



[Call for submissions on concept paper for the CERD-CMW Joint General Comment/Recommendation on Obligations of State Parties on public policies for addressing and eradicating xenophobia and its impact on the rights of migrants, their families, and other non-citizens affected by racial discrimination](#)

This submission was led by the Civil Society Action Committee and its [Working Group on Race and Migration](#) and is a product of collective reflections on six proposed questions in the call for submissions, specifically addressing questions 1- 4, 6 and 14.

1. **How xenophobia should be defined nowadays, in a social and political meaning that could lead to developing public policies directed to address its impact on the rights of migrants - within the scope of this General Comment/Recommendation-1, their families, and other non-citizens affected by racial discrimination?**

A consolidated definition for xenophobia is extremely complex as it has taken many generations to hold legitimacy as a dividing strategy to exclude identified people. Therefore, it is important that the decided definition[s] are responsive to current realities and challenges, otherwise as a concept, it may continue to be built around a narrative that is allowed to gain more power. Recognising such complexity can lead to a more nuanced understanding of the term xenophobia and the multiple layers it encompasses. In particular, civil society calls for a definition that looks at **systemic and intersecting forms of discrimination**, which reflects the following considerations:

- The definition and conceptualisation of xenophobia should be developed to include institutionalised and systemic forms of discrimination against those perceived as non-citizens (whether migrants, diaspora, families of migrants, or those merely perceived to be ‘foreign’, particularly due to racial discrimination). Importantly, this must include **political discrimination** disseminated via the public statements of politicians, and the allowance/acceptance of xenophobic messaging in the media.
 - The conceptualisation of xenophobia based on system-wide discrimination should include any act or omission by state officials, institutions or private actors directed to deprive, prevent and/or obstruct migrants’ access to and

enjoyment of public and private services and spaces based on racial, cultural, or religious characteristics or geographical origin.

- It should be developed to include the impact and **influence of colonial legacies on xenophobia** today. For example, it is clear that the rights and status of most of the world's indigenous population groups have been adversely impacted by protracted xenophobia connected to colonial legacies. Indigenous populations have had poor histories with colonial visitors, hence, an engendered fear, dislike and suspicion of foreigners. Colonial visitors have done very little to understand the world views and values of indigenous peoples, generally, they have pursued an “extractive” and “exploitative” mindset, harming the environment, taking liberties, killing indiscriminately and causing irreparable harm lasting generations. This point is made to emphasise the losses incurred over time by important stakeholders who are disenfranchised in their respective homelands; and visitors requiring refuge who, in turn, become second-class citizens in a country not necessarily of their choosing.
- The term xenophobia should encompass all **intersecting forms of discrimination** that deny migrants' dignity, including discrimination **based on racial, cultural, and religious characteristics**. This should also include an understanding of the ways in which racialised discrimination intersects with and is impacted by class and class-based discrimination. It is important to anchor the concept of intersectional discrimination to any definition of xenophobia as it could provide a legal basis for actions to combat all forms of discrimination. Moreover, when looking at the overlap of different factors, the link between racism, discrimination and the climate crisis cannot be overlooked. In negotiated efforts to move beyond negative prejudices that hinder the achievement of a fair and just world, it is imperative to include the heightened impact of xenophobia on indigenous communities affected by climate change.
- Another crucial element is an understanding of xenophobia that recognises its impact on people's physiological and physical health. In this regard, Selvarajah et al. (2022)¹ define xenophobia as ‘discrimination based on ethnicity, caste, Indigeneity, migratory status, race, religion and skin colour occurs everywhere, adversely affecting mental and physical health across all ages, contributing to health inequities.’
- Finally, within this definition, the term ‘migrant’ must also encompass and include refugees, as well as be a broad term referring to all those on the move.

2. What elements should a comprehensive and holistic public policy have aimed at preventing and eradicating xenophobia in migrant-receiving societies? Which

¹ Selvarajah S, Corona Maioli S, Deivanayagam TA, de Morais Sato P, Devakumar D, Kim SS, Wells JC, Yoseph M, Abubakar I, Paradies Y. Racism, xenophobia, and discrimination: mapping pathways to health outcomes. *Lancet*. 2022 Dec 10;400(10368):2109-2124. doi: 10.1016/S0140-6736(22)02484-9. PMID: 36502849.

ministries, secretaries, and other public bodies should be involved in the design, implementation, and periodic evaluation of such policy?

Public policies aimed at combating xenophobia should be first and foremost inclusive and co-designed and implemented through a **whole-of-government** involving all levels and departments of government, from local authorities and councils to departments of justice, labour, housing, and education in combination, with a **whole-of-society approach**. The latter should involve NGOs, traditional, customary or religious authorities, the private sector, migrant and women-led organisations. These principles should serve as the foundation of anti-xenophobic public policies and incorporate the following building blocks:

- A comprehensive public policy to counter xenophobia should address **issues of consistency in protecting the human rights of migrants in vulnerable situations across all levels of governance, from municipalities to ministries**. Even when anti-discrimination measures and policies are in place, they are not always translated into action or protocols followed by immigration enforcement agents or bureaus responsible for ensuring equal access to services for all. It is crucial to ensure that policies are enforced internally and externally in all government institutions and that systems of accountability are in place.
- Be grounded in holistic and comprehensive public policy working towards the **promotion and embrace of multiculturalism, diversity, and cross-cultural understanding**. This must be implemented across society- in standard education, healthcare, public services, media standards, as well as in the justice system and judiciary training- and must include both education, awareness and capacity-building as well as enforcement mechanisms.
- Another vital element to take into account is the **accessibility of public policies** on xenophobia. To fully understand xenophobia from the perspective of migrants, refugees and asylum seekers, it is essential to provide all relevant information and text in their mother language or first language in the most accessible way. For those with visual impairment, it is important to have translators/intermediates available or provide relevant sound-byte information or recordings.
- Establish or support robust and disaggregated data collection on the drivers and effects of xenophobia and racial discrimination, as well as the contribution of migrants and minority communities to society. This should both inform public policy as well as be a transparent database for independent media, fact-checking and combating xenophobic public discourse.

3. How to measure the impact of these policies? Should indicators be needed? Which practices could better assess the progress, challenges, setbacks, and other outcomes?

Mechanisms for measuring progress in enforcing policies against xenophobia are critical. Migrant voices must be included in the review of policy development processes as well as National Human Rights Institutions, in a role of design, advice and oversight during periodic

evaluation. Moreover, developing indicators that measure across society and sectors at national, regional, and local levels can serve this purpose. In specific, these indicators should:

- Measure the impact of the policies over time, including short-term, medium-term, and long-term impact;
- consider factors such as age, sex, and geography.
- and measure the impact of large/public media narratives and their effects.

Some examples of best practices of models and methodologies that can be funded and scaled up are:

- Xenophobia Barometer is a migrant youth-led initiative that systematises, analyses and disseminates analyses of big data internet content and publications, as well as the responses to them (including but not limited to news articles and tweets) in order to assess, understand and recommend evidence-based responses to internet-driven, perpetuated and generated xenophobia and discrimination. They are active in Colombia, Peru and Chile. <https://holaamerica.org/en/xenophobia-barometer/>
- Welcoming Standards assess whether policies, practices, programs, and partnerships are in place to combat xenophobia and advance inclusion, participation, and belonging outcomes. See, for example, the [Local Inclusion Action Tool](#), [US Welcoming Standard](#), [Australia Welcoming Cities Standard](#), [New Zealand Aotearoa Welcoming Communities Standard](#).

4. Which follow-up mechanisms should be put in place? Which stakeholders should have a role on these mechanisms?

Civil society, migrant and diaspora organisations, community groups and leaders must have active, equal and central roles in any follow-up and monitoring mechanisms. This must be conducted in partnership and co-design with them, to ensure meaningful non-exploitative engagement. Equally important is to have national, regional and local spaces of dialogue between civil society and authorities. National and local media outlets, as well as journalists should play a role in the communication of findings and present alternative narratives.

6. Which should be the role of media, both public and private actors, including digital, for preventing xenophobia and building cohesive societies? Which policies could be put in place, promoting social responsibility of media, within the scope of the protection of the right to freedom of expression? Please provide good practices on media initiatives for a responsible approach to migration, as well as on communication policies toward such goal.

Public policy for media regulation must be implemented in order to combat the spread of xenophobic narratives. However, in order to protect the right to freedom of expression, these policies must be grounded in **upholding standards of transparency and accuracy of information and sources** and must include repercussions for blatantly false narratives and deviations from the truth. It is particularly important to ensure these policies:

- Include **consistent, regular training and channels of communication between government and media**, to promote the values and skills needed for evidence-based, balanced narratives around migration.
- Include **guidance standards** against sourcing from or platforming individuals currently or historically under investigation for xenophobic narratives or actions.
- Consider the **inclusion of funds within media and arts national budgets allocated towards the participation of racial minorities in entertainment**. This should include a multi-stakeholder taskforce, steering committee or advisory board for promoting the inclusion of minorities in entertainment, as a necessary part of combating xenophobia.
 - National funding for film and theatre production should include actionable research around preventing the exclusion of minority groups from participating in those initiatives, and how best to support those groups through the application process.
 - Funding initiatives should also include subsidies and provisions to support fair and low-cost access to media platforms, including radio, internet, alternative media outlets, journalism, and content production by civil society and migrant communities themselves.

14. Which practices should States promote at bilateral and regional level for preventing and eradicating xenophobia?

- States should establish and promote, to the best of their ability, positive relationships and narratives with neighbouring States as well as with prominent migrant sending States. This can include cultural and educational exchange programmes, labour agreements, and trade agreements.
- States should collaborate, cooperate and collectively promote strong consular relations and strengthen domestic migrant protections and access to justice.
- States should lead by example by promoting a balanced narrative on migration and encourage neighbouring States and others to take a balanced approach as well. See the GFMD Working Group on Public Narratives and <https://welcomingweek.org/> for examples of replicable State-led campaigns such as [Welcoming Week - la Semaine de l'accueil Canada](#) and [Welcoming Week - Te Wiki o Manaaki in New Zealand Aotearoa](#).