Global compact for safe, orderly and regular migration

First informal thematic session: "Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance"

Panel 3: All forms of discrimination, including racism, xenophobia, and intolerance

Statement by Mr. Mutuma Ruteere

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and

related intolerance

Geneva, 9 May 2017, 10-13h, Palais des Nations, Room XIX

Excellencies,
Distinguished delegates,
Civil society representatives,
Ladies and gentlemen,

It is an honour to have been invited to participate in this consultation process on the development of the global compact for safe, orderly and regular migration. I thank the President of seventy-first session of the General Assembly and the Office of the Special Representative of the Secretary-General on International Migration for organising this timely event and for the invitation to address this third panel looking at all forms of discrimination, racism, xenophobia and intolerance against migrants.

Whereas commendable progress has been made, particularly in the development and adoption of global instruments for combatting racism, racial discrimination and xenophobia, the test of the effectiveness of these mechanisms is always at the national and local levels, which is where ordinary individuals and migrants either find accommodation, acceptance and safety or suffer discrimination and violence. In many countries states have commendably put in place laws to address violations linked to racism and xenophobia.

There is, however, a serious data and statistics gap in both the global and national level mechanisms and initiatives that continues to limit the progress in combatting racism, racial discrimination and xenophobia in general and specifically with respect to migrants. I would like to focus my intervention on the importance and value of collecting disaggregated data as a means to combatting these forms of discrimination and violence.

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I would like to sketch out five points to support the call and argument on the need for better data in addressing racial and xenophobic discrimination and violence.

First, we need disaggregated data to establish patterns, trends and prevalence of the problem of discrimination. Disaggregated statistics and indicators are a prerequisite for identifying the groups affected by racial discrimination, gaining a better understanding of the nature and extent of the inequalities these groups face and for designing targeted policies and measures to remedy such inequalities. The point cannot be overstated, if the problem and its extent is not known, then it is easy for discrimination to be denied or to be downplayed. Since the victims of such discrimination are already in the margins of the society, their voices cannot be heard without the authority of data and accurate information.

Second, effective policy and programmatic interventions need disaggregated data. Policies and programmes that do not take into account the experience and vulnerability of those facing

discrimination cannot comprehensively respond to the multiple challenges that migrants often face. Data is necessary to understand what kind of needs exist in areas such as health and housing for migrants. In law enforcement, for instance, disaggregated data is key in designing measures to address racial profiling in policing.

Third, without data, it is impossible to assess and authoritatively report on whether progress is being made in addressing racism, racial discrimination and xenophobia. For instance, the only way to assess whether migrants' access to housing is improving in a particular town or country is through the collection of disaggregated data on housing.

Fourth, we need disaggregated data to enable victims of discrimination to access remedies for discrimination.

Fifth, and finally, data is necessary to give voice and credibility to those who are victims of racism, racial discrimination and xenophobia. Without data, it is difficult for migrants for instance to make their case on problems of systematic and institutionalized discrimination. Data helps amplify their voices and lends weight to their claims for recognition and justice.

The "implementation gap" in human rights that Ms Louise Arbour spoke about yesterday points to the need for data and statistics on the nature of the problems as well as on policy interventions at national levels. The global record is uneven in regard to the nature of data collected, the quality as well as the use that various states put to such data. There are some countries where the policy discussion and use of data on discrimination is too limited to be of value to policy interventions and assessments. There are others where some data is collected on some aspects of discrimination but where it does not find its way into policy making and reforms. On the other hand, there are some countries where data is collected and actually used to inform some of the policies on discrimination. Unfortunately, in many cases, the extent to which attention is paid to relevant data to inform and improve policy is not above the political exigencies of the day as well as the changing nature of politics.

Where data is collected and taken into account in policy making and reforms, there is good evidence to demonstrate that this not only improves the human rights situation of migrants or racial and ethnic groups, but also yields positive human rights dividends for the general population. An example of this, is in the field of policing where the use of disaggregated data in some countries has contributed to the informed changes in policing practices, making these law enforcement agencies more professional in their conduct towards the general population, in addition to treating racial and ethnic minorities better.

Data collection in a comprehensive and multidimensional approach is better placed to inform policy interventions that speak to the whole experience and vulnerability of racial and ethnic groups and certainly for migrant groups. There is good evidence of the value of such an approach in one of the countries that I have visited as Special Rapporteur. Where the intention is to address discrimination in a multidimensional manner, it is also important to

ensure that the coordination and leadership on the collection and use of such data is of such seniority and authority to ensure the necessary multi-agency cooperation.

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There are countries where national constitutions prohibit the official collection of ethnically disaggregated data and statistics. Under such circumstances, there are still innovative ways of ensuring that such data is available for policy making and change. In one of the countries where this is the case, the State has supported and encouraged the collection of disaggregated data by independent research institutes and universities.

During one of my country visits, I observed an innovative approach for recording racist violence against migrants by a network of civil society groups in partnership with a UN agency. The network records racist incidents, analyses the quantitative and qualitative trends in the country, and has used the collected data to make policy recommendations to various stakeholders, including law enforcement, political leaders and government entities.

In many places, part of the hesitation in the collection of disaggregated data has to do with privacy concerns as well as the fear that data will be exploited and misused to create social divisions. The fears, of course, are not without grounds as history has warned us through tragedies such as genocides where data was used to execute bureaucratic programmes of violence and extermination. Data and science do get misused by those who seek to reverse human progress and, in particular, by those who view diversity as a negative rather than a gift to humanity.

Fears over misuse of data can be addressed by use of approaches that are open, consultative and governed by law and human rights principles. To create confidence in the data collection and its use, it is also important that such collection is as local as possible.

The story of human rights is that of victory of hope over fear, and the tragedies of the past should act as guide on the use of data and good science to avoid their repetition, rather than be reinforced as prisons of fear from which we are unable to escape from our collective past failures.

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Let me also address how data can be used as a tool to confront discrimination against migrants by promoting a positive public discourse.

In recent years, migrants have become scapegoats for fears about terrorism, crime, unemployment, the viability of welfare systems and even the integrity of national culture and identity.

This negative attitude towards migrants has often been partly fueled by accusations that immigrants are generally overrepresented in crime, take away jobs from nationals, and pose a threat to welfare states due to the rising cost of social subsidies. However, the vast majority of such claims is built on misperceptions, prejudice and fear, rather than grounded in evidence.

Data is an important tool for the deconstruction of such myths. For example, some studies using disaggregated data have shown that migrant groups are not overrepresented in crime relative to the host or native populations and that immigration is not linked to increased crime rates. Better data allows us to confront and delegitimize those who traffic in stereotypes, hatred and misinformation.

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I thank you for your attention and look forward to an enriching and fruitful discussion.