



MASTER THESIS – CONVERSION THERAPY POLICY IN CIUDAD DE MÉXICO

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Abstract

The research question to be answered in this thesis is: How is conversion therapy politically represented in CDMX, and how will the representation affect the cultural attitude towards LGBT+-people in Mexico? The ontological standpoint is constructivism which has dictated the choice of theory. The theories used are the co-optation theory by De Jong and Kimm (2017) and the theory of the black box by David Easton (1957). The methodology used is the critical discourse analysis used to analyze the policy reform of article 206 from the penal code of CDMX. The policy got approved on July 24th, 2020. The analysis strategy is developed based on the WPR-model by Carol Bacchi (2009) and the theoretical model of the political system, the black-box model, by David Easton. This thesis concludes that the policy indicates a struggle between an international push for neoliberal LGBT+-friendly policies and a conservative religiously driven pushback against LGBT+-friendly policies. It can also be concluded that although the policy does not completely ban “conversion therapy,” it can be considered a success for LGBT+-people’s rights and a step in the right direction.

Acronyms

LGBT+ - Stands for Lesbian, Gay, Bi-sexual and trans, and the + covers all additional nonheterosexual sexual orientations and all non-binary gender-identifications

CDMX - Ciudad de México (CDMX) - In this report, the acronym CDMX will define the federal district of México instead of the term México City. Mexico City, the metropolitan area, spans beyond the jurisdictional area of federal district CDMX to the north, west, and east. Due to the jurisdictional restrictions on the policy, it is relevant to clarify the jurisdictional area to which the policy applies.

1. Introduction

Sexual and gender-based violence is a highly relevant topic on the global agenda regarding human rights in a world where LGBT+-people are often victims of hate crimes. LGBT+-people in many countries are experiencing oppression and violence due to their sexual orientation or gender identification which deviates from the heteronormative binary norms. The attacks often involve extreme violence and brutality. (Bindel, 2014) Sexual and gender-based violence, oppression, and discriminatory policies are well-known and well-documented problems. (Knight, 2019) In 2019, in Mexico, 117 LGBT+-people were killed (Lopez, 2020). The violence and discrimination against LGBT+-people often go unreported to authorities and thereby unpunished. (Reid, 2020) I have also experienced oppression and discrimination based on my sexual and gender identification in different stages of my life, which is part of the reason for my interest in the topic of LGBT+-based violence. LGBT+-based violence is a very broad topic, and it is further narrowed down to a specific type of violence against LGBT+-people known as “conversion therapy.”

Conversion therapy

In 1899 a German psychiatrist claimed that, through 45 hypnosis sessions and a few visits to a prostitute, he had turned a homosexual man into a heterosexual. It is the first known example of what later became known as “conversion therapy” (Blakemore, 2019) Despite the American Psychiatric Association (APA) removing homosexuality from the list of mental diagnoses in 1973 (Drescher, 2015) There is no scientific evidence of the effectiveness of “conversion therapy,” which is why the WHO and most of the world’s major medical and health associations have condemned the practice as a violation of human rights. (The International Rehabilitation Council for Torture Victims(IRCT), 2020, s. 4) Despite the lack of proven effectiveness and an increased focus on inhuman treatment, this practice will be documented in more than 60 countries worldwide in 2020. (Alempijevic, et al., 2020, s. 1) It is especially religious groups and ministries that continue believing in the possibility of becoming “ex-gay.”¹ (Restored Hope Network, 2022) In the past 20 years, the practice has been condemned as torturous, discriminatory, harmful, and ineffective. (The International Rehabilitation Council for Torture Victims(IRCT), 2020, s. 4) This public condemnation has resulted in 13 countries introducing legislation directly or indirectly against the practice.

¹ A term used about people who claim to have been “cured” of homosexuality.

(Stonewall Staff, 2021) The latest addition to the list of countries is the French, who, in January 2022, introduced a national ban on “conversion therapy.” (The associated press, 2022)

LGBT+ rights in Latin America

Even though 13 countries have implemented a form of legislation against “conversion therapy,” the scope of this analysis has been narrowed down to focus on the Latin American region. Over the past 20 years, the Latin American region has been globally recognized for protecting LGBT+-rights. (J. Angelo & Bocci, 2021). As of 2016, the most progressive LGBT+-rights policies were found in this region. (Corrales, 2020, s. 185) All the Spanish and Portuguese-speaking (Hispanic) countries have decriminalized homosexuality. (Corrales, 2020, s. 188) Argentina was the first country in the region to legalize same-sex marriage in 2010 and was followed by some of the most populated countries in the region. (J. Angelo & Bocci, 2021) Another reason for focusing the scope of the analysis on Latin America is that the first ban on “conversion therapy” in the world was approved in 1999 in Brazil. Since then, three more countries (Chile, Argentina, and Uruguay) have followed. (Stonewall Staff, 2021) The latest ban in the region is a regional ban in the federal district of Mexico City (CDMX) signed in July 2020, and Yucatan in May 2021 (Yucatán Magazine, 2021).

Despite the progress of LGBT+-policies in the region, there is a large differentiation in how progressive each country is. The Hispanic countries are unquestionable more progressive than non-Hispanic countries are. (Corrales, 2020, s. 188) The LGBT+-rights topic is primarily dominant in the most populated countries, including Mexico, Brazil, Argentina, and Columbia. Due to the large differentiation in progress within the region, I have chosen to narrow down the scope of the analysis to a single country: Mexico.

The Mexican and Latin American paradox

I chose Mexico because the latest two bans on “conversion therapy” in the region are from Mexico and because I have lived and worked in CDMX for almost two years. I have therefore chosen to focus narrowly on the policy from CDMX. Despite the very promising legislative achievements across Latin America, LGBT+-people experience very homophobic living conditions. (Corrales, 2020, s. 192) In Mexico, 49% of the people express they have a

positive attitude towards gay marriage. At the same time, some indicators suggest a clear stigma about open LGBT+-people, not only in Mexico but across Latin America. An indicator is that very few politicians are open about their sexuality across Latin America. (Corrales, 2020, s. 193) Another indicator of the paradox is that the region has become world-famous as a region with notoriously high rates of hate crimes and high murder rates of LGBT+ people. Statistically, this region is the least safe in the world for LGBT+-people. (Corrales, 2020, s. 196) This paradox between progressive LGBT+-policies and, at the same time, the region being statistically the most unsafe place in the world is interesting, but there is one last reason for the chosen topic of this thesis.

The global LGBT-backlash

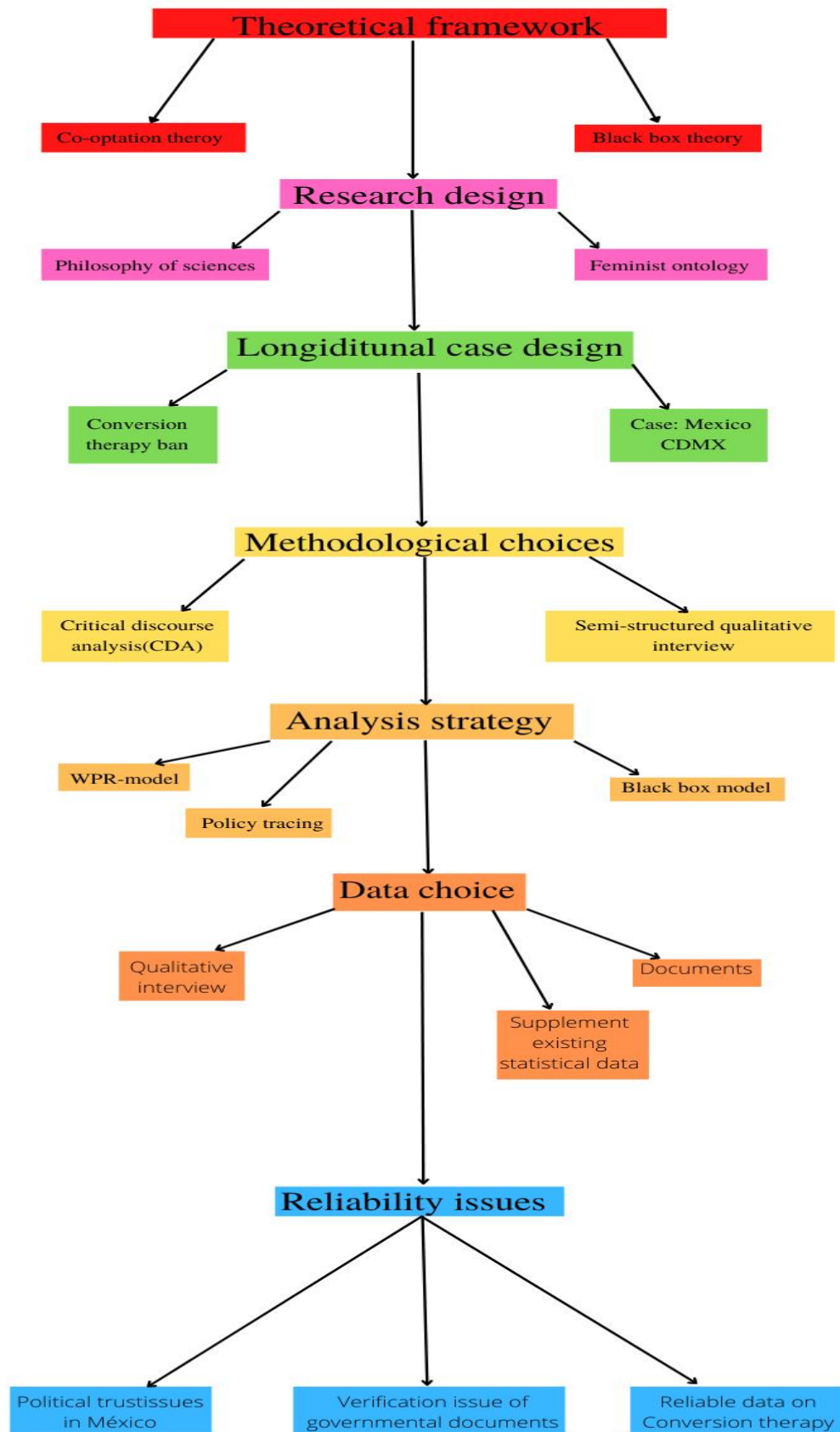
Mexico, the Latin American region, and the rest of the world have, since the mid-2010s, experienced a backlash against gender and sexual rights policies. (Corrales, 2020, s. 196) The backlash can be traced back to different European anti-gender and sexual policy protests, which have spread to most of the world. Although it is mostly national factors influencing the backlash in each country, there is one thing all the backlash movements have in common, which is “(anti)genderism,” which is opposition to women’s and LGBT+ rights, reproductive rights along with sex and gender education. (Paternotte & Kuhar, 2018, s. 8) The Backlash in Latin America appears stronger and more politically powerful than Europe. (Corrales, 2020, s. 187) The policy on “conversion therapy” by the CDMX congress was signed in 2020. It was approved while the backlash was getting stronger in the region. It is interesting to analyze if or how the backlash has affected the formulation and implementation of the policy. It leads to the following research question, which will be answered in this thesis:

How is conversion therapy politically represented in CDMX, and how will the representation affect the cultural attitude towards LGBT+-people in Mexico?

2. Research design

The theme of this analysis is human rights for gender and sexual minorities (LGBT+-people). The topic is narrowed down to “conversion therapy,” which will be the focus of the analysis. The research design will be a deductive qualitative case study with the ontological position of constructivism.

2.1 Research paradigm structure



Theoretical framework

This study will be deductive and take its starting point in already known theories about the policy processes. (Bryman, 2016, s. 21) The theoretical framework for this study is the black box theory by David Easton (Heywood, 2013, s. 20) and the theory of cooperation by De Jong and Kimm (2017) which will be connected with the theory of clientelism (Corrales, 2020) and heteronormativity (Farmer, 2020). The problem formulation is formulated based on the existing theoretical knowledge about political decision-making processes and how policies for rights for LGBT+-people are implemented with the Latin American political and cultural context in consideration. Both theories chosen for this research have a constructivist ontological position, and the theories thereby dictate the philosophical standpoint of science for this study as constructivist.

2.2 Philosophy of science

The ontological position of constructivism is the perception of social phenomena as constructed by societal actors and as continuously changing. (Bryman, 2016, s. 29) There are also implicit in the research question an ontological constructivist perspective on policymaking in the word "represented" is underlaying the understanding of the policy on "conversion therapy" not being an objective truth but constructed by different actors in the policy process. The foundation of the ontological position is that social phenomena, such as policies, are created by social actors and directed towards other social actors and thereby exist because of social actors. The underlying understanding of constructivism is that social phenomena cannot exist without social actors creating them. In this analysis, the Mexican political system will consist of many different social actors who construct the policies that apply within CDMX. (Bryman, 2016, s. 30)

Feminist considerations

The feminist methodology often begins in an intersubjective social reality founded on the constructivist ontology and is often focused on the importance of the individual and the marginalized in society (Maruska, 2010), making it an appropriate method for this study. The feminist methodology is, according to Myrdal (1969), an expression of our ideas of how the world should be. Feminist research implies a certain amount of subjectivity even though truth-seeking remains the main goal in research. (Kelly, 1978, s. 226) Feminism research

focuses on understanding what marginalized groups are saying and doing rather than relying solely on what the hegemonic groups are saying about them. (Baylis, Smith, & Owens, 2017, s. 191) The prime focus of feminist research is to illuminate inequalities economically, politically, physically, and socially towards marginalized groups, and it works toward an agency of change to increase equality for marginalized groups, such as LGBT+-people. (Baylis, et al, 2017, s. 191) The prime intention of this research question is to shed light on the decision-making and implementation process of the "conversion therapy" policy to promote a change towards more equality for LGBT+-people. As a student and a researcher, my reason for studying the policy on "conversion therapy" is founded on feminist ideas and a feminist worldview. As a feminist, I am very interested in preventing discrimination against LGBT+-people. Discrimination towards LGBT+-people is found in all aspects of life, which in many cases prevents the individual from fully experiencing their full potential and opportunities in life (Crenshaw, 1990). I am academically very interested in different forms of intersectionality between gender identification and sexuality, which is also academically called homonormativity (Farmer, 2020). This interest is one of the reasons I chose my specialization to be global gender studies. Based on this discussion, the ontological position of this research will be a combination of feminist research and constructivism. The ontological position will function as the foundation for the research design and methodological choices.

2.3 Research design

Unique case study

The method chosen for this study is a case study which will be a unique case study. The case chosen for this study is the "conversion therapy" policy approved in the CDMX congress in July 2020. There are several reasons why the case of CDMX was chosen. The policy from CDMX can be viewed as a unique case since it was the first policy on "conversion therapy" in Mexico and it was presented and approved while the world, especially the Latin American region, experienced a backlash against gender policies. The case's uniqueness is that the policy was adopted while the backlash was very strong.

LGBT-rights in Mexico

There is a paradox in Mexico between the political reality and the reality of LGBT+-peoples experiences in Mexico. Although consensual same-sex sex acts have never been considered illegal in Mexico (Equaldex, 2021), there have been incidents where other laws have been used to prosecute homosexual behavior. (Ramon Mendos, et al., 2020, s. 96) In article 1 of the political constitution of Mexico, discrimination based on sexual preferences is prohibited, which was added to the federal constitution in 2011. (Ramon Mendos, et al., 2020, s. 186) Sexual-based discrimination is also included in 21 state constitutions, including the constitution of CDMX. (Ramon Mendos, et al., 2020, s. 187) It could thereby be assumed that Mexico is a very open-minded country towards LGBT+-people, considering that in 65.63% of all Mexican states, sexually-based discrimination is prohibited in the constitution, but this is not the case. According to a national survey conducted by the National Council for the Prevention of Discrimination (CONAPRED) in 2017, only 3,2% of the people over 18 years old identify openly as non-heterosexual. (the National Council for the Prevention of Discrimination (CONAPRED), 2017) It could indicate that there might be people who do not openly identify as non-heterosexual for fear of discrimination. The fear of sexually-based discrimination might be reasonable since 30.1% of people who identify as non-heterosexual have experienced discrimination within the past year (the National Council for the Prevention of Discrimination (CONAPRED), 2017, s. 11). Between 2015-and 2019, at least 441 LGBT+ people were murdered in Mexico, where more than half of the victims were transgender women, and almost a third were gay men. (Lopez, 2020) This paradox between political acceptance of LGBT+-people's rights and the actual experiences of LGBT+-people in Mexico makes Mexico an interesting case.

"Conversion therapy" policies in Mexico

The state of Jalisco has been formulating a policy on "conversion therapy." Due to pressure from conservative groups, the policy has not been approved in the state congress. (Ramon Mendos, 2020, s. 111) Also, a federal policy has been in the process, but there is no confirmation of approval of the policy yet (Ramon Mendos, 2020, s. 110). Despite the progress of policies in other states supposedly, CDMX can still be considered a unique case, distinguished from any other case (Bryman, 2016, s. 62).

CDMX and the global LGBT-push back

Despite the pushback against LGBT+-rights experienced in Latin America (Paternotte & Kuhar, 2018), it is interesting to analyze why this pushback does not appear as strong in CDMX regarding the policy on "conversion therapy." There is also a strong conservative attitude towards LGBT+-people across Mexico, particularly in the southern part of Mexico, where 61.5% in Moreno and up to 79,4% in Chiapas do not view same-sex couples living together as acceptable. (the National Council for the Prevention of Discrimination (CONAPRED), 2017, s. 17) The same survey shows that the most positive attitude towards same-sex couples living together is in CDMX, where 40% of the population find same-sex couples living together unacceptable. (the National Council for the Prevention of Discrimination (CONAPRED), 2017, s. 17) Therefore, it is interesting to analyze the policy on "conversion therapy" in CDMX since the attitude toward LGBT+-people appears much more positive than in other parts of Mexico.

2.4 Methodological choices

The research design of the qualitative case study will guide the methodological choices of this study. The primary method will be critical discourse analysis. The method is chosen due to the difficulties accessing Mexico's political system. The Mexican political system is a very closed-off system that is infiltrated with corruption (GAN, 2020), and it is difficult to get access to politicians or interest groups and ask critical questions about the motives behind political decision-making. (Freedom house, 2021) The closeness makes it very difficult to conduct either a survey or an interview of anyone within the established political system. It has also proven difficult to gain access to political interest groups such as LGBT+-groups, so therefore, I will use critical discourse analysis to analyze the political decision-making process.

The critical discourse analysis (CDA)

The main focus of the CDA is the written language, while the purpose is to uncover the hidden ideologies and socio-cultural agendas within the language. (Bryman, 2016, s. 540) Similar purposes are found in the WPR-model by Bacchi(2009), where the purpose is to uncover the underlying problematizations hidden within the formulation of the problem in a policy. (Bacchi, 2009, s. 12) The WPR-model will guide the formulation of the sub-questions

and the choice of analysis strategy. The CDA allows for the uncovering of the representations and hidden constructed social realities found within the discourse of the written text.

(Bryman, 2016, s. 540) The fundamental purpose of using discourses in policies is to influence other discourses. The purpose of the CDA, contrary to using content analysis, is to analyze why some discourses become superior or taken as objective truth while others become marginalized. (Bryman, 2016, s. 540) The reason for the CDA is to focus on the society in which the policy and the discourses are formulated. (Bryman, 2016, s. 541)

The construction of the analysis

To answer the research question in a structured way, I have developed a model for the analysis which combines the analytical model "what is the problem represented to be," also known as WPR by Carol Bacchi (2009) and the black box model by David Easton (Easton, 1957). Both chosen analytical models individually have some limitations, so the combination is used to develop the analytical model. There is the issue with the black box model being relatively old, so other approaches have been necessary to include. To compensate for the age of the black box theory, I will also include some aspects of policy tracing that take into consideration the increasingly changing, interconnected, and global political world. The WPR-model is a different way of analyzing policies, focusing on the policy formulation and where the different problematizations originate. (Bacchi, 2009, s. 4) This method builds upon the underlying assumption that policies are solutions to politically constructed problem representations of societal phenomena, and it is implied that problems are constructed to fit the politicians' solution, not as a clear solution to an objective problem (Bacchi, 2009, s. 9).

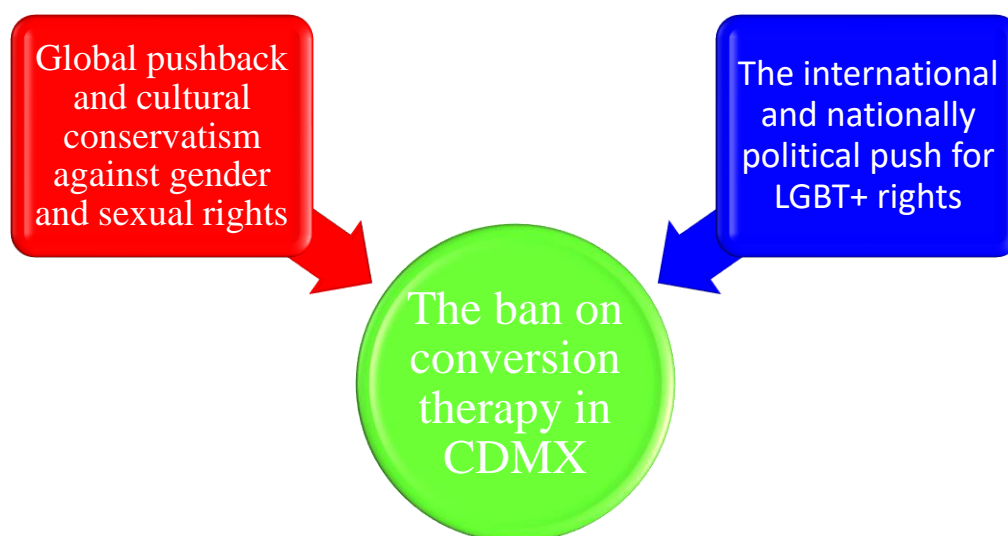
Both models contain elements of policy tracing since both intend to trace how the policy comes to be and how it gets implemented in society. Policy tracing is the backtracking of people, ideas, objects, and places constantly moving in interaction with each other, which creates the foundation for policies over time. (Wood, 2015, s. 393) In policy tracing, the idea that seems logical and realizable in a local contest tends to be formulated into an easily implementable policy. This process might not be the best idea formulated into a policy, but the idea that best solves the perceived problem. (Wood, 2015, s. 402) Astrid Wood(2015) argues that in a world where everything is constantly moving, it is almost impossible to trace back specifically where a policy idea originated. It is necessary to recognize the interactive movements between people and politics in the present time and across socio-political and

temporal divisions to trace back a policy. (Wood, 2015, s. 394) A ethnographic method of “follow the policy” can be applied to trace it as close to its origins. (Wood, 2015, s. 395) These aspects of policy tracing will be included in the analysis model, and it has also been part of the formulation process of the sub-questions to structure the analysis.

Analysis structure

The analysis structure is constructed by four sub-questions inspired by the Easton model and the WPR-model combined with policy tracing. The analysis will be divided into two main parts. The 1st part focus on analyzing the decision-making process of the “conversion therapy” policy from CDMX. The focus will be on the written policy from CDMX and how the formulation of the policy came to be. There will also be a focus on which elements of “conversion therapy” are missing in the policy. The 1st section will be made up of the first two sub-questions of the analysis.

The 2nd section of the analysis will answer the remaining two sub-questions. The 2nd section will focus more on the implementation of the policy. In the analysis of the implementation process, elements of co-optation theory will be included to analyze whether the policy has been co-opted by different push factors, such as the conservative pushback against gender policies. The two main push factors already known and identified in the academic literature are the global pushback combined with Mexico's cultural and religious conservatism and the international and national political push for LGBT+- rights.



The following four sub-questions have been developed based on the theoretical foundation of the analysis and will guide the structure of the analysis.

- 1. How are conversion therapy and the rights of LGBT+-peoples represented in the policy of penal code article 206 CDMX?**
- 2. What are the presuppositions or assumptions in the policy on conversion therapy from the penal code article 206 of CDMX, and what is left unproblematic or silenced?**
- 3. Identify the forces and trace the formulation process in the political system that has conversed the inputs into the policy output and trace how the cultural conservatism has affected the formulation of the policy?**
- 4. Identify the political intentions behind the policy to determine how they have affected the effectiveness of the policy?**

Data choice

The data chosen for this study will be qualitative, official documents from already existing sources. Some issues arise regarding official governmental documents since the documents are biased by the political ideology the political party holds in office. The biases make the documents relevant (Bryman, 2016, s. 553), since the interest in this study is how the politicians who developed the policy perceive the problem. The primary document to be analyzed is the policy-text of the penal code article 206B from CDMX. Due to the reliability issues of this document, which will be elaborated on later, other sources such as political statements, reports from NGOs, news articles, and research articles will be included. The use of other existing documents will also be used to elaborate on the political and cultural contextual perspective on “conversion therapy.” Using existing written material instead of conducting a survey is mainly due to the lack of trust in Mexican society. There is not much trust among the Mexican population in data or any information from any public official or government. (Franco, 2015) There is not much trust in public media in Mexico either, but combining sources from the media and the government could increase the reliability of the research.

2.5 Reliability issues

Based on the chosen research strategy, research design, and methodology, there are some reliability issues to address that could affect the quality and credibility of the conclusion of this study.

Political trust issues in Mexico

The distrust has a strong impact on the daily lives of the population in their attitude towards the authorities and the political system. (Franco, 2015) Other problems within the Mexican government, such as corruption, abuse of office, and lack of transparency, increases the lack of distrust in information coming from the government on all levels. (GAN, 2020) These factors are important to consider when considering the reliability of this report. I am aware of these issues, so I am combining several data sources to try and confirm the information, thereby increasing the validity and reliability of the study as much as possible.

Reliability issues of the official policy-document

The reliability issue related to the primary document from the congress of CDMX is the lack of transparency in the political process. The main document analyzed in this paper is the policy on conversion therapy, known as article 206 in the penal code of CDMX. (Villanueva, 2018) The policy was presented on September 27th, 2018 (Villanueva, 2018) and approved in the congress of CDMX on July 24th 2020. There is no official information on debates about the policy until the approval of the policy in 2020. (El Universal, 2020) The reliability issue is, therefore, that there is no public record of how the policy was formulated or which interests were influencing the formulation process, which I have attempted to compensate for by including all available public sources and also taking a look at alternative attempts of different interests attempting to influence the policy.

Reliable data on “conversion therapy.”

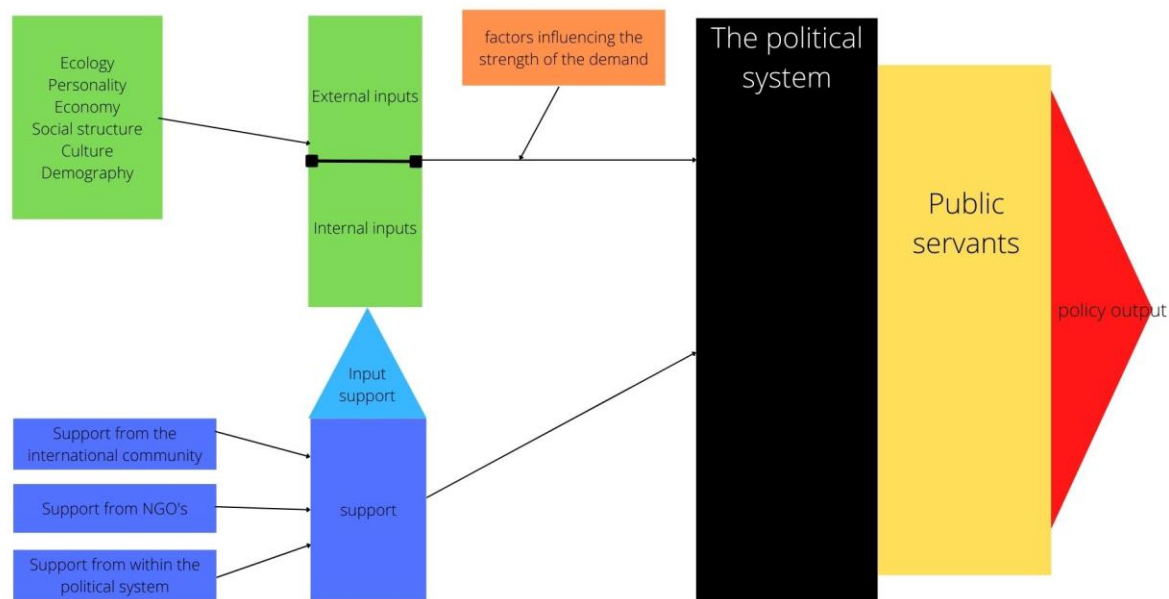
“Conversion therapy” is often practiced in the privates' spere, in secrecy, or within the family. Therefore, the information on the actual size of the problem in CDMX is largely unknown or unreliable (Bothe, 2020, s. 4). Another factor is that the study of “conversion therapy” is relatively new. Previous studies have mainly been conducted on specific methods used

(Orton, 2011) or it has been conducted within specific countries (Ryan, Toomey, Diaz, & Russell, 2018), which means data across international borders to document the scope of “conversion therapy” has mainly been conducted by NGOs promoting LGBT-rights (Ramon Mendos, 2020). The most reliable data collected on the practice of “conversion therapy” is from the report “Harmful treatment - The Global Reach of So-Called Conversion Therapy” from 2019. The report is based on 489 surveys across 80 countries and is conducted by the NGO Outright action international, the leading international organization to promote and protect LGBT+-peoples human rights. (Out right international, 2019) The report is not representative of all countries, and neither does it provide a complete picture of the practice, but it is the most comprehensive data collection available on the practice to provide a picture of how the practice works and indicate how widespread the practice is. This data will be supplemented by research data conducted specifically in Mexico to increase the reliability of the data.

2.6 The black box model

The theoretical framework used to analyze the decision-making in the policy process of the "conversion therapy" policy from CDMX will be the black-box model by David Easton (Heywood, 2013, s. 20). The essential idea of the Black box model is that the political system is like a black box. Many different little non-observable factors influence the conversion process in the political system, which converts ideas and demands into policies. This conversion process is almost impossible to predict. The theory of the black box formulates instead a theory of all the different elements which are put into the black box and which, to some degree of certainty, can help us understand why the formulation of the policy came to be the way it did.

Figure 1 – The black-box model



The mechanisms that happen within the black box are unpredictable, but the rest of the model is different measurable and observable factors that can be identified. The 1st component put into the black box is inputs (the green boxes). Input can come from within the political system or the surrounding society. The inputs are influenced by different factors (orange arrows) that affect how strongly the inputs appear on the political agenda within the system. The blue boxes are different aspects of support, both support for the inputs and support for the system itself, which is necessary to function effectively. Once the political system has formulated a policy, it needs to be implemented by civil servants (yellow box). The civil servants are the level of implementation of the policy into society, and it ultimately results in the policy output, which is experienced and received in society by the people who made the demand for the input in the first place. Each of the different components in the figure will be elaborated on in this section.

The political system as an analytical object

Easton views political life as a system of activities. Viewing political life as a system has consequences for the result of the analysis. The idea of a system is that the system can be, for analytical purposes, separated from the surrounding civil society that does not influence the decision-making process. (Easton, 1957, s. 384) It will have some methodological consequences to view political life as a separate system. Due to a severe lack of transparency in the political system in Mexico, I have viewed it as necessary to view the system as a separate system.

Criticism of the black box model

The black box theory views the policy decision-making process as a continuous process in which different factors influence the decision-making of the policy in different stages of the process (Easton, 1957, s. 384). Some criticisms can be made of this approach. It is impossible to consider all the different events, thoughts, people, and ideas that could have influenced any policy outcome in a model like this. This analytical uncertainty, combined with the lack of transparency of the political system, makes it difficult to view 100% certainty to trace the decision-making process within the political system. I have therefore made an analytical and methodological priority by focusing solely on the inputs and outputs of the political system. There is an assumption in the black box model that there is transparency in the political system and all the actors involved in the political decision-making. This amount of transparency expected for the black box model to be applied does not appear in Latin American countries like Mexico, with a high level of corruption and a very low level of transparency. This lack of applicability of the model to the Mexican context has demanded some adjustments to the model.

The political system

First, we need to define the boundary of the political system as separated from the surrounding society. A way to distinguish which decisions are part of the political system and which are part of the surrounding society is to distinguish between decisions and actions directly related to making the policies part of the political system. At the same time, decisions made less directly related to making binding policies are part of the surrounding society. (Easton, 1957, s. 385) There is a risk in making this delimitation that relevant events outside the political system will be overlooked. The scope of the analysis would be too wide, and it would simply be impossible to take into consideration all possible events and decisions that could have an indirect influence on the decision-making process within the political system, which is why it has become necessary to make some limitation of the scope of the political system.

Inputs

Inputs are ideas and demands from the population put into the system and are what feeds the system. The inputs must continue coming for the political system to continue to work.

(Easton, 1957, s. 386) Inputs can either come from outside, external, or inside the system. Inputs do not float around as natural objective phenomena in society. Inputs are created, formulated, and understood by humans with a certain perspective and presuppositions. (Bacchi, 2009, s. 1)

External inputs

Inputs come into the system from groups or individuals in society who make demands for needs that cannot be fulfilled. It thereby demands the political system for policy changes. Most demands made by individuals are settled in civil society and never make their way into the political system or what can be called on the political agenda. Some demands cannot be settled between individuals or the private sphere, making it into the political system to demand an authoritative change. (Easton, 1957, s. 387)

External demands can come from different groups of society: **Ecology, economy, culture, personality, social structure, and demography**, but one of the most dominant ones that influence demands from the other groups is culture. Each culture weighs more heavily on some aspects than others. (Easton, 1957, s. 388) There is one main characteristic for most of the demands which make their way into the political agenda. They often conflict with dominant values in the culture. It thereby requires some form of authoritative settlement, which cannot be found in the private sphere. (Easton, 1957, s. 388)

External demands in Mexico

It is very difficult for NGOs and other interest groups to influence the political system in Mexico due to political distrust. The NGOs either get too close to the established political system and thereby lose the connection to their grassroots, or it is close to the grassroots but thereby have difficulties influencing the political system. (M. Richard & Loeza Reyes, 2017, s. 235) Within the study of LGBT+-policies across Latin America 4 factors which influence whether or not a social interest group can influence the political system has been identified. (Corrales, 2020, s. 13)

Reach

The first factor is how, broadly in society, the group manages to reach out and gain members and support. The broader the group manages to reach out and gain support across socioeconomic layers, race, gender, age, and geographically the greater the group's chance to achieve political influence. Also, the group gains greater strength by having a more homogeneous way of thinking. (Corrales, 2020, s. 14) The broad representation of people increases the chance of the issue getting on the political agenda. In Mexico, the catholic church is a homogeneous group that different socio-economic groups widely support.

Unity

In Mexico, it has historically been very difficult for social groups and NGOs to gain any political influence individually without getting financial support from either drug cartels, international organizations, or established political parties and thereby become financially obliged to highlight specific issues that were not necessarily the issue the organization wanted to highlight. (M. Richard & Loeza Reyes, 2017, s. 235) Studies show that if like-minded NGOs and social interest groups join together for a common issue, they have a better chance of getting the issue onto the political agenda without needing to depend on financial support from other actors. (Corrales, 2020, s. 14) An example of the unity of different interest groups could be the unity between conservative parent groups and the catholic church to prevent sexual education taught in primary and secondary schools. (Chandra-Mauli, Gómez Garbero, Plesons, Lang, & Corona Vargas, 2018, s. 144)

Political organizing and know-how

The population has often criticized NGOs In Mexico for becoming too closely involved with the established political system. There is always a risk of co-optation when any social interest group or NGO corporates with the established system. (De Jong & Kimm, 2017, s. 198) It is risky to start a corporation with any established political party due to co-optation and the group's risk of losing its connection to the grassroots or the people represented by the interest group, as has been the case historically in Mexico with many NGOs. (M. Richard & Loeza Reyes, 2017, s. 235) A certain amount of collaboration is necessary for an interest group to influence the political agenda. (De Jong & Kimm, 2017, s. 198) When widely supported unities of social interest groups establish a collaboration with political parties, there is a mutual interest for collaboration, and the broader support the group has, the less interest the

party will have in co-opting the group's issues, as support for the group means potential voters for the party. (Corrales, 2020, s. 15) Therefore, the reach and unity of the group are crucial for the group once it establishes a relationship with a political party to prevent co-optation.

Framing

The last factor which affects the chances for a social interest group to get an issue on the political agenda is how the issue is framed. Framing of an issue that attracts support beyond the members who already support the group has a great chance of influencing the political agenda. (Corrales, 2020, s. 15) Also, if the framing fits into the cultural norms, the issue is more likely to gain support. There is, in Mexican culture, a strong focus on the protection of children. The focus on children has been used as an argument in framing the issue, which contributes to gaining support to influence the political agenda. (Corrales, 2020, s. 16)

Internal inputs (withinputs)

demands also get on the political agenda from within the political system called withinputs. Withinputs often appear following a change in the representation within the political system. (Easton, 1957, s. 389) A representative change happens after an election in a representative democracy like the Mexican, where new interests become represented in the system and are thereby able to formulate inputs from within the system. Within puts often have much more support within the system, and it is often fewer changes made between the input and the final policy formulation than is the case with policies formulations of external inputs. (Easton, 1957, s. 389)

International organizations as input-generator

One of the criticisms that can be made of the Easton model is that it does not consider the increased importance and influence of international organizations in the past three decades. Mexico is a country with both regional and international obligations and cooperation which potentially could influence the policies both on a federal and state level. For this study's analytical purpose, inputs from international, regional, and global organizations will be considered within puts, meaning inputs from within the political system. It means that

international organizations are considered an aspect of the political system. It can be argued that international organizations are, in some way, a grey zone area between external inputs and within puts.

Inputs on the political agenda

Different factors influence whether an issue in society makes its way to the political agenda and how seriously the input is viewed within the political system. Some of the factors to consider are (Easton, 1957, s. 389):

- The location of initiation or supporters in the power structure in society
- Publicity in demanding changes.
- Timing for demands
- Political skills, know-how, and organizing
- Access to channels of communication
- Attitudes of politicians towards the subject
- The attitude towards the established system about how things are done in the political system.

Support

Support for the system is another form of "fuel" that the system needs to operate. (Easton, 1957, s. 390) The people who operate within the system are mainly elected politicians. The civil servants working within the system as part of the "regime" and as part of the implementation process will be elaborated upon later.

An input needs support from people within the system, even though it might be an external input. The input still needs to have people who support it and want to work through the system to influence the relevant processes in any way possible. It is also necessary that these people who support the input can count on support from other people within the system. The amount of support a demand receives influences how the demand is formulated into a policy. It is also influenced by how many people and which people support the demand. (Easton, 1957, s. 390) there are different ways in which people (mostly elected politicians) can support an input. It can either be done by actions (like voting in favor of inputs) or non-observable acts. (Easton, 1957, s. 390) Non-observable acts are what can be considered a supportive state of mind. It is about the feelings of a person towards an issue. The state of mind does not

necessarily mean the person actively acts out his feelings in actual actions like voting, but it is less likely that a person will vote against his feelings. (Easton, 1957, s. 390)

Support for the political system

According to the theory, the inputs must receive support, but the political system needs support to properly function and for the policy outcome to be formulated and actively implemented. The policy outputs are evidence of the system effectively functioning. The political system (the black box) can be divided into three sections: The political community, The regime, and the government. For the political system to function and produce effective policy outputs, these three sections of the political system need to work together. (Easton, 1957, s. 391) Due to a severe lack of transparency within the Mexican political system, a high level of corruption, and a very low level of public trust in the system, the aspect of analyzing whether the different sections of the political system receive support and is therefore not included in the analysis.

Outputs

The result of the process within the political system outputs in the form of policies. (Easton, 1957, s. 385) It is important what effect the outputs have for the system to gain support. The outputs gain support for the system when they satisfy the needs and demands of the people on a day-to-day basis. (Easton, 1957, s. 395) The outputs do not need to fulfill all the people's demands or need to gain support. It only needs to satisfy a minimum number of people. (Easton, 1957, s. 395) One of the criteria for policies is that they need to contain some form of inducement for people to support the policy and, thereby, the system. It can be either in the form of negative or positive inducement. Negative inducement can be a punishment or sanction if people do not "support" or obey the policy. It is the "system," meaning the civil servants working within the system are responsible for upholding the policy and thereby enforcing the negative inducement if people do not support the policy. (Easton, 1957, s. 397) It is also the system responsible for balancing the input and the output. If it is too big of a difference between the input and the output, the policy might not satisfy the needs of the people who demanded the input in the first place, and the system could thereby lose some support. (Easton, 1957, s. 396)

Politicization and support

Politicization is growing up in a system where you learn the social rewards and punishments as a member of society. Norms and goals of society are taught to individuals throughout development in societal institutions such as schools, family, and social interactions. The effect of the politicization process is strongest on the individual in the teenage age, but it occurs throughout the entire life. (Easton, 1957, s. 397) The politicization process is also known as socialization. It is the process that teaches a person desirable norms, behavior, and societal roles in the culture and society in which the person lives. The system needs to have somewhat homogeneous expectations on various political matters and expectations on how people will receive and interpret political phenomena for it to be able to satisfy a minimum number of people. The politicization process contributes to a more homogeneous group thinking within the society. (Easton, 1957, s. 398)

Individuals learn that they get rewards for conforming to politicization and are punished if they do not conform through the politicization process. Rewards can be material goods like wealth, influence, respect, and more opportunities and feelings of being worthy and wanted and respected. While punishment for deviation beyond acceptance is the feeling of unworthiness, rejection, dishonoring, and often suffering material losses. (Easton, 1957, s. 398)

The mechanism of punishment and rewards is not always effective, which drives a society forward because non-conformity behavior can become acceptable over time. (Easton, 1957, s. 398-399) The legalization of same-sex marriage in many countries is evidence of the change in ideas of norms. No matter how good the rewards or harsh the punishment might be, there will always be people who will pursue a lifestyle inconsistent with societal norms. They will always try to change the norms to various degrees of success. (Easton, 1957, s. 399) one of the main causes of political change over time within the political system is inter-generational deviations in the interpretation of appropriate norms. new generations have a different interpretation of norms and goals than older generations, and this will also influence changes in political norms and goals. (Easton, 1957, s. 399)

2.7 Co-optation and clientelism theory

Clientelism

Clientelism is structured political power through networks of information relations of unequal power in exchange relationships. (McGee & Kampwirth, 2015, s. 55) An example of this could be the relationship between a social movement and an established political power. The political party provides funds for the social movement's activities, and during the election period, the social movement mobilizes its community to vote for the party and thereby provide support in exchange for the funds. In exchange for the mobilized support, the political party provides political influence. Clientelism can be viewed as a way for the established political system to force social movements into consenting to the structures of the political system in the exchange of funds. In exchange for funds, the social movements have to adjust their demands to fit within the rules of the political system, which is a form of forcing social movements to consent. (McGee & Kampwirth, 2015, s. 55) Clientelism often works as a steppingstone for a movement, like the LGBT+ being deradicalized and co-opted in exchange for funds. (McGee & Kampwirth, 2015, s. 61)

Lobbyism

An alternative form of collaboration to clientelism is lobbyism which can be viewed as a more fair sharing of the power balance, or at least more of the power is moved to the interest group. Lobbyism is often directed against legislatures such as congress members or the assembly where interest groups, such as LGBT+-groups, try to influence the policy formulations. (Heywood, 2013, s. 257) Lobbyism is mainly a method used by groups that are economically and functionally independent of the political system. (Heywood, 2013, s. 257) It is here the economic aspect that is the key difference between lobbyism and clientelism. In clientelism, the activist group receives money from the political system, while in lobbyism, the activist group can support a political party or a candidate with funds for a campaign in return for promoting the group's interest.

The LGBT+-movement and co-optation

The LGBT+ movement is one of the movements most at risk of being co-opted due to clientelism. (McGee & Kampwirth, 2015, s. 56) Several reasons make the LGBT+ movement more exposed to being co-opted. The first one is the general socioeconomic status of most LGBT+ as more impoverished than the rest of the population due to lifelong discrimination.

Another aspect is the history of the LGBT+-movement being excluded and criminalized, such as in the 1980s during the AIDS epidemic. The third one is that LGBT issues are more based on values and identities, which is more difficult to implement in practice in policies rather than issues of class positions, like labor rights. (McGee & Kampwirth, 2015, s. 56)

Co-optation

Co-optation can be defined as a process in which the concept itself is not rejected, but its initial meaning is transformed and used in the policy discourse for a different purpose than the original one (De Jong & Kimm, 2017, s. 187) It means that the meaning of what it means to be LGBT+ is not changed, but the purpose of why the LGBT+ issue was included into the policy was changed such as promoting LGBT+-rights to earn money instead of protecting the rights of LGBT+-people. There are different reasons why the political system or companies would be interested in co-opting movements like the LGBT+. It could be to earn money or improve the brand to “look better.” It can be to avoid public shaming and blaming by pretending to protect and promote human rights and LGBT+ rights. Social movements need to work together with the political system to archive any influence and ultimately changes in policies and according to De Jong and Kimm (2017). The social movement needs to focus on the long-term goal of the collaboration, such as fighting discrimination against LGBT+-people, due to the risk of the political system “absorbing” concepts of LGBT rights into mainstream policies without putting actual actions and changes behind the goal. (De Jong & Kimm, 2017, s. 198) If the issues are absorbed into the political system without any noticeable changes, that are what is considered co-optation. Due to the risk of Co-optation, collaboration with the political system is a great concern for movements and scholars promoting rights for LGBT minorities. (Ewig & Marx Ferree, 2013, s. 448).

Global neoliberal push for LGBT+-policies

In recent years this concern has increased due to the global spread of the neoliberalist ideology. The neoliberalist ideology has been claimed to be the cause for the co-optation of LGBT+-movements, but it has also contributed to the continued existence of clientelism in Mexico. At the same time, it has also contributed to the push for more LGBT+-inclusive policies in many countries. (McGee & Kampwirth, 2015, s. 55) The neoliberalist ideology promotes individualism, and it has worked as a global measurement for liberal democracy's

modernization process since the mid-1980s. The ideology especially gained strength through the 1990s and early 2000 in promoting LGBT+-rights. The inclusion of LGBT+-people and policies in state and federal policies are mainly attributed to the push from the global neoliberalist ideology. Neoliberalism measures the modernity of liberal democracy by how inclusive it is to LGBT+-people and the promotion of individual personal rights. (McGee & Kampwirth, 2015, s. 61) The global push for modernization and implementation of LGBT+-issues as a measurement can have contributed to the increased co-optation and deradicalization of LGBT+ issues for some countries to look more modernized.

The co-optation processes

The question is how the co-optation process happens and how it is measured. There is an element of policy tracing within co-optation to trace back what got co-opted, how, and by whom. Co-optation is a process that starts with a form of collaboration between two actors, which are typically an activist actor, like the LGBT+-movement, and a more hegemonic actor, which is typically either the political system or a company. Tracing back the co-optation process involves analyzing the collaboration process between the two actors. The focus is on what they are collaborating about and the intention behind the collaboration from each actor. The focus is on whether they have the same purpose of the collaboration because if they have different intentions, that are the grounds for co-optation. Due to the usually uneven power relationship between the two actors, different intentions for the collaboration often result in an unacceptable result for either one or both actors involved. (De Jong & Kimm, 2017, s. 197) This collaboration process with inconsistent intentions can take two different forms: Formal and informal co-optation.

Formal and informal co-optation

Formal co-optation is an open process where co-optation is happening in public. It could be the inclusion of a potentially threatening element that is being included in the hegemonic organization but without getting any benefits. An example of the inclusion of a threatening element could be when a government includes a formerly excluded group of people, such as LGBT+-people. Including the group might minimize or silence their threats to the established system. This process can also be viewed as a form of deradicalization or mainstreaming. This process is often used as a form of neutralizing a potential threat. The term threat in this

context is to be understood as someone, a group in society, who is threatening the established system. It could be LGBT+-people who are viewed as a threat to the established gender system. The inclusion process is often more symbolic than having an actual effect on the co-opted party. (De Jong & Kimm, 2017, s. 195) Informal co-optation is a less public and more subtle absorption of ideas, where the hegemonic party refuses to admit that the co-optation has occurred. The informal co-optation is seen as a surrender to the co-opted party. This form of co-optation holds more potential for power-sharing between the hegemonic and co-opted actors. (De Jong & Kimm, 2017, s. 195) An example of this could be the LGBT+-movements publicity about the problem of discrimination. It can become such a big problem for the political system that it “allows” the LGBT+-movement into the political system to deal with the problem. This form of co-optation will typically be framed as necessary to deal with a problem.

Effect of co-optation

Researchers have identified different effects behind the collaboration process, which often is a form of clientelism between different actors in the Mexican context, which results in some form of co-optation. The effect can be Blunting, appropriation of otherness, and systemic advantages.

Blunting

Scholar Philip Selznik uses the term blunting to explain one of the effects of co-optation. (De Jong & Kimm, 2017, s. 198) It is, according to Selznik, a process used to “disarm” a potential threat to the established hegemonic system. It is a process that can deradicalize or silence ideas or movements that can create a threat. By co-opting the ideas, the ideas become less radical and no longer a threat. (De Jong & Kimm, 2017, s. 194)

Appropriation of otherness

When it is not only ideas but also people who are being co-opted, it is what scholar, Sofia Villenas, identifies as “appropriation of otherness.” (De Jong & Kimm, 2017, s. 195) Appropriation is when people considered “others,” such as members of an LGBT movement, are included in the decision-making policy process but without being given any power. (De

Jong & Kimm, 2017, s. 200) Within queer studies, “appropriation of otherness” has also become known as homonormativity and heteronormativity. (Farmer, 2020, s. 24) Homonormativity and heteronormativity privilege particular sexual relations over non-normative sexualities and gender identities treated as abnormal, silenced, or invisible. (Farmer, 2020, s. 24) Appropriation of otherness does not only occur between heterosexuals and homosexuals. The concept of “homonormativity” is another example of appropriation of otherness where normative forces subject and marginalize some sexual identities within the queer community. (Farmer, 2020, s. 26)

Illusion of victory

Co-optation can result in the cancelation of external threats from social movements towards the established system, but it can also result in new advantages for the hegemonic actors. (De Jong & Kimm, 2017, s. 195) These advantages are what researcher Stephen King describes as an “illusion of victory.” (King, 1999, s. 90) it is the process of the hegemonic actor appears to incorporate a minority equally into the decision making process but without giving the minority what they demand or any actual power. The hegemonic actor gains either profit, public popularity, legitimacy, or power by the appearance of inclusion. (De Jong & Kimm, 2017, s. 195)

Result of co-optation process

The result of a co-optation process is not always black and white. It is not complete co-optation or complete failure of any cooperation between the established system and the activist movement. Alexa Trumpy (2008) has identified four possible outcomes of the collaboration process between a hegemonic actor and an activist actor: co-optation, reform, compromise, and failure. (De Jong & Kimm, 2017, s. 196) the primary factor influencing which outcomes the process results in is whether the two actors have the same achievement goals and whether the hegemonic actor intends to put actions behind to achieve the goal. The four outcomes of the collaboration process are ideal types, and the collaboration process rarely results in definitively one of the four outcomes. There is one main reason for that. It cannot be concluded whether governments' response is legit or co-opted. There are some indications of whether the government is putting actions behind his intentions, which can hint. In this analysis, the policy's limitations can indicate the effectiveness for the intended

target group and thereby indicate the result the policy is likely to have for LGBT+-people in Mexico.

Co-optation

For the result of co-optation, three criteria need to be fulfilled: (1) both actors have the same goals of achievement, (2) the hegemonic actor does not support its goals with actions, and (3) the activist actor ignores the lack of actions from the hegemonic actor. Co-optation occurs when the hegemonic actor receives credit for the goal, claiming to support LGBT rights, without changing any behavior or actions or handing over any power or decision-making capability. (Trumpy, 2008, s. 488)

Corporate reform

For the result of Co-operate reforms to occur, two criteria must be fulfilled: (1) The goals of both the hegemonic and activist actor aligns, and (2) the hegemonic actors achieve the goal through actions and changes in policy. Like in co-optation, the hegemonic actor might receive the credit for the changes, but in corporate reforms, the hegemonic actors deserve the credit due to an actual change in policy and actions. (Trumpy, 2008, s. 488)

Compromise

For a compromise to occur because of the collaboration process, three criteria must be fulfilled: (1) The goal of achievement aligns between the hegemonic and activist actor, (2) the hegemonic actor achieves some goals by actions while actions are not backed up other goals. (3) The activist actor chooses to ignore some of the goals, which actions by the hegemonic actor are not backed up. This outcome is a combination of co-optation and corporate reforms, and essentially both actors win and lose. (Trumpy, 2008, s. 488)

Failure

Failure happens as a result of collaboration if the hegemonic actor does not change any goals, actions, or behaviors to comply with demands from the activist actor. At the same time, the activist actors' campaign negatively affects the profit or public reputation of the hegemonic actor. Essentially by failure, as a result, both parts lose. (Trumpy, 2008, s. 488)

2.8 Conceptualize conversion therapy

The term "conversion therapy" is an umbrella term that covers a wide range of physical, psychological, spiritual, and religious treatments and practices. The wide range of treatments documented as part of the treatment includes conversational psychotherapy, prescribed bicycle riding, repeated prayers, violent methods like religious exorcism, forced confinement to corrective rape, and beatings. (An expanded list of documented methods is in appendix 1). The commonality of the treatments is that they all intend to "cure" or alter a person's gender or sexual identity from non-cis-gender or non-heterosexual to cisgendered heterosexuals. (Bothe, 2020, s. 4). Conversion therapy is often practiced within religious communities or the family's private sphere. (Alempijevic, et al., 2020, s. 13) The main reason for many people who receive "conversion therapy" is that their sexual or gender identity is viewed as problematic. This idea is often a product of the institutions they are socialized, often in strong association with a religious context. (Independent Expert on sexual orientation and gender identity (IESOGI), 2018) Receiving "conversion therapy" is often seen as necessary to treat something seen as wrong, and it is often associated with shame for the families or the victim. The fundamental idea behind "conversion therapy" makes it very difficult to get participants in a study, and the data on the practice is there for less reliable. (Alempijevic, et al., 2020, s. 13)

Critique of "conversion therapy."

The practice and study of "conversion therapy" have, in recent years, received many critiques. Many of the methods used in "conversion therapy" causes severe harm, physically and psychologically, and victims have committed suicide due to the psychological damage caused by the methods. Some victims died due to the methods used, such as lobotomy surgery. (Ramon Mendos, 2020, s. 114) Under the umbrella term "conversion therapy" are other words for the same practice: Sexual orientation change effort (SOCE), reparative therapy, reintegrative therapy, reorientation therapy, ex-gay therapy, and gay cure. (Alempijevic, et al., 2020, s. 1)

The “victims” of conversion therapy

According to the research, as part of conceptualizing “conversion therapy,” it is important to define who is receiving the “treatment” according to the research. It is mainly people who identify as Lesbian, Gay, Bi, trans, or any other non-heterosexual identification. Along with people who identify as anything but cis gender. In this report, the term victims will be used for the people who receive "conversion therapy." Victims are chosen as the description of the receivers of "conversion therapy" because the WHO and other international health organizations (APA, WPA) consider the practice harmful and torturous and that most people who receive it are forced to it against their will. (Madrigal-Borloz, 2020, s. 15) According to the Cambridge dictionary, the definition of a victim is: "Someone or something that has been hurt, damaged, or killed or has suffered, either because of the actions of someone or something else..." (Cambridge dictionary: Victim, 2022)

Practitioners and legitimizers of “conversion therapy.”

Another aspect important to conceptualize is whom the perpetrators or practitioners are documented to be. It is almost as difficult to specify as it is to specify the methods used in practice. Healthcare professionals and medical providers, physical and mental, licensed and non-licensed, have been identified as one of the main groups of perpetrators, and religious leaders and family members of the victim are often involved. (Bothe, 2020, s. 13-14) Schools and governmental institutions are also known to have actively promoted or even practiced “conversion therapy.” (Ramon Mendos, 2020, s. 54) There are also actors in society who do not directly practice “conversion therapy” but promote it either directly or indirectly and thereby contribute to legitimizing it. In some countries, “conversion therapy” is even state-sponsored. It can be through sponsoring public schools that promote it or by not actively protecting the victims from it. (Bothe, 2020, s. 15-16) Religious professional associations play a role in legitimizing the practice, not specifically in practicing. (Ramon Mendos, 2020, s. 54)

The notion of "conversion therapy."

“Conversion therapy” is severely difficult to define due to the variety of methods used and the sphere in which it is practiced. When looking at different statements given by organizations that promote it, it is not agreed upon what it is “conversion therapy” is intended

to “cure.” So-called ex-gay movements refer to LGBT+ as “sexual and relational brokenness,” and this brokenness causes people to seek same-sex relationships and behavior (Living Hope ministries, 2022). So-called “ex-gay”- people argue that homosexuality is a behavioral and lifestyle choice more than it is about sexual attraction to the same gender, and by changing the victim's lifestyle, it is possible to change the person's sexuality. It is a lifestyle believed by practitioners and believers to bring unhappiness and pain. (Shick, 2022) Therefore, there is no clear agreement on whether homosexuality is about sexual behavior or a person's lifestyle choice that makes the person homosexual. Due to this fundamental disagreement of what “conversion therapy” is intended to cure, it is necessary to define the notion for clarity of this report's study.

If the term “conversion therapy” is broken into definitions of the individual parts of the term, it becomes clear that it has an inaccurate name. The name contains two words “conversion” and “therapy.” First, according to the Cambridge dictionary, the notion of therapy is defined as: " A treatment that helps someone feel better, grow stronger... after an illness" (Cambridge Dictionary: Therapy, 2022) Therefore, the notion it is implied that the person receiving this therapy has a physical problem or is suffering an illness which needs treatment. Therefore, it is implied in the name that being non-heterosexual or non-cisgender is an illness.

“Conversion therapy” thereby builds on the assumption of homosexuality as an illness. The other part of the notion is "conversion," which, according to the oxford dictionary, means: "The act or process of changing something from one form, use or system to another" (Oxford Learners dictionaries, 2022) "Conversion" thereby indicates that the practice is intended to change a person's "illness" to something else, which means a change from same-sex behavior to heterosexual behavior. At the same time, the use of the word "conversion" also indicates that the practice is effective, which it has been proven not to be.

In this report, the term "conversion therapy" will be used despite the inaccurate meaning of the word. Despite other common terms, "Conversion therapy" is the most used one, both academically, politically, and worldwide among the general population, for the practice. It is also the term used in the policy from the CDMX congress. Considering the inaccuracy of the term, I will in this report use the term "conversion therapy" to signal that it is not a term I find appropriate to describe the practice but in lack of better terms and to make it clear for the reader what I am referring to, I will be using the term "conversion therapy."

3. How is “conversion therapy” and the rights of LGBT+-people represented in the penal code article 206 of CDMX?

3.1 Political context of the policy

The policy on “conversion therapy” is article 206 of the penal code from Ciudad the México. (Villanueva, 2018, s. 1) The policy was presented to the congress of CDMX on September 27th, 2018. (Villanueva, 2018, s. 10) It was approved on July 20th, 2020, by 49 for, nine against, or 5 abstained and was thereby approved with a 78% majority. (Congreso Ciudad de México, 2020) The change of article 206 includes treatments, contracts, therapies, services, tasks, and activities that intend to change a person’s sexual and gender identification and expression. It was presented by the deputy Temístocles Villanueva Ramos from the political populist-left-wing party MORENA (Movimiento Regeneración Nacional).

Purpose of the policy

In the policy, there are four main reasons given for this policy. The first is to prosecute and punish those who practice “conversion therapy.” (Villanueva, 2018, s. 2) This could not only create a sense of justice for the victims but also potentially have a long-term preventive effect since it could stop someone from practicing it due to the risk of imprisonment. The second reason is that the policy is going to be part of the formulation of a comprehensive policy program that intends to protect LGBT+-people in all aspects of life. (Villanueva, 2018, s. 6) the intended is thereby to combat and, in the future, prevent structural discrimination based on gender and sexuality. State institutions are identified as one of the causes of structural discrimination and inequality against LGBT+-people (Villanueva, 2018, s. 3), and a comprehensive policy program has the potential to change this. It is also intended to contribute to a more holistic political approach to protecting LGBT+- rights, not only on “conversion therapy.” The third purpose is to identify victims and help repair the damage done by “conversion therapy.” (Villanueva, 2018, s. 2) It could have a backward effect on helping people who have already been victims of “conversion therapy.” The purpose also shows the state taking responsibility for the victims who were not protected in the past. The last reason is for the state of CDMX to comply with Mexico’s international obligations, both regionally and globally. (Villanueva, 2018, s. 4) There are five international obligations pointed out with which the policy is intended to comply. 1. Prevention of torture, cruel, inhuman, and degrading treatment. 2. Protection of people from homophobic and transphobic

violence. 3. Repeal of any legislation that eliminates homosexuality. 4. Prohibition of discrimination based on sexual orientation and gender identity. 5. Safeguarding the freedom of expression, association, and peaceful assembly for the people of the LGBT+-population. (Villanueva, 2018, s. 4)

3.2 Definition of “conversion therapy” in the policy

There are different conceptualizations of “conversion therapy” in the policy. It is viewed as different methods; all intended to change, repress, or eliminate the victim's personality and manifestations of gender identity and sexual orientation. (Villanueva, 2018, s. 5). The methods which are considered criminal are specified as coercing children into treatment, forced or coercive hormonal treatments, sterilization, surgeries, psychiatric evaluations, violence, and harassment based on their gender identity, threats, and the pathologization of their identity, systemic verbal abuse, and humiliation. (Villanueva, 2018, s. 6) The practice is viewed as institutionalized in contract, treatment, therapy, or service. It is considered to be cruel, inhumane, and degrading treatment towards the victims, along with a violation of the fundamental sexual and reproductive rights (Villanueva, 2018, s. 6) It is considered to have life-long negative effects on the victim because it poses a threat to the healthy development of the personality of the victim and to be a violation of constitutionally protected rights of the victim. (Villanueva, 2018) “Conversion therapy” is not only viewed as having consequences for the individual but also as the underlying cause for discrimination, structural inequality, and hate crimes against LGBT+-people. (Villanueva, 2018, s. 6) Within the policy, “conversion therapy” is a violation of human rights and is also considered a form of torture when performed by public servants or against children. The policy also defines how torture is understood in the policy context. Torture is defined as: *“Torture is any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person....”*² (Villanueva, 2018, s. 5) It is here relevant to notice that in the definition of torture it does not cover explicitly “conversion therapy” to change a person’s sexual or gender identity unless the treatment deliberately inflicts physical or psychological pain. Previously it was mentioned that “conversion therapy” is understood as a form of coercion. It can be understood as torture. “Conversion therapy” is thereby not always defined as torture.

² Translated to: La tortura es todo acto por el cual se inflija intencionadamente a una persona dolores o sufrimientos graves, ya sean físicos o mentales...

3.3 The victims

The sexualities and gender identities that are included in the victim groups are “*Lesbians, gays, bisexual, transsexuals, transgender, transvestites and intersex (LGBTTTI)*”³ (Villanueva, 2018, s. 1) This is the group for which the policy intended to protect against discrimination however the primary group of victims to be protected from the harm of “conversion therapy” is narrowed down to minors under 18 who are coerced into “conversion therapy.” (Villanueva, 2018, s. 1) The primary perception of the victims is that they are innocent and involuntarily forced into “conversion therapy.” In the policy, LGBT+-people are viewed as a priority attention group in society which is more vulnerable than heterosexuals and cis-gendered people to discrimination. (Villanueva, 2018, s. 1) In the acronym used in the policy “LGBTTTI,” both sexual identities, Lesbian, Gay, Bisexual, and transsexual, are included. It thereby covers the most common non-heterosexual identifications. The acronym also includes transgender, male to female, female to male, and intersexual. They are also considered a group which do not identify with the “normal” heterosexual norms, evident in the use of the formulation “*normative heterosexuality*”⁴ (Villanueva, 2018, s. 1).

3.4 The perpetrators of “conversion therapy.”

There are four main groups of “conversion therapy” mentioned in the policy: public servants, family members, healthcare professionals, and religious ministers. (Villanueva, 2018, s. 6) These people can be considered perpetrators of “conversion therapy” by instigating, authorizing, or inflicting physical or mental pain on a victim with the intent to coerce the victim to hide, suppress or deny his sexual or gender identification. (Villanueva, 2018, s. 10)

Public servants

A public servant is legally in CDMX defined as “*Any individual who provides services to federal, state, or municipal powers. This includes public teachers, policemen, nurses, doctors, bus drivers, and other people employed by the state*”. (García Torres, 2004)

According to the policy, a criminal act is a public servant who inflicts pain or suffering on a person, physical or mental, including sexual violence, through or due to exercising his power

³ Translated to: Lesbianas, Gays, Bisexuales, Transexuales, Transgenero, Travestis e Intersexuales (LGBTTTI)

⁴ Translated from: heterosxualidad normada

as a public servant. Suppose these acts are performed to obtain information, punish for an act committed, confess as a suspect, or intimidate or coerce the person or others. The act is considered an act of torture. (Villanueva, 2018, s. 6) In addition, any attempt by a public servant who uses any method intending to coerce, intimidate or punish a person for changing, hiding, or suppressing his personality, sexual orientation, gender identity, and expression are also considered a criminal offense. Even if the method does not inflict physical or psychological pain to the person, the fact that it is a public servant who conducts the methods will be an aggravating circumstance that would classify the act as torture. (Villanueva, 2018, s. 6) A public servant will receive three to twelve months imprisonment and 200 to 500 days of fines for committing tortures acts as defined in the policy. (Villanueva, 2018, s. 6)

Family members

Family members are in the policy defined as mother, father, legal guardian, and blood relatives up until the second degree. (Villanueva, 2018, s. 6) The penalty for this group who instigate, authorizes or inflicts any physical or mention pain or conducts “conversion therapy” on minors under the age of 18 will be imposed one to three years imprisonment and from 100 to 300 hundred days fine. (Villanueva, 2018, s. 6) if a parent or family member is indirectly involved or encouraged to inflict pain on a minor, such as a parent paying another person to inflict the pain, they can be punished.

Healthcare professionals

The healthcare professionals within the policy cover both mental and physical healthcare professionals and private and public healthcare sectors. Healthcare professionals are identified as the most common practitioners of “conversion therapy.” The healthcare sector is pointed out as especially discriminatory towards LGBT+-people. (Villanueva, 2018, s. 6) Healthcare professionals will, like family members, be imposed one to three years imprisonment and from 100 to 300 hundred days fine for instigating, authorizing, or inflicting physical or mental pain on minors under the age of 18. (Villanueva, 2018, s. 6)

Religious ministers

Religious ministers who instigate, authorize, or inflict physical or mental pain on minors under 18 will be imposed one to three years imprisonment and a 100 to 300 hundred days

fine. (Villanueva, 2018, s. 6) Religious leaders are also viewed as the primary promoters of “conversion therapy.” (Villanueva, 2018, s. 2)

4 What are the presuppositions or assumptions represented to be in the policy on “conversion therapy” from the CDMX penal code article 206?

4.1 Liberal focus on the Individual

Several policy aspects indicate a strong liberal inspiration for the formulation, especially focusing on individuals’ rights. One example of liberal focus on the individual is *“All people, regardless of their group or condition, whatever it may be, deserve to be respected and recognized equally.”*⁵ (Villanueva, 2018, s. 1) The strong focus on the individual, as opposed to any collective group such as family, is founded strongly on the liberal ideology. The prime goal in the liberal ideology, as in the policy on “conversion therapy,” is to liberate the individual to fully experience and develop the full potential without any consideration of the culturally defined gender system or family traditions, values, or structure. (Heywood, 2013, s. 32) one of the reasons for the policy is to embrace the diversity of the population within the CDMX. (Villanueva, 2018, s. 3) Tolerance for individuality is within the ideology of liberalism, seen as a prime driver for the individual to achieve their full potential. This perception is also consistently found in policy in formulations such as *“Respecting their right constitutes one of the fundamental aspects for the dignity and freedom of people.”*⁶ (Villanueva, 2018, s. 3) In the policy, it is recognized that LGBT+-people are a group who has been treated unequally by the government and public servants and recognized a need for political actions to eliminate discrimination toward LGBT+-people (Villanueva, 2018, s. 2) which can be seen as an attempt to embrace diversity within CDMX. Consent is a fundamental principle within the liberal ideology. Consent, in any form, is seen as a pursuit of the individual for self-happiness, and removing the individual's option to consent would limit the liberty to pursue happiness. (Heywood, 2013, s. 32) This focus on the individual's free choice to consent to any treatment, despite lack of efficiency, infliction of pain, or potential psychological harm, is also evident in the policy where only coerced children under the 18 and adults whom public servants are mistreating are viewed as victims of “conversion therapy.” Therefore, any person who practices “conversion therapy” on people who consent

⁵ Translated to: Todas las personas, sin importar su grupo o condición, cualquiera que sea, merecen ser respetadas y reconocidas igualmente.

⁶ Translated to: Respetar su derecho constituye uno de los aspectos fundamentales para la dignidad y libertad de las personas.

should not be punished. Likewise, the treatment, no matter how painful or harmful it might be, should not be considered a criminal act due to the consent of the “victim.”

4.2 Conservative values in the policy

Within the formulation of the policy, there are some conservative values to be found, but they are more hidden than the liberal values. Protection of the most vulnerable such as children, is a fundamental principle within the conservative values (Heywood, 2013, s. 35), which is also evident in the policy. Specifically, the representation of children as being innocent and vulnerable in need of protection is an example. *“girls, boys, adolescents, and young people are the main affected by this type of efforts that constitute cruel, inhuman and degrading treatment that can even result in torture”*⁷ (Villanueva, 2018, s. 4) The gender-system is a fundamental norm within the Mexican system. Despite the explicitly expressed intention of protecting all people despite their gender or sexual identification, there is still an underlying conservative ideological perception of upholding the gender system. The gender system can be perceived as a norm or tradition, viewed as very important in the conservative ideology. (Heywood, 2013, s. 32) There is an underlying presupposition within the conservative ideology that those who deviate too much from the culturally and socially defined gender system do not deserve protection since they do not follow society's norms and hierarchy obligations. (Heywood, 2013, s. 32) This presupposition is also indirectly found in the policy in the narrow acronym used for the LGBT+ community. The acronym indicates that only sexualities and gender identities that fit within the monogamous, cisgender idea of monogamous relationships are to be included. It also indicates a form of homonormative thinking which is also a part of the traditional gender system. According to conservative ideology, the state upholds the citizens' law, order, and security. (Heywood, 2013, s. 32) It is also the perception found in the policy, where the responsibility for preventing “conversion therapy” is placed with the state authorities. Paternalism is another aspect within the conservative ideology, which means the responsibility for raising and caring for children is placed with the parents, but humans are also viewed as fallible and the cause of crimes and misjudgment due to human nature as being selfish, greedy, and power-seeking. (Heywood, 2013, s. 35) This conservative ideological perception of children and parent-relationship and the state-responsibility could be why there is a strong focus on parents as perpetrators of

⁷ Translated from: las niñas, niños, adolescentes y personas jóvenes son las principales afectadas por este tipo de esfuerzos que constituyen tratos crueles, inhumanos y degradantes que, incluso, pueden resultar tortura

“conversion therapy.” The policy is thereby placing the primary caretaking responsibility with the parents, but at the same time acknowledges that parents can be fallible and thereby need a strong state to correct their misjudgments.

4.3 Assumptions of “conversion therapy.”

“Conversion therapy” is in the policy viewed as something institutionalized, which is evident in the formulation “*Any contract, treatment, therapy, or service.*”⁸ (Villanueva, 2018, s. 6) This formulation makes it sound like there always is an official agreement between the practitioner and the victim. This narrow institutionalized perception indicates a lack of contextual consideration regarding known practices. The institutionalized perception is also an underlying idea that the main part of the treatment occurs openly and knowingly by healthcare professionals. Those healthcare professionals who do practice “conversion therapy” do so often under different terms like: “ex-gay therapy,” “gay cure therapy,” “Reparative therapy,” or refer to it as “psychotherapy” or “behavioral adjustment” (Bothe, 2020, s. 5) The perception lacks an understanding of the more hidden and less institutionalized and formal practices. Another aspect of the policy that lacks contextual understanding is that any damage was done by “conversion therapy” can be repaired. It indicates that some of the most intervening and harmful methods are not considered in the policy. Methods like sterilization, some hormonal treatments, and surgeries cause irreversible changes to the biological body and are not repairable. It indicates a lack of research on the methods used in “conversion therapy” and a lack of contextual understanding.

Indirect promotion of “conversion therapy.”

Another aspect of “conversion therapy” representation is its view as solely being treatment such as aversion therapy, medical treatment, torturous treatment, or corrective violence. (Villanueva, 2018, s. 2) It is thereby viewed simply as a treatment that directly psychologically or physically affects the victim with a direct intent to change, hide or suppress the victim's sexual or gender identification, but any form of indirect promotion is not included. It can be a promotion of heteronormative values such as considering heterosexual relationships as the only “correct” form of relationship and considering non-heterosexual relationships “a sin” (Out right international, 2019, s. 12) or “disordered and unacceptable” (Out right international, 2019, s. 4). Even though indirect promotion of “conversion therapy”

⁸ Translated to: Queda prohibido cualquier contrato, tratamiento, terapia o servicio

might not be directed specifically at the victim, it can still cause long-term psychological damage to children and cause internalized homophobia. (M. Glassgold, et al., 2009, s. 24) “Conversion therapy” and norms found within such heteronormativity can be promoted by the state, parents, family members, schools, hospitals, religious communities, or any other aspect of civil society. The state can indirectly promote “conversion therapy” by not actively prohibiting it by law or not strictly enforcing a prohibition, thereby indirectly allowing it to happen. (Bothe, 2020, s. 15)

4.4 Coerced or “voluntary” participants

The policy considers solely victims who are being coerced into the treatment as victims. (Villanueva, 2018, s. 2) There is an underlying assumption that it is always conducted against the victims’ consent. Only considering victims as being coerced indicates that there are no voluntary participants in “conversion therapy.” This narrow assumption indicates a lack of contextual understanding of “conversion therapy” in Mexico. Several studies show that most people who receive “conversion therapy” do so with a certain degree of consent. (Ramon Mendos, 2020, s. 67) The policy thereby does not consider adults or adolescents who “willingly” undergo “conversion therapy.” The reason why “willingly” is put into quotation marks is that study shows that even though the individual might consent, there might also be a certain degree of coercion behind the, or it might be consent given based on a false belief. Factors like fear, stress, or anxiety associated with the illegitimacy of LGBT+-diversity found within some religious communities can be reasons people consent to “conversion therapy.” Pressure to conform to culturally accepted gender norms can also contribute to strong family bonds common in Mexico. Lastly, internalizing the values and attitudes that characterize LGBT+-diversity as “something to avoid,” for example, taught indirectly in schools, can also contribute. (Ramon Mendos, 2020, s. 67) Most victims in CDMX are mainly youth under the age of 18 (Yaaj, 2021), which is probably why the policy mainly criminalizes “conversion therapy” practices on minors. In Mexico, there is a concept of being “well educated,”⁹ which does not refer to formal education but to the individual's education in adapting to socially and culturally defined gender roles according to social norms. (Hietanen & Pick, 2015, s. 288) It is also a form of politicization of the individual, where the individual is taught to adapt to social norms, not only politically but also socially and culturally. (Easton, 1957, s. 397) Within the concept of being well educated is implicated that the individual is setting aside

⁹ Translated from Bien educado

his/her interests. In Mexican society, the social demands and norms are considered more important. (Hietanen & Pick, 2015, s. 288)

Paternalism and family

Paternalism is a very fundamental norm within Mexican society. It is the belief that a priest, a boss, a father, or an elder knows what is best for the individual. (Hietanen & Pick, 2015, s. 289) Paternalism is strongly related to the tight relationship most Mexicans have with their families. The strong dependency on family members, especially on elderly male family members, takes away part of the individual's self-identity, and the individual thereby comes to depend on the identity in the paternal figure's opinion. (Hietanen & Pick, 2015, s. 289) Therefore, the individual might feel pushed to voluntarily seek "conversion therapy" to live up to the norms of the paternal figure. In the policy, there is a strong focus on the individuals' rights, which indicates a lack of contextual understanding of the importance of family. In the research on "conversion therapy," family members are known to be common perpetrators, both directly and indirectly. The policy formulation indicates a much more scientific foundation for the policy than considering the cultural context. In the policy, the punishment for family members involved in "conversion therapy" is higher than for public servants. (Villanueva, 2018, s. 6) A possible reason for that could be that the parents and immediate family are the primary caregivers of children. The penalty only applies to family members who engage in "conversion therapy" for minors. It could be explained by people over the age of 18 being legal adults and thereby not, in the same way, depending on family members.

4.5 Assumption about LGBT+ people

In the representation of "conversion therapy," it is viewed as a violation of the individual's right to be "out and proud" about sexual and gender identity. This perception is evident in...*no person may be pressured to hide ...*¹⁰ (Villanueva, 2018, s. 3). By using the word "hiding," there is an underlying assumption about the appropriate way of being an LGBT+-person is openly showing his sexuality and gender identity without any restrictions. This perception of a liberated LGBT+-person is a perception that is commonly seen in the United Nations(UN) promotion of global LGBT+-norms. (Gross, 2017, s. 167) In promoting human rights, the legal recognition of same-sex marriage and parenting is viewed as the ultimate

¹⁰ Translated from "...ninguna persona podra ser presionada para ocultar..."

liberation of LGBT+-people. (Kapur, 2009, s. 142) This assumption about heteronormative rights, marriage, and parenting, is also found within the binary gender system. The gender norms which an individual is supposed to follow are based on the individual's biological gender assigned at birth. (Farmer, 2020, s. 26) Heteronormative norms are deeply rooted in Mexican society. The perception of liberated LGBT+-people as out and proud is a very individualistic perception that clashes with the cultural norm about the collective group's well-being as a priority in Mexico. There also appears to be a clash between the "out and proud" perception and the behavior of LGBT+-people in Mexico. Relatively few LGBT+-people openly identify as part of the LGBT+-community at their workplace and towards family. A survey shows that Lesbians and Gays are the most open toward family about their sexuality, while people whose gender identity deviates from the gender binary norms are the least open towards family. (Böll Stiftung, 2018, s. 18) It also shows a lack of contextual understanding within the policy.

Transvestites and Zapotec "muxes"

The term "transvestites" is included in the policy acronym, which is interesting considering that transvestic is not gender identity or sexuality. A possible thought for inclusion is culture. In Mexico, particularly in the southern state, Oaxaca, a group of transvestic people called "muxes." (Dickerman & Lopez Torres, 2019) There are two different types of muxes: Gunaa, biological males who dress up and assume traditional female roles and identify as females and engage in relationships with heterosexual males. Nguiiu is a biological male who identifies as men and engages in relationships with other men. (Plata, 2022) These people are part of the Zapotec culture, which is mainly found in the southern states. (Minorities at Risk Project, 2003) There are approximately 65 different indigenous groups in Mexico today, and due to the urban population growth in the urban area of Mexico City and the many indigenous people who have been "forced" to urban immigration, it is possible that is the reason why "transvestites" are included in the policy of "conversion therapy" in CDMX. This inclusion of transvestites also shows a great cultural contextual understanding of the diverse population of CDMX. A possible reason the term transvestites is used instead of the term muxes could be to make the policy more inclusive, so it is not exclusively the muxes who are included but more generally transvestites.

Intersex

Intersex people are defined as: *“A person who has both male and female body characteristics. It can include genitalia, hormones, chromosomes, and reproductive organs.”* (Leonard, 2021) A possible reason why intersex people are included in the acronym could be the documented occurrence of intersex genital mutilations on children in Mexico, which are state-funded through public healthcare. (Inter, Aoi, Bauer, & Truffer, 2019, s. 23) The inclusion indicates a contextual understanding of intersex children’s situation in CDMX. Another possible reason is that intersex children in CDMX experience being denied healthcare, prohibited from attending school, and sometimes unable to obtain official papers. (Inter, Aoi, Bauer, & Truffer, 2019, s. 23) The inclusion of intersex people indicates a contextual knowledge of the needs of the policy for this specific group. Within the policy, discrimination toward LGBT+-people within the healthcare system is explicitly pointed out as problematic. *“Health services are a clear example of the accumulation of discrimination suffered by this population, which is often denied or rejected due to stigma and prejudice.”* (Villanueva, 2018, s. 6)¹¹ The inclusion of the discrimination experienced by intersex people combined with the explicit mentioning of sexual and gender-based discrimination within the healthcare sector indicates a strong contextual knowledge of the intersex-peoples situation.

LGBT+ as self-determination

In the policy, the right to be LGBT+ is defined as the individual’s right to self-determination, and self-determination is understood as *“The right to personal self-determination implies that every person has the right to construct for themselves a self-definition with respect to their body, sex, gender, and sexual orientation.”*¹² (Villanueva, 2018, s. 3) This perception of self-determination to be LGBT+ expands beyond the idea of sexuality and same-sex attraction. The concept of self-determination can be understood as the individual’s right to self-determine how the individual wish to express and live out his sexuality and even whether to live out same-sex attractions. There is thereby an implication of control and choice. The choice does not appear to be understood as the individual’s ability to choose to have same-sex attraction, as is the idea behind “conversion therapy.” Self-determination can thereby be

¹¹ Translated to: Los servicios de salud son el claro ejemplo de la acumulacion de discriminacion que sufre esta poblacion, los cuales la mayor parte del tiempo se les niega o rechazan por estigmas y prejuicios.

¹² Translated to: el derecho a la autodeterminacion personal implica que toda persona tiene derecho a construir para si una autodefinition con respecto a su cuerpo, sexo, genero y su orientacion sexual.

understood as covering the LGBT+-person's right to choose in all aspects, socially, economically, educationally, and medically regardless of the LGBT+-identification. Interestingly, this understanding of what it means to be LGBT+ within the policy goes beyond same-sex attractions to cover all aspects of life since that is also the argument used by “conversion therapy” promoters that being LGBT+ is not solely about same-sex attraction. (Bothe, 2020, s. 12) The definition of LGBT+ as self-determination in the policy creates an opening for interpretation, and one interpretation of self-determination could indicate that the individual chose to be part of the LGBT+-community. Some of the same underlying ideas of LGBT+-people are found both in this policy and in “conversion therapy.” The difference between these two interpretations of LGBT+ as self-determination is the difference between what choices the individual can make. There is a difference between being able to make social choices or choices about one’s sexual attractions.

4.6 Public servant perpetrators

The public servants are explicitly pointed out as perpetrators of the public sphere. (Villanueva, 2018, s. 7) Interestingly, only public servants can be considered to perform an act of torture in the form of “conversion therapy,” and doctors or family members cannot. (Villanueva, 2018, s. 7) A possible reason could be that public servants, like the police, are allowed, when necessary, to use force to perform their civic duties, but misuse of force or power to perform “conversion therapy” is seen as an extreme abuse of power. Another possible reason could be that public servant has a trusted role in society. They bear a societal duty and obligations to protect and serve the population, and it is thereby possibly viewed as more severe if they are abusing their power since they represent the state in their public service.

4.7 Perpetrators in the private’s sphere

Within the private’s sphere, the primary practitioners are: *“The mother, father, legal guardian, blood relatives up to the second degree, health professional or religious minister.”*

¹³ (Villanueva, 2018, s. 6) These three categories are also, according to a global survey on practitioners of “conversion therapy” in Latin America the most common ones (Bothe, 2020, s. 14), which indicate a contextual understanding of who the practitioners are in Mexico.

¹³ Translated to La madre, padre, tutora o tutor, parientes por consanguinidad hasta el segundo grado, profesional de la salud o ministro de culto

Religious leaders and institutions are the most likely practitioners of “conversion therapy,” followed by private mental healthcare providers. (Bothe, 2020, s. 14)

Parents, family members, and legal guardians as perpetrators

In the policy, family members who can be considered perpetrators of “conversion therapy” are narrowed down to blood relatives to the second degree to the victim and legal guardians. (Villanueva, 2018, s. 6) It is a very narrow definition of family relations, and it lacks a contextual consideration of family structures in Mexico. In Mexico, it is not uncommon to have a family that extends beyond the blood relatives of the victim. It could, as an example, be that the aunt married a man who became the victim’s uncle. The uncle’s brother’s son is not biologically related to the victim but is often considered a cousin to the victim. Due to the common occurrence of large families extending beyond biological relations, the definition of family is too narrow. In research conducted on “conversion therapy,” family members are often the main perpetrators of corrective violence. It can be corrective rapes and beatings. It is often the father, brother, cousin, or uncle. (Bothe, 2020, s. 12) The narrow definition of family members indicates a strong influence by research and less attention to the specific Mexican context. The family provides a sense of identity, community, and support for the individual, and parental guidance and parental authority generally continue through an individual’s life, even after becoming a fully legal adult. (Cultural Atlas, 2022) Any family member until second-degree relatives who inflict, instigates, or authorize “conversion therapy” on a minor will be criminalized. (Villanueva, 2018, s. 7) The inclusion of instigation and authorization indicates a strong contextual understanding of the involvement of parents and other closely related family members in “conversion therapy.” It is documented in research that in many cases, family members do not perform the practice themselves but instead pay or engage people outside the family to ‘cure’ their child. It can be neighbors, community members, family friends, religious community members, or religious ministers. (Bothe, 2020, s. 12) This inclusion of indirect involvement by close family members to instigate or authorize “conversion therapy” can thereby punish family members beyond the second degree, including cousins or non-blood-related family members who otherwise would not be included in the policy perpetrators. It is not only blood-related relatives that are considered possible perpetrators in the private sphere. Also, “*legal guardians*”¹⁴ (Villanueva, 2018, s. 7) are included. Here the understanding will be a legal guardian of a minor without a living or capable biological parent to care for the child. In Mexico, legal guardians are equated to

¹⁴ Translated from *tutora o tutor*

biological parents in terms of rights, which is probably why legal guardians are included in the policy. The inclusion indicates a strong contextual understanding of many children's parental situations in CDMX.

Healthcare professionals as perpetrators

According to the policy, *“Health services are a clear example of the accumulation of discrimination suffered by this population...”*¹⁵ (Villanueva, 2018, s. 6) The acknowledgment of the accumulated discrimination and suffering imposed upon LGBT+-people within the healthcare sector could explain why healthcare professionals are included in the policy as perpetrators. At the same time, it also indicates a contextual understanding of the healthcare sector's role as directly involved in both practicing and promoting “conversion therapy” is also well documented in research. (Bothe, 2020, s. 14) There is no differentiation between public and private healthcare providers within the policy, indicating a contextual understanding of the healthcare system as a mix, depending on medical insurance. There is a special focus on healthcare providers compared to public servants since they are imposed higher penalties than public servants. A possible reason for that could be the focus on the *“...fraudulent practices that violate the human rights of people...”*¹⁶ (Villanueva, 2018, s. 5) This could refer to the ethical responsibility that any licensed healthcare professional must follow to do no harm to a patient. A violation of this ethical code appears to be considered more serious than any abuse of power of a public servant, considering the longer punishment the healthcare professionals will get. (Villanueva, 2018, s. 6-7) The scientifically proven ineffectiveness of “conversion therapy” also contributes to the harsher punishment. Therefore, it can be considered an aggravating circumstance that healthcare professionals carry out treatments that have been scientifically proven to be ineffective and unethical. It is only punishable for healthcare professionals to perform “conversion therapy” on minors, possibly because they are supposed to trust doctors fully, and only their parents can take away consent.

Religious ministers

Religious leaders and organizations are the most common practitioners of “conversion therapy” within the Latin American region. (Bothe, 2020, s. 14) The inclusion of religious

¹⁵ Translated to: Los servicios de salud son el claro ejemplo de la acumulacion de discriminacion que sufre esta población...

¹⁶ Translated to ...prácticas fraudulentas que violan los Derechos Humanos de las personas...

ministers indicates a contextual understanding of religion's important role in Mexico. The background information given for the policy is the reason given that *"Discourses and stigmas continue to prevail, endorsed by ministers of worship and leaders of conservative movements, who contradict science by continuing to think that it is a disorder."*¹⁷ (Villanueva, 2018, s. 2-3) Religious ministers are viewed as opposition to the scientifically proven ineffectiveness of "conversion therapy" and as the prime cause for continued promotion of the practice. The perception of religious leaders as the prime practitioners and promoters is also supported by research. (Bothe, 2020, s. 14) This prime role as both promotor and practitioner is possible why the religious leaders are being imposed the same punishment as healthcare practitioners and parents, family members, and legal guardians. A possible reason for the inclusion of religious and spiritual leaders and also a reason for only viewing "conversion therapy" as institutionalized could be that international research on "conversion therapy" shows that religiously driven "conversion therapy" in Latin American countries is very organized, but that it is not promoted or referred to as "conversion therapy" but instead as "Sex Addicts Learning to Trust" with a similar methodology to Anonymous Alcoholics programs" (Ramon Mendos, 2020, s. 40). Therefore, it can be an attempt to prevent these very organized methods of "conversion therapy" within religious communities. There is one noticeable aspect of religion which are left out, the role of the religious community. Only the religious leaders are included, and no general member of religious communities is included, even though they have been often involved in corrective violence, encouraged by the family members. (Bothe, 2020, s. 13)

5. 3. Identify the forces and trace the formulation process in the political system that has conversed the inputs into the policy output and trace how the cultural conservatism has affected the formulation of the policy?

5.1 Origins of the presuppositions

Scientific background

There is a strong focus on the international scientific research community and scientific research on homosexual behavior as arguments behind the perception of homosexuality.

¹⁷ Translated to: Siguen prevaleciendo discursos y estigmas, avalados por ministros de culto y líderes de movimientos conservadores, que contradicen a la ciencia al seguir pensando que se trata de un trastorno.

Alfred Kinsey's report from the 1950s about sexual behavior and the WHO's withdrawal of homosexuality as a mental illness is pointed out specifically. (Villanueva, 2018, s. 2) It is noticeable that there is only focus on research conducted on homosexuality and not on other forms of sexual and gender deviation from heterosexuality and cisgender identity. This narrow scientific research background, on which the problem representation relies, indicates the exclusion of sexualities and gender identities, which do not fit within what can be considered the homonormative ideas within the policy. The research on which the problem representation is based is solely on homosexuality which indicates that only Lesbians, Gays, Bi-sexual, and Transsexuals are considered appropriate for non-heterosexual relationships. Another aspect is also that scientific research is used as an argument in the policy to dismiss religious and conservative arguments as being non-scientific, *"discourses and stigmas continue to prevail, endorsed by religious ministers and leaders of conservative movements, who contradict science by continuing to think that it is a disorder."*¹⁸ (Villanueva, 2018, s. 2-3) Scientific research is the foundation for the formulation of the policy, and at the same time, this generalization of conservative and religious ideas as non-scientific can result in the marginalization of these opinions.

Human rights and international conventions

*"We are committed to promoting and protecting the human, sexual and reproductive rights of Lesbian, Gay, Bisexual, Transsexual, Transgender, Transvestite, and Intersex people (LGBTTTI)"*¹⁹ (Villanueva, 2018, s. 1) Mexico's international obligations to uphold the human rights is a strong argument for the necessity of the policy. (Villanueva, 2018, s. 2) Human rights are founded on the idea of liberalism and promoted globally by the UN within the neoliberal ideology. Different international treaties are used as part of the legal framework for the policy. It is mainly the Universal declaration of human rights and the Convention against torture and other cruel, inhuman, and degrading treatment or punishment used along with regional conventions on human rights. The American convention on human rights is also included as a legal framework.

¹⁸ Translated from: siguen prevaleciendo discursos y estigmas, avalados por ministros de culto y líderes de movimientos conservadores, que contradicen a la ciencia al seguir pensando que se trata de un trastorno.

¹⁹ Translated from: Tenemos el compromiso de promover y proteger los Derechos Humanos, sexuales y reproductivos de las personas Lesbianas, Gays, Bisexuales, Transexuales, Transgenero, Travestis e Intersexuales (LGBTTTI).

Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment on Torture

The definition of torture used in the policy is from the UN's general assembly resolution 39/46 in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46, 1984). Article 4 of the convention is also explicitly mentioned as part of the framework. This article places the responsibility for criminalizing torture on the state of Mexico. The article's inclusion could be viewed as a criticism of the federal government as inactive in protecting LGBT+ people. At the same time, it can be a way for the CDMX state government to promote itself as proactive in the LGBT+-rights agenda, which also fits with the promotion of CDMX as an LGBT+-friendly city. (UNESCO, 2015)

American Convention on Human rights

Mexico is a member of the Organization of American States (OAS), which is likely why several articles from the American Convention on Human rights are included in the legal framework of the policy, explicitly articles 5 and 13. (Villanueva, 2018, s. 7) The articles may create the origins or inspiration for part of the problem representation. Article 5 focuses on the right of the individual to have his physical, mental, and moral integrity respected. Article 5, paragraph 3 says: "Punishment shall not be extended to any person other than the criminal." (Organization of American States, 1969, s. 3). This article clarifies that methods such as solitary confinement, isolation, imprisonment, and forced hospitalization that is known methods of "conversion therapy (Bothe, 2020, s. 9)" should not be used against a person who is not considered a criminal. Within the political constitution of CDMX, it is specified that sexual and gender identity can not be defined as a crime (CDMX, 2017, s. 20), which is also referred to in the policy as part of the legal framework. (Villanueva, 2018, s. 1) Article 13 focuses on the individual's right to freedom of thought, expression, and to obtain information, but in this article, there is a strong focus on conditionality which goes against the main principle of LGBT+-people's rights to unconditional self-determination. (Villanueva, 2018, s. 2) The conditionality is based on following morals, which means that the right to freedom of expression of thoughts and ideas and the right to obtain and convey information is conditioned not to violate the national security, public order, public health, morals, or another person's reputation. (Organization of American States, 1969, s. 6) The inclusion of this article indicates that the freedom of the individual to express any self-

expression is conditional on the respect for moral values such as family and traditional gender roles. The inclusion of this article indicates some strong underlying conservative values on the individual versus the collective society and family. The problem representation of children as innocent and in need of moral protection could originate from paragraph 4, where children are viewed as needing moral protection from any harmful content. (Organization of American states, 2001) the main problem with the inclusion of this article without further clarification is that moral protection can be defined very subjectively to fit any religious belief or heteronormative belief.

Frauded practice

Within the policy, the consideration of “conversion therapy” as a fraudulent practice of licensed healthcare professionals is an opinion that has been presented by the UN’s independent expert on Sexual orientation and gender identity, Victor Madrigal-Borloz (in June 2020) and the world psychiatric association (2016). The opinion can be traced back to 2012 by the Pan American Health Organization (PAHO), which based its argument on the lack of scientific proof of effectiveness in practice combined with evidence of severe harm to the health and rights of the victims. (Affonso, 2020) The PAHO promotes the right to good health in the American region, working together with the WHO. Therefore, there are many sources globally from which the perception of fraudulent practice could originate.

Indigenous rights and Latin America

The inclusion of indigenous transvestic people could plausibly originate from the Latin American culture to which Mexico shares strong ties through the OAS. There are more than 826 indigenous tribes across Latin America, and in the Inter-American democratic charter, article 9, indigenous people are explicitly mentioned as a group in which human rights need protection. (Organization of American states, 2001) It could be the reason why transvestites are included in the acronym.

5.2 Support within the political system

Withinputs and support within the system

The initiative and proposal of the policy came from within the political system and came from the openly gay Deputy Temístocles Villanueva. (Ulises, 2021) Villanueva himself also expresses the understanding of being LGBT+ as part of the personality. He explains that the

need for the policy is a need for the protection of his rights as an LGBT+-person. Villanueva was elected to the congress in 2018 for the party MORENA. (Ulises, 2021) According to the black box theory, Villanueva is an example of the change of representatives in congress, resulting in political change and creating withinputs. (Easton, 1957, s. 389) Villanueva focuses not only on LGBT+-rights but on different groups, which he considers “special attention groups.” (Ulises, 2021) This perception can explain the view of the “conversion therapy” policy as part of a bigger policy change to fight discrimination in CDMX. (Villanueva, 2018, s. 6) Withinputs tend to have more support within the system, and fewer changes are often made to the policy from the suggestion to the finalized policy due to less resistance within the system (Easton, 1957, s. 389) which is likely the case here. Due to the lack of transparency in the political system and the policy suggested from within the system, there is no publicly available information about changes made to the policy. The attention to the topic of “conversion therapy” got on the political agenda in 2018 and is most likely inspired by the formulation of the CDMX Council to Prevent and Eliminate Discrimination of Mexico City (COPRED)²⁰ (COPRED, 2018) which was requested in July 2018 a policy prohibiting “conversion therapy.” This request was possibly a push toward the policy formulated in September 2018. (COPRED, 2018) In the public request from COPRED the focus is on forced practices on minors under the age of 18, which could be why the policy solely focuses on coerced minors.

NGOs in Mexico and international support

The only LGBT+-activist group that claims to have influenced the policy is Yaaj, a group that represents LGBT+-minors in CDMX. (Yaaj, 2021) There is no public information about any debates or attempts from neither Yaaj nor any other NGO within Mexico trying to directly influence the policy between the presentation and the approval. It could indicate a lack of external demand for changes in the Mexican society, but at the same time, it can also be an indication of NGOs not having access to channels of communication with the political system. (M. Richard & Loeza Reyes, 2017) NGOs in Mexico has difficulties getting access to funds without entering into so-called clientelist collaborations with political parties, which can be severely disadvantaged for the NGOs cause to do. (McGee & Kampwirth, 2015, s. 55) Due to the difficulties of influencing changes in the executive system, NGOs mainly focus on

²⁰ Translated from: El Consejo para Prevenir y Eliminar la Discriminación de la Ciudad de México – the acronym is from the Spanish title

changing the legislative and judicial system by working with international organizations, putting pressure on the legislative branch to create changes. (M. Richard & Loeza Reyes, 2017) This focus on creating pressure on the legislators from an international perspective could be why there does not appear to be much attention to the issue within the Mexican society. Another reason why the Yaaj has focused on collaborating with international organizations is the common relatively negative or silenced perception of LGBT+-people in Mexico, where LGBT+-people are accepted as long as they do not show their sexuality or gender diversity. (Serrano-Amaya & Rodríguez Rondón, 2020, s. 15). It likely has made it difficult to gain support more broadly within the Mexican society. The push for a ban on “conversion therapy” appears to have more broad support within the political system within the state-government and internationally from diplomatic delegations. The diplomatic support came from the United States, Canada, Belgium, The Netherlands, and Australia, and the general delegation of Quebec has supported the Yaaj to pressure legislative changes on “conversion therapy.” (Yaaj, 2021) The diplomatic support comes from European and North American diplomatic delegations, which can also explain the very liberal individual perspective in the formulation, which is also commonly found at the national political level of the supportive countries. The collaboration between the Yaaj and diplomatic entities shows the Yaaj's political communication skills, which is likely to have contributed to the organization's ability to push for the issue of “conversion therapy” to get on the political agenda.

Struggle for support between competing inputs

The perspective on children as being able to consent to “conversion therapy” is a perspective that was presented by The National Front for the Family and Citizen Initiative(NFFCI)²¹. (Olsen, 2020) The NFFCI spoke against the policy at a press conference two days before the policy was approved, but only two congress members participated. NFFCI was not invited to speak during the formulation process, so the press conference was the way for them to express their perspectives. (Olsen, 2020) The absence of the NFFCI at the congress meeting and legislators at the press conferences indicates a deliberate silence of conservative perspectives on family rights, which could be due to a lack of scientific consent on the ineffectiveness of “conversion therapy” from conservative groups, according to the policy. (Villanueva, 2018, s. 2) The silence of this perspective could also indicate how strong the

²¹ Translated from “ El Frente Nacional por la Familia de Iniciativa Ciudadana”

support for the LGBT+-rights agenda is within the system and how little active support more conservative perspectives have. One of the arguments from the congress members against the perspective of children being able to consent was that children do not have the psycho-emotional maturity to decide whether they want to receive “conversion therapy.”

Timing

Most of the representations found within the policy appear to originate from within the political system, mainly from different regional and global organizations, like the UN, WHO, the inter-American organization, and the COPRED, along with European and North American diplomatic entities. It indicates that the agenda of LGBT+-rights are not very strong in Mexican society or that it is difficult for interest groups to influence the system. It can be why the topic did not get that much attention until after the Human rights council condemned the practice in June 2020 (United Nations General Assembly, 2020). The policy was not approved until one month after the Human rights council condemned the practice, despite COPRED and PAHO having pushed for the policy earlier, indicating a strong connection in the timing to the strong focus on upholding Mexico’s international obligations to human rights. The timing of the approval could also indicate that the work of Yaaj with international organizations to put pressure on the legislative branch was not strong enough to push for approval until the human rights council pushed for the condemnation. On February 20th, 2020, the conservative policy proposal was known as “the parental pin”²² in the congress of CDMX five months before the “conversion therapy” policy was approved. Although the parental pin policy is not presented as a backlash against the “conversion therapy” policy, the timing is noticeable, especially considering that both policies focus on protecting children regarding LGBT+-issues and discrimination. The timing between the parental pin and the “conversion therapy” indicates a conflict of intentions within congress. This conflict will be expanded upon later.

5.3 External support and backlash

Clash with cultural values

According to the black box theory, a political issue only makes its way onto the political agenda if it conflicts with cultural and social norms. (Easton, 1957, s. 388). There are several ways in which the concept of “conversion therapy,” formulated in the policy, conflicts with

²² Translated from: El Pin Parental

Mexico's cultural and social norms. The Mexican culture has many proud traditions, such as the gender system. There are traditions founded in the gender system and traditions which uphold the gender system, and these traditions can be a reason why the topic of “conversion therapy” and LGBT+-rights made it to the political agenda. From a conservative perspective, LGBT+-rights can be viewed as something unfamiliar that breaks the traditions. Especially when the issues are being promoted from the international political system. (Heywood, 2013, s. 35) The more an issue deviates from cultural norms and values, the greater the chance of getting on the political agenda (Easton, 1957, s. 388), which is most likely why the issue came on the political agenda in the first place. Nevertheless, at the same time, the more the issue deviates, the greater the chance is that the issue will be adapted to the cultural norms and values, which can be seen as a form of co-optation or “appropriation of otherness,” which risks making the changes ineffective for the LGBT+-people. (De Jong & Kimm, 2017, s. 195) Considering that the input came from within the system and already contained underlying conservative presuppositions, it could be the reason why the policy did not appear to have undergone changes from the proposal to the approved policy. There is still a chance of the policy fitting too much into the cultural norms to make any noticeable changes or that the policy deviates too much from cultural norms, so it creates a strong cultural pushback.

Conservative politicization and human rights

On May 18th, 2020, there was a meeting in the congress with attendance from the COPRED, the Human Rights Commission (CDHCM), and the Executive Commission for Attention to local Victims. (capital-CDMX, 2020) The attendances list can indicate why conservative perspectives were silenced, while more human rights-oriented perspectives appear so strong in the policy. The silence of some perspectives could indicate how strong the support for the human rights-based approach is. (Corrales, 2020, s. 13) Human rights have a very individualistic focus, colliding with especially conservative family values. In the underlying presuppositions of the policy, noticeable conservative values appear, as explained in section two of the analysis. (see 4.2 Conservative values in the policy) It indicates a conservative state of mind within the political system that has influenced the formulation. The conservative values can be seen as an underlying resistance toward fundamental structural changes and an intention to uphold cultural values, despite the explicit intentions of the legislators to create fundamental changes. Cultural values and politicization strongly influence the individual's perception of norms, values, and how society ought to be. Considering how strong

conservative values are in Mexican society, especially the value of hierarchy that influences the family structure, societal structure, and gender system, it is not surprising that these are to be found in the problem representation. Therefore, it is likely that the hidden conservative norms might be a product of the cultural politicization of the legislators rather than a conscious choice. These underlying conservative values tend to clash with the liberal values, and while the liberal values are more explicit in the policy, the conservative values are more hidden, which indicates a more subconscious promotion.

External and internal conservative support

The underlying conservative values in the presupposition and the attempt to influence the policy from the NFFCI are not the only forms of conservative values influencing the policy. Even before the policy was approved, anti-LGBT+-protests appeared in CDMX externally from the political system. Anti-LGBT+ marches have been held since 2015 (Corrales, 2020, s. 11), and in 2019, during the policy being formulated, a march intended to promote “conversion therapy” was held in CDMX. (Editorial 24 hours, 2019) these marches can be seen as different statements of cultural conservatism, and different factors affect how strong cultural conservatism has influenced the policy. The main factor is where cultural conservatism originates. Several studies have been conducted on the global LGBT+-pushback within the Latin American region, which has differentiated from the pushback seen in Europe. (Corrales, 2020, s. 1) The pushback against LGBT+-friendly policies in Mexico appears to come from religious Christian evangelist groups uniting with conservative and catholic groups. (Corrales, 2020, s. 14)

Religious and conservative anti-LGBT+-backlash

Homophobia has always existed in Mexico in different groups within Mexican society. The backlash experienced across Latin America since 2015 has gained more political power than previously due to conservative groups. The catholic church has joined forces with other religious groups, mainly Christian evangelists and Pentecostals, and established political parties such as the PES²³ and PAN²⁴. (Corrales, 2020, s. 12) Conservatism found in the Mexican culture and the religious anti-LGBT+-movements are not easy to separate since religion, especially Catholicism and evangelism, are strongly integrated into the Mexican

²³ Partido Encuentro Solidario – Christian right wing.

²⁴ Partido Acción Nacional – conservative liberal Christian party – believes in Christian democracy

culture. In 2010 approximately 83% were Catholics, 5% were evangelical protestants, and 1.6% were Pentecostal, which means these three religions together represent approximately 86,6% of the Mexican population. (US Department of State, 2018, s. 2) The different groups have joined forces to combat LGBT+-rights. A study shows that homophobic opinions are less common among Catholics than evangelists (Corrales, 2020, s. 13), which could explain why the conservative anti-LGBT+ movement has not been as strong influential until it joined forces with the Evangelists. Another reason why the conservatives and Catholics have not been as strongly opposing the policies on LGBT+-rights could be that they protect and promote human rights. For the past 20 years, the LGBT+-friendly policies approved have been framed as a human rights action plan to promote human rights, tolerance, and anti-discrimination (Serrano-Amaya & Rodríguez Rondón, 2020, s. 8), similar to the policy on “conversion therapy.” The changing factor in cultural conservatism is the unity with Evangelists and the size of the support for the anti-LGBT+-group. Due to the unity between conservative groups, Catholics, and evangelists, the unity has gained much more support than previously, which strongly influences the group’s ability to influence the political agenda. (Corrales, 2020, s. 15) According to research, one of the most important factors in pushing LGBT+-friendly policies forward is the secularization between state and religion. (Corrales, 2020, s. 17) It includes secularizing state responsibilities such as public education and public healthcare. (Garcia Chiang, 2015, s. 2171) The political party PAN and PES are publicly known to work closely with the Christian evangelists, conservative parent groups, and the catholic church, which goes against the constitutionally guaranteed secularization. The close connection between PAN and the social unity of religious and conservative interest groups could, in the future, mean that pro-LGBT+ issues will be difficult to get adopted. In the case of the “conversion therapy” policy, it does not indicate to have had a strong direct influence since all known attempts from conservative groups, including PAN, to influence the policy have been denied by most of the congress. (Olsen, 2020)

Backlash policy - The parental pin

One of the most noticeable pushbacks against the policy is an anti-LGBT+ policy focusing on parents' right to veto sexual and gender education of children, known as the parental pin. (Rosales Herrera, 2020, s. 5) There is no mention of LGBT+ or gender rights in the parental pin policy, but there is a very strong focus on parental rights to educate children according to their family beliefs and the focus of educating children according to cultural values. It is noticeable considering that in the policy of “conversion therapy,” there is no mention or restriction on the educational sector's responsibility regarding indirect promotion of

heteronormative values, and there is a loophole left open for parents to teach their children according to family beliefs. (See **Error! Reference source not found.**, p. **Error! Bookmark not defined.**) It could thereby appear that the parental pin policy is formulated in a way that does not directly contradict or appear as a backlash to the “conversion therapy” policy but instead explores the loopholes within the policy. Another reason why the parental pin can be viewed as an opposition policy is that it has many of the same arguments about protecting the children(see 3.2 Definition of “conversion therapy” in the policy

There are different conceptualizations of “conversion therapy” in the policy. It is viewed as different methods; all intended to change, repress, or eliminate the victim's personality and manifestations of gender identity and sexual orientation.. The methods which are considered criminal are specified as coercing children into treatment, forced or coercive hormonal treatments, sterilization, surgeries, psychiatric evaluations, violence, and harassment based on their gender identity, threats, and the pathologization of their identity, systemic verbal abuse, and humiliation. The practice is viewed as institutionalized in contract, treatment, therapy, or service. It is considered to be cruel, inhumane, and degrading treatment towards the victims, along with a violation of the fundamental sexual and reproductive rights It is considered to have life-long negative effects on the victim because it poses a threat to the healthy development of the personality of the victim and to be a violation of constitutionally protected rights of the victim. “Conversion therapy” is not only viewed as having consequences for the individual but also as the underlaying cause for discrimination, structural inequality, and hate crimes against LGBT+-people. Within the policy, “conversion therapy” is a violation of human rights and is also considered a form of torture when performed by public servants or against children. The policy also defines how torture is understood in the policy context. Torture is defined as: “Torture is any act *by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person....*” It is here relevant to notice that in the definition of torture it does not cover explicitly “conversion therapy” to change a person’s sexual or gender identity unless the treatment deliberately inflicts physical or psychological pain. Previously it was mentioned that “conversion therapy” is understood as a form of coercion. It can be understood as torture. “Conversion therapy” is thereby not always defined as torture.

), respect for human rights(see Human rights and international conventions), and respect for diversity(see LGBT+ as self-determination). (Rosales Herrera, 2020, s. 1) The policy gives parents the right to veto against children being educated on sexuality and gender identity. The

two policies have, by critics, been connected due to the scientifically proven connection between taking away sexual and gender diversity education increases sexual assault, teen-pregnancies and puts a greater risk of discrimination on LGBT+-people. (Rosales Herrera, 2020, s. 4) The concept of “*do not mess with my kids*”²⁵ is the fundamental principle behind the parental pin policy where it is the protection of the family’s right to educate their children that is being protected and thereby indirectly the understanding of protecting the children. While in the policy on “conversion therapy,” the child’s rights are being protected, sometimes even against the parents. (See 4.4 Coerced or “voluntary” participants) The same political parties actively expressed opposition to the “conversion therapy” policy, actively supporting the parental pin. Several possible reasons why the conservative religious groups fought the “conversion therapy” policy with an anti-LGBT+-policy. One could be the difficulties of externally influencing the political system, as was the case with the NFFCI. A possible reason why the parental pin has gotten much public attention before approval could be that the focus of the policy is on the education of children and respect for family values, which is, according to a survey, a very important topic to Mexicans. (Garcia Chiang, 2015, s. 9) Another reason could be that the parental pin is supported by the conservative religious group who, according to research, is very politically active and has a very broad interface with the population as it is integrated with the catholic church, which 83% of Mexicans claim to believe in. (Garcia Chiang, 2015) It appears that the parental pin has wide popular support external from the political system. It also appears to have very few publicly spoken supporters within the political system, making it difficult to approve this policy before the next election.

6. Are the policy effective or co-optation of LGBT+-rights?

6.1 CDMX as an LGBT+-friendly city

The policy on “conversion therapy” and other LGBT+-friendly policies has been approved in CDMX in recent years, among others the legalization of same-sex marriage, 2010. (McGee & Kampwirth, 2015, s. 56) the approval of these policies is part of the promotion of CDMX as an LGBT+-friendly city with progressive LGBT+-rights policies. In the promotion, there is a specific mention of the city protecting both individual LGBT+-people and the LGBT+-community as a collective. (capital-CDMX, 2020, s. 1) Despite the active promotion, some of the previous policies, like the anti-discrimination policy, have been criticized as ineffective.

²⁵ Translated from: con mis hijos no te metas

(McGee & Kampwirth, 2015, s. 56) Several culturally specific considerations are not included in the policy, making the policy less effective.

6.2 “Conversion therapy” as a public matter

Lack of trust in public servants

Public servants are pointed out in the policy as the perpetrators in the public sphere, but at the same time, considering the protection of the individual’s right to self-determination as a public matter, that also places the responsibility of protection with the public servants. There are thereby two opposite perspectives on the public servants. The way these opposite roles are dealt with is by specifying in the policy that if the use of pain, physically or psychologically, is used as part of legal sanctions or derives from legal acts of authority, it will not be considered an act of torture or criminal. (Villanueva, 2018, s. 6) Within this exception, there is an underlying trust that public servants can manage the use of legal forms of force. This underlying trust is founded within the liberalist ideology where there is a certain amount of trust in authorities to protect the individual’s basic rights, so the individual has the freedom of personal development. (Heywood, 2013, s. 33) This trust in authorities shows a server lack of contextual understanding, considering that public institutions and public servants are known for being very corrupt, violent, and conducting unlawful practices in Mexico. Furthermore, there is very little trust in any individual who is not part of an individual’s private sphere in Mexico. (Franco, 2015) It is pointed out that the physical pain or suffering that is the consequence of legal sanctions shall not be considered torture (Villanueva, 2018, s. 7) potentially opens a loophole for unreasonable incarceration, use of force, and unreasonable hospitalization, along with “legalized” use of corrective violence. Public servants who conduct corrective violence under the false argument of it is a legal use of force has been documented in research on “conversion therapy” (Bothe, 2020, s. 13) An example could be a person who is being detained under the argument that he is a threat to society. A legal reason can thereby disclose illegitimate reasons for the confinement. This type of covering has been documented in the research. (Ramon Mendos, et al., 2020, s. 58) The loopholes are likely intended to protect public officials, so they can still perform their duties. The loophole could have either limited or negatively affected the policy due to the strong presence of corruption within the state and public services.

Prosecuted by complaint

According to the policy, cases of “conversion therapy” will only be prosecuted by complaint, even when conducted on children. (Congreso Ciudad de México, 2020) When “conversion therapy” is only being prosecuted by complaint, the victim needs to complain to the authorities about the practice before any legal actions are taken. The idea of prosecution based on a complaint is one of the fundamental principles of a legal society, which is an aspect of the democratic state (Heywood, 2013, s. 344). Considering the corruption in Mexico and the severe lack of public trust, several factors contribute to this principle potentially not being very effective in Mexico. Another aspect that can make it difficult for complaints to be prosecuted is the bureaucratic process. “Conversion therapy” does not always leave physical marks on the victim. It might be severely difficult to lift the burden of proof behind a complaint without physical evidence and prove that “behavioral therapy” covers “conversion therapy.” Homophobia within the system might also prevent the complaint from being prosecuted. The culturally produced homophobia mentioned in the policy indicates acknowledging the problem. By only prosecuting by a complaint, the effect of institutionalized homophobia is not properly considered, which is likely to affect the policy's effectiveness negatively.

Issues with children and prosecution by complaint

Due to the prosecution by complaint, there is a loophole in policy that allows “conversion therapy” on children if there are no complaints. Children, especially young children, are not capable of going to the authorities by themselves, and it might create an obstacle for the complaint to reach the authorities. Another aspect is the internalized homophobia and indirect promotion of “conversion therapy,” which might result in a child not even realizing what is happening to them is wrong, and they are thereby unlikely to complain. Another potential issue is if a child attends a school that indirectly promotes “conversion therapy,” and its ideas might not take the child's complaint seriously. It also brings up the uneven power relationship between the victim, children, and the most common perpetrators, parents, legal guardians, family members, religious ministers, and healthcare professionals. According to a survey, 89% of Mexicans 15 years and older says they owe unconditional respect to their parents (García Torres, 2004), which is likely to prevent many children from complaining to the authorities about treatment initiated by their parents.

Jurisdictional limitations

One of the culturally specific aspects which create loopholes in the policy is the lack of consideration for jurisdictional limits to the policy. The metropolitan area known as Mexico City spends beyond the jurisdictional area of CDMX. It is noticeable that there is no prohibition for healthcare professionals to refer minors for treatment in any of the 25 other states of Mexico where "conversion therapy" is legal. A prohibition of referring to out-of-state treatment, like the one found in Delaware (Graham, 2019, s. 425), could potentially increase the protection of minors in CDMX. It would especially be relevant to include such a prohibition due to the continuous expansion of the metropolitan area beyond jurisdictional limits. Another noticeably absent aspect of the policy is that healthcare professionals licensed in Mexico are allowed to practice medicine in any state of Mexico. Therefore, including a state referrals policy would prohibit licensed practitioners from simply driving across the state line and then practicing legally. Without these inclusions, the policy could potentially push healthcare professionals to move to other states and continue their practice. The policy will thereby only have a symbolic effect within CDMX since, in the statistics, it will seem like "conversion therapy" is disappearing in CDMX but is moving to other states.

Private and professional healthcare practitioners

Many healthcare practitioners have more than one job, and many work in the public healthcare system as their primary job but then offer private services in their spare time. (Gloria, 2020) In the policy, there is a primary focus on the established and organized healthcare system, evident in the formulation: "*Health services are a clear example of the accumulation of discrimination suffered by this population.*"²⁶ (Villanueva, 2018, s. 6) The private services offered by healthcare professionals outside of the established healthcare system are not directly included. The policy not directly including this area could create a demand for alternative treatments that are not directly considered "conversion therapy" but indirectly promote the same ideas. These treatments could also open for more ethically questionable methods that the healthcare system will not regulate.

²⁶ Translated to: Los servicios de salud son el claro ejemplo de la acumulacion de discriminacion que sufre esta poblacion.

Un-licensed practitioners

There is a strong focus on licensed mental and physical healthcare professionals in the policy, but a lack of inclusion of non-licensed practitioners. The term “health professionals”²⁷ is consistently used (Villanueva, 2018, s. 7), indirectly referring to fully trained licensed practitioners. It excludes people who do not claim to have a medical degree but practice alternative treatments that do not directly require a medical license. Unlicensed practitioners can have a strong influence in falsely pathologizing LGBT+-people as a disease (Ramon Mendos, 2020, s. 65), and not including unlicensed practitioners has the potential to push desperate people who wish to seek “conversion therapy” to go to non-licensed practitioners, who might endanger the victim even more than a licensed practitioner with medical and anatomic knowledge would. Unlicensed practitioners have also been known to practice “conversion therapy” within religious communities (Ramon Mendos, 2020, s. 65), and only criminalizing religious ministers and not non-licensed practitioners within the religious communities creates an opportunity for religious communities to continue the practice, by using non-licensed practitioners. It is noticeable that the group of non-licensed practitioners, which are known to be the prime reason for falsely pathologizing gender and sexual minorities, unlicensed practitioners, are not included, which could indicate a lack of contextual understanding.

Educational indirect promotion of “conversion therapy” norms

Even though it is documented that the educational sector is a large contributor to the indirect promotion of “conversion therapy,” there is no inclusion of the educational sector in the policy, which indirectly allows the educational sector to continue promoting indirect homophobic norms to future generations. It is noticeable that the educational sector, which has the most contact and most effect on children, is not included in the policy, considering the strong argumentation within the policy of protecting the children. 92.08% of Mexican children are enrolled in compulsory primary and secondary education, where the highest enrollment rate is found in CDMX. (State University, 2022) Examples of schools' indirect promotion could be if schools strictly promote stereotypical gender roles among students, such as gender-defined school uniforms, with skirts for girls and pants for boys. (Reuters, 2019) Another way in which schools can indirectly promote norms of “conversion therapy” is through sexual and gender education, or lack thereof, such as if it is taught that heterosexual relationships are the only correct form of relationships and families. Within the curriculum,

²⁷ Translated to: profesional de la salud

made by the Secretaría de Educación Pública(SEP), gender rights and sexual diversity beyond heterosexual reproductive norms are included and are mandatory subjects for students in secondary schools. Private conservative or catholic schools sometimes refuse to address any issues or questions about non-cis-gender or non-heterosexual topics or refuse to educate on the topics. (Chandra-Mauli, et al. 2018, s. 140) Both direct education of homosexuality as wrong and the refusal to address these topics can lead to internalized homophobia in the children. This exclusion of the educational system could potentially harm the effectiveness of the policy and have a counteracting effect on the children, considering that it has been proven in research that the most effective method to prevent discrimination and homophobia long-term is through education. (Corrales, 2020, s. 17) It could mean that if the children are not taught about LGBT+-diversity or are taught indirect homophobic ideas, it could potentially create more homophobia in the Mexican society in the future and indirectly legitimize homophobic ideas in the future generations.

6.3 Parenting rights

The right of parents to raise their children according to family values and beliefs, which is a deeply rooted value within the Mexican culture, could potentially create a loophole for parents to promote heteronormative ideas in parenting indirectly. (Cultural Atlas, 2022) Within the policy, there is no mention of any restrictions on the parental right to raise their children according to family values, even if this includes raising their children according to heteronormative values, which indirectly promotes “conversion therapy.” In the federal civil code from 1928, which was changed in 1997, the right of the parents to correct their children’s behavior should not endanger the physical or mental integrity of the child. (End Corporal Punishment, 2021) Therefore, the “conversion therapy” policy left a loophole open for parents to raise their children according to family values as long as it does not harm the child’s physical or mental integrity, which is open for interpretation. A person’s integrity can be defined as a person’s honesty and moral values, but this policy does not directly prohibit parents from raising children according to heteronormative values, which can internalize homophobia in the child. That could mean that once the child is an adult can voluntarily consent to undergo “conversion therapy” due to the internalized heteronormative beliefs with which he was raised. This loophole for freedom of parental rights can potentially decrease the effectiveness of the policy since it can result in parents not practicing direct “conversion therapy” on their children but promoting the values within them so they, as consenting adults,

will seek “conversion therapy.” The policy will thereby have a direct effect on stopping “conversion therapy” practices on children, but the practice will just be postponed to when they are adults instead, and the effect of the policy will thereby, to some degree, be symbolic.

6.4 Human rights and respect for diversity

Human rights are a pervasive argument in policy where it is understood as respect for the individual’s right to self-determination to live one’s life as one pleases. (Villanueva, 2018, s. 1-2) On the other hand, the argument for protecting human rights is from the conservative religious groups understood as the respect for the family’s right to parent their children and the children’s human rights not to be exposed to LGBT+-ideologies. (Moreno, 2018) The differences in the two arguments are that the pro-LGBT+ focus on the individual’s rights, while the conservative religious perspective focuses on the family as a collective group with rights. This disagreement on whether the focus on human rights should be for the individual or the collective group is a criticism that has often been brought up when human rights are attempted to implement policies. According to the UN, human rights are universal and “should be respected for all individuals across boundaries and civilizations” (United Nations, 1948, s. 1) It can thereby be interpreted that human rights are to be understood as to protect the individual above any consideration for the collective group as is also written in the policy that “*All people, regardless of their group or condition, whatever it may be, deserve to be respected and recognized equally.*”²⁸ (Villanueva, 2018, s. 1) It is very difficult to implement in practice, human rights due to the large degree of room for interpretation. Another aspect that can make especially human rights for LGBT+-people difficult to implement is that LGBT+ issues are focused on identity and value-based arguments, which means that there is a focus on rights to gender expression and how to understand what it means to be LGBT+. There is no clear definition of what it means to be a fully liberated LGBT+-person, like the case with feminist issues that there is no clear definition of what it means to be a liberated woman. (McGee & Kampwirth, 2015, s. 56)

Need for protection of human rights

Both conservative religious groups and the argument behind the policy agree on the need to protect human rights against violence and discrimination. Several members of Congress did

²⁸ Translated from: Todas las personas, sin importar su grupo o condición, cualquiera que sea, merecen ser respetadas y reconocidas igualmente...

not agree with banning “conversion therapy” as a practice but voted for the policy to end the violence, which they argued violated human rights. There is a strong focus in the argumentation on prohibiting violent forms of “conversion therapy” because human rights must be protected, but there are no arguments that non-physically violent practices of “conversion therapy” should be criminalized. (Congreso Ciudad de México, 2020) Human rights against physical harm are considered important, whereas other forms of “conversion therapy” do not appear to be considered a violation of human rights. A possible reason why physical harm is easier to agree upon rather than psychological harm could be that physical harm is “easier” to define and “measure,” whereas it is much more difficult to define when and if a person has been psychologically damaged. It also indicates that human rights are easier to implement with something specific like physical harm, while it is more difficult to implement the human right to free expression.

6.5 Ideological proxy fight over neoliberalism

The conservative religious anti-LGBT+ arguments and the neoliberal pro-LGBT+ arguments found in the policy appear to have many commonalities with a few differentiations. The conservative religious anti-LGBT+ argumentation focuses on the protection specifically of the child, while the neoliberal pro-LGBT+ focus more generally on the protection of the individual, regardless of the individual's age. The discussion about LGBT+-rights can be seen as a “proxy” fight between conservative and neoliberal ideologies. The LGBT+-rights become the battlefield instead of the battle being directly about ideologies. In a globalized world, where neoliberal ideology is being strongly promoted by the UN, EU, and United States, the political system in CDMX has an interest in appearing modernized by complying with neoliberal values to the global community and at the same time promoting LGBT+-rights and human rights for all citizens in CDMX. So, while the political system can push neoliberal ideology through the policy, the conservative religious movement can be viewed as a pushback against the neoliberal ideology. This battle or conflict is also apparent in several places throughout the policy, where conservative and neoliberal ideology crashes. The question remains whether the policy intends to promote LGBT+-rights or appear modernized to the international community. These two intentions are not mutually exclusive, and it might have been the intention to achieve both simultaneously.

6.6 Clientelism or lobbyism?

The first step for any form of co-optation process can happen as a collaboration between the LGBT+-movement and the political system. According to their statement, the most influential LGBT+-organization in CDMX, Yaaj, has collaborated with various key allies within the political system to influence the policy process on LGBT+-policies. (Yaaj, 2021) Therefore, it is safe to say that a form of collaboration has been established, but it is not possible to say whether the collaboration between MORENA and Yaaj is clientelism, a form of lobbyism, or civil society influence. The main point is that collaboration is happening, which creates the foundation for the co-optation process.

6.7 What is the result of the collaboration?

To determine how the policy resulted from the collaboration and formulation process of the policy turned out, I will look at the different limitations, and contextual inclusions analyzed previously. The most desirable outcome of a collaboration is a complete corporate reform, where both actors have the same intentions and is willing to put actions behind the intentions to make noticeable changes. (De Jong & Kimm, 2017, s. 488) Whereas co-optation is when both actors have the same intentions, the hegemonic actor is unwilling to put any actions behind the intentions to make noticeable changes. (De Jong & Kimm, 2017, s. 488) Corporate reform is the most desirable outcome for both actors.

Indications of a corporate reform

Several aspects indicate that the congress of CDMX and the Yaaj had the same intention behind the collaboration, that they both intended to ban the practice of “conversion therapy” against children in CDMX. One clear indication of the general intention of approving this policy is the majority vote of 78% for approving the policy. (Olsen, 2020) Another aspect is previously approved policies that complement the policy on “conversion therapy” to attempt to improve the life of LGBT+-people. Another policy that focuses on the recognition and attention of LGBT+ people in CDMX was approved on July 7th, 2021, and complements the policy in securing LGBT+-peoples access to healthcare, education, work, and non-discriminatory participation in society. (MORENA, 2021) These factors, combined with the inclusion of cultural gender minorities like Muxes and the contextual understanding of family relations in Mexico, and the experiences of the LGBT+-people as generally more exposed to

discrimination beyond being victims of “conversion therapy,” indicate a clear intention for change. The 33 active investigations into violations of the policy one year after the approval could indicate the effectiveness of the policy. (Yaaj, 2021) All these elements indicate that both actors, the congress and Yaaj had the same intentions for the collaboration and that the political system has taken actions to implement and enforce the policy.

Indications of co-optation

There are also, as analyzed previously, some limitations, and loopholes in the policy, which indicate that the collaboration has not been as successful and the policy as effective as it could have been and that the policy is not the result of successful corporate reform.

There are several aspects where the policy lacks contextual understanding, such as no consideration for the jurisdictional limitations of the policy beyond the metropolitan area. Also, despite the focus on children as victims, there is no focus on the role of educational institutions as promoters of indirect “conversion therapy.” Another absent aspect is focusing on religious communities beyond the religious leader, such as non-licensed practitioners of “conversion therapy,” both within religious and healthcare fields. These aspects indicate a lack of contextual understanding of what could be interpreted as a lack of intention of actual changes from the congress of CDMX. It could be interpreted as a lack of intention for change because several of the congress members who voted for approving the policy expressed that they only did so to protect human rights, but not because they wanted to prohibit “conversion therapy.” (Olsen, 2020) Another aspect when looking deeper into the voting for and against the policy. 22% of the votes were either against or did not vote. These 22% are not included those who voted for the policy, despite being against prohibiting “conversion therapy. It indicates a relatively large hidden opposition against the policy within the political system. Another aspect is the strong focus on upholding Mexico’s international obligations, which takes up more space in the policy formulation than the focus on protecting LGBT+-citizens in CDMX. As part of the legal framework for the policy is seven international articles from different conventions, while only two local policies from CDMX are included. (Villanueva, 2018, s. 7-9) Another indication of a different intention behind the policy than promoting LGBT+-rights is the signing of the “Agreement Declaring Mexico City a Friendly City for the Lesbian, Gay, Bisexual, Transsexual, Transvestite, Transgender, and Intersex (LGBT+TTI)” in 2015 (UNESCO, 2015) and the international promotion of CDMX as an LGBT+-friendly tourist destination. According to the Mexican secretary of tourism (SECTUR), on average 2.5 million LGBT+-travelers visit Mexico, and in 2017 Mexican

companies made a profit of 6.5 billion USD on products and services for LGBT+-people. (Chen, 2021) It indicates a financial motive to promote CDMX as an LGBT+-friendly city. Another intention or push factor that could have pushed Congress to approve this policy without actively banning “conversion therapy” is the push for approving LGBT+-policies from the international community, mainly led by the UN. The push is toward a global Neoliberalist ideology, which measures the modernization of democratic countries by their LGBT+-friendly policies and human rights promoting policies that promote individual rights. All three factors promoted within the neoliberal ideology are of great focus within the policy, indicating that the policy intended to look more modernized in the measurement of neoliberalist ideology. All these loopholes, alternative intentions, and lack of contextual understanding could indicate a completed co-optation process where the political system did not intend to make any functional changes. As shown earlier, there have been some practical changes in 33 active investigations into policy violations. It is impossible to say with absolute certainty what the original intention of the congress was to enter a collaboration with Yaaj on the formulation of the policy.

Collaborate result – compromise?

Based on this, the collaboration and the policy formulation have resulted in some wins and losses for both actors. For the Yaaj and the LGBT+-community, they lost the sense that “conversion therapy” is still permitted for consenting adults and that there is no ban on the indirect promotion of “conversion therapy” within the educational system or within parenting rights. On the other hand, they won a great victor in the prohibition of “conversion therapy” on children, which Yaaj also has claimed it to be. (Yaaj, 2021) It is a bit more difficult to talk about losses for the political system since a loss would, in the context of the co-optation theory, be considered any change they made to improve the living conditions of the LGBT+-people. On the other hand, it can always be considered a win for the political system to improve the population's living conditions in a political system. Some aspects of the policy allow “conversion therapy” both indirectly and directly, which could be considered a form of co-optation since the statement from deputy Temístocles Villanueva was to ban the practice of “conversion therapy,” which is not fully achieved.

Based on this analysis, the result of the collaboration, the policy, is most likely a combination of co-optation, where there are no actions taken from the political system towards actual changes, and a corporate reform, where all the goals are achieved through comprehensive actions. There are indications of both actors had the same, or to some degree, the same

intention behind initiating the collaboration, and there were some changes made, and some actions were put behind them, while other goals were not achieved, but where the activist actor, Yaaj, chose to ignore the losses and appreciate the wins. There is the possibility that the policy is the result of what was possible to achieve in the cultural and political context. The policy could be considered a success, despite the loopholes and limitations. It leads to the collaboration resulting in what De Jong and Kimm (2017) theoretically consider a compromise, where both actors win and lose.

6.8 Effect of the collaboration process

An aspect of “appropriation of otherness,” or a form of homonormativity, is found in the policy. It is evident in the choice of acronym which defines which sexualities and gender identities are included in the policy. Homonormativity creates an appropriation of the sexualities which fit a relative degree within the heteronormative values. (See 4.5 Assumption about LGBT+ people) The promotion of CDMX as an LGBT+-friendly city contains an element of an illusion of victory due to the profit from LGBT+-tourism along with international attention as a city with respect for human rights and LGBT+-people. Therefore, the city gains credit financially and politically for the approval of the policy, despite any real effect. In the international publicity about the policy, there is no mention of the “conversion therapy” ban only covering the practice of children and that it only covers direct forms of “conversion therapy.” At the same time, the indirect promotion of heteronormative ideas is silenced. (Reuters staff, 2020) It is also a logical silence that would publish the internal political disagreements in external communication, but it still shows that the congress of CDMX will gain credit despite the effectiveness of the policy. LGBT+-organization could be interested in publicly disclosing these loopholes and thereby try and pressure the political system to improve the policy in the future, but since they do not do that now, there is an element of an illusion of victory. There is also an element of blunting, which is the neutralization of a threat or demand from an external threat, which would be the Yaaj demanding actions to ban “conversion therapy,” combined with the illusion of victory; this demand has now been “blunted” and can no longer be used as a demand for changes. So, the policy cannot be said to have been a complete success with the full achievement of prohibiting the practice of “conversion therapy,” but it has changed the direction of improving the rights of especially LGBT+-children in CDMX.

7. Conclusion

The research question is: How is conversion therapy politically represented in CDMX, and how will the representation affect the cultural attitude towards LGBT+-people in Mexico? Based on the conducted analysis, it can be concluded that “conversion therapy” in the policy from the congress of CDMX is perceived as a violation of human rights when it is coerced against children and that the practice violates the individual’s right to self-determination. At the same time, it can also be concluded that within the formulation of the policy, there is an ideological conflict between neoliberal ideology with a strict focus on the individual’s rights and the conservative ideology with a focus on the family’s rights as a collective. Within the policy, there is great respect and contextual understanding of the living conditions of the LGBT+-people in CDMX and cultural diversity. It can be concluded that the primary push for this policy came from the international community. The international push has likely influenced the strong indication of neoliberal ideology in policy formulation. The international push for neoliberal ideological perspectives on LGBT+-people is likely to have caused the strong religiously and conservative pushback against LGBT+-rights, resulting in the parental pin policy. LGBT+-rights policies are used as an ideological proxy battlefield between conservatism and neoliberalism. This struggle is most likely provoked by the international neoliberal push for LGBT+-rights policies as an indication of the modernity of government. It can be concluded that the “conversion therapy” policy, despite some limitations and loopholes, due to a lack of contextual considerations, has resulted in a compromise where both conservative cultural rights, like parental rights, are considered, and individual rights of adults are respected. The policy is not a complete co-optation of LGBT+-rights, but some elements of appropriation of otherness and illusion of victory exist. Whether the policy effectively prevents “conversion therapy” on children in CDMX completely is unlikely due to the loopholes, but it is also likely that it will have some effect. Whether the conservative anti-LGBT+-pushback will affect the effectiveness of the policy depends on how much strength the movement is gaining within the political system and if the parental pin policy will be approved. More policies prohibiting the practices are in the process of formulation in other states in Mexico, which indicates that this policy has worked as a pioneer for other states, but the global anti-LGBT+ pushback is still gaining strength. There is a big silenced opposition against LGBT+-rights policies within the CDMX congress, which is uncertainty regarding concluding how strong the LGBT+-pushback will affect the attitude towards LGBT+-people. Time and more research on the subject will give the answers to that.

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