



Statement by His Excellency Archbishop Silvano Tomasi, Permanent Observer of the Holy See to the United Nations and Other International Organizations in Geneva at the 20<sup>th</sup> Session of the Human Rights Council - - Item 3: Report of the Special Rapporteur on the human rights of migrants  
*Geneva, 22 June 2012*

Madam President,

Migration is a natural response to internal disorder, fear of persecution or violence, and poor economic opportunity. These reasons result inter alia in the migration of millions of people every year. The displacement of individuals from their homes, whether within their native country or in a foreign country, poses a significant challenge to the international community for the preservation of human rights. Migration has developed into a structural reality intertwined with the global labour market resulting from, in part, the drive of globalizing influences. State responses to high levels of migration must uphold basic human rights.

Madam President,

The Delegation of the Holy See takes note of the Special Rapporteur's submission on the human rights of migrants, and his particular focus on detention practices. It is apparent that detention of migrants is an unfortunate aspect of the migrant experience, and the development of international norms that respect the individuality of the person are necessary to safeguard migrants from abuse. Unfortunately, in many places irregular migrants are treated as criminals and the resulting punishment is punitive and many times arbitrary.

The first concern with detention is that irregular migration should not be treated as a criminal act. The migrant must be empowered to act appropriately within the necessary legal framework to secure his or her safety and future. Second, detention does not act as a deterrent to migration. The inescapable reality is that migrants will continue to cross borders and seek refuge in neighbouring States even though the condition in the host State may result in serious difficulties. Often, migrants risk these consequences because the cost of remaining in their native country is much greater than punishment in a receiving country. Furthermore, detention of migrants in any form, and especially indefinite detention, is a violation of a migrant's basic human right to freedom and has no support in international law and should not be upheld by international norms.

Detention is certainly a pressing component of the larger story of the rights and freedoms of migrants. Most world religions encourage a practice of hospitality and compassion and of care for the least among us. Migrants, because of socioeconomic conditions and the adversities of their presence in a foreign environment, often fall into the category of the least among us. Rejection and dislike of the stranger in need, especially when this attitude is motivated by racial stereotypes, is clearly contrary to core universalist ideas of Christian belief. This unique charge for welcome and solidarity requires the careful consideration for and protection of migrants.

Madam President,

The Holy See supports a person-centric approach to migration policies. In order to respond fully to the needs of migrants and ensure their human rights are protected, the individual must be the focus of policy and praxis. Discriminatory laws and practices, based on race, ethnicity, sex, and religion are a test in a State's treatment of migrants. Discrimination reinforces a culture of fear of detention and fear of discovery of irregular situations which in turn produces a limitation of personal freedoms and rights of migrants, such as health services, education, housing, movement, and sometimes even the right to publicly and communally partake in religious expression.

Furthermore, practices of detention have negative effects on families, which are the vital cells of society. The family is the foundation upon which stable social, cultural and economic situations can arise and is central to establishing societies that serve the good of man and practice social responsibility.<sup>1</sup>

As a policy alternative, subsidiarity in the form of the family provides a structure for migrants to integrate into the host country, while also diversifying it, and establish themselves as contributing and positive members of the society. The State, though well-equipped for many projects, eliminates the possibility of true participation in society through policies that force migrants to leave families in their native countries or to separate from their spouses or children upon arrival. Ethical migration policies must preserve the family not only to ensure the human rights of migrants but also for the benefit of the State.

Madam President,

All people, including and especially migrants, must exist in environments that are non-discriminatory and value the cultural, social and economic contributions of all people. Furthermore, it is essential that migrants, due to their inherent human dignity as persons, receive fully the complete range of their human rights and freedoms. States must not degrade the dignity of the person through policy, practice or attitude whether through the criminalization of migration, the detention of irregular migrants or any other practice that

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<sup>1</sup> "The Family, the Vital Cell of Society." *Compendium of the Social Doctrine of the Church*. Città del Vaticano: Libreria Editrice Vaticana, 2004.

divides families or victimizes migrants who are very often much needed by these same States.

Madam President,

In closing, the Holy See Delegation recalls the important role of religions in promoting the rights of migrants as a fundamental feature of their sense of compassion and solidarity that make migration a beneficial experience for the migrants themselves and for the societies of origin and destination. Pope John Paul II wisely observed that the moral and social attitude of interdependence is solidarity. It “is not a feeling of vague compassion or shallow distress at the misfortunes of so many people, both near and far. On the contrary, it is a firm and persevering determination to commit oneself to the common good; that is to say to the good of all and of each individual, because we are all really responsible for all<sup>2</sup>.”

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<sup>2</sup> John Paul II. Encyclical Letter, *Sollicitudo rei socialis*. 1987.