

Act of Interculturality, Care of Migrants and Human Mobility in Mexico City

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INTRODUCTION

Mexico City, as an entity emanated from the federal administrative-political system, joins the international vocation of peace culture and tolerance, and an effective practice of Human Rights, aiming at making possible that interculturality may become part of governants' agenda, but also part of all Mexicans, building a new order that gives cohesion to such an important mission. Countries worldwide have joined this international crusade that transcends the limits of a common political practice, and leads us to a maximum concept: the human being, and the construction of his/her knowledge, the knowledge of all mankind.

The City has a legal framework, the **Act of Interculturality, Care of Migrants and Human Mobility in Mexico City**, but the materialization of the rights commanded therein come true when plans, programmes and projects converge in a way that gives life and shape to public policies designed to get to that goal. For this reason, are opening a **Centre of Interculturality**, which will have its own building, as part of a common heritage for groups on human mobility, where a cultural diversity, that amalgamates, unites, fusions and creates an universal Interculturality, will be manifested. In that Centre, all national and international members of ethnic groups and those in transit in Mexico City will be able to experience other cultures, and create, thus, a space where manifestations are present in the permanence of their correspondence and affinities, new acceptances and creations, new partnerships developed within the framework of mutual tolerance, acceptance of differences, and convergence between cultural symmetries; where all groups that conform the unavoidable wealth of human knowledge, ethnic societies, peoples, and first nations may have a place. The spirit of the Government of Mexico City is fully aware that the addition of cultural diversities is a key asset for our welfare, and that of mankind. We must consider **interculturality** as a permanent characteristic to enrich our society, the society of our time, and build a permanent practice of **interculturality** to the future, inspired by values and principles of the *Millennium Declaration*, starting with the collective responsibility of defending human dignity, equality, equity; eradicating discrimination in all forms; encouraging the observance of human rights and fundamental freedoms of every single person without difference of race, colour, sex, language, religion, political opinion or any other of any kind,

national or social origin, economic position, birth or any other condition of the human person.

In the practice of governance and implementation of actions that strengthen and consolidate public policies focused on making effective the enjoyment of rights in the field of Interculturality, we have the mission of developing the project of founding the **University of Interculturality in Mexico City**, where all peoples and nations that transit in our Capital may have place, strengthening the endeavour originated by a reflection of the Council of Europe for protecting democracy, the State of Law and Human Rights, leading the States Parties, who have joined this mission, substantiating each step in a body of legal instruments that is the Humanitarian Law, which induces and causes the harmonious coexistence between migrants and rural and urban societies, ethnic national and international societies and native groups.

The recent reform to the Mexican Immigration Act, whose nature has basis on Article 1 of the Political Constitution of the United Mexican States (official name), reads that the provisions of said Act aim at regulating terms of entry and departure of Mexicans and foreigners to and from Mexico, as well as the transit and stay of foreigners, within a framework of respect, protection and safeguarding of human rights, in a way that this orderly migration may contribute to national development and preservation of sovereignty and national security. Similarly, article 6 of the Act reads as follows: "the Mexican State will guarantee the exercise of the rights and freedoms of foreigners recognized in the Constitution, international treaties and conventions of which may be part the Mexican State, and also in legal provisions applicable, regardless their migratory status".

THE ACT OF INTERCULTURALITY, CARE OF MIGRANTS AND HUMAN MOBILITY.

On 24 February 2011, the Assembly of Mexico City passed the **Act of Interculturality, Care for Migrants and Human Mobility in Mexico City**, which came into force on 07 April 2011. The purpose of this latter is to regulate hospitality and foster **Interculturality**, as well as to safeguard the rights derived from the process of human mobility.

Beneficiaries of this Act shall be:

1. People from communities with different national origin.
2. Guests,
3. Trans-migrants; and
4. Family of migrants.

The **Act of Interculturality** applies to said beneficiaries without distinction of any kind, such as sex, sexual preference or condition, race, language, religion or beliefs, political or other opinion, national ethnic or social origin, nationality,

age, economic status, property, marital status, birth or any other threatening human dignity or having the purpose of cancelling or infringing the rights and liberties of people.

In the chapter on **HUMAN MOBILITY**, this Act states that in Mexico City no one shall be discriminated or excluded due to his/her migratory condition. The Government of Mexico City shall guarantee the implementation of programs aimed at promoting universal access and enjoyment of human rights.

In the Chapter on **HOSPITALITY** this criterion involves a dignified, respectful and timely treatment of those guests located in the territory of Mexico City, and to facilitate the access of services and programs provided by the City Government.

Guests are entitled to access social programs set forth by this Act, and also to relevant Government services.

SEDEREC shall create assistance programs for guest and communities with different national origin in social, economic, political and cultural matters promoting their visibilization and strengthening in Mexico City. The regulations of the Act shall set forth relevant ways and criteria toward access to those programs.

In the Chapter on **RIGHTS of beneficiaries of this Act**, it reads that, in Mexico City, people with different national origin, guests, migrants and their families, without affecting the rights provided for by the Political Constitution of the Mexican United States, the relevant international instruments, the Statute of Governance to Mexico City and other provisions applicable thereto, shall be entitled to:

- enjoy the fundamental guarantees and freedoms with full legal certainty, within a framework of equality and equity between women and men;
- make decisions regarding their freedom of movement and choice of residence;
- legalize their migratory condition and have a dignifying employment, including freedom and equal treatment and benefits, and an appropriate life quality, assuring them full clothing, shelter, medical care and public education in the different modalities, in accordance with relevant legal provisions;
- be protected against any type of discrimination;
- the recognition of processes for hospitality, Interculturality, human mobility, and migration in an otherness context within a framework of

receptiveness, respect, solidarity and acceptance of cultural diversity toward social coexistence and cohesion;

- protect their own cultural values; and
- be protected against persecution, harassment and arbitrary detention.

In the Chapter on **INTERCULTURALITY** this concept is defined as the policy principle based on the recognition of the otherness expressed in the safeguard, respect and enforcement of the rights of any person and community to having, preserving and strengthening their respective socio-cultural features and differences being developed in the public and private spheres.

Policies, programs and actions established by SEDEREC, government agencies, and other entitled entities shall consider the following criteria:

- to recognize the unique significance of each culture, also emphasizing shared values and pluralist identity;
- to end segregation of, and foster a mixed culture in the institutions toward construction of a public space, bridging the gaps and creating confidence among migrant communities and those with different national origin;
- to address ethnic disputes through mediation and an open public debate.
- to encourage survival and prosperity of each culture, based on the understanding that they flourish when they are in contact with others, and not in isolation.
- to reinforce intercultural interaction as a means to foster confidence, as well as to strengthen the community network that involves aspects such as culture, education, urban restoration, public services and other fields that may contribute to intercultural integration, among others.

SEDEREC shall manage the **INTERCULTURALITY CENTER** aiming at developing actions and practices for management and exercise of social economic and cultural rights by individuals related to Interculturality as established by the laws and other relevant legal provisions. Said Centre shall promote the achievement of seminars, conferences, courses, workshops and other similar meetings related to interculturality aspects, providing guidance to get access to programs and public services offered by SEDEREC and other Government agencies.

In the Chapter on **POLICY OF HOSPITALITY, INTERCULTURALITY, CARE OF MIGRANTS AND HUMAN MOBILITY**, this Act sets forth that in the development planning of Mexico City, the local Government agencies, entities and district governments shall be responsible for applying the compulsory

criteria contained in this Act with respect to policies, programs, and actions within their scope of responsibility.

Concerning the **RESOURCES to implement this policy and programs**, the Government of Mexico City shall include each year in the Fiscal Year Draft Budget, submitted to the local Congress, the proposal of resources allocation needed to implement the policy and programs set forth in this Act. In no case the budget allocated shall be less than the budget for previous Fiscal Year.

In brief, the **OBJECTIVES** of the **Act of Interculturality, Care of Migrants and Human Mobility** are: practice of Interculturality; strengthening of native peoples to rescue their history, traditions, gastronomy, handicrafts, festivals, and use of their traditional knowledge; use of languages other than Spanish, particularly of indigenous origin; access to the media; and, particularly, that NO HUMAN BEING shall be considered or identified as ILLEGAL due to his or her migratory condition for entering Mexico City undocumented, since this Act gives shelter to both Mexicans and foreigners who arrive in Mexico City for: 1) transit or for temporary or permanent stay; 2) refuge or asylum; and, 3) protection due to forced displacement or natural disasters.

Thank you very much.

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