



Center for Gender & Refugee Studies

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**Submission to The Office of the Special Rapporteur for Freedom of Expression of the  
Inter-American Commission on Human Rights (IACHR)**

**Public Consultation Questionnaire on Freedom of Expression and Unprotected  
Speech**

Center for Gender & Refugee Studies  
University of California College of the Law, San Francisco

June 14, 2024

The Center for Gender & Refugee Studies (CGRS) is grateful for the opportunity to contribute this input to inform your thematic report on the interaction between freedom of expression, equality and non-discrimination of groups historically marginalized from public debate. Specifically, our submission addresses questions 15 and 17 in relation to people in mobility situations.<sup>1</sup>

This submission draws upon the “Your Rights with the Media: A Guide for People Seeking Asylum” resource prepared by CGRS in collaboration with the Florence Immigrant & Refugee Rights Project and Welcome With Dignity campaign, which provides analyses and information relevant to the call for input. This resource was created for asylum seekers at the United States – Mexico border and is available in English, Spanish, French, Haitian Kreyol, and Portuguese. It offers comprehensive guidance for migrants on how to effectively interact with the media while protecting their rights. It also emphasizes that there is no obligation to speak to the press, to answer any or all questions and other safeguards. Copy of this resource is included in the Annex.

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<sup>1</sup> IACHR, *Public Consultation Questionnaire on Freedom of Expression and Unprotected Speech* (Last accessed on June 6, 2024), <https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/reports/questionnaires.asp>. Our submission addresses questions No. 15: “Domestic experiences addressing stigmatizing and hate speech, including challenges and best practices.” and No. 17: “Existing proposals and best practices to prevent and combat stigmatizing and hate speech in a manner consistent with the ACHR, including on the Internet.”

Migrants often fall prey to media stigmatization and hate speech. Being already vulnerable to many physical, financial and legal threats, they are marginalized from public debate. Many reporters lack knowledge about migrants' circumstances and others deliberately spread misinformation. Inaccurate narratives contribute to xenophobic attitudes in the society. Migrants are often blamed for social and economic issues in the country, sometimes ending in violent attacks. For example, in 2015 in Brazil, a groups of Haitian migrants were shot in São Paulo as one attacker yelled "Haitians, you steal our jobs!"<sup>2</sup>

In order to battle the hate speech migrants face, it is crucial to listen directly to their personal stories and better understand their circumstances. Properly engaging with their experiences allows the society to gain insights into the complex challenges of the refugee application process, fostering empathy and awareness of the unique situations that each individual encounters. A more compassionate and informed dialogue with migrants will help to promote accurate narratives.

In the light of this, it is crucial to make sure that the interviewee's rights and personal interests are being considered. Migrants should fully informed about their rights, primarily that they are not obliged to share anything they are uncomfortable with. When contacted by reporters, migrants can refuse interviews or set specific conditions to protect their identity. Before agreeing to an interview, it is wise to ask about the reporter's affiliation, the story's focus, the questions they plan to ask, and how the individual will be identified. To ensure confidentiality, migrants can request that reporters use only their first name, initials, or an alias instead of their full name. Additionally, it is advisable not to reveal details that could easily identify the individual, such as the full names of family members, hometown (especially if it is a small community), or place of work in their home country. This is important not only because of personal safety consideration, but also may adversely impact individual's immigration case. It is best to avoid answering questions they are unsure about to prevent potential discrepancies later on.

During an interview, individuals can at any point decline answering any questions that make them uncomfortable by saying, "I do not feel comfortable answering that question." They can also decide whether or not to permit recording and request that any video or audio not be published. Ultimately, migrants have the right to terminate the interview at any time to safeguard their interests and privacy. It is the interviewer's responsibility to respect and

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<sup>2</sup> Ana Mária dos Santos, *Assassination in Brazil Unmasks the Deadly Racism of a Country That Would Rather Ignore it*, The Conversation (Apr. 12, 2018), <https://theconversation.com/assassination-in-brazil-unmasks-the-deadly-racism-of-a-country-that-would-rather-ignore-it-94389>.

accommodate the individual's privacy preferences. The person should never feel pressured during the interview. Such approach will safeguard migrants' rights and promote sharing accurate and empathetic narratives.

In addition to individual storytelling, civil society initiatives play an immense role in battling stigmatization and harmful immigration policies. For example, CGRS is among the founding members of the Welcome With Dignity campaign. It collaborates with an extensive network of over a hundred partners, including immigrant and refugee-led organizations, such as the Asylum Seeker Advocacy Project, Comunidad Maya Pixan Ixim, Human Rights First, and the Women's Refugee Commission. The Welcome With Dignity campaign's mission is "[u]pholding and supporting people's right to seek refuge in the United States by ensuring a welcoming and dignified reception to all seeking safety; building an accessible, transparent, fair, and easy to navigate system; and demonstrating true U.S. leadership in refugee protection in the Americas." This collaborative effort emphasizes a commitment to promoting a comprehensive, compassionate, and rights-based approach to refugee protection and advocacy, with a strong focus on battling stigmatization.

Additionally, CGRS also offers advice for individuals and organizations on how to effectively advocate for policy changes. For example, when the U.S. administration published a notice of proposed rulemaking in early 2023 to significantly restrict access to asylum, we created a dedicated website page titled "[Tell Biden #NoAsylumBan](#)". This page provided detailed guidance on how the policy violates both U.S. and international law and outlined the steps for opposing the policy, promoting accurate narratives and protecting migrant rights. Collaborating with other civil society organizations, CGRS successfully generated over 50,000 public comments on the proposed rule.

Combating hate speech against migrants requires a multifaceted approach that centers on empathy, accurate narratives, and strong advocacy efforts. It is important to listen to migrants' personal stories to foster a deeper understanding of their unique challenges. Such approach not only promotes empathy, but also helps counteract misinformation that fuels xenophobia and violence. It is crucial to empower migrants with knowledge of their rights when interacting with the media in order to ensure safety and privacy are uncompromised. Furthermore, civil society initiatives play a vital role in challenging harmful immigration policies and promoting a rights-based approach to refugee protection. Through advocacy and collaboration with a network of partners, these initiatives help create a more inclusive and compassionate society. Ultimately, a combined effort of informed dialogue, media ethics, and robust advocacy is essential to battle hate speech and support migrants

effectively. Considering this, we encourage the Office of the Special Rapporteur for Freedom of Expression in their thematic report on the interaction between freedom of expression, equality and non-discrimination of groups historically marginalized from public debate to:

- Highlight that informed dialogue and storytelling are valuable instruments to battle hate speech against migrants;
- Emphasize the importance of safeguarding migrants' rights and privacy interests during such dialogue;
- Promote collaboration with civil society and support their initiatives.