



International Convention on the Elimination of All Forms of Racial Discrimination

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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Committee on the Elimination of
Racial Discrimination

Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families

Joint general recommendation No. 38 (2025) of the Committee on the Elimination of Racial Discrimination and general comment No. 7 (2025) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on general guidelines for eradicating xenophobia towards migrants and others perceived as such

I. Introduction

1. Human mobility has always been a key aspect of the changes and evolution of societies. In the 2030 Agenda for Sustainable Development, States recognize the positive contribution of migrants for inclusive growth and sustainable development, and the fact that international migration is a multidimensional reality of major relevance for the development of countries of origin, transit and destination.¹ Nevertheless, human mobility is increasingly experiencing many challenges, especially as it relates to respect for and the fulfilment of international human rights, universally recognized in the Universal Declaration of Human Rights since 1948. The prohibition of discrimination, a cornerstone of the framework of international human rights law, is being gradually undermined by the treatment of migrants and others perceived as such.² Indeed, alongside diversity, xenophobia has been growing in many societies.

2. Xenophobia is a phenomenon whereby migrants and persons belonging to various social groups or minorities are portrayed and perceived as others, outsiders or enemies owing to prejudices, stereotypes and negative perceptions and the belief that they threaten the predominant culture, heritage and wealth. This narrative is used to justify their exclusion and marginalization, leading to discrimination on the basis of their status as non-nationals and other intersectional grounds. Xenophobia violates human dignity, and the principles of equality and non-discrimination.

3. The Committee on the Elimination of Racial Discrimination and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families are concerned about the escalating impact of xenophobia on the rights of migrants and others perceived as such, through narratives that unfairly target migrants as responsible for social, economic and political problems. Such narratives have been used to justify laws, policies and practices that curtail the human rights of migrants, perpetuating a vicious circle of harm.

¹ General Assembly resolution 70/1, para. 29.

² For the scope of the term “others perceived as such” for the purposes of the present joint general recommendation/general comment, see para. 12 below.



4. As a result of their review of reports submitted by States Parties and in view of the information received from other stakeholders, the Committees are particularly concerned about the influence of xenophobia on laws, policies, practices and mindsets, at variance with international and regional human rights treaties, standards and principles. The Committees considered it relevant to develop joint general recommendations/general comments on xenophobia and its impact on human rights.

II. Methodology³ and objectives

5. The present joint general recommendation/general comment was adopted at the same time as joint general recommendation No. 39 (2025) of the Committee on the Elimination of Racial Discrimination and general comment No. 8 (2025) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. In that joint general recommendation/general comment, the Committees set out specific thematic guidelines on comprehensive public policies for eradicating xenophobia and its impact on the human rights of migrants and others perceived as such. While that joint general recommendation/general comment and the present one are stand-alone documents, they are designed to complement each other and should be read, interpreted and implemented together.

6. The present guidelines draw upon the provisions of both the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and on the standards developed by both Committees. These joint general recommendations/general comments apply equally to all States Parties to each Convention.

7. The overall objective of the present joint general recommendation/general comment is to provide authoritative guidance for States Parties and all relevant stakeholders on preventing and eradicating xenophobia and its impact on human rights. The specific objectives include the following:

(a) Recognize xenophobia as one of the major contemporary challenges to promoting, respecting, protecting and fulfilling the human rights of migrants and others perceived as such;

(b) Elaborate on article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, in accordance with the jurisprudence of human rights bodies, to address the way in which xenophobia leads to racial discrimination;

(c) Determine the scope of article 7 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families with regard to the impact of xenophobia on discrimination in the context of migration;

(d) Promote social cohesion and rights-based intercultural integration;

(e) Support the implementation of the Durban Declaration and Programme of Action, the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees;

(f) Strengthen existing guidelines for combating hate speech, discriminatory attitudes and discourse that incites unequal treatment, discrimination, violence and social conflicts within and between societies;

(g) Contribute to the achievement of a wide range of the Sustainable Development Goals on the basis of the key target of leaving no one behind.

³ Input was gathered from online submissions and during in-person global and regional consultations held between September and November 2024 in Geneva, Bangkok, Brussels, Dakar and Panama City and in Toronto, Canada, and Austin, United States of America.

III. Scope

8. For the purposes of the present joint general recommendation/general comment and of joint general recommendation No. 39 (2025) of the Committee on the Elimination of Racial Discrimination and general comment No. 8 (2025) of the Committee on Migrant Workers, the term “migrants” includes all persons who move away from their country of origin across an international border with the purpose of living temporarily or permanently in another country. This term is applicable regardless of the reason for leaving their country, their status in the country of transit or destination or the grounds on which they apply for or obtain a residence permit, such as family ties, employment, studies, asylum or other forms of protection, or regional agreements.

9. While article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination refers to differentiation between nationals and non-nationals, the Committee on the Elimination of Racial Discrimination has clarified that this article must be interpreted in a way that does not undermine the fundamental prohibition of discrimination and should not be understood as limiting or diminishing rights and freedoms, especially those that are specifically recognized in other human rights instruments. In its general recommendations No. 11 (1993) and No. 30 (2004), alongside other decisions, the Committee reaffirmed the obligations of States Parties to ensure non-discrimination in civil, political, economic, social and cultural rights, regardless of nationality.

10. The Committee on Migrant Workers, in its general comments, and the standards developed by other United Nations treaty bodies and special procedures and regional human rights mechanisms,⁴ have progressively strengthened the prohibition of discrimination on the basis on nationality.⁵ The Committees apply the principle of effectiveness (*effet utile*), whereby the provisions of a treaty must be interpreted in such a way as to enable its most meaningful and effective application.

11. The Committees acknowledge that while migrants are generally not nationals of the country in which they temporarily or permanently reside, they may acquire nationality on the basis of various criteria enshrined in the nationality laws of the country concerned, resulting in dual or multiple nationalities. Furthermore, migrants may be or become stateless, either before leaving their country of origin or while in transit or destination countries.

12. The term “others perceived as such” encompasses all persons who are affected by racial discrimination or intersecting forms of discrimination in the context of xenophobia, such as persons and groups who are perceived, treated or regarded as outsiders or foreigners or simply as others, resulting in unequal and discriminatory treatment, including in the enjoyment of their civil, political, economic, social and cultural rights. Structural racism underpins the root causes of social and political processes that perpetuate the othering of community members who were born in and belong to those communities.

IV. Xenophobia, racialization and racial discrimination

13. The term “xenophobia” has been used to describe attitudes, prejudices and behaviour that reject, dehumanize, exclude and often vilify persons based on the fact or the perception that they are outsiders or foreigners with respect to a community, society or national identity.⁶

⁴ See, inter alia, Inter-American Court of Human Rights, *Juridical Condition and Rights of Undocumented Migrants*, Advisory Opinion, No. 18/2003, 17 September 2003.

⁵ See Committee on Migrant Workers, general comments No. 1 (2011), No. 2 (2013), No. 5 (2021) and No. 6 (2024); joint general comments No. 3 and No. 4 of the Committee on Migrant Workers/No. 22 and No. 23 of the Committee on the Rights of the Child (2017); Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009); and Committee on the Elimination of Discrimination against Women, general recommendation No. 39 (2022).

⁶ International Labour Organization (ILO), International Organization for Migration (IOM) and Office of the United Nations High Commissioner for Human Rights (OHCHR), “International migration, racism, discrimination and xenophobia”, August 2001, p. 2; and OHCHR and Global Migration Group, *Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations* (Geneva, OHCHR, 2018), p. 18. See also Office of the

Xenophobia denotes behaviour specifically based on the perception that the other is foreign or originates from outside the community or nation.⁷ According to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, xenophobia exists when individuals or groups of individuals do not enjoy the same rights as the rest of the population because of their real or perceived geographical origin, or when the values, beliefs and/or practices associated with them make them appear as foreigners.⁸ Xenophobia can be manifested against people with identical physical characteristics, even those of common descent, such as when people transit through or return or migrate to States or areas and are considered as outsiders.

14. Xenophobia is both a systemic driver of racial discrimination and a consequence of structural forms of racism and discrimination against migrants and others perceived as such. Xenophobia can entail any act or omission by public officials or institutions or private actors that deprives, prevents or obstructs migrants' access to public or private services, causing harm and suffering and affecting their human rights, particularly their right to equality. Manifestations of xenophobia include acts of direct and indirect discrimination, incitement to discrimination, hostility or violence, hate crime and incitement to hatred on the grounds of (real or perceived) foreign origin or nationality, including in combination with other grounds, such as race, colour, religion, gender, age, language, sexual orientation, gender identity, socioeconomic status or disability. Likewise, xenophobia leads to discriminatory policies and practices, which restrict access to human rights on the basis of nationality, migration status and other intersectional grounds.

15. In the Durban Declaration and Programme of Action, it is recognized that xenophobia constitutes one of the main sources of contemporary racism and that human rights violations against migrants occur widely in the context of discriminatory, xenophobic and racist practices.⁹ When manifested in acts, xenophobia has very concrete consequences for direct victims, including violence. In addition, the legitimization of xenophobic discourse and narratives can generate symbolic violence by imposing a negative representation of certain groups. More broadly, xenophobia can affect the peaceful coexistence of groups and undermine democratic values and the cohesion of society.

16. The Committees note that there is an intrinsic intersection between xenophobia and racism, owing to several factors. Xenophobia, including the root causes and human rights consequences thereof, involves processes of racialization and structural patterns of racism and hierarchization. This reality is also linked with the legacy of colonialism and slavery, including systemic asymmetries between and within regions and countries. Racism has played a double role in shaping current trends in human mobility: first, racism and the vivid legacy of colonialism are among the root causes of the inequalities that drive migration; and second, racism is also at the core of many Governments' responses to human mobility.

17. For the purposes of the present joint general recommendation/general comment, the term "racialization" denotes the social process of attaching to specific groups negative identities to justify their treatment as worthy of racial domination and persecution. Racialization can lead to particularly harsh migration policies targeting certain migrants on the basis of their purported racial identities and may also serve to rationalize such policies. Immigration policies can be wielded as tools to repress racialized groups. Racialization may also result in nationals being treated as migrants. Narratives against migrants – and subsequent policies and practices – may vary substantially according to race and related grounds of discrimination such as colour, ethnic origin or nationality. The treatment of migrants in transit and destination countries is usually connected with multiple patterns of discrimination on the grounds of race. Multiple forms of violence at borders, narratives criminalizing migrants, de facto and de jure arbitrary restrictions on access for migrants to social services and unequal opportunities for safe and regular pathways for migration generally intersect with racial discrimination.

United Nations High Commissioner for Refugees, *Guidance on Racism and Xenophobia* (Geneva, 2020).

⁷ ILO, IOM and OHCHR, "International migration, racism, discrimination and xenophobia", p. 2.

⁸ See [A/HRC/32/50](#).

⁹ Declaration, para. 16.

18. Approaches to tackle racism should be mainstreamed into migration policies, covering areas such as border governance, the use of border technologies, legal identity processes, the regulation of visas and residence and work permits, and efforts to counter irregular migration and ensure non-discrimination in the enjoyment of all human rights. National and local public institutions working on anti-racism and related areas should play a key role in an intersectoral framework aimed at implementing migration policies. Likewise, measures should be taken to ensure the effective and meaningful participation of civil society organizations, including those representing racialized groups, and of other stakeholders with expertise in racism.

19. The Committees are of the opinion that a comprehensive policy to eradicate xenophobia, its root causes and negative human rights outcomes should be seen through a decolonial, anti-racist and intersectional lens. Countries of origin, transit and destination should mainstream effective measures to address racism, xenophobia and racial discrimination into policies for tackling the structural causes of migration. Policies for addressing xenophobia must take into account how manifestations of xenophobia and their impact on human rights intersect with racial discrimination.

V. Intersectional approach to xenophobia and the impact of xenophobia on human rights

20. Intersectionality is a basic concept necessary in order to understand the scope of the human rights obligations of States Parties with regard to the elimination of racial discrimination and xenophobia against migrants.¹⁰ Taking an intersectional approach means recognizing that the way in which individuals experience discrimination and marginalization is shaped by power relations based on multiple and overlapping factors such as race, ethnicity, nationality, religion, gender, sexual orientation, disability, age, and socioeconomic and migration status.

21. The Committees emphasize that in order to effectively eradicate xenophobia, particularly its impact on human rights, an intersectional approach is crucial and indispensable. All policies and measures aimed at addressing xenophobia must ensure a perspective that addresses concurrent narratives, policies and practices that lead to discrimination against migrants and others perceived as such on the grounds of nationality, migration status, migrant background, gender, age, race, ethnicity, disability, sexual orientation, gender identity, religion, colour, socioeconomic conditions, language and other prohibited grounds.

A. Gender

22. The Committees stress the need to ensure a gender perspective in order to understand the impact of xenophobia on the human rights of different groups of migrants and others perceived as such and to address that impact in a gender-responsive manner. Women, girls and gender-diverse persons from migrant backgrounds often face compounded challenges, such as workplace discrimination, limited access to healthcare, disproportionate rates of preventable maternal mortality and morbidity, educational barriers, increased risk of gender-based violence, and difficulties obtaining access to legal and social services, as a result of the intersection of xenophobia and gender-based discrimination. Women, girls and gender-diverse persons are particularly affected by the intersection of xenophobia and gender-based discrimination, always having to navigate the patriarchal dynamic that exists both within and external to their families and communities, including those with whom they are on the move.

¹⁰ See United Nations network on racial discrimination and protection of minorities, *Guidance Note on Intersectionality, Racial Discrimination and Protection of Minorities* (Geneva, OHCHR, 2022); Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010), para. 18; and Committee on the Elimination of Racial Discrimination, general recommendations No. 25 (2000), No. 28 (2002) and No. 29 (2002).

23. Men and boys can be disproportionately affected by certain practices, such as racial profiling and racial stereotyping. Ensuring a gender-responsive approach within a comprehensive policy against xenophobia and gender-based discrimination also involves addressing the specific needs and experiences of these groups.

24. Xenophobic migration policies and narratives contribute to direct and indirect discrimination against women, girls and gender-diverse persons, which may lead to the implementation of laws and policies that are seemingly gender- and race-neutral, but that have the effect of causing those groups disproportionate harm. Discrimination on grounds such as nationality and migration status tend to be expressed in gender-specific ways.¹¹ Similarly, xenophobic practices towards migrant women, men and gender-diverse persons intersect with their ethnicity, marital status, parental status and class, among other grounds of discrimination.¹²

25. States Parties should take adequate measures to ensure that all elements of migration law and policies are gender-responsive.¹³ Such measures should cover, inter alia, visa regulations and other channels for regular migration, border governance, policies for the recruitment of migrant workers – including by private agencies – grounds for obtaining a residence permit, and access to economic, social and cultural rights. The measures should be aimed at preventing and removing any discriminatory practices that affect the enjoyment of rights on the basis of gender, including on the basis of sexual orientation, gender identity and expression and sex characteristics. States Parties should review and reform discriminatory nationality laws that restrict or impede women from conferring their nationality on their children, which could lead to statelessness.

26. The Committees stress that measures should be directed towards addressing and reforming employment and working conditions of migrants, in all sectors and at all skill levels, that are discriminatory on the basis of gender, ethnicity and race.¹⁴ Measures should include the following:

- (a) Repealing any gender-discriminatory provisions against migrant workers, such as the prohibition of pregnancy and childbirth;
- (b) Ensuring that women are not penalized in any matter or deported for pregnancy or having children;
- (c) Taking into account the way in which certain factors could lead to labour exploitation and other human rights abuses, particularly against migrant domestic workers, and especially in agreements with recruitment agencies;
- (d) Adopting bilateral agreements on gender-responsive labour migration by preventing any gender and racial bias in the regulation of visa and admission criteria;
- (e) Guaranteeing fair recruitment, including by applying a zero-fees recruitment procedure;
- (f) Regulating the private recruitment industry to prevent discrimination on the basis of race, nationality, gender and ethnicity;
- (g) Ensuring equal treatment and non-discriminatory access to social protection, including in bilateral agreements on social security;
- (h) Eliminating gender-discriminatory regulations, such as visa fees for, or additional requirements to be fulfilled by, the dependents of migrant workers;
- (i) Delinking a dependent family member's right to live and work in a country from the spouse's employment or visa status;

¹¹ Committee on the Elimination of Discrimination against Women, general recommendation No. 26 (2008), para. 5.

¹² [CMW/C/GTM/CO/2](#), paras. 26 and 27.

¹³ [CMW/C/CHL/CO/2](#), para. 28.

¹⁴ [CERD/C/ISL/CO/21-23](#), paras. 19 and 20.

(j) Facilitating family migration plans to protect the right of migrants to family life and prevent further irregular and risky pathways for family reunification;

(k) Ensuring gender-responsive reintegration support and services for returning women migrant workers who are likely to experience social stigmatization.

27. A narrow response to migration – namely, through a securitizing lens instead of a comprehensive, rights-based and evidence-based one – in particular to migrants in an irregular situation, alongside the absence of safe and regular migration pathways, contributes to gendered, negative consequences. Such a response leads to increased risks of gender-based violence and harassment, including sexual abuse and exploitation, and of trafficking in persons, which women, girls and gender-diverse persons, as well as men and boys, may face in transit and destination countries. Xenophobia, racism, patriarchy, homophobia, transphobia, biphobia and intersexphobia not only aggravate such risks, but also hinder protection, access to justice and social inclusion. The Committees stress that specific measures should be taken to address harmful narratives and policies on irregular migration, which contribute to increased vulnerability of migrants, in particular women and girls, to trafficking in persons, violence and exploitation. Specific measures should ensure the accountability of State security forces involved in such crimes.

28. States Parties should review their anti-trafficking laws to remove provisions that discriminate against women in law or in practice. In particular, States Parties should eliminate gender bias, age restrictions and discrimination on the basis of parental status in legislation in order to ensure that women, including domestic workers, are able to migrate for work.

29. States Parties should take adequate measures, with a gender-responsive approach, to reform and strengthen policies, procedures and decisions, including at their borders, to fulfil the right to seek and enjoy asylum and other forms of human rights protection. Such protection should also include the provision of essential services to survivors of gender-based violence and trafficking in persons, such as safe housing, trauma-informed healthcare, specialized legal assistance, reproductive health services and protection from detention in unsafe conditions.¹⁵ In addition, it is essential to ensure that gender-diverse persons are supported through policies that respect their gender identity, provide access to gender-affirming healthcare and protect them from discrimination or violence throughout the asylum process.

30. States Parties should take measures aimed at empowering and actively involving all migrants, in particular women and persons with diverse sexual orientations and gender identities and expressions. States Parties should play a key role in the process of developing and implementing a comprehensive policy for the prevention and eradication of xenophobia and its impact on human rights. This process must be inclusive and participatory, empowering and amplifying women's voices and leadership.

31. Xenophobia against migrants and others perceived as such particularly intersects with discrimination on the basis of sexual orientation, gender identity and expression and sexual characteristics. Xenophobic policies and narratives, combined with hostile attitudes towards sexual and gender diversity, contribute to increased vulnerability of LGBTIQ+ persons, including increased risks of violence, discrimination and social exclusion.

32. In accordance with the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity, States Parties should eradicate any barrier based on sexual orientation and gender identity to the enjoyment of human rights by migrants, including migrants in an irregular situation. In addition, measures should be taken to ensure access for migrants to asylum and complementary forms of protection, especially in cases of fear of persecution on the basis of their sexual orientation and gender identity. Measures should be taken to guarantee equal opportunities in order to facilitate their access to employment and labour inclusion.

33. The Committees remind States Parties of the need to take all appropriate measures to implement effectively the recommendations of the Committee on the Elimination of Discrimination against Women in its general recommendations No. 26 (2008) on women

¹⁵ See, for example, [CMW/C/CHL/CO/2](#), paras. 27 and 28.

migrant workers and No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.

B. Children

34. Policies on migration and related areas that are directly or indirectly influenced by xenophobia and racism have a specific impact on the human rights of children, affecting, in a cross-cutting manner, all the human rights recognized for all children by States Parties to the Convention on the Rights of the Child.¹⁶ Relevant areas include regulations on visas and residence permits, measures addressing irregular migration in transit and destination countries, migration-related detention policies, requisites for family reunification, restrictions on the enjoyment of economic, social and cultural rights and eligibility for nationality or permanent residency upon attaining adulthood.

35. Four core principles of the Convention on the Rights of the Child are children's right to life, survival and development, their right to be heard and to participate, their right to be protected from all forms of discrimination, and the principle of the best interests of the child. The Committees stress that these four principles are permanently at stake because of migration policies that are influenced by xenophobia, racism and other intersecting forms of discrimination. Consequently, these principles, and the fundamental rights of the child – including the rights to birth registration, to have a name and a nationality, to education, to family life, to physical liberty and integrity, to non-refoulement and to freedom from harm – are arbitrarily violated under narrow and biased policies on migration and related areas.

36. States Parties should take all measures necessary to mainstream children's rights into migration policies and policies aimed at eradicating xenophobia. Measures to address xenophobia should be incorporated into policies on the protection, development and welfare of children. Specific programmes should be put in place to address xenophobic narratives affecting migrant children, including unaccompanied and separated children and children born to migrant parents or into families with migrant backgrounds. An intersectional approach that is anti-racist and gender-responsive is critical within such measures.

37. States Parties should take adequate measures to ensure ongoing and meaningful participation by children in the implementation of a comprehensive policy for the eradication of xenophobia and its impact on human rights. The voices of migrant children, including unaccompanied and separated children and children born to migrant parents, should be properly heard by all competent authorities. They must be heard and their views taken into consideration in all tiers and branches of government – at the national and local levels – whenever their rights are affected. Relevant areas include family and child protection and welfare, education, migration, asylum, juvenile justice, law enforcement and social protection. States Parties should firmly refrain from producing or spreading narratives that criminalize and stereotype migrant children, including unaccompanied and separated children. They should also reject social, political or communicational narratives that scapegoat or stigmatize them.

38. States Parties should also take the following measures:

- (a) Develop specialized support services within child welfare and youth policies to meet the needs of migrant children;
- (b) Foster initiatives to prevent xenophobia and promote social cohesion on digital platforms and in applications directed at children;
- (c) Strengthen education and professional training on intercultural mediation;
- (d) Appoint intercultural mediators in facilities of the child protection system, in schools and at the community level, especially in highly culturally diverse cities and neighbourhoods;

¹⁶ Joint general comment No. 3 of the Committee on Migrant Workers/No. 22 of the Committee on the Rights of the Child (2017), para. 23.

- (e) Promote more inclusive and supportive environments for migrant children and families, including language services;
- (f) Prohibit by law and eradicate in practice migration-related detention of children and their families;
- (g) Ensure cultural sensitivity in assessments of the best interests of the child in the context of migration;
- (h) Reflect the cultural diversity of society within the workforce of child protection agencies;
- (i) Conduct intercultural activities to promote harmony and appreciation of diverse cultures.

39. The Committees remind States Parties to take appropriate measures to fully mainstream children's rights into policies on migration and related areas, observing all the authoritative international standards developed by the Committee on Migrant Workers and the Committee on the Rights of the Child in their joint general comments,¹⁷ aimed at guiding policies and practices on children in the context of migration.

C. Youth

40. In countries whose populations are increasingly diverse owing to human mobility processes, youth policies can play a critical role in preventing and eradicating xenophobia. As evidence on migration has consistently demonstrated, a significant percentage of newcomers to countries of destination are young persons who interact in education facilities, community spaces and workplaces, all key areas where xenophobic narratives and policies can have a severe impact. Measures directed at youth can make a difference in addressing xenophobia in the short and long term.

41. The Committees recommend that States Parties mainstream programmes aimed at building mutual understanding and upholding social cohesion into youth policies at the national and local levels. Intercultural dialogue and migrant youth participation should be fostered as a cross-cutting strategy for developing, implementing and assessing policies directed at young persons. Young migrants or young persons from families with migrant backgrounds, along with other young persons, should be involved in initiatives that address xenophobia, racism and intersecting forms of discrimination. Specific measures should be taken to prevent xenophobia and racism in programmes for promoting youth employment and vocational training and facilitating access to higher education.

D. Older persons

42. Xenophobia and its reciprocal relationship with policies that have an impact on the rights of migrants lead to specific consequences for older migrants. Narratives that wrongly depict migrants as a social burden, or speeches proclaiming priority for nationals in terms of access to certain social rights, have led to the imposition of restrictions on migrants' access to programmes and services directed at older persons, especially those directed at older persons living in vulnerable situations. Nationality, migration status and type and length of residence have been invoked in establishing discriminatory regulations against older migrants, including in social security schemes for both formal and informal workers after retirement.

43. States Parties should take all measures necessary to remove any discriminatory provisions within social protection, social security and related policies and programmes for older persons, especially those directed at older persons in vulnerable situations. In addition, the portability of social security rights should be ensured, through specific agreements between States, to ensure equitable social protection for all. Narratives promoting the

¹⁷ Joint general comments No. 3 and No. 4 of the Committee on Migrant Workers/No. 22 and No. 23 of the Committee on the Rights of the Child (2017).

privileging of nationals within such policies should be expressly combated by the competent authorities.

E. Persons with disabilities

44. The combination of xenophobic and racist narratives against migrants as undeserving of equal rights, and ableist narratives against persons with disabilities as unproductive and a social burden, has led to arbitrary human rights restrictions. Discriminatory treatment includes restrictions on visa access for migrant workers, on family reunification and on any other safe and regular migration channels on the basis of disability, and limitations on access to social protection schemes and to other programmes for persons with disabilities on the basis of nationality, migration status, or type or length of residence.

45. States Parties must refrain from including disability as grounds for denying or restricting visas or residence permits. Health requirements leading to indirect discrimination against migrants with disabilities must also be avoided. States Parties should adopt adequate measures, including legislative and administrative reforms when needed, to ensure equal access for all migrants with disabilities. Methods of identifying migrants with disabilities, in the context of migration and asylum-seeking procedures and administrative data collection, are key to address their requirements in a timely manner, better protect and facilitate the exercise of their rights and facilitate access to available services. Measures must be taken to ensure that disability-specific policies and programmes entail no discrimination on the basis of nationality, migration status or residence status, including in regard to social protection, health services, employment and labour conditions.

46. The Committees emphasize that appropriate measures should be designed to closely consult and meaningfully and actively involve migrants with disabilities, through their representative organizations, in the development and implementation of policies and programmes that may affect their rights, including initiatives to address xenophobia.

47. The Committees recommend the application of the Washington Group short set of questions on functioning to collect data disaggregated by disability status,¹⁸ and of the human rights indicators on the Convention on the Rights of Persons with Disabilities developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to monitor the measures taken by States to eradicate xenophobia.¹⁹ These tools should also be used for reporting to national follow-up mechanisms and international human rights bodies on the measures taken and their outcomes.

F. People of African descent, people of Asian descent and other racialized groups

48. The structural interdependence of xenophobia and systemic racism leads to profound and intersecting consequences on the rights of migrants of African descent, migrants of Asian descent and their families, particularly affecting those who also face marginalization on the basis of socioeconomic status, religion, gender, sexual orientation and other grounds. Structural inequities in terms of access to visas and residence permits, racial profiling and arbitrary treatment by law enforcement officers, judicial officials and service providers, and barriers and unequal opportunities in policies on education, labour, healthcare and housing are only a few examples of the institutionalized discrimination that they experience.

49. Women migrants of African descent are often subjected to sexualized stereotypes, gendered and racialized labour inequalities and heightened risks of gender-based violence. For LGBTIQ+ migrants of African descent, these intersecting inequalities result in compounded vulnerabilities and targeted abuse. Such patterns of discrimination are not simply expressions of bias, but they reflect deeply entrenched, structural inequities rooted in race, gender, religion, economic status and sexual orientation. In addition, the discriminatory

¹⁸ See <https://www.washingtongroup-disability.com/question-sets/wg-short-set-on-functioning-wg-ss/>.

¹⁹ See <https://www.ohchr.org/en/disabilities/human-rights-indicators-convention-rights-persons-disabilities-support-disability-inclusive-2030>.

use of digital technology at borders is particularly harmful to racially marginalized migrant women, even those in a regular situation.

50. States Parties should take all appropriate measures, within their policies for the eradication of xenophobia, to respect and fulfil all rights of migrants of African descent and their families.²⁰ Measures should be taken to include migrants in policies directed at eradicating racism against people of African descent. States Parties are also urged to report on the measures adopted to promote and fulfil the rights of migrants of African descent, and their outcomes, as part of the activities for the implementation of the Second International Decade for People of African Descent (2025–2034).

51. The Committees recommend that States Parties take all measures necessary to ensure the participation of migrants of African descent in the development, implementation and periodic evaluation of policies for the eradication of xenophobia. Specific measures should be taken to include migrants of African descent and their families in data-collection mechanisms under such policies. Initiatives to address xenophobic and racist narratives against migrants and to promote a rights- and evidence-based communication policy on migration should take account of the structural nexus between xenophobia and racism, which affects the rights and living conditions of migrants of African descent and their families.

52. The Committees emphasize that other racialized groups are among the main victims of xenophobic attitudes, prejudices and policies that have an impact on the rights of migrants and others perceived as such. People of Asian descent and members of Roma communities,²¹ for example, are directly or indirectly affected by discrimination on the basis of descent or ethnic origin through discriminatory policies on migration and related matters, whether or not they are actually migrants. Likewise, anti-Gypsyism and narratives against other racialized groups have been fuelling narrow, stereotyped and security-based migration policies, which feed such discriminatory sentiments and attitudes.

53. The Committees stress that references to specific social groups in the present general recommendation/general comment do not in any way imply that other racialized communities are not subject to xenophobia through intersecting forms of discrimination.

G. Indigenous communities

54. Structural racism has an impact on the lives and human rights of Indigenous Peoples worldwide. One of its consequences is their forced displacement, both internally and internationally,²² in contravention of article 10 of the United Nations Declaration on the Rights of Indigenous Peoples. The root causes of migration by members of Indigenous communities include systemic discrimination, lack of basic opportunities, violation of their right to enjoy their land and ancestral territories, including by extractive industries, structural and institutionalized violence and the specific impact of climate change.

55. The combination of xenophobia and racism negatively affects responses to Indigenous migrants and their families. Discriminatory visa and asylum policies and the lack of language interpretation hamper their safe and regular migration. Arbitrary and racist treatment by law enforcement and other authorities, including service providers and contractors, in countries of transit and destination, and lack of equal opportunities for full social inclusion in host societies, illustrate the impact of xenophobia and racism on their rights.

56. The Committees are extremely concerned about the impact of xenophobia and racial discrimination on the labour conditions of Indigenous migrant workers, especially those in an irregular situation. The Committees stress that the situation of temporary migrant workers from Indigenous communities, including those from communities living in or close to border areas, is often defined by insufficient recognition of their land rights under international standards – such as the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization – by States of origin and destination. The absence of

²⁰ [CMW/C/CHL/CO/2](#), para. 27.

²¹ [CERD/C/MDA/CO/12-14](#), paras. 27 and 28.

²² [CMW/C/GTM/CO/2](#), para. 27.

non-discriminatory labour policies and protective frameworks reinforces structural inequality. The intersection of racial discrimination and xenophobia, and disregard for Indigenous status, exacerbate the risk of labour exploitation, including exposure to hazardous work, wage theft and contemporary forms of slavery. Indigenous migrant women and girls are particularly at risk of intersecting forms of discrimination, including sexual exploitation and gender-based violence.

57. States Parties should take adequate measures to improve the regulation and supervision of the labour conditions of Indigenous migrant workers, regardless of their migration status, and ensure equal access to social protection, remedies and complaint mechanisms. States Parties should also make the appropriate reforms to policies in order to respect the land rights of Indigenous Peoples, including measures aimed at supporting culturally appropriate reintegration, access to justice, and reparations in cases of forced displacement, with particular attention paid to land restitution and community rebuilding.

58. The Committees recommend that States Parties incorporate the rights of Indigenous communities, fully and in a cross-cutting manner, into policies for the eradication of xenophobia. Intercultural services and programmes are critical components of such policies. Policies and measures should be rooted in intercultural approaches and developed in close consultation with Indigenous Peoples, respecting the principle of free, prior and informed consent. The active participation of Indigenous migrants, including Indigenous-led organizations and representative institutions, in the design, implementation and periodic evaluation of such measures must be ensured. States Parties should recognize and facilitate Indigenous-led migration strategies that are centred on dignity, rights and sustainability, and promote access to education and language rights and the preservation of cultural identity throughout the migration experience.

H. Stateless persons

59. The impact of xenophobia has also been evidenced in the field of statelessness. Restrictive and discriminatory practices on the basis of nationality or migration or residence status, including legislative measures, have led to the statelessness of children born in countries of transit or destination. It is important to recognize the situation of women and girls rendered stateless owing to changes in national borders or definitions of nationality, in particular through laws or practices that do not extend nationality to children born to women with irregular migration status or on the basis of related factors.

60. The Committees acknowledge that the majority of the world's stateless population belongs to specific ethnic, religious and minority groups. In many cases, this situation is directly caused by xenophobia and intersectional discrimination in documentation practices. Some laws and administrative practices treat racialized minority groups as if they were foreigners, subjecting them to rules and procedures akin to those applicable in the context of migration.²³

61. States Parties should take all appropriate measures, including legislative reforms, to effectively prevent statelessness and ensure the right to a nationality of all children born to migrant parents, regardless of the parents' migration or residence status. Clear legal safeguards should ensure that no children born or identified in the territory of a State Party remain without a nationality. These safeguards should be applied without any discrimination. In States of transit or destination where the principle of *jus soli* in the recognition of nationality does not apply, and children born in those States to migrant parents cannot acquire their parents' nationality, those States should ensure, both by law and in practice, nationality of the country of birth.

62. The Committees encourage States Parties to promote bilateral or multilateral cooperation mechanisms aimed at preventing and eradicating statelessness among children born in the context of migration, including those born in transit, regardless of their parents' migration status. Simplified and expedited procedures should be implemented to facilitate birth registration and access to identity documentation. Effective international coordination

²³ CERD/C/RUS/CO/25-26, para. 33.

should be sought to ensure that all children born in transit have the right to a name and to acquire a nationality. Child welfare and protection authorities, along with civil registry offices, should play a leading role. The principle of the best interests of the child should be a primary consideration in guiding such procedures and all decisions on a case-by-case basis.

63. The Committees urge all States Parties that have not yet done so to take the steps necessary to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. The Committees also call upon States Parties to take measures to implement the recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in the report on racial discrimination in the context of laws, policies and practices concerning citizenship, nationality and immigration.²⁴

64. The Committees recommend that States Parties incorporate narratives addressing the nexus between migration and statelessness into their communication initiatives aimed at preventing xenophobia. Such initiatives should be aimed at key stakeholders, including health, civil registration and other service providers, family law tribunals and the general public. States Parties are encouraged to take measures that facilitate the full participation of stateless people and organizations with expertise on statelessness in the implementation of policies against xenophobia.

I. Religion and beliefs

65. In several countries, xenophobic and anti-migrant narratives have primarily targeted certain groups of migrants or others perceived as such on the basis of their professed or perceived religion or belief, affecting their right to freedom of religion or belief and leading to criminalization and other restrictions on human rights. Such effects have been widely evidenced in the field of migration control, including in the practices of law enforcement and judicial authorities. Cases of ill-treatment, arbitrary detention, criminalizing narratives and other abuses have consistently been reported as forms of violence and discrimination against migrants with a particular religion or belief, whether actual or perceived. In some cases, a biased approach to society leads to the perception of inhabitants as others or foreigners, resulting in discriminatory, unequal and even violent attitudes and undermining the right to religious freedom. Stigmatizing narratives portray certain people, on the basis of religion or beliefs, as dangerous or harmful, even linking them to serious crimes such as terrorism. The Committees are particularly concerned about virulent Islamophobia and antisemitism in States Parties.

66. The Committees strongly recommend that States Parties take all measures necessary to ensure equal treatment for all individuals under their jurisdiction, without distinction on the basis of religion. Measures in areas such as communication and education should recognize cultural, ethnic and religious diversity. It is essential to strengthen policies aimed at addressing the structural inequality experienced by people who, despite being nationals of the country in which they reside, continue to be perceived as others, particularly on the basis of their religion. This stigmatizing representation, in turn, is used to justify restrictive migration policies, which again fuel such prejudices and unequal treatment.

67. As noted by the Special Rapporteur on freedom of religion or belief, public policies to address xenophobia should recognize religious or belief-based discrimination as an aspect of xenophobic discrimination, along with its legal parameters and prohibitions. This dimension should also be reflected in relevant awareness-raising and educational initiatives, data collection and the provision of community engagement and support services to victims.²⁵

²⁴ [A/HRC/38/52](#).

²⁵ See <https://www.ohchr.org/sites/default/files/documents/issues/racism/cfis/cerd-cmw-jointgc/subm-concept-paper-cerd-un-enti-sr-freedom-religio-elief.pdf>.

J. Socioeconomic status

68. Xenophobia against migrants and others perceived as such intersects reciprocally with multiple forms of discrimination on the basis of class or socioeconomic status. In addition to other grounds for discrimination, class or socioeconomic status is used to construct a stigmatizing and at times even criminalizing representation of migrants, particularly those with irregular migration status.

69. The Committees stress that the intersection of migration, xenophobia and class or socioeconomic status is manifested in the structural causes of human mobility. The lack of channels for safe and regular migration is compounded by discriminatory, selective and unequal approaches, forcing people in vulnerable situations to use irregular and dangerous routes to exercise their rights to leave their countries and seek asylum.

70. The Committees strongly recommend that States Parties, in their efforts to eradicate xenophobia, take measures to address the multiple forms of discrimination on the basis of class or socioeconomic status. Tackling the root causes of migration in countries of origin and the discriminatory aspects of migration policies in transit and destination countries should be at the core of such measures.

K. Health status

71. The Committees stress that xenophobia and the policies that manifest it can intersect with individuals' health status. Some regulations governing access to visas and residence and work permits do so according to health-related criteria. In some countries, persons living with HIV, tuberculosis, mental health conditions or other specific conditions are excluded from enjoying, or severely restricted in their enjoyment of, a range of human rights in the context of migration.²⁶ The Committees urge States Parties to review regulations with the aim of repealing discriminatory provisions with regard to health conditions that affect the right to leave a country, freedom of movement or the possibility of obtaining a residence permit or regularizing migration status. In doing so, States Parties must ensure that health assessments in the context of migration procedures adhere to the principles of non-discrimination, voluntariness and confidentiality and are conducted in a manner that is consistent with international human rights standards, including that they be rights-based, gender-responsive and culturally appropriate.

72. The Committees warn against anti-migrant narratives, particularly prevalent during public health emergencies, that portray migrants as carriers of contagious diseases or other health problems that would affect the population of the destination country. This representation contributes to the legitimization of discriminatory and arbitrary policies that have a harmful impact on the human rights of migrants. The Committees recommend that States Parties refrain from promoting or spreading such narratives, and expressly reject such rhetoric by other actors.

VI. Key elements of a comprehensive policy to eradicate xenophobia

73. The Committees stress the multidimensional nature of xenophobia. Its causes, manifestations and, especially, its consequences are intrinsically related to several structural factors, spanning a wide range of social, cultural, historical, economic and political aspects. The Committees therefore underscore the requirement for comprehensive and holistic public policies to address xenophobia and intersecting forms of discrimination. In this direction, the Committees recommend that States Parties cover the following key elements in such policies.

²⁶ CERD/C/BIH/CO/14-15, paras. 31 and 32; CERD/C/QAT/CO/22-23, paras. 34 and 35; and CMW/C/KGZ/CO/2, paras. 27 and 28.

A. Legal framework

74. States Parties should ratify international and regional human rights treaties and effectively implement the relevant standards to protect the human rights of all persons at risk of xenophobia. States Parties should also establish a comprehensive anti-discrimination legislative framework, taking into account OHCHR guidelines.²⁷ States Parties should reaffirm the prohibition by law of discrimination. This legal framework should incorporate updated international human rights standards and concepts, including the concept of multiple and intersectional discrimination.

75. States Parties should adopt or strengthen and implement a coherent and comprehensive normative framework to regulate a holistic public policy for eradicating xenophobia and its impact on human rights. Key elements of the legislative scheme include the following:

- (a) Ensuring that migrants and nationals equally enjoy human rights without any discrimination;
- (b) Assigning mandates to each competent ministry and secretary;
- (c) Setting up intersectoral coordination;
- (d) Institutionalizing civil society participation;
- (e) Defining short- and long-term goals;
- (f) Guaranteeing adequate resources, periodic data collection, accountability and follow-up mechanisms.

76. The Committees recommend that States Parties forbid and duly sanction by law acts of xenophobia that violate the human rights of migrants and others perceived as such. Such provisions should ensure the duty to interpret and implement legislation with an intersectional approach. States Parties should review and, when needed, reform legislation on migration, asylum, labour, health and other areas, at the national and local levels, that directly or indirectly promotes xenophobia, discrimination and inequality.²⁸

B. Inter-institutional approach and intersectoral coordination

77. The Committees stress that in order to eradicate xenophobia and its harmful human rights consequences, it is indispensable to ensure the involvement of all institutions and all levels of government. Joint action in areas such as education, communication and media, human rights, equity, gender, social inclusion, human development, healthcare, labour and social protection, internal affairs, justice, migration, housing, child welfare, foreign affairs, culture, civil registry, the economy, security and sports is essential to ensuring a holistic approach.

78. The Committees underscore the importance of promoting specialized, strong and independent public institutions with an explicit mandate to monitor, prevent and address xenophobia, racism and intersecting forms of discrimination.²⁹ Whether separate or forming part of national human rights institutions or national equality bodies, such institutions should, inter alia:

- (a) Develop research and data-collection initiatives on xenophobia and its causes, manifestations and consequences;
- (b) Receive and resolve complaints on xenophobic, racist and related incidents;
- (c) Carry out campaigns against xenophobia and promote intercultural integration;

²⁷ *Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation* (United Nations publication, 2022).

²⁸ Committee on the Elimination of Racial Discrimination, general recommendation No. 30 (2004), para. 7.

²⁹ CERD/C/ZAF/CO/9-11, para. 39.

(d) Train and advise other institutions on preventing xenophobia within their respective mandates.

79. States Parties should develop and put in place inter-institutional coordination mechanisms to ensure a holistic approach in policies aimed at eradicating xenophobia. This mechanism should be formally established and endowed with due decision-making power to guarantee the effective implementation of such policies. Measures should be taken to ensure the formal and regular participation of civil society organizations, including those representing migrants and other groups affected by xenophobia and racism.

80. The Committees reaffirm that coherence is a core principle of inter-institutional coordination. States Parties should take measures to ensure coherent practices and goals within and between the policies that constitute such a holistic approach. Conversely, measures should be taken to prevent incoherent or contradictory decisions or priorities. For instance, it would be inconsistent to implement policies that promoted migrants' social inclusion and increased formal employment while imposing barriers to migrants' access to services and restricting their acquisition of residence and work permits. States Parties should avoid dissonance between migration, labour and other social policies.

81. The Committees are of the opinion that effective coordination among national, intermediate and local governments should be a critical component of a comprehensive policy against xenophobia and for the promotion of social cohesion and intercultural integration. The more decentralized a State, the greater the necessity to ensure that there are mechanisms for coordination among all the levels of governance. Legislative and operational measures should be taken to ensure such cooperation.

C. Local government

82. Competence in many areas related to racial discrimination is exercised by local government. The Committees, recalling that human rights obligations extend to all levels of government, underscore that local governments should play a significant role within a holistic policy in eradicating xenophobia.³⁰ Cities and other local governments should develop and implement their own comprehensive policies for preventing xenophobia in their communities.³¹ Central Governments should take measures, including the provision of budgetary support, to assist local authorities in implementing the national policy and plan of action against xenophobia and racism.

83. The Committees recommend that local authorities promote a rights-based, gender-responsive and evidence-based narrative on migration. Such a narrative should:

- (a) Stress the importance of multidirectional intercultural integration;
- (b) Promote memory policies related to the origin and diversity of the communities;
- (c) Acknowledge migrants' contribution to and belonging in the community, ensuring that local authorities do not contribute in any manner to xenophobic rhetoric.

84. Local governments should take measures to remove all forms of discrimination from local laws, policies, programmes and practices, ensuring that access to services and rights is not restricted on the basis of nationality, migration status, gender or any other intersectional factors. Furthermore, local governments are encouraged to implement policies to protect migrants and others perceived as such who live in their communities. Such action is especially critical in national contexts marked by growing and worrying levels of xenophobia and racism, including narratives promoting discrimination against and the scapegoating of migrants for deep-rooted societal problems and fears, often for political or financial gain.³²

³⁰ A/HRC/32/50, para. 75.

³¹ CMW/C/ARG/CO/2, para. 29.

³² CMW/C/GTM/CO/2, para. 27.

85. The Committees recommend that local governments take concrete measures to prevent xenophobia and promote social cohesion, including the following:³³

- (a) Fostering and financing intercultural community spaces, dialogues and related initiatives, including in the fields of culture, sports,³⁴ the arts, religion, education and recreation;
- (b) Engaging with and building the capacities of local media to promote responsible reporting on migration, migrants and cultural diversity;
- (c) Sensitizing all community members to the negative impact of xenophobia, racism and related discrimination against migrants and others perceived as such;
- (d) Adopting housing policies aimed at preventing social and cultural segregation of communities on the basis of nationality, race and other grounds;
- (e) Implementing, with international cooperation if needed, welcoming reception and protection policies in the context of humanitarian displacement crises;
- (f) Establishing, in collaboration with trade unions and employers' organizations, workplace policies against xenophobia and discrimination.

D. National and local human rights institutions

86. The Committees stress that national and local human rights institutions and equality bodies should play a key role in the continuous assessment and monitoring of policies for eradicating xenophobia, especially with regard to its impact on human rights. States Parties should take adequate measures to strengthen these bodies, including through human and financial resources, in order to ensure their independence and adherence to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

87. National and local human rights institutions are encouraged to create, when appropriate, a thematic department focused on promoting and protecting the rights of migrants and their families. In all cases, institutions should take adequate measures to ensure cross-cutting and genuine inclusion of the rights of migrants and others perceived as such in all thematic areas in which they work.

88. National and local human rights institutions could promote the following activities, among others:

- (a) Collecting quantitative and qualitative data;
- (b) Implementing mechanisms for researching and monitoring xenophobia and racism, including the evaluation of related policies, such as the establishment of observatories;
- (c) Advising, training and guiding authorities on non-discriminatory policies and practices;
- (d) Creating effective, accessible, safe and gender-responsive reporting procedures for victims of xenophobia to submit complaints;
- (e) Submitting judicial complaints from direct victims, individually or collectively, and from third parties against discriminatory provisions in laws and other regulations;
- (f) Providing legal aid and counselling services to persons affected by xenophobic and related discriminatory incidents or practices;
- (g) Developing procedures for intercultural mediation;
- (h) Promoting memory policies related to the origin and diversity of the communities;

³³ See also General Assembly resolution 73/195, para. 32 (f).

³⁴ CERD/C/NLD/CO/22-24, paras. 13 and 14.

- (i) Supporting inter-institutional dialogue.

89. The Committees encourage regional and global networks of national and/or local human rights institutions to develop and/or strengthen initiatives against xenophobia, racism and all intersecting forms of discrimination.

E. Social participation and community engagement

90. The Committees recommend that States Parties take all appropriate measures to ensure the effective participation of civil society organizations, migrants, racialized groups affected by xenophobia, human rights defenders, academia, trade unions, youth, women's organizations, faith-based groups, local communities, diaspora organizations, grass-roots associations, employers' organizations and the private sector, among other actors, in efforts to eradicate xenophobia and intersecting forms of discrimination.

91. The Committees recommend that States Parties develop and strengthen policies to support community-led initiatives that empower all groups affected by xenophobia and intersecting forms of discrimination. Such initiatives should enable communities to build resilience, advocate for their rights and actively participate in efforts to prevent, resist and eradicate discrimination. States Parties should take measures to foster community engagement and dialogue, bringing together diverse communities to address xenophobia and racism collaboratively and facilitating opportunities for meaningful interactions, mutual understanding and solidarity-building among all individuals in each community.

92. States Parties should also promote the participation and responsibility of the private sector in the implementation of measures aimed at preventing, addressing and eradicating xenophobia, particularly given its impact on discriminatory practices in the workplace and in areas such as media, housing, health, education, culture and leisure.

F. Administration of justice

93. States Parties have an obligation to ensure judicial review and justice for all migrants, at all times and regardless of their status. The Committees recommend that adequate measures be taken, aimed at all actors within the justice system (including judges, prosecutors and defence attorneys), to prevent xenophobia in administrative and judicial procedures, sentencing and decisions.³⁵ States Parties should promote regular training and related programmes on international human rights law and standards in the context of migration. The Committees stress that all procedural and substantive decisions adopted by judges and other judicial authorities should be free from xenophobia. Such initiatives could include modules that comprehensively address irregular migration, with a view to ensuring that decisions are not influenced by xenophobic and discriminatory rhetoric.

94. States Parties should take adequate measures to ensure that incidents of hate crime of a xenophobic, racist or intersectional nature against migrants and others perceived as such are duly investigated, prosecuted and punished by the competent authorities. Such measures should include effective and dissuasive sanctions and protection against retaliation. Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination should be interpreted dynamically in order to ensure that such incidents are effectively investigated and sanctioned.³⁶

95. The Committees recommend that States Parties take appropriate measures to ensure effective, accessible and safe access to justice for migrants and all victims of xenophobia, racism and intersecting forms of discrimination, regardless of their migration status. Such measures should include setting up effective firewalls to guarantee that service providers will not refer any information on migration status to the migration authorities and related law enforcement agencies. Fear of deportation must not be a deterrent to seeking justice. It is

³⁵ Committee on the Elimination of Racial Discrimination, general recommendation No. 31 (2005), para. 5.

³⁶ CERD/C/DNK/CO/22-24, para. 19.

essential for States Parties to take effective measures to empower migrants to report incidents of hate crime without fear of retaliation, ensure due process guarantees and prevent the migrants' expulsion from the State before the trial is concluded.

96. Appropriate procedural accommodation on the basis of age, gender, disability, language and other grounds should be provided, when necessary, to ensure inclusive administrative and judicial procedures. Spoken language interpretation and accessibility for persons with disabilities should be mandatory, including within migration, asylum and other related procedures within judicial and administrative systems.

97. The Committees are concerned that xenophobia, racism and intersecting forms of discrimination may lead to arbitrary judicial decisions, especially in criminal proceedings, including in countries where the death penalty is permitted. Migrants and other racialized groups are disproportionately represented among those who are convicted, including those sentenced to capital punishment. The Committees recommend that States Parties, as appropriate:

(a) Take measures to eradicate the death penalty, where it is still permitted, and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

(b) Take appropriate measures until that point to prevent and eliminate any discriminatory impact on the basis of nationality, race, ethnicity, gender, language, religion and other grounds prohibited under the principle of non-discrimination during the entire judicial process, including the investigation phase, the trial, the sentencing and all related decisions;

(c) Fully implement the guidelines developed by the Committee on the Elimination of Racial Discrimination in its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system.

G. Capacity-building and awareness-raising

98. The Committees recommend that measures be taken to strengthen the capacities of all public bodies involved in eradicating xenophobia. Such measures should also apply to other actors, including workers' and employers' organizations, media companies, relevant private actors, community and religious leaders and associations, and the general public.

99. States Parties should design and put in place continuing training and awareness-raising initiatives focused on addressing xenophobia and fostering intercultural integration. Adequate measures, including the allocation of resources and periodic assessments of outcomes, should be taken to guarantee that ongoing training programmes constitute critical, cross-cutting tools for the entirety of the public administration at the national and local levels. Within such initiatives, States Parties are also encouraged to build partnerships with civil society organizations, academia, workers' organizations, international agencies and other experts, faith-based groups, migrants and grass-roots associations. States Parties should promote the active participation of experts and stakeholders in the design, implementation and evaluation of such training programmes.

H. Data collection and rights-based indicators

100. States Parties should enhance the regular collection of disaggregated data to identify challenges faced by migrants and their families relating to their well-being and integration into society. Data-collection mechanisms must be supplemented by other methods, including censuses, household surveys, labour-force surveys and education surveys. All competent bodies, at the national and local levels,³⁷ should take measures to break down data into different social groups on the basis of prohibited grounds for discrimination. Such measures

³⁷ Durban Declaration and Programme of Action, Programme of Action, para. 92.

will allow them to identify and highlight common and specific challenges and barriers that these groups face, and to adapt policies and practices accordingly.

101. The competent authorities should compile quantitative and qualitative information on xenophobic attitudes, including verbal and physical violence and harassment against migrants and others perceived as such, and on measures related to victims' access to justice and redress and the sanctions imposed on perpetrators. As part of the policy for addressing and preventing xenophobia and its negative impact on human rights, periodic polls and surveys should be conducted, with the aim of measuring migrants' inclusion and intercultural integration, gauging the public's perceptions and attitudes and gaining a better understanding of the root causes of systemic racism. Particular attention should be given to tracking xenophobia online. Trends should be analysed using an interdisciplinary approach and should be published regularly.

102. States Parties should collect disaggregated data on instances of death, disappearance, arbitrary detention and expulsion of migrants, and other incidents occurring on dangerous migration routes. These data should be systematically analysed to inform measures, including policy reform, to prevent such situations, protect migrants and facilitate access to effective justice and redress mechanisms.

103. The Committees stress the importance of regulation by law and effective implementation of strict data-protection safeguards to ensure that service providers' data are not accessible or used for migration enforcement or related purposes. Data must be collected, stored and shared in ways that protect privacy and security while adhering to ethical principles, including informed consent, self-identification and confidentiality. Collected data should be used strictly to achieve the objectives of policies promoting equality and preventing xenophobia, racism and discrimination.

104. Policies should be put in place to ensure the periodic dissemination of information on the negative impact of xenophobia and intersecting forms of discrimination on migrants, their families and communities, including analysis of the consequences for social integration, human development and other key goals of public policies in multiple areas.

I. Follow-up and periodic assessment

105. The establishment of transparent mechanisms for follow-up, periodic assessment, monitoring and evaluation is a critical aspect of a policy to address xenophobia and its causes and reverse its consequences. The Committees stress the role of independent specialized public agencies in monitoring the implementation of all components of a holistic policy to prevent and eradicate xenophobia, its causes and its effects on human rights. The Committees recommend that national human rights institutions, equality bodies and other independent public bodies competent in related matters – for example, anti-racism and anti-discrimination institutions – take measures, including issuing periodic reports, to assess the progress of the policy and its impact in the short and long term. Initiatives should also involve the participation of civil society organizations, migrants' associations, local authorities, academia, trade unions, multicultural schools and associations, religious entities, the private sector, employers' associations and international organizations. Such measures should ensure strong, meaningful, participatory and institutionalized consultative mechanisms.

J. Resource allocation and international cooperation

106. Effective implementation of policies to prevent xenophobia and address its causes and consequences requires that States Parties take all measures necessary to guarantee adequate resources. Allocating appropriate budgetary, human and other resources is critical to the successful execution of all programmes and practices to eradicate xenophobia.

107. Resources directed to policies that address migration through a security lens should be reallocated in order to implement a comprehensive approach, which could contribute to

preventing xenophobia and related discriminatory and harmful practices.³⁸ Resources allocated to the criminalization of irregular migration status, administrative migration-related detention and the securitization of border control, which also further encourage stereotyped xenophobic narratives, could be redirected to measures aimed at facilitating regularization channels and promoting social inclusion through appropriate legislation and administrative measures.

108. States Parties experiencing increased diversity of their population owing to international migration, especially those coping with significant levels of human mobility over short periods of time, should be supported through international cooperation mechanisms to ensure the allocation of the resources needed to implement a holistic policy for the benefit of entire societies. In particular, they should guarantee effective access to and enjoyment of all human rights without discrimination, including services for the reception and social inclusion of newcomers. International organizations can play an important role by conditioning external funding on compliance with the principle of non-discrimination.

³⁸ Joint general comment No. 4 of the Committee on Migrant Workers/No. 23 of the Committee on the Rights of the Child (2017), para. 12.