

Speech, 15 June, 2006

Launch of the International Coalition on the Detention of Refugees, asylum seekers and migrants

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I am pleased to have the opportunity to address the detention of refugees, asylum seekers and migrants - a topic which is of great concern to the Catholic Church.

I am also pleased to discuss this topic together with friends from the Muslim and Jewish communities – it is an enriching experience and of fundamental importance to engage in a dialogue whose foundation is in faith, on matters affecting the lives of so many of our brothers and sisters.

According to the text of *Dignitatis Humanae*, the Declaration on Human Dignity from the Second Vatican Council, the Catholic Church teaches that there must be a consistency between civil authority and moral order and that this authority is called to safeguard human rights and maintain the peace that is born from people living together in justice and harmony. (7) In other words, the Catholic Church teaches that civil authority exists to serve the public interest and maintain the common good of the entire human family. It is with this in mind that I address the detention of refugees, asylum seekers and migrants.

Each of us, from the beginning of human existence has been endowed with a human dignity. It is this dignity this precious gift from God the Father, that binds us together in the human family. It is the recognition of this dignity that is the basis of the promotion and protection of human rights and fundamental freedoms and is the basis for our discussion today. It is that human dignity makes us unique and at the same time calls to a solidarity with one another.

Recognition of that dignity then is necessary in understanding the hopes, dreams and aspirations of each person. This is especially true for the vulnerable among us, especially true for those who might otherwise become lost within humanity.

If you or I were in the situation where we had to flee our homes or our countries, how would we wish to be welcomed? I doubt that anyone would respond: “being put into a detention centre.” Refugees and migrants, together with their families, should be received as persons and helped to become a part of the society in which they find themselves. We must receive them with open arms and in solidarity.

According to reports, in recent years the numbers of people applying for refugee status has dropped significantly. In fact since 2001, the number of asylum applications in industrialized countries dropped by forty per cent (40%).

On one hand, this might be interpreted to mean that fewer people have sought the assistance of the international community in finding a home or being kept safe. On the other hand, however it might also mean that governments are often making it more difficult for those seeking refuge or asylum or wanting to migrate to enter their countries.

One of the tools that many governments are utilising to deter asylum seekers and migrants from coming to their countries is an increase in the use of detention.

Society as a whole has the moral responsibility to enhance human dignity and protect human rights. This includes the human dignity and the human rights of asylum seekers, refugees, and migrants. It is incumbent on all societies to provide protection to people fleeing persecution and other human rights abuses. People fleeing in these circumstances often have no choice other than to cross borders without authorization and without their documents. As early as 1951 this was recognized by the United Nations in the Geneva Convention on the Status of Refugees. This convention prohibits governments from penalizing refugees and asylum seekers for illegal entry into their country. Yet, despite this, many governments use detention to penalize them. We must defend the right to seek asylum in dignity. History shows that a policy of focusing only on migration controls heightens the vulnerability of asylum seekers and their risk of exploitation. Closed borders force desperate people into the hands of smugglers and traffickers, and on arrival in their country of asylum, into detention centres.

The increasing use by governments of the policy of routine detention to deter migration conflicts with the principles of which I have been speaking - of the absolute right to protection from persecution, and of welcoming and integrating migrants into our societies.

I am very concerned about the mushrooming numbers of detention centres for asylum seekers and migrants. Hundreds of these centres dot the map of Europe, Africa, Asia, Oceania, and the Americas. There are real concerns about detention becoming a systematic policy to which many countries resort more as a rule than as an exception, and justify the policy by so-called national security concerns. Of course, States have a right to manage the movement of people across their borders. But before resorting to detention of individuals just because they have crossed a border, the consequences of deprivation of liberty must be weighed – the responses of States must be proportionate and must consider individual circumstances. It appears that many States are not currently using a proportionate approach.

A renewed open and participatory reflection on the ethics of detention is in order with greater focus on possible alternatives to detention. There are humane and effective alternatives to detention – such as open centers, regular reporting requirements, or supervised release - and they should always be considered.

Also, the conditions in many detention centers are of concern. In many centres people are kept in overcrowded, unhygienic conditions, sometimes with convicted criminals. Staff are frequently inadequately trained. Men and women are sometimes held in the same facilities while, conversely, members of families may be separated.

Lack of access to basic social services and to education has a negative impact on the physical and mental health of the persons detained.

In many countries, children are detained without being provided an opportunity to go to school. We must, as a matter of urgency, find alternatives to detention for children. Such alternatives must respect the importance of family unity and family reunion, and ensure that children damaged by detention receive adequate care in the community.

Detaining vulnerable persons such as children, people with mental or physical disabilities, torture or trauma victims, and women in the late stages of pregnancy or nursing babies, is morally unacceptable.

Long periods of detention in particular leave scars on individuals who may have already suffered hardship and abuse prior to arriving in countries where they are detained. This may complicate their reintegration in society and in not a few cases lead them to take their own lives. If national security demands that in exceptional cases asylum seekers or migrants should be detained, it should be under well defined criteria and for the shortest possible time, with access to legal aid, doctors, family members and friends, and pastoral care.

Apart from the impact on the individuals detained, there is also a question of perception. In the public eye, the distinction is not easily made between criminal and administrative detention. This means that asylum seekers and irregular migrants held in detention become associated with criminals in the public eye, an image that stigmatises them, feeds xenophobic behaviour, and is another deterrent to their integration into society.

There are many consequences of detention that go beyond the consequences to the individual detainees themselves. There are consequences for the host society, which loses the opportunity to harness the human potential of the people who end up in detention. I am talking here both about the situations of people held in detention centres and also those kept in detention-like conditions in refugee camps that they are not allowed to leave for many years on end. Keeping refugees in closed camps has economic implications for both the refugees and host communities, because refugees could be self-sufficient and contributing to the local economies. People who have been de-skilled by spending long periods in detention centres or in closed refugee camps lose their economic capacity at great expense to their current and future human potential. This cost is borne by the country of asylum if they are unable to return to their country of origin or to be resettled in a third country. Long periods of enforced idleness also undermine their ability to successfully re-integrate into mainstream society.

Nor should it be forgotten that detention can have a traumatising effect upon those who are detaining the asylum seekers and migrants. Arbitrary imprisonment poisons human society. It also harms those who practice it as well as those who suffer it. It is morally wrong to use unacceptable means even for what is perceived as the common good.

In view of all these concerns, I hope that governments will listen to the recommendations of the coalition and that detention only should only be used as a last resort, and that alternatives to it should always be sought. Rules which violate fundamental human rights have no moral force.