

Situation of LGBT people in Mexico

Second UPR Cycle Recommendation (2013)

During the second cycle, Mexico received one recommendation from Colombia (No. 148.39) ‘to carry out follow-up mechanisms for the UPR recommendations that enable to verify the implementation and impact of norms and measures adopted to promote equal rights and non-discrimination for all citizens, particularly vulnerable groups such as women, children, ethnic minorities and LGBT communities, among others’

Status of implementation of the recommendation

The actions that have been implemented are minimal. The attention services are subject to prejudice and discriminatory acts and the number of hate crimes has not diminished, they have only been made invisible by the increase of a generalized climate of violence in the country.

Advances in the last five years

Although in 2015 the declaration of the Presidency of the National Day of Fight Against Homophobia and the recommendations of the 2016 presidency, opened the door for government actions to be sought, small progress has been made beyond the publication of some Protocols of Attention in government services for LGBT people. This Government is concluding its mandate with some openness to the discussion and analysis of the LGBT situation by joining the Core Group in NYC and Geneva and by promoting its creation in the OAS, but in public policy they were not able to implement specific actions.

Current legal framework

The Constitution of the United Mexican States recognizes and prohibits Discrimination in its Article 1. and includes sexual preferences in their protection, but modification is necessary to incorporate sexual orientation, identity and gender expressions; the **Federal Law to Prevent Discrimination** that also includes discrimination against homophobia and other related forms of discrimination. Regulations have been established that protect the rights of LGBT people such as the **National Program for Equality and Non-Discrimination 2014-2018**. The Strategy 5.2. promotes actions against discrimination based on sexual orientation and gender identity; and the **Decree to the Passport Regulation and the Identity and Travel Document**, this document contemplates protecting the identity of transgender people by recognizing their identity. However, a Gender Identity Law is necessary at the national level that guarantees and facilitates the process in the civil registry for all the states of the Republic. The recognition of self-perceived gender identity through a simplified administrative procedure is an international obligation of the country under the American Convention on Human Rights, in accordance with Advisory Opinion 24 of the Inter-American Court of Human Rights.

Rights most commonly violated.

Mexico has been identified as one of the countries with the highest number of crimes for homophobia and the IACHR has warned of the increase in the figures in recent years. The State does not have a mechanism to identify the number of hate crimes against LGBT people. The lack of criteria and a formal national registry prevent knowing the real situation regarding homicides against LGBT persons in Mexico. This is aggravated by the murders of LGBT defenders in the country and the impunity towards them.

- **Murder of LGBT defender, Jennifer Lopez in Guerrero.**

Desastre. May 20, 2018. Title: A transgender woman and LGBT activist murdered in her own home in Guerrero. <http://desastre.mx/mexico/asesinan-a-mujer-transgenero-y-activista-lgbt-en-su-propia-casa-en-guerrero/>

- **Murder of LGBT defender Juan Roldán de Tlaxcala.**

Edition Mx April 18, 2017. Title: They kill an LGBTI rights activist in Tlaxcala. Case NOT concluded. https://www.huffingtonpost.com.mx/2017/04/18/asesinan-a-un-activista-proderechos-lgbti-en-tlaxcala_a_22044820/

- **Murder of the defender Alessa Flores, a trans woman from Tabasco.**

Excelsior, October 14, 2016. Title: Alessa Flores murdered, transgender woman activist. Case NOT concluded. <http://www.excelsior.com.mx/comunidad/2016/10/14/1122491>

Discrimination continues to be one of the most important challenges faced in the country, the OSIG2017 survey shows this. More than 30% of the LGBT population surveyed say they have been discriminated against and more than 65% believe that their rights are not respected. More than 30% of the population say they are not willing to live with LGBT people, and 64% do not accept same-sex couples. It is necessary to promote government campaigns that promote cultural changes in favor of a harmonious coexistence.

In accordance with the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity, the obligation of non-discrimination includes adopting education and training programs to achieve the elimination of prejudicial attitudes and practices. or discriminatory based on the idea of the inferiority or superiority of any sexual orientation, gender identity or gender expression (Principle 2, f).

Recommendations

1. Undertake an awareness raising campaign for public servants in each of the States of the Republic to promote a culture of respect for human rights towards LGBT persons in Mexico, which can be evaluated in two years.
2. Harmonize the legislation based on the one of Mexico City, to guarantee the approval of the Amendment to the Constitutional Article 4 regarding the right to family by eliminating adjectives such as "male and female" to be recognized as a marriage composed of any person independent of sex and gender.
3. Amend article 4 of the Political Constitution to recognize the decision of change of legal identity at any time of the life of a person in Mexican territory.
4. To follow up on the recommendations of the IACHR and the CEDAW that seek to improve the records and include the disaggregation of data by sexual orientation and gender identity that allows knowing the violence and conditions of vulnerability that face LGBT persons in the country and give them timely and proper attention.

5. Design, allocate a budget and implement a "Formal Registry of hate crimes against LGBT people in Mexico" in the next five years.
6. Ensure that the Procuraduría General de la República carries out the appropriate investigation and sanction corresponding to the hate crimes against LGBT persons that take place in each of the States of the Republic.
7. Include LGBT population in El Plan Nacional de Desarrollo 2018-2024, to develop governmental actions in the different Ministries to guarantee the full protection of rights.

Questions in Advance

What are the measures that have been taken for the adequate care and registration of migrants and LGBT refugee applicants?

What strategies has the government used to understand the needs of the LGBT population?

What is the government's plan to modify the term sexual preferences and include in the Constitution sexual orientation and gender identity and expressions?

How is the government planning to achieve the harmonization of laws to incorporate the achievements of Mexico City in the protection of the rights of LGBT persons?

Contact Information

Gloria Careaga Pérez

Fundación Arcoiris por el respeto a la Diversidad Sexual

52155 1494 2001

coordinacion@fundacionarcoiris.org.mx