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The (un)protection of women under MERCOSUR: an institutional perspective

A (des)proteção das mulheres no MERCOSUL: uma visão institucional

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Resumo

Esta pesquisa tem como objetivo central averiguar a existência de normas, políticas e/ou instituições no âmbito do Mercado Comum do Sul (MERCOSUL) para a promoção e a defesa dos direitos das mulheres, haja vista a posição de subalternidade, opressão, objetificação, sexualização e, por repetidas vezes, racialização que estas estão submetidas no plano doméstico dos seus Estados Partes, em virtude de um legado colonial que sustentou a formação de sociedades patriarcais na América Latina, logo, incluindo-se o cone sul. Não apenas isso, uma vez existentes, visa-se apurar ainda quando essas medidas e ações foram adotadas, na tentativa de notar uma ligação entre estes e os momentos progressistas mercosulinos. Afinal, pretende-se avançar a ideia de que as pautas de gênero só ganham relevo quando políticos de Direita não estão à frente dos Estados Partes, sugerindo-se, ao cabo, que para haver uma continuidade e uma efetiva decolonização de gênero no marco da integração regional, seriam necessárias mudanças institucionais significativas no bloco.

Palavras-chave: MERCOSUL; Igualdade de Gênero; Decolonialidade de Gênero. Mudanças institucionais.

Abstract

The main objective of this research is to verify the existence of norms, policies and/or institutions within the Common Market of the South (MERCOSUR) for the promotion and defense of women's rights, given the position of subalternity, oppression, objectification, sexualization and, repeatedly, racialization that they are subjected to at the domestic level of its Member States, due to a colonial legacy that supported the formation of patriarchal societies in Latin America, therefore, including the southern cone. Not only that, once they exist, we also intended to determine when these measures and actions were adopted, in an attempt to note a link between them and Mercosur's progressive moments. After all, we aim to advance the idea that gender agendas only gain prominence when right-wing politicians are not in office at the States Parties, suggesting, in the end, that for there to be continuity and an effective decolonization of gender in the framework of regional integration, significant institutional changes in the bloc would be necessary.

Keywords: MERCOSUR; Gender equality; Gender Decoloniality; Institutional Changes.



1. Introduction

Within the scope of the Common Market of the South (MERCOSUR), there is great concern about violence against women and, in particular, about the violent deaths of women for gender reasons that occur within the framework of structural patterns of discrimination and impunity. The visibility of these deaths has been decisively promoted by the women's movement, and the topic occupies a prominent place on state agendas.

Although numerous initiatives have been implemented at national and regional level to confront and combat violence against women, existing data show that sociocultural patterns of discrimination still persist, marked by, among other issues, inequalities, lack of opportunities, lack of economic autonomy and symbolic, verbal and physical violence against women, with femicide being the most serious manifestation of gender-based violence (IPPDH, 2022). Women were racialized and reinvented as 'women', a massive violence that served as an instrument of conquest and that caused a perceived domestication in the deep cracks at the world's periphery. These allusions to diversity must be reanalyzed in light of the coloniality of power and gender.

Therefore, the objective of this research is to analyze, through a decolonial perspective on gender, actions and challenges, within the framework of regional integration, achievements and advances from a gender perspective in the bloc. Using the deductive methodology, the historical analysis method and mainly following the documentary technique, we seek an answer to the following question: how do MERCOSUR decisions, actions and resolutions contribute to gender equality? Is there a decolonial gender perspective in them?

Finally, this research is justified in the subalternity of Latin American and Caribbean women, being necessary to understand the historical responsibility of States and their citizens in perpetuating these power relations (PICHARDO, 2014, p. 333) in an attempt to seek through transgression, renewal and criticism, in short, distinction to discourse. Therefore, the purpose of implementing regional actions that strengthen the gender perspective in MERCOSUR, aiming to favor the democratization of the regional integration process, in accordance with the promotion of women's human rights, could contribute to the social, economic and cultural development of communities in the States Parties to MERCOSUR.



2. Normative-political and institutional developments in MERCOSUR on the thematic of gender

2.1 MERCOSUR and Gender Equality: normative and institutional frameworks

In the Mercosur regional integration process, it is possible to visualize the attempt to develop an institutionality around the gender¹ perspective. In the block, the global context was taken as a parameter in the development of agendas and meetings on this topic.

At the IV World Conference on Women, in 1995, held in Beijing, for example, strategic guidelines were established in terms of public policies for gender equality, namely affirmative or positive policies related to women's access to elected positions and gender mainstreaming in all areas of the States. This formation of an institutional space for women began, in MERCOSUR, through union agendas. In 1997, the Women's Commission Coordinating the MERCOSUR Trade Union Centers of the Southern Cone (CCSCS) was created.

This Commission reinforced the agenda of the participation of working women, generating debates and the dissemination, at national and regional level, of the commitments of the Beijing Action Platform. This activation meant that, at the end of 1997, representatives of women's offices from MERCOSUR member countries and Chile as an associated country, with the support of the United Nations Development Fund for Women (UNIFEM), proposed the formation of a formal space for representing gender interests in integration processes. The result was the creation of the Specialized Meeting of Women (REM) in 1998.

The Specialized Women's Meeting (REM) was created by the Resolution of the Common Market Group (GMC) no. 20/98, and currently with the RMAAM (MERCOSUR Meeting of Ministers and High Authorities for Women), it has the task of analyzing the situation of equality and opportunities to contribute to development social, economic and cultural communities of the States Parties. To strengthen its work, RMAAM maintains the previous work structure in Technical Rounds that advise authorities. In this context (and

¹ It is worth highlighting that "the inclusion of a gender perspective in the policies and practices of the integration process favors negotiations and national and regional development strategies" (FERRETO, PICASSO, 2018, p. 38).



considering the 1999 electoral situation), the Women and Democracy Program in MERCOSUR was formed, composed of NGOs from Argentina, Chile and Uruguay to comparatively investigate the gender agenda in the electoral processes of Member States.

After CEDAW (1979) through the Beijing Platform (1995) to the Millennium Development Goals (1990-2015-2030) at a global level, we see that the inclusion of equal conditions and opportunities between men and women to basic rights and fundamental human rights, makes visible the patriarchal system of gender and sex power relations that historically (and still today) has harmed and violated the lives of all women. These regulatory frameworks, as such, recommend, suggest and advise world societies to deal with this problem in order to achieve human development and socio-economic progress (FERRETO, PICASSO, 2018, p. 55).

In this scope, in 2000, GMC Resolutions n. 83/00 and n. 84/00 were adopted, allowing institutional forums to discuss the subject and implement gender equality in institutional structures, in addition to promoting integration and methodological harmonization of existing databases, with regional indicators to form a basis for the formulation of public policies on women. In 2011, the Meeting of Ministers and High Authorities for Women (RMAAM) was created, replacing the REM, with the approval of Decision of the Common Market Council (CMC) no. 24/11, becoming the main forum on the topic in the bloc, and it can be said that the gender perspective in the regional integration process began to truly become institutionalized.

With the creation of the REM Technical Committee on Gender Violence and its Domestic Violence Commission, until its replacement through the creation of RMAAM in 2011, and also at the XX Meeting of High Authorities on Human Rights (RAADH) in the same year, the Working Group on Gender and Women's Human Rights was created aiming to integrate the issue of gender as a transversal issue in the work of all instances in this space. Among other issues, the Working Group prioritizes: a) economic autonomy; b) physical autonomy, with special emphasis on sexual and reproductive health and prevention as a sanction and eradication of all forms of violence against women (particularly femicide); c) care and co-responsibility policies and; d) gender parity in all spheres and decision-making spaces.

Through the decision of the Common Market Council nº 14/12, the need for a common framework for the treatment of gender issues, especially women's rights in the bloc, is presented. Likewise, the decision established that the gender dimension be integrated into the set of policies and institutional structure of Mercosur. In 2013, at its



last meeting, RMAAM approved the draft 'Mercosur gender equality policy guidelines', representing an important step forward towards the incorporation of the gender perspective in all policies of the bloc and the States Parties. Based on this, in 2014, the Gender Equality Policy was implemented through the "MERCOSUR Gender Equality Policy Guidelines", with a focus on feminism and human rights, fostering bases for equality and non-discrimination, with policies, actions, projects, campaigns and disclosures in the most varied forms (MERCOSUL, 2022).

RMAAM operates as a strategic space in favor of women's empowerment and gender equality by confronting all inequalities and discrimination that violate women's human rights. Entrepreneurship, black and indigenous women, paid domestic work, women's participation in politics, trafficking in women and domestic violence are some of the frequent topics in discussions in MERCOSUR regarding women's human rights. Furthermore, advise and propose to the Council measures, policies and actions on the topic of promoting gender equality.

The creation of RMAAM represents an increase in the hierarchy of the MERCOSUR Women's Specialized Meeting (REM) and recognition of the ministerial status of policies for women in the region and achievements in relation to the promotion of gender equality and the strengthening of public bodies of policies for women. The RMAAM is made up of representatives from the four States Parties, with Argentina represented by the National Women's Council and the Special Representation for Women at the International Level (REMUI) of the Ministry of Foreign Affairs, International Trade and Worship; Brazil through the Secretariat of Policies for Women of the Presidency of the Republic; Paraguay by the Women's Secretariat of the Presidency of the Republic and Uruguay by the National Institute of Women and the Associated States (Bolivia, Chile, Colombia, Ecuador, Peru and Venezuela).

In addition, Civil Society organizations that promote the defense of women's rights and that have a regional character participate as observers (MERCOSUL, 2022),

[...] thus contributing to overcoming inequalities and discrimination that affect women in the region, such as gender-based violence, unequal workload, unpaid domestic and care services, lack of access and control of goods, properties and land, unequal decision-making participation in the public and private spheres, and in all human rights. The implementation of the Equality Policy is a challenge and a joint construction with which all MERCOSUR bodies and forums must agree, through sensitive, coordinated and joint work that allows consolidating the regional human development



strategy with equality and social justice, seeking to promote social participation in all areas. From the concern and contribution of the MERCOSUR Women's Meeting of Ministers and High Authorities (RMAAM) we hope that this publication represents a relevant contribution to facilitate the task of making this commitment a reality (RMAAM, 2014, p. 8).

The RAADH, during its 20th Meeting, held in 2011, established the “*Grupo de Trabajo Género y Derechos Humanos de las Mujeres*”, which aims to integrate the theme of gender as a transversal issue in the work of all instances of this space. Among other topics, the Working Group prioritizes the following themes: a) economic autonomy; b) physical autonomy, with special emphasis on sexual and reproductive health and prevention as a sanction and eradication of all forms of violence against women (particularly femicide); c) care and palliative policies and; d) gender equality in all spheres and decision-making spaces (RAADH, 2022).

Among the Group's main activities, the documents that stand out are: “*Libres, iguales y felices: cuentos de jóvenes estudiantes del MERCOSUR por una cultura sin violencia hacia las mujeres*”; *Muerte de mujeres por razones de género: experiencias gubernamentales contra el femicidio/feminicidio en la región*; “*Manual pedagógico sobre el uso del lenguaje inclusivo y no sexista*”, and the campaign with the MERCOSUR Human Rights Public Policy Institute (IPPDH) “*Libres, iguales y felices*”, which aim to contribute to the visibility of women's rights recognized in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and focuses on the themes of equality and non-discrimination; political participation; rural women; women's education and work.

In this sense, it is noted that there were initiatives within the bloc, whether of a normative or even institutional nature, that sought to give more visibility to women, demonstrating a certain attempt to include the gender agenda in MERCOSUR. Furthermore, it is noted that such agendas ceased in 2014, at which time a shift to the Right in the Southern Cone was already envisaged, namely, with the entry of new leaders into the highest positions in each Member State, with the exception of Venezuela, such as: Horácio Cartes (Paraguay, in 2013), who was followed by Mario Abdo Benítez (Paraguay, in 2018), Mauricio Macri (Argentina, in 2015), Michel Temer (Brazil, in 2016), who was followed by Jair Messias Bolsonaro (Brazil, in 2019), and more recently Luís Lacalle Pou (Uruguay, in 2020).



It is worth remembering that the “gender agenda” argued by Right-Wing leaders is that women should be praised to the “exact extent that they remain linked to their traditional roles” (MIGUEL, 2021), demonstrating that this is one of the possible reasons for the strike, or rather, “neutralization”², of the developments that emerged in the previous moment³. This issue, in fact, is in line with what is seen in relation to the moment in which international commitments were assumed by the bloc's States Parties on the topic, as can be seen below.

2.2. International commitments assumed by States Parties and other regional international cooperation projects on gender issues

There is a set of standards at the international level to protect women's right to live a life free from violence, and the commitments made by States Parties to international and regional agreements, pacts and conventions on women's human rights and gender equality, such as the 2030 Agenda and its Sustainable Development Goals (SDGs), approved regional commitments such as the Quito Consensus (2007), the Brasília Consensus (2010) and the Montevideo Consensus on Population and Development (2013).

The Montevideo Strategy for the Implementation of the Regional Gender Agenda in the Scope of Sustainable Development until 2030, for example, considers gender parity as a 'central pillar to generate the conditions for the full exercise of human rights and citizenship for women' in context of 'deepening and qualifying democracies and the democratization of political, socioeconomic and cultural regimes'. In fact, within the scope of MERCOSUR, the implementation of the 2030 Agenda gained support from UN Women

² The concept of neutralization could be explained as follows, in the original: “*Considerando os processos de “feminização” e “etnicização” da pobreza, há a necessidade de adotar, ao lado das políticas universalistas, políticas específicas, capazes de dar visibilidade a sujeitos de direito com maior grau de vulnerabilidade, visando ao pleno exercício do direito à inclusão social. Se o padrão de violação de direitos tem efeito desproporcionalmente lesivo às mulheres e às populações afrodescendentes, por exemplo, adotar políticas “neutras” no tocante ao gênero, à raça/etnia, significa perpetuar esse padrão de desigualdade e exclusão*” (PIOVESAN, 2017, p. 378).

³ Rubens Barbosa (2017, p. 386) expresses that this politicization of the States' foreign agenda, with repercussions on Mercosur, ends up being harmful not only by “producing friction, instead of productive cooperation”, but also in trade negotiations, blocking agendas “instead of stimulating exchanges and opportunities”.



through the initiative “For a 50-50 planet in 2030: a decisive step towards gender equality”, created in the same year as the launch of the SDGs.

Countries in the region also participated in the process of developing the Latin American protocol model for investigating violent deaths of women for reasons of gender (feminicide), coordinated by UN Women and the United Nations High Commissioner for Human Rights (OHCHR, in English) implemented in 2014. In this context, the States Parties committed to preventing, punishing and eradicating violence against women, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW – 1979) and the Inter-American Convention to prevent, punish and eradicate violence against women (Belém do Pará Convention – 1994), in addition to the 1999 CEDAW Optional Protocol itself⁴.

It is important to remember that:

The fundamental objective of MERCOSUR's gender policy is to contribute, from the perspective of Feminism and Human Rights, to laying the foundations for equality and non-discrimination of women in the region, through the integration of the gender approach in regional policies, actions and projects, as well as in organizational management and the definition of specific policies aimed at gender equality and equal relations between women and men throughout MERCOSUR. This policy constitutes a framework instrument that guides MERCOSUR bodies in incorporating the gender dimension into their management, both in the process of determining objectives, policies, actions and/or regional projects, as well as in the preparation of regulations (RMAAM, 2014, p. 21).

The development of the gender integration strategy in its institutional structure is considered a priority area, with the help of intergovernmental organizations that have a huge impact on equal opportunities for access and participation of women in decision-making spaces, in the designation of representations to bodies and forums, in administrative and communication practices, and in the promotion of regional regulations. Furthermore, regarding the transversal dimension of gender in regional policies, it is necessary to advance in coordination with the different bodies of the bloc, at the level of Ministerial Meetings, Specialized Meetings or consultative areas (RMAAM, 2014, p. 22).

⁴ The bloc's countries ratified CEDAW in the following years: 1985, for Argentina; 1984 for Brazil; 1996, for Paraguay; and 1981 for Uruguay. The Belém do Pará Convention was ratified in the following years: 1996, by Argentina; 1995 for Brazil; 1995, for Paraguay; and 1996, by Uruguay. The optional Protocol to CEDAW was ratified on the following dates: 2007, by Argentina; 2002 for Brazil; 2001, for Paraguay; and 2001 by Uruguay. Cf. CLADEM, 2005.



The international and regional instruments ratified by all States Parties are those coming from different bodies of the United Nations, such as: the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), and its Optional Protocol, the Declaration and Platform of Action, Conference on Population and Development International (CAIRO) Program of Action, the World Conference against Racism and Racial Discrimination, xenophobia and related intolerance. In the Organization of American States, the Inter-American Convention on Preventing, Punishing and Eradicating Violence Against Women, known as the Convention of Belém do Para. From the Economic Commission for Latin America and the Caribbean (CEPAL), it is worth highlighting the international commitments assumed by MERCOSUR Member States to advance in achieving gender equality such as the Consensus of Mexico (2004), Quito (2007), Brasília (2010), Santo Domingo (2013) and the Montevideo Consensus on Population and Development (2013). Within the Organization Member countries of the International Labor Organization (ILO) have ratified Convention 111 on discrimination in employment and occupation, as well as other Fundamental Agreements of a technical nature.

According to the MERCOSUR Meeting of Ministers and High Authorities for Women (2014), in terms of the bloc, we have approved the Constitutive Protocol of the MERCOSUR Parliament in 2006, which reiterates the repudiation of all forms of discrimination, especially those related to gender. , and States are urged to seek adequate representation in terms of gender, ethnic groups and regions in accordance with national realities. In relation to Family Farming, by CMC Recommendation no. 06/08, the Guidelines were approved by the Gender Equality in Public Policies for Family Farming, where it was proposed to use gender integration as a concept and action tool for the integration of the different Family Farming policies implemented by the States Parties. In economic matters, the CMC approved Recommendation no. 02/10 in which the participation of women in public and private decision-making was recommended, as well as the incorporation of a gender perspective in regional and international agreements signed by MERCOSUR, which makes it possible to generate proposals from the regional bloc in a matter.

Furthermore, in CMC Resolution no. 63/10, the figure of the High General Representative of MERCOSUR, whose responsibilities are to present before the CMC and



GMC, must include measures and/or actions aimed at gender equality. CMC Resolution no. 12/11, approves the Strategic Social Action Plan (PEAS), which guides the process of prioritizing the bloc's social agenda, articulating ten fundamental axes and twenty-six strategic guidelines within which the perspective is incorporated of gender as a transversal axis and, in turn, propose specific guidelines for women's human rights.

Besides, different initiatives were designed and implemented, such as Diffusion and Awareness campaigns, Competitions, Diagnostics and Guides, Workshops, among others, among which we can mention: (a) women's political participation in spaces of power and decision-making decisions, such as through the Regional Audiovisual Competition "Parity is Equality" in the comprehensive treatment of violence against women; (b) preventing and combating trafficking in women, by carrying out a (i) regional diagnosis "Trafficking in Women for the purposes of commercial sexual exploitation", (ii) MERCOSUR Guide for the care of women in situations of trafficking of people for the purposes of sexual exploitation, (iii) Coordination Mechanism for the Care of Women in Situations of International Trafficking, and (iv) the "MERCOSUL Free from Trafficking in Women" Campaign; training and awareness workshops on trafficking in women in border areas; (c) women's economic participation and the labor rights of paid domestic workers, through (i) production of the Leaflet "Regional Information on Social Security for MERCOSUR Domestic Workers" and (ii) regional workshops on formalization of work domestic; and (d) the ethnic-racial perspective in regional activities, actions, programs and projects.

It is essential to adopt guidelines to the project, development, implementation, monitoring and evaluation of policies, regulations, strategies, programs, plan of actions, as well as the resource and budget management within MERCOSUR. In particular, the development of strategies, policies and actions that guarantee special protection of women's rights that are in a situation of social exclusion and all forms of discrimination: gender, generational, racial, ethnic, socioeconomic, language, sexual orientation and gender identity, political, religious, immigration status, disability, deprivation of liberty, among others, is deemed important, just as it is the organization of information systems and statistics with a gender perspective that are comparable, timely, relevant and accessible, so that inequalities between men and women in the region can be highlighted.



In accordance with the desire to implement a gender equality policy, the CMC approved Resolution no. 13/14, better known as the "MERCOSUR Gender Equality Guidelines". The States Parties undertake to exchange experiences on advances in combating violent deaths of women for reasons of gender (femicides), whether in prevention, ensuring access to justice and reparation for these crimes. Likewise, guaranteeing the rights to truth, justice and memory of direct and indirect victims. They recommend that the Meeting of Ministers and High Authorities for Women convene other MERCOSUR bodies with competence in the matter to facilitate compliance with the prevention, punishment and eradication of violence against women (in accordance with CEDAW, its Protocol and the Convention of Belém do Pará).

Despite this, it is known that women experience a high rate of violence every day, and based on official data provided by the governments of Latin American countries, MERCOSUR acquires databases provided by the Economic Commission for Latin America and the Caribbean (ECLAC). The ECLAC Gender Equality Observatory measures different rates, such as femicide for every 100,000 women, victimization according to education and the victimization rate according to sex. The three aspects are transformed into variables that contemplate the concrete reality of the phenomenon of violence in the region, but do not allow preventing or making a diagnosis of the threats facing women (OIG, 2023).

In addition to ECLAC, diagnoses from the Inter-American Commission on Human Rights (IACHR) need also to be taken into account. The IACHR noted, in particular, the existence of intersections between violence, racism and machismo, reflected in the general increase in homicides of black women in Brazil. Furthermore, the Commission is concerned about the social tolerance that persists in the face of this form of violence (CIDH, 2021).

More than the concern with MERCOSUR in general, we must observe those women who are on the margins of society. The indigenous and black population have disadvantaged conditions in terms of access to education, health and justice services, for example; and these women's movements in recent decades have brought new questions and made silent realities visible. These movements have the capacity to impact politics and policies on multiple agendas and levels, such as the pioneers in illuminating the



relationship between integration and the labor market, and trade union organizations seeking the inclusion of social and labor rights (GONZÁLEZ, PERROTA, 2021, p. 44).

As the integration process progressed until then, it is clear that there was a more inclusive and supportive MERCOSUR, strengthened by the participation of different groups, including women. Furthermore, the question remains: would it really be possible to talk about a decoloniality of gender in the bloc? It is based on this question that the discussions in the next section will follow.

3. Is it possible to talk about gender decoloniality in MERCOSUR?

3.1. Gender decoloniality: theoretical contributions

Latin American decolonial feminism emerged in the 1980s as a critical review of hegemonic feminisms that attempted to establish a single and “universal” vision of women. By re-elaborating its contributions, it seeks to propose lines of thought and actions that make visible the inequalities that women on the continent face.

Decolonial thinking relies on understanding the global dimension and its links with the local sphere to denounce the coloniality that persists in our territories (in a broad sense, including bodies). From this perspective, he investigates issues ranging from geopolitics to economic and cultural dependence or social injustice in the region. To this end, it proposes resistance responses that are linked to the attempt to decolonize power and knowledge. To these considerations, the prism of feminism adds gender and sexuality inequality, which intersects with all other inequalities (race, ethnicity, class, age, geopolitical position) placing Latin American women in a position of even greater subordination (GONZÁLEZ, PERROTTA, 2021, p. 42-43).

According to Miñoso (2014, p. 311), geopolitics has produced a dependency, when there is a “discursive colonization” of Western feminist academia on Third World women and their struggles; produced by a specific group of women, those who enjoyed privileges thanks to their class and racial origins. Through decolonial thinking, a genealogy of its own is developed from knowledge generated by the commitment to dismantling this matrix of oppression, to thinking about reconstruction.

Criticism of this view sees explicit attempts to preserve the authority of the West as the sole legislator of international norms and values and “As a result, representations of “international reality” and “international existence” remained grounded in Western



institutional and discursive practices, in order to reflect and affirm parochial structures of power, interest and identity” (GRAVOGUI, 2002, p. 33).

The activism of women's and/or feminist collectives in MERCOSUR gain prominence, as part of a transnational social action in the bloc's debates, as they go through the deconstruction and intersectionality of women from different political agendas. In 2004, the Specialized Family Farming Meeting (REAF) took place (Resolution GMC no. 11/04), with the aim of strengthening public policies for this agricultural sector in the region. A Gender GT was created in 2005, connected to the reality of agriculture in the block, especially when observing the patriarchal constitution of rural families.

Also noteworthy is the approval, in 2005, of the Recommendation called "Bases for a gender policy in family farming", which postulates guidelines related to expanding women's access to credit and commercialization programs, joint land guarantees, titles for men and women or the development of National Programs to promote gender equality in the field, with regard to training and access to rights. In a conglomerate of diversities that inhabit rural spaces, it demonstrates the multiple roles of women in this environment (domestic, community, productive), made invisible by rural masculinity. Addressing these issues at a regional level allowed them to be extended to other sectors “and constituted the starting point for giving greater relevance to gender issues in national arenas” (GONZÁLEZ, PERROTTA, 2021, p. 45).

Feminisms have adopted strategies at the center of one of the historical tensions of social movements, permanently in the dilemma of conquering some spaces of power within dominant structures at the risk of remaining subordinate. This tension marked the feminisms of the 90s, with urgent agendas and “own agendas”, with themes such as health, reproductive rights and violence and thematic and sectoral organizations still emerging, such as black women, lesbians, rural women, trade unionists, among others. This growing tendency to recover a perspective of transversality and intersection of gender seems to be the beginning of deeper and more promising changes (VARGAS, 2002, p. 10).

The problem was that in Latin America in the 90s, according to Faria and Moreno (2007, p. 21), the “institutionalized” position became hegemonic in the movements. The idea that the spaces for defining international platforms, such as United Nations conferences, were the priority spaces for intervention, and the movement assessed that



it had achieved important advances in monitoring and implementing these proposals in the countries; but “this process disarmed, dispersed and depoliticized the women’s movement” (FARIA; MORENO, 2007, p. 22). And the results of neoliberal policies were the resumption of conservative sectors in attacking various women's rights.

Resistance in the 2000s resulted in the elections of presidents considered progressive and converged with greater participation of women's organizations and the inclusion of a gender perspective with relationships in women's social and economic conditions, which would be essential for the realization of their rights. “This fragmentation is also an expression and result of the inability of the women’s movement to constitute a general organization with a global and integral agenda” (FARIA; MORENO, 2007, p. 23).

In the process of mobilization from the perspective of decolonial feminism, many debates are articulated, with the oppression of subaltern women as a highlight since the beginning of the colonial period; themes such as racism, sexuality, respect for nature and the different layers of invisibility to which Latin American women are exposed, reflect that the fight is still far from being stopped.

Thus, a decolonial feminist research agenda in MERCOSUR is not limited to the necessary visibility of the multiple inequalities, subalternities and hierarchies that permeate the subjects who construct and contest these political spaces, nor in the narrative about the ongoing dispute strategies. Analyzing regional integration from a feminist and decolonial perspective does not imply staying in an experience perspective, but going beyond, considering how these experiences and these approaches enable questions (and answers) that can help us theoretically understand the processes we seek. From then on, the necessary effort results in the formulation of new questions that question the integration processes based on disregarded edges, which remained on the margins as long as they are not visible to those who think, speak and act based on other stories and other realities, but which prove to be central to understanding and explaining the processes in our region (GONZÁLEZ, PERROTTA, 2021, p. 50).

Lugones (2008, p. 75) investigates the intersection of race, class, gender and sexuality to understand the worrying indifference that men demonstrate to the violence systematically inflicted on women of color; victims of the coloniality of power and consequently, the coloniality of gender. Therefore, problematizing the indifference to the violence that the State and white patriarchy perpetuate against women in Latin communities means the “liberation struggles of our communities” (LUGONES, 2008, p. 76). It suggests that women need to position themselves in a place that allows them to be



who they are, to reject this gender system while carrying out a transformation of communal relations imposed by the Eurocentric and global vision of gender.

When analyzing the documents mentioned throughout the text, none recognize the existence of intersectional oppressions, with the exception, for example, of the RMAAM/PRO Project Decision n. 01/13 on the “MERCOSUR Gender Equality Policy Guidelines”, which establishes in its initial considerations in paragraph 8 of its section 6:

Intersectionality, multiple and aggravated discrimination: develop strategies, policies and actions that guarantee special protection of the rights of women who are in situations of social exclusion and all forms of discrimination: gender, generational, racial, ethnic, socioeconomic, linguistic, sexual gender orientation and identity, politics, religion, immigration status, disability, deprivation of liberty, among others (RMAAM, 2014, p. 20/21 and 26).

However, this item of the Guidelines does not specify what the adoption of the intersectional approach would consist of with regard to political participation, nor in what terms it would be considered or incorporated into parity. Regional integration processes are not neutral, they have a different impact on women and men, on social structures in their relational and power dimensions. The specificities of women include all their generational, racial, ethnic diversity, origin, disability, geographic location, cultural and religious belonging, sexual orientation and gender identity; as well as, it is necessary to pay attention to models of social and productive development in the region, which include women.

Most documents are formulated with international and regional instruments in mind, based on theoretical principles and concepts that have always been incorporated for the “universal” woman; the concept of political representation used by REM and later by RMAAM only contemplates its descriptive dimension, a hegemonic model of represented women.

Political gender parity in the region still remains a latent proposal and intersectionality is not at the core of the actions; Even recognizing the existence of intersectional oppressions of race and gender, regional policies aim to reinforce these images of the hegemonic female subject, reinforced by the evidence of no progress in the occupation of political spaces of power by indigenous and black women in the region. Understanding the historically specific characteristics of gender organization in the



modern/colonial system implemented in Latin America, “is fundamental to understanding the differential organization of gender in racial terms” (LUGONES, 2008, p. 78).

Hence the importance of mobilizing Latin American feminisms that offer the building of bridges and the discussion of gaps. Knowledge and social struggles remained segmented by the patriarchal logic of power, therefore, opening up the opportunity to promote inclusive and non-violent relationships, based on the deconstruction of stereotypes, respect for diversity, overcoming inequalities, eliminating racial discrimination and participation social, with the aim of influencing structural changes in search of more egalitarian societies.

3.2. MERCOSUR's failed performance: a political-structural problem.

At the beginning of this text, the question was whether it would be possible to verify the application of a decolonial view of gender in MERCOSUR based on the decisions, actions and resolutions that are adopted within the bloc. And what can be seen, effectively, is that the issue does not assume the proportion it should due to the importance of this agenda, largely due to its structure, which leaves room for it, depending on the internal political scenario of the States Parties, to not progress.

In this sense, it is important to remember that MERCOSUR, in its origins, is a sub-regional grouping, emerged within the framework of the new open regionalism⁵ that was built in the 1990s at the international and Latin American level. Despite this, it was not only a merely economic-commercial expression of this new order, but also “a political strategy for the insertion of member countries into the world economy” (BARBIERO; CHALOULT, 2003, p. 59), not only due to the global events themselves that allowed the expansion of international trade and of the increasingly close economic interconnection between countries around the globe, but particularly in view of the structural change that the countries of the Southern Cone, especially Brazil and Argentina, were going through, which demanded a different strategy for their re-insertion on the international level after the fall of the respective military regimes (ALMEIDA, 1996, p. 54-55) and their neoliberal

⁵ In the original, the open regionalism “*procura conciliar la cooperación regional con la internacional*”. That is, instead of “*los acuerdos de integración [...] constituirse ya sea en cimientos o en obstáculos para la inserción internacional de los países*”, it is clear that the regional integration movement “*debe ser complementario, y no sustitutivo, del ordenamiento global y de la cooperación entre los países*”.



economic opening (BARBIERO; CHALOULT, 2003, p. 49; JAEGER, 2000, p. 41 e 43). Therefore, it is said that MERCOSUR is the result of a sum of several factors that brought the countries of the region closer together due to the clearly political-economic alignment that they had at that time.

Furthermore, it is important to remember that MERCOSUR, according to its constitutive treaty, provided in its art. 1st the establishment of a common market by December 31, 1994, which would imply the “free circulation of goods, services and productive factors between countries” through the elimination of tariff and non-tariff barriers, and “any other measure having equivalent” (MERCOSUL, 1991). In other words, its objective was notoriously an economic rapprochement, very much based on the constitution of the European bloc, which took place in 1957.

This finding comes from the art. 5th of the Treaty of Asunción itself, which provided for a series of staggered steps to achieve this objective, the first being, for example, the establishment of a “commercial liberalization program” contemplating progressive tariff reductions between the States Parties (MERCOSUL, 1991, art. 5). Subsequently, once this was established, a customs union would be created, through the establishment of “a common external tariff and the adoption of a common commercial policy in relation to third States” (MERCOSUL, 1991, arts. 1 and 5). With this, it is noted that the States Parties adopted “a model closer to that of the European Union”, giving the bloc characteristics of regionalism based initially on negotiations regarding the reduction of tariff barriers that could contribute to the economic strengthening of the region and to the its international insertion (BARBIERO; CHALOULT, 2003, p. 49; JAEGER, 2000, p. 58).

Despite this, it should be noted that the European Union itself was already experiencing another type of rapprochement in the 1990s, now political, between its State Parties, especially with the adoption of the Maastricht Treaty (1992), when it established the three pillars of community policy⁶, maintained until 2007 when the Treaty

⁶ Also known as the 'Treaty on European Union', the agreement signed in Maastricht is “based on three pillars: the European Communities (first pillar) and two additional areas of cooperation (second and third pillars): Common Foreign and Security Policy (CFSP) and Justice and Internal Affairs (JAI)”, denoting going beyond “mere” commercial interests that involve the effective establishment of the four fundamental economic freedoms (free movement of people, goods, services and capital), debating and legislating on other matters equally of common interest (EUROPEAN UNION, s/d). In the words of Kegel and Amal, specifically, “the second and third columns were initially articulated according to traditional techniques of cooperation between States, [thus, through intergovernmentality], developing in sectors not covered by the integration process, centered basically on economic issues. [...] These columns differ from the community model due to their



of Lisbon was designed, striving for the consolidation of a common political space, following the reform process initiated by the Treaties of Amsterdam (1997) and Nice (2001)⁷.

Therefore, it is evident that normatively MERCOSUR remains closely linked to the economic bias to the detriment of a political union, in which issues relating to society would not necessarily be addressed due to the lack of legal provision, despite seeing some sporadic developments taking place under its auspices. In that regard. And this also arises from MERCOSUR's own institutional structure, which is guided by intergovernmentality, unlike the European supranational model.

In the intergovernmental model, formed by government representatives, they decide by consensus and in light of their current political interests. Furthermore, its results are not directly implemented in the States Parties, thus rejecting supranationality. This, in turn, can be defined as a continuous/lasting model, based on the freedom of the representatives who make up its bodies, whose competence involves the development of its own normative structure guided by the transfer of sovereignty from the States to the bloc, highlighting autonomy⁸, primacy⁹ and its direct¹⁰ and uniform¹¹ applicability (BARBIERO; CHALOULT, 2003, p. 49; JAEGER, 2000, p. 64).

According to Rodas (2000, p. 74-75) (legal consultant at the Brazilian Ministry of Foreign Affairs), the lack of any type of supranationality (especially due to the autonomy of community law that comes from it) and the review of the need to decide by consensus

lower degree of institutionalization, less transfer of competences by States in favor of community institutions and a much more complex decision-making procedure" (KEGEL; AMAL, 2008, p. 157).

⁷ On the topic, cf. JAEGER, 2010, p. 58, 106-107, 121-136 and 350-354 (in particular).

⁸ In the original: *O princípio da autonomia do Direito Comunitário [...] surgiu a fim de preservar a especificidade do ordenamento das Comunidades das possíveis ingerências [...] nacionais, constituindo o cerne do funcionamento do ordenamento jurídico comunitário. É, portanto, uma questão de individualidade da ordem jurídica comunitária, quer por sua origem, finalidade, destinatários e instituições, ou por qualquer outra especificidade* (MOURA, 2012, p. 272).

⁹ In the original: *O primado do Direito Comunitário [...] constitui exigência para a própria existência do ordenamento das Comunidades. Trata-se de princípio relativo à superioridade hierárquica deste Direito originário ou derivado sobre qualquer outra regra nacional [...]. Por tal razão, os poderes públicos nacionais não podem produzir legislação incompatível com as disposições adotadas em âmbito supranacional* (MOURA, 2012, p. 277).

¹⁰ In the original: *O princípio da aplicabilidade direta do Direito Comunitário na ordem jurídica estatal diz respeito a sua imediata integração nos Estados-membros, dispensando qualquer forma especial de recepção, diferentemente do que ocorre com o Direito Internacional Público*" (MOURA, 2012, p. 275).

¹¹ In the original: *O princípio da uniformidade do Direito Comunitário é exigência inerente à natureza da União Europeia, fazendo prevalecer uma interpretação uniforme das noções jurídicas, preservando o seu alcance comunitário* (MOURA, 2012, p. 279).



would mean that MERCOSUR could not achieve the common market or political union model, as differences between States could result in the bloc remaining “frozen”.

In fact, this is an important observation, because, as demonstrated in the second part of this text, we see moments of greater prosperity and expansion of policies aimed at women (thus, going beyond purely commercial aspects¹²) when aligning center-left politicians at the head of the State Parties as in the first decade of the 2000s, with Nestor and Cristina Fernández de Kirchner (Argentina), Luís Inácio Lula da Silva and Dilma Rousseff (Brazil), Tabaré Vázquez and José Mujica (Uruguay), and Nicanor Duarte and Fernando Lugo (Paraguay) (MARIANO; MENEZES, 2021, p. 168-170)¹³.

In fact, this is what can be seen in the bloc's current moment: on May 18, 2023, with Luis Inácio Lula da Silva and Alberto Fernandes respectively at the head of Brazil and Argentina, the bloc's largest economies, a change is once again noticeable regarding the search for the inclusion of gender problems at the center of MERCOSUR's discussions. Within the scope of the XXI Meeting of MERCOSUR Women's Ministers and High Authorities, held in Buenos Aires, a document was adopted that contains 10 recommendations for combating gender-based political violence and misogyny (BRASIL, 2023).

This is a very important initiative to ensure greater diversity in spaces of power of the States Parties, above all, bringing women to the center of debates, not as an object, but as a subject “architecting” rules, which tend to serve a population traditionally hidden and oppressed (BRASIL, 2023). Furthermore, considering that misogyny is a manifestation of hatred towards women, aiming to remove them from these spaces, reinforcing the commitment of States to combat practices like these is essential, above all, from a decolonial perspective – which in the political moment immediately preceding was not developed.

After all, this was a period dominated by right-wing politicians, who took power in the States Parties in the middle of the second decade of the 21st century, as previously

¹² In the original: *O advento de governos progressistas nos países do MERCOSUL significou uma mudança de curso não somente dentro dos Estados, mas também um novo projeto de integração, deixando a concepção puramente de natureza comercial e regionalista promovida até então. Dessa forma, o MERCOSUL foi se definindo como espaço estratégico de desenvolvimento sustentável, inclusivo, democrático, plural, equitativo com base numa cidadania ativa entendida sob o paradigma da garantia e ampliação dos direitos sociais* (ALMEIDA, 2017, p. 4).

¹³ The doctrine began to describe this moment as “post-hegemonic regionalism”. See on the topic: RIGGIROZZI; TUSSIE, 2012.



mentioned. In this, moments of slowdown, stagnation, review of various themes were glimpsed, including those related to women's rights, typical of the cyclical authoritarian trend that exists in the region, whose outcome is based on historical-cultural factors of the countries and the '*caudillism*' abbreviated in the colonial phase, which imposed a hierarchical style in power relations and which points to a tendency of conservative rulers to place the Executive Power above others, attacking State institutions, deprioritizing minorities and racialized and subordinated groups, and putting democracy itself at risk (DALLA VIA, 1997, p. 88-90).

Here, there are two examples relating to the women's agenda. One of the "high points" of this last conservative wave, or blue tide, towards MERCOSUR and the attempt to construct a document that was aimed at society was the creation of the Citizenship Statute, implemented in 2021 – a soft law document of extremely relevant when considering the socioeconomic disparities still seen between the States Parties, in an attempt to guide them to the implementation of the regulations that already exist within the bloc and which are referred to there¹⁴. However, when we analyze the document carefully, the only time in which women are mentioned in the document is in the fourth thematic item¹⁵, relating to work and employment, when the need for States to promote 'equality of opportunities and treatment between men and women' is highlighted.

Another example stems from the proposal of the then Brazilian government of Jair Bolsonaro at the meeting of MERCOSUR Justice Ministers, held in June 2022, to create an agreement on protection measures for women victims of violence within the bloc (BRASIL, 2022). Although this topic is extremely relevant, being established in the aforementioned Guidelines on the bloc's Gender Equality Policy, more specifically in paragraph 6.7 of Decision no. 13/14 of MERCOSUR (2014), adopted under the auspices of progressive governments, it should be noted that it is much more an externalization of what has already been carried out at the internal level of the States¹⁶ based on what

¹⁴ As Klein and Costa express, "it is worth mentioning that several of the rights provided for in its text derive from current MERCOSUR norms and with the status of an international treaty throughout the integrated territory, therefore binding the States Parties to their compliance" (VIEIRA; COSTA, 2021-2022, p. 107).

¹⁵ In the original: *O Estatuto da Cidadania do MERCOSUL possui 11 capítulos temáticos, sendo eles: circulação de pessoas, integração fronteiriça, cooperação judicial e consular, trabalho e emprego, seguridade social, educação, transporte, comunicações, defesa do consumidor, direitos políticos e acesso do cidadão aos órgãos do MERCOSUL* (VIEIRA; COSTA, 2021-2022, p. 119).

¹⁶ This is said due to the domestic movements of countries that had already been positioning themselves around this issue, following the adoption of specific legislation, such as Argentina, which approved, in 2010,



existed in the bloc itself rather than an agenda of conservative governments, and one could even argue a possible attempt to appropriate the theme under other premises, such as the paternalistic one, of the submissive woman who needs protection.

Finally, in an attempt to point out that the sedimentation of a decolonial gender policy is still a fragile issue on the bloc's agenda, it is necessary to say that there are positions that point out that MERCOSUR would have been a very audacious project, especially given the weak history of Latin America integration, stating that its political and institutional reach, particularly when it is most daring (that is, when the center-left is in power), is “greater than [its] leaders would be able to capture and lead” in a continuous manner over the years (CASELLA, 1996, p. 266). And, indeed, if it is not even possible to follow the Lãs Leñas Protocol, adopted on June 27, 1992 for the implementation of the – economic – objectives of the Treaty of Asunción¹⁷, imagine aspiring to new parameters, permanent, autonomous, of a totally political nature, aimed at the inclusion of women?

In other words, the advancement of other agendas in an increasing and uninterrupted manner in the face of the possible stagnation of MERCOSUR, depending on who is in charge of the State Parties, is a major obstacle to the expansion in political-social and even decolonial terms of the bloc. Thus, to overcome these deadlocks, “a debate within the bloc seems to be necessary, proposing significant structural changes, even though it is known that even changes in this scope are/will be highly difficult if not unlikely” given the institutional situation that exists today (SQUEFF, 2023). Without this, the implementation or even adoption of other measures related to the protection of women will not occur in the way it should under the decolonial gender paradigm.

the '*Ley de protección integral para prevenir, sancionar y erradicar la violencia contra las mujeres*'; in Brazil that, in 2006, Federal Law n. 11,340, better known as the 'Maria da Penha' Law; in Paraguay, which, in 2016, approved the '*Ley de protección integral a las mujeres contra toda forma de violencia*'; and in Uruguay, which approved, in 2016, the '*Plan de acción contra la violencia hacia las mujeres*' and in 2018 the '*Ley que dicta normas contra la violencia hacia las mujeres basada en género*' (MONJE; FOLLE, 2019).

¹⁷ In 1992, “a new work schedule aimed at establishing a customs union as a preliminary step towards a future common market” was stipulated. Initially the common market would be formed from January 1, 1995; now, however, this date would be the establishment of the Customs Union, so that it would only be established after the year 2006. It turns out that, more than “[thirty years later, this goal has not yet been achieved” (MARIANO; MENEZES, 2021, p. 154). Cf. more in: JAEGER, 2000, p. 55 e 58; RODAS, 2000, p. 75).



4. Final Remarks

MERCOSUR as a space for dialogue and joint work of government departments for women in the States Parties is, in itself, a complex process that is linked to the demands and struggles of social, women's and feminist movements, as well as government responses to the institutionalization and integration of the gender approach in national public policies, accompanying the countries' trade and economic policy processes.

Since its creation in 1991, women's organizations, feminists and trade unionists, efforts have been made to introduce the gender dimension into the regional integration process. After all, the quest to promote gender equality through the presentation of concrete actions helps to promote the gender approach in public policies and a life free from violence against women, including in the political field, which is extremely relevant for the insertion of discussions, regulations and themes relating to women and problems that affect them subjectively. Especially because, gender inequalities and patriarchal structures in Latin American societies, including those in the southern cone, affect the construction of a parity society.

It must be remembered that sexist language represents a form of symbolic violence against women, through stereotyped standards, messages, values, icons or signs that transmit and reproduce domination, inequality and discrimination in social relations, naturalizing subordination of women in society. Under the decolonial gaze of gender, one can see the constant struggle of Latin American women, according to Lugones (2008, p. 57), against the white patriarchy that perpetuates, both at the level of everyday life and at the level of theorization, the oppression of colonization when history was written from the male point of view.

At the regional level, even though there have been certain advances in the attempt to promote women and the consolidation of a gender policy within the bloc, it was clear from this research that these developments are particularly dependent on the political will of the States Parties, which, with the circularity of leadership, are prone to discontinuity, notably when Right-wing politicians remain at the head of the States.

In this sense, in order for there to be a true MERCOSUR action regarding women's rights, as pointed out in the title of this text, it would be necessary to review problems



that are intrinsic to the bloc, notably regarding its structural form and discretion. policy of the leadership of the States Parties – which, however, does not appear to be feasible.

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