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The Rapid Development of Sexual Orientation and Gender Identity: The case study of
Mexico City and its particularities for the advancement of rights

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Abstract

The Lesbian, Gay, Bisexual, Transgender and Queer/Questioning (LGBTQ) Movement has a long history of advocating for equal rights and non-discrimination policies for its members. Their fights, along with the strengthening of the Human Rights discourse in the last years, resulted in a rather fast evolution of Sexual Orientation and Gender Identity (SOGI) in many parts of the world.

In this context, Mexico City represents a highly interesting case to be analyzed. In less than 20 years, the local legislation has changed in favor of the LGBTQ population; laws advocating for inclusion and defense of SOGI rights are multiplying, reflecting a deep interest of Mexico City's government on SOGI issues. However, as important as the LGBTQ movement has been in this phenomenon, it has not been the only element.

The evolution of SOGI rights in Mexico City came as a result of the combination of a particular political timing and spatial elements that allowed the City to become more open and liberal than the rest of the country. Mainly, there were four elements that made this development possible: a) the contemporary international Human Rights and SOGI rights trend (deeply linked to Mexico City); b) the characteristics of Mexico City as a big urban area, reshaping sexuality and gender; c) Mexico City's transition to democracy and the empowerment of a leftwing party in Mexico City; d) a strong tradition of secularism, keeping the Catholic Church outside the creation of laws and court decisions.

Introduction

Homosexuality or better non-heterosexual relations and experiences have been present throughout history, thus they can be considered inherent to society. Nevertheless, as they have been present among fewer individuals, many heteronormative¹ lines of thought have segregated this minority. This has led to negative effects, such as decreasing their equality at a social level and their stigmatization.

The heteronormative approach has legitimized segregation based on hatred and intolerance towards homosexuality, creating and perpetuating unjust social schemes. However, the Human Rights Movement, in joint efforts with members of the Lesbian, Gay, Bisexual, Transsexual and Queer/Questioning (LGBTQ), and the Feminist communities, have challenged these unequal social contexts.

Therefore, Sexual Orientation and Gender Identity (SOGI) rights started to gain due importance and the political spaces in favor of the non-heterosexual individuals, advocating for equal rights and non-discrimination policies. However, if not easy, this process to access equality has been developing rather fast compared to other movements (the women rights' movement, the indigenous movements or the black movement).

¹ Heteronormativity can be defined as: The irrational belief that heterosexuality is the standard norm, and it is superior to any other form of expression of the human sexuality which are considered by this line of

The development of SOGI rights has not been the same in all regions, nor in all societies. The present work will focus on the advancement of SOGI rights in Mexico City, highlighting its own singularities and framing Mexico City's particular situation.

The premise of this investigation will part from the thesis of a direct and bilateral relationship between democracy and tolerance towards non-normative SOGI identities. It will analyze the special characteristics of Mexico City as the largest urban area of the country, and the social elements that allowed the rapid development of these rights.

Firstly, this work will focus on the development of the LGBTQ movement in Mexico City, analyzing the different contexts LGBTQ individuals have faced through the years. By drafting the general situation of the LGBTQ community in Mexico City, this research will provide a basic framework to understand the importance of the City in the development of SOGI rights.

Secondly, it will analyze SOGI rights in Mexico City, giving proof of the short period of time in which they appeared, and the great advances they represent. This section of the research will concentrate on the evolution of local laws and court decisions that helped to create the SOGI rights framework.

Finally, this dissertation will refer to Mexico City and its unique characteristics within the country that gave place to SOGI rights. It will focus on four main elements that were essential for the creation and evolution of the SOGI rights framework: the international trends on human and SOGI rights and their bilateral link with Mexico City; the characteristics of Mexico City as a big urban area and how sexualities are reshaped

inside the big cities (based on the theory of the Geographies of Sexualities); the empowerment of the leftwing party in Mexico City, and its link with the LGBTQ community; and finally the lack of influence of the Catholic Church within the local legal system.

Chapter I

History of the LGBTQ in Mexico

SOGI Before the 20th Century

The Mexican history has been characterized by conflict and power struggles, where some privileged groups have had access to rights and resources, while others are excluded and diminished based on socioeconomic class, religion, ideology, race, gender identity, sexual orientation, physical appearance, origin, etcetera.

Looking at SOGI in Mexico, the creation of stigmas is the result of a syncretic situation where the Pre-Hispanic and Spanish civilizations (apparently extremely different) had certain principles in common related to exclusion and the continuity of the status quo.² Among these principles, homoerotic behavior, called at that time “*pecado nefando*” (heinous sin), was a reason for persecution and death.

According to Salvador Novo,³ Colonial Mexico was also characterized with intolerance towards not-traditional and non-heterosexual practices. In his work, Novo analyzes testimonies and texts from the Holy Inquisition during the colonial period; these documents were proof of a clear persecution against the “sinful men” that dared to take the “roll of women” and engaged in “sodomy.”⁴

² Rodrigo Quintero, *La ruta del arcoíris en la Sultana. Historia del movimiento LGBT en Nuevo León*, Fondo Editorial de Nuevo León, 2015, p. 21.

³ Considered one of the most important chroniclers of the LGBTQ history.

⁴ Salvador Novo, “Las locas y la inquisición” in Michael K Schuessler and Miguel Capistrán, *México se escribe con J. Una historia de la cultura gay*, ed. Planeta Mexicana, pp. 249.253.

In words of Salvador Novo, regarding the punishment to homosexual behaviors in Pre-Colonial Mexico:

Neza [referring to Netzahualcoyotl, one of the most famous rulers of the City-State of Texcoco] was more sadistic than his descendants when trying to moralize Tezcoco by terrorizing the “queens”: he would make a distinction between them and their *mayates*⁵, and then assign them different punishments. To the “bottom”, they used to pull his intestines through that organ he used for sex, then they used to buried him in hot ashes for the boys of town to have fun throwing dry firewood for him to burn harder, gutted and queer. To the *mayate* or “top”, they used to simply buried him in hot ashes until his last breath [...].⁶

Most of the data about homosexual and lesbian life in Colonial Mexico is limited to a few texts from the Inquisition and chronicles from Spanish conquistadors like Bernal Díaz del Castillo, who wrote in his famous *Historia verdadera de la conquista de la Nueva España*:

The meddlesome *passive* [referring to homosexual men] is nefarious, abominable and detestable, deserving of being chastised and laughed at, and the stench and ugliness of his heinous sin cannot suffered, for the disgust that it causes men; in all it is seen as womanish or effeminate, in walking or speaking, for all of which he deserves to be burned.⁷

At the beginning of the 19th century, the Spanish colonies finally achieved their independence from the Spanish Empire and, while the Holy Inquisition was abolished in the newborn Mexican nation, the inquisitive attitude towards homoerotic practices

⁵ In Mexico and Mexican culture, this term is derogatorily used to refer not to a gay man, but to a man who has sex (as a top) with gay men and practices other homoerotic activities, such as receiving blowjobs from other men. According to some sectors and cultures deriving from the Mexican social context, as long as the men are active (tops) and not passive (bottoms), the gender of the partner is perceived as a less important, hence they could still be considered straight.

⁶*Ibid*, p.250.

⁷ Rodrigo Quintero, op.cit., p. 22.

remained and rooted inside the Mexican culture and society. After the independence, the intellectual influence of the French Revolution and the French occupation in Mexico (1862–67) resulted in the adoption of the Napoleonic Penal Code. This meant that private sexual conducts among adults, whatever their gender, ceased to be a criminal matter. In matters concerning homosexuality, the Mexican government held that law should not invade the terrain of the private moral, in order to protect sexual freedom and security; and that the law should limit itself "to the minimum ethics indispensable to keep a social order."⁸

Despite the legal improvement over the previous Aztec and Spanish ways of dealing with homosexuality, the right to be overtly homosexual was not granted to people. The inclusion of the legal concept "minimum ethics indispensable to keep a social order," allowed laws against solicitation or any other public behavior considered socially deviant or contrary to the folkways and customs of the time.⁹ During this period, the homosexual individual would be merely non-existent, at least in front of the reluctant official eyes.

Thus, the equivalent of homosexual was the figure of the effeminate man deviated from the hegemonic norm of behavior, sharing a number of qualities with his female friends, but never trespassing the agreed standards. The 19th century literature describes people who cross-dressed, but only for specific purposes: to re-conquer loved ones, to pay a debt, or to prevent accidents and conflicts.¹⁰

⁸ Wayne R Dynes, *Encyclopedia of Homosexuality*, Taylor and Francis, 2016, p. 806.

⁹ *Idem*.

¹⁰ Rodrigo Quintero, *op.cit*, p.24

Before the 20th century, the idea of homosexuality as a sexual orientation was not even conceived; masculinity was the only concept to be considered national (“masculinity” as a code of conduct for *machismo* and “national” as an illusion of over-idealized heroes and the true Mexican man.)¹¹

The Happy 1920s: *The Scandal of the 41*

In Mexico, the *Porfiriato*¹² lasted from 1877 to 1911. This period was focused on building a new project for the nation, and a stage towards construction and pacification. However, this period was marked by social repression deepening the inequality between the rich and the poor. Hence, it is not surprising that there is not enough data on the homosexual life in Mexico until the so-called *Scandal of the 41*.

The only information about the gay life during the *Porfiriato* talks about exclusive parties, cross-dressing (without a deep identity attached to it), graceful and pretty young boys, and social rejection for those who dared not to be discreet enough. According to Monsiváis, almost all the information available is the result of its comparison with other countries.

¹¹ Carlos Monsiváis, “Los 41 y la Gran Redada” in *Letras Libres*, [on line] April 30, 2002, <http://www.letraslibres.com/mexico/los-41-y-la-gran-redada>.

¹² Due to the name of the ruler of the country, Porfirio Díaz, who remained in power for 30 years. Pablo Escalante Gonzalbo, et. al., *Historia Mínima de México Ilustrada* [on line], 2008, <https://detemasytemas.files.wordpress.com/2011/12/escalante-gonzalbo-pablo-2008-e2809cel-mc3a9xico-antiguo-e2809d-en-nueva-historia-mc3adnima-de-mc3a9xico-ilustrada-mc3a9xico-el-colegio-de-mc3a9xicociudad-de-mc3a9xico-pp-21.pdf>.

For example, an imported outline of hook-ups between the bourgeois and the soldiers and marines; the objectification of the working class men and the slumming; the impossibility to conceive a romantic relationship between equals (there were no concepts such as a gay couple); identities defined only in a negative way; random sexual encounters in certain parks, bars and pools; blackmailing and humiliations; and a great difficulty to build partnerships with friends.¹³

In this context, in November 1901, the police raided a private party in downtown Mexico City where they found 41 men cross-dressed (some sources talk about more men that were excluded from the news and historical archives due to their relationship with prominent families of that time). These men were arrested and publicly exposed under the legal figure of *offenses against morality*. “Those arrested were subjected to many humiliations in jail, some were forced to sweep the streets in their dresses. Eventually, all 41 were inducted into the 24th Battalion of the Mexican Army and sent to the Yucatan Peninsula to dig ditches and clean latrines.”¹⁴

The *Scandal of the 41* could be understood as the first *gay* historical event in Mexico registered by the media. However, its nature was far more complex than just a first page on the tabloids. First of all, the location of the party in Mexico City proofs the link between the middle and upper classes and the international movements and fashion, mainly European and North American.

¹³ Carlos Mosiváis, *op. cit.*

¹⁴ Wayne R Dynes, *op. cit.* p.806.

The influence from England and Oscar Wilde's way of life and writings arrived in Mexico City to uncover "the love that does not dare to say its name." The *Scandal of the 41* helped to break the silence of traditionalism and hate. So, a Mexican gay minority, due to their cultural mobility and purchasing power, was familiar with the European culture and fashion; that is why they had heard about the scandals of gay artists and the adoption of the San Sebastian symbol; they had also read writers such as Walt Whitman, Wilde, Verlaine and Huysmans.¹⁵

The Scandal of the 41 also reflected the reality of sexuality in Mexico and unmasked the false idea of a truly straight and macho nation. It is true that before this event, there were only pejorative jokes and discriminative references to the *inverted*, but homosexuality did not even make it to the (highly misinformed) psychology books.

The gay men of the prominent society or the cultural sector maintain appearances, usually by marrying and having children. A single man not only raises suspicions; he also betrays nature, which is all about fertility, and hence professional virginity is expected from the celibate. In spite of everything, there are those who opt for the micro society that organizes the *Scandal of the 41*, making evident that nothing exalts the homosexual desires more, than the illusion of the forbidden.¹⁶

This particular event shocked the Mexican society and started a chain reaction that questioned the established rules while boosting a new interest in the gay life. However, the media was far from tolerant and just reaffirmed the strong opposition of society against everything that was not considered straight and manly.

¹⁵ Carlos Monsiváis, *op. cit.*

¹⁶ *Ibid.*

In its editorial (November 23rd, 1901), the nationwide newspaper *El Universal* wrote referring to the *Scandal of the 41*:

There is barely anyone who thinks that the punishment imposed on the scoundrels is hard enough. The raid may have been illegal, but this illegality has been expressly approved by a society that still finds the sentence soft in relation to the crime.¹⁷

Although the media reflected the general homophobia and stigma against everything that was not considered straight, the existence of the 41 showed the “secret” life of the homosexuals in the 20th century. This event represents the ground roots of an early gay community, which would strengthen during the second half of the 20th century.

The 1960s: The Mexican LGBTQ Movement

It is necessary to highlight the efforts and struggles of the early LGBTQ¹⁸ movement in Mexico, as they are responsible of most of the legal and social advances concerning SOGI nowadays. The 1960s was an era full of political and social struggles, for example the demonstration of students around the world; the pro-peace and anti-Vietnam war movements in the United States; coups and dictatorships in Central and South America; a communist government in Cuba, etcetera.

¹⁷ Rodrigo Quintero, *op.cit*, p.28.

¹⁸ It is important to clarify that Lesbian, Gay, Bisexual, Transgender and Queer are all part of the sexual diversity; therefore it is not intended to assume that all non-heterosexual people fit into the LGBTQ identity. Whether or not to assume one-self as LGBTQ, resides in the particular characteristics of each person and it is part of their own identity assimilation.

All these events promoted new models of social relations between individuals and their governments. The Mexican political system, for example, promoted the idea that the fundamental values of Mexicans should be those of the Mexican revolution and urged the population to preserve nationalism: thus, a system that valued only obedience and conformity was created. ¹⁹

This way, non-participation was one of the main traditional attitudes in society and, at the same time, the family was the center of social life. The State endeavored to demobilize society through various instruments, "a different tactic was applied to each social group: police and military repression as a response to the demands of workers and rebellious peasants; conciliation for the entrepreneurs and the ecclesiastical hierarchy; and the co-optation and symbolic integration for the middle classes." ²⁰

However, society slowly started to become aware of the reality of the country, where democracy was only a formal and bottomless discourse, and liberties were respected only as far as convenient to the State. Social groups realized that the economy and institutions were sick and far from legitimate. All of this started to generate greater discontent in some sectors of society, especially in the middle-class youth of the country. ²¹

¹⁹Héctor Miguel Salinas Hernández, *Políticas de disidencia sexual en México*, México, Consejo Nacional Para Prevenir la Discriminación, 2008, p. 29.

²⁰ *Ibid*, p. 30.

²¹ *Idem*.

In response to the repressive regime, the Mexican society started to adopt different approaches, such as the return to nature and the non-violence, the use of hallucinogenic drugs, ideals of sexual freedom, and the devotion to rock and roll; it was an intent to break with the establishment and to create new relations, not foreseen before.

As a result, a movement called *La Onda* (The Wave) emerged in Mexico City and as a result, it expanded to the rest of the cities in the country.

As a way of identifying the chaos generated by the different manifestations of the new youth culture, which appeared as a response to the disappointments provoked by traditional values and institutions, and as an imitation of the hippie phenomenon in United States [...]. *La Onda* was the first movement of contemporary Mexico that refused, from a non-political position, institutional conceptions; besides it eloquently revealed the extinction of a cultural hegemony. *La Onda* proposed to find new ways of expression and relations, opposite to the dominant model.²²

La Onda was conceived not only as a claim against the morality of the time, but also as a new proposal of behavior and social organization. However, after the tragic events in 1968²³, *La Onda* was dispersed, and eventually absorbed by the social culture of the time.

²² *Ibid*, p. 31.

²³ In the *Tlatelolco Massacre*, students and civilians were killed by security forces, in the *Plaza de las Tres Culturas*, in Mexico City. The events are considered part of the Mexican Dirty War, when the government used its security forces to suppress political opposition. The massacre occurred roughly 10 days before the opening of the 1968 Olympic Games in Mexico City. More than 1300 people were arrested and then disappeared. There has been no consensus on how many were killed that day.

Internationally, the most significant precedent of the LGBTQ Movement in Mexico (due to its temporary and geographical proximity) is the so-called Stonewall Riots²⁴ in New York City. What happened then, led to the creation of a contemporary gay movement in the United States, but also meant a great influence for many organizations and individuals in different countries that saw in the New York rebellion, an example of insubordination leading to a change²⁵.

This was the immediate context of the LGBTQ movement in Mexico. The movement was based on two fundamental identity processes: the creation of a personal identity and at the same time, the creation of a collective identity.

The personal identity was developed through a long process based on the evolution of the personal characteristics of each individual, and it was consolidated by the characteristics of the others within the group. On the other hand, the collective identity was achieved through certain conditions that allowed a *minority identity* (based on external elements that found their origins in political, social and cultural conditions.)²⁶

The Mexican LGBTQ movement developed with unique characteristics, making it different from other social movements. As already mentioned, the Movement emerged within a framework of change and social transformation that generated effervescence. However, not all LGBTQ individuals had personal stories that helped them to identify

²⁴“In June 27, 1969, the police burst into the Stonewall Inn bar, a gay bar in Manhattan, arguing that the establishment violated the liquor laws in the New York State. Attendees violently confronted the police for several hours and moved the fight into the streets. The final balance of the riots resulted on several wounded and imprisoned, but the main achievement was the creation of several organizations and the systematization of a series of gay demands. *Ibid*, p. 37.

²⁵ *Idem*.

²⁶ *Ibid*, p. 41.

themselves with the Movement. Even more, many who already identified with the movement, considered not appropriate to join in advocacy activities.

Therefore, the work of the first LGBTQ activists was to generate processes that included three key features: a) coordination among the activists themselves; b) help develop the self-acceptance of those with different personal experiences (ie, attracted by the discourse of sexual diversity, but without having yet created an awareness of their own identity), and c) an alternative discourse and a relation strategy with the government and the groups in power.²⁷

The 1980s-1990s: The 3 Stages of the LGBTQ Movement

The social context of the time was favorable for new ideas; however not all the social actors had the same principles, and homophobia was still deep rooted in the Mexican context. It took a long process to break the silence in order to make the LGBTQ demands public and open. According to Brito,²⁸ it is easier to analyze this movement in three stages: 1978-1984, 1985-1999 and 1999-2003.

1978 – 1984

The first massive and public presence of the LGBTQ community was in October 2, 1978, during the commemoration of the 1968 Students' Movement in Mexico City: "The massive participation of homosexuals in the *zocalo* (the main square downtown Mexico

²⁷ *Ibid*, p. 47.

²⁸ Editor, journalist and gay advocate. Director of "Letra S, Salud, Sexualidad y Sida" a supplement of the Mexican journal "La Jornada He also won the National Award of Journalism in 2001.

City) was astonishing, and was immediately welcomed with applause, shouts and whistling.”²⁹

In 1980, thousands filled the streets around the Hemicycle to Juarez monument during the Second March of the Gay Pride. The public presence of gays and lesbians would be the major proof of social tolerance as a way of challenging the prevailing moral and political authoritarianism. "This stage, known by its activists as the golden era of the Mexican homosexual [rather LGBTQ] liberation movement, is highly marked by the gay liberation discourse of the United States and some European countries." ³⁰

During these years, the LGBTQ movement mainly sought visibility and to publicly vindicated the pride of being different. It was a period where the first openly lesbian and gay artworks in literature, cinema, theater, plastic arts, etcetera were exhibited and published.

Some sectors of the LGBTQ groups took over the streets annually and marched on Gay Pride, carrying out protests, calling the attention of the media. Even though this strategy was effective at the beginning, in the long run it turned against the different groups within the movement due to internal differences facing the prevailing homophobia of the Mexican society. ³¹

The first members of the LGBTQ movement were characterized by an extreme ideology and a deep concern to protect revolutionary principles, leaving aside the concrete needs of various sectors of the LGBTQ population that demanded different responses.

²⁹ Alejandro Brito, "Por el derecho a todos los derechos", in Michael K. Schuessler, Miguel Capistrán, *México se escribe con J*, México, Temas de hoy, 2010, p. 240.

³⁰ Jordi Diez, *op. cit.*, p. 692.

³¹ Alejandro Brito, *op. cit.*, p. 242.

"The weariness, the confrontation between the leaders, the fragmentation of the groups, the isolation and the lack of elaboration of an original speech were some of the results during those years [...]." ³²

It must be acknowledged that by breaking the silence and giving light to the problems faced by gays and lesbians, the activists created the perfect atmosphere for questioning, and at the same time, led to a great wave of visibility. "It allowed thousands of young people (who no longer felt the need to organize around their sexual orientation), to get rid of guilts, fears and embarrassments. It allowed them to claim, in an atmosphere full of euphoria and celebration, for their own way of life, and to banish the double life standards imposed by previous generations." ³³

1985 –1999

Despite the accelerated process of political opening in Mexico during the second half of the 1980s, the LGBTQ movement suffered a notable loss of vitality and visibility from 1984 to 1997. This was the result of a weakened collective identity due to internal divisions in the group trying to decide the political and social strategies to follow, and the questioning of homosexuality with the Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) crisis. ³⁴

³² *Idem.*

³³ *Idem.*

³⁴Jordi Diez, "La trayectoria política del movimiento Lésbico-Gay en México", *Estudios Sociológicos*, núm. 86, vol. XXIX, México, El Colegio de México, mayo-agosto, 2011, p. 699.

"[The HIV/AIDS crisis], on the one hand, revives the arguments of homophobia ('divine punishment', 'gay cancer'), and on the other hand, delegitimizes, through tragedy and prevention policies, any non-heterosexual orientation." ³⁵

In this context, the LGBTQ movement locked itself. The annual Pride continued, but the presence of the population was very scarce and it would not recover until the end of the 1990s. The political center of the movement moved to Guadalajara, where it seemed to be possible to make a transition from just a demonstration towards the defense of civil rights. However, in 1991 the International Gay and Lesbian Association (ILGA) Congress was canceled due to a strong homophobic campaign carried out by the government and conservative groups such as the Catholic Church.³⁶

1999 – 2003

The third period mentioned by Brito begins in 1999 when the Gay Pride arrived at the *Zocalo* in Mexico City. There were thousands of lesbians, gay men, bisexuals, cross-dressers, drag queens and transgender people, moving through *Paseo de la Reforma* (one of the city's most important avenues) towards the center of the Mexican capital. The Pride had lost its political character, but had become more visible, with a stronger representation.

"Now, the most obvious is the expressive diversity of the gayness. However, the media is committed just to reproduce the image that awakens the morbid. In the effort to give

³⁵ *Idem.*

³⁶ *Idem.*

visibility to this diversity of identities, the demonstration has been renamed: Lesbian, Gay, Bisexual and Transgendered Pride March."³⁷

This liberalization owed its triumph to the influence of globalizing processes, and the emergence of new generations which implied a new dynamic towards projection at a national level.

This period of evolution of the LGBTQ movement in Mexico gained more visibility and managed to establish a series of political demands. This phenomenon was due to the fact of an accelerated process of democratic transition in Mexico, where the movement adopted an identity within a sexual diversity framework.³⁸

As a result, the recognition of SOGI rights began to be reflected in regulations and laws. For the first time, "the gay transcends the Movement to join the language and the platforms of the politically correct human rights."³⁹ In this way, the Mexican current normative system is now influenced by this struggle and it is framed as a result of this new social context.

³⁷ Alejandro Brito, *op. cit.*, p. 245.

³⁸ Jordi Diez, *op. cit.*, p. 703.

³⁹ Alejandro Brito, *op. cit.*, p. 246.

Chapter II

The Rapid Development of SOGI Rights in Mexico City

The LGBTQ movement and the demand for equal rights came to surface relatively late (in the second half of the 20th century). This way, from a Human Rights perspective, it is highly interesting how rapidly SOGI rights developed; that is from a total denial to an almost full implementation in some parts of the world, in an average of 50 years.

Mexico City represents one of the regions where SOGI rights developed. This rapid advancement of rights is reflected in new legislations, law reforms and court decisions that impacted positively in the education sector, the media and the social life in Mexico City.

Through the *Law to Prevent and Eliminate Discrimination in the Federal District*,⁴⁰ as well as through various amendments to the local Civil Code, it has been possible to achieve a legal framework to reduce the historical inequality gap between LGBTQ people and the heterosexual, cisgender⁴¹ individuals. In this spirit, Mexico City is the entity that has the most advanced laws in the country, to protect the human rights of LGBTQ people.

From the beginning of the 21st century, Mexico City started to take off as an inclusive entity and paved its way as a “gay friendly” city. Therefore, as Mexico City is the only

⁴⁰ Mexico City is also referred as Federal District.

⁴¹ The Oxford English Dictionary describes the word "cisgender" as an adjective and defines it as "Denoting or relating to a person whose self-identity conforms with the gender that corresponds to their biological sex; not transgender."

one to address SOGI, it is necessary to look into the law amendments that have been made, in order to understand the rapid pace of SOGI rights and the importance they started to gain.

The Legislation and Courts

Apart from the great amount of violence and discrimination against the LGBTQ community in the country, Mexico has never had laws that penalize homosexuality. However, even if the local and federal laws did not explicitly target LGBTQ individuals, the legislation was, for years, vague enough and allowed discrimination against LGBTQ individuals, diminishing their equality and hampering their full access to rights.

In Mexico, the first entity to address SOGI was Mexico City. In a good first attempt towards the recognition of SOGI rights, the local deputies of Mexico City, made some amendments and additions to the *Penal Code for the Federal District* published in 1999.⁴² Particularly, the title "Crimes against the dignity of persons" was added, defining acts that can be classified as discriminatory:

A penalty of one to three years imprisonment, a fifty to two hundred days fine and twenty-five to one hundred days of work in favor of the community, to any person that due to age, sex, pregnancy, marital status, race, language, religion, ideology, sexual orientation, skin color, nationality, social origin or position, work or profession, economic position, physical character, disability or health status:

⁴² María de Montserrat Pérez Contreras, *Derecho de los Homosexuales*, Cámara de Diputados and Universidad Nacional Autónoma de México, p.59.

- I) Provoke or incite hatred or violence;
- II) In the exercise of their professional, commercial or business activities, deny a person a service or a benefit to which he or she is entitled; for the purposes of this section, it is considered that everyone is entitled to the services and benefits offered to the general public.
- III) Exclude any person or group of persons when such conduct results in material or moral damage or,
- IV) Deny or restrict labor rights.

There was also a reform made to the title referring to crimes against public morality and specifically to the chapter entitled "On Corruption of Minors", which was considered discriminatory, since it alluded to homosexuality.⁴³ The article treated gay men in an unequal way, by flagging them as particular cases, and suggesting a direct link between pedophilia and homosexuality.

The article was reformed to exclude sexual orientation from the main intention of the article, which is to protect minors. This way, the reform allowed to treat gay men as any other person and for them to be considered by the law on the same terms as heterosexuals (as established in the Constitution and human rights instruments signed by Mexico).

Therefore, the decision of addressing discrimination in the local laws of Mexico City led to a legal chain reaction that developed into recognition of SOGI rights and a wider legal system to access them. In July 16th 2002, the Legislative Assembly of Mexico City

⁴³ *Ibid.* p. 61

established that discrimination was a crime (art. 206 of the *New Penal Code for the Federal District*).⁴⁴

In 2006, four years later, the local deputies of Mexico City approved a new law called *Ley de Sociedad de Convivencia* (Cohabitation Society Law). This law defines a Cohabitation Society as a “voluntary union between two adults from opposite or same genders, with the objective of establishing a common home with voluntary permanence and mutual support.”⁴⁵

The law does not allow same-sex couples to get married, having the same rights and obligations as a heterosexual couples, but it contemplates and determines certain rights and duties for established couples, regardless their gender or sexual orientation.

Thanks to the development and establishment of this law, same-sex couples and other non-traditional families, finally got a variety of rights like: the right to inherence (legitimate inheritance without an express will), subrogation of a lease, to receive food in case of necessity and to legitimate tutelage.⁴⁶

In October 10, 2008, a decree was published in the Official Gazette of Mexico City, which amended and added various stipulations in the *Civil Code*, the *Code of Civil Procedures* and the *Financial Code*; these in order to allow a trial for the issuance of

⁴⁴ Consejo Nacional Para Prevenir la Discriminación, “Antecedentes de CONAPRED”, http://www.conapred.org.mx/index.php?contenido=pagina&id=21&id_opcion=18&op=18, [Access on 12/14/2016].

⁴⁵ Decreto de Ley de Sociedad de Convivencia, Art. 2 Asamblea Legislativa del Distrito Federal, November 16th, 2016, <http://mexico.justia.com/estados/df/leyes/ley-de-sociedad-de-convivencia-para-el-distrito-federal/>, [Access on 12/14/2016].

⁴⁶ In the rest of Mexico, these rights are limited to the descendants, parents and legal partner of a person. Agencia de Gestión Urbana de la Ciudad de México, “Sociedades de Convivencia”, <http://www.agu.cdmx.gob.mx/sociedad-de-convivencia/>, [Access on 12/15/2016].

gender reassignment –based on the civil right to the recognition of the gender identity of trans-persons– and which included children and adolescents through their legal representatives.⁴⁷

Likewise, the *Health Law of the Federal District* was reformed, establishing access to hormonal and psychological health services for transgender persons as well as preventive and medical treatment actions for HIV and other sexually transmitted infections.⁴⁸

In December 2009, the Legislative Assembly of Mexico City approved an amendment to the article 146 of the *Civil Code of Mexico City* to change the definition of marriage from “the free union of a man and a woman”⁴⁹ to “marriage is the free union of two persons to fulfill the community of life, where both respect each other with equality and mutual help.”⁵⁰ After this amendment the marriage of two individuals, regardless their gender and sexual orientation, is recognized by the law in Mexico City.

The decision of the Assembly and the Courts was based on the allegation that the concept of marriage had evolved and had overcome its traditional definition; therefore it was not longer based on procreation.⁵¹ Thus, the marriage between same-sex couples

⁴⁷ Mexico City Government, “Programa de Derechos Humanos del Distrito Federal”, <http://www.derechoshumanosdf.org.mx/docs/diagnostico/Tomo5Gruposdepoblacion.pdf>, [Access on 12/16/2016], p.639.

⁴⁸ *Ibid*, p. 639-640.

⁴⁹ Código Civil para el Distrito Federal, art. 146, http://www.corprcint.com.mx/MarcoLega_otros/CODIGO_CIVIL_PARA_EL%20DISTRITO_FEDERAL.pdf, December 2008 [Access on 12/15/2016].

⁵⁰ Código Civil para el Distrito Federal, art. 146, <http://www.aldf.gob.mx/archivo-c9dc6843e50163a0d2628615e069b140.pdf>, February 2015 [Access on 12/15/2016].

⁵¹ Suprema Corte de la Nación, “Reforma a los artículos 146 y 391 del código civil para el distrito federal”, http://www.sitios.scjn.gob.mx/codhap/sites/default/files/cronicas_pdf_sr/TP-160810-SAVH-02.pdf, [Access on 12/15/2016], p. 2.

does not violate any article of the National Constitution and as it is lawful in Mexico City, it has to be recognized in the rest of the country.

As a result of this amendment, the article 391 of the *Civil Code of Mexico City*, referring to adoptions of minors, also changed and provided same-sex couples the benefits of this right. The article does not mention gender when it stipulates, “the spouses or partners may adopt, when both agree to adopt a child [...]”⁵².

As expected, the new interpretation of this article generated a strong opposition from the conservative groups. However, the Supreme Court of the Nation decided to address the controversy on the grounds of the “superior wellness of the child” which is a concept recognized by the Federal Constitution as a guiding principle of the State's function.

In this regard, it was pointed out that the laws could not prohibit the adoption of minors by same-sex couples, but that the adoption should be prioritized to authorize the best life option for the child, whether it was heterosexual couple or not, or even a single man or a woman.⁵³

Since December 2009 all couples, straight or not, can legally adopt a child in Mexico City; in August 18th 2010 this right was strengthened when the Supreme Court ruled that gay and lesbian couples have the same rights to adopt a minor in Mexico City as any other type of couple.⁵⁴ Therefore, it was pointed out that sexual orientation is only a

⁵² Código Civil para el Distrito Federal, art. 391, December 2008, *op. cit.*

⁵³ Suprema Corte de la Nación, “Reforma a los artículos 146 y 391 del Código Civil para el Distrito Federal”, *op.cit*, p. 2.

⁵⁴ Agencia de Gestión Urbana de la Ciudad de México, “Adopción Homoparental”, <http://www.agu.cdmx.gob.mx/adopcion-homoparental/>, [Access on 12/15/2016].

form of expression of human nature and not an element that affects the quality of a person and hence their quality as parents.

Two years later, on February 24, 2011, the *Law to Prevent and Eliminate Discrimination in the Federal District*, was published, pointing in Article 5, the prohibition of discrimination on grounds of sex, identity, expression and gender role.

This law supports the strengthened measures the public administration could take against discrimination, such as programs and activities whose objective is to build equality and non-discrimination locally.⁵⁵

SOGI rights are not focused on adults only; in January 2012, the *Law for the Promotion of Coexistence Free of Violence in the School Environment of the Federal District* was published. This new law, establishes in its article 2, section IV, the prohibition of discrimination against minors on grounds of gender or sexual preference.⁵⁶

In 2013, the Supreme Court of the Nation determined that homophobic expressions are considered hate speech. After this decision, words like *maricón* (fag) or *puñal* (sissy) are not protected under the right of freedom of speech, and anyone that uses them in public media can be punished under claims of moral damages and discrimination.

This was the first case in Mexican jurisprudence where the complex problem between freedom of expression and discriminatory manifestations was analyzed, specifically

⁵⁵ Programa de Derechos Humanos del Distrito Federal, *op.cit*, p. 640.

⁵⁶ *Idem*.

homophobic expressions, under the discourses of dominant stereotypes.⁵⁷ In the same way, the amendment of the *Law to Prevent and Eliminate Discrimination in the Federal District* of June 2014, biphobia, homophobia, lesbophobia and transphobia were established as discriminatory and punishable behaviors.

On February 5, 2015, the article 135 bis of the *Civil Code for the Federal District* was reformed in order to establish that any person may request the issuance of a new birth certificate according to their gender identity. With this new process, it is not necessary to proof any surgical intervention, therapies or other diagnosis and/or procedure for the recognition of gender identity. The reform also helped to transform the process from a trial to a merely administrative proceeding, making it easier and more accessible.

In November 2015, the *Law on the Rights of Children and Adolescents of Mexico City* was published. It establishes in article 47, section XII, the prohibition, sanction and eradication of forced allocation of generic gender identity as well as any form of obstetric violence.

This way it is visible how in Mexico City, in a matter of 15 years, SOGI rights have made their way through the local legislation, moving from basic non-discrimination principles to specific protection and the development of programs targeting LGBTQ individuals. Further more, the reform and creation of laws were supported by a wide background of interests and particular characteristics, which allowed them to evolve. It would be interesting to analyze these variables because Mexico City is the capital of a still highly traditional country.

⁵⁷ Ricardo Bucio Mújica, *Medidas del Estado mexicano contra la violencia y la discriminación por orientación sexual e identidad de género*, p. 2.

Mexico City: A Perfect Opportunity for SOGI Rights

Having seen the complete evolution of Mexico City's LGBTQ movement and SOGI rights, it is necessary to consider what happened in Mexico City at the beginning of the 21st century. Which were the variables that set the city as the leading entity for SOGI rights in Mexico? Did these rights come only as a result of the LGBTQ movements or were there other factors involved?

It is important to analyze three elements that allowed SOGI rights develop rapidly. Firstly, the international variables and the new interest in SOGI; secondly, the characteristics of Mexico City as a megalopolis and the development of the so-called *urban sexualities*; thirdly, Mexico City's openness to democracy and the new political opportunities to work with the LGBTQ community. Finally, it is worth mentioning the lack of influence of the Catholic Church, and why it has not been able to influence the current laws regarding SOGI.

International variables

SOGI rights are the result of multiple factors that collided in Mexico City at a certain period of time. Diverse national and international variables shaped the new model of SOGI rights in Mexico City: the new global appreciation for sexual diversity; the global trend of new governments that take into consideration civil society; and the social movements and their transformation during long processes of formal democratization.

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⁵⁸ De la Dehesa, Rafael, *Incursiones queer en la esfera pública. Movimientos por los derechos sexuales en México y Brasil*, Universidad Nacional Autónoma de México, 2015, p. 26.

Assuming that the local and the global are always and necessarily intertwined, it is interesting how during the last decade, the world has witnessed more and more arguments around SOGI rights, where the interest in re-defining sexuality and gender has been present in public debates and in the creation of new laws.

According to a global report by Rosalind Petchesky and Richard Parker, “currently, sexuality, more than ever, is part of open public discourse in societies at large, particularly through the media and other communication systems but also in parliaments, courts, and global policy arenas where, in the last two decades, key achievements have been attained in regard to sexuality, health and human rights”⁵⁹.

Some theorists like Dennis Altman, suggest that the HIV/AIDS crisis in the 1980's was one of the main reasons sexuality was challenged and redefined at the beginning of the 21st century. According to this Australian social scientist, the HIV/AIDS crisis had a positive side because it opened up a space for talking more publicly about what was previously taboo: diverse sexualities, gender identities, and inequalities. “AIDS has made it harder to deny the enormously political significance of what is often defined as belonging to the personal sphere.”⁶⁰

Since the 1990s, the countries that have urged equalities and human rights legislations for LGBTQ individuals, have augmented. These changes include same-sex marriage, equal employment rights, and the right to serve in the military.⁶¹

⁵⁹ Rosalind Petchesky, “Sexual Rights Policies across Countries and Cultures: Conceptual Frameworks and Minefields” in Parker, Petchesky and Sember eds, *Sex Politics Reports from the front lines*, 2007, p. 10.

⁶⁰ *Ibid*, p. 14.

⁶¹ Rosalind Petchesky, *op. cit.*, p. 4.

Due to these changes, interest in sexual citizenship⁶² has been used as an international standard in the relationships between nations and their respective populations.

Despite a strong and persistent global inequality towards the LGBTQ community (where heterosexuality is still institutionally privileged in most countries), it is now more possible to live openly gay lives in many places, specially in big cities like Mexico City. However it is not only the visibility of homosexuality and gay life; people are now more aware of sexual and gender diversity, where bisexuality, trans issues, asexuality and intersexuality are increasingly present.⁶³ This way, sex is losing its taboo status, becoming an everyday issue and allowing SOGI rights to be openly discussed and addressed.

However, these trends are not unproblematic and have not gone unchallenged. As sexual freedom advances, conservative groups are still concerned with the implication of this new set of rights; challenging equality and fighting to keep the status quo. In words of Rosalind Petchesky, "in a number of countries where increasing freedoms are afforded to some adults, there are concerns about the sexualization of childhood and the growing commodification of the erotic. Similarly, sexual abuse and domestic violence continue to be significant problems, even as their dynamics are changing and they, too, are becoming less taboo than they were before."⁶⁴

⁶² Sexual citizenship is a term used to describe the interconnections between sexual and political rights and obligations in a specific context, especially as they shape the lives of sexual and gender minorities. Brown Gavin and Kath Browne, *The Routledge Research Companion to Geographies of Sex and Sexualities*, Routledge, 2016, p. 63.

⁶³ *Ibid.* p. 64

⁶⁴ *Idem.*

Nevertheless, the link between SOGI and human rights started to become unchallengeable, reaching powerful international platforms and forums like the United Nations (UN), where SOGI rights started to make their way through international legislations and instruments. It is worth mentioning that, despite powerful conservative forces within the UN system (mainly religious fundamentalist groups), it has been possible to advance a discourse of sexual and human rights.⁶⁵

As defined by former Special Rapporteur on the Right to Health, Paul Hunt:

Sexuality is a characteristic of all human beings. It is a fundamental aspect of an individual's identity. It helps to define who a person is... the correct understanding of fundamental human rights principles, as well as existing human rights norms, leads ineluctably to the recognition of sexual rights as human rights. Sexual rights include the right of all persons to express their sexual orientation, with due regard for the wellbeing and rights of others, without fear of persecution, denial of liberty or social interference.⁶⁶

This way, from a human rights perspective, SOGI refers to the principle of indivisibility where sexual and gender rights are permanently linked to economic, social, cultural, civil and political rights.⁶⁷ "Freedom to express one's sexual or gender orientation, or to

⁶⁵ Rosalind Petchesky, *op. cit.*, p. 20.

⁶⁶ *Idem.*

⁶⁷ Human rights, sexual orientation and gender identity have also been addressed by regional organizations in Africa, the Americas and Europe. In 2014, the African Commission on Human and Peoples' Rights passed a resolution in which it condemned violence and other human rights violations based on real or imputed sexual orientation and gender identity; the Organization of American States approved its seventh resolution on human rights, sexual orientation and gender identity, having in 2013 adopted the Convention against all forms of Discrimination and Intolerance, which addresses these issues; the Inter-American Commission on Human Rights established the mandate of Rapporteur on the rights of LGBT and intersex persons, having established a dedicated unit in 2011; the European Union adopted guidelines on the promotion and

be who one is as a sexual person, to experience erotic justice, is interdependent with a whole series of other rights, including health care, decent housing, food security, freedom from violence and intimidation, and to be in public space without shame.”⁶⁸

Therefore, within the international arena there are two clear levels of achievements: On one side a growing momentum of country-based movements for SOGI rights, and on the other side, the creation of normative principles such as the UN conferences in the 1990s, the mobilizations at the Human Rights Council, and the *Yogyakarta Principles on the Application of International Human Rights Law in relation to Gender Identity and Sexual Orientation*.⁶⁹

During the last twenty years, the global promotion of LGBTQ equality and human rights has made sexuality highly visible for the international relations. This new global context has led to a trend of interventions and a system of “pointing and shaming” based on each country’s way to address SOGI rights. In other words, in recent years attacks on the human rights of LGBTQ individuals in countries like Russia, Zimbabwe and Uganda have evoked international condemnation, grassroots campaigns and diplomatic interventions from the USA, Canada and several European countries.⁷⁰

However, even if these efforts have not yet achieved the inclusion of SOGI rights to a binding international treaty, both the international debates they have inspired and the

protection of human rights of LGBT and intersex persons, and both the European Parliament and the Parliamentary Assembly of the Council of Europe adopted resolutions on the subject; and the European Court of Human Rights and the Inter-American Court of Human Rights issued several judgements affirming the rights of LGBT persons to equal treatment and protection under the law.

Human Rights Council, United Nations, “Discrimination and violence against individuals based on their sexual orientation and gender identity”, 2015, p. 4

⁶⁸ *Idem*.

⁶⁹ *Ibid.* p. 21.

⁷⁰ Brown Gavin and Kath Browne, *op. cit.*, p. 68.

growing national legislations on sexual rights, have undoubtedly strengthened activists' efforts on seeking similar changes in their own countries. Now there is a common perception that those countries at the forefront of promoting "progressive" sexual politics (including LGBTQ equalities) globally, are more developed and advanced.

Within the Mexican context, Rafael de la Dehesa mentions how the international debate on SOGI rights impacted on the local legislation.

[...] The Mexican President Vicente Fox created the Commission on Discrimination Studies, to draft a federal antidiscrimination bill which was approved in 2003 by the Congress. In its final report, the Commission addressed legislation around the world that, in similar circumstances, contemplated sexual orientation, and highlighted its establishment within a broader transnational field: "The fight against discrimination in Mexico cannot ignore this vast discussion in the 'international public space', which includes both agreements generated by government agencies and demands by nongovernmental organizations (NGOs)."⁷¹

Last but not least, Mexico City represents not only the country's capital, but also its most important economic and political center, making it not only more visible to the rest of the world, but also the home of numerous foreign and international entities, that is, from embassies and local headquarters of transnational companies, to media conglomerates and major NGOs (Amnesty International, Human Rights Watch, ILGA, etcetera.)

⁷¹ Rafael de la Dehesa, *op. cit.*, p.51.

Mexico City is connected worldwide by this particular characteristic, and links the City to international trends and movements. It is not then surprising that the LGBTQ movement has been influenced by the global human rights shift, placing the situation of SOGI rights in Mexico City closer to cities like New York or London, and further from Mexican geographical proximities like Guanajuato or Puebla.

Urban Sexualities

Mexico City is one of the major urban areas worldwide (the largest city in the western hemisphere and the largest Spanish speaking city in the world). It is also one of the most important economic centers in Latin America. The city produces around 21.8% of the Gross Domestic Product in the country and it is ranked as the eighth-richest urban agglomeration in the world.⁷²

Mexico City ought to be considered an important hub where a large variety of people cohabit and interact every day, making it a unique place in Mexico. As the biggest urban area in the country, the conception of SOGI was exceptionally transformed, which led to the development of SOGI rights.

The theory of *Geographies of Sexualities*⁷³ considers the different ways in which human sexualities vary geographically. “[The study of *Geographies of Sexualities*] has

⁷² According to statistics of City Mayors, http://www.citymayors.com/statistics/urban_2020_1.html, [Access on 12/29/2016].

⁷³ Initially, geographies of sexualities focused on the activities and experiences of gay men, before then considering the lives of lesbians, and then bi/bisexual and trans people. Including trans people under the label 'sexualities' is problematic, because trans is not a sexual identity; it is related to gender/sex. For this reason, this book explores sex, as it is related to categorizations of man/woman, male/female, as well as the

shown how sex and sexualities are created in, through and by space, place and environment. Moreover, how space and place are organized and used, is directly related to sex and sexualities.⁷⁴

First of all, big urban areas have always been a primary destination of migrants, attracting a great amount of people searching for better opportunities and lifestyles. According to Hubbard, the migration from rural communities to large urban areas during the industrialization in the Global North, contributed to the emergence of sexual subcultures and identities; placing people into closer proximity and weakening the ties of community and family as a key factor to create new social and sexual forms.⁷⁵

Hence, the simple possibility of anonymity has led to huge migration waves of LGBTQ individuals to big cities around the world. As Eribon points out, their perception of danger leads them to seek ways to flee the outrage and the violence, reason why they soon resort to behaviors of disguise, or emigrate. That is why LGBTQ individuals look towards the great city and its networks of sociability as an alternative.⁷⁶

Thus, the Mexican capital becomes a symbol of anonymity and freedom for LGBTQ people, making it possible to build and share a safe lifestyle. Mexico City is a very attractive place, not only because of its size and wide range of development, but also

practices of gender that make sexed bodies. The Routledge Research Companion to Geographies of Sex and Sexualities, Ed. By Gavin Brown and Kath Browne, Routledge, 2016, p. 2.

⁷⁴ *Idem.*

⁷⁵ Brown Gavin and Kath Browne, *op. cit.*, p. 6.

⁷⁶ Fundación Arcoíris para la Diversidad Sexual by Gloria Careaga, *Migración LGBT a la Ciudad de México. Diagnóstico y principales desafíos*, 2015, p. 19

because of the specific conditions that have been granted for LGBTQ people reflected on legal reforms and some government actions.⁷⁷

Many scholars link the development of modern LGBTQ identities with the growth of urban populations over the last two hundred years. For example, Brown argued that the presence of gay bars in the urban landscape was not simply liberating, but could also serve as a *closet space* that concealed and regulated homosexuality. In many cities, clusters of gay bars initially developed in semi-derelict, industrial or post-industrial districts that were relatively deserted at night, so that gay men could visit the bars discreetly and without embarrassment.⁷⁸

According to some studies of the Geographies of Sexualities theory, there is a phenomenon of LGBTQ (mainly gay) communities appropriating territories inside major urban areas like Mexico City,⁷⁹ such as shops, bars, clubs and dwelling, creating *gay*

⁷⁷ *Ibid*, p. 8.

⁷⁸ Brown Gavin and Kath Browne, *op. cit*, pp. 13-14.

⁷⁹ Most of the early work on gay enclaves in urban areas was on the emergence of areas in urban residential neighbourhoods in the 1960s and 1970s (Podmore, 2013a). This research was predominantly descriptive and focused on the locational choices of increasingly gay and lesbian populations, most often in the urban core of American cities (Nash and Gorman- Murray, 2014, p. 3). Since at least the 1970s a range of scholars have argued that the density, variety and multiple experiences that those contemporary urban landscapes could offer to their inhabitants frequently led to claims that urban and sexual freedoms go hand in hand (Hanhardt, 2013; Harry, 1974; Levine, 1979; Weightman, 1981; Weinberg and Williams, 1975). These claims received further support from Castells's (1983) (see also Castells and Murphy, 1982) investigations of the Castro district in San Francisco (Visser, 2008a, 2013). The overarching theme was that during the 1970s and the early 1980s a number of social scientists began to observe that gay men and lesbian women were creating in a number of Western cities (Valentine, 1995) distinct social, political and cultural landscapes, styled by Levine (1979) as 'gay ghettos', which were later, perhaps more benignly, renamed gay villages. Drawing on these observations, Castells (1983, p. 143) argued that the gay movement 'realized that between liberation and politics it first had to establish a community in a series of [public and private] spatial settings'. Although these earlier investigations have been critiqued on a number of fronts - class, gender and race bias being among them (Giwa and Greensmith, 2012) - they nevertheless reflected the growing significance of commercially concentrated gay areas in major US and UK cities, representing mainly gay male identities and lifestyles, and making them increasingly visible (Casey, 2004, p. 447; Levine, 1979; Valentine, 1995).
Brown Gavin and Kath Browne, *op. cit*, p. 56.

ghettos or *gay neighborhoods*. This proves the importance of proximity and territory while establishing collective identities and claiming political space and power.⁸⁰

As suggested, there is a direct relationship between non-heterosexual identities and urban space, based on the idea of safety in numbers and the capacity of anonymity. “Given the extreme intolerance to sexuality difference in a range of regions outside the developed North this line of reasoning might have suggested numerous gay districts or neighborhoods in the Global South [including Mexico City].”⁸¹

According to the accounts of Salvador Novo, during the first years of the XX century, Mexico City started to be conceived as a permissive mecca for the LGBTQ community. Talking about the urban space and its attraction to gay men and transgender individuals, Novo assures “there is no reason to think why Mexico City did not represent a place of opportunity for gay encounters.”⁸² Mexico City had started to be home of *gay ghettos*.

The gay bars and streets started to develop in the very heart of the city: the historical center or downtown. “During the *Porfiriato*, and during the first decades of the 20th century, the “gay” avenue par excellence was the street today called Francisco I. Madero [...]. It is to be supposed that other places reserved some suspicious tables and congregated with his sigil to the homosexuals of the time. This was the street, Serge

⁸⁰ Brown Gavin and Kath Browne, *op. cit*, p. 6.

⁸¹ *Ibid.* p. 57.

⁸² Michael K. Schuessler and Miguel Capistran, *op. cit*, p. 215.

Gruzinski says, which served as a meeting point for day-lovers and young people selling their adolescence.”⁸³

The *Centro Histórico* stayed as a limitless area for sexual and gender diversity for more than half a century, serving as a safe heaven for non-heterosexual or non-cisgender expressions till the 1980s. As it was mentioned before, this decade and the irruption of the HIV/AIDS crisis, represented a difficult time for the LGBTQ community worldwide.

However, its positive backlash influenced the gay life in the cities where “the gay neighborhoods of North America (as well as Europe and Australia) [and Mexico City] became laboratories for new forms of politics in the early 1980s as they were forced to find ways of responding to the devastating impacts of the AIDS crisis. While the sex-positive cultures of the 'gay ghettos' facilitated the spread of HIV (before the retrovirus was identified), these close-knit communities also came together to develop 'safer sex' practices, to care for the sick and dying (a task in which lesbians also played a significant role) and to fight for access to appropriate medical treatment.”⁸⁴

It was also during this period of time that gay life in Mexico City started to spread to other parts of the city outside the *Centro Histórico*. Disco music and its culture of glorification of hedonism and the cult of appearance, allowed homosexuality to break out with certain ease in the discotheques. The Mexican gays took advantage of youth culture from a non-confined world, different from the long political and repressive regime

⁸³ *Idem.*

⁸⁴ Brown Gavin and Kath Browne, *op. cit.*, p. 67.

of the PRI.⁸⁵ Additionally, the LGBTQ community resorted the gradual normality of the homosexual in other countries, like the civil duties of tolerance and the way to social respect and recognition of the civil and human rights.⁸⁶

Mexico City witnessed the rising of new LGBTQ spots and gay areas. Places like *Zona Rosa*, *Colonia Roma*, *Colonia Condesa* and *Colonia Juarez* had settled LGBTQ communities and started to offer a variety of options for them: gathering environments, nightclubs, cultural hubs and health clinics, among others. According to journalist Juan Carlos Bautista:

The terrain that made possible this irruption, a consequence of a gradual but firm liberalization of Mexico City's social costumes, was subsumed by the triumphs of feminism, the legitimacy of the counterculture, the hippy movement, the popularity of psychoanalysis and its criticism, the repercussions of the 1968 movement, the slow development of our movement for the civil rights of minorities, the aesthetic experiments of the 1960s and 1970s, and the struggle of the artistic and intellectual community against censorship, among other socially renewing factors.⁸⁷

These LGBTQ spaces helped to shape the social and political context of Mexico City, opening a space for the new rights and SOGI demands; however, nowadays the gay neighborhoods are starting to lose their delimitations, merging in other parts of the city that were considered "heterosexual" not so long ago (wealthy areas like *Polanco* or *Las Lomas*).

⁸⁵ Acronym for Partido Revolucionario Institucional, the political party that ruled Mexico and Mexico City for almost 70 years.

⁸⁶ Michael K. Schuessler and Miguel Capistran, *op. cit.*, p. 224.

⁸⁷ *Idem.*

According to Catherine Jean Nash, there are several factors that are contributing to the decline of the gay neighborhoods in big cities, mainly the acknowledgement that, with increasing social acceptance of sexual minorities and growing legal equality, lesbians and gay men no longer need to cluster together for safety and protection.

“Increasingly, the presence of lesbians and gay men has been normalized in a range of social settings and leisure venues. At the same time, developments in digital and locative technologies have meant that sexual minorities no longer have to rely on attending specific bars in order to meet each other.”⁸⁸

The decline of gay neighborhoods and the advancement of SOGI rights should not be understood as a final condition of the LGBTQ situation inside some countries. It is important to stress out how LGBTQ lives are accepted at a national and local scale. There are cases where SOGI rights are constitutionally or legally protected (such as France and South Africa), but the expression of those non-heterosexual lives are compromised by local resistance to those identities. On the other side, there are places where the national context can be homophobic but local entities allow expressions of sexuality and gender diversity (such as Beirut).⁸⁹

In spite of Mexico having “sexual orientation and gender identity” in its constitutional non-discrimination clause, federal politics against homophobia and in favor of LGBTQ equality, some local states and constitutions are still reluctant to accept LGBTQ persons as full citizens. On the other hand, Mexico’s national social context is still highly

⁸⁸ Brown Gavin and Kath Browne, *op. cit*, p. 15.

⁸⁹ *Ibid*, p. 60.

influenced by machismo, Catholicism and traditional ways of conceiving sexuality and gender. These lead to a general context of discrimination and violence against LGBTQ communities and a permanent surveillance of sexual and gender expression in public and private spaces.

In this context, Mexico City represents the first entity of the country to develop specific laws to protect LGBTQ communities, and to respect their rights (SOGI rights). As stated before, this great improvement can be understood by many factors such as the international momentum and its link to Mexico City, the anonymity and safe space the city can offer (leading to big migration waves into the city), the establishment of more-permissive areas like the gay neighborhoods, a change in Mexico City's social traditions, the conception of family, and the development of social movements.

However, SOGI rights cannot be fully understood unless there is also an analysis of Mexico City's political situation during the last twenty years, and its openness to democracy and a political left wing government.

Political opportunities and democracy

While gaining visibility and taking ownership of Mexico City, it is clear how the LGBTQ community had political interests and a wide set of objectives and strategies on how to achieve equality and fight for their particular rights. However, to understand the development of SOGI rights, it is important to have a clear idea of the unique situation Mexico City went through plus the political opportunities the ruling party saw on the LGBTQ community and SOGI rights.

First of all, it is worth mentioning a direct link between governance and SOGI, where all countries across the globe monitor and seek control of sexualities in various ways, including reproductive rights; access to marriage and health; welfare benefits for married couples; and the legal regulation of certain sexual acts and gender identities.⁹⁰

Mexico City's government has not been an exception; the life of LGBTQ individuals and the entity's sexual citizenship has been regulated.⁹¹ Therefore, the fact that the advancement of SOGI rights matches the transition of Mexico City's government: from the right (PRI) to the left-wing party PRD.⁹² The beginning of a democratic government, should not be overlooked or taken merely as a chance.

Even though left-wing parties in Latin America are highly linked to the development of SOGI rights, this has not been the case through history. While trying to push their political agendas with the left, LGBTQ activists found a variety of discriminative arguments to block their efforts. Many of these reflected deep prejudices in Mexican society (for example, interpretations of homosexuality as a vice or disease) but others were framed within specific discourses of the left of that time. The same homosexual

⁹⁰ Brown Gavin and Kath Browne, *op. cit.*, p. 4.

⁹¹ Sexual citizenship (Bell, 1995a, 1995b; Bell and Binnie, 2000; Evans, 1993) is a term used to describe the interconnections between sexual and political rights and obligations in a specific context, especially as they shape the lives of sexual and gender minorities. It describes the ways in which political geography impacts most directly on the sexual lives of individuals in a given national context. *Ibid*, pp. 63-64.

⁹² PRD is an acronym for *Partido de la Revolución Democrática*. The PRD was founded in Mexico City, headed by Cuauhtémoc Cárdenas Solórzano, Porfirio Muñoz-Ledo, Ifigenia Martínez, with other members of the Political Left such as Heberto Castillo, Gilberto Rincón Gallardo, among many others. The Party was the result of the political union of numerous left and socialist Parties that were created to challenge the traditional and repressive principles of the PRI.

Historia del PRD, <http://www.prd.org.mx/portal/index.php/prdinforma/boletines/2786-refrendar-su-papel-como-partido-de-izquierda-el-reto-del-prd-barrales>, [Access on 04/01/2017].

stigma was often discussed in Marxist terms as a product of capitalist decadence and a bourgeois form of sexuality.⁹³

This way, the introduction of SOGI into the political discourse also came as a result of a deep transformation of the left and a new wave of democracy. Changes in electoral institutions in Mexico substantially reorganized the field in which leftist parties were debating and competing, with two important outcomes for debates on LGBTQ issues.

Firstly, these changes allowed the birth of new legally registered political parties whose precepts differed from those held by the historic communist parties and were, in a way, less resilient to deal with SOGI policies. Secondly, the new electoral opportunities for the left altered the search for supporters by several militants, so that the worker's position as a natural target eroded and began to consider who and what the sector should represent. Over time, hegemony within the field would move to the "mass parties" (like the PRD), which were defined by maintaining one foot in the electoral field and another in civil society.⁹⁴

More specifically in the case of Mexico City and its political situation, for years the capital lacked of a democratic government. From its creation in 1928 till 1993, the Department of the Federal District was an administrative department that was part of the cabinet of the President of the Republic with a department head who was freely appointed and removed by the President.

⁹³ Rafael de la Dehesa, *op. cit*, p. 136.

⁹⁴ *Ibid*, p. 144.

It was not until 1993, through a constitutional reform, that the Federal District was granted greater autonomy through the elimination of the figure of the head of the Department of the Federal District and the creation of the head of the Government of the Federal District, who is elected directly by the citizens; in addition, greater powers were given to the local legislative body, known as the Legislative Assembly of the Federal District⁹⁵; since then, the PRD has been in charge of the government.

This way, the government of the PRD starting in 1994 was the first openly, direct and democratic election of a government by the citizens of Mexico City, therefore, one of the main objectives of the new ruling party was to dismantle the old repressive politics of the PRI and started a new form of government closer to the people and their demands.

As stated by Rafael de la Dehesa while explaining the weakening of the authoritarian parties in Latin America:

The Institutional Revolutionary Party (PRI), which ruled Mexico since 1929, remained strong through violent repression of the left and gradual reforms of electoral institutions to channel discontent through legal opposition parties. Over time, massive opposition movements, which brought together different social classes, eroded the power of the authoritarian leaders. Homosexual liberation movements emerged as part of these broader opposition movements and sought to push the boundaries of democratic change beyond the narrow institutional to the cultural, the sexual, and for some within each movement, the economic terrains.⁹⁶

⁹⁵ "Distrito Federal. Historia de las Instituciones", <https://archivos.juridicas.unam.mx/www/bjv/libros/6/2891/5.pdf>, [Access on 01/04/2016].

⁹⁶ Rafael de la Dehesa, *op. cit.*, p. 49.

Nevertheless, when the Mexican activists (including the LGBTQ ones) started to get closer to the legislative arena, the conditions for their inclusion were selective and conditioned; this acceptance implied a negotiation on audience calculations and a tradeoff between two types of representatives: activists of social movements and militants of political parties, each with different publics and objectives in mind.⁹⁷

In Mexico, activists have faced much more rigid barriers to entry [the political arena], even with the seven-decade erosion of the ruling hegemonic party, and have relied on broader coalitions of civil society, especially feminists, and a narrower but less profound alliance with the partisan left. These differences in the political coalitions that act on the State are reflected in the construction of collective political identities and even in the background of the claims that the activists directed to the State. Mexican activists built collective political identities around flags such as "the sexual diversity", which allowed the articulation of broader legislative coalitions around their demands.⁹⁸

Through continuous pressure from a small number of gay and lesbian militants, the PRD succeeded in integrating the issue of LGBTQ liberation on the political platforms, due to their symbolic resonance with broader aspirations for the future development of the party, but also as a symbolic marker of democratic pluralism, or as a break with the orthodox.⁹⁹

There was a clear need for an alliance between the still weak left-parties and the vulnerable groups that suffered the PRI regime, but it was also imperative to acknowledge all groups within the city in order to truly achieve democracy. "In this

⁹⁷ *Ibid*, p. 59.

⁹⁸ *Ibid*, pp. 59-60.

⁹⁹ *Ibid*, p. 163.

sense, studies have indicated the efforts of the left and social movements in Latin America to 'deepen democracy' by broadening the parameters of citizenship in ways that 'social authoritarianism' is challenged in the private field."¹⁰⁰

The election of lesbian activist Patria Jiménez in 1997 to the House of Representatives of Mexico City and the first Forum on Sexual Diversity and Human Rights in the Legislative Assembly of the Federal District in 1998, marked a symbolic breakthrough in the relations of activist groups with the legislative field. Since then, Jiménez has managed to eliminate the only discriminatory provision in Mexican law, an aggravating factor that doubled the penalty for corruption of minors in cases involving homosexuality (mentioned already above).¹⁰¹

In 2000, another lesbian activist, Enoé Uranga, was elected deputy to the Legislative Assembly of the Federal District, postulated by the newly created Social Democracy Party (PSD), which had feminism and sexual diversity as central flags in their campaign and launched several sexual diverse candidacies throughout the country.¹⁰²

Also, the PRD commission was able to include an LGBTQ platform in the party's electoral program in 2006 and to allocate a space for them in its list of candidates. This allowed a first openly gay man (David Sánchez Camacho) to take a seat in the Federal House of Representatives¹⁰³.

¹⁰⁰ *Ibid*, p. 65.

¹⁰¹ *Ibid*, p. 268.

¹⁰² *Ibid*, p. 278.

¹⁰³ *Ibid*, p. 167.

As stated before (with the amendments on the Penal and Civil Codes as a perfect example), the PRD established a government in Mexico City which Franklin Gil Hernández identified as “*administración de diferencias* (Spanish for administration of differences), which consists in a set of transversal programs oriented to young people, people with disabilities, afro-descendent communities, LGBTQ individuals, women, etc.¹⁰⁴

Moreover, the last two governments (Marcelo Ebrard 2006-2012 and Miguel Ángel Mancera 2012- present) have retaken the rainbow flag as a symbolic framework to promote the Mexican capital as a "vanguard city", once again framing the construction of sexualities by appealing to a broader project of modernity.

Secularism and the Lack of Influence of the Catholic Church

Simultaneously, while SOGI rights and the deeper debate about sexuality and gender around the globe were growing, the world was also witnessing the growing political power of conservative, religious forces that insisted on strategies of abstinence and moral purity.

For example, let's consider the open attack on sexual plurality and reproductive self-determination unleashed by Pope Benedict XVI since his nomination. The encyclical *Deus Caritas Est*, launched in December 2005, develops a long and complex argumentation to qualify same sex relations as a “weak love” because they do not lead to procreation. In relation to abortion, the Pope has maintained the line of his

¹⁰⁴ *Ibid*, p. 23.

predecessor, using all possible occasions to condemn women who abort. In between, the Vatican threatened parliamentarians who voted to legalize abortion and same-sex marriages in the Federal District of Mexico.¹⁰⁵

This way, it is important to consider why in an extremely catholic country like Mexico, the Catholic church cannot have enough influence in the court decisions and legislative chambers to hamper SOGI rights. This could be explained by the strong tradition of secularism in Mexico and particularly in Mexico City's leftist governments.

This secularism started in the middle of the 19th century, when the Mexican Government decided to separate the Church and the State and was reaffirmed on the Constitution of 1917. This charter, still in force, prohibits religious instruction and education (article 3), monastic orders (article 5), religious services outdoors (article 24) and possession of property by the church (article 27).¹⁰⁶

The Mexican Constitution, and therefore all the local laws, also limited the official recognition of the civil marriage as the exclusive attribution of the state, denied legal personality to churches and political rights to clerics, and forbade churches and clergy from criticizing government in public or private settings.¹⁰⁷

However, this restriction of the Catholic Church has not been permanent. For example, during the modernization fervor of the Mexican State, in which the neoliberal president Carlos Salinas de Gortari (1988-1994) reorganized it, there was also a weakening of the

¹⁰⁵ Rosalind Petchesky, *op. cit.*, pp. 16-17.

¹⁰⁶ Cámara de Diputados de la República, "Constitución Política de los Estados Unidos Mexicanos, <http://www.diputados.gob.mx/LeyesBiblio/htm/1.htm>, [Access on January 5, 2017].

¹⁰⁷ *Idem.*

secular vision. In 1992, several constitutional reforms permitted religious education in private schools, the establishment of monastic orders and the possession of property by the church, while extending their legal recognition.¹⁰⁸

Even so, there is still a clearly radical project of secularization in Mexico, where governments (federal and local) are convinced of the importance of establishing governmental practice and laws on national doctrine and not on religious precepts.

In the particular case of Mexico City, the PRD has made an effort to maintain the influence of conservative groups outside the legislative assemblies and the court decisions. Historically, the left parties in Mexico have maintain a difficult relationship with the Catholic Church, highlighting as one of their fundamental principles, the secularity of the Mexican state and the separation of the Church from all the State's affairs.

Also, by staying within the hegemonic party system, the LGBTQ activists were able to build alliances that facilitated their access to the legislative field, to confront the boundaries of representation. When legislative activism became a priority on the movement's agenda in the late 1990s, opposition to antidiscrimination clauses, based on sexual orientation – in the transnational development of sexual rights became increasingly difficult to defend¹⁰⁹.

¹⁰⁸ Rafael de la Dehesa, *op. cit.*, p. 107.

¹⁰⁹ *Ibid*, p.282.

Last but not least, even though the influence of the conservative religious groups is not reflected in the law, its social influence is still strong and persistent, acting as social obstacles for the fully implementation and respect of SOGI rights.

In this sense, while Mexico City is the most advanced entity regarding SOGI rights, it still faces strong problems of discrimination and violence against LGBTQ individuals, due to strong traditional backgrounds and conservative religious beliefs.

Conclusions

As this thesis states the development of SOGI rights, analyzing its drivers and unique characteristics, it is worth mentioning that the LGBTQ activists play the most important roles in achieving a solid SOGI rights framework. As stated before, the Mexican LGBTQ movement found its origins in two fundamental identity processes: the process of a personal gay identity of its main actors, and the formation of a collective identity.

While adopting some characteristics of the international LGBTQ movements, the Mexican activists shaped and led the movement to cover their own demands within Mexican society, making it not only a crusade for sexual openness and tolerance, but also as a way of exercising democracy and accessing full citizenship.

After studying Mexico City as the main scenario for the development of SOGI rights, it is easy to acknowledge the complexity of the situation and the diversity of players. As stated before, to comprehend the SOGI rights situation in Mexico City, it is necessary to take into account the following:

First, an international trend pro SOGI rights in the western world and the global advance of the Human Rights theory. Second, the characteristics of Mexico City as a big urban area which allows its citizens to explore their sexual orientation and gender identity anonymously and safe; and third, the new democratic system that was established in the Mexican Capital at the end of the 20th century, and the openness of political spaces given by the left wing that rules the city.

Following this line of thought, the link between LGBTQ activists and the left-wing political parties during a democratic openness is clear and vital to comprehend how SOGI rights developed so fast. This way, the debates on gender and sexuality emerged, particularly in Mexico City, within a heterogeneous community closely linked to the City Government. Networks of militants of left-wing parties, intellectuals and progressive journalists, feminists, LGBTQ activists and other social movements, shared a political position confronting the PRI.

The openness of the local government was not only to defend and implement SOGI rights. It is not a one-way street of benefits.

First of all, by addressing gender and sexuality, and developing SOGI rights, the government of Mexico City keeps the control to regulate sexuality both in the private and public spheres while at the same time it avoids further pressure of sexual dissident groups. Also, by giving low cost rights (mainly civil and political rights that do not represent big expenses), the government gains economic and social benefits.

For example, by acknowledging LGBTQ communities, some “gaybourhoods have become ‘sanitized’ as they have been adopted by municipalities for their fiscal and cultural contributions to the city. That gaybourhoods are embraced by many city officials, is a sign to some that gaybourhoods reflect a larger trend towards homonormativity,¹¹⁰ that has prioritized domesticity, coupledness and privatized consumption over the public sexual cultures of earlier decades.”¹¹¹.

¹¹⁰ A whole field of social relations becomes intelligible as heterosexuality, and this privatized sexual culture bestows on its sexual practices a tacit sense of rightness and normalcy. The sense of rightness - embedded in things and not just in sex - is what we call heteronormativity. Heteronormativity is more than ideology or

In the same way when legalizing same-sex marriage and adoptions, the government is also the biggest winner by framing new types of relationships into traditional patterns of consumption and domesticity. In other words, those lesbians and gay men who settle down in long-term relationships are no longer considered threats, nor transgress mainstream assumptions about the centrality of the family in social life.

Also, by developing SOGI rights and becoming a gay friendly city, Mexico City became a rarity in Latin America, boosting the tourism economy and getting huge incomes from the so called “pink money”¹¹² or in this case “pink peso.” For example, the gay tourist industry increased its \$12.7 billion revenues in 2012 to \$17.1 billion in 2015.¹¹³

Even though SOGI rights represented advantages for both the citizens and Government, there were also some obstacles for LGBTQ individuals to be fully included into society. As one of the biggest obstacles for the acceptance of LGBTQ identities, the conservative religious groups have had a long history of hampering and trying to erase and minimize SOGI rights.

prejudice, or phobia against gays and lesbians, it is produced in almost every aspect of the forms and arrangements of social life: nationality, the state, and the law; commerce; medicine; education; plus the conventions and affects of narrativity, romance and other protected spaces of culture. Brown Gavin and Kath Browne, *op. cit*, pp.64-65.

¹¹¹ *Ibid*, p.15.

¹¹² Pink money describes the purchasing power of the gay community, often especially with respect to political donations. In Britain it is often called the Pink Pound, in the US the Dorothy Dollar. It is the huge amount of money spent by those of gay or lesbian sexual orientation. BBC on line, “The Pink Pound”, 1998, <http://news.bbc.co.uk/2/hi/business/142998.stm>, [Access on 01/09/2017].

¹¹³ Luisita López Torregrosa, “My Mexico City is Everyone’s Now” in The New York Times, December 18, 2016, http://www.nytimes.com/2016/12/28/travel/mexico-city-culture-childhood-new-awakening.html?_r=0, [Access on 12/29/2016].

And even with the lack of religious influence on the chambers and court decisions, the catholic indoctrination and traditions have managed to merge into all levels of society resulting in a less than perfect context, challenging LGBTQ activists and governments on a daily basis. As a result, crimes derived from homophobia still happen and are not being attended.

Hate crimes, in spite of being the most radical manifestations of discrimination, are not the only examples of homophobia in Mexico. The problem of discrimination goes beyond physical aggression; it is also present in other forms of marginalization and violence ranging from a joke at home or aggressive looks on the street, to unequal treatment at work, in health services or accessing justice.

For example, the National Poll about Discrimination in Mexico 2010 (*ENADIS*, for its acronym in Spanish) shows that 44% of the people in Mexico would not accept to live with an LGBTQ person. Likewise, 8 out of 10 people over the age of 50, think that gay couples should not be allowed to adopt kids; surprisingly, 7 out of 10 people between 30 and 49 years think the same way¹¹⁴.

The problem has several edges. It is true that it begins with institutionalized homophobia, then violating the rights and lives of others, their human capacities and finally, reflecting fear of neighbors. On the flip side, there are some possible promising ways forward. If the State reframes its public policies and national interests, homophobia could be reduced and with a big effort including the state, private institutions and society in general, homophobia could be eradicated.

¹¹⁴ Consejo Nacional para Prevenir la Discriminación, *Encuesta Nacional sobre Discriminación en México*, Mexico, CONAPRED, 2012, p. 27.

The solution is not to create new human rights or legal instruments specifically for LGBTQ persons, as they already exist; rather the answer lies in developing public strategies to make them valid and gradually sensitizing the society at all levels in order to enhance the respect for sexual diversity and equality.

The development of SOGI rights in Mexico City should not be taken for granted and the efforts of the city's government to attend the demands of the LGBTQ community need to be recognized. While the rest of Mexico is still struggling with the adoption of SOGI rights, the capital has now an advantage of twenty years of equality and sexual freedom.

In this sense, Mexico City represents a unique area within the country where a combination of urbanization, big migration waves, a strong economy, a solid cultural and academic life, a deep connection with the international context, a left-wing government and a decisive path towards democracy, allowed the achievement of SOGI rights (which was unthinkable 20 years ago.)

Therefore, Mexico City started as an oasis for LGBTQ individuals where they could live their life fully and fearless, and now Mexico City has become a leading entity on SOGI rights, and a strong influence at a federal level, to promote a legal framework in the country that is more inclusive and in line with human rights.

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