



MINHA CRIANÇA TRANS

SUBMISSION REPORT FOR THE WORKING GROUP'S REPORT ON RESPECTING THE RIGHTS OF LGBTI PEOPLE IN THE CONTEXT OF BUSINESS ACTIVITIES: FULFILLING OBLIGATIONS AND RESPONSIBILITIES UNDER THE UNGPS

THEME: ACCESS TO THE LABOR MARKET FOR TRANSGENDER ADOLESCENTS AND THE ROLE OF BUSINESS COMPANIES

SUBMITTER: NGO MINHA CRIANÇA TRANS



Presentation of the My Trans Child Organization

Minha Criança Trans is the first organization in Brazil, and in Latin America, to deal exclusively with issues involving health, quality of life, public policies and the rights of transgender children and adolescents.

The organization aims to develop affirmative actions for the human rights of trans children, in a universal, indivisible and interdependent way with other rights for full citizenship, through promotion, training, defense and research actions.

Minha Criança Trans' beneficiaries and priority areas of activity are trans children, adolescents and young people, as well as their families. In this sense, the entire board is formed of mothers/legal guardians of a trans child/adolescent.

Therefore, the organization Minha Criança Trans is the Brazilian national reference in promoting and guaranteeing the full protection of transgender children and adolescents.

Part 1: Context of the scenario of access to work for trans people in Brazil

The reality of trans people in Brazil is highly violent and precarious, being the country that kills the most trans people in the world for 14 years in a row, according to the Dossier Murders and Violence Against Brazilian Transvestites and Transsexuals from the National Association of Transvestites and Transsexuals.

The report also shows that 88% of people believe that companies are not ready to hire trans professionals. Furthermore, according to the same survey, 20% of the transgender population is outside the job market.

A survey by consultancy Mais Diversidade released in June 2022 showed how hostile the work environment is for trans people. Among trans workers, 41% want to change jobs and one in four trans people is unemployed, the highest rate among the acronym's communities: lesbians, gays, bisexuals, queers, intersex and asexuals.



The numbers are worrying and demonstrate how difficult it is for a transsexual person to get a formal job, essentially with a formal contract.

According to the National Network of Trans People in Brazil (RedeTrans), 82% of transsexual and transvestite women drop out of school as a result of discrimination and, in several cases, due to a lack of family support. Among cisgender people, the percentage is 45%. The survey was carried out based on CVs registered on the Vagas.com website. In total, more than 25 million CVs were analyzed - of these, 44,562 were from transgender people, 24,266 from trans women (54%) and 20,296 from trans men (46%).

In the 1st Mapping of Trans People in the City of São Paulo by the Municipal Human Rights Secretariat of the capital of São Paulo, which interviewed 1,788 trans and transvestite people, the majority of the trans population is made up of young, black and brown women, and 59% held a job paid during the interview period, a large part of which was in the informal job market.

The job market appears to be increasingly competitive, with minorities and the most vulnerable groups finding it more difficult to be included, and in order not to belong to the list of unemployed, they submit themselves to any job.

Data from the National LGBT Union shows that the average lifespan of a trans person in Brazil is just 35 years, while the life expectancy of the general population is 75 years. An estimate made by the National Association of Transvestites and Transsexuals (Antra), based on data collected in the entity's various regions, indicates that 90% of trans people resort to prostitution at least at some point in their lives. When we seek to explain why Brazil and other Latin American countries record high rates of violence against transvestites and transsexuals, the NGO Transgender Europe cites the vulnerability of these people when working in prostitution as one of the causes.

Nevertheless, the existence of a Democratic State of Law, which propagates the prohibition against any form of discrimination in Brazil, the worker or candidate for a job vacancy is still subjected to exclusion and disrespect due to their sexual orientation or gender identity.



When trying to enter the job market, transsexual people are faced with discrimination, which can appear in different ways, such as, for example, disrespect for the use of their social name by the company or the need to fill out identity forms following cisgender standards.

According to the guidelines of Convention no. 111 of the ILO, employees must not practice or tolerate any type of discrimination at any time, whether during hiring, during the hiring period or even after the end of the contract. Therefore, discrimination results in exclusion, preference or distinction, in any form, without reasons that can justify them.

Likewise, the dignity of the human person and the principle of valuing work expresses that everyone has the right to decent and adequate work, from the personal point of view of physical, psychological and moral adequacy.

These data demonstrate the precariousness of the right to access work for trans people. It turns out that the scenario is even more violating when considered the situation of trans teenagers in Brazil.

Access to work and the professionalization of trans adolescents in Brazil

In Brazil, the minimum age allowed for work is 16 years old, except as an apprentice, from 14 years old. Nocturnal, dangerous and unhealthy work are prohibited for minors under 18, according to art. 7th, item XXXIII, of the Federal Constitution, any work is prohibited for children under fourteen years of age.

The Child and Adolescent Statute (Law 8,069/1990) prohibits the performance of any work activity by minors under the age of 16, with adolescents being able to work as an apprentice from the age of 14, guaranteeing the right to professionalization and labor protection for adolescents.

Therefore, based on national and international regulations, it is necessary to guarantee that all children and adolescents have the right to life, health, food, education, sport, leisure,



professionalization, culture, dignity, freedom and family and community coexistence is the duty not only of parents, family members and the Public Power, but of society as a whole.

It turns out that an unprecedented diagnosis from 2023 on specific data on the employability of young people in Brazil, carried out by the Subsecretariat of Statistics and Labor Studies, of the Ministry of Labor and Employment, revealed that of the Brazilian population, 17% are young people aged 14 to 24, and of these, 5.2 million are unemployed, which corresponds to 55% of people in this situation in the country, which, in total, reaches 9.4 million.

The Apprenticeship Law establishes that medium and large companies are obliged to hire young people aged between 14 and 24 as “apprentices”, in a proportion of no less than 5% and no more than 15% of total employees. Apprenticeship contracts have a maximum duration of two years and seek to combine theoretical and practical training for young workers with reduced costs for entrepreneurs.

According to the 2022 survey, apprentices aged 14 to 24 numbered around 500 thousand; 57% were between 14 and 17 years old and 42% were between 18 and 24 years old and 86% of these apprentices worked in the 15 most frequent occupations.

However, a survey by the Ministry of Labor and Employment, carried out with data from Caged, shows that 54% of the vacancies planned for young apprentices in companies are unoccupied in Brazil. There are more than 540 thousand opportunities that should be destined for them, but have not yet been filled.

The reality presented of the difficulty faced by young people and teenagers in entering the job market and companies in Brazil is extremely aggravated when analyzed from the perspective of trans young people and teenagers.

Although there is no data that describes the situation of this vulnerable group in numbers, the perception of marginalization and exclusion of trans adults from the job market can be used as a basic parameter to demonstrate the exclusion of trans teenagers.



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While trans adults suffer daily from prejudice, discrimination, lack of access and disrespect for their rights, trans children and adolescents are even more invisible and disrespected.

For this reason, it is extremely important that the Working Group includes in the Report to be presented at the 79th session of the General Assembly the topic of protecting the right to work and professionalization of trans youth and adolescents and the responsibility of companies to have campaigns and affirmative programs that promote access to work for young and adolescents trans.

Part 2: Form Answers

1- In what ways do lesbian, gay, bisexual, transgender, and gender diverse and intersex (LGBTI) people experience human rights impacts in the context of business activities? Please provide specific examples of relevant experiences, including in specific economic sectors, and any relevant available data. Please explain ways in which LGBTI people may face intersecting forms of discrimination due to multiple factors, including their age, race, ethnicity, disability, or socio-economic status?

It is clear that there are no affirmative policies for trans people within companies, which makes it very difficult for this population to have access to work. In some companies it is possible to observe the existence of calls for people with special needs with the acronym PCD, advertisements with vacancies only for women and others aimed at the black population. **However, the lack of attention to the trans population, which remains invisible to the job market, is glaring.**

There are reports of trans people who, in job interviews, are asked by psychologists the question about which gender they identify with or a form that must be filled out that follows the cisgender standard. As well as the lack of training of interviewers and human resources personnel who do not have the knowledge to respect the rights of trans people. In particular, there is still the situation of LGBTI people who face intersecting forms of discrimination due to multiple factors, such as age, race, ethnicity, disability or socioeconomic situation.

Research released by Grupo Pela Vida at TransVida project describes the barriers to trans people's access to employment. According to research, a trans person's path to establishing themselves as a professional is crossed by transphobia from school to staying in a job. With friends,



teachers and family as the main aggressors during training, and basic rights such as the use of an adequate bathroom often disrespected in the workplace, half of those interviewed reported living with depression and 60% said they had already thought about suicide.

The final report warns that transphobia reduces the possibilities of access and survival of trans people, and the coordinator of TransVida, Maria Eduarda Aguiar, argues that this form of prejudice prevents a part of the Brazilian population from developing their workforce and professional talents: "we have a large number of people in our country who are being prevented from producing and working. And it's not because they're not capable. It's because of discrimination."

The study included an online questionnaire and face-to-face interviews were also carried out. To reach the vulnerable population, the team responsible for the research visited shelters for the trans population, such as CasaNem and Casarão Sementes de Luana Muniz, in addition to promoting name and gender rectification efforts and inviting participants to respond to the survey.

In total, 147 responses were collected, with the majority of participants being trans women (42.9%), black (31.3%) and aged 19 to 29 (55.1%). Only 15% of survey participants reported having a formal job, while 15.6% had formal self-employment and 27.2% had informal self-employment. Considered the last resort for survival of the trans population in many cases, prostitution was the paid activity of 14.3% of those interviewed.

It is important to highlight that the data presented here refer to the situation of trans adults, when it comes to young and teenagers trans in the job market, the scenario is one of complete invisibility and lack of information and data.

2- What measures has the government of your country taken to address any discriminatory laws, policies, attitudes and practices in contexts in which businesses operate, and promote inclusive working environments? Please indicate whether specific reference is made to the situation of LGBTI people in any business and human rights regulatory frameworks, including the national action plan on business and human rights, mandatory human rights due diligence regulations, incentives schemes, disclosure or transparency requirements for companies and investors.



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In Brazil, there are national regulations, including the Federal Constitution, guaranteeing the right to work and the right to non-discrimination. **However, there are no regulations or public policies that aim to guarantee and implement these rights for the trans adolescent population in practice.**

There is no regulatory framework in the Brazilian State that promotes affirmative action for trans teenagers, nor does it aim to regulate the actions of companies in promoting access to work for trans teenagers.

The invisibility of trans children and adolescents caused by the absence of public policies and regulations from the Public Power leads to a scenario of constant and recurring violations of the rights of this group, which they suffer, daily, in all aspects of their lives, such as access to education, access to health, access to work, access to leisure, access to family, among others.

The Minha Criança Trans Organization makes itself available to this Working Group for joint action in defending the rights of trans children and adolescents and the role of companies in promoting access to work and the professionalization of trans youth and adolescents with dignity and without gender discrimination.

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