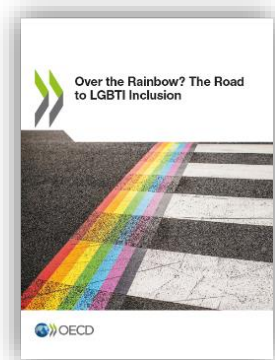


Ensuring that LGBTI people – i.e. lesbians, gay men, bisexuals, transgender and intersex individuals – can live as who they are without being discriminated against or attacked should concern us all. Discrimination against LGBTI people remains pervasive. It harms the LGBTI population, but also the wider society. It lowers investment in human capital due to bullying at school, as well as poorer returns on educational investment in the labour market. It reduces economic output by excluding or under-valuing LGBTI talents in the labour market and impairing their mental and physical health, hence their productivity. The report **Over the Rainbow? The Road to LGBTI Inclusion** provides a comprehensive overview of the extent to which laws in OECD countries ensure equal treatment of LGBTI people, and of the complementary policies that could help foster LGBTI inclusion.



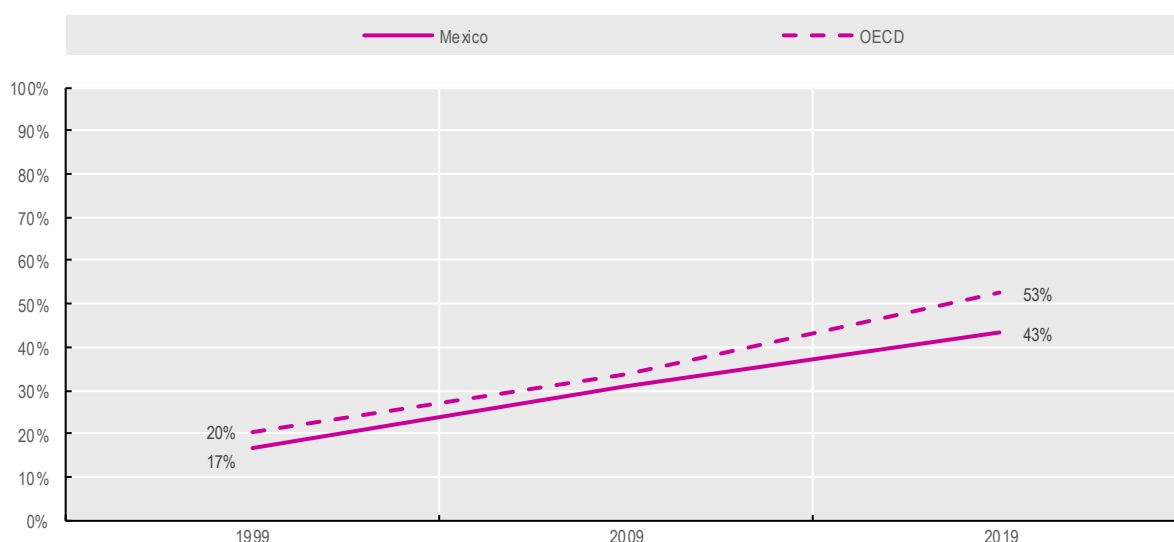
Legal LGBTI inclusivity in Mexico

Levels and trends in legal LGBTI inclusivity

Legal LGBTI inclusivity is defined as the share of laws that are in force among those critical to ensure equal treatment of LGBTI people. Mexico is one of 14 countries in the OECD where this share is still moderate. These countries are characterised by a below-average performance regarding both their level of legal LGBTI-inclusivity as of 2019 and their progress in legal LGBTI-inclusivity between 1999 and 2019 (Figure 1).

Figure 1: Legal inclusion of LGBTI people in Mexico has constantly been below the OECD average, but it is improving at a sustained pace

Evolution of legal LGBTI inclusivity between 1999 and 2019 in Mexico and OECD-wide



Legal LGBTI inclusivity refers to the percentage of LGBTI-inclusive laws that have been passed, among a basic set of laws defined based on international human rights standards.

Source: OECD (2020), *Over the Rainbow? The Road to LGBTI Inclusion*, Chapter 3. [Download data from [Statlink](#)]



Legal LGBTI inclusivity in Mexico has more than doubled over the past two decades (Figure 1). As of 2019, Mexico performs better than the OECD average concerning the protection of intersex minors against unconsented medically unnecessary sex-normalising treatment or surgery (Figure 2). In 2019, the Ministry of Health issued guidelines that require medical practitioners to postpone irreversible medical interventions on intersex minors as long as they are not vital.

Mexico also performs well regarding the protection of LGBTI people against discrimination and violence (Figure 2). Discrimination explicitly based on sexual orientation is prohibited since 2003 in a broad range of fields (employment, education, the provision of and access to goods and services including housing, etc.), and since 2011 by the *Constitution of Mexico*. Moreover, hate crime and hate speech motivated by bias against a person’s sexual orientation is explicitly criminalised since 2014. Additionally, CONAPRED (National Council to Prevent Discrimination), the Mexican national equality body, is explicitly in charge of assisting victims of discrimination based on sexual orientation, gender identity and sex characteristics/intersex status.

However, the progress made by Mexico has been more modest regarding legal provisions addressing barriers to the inclusion of same-sex couples and transgender individuals more specifically (Figure 2).

How could Mexico further improve legal LGBTI inclusivity?

Although the *Mexican Supreme Court* ruled in 2015 that state laws restricting marriage to a man and a woman are unconstitutional, only two of the four most populous states have legalised same-sex marriage as of 30 June 2019: Mexico City in 2010 and Jalisco in 2016. Moreover, among those states, only Mexico City grants same-sex partners equal access to adoption and assisted reproductive technology relative to different-sex partners. Additionally, none of these four states allows transgender individuals to change their gender marker in the civil registry, with the exception again of Mexico City where legal gender recognition is in force since 2004, and not conditioned anymore on medical requirements since 2015 (Figure 2). Therefore, further improving legal LGBTI inclusivity in Mexico could entail: (i) treating same-sex couples on an equal footing relative to different-sex couples concerning access to civil marriage, adoption and assisted reproductive technology throughout the national territory; and (ii) allowing transgender individuals to change their gender marker in the civil registry and basing this legal gender recognition on self-determination throughout the national territory.

Policies to foster LGBTI inclusion in Mexico, beyond LGBTI-inclusive laws

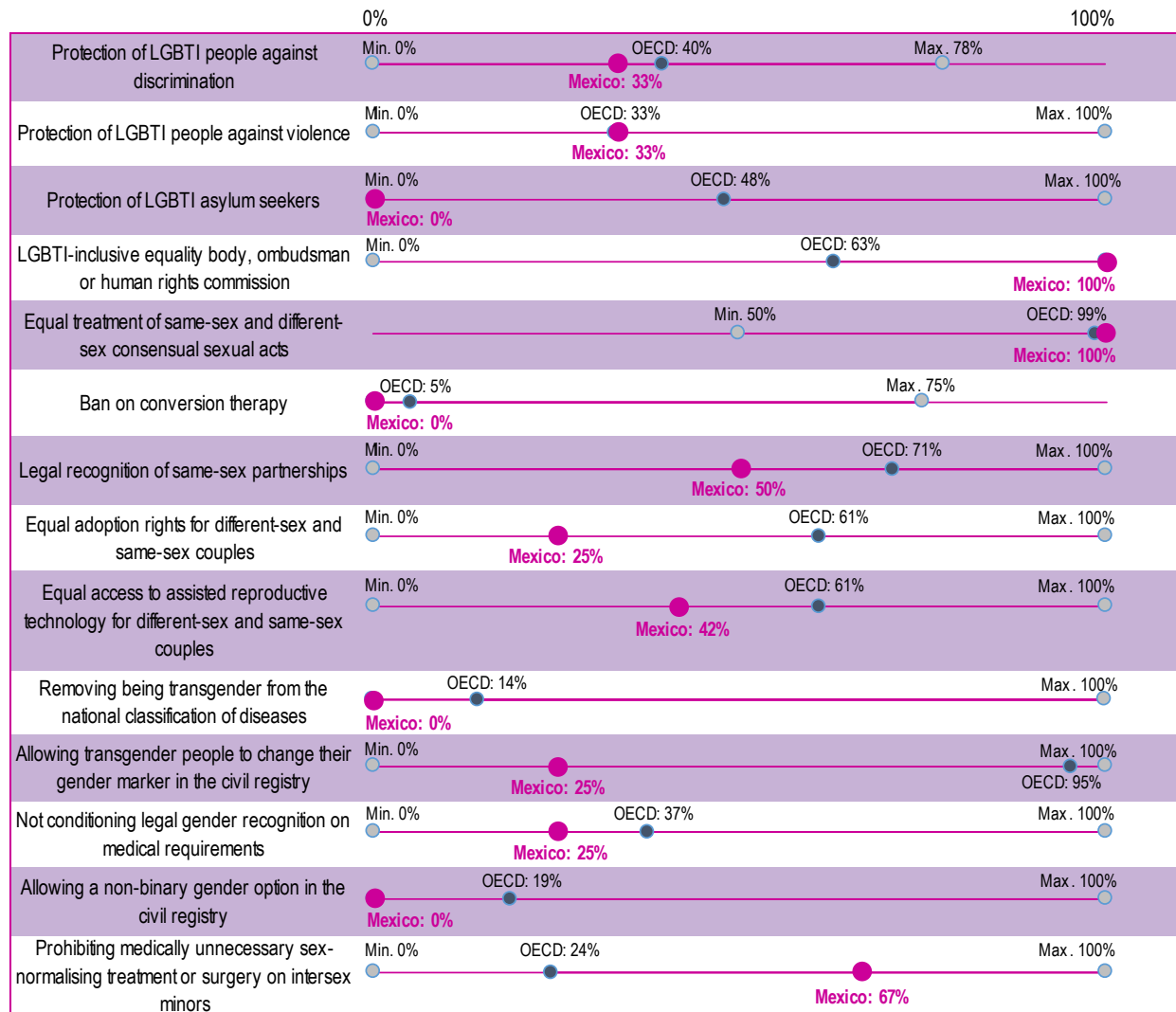
LGBTI-inclusive laws should come along significant efforts to make LGBTI individuals better represented and visible in national statistics. Without appropriate data collection, policymakers aiming to improve LGBTI inclusion will continue to do so with little if any relevant information. As of 2018, Mexico is one of 15 OECD countries that include or have included a question on self-identification as heterosexual, homosexual, or bisexual in at least one nationally representative survey. But it does not yet collect information on the share of transgender and intersex people among the adult population.

It would also be important that Mexico be or remain active in the following complementary policy areas that are viewed as key by ongoing national actions plans aimed at strengthening LGBTI inclusion:

Policy #1	Policy #2	Policy #3
Enforcing LGBTI-inclusive antidiscrimination, hate crime/hate speech and asylum laws, e.g. through training police officers on properly dealing with hate crimes targeting LGBTI people	Fostering a culture of equal treatment in education, employment and healthcare, beyond enforcing laws prohibiting discrimination in these fields, e.g. through a whole-school approach to tackle LGBTI-phobic bullying	Creating and maintaining popular support for LGBTI inclusion, e.g. through well-designed awareness-raising activities among the general public.

Figure 2: How Mexico compares

Legal LGBTI inclusivity as of 30 June 2019 in Mexico and OECD-wide, by component



Note: Figure 2 presents the components that serve to compute the average level of legal LGBTI inclusivity reported in Figure 1 as of 30 June 2019. The component “Protection of LGBTI people’s civil liberties” is missing since it shows no cross-country variation: no legal provision in OECD countries explicitly restricts the rights to freedom of expression, peaceful assembly, and association of sexual and gender minorities. Legal LGBTI-inclusivity attached to each component can vary between 0% and 100%. For instance, a level of legal LGBTI inclusivity in Mexico equal to 33% regarding the protection of LGBTI people against discrimination means that one third (three) of the nine antidiscrimination provisions critical to protect LGBTI people are in force in Mexico as of 2019. “Min.” refers to the score of the bottom-performing OECD country(ies) while “Max.” refers to the score of the top-performing OECD country(ies). These values are specified except when they coincide with the score of Mexico.

Source: OECD (2020), Over the Rainbow? The Road to LGBTI Inclusion, Chapter 3. [Download data from [Statlink](#)]

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