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# equal marriage

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President initiative to raise to constitutional status the equal marriage.

by Luis Enrique Butrón  
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# President initiative to raise to constitutional status the equal marriage.

by Luis Enrique Butrón.

**T**he equal marriage recognizes legal or socially a marriage formed by persons of the same biological sex or legally recognized.

*“On May 17, 2016, the President of Mexico, Enrique Peña Nieto, sent to the Congress an initiative to amend the Constitution and the Federal Civil Code in order to recognize equal marriage without being subject to discrimination because of their ethnicity, disability, social status, health, religion, gender or sexual preference.”*

The first laws of our time to recognize the equal marriage were approved during the first decade of the century. To date, in 2016, 19 countries (Argentina, Belgium, Brazil, Canada, Colombia, Denmark, Spain, United States, France, Ireland, Iceland, Luxembourg, Norway, New Zealand, Netherlands, Portugal, South Africa, Sweden and Uruguay) allow marriage to same-sex couples throughout its territory and two countries (Mexico and the United Kingdom) allow a part of it.

On May 17, 2016, the President of Mexico, Enrique Peña Nieto, sent to the Congress an initiative to amend the Constitution and the Federal Civil Code in order to recognize equal marriage without being subject to discrimination because of their ethnicity, disability, social status, health, religion, gender or sexual preference.

Enrique Peña Nieto said that the proposed amendment to Article 4 of the Constitution seeks to incorporate clearly the criteria of the Supreme Court (*“Suprema Corte de Justicia de la Nación”*) which says equality is to be recognized as a human right so that people can get married without discrimination. This recognition arises the imperative of the authority to promote, respect, protect and guarantee the rights of all people on an equal basis, and without any discrimination.

It has been recognized by the Constitution and various international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights, among others. It is fundamental to point the importance of acceptance and having an open mindset to prosper as a society and make the world a better place.

Article 4 of the Constitution states in its relevant part:

*“Article 4.-Men and women are equal before the law. This will protect the organization and development of the family.*

*.....”*

The Constitutional amend suggests that the mentioned article be as follows:

*“Article 4.-Men and women are equal before the law. This will protect the organization and development of the family.” Everyone over the age of eighteen have the right to get married and cannot be discriminated by their ethnicity, gender, disabilities, social status, health status, religion, sexual preferences or any other discrimination that violates human dignity  
.....”*

In Mexico, each state has a Civil Code in which the institution of marriage is regulated. Codes of Quintana Roo, Coahuila and Mexico City have only conditions for recognition of marriages between same sex, that is, in these states is through legislation, which makes it easier to such unions.

*“Sexual orientation is essential for the dignity of every person’s elements linked with the rights to identity, self-determination, free development of personality, privacy, personal integrity, among others, that sexual orientation cannot be grounds for restricting rights.”*

By the above, Enrique Peña Nieto proposed to amend the Federal Civil Code, which will focus on the following:

1. Ensure equal marriage in order for it to be carried out without discrimination among people who are 18 years or older, in line with what is already established in article 45 of the General Law on the Rights of Children and Teenager’s.<sup>1</sup>
2. Adapt the language to avoid discriminatory expressions that still contains the Federal Civil Code.
3. The consuls, in their role as judges of the Civil Registry may issue a new birth certificate to recognize gender identity.
4. The Ministry of Foreign Affairs (“Secretaría de Relaciones Exteriores”), received instructions to take the necessary measures in order that in the passport application process, they recognize and accept, without any distinction, birth certificates to register a change of gender.

Sexual orientation is essential for the dignity of every person’s elements linked with the rights to identity, self-determination, free development of personality, privacy, personal integrity, among others, that sexual orientation cannot be grounds for restricting rights.

The right to get married constitutes a fundamental right related to the self-determination of people, by which it takes essential decisions about their life and identity, including how and with whom to share their life. Marriage is one way, among others, to found a family which should guarantee this human right to the highest law of our country giving people the broadest protection.

1.- Federal laws and federal entities, in the scope of their respective powers, establish a minimum age for marriage to 18 years.

## **Mexico congress passes tougher anti-corruption bills.**

The Mexican Congress on Friday passed several anti-corruption bills that would increase the severity of penalties for corruption charges. Should President Enrique Peña Nieto approve the bill, public officials would face increased fines and jail time for crimes such as bribery, embezzlement and illegal enrichment. While the bill would require government-funded entities to make public disclosures, Institutional Revolutionary Party members and allies voted down a provision requiring the same for public officials. Nieto is expected to sign the bill after recently declaring his intention to strengthen corruption laws. [www.jurist.org](http://www.jurist.org) 18/06/2016.

## **Mexico, Canada & US commit to 50% Clean Energy by 2050.**

Barack Obama, Justin Trudeau and Enrique Peña Nieto will commit to a new regional clean power goal at a summit this week in Ottawa, the White House has said. The leaders of the US, Canada and Mexico, meeting on Wednesday at the so-called "Three Amigos" summit, will pledge to have their countries produce 50% of their power by 2025 from hydropower, wind, solar and nuclear plants, carbon capture and storage, as well as from energy efficiency measures. "We believe this is an aggressive goal, but for all three countries, one that we believe is achievable, continent-wide," said Brian Deese, a senior adviser to Obama. It is a jump from the current collective clean power levels of about 37% and will require the most work from the United States, which produces about 75% of the countries' power. [www.theguardian.com](http://www.theguardian.com) 20/06/16.

## **Supreme Court Tie Blocks Obama Immigration Plan.**

The Supreme Court announced on Thursday that it had deadlocked in a case challenging President Obama's immigration plan, effectively ending what Mr. Obama had hoped would become one of his central legacies. The program would have shielded as many as five million undocumented immigrants from deportation and allowed them to legally work in the United States. The 4-4 tie, which left in place an appeals court ruling blocking the plan, amplified the contentious election-year debate over the nation's immigration policy and presidential power. The decision was just nine words long: "The judgment is affirmed by an equally divided court." But its consequences will be vast, said Walter Dellinger, who was acting solicitor general in the Clinton administration. "Seldom have the hopes of so many been crushed by so few words," he said. [www.nytimes.com](http://www.nytimes.com) 23/06/16.

## **The Education Reform in Mexico is not negotiable.**

On official visit to Canada, President Enrique Peña Nieto said that the educational reform, nor any other law, can be subject to negotiation. "We are not going to negotiate the law. The law, and not only educational laws, are not subject to negotiation," he said. "I think that this is broader than assuring a better future for our children." The Interior Secretariat began a series of negotiations with the National Coordinator of Education Workers (CNTE) about the implementation of the education reform on June 21. Peña Nieto said that he regrets the loss of life that has occurred during the conflicts over the educational reform, and assured that the National Human Rights Commission (CNDH) will investigate the deaths and assign blame. [www.thenews.mx](http://www.thenews.mx) 27/06/2016.

## **Canada drops Mexican visa requirement, Mexico lifts beef ban.**

Prime Minister Justin Trudeau announced a number of "concrete results" amid a two-day state visit by Mexico's President Enrique Peña Nieto, including the lifting of a contentious visa requirement for Mexican travelers starting Dec.1. "This move will make it easier for our Mexican friends to visit Canada, while growing our local economies and strengthening our communities," Trudeau said on Parliament Hill after what he described as a productive bilateral meeting with Mexico's president. Today's state visit by Mexico comes ahead of Wednesday's North American Leaders Summit with U.S. President Barack Obama, a gathering otherwise known as the Three Amigos. "Since 2009, this barrier has been set, but today thanks to a great political will, we are bringing it down" Peña Nieto said in Spanish. [www.cbc.ca](http://www.cbc.ca) 28/06/2016.

*In this month extract was prepared by Miguel Ruelas, Carla Espinosa, Marisí González, Sergio venancio, Andres Remis and Andres Padilla.*

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