

Collecting migration data: empowerment or domination? Collecting and using migration-related data, while protecting personal data of migrants.

Side-Event at the International Migration Review Forum
Thursday 19 May 2022, 9.30 AM – 10.50 AM (New York time)
Online (Zoom)

Background

In 2022, nearly four years after the adoption of the Global Compact for Safe, Orderly and Regular Migration (GCM), governments, stakeholders and the United Nations system will meet to discuss the successes and challenges of implementing this landmark cooperative framework. The first International Migration Review Forum (IMRF) is being held under the auspices of the General Assembly, chaired by the President of the General Assembly, at the United Nations (UN) Headquarters in New York from 17-20 May 2022, with a preparatory stakeholder hearing taking place on 16 May.

A series of IMRF side-events will be organized in the margins of the IMRF. They will provide an opportunity to discuss good practices, challenges and recommendations to further the implementation of the GCM. Side-events will take place on 16-20 May 2022.

Description of the Side-event¹

This side-event aims to reflect and increase awareness about the importance of migrants' privacy when implementing Objective 1 of the GCM (collect and utilize accurate and disaggregated data as a basis for evidence-based policies). States' commitment under this first Objective stipulates the following:

We commit to strengthen the global evidence base on international migration by improving and investing in the collection, analysis and dissemination of accurate, reliable, comparable data, disaggregated by sex, age, migration status and other characteristics relevant in national contexts, while upholding the right to privacy under international human rights law and protecting personal data. We further commit to ensure this data fosters research, guides coherent and evidence-based policy-making and well-informed public discourse, and allows for effective monitoring and evaluation of the implementation of commitments over time.

¹ This concept note largely draws on Y. Arbaoui, « La protection de la vie privée des migrants en Afrique: que peut faire l'Observatoire Africain des Migrations? », in: Elkbir Atouf (ed.), *Le Maroc et l'Afrique subsaharienne à travers les rapports migratoires*, Ministère de l'éducation nationale, de la formation professionnelle, de l'enseignement supérieur et de la recherche scientifique, en collaboration avec CNRST, Marrakech 2022. A digital version is available here : <https://www.cjhm.org/publications>

This Objective is implemented by the African Union through the creation of the African Migration Observatory (AMO) as a specialized technical unit of the African Union Commission.² The AMO's mission is to facilitate the implementation of the GCM by collecting and analysing data on migration in Africa, and guiding African countries through the development of effective evidence-based migration policies.³

The creation of the AMO is to be applauded, given the critical role data plays in the elaboration of effective policies. With the right information, states can better understand migratory movements, and recognize the living conditions and needs of migrants. When data collection is properly disaggregated, and especially if it also contains information on migrant human rights violations, its analysis can help develop effective policies that respect migrants' rights⁴. In doing so, the collection and analysis of data could empower migrants and improve their living conditions.

However, there are a number of factors that should inspire caution in the collection of migration data. At the outset, data collection, particularly when it involves personal information, raises questions of confidentiality and security. The risk of error, abuse and leakage of this data grows with the increased collection and sharing of information, which imperils the privacy of those concerned. Taking into account the added value and risks inherent in the collection of migrant data, the first Objective of the GCM stipulates that the collection, analysis and dissemination of data should be carried out "in accordance with the right to privacy and the protection of personal data". In the same vein, the Charter of the AOM states that one of the functions of this agency is "to safeguard the protection of migrants' personal data out of respect for their dignity and well-being"⁵.

The right to privacy is essential in protecting the dignity and autonomy of any person, and privacy forms the basis for the enjoyment of other human rights⁶. Since migrants' data could be used to take advantage of them, it is vital to guarantee migrants' right to privacy in order to limit the power held by states over this data⁷. An effective data protection framework is essential to ensuring individual privacy. The increase in the amount of information collected, shared, and processed in Africa should therefore be accompanied by more legal guarantees for the data protection and privacy of migrants.

² African Union, Moroccan debut of the AMO, press release, December 17, 2020, p. 1. See also: Article 2 of the Statute of the African Migration Observatory (SA25273 – 133/2/15); Decision of the Peace and Security Council, 771st meeting held on 11 May 2018; and Assembly/AU/Dec.695 (XXXI): 31st regular session, 1-2 July 2018, Nouakchott, Mauritania. Article 2 (1) of the Statute of the AMO. In December 2018, a headquarters agreement between Morocco and the AU was signed and subsequently approved by the Moroccan Parliament. See Bill no. 1.19. January 2019.

³ African Union, Moroccan debut of the AMO, press release, December 17, 2020, p. 1. See also the purpose and objectives of the AMO as listed in Article 3 of its Charter.

⁴ See also: Jeff Crisp, "Beware the Notion That Better Data Lead to Better Outcomes for Refugees and Migrants, Expert Comment", *Chatham House Rule*, 9 March 2018.

⁵ Article 4, AMO Charter.

⁶ K. Majama, J. Montinat and A. Esterhuysen, *Privacy and personal data protection in Africa: Advocacy toolkit*, African Declaration on Internet Rights and Freedoms Coalition, April 2021, pp. 6-59.

⁷ *Ibid.*, p. 20.

This side-event strives to contribute to this discussion. Overall, it aims to reflect on the question whether data collection should be seen as empowering and/or dominating migrants. Specifically, it aims to review how African states implemented the first GCM's Objective both in terms of collection and protecting data about migration. Additionally, this side-event will be an opportunity to reflect on the role of the African Observatory for Migration with regard to data collection and protection. Lastly, this event pays attention to data protection laws in a non-African country, namely Lebanon. In this context, attention will be paid to recent data leaks of non-resident Lebanese personal information.

Format

- Online (Zoom)
- [Register here](#)
- Language: English (interpretation not provided)
- Questions? Please send an email to coordination.cliniquehijra@gmail.com

Agenda

Thursday 19 May 2022 9.30 AM – 10.50 AM (New York time) Zoom: Register here	
Opening	Ambivalent role of data collection, by Prof. Dr. Thomas Spijkerboer (chair) (5 min)
Session 1	Implementing Objective 1 GCM in African countries, by Dr. Younous Arbaoui (5 min)
	Discussion (15 min)
Session 2	The role of the African Migration Observatory in collecting and protecting data, by Dr. Sara Benjelloun (5 min)
	Discussion (15 min)
	<i>Break (10 min)</i>
Session 3	Migration and Data Protection: The Case of Lebanon's Out-Of-Country Voting 2022, by Dr. Guita Hourani (5 min)
	Discussion (15 min)
Closing	Summary & outlook, by Prof. Dr. Thomas Spijkerboer (5 min)

Speakers:

Dr. Guita Hourani
Country of Origin Information Expert on Lebanon & Chair of the Advisory Board of Oghma Group International (OGI) Lebanon

Dr. Sara Benjelloun
Research associate at Laboratoire Mixte International de recherche MOVIDA (Mobilités, Voyages, Innovations et Dynamiques dans les Afriques méditerranéenne et subsaharienne)

Maroc & at Laboratoire Population, Environnement et Développement, Université Aix-Marseille, France.

Prof. Dr. Thomas Spijkerboer
Professor of Migration Law at the Vrije Universiteit Amsterdam

Dr. Younous Arbaoui
Assistant Professor Migration Law at the Vrije Universiteit Amsterdam & President of Clinique Juridique Hijra Maroc

Organizers:

Amsterdam Centre for Migration and Refugee Law (ACMRL)

The ACMRL is part of the Law Faculty of the Vrije Universiteit Amsterdam. For the last fifteen years, it has been one of the most prominent academic programs in the field of migration and refugee law. It aims at tracking the multiplicity of complex developments in migration law that take place at the international, European and national levels. Since September 2015, the research group provides a master's track (LL.M) on International Migration and Refugee Law. Part of that track is the Migration Law Clinic that provides high-quality and independent legal advice. Read more on the ACMRL.

Clinique Juridique Hijra Maroc (CJHM)

The CJHM is a non-profit legal aid association under Moroccan law. As a youth-led non-governmental organisation, it offer free legal assistance to migrants and asylum seekers in Morocco. In congruence with our legal aid, CJHM promotes academic research in the field of migration and asylum law, for example by publishing a journal and by organising a summer/winter school, a moot court competition and a master thesis competition. Moreover, CJHM undertakes advocacy-oriented activities aiming to improve the situation of migrants and asylum seekers in Morocco. Read more on the CJHM.