

Brazilian Bill Would Jail Priests and Pastors Who Oppose Homosexuality

Contributed by Gudrun Schultz
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Legislation under consideration by the Brazilian Senate that would make any public expression of opposition to homosexuality a crime poses a serious threat to religious freedom in the country, a legal expert warned earlier this week.

Bill 122/2006 would change federal anti-discrimination laws, the Brazilian Penal Code and the Consolidation of Labor Laws to make "discrimination or prejudice of gender, sex, sexual orientation and gender identity" a criminal offence. Conviction would result in prison sentences of between two and five years.

Dr. Zenóbio Fonseca, a juridical consultant and college professor, said Christians would be particularly vulnerable to conviction and jail sentencing for teaching against homosexuality, as the legislation would affect "any individual or group - including churches - that doesn't accept homosexual behavior or sexual orientation as an acceptable practice or social pattern in any public or private place."

Dr. Fonseca cited articles 8^o-A and 8^o-B of the bill, which would penalize any attempt to restrict homosexual expression:

"Article 8-A: To hinder or restrict the expression and the manifestation of affection in public or private places open to all people, because of characteristics foreseen in the 1st article of this Law: Penalty: between 2 (two) and 5 (five) years of incarceration".

"Article 8-B: To forbid the free expression and manifestation of affection of a homosexual, bisexual or transgender citizen, when these expressions and manifestations are allowed to other citizens: Penalty: between 2 (two) and 5 (five) years of incarceration".

While some have argued that religious freedom would be protected under the Brazilian Constitutional guarantee of freedom of faith, religion and worship, Dr. Fonseca pointed out that the legislation would establish sexual orientation as a universal human principle under the Constitution.

"This is so true that, when addressing the subject, some Brazilian courts have already been basing their decisions under that new view, that is, they have been addressing the subject as a principle of human dignity and equality," Dr. Fonseca wrote.

In addition, he said, "There are amendment bills to the Constitution under consideration in several States and the Chamber of Deputies, introducing the term sexual orientation as a principle expressed in the constitutional chapter of the fundamental principles."

Even if churches would be excused from the legislation's effects, individual Christians would be affected when, "in living and defending Christian values, the daily practice of their faith conflicts with homosexuality."

"That is the worst threat of the bill," Dr. Fonseca stated, "because it will hit any Christian expressing a view contrary to the free expression of the sexual orientation ideology and its values, that have been institutionalized as government programs, in the politics favorable to the GLBT population, in the federal program Brazil Without Homophobia, through the Ministry of the Culture, Education, Health and National Secretary of Human Rights."

The bill under consideration passed the House of Representatives in November 2006, but Senate members refused last week to vote on the proposal, opting instead to form a work group that will organize public hearings from specialists on the issue, according to a Zenit News Agency report.

Brazil authored a resolution presented to the Organization of the American States last fall that introduced sexual orientation as a universal principle of the dignity of the human person. Brazilian diplomats have been pushing for the adoption of a similar resolution by the United Nations Human Rights Committee - in 2003 a proposal put forward by Brazil was defeated by a coalition of Muslim nations.

"We see that this parliamentary proposal, currently under consideration in the Federal Senate, has been the primary goal of the entire homosexual movement in Brazil and other countries sympathetic to this issue," Dr. Fonseca said.

In related news, the Vatican Press Office announced March 16 that Pope Benedict XVI would visit Brazil for the Fifth General Conference of the Episcopate of Latin America and the Caribbean, May 9 to 14 in the city of Aparecida. The Holy Father will also visit the archdioceses of Sao Paulo and Aparecida.

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