

LGBTQI+: protection sexual orientation and gender identity in Mercosur¹

Proteção LGBTQI+: orientação sexual e identidade de gênero no Mercosul

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Resumo

O presente trabalho busca uma resposta ao seguinte questionamento: como é tratada a proteção ante a perseguição à orientação sexual e identidade de gênero (OSIG) no Mercosul? Nesse sentido, a presente pesquisa tem como objetivo analisar como é tratada a OSIG no âmbito do Mercosul. Justifica-se a pesquisa pelo fato de que os direitos LGBTQI+¹ foram reconhecidos como direitos humanos em junho de 2011 por meio da Resolução no Conselho de Direitos Humanos nº A/HRC/17/L.9/56. Considerando isto, o Mercosul possui papel importante na integração dos direitos humanos, já que se baseia no Protocolo de Ushuaia sobre Compromisso Democrático no Mercosul, Bolívia e Chile, com relação ao nível democrático dos países formadores do bloco, podendo o país violador ser suspenso das atividades no bloco econômico caso haja o descumprimento de valores democráticos, como são os direitos humanos.

Palavras-chave: Direitos humanos. Identidade de gênero. LGBTQI. Mercosul. Orientação Sexual.

Abstract

The present work aims to answer to the following question: how is protection against persecution of sexual orientation and gender identity in Mercosur? In this

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sense, this research aims to analyze how sexual orientation and gender identity is treated within Mercosur. The research is justified by the fact that LGBTI+ rights were recognized as human rights in June 2011 through the Resolution of the Human Rights Council nº A/HRC/17/L.9/56. Considering this, Mercosur plays an important role in the integration of human rights, since it is based on the Ushuaia Protocol on Democratic Commitment in Mercosur, Bolivia and Chile, regarding the democratic level of the countries that form the bloc, and the violating country may be suspended from the activities in the bloc in the event of non-compliance with democratic values, such as human rights.

Keywords: Gender identity. Human rights. LGBTQI. Mercosur. Sexual Orientation.

Introduction

The universal inclusion aspiration is present today, so that the main regulatory framework for human rights, which is the Human Rights Universal Declaration, is guided by the characteristic of universality, with express mention in its preamble⁵. However, it is also present in the current scenario not only the exclusion that generates inclusion, but a inclusion paradox that excludes.

It so happens that, although there is a human rights range that include the LGBTI+ population protection, it appears that exclusion by LGBTI+phobi⁶ is still present in the numerous countries culture, so that social stigma influences States' decisions, norms, laws and customs, to the point that currently 70 countries still criminalize being LGBTI+,⁷ and for those who do not criminalize,

5 "Whereas Member States have committed themselves to promoting, in cooperation with the United Nations, universal respect for and observance of fundamental human rights and freedoms... The General Assembly now proclaims the present Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall endeavor, through teaching and education, to for promoting respect for these rights and freedoms, and, by adopting progressive measures of a national and international character, for ensuring their universal and effective observance, both among the peoples of the Member States themselves and among the peoples of under their jurisdiction" (UNITED NATIONS. General Assembly resolution 217 A. **Universal Declaration of Human Rights**. Paris on 10 December 1948, Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> Access on 10 oct. 2022.).

6 Also known as homophobia, or homotransphobia, LGBTphobia, LGBTI+phobia, among others. We chose to use the term LGBTI+phobia, in order to cover as many species of sexual orientation and gender identity as possible.

7 ILGA. Leis de Orientação Sexual no mundo. Disponível em: https://ilga.org/downloads/POR_ILGA_World_map_sexual_orientation_laws_dec2020.pdf.

stigmatization leads to the numerous human rights violation.

However, there are more and more exclusionary, discriminatory spaces and powers, with bodies endowed with vulnerabilities, favoring negative factors to associate, interact and develop aggravating factors to the person dignity. And, on a planet dominated by the capitalist system, treating social integration from economic blocks allows inclusion to be seen from a different perspective, with being a more effective possibility.

In this view, the present work intends to answer, in a more precise way, the following question: how is the protection against persecution of sexual orientation and gender identity treated in MERCOSUR? What are the impacts LGBTIphobia, which is homophobia in the broadest sense, but notably against LGBTI+ people?

Thus, the present research has the general analyzing objective of how the protection and persecution of sexual orientation and gender identity is treated in MERCOSUR and the impacts on the bloc, in which, for the main scope to be achieved, three objectives were formulated specific: understanding the sexual orientation and identity, examine the protection of sexual orientation and gender identity in MERCOSUR and analyze the economic impacts on the bloc in LGBTIphobia terms.

The research is justified by the fact that LGBTI+ rights were recognized as human rights in June 2011 through the Resolution in the Human Rights Council, No. A/HRC/17/L.9/56 and that MERCOSUR has important role in the human rights integration, considering that it is a bloc that has in its creation the economic purpose, within a capitalist system, which dominates and influences most of the world countries and the way of people thinking, enabling inclusion within a system that is excluding.

The research has a hypothetical-deductive method, based on the hypotheses that a) there is sexual orientation and gender identity, b) it is necessary for the MERCOSUR bloc to protect sexual orientation and gender identity and c) There is in the MERCOSUR scope the persecution of sexual orientation and gender identity, which, through its research means, which will be

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documentary and bibliographic, will make it possible for its exploratory and descriptive purposes to go through this falsification process of the hypothesis to arrive to a valid conclusion.

To this end, in the next section, it will be understood about sexual orientation and gender identity, in which it is necessary to verify the definition of sex, gender, desire and identity, starting from such definitions mainly from the queer theory perspective.

Subsequently, the protection of sexual orientation and gender identity in MERCOSUR will be examined, in which the protection of LGBTI+ by the MERCOSUR bloc will be verified, so that, thus, verified about the rights inclusion for this population, see the persecution exclusion factor the that occurs against LGBTI+ MERCOSUR in the next item.

1. Understanding sexual orientation and gender identity

This item aims to understand sexual orientation and gender identity, being necessary, for such purposes, to verify the definition of sex, gender, desire and identity, starting from such definitions mainly from the queer theory perspective.

The queer theory emergence or gender theory refers to the feminist movement, since from the debate that arose from the criticisms made to the role conceptions of women that permeated in the last century, it allowed the shaping of a gender theory that covered not only female biological sex, as Piscitelli points out:

The distinction between sex and gender became an intensively used conceptual tool in the 1970s, in the political struggles context in favor of women's rights. In this distinction, the first term refers to nature and, more specifically, to biology, while the second is linked to the cultural constructions of characteristics considered feminine and masculine⁸.

8 PISCITELLI, Adriana. **Sexo e gênero**. In: Antropologia e direito: temas antropológicos para estudos jurídicos. Rio de Janeiro/ Brasília: Contra Capa/LACED/ Associação Brasileira de Antropologia, 2012, p. 439.

Thus, sex is linked to the person biological aspects, that is, their biological sex, which also has a major dichotomy between male or female and gender links to these categories cultural constructions by relating their social roles, the way they dress, speak and act before society, currently being constituted most of time by the man and woman binary vision.

Butler⁹ is one of the main philosophers who defend this theory, but she states in her analysis that the feminist vision initially restricted sex as something of nature, due to its biological criterion, since both sex and gender make part of a social construction on the body's role, which:

[...] appears as a passive medium on which cultural meanings are inscribed, or else as the instrument through which an appropriation will or interpretation determines cultural meaning by itself. In both cases, the body is represented as a mere instrument or medium with which a cultural meaning is only externally related. But the "body" is itself a construction, as is the "bodies" myriad that construct the gendered subjects domain¹⁰.

So, both in the identity construction process and in the biological sex attribution, there is cultural influence, the body having importance because it is attributed cultural values during this characterization process, to the point that biological sex is configured through the genitals and bodily characteristics at birth, serving as a passive instrument and means, that according to Foucault¹¹ this instrumentalization movement began to take shape from the 18th and 19th centuries:

If we were to make a social control history of the body, we could show that, up to and including the 18th century, the individual's body is essentially the inscription surface of tortures and penalties; the body was made to be tortured and punished. In the instances of control that emerge from the 19th century onwards, the body acquires a totally different meaning; it is no longer what must be tortured, but what must be formed, reformed, corrected, what must acquire aptitudes, receive a certain number of qualities¹².

9 BUTLER, Judith P. **Problemas de gênero: feminismo e subversão da identidade**; tradução: Renato Aguiar. Rio de Janeiro: Civilização Brasileira, 2003, p. 27.

10 BUTLER, Judith P. **Problemas de gênero: feminismo e subversão da identidade**; tradução: Renato Aguiar. Rio de Janeiro: Civilização Brasileira, 2003, p. 27.

11 FOUCAULT, Michael. **A história da Sexualidade I: A vontade de saber**. Tradução: Maria Thereza da Costa Albuquerque e J. A. Guilhon Albuquerque. 10. ed. Rio de Janeiro/São Paulo, Paz e Terra, 2020, p. 119.

12 FOUCAULT, Michael. **A história da Sexualidade I: A vontade de saber**, p. 120.

And so, this instrumentalized body has effects on the legal environment as stated by Resta, because “when legal normativity meets the body, it constantly risks being confused with the “body” narrated and regulated by other languages (for better or for worse)”¹³, thus evidencing the way in which the body is used in power relations.

Furthermore, there is still desire, a third category in addition to sex and gender constant in the theory under analysis. Present in the affectivity field, sexual orientation arises in this field, which identifies which sex will relate to, and may be someone of the same sex called homosexual (Gays, Lesbians), of the opposite sex (heterosexual) or of both sexes (bisexual), as well as other classifications such as pansexual, which are represented by the acronym LGBTI+.

Thus, LGBTI+ is an abbreviation referring to Lesbians¹⁴, Gay¹⁵, Bisexuals¹⁶, Trans¹⁷ and Intersex¹⁸, and the “+” refers to other sexual orientation and gender identity forms.

Understanding sex, gender, desire and sexual orientation, finally comes the identities analysis, which through this study will be possible to verify what gender identity is about. Therefore, it should be noted that, according to Valle, identity:

13 RESTA, Eligio. **Diritto vivente**. Bari: Laterza, 2008, p. 67.

14 Sexual orientation characterized when the female gender has a desire for the same sex/gender.

15 Sexual orientation characterized when the male gender has a desire for the same sex/gender.

16 Sexual orientation characterized when the gender (male or female) has a desire for the same sex/gender.

17 It has as a species the transgender, transsexual and transvestite, the first being the one who identifies with the biological sex (male or female) different from their gender (male or female) and the second, when this identification occurs, makes a sex reassignment due to surgery and the third differs from the first only by the fact that she does not identify with any gender or a non-gender, however she experiences female gender roles.

18 A person who naturally acquires a female and male reproductive and sexual anatomy. It is the ancient hermaphrodite.

[...] can be classified, among other possibilities, as ethnic, cultural, national, sexual or gender. It is a category that encompasses a wide range phenomena, being covered, in a generic way, through the relationship problem between the individual and society ... the identity definition, in legal terms, supposes the quality of being one's own to a thing, cause or person, that is, its sameness in the face of different things, causes or people¹⁹.

Identity is formed in the interaction between self and society. The subject still has an inner core or essence which is the “real self”, but this is formed and modified in an ongoing dialogue with the “outer” cultural worlds and the identities that the worlds offer²⁰, so that in the one's own identity construction there is an identification with the other, be it a person, a cause or a thing

Therefore, if gender is part of a social construction²¹, gender identity is a way in which the “real self” identifies with a gender, because, as Resta emphasizes²² “identity no longer corresponds to the representation that others, the public, the community themselves have. The exact opposite occurs: the representation starts from itself and the correlation reverses the meaning”, thus using the “I” in this process, as a protagonist.

Therefore, gender identity is the “gender with which a person identifies, which may or may not agree with the gender assigned to him or her at birth”²³, which must be taken into account. The big difference²⁴ between gender, sex and desire mentioned above, since “gender identity and sexual orientation are different dimensions and they are not confused. Transgender people can be straight, lesbian, gay or bisexual, just as cisgender people²⁵”.

19 VALLE, Carlos Guilherme O. do. “**Identidade e subjetividade**” in: Antropologia e direito: temas antropológicos para estudos jurídicos. Rio de Janeiro/ Brasília: Contra Capa/LACED/ Associação Brasileira de Antropologia, 2012, p. 86.

20 HALL, Stuart. **A identidade cultural na pós-modernidade**. A identidade em questão. Tradução Tomaz Tadeu da Silva, Guaracira Lopes Louro. 11. ed. Rio de Janeiro: DP&A, 2006, p. 11.

21 CAMPOS, C. H.; BERNARDES, M. N. Violência contra as mulheres, reação violenta ao gênero e ideologia de gênero familista. **Revista Eletrônica de Direito Civil**, v. 1, 2019, p. 8-9.

22 RESTA, Eligio. **Diritto vivente**, p.47.

23 JESUS, Jaqueline Gomes de. **Orientações sobre identidade de gênero: conceitos e termos** / Jaqueline Gomes de Jesus. Brasília, 2012, p. 24.

24 BUTLER, Judith P. **Problemas de gênero: feminismo e subversão da identidade**, p. 24.

25 Cisgender refers to the “umbrella concept that encompasses people who identify with the gender they were assigned at birth” (JESUS, 2012, p. 25).

It should be noted that this identity is also currently called “ideology”²⁶, but it should be pondered that the term use “gender ideology” is a pejoratization form of the institute by the conservative movement, by the reducing fact it only to the abstract plane of ideologies, which claim to be a indoctrination type without biological sciences proof, in a way that contributes to hiding its importance. Thus, social stigmatization carries with it a discourse that belittles, socially and legally criminalizes this theory use, and inhibits the struggle for the non-binary identities recognition.

Furthermore, gender does not derive from sex, or vice-versa, because there is “a fundamental discontinuity between sexed bodies and culturally constructed genders”²⁷. It happens that, when you have a binary sex, there is no men and women construction from it. So, for example, if you're male, it doesn't mean you're male in the gender. Also, the binary's views ends up not recognizing identities such as queers²⁸.

2. Protection to sexual orientation and gender identity in mercosur

After understanding the OSIG, this item aims to examine the sexual orientation and gender identity protection in MERCOSUR, and for this purpose it is necessary to initially understand MERCOSUR and then, how MERCOSUR protects OSIG through its act's regulations, and other action spheres.

In this way, what Foucault calls “power pure form” will be verified, considering that “The pure power form would be found in the legislator function; and its action mode with respect to sex would be juridical-discursive”²⁹.

The Southern Common Market (MERCOSUR) is geographically located within the space American system protection, which is countries made up on the American continent and has mechanisms to act as its own court, regulations and

26 CAMPOS, C. H.; BERNARDES, M. N. Violência contra as mulheres, reação violenta ao gênero e ideologia de gênero familista. **Revista Eletrônica de Direito Civil**, v. 1, 2019, p. 8-9.

27 BUTLER, Judith P. **Problemas de gênero: feminismo e subversão da identidade**, p. 24.

28 According to Jesus (2012, p. 28) it is a "term not yet consensual with which the person who does not fit into any identity or gender expression is called".

29 FOUCAULT, Michael. **A história da Sexualidade I: A vontade de saber**, p. 91.

resolutions, whose will discipline, guide and determine the treatments means from the most diverse institutes in this field.

However, although these systems exist, “regional integration processes are implemented through bilateral or multilateral agreements that, in most cases, are materialized in International Organizations”³⁰, as these organizations are intended to cooperation in common interest areas among its member countries. Thus, in the regional integration context in Latin America, there is MERCOSUR, an organization composed of Argentina, Brazil, Uruguay and Paraguay as Member States Parties, and Bolivia, Chile, Colombia, Ecuador, Guyana, Peru and Suriname as Associate States³¹.

Created from the Asunción Treaty in 1991 after a redemocratization context in South America of its founding member countries³², its art. 1 disciplined as the deadline for its establishment in the States Parties the date of December 31, 1994, having adopted in this transition period a Origin General Regime provided for in the Treaty itself.

In its origin, it has an exclusively economic purpose. However, during the integration process the MERCOSUR agenda was expanded, including political, human, social and citizenship issues.

The recognition process of LGBTI+ rights in MERCOSUR was simpler than compared to the process at the international level by the UN, which recognized LGBTI+ rights as human rights only in June 2011 through Resolution in the Human Rights Council, No. HRC/17/L.9/56.

One of the factors that contributed to the aforementioned simplicity in MERCOSUR is that the region encompasses fewer countries than the international human rights system, and therefore, have fewer conflicting cultural views, thus facilitating debates in this area.

The LGBTI+ rights recognition as human rights in MERCOSUR has as

30 NICOLAU, Paola Cristina. **Harmonização de normas e procedimentos de refúgio no Mercosul** / Paola Cristina Nicolau. –2018. 169 f. Orientador: Prof. Dr. César Augusto Silva da Silva. Dissertação (Mestrado em Fronteiras e Direitos Humanos) – Universidade Federal da Grande Dourados, 2018, p.51.

31 It is noteworthy that Venezuela was a member country, having been suspended for not respecting democratic dictates.

32 Argentina, Brazil, Paraguay and Uruguay.

its main historical milestone the the RAADH (High Authorities on Human Rights Meeting)³³ creation in 2004 to promote Human Rights and Fundamental Freedoms, since from that moment on, the themes integration related to human rights were inserted and integrated in this international organization, which holds its meetings every six months. So:

The specialized body creation with the objective of promoting and protecting the LGBTI people rights began in 2007, during the IX RAADH, when the Seminar on Sexual Diversity, Identity and Gender was held, in which the urgent need for to work hard to eradicate discrimination based on sexual orientation and gender identity in region's countries, recognizing sexual diversity as a normal fact of societies and an indispensable element for the realization of human rights for all. As of 2008, these debates were transferred to the specific Working Group, which was then consolidated by the 2015 RAADH into a new Permanent Commission³⁴.

It is worth noting that this initiative was influenced by the Brazilian government and activist groups, which is why it is possible to verify the the LGBTI+ movement importance through its activists for these rights' recognition. And again, Brazil appears as a protagonist in this struggle, and it is also necessary to consider that within the regional system scope the for the human rights protection, through the OAS (Organization of American States), in the inter-American system, the approval of a Declaration to protect this social group also occurred due to a project presented by Brazil.

However, despite Brazil having distinguished itself before MERCOSUR in the introduction of actions aimed at protecting LGBTI+ rights in the bloc, in 2020 it vetoed Mercosur's human rights action plan because it contained terms such as "hate crimes" against LGBT and "gender identity".

33 "A space for intergovernmental coordination on public human rights policies, which brings together the main authorities of the competent institutions in the matter. It functions as a specialized body under the Common Market Council, whose monitoring is carried out by the Forum for Consultation and Political Conciliation for the analysis and definition of public policies on human rights (MERCOSUR/CMC/DEC No. 40/04). The RAADDH is integrated by the holders of the Ministries, Secretariats, Departments and governmental areas equivalent to the main competence in the matter of human rights and by the holders of the human rights departments or equivalent of the chancelleries of the Parties and Associated States" (MERCOSUR, 2022).

34 MERCOSUL. **O que é a RAADH?** Disponível em: <https://www.raadh.mercosur.int/pt-br/ques-la-raadh/#:~:text=A%20Reuni%C3%A3o%20de%20Altas%20Autoridades,das%20institui%C3%A7%C3%B5es%20competentes%20na%20mat%C3%A9ria>. Acesso em: 07.Abr.2022.

Brazil, Argentina, Uruguay, Paraguay, Bolivia, Colombia, Ecuador, Peru, Venezuela and Chile participated in the meeting at the RAADH, as well as four gay activists representing the ABGLT (Brazilian Association of Gays, Lesbians and Transgenders), which shows the international organization role in the struggle for the human rights recognition and integration, because “not being recognized means being socially subordinated. That is, the individual who suffers from the injustice of false recognition is institutionally rendered invisible, classified as abject and prevented from participating in life on a par with others”³⁵.

Almeida, highlights the importance of having recognition within MERCOSUR:

Bearing in mind that the same sovereign entities decided to establish a Common Market, the harmonization of the respective internal legal systems must meet the intrinsic needs of that form of integration, that is, ensure that the great freedoms of movement of production factors are effectively achieved. In this sense, the internationalization of everyday private life means that marriages and/or partnerships between people of the same sex increasingly come closer to other legal systems through the various connecting elements (nationality or domicile of the spouses or partners, place of the situation of the real estate, place of celebration of the act, etc.)³⁶.

In this way, in 2018, the LGBTI+ Permanent Commission formulated the LGBTI report: Regional good practices compendium for guaranteeing and protecting rights, an important document for the bloc to guide its actions in this area, given the data obtained, a report that will be of paramount importance for later analyzing the rights formulation within the MERCOSUR scope member countries.

35 GALIL, Gabriel Coutinho; LELIS, Rafael Carrano. **Direito Internacional Monocromático: previsão e aplicação dos direitos LGBTI na ordem internacional**. Revista de Direito Internacional, Brasília, v. 15, n. 1, 2018, p. 11.

36 ALMEIDA, Bruno Rodrigues de. **O Direito Internacional Privado acerca dos Casamentos e Parcerias entre Pessoas do Mesmo Sexo no Contexto do Mercosul**. RSTPR, Ano 2, Nº 3; Marzo 2014, p. 249. Disponível em: <http://www.revistastpr.com/index.php/rstpr/article/view/89>. Acesso em: 15. Jan. 2022.

Final considerations

Starting from the problem “Are there economic impacts on Mercosur regarding LGBTIphobia in its member states?”, the present work had as general objective to analyze how the protection and persecution of sexual orientation and gender identity is treated in MERCOSUR and the LGBTIphobia impacts in the scope not only of human rights, but also economic.

To reach the main scope, three specific objectives were formulated: understanding sexual orientation and gender identity (OSIG), examining the protection and persecution of sexual orientation and gender identity (OSIG) in MERCOSUR and analyzing the economic impacts on the scope of MERCOSUR in relation to LGBTIphobia.

In view of this, in order to understand sexual orientation and gender identity (OSIG), we started with the analysis by queer theory, in which sexual orientation is in the field of desire, affectivity, and identifies with which sex the person will go relate, and can be someone of the same sex called homosexuals (Gays, Lesbians), of the opposite sex (heterosexuals) or of both sexes (bisexual), as well as other classifications such as pansexual, which are represented by the acronym LGBTI+, the which an abbreviation referring to Lesbian, Gay, Bisexual, Trans and Intersex was presented, and the “+” to other forms of sexual orientation and gender identity.

Gender identity, on the other hand, was found to refer to the gender that the person identifies, even though they were assigned a gender at birth, and therefore, the person himself is responsible for the identity belonging, from his “I” real, which should not be defined as “ideology”, due to the pejorative form and meaning that the term “ideology” brings to it.

Furthermore, it was emphasized that gender does not derive from sex, or vice versa, because sex refers to sex, it refers to the biological aspects of the person, that is, their biological sex, which also has a major dichotomy between male and female. or female and gender links to the cultural constructions of these categories by relating their social roles, the way they dress, speak and act towards society, currently being constituted most of the time by the binary vision

of man and woman.

In view of this, when you have a binary sex (male and female), there is no construction of men and women from it. So, for example, if you're male, it doesn't mean you're male in the gender. And also, the binary of views, ends up not recognizing identities like queers.

Item 3 sought to examine the protection of sexual orientation and gender identity in MERCOSUR, initially addressing the Southern Common Market (MERCOSUR) and then the process of recognizing LGBTI+ rights in MERCOSUR.

In this way, the creation of the RAADH (Meeting of High Authorities on Human Rights) in 2004 to promote human rights and fundamental freedoms was found to be the main historic milestone for the LGBTI+ rights recognition in MERCOSUR, since from that moment, the themes integration related to human rights were inserted and integrated in this international organization, which holds its meetings every six months.

Thus, during the 9th RAADH, the Seminar on Sexual Diversity, Identity and Gender was held, which made it possible in 2008 to consolidate a specific working group within the bloc and then, in 2015, to create a Permanent Commission.

However, despite Brazil having distinguished itself before MERCOSUR in the actions introduction aimed at protecting LGBTI+ rights in the bloc, in 2020 it vetoed Mercosur's human rights action plan because it contained terms such as "hate crimes" against LGBTI+ and gender identity.

Brazil, Argentina, Uruguay, Paraguay, Bolivia, Colombia, Ecuador, Peru, Venezuela and Chile participated in the meeting at the RAADH, as well as four gay activists representing the ABGLT (Brazilian Association of Gays, Lesbians and Transgenders), which shows the international organization role in the struggle for the recognition and integration of human rights.

In all countries, high rates of persecution of sexual orientation and gender identity were observed, with greater aggravation to the member country Paraguay, which, contrary to Brazil, Argentina and Uruguay, still has a series of restrictions on LGBTI+ rights in its legislation. and norms, having thus, the

persecution even in the pure form of power of the country.

In addition to the legal and executive omission in Paraguay, the cultural treatment of LGBTI+ as an enemy, this part of the population still lives with separatist discourses coming from the State and part of society, as is the case of the list of 108 homosexuals from 1959.

In particular, LGBTI+ people face disproportionate rates of physical, psychological and structural violence; workplace discrimination reduces employment and wages for LGBTI+ people; LGBTI+ people face multiple barriers to physical and mental health; and LGBTI+ students face discrimination in schools by teachers and other students. These violations and exclusionary forms of treatment are not only harmful to the individuals involved, but also incur costs that affect the economy at large. These economic costs include lost work time, lost productivity, underinvestment in human capital, and inefficient allocation of human resources through discrimination in education and hiring practices. Decreased investment in human capital and the use of human resources, in turn, have the potential to directly reduce overall economic output and growth.

Combining data on the experiences of LGBT+ people with the regression analysis between countries of LGBT+ rights in relation to GDP suggests the following conclusion: LGBTI+ inclusion and economic development are mutually reinforcing. The LGBTI+ people exclusion damages the economy (as well as LGBTI+ people). Equal rights for LGBTI+ people are associated with higher economic development levels, with a correlation that reflects on the GDP costs of excluding LGBTI+ individuals from fully enjoying their economic and social activities. As such, these results suggest that development programs and policies can and should incorporate the links between the legal inclusion of LGBTI+ people and economic development. The results of this study can help development agencies and other stakeholders better understand how fuller inclusion of LGBTI+ people can improve economic outcomes across countries, or in other words: how full human rights enjoyment by LGBTI+ people can contribute to the economic development of a country.

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