

Concept note for the side event on the Joint General Comment of the CERD and the CMW on Policies for Preventing Xenophobia (Geneva, 4th December 2023)

In a world where the mobility of people is increasingly becoming a structural component due to many factors - economic, professional, political and social - societies are more culturally diverse than ever. It is highly likely that this trend will continue in the coming decades in most countries in every region. Unfortunately, although it is not a new phenomenon, xenophobia has also increased in many societies, affecting migrants, families and communities in general in a number of serious ways.

Indeed, xenophobia is intrinsically linked to the deprivation of human rights, i.e. to several means that lead to inequality, abuse, discrimination, arbitrary detention and other negative and real outcomes within a rights-based approach. Through narratives and representations about migrants and migration, and in combination with them, through different measures, practices, policies, procedures and decisions, xenophobia leads to human rights violations. Directly or indirectly linked to the various expressions of xenophobia, fundamental human rights have been increasingly restricted in recent decades on the basis of nationality, migratory status and other factors, including gender, race, socio-economic status and other factors prohibited by the principle of non-discrimination.

Faced with this complex and worrying scenario, in 2023 the United Nations Committees on the Elimination of Racial Discrimination (CERD) and on the Protection of the Rights of Migrants and their Families (CMW) have agreed to jointly prepare a General Comment on xenophobia and its impact on human rights. In particular, it will be an authoritative guide on the obligation of States to design and implement a comprehensive public policy to combat and eradicate xenophobia and its effects on the rights of migrants, their families and their societies.

The aim of this General Comment is to establish a set of guidelines that form a holistic and inter-institutional public policy which, moreover, addresses all aspects necessary to combat and prevent xenophobia. This includes a wide range of issues, such as: access to justice, education, employment, health and protection policies, policies at local and community level, the prevention and repression of hate crimes, the role of communication media, technology and social networks, and, in a transversal and intersectional manner, policies against racism and racial discrimination, gender and sexual diversity, youth, childhood, disability, among others.

The process of preparing this General Comment will include a number of consultations with stakeholders at global and regional level. In December this year, all actors of the international community (States, UN agencies, civil society organisations, international and regional organisations) will commemorate the 75th anniversary of the Universal Declaration of Human Rights. Xenophobia and racial discrimination are undoubtedly one of the main outstanding challenges in relation to the objectives agreed in the Declaration approved in San Francisco a few years after the Second World War. In this context, the CERD and the CMW invite to hold a side event (at their respective 111th and 37th sessions) in order to publicly present the joint General Comment initiative, and to discuss the process of its preparation, its possible content and, above all, its relevance and possible impact.