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Statement submitted by Congregations of St. Joseph, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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Statement

Introduction

Globally, there were 232 million international migrants in 2013, and many others who were internal migrants within their country of origin. This movement of people takes place on such a significant scale that it must be understood as one of the defining characteristics of this age. The way that the global community, in the sense of both individuals and States, responds to migration issues will help to shape the future of the world.

Purpose

With the present statement, we are calling for the globalization of solidarity through governmental policies that create comprehensive protection for the rights of all migrants.

Overview

The human rights system of the United Nations creates the foundation for rights that are universal and indivisible. As stated in article 2 of the Universal Declaration of Human Rights, everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind.

However, such rights are only as strong as the commitment of Governments to uphold them, and the Congregations of St. Joseph is disturbed by practices and policies that weaken those rights in the countries where we live and work. This pattern is particularly evident with regard to rights that apply to migrants and refugees.

Minimalist interpretations of the rights of refugees and of governmental obligations

When States fail to protect human rights, it is up to the international community to fill the gap. The rights of refugees, as outlined in the Convention relating to the Status of Refugees of 1951, pertain to all persons who have a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion; are outside the country of their nationality; and are unable or, owing to such fear, unwilling to avail themselves of the protection of that country. Signatories to this Convention agree to offer protection to any person who meets these criteria.

Many of the States that have signed the Convention apply only a minimalist interpretation of the rights of refugees and of their obligations to protect those rights. This results in severely restricted access, or no access at all, to basic services, such as health care, housing and social protection programmes. Even more problematic is the extremely high level of insecurity for refugees in countries that do not even have laws on asylum for those experiencing persecution.

Highly selective immigration policies force migrants into dangerous means of migration. Too often, immigration policies give clear priority to those who are highly educated and highly skilled or have money to invest. Such policies are detrimental to people who are forced to migrate because of violations of their economic, social and cultural rights, violations that are often so severe that they

threaten their survival. When denied regularized routes of migration, people in such situations are forced to take routes that are far more precarious. Some rely on smugglers to get them across borders, and too often these arrangements lead to abuse, human trafficking or death. Others migrate through temporary work programmes and find that they are vulnerable to exploitation in the workplace.

Detention of migrants

People who migrate through illegal channels are often subject to detention, even though they do not have a criminal background. In some countries, migrants are placed in immigration detention centres, while, in others, they are detained with the general prison population. In other cases, detention centres are run by for-profit corporations and managed as prisons. We have also received a report of migrants being threatened with torture while in detention.

Insufficient attention to creating policies that are gender- and age-sensitive

As the Secretary-General noted in his message for 2013 on the occasion of International Migrants Day, almost half of all migrants are women and 10 per cent are under the age of 15. Some migrant vulnerabilities are gender- and age-specific. For instance, we have received numerous reports of children being abused along their migration journey, with some enduring physical abuse, others sexual abuse and others still human trafficking. There have also been reports of women who have migrated to flee domestic abuse and of others who have endured sexual abuse during their migration journey.

Some of the factors driving the forced migration of women and children include family abuse, violence from non-State actors, such as gangs, inadequate security of citizens in the country of origin, the forcible recruitment of children into criminal organizations and gangs and inadequate child-protection measures.

In the destination country, there are cases in which authorities separate families or in which migrant families have no access to shelter and are left to fend for themselves on the streets of large cities. In addition, we have reports of deportation policies and practices that break up families when some family members have obtained a regularized status and others have not.

Migrant workers vulnerable to exploitation

The Congregations of St. Joseph has identified recurring types of exploitation of migrant workers, such as exorbitant recruitment fees and interest rates, unsafe working conditions, inadequate housing, sexual abuse and unfair pay. Some migrant workers were sent home after they lodged complaints about working and living conditions, a practice that creates fear among other workers and keeps them quiet.

Biased attitudes towards migrants

In his message for 2013, the Secretary-General called on people and Governments everywhere to reject xenophobia and embrace migration as a key enabler for equitable, inclusive and sustainable social and economic development.

Reports from our congregations of sisters reveal how the use of inappropriate language promotes racism and fosters negative attitudes towards migrants. For instance, one media outlet used the word “invasion” to refer to the arrival of

refugees, while another provoked fears by linking migrants with various epidemics. In many cases, migrants become scapegoats, taking the blame for economic downturns. Many of these reports also indicate that biases against Muslim and Romani migrants are particularly strong.

Emerging migration concerns connected with climate change

The impacts of climate change are becoming more evident and it is becoming increasingly clear that these changes will lead to new patterns of migration as people flee environmental damage, such as that caused by floods and droughts, as well as hunger and extreme poverty. In 2009, the Global Humanitarian Forum in Geneva noted that climate change had already led some 50 million additional people to experience hunger and forced over 10 million into extreme poverty. These numbers have only increased in the intervening years. There is no doubt that climate change will increase migration flows, even though much of this migration may be internal rather than international.

Our vision

Sustainable development requires that we shape an economy that provides all with the basic goods and services that are necessary for human well-being, while enabling humanity to live in harmony with Earth's ecosystems. It requires an awareness of the interconnectedness of the earth's community. It promotes the flourishing of each and every person along with all of the Earth's bioregions, and demands a new approach to ecological, social and economic relationships. Such are the patterns of globalized solidarity.

With regard to migration issues in particular, the Congregations of St. Joseph envisions a world where human rights are truly universal and indivisible. Freedom from fear, hunger, poverty, violence, environmental devastation and war is essential for humans to flourish and the creation of peaceful societies. People must have the right to migrate in search of personal safety and freedom, a job that offers a living wage for themselves and their families, and living conditions that are worthy of the dignity of the human person.

To help to bring this vision to fruition, the Congregations of St. Joseph has joined others in supporting migrants by visiting detention centres; providing medical care, food, shelter, transportation, accompaniment, legal assistance and spiritual care; teaching literacy and language skills; and challenging racist and xenophobic attitudes. In many countries, the Congregations also works towards enhanced rights for documented and undocumented migrants and refugees through the reform of governmental policies. Those experiences are the basis for the policy recommendations that follow.

Recommendations

- **Creating cities of solidarity.** Cities should join those municipalities that are taking steps towards a fuller vision of migrant justice by declaring that anyone, regardless of immigration status, can access the services that the municipality provides without fear that they will be asked to show documents or be reported to the authorities.

- **Strengthening protections for all migrants.** Governments should shape immigration policy development in ways that:
  - Enhance legal channels for migration in order to reduce smuggling;
  - Create a clear path to permanent residency for migrants;
  - End the detention of migrants in irregular situations;
  - Ensure due process protections for migrants seeking to regularize their status.
- **Formulating gender-, age- and disability-sensitive policies.** Such policies should:
  - Recognize claims made by refugees on the basis of gender or sexual orientation;
  - Screen migrant children immediately and place them in the least restrictive setting possible;
  - Keep families together, preferably in a community setting, and provide full due process rights;
  - Remove barriers for migrants with disabilities to ensure equal access to services, resources and opportunities;
  - Ensure that migrant children receive appropriate child welfare services, including psychological care, access to education and legal representation.
- **Strengthening protections for migrant workers.** The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families could be a critical tool in the protection of the rights of all migrant workers. However, it will only have an impact if more Governments become signatories. Governments also need to address deficiencies in regulatory frameworks. Regulations should:
  - Require employers to pay for the recruitment and travel expenses of workers, thereby reducing the costs of labour migration;
  - License contractors and apply onerous fines to contractors who exploit workers;
  - Monitor workplaces and apply onerous fines to employers who do not create safe working conditions or offer fair pay;
  - Increase migrant worker mobility by not tying work permits to a single employer;
  - Support the rights of migrants to access emergency health care and join trade unions.
- **Improving public attitudes towards migrants.** Governments should improve the public perception of migrants by emphasizing that migrants are a positive force for development. For instance, migrants contribute to the richness and resilience of society through enhanced cultural diversity, fill gaps in the labour market of host countries at all skill levels and play important roles as entrepreneurs and job creators. Governments should also launch media

campaigns to challenge negative attitudes towards migrants and commonly held stereotypes.

- **Increasing restitution funds for addressing climate change.** Climate change raises critical ethical issues about the relationship between wealthy industrialized countries and developing countries. According to estimates by the World Bank, almost 80 per cent of the costs of the impacts of climate change will be borne by developing countries, even though they contribute only about 30 per cent of greenhouse gas emissions.

The costs of responding to the increased migration flows from the impacts of climate change should not be borne by countries that have contributed little to climate change. Highly industrialized countries must respond to increasing climate change impacts with increased restitution funds.

Conclusion

Complex and multifaceted migration issues are pointing to the need for greater solidarity in the world. The aforementioned recommendations are important steps in the work of globalizing solidarity, since the migration situation is a humanitarian crisis that must be addressed by all Member States, regardless of whether they are from the global North or the global South.