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A Path is Emerging: Steps towards an LGBT+ Inclusive Education for Mexican students

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Abstract: Mexican schools are in crisis, where LGBT+ students face constant violence and discrimination. In the past decade, civil society has led the way in evaluating school climate and assessing LGBT+ students' needs in Mexican schools. Unsurprisingly, individuals most affected by this violence and discrimination, LGBT+ individuals, have pushed these efforts forward as they conduct research, create resources, and facilitate workshops. In this article, we show how civil

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society has been the leader on advocating for LGBT+ inclusive education in Mexico. We justify this claim by exploring the existing research at the national, regional, and international levels, showing that much of what is present stems from civil society's ongoing efforts. We then analyze the current legal framework aimed at protecting students against discrimination. We also discuss existing tools and advancements designed to promote inclusive classrooms, from both a public policy and civil society perspective. We conclude by punctuating the necessity and urgency of utilizing civil society in reforms that advocate for inclusion to better formulate public policies and establish direct, sustainable ties to the individuals and communities most in need.

Keywords: education; inclusion; LGBT+; Mexico; reform; students

Un camino está surgiendo: Pasos hacia una educación incluyente en cuestiones LGBT+ para estudiantes en México

Resumen: Las escuelas mexicanas están en crisis, donde los estudiantes LGBT + enfrentan violencia y discriminación constantes. En la última década, la sociedad civil ha liderado el camino en la evaluación del clima escolar y la evaluación de las necesidades de los estudiantes LGBT + en las escuelas mexicanas. Como era de esperar, las personas más afectadas por esta violencia y discriminación, las personas LGBT +, han impulsado estos esfuerzos a medida que realizan investigaciones, crean recursos y facilitan talleres. En este artículo, mostramos cómo la sociedad civil ha sido líder en la promoción de la educación inclusiva LGBT + en México. Justificamos esta afirmación explorando la investigación existente a nivel nacional, regional e internacional, mostrando que gran parte de lo que está presente proviene de los esfuerzos en curso de la sociedad civil. A continuación, analizamos el marco legal actual destinado a proteger a los estudiantes contra la discriminación. También discutimos las herramientas existentes y los avances diseñados para promover aulas inclusivas, tanto desde una perspectiva de política pública como de la sociedad civil. Concluimos puntuando la necesidad y urgencia de utilizar a la sociedad civil en reformas de inclusión que abogan por formular mejor las políticas públicas y establecer vínculos directos y sostenibles con las personas y comunidades más necesitadas.

Palabras-clave: educación; inclusión; LGBT+; México; derechos humanos; estudiantes

Um caminho está surgindo: Passos em direção a uma educação inclusiva LGBT + para estudantes mexicanos

Resumo: As escolas mexicanas estão em crise, onde alunos LGBT + enfrentam constante violência e discriminação. Na última década, a sociedade civil liderou a avaliação do clima escolar e das necessidades dos alunos LGBT + nas escolas mexicanas. Não é novidade que os indivíduos mais afetados por essa violência e discriminação, indivíduos LGBT +, têm impulsionado esses esforços à medida que conduzem pesquisas, criam recursos e facilitam workshops. Neste artigo, mostramos como a sociedade civil tem liderado a defesa da educação inclusiva LGBT + no México. Justificamos essa afirmação explorando as pesquisas existentes nos níveis nacional, regional e internacional, mostrando que muito do que está presente decorre dos esforços contínuos da sociedade civil. Em seguida, analisamos o atual quadro jurídico que visa proteger os alunos contra a discriminação. Também discutimos as ferramentas e avanços existentes projetados para promover salas de aula inclusivas, tanto de uma perspectiva de políticas públicas quanto da sociedade civil. Concluimos pontuando a necessidade e urgência de utilizar a sociedade civil em reformas que defendam a inclusão para melhor formular políticas públicas e estabelecer vínculos diretos e sustentáveis com os indivíduos e comunidades mais necessitados.

Palavras-chave: educación; inclusão; LGBT +; México; derechos humanos; estudiantes

A Path is Emerging: Steps towards an LGBT+ Inclusive Education for Mexican Students

The Mexican population, public institutions, and civil society organizations have only recently begun to realize the immense effect school violence has on lesbian, gay, bisexual, and transgender (LGBT+)¹ youth. Mexico has positioned itself as having the highest rates of school violence in the Organization for Economic Co-operation and Development (OECD) since it joined in 1994 (Vega, 2013). However, there has been a lacuna of information in the diagnosis and evaluation of violence towards LGBT+ populations and both the issuance and monitoring of the implementation of education policies towards inclusion and diversity. With this, public and private institutions have only begun to consider persons with diverse sexual orientations, gender identities, and expressions within their activities, research methods, and policy decisions.

In Mexico, civil society organizations (CSOs) have led the way in demonstrating the severity of school violence, as they play a key role in evaluating the environment and proposing activities aimed at addressing violence against LGBT+ students. Notably, individual students and their families have loudly demonstrated the realities of discrimination, harassment, and sexual assault in their schools. As civil society organizations work to comprehensively understand this problem and propose innovative solutions, international organizations have advocated for legal advances for a more inclusive education as a means to prevent school violence for all LGBT+ students at all levels within Mexican educational institutions.

In this article, we assert that CSOs have played a key role advocating for an LGBT+ inclusive education in Mexico, as a counter-hegemonic movement participating in policy making. CSOs are providing evidence on the violence that LGBT+ students face, with international agencies echoing those findings, and government entities reacting to these findings with policies and practices aimed to protect LGBT+ youth. Using Antonio Gramsci's civil society theory and Stephen Ball's policy cycle theory to structure our analysis, we begin this paper by discussing the main research and instruments published by civil society organizations that evaluate LGBT+ students' realities and needs. We then describe recent advances in law and policy. Next, we use case studies to show how successful collaborations have resulted in inputs that promise not only to prevent school violence, but also to provide opportunities for inclusion of LGBT+ topics in educational curricula. We end this paper by advocating for the necessity of a shared commitment and approach, where key stakeholders work together to solve the constant violence and discrimination in Mexican schools.

Theoretical Framework

We analyze the role of civil society in facilitating legal and policy advances at the local, national, and international levels through Antonio Gramsci's theory of civil society. This theory allows us to look at the trajectory of key actors, including impacted populations and civil society institutions, in the formulation of policies for the aforementioned issues.

For Gramsci, social change happens when the hegemonic position is efficiently challenged. While hegemony is understood as a set of ideological practices that maintains the status quo and produces subaltern individuals – who are excluded from any such relations of power – counter-

¹ In this article, we use LGBT+ as our primary umbrella term to describe all queer identities, including but not limited to, lesbian, gay, bisexual, and transgender. While numerous acronyms can be used based on context and specific identities discussed (e.g., LGBT, LGBTQ, LGBTI+), we chose LGBT+ to reflect the identities presented in the literature as well as those not explicitly mentioned (+).

hegemony is a path in which the people challenge the political and economic status quo and aim for human liberation (Aronowitz, 2009).

In his book *Selections from Prison Notebooks*, Gramsci (1971) proposes that the counter-hegemonic struggle implies advancing alternatives to dominant ideas of what is normal and legitimate. These counter-hegemonic ideas, when advanced, materialize into codified laws, programs, or protocols that may provide guidelines and solutions to specific issues. The hegemony may legitimize and adopt changes based on narratives and exigencies from civil society. Using legitimate participation channels as a strategy for advocacy (counter-hegemonic exigencies) into national and international government public actions (namely, the hegemonic governance) is a key approach taken by civil society organizations working to prevent violence in schools and promote inclusive education.

Moreover, he conceived two approaches carried out by civil society to act in the face of hegemony: a war of maneuver and a war of position. The first mainly involves insurrection, while the second includes conservative advocacy strategies (Egan, 2013). The strategy used by civil society in Mexico is the war of position – that is advocating using legitimate channels, participating in events in the public sphere, showing statistics, and proposing public policies and programs that may solve the issues at hand. This is evident in international decision-making spaces, as well as in activities involving Mexican authorities.

Gramsci's civil society theory is useful for understanding the extent in which a counter-hegemonic narrative or proposition permeates action in the hegemony, or in this case within national government institutions. To better understand the process in which civil society may incorporate suggestions and demands that are then materialized in policy and government decisions, we use Ball's theory of policy cycle.

The theory of policy cycle is a method for the analysis of policies, formulated by sociologist Stephen Ball, as a theoretical and analytical framework for the study of educational policies. Ball has studied the role of the State in education policymaking, which he describes as an interconnected process that in order to function and meet the established objectives, it works articulately in coordination with other supranational, subnational, public, private, nonprofit or profitable institutions and organizations (Beech & Meo, 2016).

Moreover, Ball suggests being aware that the studied phenomena is dynamic and constantly moving and that this logic of dynamism includes the flows and movement we must use to analyze the formulation, implementation, and evaluation (Beech & Meo, 2016). His theory largely explains the failure of the wide and efficient implementation of policies and their evaluations, mainly blaming the lack of involvement and participation of school units and other community-level actors including civil society institutions (Santos, 2014).

Methodology

This paper includes national and international laws, documents, and research materials throughout to prove the thesis that CSOs have been at the forefront of advocating for an LGBT+ inclusive education in Mexico. For our literature review, we searched for what present research exists in the Mexican context on this subject. Mainly, we found research reports designed to advance research and advocacy. We used the Mexican LGBTTTT+ Coalition's compilation of legal instruments on comprehensive sexual education as a base (Coalición Mexicana LGBTTTT+, 2021), and supplemented that resource by conducting our own review of existing national and international legal framework adopted by Mexico on LGBT+ rights and inclusive education.

Due to this topic's popularity in the media and constant evolution, we also made a compilation of documents such as news articles and position papers from civil society organizations

to understand their role in researching and advocating for sexual education, for preventing and addressing violence in schools, and on implementing inclusive education at all levels. We also examined the research and policy libraries of national and international human rights institutions, such as the United Nations and its agencies, known to have done work on this topic.

Literature Review

Civil societies organizations in Mexico

Mexico has high levels of school violence. Data from the international organization Bullying Without Borders shows that 7 out of 10 students suffer from some type of violence on a daily basis (Bullying Sin Fronteras, 2020). In 2018, the Organization for Economic Cooperation and Development (OECD) revealed that Mexico is ranked the number one country in Latin America facing school bullying. Unfortunately, this dataset focused on violence generally is not disaggregated by SOGIE identities (OECD, 2018).

Civil society organizations, understood as the institutions in the sphere between the economic structure and the State (Gramsci, 1971), have played a key role in diagnosing this situation, visibilizing the solutions, and advocating for commitment from various stakeholders towards an inclusive education and the prevention of violence based on sexual orientation, gender identity or expression in school settings. Their composition comprises small to large organizations doing both in-field and desk activities, reaching public and private institutions advancing human rights at all levels. According to Ball, many stakeholders participate in the formulation and implementation of education policies, including civil society institutions (Beech & Meo, 2016).

In Mexico, the organizations most involved in advancing causes and rights on inclusive education and for preventing violence against LGBT+ students included DILO Escuelas Incluyentes, Yaaj Cambiando tu Vida A.C., Asociación por las Infancias Transgénero, Fundación Arcoiris, Mexicanos Primero, COJESS, and Coalición Mexicana LGBTTTT+. However, there are other groups constituted as conservative pressure groups against sexual diversity that promote morality patterns infringing on LGBT+ rights. Both types of groups are increasingly advocating at all levels and have used communication and research strategies to advance their interests during the past two decades.

School Climate in Primary and Secondary School

Mexican secondary schools are facing a crisis of violence against LGBT+ youth. While national reports do depict the realities of LGBT+ youth in society at large (CONAPRED, 2010), nearly no instruments are designed to evaluate LGBT+ students' needs in educational institutions. However, in 2010, the Ministry of Education published a report titled *Informe Nacional sobre Violencia de Género en la Educación Básica en México* in partnership with the United Nations Children's Fund (UNICEF). This study surveyed 396 primary and secondary public schools (fourth to ninth grade). The study revealed the first mentions of bullying based on gender expression among young children. It stated that one in six fourth and fifth grade children confirmed that male children are criticized and annoyed to the point of crying in their schools because when speaking in public they show delicate gestures. Additionally, one in four students mentioned that they have seen girls in their school fight with others who tell them that they look like men because of the way they move and talk (Almeyda, 2010).

Despite these one-off questions, most educators and researchers knew little about how big this problem was before 2012. At that time, civil society organizations led the way in understanding school climate for LGBT+ students by creating the first national survey, *1ª Encuesta nacional sobre*

bullying, in Mexico about homophobic bullying (Baruch, 2012). This initial survey was followed up by a second survey, *2ª Encuesta nacional sobre violencia escolar basada en la orientación sexual, identidad y expresión, de género hacia estudiantes LGBT*, carried out five years later by Fundación Arcoiris and the Coalición de Jóvenes por la Educación y Salud Sexual (COJESS), in partnership with international organizations like GLSEN and Todo Mejora, to evaluate the climate of violence and assess the needs of LGBT+ students (Domínguez et al., 2017). The data collected in the second survey would then be used to compare those rates of homophobic and transphobic bullying in schools across six countries in Latin America in GLSEN's *A Global School Climate Crisis Report* (Kosciw & Zongrone, 2019).

In the *2ª Encuesta nacional sobre violencia escolar basada en la orientación sexual, identidad y expresión, de género hacia estudiantes LGBT*, 1,772 LGBT+ secondary students' experiences were documented across the vast geographical diversity of the country's 32 states (Domínguez et al., 2017). Sobering findings revealed that most LGBT+ secondary students in Mexico felt insecure, heard offensive comments, were policed for their gender expression (i.e., either being too masculine or too feminine), and experienced physical and sexual harassment at school. Moreover, educators did little to prevent this rampant harassment and violence. Only one in four (24.9%) educators intervened when hearing anti-LGBT+ comments and only one in five (21.3%) intervened when they witnessed violence. Furthermore, over two thirds (69.5%) of students stated that their school did not have a policy that protected them against discrimination and harassment (Domínguez et al., 2017).

GLSEN's *A Global School Climate Crisis Report* further displayed the gravity of violence in Mexican schools as they compared the experiences of 5,318 secondary students (Kosciw & Zongrone, 2019). This regional report examined homophobia and transphobia across Latin America, including Argentina, Brazil, Chile, Colombia, Mexico, Peru, and Uruguay. While the amount varied per context, the majority of LGBT+ students across the region reported hearing homophobic and transphobic remarks in their schools. However, when comparing amongst the seven countries, Mexican students were the most likely to hear harmful comments.

On the other hand, Mexico is also one of the top countries where victimization is reported to school staff. Students in Mexico and Argentina are more comfortable speaking with educators about LGBTQ issues than in other countries in the region. However, it is also less likely that staff intervene when homophobic remarks are made. This survey also elicited the lack of policy present at the local level, as Mexico was rated the lowest of all seven countries (30.5%) where students stated they have a bullying and harassment policy in their schools to address violence based on sexual orientations or gender identities specifically. Additionally, over one in three Mexican students were taught LGBT+ topics in a negative way in their curriculum. This regional report helped to illuminate findings that a majority of LGBT+ students heard homophobic and transphobic remarks in their schools and experienced adverse effects on their mental health and self-esteem as they had higher levels of depression because of this victimization (Kosciw & Zongrone, 2019).

School Climate in Higher Education

While LGBT+ youth are facing grim circumstances in secondary schools, a similar experience follows them onto their university campuses. In the past decade, academics and educators have become more aware of LGBT+ students' experiences in the tertiary context.

One of the most relevant analyses during the past two decades on school climate in higher education was a qualitative study seeking to understand risks of homosexual university students living with HIV/AIDS in Mexico City. This study found that LGBT+ people experienced psychological harm and suicidal behavior resulting from homophobic bullying (Granados-Cosme et al., 2009). To further this understanding of how violence is experienced by persons of diverse sexual orientations, gender identities, and expression, in 2010 an exploratory study offered a panoramic

view of the extent to which violence manifests in schools and its relation to gender. This study depicted the relationship between intersectional identity characteristics, such as gender, race, and sexual orientation, and how people experienced either subtle or overt violent behaviors (Mingo, 2010).

In 2015, another study showed that LGBT+ students in Mexico reported higher levels of discrimination and homophobic violence in three important contexts: school, family, and public spaces (Baruch et al., 2017; Lozano & Salinas-Quiroz, 2016). However, the data does not allow the reader to build a connection between homophobic expressions and the social and political contexts in which they occur nor explore how formal education centers made sense of the expressions, relationships, and discourses around sexual diversity.

Before research from civil society, government and academic institutions rarely monitored and evaluated the violence happening in Mexican schools nor examined areas to consider for incorporating inclusive education for LGBT+ students. Thus, what Gramsci would name a counter-hegemonic narrative emerged as exigencies highlighted the urgency and demanded action from the State to formulate policies and programs that provide solutions.

While the issue slowly gained momentum in academia, it took more individuals to move the conversation forward. In 2018, university students in Mexico City raised their voices to loudly denounce their harassers in educational institutions. These were principally demonstrations of women's groups denouncing harassment from school authorities and staff. In later years, amid demands to stop gender-based violence, students from various high schools and universities throughout the country followed suit and displayed their testimonies and the names of their attackers on harassment clotheslines, used to publicly denounce their perpetrators. The names and stories of those responsible were displayed in public spaces, for everyone on campus to view, even the aggressors themselves. As these horrors were revealed, public pressure mounted in the urge for authorities to respond with consequences (Expansión Política, 2020). While this gender-based violence is present mainly in the form of sexual harassment principally affecting women, this exercise inevitably extended to make visible wider topics beyond just sexual abuse, including school violence and discrimination based on SOGIE identities (Romero, 2018).

Additionally, international agencies have also highlighted the need to incorporate measures to address this situation. In 2015, the United Nations Educational, Scientific and Cultural Organization (UNESCO) published a comparative study examining homophobic and transphobic violence at schools, which was conducted in nine Latin American countries with the participation of representatives from the Ministries of Education (UNESCO, 2015). This report found that "violence is constant in education institutions" around the region (p. 31). Using civil society research, the report suggests that among the eight countries in the report Mexico is the country where students are most likely to hear homophobic expressions in school (Cáceres et al., 2011). This document concludes by stating that manifestations of violence due to homophobia and transphobia in educational institutions harm the safety and dignity of many students, which in turn "silence legitimize and perpetuate those situations" (UNESCO, 2015, p. 82).

There have only been a few studies published that include and center LGBT+ people. However, in recent years, we noticed that public institutions have begun incorporating persons of diverse sexual orientations, gender identities, and expressions within their research more. The National Survey of Discrimination based on sexual orientation and gender identity (ENDOSIG in Spanish) evaluated the conditions of structural discrimination and violence that LGBT+ people face. The survey provided information on the experiences of 17,491 LGBT+ people all around the country, where one in three respondents identified as having a sexual orientation other than heterosexual, stating to have identified this when they were around 16-17 years old (Secretaría de Gobernación et al., 2019).

While these public displays raise discussion, research evaluating violence and discrimination in higher education are few and far between. For example, the Social Cohesion Survey for the Prevention of Violence and Crime (ECOPRED in Spanish) examined the exposure of young people 12-29 years old to violence and crime; examining not only the prevalence of violence, but also the perception of safety in different settings, including schools. Unfortunately, this survey has only been conducted once, and the latest data is from 2014. This means that there is a five-year gap in this critical information (Instituto Nacional de Estadística y Geografía, 2014).

From our review, we determined that two main limitations exist in current research. First, there are gaps between censuses and evaluations, as well as inefficient measures and evaluation categories used in these instruments. For example, the National Survey on Discrimination (ENADIS in Spanish) measures the magnitude of discrimination and its various manifestations in daily life, deepens our understanding of who discriminates, and in which areas of life this problem occurs most frequently, as well as related sociocultural factors. Unfortunately, the most recent data in the ENADIS lacks many variables from the analysis as it only refers to bullying in a general way and is not disaggregated for the many behaviors in which bullying manifests (Instituto Nacional de Estadística y Geografía, 2017).

Second, current research lacks intersectionality by not factoring in how diverse and interacting identities, including sexual orientation, skin color, ethnic origin, and numerous other discriminated identities in Mexican culture, play into situations of bullying and harassment. Without an intersectional approach, the research lacks the full picture as to the root causes of bullying and how it is maintained and a part of a system of violence. For these reasons, future research needs to incorporate these approaches to document this vital information and be used as impactful tools to inform legal and policy advances that help LGBT+ students.

Law & Policy

International Legal Framework

International human rights organizations have issued various agreements that recognize the right to an inclusive education. Further, Mexico has signed on to many of these legally binding documents. While these international treaties do not directly address the right to education for LGBT+ youth, their contents and interpretations that human rights, including the right to safety, belong to all students is undeniable. Among the international treaties for the protection of human rights that relate to the right to non-discrimination and the right to education, we can turn to foundational documents like the Universal Declaration of Human Rights, the International Covenant on Economic Rights, Social and Cultural Rights, the Convention on the Rights of the Child, among many others.

The Universal Declaration of Human Rights is the basis for human rights recognized in all international treaties and instruments. Article 1 of the Declaration enshrines that “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” Article 2 goes further by adding that “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” It is in this last sentence that sexual orientation, gender identity, expression are located. Likewise, in Article 26, the document mentions that everyone has “the right to education” and that “Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and

shall further the activities of the United Nations for the maintenance of peace.” Thus, homophobic and transphobic bullying in schools goes against the very foundations of international law and policy agreed to over seventy years ago (United Nations, 1948).

In 2013, representatives at the first meeting of the Regional Conference on Population and Development in Latin America and the Caribbean determined in the Consensus to promote the exercise of sexual rights and the right to make free informed, voluntary, and responsible decisions about sexuality, and to respect sexual orientations and gender identities without coercion, discrimination, or violence (Naciones Unidas Comisión Económica para América Latina y el Caribe, 2013). As a result, States must guarantee that children, adolescents and young people have opportunities for a healthy coexistence and a life free of violence, through intersectoral strategies. These strategies include acting on the determinants that hinder violence, providing training that promotes tolerance and appreciation for differences, mutual respect, and human rights, conflict resolution and peace from early childhood, and ensuring the protection and timely access to justice for victims and reparation for damage.

Even though better practices must be taken, this document increases the urge of creating proactive measures to ensure violence and discrimination are unacceptable in schools, provide training for teachers and staff about the LGBT+ community, the struggles they may encounter, restorative practices, how to create school policy that forbids discrimination, and how to invest in welcoming environments such as offering all-gender bathrooms and providing well-trained counselors.

In subsequent years, a national committee was installed by the Mexican authorities, inviting civil society to participate to follow up on the monitoring and implementation of the instrument (Consejo Nacional de Población, 2020). In addition to this, Mexico was the headquarters of regional evaluation meetings, where civil society organizations were able to share statistics from their research and advocate on this topic (Consejo Nacional de Población, 2016).

On May 18, 2016, the first International Ministerial Meeting *Responses of the Education Sector to violence due to Sexual Orientation and Gender Identity* was held in Paris, France. During the meeting, the Latin American regional report *A Global School Climate Report* (including data from Mexico) was presented by civil society representatives, which guided much of the conversation on the final document (Todo Mejora, 2016). Within the framework of this meeting, the *Ministerial Call to Action for an inclusive and equitable education for all learners in an environment free from discrimination and violence, in particular violence for reasons of sexual orientation and gender identity or expression* was issued. Ministers of Education from 54 countries gathered to recognize that any form of discrimination and violence in school environments are obstacles to the full enjoyment of the right to education.

Furthermore, the Ministers stated that it is not possible to achieve inclusive education for all students if LGBT+ youth continue to suffer discrimination and violence in educational institutions. More specifically, the call to action commits signatories to generate preventive actions against sexual orientation, gender identity or expression (SOGIE)-based violence in schools. Among these countries, Mexico signed this agreement expressing its commitment to fulfill the obligations therewith (UNESCO, 2016). Civil society organizations in Mexico such as the Mexican LGBTTTTI+ Coalition have highlighted the existence of this instrument in numerous local and national forums and events, demanding action as a result of this commitment (Coalición Mexicana LGBTTTTI+, 2020).

Additionally, the 2030 Agenda for Sustainable Development, promoted by the United Nations, contains objectives directly related to inclusive, quality education and aims to promote equal learning opportunities for all people (United Nations, 2020). The SDGs also mention that school environments should take into account gender issues, and be safe, non-violent, inclusive, and effective for all people. Furthermore, it states that knowledge acquired by people through education

must be necessary to promote sustainable development, human rights, gender equality, a culture of peace and non-violence, among others, echoing and furthering the UDHR's original promise.

Within the United Nations, a series of resolutions have been made that indicate Member States' concern about SOGIE-based violence, harassment, discrimination, exclusion, stigmatization, and prejudice. Further, countries are concerned about the grave situations of murder, execution, torture, arbitrary arrests, and deprivation of economic, social, and cultural rights against LGBT+ persons. Among the many resolutions that exists on these topics, three main resolutions stand out: 2008's *Resolution of the general assembly of the United Nations on human rights, sexual orientation, and gender identity* (United Nations, 2008); 2011's *Resolution on human rights, sexual orientation, and gender identity* (United Nations, 2011); and 2016's *Resolution on protection against violence and discrimination based on sexual orientation and gender identity*, through which an Independent Expert mandate was established (United Nations, 2016).

In addition, it is worth noting that there are international legal instruments directed to promote the rights of other populations, such as women or indigenous peoples, containing dispositions that may overlap with LGBT+ rights in the education field. Civil society has made an important effort to advocate with an intersectional lens and include LGBT+ topics in mechanisms such as the CEDAW and the Declaration of Indigenous Rights, through shadow and light reports at side events and dialoguing with country delegations (Musas de Metal Grupo de Mujeres Gay A.C., 2018).

At the regional level, Article 1 of the American Convention on Human Rights establishes the commitment of State Parties to respect, guarantee, and for the free and full exercise of the rights and freedoms recognized therein, without discrimination for any prohibited reason. Likewise, Article 24 establishes the right to equality before the law and to its protection without discrimination. Article 13 of the additional protocol to this Convention, in the area of economic, social and cultural rights (Protocol of San Salvador) recognizes the right to education for all people as well as the purposes of this right, among them, which must be aimed at the full development of the human personality and towards respect for all human rights. Likewise, it gives relevance to education as a means for democratic processes since "it must enable all people to participate effectively in a democratic and pluralistic society." The protection of the rights of LGBT+ persons has been addressed through other regional resolutions related to human rights, sexual orientation, gender identity, and expression. Among them we can find 2013's AG/RES. 2807 and 2016's AG/RES. 2887 in which Member States of the Organization of American States (OAS) are obliged to eliminate the barriers that LGBT+ populations face for equitable access to their rights.

CSOs have played a key role in advancing these important international and regional processes. The participation of impacted populations and civil society organizers discussing these initiatives is increasing every year. These groups are frequently part of international advisory boards where they further promote this agenda (UN Women, 2018). Most importantly, CSOs have been responsible for monitoring and evaluating the implementation of these decisions at the domestic level. Through this, they provide inputs to high-level consultations and forums (Musas de Metal Grupo de Mujeres Gay A.C., 2018). These actions have provided a framework for human rights advocates to request action from the Mexican government as they use these laws to provide a pathway used to justify policy proposals guaranteeing the right to an LGBT+ inclusive education.

The Response from Mexican Authorities

One of the key elements in the activities carried out by civil society organizations working to prevent violence at schools and promoting inclusive education is their ability to use legitimate participation channels as a strategy for advocacy (counter-hegemonic exigencies) into national and

international government public actions (namely, activities from the hegemonic governance). The strategy used by civil society in Mexico is a war of position, in the frame of Gramsci's theory.

As in previous Mexican constitutions, the Constitution promulgated in 1917 by Venustiano Carranza, protects the right to a life free of discrimination and guarantees the right to education. Article 1 states that any discrimination motivated by ethnic or national origin, gender, age, disabilities, social condition, health conditions, religion, opinions, sexual preferences, marital status or any other that violates dignity is prohibited.

As a result of previous revolutionary demands, Article 3 of the 1917 Constitution is an expression of the political-legal transformation that occurred between 1857 and 1917, calling for recognition of rights, national sovereignty and the form of government, political representation, the exercise of sovereignty through the powers of the Union, the freedom and sovereignty of the states, the division of powers and, finally, the secular state. Article 3 established the freedom of education, secular nature of primary education, free education offered by the State, exclusion of corporations and religious ministers, and state surveillance of private education (Bonifacio, 2019).

In the international arena, inclusive education is defined as an education system that removes the barriers limiting the participation and achievement of all learners, respect diverse needs, abilities, and characteristics and that eliminate all forms of discrimination in the learning environment. UNESCO's Convention against Discrimination in Education recognizes that reaching excluded and marginalized groups and providing them with quality education requires the development and implementation of inclusive policies and programs (UNESCO, 1960). School violence, from sexual harassment to bullying and discrimination, based on SOGIE identity comprises a barrier that must be addressed to ensure education is accessible for all.

The 2018 change in public administration at the federal level carried out changes to education policy. The newly appointed Ministry of Education issued a brand-new education strategy that may integrate international public policy into changes in the school system. A series of forums were held in different entities to hear from civil society experts and other specialists.

A movement named Movimiento Tres Doce, comprised mainly by organizations of people with disabilities, organized workshops to compile inputs and published the report *Propuesta Ciudadana: Acceso Efectivo a la Educación Inclusiva en México* (Movimiento Tres Doce, 2019) where a number of recommendations are made for guaranteeing access to education for all. The Ministry of Education used that process to present a series of constitutional reforms to ground the new education strategy, which included a reform to Article 3, to integrate the word inclusive in the established principles for the right to education (Secretaría de Educación Pública, 2019).

The proposition to reform the constitution on this end was appraised by many other academic and civil society institutions as an important mechanism to advance their diverse causes, such as feminist and indigenous collectives, as well as organizations monitoring secular education. Even though this demand was mainly led by associations on the rights of people with disabilities, the many articles, interviews, and forums organized by other stakeholders supported elevating the concept of inclusive education that was already delimited in the General Education Law into a constitutional range, showing the true intersectionality of this exigency (Anderson, 2019).

Consequently, in 2019, Article 3 was reformed in order to write the word inclusive as a principle within the right to education. Translated to English, it reads: "Initial education is a childhood right and it will be the responsibility of the State to raise awareness of its importance. The State is in charge of the education, which in addition to being mandatory, it will also be universal, inclusive, public, free, and secular." Although this was initially proposed as a measure to primarily ensure access to education for people with disabilities, the wording has been used to advance needs related to LGBT+ persons as well.

Incorporating the word inclusive in the list of terms that characterizes the education system in the Mexican Constitution has relevant implications, considering that public institutions must design plans and programs accordingly. Inclusive opens up the opportunity for national and international institutions working towards gender equality and against bullying to propose the implementation of efforts and activities that may assure inclusive practices in the education field.

The General Education Law reinforces Article 3 in the Constitution, stating that education in Mexico must be inclusive. Further, Article 7 calls for “eliminating all forms of discrimination and exclusion, as well as other structural conditions that may become in barriers to learning or participation” and Article 8 says that the State is obliged to deliver services with equity and excellency (Ley General de Educación, 2019).

Inclusive education is defined in Article 61 as the “set of actions aimed at identifying, preventing and reducing the barriers that limit access, permanence, participation, and learning of all students, by eliminating practices of discrimination, exclusion, and segregation. It is based on the valuation of diversity, adapting the system to respond with equity to the characteristics, needs, interests, capacities, abilities, and learning styles of each and every one of the learners” (Ley General de Educación, 2019). In this definition of inclusive education, guiding principles are mentioned, such as the promotion of the maximum achievement of student learning with respect to their dignity, develop to the maximum the personality, talents, and creativity of learners, and implement actions so that no one is excluded from the education system for reasons of ethnic or national origin, religious beliefs, sexual orientation, or gender identity.

Finally, regarding sexual education, Article 30 of the General Education Law establishes that plans and programs must envision a comprehensive sexual and reproductive education, which includes contents on “the responsible exercise of sexuality, family planning, responsible motherhood and fatherhood, the prevention of adolescent pregnancies, and sexually transmitted infections” (Ley General de Educación, 2019). Despite these important elements, it would be preferable to include terms and concepts that leave less space for interpretation and specify better the existing human rights and the responsibilities of institutions on this matter.

Children’s best interest is a constitutional law principle that has created a scenario where the interests of children must be a primary consideration in decision-making on a debated issue involving this population. This principle has also been used as the main argument against legislation that violates human rights. For example, Nuevo León passed a constitutional reform in 2020 to the local education law that would teach the respect of life from pregnancy, clearly introducing moral and political concepts instead of evidence-based information into the education system. Moreover, the local Congress of Aguascalientes passed a law known as Parental Pin that creates the possibility for parents to block teaching morality, sexuality and values, which poses a threat to deliver comprehensive sexual education and other contents contrary to their moral beliefs. Notably, this backlash occurs regardless of knowledge of the various childhood development stages or legally-binding provisions that mandate teachers to provide students with accurate information.

United Nations agencies and other international organizations have expressed distress about legislation such as the Parental Pin. Further, the National Commission on Human Rights presented a request to declare the reform to the local education law in Nuevo León as unconstitutional before the Supreme Court, appealing to the constitutional principle on the child’s best interest and the right to equity. Ultimately, the State is in charge of deciding the curricula in the public education system in Mexico. While families can participate through legitimate mechanisms to shape it, it must do so without incurring arbitrary ways contrary to the current needs of school children. However, these conservative organizations, including the Frente Nacional por la Familia, remain vocal.

Given the rise of the abovementioned conservative education policies, the Mexican LGBTTTT+ Coalition launched a social media and political campaign in 2020 to demand a national

public strategy on sexual education. Through a series of graphics, a tool for designing your own poster, and a handbook on the Parental Pin, this organization has provided tools to numerous activists around the country to mobilize in favor of comprehensive sexual education and against anti-human rights laws such as the Parental Pin (Coalición Mexicana LGBTTTI+ & Mauricio Ayala Torres, 2020).

In addition to the numerous laws and policies listed above, there are other principles and rights that may be useful for assessing the legal framework for LGBT+ students, including the right to the free development of personality. There is also a case of a student that sued his school because he was suspended for attending class with a long hairstyle. In this case, a local judge protected the child by asserting that the rights to education and the free development of personality were violated (Consejo de la Judicatura Federal, 2018). The case was accompanied by an organization named Litigio Estratégico en Derechos Sexuales y Reproductivos (LEDESER) that works on sexual and reproductive justice (LEDESER, 2021). While legislation has recently become more inclusive, numerous problems and gaps remain in current law and policy that need to be addressed through collective action.

Policy Innovations and Other Developments from Civil Society

In Mexico, there is an increasing number of actors, providing valuable inputs in the formulation of education policy at all decision-making levels, as suggested by Ball. Understanding the complexity of education policies implies being conscious of the complete cycle of policies, and the differentiated areas in which educational policies are made, which are constituted by, for example, the design of PISA tests, reports such as McKinsey's, state activity, and actions carried out in schools, as well as by other actors (Beech & Meo, 2016).

Gramsci's civil society theory may also be useful for understanding the extent to which a counter-hegemonic narrative or proposition permeates actions in the hegemony, or in this case government institutions (Gramsci, 1971). In Mexico, some of the demands pushed by civil society have been realized in policy decisions, mostly as a legitimization strategy given the conservative approach of the developments.

Parallel to the external threats against the right to education and the implementation of activities that promote the rights of LGBT+ students, there have been measures proposed at the local level that differ and demonstrate best practices of policies grounded in the needs of the people. In 2019, Governor Sheinbaum announced along with Esteban Moctezuma, Minister of Education, that students in Mexico City would be able to choose their preferred school uniform, no matter if they wear a skirt or pants. The only requisite is that uniforms must follow the guidelines of chromatics, shields, and badges (Gobierno de la Ciudad de México, 2019).

Human rights organizations and public institutions celebrated this measure, considering that it facilitates social transition and the autonomous exercise of the right to the free development of personality of those people who do not identify with their gender assigned at birth. The Human Rights Commission of Mexico City mentioned that the use of neutral uniforms, or guaranteeing the possibility for students to choose their uniform, represents a powerful symbolic communication to modify cultural paradigms of both the sex-gender system and the binary and adult-centered systems. They continue this advocacy by stating that it will contribute to the construction of more equitable interpersonal and social dynamics and respectful of personality manifestations, all of them encompassed in the spirit of the inclusive education model (Comisión de Derechos Humanos de la Ciudad de México, 2019). Some institutions have adopted the counter-hegemonic values, initiatives and exigencies promoted by civil society, but many areas of improvement remain to be covered.

Increased momentum in the public sphere and the rising levels of violence at schools have forced the Trans Children Association to issue a protocol in schools for the inclusion of trans

children. This organization has accompanied students, families, and schools to incorporate the necessary strategies that may create a safer environment for trans students at all education levels. The protocol has been adopted only by a handful of schools, yet it is a powerful tool that has made this necessity visible.

Further, government authorities have recently acknowledged these situations of violence and have adopted mechanisms to address the issue, but employ conservative strategies. The Ministry of Education and other national instances have identified the opportunities in this field, and the Secretary of Governance recently published a model to draft protocols that may address needs such as the prevention of sexual abuse or harassment at schools. However, the policy is insufficient in covering the necessities based on sexual orientation, gender identity, or gender expression and is mainly directed for higher education (Secretaría de Educación Pública, 2020). It is evident that the government hegemony has adopted a conservative version of civil society's narrative.

Another interesting case of a response from the governance hegemony that adopts the demands from civil society organizations in a conservative manner is the publication of the *Estrategia Nacional de Educación Inclusiva* (National Strategy of Inclusive Education) by the Ministry of Education. This document guides inclusivity in the education system resulting from the most recent constitutional reforms. However, this policy centers too much on ensuring access with a focus on special education (covering areas from students with disabilities to students with behavioral issues), and comes up short in addressing specific needs in terms of sexual orientation, gender identity, and gender expression. Even though it is a nice and useful advance that facilitates the work for civil society to incorporate strategies such as teacher training or propose strategies at the school level, the document is a conservative response to the extensive issue of school violence.

Other policy advances include the issuance of models and activities that may facilitate the incorporation of a gender approach in the education field, but mainly at a local level. In 2020, the Secretariat for Substantive Equality and Development of Women in the state of Michoacán presented a curricular proposal to effectively mainstream a gender approach in education. These series of documents were published alongside the local Ministry of Education, and includes strategies that can be applied at many levels, including schools and policymaking bodies (Gobierno de Michoacán & Michoacán, 2020). Finally, progressive policies continue to be proposed and announced in municipalities throughout the country – pointing to a growing trend of inclusion. In order to ensure that these policies and programs are actually fulfilling the needs of key populations, they must integrate the participation of civil society during their planning, implementation, and evaluation.

Civil society organizations such as DILO Escuelas Incluyentes have also facilitated processes in the construction of counter-hegemonic narratives and activities in a war of position strategy. This Mexican organization has potentialized the experience of the clotheslines, replicating this activity as a community-intervention tool, in order to provide a space in which students and teachers can express their testimonies on discrimination, bullying, or harassment at school. Their *Universidades Incluyentes y Libres de Discriminación* manual has generated tools for students to promote diversity at their schools (Herrera et al., 2018). Other local CSOs, such as Investigación, Diversidad e Incidencia, and Yaaj México, have furthered research and activism, engaging key stakeholders such as private companies.

Each time, more stakeholders are getting involved in, what Ball would describe as “policy networks” (Ball, 2012) referring to those networks that are innovating in the formulation and implementation of education policies. Efforts from civil society organizations are crucial to creating LGBT+ inclusive education in Mexico as they have issued and delivered materials to address this issue, sometimes even working in partnership with international organizations. There are two notable examples of these types of collaborations, one being the 2018's *Card of Sexual and Reproductive*

Rights of Young People published by the United Nations Population Fund (UNFPA), social organizations, and public institutions (Comisión Nacional de los Derechos Humanos, 2016). The other being a toolkit for promoting a gender approach among school counselors, recently published by the United Nations Development Programme (UNDP) and implemented along with local organizations (UNDP, 2018). These initiatives must continue to grow and be taken into consideration as the government formulates public policies.

Conclusion

This paper shows that civil society organizations and impacted populations organize to innovate for human rights. They do this by creating solutions, assessing school climate, and by giving tools to numerous stakeholders to prevent violence and discrimination. However, there is a huge need to expand services that facilitate understanding about the needs of LGBT+ people to the public. There also needs to be specific tools and materials provided to education institutions in order to respect and promote students' rights.

While we have presented the research that exists, there is a lacuna of ongoing, intersectional evidence that documents the lived realities of LGBT+ students in Mexico and monitors the implementation of existing laws and policies. We believe that this stems from the government's lack of will to evaluate these climates as well as the stigma around LGBT+ topics to avoid the grim realities of acknowledging constant violence. Despite violence in schools having been an issue for many years, existing surveys have been insufficient in measuring this issue through a youth- and gender-based approach. Only recently, Mexican authorities have invested efforts to address violence against LGBT+ students, and civil society organizations have played a key role in this process.

Gramsci's war of position explains the advocacy strategies used by civil society organizations, which have used legitimate channels to present exigencies such as the issuance of research reports and participation in technical meetings. The civil society sector in this country is providing valuable resources that are in-between the economic and the government sphere (Gramsci, 1971) by drafting inputs that may better diagnose the situation, and to address urgent needs that had not even been identified by public and private institutions.

Exigencies from civil society have permeated into actions in the hegemony – government institutions in the case of México – despite the counter-hegemonic nature of their narrative. This is evident when the situation is analyzed using Ball's policy cycle model, which argues that many stakeholders participate in the shape of education policies, including civil society.

The existing legal framework at a national and international level has facilitated the advocacy process, and the participation of numerous social causes in these channels suggests how an intersectional approach may accelerate changes in the public sphere.

We can derive hope from the fact that the government that entered in 2018 is the first public administration whose intended Secretary of Governance formally signed an agenda during their political campaign, committing to protect rights for LGBT+ populations. Additionally, many Secretariats have publicly stated that those aforementioned legislations that violate constitutional principles, such as the Parental Pin, will not be considered.

Gramsci's theory is useful for evidencing the role of civil society in the formulation of public policies, but we still do not know to what extent their participation is influencing decision-making. Although there are evident cases in which the governance hegemony has adopted the narrative and demands of groups advocating for LGBT+ rights in the education field, this is mostly done in a conversative manner. Therefore, the participation and accompaniment of civil society and impacted populations is essential in the implementation and monitoring of resulting policies, as Ball has also

noted. Involvement of civil society organizations particularly in evaluating policy implementation will aid public authorities in collecting relevant, representative data.

The needs of LGBT+ youth in Mexico are vast. Luckily, there are numerous stakeholders that have realized the need to invest efforts to reverse the alarming amounts of SOGIE-based violence in educational institutions. From public agencies evaluating discrimination and violence to academic institutions implementing materials to address LGBT+ topics, Mexico is taking steps to making inclusion a commitment. Further legislative changes may provide useful mechanisms to promote the rights of LGBT+ students at all levels of schools. As civil society organizations have demanded a response from the government, garnering the attention of international organizations, these processes should be strengthened as it ultimately helps the government serve all people in its society. As Mexico at large takes these steps towards inclusion, a path is emerging.

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