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“The Dignity and Rights of Refugees and Migrants:
Social, Humanitarian, and Pastoral Approaches”

by

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Eminence, Excellencies, Reverend Fathers and Reverend Sisters, all Brothers and Sisters Engaged in the service of Church and of all the Children of God,

I greet all of you in the peace and charity of Our Lord Jesus Christ. It gives me great joy to join you for this most important and much-needed Regional Conference. This is my first solidarity visit in my role as Secretary General of ICMC, since I just assumed these new responsibilities on 1 June 2016. I come in a spirit of humility, since I am well aware of the urgent challenges posed to the global human family, and to our own Church, by the massive numbers of people on the move. Some come in search of protection from persecution, war, and conflict and for an immediate humanitarian response to satisfy the basic necessities of life. Others seek opportunities to provide a decent living and future for themselves and their families, in the face of their previous struggles to survive abject poverty; marginalization; or exclusion in their countries of origin. All are pleading for a welcoming embrace in their host countries and come with rich cultural and religious gifts and with a determination to work hard in order to advance the wellbeing of all peoples.

Given the limited time we have at our disposal and the many topics which we need to consider during these days together, I would like to seek your permission to adopt the method of pastoral analysis as we reflect on the topic assigned to me: that is, to SEE the situation before us; to JUDGE, based on the rights and duties acknowledged and accorded to migrating people by many States as well as the rich body of Catholic Social Doctrine; and then to plan our ACTIONS in line with present needs and challenges, as well as with international commitments and, in our case, with the *Magisterium* of the Catholic Church.

SEE: “Do not neglect hospitality for, through it, some have unknowingly entertained angels” (Epistle to the Hebrews, 13:2)

In his recent report, entitled “In Safety and Dignity: Addressing Large Movements of Refugees and Migrants,”¹ the United Nations Secretary General, Mr. Ban Ki-moon, acknowledged that “large movements of refugees and migrants are not a new phenomenon.

He is quick to point out, however, that “images of the past few years have shocked the world’s conscience.” He painted the following grim image of the way the international community has failed to fulfill the Scriptural mandate issues by St. Paul:

... women, men and children drowning in their attempts to escape violence and poverty; fences going up at borders where people used to cross freely; and thousands of girls and boys going missing, many falling prey to criminal groups. Unable to find safe ways to move, people suffer and die in search of safety while crossing the Sahara desert, the Andaman Sea, the Mediterranean and dozens of other dangerous places around the world. Upon arrival, the rights of those who survive these perilous trips are often violated. Many asylum seekers and migrants are detained, and their reception is sometimes far from welcoming. Xenophobic and racist rhetoric seems to be not only on the rise, but also becoming more socially and politically accepted.

The experts tell us that, in 2015, the number of international migrants and refugees reached 244 million. The majority, approximately 150 million, are migrant workers.²

Approximately 42,500 people are forcibly displaced every day. During 2014, approximately 20 million migrants were recognized as refugees, 86% of whom are found in developing countries. There are also 10 million stateless people who have been denied a nationality and access to basic rights such as

¹ https://refugeesmigrants.un.org/sites/default/files/in_safety_and_dignity_-_addressing_large_movements_of_refugees_and_migrants.pdf

for French translation:

https://refugeesmigrants.un.org/sites/default/files/sg_report_french.pdf

² United Nations, “Key Findings and Advance tables”. 2015 Revision of World Population Prospects database. Available from: <http://esa.un.org/undp/wpp> -

Organisation des Nations Unies, « Key findings and advance tables, 2015 Revision of World Population Prospects database, consultable à l’adresse suivante : <http://esa.un.org/unpd/wpp/> (uniquement en anglais).

education, healthcare, employment and freedom of movement. Fifty per cent of all refugees are women and girls; significant numbers of young boys also are included in this population. Fifty-three percent of refugees came from three countries: Somalia (1.1 million); Afghanistan (2.59 million); and Syria (3.59 million).

The Office of the United Nations High Commissioner for Refugees reported that, during 2014, the war in the Syrian Arab Republic, which already had entered its fourth year, was a major cause for the global increase in the worldwide refugee population. With 7.6 million Syrians forcibly displaced in the country itself, one in every five displaced persons worldwide was Syrian. The country also became the world's largest source country of refugees during 2014, overtaking Afghanistan, which had held this position for more than 30 years.

Armed conflict, human rights violations, and violence also heavily affected sub-Saharan Africa, which hosted 3.7 million refugees, who came primarily from Somalia (753,000), Sudan (627,000), South Sudan (615,300), the Democratic Republic of the Congo (487,800), the Central African Republic (410,400), and Eritrea (239,600).

In addition, some 283,500 individuals fled outbreaks of violence in Pakistan and sought refuge in Afghanistan. Hundreds of thousands of Ukrainians fled to the Russian Federation and other countries in Europe.³ It is now estimated that some 45% of all refugees in the world find themselves in “protracted situations, which, in effect, have lasted five or more years.

According to the 1951 Convention on the Status of Refugees and its 1967 Protocol, refugees are persons “who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear is unwilling to avail himself of the protection of his country (Article 1).” In fact, the 1969 Organization of African Unity Convention extends the refugee definition to persons who fled their country “owing to external aggression, occupation, foreign domination or events serious disturbing public order.”

Many other people are forced to leave their home countries even if they do not fall under the officially recognized category of “refugees”. The reasons for their forced journeys include natural disasters, erosion of the natural conditions which prevents them from making a decent living, climate change,

³ <http://www.unhcr.org/statistics/country/556725e69/unhcr-global-trends-2014.html>

and food insecurity.

Another category of forced migrants are those who are displaced within their respective national borders. The International Displacement Monitoring Centre estimated 40 million such persons at the end of 2014. They are categorized as persons “who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”⁴

JUDGE: “*You shall not oppress a resident alien; you well know how it feels to be an alien, since you were once aliens yourselves in the land of Egypt*” (Exodus 23:9

In our analysis of the rights and dignity of people on the move, we should recall that such persons have been accorded special status from time immemorial. In Ancient Greece, citizens whose safety was threatened in their place of origin were welcomed and granted protective status; thus the concept of “asylum” was developed. Perhaps on a simultaneous basis, in ancient Israel, both religious and civil law imposed the duty to welcome the stranger. The first Christians quickly affirmed the “Catholic” or universal character of Jesus’ Church and, at the first Council of Jerusalem, the apostles decided that the male converts who did not come from Jewish origin would not have to undergo circumcision. During the Middle Ages, even the secular authorities recognized the sacred status of “sanctuary” and did not violate the rights of those who sought refuge in monasteries or churches.

In more modern times, many of the world leaders emerging from the atrocities and tragedies of the First and Second World Wars expressed determination to avoid such loss and damage to the sacredness of human life and dignity in the future. Regrettably, their hopes and dreams were not fully achieved, since hundreds of wars and civil conflicts have occurred since 1945. However, the international community, especially the United Nations Organization and some regional inter-governmental organizations such as the Organization of African Unity, have developed international legal instruments to promote and monitor respect for the rights of refugees and migrants. In some cases, their instruments represent binding obligations for signatory governments; in other cases, they have been developed as guidelines for practice and depend on the political will of the associated governments.

⁴ see United Nations Council on Human Rights document: E/CN.4/1998/53/Add.2, annex.

Here are just a few of the most important international instruments to recognize and uphold the rights of people on the move⁵:

- *The Universal Declaration of Human Rights*, launched in 1948, is the first international document that recognizes the right to seek and enjoy asylum from persecution. This declaration forms part of international customary law. During his visit to United Nations Headquarters in 1995, St. John Paul II declared that this document represented "one of the highest expressions of the human conscience of our time"⁶

- *The Geneva Convention related to the Status of Refugees* (1951) was the first international agreement covering the most fundamental aspects of a refugee's life. It spelled out a set of human rights that should be at least equivalent to freedoms enjoyed by foreign nationals living legally in a given country and in many cases those of citizens of that state.

- *The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984) constitutes binding law for those States that have ratified it; it deals with issues of expulsion in Article 3. The monitoring body of this convention, the Committee Against Torture, established some fundamental principles relating to the expulsion of refused asylum seekers. It offers important protection to refugees and their right not to be returned to a place where they fear persecution.

- *The Convention on the Rights of the Child* declared that "States Parties shall provide ... cooperation in ... efforts ... to protect and assist such a child and to trace the parents or other members of the family of any refugee child ... for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child ... deprived of his or her family environment...." (article 22)⁷.

- *The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* was launched in 1990 but did not enter into force until 2003. This instrument emphasizes the principle of non-discrimination; grants a fairly broad series of rights to all migrant workers and members of their families, irrespective of their migratory status; requires that they shall not be subjected to arbitrary arrest or detention or

⁵ <http://www1.umn.edu/humanrts/edumat/studyguides/refugees.htm>

⁶ St. John Paul II, Address at United Nations Headquarters, 5 October 1995.

⁷ <http://www.ohchr.org/FR/ProfessionalInterest/Pages/CRC.aspx>

measures of collective expulsion; and specifies that they should enjoy decent and equitable working and living conditions, access to health care, education, and other fundamental economic, social and cultural rights.

For institutions and members of the Catholic Church, our reflections and actions in response to refugee and other migration movements also are guided by the rich body of Catholic Doctrine and Tradition that has been developed during the course of the past two millennia. Time constraints do not permit a comprehensive review of such spiritual and practical inspiration. However, I would like to recall a few of the most relevant documents that were issued by our present Holy Father Pope Francis and by his more immediate predecessors.

Pope Pius XII issued the Apostolic Constitution *Exsul Familia Nazarethana*⁸ in 1952. After reviewing the Scriptural and Doctrinal Teaching on “welcoming the stranger”, and the practical and pastoral efforts in response to the needs of refugees and other migrants, as they were undertaken by the Church through various crises and historical periods, he expressed his commitment to maintain and even increase such efforts: “many organizations—including a number of official agencies, both national and international—have vied and still vie with one another in assisting migrants, relieving moral as well as material want. Nevertheless, because of our supreme and universal ministry, we must continue to look with the greatest love after our sons who are caught in the trials and misfortunes of exile, and to strive with all our resources to help them. While we do not neglect whatever material assistance is permitted, we seek primarily to aid them with spiritual consolation.”

He also took the opportunity to note the mission and mandate of the organization to which we all are associated: “Very recently, we approved the International Catholic Migration Commission, whose function is to unite and organize existing Catholic associations and committees, and to promote, reinforce and coordinate their projects and activities in behalf of migrants and refugees.”

Long before, civil authorities or academic experts made connections

⁸ Pope Pius XII, *Exsul Familia Nazarethana*, 1952, <http://www.papalencyclicals.net/Pius12/p12exsul.htm>

between migration and development, Blessed Pope Paul VI did so in his ground-breaking encyclical, *Populorum Progressio*, when he stated: “Emigrant workers should also be given a warm welcome. Their living conditions are often inhuman, and they must scrimp on their earnings in order to send help to their families who have remained behind in their native land in poverty.”⁹ He also identified the comprehensive nature of human development, which certainly is relevant to an integrated response by the Church people on the move: “The development We speak of here cannot be restricted to economic growth alone. To be authentic, it must be well rounded; it must foster the development of each man and of the whole man. As an eminent specialist on this question has rightly said: “We cannot allow economics to be separated from human realities, nor development from the civilization in which it takes place. What counts for us is man—each individual man, each human group, and humanity as a whole.”¹⁰

St. John Paul II, affirmed a broad range of rights among refugees and migrants, when he said during an address to officials charged with the Pastoral Care of People on the Move in 1985: “The Church, Mother and Teacher, should remind all [the migrants] that is their own right to decide whether they wish to stay in their new conditions of life, always being in solidarity with the others, and to avoid being reduced to the simple role of instruments of production, and to participate in social life of the country, and even in certain instances in the political life. There is much to do to help migrants benefit from a status that gives them the right to live their originality in national solidarity. This is more complex than simply being measured by “naturalization”.¹¹

Pope Emeritus Benedict XVI focused on the nexus between migration and development, when he declared: “Authentic development always features solidarity. In fact, in an increasingly globalised society, the common good and the effort to obtain it ... cannot fail to assume the dimensions of the whole human family, that is to say, the community of

⁹ Blessed Paul VI, *Populorum Progressio: On the Development of Peoples* (March 26, 1967), no. 69, http://w2.vatican.va/content/paul-vi/en/encyclicals/documents/hf_p-vi_enc_26031967_populorum.html

¹⁰ *Ibid.*, no.14.

¹¹ St. John Paul II, *Address to the World Congress on the Pastoral Care of Migrants* (October 17, 1985), http://w2.vatican.va/content/john-paul-ii/fr/speeches/1985/october/documents/hf_jp-ii_spe_19851017_pastorale-emigrazione.html

peoples and nations. Indeed, the current process of globalization can represent a propitious opportunity for promoting integral development but only if cultural differences are accepted as an opportunity for meeting and dialogue, and if the unequal distribution of the world's resources leads to a new awareness of the necessary solidarity which must unite the human family ... It follows that the great social changes under way demand adequate responses since it is clear that there can be no effective development without promoting encounter among peoples, dialogue among cultures and respect for legitimate differences. In this perspective, why not consider the contemporary phenomenon of migration as a favourable condition for understanding among peoples, for building peace and for a development that concerns every nation¹²

In early July 2013, Pope Francis offered an active witness of how to put the Gospel parable of the Good Samaritan into practice - by traveling to Lampedusa, an island off the coast of Southern Italy and barely 75 miles from Tunisia, where more than 20,000 African immigrants have lost their lives while trying to escape abject poverty, cruel wars and ethnic violence, in boats that were not at all seaworthy. During this visit, Pope Francis refused to be accompanied by large numbers of governmental officials or church hierarchy – he went as a simple pastor, carrying a cross fashioned out of wreckage from the boats. He went to pray for the dead but also to ask forgiveness for the failure of the global human family to respond to the pain and sufferings of their most vulnerable sisters and brothers and to launch, both by his words and actions, a serious challenge all people of good will:

“Immigrants dying at sea, in boats which were vehicles of hope and became vehicles of death. That is how the headlines put it. When I first heard of this tragedy a few weeks ago, and realized that it happens all too frequently, it has constantly come back to me like a painful thorn in my heart. So I felt that I had to come here today, to pray and to offer a sign of my closeness, but also to challenge our consciences lest this tragedy be repeated. Please, let it not be repeated!

“The culture of comfort ... makes us think only of ourselves, makes us insensitive to the cries of other people, makes us live in soap bubbles which, however lovely, are insubstantial ... In this globalized world, we have fallen into globalized indifference. We have become used to the

¹² DISCOURS DU PAPE BENOÎT XVI AUX PARTICIPANTS AU VI CONGRÈS MONDIAL POUR LA PASTORALE DES MIGRANTS ET DES PERSONNES EN DÉPLACEMENT, 9 Novembre 2009, http://w2.vatican.va/content/benedict-xvi/fr/speeches/2009/november/documents/hf_ben-xvi_spe_20091109_migranti.html

suffering of others: it doesn't affect me; it doesn't concern me; it's none of my business!"¹³

ACT: "You shall treat the alien who resides with you no differently than the natives born among you; you shall love the alien as yourself..." (Leviticus 19:34)

In any attempt at pastoral analysis, our observation of present reality, and our reflection on values and principles that further inform that reality, cannot and should not remain as abstract thoughts. They must lead us to action – even when such action requires sacrifice, sharing of pain, and change in our attitudes and comfortable or selfish behaviours. The same is true for our response to the global migration challenges. In his report on addressing large migration movements, the UN Secretary General calls upon the international community to move toward more concerted and effective action on behalf of and with refugees and migrants. Thus he affirmed the decision of the UN Member States to convene a Summit of governmental leaders, with participation from civil society, to arrive at strategic and action-oriented decisions on the grave challenges being faced by today's people on the move. Mr. Ban Ki-moon has proposed some forward-looking and practical actions to be considered during this Summit. They include the following:

- To develop of a Global Compact, based on the principle of responsibility-sharing, whereby Member States and other stakeholders will support a comprehensive refugee response whenever a large-scale a large-scale and potentially prolonged refugee movement occurs;
- To develop a Global Compact for Safe, Regular, and Orderly Migration, that recognizes and respects the entitlement of all migrants to the full enjoyment of their human rights under the core international treaties, regardless of their migration status;
- To consider alternatives to detention for purposes of immigration control and to adopt a commitment never to detail children for this purpose;
- To participate in a UN-led global campaign to counter xenophobia, emphasizing direct, personal contact between host communities and refugees and migrants;
- To include refugees and migrants in all spheres of social, cultural, and economic life;
- To build partnerships with a wide range o actors who can promote

¹³ http://www.vatican.va/holy_father/francesco/homilies/2013/documents/papa-francesco_20130708_omelia-lampedusa_en.html

greater inclusion of refugees and migrants in society-at-large, including civil society organizations, faith communities, the private sector, the media, national human rights institutions, and associations of refugees and migrants;

- To provide access to education, to all displaced children, since it is a fundamental means of protection for them. Primary education should be compulsory and available to all refugee children; educational opportunities at all levels, including secondary and beyond, should be expanded.
- To develop and implement comprehensive return responses when conditions in the country of origin are conducive to return. These should provide for an appropriate framework of physical, legal, and material safety.

Church leaders, as yourselves, religious congregations, as well as Church-inspired organizations are well situated to serve as key partners in the actions outlined by the UN Secretary General. Local faith communities, both Christian and other, often serve as first-responders to refugee movements across borders and to those internally displaced within their own home country. They provide immediate assistance, post-traumatic physical care and emotional support, offer the basic necessities of life, and then help to integrate the newcomers into the local social and economic structures, whether it be for a short or protracted period of time. When conditions improve enough to allow voluntary return to the home territory, local faith groups often accompany the returning refugees home and build bonds of support for the communities that remained there.

For those refugees who cannot remain in the country of asylum or return to their respective home countries, the churches and other faith communities often are engaged resettlement to a third country. During the past four years, for example, ICMC has facilitated the resettlement of 27,500 refugees to the United States, in close collaboration with its member organization in the Episcopal Conference of the USA and with local diocesan charitable agencies. In addition, ICMC has worked closely with UNHCR to refer 261,000 persons for examination of their request to be resettled , has made 22,000 best interest assessment of refugee children, and has provide information and asylum counseling to 60,000 new arrivals in Greece.

“Complementary pathways” have been developed in the form of “Humanitarian corridors” in Italy by the Comunità Sant’Egidio, the Association Comunità Papa Giovanni XXIII, and the Chiesa Valdese so that Syrians already recognized as refugees could avoid dangerous journeys in order to seek resettlement in Europe.

In order to secure access to education for children, Jesuit Refugee Services has launched a massive fund-raising campaign to facilitate such programmes.

The key role of religious leaders in advocacy for grave challenges in the migration and refugee populations is most important. During the past several months, the Caritas Internationalis Delegation in Geneva arranged testimony to be given to the UN Human Rights Council by Bishop Audo, of Aleppo (on the situation of internally displaced persons in Syria, Cardinal Bo, of Yangon, Myanmar (on Rohingya refugees and other ethnic minorities in Myanmar and neighbouring countries), and Mr. Antonio Baños of Caritas El Salvador (on the plight of young people fleeing widespread violence by gangs in Central America but facing exclusion and rejection in Mexico and the USA). Moreover, the Kenya Catholic Episcopal Conference issued a strong statement on the need to maintain the camps for Somali refugees in Kenya but also to assure order, safety, and protection in these camps.

Conclusion:

Perhaps the best way to conclude these reflections is to once again be inspired by the compassionate yet forceful words of Pope Francis, who has continuously reminded us of our responsibilities and privilege to accompany people on the move as they arrive in our countries, our communities, and, yes, even in our homes and families. Thus he said during the Angelus prayer and blessing of 19 June 2016, in anticipation of World Refugee Day: “Tomorrow is the World Refugee Day, which is promoted by the United Nations Organization. The theme this year is: ‘We stand with refugees.’ Refugees are the same as all persons, but war has taken away their homes, their work, their friends. Their stories and their faces call on us to renew our commitment to construct peace in justice. For this, we want to be with the refugees, to meet them to welcome them, to listen to them, and to become together with them the artisans of peace according to the will of God.”¹⁴

¹⁴ Pope Francis, remarks after the Angelus Prayer and Blessing, 19 June 2016, http://w2.vatican.va/content/francesco/it/angelus/2016/documents/papa-francesco_angelus_20160619.html