



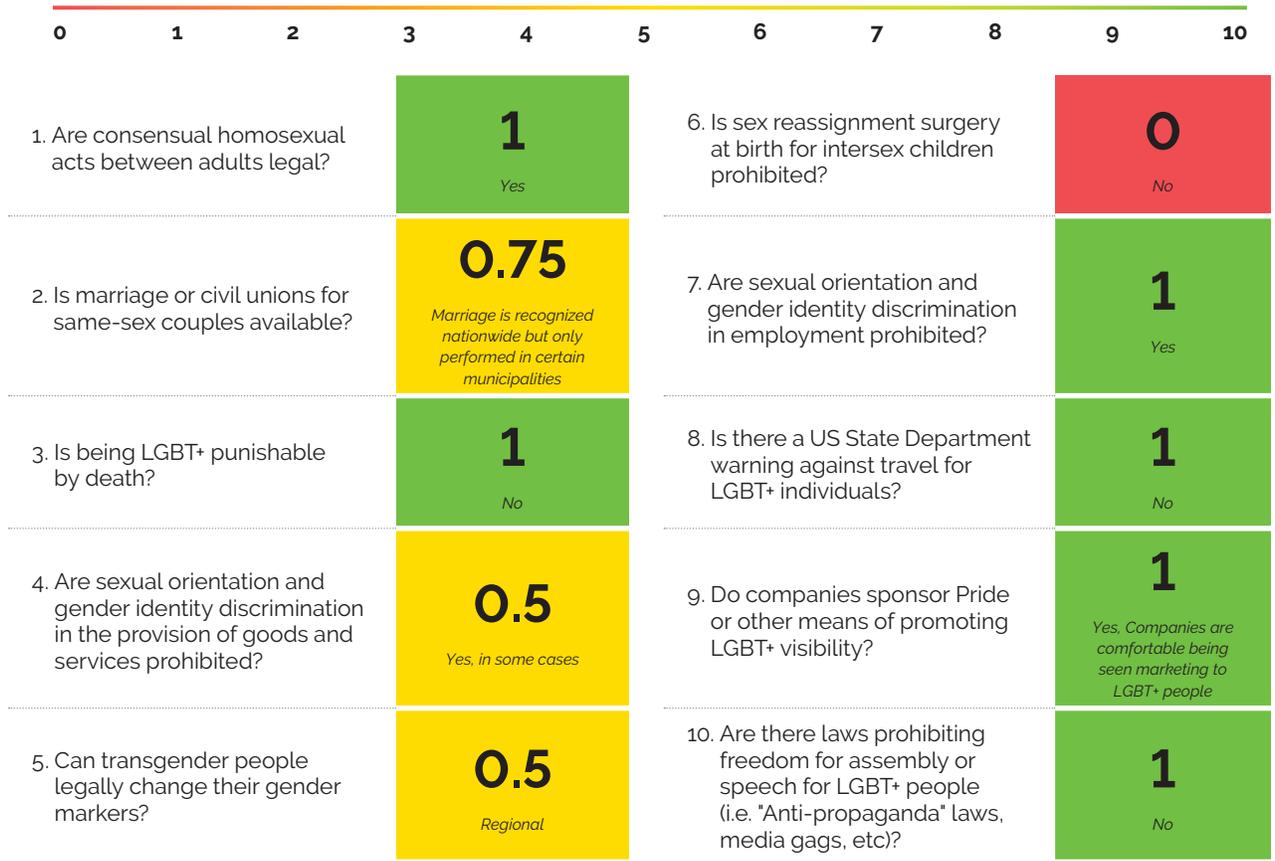
# MEXICO

## LGBT+ Business Climate Score

Out Leadership's snapshot of the current state of affairs for LGBT+ people, through the lens of international business.

The business Climate Score rating is out of ten possible points, and is based on ten independently verifiable indicators of the legal, cultural and business context for LGBT+ people.

**7.75**



# How to Use This Brief

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As a business leader, you have the opportunity to create change for LGBT+ people around the world – both within your organizations and in the countries where you do business. This brief provides valuable information to inform your conversations with:

**Internal Staff:** Ensure that staff at your company who do business in-country are aware of the laws and other regulations that impact LGBT+ people there, and that they've adopted the appropriate internal policies for their location.

**Government Leaders:** In your meetings with government leaders, particularly those focused on business expansion or diplomacy, we encourage you to bring up the information shared in this brief in an appropriate way, and help them understand how LGBT+ inclusive policies are part of your company's best practices, and acknowledged as global standards. You are the best person to judge whether you have the ability to have such a conversation with a local leader in an appropriate way. Your Government Affairs officer, Diversity & Inclusion head, or equivalent may be appropriate to include in these conversations.

**In-country Business Partners:** In conversations with business partners, when appropriate, ask them what they're doing to address LGBT+ inclusion, and help explain why inclusion positively impacts your ability to conduct business there.

## Talking Points

"Despite marriage equality in the capital and a number of states and anti-discrimination protections nationwide, LGBT+ Mexicans still experience high rates of homophobia and violence. Effectively criminalizing homophobic violence would make it much easier for businesses to consider relocating their talented LGBT+ staff to Mexico."

"While the Constitution protects against discrimination on the basis of sexual orientation, expanding legislation to explicitly include gender identity, and enforcing existing legislation, will make Mexico a more attractive country for foreign investment and tourism."

"Mexico is a favored destination for LGBT+ tourists, who inject millions of dollars into the economy. Nationwide LGBT+ equality will ensure continued tourism revenues."

"Based on conservative estimates, there are an estimated 8 million LGBT+ people in Mexico, with an estimated purchasing power of US \$65 billion. Extending LGBT+ protections nationwide will ensure that both businesses and LGBT+ consumers can fully access the mercado rosa."



# Current Legal Status of LGBT+ People

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## *Legal Status of the Lesbian, Gay, and Bisexual Community*

Same-sex sexual acts between consenting adults have been legal in Mexico, and the age of consent for homosexual and heterosexual acts have been equal, since 1871.

In 2007, legislation came into effect in Mexico City allowing for same-sex unions, and in 2010 the civil code of Mexico City was amended to allow same-sex marriage.

Same-sex marriage is currently legal and performed without restriction in 14 out of 32 states. Pursuant to a Supreme Court ruling, states without marriage equality are obligated to recognize marriages performed in other states, though this doesn't uniformly happen in practice. Civil unions are legally performed in one additional state.

In states without marriage equality, same-sex couples can access marriage through an onerous legal process entailing substantial wait times and costs.

The Civil Code of Mexico City was amended to allow for adoption by same-sex couples in 2010. The state of Coahuila followed suit in 2014. In 2017, the Mexican Supreme Court ruled that all same-sex couples in Mexico have a nationwide right to adopt.

In 2003 Mexico passed the Federal Law to Eliminate Discrimination, which includes protections for "sexual preference." In 2011, the Constitution was amended to include the same. Protections in Mexico City are more extensive, explicitly including "sexual orientation and gender identity."

## *Legal Status of the Transgender and Gender-Diverse Communities*

In 2004, Mexico City amended its Civil Code to allow transgender people to change the gender marker and name recorded on their birth certificates to conform to their gender identity. However, sex reassignment surgery was required. In 2014, the legislature in Mexico City approved a proposal simplifying the process, allowing transgender people to change their name and gender without medical intervention or judicial order.

In 2017, the States of Michoacán and Nayarit amended their Family Civil Codes to allow transgender people to access legal recognition of their gender identity. Outside of Mexico City, Michoacán and Nayarit, transgender individuals must live without legal recognition of their gender identity.

# Current Legal Status of LGBT+ People

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## *Government Statements and Actions*

In May 2016, President Enrique Peña-Nieto introduced a bill that would legalize same-sex marriage nationwide, remove sexual orientation and gender identity as adoption barriers and to allow trans people to change their official gender without physician involvement. It was voted down by the Chamber of Deputies in November.

In November 2015, the Mayor of Mexico City, Miguel Angel Mancera, declared it to be a "LGBTQ Friendly City" and celebrated with a week of events and festivities.

In 2003, the government established the National Council for the Prevention of Discrimination (CONAPRED) as a department within the Mexican Secretariat of the Interior to combat discrimination. From 2011 – 2012, CONAPRED received 273 complaints of discrimination on the basis of sexual orientation and/or gender identity, with lack of acceptance being the second most frequent complaint.

## ***Government Statements and Actions (cont.)***

Though Peña-Nieto has publicly supported LGBT+ rights, the rest of his center-right party, the PRI, has not followed suit. Big party losses in 2016 midterm governorship have been partly blamed on backlash to the president's pro-LGBT+ stance.

The left wing party, the PRD, has recognized LGBT+ equality as a formal plank of the party platform.

Mexico attracts significant LGBT+ tourism, particularly in Mexico City and Puerto Vallarta.

# **Socio-cultural Environment of LGBT+ People**

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## ***Status of LGBT+ Organizing and Community***

LGBT+ organizing in Mexico is largely decentralized, without one large organization leading the movement. However, there are many strong local movements operating throughout the country, with very little funding or leeway from local parties and Governments.

The most prominent LGBT+ organizations focus on HIV (COMAC, Colectivo Sol), research and public policy (Fundación Arcoiris, Closet de Sor Juana, CODISE) and youth (It Gets Better Mexico, Jóvenes LGBT México).

Visible and well-attended Pride Parades have occurred in Mexico City since 1979 and in Guadalajara since 1996. The visible center of the LGBT+ community is the Zona Rosa in Mexico City, where there are over 50 gay bars and dance clubs.

The Youth Institute of Mexico City recently started to provide psychotherapy for LGBT+ youth.

## ***Cultural Views of the LGBT+ Community***

While Mexico has made significant progress in recognizing LGBT+ rights, the laws prohibiting hate crimes based on sexual orientation or gender identity are not nationwide and are usually not enforced. Most cases go unpunished while anti-LGBT+ violence continues to be very high.

50% of LGBT+ people in Mexico consider discrimination to be the main problem they face, with workplace discrimination ranking second after discrimination in the media;

Letra S, an LGBT+ media advocacy organization, estimates only 4% of LGBT+ people who experience discrimination report it.

According to a 2013 survey, 55% of Mexicans support marriage equality, and 65-70% of Mexicans under 40 are supportive.

Miguel Galan was the first openly gay politician to run for mayor in the country, in 2009. During his campaign his opponent, Gamaliel Ramirez, referred to Galan's party as a "dirty party of degenerates" and said homosexual practices are "abnormal" and should be outlawed. Ramirez was subsequently chastised by his own party and forced to issue a written apology.

Patria Jimenez became the first openly lesbian member of the Federal Congress in 1997. Benjamin Medrano became Mexico's first openly gay mayor, elected in 2013 in Zacatecas, but did not commit to supporting LGBT+ rights. Since 1997, over 100 LGBT candidates have run in 4 different parties.

Workplace discrimination continues to plague LGBT+ workers in Mexico. A study by Out Now Global consulting found that only 27% of LGBT+ people are out at work, with 32% having heard something homophobic at work in the past year.

# Impact of LGBT Discrimination on Business & Talent



## BRAND RISK **LOW**

There is little brand risk to operating in Mexico.

## CLIENT RISK **MODERATE**

Mexico has taken important steps to recognize LGBT+ rights in recent years, and while homophobia and transphobia remain a problem, there is little risk of an international firm losing clients because it does business in Mexico.

## TALENT RISK **LOW**

Pervasive anti-LGBT+ violence and homophobia in Mexico and the patchwork landscape of legislation may create challenges for companies seeking to relocate LGBT+ personnel to Mexico.

## MARKETING RISK **LOW**

Despite significant homophobia and transphobia, there appears to be little risk to marketing to the LGBT+ community in Mexico. The LGBT market, worth over \$65 billion USD by some estimates, has been nicknamed the "pink peso" or "mercado rosa".

# Local Leaders Advocating for LGBT Equality

There are many openly LGBT+ activists and experts in Mexico. Out Leadership recommends:

**Alex Orue**  
Regional Coordinator, Latin America, It Gets Better

**Genaro Lozano**  
Academic at Universidad Iberoamericana and Author

**Enrique Torre Molina**  
Communications Director of All Out

Pride Connection

**Francisco Robledo**  
Head of the Alliance for labor diversity and inclusion (Alianza por la Diversidad e inclusion Laboral)

**Fernanda Garza**  
President, It Gets Better Mexico,  
Federación Mexicana de Empresarios LGBT (FME-LGBT)

LGBT Confex

# Purpose

Multinational companies face operational and reputational risk when they do business in countries where the legal and/or social atmosphere makes it difficult for LGBT+ people to live openly. Discrimination against LGBT+ people creates serious challenges for talent mobility, retention, and development.

Out Leadership's LGBT+ CEO Business Briefs seek to help C-Suite leaders understand and respond to these risks. Secondly, these Briefs seek to inform and empower corporate executives to engage in conversations with trade officials and other local stakeholders about why discrimination against LGBT+ people negatively impacts their ability to do business.



## Additional Resources

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### **2016 International Gay and Lesbian Association State Sponsored Homophobia Report**

This report contains a country-by-country analysis of anti-LGBT laws and policies around the world.

### **2016 Human Rights Watch World Report**

This report contains a country-by-country analysis of human rights concerns for 2014, and includes specific information pertinent to LGBT issues.

## Special Thanks

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Our partners and colleagues at the Global Equality Fund, 11.e Council/or Global Equality, The Palette Fund, The United States Department of State, Stonewall, Gay, Lesbian & Straight Education Network, Oogachaga, OutRight Action International, Human Rights Watch, and the Williams Institute were instrumental in the creation of this brief.

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### **Pro Bono Legal Partner**

We thank our partners at Ropes & Gray, who have vetted the legal facts in this brief.

**ROPES & GRAY**

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