



**GLOBAL THEMATIC WEBINAR**  
**on**  
**SOCIAL JUSTICE:**  
**MIGRATION, RACIAL JUSTICE & DISCRIMINATION, and HEALTH<sup>1</sup>**  
**(A CoNGO 75<sup>TH</sup> ANNIVERSARY EVENT)**  
Thursday, 2 March 2023

Panel address:

***Migration means social justice, inclusion,  
equality of treatment and health for all***

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*(an abbreviated version of this paper was presented orally at the webinar)*

I start by emphasizing that migration is about people. In a globalized world dominated by capitalist economic relations and ownership, it is about social justice --achieving it, implementing it, defending it.

I remind that *social justice* here means broadly full respect for the human rights of all persons; equality of treatment and opportunity; non-discrimination on any prohibited grounds including color, perceived race, ethnicity, nationality, gender, etc.); universal health care; decent work; minimum basic income; decent living conditions; education; social protection; *access to justice* for all; peace and human security; and a safe and healthy environment.

The United Nations and regional organizations elaborated binding conventions and other instruments setting minimum standards and obligations to realize all the aspects just mentioned. International supervisory mechanisms support national implementation of these standards. Current global campaigns work to advance all these components of social justice, notably human rights, social protection, universal health care, and decent work.

But today, migration is the vector and manifestation of denial of social justice –in all these aspects – to large and growing numbers of people worldwide –with manifestations in every country. However, unmet needs for workers at all skills levels by the millions across industrialized countries constrain economic recovery, are a driving factor for inflation, and threaten sustainability. The world is getting it wrong on migration with intensified restrictions, barriers and borders to mobility coupled with maligning of migrants, heightened exploitation and outright deadly violence against migrants, refugees, foreigners. All the more so those with differentiated color, ethnicity, nationality, multiplied by gender for women and girls and for LBGTQIA migrants and refugees.

**Migration today sustains the world of work**

Migration today is international skills and labour mobility that sustains the *world of work* in the Twenty-First Century. 90% of all migrants including refugees are engaged in work in remunerative activity –or dependent on those who are working. Regardless of whether ‘reasons’ for migration were employment,

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<sup>1</sup> Co-sponsors: **Congressional Black Caucus Institute, General Board of Church and Society of the United Methodist Church, Global Migration Policy Associates, International Council of Nurses, National Council of Negro Women, Pan Pacific South East Asia Women’s Association, STUF United Fund, Thadhani Foundation.**

family reunification, immigration, education, or due to refugee flight. With migrants comprising 10 to 20% of workforces in most industrialized countries South and North, migration is key to employment and labour markets worldwide and to obtaining return on capital in a globalized economy.

Sustaining development depends on migration in every region: Africa, the Americas, Asia-Pacific, Eurasia, Europe, and the Middle East. Migration has become a key factor in maintaining the viability and productivity of agriculture, construction, health care, hotel, restaurant and tourism and other sectors. International migration meets growing demand for skills; it dynamizes workforces and productivity; and mobility promotes entrepreneurship across every region. Remittances, transfer of skills and investments by migrants, as well as trade growth spurred by migration, enhance economic activity and well-being in many countries in all regions.

Nearly all the total migrant stock population of 15+ age (255 million in 2021) are *migrant workers* by international convention definition: “intending to be engaged, engaged or having been engaged in remunerative activity”, including self-employment<sup>2</sup>. 73 per cent of international migrants worldwide were between the ages of 20 and 64 years compared to 57 percent for the total world population (UNDESA, 2020). International migrants, meaning foreign born persons resident for a year or more, were 14 per cent of the population in 2019 across all high-income countries and significantly higher in countries of Europe, North America, and Oceania. That was 30% in Switzerland and Australia, around 20% Austria, Canada, Sweden, 16% Germany and Russia, around 14% for Spain, UK and USA (UNDESA). Also high proportions across Middle East Gulf Cooperation Council-GCC countries, and some countries in Africa, the Americas, Asia. The proportions of foreign born workers in national work forces are generally higher than the proportion of migrants to total population. Migrant workers comprise around 90% of the work forces in Qatar and United Arab Emirates -UAE.

Refugees and asylum-seekers comprise 11 percent of the global international migrant population<sup>3</sup>: 27.1 million refugees (21.3 million refugees under UNHCR mandate and 5.8 million Palestine refugees under UNRWA mandate) plus 4.1 million asylum seekers at the end of 2021<sup>4</sup>. There are also an estimated 10 million Stateless People worldwide.

Many other *foreign* persons in temporary, short-term, or seasonal employment and/or residence situations are not counted in the UN statistics on *international migrants* when their sojourn is less than a year and/or if they retain residency in their home or another country.

### Major challenges for social justice

In this context, I highlight a ‘baker’s dozen’ among multiple major challenges to social justice concerning migrants, refugees and mobile workers.

1. Lack of legal protection and non-recognition of migrants and their human rights including labour rights, notably by compelling many to fall into or remain in irregular status – called “illegal” situations with persons pejoratively –and unlawfully-- referred to as “illegals.”
2. Utilitarian instrumentalization of migrants and migration subordinating human rights.
3. Xenophobic hostility and violence against migrants worldwide, with racialized, ethnic and nationality denigration.
4. Systematic/structural discrimination and exploitation of migrant women.

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2 Definition, Article 2, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families – ICRMW. (58 States Parties plus 11 signatories pending ratification at November 2022.) Text at: <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cmw.pdf>

Ratification status of 3 conventions on migration governance – ICRMW, ILO C-97 and ILO C-143 at: <http://www.-globalmigrationpolicy.org/articles/intStandards/Ratifications%20chart%20ILO%20C97%20&%20C143.%20ICRMW%20at%2015Nov2022.pdf>

3 The global international migrant stock estimate was 281 million at-mid 2020 (latest available). See **International Migration Highlights 2020**. United Nations Department of Economic and Social Affairs (UNDESA) 2021. [https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/undesa\\_pd\\_2020\\_international\\_migration\\_highlights.pdf](https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/undesa_pd_2020_international_migration_highlights.pdf)

4 UN High Commissioner for Refugees office “figures at a glance”: <https://www.unhcr.org/figures-at-a-glance.html>

5. Sub-standard, abusive employment and conditions of work for migrants in context of deregulation with absent application of labour and occupational safety and health standards.
6. Lack of healthcare and workplace health protection for migrants and refugees; denial of their health rights.
7. Absence of access and non-portability of social protection/social security for many migrants.
8. Social exclusion and restricted participation of migrants in associations and unions.
9. Migrant and refugee family separation and family decomposition coupled with social disruption for separated family members –particularly children.
10. Increasingly restrictive policies and attitudes towards migrants and refugees, threatening current and future economic viability of countries.
11. Instrumentalisation of development aid to extend migration control and repression.
12. Concentration of *migration management* in security and policing institutions.
13. Criminalization of migrants and association of migrants with criminality, particularly by emphasis on trafficking and smuggling of migrants and refugees, along with criminalization of solidarity with migrants and repression of migrants' rights defenders

These are usually and deliberately mutually reinforcing –and usually in whole or in part deliberate consequences of policy, lack of law, and economic interests.

Control over migration, restrictive borders, and *illegalization* of migrants allow control over wages, wage differentials, and working conditions within and between countries. They are imposed to ensure that differentiated –meaning lower-- wages and working conditions-- can be enforced both between industrialized and developing countries and between foreigner workers and national workers.

Deregulatory non-enforcement of minimum income and working conditions for growing proportions of migrant workers also serves to impede decent salaries and conditions for all workers, if not exert downward pressure on these.

But please don't blame workers for their oppression. As the *golden rule* says, *them that have the gold make the rules*.

Migration occurs today as populations age and workforces decline and even as unemployment remains high in some countries. The global dichotomy is fivefold: (1) workforces are aging out and declining across a majority of countries; (2) a significant proportion of unemployment is structurally inherent to jobless growth driven by finance and industrial capital; (3) technological evolution results in many workers left with obsolete skills or with no skills for today's jobs; (4) worldwide, education and training lag behind evolving economic, technological and labour market needs; and (5) fundamentally, global competition compels employers –businesses in all sectors-- to drive down costs where they can, particularly personnel –labour costs.

### **An agenda for action: social justice inclusive of migrants and refugees**

There is much more to say –elaborated in my background context article<sup>5</sup>– but given very short speaking time, I jump from the *diagnosis* to the *remedies, prescription and treatment plan*.

I highlight ten remedies especially relevant to social justice, equality of treatment, inclusion and health for all migrants and refugees; these are part of a comprehensive 20 point ***agenda for action on rights, justice and well-fare for all migrants and refugees*** laid out in the above-mentioned article:

#### **1. Full recognition and legal protection of all migrants**

- Ratification and implementation of the international conventions protecting rights of all migrants: the International Convention on protection of rights of all migrant workers and family, (ICRMW), ILO Conventions **97** and **143** on migration for employment and **ILO C-189** on *decent work for domestic workers*.

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<sup>5</sup> *Migration, Human Rights & Sustainable Economies: A Century 21 Agenda*. Patrick Taran in *RTE-Revista Tecnológica Espol*, 34(1), Guayaquil, March 2022. <http://www.rte.espol.edu.ec/index.php/tecnologica/article/view/917>

- Full compliance with and implementation of the 1951 Convention and 1967 Protocol on the Status of Refugees by all States.
- Regularization of migrants and refugees in unauthorized situations.

## 2. Rights- and people-based narrative and discourse

Identify migrants as people and rights-holders first and foremost

## 3. Decent Work for all migrants: Vigorous enforcement of labour standards

- Extend labour inspection in sectors and workplaces where migrants are working and
- 'fire-wall' labour inspection as well as health, schooling and services from immigration control.

## 4. Stop discrimination, xenophobia, and racism against migrants<sup>6</sup>

- Repeal discriminatory legislation
- implement national action plans against discrimination, xenophobia, and racism,
- repudiate any and all acts of xenophobic violence
- demand anti-discrimination, anti-xenophobia political discourse, media reporting, social media communication, and school and university curricula.

## 5. Gender-specific migration legislation and policy

- Ensure equality of rights, opportunities and protection outcomes for all migrant women and girls,
- also for LBGTQIA+ migrants and refugees.

## 6. Health for all migrants (health is a right for all).

- Ensure full access by migrants to quality and appropriate health education, disease prevention, vaccination, health care, and treatment services and facilities<sup>7</sup>
- Implement inclusive national and local public health policies and safety and health-at-work.

## 7. Social Protection for all migrants: extend social security coverage and portability to migrants in employment and origin countries

## 8. Facilitate migrant and refugee participation and membership in community associations, worker unions, and CSOs and ensure universal freedom of association and collective bargaining rights for all migrant workers, regardless of status or situation.

## 9. Ensure family unity and family reunification is part of all migration regimes; also sustain socialization and education for children and adolescents remaining 'at home.'

## 10. Decriminalize migrants, refugees, and migration as well as solidarity with migrants and refugees –including for rescue at sea, providing housing, etc.

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6 See a wide discussion of discrimination against migrants in: *Migrant workers and discrimination: realities, threats, and remedies*. August Gachter in *RTE-Revista Tecnológica Espol*, 34(1), Guayaquil, Ecuador, March 2022. <http://www.rte.espol.edu.ec/index.php/tecnologica/article/view/907>

7 See a comprehensive program of action for migrant-refugee health in the current pandemic context in: *COVID-19, Migrants, Refugees, Mobile Workers: Global Assessment and Action Agenda*. Patrick Taran and Olga Kadyshcheva, in *RTE-Revista Tecnológica Espol*, 34(1), 28-57, Guayaquil, Ecuador, March 2022. <http://www.rte.espol.edu.ec/index.php/tecnologica/article/view/889>