



Re. Resolution A/RES/67/172 on the Protection of migrants

- Input to the Secretary-General's report on the implementation of the present resolution and to include in that report an analysis of how a human rights perspective can enhance the design and implementation of international migration and development policies

I. Introduction

The present report is submitted pursuant to the request from the Office of the United Nations High Commissioner for Human Rights (OHCHR) regarding paragraph 15 of General Assembly resolution A/RES/67/172. This report focuses on the activities of the International Organization for Migration (IOM) on the effective protection of migrants and integration of a human rights perspective into migration policies.

II. Mandate

Established in 1951, IOM is the only inter-governmental organization, although formally outside the United Nations system, exclusively focused on migration. IOM works towards orderly and humane migration by delivering people-centered services and advocating for the well-being of migrants and their families through its global network of over 440 offices.

The prime responsibility for ensuring the respect of the human rights of migrants lies with States. A State has the duty to protect all persons on its territory, nationals and non-nationals alike, be they in a regular or irregular situation. It also has the right – and the duty – to defend and protect its nationals abroad, and to allow other States to protect their nationals residing on its territory. Many international actors, including IOM, have a key supporting role to play in achieving the effective respect for the human rights of migrants. Many of IOM's operational activities provide assistance to those who migrate while also protecting their fundamental rights. IOM believes in a rights based approach to migration governance.

III. Activities

IOM promotes a rights based approach to migration through, *inter alia*, assisting States in developing their migration policies, facilitating consistency and cooperation among States, and disseminating information on migration.

I. State Assistance

IOM is active in assisting States in the drafting and revision of national migration laws. IOM also assists States so that they can implement migration governance within the rule of law and in conformity with international legal standards to which they have committed.

Headquarters:

Another of IOM's activities aimed at building the capacity of States to appropriately manage migration is to train States in the components of International Migration Law (IML). IOM endeavors to make its training accessible to all States through offering both large training conferences in San Remo and New York, and State-level training sessions upon request. Since 2005 more than 125 States have sent representatives to the San Remo training course, while many others have hosted State-level training sessions. Additionally, IOM raises State awareness of IML principles through thematic training materials such as the IOM/OSCE Training Modules on Labour Migration Management.

IOM has also been involved in promoting the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and facilitating information sharing and awareness raising in relation to ratification of the Convention. IOM recently completed a report, commissioned by the European Parliament, which identified, analyzed, and responded to the reasons preventing EU States from ratifying the ICRMW. Further, IOM is a member of the International Steering Committee for the Campaign for Ratification of the Migrants Rights Convention.

2. Facilitating Consistency and Cooperation across States

Another of the major activities of IOM is bringing States and regional bodies together to achieve policy coherence on migration at the national, regional and international levels. IOM has an institutional mandate to promote, facilitate, and support dialogue among States and other actors and has done so consistently at regional and international levels. IOM's principal forum for migration policy dialogue is the International Dialogue on Migration (IDM). The IDM has dedicated numerous sessions from its inception in 2001 to matters related to migration and human rights.¹ Since October 2012, IOM, the UN Population Fund (UNFPA) and the UN Department of Economic and Social Affairs (UNDESA) have conducted a series of roundtable discussions in New York to support delegations in their preparations for the 2013 High Level Dialogue on Migration and Development (HLD).² While one round table focused specially on "Measures to ensure respect for and protection of the human rights of all migrants", relevant considerations concerning migrants' rights and well-being were mainstreamed throughout the roundtable series. In addition, IOM will hold the Chairmanship of the Global Migration Group (GMG) in the second half of 2013 and has integrated a focus on migrants' human rights into the work plan for its Chairmanship.

One of IOM's main priorities in supporting dialogue among States is to promote the development of bilateral and regional agreements to facilitate the portability of social security and other relevant benefits. The dialogues emphasize the global character of the migratory phenomenon, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy.

3. Disseminating Information on Migration

¹ The most recent IDM conference was on "Protecting Migrants During Times of Crisis: Immediate Responses and Sustainable Strategies." The IDM is also hosting the upcoming Diaspora Ministerial Conference, which will be the first global conference on diaspora populations. A report of this conference will form one of IOM's contributions to the 2013 High Level Dialogue on Migration and Development.

² See <http://unobserver.iom.int/index.php/hld-series>.

IOM has been active in undertaking information campaigns aimed at clarifying opportunities, limitations, risks and rights associated with migration, in order to ensure that people make informed migration-related decisions.³ These information campaigns have also been aimed at the public in an effort to address misperceptions of migration and highlight the overwhelmingly positive contribution of migrants. Moreover, in its most recent World Migration Report (WMR), IOM analyzed the challenge of addressing these misconceptions in public opinion and concluded that there is a need for a de-politicized debate which openly discusses effects – both positive and negative – in an honest and balanced way.⁴ Further, IOM recently published “Foundations of International Migration Law” with Cambridge University Press.

IOM has paid particular attention to disseminating information concerning two especially overlooked and vulnerable groups – migrant children and migrants in detention. IOM has published an information note that outlines the unique protection needs of migrant children while also offering long-term solutions aimed at upholding their rights. Similarly, IOM has published an information note which clarifies the standards applicable to migrants in detention and outlines various non-custodial alternatives to detention.

4. Specific Activities

Smuggling and trafficking in persons: Recognizing that trafficking in persons and smuggling of migrants may endanger the lives of migrants or subject them to harm, servitude or exploitation, IOM has implemented several activities to combat these crimes:

- IOM’s Global Assistance Fund (GAF) is an emergency support mechanism that provides safe accommodation, medical care, psychosocial support, legal assistance, assistance with retrieving lost or stolen travel documents, and career counseling to men, women, and children who have been trafficked across international borders, and who are not eligible for assistance through comparable regional or national-level projects;
- IOM’s “Buy Responsibly” campaign targets the demand side of labour exploitation through urging consumers to discover the links between everyday products they buy and human trafficking;
- IOM’s assisted voluntary return programs concentrate on upholding the rights of the individual through pre-departure, transit, and reception assistance upon arrival, as well as continual risk assessment throughout the entirety of the process;
- IOM’s Regional programs aimed at preventing trafficking and protecting victims throughout the world. These regional programs concentrate on restoring the rights of trafficked persons and other vulnerable migrants through the provision of direct humanitarian and other forms of assistance.⁵

³ Over half a million people (579,000), including government officials, representatives of international organizations, NGOs and civil society, participated in IOM-led capacity-building activities over the period 2001–2010. See World Migration Report 2011 – Communicating Effectively About Migration, IOM, Geneva, 2011, page 148.

⁴ See World Migration Report 2011 – Communicating Effectively About Migration, IOM, Geneva, 2011, pages 36-39.

⁵ See the IOM Handbook on Direct Assistance for Victims of Trafficking (2007).

Migration and development: IOM and UNFPA were tasked by the UN System’s Chief Executives Board for Coordination (CEB) to draft, in collaboration with the Global Migration Group, possible recommendations and outcomes on migration ahead of the HLD. A central message of the recommendations is that migration is a key enabler for equitable, inclusive, and sustainable social and economic development to the benefit of countries of origin and destination, as well as the human development of migrants and their families. To fully realize this potential, IOM emphasizes that the human rights of all migrants must be respected, promoted, protected and fulfilled. Further, IOM’s forthcoming 2013 World Migration Report *Migrants’ Well-being and Development* analyses development in terms of “human well-being” indicators and promotes a more balanced discussion of migration and development. IOM has also held several side events on the margins of key events, including a side event on the Human Rights of Migrant Women co-chaired by IOM and OHCHR and sponsored by the government of Mexico on the margins of the 57th Session of the UN [Commission on the Status of Women](#) (CSW).

Labour Migration – unethical recruitment: Many migrant workers are vulnerable and assume significant risks during the migration process. Unethical and corrupt recruitment practices are often at the root of this problem. The costs of unethical recruitment for migrant workers include vulnerability to labour trafficking, debt bondage due to high recruitment fees, and violations of labour rights as workers are forced to stay in illegal or exploitative working conditions due to indebtedness. The specific activities that IOM carries out to support better recruitment practices include:

- Policy development and capacity building to assist countries in regulating recruitment and protecting migrant workers pre-departure as part of migration management;
- Policy development and capacity building (external) working with countries of origin and destination on protection, including training for labour attachés (Bangladesh) and labour inspectors (Mauritania and other West African countries – in collaboration with ILO);
- Empowering labour migrants to understand the risks associated with overseas employment and their labour and immigration rights through pre-departure orientation and Migrant Resource Centres;
- Operational involvement with the private sector, governments and other stakeholders in recruitment facilitation in a range of activities from the actual sourcing of potential workers through to their medical screening and the provision travel assistance.

Family reunification: A central priority of IOM is to provide greater protection and support for families separated by migration.⁶ IOM has supported immigration programs that facilitate family reunification and allow migrants to integrate fully into the host countries.

IV. Conclusion

Protecting migrants and strengthening a rights perspective for migration are two of IOM’s objectives. IOM will continue working with governments, international organizations, NGOs and other stakeholders to further the protection of migrants and in

⁶ See the IOM Position Paper on the HLD dated 14 Feb. 2013, available at <http://www.iom.int/cms/hld2013>.

the promotion of a rights perspective for international migration and development policies.