

Submission of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the Secretary-General's report on the global compact for safe, orderly and regular migration

12 September 2017

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Mutuma Ruteere, welcomes the opportunity to provide input regarding the Secretary-General's report on the global compact for safe, orderly and regular migration (GCM).

The Special Rapporteur has been following the discussions regarding the GCM from the beginning. He participated in the first high-level Summit for Refugees and Migrants, held by the United Nations General Assembly, during which the New York Declaration was adopted. He also participated as a panelist in the first thematic discussion of the GCM focused on Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance, held in Geneva on 8-9 May 2017. The Special Rapporteur highlighted the current “data and statistics gap in both the global and national level mechanisms and initiatives that continues to limit the progress in combatting racism, racial discrimination and xenophobia in general and specifically with respect to migrants”.¹ He stated that there is a “need for better data in addressing racial and xenophobic discrimination and violence”, in particular the collection and use of disaggregated data.²

Structure and elements of a global compact for safe, orderly and regular migration, including its purpose, goals, challenges and opportunities

1. The final document of the GCM should be firmly based on rights-based approach: The GCM should be fully aligned with existing human rights instruments that address the rights of migrants and should reinforce and implement those rights.
2. Inclusion of a clear reference to the prohibition of discrimination.
3. Inclusion of migrants as right holders and all affected groups should be given a voice, in particular with regards to the enjoyment of social and economic rights (right to adequate housing, food, education, health).
4. Protect the rights of migrants in the context of the global fight against terrorism: The Special Rapporteur has observed that counter-terrorism legislation, policies and practices often target or disproportionately affect members of minority communities and religions, particularly migrants. Such measures are not only contrary to the principles of equality and non-discrimination, but also prevent migrants from fully enjoying a wide variety of other human rights. The GCM should thus recognize the need to ensure that counter-terrorism measures are in compliance with international human rights standards and do not discriminate against migrants, in purpose or effect.
5. Address the stigmatization of, and negative stereotypes towards, migrants: Xenophobia and anti-migrant rhetoric is on the rise, especially in light of the global

¹ http://refugeesmigrants.un.org/sites/default/files/ts1_p3_mutumaruteere.pdf

² Ibid.

economic crisis, the rise of economic disparity and the spread of terrorism. Populist parties, in particular, capitalize on constituents' fears over the financial burdens of migration and perceptions that foreigners are overrepresented in crime, take resources and jobs away from nationals, pose a threat to national identity or have religious practices that are incompatible with modern societies. Political leaders and the media often perpetuate such stereotypes, thus fostering racist and xenophobic attitudes among the public. The GCM should recognize that negative stereotypes against migrants must be addressed as they increasingly translate into racist and xenophobic speech and even violence or hate crimes. The GCM should instead promote a positive narrative of migration and highlight the valuable contributions migrants make to their host countries.

Actionable commitments that may be included in the global compact on migration

1. Collection of disaggregated data and statistics: Currently there exists a serious data and statistics gap in both the global and national level mechanisms and initiatives dealing with migration and in particular with respect to the nature, patterns, trends and manifestations of racism, racial discrimination and xenophobia towards migrants. States should commit to the collection of comprehensive data and statistics in all dimensions and areas of rights so as to effectively inform legal, policy and programmatic aimed at migrants at local, national and global levels. The collection of statistics should preferably cover all prohibited grounds of discrimination, including income, urban/rural, sex, age, disability, nationality, ethnicity and race, sector of employment and legal status.
2. Address the root causes that push people to migrate, in particular war, human rights abuses, natural or man-made disasters, or extreme poverty.
3. Encourage the sharing and replication of good practices (e.g. human rights education and non-discrimination training for relevant officials, including border control and immigration officials; the establishment of Ombudspersons/Equality Bodies as well as code of conducts for the media to address the stigmatization of migrants).

Means of implementation and a framework for the follow-up and review of implementation

1. Inclusion of all stakeholders in the implementation and monitoring of the GCM, including NHRIs, CSOs and the migrants themselves.
2. Explicit attention to human rights should be given during the implementation of the GCM.
3. Accountability.
4. Incorporation of all human rights mechanisms in the review and implementation of the GCM.
5. Addressing the role of media on issues relating to migration and xenophobia.