

**Written Contribution to the CERD-CMW Joint General
Comment/Recommendation on the Obligations of States Parties to
Comprehensive Public Policies to Combat and Eradicate Xenophobia
and its Impact on the Rights of Migrants and Other Non-Citizens
Affected by Racial Discrimination.**

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EuroMed Rights



Collectif des Communautés Subsahariennes Maroc



Minority Rights Group (MRG)



Note: Although some submitting authors have global remit, this submission draws primarily on examples from the Middle East and North Africa (MENA), in support of information shared by local partners in the region.

Xenophobia can manifest in various forms including discrimination, hostility, hate speech or violence directed towards individuals or groups of people and their exclusion, marginalisation or persecution. As a result, xenophobia can – when it translates into acts of violence and discrimination - lead to the violation of human rights recognised by international conventions.

Xenophobia is intimately linked to racism and othering based on perceived or actual 'foreignness', and it can have significant social, economic and political consequences. The oppression of minorities and migrants through hate speech and forms of verbal violence can precede, accompany or follow hate crimes and other acts of physical violence, discrimination and their exploitation and economic [alienation](#). In the Maghreb, xenophobia has manifested itself in a protean way in recent years, particularly in Libya and Tunisia. In February 2023 Tunisian President Kais Saied called for an end to "[hordes of illegal migrants](#)" while alluding to the theses of a so-called "[great replacement](#)". The speech triggered a surge in anti-black violence, with mobs taking to the streets and attacking black migrants, students, asylum seekers and police officers detaining and deporting scores. As insecurity in cities like Sfax worsens, many migrants are now living outside, either unable to find temporary housing or chased from their homes by police intimidation, resident attacks, and burglary. This is despite the country's 2018 law criminalizing racial discrimination. Furthermore, racial discrimination is evident within a number of feminist movements in Tunisia, where the perspectives of [black Tunisian women](#) have been rendered invisible or marginalized, despite the unique challenges they face at the intersection of gender and racial oppression.

Migrants and ethnic minorities in Lebanon, Tunisia and Morocco usually face barriers in accessing justice or redress for discrimination or persecution stemming from xenophobia . These barriers could include financial constraints, linguistic barriers, or fear of retaliation, which deter or prevent individuals from accessing the judicial system following discriminatory treatment. Victims of xenophobic hate may well hesitate to turn to the authorities if they do not have the necessary paperwork to prove that they can be in the country. An important step in combatting xenophobic hate crime is ensuring that victims can report incidents to the authorities without risking deportation. In this regard, stateless persons and those at risk of statelessness are especially vulnerable to xenophobic attacks. Governments must do everything possible to reduce statelessness and ensure that persons on their territories do not become stateless.

Moreover, vulnerabilities experienced by those prone to xenophobic attacks, such as migrants and minorities, can become heightened in times of crisis, such as conflict or humanitarian emergencies, particularly where they have been excluded from protection or response measures. In Lebanon, 3 years after the Beirut blast on August 4th 2020, many non-Lebanese survivors and families of victims remain , while many non-surviving victims were excluded from registration on the official death list of the blast. As the southern Lebanese border witnessing military escalation and clashes between Hezbollah and Israel, Syrians displaced by the bombardment have faced discrimination from authorities and vigilante groups who have restricted their freedom of movement, access to shelter, and reportedly abstricted organisations from supporting them . Several Lebanese municipalities in the Bekaa and southern Lebanon have adopted restrictive policies towards Syrian refugees and [have directed services](#) towards displaced Lebanese rather than Syrians.

The elimination of xenophobia at the national level requires – at least in part - the development of an explicit public policy framework aimed at combating all forms of discrimination, particularly on the grounds of characteristics that may contribute to the perception of a person as foreign, eg. ethnicity, religion or migration status. Policies should be informed by consultations with migrants and ethnic minorities as well as other targeted assessments of their situation. Policies and enforcement mechanisms are needed to ensure that respect and protection of the human rights of migrants and minorities including their rights to education, health, privacy, decent housing, and freedom of religion or belief. Furthermore, policies to combat xenophobia should be guided by a public discourse that promotes and a legal framework that ensures equality and combats all forms of discrimination. This means the enactment of specific and comprehensive anti-discrimination legislation, with provisions in different fields of law and covering areas such as employment, housing, education, and access to social and public services.

In addition, the elimination of xenophobia at the national level requires the development of interdepartmental government coordination to integrate the economic, social and legal aspects of cross-cutting anti-discrimination policies. Such an initiative would require the collaboration of key ministries, such as the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Human Rights, as well as the Ministry of Social Affairs. Indeed, the adoption of an intersectional approach that emphasises the inclusion, integration and preservation of the rights and equal dignity of racialized people and migrants within host societies is likely to lead to a significant reduction in xenophobia and racism. Even if national laws criminalizing racial discrimination are in place, their effectiveness often depends on enforcement. Too often, states may lack adequate mechanisms to investigate, prosecute, and penalise instances of racial discrimination such as in the case of Tunisia, where many have reported police refusal to file cases as acts of racial discrimination, due to their lack of awareness of the relevant law. States should ensure the availability of sufficient resources, proper training for law enforcement officials, and the removal of bureaucratic obstacles to implementation. Therefore, access to justice for victims of xenophobia should be ensured by removing barriers to legal aid and representation. Provisions of free or low-cost legal assistance to victims who cannot afford private counsel should be made available. This may include specialised legal clinics or hotlines dedicated to addressing issues of discrimination and xenophobia, staffed by lawyers with expertise in this area. Justice and accountability are necessary to curb hate and xenophobia through eliminating the culture of impunity. In addition to legal assistance, justice may also include reparation or compensation to victims of xenophobic discrimination or attacks.

Support services for victims of xenophobia should be expanded to include counseling, advocacy, and trauma-informed care. Shelters or safe spaces where victims can seek refuge from discrimination and receive assistance in accessing housing, healthcare, and other essential services may be necessary. States should further provide culturally and linguistically appropriate support services to address the specific needs of migrant and refugee victims. In practice the administration of policies to eradicate xenophobia will need effective coordination between the national and the local authorities, and where local authorities develop further action plans to implement the national strategies at the local and regional level. Moreover, necessary financial arrangements and resources should be made available to ensure all required policy operational measures are adequately funded.

Timely **data collection** requirements should be incorporated into public policies to eradicate xenophobia and racism. Indicators can be designed to track various metrics, such as the form and number of reported incidents, spheres where incidents occur, the responsiveness of law enforcement agencies, or the allocation of funds to anti-discrimination programs. Evaluating these indicators allows policymakers to determine whether their policies are achieving their intended goals and adjust as needed. It is important to put indicators in place that measure the legal, administrative, and financial aspects of policies and whether the means have been sufficient. Enquiries and evaluations conducted by an independent trusted third party add an extra layer of accountability to the process. Independent evaluators can provide unbiased assessments of policy implementation and effectiveness, offering insights that may not be apparent to policymakers themselves. This helps ensure transparency and public trust in the government's efforts to combat xenophobia and racism.

Xenophobia is closely linked to other forms of discrimination including those based on actual or perceived gender, race, religion or belief, class, disability, sexual orientation, gender identity or gender expression. To fight xenophobia, an **intersectional** lens should be applied to address racism and sexism. Certain groups of migrants, such as women, children, LGBTQ+ individuals, and persons with disabilities, face intersecting forms of discrimination and violence. Women migrant workers in Lebanon are at risk of gender-based violence, including domestic abuse and sexual assault. LGBTQ+ migrants may face persecution and violence based on their sexual orientation or gender identity, both in their countries of origin and in host countries. Disaggregated data should be collected to inform the intersectional dimensions of policies.

Integration, social inclusion, and cohesion policies can be instrumental in combating racial inequalities in employment, education and housing. In employment, integration policies can promote equal access to employment opportunities for all members of society, regardless of race or ethnicity. For example, affirmative action programs can be implemented to ensure that marginalized racial groups have fair representation in the workforce. Additionally, initiatives such as job training programs, career counseling, and mentorship schemes targeted at minority communities can help address disparities in employment outcomes. At the local level, strong community initiatives that encourage frequent social interaction and dialogue between different groups can have a positive impact on intercommunal relations. This can include organizing community dialogues and forums where residents from diverse racial backgrounds can come together to discuss issues of mutual concern, share experiences, and build understanding and empathy. Efforts should include facilitation of cultural exchange programs and events that celebrate the diversity of the community and promote cross-cultural understanding and appreciation.

Media plays a crucial role in constructing discourse around migration. The [narratives produced](#) in newsrooms, television sets, recording studios and other media production and communication supports profoundly influence the representations and perceptions of migrants and migration by civil society. [Stigmatizing](#), fallacious, confusing discourse and disinformation can fuel xenophobic opinions and behaviors. Politicians sometimes relay, disseminate and multiply this hate speech and hostility towards migrants, for political gain.

Media can contribute to the adoption and effective implementation of policies to eradicate xenophobia through raising awareness around the plight of racism and xenophobia and

contribute to the improved perceptions and acceptance of migrants. Public media can help humanise migrants and refugees by sharing their stories, experiences, and contributions to society. By featuring interviews, profiles, and cultural showcases, public media can challenge stereotypes and misconceptions about migrants and foster empathy and understanding among the public. To this end, an independent administrative regulatory agency could be tasked, like in the case of [Arcom](#) in France, while respecting freedom of expression and information, with ensuring that public hate speech no longer finds its place in the media. Media can also contribute to cultural integration by showcasing the diversity of cultural traditions, languages, and customs represented within a community. Cultural programs, music, art, and literature from diverse backgrounds can promote cross-cultural understanding and appreciation, fostering a sense of belonging and inclusion for migrants and refugees.

Social media companies also play a crucial role in combatting xenophobia and racism. They should continuously review the guidelines they produce and ensure that their content moderators are trained to identify xenophobic terminology, including coded language that may at first impression not appear to be xenophobic. When xenophobic language reaches the threshold of hate speech, social media companies should have practices in place to remove such posts.

Education plays a crucial role in the formation of individuals' beliefs, attitudes and behaviors. Eradicating xenophobia through education can take place at different levels. First, ensure curricula and textbooks address concepts of discrimination, racism and xenophobia and that they promote intercultural understanding and combat ignorance and colonial stereotypes. This would also require amending educational materials that reinforce social hierarchies.

Social inclusion policies in education can help address racial inequalities by promoting diversity and equity in schools. States should take measures to eliminate practical barriers to education and endow children from minorities and migrant backgrounds with the necessary means to access education. This also can involve measures such as anti-bullying programs, and culturally responsive teaching practices that recognise and value the experiences and perspectives of students from diverse racial backgrounds. Additionally, providing support services such as tutoring, counseling, and language assistance to students from marginalised communities can help mitigate barriers to educational attainment. Education policies and practices should not inadvertently result in segregation or the overrepresentation of migrants or ethnic minorities in schools with lower academic demands. Segregated forms of education, such as the one implemented for Syrian refugees in Lebanon should be abolished.

Moreover, a **sustainable human development** policy would be incomplete if it did not consider racist and/or xenophobic oppression and exploitation. In this regard, and as pointed out in 2022 by the United Nations Special Rapporteur on racism and racial discrimination, [E. Tendayi Achiume](#), the goals of the UN 2030 Agenda have ignored systemic racism and xenophobia. A comprehensive policy of sustainable human development can in no way confine ethnic-racial equality and justice among nations to a blind spot.

Migrants and racial minorities usually face obstacles pertaining to the achievement of their sustainable human development. This is true on the level of quality of life across socio-economic dimensions as well as security. Access to social protection measures including those linked to health, education, and housing is crucial therefore to secure a sustainable human

development. Ethnicity, citizenship, and migration status have been widely used to determine especially the eligibility of social protection services. Governments should move towards universal access to all members of society. Ensuring the basic guarantee of human security is a prerequisite for progressing towards a sense of well-being shared by all. It is essential to ensure the provision of safeguarding measures against many adversities, such as natural disasters, armed deprivation, conflicts, socioeconomic food insecurity, and forced relocation. In Lebanon, and in times of crisis, statistics show disturbing patterns of abandonment of migrant domestic workers by their employers. Also, the closure of businesses and the fleeing of employers often means that migrant domestic workers lose their jobs and source of income.

Inadequate legal protections and ineffective immigration policies can leave migrants unprotected and vulnerable to violence. Policies that criminalise migration, restrict access to asylum, or promote xenophobic rhetoric contribute to a climate of fear and hostility towards migrants. Failure to address systemic inequalities and human rights violations perpetuates cycles of violence and discrimination.

This document shows the importance of recognizing the interplay between migrant integration, social inclusion, community cohesion and the combating of racial inequalities in employment, education and housing and consequently to adopt a more inclusive approach to policy development.