual conditions proposed by the political mediation model. Social movements deploy direct and indirect actions, or the combination of actions (joint) to challenge the system of authority. Political mediation can happen in different social and political contexts other than only in a democratic regime. Furthermore, social movements interact with many stages of the policymaking process. Therefore, the analysis of the movement-policy relationship could benefit from focusing on the policy actors' interactions across the different stages of policymaking, which are still under-theorised and understudied (Meyer, 2005). In addition, the alternative analytical model accounts for a causal mechanism of influence starting from social movement goals, which will be determinant of strategy selection according to movement actions, leading to an outcome. Such a mechanism establishes a feedback dimension accounting for the learning process movements will take to refine goals and outcomes, consequently adjusting strategies for action. Moreover, this mechanism contributes to identifying the diversity of strategies social movements use in their actions, first to access, second to participate in the policymaking process, advancing new policies or changing existing ones (Baumgartner & Mahoney, 2005).

Figure 2.1. Analytical Model for Movement-policy Relationships



Source: *author.*

It is necessary to add some precision to the core concepts and the relationship between them as presented in figure 2.1.

First, a goal motivates a social movement to achieve an outcome. It starts with social

or political demands and grievances (Klandermans, 2015) to solve societal problems or generate policy changes to improve citizens' quality of life.

Second, based on the motivations, the movements will carry out actions, a set of activities developed by individuals or groups who join forces and try to find solutions for their communities' basic needs (Galego, Moulaert, Brans, & Santinha, 2021; Klandermans, 2015).

Third, policy actors develop actions, mediating the policy process and linking decision-makers with citizens' needs. In general terms, the movement's direct actions are those deployed without an external mediator to access and possibly influence the policy process (e.g., mobilisations, litigation, advocacy). Indirect actions follow a two steps process. First, the interaction is with an external mediator, who can influence the policy process (e.g., hiring a lobbyist, social media, public opinion), then second, this combination of actions leads to influence. Joint actions are the combination of direct and indirect actions, influencing the policy actors in one way or another, through external mediators or by directly contacting decision-makers. Actions to influence will be considered throughout the five stages of the policy cycle: agenda-setting, formulation, decision-making, implementation, and evaluation (Howlett et al., 2009).

Fourth, the interaction between policy actors occurs at different levels of governance: local, subnational, national or international. Finally, the success or failure of outcomes results from the social movement activities allied with political decisions influencing the policy process (Giugni, 2007). Success refers to movement mobilisations that reach the goal by deploying direct, indirect or joint actions. Failure results from unreached outcomes despite the combination of contextual conditions and strategies deployed.

4. Methodology

The scoping review is a helpful tool to map available evidence on a topic and identify main concepts, theories, sources, and knowledge gaps in a body of literature that has not yet been extensively reviewed (Harms & Goodwin, 2019; Munn et al., 2018; M. Peters et al., 2015). A scoping review was conducted to identify relevant literature presenting empirical evidence of social movements influencing policymaking in different social and political contexts. The data collection was performed in February 2021, retrieving studies from two multidisciplinary data sources, Thompson Reuters' Web of Science and Elsevier SCOPUS. The combination of keywords used for the search was [social movement*] AND [influenc*] AND [public polic*], which generated 146 entries of studies reporting the keywords in the title or the abstract. The

reported studies were published between January 1971 and December 2020, including books, book chapters, journal articles, editorial and conference papers.

4.1. Eligibility Criteria

This protocol was inspired by De Vries, Bekkers, and Tummers (2016) and Pollitt and Dan (2011). Studies from the original search were included if they met the following inclusion criteria:

- Field: Studies should deal with social movements influencing the public policy process. Influence refers to the access and participation in the policy process to change or create a new policy (Amenta, 2014; Burstein, 1999; Giugni, 2007).
- Topic: Studies should contain the words social movement* and influenc* and public polic* in their title and/or abstract to avoid confusing related concepts. For the first search term, it was not necessary for the word 'social' to be in the title or abstract since the specific movement topic (such as women, indigenous, education) is frequently mentioned instead. So, the equivalent was considered, such as the women's movement, indigenous movement, education movement, etc.
- Study design: Only empirical studies were eligible as this review focuses on empirical evidence on social movement influencing policymaking. All research designs (e.g., questionnaire, case study, experiment) were allowable, but purely illustrative case studies and systematic reviews were excluded.
- Language: For the search, no restrictions in language were set. However, retrieved records were only written in English, Spanish, and Portuguese.
- Type of publication: Only book chapters, journal articles and conference papers were considered.

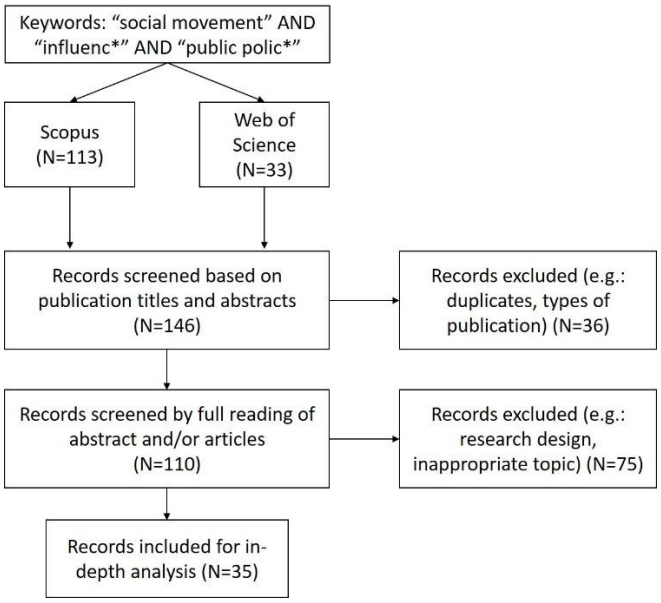
4.2. Study Selection

In total, 110 studies were screened. Eventually, 35 studies were included in the analysis based on the eligibility criteria. Figure 2.2 presents the selection process. First, the studies were scanned in the title and abstracts to verify the inclusion criteria (topic, study design and language). One inclusion criterion was that the searching keyword had to be included in the title and/or abstract. For many studies, this was not the case. At this stage, the duplicate records were removed.

In the second step, the full text was read. In this step, other studies were excluded

because they were theoretical or had a weak empirical design when case studies were merely illustrative to support a theoretical argument. Finally, a data extraction form was developed to summarise the author(s), publication year, title, journal, methods used, countries, publication language, and the movement issues.

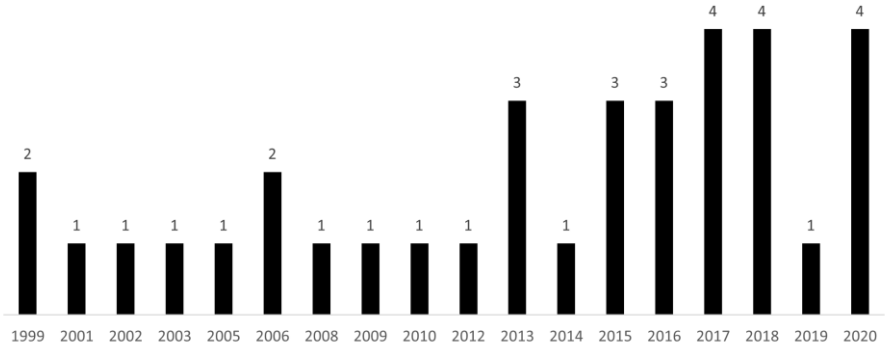
Figure 2.2. Scoping Review Flowchart.



Source: *author.*

The final database of 35 documents includes 27 papers in English, 6 in Portuguese and 2 in Spanish, published from 1999 to 2020 (see Graph 2.1). Including studies from languages other than English is one step to expanding the contextual perspectives connecting the key concepts, social movement and public policy. No conference papers entered the final list after screening the titles and abstract criteria. The records included in the scoping review were published in 34 journals and one book. Among them are: sociological journals like American Sociological Review, Mobilization, and Current Sociology; political science journals like State Politics and Policy Quarterly and Comparative Political Studies; interdisciplinary journals like Global Society and Development and Change. And the book *100 Years of the Nineteenth Amendment: An Appraisal of Women's Political Activism* (complete list in Annex II.A).

Graph 2.1. The Final List of Documents by Years of Publication (N=35).



Source: *author.*

Given that case studies heavily dominate the social movement literature, and the focus of this paper is to map movement actions to influence policymaking from empirical evidence, the 35 documents were analysed through content analysis to generate a data set for a case survey. A case survey is a rigorous method to analyse "qualitative evidence in a reliable manner" (Yin & Heald, 1975, p. 372) by using a closed-ended questionnaire. Although case surveys are often applied using a checklist of criteria with closed-ended questions, this review combines this method with meta-analysis and content analysis (De Vries et al., 2016; Pollitt & Dan, 2011). The case survey of studies generated a database of 76 cases. Cases were independently coded. A data extraction form was developed for each case study to summarise cases name, methods (single or multiple cases), initial goal(s), actions and strategies deployed, and outcomes (see the complete list of cases in Annex II.B). The questions used to assess the cases are related to the analytical model dimensions: (1) what goals social movements are expecting to achieve? (2) what actions are they deploying? (3), what are the outcomes reached? The author inductively grouped the primary study's findings, the list of entries of most common actions deployed by social movements, in two broad categories: direct actions and indirect actions. Consequently, the third category, joint actions, is the combination of direct and indirect, representing the most deployed pathway taken to influence policymaking among the cases studied in this review. In addition, the frequency of each action was counted and grouped based on synonyms and functions. Finally, inspired by Pozzebon and Mailhot (2012), actions were clustered into five groups of strategies: legal strategies, strategies of mobilisation, empowerment strategies, diffusion strategies and strategies of civic engagement. The following section presents the findings.

5. Findings of Case Survey

Table 2.2 shows the distribution of 76 reported empirical case studies identified from 17 countries and two international cases. This review indicates an unprecedented result. Although most cases are from the US, the case survey reveals many social movements influencing public policies in the Global South, particularly in Brazil. A historical reason might be that several countries in Latin America started re-democratising after 1980. Therefore, social movements and civil society organisations became key actors in the political decisions, collaborating with public policymaking and opposing neoliberal forms of globalisation (Almeida & Cordero Ulate, 2015).

Table 2.2. Distribution of Cases by Country

Countries	Cases N=76	%
US	24	31.58
Brazil	14	18.42
France	6	7.89
Finland	5	6.58
Italy	5	6.58
UK	5	6.58
Canada	2	2.63
Chile	2	2.63
India	2	2.63
International	2	2.63
Morocco	2	2.63
Argentina	1	1.32
Colombia	1	1.32
Japan	1	1.32
Namibia	1	1.32
New Zealand	1	1.32
South Africa	1	1.32
Tunisia	1	1.32

Source: Author

The records analysed adopted either a single-case (n=21) or multiple-cases (n=14) approach. The number of cases per article adopting a multiple-cases study ranged from a minimum of two cases (n=6), three cases (n=5), four cases (n=2) and a maximum of twenty cases (n=1).

Complementary to broadening the geographical scope of this scholarship, non-English publications increased the number of cases from the Global South. Table 2.3 compares the types of actions deployed by Global South and Global North cases. In terms of percentage, social movements from the Global South deployed more joint actions and the Global North more direct actions. Such findings refute Giugni's arguments about joint actions not being

effective. His analysis might only focus on a small N case study (three cases) and a single country, the USA. These findings also contribute to showing that the alternative analytical model, shifting from effect model to action model, goes beyond geographical, contextual dependent variables, and pre-defined strategies, which often stirred and limited previous analysis on this topic (Burstein, 1999; Burstein & Linton, 2002; Uba, 2009).

Table 2.3. Distribution of Types of Actions based on Grouping of Cases from Global North and South

	Global South	**%**	**Global North**	**%**
Direct Actions	9	36	20	40.82
Indirect Actions	1	4	0	0
Joint Actions	15	60	25	51.02
None	0	0	4	8.16
TOTAL	25	100	49	100

Note: Total number of cases is 74, as two international cases were not included.

Table 2.4 shows the frequency of identified issues movements are addressing. The environmental movement is from the same paper with twenty cases (Vanhala, 2018), in which the author compares litigation strategies from four European countries: the UK, Finland, Italy, and France.

Table 2.4. The Social Movements (N=24) among the Case Studies.

Issues	**Number of Cases**	**%**
Environmental movement	20	26.32
Health-based movement	8	10.53
Women movement	8	10.53
Rights movement/ Civil rights movement	5	6.58
LGBT movement	4	5.26
Youth movement	4	5.26
Religious movement	4	5.26
Urban movement/ Neighbourhood movement	4	5.26
Space policy Grassroots movement	3	3.95
Indigenous women movement	2	2.63
Protest movement	2	2.63
Global justice	2	2.63
Inclusive education	1	1.32
Student movement	1	1.32
Pension system movement	1	1.32
Landless movement	1	1.32
Marijuana movement	1	1.32
Feminist movement	1	1.32
Rural movement	1	1.32
Anti-nuclear movement	1	1.32

New Globalization movement	1	1.32
Reactionary movement	1	1.32
TOTAL	76	100.00

Source: *author.*

Diverse are the issues among the movements analysed to reach an outcome. As presented next, social movements have been motivated to challenge the system of authority and find possible solutions for problems related to their communities.

5.1. Social Movements Goals

Table 2.5 shows, based on the studies analysed, the goals set by social movements as motivations for action. The cases that failed to mention their goals (26 per cent) were all from the same article (Vanhala, 2018) about an environmental movement. Although the author did say the movement intends to reach the "political goal", concrete goals were not specified, given that this study focused on the presence or absence of legal strategies (litigation cases).

The first striking observation is that more than 27 per cent of the cases analysed set goals to tackle societal problems, which confirms that social movement is most likely to influence the early stage of policymaking (Amenta, 2013; Meyer, 2005): defining the problem in the agenda-setting stage (Peters, 2015b). However, the motivations for actions may vary over time and policy change may trigger different patterns of interaction among policy actors. Moreover, 'tackling societal problems' is a social movement self-developing initiative to solve basic issues unmet by the state. These issues mainly concerned violence against women, LGBTQ discrimination, hunger, rights-to-housing, health issues, and security.

Table 2.5. Social Movements Goals

Goals	Number	%
Tackling societal problems	21	27.63
Policy Change	16	21.05
Increasing citizens participation in the policy process	11	14.47
Others	8	10.53
Not mentioned	20	26.32

Source: *author.*

Policy change or law reforms are included as specific goals in more than 20 per cent of the cases, but most expressive were those challenging neoliberal policies replacing social policies, for example, the privatisation of public enterprise in India (Uba, 2005). Other policy change targeted by movements concerns indigenous land protection (Gottardi, 2020), health treatment

such as for 'autism' in France (Chamak, 2019), marijuana legalisation in Texas (Harris & Morris, 2017), constitutional reforms in Florida (Wald & Corey, 2002), and women rights and protection against violence in the US (Sawyers & Meyer, 1999).

Studies reporting interactions between citizens and state highlighted how movement actors targeted increasing public participation mechanisms within the policy process (e.g., Barcellos, 2016; Pozzebon & Mailhot, 2012; da Silva, 2018). Consequently, it could make policymaking more effective. One example concerns the protests after the Fukushima nuclear accident, making citizens' participation a crucial strategy to change political decisions, reduce nuclear energy production, and increase protective measures in power plants (Hasegawa, 2014). Another example is the women's movement in the USA participating in congressional hearings, representing a solid engagement of women in the policy process (Goss, 2018).

In summing up, social movements often target goals to tackle societal problems themselves to provoke changes in national policies. From the findings, 56 cases are developing their actions targeting the national government for actions. Other cases targeted different levels: two internationals, three subnational and national, eleven subnational, and four locals. The following section presents the actions movements use to influence policymaking.

5.2. Social Movements Actions

Scholars say that "activists seek the most direct means toward influence on policy" (Meyer & Staggenborg, 1996, p. 1647). This review presents a repertoire of 56 actions, 35 direct and 21 indirect, clustered in five types of strategies: legal strategies, strategies of mobilization, strategies of empowerment, strategies of civic engagement, and strategies of diffusion. This classification of strategies follows the same types provided by Pozzebon and Mailhot (2012, p.316). Before presenting a detailed analysis of actions, it may be useful to clarify the nature of each cluster of strategies. Legal strategies suggest amendments to laws via institutional procedures based on existing regulations. Mobilisation strategies are sensitization through mass and collective actions, usually public mobilization. Strategies of empowerment raise substantive participation in decision-making. Civic engagement strategies are citizens as individuals or collectively acting towards the common good locally or globally. Finally, diffusion strategies are the way to disseminate information to sensitize and aggregate support for a cause. Even though actions are not mutually exclusive, which increases the complexity of analysing direct or indirect actions, the classification is based on the contextual implementation indicated in each case study analysed.

5.2.1. Direct Actions

Table 2.6 presents the frequency of direct actions found in the case survey. Direct actions are the primary resources movements deploy to challenge the authority system, seeking solutions for societal problems. Movement actors raise their voices to directly call the attention of the decision-makers (Meyer & Staggenborg, 1996).

Mobilisation strategies were the most deployed by social movements to influence policymaking. Traditional collective actions are frequently used, such as protests, demonstrations, marches, campaigns and occupations. Although litigation was the most prominent action among the legal strategies, it should be mentioned that Vanhala (2018) study's purpose was to identify the presence of litigation cases among twenty environmental organisations from four countries. Other legal frames highlight the potential for movements to influence a policy process. A favourable political opportunity facilitates access to the policy process through organised groups using strategies such as the lobby, advocacy, direct policy proposals, and the appointment of activists to political office.

Table 2.6. Direct Actions Identified in the Review and Clustered into Strategies.

Direct Actions	Frequency	%*
Legal strategies	(N=65)	
Litigation (amendment to law/constitution/policies)	22	33.85
Lobbying	11	16.92
Advocacy	7	10.77
Policy proposals	6	9.23
Petition	6	9.23
Institutionalization	4	6.15
Appointment to political office	3	4.62
Political intermediation	2	3.08
Plebiscite	2	3.08
Electoral process	1	1.54
Legislative action	1	1.54
Strategies of Mobilization	(N=71)	
Protests	15	21.13
Public demonstration, marches	11	15.49
Campaigns	7	9.86
Occupation	6	8.45
Grassroots activism	5	7.04
Institutional activism	5	7.04
Mobilization	5	7.04
Sit-in, picket, road blockage	5	7.04
Appearance in Congress	3	4.23

Counter-movement	3	4.23
Cultural intervention	2	2.82
Resistance	2	2.82
Civil rights	1	1.41
Crowdfunding	1	1.41
Strategies of Empowerment	(N=23)	
Participation in the policy process	10	43.48
Women empowerment	6	26.09
Relationship-building (state/society)	3	13.04
Revising movement practices (self-awareness)	2	8.70
Community recognition	1	4.35
Translation of medical literature into popular language	1	4.35
Strategies of civic engagement	(N=25)	
Framing the discourse	10	40.00
Negotiation and Dialogue with the state	9	36.00
Letter-writing, email writing	5	20.00
Influence the debate by providing problem justification	1	4.00

Note. The percentage is calculated by the total number of frequencies of each strategy.

Empowerment strategies reflect how movements became crucial actors participating in the policy process. Such strategy was mainly implemented by underrepresented groups promoting a more inclusive political agenda. Some examples are the women's movements (Arfaoui & Moghadam, 2016; Goss, 2018; Gottardi, 2020), LGBT movements (Pereira, 2020), rural women movement (Campos & Brasil, 2017) and right-to-housing movements (Levy, Latendresse, & Carle-Marsan, 2013; da Silva, 2018). Moreover, civic engagement reflects the people's voice denouncing the government's absence in solving societal problems. Appropriate framing of discourses or changing discourse was part of a learning process for several movements, particularly those that failed to achieve the initial goal. An interesting example is the marijuana movement in Texas, which had to dissociate medicinal from personal purposes of marijuana use. However, even though they reframed discourses and deployed educational sensitisation to state politicians, the legalisation bill failed to pass at the state congress (Harris & Morris, 2017).

5.2.2. Indirect Actions

According to the context in which the action happened, it was possible to classify them as indirect, as social movements rely on intermediate steps to influence policymaking (Table 2.7). Strategies of diffusion, especially communications actions (social media and conventional media), were mainly used by movements first to influence public and political opinions and then provoke policy changes. For example, indigenous women show videos and pictures on

social media to protect the "sacred land" in US and Canada (Gottardi, 2020). The autistic children's treatment movement spread videos of packing therapy in France (Chamak, 2019), and the HIV social movement in Brazil, South Africa and Namibia opened battles in the media for anti-retroviral treatment access (Vincent & Stackpool-Moore, 2009). Furthermore, citizens used online crowdfunding platforms to keep space astronomy projects running until the US Senate restored funding for such projects (Harris & Russo, 2015).

Table 2.7. Indirect Actions Identified in the Review and Clustered into Strategies.

Indirect Actions	Frequency	%*
Legal strategies	(N=23)	
Coalition	12	52.17
Networking	7	30.43
Hiring a lobbyist	2	8.70
Fiscal autonomy	1	4.35
Adoption of international directives	1	4.35
Strategies of Mobilization	(N=14)	
Public opinion	7	50.00
Forums and rallies	3	21.43
Organise meetings with local employers	2	14.29
Public plebiscite	1	7.14
Boycott	1	7.14
Strategies of Empowerment	(N=28)	
Educational opportunities (e.g., teachers' formation)	10	35.71
Partnership with professionals (e.g., academics, experts)	10	35.71
Public relations	3	10.71
Creating new leaders	3	10.71
Training for parents, teachers and health professionals	1	3.57
Gaining resources	1	3.57
Strategies of Diffusion	(N=39)	
Social media (e.g.: internet, blogs, hashtags)	20	51.28
Conventional Communication means (e.g., journalism, press, advertising)	11	28.21
Educational outreach activities	6	15.38
Diffusion of good practices/ideas	2	5.13
Strategies of civic engagement	(N=1)	
Denouncing the controversies of the policies	1	100.00

Note. The percentage is calculated by the total number of frequencies of each strategy.

Empowerment strategies were very prominent in the educational approach. The training of teachers was fundamental to getting schools to support youth engagement in policy agenda (Scott, Deschenes, Hopkins, Newman, & McLaughlin, 2006) and to create a more inclusive education system for disabled children (Adriana Borges & Torres, 2020). Education was also the overarching strategy to develop new movement leaders. For instance, the landless

movement in Brazil applied this action widely by creating schools in the countryside to provide a formal education for people living in their settlements as a strategy to share the movement's knowledge (Pahnke, 2017). With educational outreach activities such as educational campaigns, seminars, publications and literacy campaigns, social movements provided information to the public and educated politicians on some of their demands and causes (Dixon, 2008; Hertel, 2015; Pozzebon & Mailhot, 2012).

Legal strategies, as indirect action, are frequently deployed by organised movements (e.g., women, marijuana, pension, national and international campaigns, education, and health movements), benefiting from human and financial resources such as hiring a lobbyist, travelling for networking and coalition building. Mobilisation strategies, as indirect, were used to create a participative democracy by influencing the public opinion through informal meetings in a counter-movement action to boycott a policy reform (Dixon, 2008). For example, a public plebiscite in Brazil claimed to send a strong message to the political power that a national public opinion was against the country becoming a member of the Free Trade Area of the Americas (Silva, 2013). Moreover, the rural social movement deploying a civic engagement strategy denounced public policy controversies in Brazil (Barcellos, 2016).

To conclude, the repertoire of social movements strategies to influence the policy process is diverse, and actions often exploit this arsenal to promote the movement's cause and gain support from public opinion, political elites or society at large, potentially affecting policymakers to change and create new public policies (Amenta et al., 2019; Giugni, 2007). The following section presents the empirical observations related to the outcomes.

5.3. Social Movements Outcomes

Table 2.8 summarises the outcomes reported by the cases. The combination of actions, strategies and contextual conditions gives insights into how movements could reach a successful or failure influence the outcome. The successful cases represent 58% (n= 47), whereas 13,58% (n=11) failed to influence and reach the outcome, and 28,4% (n=23) did not mention the outcome.

Table 2.8. The Achieved Outcomes of Social Movements

	Outcomes Achieved	Number	%
Successful	Policy Change/Reform	13	16.05
	Policy agenda-setting	3	3.70
	Policy formulation	1	1.23
	Policy decision-making	3	3.70
	Policy implementation	8	9.88
	Policy or Law Approval	8	9.88
	Influenced Legal action	2	2.47
	Increased citizens participation	8	9.88
	Tackling societal problems	1	1.23
Failure	Failed to influence the policy process	11	13.58
	Not mentioned	23	28.40

Note. Total N=81 (100%) – some cases included more than one outcome.

Table 2.8 shows that regarding the policy change, 38 cases reported reaching it, and 25 cases mentioned the stage of the policy process movements managed to influence (e.g., Arfaoui and Moghadam 2016; McVeigh, Welch, and Bjarnason 2003). Since these are successful cases in reaching an outcome, the cases deploying direct actions reveal patterns of strategies and contextual conditions where the movement's organisational structure matters to interact with and influence policymakers (e.g., Pereira, 2020; Uba, 2005). The organised movement created mediational channels to interact with the system of authority (political, economic, social, cultural) after pursuing strategies of mobilisation – streets actions like protests, sit-ins, and occupation – which tends to provoke a fast response from politicians (Alejandro & Carrasco-Hidalgo, 2020; Hudson, 2018; Keefe, Lane, & Swarts, 2006; Uba, 2005; Veguilla, 2017). Nevertheless, the lack of organisational capacity and political support stand as conditions for failed influence (Shawki, 2010; Wald & Corey, 2002). For example, the women's movement in the US deliberately decided not to actuate when facing a hostile political environment in Congress, which led to a fragmentation of the national movement and loss of political opportunities by lacking political and public support (Sawyers & Meyer, 1999). This failure shows how the organisational setting of movements holds great importance for the movement actions' success, which is explored mainly by social movement organisations studies (Burstein & Linton, 2002; Coy & Woehrle, 1996; Uba, 2009).

Going beyond traditional legal and mobilisation strategies, a remarkable shift from the streets to media diffusion strategies brings new elements to the discussion of movement actions (Polletta & Gardner, 2015). The mass mobilisation has turned into virtual mass mobilisation – hashtags, Facebook, Twitter, Change.org, blogs, forums, and internet-led movement, even

prior to the COVID-19 pandemic (2020-2021), mostly turning interpersonal contact into online contact (Arango, 2014; Chamak, 2019; Harris & Russo, 2015; Vincent & Stackpool-Moore, 2009). Such changes in strategies to influence policymaking outcomes evidence two aspects: a) the media contributes to fast disseminating information and increases the probabilities of getting support for the movement goals, and b) it allows immediate action when opportunities open. The media entered the arsenal of social movement strategies, especially under repressive conditions from the authorities trying to block mass protests (Arfaoui & Moghadam, 2016) or deviate attention from social or political problems (Gottardi, 2020). Media use has become crucial for movement mobilisations to reach an outcome in authoritarian regimes; the Arab Spring is one example (Arfaoui & Moghadam, 2016; Khamis & Mili, 2018).

However, despite deploying joint actions – hiring a professional lobbyist, building a coalition to advocate, promoting educational activities, and personal contact with politicians – the marijuana movement in Texas failed to influence policymaking. One reason is the lack of political support for the policy issue, given the conservative state congress (Harris & Morris, 2017). Similarly, the right-to-work movement in Ohio deployed different actions but failed policy change to restrict "unions violence" in the state because the counter-movement acted in advance (Dixon, 2008). Also, the Ontario Women's Directorate proposed several bills regarding women's rights deployed joint actions but had a weak organisational structure that failed to bridge societal groups with their policy proposals, reaching little or no support from public or political opinions (Malloy, 1999). These failed results from joint actions mean that other dimensions are still missing in the analytical model to explain how joint actions and political opportunities could align with contextual conditions – institutional, social, interpersonal and political – to influence policymaking.

To conclude, social movement outcomes in this review show that successful outcomes result from diverse contextual conditions. The alignment of motivations to act with direct or joint actions, appropriate policy window, political support for a policy issue, organisational capacity, and acceptance of feedback from failed actions were crucial for movements to adopt strategies according to different contexts towards the targeted outcome.

6. Conclusion

How do social movements influence policymaking? This study answers the question by systematically analysing social movement's goals, actions, and outcomes from a scoping review of 35 academic publications combined with a case survey of 76 cases from 17 countries

and two international cases. By exploring the conditions under which successful or failed outcomes resulted, the chapter develops an alternative analytical model to prove that the observation of the effects model alone is not sufficient to capture the contextual conditions and explain the movement's consequences. Therefore, it should interact with existing explanations, such as the political mediation model and adapting strategies to contexts. This chapter develops the analytical model by combining dimensions from the effect-models (Giugni, 1998, 2007) and the political mediation model (Amenta, 2013; Amenta et al., 2010, 2005), which broadened the focus of analysis going beyond predefined dependent variables such as strategies, actions, or political regime to capture and explain the variety of contextual conditions and mechanisms movements could influence policymaking.

As a result, this study concludes that the analysis of social movement's influence on policymaking goes beyond preselected contextual conditions, political regimes and strategies. One reason is the expansion of the analytical framework provided by the alternative model, not restricting the analysis to predefined dependent variables such as publication languages, specific strategy, or political regime. This conclusion proves that movements impact both political regimes (democratic or authoritarian), contrary to Amenta et al.'s (2005) conditions and findings, as well as that the most successful strategies used by the movement to reach an outcome were joint actions, a convergence of political opportunities, mobilisation and resources, contrary to Giugni (2007) results.

Furthermore, the main findings from this review highlight that movement-policy analysis based on a strict analytical framework with predefined dependent variables limits causal explanations of this relationship. Also, the shift from institutional frameworks to actor-centred frameworks proposes to advance knowledge on how movement actions and contextual conditions create mechanisms of influence to policymaking based on a learning process between goals, actions and outcomes. Moreover, the arsenal of direct and indirect actions found in the case survey provides a substantive repertoire of strategies used by different movements to influence policy processes in various policy issues, contexts and political systems.

Although this review is expansive, the limitations of systematic reviews often rely on the bias of study selection and inclusion for accurate data extraction. This review combined two systematic methods to avoid selection bias. However, limiting the review to the empirical cases excluded theoretical contributions to this debate from the analysis.

Since the contributions of this study rely on advancing methodological and analytical frameworks to broaden the scope of the scholarship based on empirical evidence, the results shed light on some gaps in the movement-policy relationship. This review analysed a large N

across cases and from different countries, included studies published in English, Portuguese and Spanish, and found movement influence in democratic and authoritarian regimes. Also remarkable is the variety of Global South cases found in the literature and the diversity of policy issues in which they play a crucial role.

Even though the meta-analysis integrating methods and analytical frameworks contributed to fulfilling some gaps in the scholarship, further studies should improve the alternative analytical model to capture the movement-policy interactions from another influence mechanism that may emerge from a comparative analysis of cases in democratic as well as authoritarian regimes. Such further research would also gain from a collaboration between scholars bridging different languages, cultural, and geographical dimensions to advance the research agenda, searching for patterns of learning processes emerging from empirical evidence generated by social movements influencing the policy process.

CHAPTER 3 - METHODOLOGY

This research on policymaking at the federal level in Brazil investigates policy actors' and their strategies to influence the policy process that led to the judicial decision criminalising LGBTphobia in 2019. A historical analysis of 18-years contributed to identifying the different actors involved, conflicts, and events to unpack the causal mechanism of how the criminalisation process came about. Several data types contributed to recalling this process, including an extensive document analysis (i.e., official records from government, reports, bills, minutes, academic literature, and others) and intensive in-depth interviews with key informants. In addition, as in the velvet triangle approach adopted by (Paternotte & Kollman, 2013; Woodward, 2004), key actors contacted and interviewed are academics, politicians and activists. Key informants related to the policymaking at the federal government, Legislative, Executive and Judiciary were identified from official documents of the Court cases – the *Mandatory Injunction (MI 4733) and Direct Action of Unconstitutionality by Omission (ADO 26).* Through a snowball sampling strategy (Gray, 2004), interviewees were recruited for semi-structured interviews. As a result, the causal mechanism leading to an outcome is unpacked and presented with a chronological narrative approach connecting events, actors, strategies and decisions throughout the policy process by tracing the criminalisation process. First, an initial causal mechanism was developed based on an exploratory theoretical analysis of social movement influence on policymaking (figure 3.2). Next, after analysing empirical evidence from the case, a refined causal mechanism (figure 3.3) was developed. Finally, empirics provided more substantive elements to support the causal forces driving actions in the primary mechanism. Such forces are explained in the following chapters. A holistic combination of methodologies and methods was necessary throughout the dissertation to unpack the theorised causal mechanism. The main methodological reasoning for the empirical approach is based on critical realism principles and process-tracing analysis to assess the many sources informing this research.

1. Critical Realism Analysis

Critical realism (CR) is a philosophy of science framework developed by Roy Bhaskar (1975). This framework emerged as a holistic methodology for conducting "qualitative social science

research as an alternative to the more prevalent paradigms of positivism and constructivism – deduction and induction" (Danermark, Ekström, Jakobsen, & Karlsson, 2002; Fletcher, 2017; Wynn Jr & Williams, 2012, p. 787). According to Wynn Jr and Williams (2012), "under critical realism, a causal explanation for a given phenomenon is inferred by explicitly identifying how structural entities and contextual conditions interact to generate a given set of events" (p.787). This explanatory strength of CR allows the analysis of an "open system of structure", which means it "is beyond our ability to control directly" (Danermark et al., 2002; Wynn Jr & Williams, 2012, p. 792). In natural and physical sciences, it is possible to design experiments under complete control of contextual conditions and exogenous influences, which is more or less a closed system (Archer, Bhaskar, Collier, Lawson, & Norrie, 1998; Wynn Jr & Williams, 2012). According to Bhaskar (1975), critical realism stratifies reality by analysing three domains (table 3.1):

Table 3.1. Critical Realism Analytical Domains

	Domain of Real	**Domain of Actual**	**Domain of Empirical**
Mechanisms	X		
Events	X	X	
Experiences	X	X	X

Source: (Bhaskar, 1975, p. 2)

To distinguish the nature of each of the three domains, Bhaskar (1975, p. 2) provides an "ontological map" of what reality is in the critical realist approach. The empirical domain consists of what one experiences, directly or indirectly. The actual domain is where events happen without the filter and intervention of human experience. In this sense, events happen whether one experiences and interprets them or not. They may differ from those observed (Danermark et al., 2002, p. 20). The third domain is the real, where causal structures, or causal mechanisms, exist. As defined by Fletcher (2017, p. 183), "these are the inherent properties in an object or structure that act as causal forces to produce events (i.e. those appearing at the empirical level)".

Critical realist-based methodologies offer researchers new opportunities to investigate complex organisational phenomena by understanding causality as the "relationship between an action or thing (cause) and the outcome (effect) it generates" (Wynn Jr & Williams, 2012, p. 789). Consequently, critical realism "shifts the focus to explicitly describing causality by detailing the means or processes by which structures, actions generate events, and contextual conditions involved in a particular setting" (Wynn Jr & Williams, 2012, p. 789). Structures

refer to the "set of internally related objects or practices" (Sayer, 1992, p. 92) that constitute the real entities we seek to investigate in a specific contextual situation" (Wynn Jr & Williams, 2012, p. 790). Social structures are different from physical structures.

> Social structures both constrain and enable social activities and are themselves reproduced or transformed by these activities. This does not imply that human agents have perfect knowledge of their actions or their consequences; only that agents must have some interpretation of the social structure in order to understand the meaning behind their own actions and those of other agents (Wynn Jr & Williams, 2012, p. 792).

According to Bhaskar (1975, p. 14), "mechanisms are nothing other than the ways of acting of things". As such, mechanisms can be conceptualised as either causal powers or tendencies (Archer et al., 1998; Danermark et al., 2002). Causal powers are the "dispositions, capacities, and potentials to do certain things, but not others" (Fleetwood, 2004, p. 43). These arise from the essential nature of the entities themselves. Entities typically possess an ensemble of powers, which may or may not produce observable events in a given context (Archer et al., 1998; Fletcher, 2017; Wynn Jr & Williams, 2012). According to Wynn Jr & Williams (2012, p. 791), "tendencies go beyond powers to distinguish specific classes of things from others. Whereas powers designate possibilities, tendencies describe those characteristics or typical actions of a given class, species, or type of thing".

Critical realism aims to explain a mechanism and the events generated within it rather than predict future events. Another feature of critical realism is the fallibility of the researcher's knowledge of a context. As Sayer (2000, p. 2) says, "evident *fallibility* of our knowledge – the experience of getting things wrong, of having our expectations confounded, and of crashing into things – that justifies us in believing that the world exists regardless of what we happen to think about it". Critical realism offers a model to identify and explain the causal forces driving a mechanism; an explanation stipulates the factor presumed to cause a given outcome (Wynn Jr & Williams, 2012, p. 793; Yin, 2003). The explanation via causal analysis (mechanisms) occurs by deploying the logical core of critical realism, the strategy of inference called retroduction, which "makes CR useful for analysing social problems and suggesting solutions for social change" (Fletcher, 2017, p. 182). Retroduction and retrodiction refer to the same logic of inference seeking to identify reality and what mechanism must exist for the observed event to have occurred (Fletcher, 2017; Wynn Jr & Williams, 2012). The goal of CR is to infer causal forces to explain reality. To do so, CR uses retrodiction which "refers to the application of previously identified mechanisms to explain an outcome in a new setting, and retroduction, which refers to efforts to identify new mechanisms" (Wynn Jr & Williams, 2012, p. 799). In

this sense, the "reasoning process that moves from concrete to abstract and back again, retroduction is the 'central mode of inference' in CR" (Fletcher, 2017, p. 189; Lawson, 1998, p. 156). This logic form is also identified as abduction, which refers to a process of "inference or thought operation, implying that a particular phenomenon or event is interpreted from a set of general ideas or concepts" (Danermark et al., 2002, p. 205). In practice, abduction is "to move from a conception of something to a different, possibly more developed or deeper conception of it" (Danermark et al., 2002, p. 91). This re-conceptualisation happens through a process of conceiving the causal forces to the outcome in their totality or as near as possible, "placing and interpreting the original ideas about the phenomenon in the frame of a new set of ideas" (Ackroyd & Karlsoon, 2014; Danermark et al., 2002, p. 91; Fletcher, 2017).

2. Process-tracing Analysis

Process tracing is a methodology used in qualitative research, often identifying historical processes to explain *how* causal mechanisms happen and to show how actions and events lead to an outcome (Beach & Pedersen, 2013; Crasnow, 2017; Mahoney, 2015; Maillet & Mayaux, 2018). This methodology presents a systematic framework of "diagnostic evidence selected and analysed in light of research questions and hypotheses posed by the investigator" (Collier, 2011, p. 823). As Mahoney (2015) says, applying process-tracing requires three features "(1) good knowledge of the history of the case, (2) good knowledge of relevant pre-existing theories and generalisations, and (3) a strong capacity to carry out sound logical reasoning by combining facts about the case with more general knowledge" (p.202).

According to Beach and Pedersen (2016), process-tracing has three variants: 1) theory-testing, 2) theory-building, and 3) explaining-outcome. In the theory-centric variants, the main goal is to contribute to the formation of theories through theory testing, theory building, or theory revising process-tracing (Beach & Pedersen, 2016). The main aim of case-centric process tracing, also called explaining-outcome variant, is to provide a comprehensive explanation for a political event, which builds on pragmatism as a research strategy (Beach & Pedersen, 2016). Process-tracing is useful for causal mechanism analysis, often rooted in historical explanation and narrative produced by causal inferences or sequence analysis. Causal inferences contribute to clarifying the meaning of causes. Whether some conditions are sufficient or necessary for the outcome, it is an "INUS condition – insufficient but necessary part of a condition that is unnecessary but sufficient for the result" (Mahoney, 2015, p. 203). Whether some conditions are "sufficient but unnecessary part of a configuration that is

insufficient but necessary for the outcome" is called SUIN conditions (Mahoney, Kimball, & Koivu, 2009, p. 126). Sequence analysis is to "explain an outcome by appealing to events that unfold over time and by making references to sequences of linked causal factors" (Mahoney, 2015, p. 204). To identify possible causes, scholars developed different methods, counterfactual analysis and inductive discovery. The counterfactual analysis builds on "good candidates for causes are events whose counterfactual absence is relatively easy to imagine and potentially would eliminate the outcome of interest" (Mahoney, 2015, p. 213). Inductive discovery relies on existing theory and literature: "scholars can search material for causal factors previously targeted as important" (Mahoney, 2015, p. 2015).

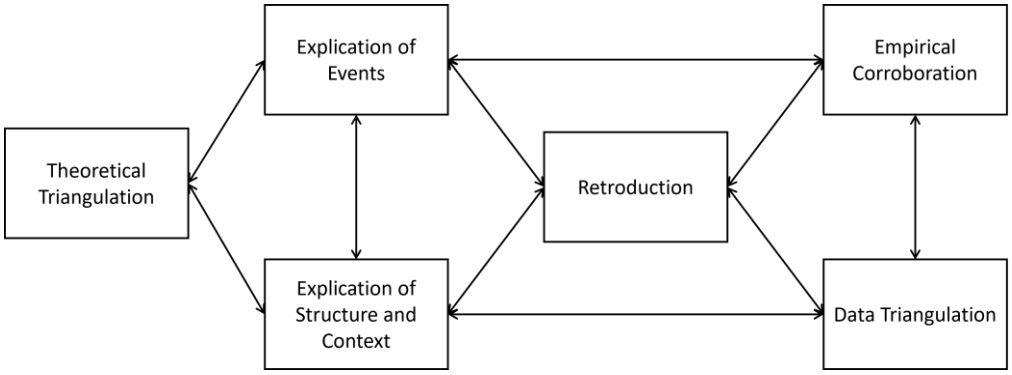
Although political science scholars highlight the relevance of narrative as a tool in process-tracing methodology, its scientific rigour is somehow contested by mainstream methodologies (Bengtsson & Ruonavaara, 2017; Crasnow, 2017; Mahoney, 2015; Waldner, 2015). Sharon Crasnow (2017) defends the role of narrative in case studies by arguing that "the narratives take us from the start to the end of the story by moving us along through a series of events that unfold over time" (p.10). Narratives are generative of events and actions connected, which can be traced by the "analyst identifying the causes of outcomes that have already occurred" (Mahoney, 2015, p. 202). Similarly, Bengtsson and Ruonavaara (2017) suggest some central elements for comparative process tracing, contributing to a structured and focused historical comparison. They present path dependence, critical junctures and focal points, social mechanisms, context, periodisation, and counterfactual analysis as analytical dimensions.

In theory-building process tracing, the research generates theories based on the findings on the ground or contributes to refining existing theories, whereas case-centric process-tracing accounts for historical and contextual evidence to explain an outcome. In that sense, it approaches historical methods and the historical interpretation of events (Crasnow, 2017) and specific situations, which is not the case in theory-testing or theory-building process-tracing. The explaining-outcome variant is a suitable method for understanding the mechanism linking actors, actions and outcomes, which is the purpose of this research – to explain how the LGBTQ movement influences policymaking in Brazil. Furthermore, considering the aim of this research, the development of a flexible methodology, combining critical realism with explaining-outcome process-tracing, is most suitable as a research strategy to unpack a complex policy process.

3. Bridging Methods in Practice

This dissertation started by questioning the presence and the position of LGBTQ people in the LGBTQ policymaking process, given that representation plays an essential role in policymaking in Brazil (Aguião, 2018; Marsiaj, 2012; Santos, 2016). Therefore, empirical research on the LGBTQ movement's influence on policymaking was developed by analysing the interaction of multiple actors who actively participated in the criminalisation of the LGBTphobia process between 2001 and 2019. Even if public policy scholarship extensively researched various groups' influence on the policy process (Baumgartner, Berry, Hojnacki, Kimball, & Leech, 2009; Scott, 2017; Vanhala, 2009), there remains a research gap about the contextual conditions and nature of the LGBTQ movement's influence on public policymaking processes, especially in democratic countries where homophobia is omnipresent (M. Smith, 2020; Weiss & Bosia, 2013). To bridge this gap, a holistic methodology – combining dimensions from critical realism and process-tracing – will be deployed to identify causal forces connecting events, actors, and decision-making, unfolding a comprehensive narrative explaining how LGBTQ groups and activists influenced criminalisation of LGBTphobia in Brazil. Combining these methods requires key steps of operationalisation, as figure 3.1 shows.

Figure 3.1. Critical Realism Methodological Principles



Source: adapted from (Wynn Jr & Williams, 2012, p. 797).

First, "the *explication of events* describes the necessity to identify the detailed aspects of events being studied" (Wynn Jr & Williams, 2012, p. 797). This explication starts with identifying specific event(s) through pieces of evidence that constitute part of the outcome being studied. It was possible by empirically learning from hearing multiple actors' information – LGBTQ groups representatives (associations, organisations and activists), politicians, lawyers, academics, and policy advisors. The empirical material identified the interactions among actors, strategies used and placing the LGBTQ movement's position to influence the public policy agenda and formulation.

Second, through the *explication of structure and context,* researchers "seek to identify and analytically resolve the components of the structure that are causally relevant" (Sayer, 1992; Wynn Jr & Williams, 2012, p. 798). In addition to the explication of events, the empirical research of structure and context over time explained the trajectories LGBTQ groups, politicians, and activists took to reach the outcome and influence the public policy process and policymakers (see figure 2, initial mechanism). Each trajectory indicates different paths of influence – direct, indirect, or joint – in the policy process (the different components of structures that may influence the causal chain and tendencies to reach the outcome).

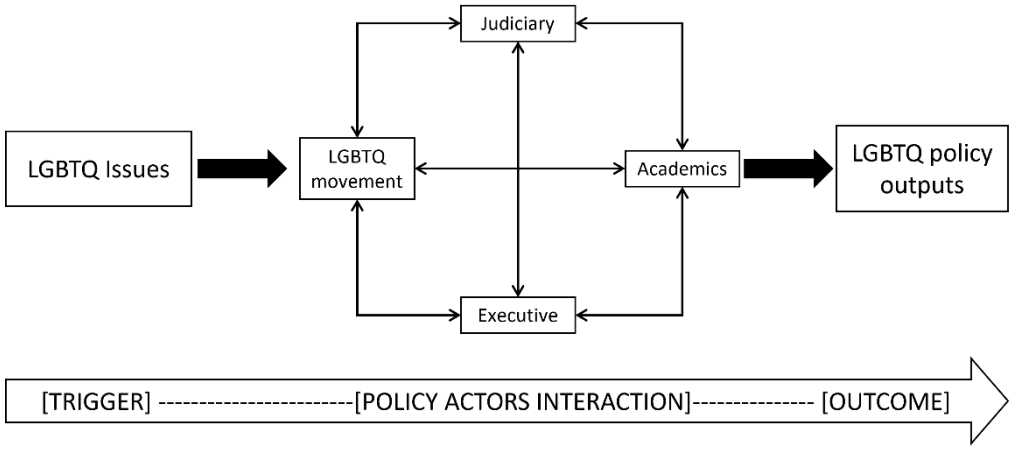
Third, *retroduction* is the capacity to link causal forces and tendencies from structural components with specific events researchers seek to explain (Wynn Jr & Williams, 2012, p. 799). Retroduction is a "mode of inference in which events are explained by postulating (and identifying) mechanisms which are capable of producing them" (Sayer, 1992, p. 107). Although the causal forces and tendencies are identified empirically in explaining events and structural components, the "adequate mechanism" to explain the studied phenomena is first theoretically conceptualised. A refined mechanism is proposed after empirical analysis to better explain actors' position in the policy process in Brazil; this conveys the notion of "expected and actual outcomes which is useful to highlight the real nature of the structures in which actions occur" (Wynn Jr & Williams, 2012, p. 800).

Fourth, the *empirical corroboration* "seeks to use data from observations and experiences to ensure that the proposed mechanisms adequately represent reality, and have both sufficient causal depth and better explanatory power than alternative explanations for the focal phenomenon" (Wynn Jr & Williams, 2012, p. 801). This phase is "needed to overcome the tentativeness of inferences derived through retroduction by attempting to validate the existence of the proposed mechanisms" (Wynn Jr & Williams, 2012, p. 801). Empirically it can be analysed from two perspectives: "first, confirming that the proposed mechanism is clearly and accurately described in terms of generating outcomes within the given context; and second, that it offers better explanatory power than other potential mechanisms that have been identified" (Wynn Jr & Williams, 2012, p. 801).

Finally, *triangulation* "reflects the importance of including multiple approaches to support causal analysis based on various data types and sources, analytical methods, and theoretical perspectives" (Wynn Jr & Williams, 2012, p. 803). The theoretical triangulation for the analysis is bridging public policy (policy change), social movement, and queer theory literature. Empirically, to unpack the causal mechanism of the LGBTQ movement's influence on policymaking in Brazil, various sources (detailed in the following section) account for the

analysis of policy outputs adopted between 1996 and 2020, and academic literature analysing the relationship between movement and policy, and in-depth interviews with key informant involved in the policymaking process.

Figure 3.2. Initial Causal Mechanism – Theory-based Representation of the General Research Objective



Source: Author

Figure 3.2 shows the initial 'causal mechanism' highlighting the trigger point and the multiple actors' interactions, which will lead to LGBTQ policy formulation. It illustrates the general outcome of the research, which is to understand the LGBTQ movement's influences on the criminalisation of LGBTphobia in Brazil. This initial theorisation of the mechanism suggests the significant role of actors' interaction, which constitutes the basis for identifying, clarifying and introducing LGBTQ issues into the political and policy agendas through interactions between social and government actors. Such interaction is also motivated by strategies ranging from personal contact, lobbying, and advocacy coalition building to mass protests and litigation cases (detailed in the following chapters).

4. Data Collection: Evaluation of Pieces of Evidence

The findings of this dissertation are based on three main sources: a) the systematic analysis of documents such as the LGBTQ public policies formulated by the Executive, bills introduced to Congress regarding the LGBTphobia, and judicial decisions from the Supreme Federal Court regarding the LGBTQ rights in Brazil, b) conduction of a series of interviews, and c) the analysis of a series of video recordings from the Supreme Court trial sessions of the criminalisation case.

Data collection followed the principle of triangulation of combining different datasets to "increase the credibility and validity of research findings" (Noble & Heale, 2019). According to Natow (2020), triangulation (multiple methodological resources and practices) "serves as a check on biases and inaccuracies that any one data source, method, researcher, or analysis protocol may have" (p.162-63). Triangulation was conducted by first constructing a dataset of policy outputs, linearly – year by year – identifying LGBTQ policies from the human rights platform (1996-2020). Next, interviews were conducted with people involved in at least one stage of the policy process from the outputs identified, then contrasting with institutional reports, newspaper articles about the real-world problems of LGBTQ people's life in Brazil, and video recordings from the plenary sessions of the Court case. The complete data processing is presented in the Annexes to keep track of the narrative of the chapters. In what follows is explained the strategy used to acquire the analysed materials.

4.1. Document Analysis

This research deploys an actor-centred approach to determine the actors' positions and influence in the policy process. Scholars researching the queering of public policy (de la Dehesa, 2010; Smith, 2007; N. Smith & Lee, 2015) are often looking for how public policy is organised around heteronormative assumptions about social, economic, cultural, and political values (Armstrong & Bernstein, 2008; Bernstein, 2002; Smith, 2020; Weiss & Bosia, 2013). Therefore, scholars relied on empirical research of policy documents, newspaper articles, records of public hearings, politician's discourses, bills from Congress, and minutes from policy processes to assess strategic actors' interaction leading to a political decision. In addition, data triangulation was deployed to certify the degree of confidence in the information accessed through policy document analysis, interviews, and academic literature, thus avoiding controversies (data triangulation as presented in figure 3.1). In the following parts, the main types of documents used in the analysis are presented and how they were collected.

4.1.1. Main Categories of Analysed Documents

Many information and documents are publicly available on one of the Brazilian government's websites (see List of Websites, p.160), and several platforms from the presidency, ministries, Congress, and judiciary were accessed. First, the data collection strategies aimed to obtain the

relevant documents related to the LGBTQ policies created in Brazil between 1985 and 2020, the democratic period in the country, by sequencing policy outputs. Second, identifying the events and actors was necessary to access the dossiers of the criminalisation case (MI 4733 and ADO 26) and minutes from the judiciary supporting the Court's decisions and their precedents.

4.1.1.1. LGBTQ Policies Outputs from the Executive

The first category is the data of national policy outputs of LGBTQ rights-based policies from the federal Executive, adopted between 1996 and 2020. The period selection follows the creation of the human rights platform in 1996. First, to identify the landmark LGBTQ policies in Brazil, a literature review about LGBTQ policy and politics was conducted. After identifying the landmark policies, it was possible to trace back the first policy mentioning "homosexuals" in Brazil – ministerial ordinance 236/1985, Ministry of Health. The sequencing of policy outputs unfolded linearly, from one document to another. Second, a database with 20 LGBTQ policy outputs was created by sequencing 60 records (complete list of records in Annex III.A and Data Processing in Annex III.B). The record types vary as executive decrees (36), laws and provisional measures (9), conference proceedings (6), ordinances (4), programmes (3), and reports (2). For the executive decrees, changes in their content are indicated in the online archive, and the new version of the document is available via a hyperlink. Such availability of information facilitated the sequencing of policy outputs and changes among them. Third, all records were retrieved from the official government's online archives – Official Diary of the Union (DOU), Ministries, and Presidency webpage. A data extraction form was developed to analyse the 60 records, accounting for the year of formulation, document number and types, subsequent documents amending the policy, policy ideas (initial and subsequent), actors, instruments, and changes.

4.1.1.2. Anti-homophobia Bills Introduced to Congress

A second category is the anti-homophobia bills introduced to Congress during the democratic period. Searching for the term "homophobia" in the House of Representative's online archive, in the section on legislative activities, 68 bills were identified dating from 2001 until 2021 (House of Representatives, 2021). Given the focus of this research, the first anti-homophobia

bill PL 5.003[1], introduced to Congress in 2001, was analysed. The bill PL 5.003 was approved in the House in 2006; once sent to Senate, it became the bill PLC 122[2] in that same year. The content of these bills, actors involved in the formulation and a series of events happening opposing the bill PLC 122 are essential sources of information to understand the Court cases that criminalised LGBTphobia. Changes in the bill's contents are also analysed, which justifies specific actions and strategies chosen from the LGBTQ movement to influence policymakers. Litigation actions were opened to sue the national Congress at the Supreme Federal Court. This strategy follows precedents from local and state levels, where decisions on similar issues discrimination against LGBTQ people, same-sex couple marriage, and adoption were taken via a judicial decision.

4.1.1.3. Supreme Federal Court Cases: Minutes

A third category is the minutes from the Supreme Federal Court (STF) and the National Council of Justice (CNJ) related to the Courts cases granting LGBTQ people rights in Brazil. The criminalisation of LGBTphobia via judicial decision occurred because of two litigation cases, MI 4733 and ADO 26. The Court cases archive is organised chronologically with a whole dossier of amici curiae contributions to the cases, events, or decisions throughout the judicial process. Therefore, the dossiers were analysed to identify key actors, discourses, and any relevant information on events or decisions happening between 2012 and 2019, the years of the Court cases. Subsequently, after the 2019 decision criminalising LGBTphobia, the final report from both cases was made available online in the case dossiers. Each report was systematically analysed using content analysis, mainly looking for the arguments and discourses used by the federal justice's decisions. The votes of the 11 justices were analysed and summarised to explain the outcome of the Court's decision. The uniqueness of some information was validated by triangulating information (documents, interviews and video recordings) to validate the accuracy among different sources.

4.1.1.4. Supreme Federal Court Trial Sessions of the Cases

A fourth category is the series of six video recordings from the trial sessions in the Supreme Court held between February and June 2019. As there are no transcripts of the attorney's defence at trial, these video recordings were crucial sources of information. One exception is

[1] Online archive of the Bill PL 5.003/2001: https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=31842
[2] Online archived of the Bill PLC 122: https://www25.senado.leg.br/web/atividade/materias/-/materia/79604

for the defence lawyer, Paulo Iotti, who published his defence in a book – "The STF, homotransphobia and its recognition as a crime of racism" (Iotti, 2020). Also, in the book Iotti provided relevant information about unexpected decisions in the sessions that were only possible to access if physically present in the plenary sessions. The video recordings of the plenary sessions were accessed through the YouTube channel of the Justice (TV Justiça), which makes available all-important plenaries from the Court's cases online.

Table 3.2. Recording from the Plenary Sessions, Supreme Federal Court.

Date Sessions	Speakers	Sources
13-02-2019	Case lawyers; Amici Curiae; Attorney General of the Union	https://www.youtube.com/watch?v=EmDZ_-lueJs&ab_channel=STF
14-02-2019	Justices vote	https://www.youtube.com/watch?v=-OnSL03Leq8 (Part 1); https://www.youtube.com/watch?v=PZRMtzL-EGY (Part 2)
20-02-2019	Justices vote	https://www.youtube.com/watch?v=H0crBs4Gqc4
21-02-2019	Justices vote	https://www.youtube.com/watch?v=zZBpYwxcmcE&ab_channel=STF
23-05-2019	Justices vote	https://www.youtube.com/watch?v=UFUa1EJeDMo&ab_channel=STF
13-06-2019	Final decision	https://www.youtube.com/watch?v=qZUGC_l_0GY

Source: Author Compilation of Recordings

5. Interviews

Woodward (2004) stated that research on informal governance could benefit from understanding the social dimension of interactions between academics, politicians, and activists involved in a policy process that she called the "velvet triangle". Following Woodward's methodological strategy, interviews were conducted with academics, politicians/public managers, and activists involved in different LGBTQ policy processes, particularly anti-homophobia policies in Brazil.

Given the current political situation in Brazil, the sensitivity of the topic, interviewee's anonymity and roles have been compressed under the following classification: academics, activists, and politicians. This is a far too general way to describe the nuance of the varied work my interviewees do, but it is necessary for data protection. Since the boundaries between activism and academia are porous (Ramos & Carrara, 2006), when interviewees were asked about their roles as academics, activists, or politicians, many found it challenging to identify a single classification for their roles. The interrelations between their academic profile and activism were blurred in the Brazilian context. However, interviewees were classified based on their primary occupation for analytical reasons.

As a result, academics represent 40% of the total respondents. Moreover, those academics have collaborated with the policy process directly or indirectly. Table 3.3 shows the distribution of total informants contacted and their responses to concede an interview.

Table 3.3. Distribution of Actors Contacted for Interview

	Contacted	**Response +**	**Response -**	**No Response**
Academics	18	10	0	8
Activists	13	8	1	4
Politicians Advocates	15	7	0	8
Politicians Opponents	0	0	0	0
Judges	2	0	0	2
TOTAL	**48**	**25**	**1**	**22**

Source: Author

The first contact was with academics via email or through the Ministry of Education platform (Plataforma Lattes) as a way of introducing the researcher as an academic and building certain confidence in the researcher's academic profile (given the sensitivity of the research topic and current political situation in Brazil, Plataforma Lattes was an effective option to reach out academics). Using the snowball technique to contact possible interviewees, contacts shifted from email and Plataforma Lattes to WhatsApp messages (especially for activists and politicians).

Academics and politicians were questioned about their motivations and perceptions of the LGBTQ movement's influences on policymaking in Brazil. Activists were mainly questioned about the strategies used to influence the policymaking and the challenges faced in the past twenty years (complete questions for interviews available in Annexes, V.A, V.B, and V.C). The interviews explored the ties among different actors involved in the criminalisation process, which helped me understand the interactions not explicit from policy documents or governmental reports. Such interaction was crucial to understanding decision-making from political elites and strategies deployed by the LGBTQ movement to influence policymaking in Brazil's complex political environment.

In total, 25 in-depth interviews were conducted (Table 3.4). Given the increased restrictions imposed by the pandemic of COVID-19, fieldwork in person was not allowed. Instead, by using the technology available from the university, interviews were conducted in Portuguese and virtually using Skype for Business or Zoom between April and August 2021. Interviews ranged between forty-seven minutes and three hours and a half. All interviews were recorded, transcribed and stored following KU Leuven Data Management and Ethical Research

Committee compliance protocols. Following the protocols, the names of interviewees were pseudonymised to comply with institutional review board approval. Also, it was redacted any specific information related to the interviewee's role in their organisation (e.g., president, director, policy coordinator, policy advisor, legal representative, Pride organiser, parliamentarian).

Table 3.4. Interviews Information

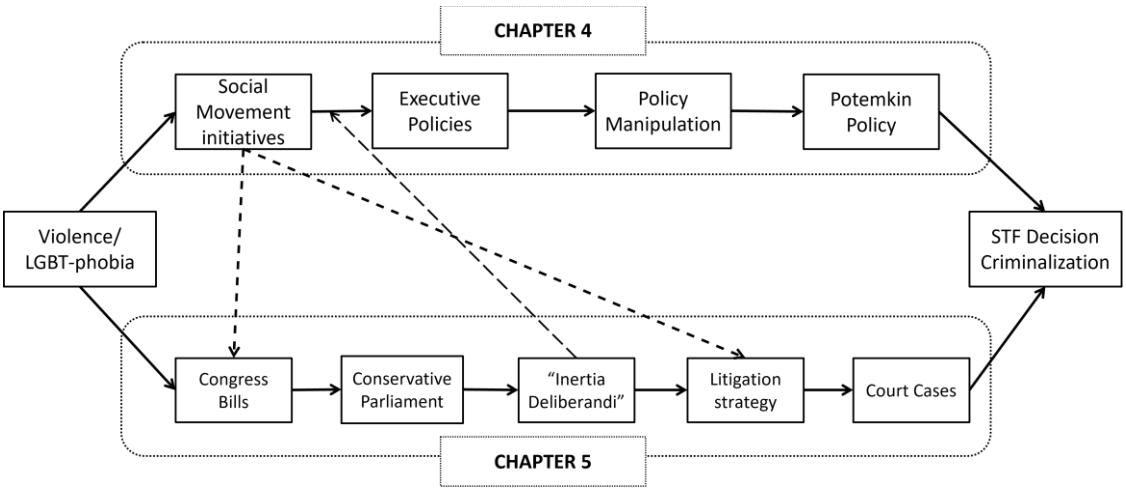
Number	Code	Date	Classification	Type
1	A.1	01-04-2021	Academic	Virtual interview
2	A.2	09-04-2021	Academic	Virtual interview
3	A.3	12-04-2021	Academic	Virtual interview
4	A.4	14-04-2021	Academic	Virtual interview
5	A.5	24-04-2021	Academic	Virtual interview
6	A.6	28-04-2021	Academic	Virtual interview
7	A.7	08-05-2021	Academic	Virtual interview
8	A.8	19-05-2021	Academic	Virtual interview
9	A.9	20-05-2021	Academic	Virtual interview
10	A.10	02-07-2021	Academic	Written Questionnaire
11	Act.1	05-06-2021	Activist	Virtual interview
12	Act.2	09-06-2021	Activist	Virtual interview
13	Act.3	09-06-2021	Activist	Virtual interview
14	Act.4	13-06-2021	Activist	Virtual interview
15	Act.5	14-06-2021	Activist	Virtual interview
16	Act.6	15-06-2021	Activist	Virtual interview
17	Act.7	22-06-2021	Activist	Virtual interview
18	Act.8	17-07-2021	Activist	Virtual interview
19	Poli.1	01-07-2021	Public manager	Virtual interview
20	Poli.2	21-07-2021	Politician	Virtual interview
21	Poli.3	23-07-2021	Public manager	Virtual interview
22	Poli.4	14-08-2021	Politician	Virtual interview
23	Poli.5	16-08-2021	Public manager	Virtual interview
24	Poli.6	18-08-2021	Politician	Virtual interview
25	Poli.7	19-08-2021	Public manager	Virtual interview

Source: Author

6. Explaining the Outcome - Causal Mechanism

Figure 3.3 shows the refined causal mechanism that will be explained and detailed in chapters 4 and 5.

Figure 3.3. Refined Causal Mechanism: Empirical Evidence Base



Source: Author

Chapter 4 presents a roadmap of 20 LGBTQ policies adopted in Brazil between 1996 and 2020. Political manipulation among the LGBTQ policies generates a Potemkin policy pattern of change. Even though the LGBTQ movement had some successful interactions with Congress legislators, the movement failed to influence the approval of the anti-homophobia bill, PLC 122/2006. Therefore, the movement shifted strategies to collaborate and influence the federal Executive to formulate LGBTQ policies. However, the malfunctioning of LGBTQ policies in Brazil revealed that social policies are used as a façade to cover up social and political problems. Finally, the organised LGBTQ movement moved from fragile executive decisions, confined to a governmental mandate, to judicial decisions.

Chapter 5 focuses on the criminalisation of the LGBTphobia process. The 18-year process is analysed by identifying actor's interactions and actions developed chronologically, evidencing three main parts of the process: a) from the introduction of the bill PL 5.003 in 2001 to the House of Representatives until its approval in 2006, b) from the bill PLC122 sent to the Senate in 2006 until 2015 when it has been shelved, and c) from the litigation actions opened 2012 and 2013 respectively – MI 4733 and ADO 26 – until the Supreme Federal Court decision in 2019.

CHAPTER 4 - BRAZIL'S LGBTQ PUBLIC POLICY: A POTEMKIN POLICY?

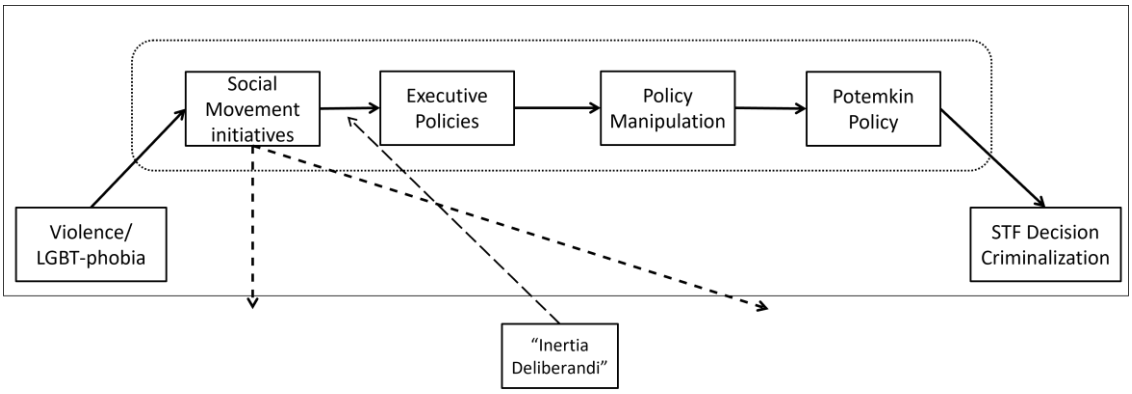
1. Introduction

In recent years, lesbians, gays, bisexuals, transgenders and queer (LGBTQ) people have emerged into the limelight of politics and policy in Brazil as elsewhere (Davidson, 2020; Facchini & França, 2020; Smith, 2007). Brazil is internationally recognised as progressive and LGBTQ friendly by organising one of the world's largest LGBTQ pride parades (São Paulo) (Lawler, 2017); the same-sex marriage judicial decision was recognised as a world heritage by UNESCO (Quaglino, 2018). In addition, the country has adopted many LGBTQ policies. Furthermore, at the UN Human Rights Council, Brazil was a leading state in the international agenda on human rights and advocacy for minorities and diversity until 2019 (Rodrigues, 2019). However, like annual reports show, Brazil is also recognised as one of the most violent countries for LGBTQ people globally (Mendos, 2019; Oliveira & Mott, 2020; Trans Brazil Network, 2020). As this chapter will show, this paradox reflects how LGBTQ policies in Brazil have been used as a façade to hide social and political issues affecting LGBTQ people in the country.

For more than 35 years of re-democratisation in Brazil, the national legislature has not legislated upon LGBTQ issues, despite many bills submitted to Congress (Marsiaj, 2006; Mello, Avelar, et al., 2012; Santos, 2016). The federal executive and judiciary decisions compensated for the legislative vacuum by creating palliative policy outputs to assure some LGBTQ citizens' rights (Barroso & Osorio, 2019; Mello, Brito, & Maroja, 2012; Rios, 2015). Primarily via executive decrees, the number of LGBTQ policy outputs rapidly increased in the country, while this phenomenon gained growing attention from scholars trying to capture the dynamics surrounding this paradoxical context (Aguião, 2018; Hutta, 2011; Longaker, 2019a; Mountain, 2014; Ramos & Carrara, 2006). Although executive decree authority in Brazil is necessary for policymaking, facilitating policy outcomes faster than the legislative procedure, it can easily be manipulated, reversed or terminated, especially in transition periods (Negretto, 2004; C. Pereira, Power, & Rennó, 2008; Reich, 2002). Therefore, governing by decree reveals political elites' incapacity, given "the executive's failure to have tapped relevant decentralised social knowledge that might have led to more appropriate and coherent legislation" (Holmes, 2003, p. 121). Such political incapacity and failure are infiltrated the causal chain of LGBTQ

policymaking in Brazil, leading to judicial decisions. Figure 4.1 shows the causal mechanism of LGBTQ policymaking emerging from the federal executive decisions.

Figure 4.1. Causal Chain of LGBTQ Policy Formulation in Brazil



Source: Author

Recent scholarship has emphasised how political elites against queers have used political homophobia. Coined by Weiss & Bosia (2013, p.2), political homophobia refers to the "open deployment of homophobia in political rhetoric and policy", especially practised by state actors, a product of transnational influence and alliances, integrated into questions of collective identity and the complicated legacies of colonialism.

> Today's homophobic political strategies range from straightforward or seemingly "rational" processes of marginalisation—of branding gay rights, like so often women's or ethnic minorities' rights, as either "special interests" and thus not a priority, or as a threat to the nation—to often violent vilification and abuse. (Weiss & Bosia, 2013, p. 3)

In the Brazilian case, political homophobia has also been used to manipulate and cover up social and political problems by undermining homophobic violence as a non-existing issue (Junqueira, 2010). In addition, a reductionist view of policy issues has shaped human rights policies, especially under a religious fundamentalist paradigm, influencing policymaking to create symbolic solutions for real problems affecting LGBTQ people (Camporez, 2019; de Vito & Prado, 2019; Maranhão Fo & De Franco, 2019; Prado & Correa, 2018). As investigated by Rocha, Solano, and Medeiros (2021) and Iamamoto, Mano, and Summa (2021), this may be related to a tendency in Brazilian politics and society to polarise some issues as antagonists: public security vs violence/crime, meritocracy vs social benefits/victims, corruption vs anti-politics, moralisation values vs deprivation of life values, 'gender ideology' vs family.

This chapter addresses the following question: how does LGBTQ policy change happen in Brazil? Who are the main actors provoking the changes? What is the direction of changes? Drawing on the metaphor of the Potemkin village, which means creating a façade to suggest advances or progress to external observers (Allina-Pisano, 2007), this chapter develops an analytical framework to assess Potemkin policy. Based on the analytical framework, this chapter assesses whether there is manipulation and how it has been done by analysing policy changes among LGBTQ policies in Brazil. The Brazilian LGBTQ policy seems to be an appropriate area for such an examination, given its paradoxical increase in numbers of policy outputs in the last two decades with sparse effectiveness (Facchini & França, 2020; Irineu, 2014; Mello, Avelar, et al., 2012; Ramos & Carrara, 2006). The policy changes are analysed based on content analysis of the federal executive policy outputs, focusing on changes in ideas, actors, and instruments in rights-based LGBTQ policies adopted in democratic Brazil between 1996 and 2020. By sequencing policy outputs, it was possible to identify 60 records (Annex III.A), which did not intend to be an exhaustive compendium of LGBTQ policy outputs from Brazil, given that there are more LGBTQ policies in different policy domains, such as health, education, security, social work, employment and others, which would imply several sequencings. However, for analysis, it is limited to those emerging from the human rights platform, which was created in 1996 (Pinheiro & Mesquita Neto, 1997).

The following section focuses on building a definition of Potemkin policy, emphasising the manipulative nature of the concept – creating façades to cover up reality and hide social and political problems.

2. Potemkin Policy as Policy Change

The growing body of literature on policy change analysis has developed several frameworks and models that strengthened the policy change analysis – e.g., multiple streams (Kingdon, 1984), advocacy coalition framework (Sabatier, 1988), paradigm changes (Hall, 1993), and punctuated equilibrium theory (True, Jones, & Baumgartner, 1999). However, scholars highlighted that the policy analysis scholarship has several dilemmas when determining how to observe changes in a policy, especially the lack of consensus over the dependent variable (the object of analysis) to measure and over the factors or dynamics that cause it (Béland & Powell, 2016; Capano, 2009; Howlett & Cashore, 2009). In this sense, the scholarship is diverse, and some analyses have relied on institutional changes (Falleti, 2009; Mahoney & Thelen, 2009; Pollitt & Bouckaert, 2009) and conditions leading to the dismantling of a policy

field (Bauer & Knill, 2012), positive and negative feedbacks in the politics (Baumgartner & Jones, 2002; Weaver, 2010), policy entrepreneurship (Baumgartner & Mahoney, 2005; Mintrom & Norman, 2009; Sandström, Morf, & Fjellborg, 2021), ideational changes (Béland, 2009; Swinkels, 2020), and policy regime changes (Sheingate, 2020; Wilson, 2000). However, the manipulation dimension is still under-explored in policy changes frameworks, particularly about LGBTQ policy. This chapter proposes the Potemkin policy model to explain the Brazilian case better and fill this gap, deriving analytical dimensions from Potemkin democracy and policy dismantling studies.

The Potemkin village metaphor is attributed to the Russian governor Gregory Potemkin, who wanted to impress queen Catherine II with her visit to the Crimea region in 1787. His strategy was to create a pastel-paste façade to hide the old house's structure and show how "progressive" was the region (Vauchez, 2016). Using this metaphor, some scholars developed the concept of Potemkin democracy (Clark, 2004; Holmes, 2003; King, 2001), which is often used to analyse democratisation in post-soviet new democracies. Potemkin democracy accounts for state features from old systems in the new state apparatus, such as limited autonomy of legislatures, restricted freedom of the press, inert civil society, weak party politics and flagrant abuses of power from the executive restricting opposition (Holmes, 2003). Potemkin democracy builds façades around a fragile system to legitimate the power of authoritarian regimes or give a sense of political stability inside and outside the country (Allina-Pisano, 2007; Clark, 2004; Vauchez, 2016). The manipulative dimension, intrinsic to Potemkin democracy, limits citizens' participation through an ineffective election system, a lack of disagreement between political elites, and indifference from the executive and legislative towards citizens' basic needs (Holmes 2003), all of which ultimately contribute to the impoverishment of society. The state incapacity resonating in Potemkin democracy reveals patterns of dismantling policies.

According to Bauer and Knill, policy dismantling is defined as:

> […] a policy change that reduces the number of policy items as well as the number of policy instruments applied in a particular area and/or lowers their intensity. It can involve changes to these core elements of policy and/or it can be achieved by manipulating actors' capacities to implement and supervise them (Bauer & Knill, 2014, p. 35)

By researching the dismantling of a policy field, Bauer and Knill (2014) identified causes, conditions, and strategies driving changes towards a policy dismantling by analysing changes in policy outputs. According to Howlett & Cashore (2009), policy outputs are actions

resulting from a series of political decisions to solve a societal problem. Focusing on policy density and intensity, Bauer and Knill analysed the "reduction", "decrease", or "diminution" of existing policy outputs. Density refers to "the extent to which governmental activities address a certain policy area", which is observable by analysing two indicators, "(a) the number of policies and (b) the number of policy instruments that are applied" (Bauer & Knill, 2014, p. 31). Intensity, in turn, refers to the "measures of the relative strictness and/or generosity of policies" (Bauer & Knill, 2014, p. 33), which can be differentiated into substantial and formal. In this sense, changes occur more formally when density and intensity increase or decrease in policy outputs of a given policy field.

In the efforts to "look good" to impress external observers, LGBTQ policies in Brazil are at risk of dismantling and manipulation. Drawing on the metaphor of Potemkin village, Potemkin policy is defined as specific actions taken by political elites, using the state apparatus to create façades to cover up social and political problems, thus manipulating the game's rule, distorting reality and reducing the capacities of the state to implement and monitor policies. That is evident, for instance, from changes in the policy content "to maintain a stable narrative and quell unrest" (Atkinson, 2019, p. 10). Public policy, in turn, denotes "any action a government choose to do or not to do" (Dye, 1972, p. 2) to tackle societal problems (Peters, 2015a). Therefore, the basic dimensions and differences between the definition of public policy and Potemkin policy are presented in table 4.1.

Table 4.1. Differences between Public Policy and Potemkin Policy

Public Policy	**Potemkin Policy**
1- Any action	1- Specific action
2- by government	2- by political elite
3- to tackle	3- to manipulate/reduce state capacities
4- societal problems	4- covering up societal problems

Source: Author

According to the definition of Potemkin policy, changes are measured by comparing policy content focusing on changes in instruments, ideas, and actors in a sequence of political elites' decisions. Table 4.2 summarises the proposed dimensions, variables, and set of Potemkin policy analysis indicators, operationalised for the case study in more detail in the following section.

Table 4.2. Analytical Dimensions and Indicators of Potemkin Policy

Change Dimension		**Variables**	**Indicators**
Policy Capacity	Density	Change in the number of policies and instruments in a given policy field over time	Instruments (increase or decrease of capacity of a policy field)
	Intensity	Deliberate change in the discourse of a policy issue	Ideas (changes manipulating the discourse of a policy content)
		Change in administrative and procedural capacities over time	Actors (changes in policy actors, social actors, and implementers)
Policy Manipulation	Hiding problems	Political elite manipulation in a policy field	Manipulations change Instruments + Ideas + Actors to cover up the existence of a social or political issue

Source: Inspired by (Bauer & Knill, 2014; Holmes, 2003)

In Potemkin policy, the density of a policy field is determined by the increase or decrease in the number of policy instruments – the state reduces implementation capacity, resources, and personnel. Intensity is analysed based on the administrative and procedural state capacity in maintaining or not policy actors' involvement in the decision-making of a policy field – limiting or not public participation and deliberate changes in the policy discourse distorting the policy idea. Manipulation, in turn, results from changes in instruments, ideas and actors from a policy field to cover up the existence of a social or political issue. In contrast, the political elite holds a discourse declaring effective policy implementation, thus resulting in a simulacrum of political support for a policy field.

3. Observing Potemkin Policy – Analysing Policy Outputs

This chapter's analytical interest relies on how political elites manipulate LGBTQ policy outputs in Brazil, giving the distorted impression of progress and stability in human rights protection while high numbers of LGBTphobia are found in the country (Gastaldi et al., 2021). For this purpose, it is vital to understand how the concept of Potemkin policy is operationalised for empirical analysis.

Political elites are understood as networks of "individuals or small groups of people holding disproportionate power to affect national and supranational political outcomes on a continuing basis" (Best & Higley, 2018, p. 3). In this chapter, the political elite consists of

individuals in executive positions within the federal executive in Brazil – Chief of Staff, Ministers, Secretariats, Sub-secretariats, and Coordinators of policy implementation.

Potemkin policy, in turn, is operationalised to analyse policy outputs' content accounting for changes in the policy actors, ideas, and instruments adopted between 1996 and 2020 (Table 4). To do so, researchers should systematically analyse the patterns of change by comparing the content from one record to another linearly (Bauer & Knill, 2014), considering the three dimensions presented above: a) density, b) intensity, and c) hiding problems. Changes in density are observed by increasing or decreasing the number of policy outputs and instruments identified in a policy field. Intensity is observed by changes in the setting of policy instruments and administrative and procedural capacities, such as reducing resources to implement, monitor and assess a policy (Knill et al., 2020). Moreover, by observing the changes in policy content's discourse, it is possible to identify how political elites minimise social or political problems by shaping the policy output idea by detaching it from the social reality.

Policy instruments are the means governments have available to implement a policy (Howlett, 2020). The policy instruments are analysed based on the basic taxonomy of substantive and procedural instruments. Substantive instruments are "those which directly or indirectly affect the nature of the goods and services produced or consumed in society" (Bali, Howlett, Lewis, & Ramesh, 2021, p. 297). Procedural instruments are "those policy techniques or mechanisms designed to affect how a policy is formulated and implemented. This includes administrative processes and activities for selecting, deploying, and calibrating substantive tools" (Bali et al., 2021, p. 298). Therefore, substantive and procedural policy instruments are classified based on the "NATO model" (Hood, 1983), developed by Hood as follows:

> **Nodality** denotes the capacity of the government to operate as a node in information networks—a central point of contact.
>
> **Authority** denotes the government's legal power and other sources of legitimacy.
>
> **Treasure** denotes the government's assets or fungible resources.
>
> **Organisation** denotes its capacity for direct action, for instance, through armies, police, or bureaucracy (see Hood, 2007, p. 129).

Policy ideas can be discerned in the discourse actors use to frame a social or political issue (Sheingate, 2020; Swinkels, 2020). According to Béland (2009, 707), the ideational process helps to shape the issues that enter the policy agenda, influences the policy change, and becomes powerful "ideological weapons to construct reform imperatives". Policy ideas are

perceived in this analysis by tracking linearly the issues framed on LGBTQ policy outputs over time in democratic Brazil.

Policy actors are those agents who "invest their time and energy influencing the policy community to elaborate such a viable policy alternative" (Wenzelburger & Hartmann, 2021, p. 4). In democratic systems, public participation has taken different forms, going beyond elections, with socially and politically engaged citizens promoting socio-political transformations (Fischer 2006; Galego et al., 2021). In addition, public administration scholars highlight that co-production and co-creation occur when citizens are actively involved in designing and implementing the services they may receive (Brandsen et al., 2018). Therefore, in the Brazilian case, policy actors are considered those involved in any stage of the policymaking process and accounted in the policy output, for example, elected representatives, executive representatives, civil servants, activists, academics, ordinary citizens, social movement and others.

Finally, *policy manipulation* is observed from the triangulation of changes in actors, ideas and instruments when indicating a reduction in the LGBTQ policy field effectiveness. This dimension is verified by contrasting with the reality of social and political conditions of LGBTQ people in the country. Such reality was analysed using additional sources like interviews with target groups and experts, newspaper articles, political discourse analysis, and the analysis of institutional reports.

Therefore, the prevalence of conservative and neoliberal agendas in Brazilian politics (Rocha et al., 2021) is also observed among the LGBTQ policies, given the increased lack of state responsibility in creating effective social policies and public services delivery after 2019 (Iamamoto et al., 2021). Neoliberalism is understood here as political rationality (Fougère, Segercrantz, & Seeck, 2017), characterised by strategies of rule and co-optation (Molyneux, 2008). The rules convey the state intervention in controlling the market and facilitating privatisation of public services, unlike the laissez-faire characteristic of neoliberalism in the 1929s. Co-optation, in turn, promotes an entrepreneurial idea "which frames self-development in terms of individualised human capital" (Fougère et al., 2017, p. 822). In addition to that, the conservative discourse has shaped society's view on morality and ethical values (Corrêa et al., 2021). Conservatism is understood here as "an attitude toward the world that is necessarily reactive to advances in the spheres of values and customs" (Rocha et al., 2021, p. 11). These features of neoliberalism seasoned by conservatism are embedded in Brazilian politics but became more expressive after the 2016 impeachment, thus affecting social policies, as scholars highlight (Santana, Fernandez, & de Jesus Pinheiro Ferreira, 2018; Webber, 2020b).

The following section presents the findings from the sequencing of policy outputs.

4. Findings – LGBTQ Policy Outputs

As revealed in Table 4.3, one could identify 60 records[3] (Annex III.A) by sequencing 20 LGBTQ policy outputs adopted in Brazil between 1996 and 2020. Table 4.3 shows that most policy outputs for LGBTQ policies are based on executive decrees, which, as mentioned in the introduction, are fragile instruments for governing and susceptible to manipulation.

Table 4.3. Policy Outputs Record Types

Record types	**N**	**%**
Executive Decree	36	60.00
Law* and Provisional Measures	9	15.00
Conference Proceedings	6	10.00
Ordinances	4	6.67
Programmes	3	5.00
Institutional Reports	2	3.33
Total	**60**	**100.00**

Source: Author

*To avoid any confusion, laws analysed here were only documents about organizational settings of the human rights secretariat instead of a particular LGBTQ issue. There is no law approved in Brazil for LGBTQ issues by the legislature.

Graph 4.1 shows that the number of records slightly oscillates over time, increasing in the last year of Lula's government (2010), sustaining in the first year of Dilma's government (2011) and discrepantly increasing in 2019 with Bolsonaro's government. According to Bauer and Knill (2014), an increase in the density of a policy field denotes the expansion of state activity enforcing that policy field. However, in this case, it represents the increase of dismantling and manipulation of LGBTQ policies since, during 2019, there is no record from the executive issuing any LGBTQ matter rather than reversing what existed (further detailed in the discussion).

[3] The records were retrieved from the official government websites (see List of Government Websites).

Graph 4.1. The Number of Records Distributed by Years (N=60).

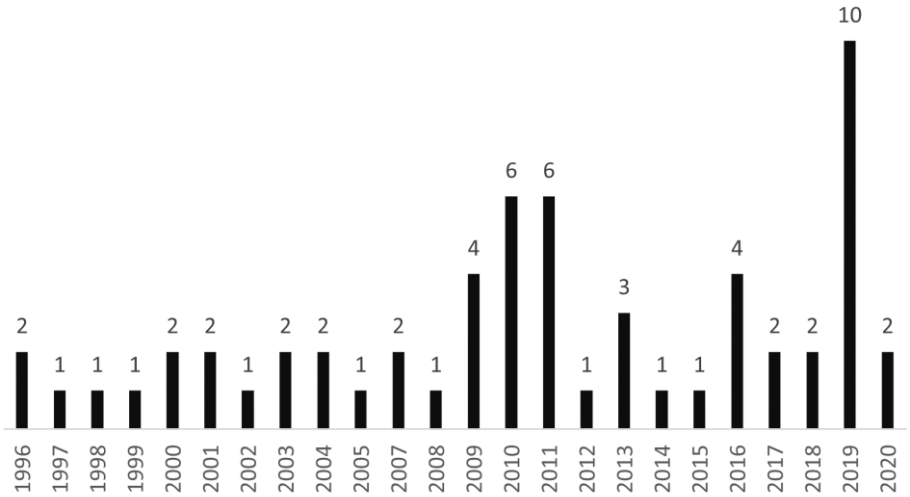


Table 4.4 presents the 20 policy outputs from the executive branch fulfilling the legislative gap of LGBTQ policies in Brazil. Although the human rights platform opened the political debate on citizenship and rights of vulnerable groups in Brazil since 1996, including LGBTQ people, by creating many policies to tackle discrimination (Terto Neto, 2018), they show only remote consolidation over the years (Encarnación, 2018).

Table 4.4. Timeline of Executive Decisions upon LGBTQ Human Rights, 1996-2020

Code	Year	Presidents	Political Party & Ideology†	Policy Output*
1	1996	Fernando H. Cardoso	Brazilian Social Democracy Party (PSDB) – Centre-right	First National Plan of Human Rights (PNDH-1)
2	1997			Creation of the National Secretariat of Human Rights
3	2001			Creation of the National Council Against Discrimination (CNCD)
4	2002			Second National Plan of Human Rights (PNDH-2)
5	2003	Lula da Silva	Workers' Party (PT) – Centre-left	Creation of the Special Secretariat of Human Rights from the Presidency (SEDH-PR)
6	2004			"Brazil Without Homophobia" programme (BSH)
7	2008			First National Conference on LGBT policies held in Brasilia
8	2009			Third National Plan of Human Rights (PNDH-3).
9	2009			First National Programme of Citizenship and Human Rights for LGBT people.
10	2009			Creation of a sub-secretariat for LGBT rights in the SEDH-PR

11	2010			"Disque 100" LGBT – National Phoneline
12	2010			Creation of the National Council Against Discrimination focusing on LGBT (CNCD-LGBT)
13	2010			Creation of the National Day Against Homophobia.
14	2011	Dilma Rousseff	Workers' Party (PT) – Centre-left	Second National Conference on LGBT policies held in Brasilia
15	2012/ 2013			First Governmental Report on Homophobia and Violence against LGBT people
16	2013			Creation of a National System against LGBT violence
17	2013			Creation of a National Committee for LGBT Public Policies
18	2016			Third National Conference on LGBT policies held in Brasilia
19	2016			Social name for transgender and *travesti* people recognised
20	2018	Michel Temer	Brazilian Democratic Movement Party (PMDB) – Right of Centre	Creation of a National Pact to Cope Violence and LGBTphobia
	2019/ 2020	Jair Bolsonaro+	Social Liberal Party (PSL) – Far-right	None

Source: Author (complete data processing in Annex III.B)
† Parties and their ideologies are classified based on the left-right spectrum according to Power & Rodrigues-Silveira (2019) and Webber (2020b).
* Acronyms are in the Portuguese language.
+ Bolsonaro was elected in 2018 as a member of PSL. However, he left the Party in 2019 and, in 2021, became a member of the Liberal Party (PL).

5. LGBTQ Policy Changes in Brazil

This section analyses the triad –instruments, ideas, actors– to demonstrate how policy changes led to the Potemkin policy in democratic Brazil.

5.1. Policy Instruments

Table 4.5 shows the policy instruments identified among policy outputs, and figure 3 shows the distribution of policy instruments according to the NATO model.

The diversity of policy instruments identified in this study range from institutional settings to voluntary collaboration. The interaction between the LGBTQ movement and the government was crucial for implementing LGBTQ policies in Brazil. There are several types of interaction between the LGBTQ movement and government, such as personal contacts of activists and political elites, social control mechanisms and, perhaps, the most expressive

LGBTQ participation through national conferences for LGBTQ public policies (Aguião, 2018; Mello, Avelar, et al., 2012). Such interactions demonstrate that instruments for implementation directly involved the target group with the political-administrative authorities (Howlett et al., 2009, p. 128). However, public participation in the implementation can also risk governments not assuming their responsibility and delegating the implementation to civil society, as Irineu (2014) highlights for Brazil Without Homophobia policy.

On the other hand, the implementation of LGBTQ policies depending on voluntary instruments (nodality/information) demonstrates the fragility of governmental policies (Mello, Brito, et al., 2012), consequently lacking a specific budget for its implementation, being confined to a presidential mandate of four years.

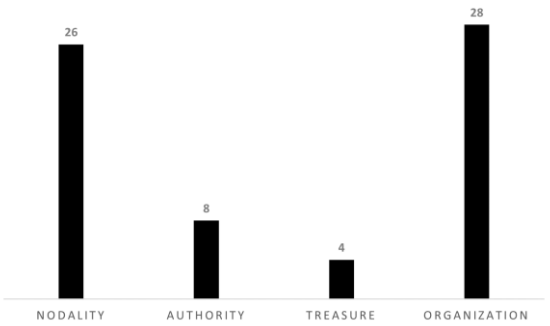
Table 4.5. Policy Instruments Identified among the LGBT Policy Outputs

	Principal Governing Resource Used			
	Nodality/Information	**Authority**	**Treasure**	**Organisation**
Substantive	Civic service; Manual elaboration; Education outreach; Promotion of Human Rights initiatives; Campaigns; Information Collection	Social Control	Reducing resources	LGBT Reference Centres
Procedural	-	Advisory Committee creation – CNCD; Monitoring mechanisms; Reducing public participation	Annual Plans of Action	Official form; Seminar and meetings; Conferences; Phoneline; Reports; Administrative reorganisation; Increasing personnel

Source: Adapted from (Bali et al., 2021; Hood, 1983; Howlett, 2020, p. 170)

Graph 4.2 shows the density of policy instruments identified in the policy outputs classified according to the NATO model.

Graph 4.2. Policy Instruments Density from Records based on NATO Model Classification (N=68)



Overall, the salience of 'organisation' and 'nodality' policy instruments does not mean more effective policy implementation. Even if policy instruments were used to tackle institutional discrimination as aimed for by Brazil Without Homophobia programme, many obstacles within federal public administration evidenced political homophobia in the state (Junqueira, 2012), as presented in the discussion section.

Three National Conferences on LGBT public policies (2008, 2011, and 2016) were held as a strategy to increase LGBTQ public participation in policymaking. Similarly, the creation of the National Plan for LGBT (2009) and the National Council Against LGBT Discrimination (decree 7.388/2010) intended to boost substantive representation. In addition, specific instruments of implementation were developed within the BSH, such as Reference Centres for LGBT Human Rights in state capitals and middle-size cities, the creation of monitoring mechanisms, and educational outreach – Centre of Sexuality Studies at the Federal Universities (Colling, 2018; Feitosa, 2019; Irineu, 2014). Also, the phone line 'Disque 100' for human rights violations included the LGBT module in 2011, which facilitated data collection for reporting high figures of homophobic violence (2011-2012). Additionally, the National System of Promotion of LGBT rights and the National Committee for LGBT Public Policies (Ordinances 766 and 767/2013) legitimated LGBTQ movement advocacy and lobby in policymaking.

Finally, the personnel working on the human rights platform has increased over the years. In 1997, after one year of Cardoso's Human Rights Secretariat's creation, it had 46 workers (decree 2.193/1997). In 2003, the first year of the Silva government, it had 63 workers (decree 4.671) and 161 in 2010 (decree 7.256). In 2013, Rousseff's ministry had 173 workers (decree 8.162). In 2018, the last year of Temer's administration, the Ministry of Human Rights allocated 295 workers (decree 9.465). Moreover, Bolsonaro's Ministry of Women, Family, and Human Rights enlarged the staff to 325 (decree 9.782/2019) and decreased it to 313 in 2020 (decree 10.174).

5.2. Policy Ideas

Table 4.6 shows the main policy ideas found among the policy outputs. Changes in policy ideas are closely related to institutional settings, political context, and power relations (Falleti, 2009; Sheingate, 2020).

The human rights discourse in Brazil started with a generalist idea through the first National Plan of Human Rights (PNDH-1, 1996), aiming at overcoming discrimination affecting many citizens, as it states:

> Human rights are fundamental rights of all people, including women, blacks, homosexuals, indigenous, elderly, disabled, people living in the frontiers, foreigners and migrants, refugees, people living with HIV, children and adolescents, police, arrested, poor, and rich. As human beings, everyone must be respected, and their physical integrity must be protected (PNDH-1 1996, p.5).

Moreover, the first observation from the analysis is that the idea of 'fight discrimination' expressing an anti-homophobic discourse is present in 36,4 per cent of the policy outputs. Such discourse entered the policy agenda with Brazil Without Homophobia (BSH) policy in 2004, an umbrella policy designed aiming to respond to the LGBTQ movement's needs by addressing actions in areas such as education, public security, health, employment, culture, youth, international relations, women, racism and homophobia. This landmark policy established a closer interaction between the LGBTQ movement and the government. Furthermore, BSH opened a sequence of other LGBTQ policies to increase public participation in policymaking via institutional settings and enforce the protection of LGBTQ human rights.

Table 4.6. The Cluster of Main Policy Ideas

Policy Ideas	**Policies Code***	**%**
To fight discrimination, especially homophobia	6, 8, 9, 11, 13, 16, 19, 20	36,4%
To facilitate public participation in policymaking	7, 10, 12, 14, 17, 18	27,3%
To promote human rights and fight discrimination in general	1, 2, 3, 4, 5, 8	27,3%
To protect human rights (human rights violation)	11, 15	9,1%

*Total N = 22 (100%) – some policies include more than one policy idea. (Policy codes are according to the complete list of 20 policy outputs shown in Table 4.4.)

Policies 'to promote human rights and fight discrimination in general' are related to the National Plans of Human Rights (PNDH-1, 2 and 3), mainly focusing on socially and excluded citizens – women, black, indigenous, low-income, and LGBTQ people (Pinheiro & Mesquita Neto, 1997). The discourse of 'human rights protection' is identified in policies designed to tackle human rights violations by reporting the cases of violence (physical or psychological) and discrimination based on sexual orientation and gender identity, for example, the "Disque 100" phone line for human rights protection. The idea of human rights policies changing from a generalist issue to specific LGBTQ issues represents the recognition from the government of that societal need. This recognition happened first with presidents Cardoso and Silva, who incorporated LGBTQ activists into their government. Nevertheless, even though president Silva had an enthusiastic discourse about reducing inequalities for LGBTQ people in the 1st

National Conference on LGBT public policy (L. Silva, 2008), his administration also created many obstacles to the implementation of the Brazil Without Homophobia policy, such as limiting resources (Irineu, 2016).

5.3. Policy Actors

Table 4.7 shows the key policy actors and the frequency they were mentioned in the analysed records. The role of the president is vital to the public policy process when they intend to pursue effective policy formulation and implementation of their policy priorities (Fenwick, Burges, & Power, 2017). Given that most of the records are executive decrees, such a role is evident in the LGBTQ policy outputs formulated by the presidency. In addition, the ministry of human rights, as the government flagship for protecting and promoting citizenship rights, mainly was responsible for formulating and implementing the LGBTQ policies.

Table 4.7. Policy Actors involved in the LGBTQ Policymaking in Brazil

Policy Actors	Frequency
Presidency	50
Ministry of Human Rights*	27
Civil Society Organizations (CSOs)	11
Ministry of Justice	9
Academics/Researchers	8
LGBTQ Activists and Collectives	7
Inter-Ministerial Bureaucrats	6
National Council Against Discrimination (CNCD-LGBT)	4
Ministry of Health	2
Parliamentarians	2
OAB, CNBB, FENAJ, INESC	1

*Merged equivalents (Secretariat of Human Rights, Special Secretariat of Human Rights from the Presidency, Ministry of Women, Racial Equality, Youth, And Human Rights, and the Ministry of Women, Family, and Human Rights).

Civil society organisations (CSOs) gained more influence after democratisation (Júnior et al., 2005), and public participation was a recognised condition for democratic governance and policymaking (Armijo & Kearney, 2008). Therefore, public participation in LGBTQ policymaking started with a bottom-up approach. LGBTQ movement initiatives influenced and pressured the government to respond to their specific needs (Aguião et al., 2014; Klein, 1999; Vianna, Carrara, & Lacerda, 2008). Representation by civil society organisations, activists, academics, and other entities (OAB, CNBB, FENAJ, INESC) highlighted a "deliberative empowerment" (Fischer, 2006) of citizens in policymaking in Brazil since the re-democratisation of the country, including more civic engagement in the political realm (Abers & von Bülow, 2011).

For the LGBTQ policies, the influence of the LGBTQ movement is evident from lobbying, advocacy and different strategies used to influence the federal executive to develop specific public policies addressing some of their urgent needs (Aguião et al., 2014; Facchini & França, 2020; Mello, Avelar, et al., 2012). In this sense, the National Council Against LGBT Discrimination (CNCD-LGBT), integrated by LGBTQ representatives and public managers, created a collective action to push the LGBTQ agenda into policy formulation (Aguião, 2018; Irineu, 2016). Pereira (2020) also identified this representation inside the government, which in the literature is called institutional activism, "insiders with access to resources and power" (Pettinicchio, 2012, p. 499). Institutional activism is a strategy often used by social movements – in this case, by having LGBTQ people working within the public administration and influencing policymaking. Changes in actors involved in LGBTQ policymaking over the years highlight a state-society partnership and co-optation. The lack of institutional consolidation of LGBTQ policies becoming laws by the legislative (Mello, Avelar, et al., 2012) made it an "exchange currency" for policy negotiations in the coalition government between executive and legislative in Brazil, as put by an interviewee:

> From the political bargains within the Lula and Dilma governments, in order to not lose other policy priorities, they used the LGBT policies as an object of the bargain. So, we removed this instrument supporting LGBT issues and stepped back or withdrew on this other issue because we cannot lose this or that priority. "We" [LGBT subjects] became an exchange currency. (Interviewee A.4)

6. Discussion – Changes in LGBTQ Policies by Political Elites

This section presents the manipulation of the LGBTQ policy field, explaining how governments have created façades of progress in human rights for LGBTQ people in the country. Using a data triangulation of LGBTQ policy outputs, the political elite's decisions, and the reality of LGBTQ issues in Brazil, changes in LGBTQ policies are identified by answering the research question according to presidential mandates.

Fernando Henrique Cardoso (1996-2002)

During Cardoso's administration, LGBTQ rights were not yet part of the government discourse. In 1996, the government created the platform on human rights centralised in the presidency and justice ministry. However, its implementation strategy only became possible by collaborating with CSOs throughout the country (Pinheiro & Mesquita Neto, 1997; Terto Neto, 2018). In the first PNDH-1 (decree 1.904/1996), 'homosexuals' were only cited as part

of discriminated groups without a specific action to tackle such discrimination. Specific actions addressing the protection of homosexuals were only included in the human rights platform of a governmental policy in the PNDH-2 (decree 4.229/2002).

Cardoso's government institutionalised the human rights platform with a generalist approach to human rights and mainly deployed nodality instruments to implement the PNDH-1. A nationwide mobilisation of civil society and NGOs relied on civic service strategy to promote the human rights platform, campaigning and informing society about their rights (Pinheiro & Mesquita Neto, 1997). Furthermore, the Secretariat of Human Rights (decree 2.193/1997) was created in the Ministry of Justice to coordinate PNDH implementation.

Lula da Silva (2003-2010)

Given the roots of the Workers' Party (PT) in the Union movement, Silva's administration pursued a strong interaction with CSOs, social movements and activists, incorporating the latter into the government's advisory and decision-making bodies (Júnior et al., 2005; Levy, 2012; Nogueira, 2017). By shifting from the generalist human rights discourse to a specific action for social policies, Silva's government detached the Secretariat of Human Rights from the Ministry of Justice and created a Special Secretariat of Human Rights under the presidency, with many sub-secretariats (Law 10.683/2003) to tackle different social issues related with groups such as women, blacks, indigenous, and LGBTQ people. The LGBTQ movement played a crucial role in bringing their demands to the political realm (Aguião et al., 2014; Carrara, 2012; Simões & Facchini, 2009), and the PT government was the first to recognise the importance of specific LGBTQ policies. Even though there are divergences in the positive or negative impact of co-optation (Amenta et al., 1992; Nogueira, 2017), it was often used during Silva's government. As described by Interviewee A.7, "Lula's government made the co-optation of many social movements, consequently silencing them. One cannot be the left that the right likes."

The LGBTQ movement increased interactions with the government in 2004 through Brazil Without Homophobia (BSH) programme, the first LGBTQ policy entirely designed to address LGBTQ issues resulting from the negotiations and interactions between social movement and government (Irineu, 2016; Meira, 2012). Also, the BSH spurred a sequence of other policy outputs, namely the first National LGBT Conference (2008) and the National Plan for LGBT (2009). In 2009, the Sub-secretariat for LGBT rights creation within the Special Secretariat of Human Rights (decree 6.980/2009) was complemented by the launch of PNDH-

3 (decree 7.037/2009), addressing directives to promote LGBTQ rights and increasing participation to tackle inequalities.

Despite the density of LGBTQ policy outputs from this government, the bureaucratic procedure within federal public administration, the lack of political will and the conservative ideology in the public administration showed how those LGBTQ policies were merely illustrative without an effective implementation strategy. Irineu (2014) pointed out that the implementation of the BSH was never fully covered by government resources, creating problems such as lack of budget, qualified personnel, and political interest. As explained by interviewee A.8, "the BSH is more a letter of good intentions from the government, with many promises not delivered". Those good intentions were also present in Silva's governmental programme for the second mandate campaign, promising

> to develop and increase actions to tackle discrimination and promote GLBT citizenship through the BSH programme; develop affirmative policies to promote a societal culture of respect for the sexual diversity; promote public participation by calling for the 1st National Conference on LGBT (Comissão Programa de Governo, 2006, p. 30).

As Interviewee A.8 complemented, "many LGBTQ policies were merely a policy on paper". Furthermore, Junqueira (2010) observed that homophobia, for instance, was not recognised as a problem for many public managers within ministries because they denied the existence of such prejudice in the country, consequently creating obstacles to the implementation of the BSH policy.

Dilma Rousseff (2011-2016)

In Rousseff's administration, there was a partial continuation of co-optation. The presence of the LGBTQ movement within institutional settings aimed to facilitate LGBTQ public participation by creating new mechanisms such as the National Committee for LGBT public policies (Ordinance 767/2013). This committee aimed "to debate public policies for the promotion of LGBT human rights articulating actions within the National System to Cope with Violence Against LGBT (Ordinance 766/2013) and promotion of rights at the different levels of governance" (Ordinance 767/2013, p.1). In addition, the new instruments enforced the role of social control from CNCD-LGBT by strategically lobbying and advocating for more effective policies (Irineu, 2016).

Even though Rousseff started her first mandate by appointing as minister of Human Rights Maria do Rosario, an LGBTQ supporter in her state (Rio Grande do Sul), the president

would undermine LGBTQ issues in that same year. In 2011, Rousseff vetoed the School Without Homophobia material, injuriously known as the "gay kit" (Santos, 2016). Given the pressure from conservative and Evangelical members of the parliament accusing the government of sexualising children (Irineu, 2016; Santos & Melo, 2018), president Rouseff restrained progressist ideas to avoid political conflicts in Congress (Avritzer, 2017).

Dilma Rousseff made a controversial comment on the school material, saying that "I do not accept the propaganda of sexual options" (Da Redação, 2011). However, some observers and activists consider that this episode of withdrawing the LGBTQ policy served as an exchange currency to avoid corruption scandals in her first year (M. M. Pereira, 2020).

Furthermore, the report from the 11th Ordinary Meeting of the CNCD-LGBT in 2012 presented several delays in formulating the National Plan for LGBT, and many members expressed their frustration with the federal government. In this regard, Colling, 2012 (p. 1) wrote that "The LGBT social movement patience reached its limit with the government" because once again, "the government kneel to religious fundamentalism". As reported, after that meeting, the LGBTQ movement reconsidered its support for Rousseff's government and prepared a letter to denounce the situation to the Brazilian society (Colling, 2012). In an analysis of the LGBT institutional activism influencing LGBT policies, Pereira (2020) identified that "the head of the Executive intervened in many ministries creating obstacles to LGBT activists". Two National LGBT Conferences were organised (2011 and 2016) during Rousseff's government, but she did not attend them.

In 2016, as the coalition government was weak and Congress support was low, Rousseff reshuffled the government organisation to cut public expenditure, which led to the merging of secretariats and ministries (Law 13.266/2016). In the new configuration, the Secretariat of Human Rights became part of the Women, Racial Equality, Youth and Human Rights Ministry. As a result, the term 'LGBT' started disappearing from the policy documents, while the National Council Against Discrimination (CNCD), which remained in the institutional setting, did not mention the LGBT (Law 13.266/2016). This change affected the ministry's priorities, culminating in a setback for LGBTQ human rights by reframing it under a generic discourse of discrimination. Once again, the LGBTQ policies were merely window dressing by political elites' decisions.

Michel Temer (2016-2018)

When Temer took office after the impeachment in 2016, the LGBTQ policies faced the setback precluded during Rousseff's mandate. The new government configuration was more

conservative. Although Temer's cabinet was entirely composed of males (the first time it happened after the military regime), the human rights ministry focused on women's policies by diminishing inequality between women and men and general discrimination, again without mentioning 'LGBT' (Law 13.341/2016).

Following a similar strategy to Rousseff's government to reduce public expenditure, Temer reshaped the government setting and the Ministry of Women, Racial Equality, Youth and Human Rights became a Secretariat in the Ministry of Justice and Citizenship, again without mentioning any LGBT secretariat or committee (Law 13.341/2016).

A year later, the Ministry of Human Rights was re-established (decree 9.122/2017), including the Directory for Promoting LGBT rights under the coordination of a transgender woman, Marina Reidel. The CNCD-LGBT remained in the Directory. In 2018, the National Pact to Cope with LGBT Violence was created by Ministerial Ordinance 202. However, it was called by the Brazilian Lesbians, Gays, Bisexuals, Travestis, Transsexuals and Intersex Association (ABGLT, 2018) a cover-up policy for the dismantling of the LGBTQ policy, which became evident when Temer reduced to zero the resources for this policy field in the Ministry of Human Rights' budget (Nalon, 2017). Nothing was done in the transition government rather than keeping the façade.

Jair Bolsonaro (2019-2020)

With Bolsonaro's election under extremist discourses against socially and politically excluded people during the campaign (Rocha et al., 2021), radical changes in affirmative policies, human rights (Terto Neto, 2020), and social policies (Webber, 2020a) were expected in the country. In the inauguration speech, Bolsonaro declared his government aimed to restore Brazil's social values by "combating" those who are infiltrating "gender ideology" in policies (Presidência da República, 2019).

The conservatism of this government became clear by the first provisional measure 870/2019 signed to establish the institutional settings for the new government, including the word "family" in the Ministry of Women, Family, and Human Rights. By shifting nomenclature, it shifted priorities. A more traditional approach to family was restored with the creation of the National Secretariat of Family, coordinated by Angela Gandra. In 2019, Gandra declared, in an interview, that the Secretariat did not have a specific definition for family (D. Carvalho, 2019). However, in 2021, because of the LGBTQ movement mobilisation, Gandra was invited to Congress to clarify her participation in an international event where she declared that "since the beginning, the Ministry of Women, Family and Human Rights is working

against the ‘gender ideology’ public policies and for developing programmes for family” (Chade & Trevisan, 2021). Such declaration disqualified LGBTQ families from the federal government since “gender ideology” is a pejorative term used to attack LGBTQ people, as expressed by Deputy David Miranda (Chade & Trevisan, 2021). According to de Vito and Prado (2019), “the restructured ministry reflects the demands of the religious dogmatism” (p.2), strongly represented by the religious fundamentalist minister, the evangelical pastor Damares Alves.

The LGBTQ issues became generalised under the social and minorities frame, although the Directory for Promoting LGBT rights (Decree 9.673/2019) remained and is still under the coordination of Marina Reidel, the only open LGBTQ person in the government. Reidel gave an interview at the beginning of the government in March 2019, declaring that the “opposition to LGBTI causes did not worsen” (Montesanti, 2019). However, interviewee A.2. raised an issue about “LGBT people in this government being used as a token”. This concept was used because a single person was placed in a particular position to create a symbolic impression of inclusion, diversity and representation (Guldiken, Mallon, Fainshmidt, Judge, & Clark, 2019).

This government’s opposition to LGBTQ issues became even more explicit by dismantling several LGBTQ policies (reduced or terminated), although not in such an explicit way. For example, decree 9.759 issued in 2019 extinguished the National Councils, which were not created by law, but CNCD-LGBT remained, although with a reduction in the number of members, from 30 to seven (four from the government and three from the civil society). Similarly, decree 10.473/2020 revoked 305 other decrees that established policy implementation mechanisms, including decree 6.980/2009, specific for LGBT policies. By establishing a crusade against “gender ideology”, the term ‘LGBT’ was replaced by “minorities or underrepresented population”, e.g., in decree 9.883/2019.

Moreover, the façade about human rights and LGBTQ rights in Bolsonaro’s government is also sustained and promoted by minister Damares Alves. Alves discourses oscillate between supporting the criminalisation of LGBTphobia by the Supreme Court, recognising the violence against these citizens (Camporez, 2019), and homophobic and transphobic declarations saying “that boys wear blue and girls pink” (Maranhão Fo & De Franco, 2019). While speaking at the Meeting of High-Level Authorities on Human Rights of the MERCOSUL (RAADH), Alves emphasised that the Bolsonaro government is committed to “tackle violence and discrimination against LGBTI+” but without mentioning any concrete action (Alves, 2019). At the UN Human Rights Council, she promotes the dismantling of human rights by positioning Brazil with a conservative discourse, backlashing years of

international progress for minorities like LGBTQ issues, as observed by Rodrigues (2019). Alves's controversial discourses are often based on the systematic attack on "gender ideology," which indicates a traditional and normative view of gender as a natural sexual difference – male/female (Corrêa et al., 2021). Moreover, minister Alves revoked 473 ministerial ordinances and resolutions from the ministry, including LGBTQ policymaking mechanisms, such as decree 766/2013, decree 767/2013, and 202/2018. The Human Rights Measurement Initiative observed the backlash on human rights during Bolsonaro's administration, reporting a decline in respect for the "right to opinion and expression", from 6.5 in 2017 to 3.3 in 2019 in Brazil (HRMI Rights Tracker, 2020).

Therefore, what remained from LGBTQ policies is what LGBTQ activists called a "fake National Council Against LGBT Discrimination". Declaring opposition to the government ideology and the ineffective actions of the current CNCD-LGBT, tension within the organised LGBTQ social movement created a Popular National Council for LGBTI+ in 2020 ("Conselho Nacional Popular LGBTI+," 2020) as a resistance to the dismantling of LGBTQ policies. Such resistance shows that the manipulation of LGBTQ rights and policies in Brazil does not convince many actors to fall into the same "Catherine the Great syndrome".

7. Conclusion

Potemkin policy occurs when the political elites make decisions to manipulate a policy field by creating façades to cover up social and political problems. The Brazilian case shows that political elites manipulate LGBTQ policies independently of political ideology, creating an illusion that the country has mechanisms and instruments to tackle discrimination. On both sides of the spectrum, left or right governments, political elites failed to create appropriate and coherent legislation to protect LGBTQ rights, pressured by religious fundamentalists in coalition governments (Irineu, 2016; M. M. Pereira, 2020). Governing by decree, governmental policies are confined to a presidential mandate (Negretto, 2004), which increases the chances of manipulation in the policy outputs, even more after government transition.

By examining 20 LGBTQ policies adopted in Brazil between 1996 and 2020, manipulation was identified by analysing changes in instruments, ideas and actors. Policy instruments are changed to decrease state capacity in providing essential services and recognising LGBTQ citizens' needs. Consequently, even if some instruments remained through governments, they became obsolete and incapable of tackling social and political problems. Changes in ideas of this policy field departed from a generalist discourse on human

rights promotion and protection (Cardoso), passing through a specific discourse over LGBTQ human rights (Silva and Rousseff), to a more conservative discourse framed as protecting vulnerable people – women, families, and children (Temer and Bolsonaro). Finally, changes in actors are related to reducing LGBTQ policies' participatory mechanisms, and remaining LGBTQ actors in the current government have been placed as tokens to legitimate the façades of LGBTQ rights in the country.

Furthermore, the fragile policymaking by decree led to the consequent dismantling of policy outputs, specifically with the right and far-right governments (Temer and Bolsonaro). While during the centre-left governments (Silva and Rousseff), the manipulation of LGBTQ policies was perceived by policy actors directly involved in policymaking as a subtle façade, Bolsonaro's administration is more explicit by presenting a distorted reality of human rights from Brazil to international communities. As a result, Brazil presents international reports showing progress in the country, which in reality is hiding Bolsonaro's political decisions to reduce many participatory mechanisms, social policies, LGBTQ policies, and constant attacks on democratic institutions (Terto Neto, 2020; Webber, 2020a).

These findings have some implications for scholars of LGBTQ public policy. First, Potemkin policy analytical framework offers insights into the direction of changes in the LGBTQ policies in Brazil, going beyond dismantling but reaching manipulation of social and political problems. Although a growing body of research analyses the interaction between the social movement and public policies, scholars have paid less attention to the effects of manipulation concerning LGBTQ policy outputs in Brazil. Second, the concept of Potemkin policy, which implies the manipulation of a policy field, highlights how political elites' decisions purposely hide and distort perceptions of social or political problems, going beyond political homophobia and covering other types of manipulations creating a symbolic sense of policy stability.

There are several limitations of this study that suggest avenues for future research. First, the sequencing of policy outputs only accounted for federal executive policies emerging from Brazil's human rights platform between 1996 and 2020. Further research could benefit from a similar methodological approach but sequencing other LGBTQ issues such as health, education, culture, social work, security, education and others from different levels of governance, state and local. Second, it only analysed LGBTQ policies. Given recent events in Brazilian politics, future research should explore whether Potemkin is also pronounced in other policy domains – environment, education, climate change, economy, health – and other levels of government and power branches too. Third, since democratic participation is also at risk

under far-right politics, further analysis is urgent to identify patterns that could lead the country to be a Potemkin democracy. Fourth, since this chapter presents a single-case study, further comparative studies would benefit from the Potemkin policy model to analyse social policies in other countries where LGBTQ policies could resonate with Potemkin. Such comparative study seems relevant, as a Human Rights Comment recently released by the Council of Europe Commissioner of Human Rights indicates that many European countries' are displaying political manipulation of LGBT issues (Mijatovic, 2021).

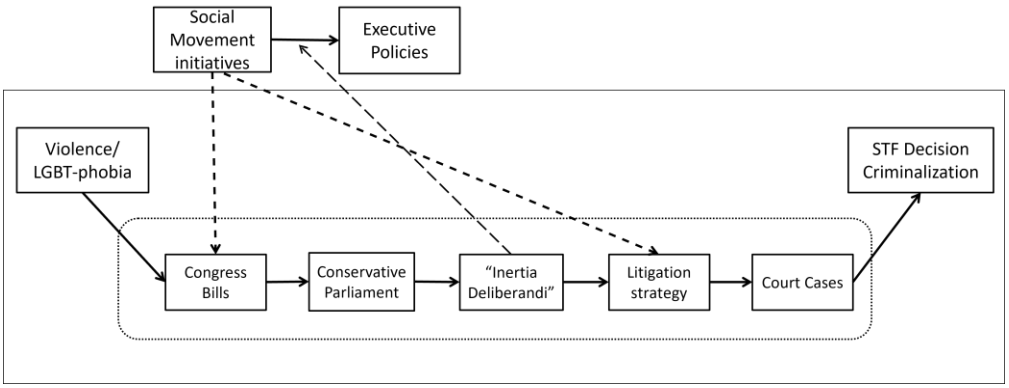
As LGBTQ issues in Brazil face a constant lack of political will in Congress to pass an LGBTQ bill, the executive created palliative LGBTQ policies to compensate for the legislative vacuum. Still, they became just a facade with slight effectiveness. Political elites' manipulation of LGBTQ policies makes LGBTQ people in Brazil "second class" citizens (Aguião, 2018). As presented in the next chapter, to compensate for the lack of adequate policy for LGBTQ issues, the Supreme Federal Court has acted as a legislator on this matter.

CHAPTER 5 - TRACING THE CRIMINALISATION OF LGBTPHOBIA CASE

1. Introduction

This chapter examines the various sources and historical events regarding the criminalisation of LGBTphobia in Brazil by analysing the eighteen years of this policy process (2001-2019). Using a critical realist perspective coupled with explaining-outcome process-tracing, a historical narrative of the interactions between actors, events, strategies, and decision-making unpacks the causal mechanism shown in figure 5.1. A narrative approach explains the different strategies used by the LGBTQ movement to influence policymaking in Brazil, going through decision-making and events throughout the years of the case study analysed (see the flowchart of decision-making in fig 5.2). The criminalisation process exposes the LGBTQ movement's actions to overcome Brazil's discrimination through a contested but remarkable Court case.

Figure 5.1. Part of the Causal Mechanism Identified from the Criminalisation Process



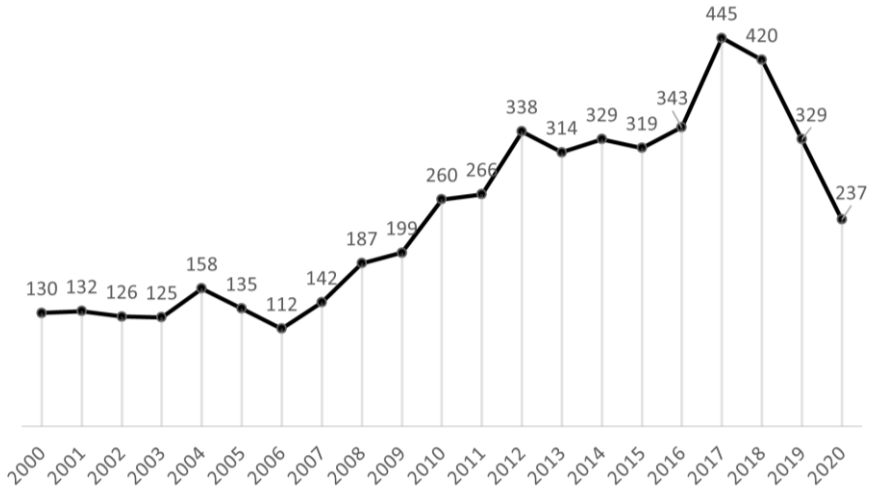
Source: Author

While the rise of discrimination against LGBTQ people in Brazil had little effect in Congress, failing to legislate upon LGBTQ issues, the Supreme Federal Court can be considered the first and only legislator in this matter (Arguelhes & Ribeiro, 2017). The discrimination translated into physical or verbal violence in Brazil triggered the causal mechanism of influence. The LGBTQ movement's influence on policymaking results from diverse strategies throughout the years of the analysed case,

including protests, lobby, advocacy, personal contact with politicians and the exposure of high numbers of LGBTphobia violence.

The high number of registered cases in Brazil makes the country one of the most violent for LGBTQ people in Western democracies (Mendos, 2019; J. M. D. de Oliveira & Mott, 2020) (Graph 5.1). The increasing violence against the LGBTQ community mobilised public opinion, the media, and the political sphere's progressist sector, demanding effective responses from the state to tackle those social and political problems (Ramos & Carrara, 2006). Gastaldi et al. (2021) reported that the registered violence against LGBTQ people considerably increased by 342% between 2000 and 2017, while between 2018 and 2020, it decreased by 56,4%, as figure 2 shows. Gastaldi et al. (2021, p. 10) highlight that the decrease in violence in 2019 and 2020 is nothing to celebrate, given the underreporting cases during the COVID-19 pandemic and the intensified dismantling of the LGBTQ policies with the far-right government taking power in 2019.

Graph 5.1. Number of Registered Cases of LGBTphobia in Brazil between 2000 and 2020



Source: Oliveira and Mott, (2020, p.32) and (Gastaldi et al., 2021).

Table 5.1 shows the cases of LGBTQ people murdered in 2019, the year of the criminalisation of LGBTphobia, by sexual orientation.

Table 5.1. Number of Violence from 2019 Qualified by Sexual Orientation

Sexual Orientation	N Cases	%
Gay	174	52.89
Travesti	89	27.05
Lesbian	32	9.73
Transgender	29	8.81
Bisexual	5	1.52
Total	**329**	**100.00**

Source: Oliveira and Mott, (2020, p.48)

Table 5.2 details some of the violent cases of LGBTphobia in Brazil, demonstrating different types of hate crimes. Justices and lawyers cited cases in bold throughout the Court trials, contributing as evidence to strengthen the argument for the criminalisation of LGBTphobia (STF, 2019a, p. 237).

Table 5.2. Tragic Cases of Violence Against LGBTQ people in Brazil Reported in Newspapers

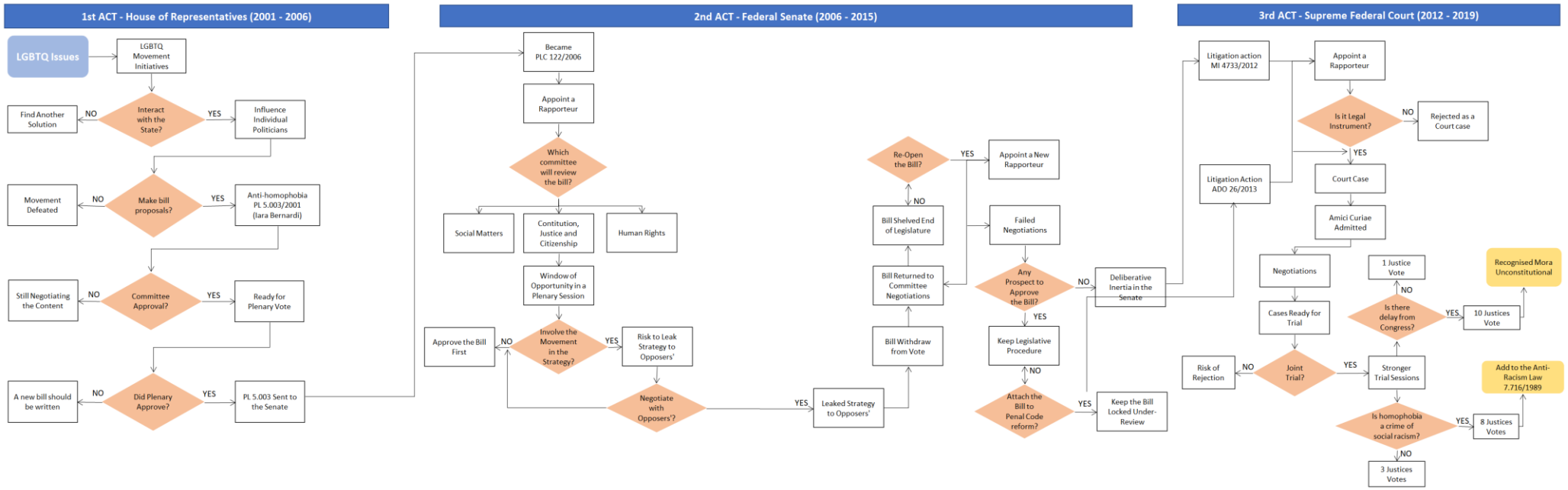
Date	Name	Case	Sources
06/02/2000	Edison Néris da Silva (Gay, 35-year-old)	Spanked and murdered by 18 skinheads in São Paulo, São Paulo	https://observatoriog.bol.uol.com.br/noticias/assassinato-de-edson-neris-completa-20-anos-conheca-historia
21/06/2010	**Alexandre Ivo (Gay, 14-year-old)**	Tortured and murdered by three men in São Gonçalo, Rio de Janeiro.	https://revistamarieclaire.globo.com/EuLeitora/noticia/2021/06/meu-filho-de-14-anos-foi-torturado-e-morto-e-hoje-luto-contra-homofobia.html
18/11/2012	Lucas Cardoso Fortuna (Gay, 28-year-old)	Spanked, stabbed on the beach and drowned in the sea	https://www.brasil247.com/geral/jornalista-recebeu-facadas-e-morreu-afogado-diz-iml
20/06/2015	Laura Vermont (Travesti, 18-year-old)	Spanked in public by an unknown and killed by a police officer's gunshot in São Paulo, São Paulo	http://g1.globo.com/sao-paulo/noticia/2015/06/pm-atirou-na-travesti-laura-vermont-mas-nao-matou-diz-advogado.html
15/02/2017	**Dandara dos Santos (Travesti, 42-year-old)**	Tortured and murdered by a gun by five men in Fortaleza, Ceara.	https://www.nytimes.com/2017/03/08/world/americas/brazil-transgender-killing-video.html
28/12/2017	Itaberly Lozano (Gay, 17-year-old)	Stabbed, murdered and carbonised by his mother after coming out to his family in Cravinhos, Sao Paulo	https://www.dailymail.co.uk/news/article-4132656/Brazilian-mother-stabs-17-year-old-son-death.html
24/12/2017	Alexandre (Gay)	Homeless burned alive when he was sleeping in the streets in Monguagá, São Paulo	https://g1.globo.com/sp/santos-regiao/noticia/morador-de-rua-e-queimado-vivo-em-sp-e-amigos-falam-em-homofobia.ghtml

18/08/2018	Marcos Cruz Santana (Gay, 40-year-old)	Murdered and genitals mutilated in Itororó, Bahia	https://aratuon.com.br/noticia/geral/lider-lgbt-e-brutalmente-assassinado-e-tem-genitalia-dilacerada-em-itororo
21/01/2019	**Quelly da Silva (Transgender, 35-year-old)**	Murdered and heart removed by the assassin in Campinas, São Paulo	https://g1.globo.com/sp/campinas-regiao/noticia/2019/01/23/companheiro-de-travesti-que-teve-coracao-arrancado-diz-que-autor-nao-pode-viver-em-sociedade.ghtml
04/05/2019	Larissa Rodrigues da Silva (Transgender, 21-year-old)	Spanked till death in São Paulo, São Paulo	https://g1.globo.com/ce/ceara/noticia/2019/05/06/transexual-morta-a-pauladas-em-sao-paulo-e-velada-ao-lado-da-familia-no-ceara.ghtml

Source: Author

The chapter is divided into three interconnected sections, here called acts. The first act presents how the LGBTQ movement, interacting with and lobbying parliamentarians from the House of Representatives, introduced LGBTQ issues to the political agenda and managed to have a bill passed in the Lower House. In the second act, the movement tried to influence the policy process in the Senate, yet with little success. During this act, political conflicts over the LGBTQ issues became a powerful weapon for conservative politicians to block the LGBTQ movement agenda. Finally, however, the movement shifted strategies and activism from the legislative to the judiciary, and collective action influence replaced the "personalised" influence of individual representatives. The third act presents the LGBTQ movement's influence on the criminalisation of LGBTphobia through Court cases. That resulted from a successful interaction of strategies coordinated among activists, mass mobilisation, lawyers and politicians. Finally, the concluding section describes the main findings of how the LGBTQ movement influenced criminalisation. The sequence of decisions according to the events that compose the case study is summarised in figure 5.2.

Figure 5.2. Sequence of different Decisions and Events from the Criminalisation of LGBTphobia case between 2001 and 2019



Note. Zoomed Version of Each Part of the Flowchart is provided in Annex IV A-C.

2. First Act: The House of Representatives (2001 – 2006)

2.1. Introducing the LGBTQ Issues to the House

LGBTQ activists and groups started influencing agenda-setting in the 1980s with the HIV/AIDS health policy during the transition period of democratisation (Gómez, 2010; Klein, 1999; Lelis & Oliveira, 2021). However, the influence of activists on individual politicians is more evident in 1995, with the Suplicy same-sex marriage bill as a precedent for other LGBTQ issues in the House.

In 1995, the same-sex marriage bill (PL1151/1995[4]) was introduced to Congress. That was the first time a bill addressing LGBTQ issues entered the Brazilian National Congress. Proposed by congresswoman Marta Suplicy (Workers' Party), the bill resulted from the interaction between Suplicy and the LGBTQ movement at the federal level since her first mandate (1995-1999) (Mello, 2005). At the time, congresswoman Suplicy was the only politician advocating for LGBTQ rights in the House, which granted her many invitations to participate in LGBTQ events around the country. One example is her presence at the 17th International Lesbian and Gay Association (ILGA) conference in Rio de Janeiro in 1995 (Caetano, Rodrigues, Nascimento, & Goulart, 2018; Green, 2010).

Moreover, bill PL 1151 raised many expectations inside the movement. As an interview respondent shared, "the same-sex marriage was the core of the homophobia. If we get that right, the rest is granted" (Interviewee A.2). Also, the LGBTQ movement's expectations and influence were raised when the Workers' Party president was elected to the federal executive, as presented by an interviewee:

> I divide the actions of the movement into different moments. Before, the discussions over LGBT rights and policies only happened because an LGBT person was at the right time, in the right place inside the Congress and pushed the topic to a parliamentarian who introduced a bill. Such strategy happened util 2003-2004. […] The gay lobby started after 2003, as a political force, given that the government was open to dialogue with social movements. After that emergence in the relations between social movements and government, we have more LGBT bills introduced to Congress. (Interviewee Poli. 7)

However, the LGBTQ agenda caused many political disagreements between members of parliament and within governments and social movements. Opposition to LGBTQ issues in Congress increased with conservative and religious parliamentarians, who made LGBTQ

[4] Bill access from the Congress archive: https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=16329

issues their main enemy in election campaigns, raising an anti-LGBTQ public opinion concerning family configuration – same-sex marriage and adoption. Consequently, the same-sex marriage bill became a political target for many conservative members of the parliament, who made the bureaucratic hurdles to pass a bill in the House even more challenging for the bill PL 1151, a process which is still ongoing today (Marsiaj, 2012; Santos, 2016; Schulenberg, 2009). The main argument opposing the bill PL1155/1995 in the House relied on a religious and traditional understanding of family. A lack of political will blocked the bill's approval in different parliamentary committees, a prerequisite for submitting a bill to a plenary vote (Mello, 2005; Schulenberg, 2009). There is a pattern in the strategies used by the opposition to hamper LGBTQ bills: delaying the legislative procedure until it reaches the end of the legislature, resulting in the bill being automatically shelved. Politically involved LGBTQ activists and movement representatives understood the dynamic in Congress postponing decisions upon LGBTQ issues in early 2000. As put by an activist:

> Everything started in an advocacy seminar held in Brasilia; when we talked with an organisation called Colombia Diversa, they shared their experience, and then we decided to shift strategy and leave the National Congress and go to the Supreme Federal Court. After that meeting, we started looking for persons who could access the Supreme Court, and we found out that only governors and political parties were allowed and looked for who could be potential allies. (Interviewee Act.8)

The preamble of the federal Constitution states that "every citizen is equal and has the same fundamental rights" (Brasil, 1988). However, the Brazilian Congress made it clear that LGBTQ people were "citizens of a second class" (Aguião, 2018) by not legislating upon LGBTQ issues. LGBTQ bills only achieved small victories in committees, increasing the LGBTQ movement's confidence that the rights-based agenda could change the conservative ideologies of the country's politics (de la Dehesa, 2010). Even though personal contact with politicians opened many opportunities for LGBTQ activists in Congress, it was insufficient to approve a bill for LGBTQ issues.

2.2. Influencing (Individual) Politicians

In 1999, a new legislature was inaugurated at the National Congress. Newcomers and re-elected parliamentarians took office. Marta Suplicy left the House to run as state governor of São Paulo in 1998 but lost. She came back to the National Congress as a senator in 2011 (Federal Senate, n.d.-a). Meanwhile, another woman was elected and replaced Suplicy, congresswoman Iara

Bernardi, a teacher and member of the Union movement (House of Representatives, n.d.-a). Bernardi was from the same Workers' Party and electoral college (São Paulo) and "inherited" Suplicy's office with the whole team of advisors, the network and the policy agenda including LGBTQ issues (Interviewee Poli.6). As a respondent highlighted, "for newcomers, taking office in the Congress used to be like family heritage: the leaving member of the parliament could offer the office to a newcomer." (Interviewee Poli. 6).

Suplicy's office was the LGBTQ sanctuary in Congress. The movement representatives often visited her team to discuss movement priorities and what could be included in the political agenda of congresswoman Suplicy. The Brazilian Lesbians, Gays, Bisexuals, Travestis, Transexuals and Intersex Association (ABGLT) was the organised movement's most significant representation by that time. ABGLT played a crucial role in policymaking at the national level.

Debuting in national politics, Iara Bernardi gave continuity to Suplicy's human rights and LGBTQ agenda. As shared by activists, during the first visits to congresswoman Bernardi, the LGBTQ representatives discussed strategies and demands to push forward. Given the previous experiences with the failed same-sex marriage bill, the LGBTQ movement decided to change discourse, strategies and demands. Discrimination, same-sex marriage, and adoption were all coupled in the anti-homophobia bill PL 5.003. Furthermore, the strategy was to expose the human rights violations and violence against LGBTQ people around the country. Institutional strategies combined public demonstrations, personal contacts with politicians, lobbying and institutional activism within Congress (Abers & Tatagiba, 2015; Aguião, 2018; Facchini & França, 2020; Longaker, 2019a; M. M. Pereira, 2020).

Changing the focus of demands to what could be more relevant for that political moment at the national level made the bill PL 5.003/2001 argument solid. Although the criminalisation of LGBTphobia agenda was not a consensus for the organised LGBTQ movement, it was the immediate agenda congresswoman Bernardi could advocate, defend and negotiate in Congress. Members of the parliament delegated specific policy topics to policy advisors, who would inform the parliamentarian about the progress of a bill that he or she is supporting. In the case of the PL 5.003/2001, many policy advisors, LGBTQ people themselves, were involved in the billing process, as stated by an interviewee:

> One example was the criminalisation bill PLC 122 (PL 5.003/2001). The policy advisors orchestrated everything, the formulation, which Committee it would pass, who would be rapporteur, and the reports. They intermediated between the parliament and the social movement, taking its demands and presenting them to deputies and senators. Without those policy advisors' presence, this agenda

> would not be prioritised by lack of support. It only happened because an LGBT person was there pushing the agenda. (Interviewee Poli.7)

The first draft of the anti-homophobia bill was ready, and "to refine the bill and frame the criminalisation of homophobia under the anti-racism law, 7.716/1989, [series of] meetings with judges happened" (Interviewee Poli.6). On August 07, 2001, congresswoman Bernardi introduced the anti-homophobia bill PL 5003 to the House of Representatives, calling for the "fellows' support to approve such an important matter for the country". Bill PL 5.003 aimed to amend the law 7.716/1989 – which criminalises any discrimination based on "race, colour, ethnicity, religion or nationality" and includes discrimination based on sexual orientation and gender identity as a crime. The content of the PL 5.003 took five years (2001-2006) of debates and refinement in committees to comply with legal frames. As put by an interviewee:

> Lawyers were supporting the BSH formulation (2004). The executive (PT government) also collaborated in this matter. Moreover, the congressman, Luciano Zica (PT-SP), defended the constitutionality of this approach [adding homophobia to the anti-racism law]. (Interviewee Poli. 6)

Finally, the last version of the bill PL 5.003/2001 was approved in committees and followed a strategic manoeuvre to succeed in a plenary session for a vote in November 2006.

2.3. The Strategy for the PL 5.003/2001 Approval in the House[5]

As the legislative procedure requires a bill to be approved in the parliamentary committees prior to a plenary vote, the PL 5.003/2001 was submitted to the Committee on Constitution, Justice and Citizenship and Committee on Human Rights. In 2006, the religious opposition to LGBTQ issues kept blocking the same-sex bill approval in Congress (Marsiaj, 2006) and blocked the PL 5.003. On November 23, 2006 – the last Congress session of the year – policy advisors found a policy window of opportunity in the House.

> In the last session of the year, the absence of parliamentarians is common, and bills approved in the Committee can be voted. In this session, the procedure to include a bill in the plenary agenda was possible without naming it or justifying its inclusion on that day. (Interviewee Poli.5).

[5] Bill 5.003/2001 process in the House: https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=31842

The committees had approved bill PL 5.003. Policy advisors strategically used that day to submit the bill for approval in a plenary session.

> The bill from Iara Bernardi was getting approved in Committees because of strategies developed by policy advisors, activists themselves, who helped until the submission to the Plenary. That was strategically thought out. In the Senate, we already had senators from the left-wing who could support the bill there […] We approved it in the House. […] When it entered the Senate, things changed. (Interviewee Poli.5)

The strategy was first to include the bill in the plenary session agenda without citing the name of the bill – the anti-homophobia bill – or justifying its inclusion on that day; second, to collect party leaders' signatures to the plenary agenda as a collective vote indicating the political party support to that bill. Party leaders' signature was a standard procedure mainly when the quorum was limited because a nominal vote – one by one vote – would have resulted in a different outcome since the last session has the minimum quorum in the plenary, and the opposition could reject the bill (Interviewees Poli.5 and Poli.7). The PL 5.003/2001 was the last bill on the agenda for a vote, having the party leaders' signatures as approval and no objections to the bill. The anti-homophobia bill passed the first legislative procedure being approved in the House of Representatives in November 2006. The bill's approval in 2006 in the House of Representatives was a "small victory" against ideological conflicts and political and bureaucratic strategies blocking LGBTQ bills in the legislative. "People say that we passed the bill in the dead of night, but we had years of discussions" (Interviewee Poli.6). Another interviewee said that "after that plenary session, the effervescent protests from conservative politicians increased opposition to LGBTQ issues in the House and directly affected the trajectory of this bill in the Senate" (Interviewee Poli.7). When the bill PL 5.003/2001 entered the Senate in December 2006, it became the PLC 122/2006. Passing through the House, the anti-homophobia bill faced a nine-year deadlock in the Senate amid legislative and bureaucratic strategies to deliberately not approve the bill.

3. Second Act: The Senate (2006 – 2015)[6]

3.1. The Bill PLC 122/2006, New Beginning in the Senate

[6] Process in the Senate: https://www25.senado.leg.br/web/atividade/materias/-/materia/79604

The second act marks a period of intense political conflicts, protests, and Congress inaction. When the bill PLC 122/2006 entered the Senate, politicians and activists involved with the anti-homophobia bill hoped it would be a fast and effective lawmaking process.

> We had appropriate timing and political conditions, favouring a strategic manoeuvre to enforce LGBTQ rights with the left-wing in the federal executive. […] We thought, once the bill gets approved in the House in the Senate, we can keep control of the process and try to influence two decisions, the committees in which the bill will be submitted and who will be the rapporteur. (Interviewee Poli.5).

In 2006, the composition of the Federal Senate was favouring the government. Among the 81 seats, the governing party (Workers' Party - PT) obtained 10, but the coalition government – PMDB 22, PR 4, PTB 3, PSB 2, PRB 2, and PP 1 – made a majority of 44 senators (Federal Senate, n.d.-b).

> After the 2003 PT election to the federal executive, we have what is called a "red wave" with many parliamentarians from PT in Congress. Many women got elected, bringing the LGBT agenda to the forefront of their mandates. Why? Several were mothers of LGBTs or were LGBT people, teachers acting in the Union's movement, then they created bridges with other national movements (Interviewee Poli.7).

Even though the PT government had a majority in the Senate and the presidency of important committees such as the Committee on Human Rights, the coalition government was made of many concessions and negotiations, which limited some political manoeuvres from the governing party to approve progressive laws in Congress (Fenwick et al., 2017; Macaulay, 2017), which was the case of the bill PLC 122.

When the bill entered the Senate, the question was who would become the rapporteur. Interviewee Poli.7 said, "among the policy advisors, the intention was to appoint someone with affinity with LGBTQ issues to push forward the agenda". Amid this discussion, the name of a female senator, a member of the "red wave", was suggested: "she was a mother of an LGBTQ person, which made her the most appropriate person to fight for the cause" (Interviewee Poli.7). Senator Fatima Cleide, from the Workers' Party from Rondonia, became the rapporteur of the bill PLC 122. Like Deputy Iara Bernardi, Senator Cleide worked in education with previous contacts with the LGBTQ social movement and the Union movement in her state (Blog da Fátima, 2010).

In February 2007, senator Cleide officially received the bill's dossier (Bernardi, 2001)[7]. Interviewee Poli.2 shared that President Lula da Silva had a phone call with Fatima Cleide to say that he intended to sign the anti-homophobia law by May because, on May 17, the LGBTQ community celebrates International Day Against Homophobia, Transphobia and Biphobia. Such intention demonstrated Lula's political compromise agreed with the LGBTQ movement during his presidential campaign, "once he gets elected, the social movements would have a more active political participation" (Interviewee Act.2). The LGBTQ movement intensified its collaboration with the government in 2004 when Brazil Without Homophobia (BSH) programme was launched (Irineu, 2014). Even with many problems in its implementation, BSH helped reinforce the debate over challenging discrimination and homophobia in Brazil (Irineu, 2014; Meira, 2012). Even though in 2006, Brazil had a supportive president and PT as Chair of the Human Rights Committee, the opposition was joining forces against the anti-homophobia bill in the Senate.

3.2. Trying to Influence the Unwinnable

Natividade & Oliveira (2009) analysed religious web pages to understand the relationship between religion and homophobia around the PLC 122, which spurred much evangelical discourse in the media as a strategy to sustain opposition to the bill in the Senate. From the interviews I conducted, other strategies used were pointed out, such as the legislative procedures of submitting the bill PLC 122 for evaluation in the Committee of Social Affairs before sending it to the Committee on Human Rights and the Committee on Constitution, Justice and Citizenship (Interviewee Poli.2 and Poli.5). Submitting the bill PLC 122 first to that Committee would imply the appointment of another rapporteur, most likely someone from the opposition. However, as the interviewees said, "the LGBTQ policy advisors discovered this strategy and could intercept the appointment of the same rapporteur also to the Committee of Social Affairs. Senator Fatima Cleide was re-appointed" (Interviewee Poli.2, Poli.5). However, the battle was only beginning in the Senate. As one interviewee said:

> The first report of the PLC 122 is a historical piece. The rapporteur went to the first meeting of the Committee on Social Affairs, confident that the bill would be approved because it was an outstanding bill. Magno Malta [religious fundamentalist senator] and other opposers were in that meeting, and we could not even read the report in that session. They asked for revisions, and the "hell" started. (Interviewee Poli.2)

[7] Bill PLC 122 Dossier: https://www25.senado.leg.br/web/atividade/materias/-/materia/79604

Conservative and religious opposition set up camps in key locations such as the committees and the public hearings and asked for revisions to the bill every time it was included in a committee's agenda for a vote. As put by an interviewee:

> For the Committees debate, the opposition used to be present in a large group. So, we started doing the same. Arriving before them, taking the space, everyone with a [a copy of the] constitution. When they raised the bible, we raised the constitution. It was a strategy of marketing. (Interviewee Poli.5)

Only a few religious fundamentalists had a seat in the Senate by that time. However, as interviewees described (Poli.2, Poli.5, and Poli.7), they were "very noisy" and provoked moral panic among other senators. In addition, according to an interviewee, the opponents of the LGBTQ bills sometimes resorted to intimidation and blackmail at times.

> We did not expect the cruelty from the opposition, blackmailing parliamentarians to boycott the LGBT bills. We were not unethical in putting the bill to the vote in the House (2006) when the opposition was not there; we were strategic. By no circumstance did we blackmail a congressperson because their kids were gay or lesbian, unlike the fundamentalists who did so (Interviewee Poli.5).

Another strategy used by the opposition to influence the policymaking process against the bill PLC 122 was to deliberately use bureaucratic procedures preventing possible approval in committees and submission to a Senate plenary session. As part of the legislative procedure, a parliamentarian can ask for revisions in a bill's content to delay a bill's approval. According to Hiroi (2008), delaying the approval of a bill in a bicameral legislative system like Brazil is often a strategy emerging from legislative election years, political bargains, and controversial issues. Even though the opposition constantly used such a strategy to delay or gridlock the anti-homophobia bill, the PLC 122 was approved by the Committee of Social Affairs. An interviewee said: "We managed to approve the bill in the Committee of Social Affairs when Magno Malta was not there; then, it went to the Committee on Human Rights" (Interviewee Poli.5). However, the legislative procedure delay reached the end of the 52nd legislature, legislative elections happened in 2010, and Fatima Cleide lost re-election. Therefore, in 2011 the bill was archived. In that election, Marta Suplicy became a senator representing the state of São Paulo. Suplicy asked to unarchive the bill in 2011 and became the rapporteur until 2013, when she was appointed as minister of culture for the federal government (Mendes, 2012).

Moreover, in 2011 public demonstrations and protests took place in several cities in Brazil against (Torres & Pozzebom, 2011) and favouring the bill PLC 122 (Jornal Nacional, 2011).

Also, in 2011, among the 513 members of Congress, the first LGBTQ person with an openly LGBTQ agenda was elected, congressman Jean Wyllys (Socialism and Liberty Party – PSOL). Wyllys made his mandates, between 2011 and 2019, a human rights platform for different issues such as the legalization of sex workers' work, against homophobia and LGBTQ discrimination, black people rights and others. However, in Congress, Jean Wyllys had several conflicts with religious opposition politicians, including Jair Bolsonaro (Borba, 2021). In 2019, Wyllys had to flee the country for asylum under threats of death (Damasceno, 2019), and his successor was another openly LGBTQ person, congressman David Miranda (Socialism and Liberty Party – PSOL) (House of Representatives, 2019). According to the organization Aliança Nacional LGBTI+, 2018 elections had a record of 160 LGBTQ people candidates for the National or state elections (Dearo, 2018). Among the new members of the House of Representatives are Marcelo Calero (Cidadania), Israel Batista (Green Party - PV), Vivi Reis (Socialism and Liberty Party - PSOL), and Rafafá (Brazilian Social Democracy Party – PSDB). In addition, the first openly LGBTQ senator was elected only in 2018, senator Fabiano Contarato (Federal Senate, 2019). However, before 2011, the window of opportunity to approve the bill PLC 122 in the Senate was lost in 2008.

3.3. The Strategic Window of Opportunity Lost

In 2008, a window of opportunity to approve the bill PLC 122 in the Senate was created by policy advisors. They intended to use a similar strategy that approved the PL 5.003 in the House in 2006 and submit the PLC 122 to a plenary vote in the last session of the year in the Senate, as interviewees said:

> We had an agreement with the party leaders to approve the bill, like the strategy used in the House. The prominent opponents were not there that day. (Interviewee Poli.2)

> We developed the whole strategy, started the negotiations with the party leaders to get the signature for the bill, and the PLC 122 was supposed to be approved in the last session of the year. (Interviewee Poli.7)

The bill was included in the plenary session agenda. The next step was to collect party leaders' signatures, a common practice in the Senate (Miranda, 2010). Only a few people knew the strategy running in the background of the Senate's last session in 2008. A deliberate

decision was taken not to involve the LGBTQ movement representatives in the negotiations for that plenary session. Policy advisors and the bill's rapporteur, senator Cleide, wanted to avoid the strategy that could reach the opposition leaders. However, a sentiment of betrayal resulting from not involving the LGBTQ representatives in that negotiation made the policy advisors share the strategy with the social movement, with one condition the strategy remained secret. Interviewees described this event as follows:

> I said, let us be quiet. Let us not tell the movement that we are doing this negotiation. Then they [policy advisors] told the movement. The movement representative said we must talk with other senators. I said no. We do not have to talk with other senators. We must vote for the bill. "No, this will be a betrayal." Then the representative told Demostenes Torres (the bill's main opponent)." (Interviewee Poli.7)

> Suddenly, Magno Malta interrupted the session at 5 am, shouting against the plenary vote to the PLC 122. (Interviewee Poli.2)

> We were a small group of people who knew the strategy; suddenly, the reactionary right-wing senators entered the plenary. For me, someone from the movement had leaked information to the right-wing. Some people from the movement want to keep this dependence on negotiations and small agreements with the parliament and not create an effective law. Some people want to keep the crisis within the movement to profit. Then we ask, where are these people? For me, those people are in the Council created in this government. (Interviewee Act.2)

Senator Cleide had to withdraw the bill from the plenary vote because

> Magno Malta returned to the Plenary and stayed threatening senators until 6:30 in the morning. If they did not remove their signatures, he would put the photos of everyone all over his churches in the country saying that this senator was against Christ. Desperate senators asked me to remove their signatures. Malta said, "The gay movement is here to give a coup. They want to make us swallow this bill." So, we had to withdraw the bill from the plenary vote. We lost the bill, which was supposed to be approved in 2008. After that, we have never had another opportunity. (Interviewee Poli.7)

The unsuccessful attempt to approve the PLC 122 in 2008 set an alert for conservative and fundamentalist parliamentarians, especially the Evangelic caucus, which after that event was present in every last session of the Congress to identify any similar strategy to approve an LGBTQ bill (Interviewee Poli.7).

Moreover, the lost opportunity in 2008 reveals tendencies often present in the LGBTQ policy processes in Brazil. First, as highlighted by interviewees, some representatives from the LGBTQ movement have personalised influence, especially gay males, in the policymaking process.

> I will be frank with you; many NGOs and collectives are not prepared to defend this population's civil rights [LGBT]. Many organisations seek to lobby for their interests, benefitting from governmental resources. Some people are in the movement to get media attention and fame differently from my work, which is a problem for the movement. (Interviewee Act.3)

> The movement was always personalist, meaning some people became public figures and advocated for what they understood as public policy at that moment. […] From the public policy point of view, I distinguish the social movement between personification and the internal conflict centralised in the Brazilian Lesbians, Gays, Bisexuals, Travesti, Transsexuals and Intersex Association (ABGLT) until 2017[8]. Several personalities used to talk in the name of the movement in the Congress without discussing demands with different segments before, an attitude not very democratic. (Interviewee Poli.5)

Second, there is a lack of agreement among the organised LGBTQ movement in Brazil on the agenda that evidence national issues. Similar to lesbian and gay rights movements in other countries, the collective action in the Brazilian case raises the issue that "rights claims are not all the same" (M. Smith, 2018).

> Before we had only the ABGLT, the negotiations and demands were much more straightforward and focused on gays. Men were the protagonist. The agenda was straightforward, but now it is better because and broader. Today we have the demands from lesbians (ABL and LBL), trans, and intersex (ANTRA)—also, more conflicts qualify our intermediator work. The agenda concentrated on gay men's needs is still a motive for tensions within the movement. (Interviewee Poli.7)

Third, there is a lack of understanding of the political timing from "both sides, the social movement did not understand the [political and policy] timing, and we [political actors] did not understand the urgency for the social movement" (Interviewee Poli.7).

The fourth tendency is to exploit the moral panic embedded in Brazilian politics that affects policymaking, especially regarding human rights and affirmative policies (Corrêa et al.,

[8] In 2017, the male hegemony perpetrated in the ABGLT was broken by the election of new executive committee by the first time electing a travesti-women activist president, Symmy Larrat (Viola, 2017).

2021; Facchini & França, 2009; Prado & Correa, 2018). For example, the moral panic was widely used as a political strategy to block LGBTQ policies. As a result, the conservative politicians introduced more anti-LGBTQ policies in Congress, as shared by an interviewee:

> The conservative agenda is not sleeping. It is observing, looking for the best moment to invade the gap and occupy the space. Conservatism is in the bones of the legislative system. After the impeachment (2016), many anti-LGBT bills were introduced to Congress, and we managed to block their approval. Especially those explicitly LGBTphobics in Congress: Statute of the [traditional] Family, Cure Gay, Day of Heterosexual Pride, Non-partisan school, but it does not mean that they will not try to approve them again. (Interviewee Poli.4)

Finally, the fifth tendency is the judicialization of LGBTQ issues (Costa, Leite, Neves, & Guimarães, 2020). A 2008 public opinion poll by the DataSenado (Senate agency responsible for public opinion surveys about policies) via phone call revealed that 70% of the sample (1120) from the country's five regions favoured the bill. In 2009, an online survey by the same agency received 465.326 responses, revealing that 51,54% of the sample was against the bill, whereas 48,46% were in favour (Da Redação, 2009). Despite unfavourable public and political opinions, 2011 was a crucial year for LGBTQ rights recognition in Brazil. The Supreme Federal Court recognised same-sex couples the same rights as the facto Union for heterosexual couples (ADI 4.277/2011). The Court decision gave hope to the LGBTQ movement that Congress would mobilise and act upon LGBTQ issues that have been neglected for years. Ultimately that resulted in critiques from conservative legislators to the judiciary, raising tensions between the judiciary and legislative branches concerning powers before the Constitution (Santiago Gomes da Silva, 2020).

4. What Triggered the Litigation Cases?

Understanding what triggered the litigation cases requires answers to the complementary questions: What contextual conditions have led social movements to use litigation as a strategy? Why did litigation cases become a common strategy to assure LGBTQ rights in Western democracies? Why did the LGBTQ movement open the litigation cases in the Brazilian Supreme Federal Court? An answer to the first question suggests exploring mechanisms and conditions for actions. Litigation theory suggests that legal actions will happen when the political will to solve a social or political problem is absent (Hilson, 2002; Vanhala, 2018; Vose, 1958). Answering the second question requires theoretical examination

from other cases in Western democracies deploying a similar strategy to assure LGBTQ people's rights (e.g., The Netherlands, Canada, South Africa, USA, Colombia and others) (Davidson, 2020; Rios-Figueroa & Taylor, 2006; Smith, 2007; Vanhala, 2009). A response to the last question brings the assumptions from contextual conditions and the empirical analysis of the bill PLC 122 together. Two events led the organised Brazilian LGBTQ movement to change the venue of activism, from the legislative to the judiciary branch. Table 5.3 shows precedents of successful litigation actions in the Supreme Court granting LGBTQ rights in Brazil.

Table 5.3. Supreme Federal Court Cases on LGBTQ Rights between 2011 and 2020

Year	Actors	Policy output
2011	Supreme Federal Court	Recognition of same-sex couples as a family under the Constitution – ADI 4.277/2011
2011	Supreme Federal Court	Civil Union extended to the same-sex couples – ADPF 132/2011
2013	National Council of Justice	Civil Unions for same-sex couples' conversion into marriage – Resolution 175/2013
2018	Supreme Federal Court	Transgender people are allowed to change the name and gender (assigned by birth) in official documents without sex redesignation surgery
2019	Supreme Federal Court	The criminalisation of LGBTphobia – ADO 26/2019 and MI 4.733/2019
2020	Supreme Federal Court	Blood donation allowed for LGBTQ people

Source: Author

The first event is regarding the bill PLC 122 processed on May 10, 2012. The Senate Committee on Human Rights held a meeting where Request Nr 62/2012 eliminated Request Nr 27 from the process. Request Nr 27 had been presented by senator Magno Malta, suggesting to include two evangelic pastors as official members in the bill's public hearings and debates, pastor Silas Malafia and Joide Miranda (Bernardi, 2001), vocal opponents of the bill. (Feliciani, Schirmer, & Dalmolin (2017) analysed Malafaia's opposition on Twitter and Facebook profiles). Senator Marta Suplicy, in turn, tried to make agreements with the religious opposition but failed to get any commitment to approve the bill in a committee when she was rapporteur. These sequences of events were indicators of how challenging it would be to approve the bill in the Senate. On that same day (May 10, 2012), the Brazilian Lesbians, Gays, Travestis, Transsexuals, and Intersex Association (ABGLT) opened a lawsuit against the federal Congress with the *Mandatory Injunction (MI 4733)* at the Supreme Federal Court (STF, 2019b). Since senator Suplicy left the Senate to become the Minister of Culture in Sep 2012, the bill PLC 122 became more vulnerable to the next opposition manoeuvre in 2013.

The second event started on December 04, 2013. In the Senate Committee on Human Rights, a Request was presented by senator Eduardo Lopes (from the Brazilian Republican Party) to attach the PLC 122 to the PLS 236/2012 (bill proposing the Penal Code reform), which followed the Committee's approval in merging the bill's process on December 17 (Bernardi, 2001). Such a strategy was the best opportunity for the opposition to block the anti-homophobia bill justified by the legislative procedure. The PLC 122 would remain under review in the Penal Code reform bill. Before 2013, Paulo Iotti, a lawyer proponent of the litigation actions representing ABGLT, tried but failed to get left-wing parties to support and sue the federal Congress with the legal action *Direct Action of Unconstitutionality by Omission (ADO 26)* (Interviewee Poli.3). After those manoeuvres in the Senate against the anti-homophobia bill, a representative of the centre-left Popular Socialist Party (PPS, renamed Cidadania in 2019) contacted Iotti and started negotiations to open the ADO 26. On December 19, 2013, the party president, Roberto Freire, signed the legal action accusing the federal Congress of deliberate legislative omission upon the anti-homophobia bill (Interviewee Poli.3). The third act disentangles how the Supreme Federal Court decided upon both cases and criminalised LGBTphobia in 2019.

5. Third Act: The Brazilian Supreme Federal Court (2012 – 2019)

5.1. Court Cases and the Litigation Strategy

The third act is a consequence of the previous two. According to Smith (2007) and Vanhala (2009, 2018), policy actors deploy litigation strategy as the last option in a political manoeuvre to safeguard, expand, or enforce rights. The Brazilian case followed a similar strategy from other Latin American countries (Baca & Alonzo, 2019). The LGBTQ movement used litigation actions as the last strategy to pressure the *'inertia deliberandi'* from federal legislators, expecting them to respond to LGBTQ issues in the country. However, Congress still never legislated upon an LGBTQ issue.

What motivated the litigation actions? First, MI 4733 aimed to pressure Congress to assume its legislative inaction responsibilities. Second, Congress was asked to pay compensation to those who suffered any violence or discrimination based on sexual orientation or gender identity during the years the PLC 122 was still without a resolution (STF, 2019b). In addition, ADO 26 accused the federal Congress of legislative omission upon the criminalisation of LGBTphobia and asked for a judicial decision to include the LGBTphobia as a crime under the anti-racism law 7.716/1989 (STF, 2019a).

According to the Supreme Court procedure, cases are distributed among the justices for a preliminary evaluation, following a decision if the case proceeds or not at the federal level (F. L. de Oliveira, 2012). For the MI 4733, Minister Ricardo Lewandowski was the first rapporteur appointed in 2012. Since Lewandowski was reluctant about the constitutionality of the legal instrument (MI), and the Prosecutor General of the Republic, Judge Roberto Gurgel Santos, reports also declared similar doubts on this matter, the MI 4733 was considered inviable as a Court case in 2013 (Lewandowski, 2013). However, in 2013 Santos retired, and a new Prosecutor General took office. In 2014, Judge Rodrigo Janot Monteiro de Barros presented another report about the MI 4733, justifying its constitutionality and how it could proceed as a Court case (Monteiro de Barros, 2014). Given this decision, in June 2015, another rapporteur was appointed to MI 4733; Minister Edson Fachin became rapporteur. For the case of ADO 26, Minister Celso de Mello was appointed rapporteur in 2013 and stayed until the conclusion of the case. Minister Mello was the Court's dean, with a historical precedent for his meticulous constitutional research and systematic work in similar matters in the Supreme Court (Moraes, 2013). Since the Court cases had complementary matters, justices decided on a joint trial, including both processes in the Supreme Federal Court agenda for deliberation in 2019 (STF, n.d.). In addition, the Court cases had the same lawyer of defence, Paulo Iotti, and similar *amici curiae* (friends of the Court) in those cases. Tables 5.4 and 5.5 show the Amici Curiae distribution among the cases and their respective lawyers.

Table 5.4. Amici Curiae and Lawyers for the MI 4733

Case MI 4733 **Proponent:** Brazilian Lesbians, Gays, Bisexuals, Travestis, Transsexuals and Intersex Association (ABGLT)**,** **Lawyer:** Paulo Iotti **Accused:** National Congress, **Federal Senate Lawyer:** Fernando César de Sousa Cunha	
Amici Curiae Pro	**Lawyers**
Grupo Dignidade – Pela Cidadania de Gays, Lésbicas e Transgêneros	Rafael dos Santos Kirschhoff
Federal Council of Psychology	Victor Mendonça Neiva and Others
Federal Institute for the Family Rights (IBDFAM)	Maria Berenice Dias and Others

Source: Final Report from the STF decision on the MI 4733 (STF, 2019b)

Table 5.5. Amici Curiae and Lawyers for the ADO 26

Case ADO 26 **Proponent:** Popular Socialist Party (PPS)**, Lawyer:** Paulo Iotti **Accused:** National Congress**, Federal Senate Lawyer:** Fernando César de Sousa Cunha			
Amici Curiae Pro	**Lawyers**	**Amici Curiae Cons**	**Lawyers**
Grupo Gay da Bahia (GGB)	Thiago Gomes Viana	Associação Nacional de Juristas Evangélicos (ANAJURE)	Luigi Mateus Braga
Grupo de Advogados pela Diversidade Sexual – Gadvs	Alexandre Gustavo de Melo Franco Bahia	Frente Parlamentar "Mista" da Família e Apoio à Vida	Walter de Paula e Silva, Cícero Gomes Lage
Grupo Dignidade – Pela Cidadania de Gays, Lésbicas e Transgêneros	Ananda Hadah Rodrigues Puchta	Convenção Brasileira das Igrejas Evangélicas Irmãos Menonitas – Cobim	Rafael Ferreira de Castro and Others
Partido Socialista dos Trabalhadores Unificiados (PSTU)	Alberto Albiero Junior	Attorney General of the Union	André Luiz de Almeida Mendonça
Conselho Federal de Psicologia	Victor Mendonça Neiva, Maria Kreimer Caetano Melucci, Bruna Flavia Faria Braga		
Associação Nacional de Travestis e Transsexuais (ANTRA)	Maria Eduarda Aguiar da Silva		
Federal Public Ministery	Luciano Mariz Maia (Vice-General Prosecutor)		

Sources: Final Report from the STF decision on the ADO 26 (STF, 2019a)

Table 5.6 shows the distribution of speakers in the STF trial that criminalised LGBTphobia after six plenary sessions. The criminalisation happened amid adverse political conditions after the 2018 general elections, putting in the federal executive a president who "prefers a son dead than gay" (Assis & Silva, 2019, p. 1). In addition, the new composition of the federal Congress counted more conservative and fundamentalist members. Furthermore, discrimination and violence against socially and politically excluded citizens – women, LGBTQ, black, indigenous, poor, homeless and children – were increasing (Iamamoto et al., 2021; Rocha et al., 2021).

Table 5.6. Sessions from the STF for the ADO 26 and MI 4733

Plenary Session	Date	Speakers
1	13/02/2019	Amici Curiae lawyers, Attorney General of the Union, Federal Ministry
2	14/02/2019	Celso de Mello
3	20/02/2019	Celso de Mello
4	21/02/2019	Celso de Mello, Edson Facchin, Alexandre de Moraes, Roberto Barroso
5	23/05/2019	Rosa Weber, Luiz Fux, Carmen Lúcia, Marco Aurélio,
6	13/06/2019	Ricardo Lewandowski, Gilmar Mendes, Dias Tofolli,

Sources: Minutes of the Plenary, STF decision - MI 4733 (STF, 2019b) and ADO 26 (STF, 2019a).

5.2. Identified Strategies Over the Court Cases

The data triangulation analysis – academic literature, interviews and Court cases minutes – highlighted several strategies from the criminalisation of the LGBTphobia case, seven of which are discussed here.

The first strategy is the discourse framing of the motivations and arguments used by the ABGLT and the PPS to open the litigation actions. While one asked Congress to take responsibility and compensate for its delay (MI 4733), the other declared the omission upon the anti-homophobia bill PLC 122 (ADO 26). Both accused the federal state of inaction on LGBTQ issues in over thirty years of re-democratisation (S. de Carvalho, 2012; Fernandes, 2014).

A second strategy is a legal frame proposed to criminalise LGBTphobia, the anti-racism law 7.716/1989. This fact raised controversies in different spheres – political, academic, judicial, public opinion and the black movement opposition – over considering LGBTphobia as "social racism". Rios & de Mello (2020) explain that other legal frames could better serve the purpose of the Court case. For example, law Maria da Penha protects the victims and encourages crime denouncement and public debate, the opposite of the law 7.716/1989 (S. de Carvalho, 2012; Rios & de Mello, 2020). However, the Court's decision was based on antecedents of "social racism" in a case of anti-Semitic discrimination in Brazil, case Ellwanger (Habeas Corpus 82.424). According to the Supreme Court definition of racism, it comprehends "any injury against a human, including the LGBT, Jewish or afro-descendant communities" (STF, 2019a, p. 406). Therefore, in the Ellwanger case, justices' refuted the argument that racism is confined to phenotypical characteristics, declaring it reductionist and anachronic, and

a similar understanding was posed to declare LGBTphobia a crime of social racism (Rodrigueiro & Palumbo, 2019).

The third strategy is maximizing LGBTQ representation in policymaking in Brazil. "LGBTQ people are everywhere in the Congress", expressed interviewee Poli.2. Such representation was framed by the conservative senator Magno Malta as "an intellectual society of gays, who was studying how to break the laws in the Congress. That was true, [LGBT policy advisors] were working there, and they pushed the LGBT agenda" (Interviewee Poli.5). Scholars identified that LGBTQ representation in the LGBTQ policymaking in Brazil is often emerging from the articulation between activism and academia (Colling, 2018; Irineu, 2016; Ramos & Carrara, 2006). Even though such articulation seeks equality and overcomes discrimination, disagreements between social activists and academic activists affect the definition of policy issues and, consequently, agenda-setting (Colling, 2018), leaving many LGBTQ people underrepresented. On these issues, an interviewee was more explicit:

> We have little clarity on what are social rights. Most LGBT people live in misery. The LGBT movement does not recognise itself in these people. The LGBT movement has an elitist origin, and there is myopia in the movement to recognise itself in the poor people. I think we are losing the modus operandi of the policy by not transmitting our demands and the movement's original purpose. The view on an LGBT policy is too stereotypical, strict, minimalist, focusing on gay political goals, and gay from the middle-high class of the society. (Interviewee A.8)

The fourth strategy is the LGBTQ representation in the Court trial. LGBTQ groups met the president of the Supreme Court (Dias Tofolli) before the sessions, while others mobilised through social media and online petitions, calling for the approval of the cases (Assis & Silva, 2019). Also, among the lawyers speaking in the tribune of the Supreme Federal Court were three gay men, one lesbian, and one transgender woman (Iotti, 2020). In the parliament, supportive politicians, mainly from the left wing, were attentive to right-wing politicians' possible attempts to interrupt the Court cases (Interviewee Poli.4).

The fifth strategy, as stated by Paulo Iotti, in the book "O STF, a Homotransfobia e o seu Reconhecimento como Crime de Racismo" (The STF, Homotransphobia and its Recognition as a Crime of Racism), the president of the Court took a surprising decision after the fourth plenary session, to "interrupt the trial sequence without an expected date for it to resume, which is not common in the STF" (Iotti, 2020, p. 103). After two months without a prospective date to resume the trial, LGBTQ civil societies organisations send petitions to the STF expressing their concerns about such a delay (Iotti, 2020, p. 106). The trial resumed a

month after the petition reached Minister Toffoli, on May 23, 2019. Meanwhile, the Senate pursued strategies to stop the trial.

The sixth strategy is what Iotti called "a coup attempt from the Senate" (Iotti, 2020, p. 106). While the trial was undergoing in the STF, the Senate sent a letter to minister Tofolli saying that, on May 23, 2019, the same day the trial resumed, senators "approved a bill in the Committee of Constitution and Justice criminalising *homotransphobia*" (Iotti, 2020, p. 106). Minister Toffoli reconsidered the trial continuation saying that "the historical votes from the rapporteurs and two other justices already had effects in the Congress Chambers, the House and the Senate are mobilising on the matter that is the object of this trial" (STF, 2019a, p. 341). According to a key informant, Congress tried to criminalise LGBTphobia before the Court to stop the trial. "Conservative senators wanted to reshape an existing bill; the PL 7.292 introduced to Congress in 2017 by congresswoman Luizianne Lins (Workers' Party from Ceara)" (Interviewee Act.2). Known as "Law Dandara"[9], bill PL 7.292 proposed to amend the Penal Code by qualifying and including "LGBTcide" (any brutal violence against LGBTQ people) as a crime. Intending to reshape the "Law Dandara" content, fundamentalist senators agreed to approve the bill with one condition, eliminating everything that mentions "hate speech made by religious authorities" (Interviewee Act.2). "The movement, parliamentarians and activists could not agree with that proposal for a bill" (Interviewee Poli.4). The Senate failed to approve the bill without mentioning the hate crimes. Nine justices interpreted such "coup attempts" as a strategy to stop the judicial decision instead of granting LGBTQ people rights (STF, 2019a, pp. 341–363). The trial continued in the STF.

The seventh strategy is using the power jurisdictions discourse to oppose the cases. The report on ADO 26 delivered by Minister Celso de Mello declared the "*inertia deliberandi*" from the National Congress. It raised debates over power jurisdiction as if the judiciary overlapped the legislative procedure. Furthermore, parliamentarians asked for the impeachment of four justices who, at the time, voted for the criminalisation of LGBTphobia and declared the omission by Congress (Boldrini, 2019). To ask for the impeachment of a judge is considered an attempt to re-establish the "crime of hermeneutic" (STF, 2019a, p. 341), which only happened during military dictatorships. Minister Mello declared:

> Here, Mr President [referring to Tofolli], to what point has reached the fanatism, the obscurantism, fundamentalism, and the profoundly backward character of some of the complainants [referring to senators who asked for justices'

[9] Dandara dos Santos was a travesty activist assassinated by a homophobic group in Fortaleza, the capital city of Ceara.

> impeachment] […] This bizarre Request for impeachment has no support in the Constitution, nor in the law that governs the matter (Law 1.079/50, art. 39). (STF, 2019a, p. 342)

5.3. The Votes from Justices

This section analyses the votes by justices and their main arguments about the litigation actions. The Brazilian Federal Supreme Court is comprised of eleven justices appointed by the federal executive and confirmed by the federal Senate. Unlike the US Court, where justices stay in office by life tenure, in Brazil, when completing the age of 75, a member of the Court must retire.

The controversial debates over power jurisdiction, constitutional understanding of rights, and "social racism" were discussed in many justices' *ratio decidendi* and clarified how the Brazilian Constitution states power jurisdiction for each power branch. Article 103 of the Constitution solved the power jurisdiction debate because it seeks to create mechanisms to prevent the state's inefficiency in observing the constitutional norms by applying a Direct Action of Unconstitutionality of Omission (ADO). In this case, the state failing to protect its citizens' rights fall on 'mora unconstitutional' (unconstitutional delay). Article 5, paragraph XLI solves constitutional rights controversy by stating that "the law will punish any violation of fundamental rights and freedoms" (Brasil, 1988, p. 15), which justified ten justice votes. Also, to solve the hermeneutic debate in criminalising LGBTphobia as social racism, justices interpreting the Constitution detached their decision from the analogy *in Malam Partem* ("In an evil sense". Having an ill will or intention (Fellmeth & Horwitz, 2009, p. 130)). As a result, and based on the precedents with the case Ellwanger, LGBTphobia was included as a crime under the anti-racism law 7.716/1989 until the legislative formulated a specific law for this matter (Iotti, 2020; Rodrigueiro & Palumbo, 2019). Table 5.7 summarises the main arguments from each justice vote in the cases MI 4377 and ADO 26.

Table 5.7. Summary of Justice's Votes and Court's Composition in 2019

Justices/Age	Position period	Vote Main Argument
Alexandre de Moraes (52)	2017 – Current	"It is undeniable that homophobic and transphobic practice represents unacceptable, severe and hateful discrimination against fundamental rights and freedoms" (ADO 26, p.238). Moraes vote was to interpret the Constitution and recognise homophobia and transphobia under Law 7.716/1989 until the national Congress created a specific law typifying these crimes. He recognised the 'mora unconstitutional', declaring the omission by Congress to legislate upon LGBTQ issues.

Carmen Lúcia (67)	2006 – Current	In line with the rapporteur's argument (Min. Mello), she declared the omission of the Congress and presented a historical memoir of precedents from the Court recognising the social racism, in which the LGBTphobia could be included.
Celso de Mello (75) – rapporteur ADO 26	1989 – 2020 (31 years)	As rapporteur of the ADO 26, Mello elaborated a robust argument relating precedents from the STF, the Constitution, human rights of LGBTQ people, and LGBTphobia discrimination as social racism. He recognised the legislative inertia and proposed adding homo-transphobia under Law 7.716/1989 without stipulating a period for the legislative to create a new law on this matter. Initially, Mello suggested stipulating 12 months for Congress to legislate on the matter, but it was reconsidered in the final decision, and no period was indicated (Iotti, 2020, p. 79). Although Mello partially recognised the MI, he rejected the proposal of asking for compensation from the state for each LGBT person suffering discrimination because of the lack of legislation, which other justices will follow.
Dias Toffoli (53) – President STF (2018/2020)	2009 – Current	The president of the STF followed Min. Lewandowski's vote recognises the inertia of Congress but rejects the criminalisation of LGBTphobia under the anti-racism law.
Edson Fachin (63) – rapporteur MI 4733	2015 – Current	As rapporteur of the MI 4733, Fachin recognised the inertia of the legislative by saying that "an ongoing bill process, never approved, cannot exempt the legislative from responding to the social problems of homo-transphobia". His arguments are based on international cases, precedents from the STF, examples from the Interamerican Court of Human Rights, and the Constitution. He followed Mello in partially recognising the MI proposals.
Gilmar Mendes (65)	2002 – Current	He followed the rapporteurs in their votes, recognising the Congress's inertia and recognising the homo-transphobia as a "social racism" crime, adding it to the law 7.716/89. He also partially recognised the MI.
Luiz Fux (68)	2011 – Current	He recognised the inertia from Congress and supported the argument that homo-transphobia is also racism, defending the Constitution's judicial interpretation and safeguarding the law when the parliament or the executive fails in doing so. Furthermore, he cited the importance of such a decision to protect the human rights of LGBT people and to change social behaviour.
Marco Aurélio (75)	1990 – 2021 (31 years)	He voted against criminalisation. His main argument is that legislators from Congress should take such a decision, not the judiciary. He also argued against recognising homo-transphobia as racism. However, he did not justify his position or provide possible other legal frames for the case about this last argument. Instead, he declared the STF trial misunderstood the constitutional concepts of "punishment" and "criminalisation".
Ricardo Lewandowski (73)	2006 – Current	Based on academic literature, the Yogyakarta Principles, the Constitution, and other fundamental documents, he argued that the "criminalisation of the homo-transphobia is symbolic, it is the first step, but a necessary step". He voted to recognise the '*inertia deliberandi*' from Congress but rejected the hypothesis of adding this matter to the Penal Code under the anti-racism law.

Roberto Barroso (63)	2013 – Current	He started by defending the judicial power in Brazil, clarifying the role played by the STF in interpreting the Constitution with a rational perspective. Then, Barroso argued in favour of the criminalisation and the '*inertia deliberandi*' from the legislative, highlighting the vulnerability of LGBT people in Brazil.
Rosa Weber (73)	2011 – Current	She voted to recognise homo-transphobia as racism, declared inertia from the legislative and supported the inclusion of this matter under the anti-racism law until Congress created a specific law against LGBT discrimination. She rejected the argument about the state's responsibility in the MI, which demanded compensation from the state to each LGBT person discriminated against because of the lack of legislative protection.

Source: Author

The Court trial's final decision declared LGBTphobia a crime by fully recognising the ADO 26 propositions by ten votes in favour of declaring the "*inertia deliberandi*" of Congress that failed to legislate upon LGBTQ issues in thirty years. One justice voted against this case. Even though the MI 4733 received eight votes favouring the criminalisation of LGBTphobia as a crime of "social racism" and three votes against it, the propositions were partially approved; the compensation asked for by the state was rejected by justices. However, the power jurisdiction debate was still pervasive among the conservative and fundamentalist members of the parliament. Parliamentarians denied the STF decision over the '*inertia deliberandi*' and introduced to Congress the bill PL 4075/2019 in order to limit judicial power – calling it judicial activism – and reverse the decision upon the ADO 26 and MI 4377.

6. Conservative Opposition Influence on the Criminalisation

As explained in the methodology chapter, the current political situation in Brazil created limitations to interviewing conservative politicians. So instead, for the criminalisation case, the conservative opposition was identified from many analysed sources – academic literature, politician's discourses, bill processes (especially bill PLC 122), plenary session transcripts, and interviews with actors involved.

By comparing the legislative and the judicial procedures, an interviewee said, "the dialogue in the STF is more rational, while in Congress is useless. From one side, there is the Constitution, from the other is the Bible" (Interviewee Poli.3). Furthermore, others emphasised that "in 2013, when Eduardo Cunha unified the fundamentalists in the Congress, it became impossible to dialogue with religious fundamentalist agendas" (Interviewee Poli.4). Scholars analysing these fundamentalist agendas in Brazil found a high level of distortion of reality and

the reductionist view of the Brazilian society as a polarised world (Corrêa et al., 2021; Cowper-Smith, Su, & Valiquette, 2021; Maranhão Fo & De Franco, 2019; Rocha et al., 2021). Even though the religious fundamentalist and conservative politics became more explicit with the 2018 election, electing a far-right government, the opposition to LGBTQ issues dates to the transition period from dictatorship to democracy (1985-1988).

In the National Constituent Assembly of 1988, conservative religious parliamentarians opposed the inclusion of the term "sexual orientation" in the Constitutional text (Lelis & Oliveira, 2021). Such opposition escalated throughout the years in Congress, mainly when religious groups capitalised their votes to elect evangelic pastors (e.g., Marco Feliciano – Deputy, Magno Malta and Marcelo Crivella - Senators) (for a specific review, see Lacerda, 2017). Corrales (2019, p.1), analysing the expansion and backlash in LGBTQ rights in Latin America, states that "evangelicals have become the most powerful actors blocking progress" on LGBT rights. According to the Brazilian Institute of Geography and Statistics, in the last census of 2010, Christianity is still the most prominent religion in Brazil – 64.6% Catholics and 22.2% Evangelicals and Protestants (IBGE, 2010).

Although religious representation has been in Congress since the Constituent Assembly (1988) (J. B. Trevisan, 2013), the Evangelical Parliamentarian Front was created only in 2015. The Front aims to defend and advocate for "family protection, human life, and excluded and follow the execution of the policies, as well as participate in the improvement of the Brazilians legislation on the interest of the society and great debates of national issues" (J. Campos, 2015, p. 1). Such a thematic Front highlights the religious influence within Congress, which counter-balances power in a coalition government like Brazil (Chaisty, Cheeseman, & Power, 2014). One example is Dilma's veto of the educational material, "school without homophobia", in 2011. The Evangelical caucus, part of the coalition government, pressured Dilma by spreading fake news on the school material, saying it would "sexualise kids" (Irineu, 2016). Therefore, a controversial declaration came from the president that "she would not accept sexual options propaganda" (Da Redação, 2011). The material from the Ministry of Education was never promoted. In 2019, the Evangelical Front was the third biggest thematic Front in Congress with 202 members affiliated, 194 deputies and eight senators; the first is the Education Front (356 members – 314 deputies and 42 senators), and the second is the Agribusiness Front (280 members – 241 deputies and 39 senators) (House of Representatives, n.d.-b). This position facilitates a tied coalition between a more conservative federal executive and the legislative branches (Cascione & Araújo, 2019).

The conservative political ideology which blocked many LGBTQ bills in Congress is also detectable in the Supreme Federal Court cases. It is explicit by the diverse amici curiae opposing the criminalisation, either evangelical organisations or evangelical representatives as lawyers of opposition. Although the opponent's lawyers' argument took the side of power restrictions stated by the Constitution debate during the trial, emphasising the role of Congress as the legislator in the country, religious arguments predominantly downplayed the violence against LGBTQ people (plenary session transcripts). Contrasting the power relations argument, Minister Celso de Mello presented a list of seventeen bills related to "homophobia as a crime" in Congress without a resolution for over thirty years (STF, 2019a, pp. 316–320). However, the Attorney General of the Union (AGU), who at the time was Minister André Mendonça[10], defended the Union by saying:

> All citizens should be protected under the law. The mechanisms for that are the positive actions from the state through public policies, like the existing Directorate for Promoting LGBT Rights from the Ministry of Women, Family and Human Rights. Where there is a series of public policies addressing LGBT issues, for example, the National Plan to Tackle LGBTphobic Violence and the Campaign "Leave your Prejudices Out e Respect Diversity" […] In the merit, what is discussed here is if the federal Constitution specifies protection against homophobia and transphobia. This would require the amendment of a criminal rule exclusively for this matter, which is unconstitutional […] The memoir presented by AGU states that there is no unconstitutionality or omission in the present cases. […] There is no unconstitutional omission from the national Congress about the specific criminalisation of homophobia or transphobia. There exists no constitutional norm that demands such criminal specification.

By the National Association of Evangelical Judges (ANAJURE), lawyer Luigi Braga used the freedom of religious speech argument to say:

> If the judiciary understands that it can do justice by itself by acting as the legislative power, we would like to plead for a reservation regarding article 20 [...] and ensure the right to religious freedom to continue preaching the biblical texts even if eventually they are contrary to intelligence and are attributed as ignorance to some Christians, religious and Jews. May this Court know how to observe this social fact called the Bible, the Koran, and the Torah (Transcripts from video record).

[10] Mendonça is a lawyer and Presbyterian pastor. He was appointed by Bolsonaro as a successor justice to the STF and approved by the Senate in December 2021.

Moreover, the Mixed Parliamentarian Front for Family minimised the violence against LGBTQ people by defending controversial arguments by comparing it with the absolute numbers of homicides in the country. Lawyer Cicero Gomes Lages said:

> This Court cannot allow a single case of homicide, [free] aggression practised in the corner of this country, to be considered as if it was a general rule, as if we lived in chaos, as if we lived under Nazi stalks. Homosexuals, gays, and LGBTs live harmoniously in society, parade in the country's capitals playing the bass drum, offending anyone, especially Jesus Christ. Moreover, that does not mean they are attacked, as it was said that they ripped out the heart. There is nothing like that. They manifest themselves the way they want and are not harassed for that. We have over 60 thousand homicides per year. These cases are more than in the war in Syria, for example. Now, say that there is prejudice, crimes of race, and racism. Oh, stop it. Use a court for this when the National Congress is willing to resolve this issue. Why does the PPS not seek the votes it needs to obtain the majority and control of the national Congress in Brazilian society? [...] Brazilian society democratically rejects PPS. But then PPS comes looking for an oblique, transverse, inadequate way, an attempt to legislate for its own sake. [...] Actually, what the PPS wants are the votes of the gay community, the LGBT community, and nothing more.

7. Conclusion

This chapter unpacked the causal mechanism of the LGBTQ movement's influence on policymaking in Brazil (figure 5.1.) by providing detailed information on events, actors, strategies and decisions by using a narrative approach to explain an 18-year policy process. For example, the criminalisation of LGBTphobia by a judicial decision only happened because of the joint actions deployed by the LGBTQ movement, politicians, academics, lawyers, and judges.

The LGBTQ movement influenced the Court's decisions by deploying a repertoire of strategies connecting individual and collective actions. Through litigation actions, activists and lawyers directly collaborating with the Court case made personal contact with politicians and judges at the federal level. Collective actions, in turn, were mobilisations through social media, street actions such as protests and Pride parades, and petitions pressuring the public and political opinions to criminalise LGBTphobia in one of the most violent countries for LGBTQ people. During the years of the policy process (2001-2019), opponents of the cases also used strategies of influence. For example, conservative religious politicians deployed deliberative delay (*inertia deliberandi*) not to approve an LGBTQ bill, which made the organised LGBTQ

movement shift strategies of influence and venues of activism, from personal contact with politicians in Congress to litigation actions in the judiciary.

For years the interaction between LGBTQ social movement, LGBTQ policy advisors, and female parliamentarians pushed the LGBTQ agenda through different mandates, which led to the introduction of some LGBTQ bills to Congress, including the anti-homophobia bill, PL 5.003/2001. Based on strategic articulations in a plenary session, the PL 5.003/2001 was approved in the House and became the PLC 122/2006 in the Senate. The lack of political interest in LGBTQ issues from the legislative might be a consequence of expressive conservative representation in the national parliament. Given that the organised LGBTQ movement opened two Court cases in the judiciary.

In 2012, the Brazilian Lesbians, Gays, Travestis, Transsexuals and Intersex Association (ABGLT) opened the litigation action MI 4733 at the Supreme Federal Court to pressure Congress to take responsibility and legislate upon LGBTQ issues. In 2013, the Popular Socialist Party (PPS) opened the litigation ADO 26, accusing the National Congress of omitting the anti-homophobia bill PLC 122. The Court case trial happened after seven years of analysis. In 2019, it concluded amid conflictive political conditions in Brazil, with a far-right government, power relations tensions between legislative and judiciary, and the number of LGBTphobia and discrimination rising after the 2018 elections. Given the Congress's omission in not legislating upon an LGBTQ issue for more than thirty years, the Supreme Federal Court is considered "the first and only legislative Chamber" for LGBTQ rights (Arguelhes & Ribeiro, 2017).

The findings in this chapter provide some avenues for future research. Since Court cases were investigated by interviewing only supportive policy actors, future research could benefit from hearing testimonies from opposition actors to explain better their reasons for deploying the strategies against an LGBTQ bill in Congress. Another avenue for future research is the judicialization of social policies. Since this study presents a single case analysing LGBTQ issues in Brazil, comparative studies could deploy similar methodological and analytical approaches to investigate the judicialization of LGBTQ issues in other countries. Finally, the repertoire of strategies used by the LGBTQ movement to influence the formulation of LGBTQ policies in Brazil can be expanded, compared and contrasted by analysing the interactions of actors in other social policy processes based on decisions from other power branches, contextual conditions and political systems.

The Brazilian Supreme Court criminalised LGBTphobia by including discrimination based on sexual orientation and gender identity under Law 7.716/1989 until Congress legislated on this matter.

CHAPTER 6 – DISCUSSION

1. Introduction

The previous chapters revealed an in-depth perspective of the movement-policy relationship based on the case of the LGBTQ policymaking process in Brazil. Such descriptive analysis refined the theoretical framework developed to analyse the movement-policy relations and the influence driving agenda-setting, formulation, and policy change.

To reflect in more detail on the findings from the empirical analysis and provide feedback from the analytical framework, we must return to the main question raised in chapter 1, namely:

- How does the LGBTQ movement influence policymaking in Brazil?

The analytical framework offers a new perspective to analyse movement-policy and answer the research question drawing from a theory-building approach and filling some scholarship gaps such as the dependent variable definition problem, studies restricted to state-movement relationships, only a few cross-cases and countries, and the predominance of studies accounting for English language and US case-based. Therefore, the proposed analytical framework was empirically used to inform the Brazilian case by following a data triangulation protocol: archival research, interviews with key informants, and contrasted with real-life information - institutional reports and newspaper articles.

The feedback dimension between goals and outcomes demonstrated helpful for the learning process of the LGBTQ movement in two ways. First, the movement recognised failed strategies when attempting to influence federal legislatures. Second, the movement shifted strategies and venues of activism, leading them to be somehow successful in influencing Brazil's federal executive and judiciary. Among the successful strategies are personal contact with politicians, lobbying, coalition building, advocacy, campaign, protests, participation in the policy process, hiring a lobbyist, public opinion, denouncing controversies of the policies, and political appointment of activists. Therefore, the framework to analyse the movement-policy relationship in Brazil proved effective in showing the broad range of actions taken by the LGBTQ movement going beyond the classic state-movement interactions. Also, it provided a view of a broader repertoire of strategies used by the movement to influence policymaking regarding LGBTQ rights going beyond the predefined dependent variables of the effect and political mediation models.

This chapter reflects the movement-policy relationship by connecting the theoretical with empirical parts presenting the learning process from this dissertation. Furthermore, it reflects on what can be explicitly learned from the Brazilian case of criminalization of LGBTphobia that may inspire other works under similar topics or socio-political conditions.

2. Reflecting on the analytical framework of social movement influence on policymaking

The analytical framework used to analyse the case contributed to capturing the movement's actions beyond predefined strategies and proved to be a valuable tool to analyse the mechanism of influence of movement-policy beyond restricted dependent variables as suggested by previous analytical frameworks (Amenta et al., 2005; Giugni, 1998). The empirical analysis of the mechanism of influence contributed to the review of the initial mechanism presented in chapter 3, figure 3.2. Consequently, patterns of influence from the LGBTQ movement in Brazil are present across actions taken among the three power branches. However, the focus of this research led the analysis to more in-depth scrutiny of executive and judiciary decisions, compensating for the lack of legislative response to LGBTQ societal issues. A broader picture of advancements from the analytical framework will be further discussed.

Despite the organised countermovement from religious groups and conservative opposition in Congress influencing the LGBTQ bill's approval, the LGBTQ movement in Brazil managed to influence different policy processes at the federal level. It resulted from the deployment of different strategies of influence (actions) to pursue the goal (fight discrimination) and reach the outcome (criminalisation of LGBTphobia). The mechanism of influence suggests that this occurred by the combination of political opportunities, international activism and regulations pressuring domestic policies, and contextual conditions.

Regarding political opportunities, the LGBTQ movement created synergies and built bridges by framing their demands under the human rights discourse. As described in chapter 4, the human rights platform was only created and institutionalised in 1996 by the federal executive, and LGBTQ issues became part of the political agenda under this frame. Reframing LGBTQ issues was a crucial strategy to break the stigmatic social perception that being gay was unhealthy because of the association with the HIV/AIDS epidemic (Garcia & Parker, 2007). In addition, the human rights frame opened debates other than only health issues for the LGBTQ community (Klein, 1999).

As to international influence, LGBTQ activism in Brazil started with the HIV/AIDS epidemic in the 1980s. Brazilian activists followed closely the US actions to tackle that particular health issue and used this opportunity to bring to the forefront of public opinion a hidden debate on sexual politics via media coverage in the 1980s (Gomez, 2011; Klein, 1999). According to the interviewee's Act.5 and A.8, the international influence also pervaded the LGBTQ movement's strategies of influence through international regulations to which Brazil subscribed but did not consistently implement, namely, the Durban Conference Against Racism and the Inter-American Court of Human Rights pressuring states to respond to human rights violation (IACtHR, 2017; United Nations, 2012). Directives from these international bodies contributed to enforcing the LGBTQ movement discourse and demands under the human rights frame.

In terms of political and contextual conditions, during the Workers' Party (PT) government (2003-2016), LGBTQ rights and issues explicitly entered the political agenda of the federal executive. Given the Lula da Silva's government interactions with social movements, it was an opportunity for the LGBTQ movement to exert a particular influence on the policy agenda. The close relations between PT and social movements are rooted in its origins; PT was born from the union's movement. Consequently, when Lula took office, his government used co-optation and political appointments to integrate activists into the public administration (Nogueira, 2017). In addition, increasing public visibility of LGBTQ activists, issues and the movement itself created a sense of progress for human rights in Brazil, leading to a more substantive representation in LGBTQ policymaking, primarily through mechanisms of social control such as the establishment of the National Council Against LGBT Discrimination (CNCD-LGBT) (Aguião, 2018; Colling, 2012).

3. Reflecting on the analytical framework of policy change

Policy change literature often pays attention to the positive or negative effects of changes, and less attention is paid to policy manipulation based on political elites' decisions (Capano, 2009; Weaver, 2010; Wilson, 2000). To advance knowledge and fill this gap, Chapter 4 develops an analytical framework to analyse the manipulation of social policies, particularly LGBTQ human rights policies. The proposed Potemkin policy framework provides a theoretical ground to analyse policy manipulation, which contributed to answering the following research questions:

- Were policy changes carried out to LGBTQ policies in democratic Brazil? If yes, who were the key actors making those changes? What was the direction of that change?

The direction of change has a manipulative effect, consequently negative in terms of policy efficiency. That is evident in Brazil, where even though the federal executive was more prone to formulate policy to tackle LGBTQ issues, their effective implementation was merely a façade. In addition, studies on political homophobia have identified policy manipulation as a factor in state decisions generating such discrimination. However, the definition of the political homophobia concept was still underdeveloped to provide a deep and broader analysis of how state actors have been manipulating policies, making them just symbolic policies for LGBTQ rights (Weiss & Bosia, 2013). Therefore, the analysis combining political homophobia and policy manipulation within LGBTQ policies goes beyond the policy domain – LGBTQ – and could serve as a tool to capture political elites' decisions that lead to formulating cover-up policies for other socially and politically excluded citizens.

To better understand the policy change, contextual conditions were analysed based on the federal executive power taking decisions upon LGBTQ issues, compensating for the lack of legislative response to those issues. Such context is often analysed based on party politics (Levy, 2012) and coalition governments in Brazil, leading to a debate over institutional conditions of budgeting to legislators (pork barrels) and how to solve disagreements between power branches (Chaisty et al., 2014). Additionally, institutional, political and constitutional settings drove the LGBTQ movement's decision on what strategies to deploy, when and where to influence different venues of activism, as detailed in Chapter 5.

As pointed out by Falleti (2009), institutional changes provided opportunities for activists to infiltrate the state and push forward their goals in rural policies. Expanding the Potemkin policy framework could benefit from integrating institutional change dimensions such as structural overlap, external shocks, and competing for institutional logic (Harries, 2012). Therefore, this expansion would allow researchers to understand better the political opportunity and institutional mechanisms driving actors' choice, power relations and influence on policymakers.

4. Reflecting on why the LGBTQ movement failed to influence the Brazilian Congress

According to Fenwick, Burges, & Power (2017), there are five faces of presidential governance in democratic Brazil affecting policymaking, "the general public; the bureaucracy; the subnational executives; congressional coalitions; and the outside world" (p.205). Although these five faces were used to identify the role of the president in the public policy process, they resonate with the constraints the LGBTQ movement faced to influence the legislature. Among those constraints, there are at least five factors.

The first factor is the electoral interests. Politicians and parties are dependent on electoral college votes throughout the country. Given the heterogeneous cultural contexts of different regions, politicians will generally focus on their electoral college priorities and issues, seldomly including LGBTQ issues (Santos & Melo, 2018). Even though the LGBTQ movement is considered the most significant "street" movement in Brazil, referring to the Pride Parade (Longaker, 2019a), still there is no organised force to elect LGBTQ representatives to the national Congress. Evangelical, military and women groups have been more successful in electing their representatives to push their communities' agenda onto public policy (Hunter & Vega, 2021; Lacerda, 2017; Nobre, 2016) given their organizational structure.

The second factor is the nature of the legislative procedure. Law-making in a bicameral legislature like Brazil (Hiroi, 2008) is time-consuming and demands several preliminary checks and balances stages, especially when the policy topic is considered sensitive, like LGBTQ issues. Therefore, the bureaucratic procedure was strategically used by opponents of the LGBTQ bills in Congress to delay their approval. Consequently, there is no law for LGBTQ rights from the legislative decision, only palliative executive and judiciary decisions.

The third factor is party politics and ideology. Political parties are attached to their ideological principles steering their policy agenda and actions, which often do not include LGBTQ issues (Levy, 2012; Power & Rodrigues-Silveira, 2019). Moreover, this factor will influence Brazil's policy implementation, given the federalist dynamics of resource allocation from the federal government to local governments (André Borges, 2010). Consequently, successful implementation of policies in Brazil only happens when the local governments have the means (available policy instruments such as financial and personnel resources) to implement a federal policy.

The fourth factor is party fragmentation in parliament. After preliminary approval in the Committees, the legislative process to approve a bill in the Brazilian Congress demands an absolute majority of 257 votes (House of Representatives, 2022). In a country where 32 parties are registered (TSE, 2022) and 23 (last election 2019) are represented in a House composed of 513 parliamentarians, 15% of the seats go to the most voted party. Undoubtedly, coalitions are

crucial to approve or reject a bill. However, the said fragmentation increases political conflicts and negotiations, leading the federal executive to increase parliamentarian resources for their political agendas, expecting support in Congress (Hiroi, 2008; Macaulay, 2017). This is why LGBTQ policies were often an 'exchange currency' between the federal executive and legislative to seek or sustain a coalition in the parliament.

The fifth factor is the international positioning of Brazil as a human rights ambassador at the UN, for instance. As shared by interviewees, this factor led the Workers' Party government to declare that by developing LGBTQ policies through executive decrees, the country established the basis to pressure Congress to approve an LGBTQ bill (Poli.5, Act.5, A.8). Such justification from PT was often used to not support the litigation cases for LGBTQ issues in the Supreme Federal Court. Furthermore, other interviewees said that the PT government missed a political opportunity under Lula da Silva's presidency by not using his power to criminalise LGBTphobia by law via executive decision (Interviewees Act.1, Act.2, Poli.5, Poli.7). The learning process from the movement was declared by interviewee Act.1 in this way, "our first mistake was to trust that the executive decrees and ordinances would be enough to grant us rights and solve the problems".

5. Reflecting on the judicialization of social policies

The judicialization of social policies has been a typical pattern in democratic Brazil. Barroso & Osorio (2019) pointed out that the judiciary has a certain degree of "political neutrality" and no electoral pressure. Therefore, judges showed being more progressist than legislators in deciding on controversial societal issues in the Brazilian context.

Although this study focused on LGBTQ issues, the factors presented above also suggest explanations for the judicialization of other social policies – quota for low-income and black people to enter higher education, renovation of prisons, and abortion – that lack a legislative decision (Barroso & Osorio, 2019). Moreover, according to many interviewees' responses (A.2, A.8, A.9, A.10, Act.1, Act.2, Act. 6, Act.8, Poli.2, Poli.3, Poli.4, Poli.5, Poli.7), the criminalisation of LGBTphobia in Brazil was only possible by coordinating actions between lawyers, activists, politicians, and justices' willingness to analyse the case. Otherwise, the bill PLC122 would remain forgotten in Congress.

The LGBTQ movement failed to influence the legislature and found in the litigation strategies the last option to criminalise LGBTphobia. In Brazil, the judicialization of social policies proved to be a successful strategy to assure LGBTQ people's rights with some stability.

However, litigation alone was not successful. The first Court case presented, MI4733 in 2012, was initially rejected by the minister rapporteur, alleging that the instrument (Mandatory Injunction) was unconstitutional for the matter. Nevertheless, the litigation strategy becomes successful thanks to a combination of factors: progressist judges' will to accept the legal instrument for a Supreme Court case, the combination of public opinion mobilisation, personal contact with justices, the support from politicians, public demonstration, institutional reports about the violence against LGBTQ people in the country, and the Interamerican Court of Human Rights pressure on domestic politics.

The strategic actions and mobilisations from the LGBTQ movement during the Court's trials and the opponent's declarations against the cases boosted the national visibility of the LGBTQ agenda and raised some public support (Redação Spbancarios, 2019). Moreover, justices' arguments during the trials fuelled a supportive public opinion, political debates and media attention to a broader issue, the systemic and institutional discrimination of underrepresented citizens in Brazil (Costa et al., 2020).

6. Historical Narrative and Longitudinal Analysis

After providing a historical narrative of the LGBTQ movement's influence on policymaking in Brazil by a longitudinal analysis of 18 years of the criminalisation policy process combined with the analysis of 25 years of the human rights platform, different patterns of strategies deployed by the movement were identified over the years according to the venue of activism. Since the democratisation of Brazil in 1985 and social movements and civil society organisations have become direct actors in policymaking (Abers & von Bülow, 2011; Armijo & Kearney, 2008; Pozzebon & Mailhot, 2012), the LGBTQ movement took the political opportunities during and after that period to push forward the "gay agenda" (Facchini, 2003; Green, 2019; Klein, 1999).

The question behind how the LGBTQ agenda entered the political agenda raises similar concerns on representation as emphasised by the state feminist literature (Celis, Childs, Kantola, & Krook, 2008). Who does represent LGBTQ people? Do LGBTQ people advocate for LGBTQ rights? The first openly LGBTQ person elected to Congress was Jean Wyllys in 2011. Until then, the LGBTQ rights agenda was pushed by female politicians, particularly from the Workers' Party. Substantive representation of LGBTQ people in Congress increased in the last election (2018), resulting from the increasing number of LGBTQ candidacies by 386% (Dearo, 2018). According to Pereira's (2019) analysis of government plans presented by

presidential candidates during the 2018 general elections, 69.2% stated LGBTQ issues in their plans, and 77.7% in a positive manner to overcome the challenges of citizenship for this population. However, federal executive and legislative became more conservative and hostile toward LGBTQ issues with a far-right government (Iamamoto et al., 2021).

The remainder of this section illustrates the strategies of influence deployed by the LGBTQ movement according to power branches in Brazil.

House of Representatives (1995-2006)

The LGBTQ movement to influence the lower house started with strategies of personal contact with politicians, lobbying and building coalitions within political parties. As a result, a pattern of political support emerged from female politicians, especially from the centre-left Workers' Party (PT) – for example, Marta Suplicy, Iara Bernardi, Erika Kokay, and Maria do Rosario. Moreover, it was possible to identify at least four connections between these politicians and the LGBTQ movement, leading to support for LGBTQ human rights in the house.

First, human rights were a priority in their political agenda, among education and LGBTQ rights. Second, they had LGBTQ policy advisors working in their cabinets, who pushed forward the LGBTQ agenda inside Congress. Third, these politicians had some connections with the organised LGBTQ movement and key activists in Brazil. This relation contributed to the LGBTQ movement deploying strategies within the house and society. Fourth, the personal contact and support from politicians led the organised LGBTQ movement to mobilise lobbying, build advocacy coalitions, open petitions, make bill proposals and organise public demonstrations as crucial strategies to influence policymaking inside the House.

Senate (2006-2012)

The organised LGBTQ movement tried to deploy similar strategies used in the House to influence senators. Once again, the open support came from female politicians from PT, namely Fatima Cleide. However, personal contact with politicians was limited in the Senate, and a change from individual to collective activism happened in 2010 with the establishment of the National Council Against LGBT Discrimination (CNCD-LGBT).

The National Council was created as a collective social control and advisory committee to advocate, lobby and propose policies for LGBTQ rights (Irineu, 2016). The LGBTQ

movement increased substantive representation in policymaking by shifting from individual to collective activism, consequently bringing one representative from each segment to discuss policy priorities and contribute with problem definition (Colling, 2012). Strategies often used by the collective activism to influence are lobbying, political opportunities, political appointments of activists, reporting on LGBTQ violence, public hearings, supporting policy proposals, defining policy problems and protesting against a political backlash from the government (Alencar et al., 2012).

The shifts from individual to collective activism within the government caused internal disagreements among LGBTQ activists about the policy agenda, problem definition and actors' representation. On the one hand, collective action through CNCD-LGBT defined policy priorities based on the different segments' needs, increasing underrepresented citizens' public participation and denouncing policy controversies. On the other hand, individual activism influenced politicians intending to push forward an individual agenda as if it was representing the whole movement. Interviewees often reported this bifurcation within the activism (A.2, A.5, A.6, A.7, A.8, Act.1, Act.2, Act.3, Act.4, Act.7, Poli. 1, Poli. 2, Poli.3, Poli.5, Poli.7). In addition, the collective strategy made visible the invisible segments of the movement, such as travesti and transgender people, by integrating them into the National Council and bringing their concerns to the table for public policy problems discussion (Longaker, 2019b). However, "because there was an unbalanced distribution of power among the movement representatives who were aware of the power relations in the government, they did not share the information about the policy process" (Poli.5).

As a result, the mismatched strategies from the collective and individual actions combined with an uncertain political willingness and electoral interests led the movement to divergent strategies in Congress, such as leaking information about the LGBTQ bill's strategic plenary vote.

Given the different styles of activism and actions, the distance between the collective National Council and the individual personalised activism increased between 2011 and 2016. With the impeachment of Dilma Rousseff and the increasing dismantling of LGBTQ policies, the CNCD-LGBT started to become obsolete and influential individuals returned as the central reference point between "movement issues" and government. Individual activism became even more evident with Bolsonaro's administration because of the new configuration of the CNCD-LGBT. The initial composition of the National Council was 15 members from the government and 15 from the civil society. The new configuration reduced it to seven members (four from the government and three from civil society). As a result, individual activists regained the

protagonist role and dominated the debates, given their visibility and personal contact with politicians. Since Congress was an "invincible fortress", one possible solution for the lack of effective LGBTQ policies was to open litigation cases for LGBTQ rights, even without the whole movement's consensus on this strategy.

Judiciary (2012-2019)

As explained throughout the dissertation, litigation is one of the last strategies a movement deploys to reach a goal (Arguelhes & Ribeiro, 2017; Davidson, 2020; M. Smith, 2007; Vanhala, 2009, 2018). In the Brazilian case, litigation was the successful strategy to gain many LGBTQ rights – adoption, marriage, criminalisation, blood donation and transgender change names without sex redesignation surgery. Moreover, litigation strategy contributed to compensate for the lack of specific legislation for LGBTQ rights from the legislature since the democratisation of Brazil in 1985. Many are the reasons that must be considered for such success. First, the legal cases opened at the Court were strategically formulated to ask for constitutional protection for LGBTQ rights, which for years were neglected by the legislature. The second is a progressive judiciary. The third is the LGBTQ movement mobilisation to attract political, public, and media attention. Fourth is the political support endorsing the legal cases. Fifth, as shared by interviewees, the election of a far-right government galvanised the necessity for a decision on the criminalisation of LGBTphobia. Sixth, a more speculative reason is that the decision was taken in 2019 for being the last year of the ADO 26 rapporteur (Celso de Mello) as dean of the Supreme Federal Court (at the age of 75, justices must retire in Brazil). Therefore, Mello pressured for the trial to be held that year. Otherwise, another rapporteur would be designated for this case and could risk having a different decision other than the criminalization of LGBTphobia.

The LGBTQ movement deployed similar strategies already used for other branches to influence the judiciary. Among them are personal contact with justices, public demonstration supporting the LGBTQ rights, petitions supporting the Court cases, contact with politicians when necessary to access the Court to talk with justices, and strategically used precedents from the Court to stir the debate on the criminalisation based on the anti-racism law. Additionally, by presenting institutional reports on violence and getting more visibility in the media, the LGBTQ movement could boost public opinion and get support for the criminalisation of LGBTphobia. However, it also increased the countermovement opposing this matter in one of the most violent countries for LGBTQ people globally.

Even though the Constitution gives the judge power to decide upon societal issues neglected by other power branches, judicial procedure is also time-consuming. Moreover, the Court's decisions are susceptible to reversal if the Court case is reconsidered or if the legislature approves law to solve the matter via the legislative decision. Given that Brazil's current political context is under a far-right government, such a risk of reversal of judicial decisions threatens LGBTQ rights in the country, where all rights for LGBTQ people were gained via judicial decisions.

What are the threats? There have been some threats to the judicial decision since its verdict. The criminalisation of LGBTphobia was decided under Bolsonaro's administration, and he publicly declared that "the criminalisation would not have been accepted if an evangelical pastor was in the Court" (Mazui, Castilhos, & Ortiz, 2019). Afterwards, the judicial decision was contested by the Attorney General of the Union in 2020 (Jornal Nacional, 2020). Moreover, the threats to LGBTQ rights might increase from the inside of the Supreme Federal Court, the venue which granted most of them.

Why the threats? Bolsonaro had to appoint two justices to the Court between 2019 and 2022. One of them is openly evangelical and conservative. The other follows the president political ideology but does not openly state it (Schuch, Murakawa, & Bitencourt, 2021). In 2022, Brazil will have general elections, and the next president will oversee appointing two more justices to the Supreme Court by 2023. The previous Bolsonaro's appointment to the Court leads to the inference that he would appoint two other conservative justices if re-elected. Therefore, completing four out of eleven ministers appointed by the same president (Redação do Migalhas, 2022; Redação Jota, 2022). As interviewees (Act.6, A.9, and Poli.3) mentioned, a more conservative judiciary in Brazil could use similar strategies as Congress did to block LGBTQ rights. In this case, the bureaucratic procedures in the Supreme Court would delay decisions or even reverse precedents decisions (Interviewee Act.6). Therefore, a more conservative federal Court aligned with conservative executive and legislative might risk leading the country to a Potemkin democracy (Holmes, 2003).

7. What can be learned from the case study to advance the movement's influence on policymaking debate? Advancement and Limitations

Since the first chapter of this dissertation, the concept of influence was used to illustrate the pathways social movements take to access the policy process and stir the often-closed door pattern of policymaking. The theoretical framework broadened the definition of the dependent

variable by shifting analytical conditions from effect to action model. Consequently, letting the dependent variables (strategies to influence) emerge from the empirics instead of forcing a theory-testing analysis. Studying movement influence on politics is not new in social movement scholarship (Della Porta & Diani, 2006; Snow, 2004). However, the predominant perspective in this scholarship is shaped by scholars paying more attention to state-movement interactions. Such perspective was criticised by Armstrong & Bernstein (2008) and Snow (2004), and a multi-institutional analytical framework was developed accounting for different ways movements challenge the system of authorities beyond state-movement relations. In line with this critique, this dissertation contributes to advancing knowledge on how movements influence policymaking by developing an alternative framework focusing on the movement-policy relationship and accounting for goals, actions, and outcomes of movement in the policy process.

The alternative framework contributes to the scholarship in three key aspects: 1) by shifting from an institutional framework to an actor-centred framework, it allows for exploring the agency of movement actors mobilising to influence policymaking in different stages of the policy process, 2) instead of predefining the dependent variable for analysis (theory testing), the framework proposes a theory-building approach accounting for the variety of dimensions a researcher may find from a case and 3) the repertoire of strategies to influence is expanded by going beyond preselected variables in a given contextual condition, political regimes, and institutional settings.

Advancements

The scholarly debate on how to research movement-policy is not new. However, a comprehensive analytical framework was still missing to analyse movement influence in the policy process stages. Major frameworks such as Giugni's (1998) effect model and Amenta, Carruthers, & Zylan's (1992) political mediation model were identified. However, these models alone proved to fit only partially to explain the movement influence, whereas the combination of both model's dimensions in an alternative framework contributed to the movement-policy analysis focusing on policy actors' interaction within a policy process.

A first challenge and contribution to this scholarship were to develop a comprehensive framework covering key elements involving the movement-policy relationship such as goals, actions and outcomes without pre-selecting them as Giugni's and Amenta's frameworks propose (see Table 2.1). One way was to focus on the dependent variable definition, which

guided the empirical analysis of varieties of policy instruments, actors and ideas going beyond the state-movement relations. Initially, the framework was validated by a case survey analysis, which evidenced that by not predefining the dependent variables for analysis, it would allow for the expansion of the repertoire of strategies and the influences of movements on different stages of the policy process than only agenda-setting and formulation. Additionally, the framework was empirically applied to the Brazilian case of LGBTQ movement influence in policymaking. The case showed that the LGBTQ movement's influence in policymaking in Brazil is contextually dependent. Therefore, the historical analysis and timeframe of events explained the relations between actions and outcomes achieved by the movement actions in a democratic regime.

The second contribution is that the alternative framework departs from an inductive approach to identify the dependent variable. Instead of forcing the test of the presence/absence of a variable in the case study, the alternative framework seeks to let emerge variables from the empirical data (real-world knowledge) (Goswami, 2010). Consequently, the dialogue between theoretical hypothesis and empirical findings must convey a better understanding of the real-world problems under analysis (to use a critical realist concept, it resonates with retroduction).

The third contribution is the expansion of the repertoire of strategies resulting from letting the strategies emerge from the empirics. The repertoire of strategies deployed by movements to influence shows that the combination of actions goes beyond institutional strategies and state-movement bilateral relations. The effect and political mediation models indicated which strategies researchers should search for when analysing the movement's influence on policymaking. By focusing on actions that movements take to influence, the alternative framework allows researchers to capture other factors than institutional aspects also driving the movement's decision. For example, building networks through interpersonal contact with politicians, other movements, activists, and academics strengthens the arsenal of strategies to deploy according to social, contextual, and political conditions.

Limitations

The analytical framework proposed and assessed in this dissertation has some limitations that appeared after the empirical analysis, such as the focus on a democratic country and a single case study.

This study focused on the LGBTQ movement's influence in democratic Brazil. Even though some path dependency from the dictatorship remains vivid in Brazilian politics and was highlighted throughout the dissertation, the authoritarian regime was not explored empirically (for an analysis of the dictatorship period, see Green & Quinalha, 2014). Therefore, the framework developed in this dissertation to analyse the movement-policy relationship remains to be applied to the non-democratic regime. Furthermore, a comparative analysis of the movement-policy relationship and strategies deployed to influence various political regimes could be further researched, even in an exploratory analysis.

This study focused on a single-case study. Consequently, one social movement was analysed, and only this one movement's strategies. Future studies could use the proposed analytical framework to identify and analyse cross-cases interactions and diffusion of strategies among movements. For example, analysing the interactions between the LGBTQ movement with other movements (e.g., black, women, landless, and others) could explain how strategies travel from one movement to another, as well as the patterns of actions, motivations, and policy domains strategies that are commonly deployed, and which ones are more successful in influencing policymaking in Brazil.

8. Conclusion

Litigation strategy proved successful in influencing policymaking when combined with positive public opinion, media attention, and political support of sympathiser political parties. Additionally, litigations led to the judicialization of social policies in Brazil, compensating for the lack of legislative response to controversial societal issues (Arguelhes & Ribeiro, 2017; Barroso & Osorio, 2019; Santiago Gomes da Silva, 2020). Beyond all the complexity of the LGBTQ policymaking process in Brazil – multiple actors' interactions, divergence in policy ideas and problem definition, and manipulation of outputs – the LGBTQ movement learned how to influence the policymaking by deploying different strategies combined with litigation.

By tracing and presenting a longitudinal analysis of a policy process of 18 years (2001-2019), the criminalisation of LGBTphobia, this study revealed different mechanisms and strategies deployed to influence three power branches in democratic Brazil. One evidence of the LGBTQ movement's failure to influence Congress is the country's conservative political behaviour remaining from the dictatorship (1964-1985) in the democratic regime (1985-onwards). Such failure results from a pattern in Brazilian politics, evidenced by policy manipulation by political elites and bureaucratic procedures delaying LGBTQ bill approval.

Since the multiple actors' interactions play a crucial role in policymaking in a multilevel governance system, institutional settings such as executive, legislative and judiciary were analysed to shed light on the debate on movement-policy mechanisms of influence in a democratic regime. Determinants from the past authoritarian regime in Brazil are still reflected in political elites' decisions at the federal level. Presidents, ministers, secretariats and members of Congress are constantly fearing electoral defeat. Consequently, their association with "controversial" policies such as abortion, same-sex marriage, same-sex couple adoption, criminalisation of LGBTphobia, gender education, and marijuana legalisation could indicate a disadvantage with a conservative electorate. Such phenomena resonate with morality politics influencing policymaking (Nalivaikė, 2020). In this vein, another body of literature could shed light on the analysis of discourse manipulation over a policy field, the conspiracy theory. In the Brazilian context, conspiracy theory is often a weapon in polarised politics spreading disinformation and even boosting electoral campaigns of more conservative candidates (Demuru, 2021).

The controversies on LGBTQ policymaking in Brazil are not new, but they lack a systematic analysis of how the LGBTQ agenda entered the political agenda and its journey throughout the policymaking process. By providing a longitudinal analysis of the criminalisation of the LGBTphobia process, this dissertation provides instruments to walk this journey and analyse social movements' influence in different stages of the policy process, independently of country-case, policy domain or political regime.

CHAPTER 7 - CONCLUSION

On 13 June 2019, the Brazilian Supreme Federal Court declared LGBTphobia a crime. The criminalisation was a victory for the LGBTQ movement after 18 years of battles against Congress's conservative and fundamentalist politics, delaying the approval of any LGBTQ bill. What was the part played by the movement in this battle? More precisely, how did the LGBTQ movement influence policymaking in Brazil? To address this question, this dissertation analysed the influence of socially and politically excluded LGBTQ people at the federal level in Brazil by dissecting the criminalisation of the LGBTphobia case. This case was explained based on a causal mechanism connecting actors, ideas, events, decision-making, instruments, and influence strategies, unfolding over those 18 years of political and policy processes.

Public policy is often made behind closed doors with pre-defined agendas, issues, and implementation strategies, based on state capacities and perspectives of reality. However, it can also be influenced by collective actions that emerge from the struggles of individuals, communities, and social movements taking a policy actor position.

The relationship between a social movement and public policy-makers reveals a repertoire of various strategies deployed by policy actors to reach an outcome. As the scholarship on movement-policy highlights, a movement's influence on policymaking occurs through the strategic coordination of political opportunities, mobilisation and collective action (Amenta et al., 2010; Bosi & Uba, 2021; Burstein, 1999, 2021; Giugni, 2007; Uba, 2009). These are considered joint actions to influence policymaking.

The movement-policy relationship in Brazil has a long history of struggles and interactions with the federal government. For instance, the organised collective LGBTQ movement tried for years but failed to influence Congress to approve a bill. Many contextual conditions for that delay and the lack of political support for LGBTQ bills are directly connected with Congress's religious fundamentalist opposition. Facing severe obstacles in the "people's house," the LGBTQ movement shifted strategies and venues of activism from the legislature to the executive and later to the judiciary.

Despite the federal executive creating palliative policies for emergent LGBTQ issues, those policies were ineffective. The political elite's decisions manipulating policy outputs made those LGBTQ policies merely façades to cover up social and political problems affecting the LGBTQ community. Given such deliberative delay in the legislative branch, the LGBTQ movement opened litigation actions at the Supreme Federal Court, seeking equality and more

effective responses to their needs. Court decisions granting LGBTQ rights are the only ones still standing in Brazil today: same-sex marriage, adoption by same-sex couples, criminalisation of LGBTphobia, blood donation allowed to LGBTQ people, and changing the social name for transgender people in official documents. Unfortunately, even though Brazil now shows many LGBTQ rights via judicial decisions, they are seldom adequate and effective. Consequently, the backlash against social policies, human rights, and protection of socially and politically excluded communities was unavoidable with the conservative ideology opposing LGBTQ policies during different governments like Silva and Rousseff and increasing under Temer and Bolsonaro (Irineu, 2016; Terto Neto, 2020; Webber, 2020a).

In Brazilian policymaking, the influence of queer people goes back to the democratisation period in 1985 (Trevisan, 2000), which opened windows for the LGBTQ movement to influence health policies that aimed to contain the HIV/AIDS epidemic. The HIV/AIDS epidemic boosted the LGBTQ movement's activism and visibility to enter the political and social arenas through public opinion in the media, which brought the neglected citizens to the headlines of mainstream newspapers (Gomez, 2011; Klein, 1999). Amid conservative politics, deliberate inertia from Congress, and several political defeats in LGBTQ policies, the organised LGBTQ social movement influenced public and political spheres through many strategies.

Every LGBTQ policy adopted in Brazil during the democratic period (1985-onwards) was mainly formulated due to the social movement pressure, lobbying individual politicians, building a coalition, making advocacy and mass mobilisation like the Pride Parades and protests. Also, on a more individual level, activists' presence at the right time and place contributed to pushing the LGBTQ agenda onto the policymaking tables. However, even when the movement is the protagonist of many LGBTQ policy formulations in Brazil, the activism may face obstacles when it becomes individualised, and knowledge about the policy process is reduced to a small group of actors. Queering the policy necessitates collaborative strategies from the LGBTQ movement, even if there is a lack of consensus on the movement's agenda. The collective actions of activists, supportive politicians, academics, public managers, and public opinion were driving forces behind LGBTQ issues over the years.

This dissertation seeks to contribute to the research topic, social movement relations with policymaking, by providing theoretical, methodological and empirical insights on the relationship between the LGBTQ movement and public policy from a Global South context. In this dissertation, the intersection of social movement and public policy theories was addressed to answer the following main research question:

How does the LGBTQ movement influence policymaking in Brazil?

This main research question led to the following sub-questions:

1. How did the LGBTQ movement influence the political agenda-setting and formulation of anti-homophobia policies? What strategies were employed by the movement to influence and shape these policies in Brazil?

2. Were policy changes carried out to LGBTQ policies in democratic Brazil? If yes, who were the key actors making those changes? What was the direction of those changes?

3. How did LGBTQ groups influence the policymaking in Congress? What strategies did the LGBTQ movement employ to push forward LGBTQ issues onto the political agenda?

4. How did the LGBTQ movement influence the Supreme Federal Court decisions on the criminalisation of LGBTphobia? What strategies did the LGBTQ movement use to influence Justices' decisions?

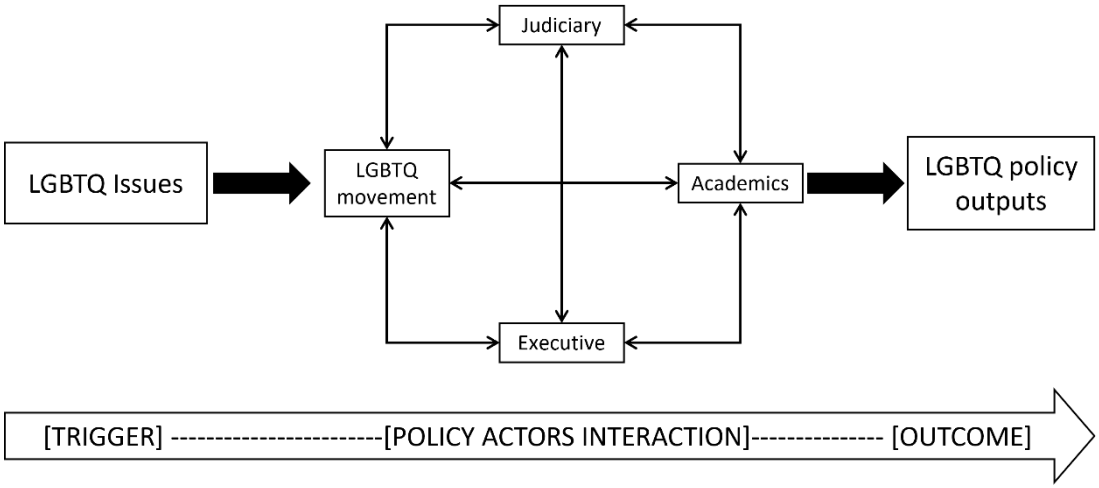
To determine the causal mechanism of movements' influence on policymaking, the researcher conducted a scoping review of the literature and a case survey seeking empirical evidence about the relationship between movement-policy. Next, to validate the theoretical assumptions, a content analysis of policy outputs and semi-structured interviews with academics, activists and politicians were conducted, providing empirical insights to answer the research questions.

This research contributes to the scholarship on movement-policy relationships and LGBTQ politics by going beyond mainstream analysis frameworks of movement influencing policy. Theoretical contributions are based on the interplay of the diverse theoretical background to investigate mechanisms of influence between movement and policy by proposing an alternative analytical model for such a relationship. In addition, the policy changes analysis contributes to the political homophobia debate by proposing an analytical model accounting for the manipulative dimension of policy changes.

1. Theoretical Insights

An initial causal mechanism (fig. 7.1) was developed to understand the relationship between movement and policymaking based on an exploratory review of the literature on the topic. Such causal mechanism was refined after the empirical insights, see next section fig. 7.3.

Figure 7.1. Initial Causal Mechanism

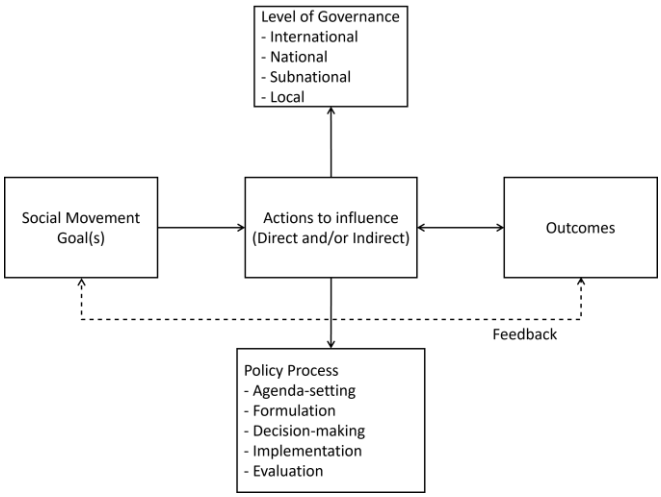


The growing body of research exploring the influence of social movements on public policy is often presenting studies based on the Global North, single country cases, or pre-defined dependent variables such as the presence or absence of a specific strategy deployed by movements to influence (Bosi & Uba, 2021; Uba, 2009). Moreover, the policy actors' position in the policy process is often explored by focusing on the stage of a policy, agenda-setting, formulation, decision-making, implementation, and evaluation (Howlett et al., 2009; G. Peters, 2015a). Although scholars have paid less attention to the position of policy actors from outside the state apparatus, the influence of social movements in policymaking is often analysed based on mainstream frameworks – such as political opportunity structures, advocacy-coalition frameworks, interest groups, institutional changes, and others. This dissertation aims to advance knowledge on the movement-policy relationship by providing insights from a Global South case study and combining different analytical frameworks going beyond the mainstream ones.

Previous research on movement-policy relationships has been based on the effects and political mediation models. Their results show that the dependent variables are pre-defined and limited to a contextual condition or the presence/absence of specific strategies used by movements. However, this dissertation proposed an alternative model that broadens the

analytical framework of movement-policy analysis and better captures movements' strategies, discussed in Chapter 2 and presented in figure 7.2.

Figure 7.2. Alternative Analytical Model for Movement-Policy Relationship Developed in Chapter 2.



Therefore, the alternative analytical model broadens the existing explanations by letting strategies of influence emerge from empirical analyses rather than forcing and testing pre-selected variables on several case studies. Moreover, this alternative model broadens the repertoire of strategies to influence, suggesting that the movement-policy relationship goes beyond pre-selected conditions as existing analytical models highlighted by focusing on the presence/absence of a democratic system or a specific strategy in a given case study, therefore leading to influence on policymaking (e.g., Amenta et al., 2005; Burstein, 1999, 2021; Giugni, 2007; Uba, 2009).

The theoretical background discussed in chapter 4, based on scholarship on policy change analysis, highlights that studies often use mainstream frameworks such as the advocacy-coalition framework, punctuated equilibrium, multiple streams, and paradigm changes (Capano, 2009). However, this study developed an alternative analytical framework to explain the manipulation dimension present in LGBTQ policy changes in Brazil. Drawing on the Potemkin village metaphor – meaning the creation of façades to cover up social and political problems–, the Potemkin policy framework was developed by combining the principles of Potemkin democracy (Holmes, 2003) with dismantling policy (Bauer & Knill, 2012). This analytical framework contributed to investigating the political homophobia (Weiss & Bosia, 2013) made by state actors in Brazil, thus manipulating the LGBTQ policies by

changing instruments, ideas and actors to hide social or political problems. In addition, the Potemkin analytical framework contributes to a more systematic investigation of changes made by political elites by analysing the mismatch between policy content, the reality of policy issues, and political discourses.

This dissertation has built on a combination of methods and data triangulation to develop the analytical and methodological frameworks. A *meta-analysis* of the literature (scoping review) combined with a *case survey* (Yin & Heald, 1975), searching for the movement-policy relationship, generated a database of 76 empirical cases from 17 countries (Chapter 2). For the policy change analysis (Chapter 4), *content analysis* of policy outputs and *interviews* with experts contributed to a more comprehensive understanding of the direction of changes in the policy field. This study clearly shows that by combining methods, scholars can overcome some of the problems often presented in the scholarship, such as single-country cases, single-case studies, and dependent variable definitions (Bosi & Uba, 2021).

On the one hand, the insights from the literature review and the development of the analytical framework allowed us to answer the questions of movement influence in Brazil empirically. The theoretical view on policy change, on the other hand, enabled us to understand the paradox of LGBTQ policies in Brazil as these are subject to manipulation by political elite decisions.

2. Empirical Insights

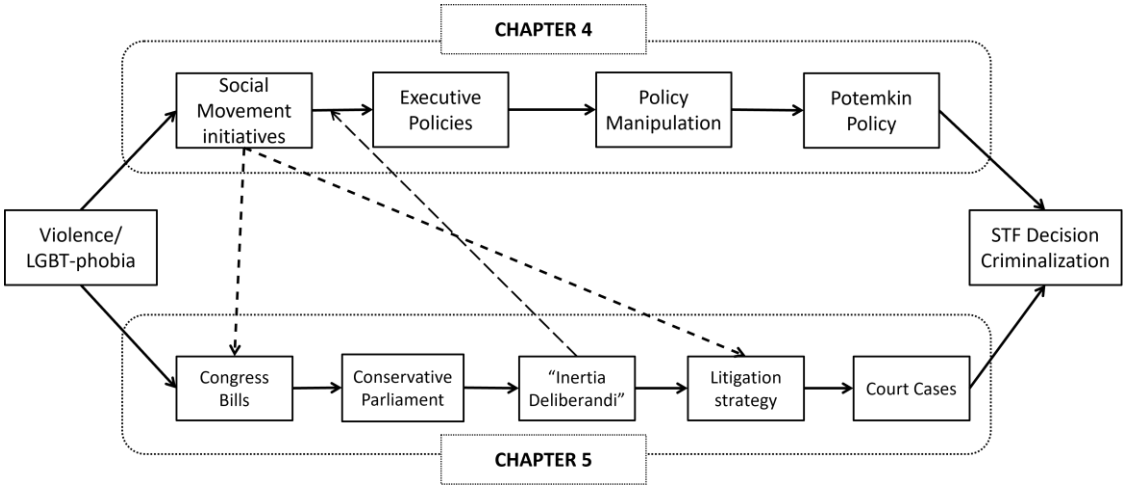
The empirical analyses of the LGBTQ movement's influence on policymaking in Brazil were built on analytical and methodological frameworks to capture better the multifaceted aspects of the case studied and refine the causal mechanism. This research traced 18 years of a policy process by focusing on actors' interactions. The actors' position evidenced how the coordination of actions can effectively develop or change a policy throughout the policy process. This dissertation shows that the repertoire of strategies used by policy actors to influence the criminalisation process depends on individual and collective actions.

On the individual level, LGBTQ persons working within the government managed to push forward the LGBTQ agenda via advocacy, lobbying, and personal contact with politicians. On the collective level, the LGBTQ movement combined mass mobilisation (e.g., Pride Parades, protests, social media mobilisation), academic research about LGBTQ issues in Brazil, and reports of the violence and discrimination provided by civil society organisations to influence the public and political opinions. The individual or collective strategies deployed

by the LGBTQ movement throughout the case were sometimes complementing or contradicting each other. It results from a predominance of gay men leading most organizations and acting more at the national level as representatives of the whole movement, whereas other segments (LBT) are acting more locally. As discussed in chapter 6, in 2010, when the CNCD-LGBT was established, it changed from the individual (monopolised) to a collective (decentralized) structure for activism within the government. Even though the collective structure of actions increased substantive representation of underrepresented segments such as transgender, travesti and lesbians, knowledge of the policy process and personal contacts remained strategies mainly deployed by influential individuals, in this case, gay men leading LGBTQ organisations.

This dissertation focused on an actor-centred case study to unpack the causal mechanism connecting violence against LGBTQ people and the criminalisation of LGBTphobia in Brazil. Specifically, it suggests using explaining-outcome process-tracing (Beach & Pedersen, 2013; Collier, 2011) and critical realism (Bhaskar, 1975; Fletcher, 2017) to examine empirical information – entities and activities – regarding the actors involved in the criminalisation process, how they influenced the process, which strategies they used, and what institutional conditions led to the decision-making process to produce outcomes. Figure 7.3 shows the refined causal mechanism emerging from the empirical research on the criminalisation of LGBTphobia in Brazil.

Figure 7.3. Refined Causal Mechanism: Evidence Base



By conducting *document analysis* (e.g., policy documents, newspaper articles, academic literature, Court minutes and Congress bills), this study shows that patterns in policy content change are better explained by identifying the mismatches between political elite

decisions and the target group's reality (problems affecting their life's and unmet by the policy). To identify such mismatch was crucial to conduct in-depth *semi-structured interviews* with key actors involved in the anti-homophobia policymaking in the country. Moreover, the analysis of *Court recordings* transcripts contributed to detailing the explanation of the case with a narrative approach chronologically presenting events, actors, strategies, policy instruments and decisions determining the course of the criminalisation process.

The results of the policy change analysis, discussed in chapter 4, and the narrative of the case study, discussed in chapter 5, were only possible by data triangulation. First, a database was created with 20 landmark LGBTQ policy outputs adopted in Brazil between 1996 and 2020. This database was built based on the sequencing of 60 records from the federal human rights platform, providing an up-to-date database for scholars to continue the sequencing in this field. Second, data processing of 25 interviews contributed to identifying, understanding and explaining how the LGBTQ movement influenced policymaking in Brazil and how the LGBTQ policy outputs are mere façades without effective implementation.

The empirical approach contributed to ultimately answering the sub-questions as follows:

Sub-question 1. Social movements influence policymaking when deploying a repertoire of joint actions, including collective mobilisation, litigation actions, political alliances, public opinion, and social media. Therefore, to understand the mechanism of influence of the movement-policy relationship, scholars must use a more holistic analytical model to better capture the interplay between goals, actions and outcomes emerging from the mobilization of a movement.

Sub-question 2. Changes in LGBTQ policies in Brazil occurred because political elites manipulated the content of policies – instruments, ideas and actors – to hide social and political problems by creating facades to cover up the contrasting reality of LGBTQ issues through contradictory political discourses.

Sub-question 3: The LGBTQ movement influenced the policy agenda in Congress via personal contacts with politicians and collective actions between policy advisors and LGBTQ representatives. It failed, however, to influence the approval of an LGBTQ bill in Congress, given the lack of political will delaying the legislative decision on LGBTQ issues.

Sub-question 4: Despite the evident deliberative inertia from Congress to legislate upon an LGBTQ issue, and executive decisions manipulating LGBTQ policies, the LGBTQ movement managed to influence the judiciary to criminalise LGBTphobia by shifting strategies and venues of activism from legislative advocacy, lobbying, personal contact with politicians to litigation actions to the Supreme Court.

3. Reflections on Data Gathering: Limitations of the Study

This research presents limitations due to ethical issues involved in the research topic and data collection.

The first limitation concerns the political context of Brazil after the 2018 elections. This research was impacted when contacting policy actors (especially opponents) for an interview. With a far-right government taking office in 2019, politicians, academics, and activists became more reluctant to discuss LGBTQ issues to avoid exposing their positions to the threats of persecution. The far-right government imposed a policy of oppression and sanction on outspoken academics against government decisions, particularly agribusiness, health policy, indigenous rights, LGBTQ rights, black communities and religious freedom (Rocha et al., 2021). Such political conditions made many scholars and politicians flee the country and ask for asylum because of their academic and political positions. These conditions may explain why some academics, politicians and activists contacted for an interview did not respond to the invitation for an interview. Given such a political situation, many interviewees suggested the researcher not contact opposition policy actors but instead analyse their arguments from available sources like public discourses, bills introduced to Congress, newspaper interviews and reportage, and the Court cases' minutes.

The second limitation concerns the COVID-19 pandemic with travel restrictions after March 2020. This limitation directly impacted the in-person fieldwork. An alternative was to conduct virtual interviews, which limited access to politicians, activists, and judges given their agenda and priorities constraints.

Reflections on Non-Response

The non-response rate was 48% of the total 48 contacted possible informants. Some contextual conditions may explain why almost half of the contacted population did not respond to the invitation for an interview.

The first condition can be that the contact person wanted to keep a distance from the topic. Even though interviewees were acknowledged anonymity in their responses, the current political situation in Brazil makes people reluctant to discuss sensitive topics, especially those who are employed by the state or working in politics (e.g., academics from public universities, politicians in Congress or other government bodies, and activists working for public administration) (Scholars at Risk, 2019).

The second condition is that the pandemic restrictions switched almost every in-person contact to virtual. Therefore, the virtual interview was a solution, and if the interviewee agreed, video and audio were recorded. However, the problem was, given the current political situation under a far-right government, openly against LGBTQ issues, people working on such a topic were considered a threat to the conservative ideology. Consequently, activists, academics or politicians working on LGBTQ topics or even sympathisers of the topic and contrary to the government could be uncomfortable with video recording talking about LGBTQ policies. Therefore, Brazil's current socio-political situation leads to an inference that an in-person contact would have increased the confidence of key informants in conceding an interview.

The third condition is that people were not used to conceding virtual interviews by Zoom or Skype for Business platforms for two reasons lack of familiarity with such technology or not having an account on these platforms.

The fourth condition is no time to reply to such an invitation for an interview. The one negative response, for example, gave this justification for not conceding an interview.

Despite these challenges, 25 in-depth interviews were conducted with academics, activists and politicians. There are some reasons why academics represent 40% of the total respondents. The first is the culture of replying to emails. Academics usually took two days to reply positively to the invitation for an interview. The second is the digital technology familiarity. Because of the pandemic, virtual lectures and meetings became the "new classroom" setting. So, the interview for them was like another online meeting. The third is availability. Most of the interviews with academics were conducted on Saturdays, whereas activists and politicians were conducted on the weekdays.

Reflection on Bias

To validate the information collected and mitigate research bias, the researcher used data triangulation contrasting interviews information, policy documents and real-world problems presented in newspaper articles and institutional reports about LGBTQ issues in Brazil.

However, in-person fieldwork would allow for different strategies to mitigate bias, for example, organising a focus group with representatives from different segments of the movement and each target group contacted for interviews. Also, contact with politicians opposing the criminalization case could facilitate a better understanding of the strategies they used to delay the LGBTQ bill approval in Congress. Although these limitations did not impact the longitudinal analysis to identify key actors, decisions and events throughout the policy process, because of data triangulation, hearing more testimonies from members of Congress could have contributed to a better understanding of the current political situation of LGBTQ issues in Congress.

4. Policy Recommendations

The research findings provide emerging policy recommendations in line with the complexity of the policymaking process in Brazil. Thus far, the LGBTQ movement has failed to influence the approval by Congress of an LGBTQ bill, given the lack of political support. As often referred to as a concern by interviewees, the centralized knowledge of the policy process created a monopoly on who represents the movement. Consequently, one segment determined the agenda-setting and formulation of LGBTQ policies in Brazil, sometimes as the protagonist or antagonist of the same policy. These recommendations may contribute to overcoming this challenge in the activism in Brazil by sharing knowledge on the policymaking process among the different segments towards a more effective policy formulation based on real societal issues.

1. **Train** activists on the policymaking process. Create capacity building programmes for LGBTQ activists to learn and share experiences on advocacy, lobbying, interest groups, and decision-making.
2. **Train** activists on litigation strategies. Create capacity building programmes for activists on the Court's procedure as an alternative to the legislative procedure if deliberative inertia blocks a policy issue.
3. **Build** more coalitions between socially and politically excluded social movements to strengthen the strategies of influence in Congress.
4. **Deploy** more joint actions by combining institutional activism, mass mobilization and academic research to influence policymaking.

5. **Create** direct mechanisms of interaction between different LGBTQ movement segments to leverage their needs to the political agenda and policy design.
6. **Learn** from the feedback dimension connecting goals and failed outcomes to better adapt strategies of actions from a social movement to influence policymaking.

To improve the quality of life of LGBTQ people, seek equality and overcome discrimination, additional recommendations from the empirical case could also leverage the political interaction between movement and policymaking.

1. **Expose** political parties to minorities. Ensure that all political party has a quota for gender diversity and sexual orientation, making the parties aware of the basic needs of those citizens.
2. **Include** sexual orientation and gender identity in official police forms as an identification category. Ensure effective investigation and prosecution of perpetrators in the cases of LGBTphobia.
3. **Integrate** sexual orientation and gender identity discrimination into curricula to create educational measures and societal awareness.
4. **Train** civil servants to prevent discrimination and stigmatisation of LGBTQ people in public services.
5. **Establish** official statistics to monitor LGBTphobia violence at the national level.

5. Future Research Avenues

From the findings of this dissertation, some research questions remain unanswered:

1. To what extent and how have political elites manipulated public policies to cover up social and political problems in other contexts and policy fields?
Future research focusing on the manipulative dimension in policy change could benefit from the proposed analytical framework in chapter 4 and engage in comparative Potemkin policy analysis of cases of deceptive manipulations of LGBTQ policies. Potemkin policies may also be observed in other policy domains such as education, social security, pension, diversity and inclusion, refugees' integration, unemployment benefits, climate change, health efficiency, migration, nuclear energy, urban and neighbourhood policies, etc.

2. How does the LGBTQ movement influence policymaking in democratic and non-democratic societies?

Future research could benefit from a comparative study of social movements' influence on policymaking by deploying the proposed analytical framework from chapter 2. Furthermore, since the empirical research focuses on the LGBTQ movement's influence on policy in Brazil, the comparison could be about the LGBTQ movement's influence on policymaking in different countries and political systems, advancing knowledge on how social movements interact in diverse contextual conditions.

3. How does the LGBTQ movement influence Court cases in other democratic countries? What are the impacts of judicialization of rights-based and social policies in the democratic process? How effective are judicial decisions for those types of policies?

Research on the judicialization of rights-based and social policies could benefit from a comparative analysis of policy issues, actors, and strategies used by social movements to shed light on the social movement and policy scholarships in terms of the judicialization of policies in similar or different contexts.

4. What are the strategies of influence used by other socially and politically excluded social movements to acquire human rights in democratic and non-democratic contexts?

Future research on the repertoire of strategies used by social movements to influence LGBTQ policymaking could be expanded by analysing the actors' interactions with other power branches' decisions and political systems on diverse policy issues, such as migrants and refugees' integration, racial and gender discrimination, women, black, indigenous, homeless, and low-income people inclusion, and others.

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Supreme Federal Court: https://portal.stf.jus.br/

Federal Executive: https://www.gov.br/planalto/pt-br

Federal Congress: https://www.congressonacional.leg.br/

Official Diary of the Union: https://www.in.gov.br/servicos/diario-oficial-da-uniao

Ministry of Human Rights: https://www.gov.br/mdh/pt-br

ANNEX I. CONCEPTS DEFINITION

1. What is Influence?

Influence (social, interpersonal, informational, and normative) is a direct or indirect pressure exerted on a person or group to affect actors' attitudes, behaviours, thoughts and opinions caused by other people (APA - American Psychological Association, n.d.; Friedkin, 1998a). Several scholars rely on the concept of influence to explain social and political power relations and their implications for policy decisions (Adams, 2007; Bijlsma et al., 2011; Craft & Howlett, 2012; Friedkin, 1998b; Waldman et al., 2014). However, influence in the policy process is not a new topic but often a question put aside by policy scholars (Michalowitz, 2007), which justifies only a "few conclusions about the nature and processes of influence" (J. C. Scott, 2017, p. 481). Hence, not directly measured but is mainly considered a variable to explain the influential "power" of multiple actors through networks, interest groups, lobbying and advocacy coalition strategies in the congress and courts (Baumgartner & Leech, 1998; Furlong, 1997; Kingdon, 1984).

Noah Friedkin (1998b), analysing the social influence process, suggests that the outcome of this process is shaped by a set of conditions accounting for social structure (context), a network of actors, and interpersonal influence, which "may result in interpersonal agreements among actors who are located in different parts of a complexly differentiated organization" (Friedkin, 1998a, p. xvi). Social influence is based on interpersonal communication, which "affects actors' attitudes and opinions and is, therefore, a foundation of actors' socialization, identity, and decisions" (Friedkin, 1998b, p. 16). In addition, interpersonal influence "in groups, communities and organizations can produce agreements that define the group's culture and frame the collective activities of its members" (Friedkin, 1998b, p. 24).

Adams (2007) implicitly highlights social and interpersonal communication when describing the importance of citizens' engagement and participation in public policy making at the local level, where individuals or groups have more proximity to the policy-making process. Thus, communication and engagement with local committees are crucial to influencing the government agendas and the policy formulation (problem, alternatives, content, resources, and goals). Citizens use several strategies to influence the policy process. From the local level, citizens tend to have direct interaction with critical social and political actors, and through "social networks, they are able to mobilize more citizens, gather more resources, or disseminate information more efficiently and effectively" (Adams, 2007, p. 195). Analysing the level of

connections of ties in a social network, Granovetter (1973) states that weak ties are more likely to provide a person with more access to information, consequently, more opportunities when finding a new job. Applying the network approach to policymaking, policy networks and policy communities also benefitted from this perspective when considering the entry points and the "location" of interest groups, social movements, lobbying groups, advocacy coalitions and other policy actors in the political realm (Adam & Kriesi, 2007; Berry, 1999; Coleman, 2015; Furlong, 1997; Thatcher & Braunstein, 2015). According to Barabási (2002), weak ties of communication between [policy] actors will make the flow of information more accessible and faster within different networks, whereas strong ties will "close" the flow to a specific network.

The importance of groups and collective action in politics is highlighted by political scientists as having great potential to influence policy-making (Baumgartner & Leech, 1998; Berry, 1999; Knoke, 1990). This potential is placed in public policymaking, as explained above, from the very beginning with agenda settings leveraging the public problem to the following stages, formulation, decision-making, implementation and evaluation. Within the public policy process, the policy actor's location – insider-outsider, may determine several aspects of impact or influence policy-making and decisions (Craft & Howlett, 2012). Insights from this approach demand a practical investigation of the nature of influence, focusing on key actors – inside and outside the government (in this research, it will be used as an internal and external influence). Therefore, the analysis will scrutinize the key actors in the LGBTQ public policy process, their roles and contributions toward social and policy networks and policy communities influencing the agenda-setting and formulation in a particular policy domain. Given the importance of groups and public participation in the decision-making process (Fischer, 2006), the integration of target group representatives in the formulation process is expected for a specific policy domain. In this case, queer people are key actors, but they are often absent from the policy preparation committees.

Even though [we] are not invited, "We are here, we are queer. Get used to it"[11].

2. What is "Queering" the Public Policy?

For a long time, queer subjects suffered resistance in academic works. Queer theory, propagated mainly by sociological studies, emerged as a significant mainstream to raise the voice of socially, politically and culturally excluded "sexuality-based lesbian, gay, transgender,

[11] "LGBT slogan popularized by Queer Nation, an activist organization founded in March 1990 in New York city, by HIV/AIDS activists from ACT UP. The four founders were outraged at the escalation of anti-gay violence on the streets and prejudice in the arts and media. The group is known for its confrontational tactics, its slogans, and the practice of outing." Accessed on: https://en.wikipedia.org/wiki/Queer_Nation#cite_note-qtheory-1

or queer cultural identity" (Massaquoi, 2015, p. 765). Queer subjects are understood as "those whose sexual identity, orientation, or behavior is seen as oppositional to the heterosexual norm are counteracting dominant discourses […]" (Massaquoi, 2015, p. 765). Several "political movements have faced the problem of proving legitimacy and authority due to lack of representation or diversity" (Massaquoi, 2015). "Queering" the public policy can be read as significant changes in how queer subjects became relevant in queer politics (Paternotte, 2018; N. J. Smith & Lee, 2015), and issues regarding gender, sexuality and beyond are now on the public policy agenda (de la Dehesa, 2010; M. Smith, 2007). For this research, queering public policy means LGBT+ individuals or groups advocating for human rights inside or outside the government, influencing the national policy process, particularly the criminalisation of the LGBTphobia process in Brazil.

LGBTQ policy and gay and queer politics are vibrant subjects of study in political science (Mucciaroni, 2011; M. Smith, 2007). When gender (Carli, 2001), ideological orientation and morality (Kordsmeier, Tumlison, & Song, 2019; Nalivaikė, 2020) and descriptive representation [LGBT] (Haider-Markel, 2007; Haider-Markel & Meier, 1996) are analysed, authors highlight the lack of representation and support for socially, politically and culturally excluded groups. Indeed, in many contexts, these policy issues will only enter the policy agenda and follow formulation when supported and promoted by politically or socially influential individuals or groups (e.g., social movements, associations, corporations, politicians). Therefore, the implicit assumption is that the nature and structure of influence to policy-making are attached to the mobilization of members – "the larger an organization's political capacity, the more quickly they can take advantage of opportunities to influence the polity" (Knoke, 1990, p. 195), or more representation of minorities (Haider-Markel, 2007) or women in elected offices (Kathlene, 1994). In the case of LGBTQ and morality policies, substantive representation matters (Haider-Markel, 2007; Wald, Rienzo, & Button, 2002), given the religious institutions opposing and influencing the public policymaking (Haider-Markel and Meier 1996; Nalivaikė 2020; Schulenberg 2009; Marsiaj 2006) based on the religious, moral code, and lobbying religious parliamentarians to boycott an LGBTQ bill. In some cases, these conflicts create institutional coalition opportunities to strengthen support or opposition (Haider-Markel and Meier 1996; Marsiaj 2006).

Exploring more practical aspects of the LGBTQ movement and its political involvement, social movement scholars paid considerable attention to the strategies developed by gay and lesbian movements through collective actions to enter the political arena. Social movement scholarship emphasized contentiously (McAdam et al., 1996; Tarrow, 2011a) and

identity politics (Armstrong & Bernstein, 2008; Bernstein, 1997, 2002) over this debate. Also, the LGBTQ movement traditionally used lobbying, advocacy, litigation strategies, public demonstration, social capital and interest groups to influence policy formulation in different contexts and countries (Holzhacker, 2012). For example, in Spain, human rights and sameness were the focus of many discussions on policies for LGBT people (Calvo & Trujillo, 2011). In Canada, for instance, since 1970, with the gay liberation movement, LGBT public policy has been concerned with "freedom from discrimination based on sexual orientation". Since then, LGBT issues have been present on the political agenda (M. Smith, 2007). The progressive Netherlands gives examples of how advocacy beyond identity can be embraced as a strategy to push forward LGBT public policies (Davidson, 2020). The anti-discrimination policy was advocated in the United Kingdom via litigation strategies to influence identity politics (Vanhala, 2009). In Brazil, for instance, the LGBT movement celebrated a victory against Congress over same-sex marriage rights via judicial decision since legislators failed to approve the public policy (Schulenberg, 2009).

As discussed in agenda-setting and formulation, the policy process is subject to policy windows that give political opportunities and institutional access to policy actors to push forward their interests and policy issues. These windows and opportunities will be significant for the LGBTQ movement, first to enter or establish their legitimacy in the political arena and second to choose which strategies and actions to employ. For example, according to the political opportunities, access to the polity and type of opposition faced, the LGBTQ movement decides which strategy to use between "celebration or suppression of identity deployment" (Bernstein, 1997). In addition, visibility in public debates, hearings and media can be an opening for new 'windows' of changes in power relations and new partnerships and strengthen the influence of the movement in political debate (Armstrong & Bernstein, 2008; Bernstein, 1997), but all depends on how strong is the opposition.

The LGBTQ movement protests and political activities have played a crucial role in queering and challenging the yet heteronormative public policy formulation process in many democratic countries. The LGBTQ politically involved groups have been employing several strategies to make the policymaking process more inclusive. The range of strategies and claims shifted from identity and sexual orientation to broader human rights and citizenship discourse (Calvo & Trujillo, 2011; Davidson, 2020). However, to include more representation of LGBTQ citizens in the policy-making process is still a paradigm to be challenged. This lack of representativeness emphasizes conflicts, tensions and lack of information, with and from the government, about the LGBTQ needs, issues and human rights (M. Smith, 2007). For example,

in Brazil, a gap in LGBT+ policies can be observed between what policymakers think it is and the LGBTQ people's reality, resulting in a mismatched policy goal and outcome. The question remains whether those public policies were formulated behind closed doors and the target group was left behind. Public policy makers must benefit and learn a lot from a better contact with the policy context and target groups, which may help them to elucidate and identify better solutions for public problems. The queer theory provides a tool for deconstructing the normative and compulsory heterosexuality approach to gender and sexuality imposed on many societies (Blackmore, 2011).

3. What is Representation?

The question of representation, divided into substantive and descriptive, is a core focus for political science studies and affirmative policy research on gender and politics (Celis et al., 2008; Haider-Markel, 2007; Haider-Markel & Meier, 1996; Paternotte, 2018). Such studies paid attention to the relations between gender and power, for example, the unbalanced representation of women in higher education management (Connor, Carvalho, Vabø, & Cardoso, 2015; White, Carvalho, & Riordan, 2011). The feminist theory provides insight into how underrepresented groups create mechanisms to enter the political realm and perform a substantive or descriptive representation. The question of whether increasing the number of women, LGBTQ, black, indigenous people, and any other excluded community (descriptive representation) would result in increased attention to their issues (substantive representation), consequently translating them into policies (Celis, 2006; Celis et al., 2008; Haider-Markel & Meier, 1996).

Rethinking women's substantive representation, scholars outlined a shift in how the questions should be asked. Instead of 'Do women represent women?' a more appropriate question should be 'Who claims to act for women?' (Celis et al., 2008). Such representation questions give insight into queer theory, often highlighting descriptive representation as a core focus on researching queer subjects' presence or absence in policymaking (Taylor & Addison, 2013). Given that another question should be addressed here, 'Who claims to act for LGBTQ issues?' and 'Who does the LGBTQ movement represent?', instead of 'Do LGBTQ people represent LGBTQ interests in the political realms?' The feminist theory and queer theory interrogate and reconsider dominant practices, categories, labels, and stereotypes used to suppress someone's gender identity (Gedro & Mizzi, 2014). According to Butler (1999, p.142), "no one is born with a gender – gender is always acquired". In this sense, "gender is constructed according to social rules and practices that assign rigid masculine and feminine roles to men

and women" (Gedro & Mizzi, 2014, p. 447). The controversies over this topic spur several political, social and conceptual conflicts about the differences between gender and sex (Butler, 1999; Waites, 2009), as elaborated in what follows.

4. What are Gender Identity and Sexual Orientation?

Gender identity and sexual orientation are matters of constant debate in academic and political spheres, touched by feminist scholars (Henry, Foss, & Ahl, 2016; Paternotte & Kollman, 2013), human rights scholars (Waites, 2009), political scientists (Haider-Markel & Meier, 1996; Mucciaroni, 2011; Paternotte, 2018), and practitioners (policy-makers) (International Commission of Jurists (ICJ), 2007; OECD, 2019; United Nations, 2012). In addition, scholars are analysing the archaeology of identity, evidence of the "differences between sex and gender; gender as a significant cultural variable in society; social dynamics and transformation of identities; issues of human origins, the diverse approaches of relating gender and power; the embodiment of gender in material culture; the role of gender in economic and social practices and the space of the living and the dead" (Díaz-Abreu, 2005, pp. 13–14).

According to the Yogyakarta Principles, a common understanding is that

> 'gender identity' refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms;" (International Commission of Jurists (ICJ), 2007, p. 8).

And "'sexual orientation' refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender;" (International Commission of Jurists (ICJ), 2007, p. 8). These definitions have fuelled the political debates regarding gender policies. The United Nations (2012, p.13) report "Born Free and Equal" highlights the importance of states to assume the responsibility for protecting LGBTQ people against discrimination based on gender identity and sexual orientation and gives five recommendations: 1) protect, 2) prevent, 3) repeal, 4) prohibit, and 5) safeguard human rights for LGBTQ people. These international recommendations supported some justice's arguments in the Brazilian Supreme Federal Court to clarify the understanding of gender, sex and equal rights and criminalize LGBTphobia (STF, 2019a).

5. What is Homophobia?

The concept of homophobia was coined in the 1960s by Jewish-American psychologist George Weinberg to define negative feelings against homosexuals. Weinberg's book "Society and the Healthy Homosexual", firstly published in 1972, is a milestone in the studies on homophobia because it invented the term. Homophobia entered the psychological vocabulary very fast, and so the politics. The term homophobia is more than just a concept. It has been used as a political weapon to discriminate against non-gender confirmative people. It is a socio-cultural behaviour crossing borders and social class, educational level, economic power, policy stability or any other order. Homophobia, as a concept, has been used to express the several negative connotations related to homosexuality – aversion, hate, fear and disdain (Borrillo, 2000). The evolution of the concept of homophobia, from psychology to social and political aspects, classified the citizens with rights from those who have no rights, among other prejudices (Junqueira, 2007). According to the "Human Dignity Trust" (2021) platform, homosexuality is still illegal in seventy-one countries, and eleven hold the death penalty for LGBTQ people.

Since the general understanding of homophobia reveals its discriminative roots, many studies discussed the concept and analysed its effects, consequences, and limits. Homophobia, as a factor restricting human rights and citizenship, affects the access of LGBTQ people to essential public services like education, political, social, cultural, labour market, security, and other societal conditions inherent to citizens (Junqueira, 2007). Brazilian history shows that homosexuality was part of indigenous life, and homophobia is perpetrated by socio-cultural roots from the Christian colonization (Mott, 2010; J. S. Trevisan, 2000). The religious colonization opened the precedent for the hierarchy and inferiority of homosexual people (Agamben, 1998). From a legal perspective, tensions in developing sexual rights in Brazil raise diverse and controversial debates over homosexuality, gender identity, homophobia, and laicity (Rios, 2015). According to Rios (2015) and Rios & de Mello (2020), analysing the fundamental rights of gays, lesbians, travesties and transexuals in Brazil, they present how sexual rights have played a role in judicial decisions against legislative omission in enacting LGBT policies. Homophobic violence is often motivated by discrimination based on sexual orientation and gender identity, provoking fatal deaths and injuries and stigmatising vulnerable groups such as women and LGBTQ people. For this study, homophobia is considered a hate crime, physical and verbal used to attack LGBTQ people or non-gender normative people, leading to discrimination, fatal murder or political homophobia (Weiss & Bosia, 2013), practised by state actors.

ANNEX II. CHAPTER 2

ANNEX II.A. LIST OF RECORDS INCLUDED IN THE SYSTEMATIC REVIEW

Code	Year	Author(s)	Title	Journal	Area
1	2020	Gottardi F.	Sacred sites protection and indigenous women's activism: Empowering grassroots social movements to influence public policy. A look into the "women of standing rock" and "idle no more" indigenous movements	Religions	U.S., Canada
2	2020	Borges A.A.P., Torres J.P.	Educação especial na perspectiva inclusiva no Brasil: Análise da influência internacional no contexto local	Curriculo sem Fronteiras	Brazil
3	2020	Alejandro O.L., Carrasco-Hidalgo C.	Social movements and public policy in Chile: An analysis of the student movement of 2011 and the No+AFP movement of 2016	Studia Politica	Chile
4	2020	Pereira M.M.	Bringing governments back in: The chief executive and the outcomes of LGBT institutional activism (2003-2014)	Sociologias	Brazil
5	2019	Chamak B.	Lobbying by association: The case of autism and the controversy over packing therapy in France	Social Science and Medicine	France
6	2018	da Silva H.F.R.	The "heliópolis case" and the political urban dispute in Brazil	Revista de Administracao Publica	Brazil
7	2018	Vanhala, L	Is Legal Mobilisation for the Birds? Legal Opportunity Structures and Environmental Nongovernmental Organisations in the United Kingdom, France, Finland, and Italy	Comparative Political Studies	UK, France, Finland, Italy
8	2018	Simon-Kumar, R	Translating Inclusion into Influence in New Zealand: The Conundrum of Engaging Gender Organisations in Public Policy	Journal of Women Politics & Policy	New Zealand
9	2018	Goss K.A.	US women's groups in national policy debates, 1880-2000	100 Years of the Nineteenth Amendment: An Appraisal of Women's Political Activism	US
10	2017	Pahnke A.	The Changing Terrain of Rural Contention in Brazil: Institutionalisation and Identity Development in the Landless Movement's Educational Project	Latin American Politics and Society	Brazil
11	2017	Harris K.N., Morris J.C.	"GRASS" roots in Texas: A Multiple Streams Approach to Understanding the Marijuana Movement's Policy Impact	World Affairs	US
12	2017	Campos, MD; Brasil, FDD	Movements of rural women and the State: a study on policies aimed at fighting violence against women in the reality of rural	Revista do Servico Publico	Brazil
13	2017	Veguilla V.	Social Protest and Nationalism in Western Sahara: Struggles around Fisheries and Housing in El Ayun and Dakhla	Mediterranean Politics	Morocco
14	2016	Otero A.E.	The other side. Public policy, including labor and youth popular sectors urban social movement	Recerca	Argentina
15	2016	Arfaoui K., Moghadam V.M.	Violence against women and Tunisian feminism: Advocacy, policy, and politics in an Arab context	Current Sociology	Tunisia
16	2016	Barcellos, SB	The land credit and the line our first land in debate in Brazil	Novos Cadernos Naea	Brazil
17	2015	Hertel S.	Hungry for Justice: Social Mobilization on the Right to Food in India	Development and Change	India
18	2015	Andrews K.T., Gaby S.	Local Protest and Federal Policy: The Impact of the Civil Rights Movement on the 1964 Civil Rights Act	Sociological Forum	US
19	2015	Harris H.E., Russo P.	The influence of social movements on space astronomy policy: The cases of "Hubble Huggers", JWST's "Science Warriors" and the ISEE-3 "Reboot Team"	Space Policy	International
20	2014	Hasegawa K.	The Fukushima nuclear accident and Japan's civil society: Context, reactions, and policy impacts	International Sociology	Japan
21	2013	Levy, C; Latendresse, A; Carle-Marsan, M	Women in the Brazilian Urban Popular Movement: the experience of feminisation of housing public policy	Cadernos Gestao Publica e Cidadania	Brazil

22	2013	Silva S.A.M.	Participatory democracy and decision-making of public policy: The influence of the campaign against the FTAA	Sociedade e Estado	Brazil
23	2013	Arango, AST	Social movements of women in Colombian armed conflict: journalism and participatory politics. Reflections on the ease of the Madres de la Candelaria	Comunicacion Y Medios	Colombia
24	2012	Pozzebon, M; Mailhot, C	Citizens Engaged to Improve the Sustainability and Quality of Life of Their Cities: the Case of Nossa Sao Paulo	Journal Of Change Management	Brazil
25	2010	Shawki N.	Issue frames and the political outcomes of transnational campaigns: A comparison of the jubilee 2000 movement and the currency transaction tax campaign	Global Society	Internatio nal
26	2009	Vincent R., Stackpool-Moore L.	Moved to act: Communication supporting HIV social movements to achieve inclusive social change	Development in Practice	Brazil, Namibia, South Africa
27	2008	Dixon M.	Movements, counter-movements and policy adoption: The case of right-to-work activism	Social Forces	US
28	2006	Scott W.R., Deschenes S., Hopkins K., Newman A., McLaughlin M.	Advocacy organisations and the field of youth services: Ongoing efforts to restructure a field	Nonprofit and Voluntary Sector Quarterly	US
29	2006	Keefe R.H., Lane S.D., Swarts H.J.	From the bottom up: Tracing the impact of four health-based social movements on health and social policies	Journal of Health and Social Policy	US
30	2005	Uba K.	Political protest and policy change: The direct impacts of Indian anti-privatisation mobilisations, 1990-2003	Mobilisation	India
31	2003	McVeigh R., Bjarnason T., Welch M.R.	Hate crime reporting as a successful social movement outcome	American Sociological Review	US
32	2002	Wald K.D., Corey J.C.	The Christian Right and Public Policy: Social Movement Elites as Institutional Activists	State Politics and Policy Quarterly	US
33	2001	Coltrane, S	Marketing the marriage 'solution: Misplaced simplicity in the politics of fatherhood - 2001 presidential address to the Pacific Sociological Association	Sociological Perspectives	US
34	1999	Malloy J.	What makes a state advocacy structure effective? Conflicts between bureaucratic and social movement criteria	Governance	Canada
35	1999	Sawyers T.M., Meyer D.S.	Missed opportunities: Social movement abeyance and public policy	Social Problems	US

ANNEX II.B. CASE SURVEY FULL LIST OF CASES ANALYSED

Article Code II.A	Cases	Goals	Outcome	Actions	Issues	Level of Governance
1	1 - Women of Standing Rock	To achieve policy reform and protect indigenous sacred sites, oppose the construction of the Dakota Access Pipeline (DAPL) and increase decision-making participation	Legal battle continues	Grassroots activism, participation in decision-making, women empowerment, social media, march,	Indigenous Women Movement	National
1	2 - Idle No More	To protect indigenous sacred sites and Indigenous sovereignty	Policy reform and increased indigenous political participation in decision-making	Grassroots activism, participation in decision-making, women empowerment, social media, protest, advocacy,	Indigenous Women Movement	National
2	1 - Inclusive education	To defend disabled children the right to equal education	More disabled people entering "normal education schools", effective policy implementation	The coalition, adoption of international organization directives for inclusive education, teachers' formation,	Inclusive Education Movement	National
3	1 - Student Movement	To change the educational system: free higher education system, ending the system of for-profit education and municipalization of educational institutions	To put educational issues on the political agenda, political partnership, free education,	Political networks with political parties, mobilization - marches and protests, petitions, strikes, cultural interventions, plebiscite, supported by public opinion,	Student Movement	National
3	2 - No+AFP	To change the pension system from privately administered to public administered	Managed to put the pension system on the public agenda and organize itself as a movement, but no influence declined because of a lack of political party relationship.	Partnership with professionals, academics and foundations, a coalition with other organizations, march/protest = demonstration, mobilization, pot-banging, plebiscite	Pension System Movement	National
4	1 - LGBT Institutional Activism - Secretariat of Human Rights	To promote LGBT policy anti-discrimination and human rights for LGBT people	Development of programmes to promote LGBT culture, Limitations in the budget for LGBT activities,	Institutional activism = actions realized inside the public institutions to defend the movement's cause (political participation, taking office in the bureaucracy). A partnership between state and civil society, campaigns, creation of the Nacional LGBT Council, LGBT activists' participation,	LGBT Movement	National
4	2 - LGBT institutional activism Ministry of Health	To promote health policies for LGBT people	Vetoed DSTs campaign (2012), limitation in institutional activism,	Institutional activism, campaigns,	LGBT Movement	National

			Limitation in the budget for LGBT activities,			
4	3 - LGBT Institutional activism Ministry of Culture	To promote LGBT culture and inclusion	Changes Minister will diminish articulation between institutional LGBT activists and bureaucratic structures within the ministry, Limitations in the budget for LGBT activities,	Alignment between LGBT activists and bureaucrats, minister support to institutional activist LGBT,	LGBT Movement	National
4	4 - LGBT institutional activism Ministry of Education	To promote educational programmes against homophobia and LGBT inclusion	The president vetoed the "gay kit" School Without Homophobia campaign (2011), to a limitation in institutional activism, low cooperation between movement and ministry and lack of support in the secretariat (SECAD). Limitations in the budget for LGBT activities,	Creation of educational programmes, campaigns,	LGBT Movement	National
5	1- Autistic Children Movement	To prohibit packing therapy used in psychiatric treatment of people with autism	Parent activist association succeeded in gaining recognition of autism as a disability, not only psychiatric. As a result, packing therapy was banned in 2016.	Lobbying by associations, political lobbying, discourse change, media actions - contact with the media, internet, legal actions to European Committee Social Rights, training of parents and professionals, the scientific community, service management agencies,	Health Social Movement	National
6	1 - Heliopolis Case	To fight the authoritarian-developmental, neoliberal housing projects in a neighbourhood in Sao Paulo, Heliopolis	The Unas, a movement that was created in 1980 in negotiation with the local government, managed to keep the subaltern classes' houses in the neighbourhood. However, the main objective was never accomplished, land regularization.	Institutionalization, resistance, negotiation between Unas and municipal administration, participation in policy implementation	Urban Movement	Local
7	1 - Greenpeace UK	Environmental protection (not mentioned - only says political goals)	Not mentioned	Litigation (embedded) some cases	Environmental Movement	National
7	2 - Greenpeace France	Environmental protection	Not mentioned	Litigation (incidental) some cases	Environmental Movement	National

7	3 - Greenpeace Finland	Environmental protection	Not mentioned	None	Environmental Movement	National
7	4 - Greenpeace Italy	Environmental protection	Not mentioned	litigation (incidental) some cases	Environmental Movement	National
7	5 - Friends of the Earth UK	Environmental protection	Not mentioned	litigation (regular use)	Environmental Movement	National
7	6 - Friends of the Earth France	Environmental protection	Not mentioned	litigation (incidental) cases before the Conseil	Environmental Movement	National
7	7 - Friends of the Earth Finland	Environmental protection	Not mentioned	None	Environmental Movement	National
7	8 - Friends of the Earth Italy	Environmental protection	Not mentioned	None	Environmental Movement	National
7	9 - WWF UK	Environmental protection	Not mentioned	litigation (small number of cases)	Environmental Movement	National
7	10 - WWF France	Environmental protection	Not mentioned	litigation (very small number of cases)	Environmental Movement	National
7	11 - WWF Finland	Environmental protection	Not mentioned	None	Environmental Movement	National
7	12 - WWF Italy	Environmental protection	Not mentioned	litigation (incidental) some cases	Environmental Movement	National
7	13 - RSPB UK	Bird protection	Not mentioned	litigation (incremental) very small number of cases	Environmental Movement	National
7	14 - LPO France	Bird protection	Not mentioned	litigation (embedded) regular use	Environmental Movement	National
7	15 - Birdlife Finland	Bird protection	Not mentioned	litigation (embedded) local and regional member regularly use	Environmental Movement	National
7	16 - LIPU Italy	Bird protection	Not mentioned	litigation (embedded) often use	Environmental Movement	National
7	17 - ClientEarth UK	Environmental protection	Not mentioned	legal tactics, lobbying, litigation, (embedded)	Environmental Movement	National
7	18 - FNE France	Environmental protection	Not mentioned	litigation (embedded) regular use	Environmental Movement	National
7	19 - FANC Finland	Environmental protection	Not mentioned	litigation (embedded) regional societies use it	Environmental Movement	National
7	20 - Legambiente Italy	Environmental protection	Not mentioned	litigation (embedded) challenges in law at the local level	Environmental Movement	National
8	1 - Women movement	To fight for women inclusion and equality	Engendered policies advanced women's interests into the policy agenda and progressive legislative changes.	Organizational legitimacy, fiscal autonomy, discursive alignment with the state's discourse (framing), partnership paradigm, recognition of the community in	Women Movement	National

				the policy process, lobby, relationship-building,		
9	1 - Women Movement	From Women's interests (1880) to group's rights and women's collective engagement and civic participation (2000)	Rights to vote (19th amendment), dismantling of discriminatory laws, reform	Appearance in the Congress, political participation, advocacy, education, litigation strategies, lobby,	Women Movement	National
10	1 - Landless movement	Seek redistributive land reform	The creation of schools for the formation of militants, children from people living in settlements, and formal recognition of the school (National Program for Education in Agrarian Reform, or PRONERA).	Collective actions = land occupations, mobilization to develop the territory, interaction with the government, educational opportunities = creating schools, creating new leaders, revising movement practices, and gaining resources.	Landless Movement	National
11	1 - Marijuana Movement	To achieve marijuana reform, decriminalization	Medical marijuana was allowed in 2015 for intractable epilepsy (CUA). Decriminalization of marijuana and personal usage drug succeeded in entering the policy agenda but failed to pass in the state congress	Coalition to advocacy, political opportunity, education, hiring lobbyist, grassroots groups, the distance between lobbying groups, changing discourse, message framing, email writing to legislators, public opinion polls, education/information tools,	Marijuana Movement	Subnational
12	1 - Rural Women's Movement	To fight women's violence in rural areas through public policy formulation	FEDERAL - Women's Policy Secretariat created, National Forums, Programme to Attend Rural women in a situation of violence (Unidade Movel), Programme "Women without Violence", Lei Maria da Penha; SUBNATIONAL - State forum, 3 Unidades Moveis,	FEDERAL - Collective actions = Marcha das Margaridas, institutionalization, relationship with the state, participative process in National mechanisms National Council for Women's policy and conferences, educative campaigns, SUBNATIONAL - collective actions, institutional strategies influencing public policy, Articulação das Mulheres do Campo de MG,	Feminist Movement	National/Subnational
13	1 - Sahrawi mobilization Fishing Licenses	To demand a fishing license after the decision taken by the Moroccan Ministry to reduce the number distributed.	The ministerial decision changed, raising the number of licenses	Sit-in, protests, discourse framing (avoid identity references, ‘right to work’ and ‘right to have a future’)	Protest Movement	Subnational

13	2 - Gdeim Izik protest camp (El Ayun and Dakhla) Western Sahara	To demand benefits from housing public policies (buildable land, work and the distribution of privileges amongst young Sahrawis as granted by the National Promotion Card. Protests happened in different locations in the region	house allocation for young married Sahrawis, negotiations still ongoing	camp = occupation, protests, discourse framing (self-control and self-limitation) (avoid identity references, 'right to work' and 'right to have a future'), negotiations,	Protest Movement	Subnational
14	1 - Youth Unemployed Workers movement	To create employment, particularly for youth	Governmental programmes to promote employment through Social Economy: social entrepreneurs, cooperatives. PAT - Programa Argentina Trabaja.	Collective actions = road blockage, picket, resistance, negotiation,	Youth Movement	National
15	1 - Women Movement	To change policies, laws and public debate about violence against women. Women-friendly polity.	Influence in the agenda-setting of the new Constitution 2014. The government rejected the abortion law.	Advocacy, political work, lobbying, research, transnational feminist network (Turkish, international), participation in agenda-setting, online petition, coalition, seminars, rallies, and publications,	Women Movement	National
16	1 - Rural Social Movement	To first promote access to land and familiar agriculture and protect the small rural production, thus combating the impoverishment in rural areas.	1998, micro-credit for agricultures (PNCF 2003 - Programa Nacional de Credito Fundiario), 2008, re-negotiated debts from the funding. The government accepted no agrarian reform	Nossa Primeira Terra (for youth landless and agricultures), mobilization of a rural youth movement, denouncing the controversies of the policies, National Forums, political intermediation,	Rural Movement	National
17	1 - Right to Food Campaign	To eliminate hunger in India	“Relative success in galvanizing legal action on hunger from 2001 onwards is tempered by the difficulty of sustaining grassroots-level mobilization or influencing public policy implementation”.	Legal action - litigation, grassroots-level mobilization, influence in public policy implementation (reform of existing government feeding programmes), networks, popular protests, legislative action, generating press attention, educational outreach activities, academic researchers revealing poorly public feeding programmes, public hearings, lobbying, public demonstrations, discourse changes (framing	Right Movement	National/Subnational

				change - food right as a right to life)		
18	1 - Civil Rights Movement	To promote and protect Civil rights for all Americans to be served in facilities that are open to the public - hotels, restaurants, theatres, and retail stores.	Civil Rights Act approved	Local demonstrations, black protests, mass insurgency, Birmingham campaign, Kennedy administration intervention	Civil Rights Movement	National
19	1- Hubble Space Telescope	To rehabilitate the Hubble telescope to stay operational	the American Astronomical Society and bipartisan efforts by the US Senate successfully revived the servicing mission	Online petitions, dialogue between NASA and the public, documentary "Saving Hubble."	Grassroots Movement	National
19	2 - James Webb Space Telescope	To maintain the budget to launch the telescope into the orbit	The Senate Panel voted to restore funding for the JWST	public support, internet-led movement "Science Warriors", hashtag #saveJWST, social media using Facebook, Twitter, Change.org, blogs, forums, large scale letter-writing campaign,	Grassroots Movement	National
19	3 - ISEE-3 International Sun-Earth Explorer (citizen scientists)	To resurrect the spacecraft which NASA couldn't	The team resolved to let ISEE-3 resume its original orbit around the Sun. The public participation in and sharing space science was successful because the satellite remains operational	Reboot Team and Skycorp took over the project in 2014 (partnership), social media campaign, crowdfunding, experts' collaboration,	Grassroots Movement	National
20	1 - Anti-nuclear Movement Fukushima	To block the construction and stop current nuclear power plants	Although Civil society failed to denuclearise by a lack of political support, social pressures on the government increased, seeking denuclearization. Policy shift to denuclearisation and the promotion of renewable energy sources.	policy proposals, demonstrations, social networking Twitter and others, occupy tents, mass protests, meeting between civil society and prime minister,	Anti-nuclear Movement	National
21	1 - Housing movement Sao Paulo (Movimento dos Sem Teto, Forum de Curtiço, Movimento moradia do Centro	To assure housing rights and rights to the city for people with low income, specifically to recognise the rights of women to own their own house, creating safe housing conditions for women through policy.	Bill passed in Sao Paulo granting women the right to apply for housing programmes at the municipal level. Law 13.770/2004 Professional training for women and prioritise women's access to the housing programme. The UMM convince the state to	Direct negotiations with the state, participation in councils, occupation of public buildings, gender relations debates, women empowerment, collaboration with other civil society organizations, political parties, and feminist NGOs.	Urban Popular Movement	Local

			recognise women's rights to apply for CDHU (social housing), declaring a different family composition.			
21	2 - Housing Movement Rio de Janeiro	To assure housing rights and rights to the city for people with low income, specifically to create safe housing conditions for women through housing policy.	Not mentioned	Collective actions = permanent occupation, negotiation with the state, symbolic occupation,	Urban Popular Movement	Local
22	1 - Brazilian National Campaign against the Free Trade Area of the Americas (FTAA), created in 2002	To block the negotiations of FTAA expected to be signed in 2005	Increased public participation in international relations issues, mobilizing non-institutional and institutional arenas. Failed to withdraw Brazil from the negotiation, although the country did not sign the FTAA by a lack of political interest.	Mobilizations, popular Plebiscite in 2002, political participation regarding the FTAA negotiations in the Congress, coalition and network of movements and organizations,	New Globalization Movement	National
23	1 - Madres de la Candelaria movement	To stop disappearances of civilians killed by guerrillas in Medellin	Dialogue with the government and formulation of public policies to stop the forced disappearance of victims from guerrillas, public visibility of the cause	collective actions = planton (Thursday at 2 pm) constant 14-years, protests, media, journalism, public opinion, create awareness about the dismissed people in the Colombian society, legitimacy and visibility through journalism,	Women Movement	Subnational/ National
24	1 - Nossa Sao Paulo	To increase civil society's involvement in decisions and programmes affecting inhabitants' lives, promote transparency in and dialogue with local government, creating democratic spaces for citizens to dialogue with politicians concerning sustainability. Societal problem-solving,	Three types of effects: strategic (citizen capacities), knowledge creation (citizen learning) and political (citizen empowerment). Citizens are better informed about the public policies and the results of municipal actions. P.318	Legal strategies - amendment to laws and changes in the municipal constitution, lobbying, public demonstrations, petitions, opinion poll, sensitization, education, information, diffusion, network, press,	Neighbourhood Movement	Local
25	1 - Jubilee 2000 campaign	The goal of lobbying public and private creditors is to cancel the debts of heavily indebted low-income and middle-income countries by	Some debt relief was delivered to 35 countries on unequal footing, modest relief but tangible.	Lobby international organizations World Bank, IMF, collective action = framing the discourse, network, national and regional coalitions, media,	Global Justice Movement	International

		the year 2000. Debt cancellation for the world's poorest countries in 100%		research capacity, Churches contribution,		
25	2 - Currency Transaction Tax Campaign	To find innovative sources for financing development, mainly to finance the Millennium Development Goals	Modest outcomes such as increasing the debate in the international agenda over the introduction of "fair" tax transactions, global public health initiatives,	Network of NGOs, civil society, and researchers,	Global Justice Movement	International
26	1 - HIV Social Movement South Africa	To have access to HIV antiretroviral treatment	Treatment Action Campaign (TAC) influenced the government policy to roll out anti-retroviral drugs for all in 2003	collective support, battle in the media and law courts, legal advocacy, 'framing', use of the internet, literacy campaign, text messaging to organise marches and events, and HIV Positive T-shirt, local radio,	Health-based Social Movement	National
26	2 - HIV social Movement Namibia	To have access to HIV antiretroviral treatment	Not mentioned	Women's health advocacy, involvement in parliamentarian debate about developing a national HIV policy, candlelit vigil outside the parliament,	Health-based Social Movement	National
26	3 - HIV social Movement Brazil	To have access to HIV anti-retroviral treatment	Not mentioned	Media - local radio,	Health-based Social Movement	Subnational
27	1 - Right-to-work campaign Indiana	To promote right-to-work legislation against union violence	Law passed in the state congress in 1957	organize meetings with local employers, professional assistance - training, mobilizing employer base, public relations effort, direct lobbying, contact political representatives, series of legislative breakfasts, strike, counter-movement actions against mass demonstrations	The right-to-work campaign is a countermovement to Labor Movement	Subnational
27	2 - Right-to-work Ohio	To promote right-to-work legislation against union violence	The right-to-work campaign lost the polls that would support the law's amendment.	public relations campaign in-house staff, petitions, boycott the petitions was promoted by the labour activists, counter-movement pressure from the labour, media and educational outreach, mailings and advertising, countermovement published a pamphlet targeting the black community, television ads,	The right-to-work campaign is a countermovement to the Labor movement	Subnational

28	1 - Coleman Advocates, San Francisco	Overarching youth advocacy agenda	Successful in passing the Children's Amendment in 1991, and the city established the Children's Fund to support children and youth services.	Budget advocacy, media campaigns, public rallies, electoral processes, signatures to proposition (city ballot initiative),	Youth Movement	Subnational
28	2 - San Francisco Organizing Project (SFOP)	Overarching youth advocacy agenda	School reforms in San Francisco, small schools opened in 2003. Gained legitimacy with city officials and have been able to involve young people as participants in political actions with public officials.	advocacy, leadership training (teachers), coalition building, research and public meetings, diffusion of an idea,	Youth Movement	Subnational
28	3 - Oakland Community Organizations (OCO)	Overarching youth advocacy agenda	Shifts in strategies equipped OCO to participate in school district policymaking - adopting New Small Autonomous School policy 2000. In 1996 Oakland Fund for Children and Youth for youth services. Gained legitimacy with city officials and have been able to involve young people as participants in political actions with public officials.	Advocacy, leadership training, coalition building (alliances with teachers, administrators, and school reform consultants), research and public meetings,	Youth Movement	Subnational
29	1 – Women's Health Movement	Equal healthcare delivery - empower women to take control of and participate actively in their health and health care.	Women run clinics and the National Women's Health Network	Share stories of women's experiences with the medical system in Boston, ill-treated or patronized by white male physicians. Translation of medical literature into clear language accessible to "average women". Publication of Our Bodies, Ourselves book in 1973. lobby elected officials and federal agencies to promote women's health agenda	Health-based Social Movement	National
29	2 - ACT UP	Equal healthcare delivery - stop the spread of the HIV/AIDS epidemic	"...ACT UP members were appointed to pharmaceutical company advisory boards and congressional committees …"	Stop traffic, members chained to a balcony, blew foghorns, and unfurled a banner urging traders to sell Burroughs Welcome stock. The manufacturer refused	Health-based Social Movement	National

			produced many health and social policy outcomes	to make the drug AZT affordable. Street protest, symbolic and theatrical street actions - 'die-ins', disrupted TV channels, advertising, posted mass transit ads,		
29	3 - Breast Cancer	Equal healthcare delivery - change in collective identity by removing the stigma and loss of femininity, empowerment through education and advocacy, and change in medical norms for breast cancer treatment.	Replacement of breast cancer treatment options, women's influence in health policy decisions, increased funding for research, reduced the stigma	Pushed for increased federal funding for research and used an educational approach, publicising the range of treatment options and mammography instead of radical mastectomy. Founded a grassroots organization National Breast Cancer Coalition, which sought to increase research funding, women's access to screening and treatment, and women's power and influence in health policy decisions. 2.6 million Signature in 1993 for a National Action Plan on Breast cancer,	Health-based Social Movement	National
29	4 - Needle Exchange	Equal healthcare delivery - One of their purposes was to test the prescription laws publicly and to call attention to the issue of HIV among Intravenous Drug Users	Department of Health in Tacoma negotiated a contract with an AIDS Project to provide officially sanctioned and funded NEP. NY organizations sought to get the Mayor's support for needle exchange. Change the law that limited needle availability,	ACT UP organized an illegal needle exchange program, HIV prevention by exchanging syringes on the streets, direct lobbying,	Health-based Social Movement	National
30	1 - Anti-privatization	Demand the reversal, halt, or postponement of the privatization process in India	The federal government responded to its demands	Large or economically disruptive protests, sit-ins, number of participants or the level of financial damage directly influence the duration of the privatization process in India	Reactionary movement	National
31	1 - Civil Rights movement	To promote hate crime legislation requiring the government to collect data on hate crime incidents	Hate crime statistics Act became law in 1990	The direct pressure on legislators, framing the discussion, influence the debate, providing problem justification	Civil Rights Movement	National

				on what constitutes a hate crime and the number of crimes.		
32	1 - Christian Rights movement	To influence policymaking, in particular, the Florida Constitutional Revision Commission	Failed in approving the Constitutional Revision proposals	Christian Rights movement elites appointed to the commission (access to policymaking table), the proposal presented or sponsored by Christian commissioners (rejected),	Religious Movement	Subnational
33	1 - Responsible Fatherhood Movement	To promote "responsible" fatherhood. Responsible Fatherhood Act, which would fund media campaigns to promote fatherhood	House of Representative approvals for funding the NFI campaign,	Bill proposals in Congress “Fathers Count Act”, National Fatherhood Initiative, Million Man Marches, Direct communication with the president, promotion of members to positions of influence,	Religious Movement	National
33	2 - Marriage Movement	To promote traditional marriage to save society and fix the problems of the urban poor. Reinforce traditional religious gender roles at the national level	Covenant marriage laws were passed in Louisiana (1997) and Arizona (1998).	bill proposals for covenant marriage with strong limits to divorce, initiatives to limit the availability of marriage, proposal of amendment to the US Constitution declaring that marriage is only between a man and a woman,	Religious Movement	National
33	3 - Promise Keepers	To promote the masculinity inspired by Jesus’ figure, putting the man as head of the family as Jesus is the head of the Church. All these to keep the marriage safe.	Stadium rallies "Stand in the Gap",	Biblical teachings with men's support groups (judgmental, authoritarian, and antifeminist), Stadium rallies "Stand in the Gap" for men, building relations with local churches and holding regional clergy conferences,	Religious Movement	National
34	1 - Ontario Women’s Directorate	Province designated agency for issues of concern to women, oversee women's policy. Build links with societal groups	Some policy proposals failed to interact with the feminist government and attending their demands.	Developing the pay equity proposals and other policies, external program delivery and community consultation, 1990-1998 (critique of the NAFTA agreement, a guide to inclusive language in schools, and a high-profile television series).	Women Movement	Subnational
35	1 - Women movement	Pregnancy Discrimination Act of 1978	Succeed in passing the Act reversing the Supreme Court decision declaring not	pressure, meeting in major cities, Congress gathered in an event,	Women Movement	National

			discriminatory the insurance program of General Electric excluding pregnancy leave.	coalition, civil rights, labour groups, anti-abortion activists,		
35	2 - Women Movement	Foetal protection policies that barred women from jobs involving exposure to chemicals or radiation	The movement's essential neglect left the issue undeveloped and underpublicized.	Thirteen women filed suit, charging violations of the Civil Rights Act. The case ended with the plaintiffs accepting a settlement of 200,000 for eleven women.	Women Movement	National
35	3 - Women's Movement	Family and Medical Leave Act 1980	Congress failed to pass the Act. Failed to generate widespread attention, employ outside lobbying, mobilize constituent pressure to influence Congress members, or draw in new activists.	"Business interests, including the Chamber of Commerce, opposed the bill as -mandatory benefits," arguing that it was too costly." Feminists were unable to mobilize and pressure the members of Congress. lobbyists institutionally oriented feminists defined their primary audience as legislators. The movement was not mobilized or engaged in the policy process. It missed political opportunities.	Women Movement	National

ANNEX III. CHAPTER 4

ANNEX III.A. SEQUENCING OF POLICY OUTPUTS

CODE	Year	Policy	Document (Initial)	Document (Sequence)
1	1996	PNDH-1	Decree 1.904/1996	
1 & 4	2002	PNDH-2		Decree 4.229/2002
1 & 8	2009	PNDH-3		Decree 7.037/2009
1	2010			Decree 7.177/2010
1	2019			Decree 10.087/2019
2	1996	Secretary of Human Rights	Decree 1.796/1996	
2	1997			Decree 2.193/1997
2	1998			Decree 2.802/1998
2	1999			Decree 2.970/1999
2	2000			Decree 3.382/2000
2	2000			Decree 3.698/2000
2	2001			Decree 4.053/2001
2 & 5	2003	Special Secretariat of Human Rights	Law 10.683/2003	
2	2003			Decree 4.671/2003
2	2004			Decree 5.174/2004
2 & 10	2009		Sub-secretariat for LGBT rights	Decree 6.980/2009
2	2009			Decree 6.998/2009
2	2010			Law 12.314/2010
2	2010			Decree 7.256/2010
2 & 11	2010	Disque 100 LGBT module		Report Homophobic Violence, p.13,
2	2011		Provisional Measure 527/2011	
2	2013			Decree 8.162/2013
2	2016		Before Impeachment	Law 13.266/2016
2	2016		After Impeachment	Law 13.341/2016
2	2017			Decree 9.122/2017
2	2017			Law 13.502/2017
2	2018			Decree 9.465/2018
2	2019		Provisional Measure 870/2019	
2	2019			Decree 9.673/2019
2	2019			Decree 9.782/2019
2	2019			Decree 9.831/2019
2	2019			Law 13.844/2019
2	2019			Decree 10.174/2019
2	2020			Decree 10.473/2020
2	2020			Ordinance 2.551/2020
3	2001	National Council Against Discrimination	Decree 3.952/2001	
3	2005			Decree 5.397/2005
3 & 12	2010		National Council Against LGBT Discrimination	Decree 7.388/2010
3	2014			Decree 8.243/2014
3	2019			Decree 9.883/2019

3	2019			Decree 9.759/2019
3	2019			Decree 9.812/2019
6	2004	Brazil Without Homophobia	Brazil without Homophobia 2004	
7	2007	1 Conference LGBT	Executive Decree 2007	
7	2007			Basic text 1st Conf 2008
7	2008			Proceedings 1st Conf 2008
9	2009	National Programme LGBT	National Programme LGBT	
13	2010	National Day Against Homophobia	Decree 4/7/2010	
14	2011	2 Conference LGBT	Decree 18 May 2011	
14	2011			Basic text 2nd Conf 2011
14	2011			Proceedings 2nd Conf 2011
15	2011	National Report of Violence	Report on Homophobia 2011	
15	2012			Report on Homophobia 2012
16	2013	National System of Promotion of LGBT rights	Ordinance 766/2013	
17	2013	National Committee of LGBT rights	Ordinance 767/2013	
18	2015	3 Conference LGBT	Decree 18 November 2015	
18	2016			Basic Text 3rd Conf
18	2016			Proceedings 3rd Conf 2016
19	2016	Social name for transgender and travesty people recognised	Decree 8.727/2016	
20	2018	National Pact to Cope with LGBT violence	Ordinance 202/2018	

Source: Federal Executive Policy Outputs Retrieved from the Government Websites (See the list of Government Web Sites)

ANNEX III.B. DATA PROCESSING OF POLICY OUTPUTS

Policy Code III.A	Instruments	Ideas	Actors	Types of Docs	Changes
1	The implementation strategy is to create a civic service by young people as citizenship agents. Elaborate a Manual to be distributed to states and municipalities. Campaigns. The Ministry of Justice is responsible for implementing, monitoring and providing reports about the progress of the Human Rights Programme. States also should provide reports about human rights.	For the first time, a national Programme for human rights in Brazil is established after democratization. The main core of this programme was to propagate the discourse and actions in the name of human rights, identify the obstacles, preserve, and defend the rights of all citizens, observe, and implement the international declarations and agreements, to reduce violence and inequality.	Ministry of Justice, Executive, OAB, CNBB, FENAJ, INESC, researchers and civil society organizations	Executive Decree	Following the World Conference of Human Rights recommendations in Vienna, Brazil established and promoted campaigns against injustices, exclusion, and human rights violations. It was the first time the term "human rights" was advocated by a president after the dictatorship period, who stated that "the fight for liberty and democracy has a specific name: it is called human rights". The programme highlights the rights of vulnerable communities like women, black people, homosexuals, indigenous, elderly people, disabled, children, and HIV positive, among others.
1 & 4	The Secretariat of State will execute the implementation for Human Rights. SEDH is responsible for elaborating annual plans of action for implementation and monitoring. Prepare reports about Human Rights in the country. Promote incentives to the states to develop HR. Elaborate indicators to monitor the implementation of the PNDH-2. Campaign for the outreach of HR.	To give continuity to the PNDH launched in 1996 to strengthen the promotion of human rights and public policies, effectively creating better conditions of life for Brazilian people, especially excluded people. Also, confirm the Brazilian state's cooperation with international organizations like UN-Human Rights Council. Fundamental rights are recalled for women, black people, homosexuals, indigenous, elderly, disabled people, foreigners, refugees, HIV+, children and adolescents, police, poor and rich people.	Secretariat of Human Rights from the Ministry of Justice	Executive Decree	After six years after the creation of this programme, the second period is marked by the evaluation of progress and actions effectively implementing human rights into public policies. Also, the new programme traces routes for new and more precise actions for the next five-year programme and destinate a specific governmental budget for it. 518 new proposals for governmental actions were identified from seminars and public consultation from civil society organizations to elaborate the new PNDH-2002. Page 19 presents Sexual Orientation proposals to amend the Constitution, already mentioning several demands from the LGBT movement. On page 32, numbers 240-249, GLTTB rights are recalled as necessary to be promoted for the first time. Other excluded groups will also be the target group in this policy, mainly black, indigenous, and women. This PLAN will only implement several points with

					Lula's administration between 2003 and 2011. This decree was revoked by Decree 7.037/2009.
1 & 8	Implementing this Plan requires responsibilities from different ministries, assigning to them specific tasks, objectives and actions.	The programme presents several topics to be addressed by policies. Each action proposed is assigned to a ministry responsible for its development and implementation in dialogue with the public administration and civil society.	Government (presidency, ministries,) Civil society	Executive Decree	This decree gives concrete directives to improve the human rights in the country, prioritizing several topics and issues not addressed before, such as sexual orientation and gender identity. The third programme reinforces and continues the integration of mechanisms for participation and creates new ways to build and monitor public policies of human rights in Brazil as much as HR can represent at national and international levels. In the "Diretriz 10", Strategic Objective 5 - (pp.98-99), the Human Rights programme call attention to the respect for freedom of sexual orientation and gender identity, carrying the rights of the LGBT community and giving voice to a long-time excluded minority. The Objectives were assigned to specific secretariats and ministries, which gives responsibility and asks for each institution's commitment to developing the objectives.
1	Information, education, and promote Human Rights	To amend the decree 7.037/2009	Presidency, Minister of Human Rights	Executive Decree	
1	Decree revoked other decrees, including the Committee responsible for implementing the PNDH-3.	This decree revokes several other decrees, including article 4 of decree 7.037/2009, which establishes the commission to implement the Human Rights national Plan and monitor its execution.	Presidency	Executive Decree	This decree revoked 399 other decrees, including article 4 of decree 7.037/2009, about the Committee responsible for implementing and monitoring the PNDH-3. Although the PNDH-3 itself still exists, the decree 10.087/2019 prevents the continuity of the PNDH-3 by revoking its implementation committee, article 4 of the decree 7.037/2009.
2	The Secretariat of Rights of Citizenship hosts the Department of Human Rights from the Ministry of Justice with 46 personnel.	To create the organizational structure of the ministry of justice. This decree creates the Secretariat of Rights of Citizenship	Presidency, Ministry of Justice	Executive Decree	The Secretariat of Rights of Citizenship will become the National Secretariat of Human Rights, added to this Presidential decree one year later, changing the structure of the ministry. Incremental

					Changes, adding the secretariat of Human rights in 1997. Since this is the Structural organization of the ministry, it will change several times because of the relocation of personnel and split into secretaries and ministries
2	The new organizational configuration of the National Secretariat of Human Rights merges coordination and increasing personnel. From 46 to 55 personnel to work HR from different sectors.	The secretariat was created to coordinate and monitor the execution of the National Programme of Human Rights launched in 1996 and consecutively the second (2002) and third (2009) programmes. This established Secretariat will be crucial in advocating for effective human rights and promoting social policy formulation in partnership with civil society organizations, governmental agencies and social movements.	Ministry of Justice, Presidency, Civil society	Executive Decree	The personnel increased considerably because of the PNDH-1 implementation.
2	Under the Secretariat of Human Rights, the department of human rights is responsible for developing the strategies for implementing the PNDH, promoting seminars and meetings about HR, preparing reports about the execution of the PNDH, and promoting campaigns to create awareness in public over HR and citizenship. Increase in personnel from 55 to 62 working in this Secretariat.	To approve the new organizational structure of the Ministry of Justice	Presidency, Ministry of Justice	Executive Decree	This policy document changes the ministry's organisational structure, enlarging the personnel in different commissions. Personnel 62
2	Personnel 62, The only significant change is the name of the secretariat. What does it mean from national to state secretariat?	To amend the organizational structure of the Ministry of Justice and change terms in the decree 2.802/1998	Presidency, Ministry of Justice	Executive Decree	
2	This decree presents more specific actions for the State Human Rights Secretariat. The promotion of rights and	To approve the organizational structure of the ministry of justice	Presidency, Ministry of Justice	Executive Decree	This decree changes the number of personnel working in the ministry. The State Secretariat of Human Rights also increases the number of personnel from

	citizenship of children, adolescents, women, disabled people, elderly, black people and other minorities is highlighted. Promote the PNDH… Increase personnel from 62 to 71.				62 to 71. This is because more departments are attached to this Secretariat.
2	Like the previous decree, there are several instruments for implementing the HR. This decree enlarges the number of personnel working in the ministry of justice. The Executive Secretariat of Women's Rights is attached to the human rights secretariat, consequently increasing the personnel from 71 to 73.	In this decree, minorities are cited, but nothing specific about LGBT people yet. To approve and amend the organizational structure of the ministry of justice	Presidency, Ministry of Justice	Executive Decree	This decree was revoked by decree 4.053/2001.
2	Like the previous decree, there are several instruments for implementing the HR. Specific functions for the State Secretary of Human rights are presented. 71 personnel working in the ministry, from 73 to 71. Not so much change	To approve the organizational structure of the ministry of justice	Presidency, Ministry of Justice	Executive Decree	This decree was revoked by the decree 4.685/2003
2 & 5	Creation of a new Secretariat with the same statute as a ministry for human rights. The personnel working for this secretariat is not mentioned in this law	To provide the organizational structure of the presidency, ministries and secretariats for the new government. It is the composition of the new government organizational structure, including the Special Secretariat of human Rights as autonomous from the ministry of justice	Presidency	Law	First-year, Lula da Silva created several secretariat and councils within the ministry of human rights, expanding the previous government's Secretariat of Human Rights and the programmes to combat discrimination. Law changed by Law 12.314/2010, Law 12.462/2011, Law 13.266/2016, and revoked by Law 13.502/2017.
2	Coordinate, implement and monitor several programmes, especially PNDH. 63 personnel. This decree establishes the organizational structure and personnel is re-allocated to the Special Secretariat of Human	To coordinate, implement and monitor the PNDH	Presidency	Executive Decree	First decree to establish the organizational structure of the SEDH-PR of Lula's government.

	Rights from the Presidency. 63 personnel.				
2	Several actions and instruments are kept from the previous government. There is continuity in this policy, except for its organizational structure. Personnel also largely increases, from 63 to 94.	To establish the Organizational structure and functions of the Special Secretariat of Human Rights	Presidency, Special Secretariat of Human Rights	Executive Decree	This decree provides the organizational structure of the Special Secretariat of Human Rights from the Presidency. There is a substantial increase in the personnel, from 63 to 93. In addition, there is a new sub-secretariat within the Secretariat. Sub-secretariat to manage the Human Rights policies, Sub-secretariat for the promotion and defence of Human Rights, and Sub-secretariat for the promotion of Children and Adolescent rights.
2 & 10	Coordinate actions for the implementation of Reference Centres for LGBT; coordinate the issues related to public security, especially those of Human rights violations; prevent and combat the torture; implement the national policy of protection and promotion of defenders of HR; participate in the budget planning from the Special secretariat; promote a campaign for inclusion; to be the executive secretariat of the CNCD; Considerable increase from 94 to Personnel 161	To establish an organizational structure of the Special Secretariat of Human Rights. In this decree, the Sub-secretariat for Promotion and Defence of Huma Rights is responsible for promoting initiatives and articulating institutionally to warrant the rights of LGBT people. Creation of the Disque Direitos Humanos. The main aim of this sub-secretariat is to mobilize and promote initiatives with the LGBT people; coordinate the implementation of the Reference Centres; promote campaigns for the inclusion of elderly and LGBT people.	Presidency, Special Secretariat of Human Rights	Executive Decree	There is an exciting change in this decree. The promotion of LGBT rights is part of the Secretariat's responsibilities. The "Ouvidoria dos Direitos Humanos" was established in 2003; this decree is the first to name the Phoneline of Human Rights (Disque Direitos Humanos) against violation and protection. Changes in the personnel, from 94 to 161. This sub-secretariat focuses on implementing LGBT policies and human rights, Reference Centres, and other policies.
2	-	To amend the decree 6.980/2009, nothing substantive	Presidency, Special Secretariat of Human Rights	Executive Decree	No substantive change is found in this decree
2	Implement the PNDH-3, and coordinate the CNCD. The personnel are not mentioned in this Law.	To provide the organizational structure of the presidency, ministries and secretariats. This document characterises each secretariat and ministry, its functions and roles.	Presidency	Law	There is a change in the name of the Special Secretariat of Human Rights to the Secretariat of Human Rights from the Presidency
2	Personnel remains 161;	To amend the decree 6.980/2009, some changes in function or	Presidency, Special Secretariat of Human Rights	Executive Decree	Changes in the organizational structure. Some personnel from the Management, Planning and Budget will switch with

		personnel, but no changes in the number of personnel.			personnel from the Secretariat of Human Rights, but no changes in the number of personnel.
2 & 11	There is a phone line to monitor human rights violations, violence, and other specific problems to attend to LGBT people. Module for LGBT	It was created a National System of Human Rights protection against human rights violations, homophobia and brutal crimes against LGBT people	Presidency, Ministry of Human Rights, Social movement	Programme	The rise of violence in Brazil, especially against women, LGBT, and children, has been a constant in the national violence reports. In an attempt to prevent and diminish such numbers, Disque 100 was created as the flagship of the Human Rights Secretariat and achieved fast results in the first year of implementation. The Phone Line inspired this programme against violence created in Rio de Janeiro years before.
2	It does not mention in specific any	To change the law 10.683/2003 and establish the organizational structure of the presidency	Presidency	Provisory Measure	The new government structure maintains the Secretariat of Human Rights as part of the Presidency organization.
2	Coordinate actions for the implementation of the PNDH. The National Secretariat of Promotion and Defence of Hum Rights is responsible for implementing the National Plan of Education on HR. Coordinate actions of implementation, monitoring and ameliorating the LGBT reference centres. Personnel increased from 160 to 173.	To provide the organizational structure of the Secretariat of Human Rights. Under the actions attributed to the Secretariat, there is a "ouvidoria" dedicated to receiving, reviewing, and forwarding to competent authorities the human rights violation in the web - internet-based discrimination, violation, or abuses.	Presidency, Secretariat of Human Rights of the Presidency	Executive Decree	Some changes in the organizational structure of Secretariat, relocation of personnel. Secretariat of Promotion and Defence of Human Rights and Coordination of HR remain in this Secretariat. Changes in personnel, from 160 to 173.
2	Re-organization of the Presidency, secretariats and ministries. The Secretariat of Human Rights is merged with the other two. LGBT is not mentioned.	This Law re-organize the organizational structure of the Presidency, extinguishes and transforms official public position, and amend Law 10.683/2003	Presidency, Ministry of Women, Racial Equality, Youth and Human Rights	Law	This policy document presents several changes in the ministerial cabinets. Many secretariats and ministries were merged, perhaps in a manoeuvrer to cut public expenditure and avoid the impeachment suffered by Dilma months later in 2016. The Secretariat of Human Rights from the Presidency was extinct and merged with two other secretariats, becoming the Ministry of Women, Racial Equality, Youth and Human Rights. In the new composition of the ministerial cabinet, in the attributions of

					the "human rights" ministry, the focus is on women policies, youth and racial and ethnic issues; nothing is mentioned about LGBT in this policy document. This is the beginning of a dismantling of LGBT policies with the impeachment process. The National Council against discrimination is cited, but not the CNCD-LGBT. Here LGBT started to be deleted from official documents
2	It does not mention any instrument in specific, but it says that this Law is valid until another specifies the functions and structure of each ministry.	To amend Law 10.683/2003 and re-organize the ministerial cabinets after the impeachment of Dilma	Presidency	Law	Nothing is mentioned about LGBT human rights. The Ministry of Women, Racial Equality, Youth and Human Rights is diminished to different secretariats within the new Ministry of Justice and Citizenship. The CNCD is mentioned, but not the CNCD-LGBT. The amendment in this law is justified as cutting public costs. All Ministers were male.
2	The Directorate for Promotion of LGBT rights is responsible for coordinating actions for the promotion and defence of LGBT rights and the function of the Executive-Secretariat for the CNCD-LGBT. It has an increased of personnel, 235 personnel working in this ministry.	To provide the organizational structure of the new configuration of the (restored) Ministry of Human Rights. Overall, the Secretariat's actions promote and protect human rights for everyone, especially for those considered minorities. Accordingly, this decree establishes the Ministry of Human Rights as a cabinet of the presidency and a Directorate for promoting LGBT rights within the ministry.	Presidency, Ministry of Human Rights	Executive Decree	Decree revoked by the decree 9.673/2019
2	The ministry of human rights is restored and organized, but no specific instrument is mentioned for policy implementation	To establish the basic organizational structure of the presidency and ministries	Presidency	Law	The new composition of the ministerial cabinet and presidency re-establishes the Ministry of Human Rights in this law. Again nothing is mentioned about the CNCD-LGBT, only the CNCD and minorities. The secretariat for LGBT policies was excluded from the organizational structure of the presidency since Dilma, Temer reinforced it. Therefore, the Ministry of

					Human Rights is re-established in this policy document, but the LGBT secretariat was not mentioned, only mentioning the National Council Against Discrimination.
2	Increase in personnel, From 234 to 295 personnel	To change the decree 9.122/2017 and re-organize the Ministry of Human Rights	Presidency	Executive Decree	The changes are more pronounced in the personnel, from 234 to 295. The Directorate for Promotion of LGBT rights and CNCD-LGBT remained as part of the government structure
2	To establish the government and create the cabinet. It does not show the personnel	This Provisory Amendment establishes the basic organizational structure for the new government. Creating The Ministry of Women, Family, and Human Rights aims to promote HR to women, families, children and adolescents, youth, elderly, disabled people, black people, and ethnic and social minorities.	Presidency	Provisory Measure	The new government changes the Ministry of Human Rights into the Ministry of Women, Family, and Human Rights. Although the CNCD remains part of the Ministry, the LGBT is not mentioned in this document.
2	Personnel of 295, the same as it was before with Temer. In terms of LGBT, it is reduced to one Directorate with 3 personnel.	To provide the organizational structure of the Ministry of Women, Family and Human Rights. This decree establishing the new organizational structure of the Ministry creates different actions within the ministry to promote and protect human rights. In this Ministry, there is a Directorate for Promotion of LGBT rights under the National Secretariat of Global Protection	Presidency, Ministry of Women, Family, and Human Rights	Executive Decree	There is an evident discourse change in this decree. LGBT people shifted to ethnic and social minorities and vulnerable groups. Also, a discourse framed as fighting all forms of violence, prejudices, discrimination, and intolerance, not explicitly citing the LGBT people and their rights, whereas maintaining the Directorate for promoting LGBT rights under the National Secretariat of Global Protection. The Directorate of LGBT rights is responsible for coordinating the government actions to promote LGBT human rights and coordinate the CNDH-LGBT
2	The personnel increased from 295 to 325.	To provide the organizational structure of the Ministry of Women, Family and Human Rights. This decree establishing the new organizational structure of the Ministry creates different actions within the ministry to	Presidency	Executive Decree	

		promote and protect human rights. In this Ministry, there is a Directorate for Promotion of LGBT rights under the National Secretariat			
2	The personnel decreased from 325 to 314	To provide the organizational structure of the Ministry of Women, Family and Human Rights.	Presidency	Executive Decree	
2	It does not show the personnel working for each ministry	To establish the basic organizational structure of the presidency and ministries and amend several Laws	Presidency	Law	The ministry of human rights from Temer's government became the Ministry of Women, Family, and Human Rights, which host the National Council Against Discrimination. Again, the LGBT secretariat is not mentioned in the document, although it exists as a directorate within this ministry. The Ministry of Human Rights is now the Ministry of Women, Family and Human rights with a more conservative agenda.
2	Personnel from 314 to 313. The Directorate for LGBT rights remains the same with 3 personnel	To provide the organizational structure of the Ministry of Women, Family and Human Rights	Presidency, Ministry of Women, Family, and Human Rights	Executive Decree	The Secretariat of LGBT Human Rights turns into a Department of Promotion of LGBT Rights within the Ministry of Women, Family and Human Rights under the National Secretariat of Global Protection. The sub-secretariat for Promotion and Defence of Human Rights, which was responsible for the LGBT rights, became the National Secretariat of Global Protection, and LGBT rights became a department with 3 personnel.
2	To revoke 305 decrees, including the decree 6.980/2009. Coincidently or not, decree 6.980/2009 is specific about implementing LGBT policies.	To revoke 305 decrees, including the decree 6.980/2009. Coincidently or not, decree 6.980/2009 is specific about implementing LGBT policies.	Presidency	Executive Decree	
2	To revoke 473 ordinances and resolutions, including the ordinances 202/2018, 766/2013 and 767/2013	To revoke 473 ordinances and resolutions, including the ordinances 202/2018, 766/2013 and 767/2013	Ministry of Women, Family, and Human Rights	Ministerial Ordinance	It revoked several ordinances and resolutions justifying as inferior to the current decree 10.139/2019
3	Consultative Committee	To create the National Council Against Discrimination - CNCD	They are composed of different ministries and	Executive Decree	This decree is the first to establish a specific Council to fight discrimination

		under the Human Rights framework	secretariats. Concrete actions are to meet and decide upon issues to combat discrimination. Civil society, social movements, Government (presidency, ministries, secretariat), Foundations like Palmares and Indio (11 representatives from the ministries and 11 from social movements and civil society)		in the country after democratization. This decree was revoked by the decree 5.397/2005
3	They were composed of 30 effective members, 15 different ministries and secretariats, 15 from social movements and civil society, and 4 representatives from the Federal Public Ministry, Labour Federal Ministry, Magistrature Federal, and HR Commission from the Chamber of Deputies.	Provides for the composition, competence and functioning of the National Council for Combating Discrimination. Discrimination is framed in this decree as a general term of human rights to defend excluded communities such as indigenous, GLBT people, and black people.	Presidency, Minister-Chief of Staff, social movement, civil society organizations	Executive Decree	This decree changes the CNCD from the ministry of justice to the Special Secretariat of Human Rights from the Presidency. Also, the number of members increased from 24 to 34, 30 effective and 4 only participants. This decree creates a new structure for the CNCD and moves the Council to the Human Rights framework, detaching from the ministry of justice. There is an idea of collective action behind the structure of this council by involving several ministries and civil society organizations, which will also influence the policy implementation when nobody assumes the responsibility for the policy.
3 & 12	They were composed of 30 effective representatives, 15 from civil society and 15 from the government. 4 other participants without the right the vote.	Provides for the composition, competence and functioning of the National Council for Combating Discrimination. This Council will combat discrimination against LGBT people and promote LGBT human rights. Furthermore, this Council aims to participate in elaborating governmental programmes, propose reviews to governmental actions, develop strategies to implement the National Plan LGBT, in general, and promote human rights for	Presidency, Special Secretariat of Human Rights, Civil society, social movement, several ministries,	Executive Decree	

		LGBT people in different levels of government.			
3	Several instruments are mentioned in this decree of how the public could participate in governmental decisions.	To establish the National Policy for Social Participation. The main aim is to intensify the democratic participation of citizens and create dialogues between government and civil society	Presidency	Executive Decree	
3	Consultative Committee	Provides for the composition, competence and functioning of the National Council for Combating Discrimination. The council aims to collaborate with the ministry of women, family, and human rights by proposing governmental actions to defend the human rights of ethnic and social minorities and victims of violence, prejudices, discrimination, and intolerance.	This council is composed by 7 representatives, 4 from the government and 3 from civil society organizations. Ministry of Women, Family, and human rights, National Secretary for Global Protection	Executive Decree	There is a radical change in this policy, shifting the target group and discourse from the LGBT protections against discrimination to the more general protection of individuals and groups affected by discrimination and intolerance. Also, this council will be under the new Ministry of Women, Family and Human Rights. This council will shift content from LGBT to the protection of rights of individuals or groups affected by discrimination and intolerance. This decree completely changes the initial policy goals, target groups, and organizational structure. From the previous decree to this one, a radical change is identified when the target group - the protection of LGBT human rights - is dropped in the new decree, not mentioning specific target groups but a broad understanding of minorities and discrimination. It remains the current policy.
3	To extinguish the National Councils and collegial participation from civil society in the public administration	To extinguish the National Councils and collegial participation from civil society in the public administration	Presidency	Executive Decree	The presidential decree extinguishes the mechanism of social control established in 2014 by the decree 8.243/2014 (Dilma), limiting this participation to specific Councils that cannot be extinct by a decree since laws create them. The president extinguished all consultative councils limiting public participation in political decisions. Some of the councils could not be extinguished and remained with a limited number of members and

					decisive or consultative power. This decree remains valid.
3	-	To amend the decree 9.759/2019	Presidency	Executive Decree	It changes the terms defining which Collegial, Commission, and Groups of social participation would be extinct. But not all of them can be simply extinct because some were created based on legal acts that this decree cannot reverse.
6	Reference Centres, campaigns, information outreach, capacity building for professionals within the movement homosexual (at the time), an incentive to denounce HR violations	To create a national programme to combat discrimination and homophobia in Brazil.	Presidency, Ministry of Health, CNCD, social movement, civil society (inter-ministerial)	Programme	Although this programme is considered the changing point in terms of LGBT policies in Brazil, no legal instrument was found to support this programme. Several ministries developed some initiatives to implement the programme, with no specific budget. This was a landmark and "umbrella" policy addressing actions to develop public policies to tackle homophobia. The first umbrella policy created social changes and aggregated human rights for LGBT people in different sectors, including health, labour market, education, etc. This programme aims at promoting citizenship for gay, lesbian, travestis, transgender, and bisexuals, emphasizing the diversity of rights for the LGBT community on social, political, cultural and economic aspects, not effectively considered by previous policies. Centros de Referencias foram criados em todos os estados. Nucleos de Pesquisas e Promoção da Cidadania GLBT foram financiados e projetos de capacitação em direitos humanos para o combate a homofobia. p.2 do Texto Base Conf 1
7	-	This decree calls for the 1st National Conference GLBTT in Brazil	Presidency	Executive Decree	This is the first time a president has called for a national conference for LGBT public policies.
7	Information	To give the general guidelines for the 1st Conference focusing on the construction of the National Plan of Promotion of Citizenship and Human rights of LGBT and	Special Secretariat of Human Rights from the Presidency, LGBT movement	Recommendation Document	

		enforce Brazil without homophobia programme. Actions are presented under several policy domains according to the Ministries possibly implementing policies for LGBT people such as Human Rights, Health, Education, Justice and Public Security, Culture, Employment and Labour market, Social Security, Tourism, Cities, Communication, Racial Equality, Women, Elderly, Disable people, Children and Youth,			
7	Education, information, Conference	The Conference LGBT aims to debate the human rights of LGBT people, public policies to meet their needs and reinforce the programme Brazil without Homophobia to create a National Plan to Promote Citizenship and Human rights of LGBT. Several working groups raised debates and proposed policy topics to be addressed in the National Plan of Human Rights 3 (2009) and the National Plan of LGBT rights. The 10 topics from the Basic Text will drive the conference organization, and policy proposals will be voted by the groups discussing a topic and later by the conference plenary.	Presidency, LGBT movement, civil society, academics	Conference Proceeding	The Conference Proceeding follows the Basic Text directives recommended to debate the topic of Human Rights and public policies for LGBT people in Brazil. The final Conference document provides recommendations for policy formulation on 10 topics. The Letter of Brasilia is a good summary of the historical movement demands and a claim for actions to assure rights for the LGBT people in Brazil.
9	The implementation of this policy demands a joint articulation between secretaries and ministries (inter-ministerial). Therefore, it is relevant to create a network between different levels of government, federal, state and municipal, for this purpose. Several strategic plans for implementing this policy are	To create a National Plan to guide LGBT public policies, particularly addressing social inclusion, combatting inequality, discrimination and violence. The National Plan presents particular demands from the LGBT movement to include LGBT people and provide them with the same citizenship rights from	Presidency, Special Secretariat of Human Rights, Civil society, social movement, several ministries,	Programme	This is the first policy document to integrate several policy domains and topics reinforcing Brazil Without Homophobia originated from the 1st Conference. This Programme resulted from the 1st National GLBT Conference in 2008. It summarizes public policy proposals and recommendations emerging from the participatory debates between civil society organisations and

	based on the state budgeting allocated in 2009, 2010-2011. Several ministries and secretariats at multi-levels of government, health, culture, education and human rights are responsible for this policy implementation.	public services such as health, social security, culture, employment, and human rights ...			government. This Programme is also integrated with Brazil Without Homophobia programme (2004). Several complementary programmes and policies emphasize the state-civil society relationship based on participatory democracy in Brazil. How much is this effective in developing and implementing LGBT policies in Brazil? This policy also repeats several objectives from previous policies, of course not achieved before.
13	-	To create the National Day Against Homophobia	Presidency, Social movement	Executive Decree	This decree meets a historical demand from the social movement. Several bills were introduced to Congress on this matter and never passed; the Executive installed the National Day.
14	-	This decree calls for the 2nd National Conference GLBTT in Brazil	Presidency, Secretariat of Human Rights of the Presidency	Executive Decree	
14	Information	This document is in preparation for the 2nd National Conference LGBT, held in Brasilia in 2011. Three are the main objectives addressed in this document, 1-analyse the national and international context of the LGBT public policies addressing the combat of violence and vulnerabilities; 2-Evaluate the implementation of the National Plan LGBT; 3- Give directives for public policy formulation and implementation to fight poverty among LGBT people	Special Secretariat of Human Rights from the Presidency, LGBT movement, other ministries, academics,	Recommendations Document	From the 1st Conference to the 2nd, some changes are related to the topics addressed in the conference, from an initial idea of how public policies could be formulated to an evaluation of programmes developed, specific policy recommendations to each ministry, and the evaluation of the national conjuncture.
14	Education, information, Conference	The Conference proceedings present the Speeches and the policy recommendations approved in the plenary. The conference raises topics and debates about the LGBT needs and life in the country, and at the end, vote for policy recommendations. These	Special Secretariat of Human Rights from the Presidency, LGBT movement, other ministries, academics, politicians (Congress representatives),	Conference Proceeding	

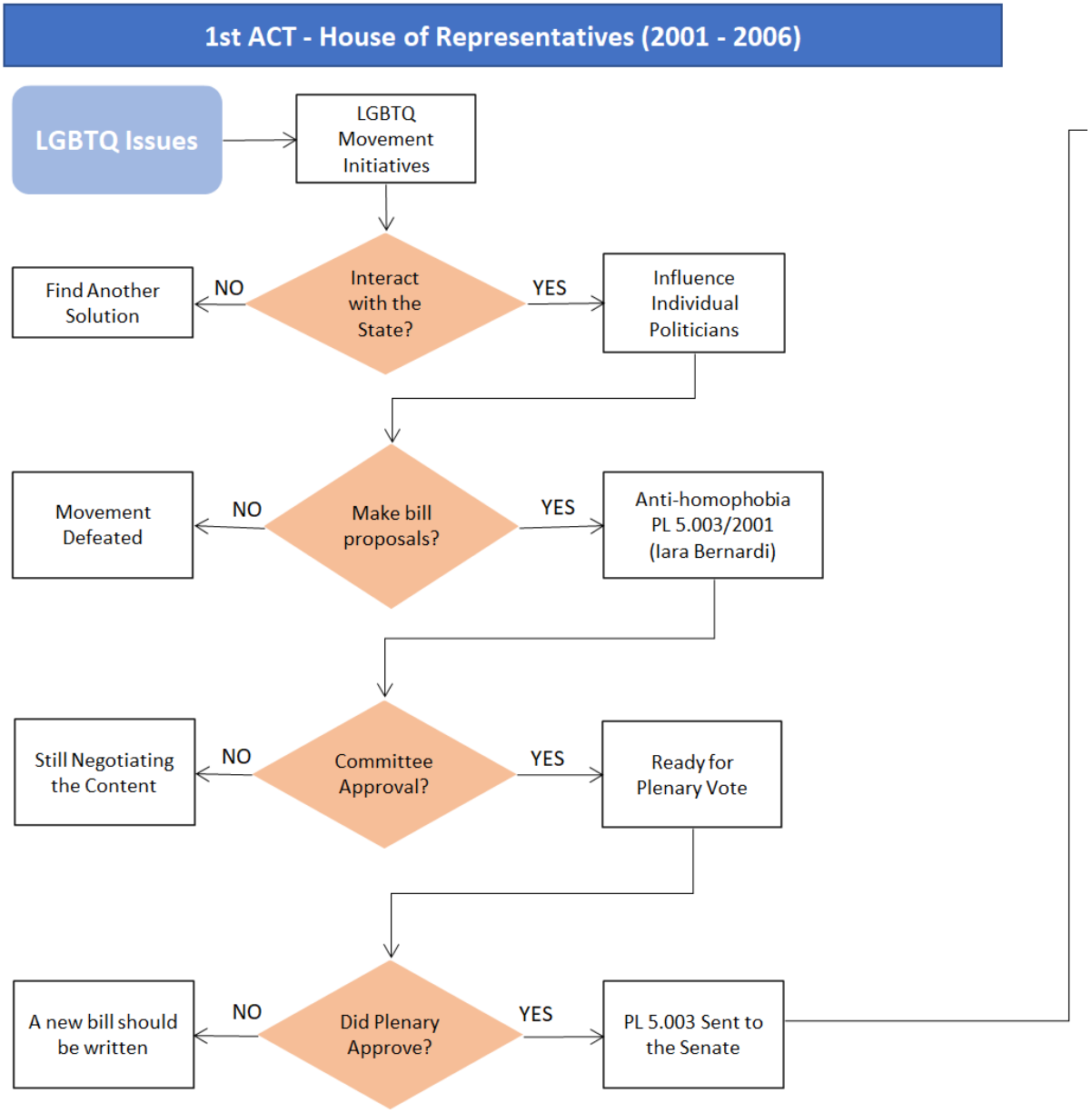
		recommendations are addressed to specific ministries or secretariats, demanding concrete actions from them.			
15	Report	To systematically map the violence against LGBT people in Brazil. Therefore, tackle the issues by formulating effective public policies. The main aim of this report is to present and document violence rates against LGBT people and create a database from the government. Also, to provide evidence for public policy formulation to protect the LGBT people, create awareness and social education to respect diversity at the federal level.	Secretariat of Human Rights in collaboration with the Secretariat of Women Policies, Ministry of Health, and secretariats of public security, academics	Report	Before this report, all data about violence and homophobia in Brazil was collected and processed by GGB. The first governmental report of homophobia and violence against LGBT people in Brazil is a landmark for human rights advocacy, which could provide evidence for more effective public policy formulation. Unfortunately, this report only had two editions.
15	Report	To map the homophobia and violence against LGBT people in Brazil	Secretariat of Human Rights, academics	Report	
16	Creation of a new National System for Promotion and Combat of homophobic violence. Promote the creation of LGBT councils and coordination in the states, districts, and municipalities. Plano Plurianual de Governo (PPA), Lei de Diretrizes Orçamentarias (LDO) e Lei Orçamentaria Anual. Art 15 establishes a National Pact to Combat LGBT-phobic violence.	To establish a National System of Promotion of Rights and Combat the Violence against LGBT. This Ordinance creates mechanisms of social control from the civil society to the government regarding the policy implementation, especially the PNDH-3, the recommendations from the 2nd National Conference LGBT and other Human Rights decrees. Multi-level governance, Federal, State and Municipal. Because of the 2012 report on violations of HR reporting high numbers of homophobic crimes, the Minister created this National System for Promotion and Combat violence against LGBT people.	Secretariat of Human Rights, Minister	Ministerial Ordinance	Revoked by Ordinance 2.551/2020
17	Nothing is mentioned in specific for the HR secretariat	To establish a National Committee for LGBT public policies. This Committee attached to the	Secretariat of Human Rights, Minister	Ministerial Ordinance	Revoked by the Ordinance 2.551/2020

		Secretariat of Human Rights is to promote the LGBT policy implementation in the multiple levels of governance, making the articulation between governments. In addition, this Committee makes sure the actions proposed by the National System of Promotion of Rights and Combat the Violence against LGBT are accomplished.			
18	-	This decree calls for the 3rd National Conference on LGBT policies and rights. This decree calls for a joint national conference on Human Rights - Children and adolescents, LGBT, Elderly people and Disabled people.	Presidency, Ministry of Women, Racial Equality, Youth and Human Rights	Executive Decree	From the previous decrees calling for the LGBT Conference, this one is calling for a joint conference, limiting the budget for the organization, participants, and the debates around several topics and not focusing on one in particular.
18	Information	In preparation for the 3rd Conference, this document provides several proposals for policies on protecting LGBT people against homophobia. The objective of this Conference is distributed into 4 topics, aiming at developing LGBT Public policies in a transversal manner involving multiple levels of governance.	Presidency, Ministry of Women, Racial Equality, Youth and Human Rights, LGBT movement, academics, CNCD-LGBT,	Recommendation's document	
18	Education, information, Conference	This Conference aims to enforce the previous editions and present other demands from the LGBT movement regarding human rights for LGBT people, especially to criminalize LGBTphobia in the country. Notably, in this Conference, specific topics were debated and added to the agenda for practical actions from the government. Four main topics were presented, 1, intersectoral policies; 2, education, culture and communication in HR; 3, public security and justice; 4, legal and	Ministry of Women, Racial Equality, Youth, and human rights, civil society, academics, politicians	Conference Proceeding	Something interesting about this conference is that the historical LGBT activists did not participate in this event; instead, a younger militancy was present as delegates.

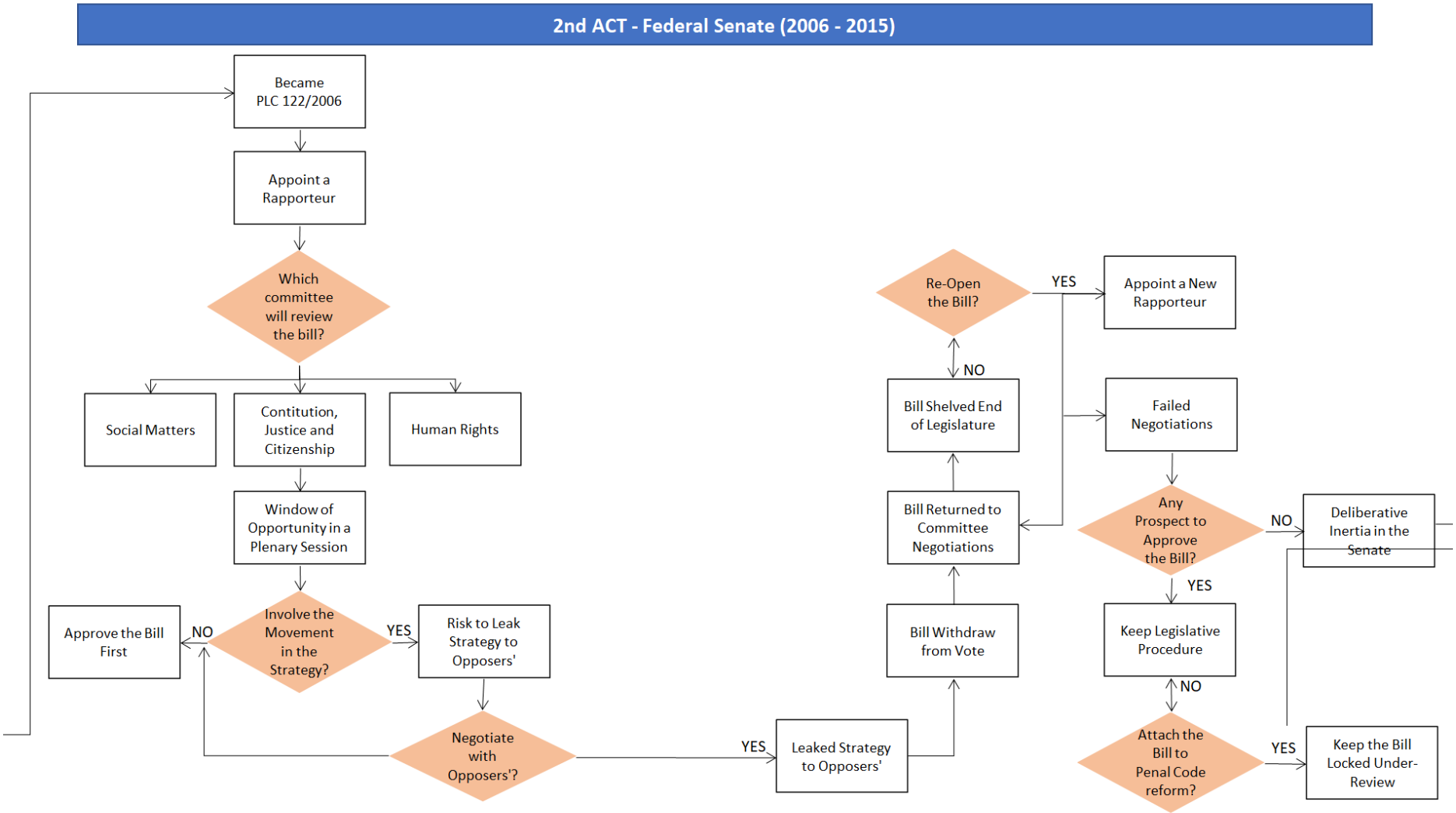
		normative way to tackle violence against LGBT people.			
19	The official form should include the social name of transgender people	To recognise the use of social names for transgender people in official documents from the federal public administration	Presidency	Executive Decree	
20	It tries to reinforce the CNCD creation at the state level and proposes to boost several other existing mechanisms but not effectively working, but in concrete, no budget was created for its execution.	To establish a National Pact to Combat LGBT-phobia Violence. It is a multilevel governance articulation to prevent and combat LGBTphobia. To create different mechanisms of protection, services and promotion of LGBT rights to combat violence against this community at different levels of governance. No specific budget is attached to the implementation of this policy.	Ministry of Human Rights	Ministerial Ordinance	

ANNEX IV. FLOWCHART OF DECISION-MAKING THROUGHOUT THE CRIMINALISATION CASE (2001-2019)

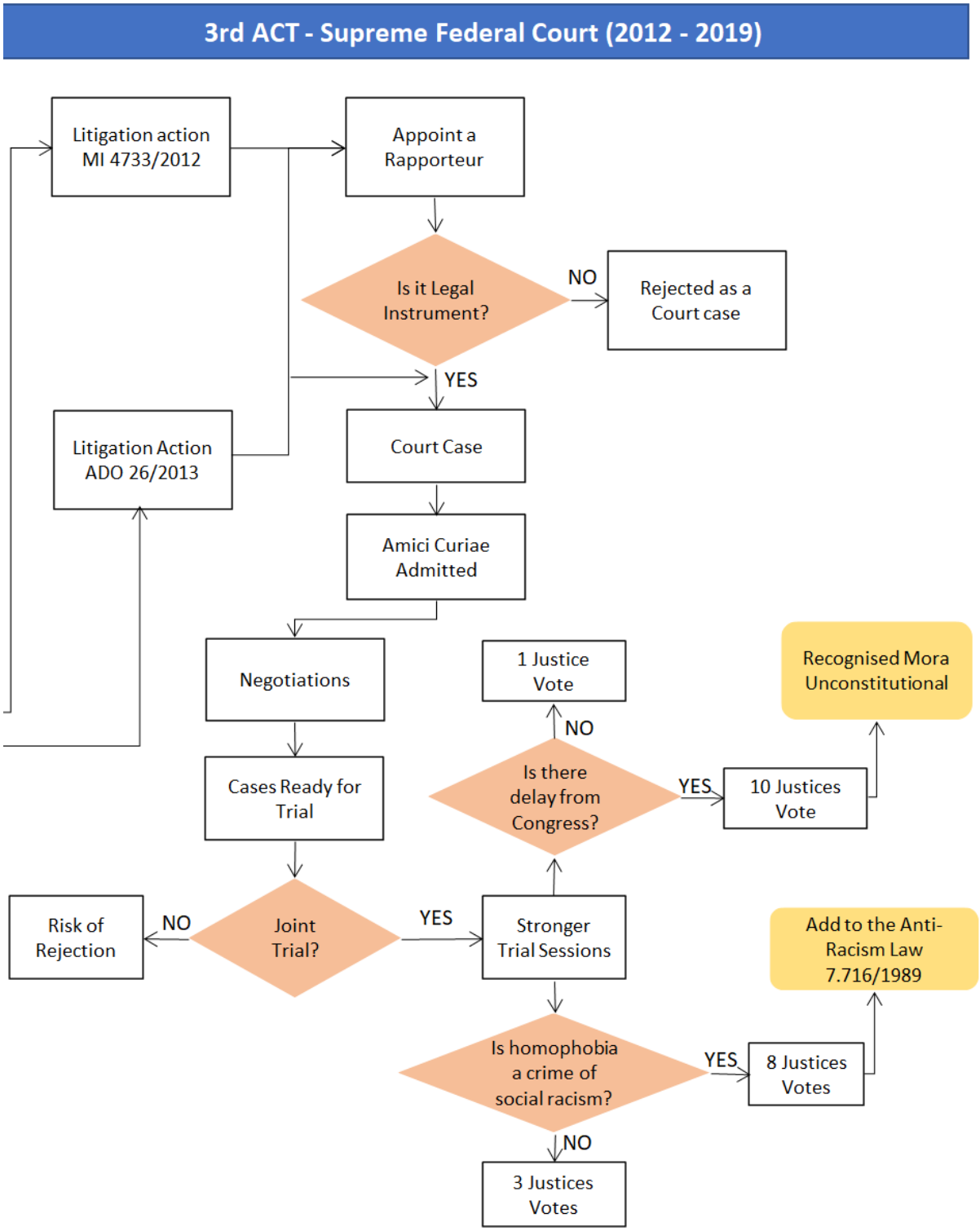
ANNEX IV.A. FIRST ACT HOUSE OF REPRESENTATIVES (2001-2006)



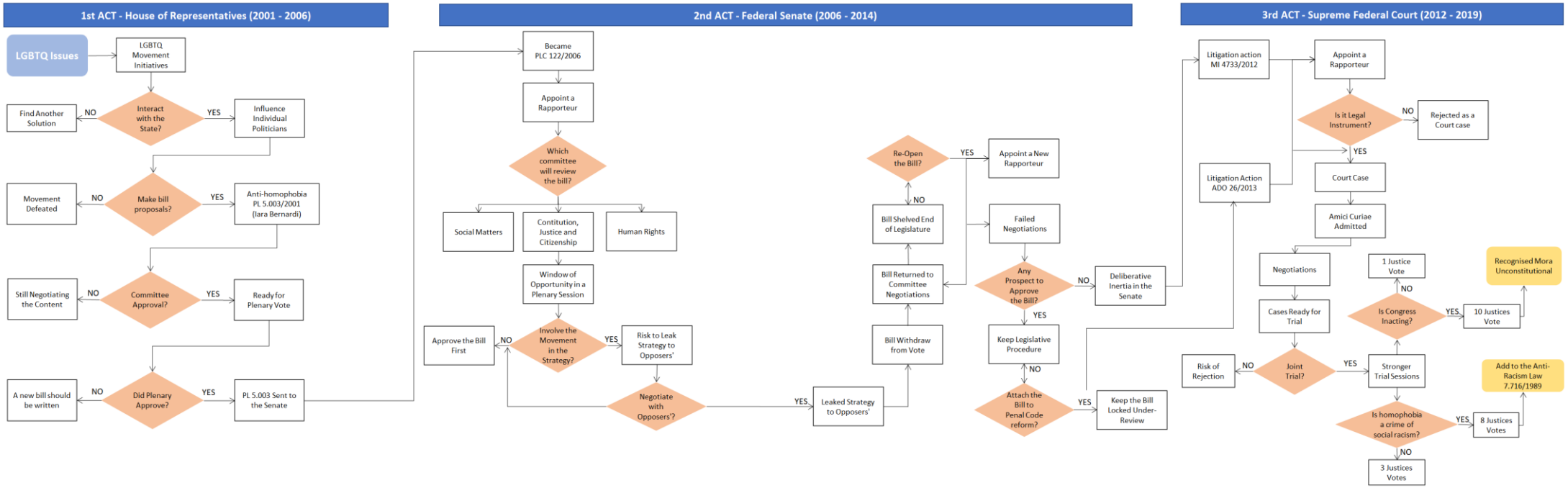
ANNEX IV.B. SECOND ACT FEDERAL SENATE (2006-2015)



ANNEX IV.C. THIRD ACT SUPREME FEDERAL COURT (2012-2019)



ANNEX IV.D. FLOWCHART OF DECISIONS FROM THE CRIMINALISATION CASE (2001-2019)



ANNEX V. INTERVIEW QUESTIONNAIRES

ANNEX V.A. INTERVIEW QUESTIONS FOR ACADEMICS

The interview is divided into four parts:

- The motivations of academics to work on LGBTQ issues
- The strategies developed by the LGBTQ movement to influence public policies
- The influence of the LGBTQ movement on the criminalization of LGBTphobia in Brazil
- The current challenges faced by the LGBTQ movement in Brazil concerning LGBTQ policies

QUESTIONS FOR ACADEMICS

PART 1 - MOTIVATIONS FOR WORKING ON LGBTQ ISSUES

1. Reviving your trajectory working with LGBTQ issues in Brazil, since when have you been developing research in this area?

2. What were the motivations for working on such issues?

3. How is your contact with the LGBTQ social movement in Brazil since you started working on this topic?

4. From your relationship with the LGBTQ movement. Have you ever cooperated with any LGBTQ public policy development process? If so, what specific policy?

5. What was your role in this policy?

( ) Political advisor

( ) Political consultant

( ) Expert providing scientific knowledge (state-of-the-art reports on the subject)

( ) Reviewer of the policy actions to be implemented

( ) Another function, which? _____

PART 2 – INFLUENCE OF THE LGBTQ MOVEMENT ON PUBLIC POLICIES

6. From your experience, how do you consider the influence of the LGBTQ movement on the development of public policies in Brazil in the last 20 years?

7. Whereas public policies are developed in five stages. In which stages do you consider the LGBTQ movement had more influence?

( ) Agenda-setting

( ) Formulation

( ) Decision-making

( ) Implementation

( ) Evaluation

8. Why do you believe that the movement more easily influences at this stage and not at another? Could you please comment on that?

9. From your experience, what strategies has the LGBTQ movement used to develop and achieve LGBTQ public policies and human rights in Brazil in the last 20 years?

10. Concerning the main actors in the development of LGBTQ policies in Brazil, do you highlight anyone in the last 20 years?

11. What is this actor's contribution?

PART 3 - THE CASE OF THE CRIMINALISATION OF LGBTPHOBIA

12. From your experience, how do you consider the influence of the LGBTQ movement on the criminalization of LGBTphobia?

13. What kind of influence do you think the LGBTQ social movement had in the process of criminalising LGBTphobia in Brazil?

14. Do you know any specific strategy used by the LGBTQ movement to influence this process?

Examples:

( ) Litigation - Judicial Process

( ) Lobby

( ) Advocacy

( ) Alliance with political parties

( ) Amicus Curiae

( ) Influencing public opinion

( ) Advertising in the Media

( ) Public demonstration or mobilization

Others_____

15. In your opinion, who would be the main opponents of this process of criminalisation of LGBTphobia in Brazil?

16. What are the main factors for the opposition?

PART 4 - POLITICAL CONTEXT IN GENERAL

17. If you could change something in Brazil, what would you improve on LGBTQ public policies?

18. What could you suggest for activists/political parties/LGBTQ organizations to better influence public policies in Brazil?

19. Do you think any external influence at the international level has facilitated or hindered the development of public policies and human rights for LGBTQ in Brazil?

20. One last question, how do you see the future of Brazil concerning LGBTQ rights, for example, in 2030?

ANNEX V.B. INTERVIEW QUESTIONS FOR ACTIVISTS

The interview is divided into four parts:

- Your trajectory within the LGBTQ movement activism in Brazil
- The strategies developed by the LGBTQ movement to influence public policies
- The influence of the LGBTQ movement on the criminalization of LGBTphobia in Brazil
- The political context in general

QUESTIONS FOR ACTIVISTS

PART 1 - LGBTQ MOVEMENT ACTIVISM IN BRAZIL

1. Reviving your trajectory as an LGBTQ activist in Brazil, since when have you been doing activism in the country?

2. What were the main reasons that led you to activism?

3. In the last 20 years, how do you consider the organization of the LGBTQ movement in Brazil in relation to political activism?

4. Still, in the last 20 years, how has been the relationship between the LGBTQ movements and the government?

PART 2 – INFLUENCE OF THE LGBTQ MOVEMENT ON PUBLIC POLICIES

5. From your experience, how do you consider the influence of the LGBTQ movement on the development of public policies in Brazil in the last 20 years?

6. Whereas public policies are developed in five stages. In which stage do you consider the LGBTQ movement can easily access and influence?

( ) Has the movement managed to have LGBTQ issues included in the political agenda?

( ) Has the movement been successful in formulating alternatives for politicians?

( ) Did the movement act in decision-making on LGBTQ policies?

( ) Has the LGBTQ movement collaborated in the implementation of LGBTQ policies in the country?

( ) Has the movement collaborated in the evaluation of LGBTQ policies?

7. What were the reasons, in your opinion, why the movement was able to influence policy at this stage and not at another?

8. From your experience, what strategies has the LGBTQ movement used to develop and achieve LGBTQ public policies and human rights in Brazil in the last 20 years?

9. Who do you consider the key actors in developing LGBTQ policies in Brazil in the last 20 years?

10. Is there any specific event that facilitates the movement influence?

PART 3 - THE CASE OF THE CRIMINALISATION OF LGBTPHOBIA

11. From your experience, how do you consider the influence of the LGBTQ movement on the criminalisation of LGBTphobia?

12. What kind of influence do you consider that the LGBTQ movement had in the process of criminalising LGBTphobia in Brazil?

13. Do you know any specific strategy used by the LGBTQ movement to influence this process?

Examples:

( ) Litigation - Judicial Process

( ) Lobby

( ) Advocacy

( ) Alliance with political parties

( ) Amicus Curiae

( ) Influencing public opinion

( ) Advertising in the Media

( ) Public demonstration or mobilization

Others_____

14. In your opinion, who would be the main opponents of the process of criminalization of LGBTphobia in Brazil?

15. What are the main reasons for the opposition?

PART 4 - POLITICAL CONTEXT IN GENERAL

16. How do you consider the relationship between the current government and the LGBTQ movement?

17. If you could change something in Brazil, what would you improve on LGBTQ public policies?

18. One last question, how do you see the future of Brazil concerning LGBTQ rights, for example, in 2030?

ANNEX V.C. INTERVIEW QUESTIONS FOR POLITICIANS

The interview is divided into four parts:

- Your relationship and motivations for working with LGBTQ causes
- The LGBTQ movement and public policies
- The criminalization of LGBTphobia in Brazil
- The current political landscape

QUESTIONS FOR POLITICIANS

PART 1 - RELATIONSHIP WITH THE LGBTQ CAUSE

1. Reviving your political trajectory, since when have you started working with the LGBTQ issues in Brazil?

2. What motivated you to defend the LGBTQ issues and propose LGBTQ policies in the (Congress/Executive)?

3. What is your contact with the LGBTQ movement in Brazil?

PART 2 – INFLUENCE OF THE LGBTQ MOVEMENT ON PUBLIC POLICIES

4. From your experience, how do you consider the influence of the LGBTQ movement on the development of public policies in Brazil in the last 20 years?

5. Whereas public policies are developed in five stages. In which of the following stages do you consider the LGBTQ movement had more incidence and easy access to influence?

( ) Has the movement managed to have LGBTQ issues included in the political agenda?

( ) Has the movement been successful in formulating alternatives for politicians?

( ) Did the movement act in decision-making on LGBTQ policies?

( ) Has the LGBTI movement collaborated in implementing LGBTQ policies in the country?

( ) Has the movement collaborated in the evaluation of LGBTQ policies?

6. What were the reasons, in your opinion, why the movement was able to influence policy at this stage and not at another?

7. From your experience, which were the strategies used by the LGBTQ movement to develop and achieve LGBTQ public policies and human rights in Brazil in the last 20 years?

8. What obstacles have you faced as a politician advocating for LGBTQ policies?

PART 3 - THE CASE OF THE CRIMINALISATION OF LGBTPHOBIA

9. From your experience, how do you consider the influence of the LGBTQ movement on the criminalisation of LGBTphobia?

10. What kind of influence do you consider the LGBTQ social movement had in the process of criminalising LGBTphobia in Brazil?

11. Which specific strategy has the LGBTQ movement used to influence this process?

Examples:

( ) Litigation - Judicial Process

( ) Lobby

( ) Advocacy

( ) Alliance with political parties

( ) Amicus Curiae

( ) Influencing public opinion

( ) Advertising in the Media

( ) Public demonstration or mobilization

Others_____

12. In your opinion, who would be the main opponents of this process of criminalization of LGBTphobia in Brazil?

13. What are the main reasons to oppose?

PART 4 - POLITICAL CONTEXT IN GENERAL

14. How do you consider the relationship between the current government and the LGBTQ movement?

15. If you could change something in Brazil, what would you improve in the LGBTQ policies?

16. One last question, how do you see the future of Brazil concerning LGBTQ rights, for example, in 2030?

Summary in English

After the Brazilian democratisation in 1985, the LGBTQ movement deployed several strategies to influence the legislature to approve an LGBTQ bill in Congress but failed. Given the legislative inertia, the LGBTQ movement shifted strategies and venues of activism from legislative to executive and later to the judiciary. The federal executive and judiciary have created palliative policies to compensate for the legislative vacuum and tackle LGBTQ issues, particularly anti-discrimination policies. Therefore, this research raises the question: how does the LGBTQ movement influence policymaking in Brazil? By analysing the anti-homophobia policy process that started in 2001 in Congress and concluded with a judicial decision in 2019, this dissertation seeks to unpack a causal mechanism of influence between the LGBTQ movement and policymaking in one of the most violent countries for LGBTQ people globally. The interplay between social movement, public policy and queer theory helped investigate the movement-policy relationship in a Global South case study. Using data triangulation – document analysis, semi-structured interviews and Court cases analysis –allowed us to identify and analyse actors, events, decision-making, instruments and strategies driving the mechanisms of influence in the policy process. This dissertation comprises five chapters, next to the introduction and conclusion.

Chapter 2 provides a literature review on the relationship between social movements and public policy, focusing on strategies to influence. This chapter relies on a model to search for empirical evidence to demonstrate the movement-policy relationship interactions by combining two existing analytical models: the effects model and the political mediation model. Furthermore, the chapter provides an expanded repertoire of strategies deployed by social movements to influence policymaking in different policy stages, political and contextual conditions.

Chapter 3 presents the methodological approach of this research and continues with a description of the analytical framework and the materials and methods used for data collection and processing. The analysis takes an actor-centred perspective and will develop an analytical model by combining critical realism and explaining-outcome process-tracing to unpack a proposed causal mechanism. Finally, this chapter provides an overview of the main sources of information used.

The empirical analysis is divided into two chapters. Chapter 4 focuses on the policy change analysis of LGBTQ policy outputs created by the federal executive and adopted in Brazil between 1996 and 2020. This chapter proposes and develops the Potemkin policy model to analyse the manipulation dimension identified from changes in policy instruments, ideas, and actors happening by the political elite's decisions. Chapter 5 shows how the criminalisation of LGBTphobia unfolded by presenting the analysis of events, actors, strategies, and decision-making with a narrative approach detailing the 18-years of the policy process. Furthermore, the case was divided into three acts. The first act occurred in the House of Representatives, where the first anti-homophobia bill (PL 5.003/2001) was submitted in 2001 and approved in 2006. The second act occurred in the Federal Senate between 2006 and 2015, where the anti-homophobia bill suffered a deadlock for deliberate delay from legislators. Finally, the third act occurred in the Supreme Federal Court, between 2012 and 2019, where LGBTphobia was considered a crime under the anti-racism law 7.716/1989.

Chapter 6 presents a discussion connecting this dissertation's theoretical and empirical parts. Reflections on key elements of the analytical framework – advancement and limitations – contribute to explaining the findings and future refinement of the movement-policy relationship analysis based on an actor-centred case study.

Finally, conclusions are presented based on the analytical and theoretical frameworks developed throughout the dissertation. Furthermore, the study's limitations are presented, and policy recommendations emerging from the empirical analysis are formulated. Finally, possible avenues for future research are outlined.

Summary in Dutch

Na de Braziliaanse democratisering in 1985 zette de LGBTQ-beweging verschillende strategieën in om de wetgever te beïnvloeden om een LGBTQ-wet in het Congres goed te keuren, maar dit mislukte. Gezien de wetgevende traagheid verschoof de LGBTQ-beweging strategieën en locaties van activisme van wetgevend naar uitvoerend en later naar de rechterlijke macht. De federale uitvoerende macht en de rechterlijke macht hebben een palliatief beleid ontwikkeld om het wetgevingsvacuüm te compenseren en LGBTQ-kwesties aan te pakken, met name antidiscriminatiebeleid. Daarom roept dit onderzoek de vraag op: hoe beïnvloedt de LGBTQ-beweging de beleidsvorming in Brazilië? Door het anti-homofobiebeleidsproces te analyseren dat in 2001 in het Congres begon en in 2019 eindigde met een rechterlijke beslissing, tracht dit proefschrift een causaal mechanisme van invloed tussen de LGBTQ-beweging en beleidsvorming in een van de meest gewelddadige landen voor LGBTQ-mensen wereldwijd te ontrafelen. . De wisselwerking tussen sociale beweging, openbaar beleid en queer-theorie hielp bij het onderzoeken van de relatie tussen beweging en beleid in een Global South-casestudy. Door gebruik te maken van datatriangulatie – documentanalyse, semi-gestructureerde interviews en analyse van rechtszaken – konden we actoren, gebeurtenissen, besluitvorming, instrumenten en strategieën identificeren en analyseren die de invloedsmechanismen in het beleidsproces aansturen. Deze dissertatie omvat naast de inleiding en conclusie vijf hoofdstukken.

Hoofdstuk 2 omvat een literatuuroverzicht omtrent de relatie tussen sociale bewegingen enerzijds en publiek beleid anderzijds, met bijzondere aandacht voor beïnvloedingsstrategieën. Dit hoofdstuk beroept zich op het 'effectenmodel' en 'politieke bemiddelingsmodel' om interacties tussen sociale bewegingen en beleid aan te tonen en te analysen. Het biedt zo een overzicht van de verscheidenheid in strategieën die sociale bewegingen kunnen aanwenden om beleidsvorming in verschillende beleidsfasen, politieke en contextuele omstandigheden te beïnvloeden.

Hoofdstuk 3 presenteert de methodologische aanpak van dit onderzoek en gaat verder met een beschrijving van het analytisch kader en de materialen en methoden die worden gebruikt voor het verzamelen en verwerken van gegevens. De analyse gaat uit van een actor-gecentreerd perspectief en zal een analytisch model ontwikkelen door kritisch realisme te combineren met het traceren van de uitkomst van processen om een voorgesteld causaal mechanisme te ontrafelen. Ten slotte geeft dit hoofdstuk een overzicht van de belangrijkste gebruikte informatiebronnen.

De eigenlijke data-analyse zit vervat in hoofdstukken 4 en 5. Hoofdstuk 4 analyseert daarbij de beleidsverandering aan en output van het Braziliaans LGBTQ-beleid, gecreëerd door de federale uitvoerende macht en aangenomen tussen 1996 en 2020. Daartoe stelt het hoofdstuk tevens het 'Potemkin-beleidsmodel' voor ter analyse van de manipulatie aan dit beleid. Manipulatie omvat hier concreet de geobserveerde veranderingen in termen van beleidsinstrumenten, ideeën en betrokken actoren na beslissing vanuit de politieke elite.

Hoofdstuk 5, vervolgens, laat zien hoe de criminalisering van LGBT-fobie zich ontvouwde. Het analyseert daartoe de achterliggende gebeurtenissen, actoren, strategieën en besluit-vorming over een periode van 18 jaar, en presenteert deze op een narratieve wijze. Deze 18 jaar valt op te delen in drie akten. De eerste akte start met de indiening van de eerst anti-homofobiewet (PL 5.003/2001) in het Huis van Afgevaardigden. Deze werd goedgekeurd in

2006 en doorgestuurd naar de Senaat. In deze tweede akte, tussen 2006 en 2015, verzandde het wetsvoorstel in een impasse door opzettelijk vertragende acties vanwege de wetgever. In de derde en laatste akte, gaande van 2012 tot 2019, belandde het wetsvoorstel bij het Hooggerechtshof dat uiteindelijk oordeelde om LGBT-fobie als misdaad toe te voegen aan de antiracisme wet 7.716/1989.

Hoofdstuk 6 bespreekt de theoretische en empirische onderdelen van dit proefschrift. Het reflecteert over de belangrijkste elementen uit het analytische kader, de toegevoegde waarde en tevens beperkingen, en potentiële toekomstige verfijning voor de analyse van de wisselwerking tussen sociale beweging en beleid aan de hand van actorgerichte case studies.

Ten slotte worden conclusies gepresenteerd op basis van de analytische en theoretische kaders die in het proefschrift zijn ontwikkeld. Verder worden de beperkingen van het onderzoek besproken en beleidsaanbevelingen geformuleerd die voortkomen uit de empirische analyse. De conclusiesectie schetst eveneens pistes voor toekomstig onderzoek.

Title: “Doctoraten in de Sociale Wetenschappen en in de Sociale en Culturele Antropologie”
Link: http://soc.kuleuven.be/fsw/doctoralprogramme/ourdoctors