

Mr. Volker Türk, United Nations High Commissioner for Human Rights
Mr. Michal Balcerzak, Chair of the Committee on the Elimination of Racial Discrimination
Ms. Fatimata Diallo, Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations
1211 Geneva 10
Switzerland

9 April 2025

Excellencies,

As two civil society networks representing together more than 330 organisations across Europe, the [Platform for International Cooperation on Undocumented Migrants](#) (PICUM) and the [European Network Against Racism](#) (ENAR) aim to ensure that everyone can fully enjoy their human rights, regardless of migration status. Addressing structural racism and discrimination, including the role of migration policies in perpetuating them, is central to this mission.

We commend the initiative of the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) to issue a joint General Comment/Recommendation on State Parties Obligations on Public Policies for Addressing and Eradicating Xenophobia and its impact on the rights of migrants, their families, and other non-citizens affected by racial discrimination. We have been closely engaged in the process leading to its adoption, sharing our collective expertiseⁱ and co-organising the Europe Expert Consultation which took place in Brussels on 30-31 October 2024.

The adoption of this Joint General Recommendation/Comment is now more important than ever. Since the launch of this process in late 2023, we have seen a wave of both proposed and negotiated legislative changes at the EU level that stand in direct contradiction to international human rights standards, including those enshrined in the Convention on the Elimination of Racial Discrimination and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Key examples include:

- November 2023 – The proposed revision of the [EU Facilitators' Package](#) further criminalises migration and human rights defenders;ⁱⁱ
- February 2024 – The adoption of the [Schengen Border Code reform](#), which legitimises racial profiling in border checks, embedding discrimination in border enforcement.ⁱⁱⁱ
- May 2024 – The adoption of the [Pact on Migration and Asylum](#), which:^{iv}
 - Normalises the arbitrary use of immigration detention, including for children and families.
 - Increases racial profiling.
 - Introduces “crisis” procedures that enable pushbacks.
 - Expands returns to so-called “safe third countries,” where individuals risk violence, torture, and arbitrary imprisonment.
- March 2025 – The European Commission’s proposal for a new [EU regulation on return](#), which:^v
 - Establishes deportation as the default option for people in an irregular migration situation
 - Massively expands immigration detention, including of children (despite international human rights standards as well as global level commitment to work to end immigration detention)^{vi}
 - Introduces specific derogations from fundamental rights for migrants deemed a “risk” to national security and public order, further blurring the lines between criminal law and migration.

These policies are unfolding in a broader context of shrinking space for civil society, where organisations working to uphold fundamental rights face growing restrictions and reduced funding, as well as judicial and other forms of harassment towards migrants and those providing them humanitarian assistance.^{vii}

At this critical juncture, CERD and CMW have a crucial role in holding states accountable. We urge you to:

- Prioritise the finalisation and adoption of the Joint General Recommendation/Comment to provide clear and binding guidance on addressing xenophobia in migration governance.
- Ensure strong language on state obligations to prevent racial discrimination in migration policies, in line with international human rights standards.
- Monitor state compliance and issue follow-up recommendations to prevent further erosion of migrant rights under the guise of security and border control.

We remain fully committed to supporting this process in any way necessary. Your leadership on this issue is critical in sending a strong global message that xenophobia and racial discrimination in migration governance cannot be tolerated.

Signatories

EUROPEAN NETWORK AGAINST RACISM (ENAR)

PLATFORM FOR UNDOCUMENTED MIGRANTS (PICUM)

References

ⁱ Our initial contributions are available on the [website](#) of the United National Human Rights Office of the High Commissioner. A direct link is available here: [PICUM](#) and [ENAR](#).

ⁱⁱ [Proposal for a Directive](#) of the European Parliament of the Council laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union, and replacing Council Directive 2002/90/EC and Council Framework Decision 2002/946 JHA; PICUM, 2024, [How the New EU Facilitation Directive Furthers the Criminalisation of Migrants and Human Rights Defenders](#)

ⁱⁱⁱ [Regulation \(EU\) 2024/1717](#) of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders ; PICUM Press Release of 7 February 2024 [Racial profiling key element in the new deal on the Schengen Borders Code](#); PICUM, 2024, [PICUM Analysis How will the new Schengen Borders Code affect undocumented migrants?](#)

^{iv} [Regulation \(EU\) 2024/1717](#) of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders ; [Regulation \(EU\) 2024/1356](#) of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817; [Regulation \(EU\) 2024/1349](#) of the European Parliament and of the Council of 14 May 2024 establishing a return border procedure, and amending Regulation (EU) 2021/1148 ; [Regulation \(EU\) 2024/1358](#) of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council; [Regulation \(EU\) 2024/1359](#) of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147; PICUM has developed a series of publications analysing the different parts of the EU Pact on Migration and Asylum, with a focus on their impact on detention, return, access to regular pathways and the rights of undocumented adults and children. See: [Analysis of the Asylum Procedure Regulation and Return Border Procedure Regulation](#), [analysis of the Screening Regulation](#), [Children's rights in the 2024 Migration and Asylum Pact](#). See also, ENAR's analysis on [the racialisation of migration in the EU Pact on Migration and Asylum](#).

^v [Proposal for a regulation of the European Parliament and of the Council](#) establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC; PICUM Press release 11 March 2025 [New Returns Regulation ushers in dystopian detention and deportation regime](#)

^{vi} Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and Committee on the Rights of the Child, 2017, [Joint General Comment No. 3 of the CMW and No. 22 of the CRC in the context of International Migration: General principles](#); Global Compact on migration, 2018, [Global Compact for safe, orderly and regular migration](#)

^{vii} PICUM, 2024, [Cases of criminalisation of migration and solidarity in the EU in 2023](#)