Research article

Sexual Citizenship: Contemporary Challenges of Gender Identity in Mexico

Sinuhé Estrada-Carmona[1]* 🆔 ✉   & Gabriela Isabel Pérez Aranda[2] 🆔 ✉
[1]Faculty of Humanities, Autonomous University of Campeche, México. *Corresponding author
[2]Faculty of Humanities, Autonomous University of Campeche, México.

Abstract
The recognition of sexual diversity and gender identity has gained prominence in contemporary discussions about rights, equality, and social inclusion. This paper examines the most representative arguments of the concept of sexual citizenship and its implications for the rights and experiences of transgender individuals, particularly in Mexico. It undertakes a theoretical exploration that invites critical reflection on the challenges in constructing sexual citizenship based on the binary system of sex and gender, as well as for the study of sexual diversities. In conclusion, the paper suggests that the binary system is currently being surpassed, and the opportunity is opening up to denaturalize, deessentialize, and perhaps debinarize gender identities.

Keywords*:* Citizenship, Sexual Citizenship, Sexual Rights, Diversity, Gender Discordance.

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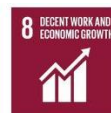
1. Introduction

Citizenship is the political category that legitimizes the new status of the Western subject today. From the eighteenth century onwards, two axes build the new modern political subjectivity: citizenship and human rights. Only a person who possesses or acquires the status of a citizen is considered human. A political boundary is constructed between those who can be considered citizens and those who fall outside the limits of such a definition, without having fundamental human rights guaranteed. From the moment the notion of "citizenship" emerges in modern political thought as a central category to define the new modern subjectivity, certain subjects are left out of this definition. The exclusion that marks the very foundation of the constitution of the modern citizen affects various subjects: children, women, or slaves, among others. From its inception, citizenship has evolved into an exclusive political category. These various axes that make up subjective identity and that mark non-belonging to citizenship are: gender, sex, sexuality, race, social class or nationality (Balza, 2009:231).

In this text I will mainly explore the case of people who experience what has been defined by post-modern psychiatry as "gender discordance", formerly called gender dysphoria and transsexuality, in relation to the exercise of their rights and the construction of sexual citizenship, based on a critical review of theoretical hypotheses and legal and medical regulatory frameworks to give context to the situation of challenges in Mexico.

2. Review of literature

Identity is a recurrent theme and an epistemological problem that various theorists from different disciplines have explored. Reflections on identity generally defend the notion of contingent, partial, temporal, and historical identities, while to a lesser extent advocating the idea of a static, fixed, and timeless identity. Consequently, theories of identity have been constantly reconstructed and redefined (Hall, 2003; Navarrete-Cazales, 2015).

However, identity has not always represented the same problem, for Bauman (2003:40), if the "modern problem of identity" was how to construct it and keep it solid and stable, the "postmodern problem of identity" is fundamentally how to avoid fixation and keep options open.

2.1. Modern identity

Taking into account Bauman's distinction, it can be considered that the modern problem of identity was born with classical Greek philosophy, when the word had only one meaning, that of its etymological root – Latin – *identitas*, that is, "equal to oneself" even "to be oneself" or what is known as the ontological (or metaphysical) principle of identity (A=A) and was used only to speak of the characteristics of an object or " of man", that is, his essence, what differentiated him from the rest of the objects. Parmenides, for example, stated that what exists is immovable due to a logical principle: we can only think about what truly is; we cannot think about what does not exist. Now what is, necessarily remains, because if it were not so, it would cease to be; therefore, things are immobile, that is, being (reality) is unique and permanent, immutable (Stewart, 1999).

Additionally, Plato and Aristotle believed in the true knowledge of things, for the former there is an intelligible world where the true being of things is, for the latter Being is understood of what

is accidentally or of what is in itself, because accidentally someone can be something, and at the same time something else (father and brother); but in himself he is always a man (Jakušić, 2014). This means that Being has many meanings; it is expressed in various ways, but forms that participate in a single and fundamental form that unifies them: the entity, that is, what it is in itself (Navarrete-Cazales, 2015).

Descartes (2005), on the other hand, was interested in the question of personal identity and stated that we cannot understand what we are until we know what it is that we can know with certainty.

Although the intention of other modern philosophers such as Hume, Kant and Leibniz to overcome the old scheme of essential, substantial and univocal identity is recognized, they do not completely achieve it. However, they described fundamental aspects for philosophy and modern science in relation to the supposed nature of identity.

The main identity-related distress of modern times was the concern for durability. We think about identity when we are not sure where we belong; that is, when we are not sure how to place ourselves in the obvious variety of styles and patterns of behavior and make the people around us accept that situation as correct and appropriate, so that both parties know how to act in the presence of the other. So "Identity" is a name given to the search for a way out of that uncertainty, incorporating itself into the modern mentality and practice, dressed from the beginning as an individual task. It was up to the individual to find an escape from uncertainty (Bauman, 2003:41).

2.2. Post-modern identity

For Choza and Piulats (1999) with Nietzsche and Heidegger, the rejection of any center or ultimate identity (metaphysics) begins, revealing the weaknesses, paradoxes and inconsistencies of the universal metaphysics of modern identity. The only possible identity of Nietzschean discourse is precisely the dissolution of all identity, the irreconcilable struggle against any form of identity. At the same time, Heidegger's Dasein (Being there) is the entity that we ourselves are in each case and that has, among other features, the possibility of being. It is a term that purely expresses Being. This means that, unlike non-human beings, man is what he is in each case, that he is a project of himself, the task of his own realization, that is, the human being, the subject, is changing, he is constantly being.

The idea of identity was incorporated from philosophy to the social sciences, particularly psychology, from the works of Erick Erickson, who in the mid-twentieth century used the term ego-identity in his studies on the problems faced by adolescents and the ways in which they can overcome the conflicts of their mature stage. Erickson states that identity is "a feeling of sameness and continuity experienced by an individual as such (Erickson, 1977: 586); which becomes the subjective perception that the individual has of himself and that arises when he asks himself: Who am I? Identity is an exercise in self-reflection, through which the individual subjectively ponders his or her capacities and potentialities, is aware of what he or she is and can be as a person; however, since the individual is not alone, but lives with others, self-knowledge implies recognizing oneself as a member of a group; which, in turn, allows it to differentiate itself from members of other groups. Thus, the concept of identity appears to be related to individual subjectivity, with philosophical and psychological perspectives predominating in the first works on social identity (Maldonado & Oliva, 2010).

In this way, subjectivity cannot be reduced to a solely internal state, but to an internality that involves both the psychological and the social in a dialectical relationship and whose nature is historical and social. Subjectivity is understood as the organization of the processes of meaning and meaning that appear and are configured in different ways in the subject and in the personality, as well as in the different social spaces in which the subject acts (González, 2002, p. 2).

Subjectivity understood simultaneously as meanings and senses that also characterize the different social spaces that individuals constitute (family, classroom, group of friends, company and many others) contributes to breaking with the individual-social, internal-external, intrasubjective-intersubjective dichotomy, articulating both poles in a dialectical way and expressing their contradictory, complementary and recursive character (Mitjáns-Martínez, 2008).

Therefore, identity is fundamental to thinking about and building society; there is no society without subjects, and subjects cannot exist if they are not within the framework of a society. As Mélich (2010) affirms when, starting from morality, he reflects on how we should guide ourselves in the world and establishes a series of behaviors, attitudes and rules that we must follow, which are given from the moment we are born and ends by affirming that this morality configures our identity, also making a relevant precision when he says "all identity is social" (p. 327).

For Laclau (1994:33), Derrida demonstrates that the constitution of an identity is always based on the exclusion of something and the establishment of a violent hierarchy between the two resulting poles, such as man/woman. The peculiarity of the second term is thus reduced to the function of an accident, as opposed to the essential character of the first. It is the same with the black-white relationship, in which white, of course, is equivalent to "human being". "Woman" and "black" are then "marks" (i.e., marked terms) in contrast to the unmarked terms of "man" and "white."

Likewise, Pachano (2003) adds that identity is a piece of direct evidence that arises from the opposition of realities that are in fact different in one or multiple aspects, its materialization only occurs after a process of intellectual social construction. It is a process in which belief plays a decisive role, in terms of fostering confidence in a common future based on a shared past that unifies the members of the group around common values. In this sense, identity is constructed as the affirmation of the elements that characterize a human group, to which it assigns a fundamental value for its self-definition and considers, at the same time, as the expression of "normal". Therefore, the construction of identities is initially the "affirmation" of a set of conditions or characteristics of one social group in relation to another or others.

Navarrete-Cazales (2015) defines identity as:

> A general category that makes it possible for us to have a place of (historical-temporal) affiliation in front of others to distinguish ourselves from others (subjects, institutions, groups, families, communities, social movements, nations), and to say what we are and what we are not. There is no possibility of identity that does not postulate, at the same time, an otherness: a sameness would not be possible without the existence of that otherness. On the other hand, the identification process is something more specific, particular, which involves the analysis of the moment of engagement, of identification with something or someone (subject, idea) that constitutes us in a particular, specific moment of our historical, contextual, ergo changing identity. (p. 468)

The constitution of a social identity is always an act of power, therefore, political (subject/political identity). The subject for Laclau (1994, p. 79), is the pure form of the dislocation of the structure, this dislocation allows the subject never to reach a full identity, but temporary, thus the subject is constituted at the dislocated edges of the structure. Therefore, the identity of the political subject is constructed through acts of identification that can involve decision or power. Identity has two constituent elements: on the one hand, it is a contingent movement, and on the other, it marks differences. The latter is closely tied to the relationship between different subject positions. The subject is constituted from different positionalities, which are dispersed in the world, but not separated, but are related and differentiated in turn; none of the subject's positions manages to consolidate itself as separate finally, there is a game of overdetermination between them that reintroduces the horizon of an impossible totality (Laclau & Mouffe, 2004, p. 164). Therefore, human identity is not only a set of dispersed positions, but also the forms of overdetermination that are established between them.

The subject constructs his identity from the assumption of different positions, roles or identity poles: a subject throughout his life history can be a scientist, a father, a politician, a baseball player, etc. and, in this sense, identity is constantly reconstructed by the acquisition of new positions and by the resignifications that each subject makes of them; Our being in the world is made up of as many identities as we constitute ourselves (decisively or not) in it, and we say decisively or not, because we have some "identity poles" already given historically (for example: being a child, man or woman) but that does not mean that an identity pole constitutes or determines in defining terms the identity of a subject. It should be said that conceiving of subjects as politicians is because we have the power to decide and act, not only collectively but also individually. Decisions are not, of course, of free will, but are always conditioned by the context and mediated by other subjects, agencies, and institutions, which implies power relations (Navarrete-Cazales, 2015).

2.3. Citizenship and gender identity.

For Raupp (2004), democracy and citizenship are central ideas in the various contemporary social movements. Through its articulation, a wide range of demands has made important advances, including demands from various sectors of individual and collective life. One of the effects of this dynamic has been the increasingly widespread understanding of the multiple dimensions required for the construction of a democratic society, as demonstrated by the demands for social, economic, political and cultural inclusion. These dimensions also mark an expansion of the concept of citizenship, since it was traditionally associated only with the legal status acquired by virtue of national belonging.

We must not lose sight of the fact that the notion of citizenship is linked to power relations and the formation of social meanings. The constitution of the citizen occurs through a series of symbolic resources that enable participation in the various levels of social life. This requires both the elimination of the ideological and material conditions that promote various forms of subordination and marginality (gender, sexuality, class, race), as well as the enhancement of the knowledge that is possessed and the acquisition of new knowledge in order to act in private and public spaces, to recognize the needs of diverse social groups and to negotiate relations in the various spheres (Di Marco, 2012).

Therefore, full citizenship remains a problem in the model of democracy today, as subjects are not sufficiently involved in the interests of their collective; however, these behaviors are not explained by attitudes of apathy. Moreover, the fact is that the quality of citizenship is not a political-civil status that is acquired by the mere fact of reaching the age of majority. However, it is something that is built and potentiated over time, and that, without a doubt, is crossed by the conditions of life history and structural conditions such as poverty, marginalization, discrimination, exclusion, violence, among many others (López & Serrato, 2018).

Thus, rather than a complete and stable project that defines the relations between the State and its subjects, citizenship is always contentious; Its consolidation is not a historical accident, but the result of social struggles over the establishment of the necessary conditions that allow the right to political participation. In this way, the condition of citizenship is linked to the social struggles that have shaped it. It is important to emphasize the notion of social struggles as the main engine of citizenship, which suggests that it is always in the process of being built and reconstructed, negotiated and renegotiated, formed and reformed; this means that the passive and static conception is abandoned, in favor of a more dynamic and active one (Susen, 2010).

Shepard (2004) adds that citizenship has two main elements: the first is citizen participation, in which all citizens have a voice in the policies and programs that affect their lives. It is the basic principle of democracies. Applying this principle to sexuality, sexual citizenship will then be having a voice and vote in policies and programs that affect the autonomous exercise of sexuality and sexual health. The second element is related to the concept of being a "subject of rights", that is, of living in a State that respects and protects the human rights of citizens and that assumes responsibility for enforcing these rights. The rights that are most relevant to sexuality are: the right to physical integrity, to health, to non-discrimination, to survival and development, to freedom of expression, and the reproductive right to decide freely on the number and spacing of children.

At the same time, Di Marco (2012) states that citizenship is related to the spaces of socialization where the identities of subjects who have different bodies, desires, interests and needs are formed, who participate as beings located in the world, based on their bodily and emotional experience, which means that the notion of citizenship cannot be considered in the abstract since the spaces of socialization are marking identities based mostly on the cisheterosexual model, which conditions the exercise of citizenship for those who do not "fit" into these socially constructed models.

2.4. Being a Different Citizen

Sexual citizenship theorists emphasize that sexuality play a key role in how Western governments construct citizenship rights. Feminists have long pointed out that Western citizenship rights have developed around the conception of the citizen as the head of the male household, where women were subordinate. In other words, citizens' rights and their benefits were constructed in a way that assumed the citizen was heterosexual. It was a form of heteronormative sexual citizenship. Thus, the concept of sexual citizenship is particularly useful in drawing attention to the heteronormative nature of the way in which many citizenship rights were originally constructed and in explaining why obtaining such rights can sometimes have normalizing consequences given their origin in a heterosexual model (Plummer, 1995, 2001; Johnson, 2017).

The prevailing scientific belief is that, over the years, the notion of citizenship is perfected and becomes more inclusive; however, in the normative model of democracy, uniform and heteronormative citizenships prevail, which does not allow for diversity. This paradigm, then, ignores, among other citizenships, the sexed, thus denying them the full exercise of their rights. People of sexual diversity are not only in the struggle for the enjoyment of rights and obligations as citizens who are recognized by the normative model, but also fighting the battle in the sociocultural reconfiguration (López & Serrato, 2018).

Maffia (2001) argues that sexual citizenship implies "making visible the sexual condition of citizens, otherwise it is easier for the State to violate basic rights. In addition, the sexualization of subjects operates in a dynamic that requires the State to modify its actions, in order to meet the particularities and specific needs of social groups" (p. 28).

Furthermore, Richardson (1998, 2000, 2018, 2017) has identified three main aspects of sexual rights that are involved in sexual citizenship. These three aspects involve sexual practice, the rights of self-definition and identification, and rights acquired through social and political institutions. It should be noted that sexual citizenship issues are not only political in the strict sense involving the government, but also economic and social, and include the rights of minorities. Sexual citizenship is implicated in how citizenship is conceived more broadly and in particular forms of government of the individual.

The neoliberal capitalist version of sexual citizenship, for example, is in part shaped by a commodification of citizenship that emphasizes the consumer's "lifestyle" choice. In this sense, Evans (1993) criticizes the traditionalist vision of sexuality as something individual, personal, private and separate from material structures and power relations, and characterizes minoritized sexual groups as participants in a citizenship, through the consumption of sexualized commodities explicitly made for that market.

Some consequences of the binary essentialist system of sex/gender from which legal identity and citizenship are constructed have been documented by the World Association for Sexual Health and the Pan American Health Organization (WAS and PAHO, 2009) as cultural and structural violence against sexual and gender diversity, such as: Pathologization, criminalization, and invisibilization of non-normative sexual behavior; Dissociation of sex education programs from non-normative sexual behaviors. Heteronormative, cis-normative, binary, coitus-centric, monogamous sex education; Criminalization of family styles such as polygamy where adults in consensual polygamous unions (and their children) lack access to their rights; Criminalization and segregated control of sex work; Use by the State and its agents of verbal abuse, harassment, violence, violation of physical integrity, and murder or capital punishment to punish men, women, boys and girls who violate cultural norms of sexual conduct. For example, the death penalty can and is imposed on the basis of a conviction of homosexuality in countries governed by Islamic law; revictimization by health professionals working in forensic medicine units, who violate the physical integrity of persons detained on suspicion of homosexual activity, by carrying out forced and repeated anal examinations in order to determine their guilt; collusion between health professionals and the police, in rigorous and harsh police surveillance with criminal prosecutions or forced medical treatment for people caught in homosexual activities; the use of surgical

procedures and hormonal treatments not supervised by State specialists for intersex and transsexual people.

For the United Nations (UN, 2016) discrimination against lesbian, gay, bisexual, transvestite, transgender, transsexual and intersex (LGBTTTI) people not only harms people, it also reduces the profits of companies and costs countries billions of dollars in losses, by reducing their economic performance. Every time a person from the LGBTTTI community is harassed or expelled from their job, not only is an injustice committed against a human being, but also an opportunity to consolidate a more productive economy is lost.

For example, a pilot study conducted by the World Bank (Badgett, 2014) found that discrimination against LGBT people in India could currently cost India up to US$32 billion per year in lost economic returns. For this reason, the Secretary-General of the United Nations, Ban Ki-moon, stated that the eradication of discrimination against members of the LGBTTTI community is "a priority in terms of human rights and a requirement of development" (UN, 2016, p.1).

3. Critical reflections in Mexico.

According to the Supreme Court of Justice of the Nation of Mexico (SCJN, 2018), the Binary System of Sex and Gender (SBSG) is understood as the dominant Western social and cultural model, which considers gender and sex to encompass only two rigid categories: male/male and female/female. That is, it refers to a set of conservative and patriarchal beliefs that maintains that: i) the sexes are two and only two: male and female; ii) sexual relations have procreation as their purpose and only procreation and iii) the "natural" family is patriarchal, monogamous, heterosexual and for life (Femenías, 2015).

This binary division of sex and gender has been accepted as an irrefutable and almost dogmatic truth. Such a system or model excludes individuals who do not fall into either of the two categories. Among the people excluded by this model are, among others of sexual diversity, non-binary, transsexual, transgender and intersex people, since for the State they do not fall into the category of "man" or "woman" in their "biologically typical" sense and are almost always subjected to surgical and endocrinological procedures, often violating their rights (SCJN, 2018).

This SBSG is still considered by today's societies as the only possible model of social organization. Which, when considered as an exclusive dichotomous opposition, places obstacles that prevent living corporeality and life experience with autonomy (García-Granero, 2017). It is here that sexuality intersects with the status of citizenship in modern democracies; since the second half of the twentieth century, it has acquired a fundamental role at all structural levels of developed capitalist societies (Jiménez, 2018). Specifically, the category of sexual citizenship exists due to the primacy of sexual subjectivity in the contemporary world and constitutes a new form of belonging (Weeks, 1998, 2018). Consequently, it is understood that bodies that are outside the social norm of binary sex and gender encounter obstacles when trying to exercise their civil rights, political and social rights.

In Mexico, the beginning of the new millennium is framed by what is known as the "period of democratic transition", where changes in the political system are not only experienced with the

appearance of new actors, but also with the birth of new institutions such as the National Council for the Prevention of Discrimination (CONAPRED) and the establishment of a central value: respect for difference (López, 2018).

CONAPRED (2019) points out that LGBTTTI people face substantive obstacles in the exercise of all kinds of rights. In access to education, employment or health, and even in the process of identity development itself, people who have a diverse sexual orientation, gender identity or expression, or sex characteristics encounter barriers motivated by social prejudices or legal omissions. Generally, these prejudices come from the positive valuation given to heterosexuality, as well as to the presumed congruence that is believed to exist between a person's gender identity and the sex that was assigned to them at birth, or to bodily characteristics that are considered "normal" (sex-gender binary). Sometimes, this contributes to cases of violence that can end people's lives. Discrimination based on sexual orientation, gender identity and expression, and diverse sex characteristics is structural in nature. It is a process with historical roots that feeds on stereotypes associated with sexual diversity. These stigmas have justified a difference in treatment, and are so deeply rooted in our culture that they affect not only the private sphere, mainly the family, but also the public sphere – for example, in social security institutions or access to justice.

CONAPRED (2019) details that according to the National Survey on Discrimination (Enadis) 2017, almost 2 million 700 thousand people in Mexico declare that they are not heterosexual, which represents 3.2% of the national population. However, it is likely that, given prejudices about sexual diversity, some people have not shared their sexual orientation openly, and the percentage is higher.

The National Institute of Statistics, Geography and Informatics of Mexico published in 2022 the first official survey on sexual and gender diversity (ENDISEG), which identified that around 0.9% of people over 15 years of age did not identify with the sex that was assigned or registered to them at birth (INEGI, 2021).

For its part, the Inter-American Commission on Human Rights (IACHR, 2015) in its document Violence against LGBTI Persons and Press Release 137/15, indicates that 80% of trans people murdered during a 15-month period were 35 years of age or younger, compared to the percentage of people killed under 35 years of age. which, according to INEGI data, corresponds to 50% and 54% of men and women murdered in 2015 in Mexico.

Consequently, CONAPRED (2019) describes that, among the priority issues, are the inclusion of sexual orientation, gender expression and identity, and sex characteristics within the prohibited grounds of discrimination, rather than "sexual preferences" (as currently appears in Article 1 of the Constitution). Combat and adequately investigate hate crimes against LGBTTTI people, as well as adopt measures against homophobic, lesbophobic, biphobic, transphobic and interphobic bullying. With respect to the latter, special attention should be paid to the prevention of suicide and other psycho-emotional conditions among LGBTTTI children. The reform of the Social Security Law to make the affiliation of spouses between same-sex couples a more accessible right. Likewise, birth certificates that recognize people's gender identity must be obtainable through an administrative procedure throughout the Mexican territory. To make visible the existence of intersex people and to eradicate surgeries that assign them a sex at a very young age. Guarantee, especially in matters such as health, access for LGBTTTI people to specialized services specific to

their needs, without any discrimination. Finally, access to marriage must not be conditional on having a specific sexual orientation (heterosexual), as is still the case in most of the national territory.

In Mexico, as other parts of Latin Amercia, the denial of rights is exacerbated and reaches its highest levels of discrimination and violence against transgender people, as they do not fit the model of normal, acceptable and desirable; that is, they are people who lack alignment between their sex, gender, practice and desire; and whose struggle for a citizenship free of discrimination and violence is not yet over (Cáceres et al., 2004; López & Serrato, 2018; Bianco et al., 2013).

In this sense, the International Classification of Diseases (ICD) of the World Health Organization (WHO) of which Mexico is a part, was revised in mid-2019 by a working group, including mexican experts, whose main objectives were: 1) the depathologization and destigmatization of people called "transgender"; and 2) enable accessible, quality health treatment and services for people who require it (Robles & Ayuso-Mateo, 2019, p. 66).

However, despite the WHO's recent efforts to depathologize and destigmatize these conditions, in Mexico it continues to be a challenge to guarantee the right to self-determination of gender identity and the demands around the exercise of human rights of transgender people (López, 2018). The extreme violence against this group is reflected in the report of the Observatory of Murdered Trans People (OPTA, 2016), which reported that Mexico ranks second in the world with 285 cases of transgender people murdered from January 2008 to June 2016, after Brazil with 868 murders in the same period.

Unfortunately, the scientific belief persists that, over the years, the notion of citizenship has been perfected and has become more inclusive. However, in the normative model of democracy, uniform and heteronormative citizenships still predominate, leaving little room for the recognition and inclusion of diverse gender identities and sexual orientations. The current citizenship model often fails to account for the lived experiences and unique needs of LGBTTTI individuals, who continue to face systemic discrimination and barriers to full participation in society.

The most recent controversies in Mexico have to do with the recognition of gender identity in minors who experience gender discordance. To which the current Secretary of the Interior, Sánchez Cordero, warned that "the Legislature has other challenges to combat discrimination based on sexual orientation and gender identity or expression, such as promoting the recognition of the gender identity of all people, including children and adolescents" (Agencia Reforma, 2020).

In this sense, on October 30, 2020, Enrique Alfaro, Governor of the State of Jalisco approved the reforms to the State Civil Registry Regulations so, with this decree, people will be able to go to any civil registry office to assert their right to identity and obtain a birth certificate according to their identity. The state governor shared the decree on social networks and stressed that "trans people will be able to assert their right and obtain a birth certificate according to their identity" including trans children and youth (Milenio, 2020).

However, the challenges remain many, from activism and academia it will be necessary to continue arguing and making visible the de-naturalization and de-essentialization of gender identities so that the diversity and fluidity of gender identities and expressions can have the opportunity for inclusion in the dialogic construction of citizenship hand in hand with other decolonial, anti-

capitalist and anti-patriarchal struggles. The prevailing heteronormative standards and societal expectations continue to pose significant obstacles to the full recognition and acceptance of diverse gender identities and sexual orientations (Frazzetto, 2020).

These challenges are further compounded by the intersectionality of gender identity with other forms of marginalization, such as race, ethnicity, and socioeconomic status, which can exacerbate the discrimination and violence experienced by transgender individuals (Malta et al., 2019). This paradigm, then, ignores, among other citizenships, the sexed, thus denying them the full exercise of their rights. People of sexual diversity are not only struggling for the enjoyment of rights and obligations as citizens recognized by the normative model, but also fighting a battle in the sociocultural reconfiguration (López & Serrato, 2018).

The context of the expansion of sexual citizenship — that is, the reinterpretation of sexualities through the language of citizenship and rights — varies widely according to particular contexts and genealogies. From the point of view of equal rights and anti-discrimination ideals, all struggles for LGBTTTI rights are indisputably legitimate. They have to do with the access of people whose sexuality or gender does not correspond to heteronormative parameters, to rights conceived as universal. It is about their inclusion within citizenship, where the citizenship of many dissidents or sexual "others" implies equal treatment. This recognition is partly indebted to what has been understood as the judicialization of LGBTTTI claims, namely, the concentration of resources on modifying existing legal frameworks, primarily based on the rights to identity and respect for difference (Sabsay, 2018).

4. Conclusions

The critical analysis of the political, cultural and legal perspectives around non-normative sexualities shows that the recognition of sexual citizenship is fundamental in the vindication of a democratic ideal that includes and recognizes all people regardless of their sexual orientation and gender identity. For the Government of Mexico (SEGOB, 2020), gender identity is "the concept of oneself as a sexual being and the feelings that this entails; it is related to how we live and feel our body from personal experience and how we take it to the public sphere, that is, with the rest of the people. It is about the individual and internal way of living gender, which may or may not correspond to the sex with which we were born".

This statement biologically links gender identity with the assignment of sex at birth, derived from the anatomical interpretation of the external pelvic sexual organs (penis and vulva) under the normative binary system. Therefore, it adds, "Although there is a diversity of gender identities, they are usually considered a spectrum with two extremes: the identity attributed to women and that associated with men. However, we must remember that gender identity:

- It is independent of sexual orientation and includes how a person calls themselves and presents themselves to others.
- It includes the freedom to modify bodily appearance or function through social gender roles, medical, surgical, or other techniques.

Therefore, it is considered that the sex-gender binary system from which the Mexican State organizes and guarantees the right to gender identity in Article 4 of the Political Constitution of the United Mexican States (DOF, 2019) may represents an obstacle to the construction of full sexual citizenship and possibilities of free expression of individuals who, due to their bio-psycho-cultural characteristics, do not conform to the political and social norm binary of sex and gender. Therefore, it sustains the symbolic violence that is experienced in the daily life of abject and marginal bodies, identities and gender expressions. The reality of the increasing number of sexual and gender diversity groups is overcoming the binary system of sex and gender.

In conclusion, critically problematizing the notion of citizenship and the challenges it represents for people's right to gender identity, particularly those who fall outside the social norm, is very important not only from the academic perspective but also from communities of sexual diversity. The recognition of sexual citizenship is fundamental in the vindication of a democratic ideal that includes and recognizes all people regardless of their sexual orientation and gender identity. Finaly, sexual justice remains an aspirational goal, a necessary horizon and a continuous pursuit in the recognition of a diverse society that fundamentally demands respect for all human rights (Buslón et al., 2023; Hodson et al., 2019; Kraus et al., 2023; Tinoco-Giraldo et al., 2021).

Acknowledgement

References

Agencia Reforma. (2020). The Ministry of the Interior calls for the elimination of therapies that "cure" homosexuality. Networked: https://sipse.com/mexico/secretaria-de-gobernacion-pide-eliminar-terapias-que-curan-la-homosexualidad-365565.html

Badgett, M. V. (2014). The economic cost of stigma and the exclusion of LGBT people: a case study of India.

Balza, I. (2009). Citizenship and New Gender Identities: On Biopolitics and Queer Theory. Present, Past and Future of Democracy, 231-238.

Bate, J. (1999). Shakespeare and original genius. In P. Murray (Ed.), *Genius – The History of an Idea.* New York: Basil Blackwell. 76–97 [Note first line indent and Left Indent]

Bauman, Z. (2003). From Pilgrim to Tourist, or a Brief History of Identity, in Hall, S. and Du Gray, P. (Comp.). Issues of cultural identity. Buenos Aires: Amorrortu

Bianco, F. et al. (2013). Sex, gender and citizenship. Community and Health, 11(1),1-7.

Bradford, J., Reisner, S. L., Honnold, J. A., & Xavier, J. (2013). Experiences of transgender-related discrimination and implications for health: results from the Virginia Transgender Health Initiative Study. American Journal of Public Health, 103(10), 1820-1829.

Buslón, N., Cortés, À., Catuara-Solarz, S., Cirillo, D. y Rementería, MJ (2023). Concientización sobre el sesgo de sexo y género en inteligencia artificial y salud. Frontiers in Global Women's Health, 4. https://doi.org/10.3389/fgwh.2023.970312

Butler, J. (2002). Critically subversive. In R. M. Mérida-Jiménez, Transgressive Sexualities. An anthology of queer studies. Barcelona: Icaria.

Cáceres, C. F., Frasca, T., Pecheny, M., & Terto Júnior, V. (2004). Sexual citizenship in Latin America: opening the debate.

Choza, J., & Piulats, O. (1999). Human Identity and the End of the Millennium. Thémata, 387-392.

CONAPRED (2019). Factsheet: Sexual orientation, sexual characteristics and gender identity and expression. Retrieved online on September 18, 2019. In: https://www.conapred.org.mx/userfiles/files/FichaTematica_LGBTI.pdf

Di Marco, G. (2012). The demands around Sexual Citizenship in Argentina. SER Social, 14(30), 210-243.

Erickson, E. (1977). Psychosocial identity. International Encyclopedia of Social Sciences, volume V, Spain: Aguilar.

Evans, D. (1993). Sexual Citizenship: The Material Construction of Sexualities. London: Routledge.

Femenías, M. L. (2015). From binary sex to gender diversity: some theoretical contributions. Published in: Assis, Z. and M. Guadalupe Dos Santos (ed.) Sexual Difference and Deconstruction of Subjectivity in Perspective, Belo Horizonte, DPlacido, 165-186.

Frazzetto, M. (2020). Un falocentrismo sui generis. PSICOANÁLISIS EN LA UNIVERSIDAD, 3, 51. https://doi.org/10.35305/rpu.v0i3.49

García-Granero, M. (2017). Undo sex. Beyond the male-female binary. Dilemata, (25), 253-263.

González, R. (2002). Subject and Subjectivity: A Historical-Cultural Approach. C. de México: Thomson.

Hall, S. (2003). Who needs identity? in Hall, S. & Du Gray, P. (Comp.). Issues of cultural identity. Buenos Aires: Amorrortu

Hammack, PL, y Wignall, L. (2023). Diversidad sexual y de género en el siglo XXI. Current Opinion in Psychology, 52, 101616. https://doi.org/10.1016/j.copsyc.2023.101616

Hodson, N., Earp, BD, Townley, L. y Bewley, S. (2019). Editorial: Definiendo y regulando los límites del sexo y la sexualidad. En Medical Law Review (Vol. 27, Núm. 4, p. 541). Oxford University Press. https://doi.org/10.1093/medlaw/fwz034

IACHR (2015). A look at violence against LGBTI people: a record documenting acts of violence between January 1, 2013 and March 31, 2014.

INEGI (2021). National Survey of Sexual and Gender Diversity. Accessed April 2024. https://www.inegi.org.mx/programas/endiseg/2021/

Jakušić, D. (2014). Ser y esencia en Aristóteles y Tomás de Aquino. https://www.academia.edu/9583477/Being_and_Essence_in_Aristotle_and_Aquinas

Jiménez, J. (2018). Sexual Citizenship in Costa Rica: Acts, Identities and Relationships in Historical Perspective Interdisciplinary Journal of Gender Studies of El Colegio de México, 4, http://dx.doi.org/10.24201/eg.v4i0.152

Johnson, C. (2017). Sexual citizenship in a comparative perspective: Dilemmas and insights. Sexualities, 20(1-2), 159-175.

Keenan, HB, y Mess, LMH (2020). Pedagogía drag: La práctica lúdica de la imaginación queer en la primera infancia. Curriculum Inquiry, 50(5), 440. https://doi.org/10.1080/03626784.2020.1864621

Kraus, U., Jacke, K., Dandolo, L., Dębiak, M., Fichter, S., Groth, K., Kolossa-Gehring, M., Hartig, C., Horstmann, S., Schneider, A., Palm, K. y Bolte, G. (2023). Operacionalización de un concepto multidimensional de sexo/género para la investigación cuantitativa en salud ambiental e implementación en el estudio KORA: Resultados del proyecto de investigación colaborativa INGER. Fronteras en Salud Pública, 11. https://doi.org/10.3389/fpubh.2023.1128918

Laclau, E. & Mouffe, Ch. (2004). Hegemony and Socialist Strategy, Towards a Radicalization of Democracy, Mexico City: Fondo de Cultura Económica.

Laclau, E. (1994). New Reflections on the Revolution of Our Time, Buenos Aires: Nueva Visión.

López, E. & Serrato, A. (2018). Between Pathologization and the Exercise of Full Citizenship: The Experience of LGBTTTI People. Cultural, 6.

López, M. F. (2018) Pathologization and depathologization of trans identities and their expression in Mexico City. A monographic study. Virtual Legal Library of the Institute of Legal Research of the UNAM.

Maffia, D. (2001). Sexual Citizenship. Feminaria, XIV, 26-27, Retrieved from http://res-publica.com.ar/Feminaria/Feminaria26-27.pdf

Maldonado, A. M., & Oliva, A. V. H. (2010). The process of construction of collective identity. Convergence. Journal of Social Sciences, 17(53), 229-251.

Malta, M., Cardoso, R., Montenegro, L., Jesus, J.G. de, Seixas, M., Benevides, B., Silva, M. das D., LeGrand, S., y Whetten, K. (2019). Derechos de las minorías sexuales y de género en América Latina y el Caribe: una evaluación multipaís. BMC International Health and Human Rights, 19(1). https://doi.org/10.1186/s12914-019-0217-3

Mèlich, J.C. (2010). Poetics of the intimate (on ethics and anthropology). Ars Brevis: yearbook of the Ramon Llull Blanquerna Chair, (16), 314-331.

Millennium. (2020). Jalisco says yes to trans rights at all ages. Networked: https://www.milenio.com/politica/comunidad/jalisco-dice-si-a-los-derechos-trans-en-todas-sus-edades

Ministry of the Interior (2019). National Development Plan 2019-2024. Official Gazette of the Federation.

Mitjáns-Martínez, A. (2008). Subjectivity, complexity and education. Psychology for Latin America, (13), 0-0.

Navarrete-Cazales, Z. (2015). Identity again?: A necessary but impossible concept. Mexican Journal of Educational Research, 20(65), 461-479.

OPTA (2016). Observatory of Murdered Trans People. Retrieved online on November 2, 2019. In: https://transrespect.org/es/map/trans-murder-monitoring/

Pachano, S. (2003). Citizenship and identity. Latin American Faculty of Social Sciences, Academic Headquarters of Ecuador.

Plummer, K. (1995). Telling Sexual Stories: Power, Change and Social Worlds. London: Routledge.

Plummer, K. (2001), The Square of Intimate Citizenship: Some Preliminary Proposals, Citizenship Studies, 5:3, 237-253

Raupp, R. (2004). Notes for a democratic right of sexuality. In Cáceres, C. F., Frasca, T., Pecheny, M., & Terto Júnior, V. Sexual citizenship in Latin America: opening the debate.

Richardson, D. (1998) Sexuality and citizenship. Sociology 32(1): 83–100

Richardson, D. (2000) Constructing sexual citizenship: Theorizing sexual rights. Critical Social Policy 20(1): 105–135.

Richardson, D. (2017). Rethinking Sexual Citizenship. Sociology, 51(2), 208–224.

Richardson, D. (2018). Sexuality and citizenship. Sexualities, 0(0) 1-5.

Robles, R., & Ayuso-Mateos, J. L. (2019). ICD-11 and the depathologization of the transgender condition. Journal of Psychiatry and Mental Health, 12(2), 65-67.

Rojas, EB (2018). Reflexiones acerca de la diversidad sexual entre jóvenes indígenas en México. Revista de Estudios Sociales, 63, 100. https://doi.org/10.7440/res63.2018.08

Sabsay, L. (2018). Sexual imaginaries of freedom: performativity, bodies and borders. Feminist Debate, 55, 1-26.

Shepard, B. (2004). Sin and Human Rights: The Lack of Sexual Citizenship of Youth. In Cáceres, C. F., Frasca, T., Pecheny, M., and Terto Júnior, V. Sexual citizenship in Latin America: opening the debate.

Stewart, M. (1999). The truth above all. An irreverent history of philosophy, Mexico City: Taurus.

Supreme Court of Justice of the Nation. (2018). Intersexuality in Mexico and the problem of binary sexuality. Retrieved online on February 17, 2024. In: https://www.scjn.gob.mx/sites/default/files/igualdad-genero/2018-06/ENSAYO%20TERCER%20LUGAR%20Intersexualidad%20en%20México_0.pdf

Susen, S. (2010). The transformation of citizenship in complex societies. Journal of Classical Sociology, 10(3), 259-285.

Tinoco-Giraldo, H., Sánchez, EMT, y García-Peñalvo, FJ (2021). Análisis de las percepciones del estudiantado universitario LGBTQIA+ sobre la diversidad sexual y de género. Sustainability, 13(21), 11786. https://doi.org/10.3390/su132111786

WAS & OPS. (2009). Sexual Health for the Millennium: Declaration and Technical Paper. Retrieved online March 5, 2019. In: http://www1.paho.org/hq/dmdocuments/2010/Salud%20Sexual%20para%20el%20Milenio.pdf

Weeks, J. (1998). The Sexual Citizen. Theory Culture Society, 15(35), 35-52.

Weeks, J. (2018). Sexual studies and sexual justice. Sexualities, 0(0) 1-5.

Dr. Sinuhé Estrada-Carmona is a Research Professor at the Psychological Care and Clinical Research Laboratory of the Faculty of Humanities at the Autonomous University of Campeche, Mexico. He holds a Bachelor's degree in Psychology, a Master's degree in Pedagogy and Clinical Sexology with a specialty in Educational Sexology. He also holds a PhD in Social Sciences. He is a member of the Mexican National System of Researchers, Level 1. His areas of interest include sexual citizenship, sexual justice, sexual dissidence, and sexual rights.

Dra. Gabriela Isabel Pérez-Aranda is a Research Professor at the Psychological Care and Clinical Research Laboratory of the Faculty of Humanities at the Autonomous University of Campeche, Mexico. She holds a Bachelor's degree in Psychology, a Master's degree in Psychotherapy, and a PhD in Humanistic Education. She is a member of the Mexican National System of Researchers, Level 1. Her areas of interest include gender violence and couple relationships.