

Open letter to the Coordinator and Executive Committee of the United Nations Network on Migration from the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance on the United Nations Network on Migration Workplan

December 18, 2019

Dear Mr. António Vitorino,
Dear Members of the Executive Committee,

Re: Prioritizing Equality and Non-Discrimination in the United Nations Network on Migration's Workplan

I have the honour to address you in my capacity as United Nations Special Rapporteur on contemporary forms of Racism, Racial discrimination, Xenophobia and Related Intolerance.

December 18th marks the United Nations' annual International Migrants Day. In this era of unabashed racism and xenophobia against migrants, this day presents an important opportunity for the international community to affirm the dignity of migrants everywhere, and to recommit to the fulfillment of their fundamental human rights.

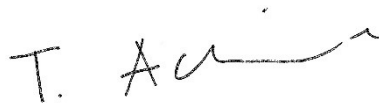
The Global Compact for Safe, Orderly and Regular Migration (GCM) now sits at the center of the United Nations efforts to facilitate strong, human rights-based global coordination on migration governance. It is in this context that I write to you to express grave concern regarding the seeming neglect of the principles of equality and non-discrimination from the United Nations Network on Migration's Workplan for the GCM ("the Workplan"). In adopting the GCM, UN Member States recognized the need for a comprehensive human rights-based approach to migration governance and affirmed a commitment to eliminating racial discrimination, xenophobia, and intolerance. The principle of non-discrimination applies to all the objectives of the GCM implicitly, and Objective 17, explicitly calls for the elimination of all forms of discrimination, xenophobia, and intolerance against migrants and the promotion of evidence-based public discourse that challenges misleading and inaccurate narratives about migrants. Notwithstanding these commitments within the GCM, the United Nations Network on Migration's Workplan shared with stakeholders makes no mention of the principles of equality and non-discrimination. According to the workplan, its five thematic priority areas pool the 23 objectives of the GCM together. However, Objective 17, and several other objectives that explicitly highlight non-discrimination principles, are not included in any of the existing thematic workstreams. Instead, Objective 17 is relegated to a workstream suggested for future consideration, when racism and xenophobia are threats that require attention without delay.

To: Mr. António Vitorino, Director General
International Organization for Migration
CC: Members of the Executive Committee
United Nations Network on Migration
17 Route des Morillons,
1218 Grand-Saconnex,
Switzerland

As I highlighted in an open letter to UN Member States during the GCM negotiations, globally, immigration law and policy and their enforcement are too often means through which migrants are discriminated against on the basis of their race, ethnicity, national origin and religion. Furthermore, it is not migrants alone who experience or are at risk of discriminatory treatment in immigration policy and enforcement. Often racial profiling, prejudice, and even administrative barriers to proving citizenship combine such that racial, ethnic and religious minority communities fully entitled to citizenship and even in possession of it are targeted through immigration enforcement. Unless decisive steps are taken to operationalize equality and non-discrimination principles in migration law, policy and enforcement, experience shows that both migrants on the one hand, and racial, ethnic and religious minorities bearing citizenship status on the other, suffer gravely even where racial discrimination is not the intent of the State.¹

The International Organization on Migration's (IOM) should show leadership in its role as Coordinator and Secretariat for the Network in prioritizing the fight against xenophobia and racial discrimination in the Workplan and ensure that the Workplan promotes equal protection of the human rights of migrants, and that it addresses the most pressing challenges they confront. Combatting racial and xenophobic discrimination is too urgent a task to be deferred for the future, and one too central to be achieved by ad hoc initiatives. It is for this reason that I urge IOM to prioritize combatting racial and xenophobic discrimination in the United Nations Network on Migration Workplan. One means of upholding this commitment would be to incorporate Objective 17 into Thematic Workstream 1 on global data collection, analysis and dissemination. I further suggest that you ensure that objectives that explicitly affirm non-discrimination principles are integrated into each of the remaining thematic workstreams currently in the Workplan, as well as workstreams added in the future.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T. Achiume', with a stylized flourish at the end.

Prof. E. Tendayi Achiume
United Nations Special Rapporteur on contemporary forms of Racism, Racial discrimination,
Xenophobia and Related Intolerance

¹ These are issues I address in more detail my report to the Human Rights Council on racial discrimination in the context of laws policies and practices concerning immigration, citizenship and nationality. A/HRC/38/52 available at https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/38/52