



## THE PROTECTION OF MIGRANTS' RIGHTS





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## METHODOLOGY

### 1. Initial moment of recollection (prayer or singing)

### 2. Handbooks's Objectives 3::

- Know the various conditions under which a migrant demands protection
- Learn about major conventions on humanitarian and labor law that offer protection to migrants
- The protection of asylum seekers and refugees
- The protection of victims of trade and trafficking of persons
- The Church's teaching on the protection of migrants
- The commitment to the protection of migrants as a mission

### 3. Summary of handbook 2

### 4. Presentation of the handbook's content.

- Start with a specific case of violation of migrants' rights, news or the experience of the participants.
- Explain the content of the handbook.
- Determine the level of protection of migrants in the country where you are, verifying which international conventions have been ratified.
- Discuss the difficulties encountered in helping migrants.
- Share the work experience with NGOs dealing with the the protection of migrants.

### 5. Final sharing can revolve around the following questions:

- what tools is best used to help migrants?
- which local institutions or people is it useful to know to be more effective in helping migrants?
- with whom is it important to ally in order to be more effective in carrying out advocacy initiatives in favor of migrants?

### 6. To learn more

In addition to the texts included in the bibliography, the facilitator may suggest others in the local language.

### 7. Evaluation

Fill in the short form that is distributed

### 8. Conclusion with a prayer or a song

When thinking of migrants, images of people forced to leave their land due to situations of violence and oppression come to mind, or of people forced to go elsewhere because in their own country there is little chance of improving their future. Images of workers come to mind, who are engaged in strenuous and low-paid jobs or images of migrants going toward the unknown on a boat or migrants stranded or rejected at the border because they lack permission to enter. These are all images that give the idea of migrants as people with few rights and little protection.

In fact, migrants can benefit from a substantial body of rights that apply to them in various ways. The problem is that these rights are either not recognized by the states concerned, or are not carried out by the competent authorities or are not respected by those in charge. In this pamphlet, we will first explain the rights of migrants as foreigners (i.e. as people who live in a state of which they are not citizens), then migrants as workers, as migrants and as people. We will then examine the rights of refugees and asylum seekers and the rights of irregular migrants, to conclude with a thought on the Church's vision of the rights of migrants.

## 1. THE RIGHTS OF MIGRANTS AS FOREIGNERS

The protection of persons is a duty of the state to all those who are legally on their territory. The citizen has the right to full residence in the territory of the State and therefore to full protection. The protection of the alien is limited to the type of stay that the state has granted him and according to the law the state has given itself. Since each state has or can have its own nationals who are foreigners in another state, it is in the interest of each state to provide protection for foreigners and to demand it on the basis of the principle of reciprocity. International law, which regulates the relationship between states, has not codified the protection of foreigners. There is only one *Declaration on the Rights of Foreigners who are not citizens of the state in which they live*, adopted by the United Nations in 1985. The protection that one can expect from one's state while he is a foreigner in another state is regulated under the Vienna Convention on Diplomatic Relations (1961), to which virtually all states have acceded. However, the diplomatic effectiveness of a state towards another state depends on various factors. The level of friendship and good relations between states is important, but in the end, what really matters is the ability of one state to retaliate over another and therefore it's economic and military power.

## **2. THE RIGHTS OF MIGRANTS AS WORKERS**

Each State ensures the protection of workers of all nationalities on its territory, but the level of protection varies greatly according to the type of employment and the law that the state has applied. As far as employment is concerned, skilled workers are generally adequately protected both for living and working conditions and for the level of remuneration and other benefits associated with their employment. Unskilled workers enjoy less protection because they have less bargaining power, as they can be more easily replaced. Many migrants carry out unskilled jobs. These are heavy or socially unwanted jobs, which are neglected by citizens and for which there is demand for workers from abroad. From the legal standpoint, states generally have a labor code or similar system, which establishes the rights and duties of workers. However, not all occupations are equally regulated. In particular, seasonal occupations or occupations of caretakers and domestic workers often have less protection, to the point that in many states they are not included in the labor code. And these are jobs for which migrant workers are often employed.

In order to ensure protection for all workers, the International Labor Organization (ILO) was founded in 1919. The ILO is a tripartite organization (with representatives of states, employers and trade unions) which in its history has enacted great many instruments for protecting workers. These are instruments which an ILO Member State is obliged to enforce and include into its legal system. A state is free to adopt the ILO conventions or not. However, membership in ILO requires compliance with eight conventions which are considered essential and which concern the prohibition of forced labor, freedom of association and the right to negotiate employment contracts collectively.

The ILO conventions generally, but not always, apply to all workers, regardless of nationality. Therefore, migrants as workers enjoy the protection that a state, member of the ILO, gives to all workers having ratified those conventions.

## **3. THE RIGHTS OF MIGRANTS AS MIGRANTS**

### **a. The ILO conventions**

Since not all conventions apply to all workers, the ILO has adopted certain conventions specifically for the protection of migrants. This is Convention 97 (1949), adopted at a time when a great deal of migration for work was directed towards Europe and ratified by many European states. Convention 143 (1975) was adopted for the protection of irregular workers. In fact, only the first part applies to irregular workers and the convention has only been ratified by 25 states. More recently, the ILO has adopted Convention 181, which concerns employment agencies,

with which migrants often have to deal in order to obtain work, and Convention 189, which covers all domestic workers, and therefore also foreign domestic workers. Also, of great importance are the ILO conventions on social security, which aim to ensure that workers, including migrants, are paid social benefits and given their transferability once they go to another country or return home. There are also agreements concerning specific professions, where migrant workers are often found, such as nurses (C149), construction workers (C167) and those working in hotels and restaurants (C172).

The strength of the ILO conventions stems from the fact that they are also accepted by employers and trade unions. Their weakness, with regard to the conventions that most directly affect migrants, stems from the rather low number of ratifications by states. By the end of July 2020, the C97 had been ratified by 50 states, the C143 by 25, the C181 by 34 and the C189 by 30. Many migrants find themselves working in states that have not ratified those conventions, and therefore have not absorbed them into their own legal system, or come from states that are not part of those conventions. In general, the ILO promotes the principle of equal opportunities and treatment between domestic and foreign workers, but this too often does not apply in practice, especially for unskilled migrants. It also happens that migrants are given little protection because even national workers enjoy little protection.

#### **b. The Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (IMWC)**

The Convention is based on some growing concerns in the 1970s: irregular migration, racial discrimination and a lack of protection of human rights were increasing. These were not disjointed phenomena, so the idea of responding to them within the international community was made possible by means of a convention drawn up within the United Nations and therefore with a strong emphasis on the humanitarian aspect. The process of drafting the Convention took almost ten years, from 1981 to 1990. The Convention was adopted on December 18, 1990 and entered into force in 2003.

In view of its broad aim of protecting all migrants, the Convention has a very long text (93 articles), divided into nine parts. The parts containing the effective protection of rights are the third, fourth and fifth. They range from the protection of all migrants, including those in an irregular situation, in Part Three, to the protection of migrants in a regular situation (Part Four) and finally to the protection of particular categories of migrants (Part Five).

The rights granted to all migrants are the human rights, that is, rights that migrants possess as people. These are rights taken from interna-



## Regional instruments

Regionalism, i.e. the aggregation of various states, normally neighboring, to form a region in which there are special treatment from the civil, economic and social point of view for the citizens of the states that are members of the region, has continued to progress since the end of the Second World War. On a continental level, there is: the African Union (AU) based in Addis Ababa; the Organization of American States (OSA) based in Washington; the Council of Europe based in Strasbourg (in which 47 states participate). The Arab League, (of which 22 states are part) based in Cairo, Egypt. These organizations have adopted for themselves a regional charter of human rights. Asia does not have its own continental aggregation and does not have its own charter of fundamental rights.

There are also regional organizations, such as the Andean Community of Nations (four Member States and five Associates); Mercosur (5 Member States and 7 Associates); the Caribbean Community (CARICOM) with 15 member states; the European Union based in Brussels (in which 27 states participate); the Economic Community of West African States (ECOWAS), with 15 member states; the East African Community, with six Member States; the Southern African Development Community (SADC), with 16 member states; the Association of Southeast Asian Nations (ASEAN), which became the Asian Economic Community, with 10 member states; the South Asian Association for Regional Cooperation (SAARC), with 8 Member States. These intergovernmental organizations have often adopted treaties facilitating the movement of labor and ensuring protection for migrant workers. However, the level of application of these Treaties often leaves something to be desired.

The most developed regional system, also for the treatment of migrants, is the European Union. Citizens of the EU Member States can settle freely on the territory of another Member State, provided they can ensure they have a job or a source of income. For migrants from third countries (i.e. non-EU members), the EU has adopted several common directives that are valid for all Member States. Where European migration policy remains deficient, it is on the reception of asylum seekers, which falls mainly on the countries where asylum seekers arrive, namely Italy, Spain and Greece.

tional Covenants, the one on civil and political rights and the one on economic, social and cultural rights. For convenience, you could split rights in four categories: the rights of the person; legal guarantees; civil liberties; and economic, social and cultural rights. Political rights are not included in this part because they are citizens' rights, and therefore do not apply immediately to migrant workers, let alone to migrants in an irregular situation. As regards the right to leave one's own country



(Article 8), the convention does not go beyond what is already contained in the Covenants. The text has been careful not to endorse the possibility of being interpreted as a text that encourages irregular migration, so the rights of the state to regulate migration are always affirmed. On the other hand, in the right to leave the country there is also the right to return to the country, and the Convention clearly states this, against the tendency of some states to refuse their migrants who are repatriated because they are in an irregular situation in another state.

The Convention protects the migrant's right to be able to communicate with the consular and diplomatic authorities of his country, and to be assisted by an interpreter in judicial proceedings, if necessary, even free of charge (Article 16). The migrant who is detained for having violated immigration laws must not be placed in facilities with people being detained for other crimes. Any breach of the employment contract is not in itself sufficient to deprive the migrant of his residence or employment permit or to decree his expulsion (Article 17). The collective expulsion of migrants is prohibited. A migrant can be deported, but only after his case has been examined individually.

Equal treatment with national workers as regards remuneration and working and employment conditions is reaffirmed in Part Three and therefore applies to all migrants, including those in an irregular situation (Article 25). Therefore, an irregular migrant cannot be treated differently from other workers as regards working conditions, and his employment contract is valid even if he is without a residence permit. This means that the employer cannot, as unfortunately often happens, report the irregular migrant to the authorities in order to avoid paying his salary.

For migrants in a regular situation (Part Four), the Convention grants additional rights. They are entitled to be informed about the conditions for entry, residence and employment before entering the country of immigration. They are entitled to equal treatment with national workers with regard to dismissal, unemployment benefit, admission to public employment (Article 54) and the possibility of working (Article 55). The same equality applies to admission to school, training, access to social and health services, and access to housing. They can be part of cooperatives and develop cultural initiatives (Article 43).

Equal treatment with regard to social security is a human right, however, ample freedom is given to legislators in deciding how to apply this right. It is therefore to be expected that employers employing migrants in an irregular situation to do not pay contributions and migrants cannot therefore obtain social benefits. In some aspects, the Convention has taken a step backward with respect to the ILO Conventions. For example, on the possibility of the right to choose a gainful activity (after two years in the ILO conventions and after five years in the UN Convention) or

on the freedom to create his own trade union (which is only granted migrants in a regular situation).

The Convention has not made any progress on the issue of family reunification (Art. 44) which is still expressed not as a right of the migrant but as a recommendation made to states and limited to spouses and unmarried children dependent on parents. On the complex issue of the education of migrant children, the Convention only reaffirms that the right to education is a human right. (Article 29). Therefore, even the children of irregular migrants are entitled to education.

Political rights derive from the status of citizens. Migrant workers can exercise their political rights in their country of origin, and the country in which the migrant works must not stand in the way of this right. However, there are often severe difficulties for migrants in being able to go to their country to exercise their political rights. For this reason, and because migrants contribute in many ways to the society of the country in which they are located, it is possible that migrants may be admitted to a limited exercise of these rights.

The Convention provides for three levels of participation (Article 42): in institutions for migrant workers; participation in decisions affecting the local community; participation in political life if the immigration status grants it.

The Convention remains the largest and most comprehensive instrument for protection of migrants. Its weakness, however, lies in the limited number of states that have ratified it (only 51 at the end of July 2020). It is an aspect that it shares with other international instruments to protect migrants and indicates that the policy towards migrants remains an essentially national issue, rather than a multilateral one. However, the Convention remains important in at least two other respects. The first is that it is a valuable reference, especially for those who work at the service of the migrants and feel supported in thought, even if not in practice, by the international community. The second is that the Convention is valid in areas, such as Latin America, where the majority of countries have ratified it.

#### **4. THE RIGHTS OF MIGRANTS AS PERSONS**

This subject has already been addressed in the previous section, but it deserves further consideration. Since the end of the Second World War, in fact, the United Nations has adopted a series of instruments that form the body of humanitarian law, and unless otherwise specified on a national basis, human rights apply to all migrants. The first instrument was the Universal Declaration of Human Rights (1948), which became an instrument of legal value with the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic,

Social and Cultural Rights (1966). We have already indicated that the substance of these two pacts has been absorbed by the Convention on the Rights of Migrants.

The reference to the Convention against Racial Discrimination (ICERD - 1965) is useful when migrants find themselves discriminated against, for example in aspects relating to education, the possibility of obtaining housing, the use of public services or to purchase land.

The Convention on the Protection of Women (CEDAW - 1979) is an important point of reference because migration has seen an increasingly relevant participation of women, and in some cases outright predominant. The situation of women can be a factor that increases the vulnerability of migrants and the reference to the convention is useful to increase gender sensitivity in the regulations governing the treatment of migrants.

The Convention against Torture (CAT - 1984) is particularly relevant for situations where excessive use of force is made in the implementation of immigration norms, in particular by resorting to inappropriate or excessively long prison sentences and inhumane conditions in detention camps.

The Convention on the Rights of the Child (CRC - 1989), the most ratified of all conventions, is particularly relevant for all situations where children are involved in the migration process. The principle enshrined in the Convention, namely that the measures taken must be in the best interests of the child, must be applied in all situations in which children are involved. This is the right of the child to a birth certificate and to a nationality, the right to live with the family, the right to education, the right not to be separated from the parents, and rights in the event of detention due to irregular migration.

Finally, not to be forgotten is the Convention on the Rights of People with Disabilities (CRPD – 2006) and the Convention against the Enforced Disappearance of Persons (CPED – 2006).

In 1999, the Special Rapporteur on the Human Rights of Migrants was created (<https://www.ohchr.org/>).

## **5. THE RIGHTS OF ASYLUM-SEEKERS AND REFUGEES**

In international law, the distinction between forced migration and migration by choice is maintained, although many question whether those who are forced to emigrate by economic reasons actually do so really by choice. Forced migration consists of the movement of people forced to flee due to armed conflicts or natural and environmental disasters or chemical or nuclear disasters or development projects. If they remain within their own country, they are considered displaced (IDPs). If they

enter another state, they are considered asylum seekers and possibly refugees.

The protection of refugees' rights was enshrined in the Geneva Convention (1951). The Convention, which was adopted exclusively for the protection of refugees from Europe following the Second World War, was amended by the 1967 Protocol, which removed the geographical and time constraints contained in the Convention; therefore, it now applies to all refugees.

According to the Convention, a refugee is anyone who has a justified fear of being persecuted for specific reasons, such as race, religion, citizenship, membership of a particular social group or political opinions, and is outside his own country to which he cannot turn for help. The definition is much discussed and there are groups who would like it to be extended.

The Convention does not oblige a state to grant political asylum but obliges it to respect the principle of 'non-refoulement'. In other words, the Convention obliges a state in which a person has entered to seek political asylum to examine whether his fear of being persecuted is justified and not to send him back to his country as long as the conditions under which the person has left his country persist. The Convention does not address the causes of forced migration, nor does it provide for measures to prevent forced migration or to distribute responsibilities to protect refugees not just to states that are bordering with those from which forced migration originates.

The Convention does not include protection for displaced persons, for whom the international community has only issued guiding principles on how to act towards them.

## 6. TRADE AND TRAFFICKING OF MIGRANTS

The Convention against Transnational Organized Crime, adopted by the United Nations in Palermo in 2000, also has two Protocols. The first concerns trafficking in persons, especially women and children. This protocol provides a long and complex definition of who should be considered a victim of trafficking. Three elements are needed: **the act** of recruiting, transporting, transferring, hosting people; **the manner**, which must involve the threat or use of force or other forms of coercion or deception or abuse of power, or giving or receiving compensation or benefits; and **the purpose**, which must be to exploit the person. Exploitation can consist of prostitution, forced labor or the harvesting of organs. As far as the act is concerned, it is irrelevant whether or not the person has given consent. When those involved in trafficking are children, it is always a case of trafficking in persons. Trafficking can also take place within the same country. In order to combat trafficking, the four P's are

used: prevention, protection, prosecution and partnership between organizations involved in this field.

The other protocol concerns the smuggling of migrants, which consists of facilitating the illegal entry of migrants into a state in order to obtain a benefit. This is the classic case of criminal individuals and organizations operating at the border and exploiting the desperation of migrants by exacting huge sums of money, and then leaving them to themselves, perhaps at the mercy of the sea. The protocol does not treat migrants who use these means as criminals, but as victims, and yet allows them to be deported.

There are many points of contact between irregular migration and trafficking and smuggling of migrants. Very often, migrants who are victims of trafficking are irregulars. But not all undocumented immigrants are victims of trafficking. NGOs often do not make this distinction, which is necessary in order not to diminish the relevance of the Protocol on trafficking and penalties that must be imposed on criminals who engage in trafficking of people. As already discussed in the section on IMWC, migrants have rights, in particular human rights and rights as workers. Victims of trafficking are subject to additional protection, in particular against possible retaliation by traffickers.

## **7. THE EFFECTIVE PROTECTION OF MIGRANTS**

The protection of migrants involves several aspects: firstly, the respect of their rights; then the participation of the States to the instruments that recognize those rights; and, finally, the implementation of the measures provided for in the instruments. As we have seen, the first aspect is quite broad, in the sense that there are various instruments that migrants can invoke for their protection. The second aspect is less broad. On the one hand, humanitarian law has been supported by many states; on the other hand, it is precisely the convention that protects migrants that has received the least number of participations, and the same can be said for the ILO conventions. The third aspect is even more lacking, in the sense that the rights of migrants are often trampled upon and there is not enough legal action in their favor.

In particular, it should be remembered that international conventions are as effective as the system that monitors their implementation. In this sense the mechanism overseeing the implementation of ILO conventions is more effective than monitoring the implementation of the UN Conventions. The IMWC has a committee that reviews state reports on how they implemented the convention and sends the states its comments on those reports. There is also the possibility, if a State agrees, that the committee will examine complaints made by another state or by individual about the non-implementation of the Convention, but this

usually does not happen. Although they lack direct effectiveness, international conventions have moral strength, in the sense that they indicate the direction in which the protection of people's rights must go. They are a valuable tool in the hands of civil society to monitor the action of their own government. In fact, the strength of humanitarian law is to place a limit on the power of the state and it is a limit to which every government is sensitive, because no government wants to be accused of not respecting human rights of persons under their jurisdiction.

International organizations with competence in the field of migrants are varied. We have already mentioned the ILO, which has competence over migrant workers. The International Organization on Migration (IOM) had arisen after the Second World War to facilitate the repatriation of refugees and has recently been recognized as the United Nations organization with competence on migration. The United Nations High Commissioner for Refugees (UNHCR) has competence over refugees and displaced persons. These and other agencies have grouped in 2019 in the United Nations Network. With their different specific competences, these agencies mainly play a role of support for individual states and a supporting role for migrants in difficulty and refugees, collecting financial support from member states for programs they carry out.

If the multilateral approach reveals a number of weaknesses in terms of the protection of migrants, the bilateral approach, which consists of treaties or memoranda of understanding, may be more effective because it is concluded by two states on the basis of reciprocity. Of course, the effectiveness of such memoranda depends on the content that was agreed upon.

In conclusion, humanitarian law is not the first instance to be invoked when the rights of migrants are not respected. Humanitarian law, in fact, belongs to the fundamental principles on which human coexistence is based and states have generally incorporated those principles into their respective Constitutions. Effective protection of rights is given by civil and penal codes, which reflect the way a state has translated the constitutional principles into law and has provided for measures for obtaining justice against those who do not observe the laws and procedures.

## **8. THE CHURCH AND MIGRANTS RIGHTS**

The Church claims that the foundation of the concept of human rights lies in the message of universal fraternity contained in the Gospel. At the same time, the Church has not found herself, and still is not, aligned with the notion of human rights when any tendency or desire that people or groups can express is considered a human right. However, from a time when the Church saw in the concept of human rights only individualistic and selfish claims, the church has moved on to a time when she



defends human rights as an expression of the safeguard of the dignity of the person. The change took place first with John XXIII, who in *Pacem in Terris* (1963) enunciated human rights, and then with the Second Vatican Council and the subsequent pontiffs. Of course, while calling for the protection of human rights, the Church also recommends always the need for persons to assume their responsibilities.

As far as the rights of migrants are concerned, on the other hand, the Church has been in first position. Some fundamental teachings are contained in the essays of Pius XII and in the *Exsul Familia Nazarethana* (1952), and then taken up and developed by the pontiffs after him. We can highlight briefly the most important of these rights and the difference between the Church's position and that of the international community.

**The right to emigrate.** International conventions recognize the right of the person to leave his/her country and return to it. This right is not equivalent to the right to emigrate, because there is no provision to enter into another country. The Church, on the other hand, by developing the right of the family to a living space, also formulates the right to emigrate, which cannot be denied under the pretext of the common good incorrectly understood. In other words, the Church recognizes that the state has the right to regulate emigration and immigration. However, the common good can be understood selfishly and the departure of migrants or the entry of migrants can be denied to protect the selfishness of that state. In this case, the Church does not recognize the right of the state to restrict migration, because, above the common good of the state, there is the common good of the human family. In this context, the Church affirms the right to emigrate as a person's right, which also implies not only the possibility of leaving a country but also of entering another (message of World Migrant Day 1995). The Church leaves to politics the mediation between the right of the person and the responsibility of the state. But policies are also subject to ethics scrutiny. From an ethical point of view, the more the migrant is in need of emigration, the more the state has a duty to allow it. If the state can block migrants trying to enter irregularly, its power is not as justified when displaced persons and asylum seekers are involved.

**The right not to emigrate.** While acknowledging the right to emigrate, the Church also recalls that people have first and foremost the right to live and work in their own country. Migration cannot therefore be the only way to respond to social inequalities or the lack of prospects for a dignified life. In other words, the Church calls for the causes of migration to be addressed. In this sense, there is a strong link with the right to development, which must be benefiting the whole person and all people. Migration is the result of a lack of development or of an uncontrolled development and contributes to development, but it can also have per-



nicious consequences for the growth of the person and of society. In this sense, *Erga Migrantes* (30) stresses the need for a new economic order and Pope Francis calls for a new way to build an economic model.

**The right to live with the family.** The family is often the reason why emigration takes place. The Church has always supported the migrant's right to live with his/her family. In addition to the documents devoted to emigration, this right is also supported by the Church in the Charter of the rights of the family (1983). Of course, there are often practical obstacles preventing this right from being exercised, in particular insufficient housing conditions, and for this reason the Church calls for these obstacles to be removed (message on World Migrant Day 1993). From this point of view, the Church's teaching goes beyond international legislation, which merely recommends that states foster family reunification.

**Cultural rights.** The Church has always been sensitive to the cultural aspect in migration. Migrants are not just workers. They are people, with values and expressions that come from their tradition and that should not simply be ignored or obliterated. Migrants must not be forced into assimilation into their country of arrival, but must be helped into a process of integration. On the other hand, migrants must also not lock themselves in a ghetto, but participate in the life of the society where they are located and contribute to it. The same must be said with regard to migrants of Christian tradition and their relationship with the communities of the country where they are located. Reception and integration procedures must be established, appreciating the way in which migrants can contribute to the life of the community with the originality of their tradition.

**The right to specific pastoral care.** This is not a right found in international conventions, but, for the Church, it is a very fundamental aspect. The Council summarized it as a specific duty of the bishops (CD 18). The Code of Canon Law, while absorbing the legislation that the Church has drawn up for the care of migrants, has not formulated a right of migrants to specific care. However, the *Erga Migrantes* did so (1). Specific care is particularly necessary for first-generation migrants or temporary migrants, who do not plan to integrate into local society. Specific care does not mean postponing endlessly integration and participation in the local community. Specific care should not be an excuse to establish parallel churches. Migrants belong to the local Church and it is the duty of the local Church to take care of them.

## 9. THE COMMITMENT TO PROTECT THE RIGHTS OF MIGRANTS

It is not enough to know the rights. It is necessary to respect and promote them. The first responsibility for recognizing and enforcing people's rights lies with the state, which paradoxically is sometimes also

the institution responsible for violating those same rights. It is therefore necessary to avoid the shortcomings of the state through the action of civil society. There are many non-governmental organizations committed to the defense of human rights and many who are also specifically dedicated to the protection of migrants' rights. The best way to succeed is through collaboration.

The Church has made the protection of human dignity a central part of her mission. "The Church feels offended when human rights, no matter who the person is or wherever he/she is, are ignored and violated" (Message to the United Nations, 1973). The connection of the protection of human rights with the Church's mission is also affirmed several times by John Paul II (Redemptoris Missio 37 and 42).

Therefore, the same concern is also required with regard to migrants and refugees. It is a mission that requires knowledge and consists of a variety of actions.

- Monitoring compliance with conventions that a state has ratified. It is primarily a question of looking at the difference between rhetoric, which fills political rulers' statements, and their practice.
- Training in knowledge of rights. Migrants often do not know many of their rights or do not know how to act when they are victims of injustice. Training can be organized in many ways, in particular by making use of the possibilities of social communication.
- Advocacy and lobbying. These initiatives require training and organization. They are particularly effective when they are done together with other organizations, in order to increase pressure on the institutions and to obtain their attention.

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Per quanto riguarda le iniziative dello Special Rapporteur cfr.

<https://www.ohchr.org/en/issues/migration/srmigrants/pages/srmigrantsindex.aspx>

Per video delle Nazioni Unite sui diritti dei migranti, cfr. StandUp4Migrants

<https://www.ohchr.org/EN/Issues/Migration/Pages/VideoStories.aspx>

Per quanto riguarda l'insegnamento della Chiesa, vi sono diverse raccolte di documenti, già citate in altri sussidi. I pronunciamenti dei papi si possono trovare anche sul sito web del vaticano. I pronunciamenti di papa Francesco sono disponibili sul sito della Sezione Migranti e Rifugiati (<https://migrants-refugees.va/it/risorse/raccolta/>).



