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DERECHOS HUMANOS DE LOS MIGRANTES

POLÍTICA Y ACTIVIDADES DE LA OIM

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I. INTRODUCCIÓN

1. La OIM está consagrada al principio de que la migración en forma ordenada y en condiciones humanas beneficia a los migrantes y a la sociedad. La Organización actúa con miras a ayudar a encarar los desafíos que plantea la migración a nivel operativo, fomentar la comprensión de las cuestiones migratorias, alentar el desarrollo social y económico a través de la migración y velar por el respeto de los derechos humanos y del bienestar de los migrantes. El mandato de la OIM estipula que ha de trabajar con migrantes, refugiados, personas desplazadas y otras personas necesitadas de servicios o asistencia de migración.² Para los fines de este documento, el término “migrantes” se refiere, en términos generales, a todas las categorías de personas que entran en el mandato de la OIM.

2. La responsabilidad primordial de velar por el respeto de los derechos humanos de los migrantes incumbe a los Estados. Los Estados tienen la obligación de proteger a todas las personas que se encuentran en su territorio, ya se trate de nacionales o no nacionales por igual. También tienen el derecho –y el deber– de defender y proteger a sus nacionales en el extranjero, y de permitir que otros Estados protejan a sus nacionales residentes en su territorio. Muchos otros interlocutores internacionales, incluida la OIM, desempeñan un importante papel de apoyo en la consecución del respeto efectivo de los derechos humanos de los migrantes.

II. MANDATO

3. El principal objetivo de la OIM es facilitar la gestión ordenada y en condiciones humanas de la migración.³ Subyacente a ese objetivo está el concepto de que una migración ordenada es fundamental, entre otras cosas, para garantizar el respeto de la dignidad humana y el bienestar de los migrantes. Efectivamente, el interés por que se respeten la dignidad y el bienestar de los migrantes ha estado presente en los documentos constitutivos de la OIM, desde la creación de la Organización.⁴

4. En 2004, los Estados Miembros de la OIM aprobaron el establecimiento del Departamento de Derecho Internacional sobre Migración y Asuntos Jurídicos, con miras a racionalizar y consolidar la participación de la OIM en el marco del derecho internacional sobre migración. Justamente, el derecho internacional sobre migración es un término muy

¹ En el presente documento se actualiza la información que figura en el documento “Derechos de los migrantes: Política y actividades de la OIM”, preparado en 2002 para la Octogésima cuarta Reunión del Consejo (MC/INF/259).

² Véanse el Preámbulo y Capítulo I de la Constitución de la Organización Internacional para las Migraciones.

³ *Ibidem*. Véase, asimismo, la Resolución del Consejo N.º. 1150 del 7 de junio de 2007 y su Anexo “Documento de Estrategia de la OIM”.

⁴ En 1951, una de las razones para la creación de la OIM fue la necesidad de proteger a los migrantes que abandonaban Europa. El Preámbulo de la Resolución de Bruselas se refiere al establecimiento de un acuerdo intergubernamental provisional (del que nació la OIM), a fin de trasladar a las personas que desean emigrar “respetando plenamente los derechos humanos”. Posteriormente, en el Preámbulo de la Constitución de 1954 se puso de relieve la necesidad de fomentar la cooperación entre los interlocutores internacionales, para facilitar la emigración de las personas hacia países en donde pudieran llevar, juntamente con sus familias, una existencia digna, en el respeto a la persona humana. Además, en 1989, se añadió un párrafo adicional al Preámbulo de la Constitución, relativo a las consultas sobre temas relacionados con la migración, no sólo por lo que se refiere al proceso migratorio, sino también a la situación y necesidades específicas del migrante en su condición de persona humana.

amplio que abarca la compleja red de relaciones jurídicas que, en su conjunto, rigen los movimientos de personas, e incluye, a la vez, los derechos y deberes de los migrantes y de los de los Estados.

5. En junio de 2007, los Estados Miembros de la OIM aprobaron la Estrategia de la OIM, en la que se definen los enfoques estratégicos de la Organización para los próximos años. En la Estrategia se establece que una de las actividades prioritarias de la Organización es “fomentar la gestión humana y ordenada de la migración y el respeto efectivo de los derechos humanos de los migrantes, de conformidad con el derecho internacional.”⁵ Otra actividad prioritaria establecida en dicha Estrategia es “participar en las respuestas humanitarias coordinadas en el contexto de los arreglos interinstitucionales en la materia y proveer servicios de migración en otras situaciones de emergencia o consecutivas a crisis, según corresponda, y en lo referente a las necesidades de las personas, contribuyendo así a su protección.”⁶

6. Por consiguiente, la Constitución de la OIM y algunas decisiones del Consejo sientan las bases para que la OIM participe en la promoción de los derechos humanos de los migrantes, y desempeñe su papel de protección, dentro de los parámetros estipulados al respecto.⁷

7. Aunque no existe una definición sencilla del término, en general, se entiende por “protección” todas aquellas actividades destinadas a lograr el pleno respeto de los derechos de las personas, de conformidad con la letra y el espíritu de los cuerpos del derecho correspondientes. El marco jurídico internacional más importante para la protección de los migrantes es el derecho internacional sobre migración, que se deriva, entre otros, de instrumentos pertinentes del derecho de los derechos humanos, del derecho laboral, del derecho de los refugiados, del derecho humanitario, del derecho del mar y del derecho consular.⁸

8. Si bien algunas organizaciones intergubernamentales desempeñan una función de protección formal y jurídica, basada en su mandato (como el Alto Comisionado de las Naciones Unidas para los Refugiados), el concepto y la aplicación efectiva de la protección no están limitados a un mandato jurídico. También se extiende a la protección *de facto*, cuando las actividades de una organización brindan protección a personas que se benefician de los servicios de la organización. En otras palabras, la asistencia concreta que se presta constituye una forma de protección, especialmente cuando protege la vida y el bienestar de las personas en peligro. Aunque no sea el objetivo principal de la organización concernida, e incluso no necesariamente un objetivo formalmente reconocido, la protección es la consecuencia o el efecto de la implementación del propósito principal o exclusivo de la organización.

⁵ Resolución del Consejo N°. 1150 del 7 de junio de 2007, Anexo “Documento de Estrategia de la OIM”, Parte I: Estrategia (Actividad 2).

⁶ *Ibidem*, Actividad 9. En la nota a pie de página de la Actividad 9, se estableció que: “Si bien es cierto que la OIM no tiene un mandato jurídico de protección, sí es un hecho que sus actividades contribuyen a proteger los derechos humanos y tienen por efecto o consecuencia la protección de personas concernidas por la migración.” Otra actividad prioritaria pertinente que figura en la Estrategia de la OIM es “prestar asistencia a los Estados en la preparación y realización de programas y estudios, así como en el suministro de pericia técnica en la lucha contra el tráfico y la trata de personas, en particular de mujeres y niños, de manera consecuente con el derecho internacional.” *Ibidem*, Actividad 11.

⁷ Para referencias adicionales sobre Resoluciones pertinentes, véase el documento: “Protección de las personas concernidas por la migración: Nota sobre el papel de la OIM” (Junio de 2007).

⁸ Para una compilación de instrumentos del derecho internacional sobre migración, sírvanse consultar el “Compendio de instrumentos de derecho internacional sobre migración”, recopilados y editados por Richard Perruchoud y Katarína Tömolövä, IOM/T.M.C. Asser Press por Cambridge University Press, en inglés (2007), francés (2008) y español (2009).

9. Como se ilustra en la siguiente sección, a pesar de la inexistencia de un mandato jurídico de protección, la OIM protege *de facto* los derechos humanos de los migrantes a través de muchas de sus actividades.

III. ACTIVIDADES

10. Directa o indirectamente, para respaldar su objetivo general de facilitar la gestión humana y ordenada de la migración, la OIM trabaja por el respeto de la dignidad humana y la protección de las personas al implementar sus actividades, es decir, a través de su acción.

11. Muchas de las actividades operacionales de la OIM destinadas a prestar asistencia a los migrantes redundan en la protección de los beneficiarios. Por ejemplo, al proveer transporte o evacuación segura en situaciones de conflicto y asistencia conexa, la OIM protege la integridad física de los migrantes y contribuye a la plena realización del derecho de abandonar cualquier país y retornar al país de nacionalidad. Al suministrar albergue y asistencia a las víctimas de la trata, la OIM protege el derecho humano fundamental de no ser objeto de esclavitud o servidumbre. Los programas especiales de la OIM de reasentamiento o emigración en situaciones de luchas intestinas contribuyen a la aplicación del derecho de todas las personas de encontrar amparo en el extranjero. Los programas médicos de la OIM se cercioran, entre otras cosas, de que los migrantes están en condiciones de viajar y promueven el seguimiento de la atención de salud en los países de destino, alentando y ayudando así a realizar su derecho a la salud.

12. El primer objetivo de varias de las actividades de la OIM es promover y proteger los derechos humanos de los migrantes. Por ejemplo, la OIM organiza campañas de información y de difusión para crear mayor conciencia sobre los derechos y los deberes de los migrantes y sobre las realidades de la migración. Dichas campañas, como medio para habilitar a los migrantes informándolos sobre sus derechos y sobre los procedimientos para la puesta en práctica de los mismos, ayudan a garantizar la promoción del respeto de dichos derechos y a adoptar medidas pragmáticas de lucha contra las prácticas discriminatorias.

13. Conforme a la política de género de la Organización, aprobada por el Consejo en 1995, la OIM protege los derechos humanos de los migrantes, velando por que se tenga en cuenta el género.⁹ Los programas de la OIM contribuyen a la promoción de los derechos humanos de las mujeres migrantes, incluido el derecho a la igualdad y a la no discriminación, los derechos de las niñas, el derecho a la salud, incluida la salud sexual y reproductiva, el derecho a una vida de familia y el derecho a no ser objeto de violencia sexual o de género.

14. La Organización también respalda a los gobiernos en sus esfuerzos por desarrollar la legislación nacional en materia de migración, de conformidad con las normas internacionales, para reducir la explotación y la xenofobia contra los migrantes, y garantizar el acceso de los migrantes a la justicia, y el respeto efectivo de sus derechos humanos. A solicitud de los gobiernos, la OIM también brinda asesoramiento sobre la legislación nacional existente y su adecuación con las normas estándares internacionales.

15. La OIM considera que un mayor conocimiento y una mayor aceptación de los instrumentos jurídicos que rigen la migración, a nivel nacional, regional e internacional, fomentan la protección de los derechos humanos de los migrantes. Con ese fin, la Organización imparte capacitación y fortalecimiento institucional en materia de derecho

⁹ Resolución del Consejo N°. 932 del 29 de noviembre de 1995.

internacional sobre migración a funcionarios gubernamentales, grupos de la sociedad civil, organizaciones gubernamentales internacionales, organizaciones no gubernamentales y personal de la OIM.

16. La investigación y la difusión de información son también elementos esenciales a la hora de promover la comprensión del derecho internacional sobre migración. La OIM lleva a cabo investigaciones para poder analizar y evaluar los diversos aspectos del derecho internacional, regional y nacional sobre migración y su interacción. A fin de recopilar y difundir el derecho internacional sobre migración, la OIM creó una extensa base de datos en línea sobre derecho migratorio¹⁰ y publicó el “Compendio de instrumentos de derecho internacional sobre migración”.¹¹

17. Evidentemente, no todos los programas y proyectos de la OIM tienen como tema central los derechos humanos de los migrantes. Sin embargo, la preocupación por los derechos humanos predomina en las actividades de la Organización. Por ejemplo, la OIM incluye consideraciones relacionadas con los derechos y deberes de los migrantes –y los de los Estados– en sus servicios de asesoramiento, proyectos de fortalecimiento institucional y asistencia técnica sobre una gran variedad de temas, a saber: facilitar la migración regular, prevenir la migración irregular, combatir la trata de personas y el tráfico de migrantes, y otros aspectos relativos a la tramitación e integración de los migrantes. Así mismo, la OIM integra con frecuencia el tema de los derechos humanos de los migrantes en los seminarios y talleres que organiza sobre una diversidad de temas.

18. La OIM está consagrada a garantizar que los derechos humanos de los migrantes se respetan y promueven en todas sus actividades. Con ese fin, ha elaborado líneas directrices para su personal, con miras a asegurar que sus operaciones se realizan de conformidad con el derecho internacional. También imparte capacitación en materia de derecho internacional sobre migración a su personal, para que los colaboradores que desarrollan e implementan proyectos y programas estén plenamente conscientes de los derechos y responsabilidades de los migrantes, y los de los Estados.

19. Éstos son apenas algunos ejemplos de cómo la OIM ya protege *de facto* a las personas que entran en su mandato. En el Anexo del presente documento figuran ejemplos adicionales. Cabe señalar que la función y las actividades de protección de la OIM no eximen en modo alguno a los Estados de su deber de garantizar el respeto efectivo de los derechos humanos de los migrantes. Más bien, la OIM respalda y complementa las actividades de los Estados en la aplicación de su deber de protección.

V. ASOCIADOS

20. El éxito de las iniciativas de la OIM depende de una cooperación estrecha y efectiva con los Estados, otros organismos intergubernamentales,¹² y especialmente las organizaciones no gubernamentales, tanto internacionales como locales. Dada la dimensión global del

¹⁰ Base de datos relativa al derecho internacional sobre migración, disponible en: <http://www.imldb.iom.int/changeLocale.do>

¹¹ Véase nota 8.

¹² Un reciente ejemplo de cooperación interinstitucional en materia de derechos humanos de los migrantes fue el empeño colaborativo del Grupo Mundial sobre Migración, compuesto por la OIM y otros 13 organismos, para examinar los desafíos que plantea la protección de los derechos humanos de los migrantes y publicar el informe *International Migration and Human Rights: Challenges and Opportunities on the Threshold of the 60th Anniversary of the Universal Declaration of Human Rights* (Octubre de 2008).

problema de falta de respeto de los derechos de los migrantes, la cooperación es crucial para promover efectiva y cabalmente el cumplimiento de estos derechos.

21. La OIM trabaja con organizaciones no gubernamentales en todo el mundo, en sus muchos ámbitos de actividad. Reviste particular importancia, en el contexto de los derechos humanos de los migrantes, la cooperación de la OIM con sus asociados de las organizaciones no gubernamentales, para prestar, a través de esfuerzos conjuntos, una asistencia mejor y más adaptada a las necesidades de los migrantes, particularmente a nivel local.

22. La OIM coopera con varios Procedimientos Especiales de la Comisión de las Naciones Unidas para los Derechos Humanos¹³ y con Comités de Monitoreo de Tratados de las Naciones Unidas¹⁴, en el cumplimiento de sus mandatos. Además, la OIM participa activamente en varios grupos de trabajo interinstitucionales que tratan diversos aspectos del derecho internacional sobre migración y contribuye a los esfuerzos colectivos de los equipos por países de las Naciones Unidas sobre cuestiones de derechos humanos.

23. Por otra parte, la OIM es un miembro activo del Comité Directivo Internacional de la Campaña Mundial por la Ratificación de la Convención de las Naciones Unidas de 1990 sobre la Protección de los Derechos de todos los Trabajadores Migratorios y de sus Familiares. Este Comité está integrado por organizaciones intergubernamentales, organizaciones no gubernamentales y otros miembros de la sociedad civil.¹⁵ La OIM considera que al participar en esta Campaña fomenta sus propios objetivos de velar por los derechos humanos de los migrantes.

V. CONCLUSIÓN

24. Los Estados Miembros de la OIM han determinado que el objetivo primordial de la Organización es “fomentar la gestión humana y ordenada de la migración y el respeto efectivo de los derechos humanos de los migrantes, de conformidad con el derecho internacional”. Dado que tradicionalmente provee asistencia en el ámbito de la migración, la OIM está adoptando medidas y llevando a cabo proyectos para promover activamente el respeto de los derechos humanos de los migrantes. La Organización ha asumido un papel mucho más dinámico en ese ámbito, sin por ello transformarse en un organismo de supervisión o de control de la aplicación de las normas internacionales. El respeto de los derechos humanos de los migrantes es esencial para asegurar su dignidad y bienestar, un objetivo capital en el espíritu y filosofía de la OIM.

¹³ Los ejemplos incluyen informes de los Relatores Especiales i) sobre los derechos humanos de los migrantes; ii) sobre la trata de personas, especialmente mujeres y niñas; iii) sobre la violencia contra la mujer, sus causas y consecuencias; iv) sobre la venta de niños, la prostitución infantil y la utilización de niños en la pornografía; v) sobre el derecho a la educación; y vi) sobre el derecho de toda persona al disfrute del más alto nivel posible de salud física y mental, así como del Representante del Secretario General sobre derechos humanos de los desplazados internos.

¹⁴ Por ejemplo, el Comité para la Eliminación de la Discriminación contra la Mujer y el Comité de Protección de los Derechos de Todos los Trabajadores Migratorios y de sus Familiares.

¹⁵ Por ejemplo, recientemente ese Comité Directivo publicó la obra “*Guide to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*” (Abril de 2009), en la que se alienta a los gobiernos de todo el mundo a ratificar e implementar dicha Convención.

Anexo

IOM ACTIVITIES IN THE FIELD

1. This annex aims to provide an illustrative sampling of recent IOM activities contributing to the active protection and/or promotion of the human rights of migrants.¹ The examples that follow involve various types of activities, such as training for governmental and non-governmental stakeholders to increase knowledge and understanding of International Migration Law; awareness-raising on the rights and duties of migrants and realities of migration; protection of, and provision of assistance to, trafficked persons; and capacity-building and technical assistance to help ensure that migration is managed in full respect of the human rights of migrants.

Africa

2. **CEN-SAD countries:** At the request of, and in close cooperation with, the Community of Sahel-Saharan States (CEN-SAD) and the Government of Niger, IOM developed a training curriculum on International Migration Law for government officials of the CEN-SAD countries. The training course emphasized migration issues pertinent to the region and had the overall aim of ensuring that migration legislation and policies in CEN-SAD countries are in accordance with international law, including human rights law.

3. **Southern African region:** the IOM Partnership on HIV and Mobility in Southern Africa (PHAMSA) addresses the HIV vulnerability of labour migrants in southern Africa. PHAMSA aims to reduce HIV incidence and the impact of AIDS among migrant workers and their families through various activities, including, inter alia, working with government and international organization partners to raise awareness of the right to health for migrants, specifically advocating for the integration of population mobility and migration issues into different national HIV/AIDS plans and policies; and working with the media and developing information materials on the complex relationship between migration and HIV.

4. In another example, the IOM Southern African Counter-Trafficking Assistance Programme (SACTAP) provides a framework for counter-trafficking training for various stakeholders such as law enforcement officials, border officials, health professionals, labour inspectors, media professionals and non-governmental organizations (NGOs). This training highlights the need to protect and provide assistance to trafficking victims and to ensure that victims are treated in accordance with human rights principles and best practices aimed at safeguarding them and upholding their dignity.

5. **West African region:** IOM has developed a website aimed at enhancing the understanding of the migration phenomena in the West African context primarily from a legal standpoint, with special emphasis on the human rights of migrants.² Visitors to the website, which primarily addresses universities and governments in the region, have free access to training modules and documents on International Migration Law and region-specific

¹ Owing to space constraints and in order to avoid the repetition of similar types of activities, many IOM activities having a human rights component are not described in this annex. This is true both for countries mentioned in this annex as well as those not mentioned herein.

² See <http://www.droit-migrations-ao.org>. All documents are available in French; certain documents are also available in English.

information. The website is an outcome of two training workshops organized by IOM at the Cheikh Anta Diop University (UCAD) of Dakar: one in October 2004 entitled “Migration and Human Rights Protection” and another in March 2007 entitled “Law and Migration in West Africa”, with participants from universities and administrations of seven West African countries, as well as from international organizations present in the region. Those workshops also resulted in the IOM publication *Migrations et protection des droits de l'homme*.³

6. **Ghana, Nigeria, Senegal and the Libyan Arab Jamahiriya:** IOM supports these Governments’ efforts to stem irregular migration and promote regular migration in full respect of the human rights of migrant workers, facilitating the development of coherent labour migration policies and practices among the countries. To this end, IOM, inter alia, provides targeted training to build the knowledge and capacity of the West African countries’ public administrations in the area of labour migration management. IOM also facilitates the provision of advice and information to potential migrants regarding the legislative and regulatory frameworks and labour needs in selected destination countries in the European Union (EU) and the Libyan Arab Jamahiriya. It is expected that, as a result of this project, potential migrants will become more aware of the dangers of irregular migration and the possibilities for regular migration. Furthermore, government agencies, public employment services and other relevant bodies are expected to be better able to provide potential migrants with the information and support they need.

7. **Angola:** Under a project to increase awareness of human rights and reduce the incidence of human trafficking in and from Angola, IOM organized several training workshops to build the capacity of Angolan immigration officials, police officers and representatives of the Association for Angolan Policewomen. Topics included, inter alia, definitions of human trafficking; distinctions between human trafficking and migrant smuggling; and identifying, interviewing and protecting trafficked persons. Trainees were provided with information materials on human rights and counter-trafficking to distribute to their colleagues and migrants. IOM also organized round tables for key stakeholders from the Government of Angola, civil society and the diplomatic arena to strengthen dialogue on trafficking in persons and human rights.

8. **Cameroon:** IOM is helping build the capacity of the Government of Cameroon to protect domestic workers from abuse and to prevent human trafficking for domestic servitude. The project’s three primary components are a study on domestic work and servitude in Cameroon; a training programme for officials from relevant ministries and agencies aimed at defining strategies and action plans to combat trafficking for domestic servitude and improve the protection of domestic workers; and the production and distribution of information materials on the human rights of domestic workers in Cameroon. This project contributes to preventing the abuse of migrant workers employed in Cameroon’s domestic work sector.

9. **Egypt:**⁴ IOM has organized a number of training courses in Egypt incorporating the human rights of migrants as a topic. For instance, IOM and the Ministry of Foreign Affairs organized a training programme on migration management for junior Egyptian diplomats, which included information on, inter alia, the rights of migrant workers under international law and the distinction between trafficking and smuggling. The Organization also conducted a training course on International Migration Law and the human rights of migrants for participants from the Egyptian National Council for Human Rights, government officials,

³ Published in 2005 (available in French only).

⁴ Some of IOM’s other activities involving not only Egypt but also certain Middle Eastern countries are described under the “Middle East” heading.

representatives from the League of Arab States, the EU, the Institute for Diplomatic Studies and the staff of three Egyptian NGOs. In addition, IOM conducted a course for law enforcement officials to strengthen their capacity to combat trafficking in persons and to provide trafficking victims with timely and appropriate assistance and/or referrals to groups providing assistance.

10. **South Africa:** In collaboration with the joint United Nations team on AIDS in South Africa, IOM implements a project entitled “Increased access among migrants to HIV prevention, treatment and care services and programmes in Limpopo and Gauteng Province, South Africa.” It aims to improve coordination and strengthen networks and referral systems on HIV responses targeting migrants; to improve awareness and knowledge of migrants’ health issues and their right to health in targeted migrant communities and service providers; and to review, develop and raise funds for a national project on migrants’ access to health services.

11. In another example, IOM is undertaking an initiative to counter xenophobia, under which it has published the report *Towards Tolerance, Law, and Dignity: Addressing Violence Against Foreign Nationals in South Africa*. This report aims to contribute to the efforts made by the Government of South Africa to reduce xenophobic attitudes and related violence targeted at migrants in the country, and to facilitate migrants’ socio-economic integration into South African society. Another element of this initiative is an awareness-raising campaign emphasizing the need to promote the respect for human life and dignity, the rule of law and human solidarity among all persons within the borders of the country.

12. A final example is the provision by IOM of capacity-building training for law enforcement officials and service providers concerned with migrants (such as social workers) in the Limpopo Province on the rights and responsibilities of migrants. The specific issues covered have included gender-based violence, unaccompanied minors, labour exploitation and migrants’ access to health and other public services.

Middle East

13. **Arab region:** In close cooperation with the Egyptian Ministry of Foreign Affairs, IOM organized the Regional Expert Meeting on Rights-Based Assistance to Victims of Trafficking, held in Cairo under the auspices of Egypt’s First Lady, Mrs. Suzanne Mubarak. The meeting was attended by representatives from Arab countries, NGOs, civil society, research institutes and United Nations agencies operating in the Arab region and beyond, who discussed the best international and regional practices in the area of direct assistance to the victims of trafficking. At the meeting, the Arabic version of *The IOM Handbook on Direct Assistance for Victims of Trafficking* was launched, which provides policymakers, legislators, law enforcement agencies and community and health workers assisting trafficked persons and vulnerable migrants in the region with suggestions and guidance on effectively delivering comprehensive assistance to trafficking victims.

14. **Iraq, Jordan, Lebanon, the Syrian Arab Republic and Egypt:** IOM has a regional initiative to address the need to identify and protect Iraqi victims and potential victims of trafficking and to prevent trafficking in Iraq, Jordan, Lebanon, the Syrian Arab Republic and Egypt. This project is composed of complementary measures at the regional and national levels, including in the first phase, inter alia, regional training on the provision of direct assistance to victims of trafficking; the establishment of a shelter and a direct assistance fund for victims of trafficking in the Syrian Arab Republic; and the development of a regional

direct assistance fund for Iraqi victims of trafficking who are not eligible for assistance under other programmes. In the second phase, the project aims to further support the efforts of the Governments of these five countries to combat trafficking and provide direct assistance and protection to Iraqi victims of trafficking in those countries.

15. In another project aimed at building governmental and non-governmental capacity in Jordan, Lebanon, the Syrian Arab Republic and Egypt to manage Iraqi migration flows and safeguard the human rights of Iraqi migrants, IOM is engaged in promoting humanitarian solutions to the Iraqi displacement crisis to the benefit of affected Iraqi migrants.

16. **Bahrain:** In order to support the Government and civil society in Bahrain in countering human trafficking and protecting trafficking victims, IOM provides technical assistance to enhance their respective capacities and undertakes awareness-raising activities. For instance, IOM has conducted training workshops for governmental and non-governmental stakeholders in the areas of law enforcement, shelter management, and data collection and management. In connection with this training, IOM developed information materials setting out the human rights of contractual workers.

17. **Iraq:** IOM has facilitated the creation of the Inter-ministerial Legislative Task Force in Iraq to review the country's migration-related regulatory framework. The Task Force drafts recommendations to be submitted to the Council of Ministers of Iraq with respect to both revising existing legislation and developing new legislation. IOM has lent its expertise to the Task Force to help ensure that Iraq's migration-related legislation is both effective and compliant with international norms.

18. **Kuwait:** In partnership with the Ministry of Social Affairs and Labour, IOM is working to strengthen the capacity of the Government of Kuwait to provide direct assistance to the victims of trafficking. Through training and a study tour for Kuwaiti officials, the project aims to provide exposure to best practices in shelter management and victim assistance.

19. In addition, IOM organized a course in Kuwait for government and civil society representatives, designed to enhance knowledge on the management of temporary foreign labour in Kuwait, with specific focus on the authority and responsibilities of States and the rights and obligations of mobile populations.

Latin America and the Caribbean

20. **Caribbean region:** Working together with legal experts from ten Caribbean countries and officials of the Caribbean Community (CARICOM), IOM developed the *Caribbean Counter-Trafficking Model Legislation and Explanatory Guidelines: A Booklet*, which takes into account the local and regional contexts and is consistent with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000). The subjects covered in the model legislation include, inter alia, assistance to, and the protection of, trafficking victims, and the prevention and criminalization of trafficking.

21. **Plurinational State of Bolivia:** IOM is working to mainstream gender considerations into the fight against trafficking in persons in the Plurinational State of Bolivia. In order to create a conceptual framework, three workshops were held, with participants from national institutions, NGOs and other concerned organizations. The outcomes of these workshops were

included in a manual that aims to help government institutions, intergovernmental organizations and NGOs understand the trafficking phenomenon from a gender perspective and to provide them with guidelines for incorporating this perspective into their counter-trafficking activities.

22. In another example, IOM has worked in the Plurinational State of Bolivia to raise awareness about trafficking and smuggling in persons through workshops and the distribution of posters, brochures and informational material. The information was aimed at governmental institutions, education facilities, civil society and the general public.

23. **Ecuador:** IOM is providing the Government of Ecuador with technical support for drafting the Comprehensive Human Mobility Bill, which proposes regulating the legal and institutional treatment of human mobility in Ecuador in a manner that is in full compliance with national and international human rights standards. In this context, IOM is organizing workshops for civil society in four different cities as part of the participatory dialogue to discuss the Bill.

24. In another example, at the request of the Government of Ecuador, IOM implemented an information campaign in the provinces of Cañar, Azuay and El Oro to disseminate key information to Peruvian migrant workers on the procedure to legalize their migratory status, which led to a substantial increase in the number of Peruvians accessing the legalization process.

25. In a final example, as part of a project providing assistance to Colombian nationals in search of international protection across the Colombian border with Ecuador, Panama and the Bolivarian Republic of Venezuela, IOM is working with the Office for Refugees of the Ecuadorian Ministry of Foreign Affairs to provide its officials with training on subjects including, inter alia, the human rights of migrants and Ecuador's new refugee policy.

26. **Guatemala:** Under a programme for temporary workers, IOM arranges the legal and orderly recruitment and deployment of seasonal agricultural workers from Guatemala to Canada. Specifically, IOM facilitates the recruitment of the workers and preparation of necessary documents; provides medical examinations and pre-departure information; undertakes monitoring during the stay in Canada and evaluations upon return with migrants, employers and the Government of Guatemala; and provides migrants with post-return support in planning employment for the following season. Through this programme, migrants are provided with, inter alia, low-cost medical insurance for their family members in Guatemala; Spanish-language employment contracts with wages above the legal minimum; and the same rights and obligations as Canadians working in this sector (for example, medical insurance, parental benefits, pension plan and tax schemes).

27. **Mexico:** IOM and its partners – the United Nations Development Programme, the United Nations Children's Fund and the government of the State of Chiapas – have opened a centre for unaccompanied minors in Mexico's southern border in the town of Tapachula. The centre provides a safe haven and care for an increasing number of unaccompanied minors from Central America. The centre provides basic health care and psychological support, telephone access to contact family members, recreational activities and vocational training opportunities. The Under Secretary of the Interior of Mexico, in cooperation with IOM, established an inter-institutional working group to promote synergies and concrete actions to protect unaccompanied minors. IOM is also working with the State of Chiapas to develop

guidelines and build the capacity of all institutions coming into contact with unaccompanied minors.

Asia and Oceania

28. **Azerbaijan:** In cooperation with the Office of the United Nations High Commissioner for Refugees, IOM organized three training courses for the State Migration Services of Azerbaijan on International Migration Law, including human rights, admission, detention, return and expulsion. IOM has also provided training on International Migration Law for students at Nakhchivan State University.

29. **Cambodia:** Through the Promotion of Human Rights of Victims of Trafficking, in particular Minors, through Legal and Policy Support at Provincial Levels project, IOM sought to support the promotion of the human rights of trafficking victims by increasing the capacity of the front-line provincial law enforcement bodies and judiciary in Cambodia to identify and efficiently process individual cases. Among other activities, IOM provided training to Cambodian law enforcement officials, court officials and lawyers to increase the technical quality of the prosecution process so that, inter alia, law enforcement bodies could better identify the victims of trafficking and take the necessary measures to protect them. IOM also worked to strengthen the institutional environment and response to trafficking, for example, to sensitize the prosecution process to the vulnerability of victims and to provide sufficient safeguards for their protection.

30. **Indonesia:** IOM created a legal assistance fund in Indonesia to provide the victims of trafficking or their families with financial support for legal representation or assistance to, inter alia, prepare for court hearings, become informed regarding rights as a witness, bring civil charges against the suspect and seek compensation for damages. Through this fund, IOM also assists partner NGOs in appointing lawyers who can act as victim counsellors. The fund can also pay expenses associated with supporting victims in the criminal justice process, such as transportation costs to court and accommodation.

31. **Japan:** IOM provides assistance to facilitate the voluntary return and reintegration of trafficking victims identified in Japan. The assistance provided includes, inter alia, free legal aid and advice, psychosocial counselling, medical care, representation vis-à-vis various authorities, security assurance measures and support for economic reintegration upon return.

32. In another example, IOM is coordinating the establishment of a network of, inter alia, government authorities, NGOs and private companies in Japan to promote and protect the human rights and welfare of Japanese-Filipino children and their Filipino mothers. The network also aims to facilitate the regular migration/return of these children and their mothers from the Philippines to Japan, as well as their integration into and contribution to Japanese society.

33. In a final example, each year IOM's Special Liaison Mission in Tokyo accepts a small number of Japanese law trainees for a short internship. These trainees, who have passed the National Bar Examination and are being trained at the National Judicial Training Center to become fully fledged lawyers, are extensively briefed on International Migration Law, the human rights of migrants and related IOM activities. This internship programme is expected to expand the knowledge and familiarity of these topics among future lawyers in Japan, which is in turn expected to facilitate better protection and promotion of the human rights of migrants.

34. **Thailand:** The dependants of labour migrants going to Thailand from neighbouring countries are among the most vulnerable of all migrants to health and social risks. Thus, IOM has aimed to improve the overall livelihood of migrants and reduce their vulnerabilities, with particular focus on children in two tsunami-affected provinces, by fostering access to quality health services; reducing the stigmatization of and discrimination against migrants in host communities; facilitating access to education; promoting the human rights of migrant children and their families; providing special protection to children in the most exploitative situations; and advocating improved migrant policy at the national and local levels.

35. In another example, IOM has worked to build the capacity of the Ministry of Labour and the National Human Rights Commission to carry out awareness-raising activities for government officials, employers of migrant workers and migrants themselves to improve understanding of international migration, labour migration issues, including abusive and exploitative labour practices, and the rights and obligations of migrants in Thailand. This project has, inter alia, involved the creation of a targeted training curriculum and helped to develop the capacity of both employers of migrants and migrant communities to provide assistance to migrants.

36. In a final example, IOM has formed a mobile legal counselling team to, inter alia, reach out to local migrant communities in Thailand in order to identify their legal needs and provide them with legal support. Other project components include making migrants aware of their rights and obligations and access to social services, and enhancing the capacities of local government officers and host communities to deliver social services to migrant workers and their families and generally improve their human security.

Europe

37. **Austria, Belgium, Bulgaria, the Czech Republic, Poland and Romania:** IOM coordinated six study visits and two consultation meetings for officials from these countries' national administrative structures responsible for the first reception, protection and treatment of unaccompanied minors, in order to exchange information on these topics. These activities resulted in the publication of the *Manual of Best Practices and Recommendations*, which is intended for government authorities and public institutions working on issues relating to children, migration and refugees; law enforcement agencies; NGOs and social service providers; international organizations; expert researchers; policymakers; and representatives from the European Commission.

38. Building upon that project, IOM is partnering the Governments of these six EU countries to ensure that unaccompanied minors are informed of their rights as children and the increased difficulties they are likely to face in exercising basic rights (such as the rights to education, health, housing and judicial protection) if they leave the reception centres where they are hosted. To this end, unaccompanied minors and reception centre staff in the six partner countries will be consulted to help identify priority needs and develop awareness-raising materials targeted to unaccompanied minors. Once developed, the materials will be disseminated across all EU Member States as well as certain third countries that are major sources of unaccompanied minors. In addition, the aforementioned Manual will be updated to include findings and recommendations regarding the potential disappearance of unaccompanied minors from reception centres, and the manual will be disseminated among policymakers and other stakeholders throughout the EU.

39. **Estonia, Finland and Latvia:** In cooperation with the Institute of Law of the University of Tartu, Estonia, the Finnish League for Human Rights and the Latvian Centre for Human Rights, IOM has developed an e-learning tool for members of the judiciary in those countries. The tool consists of modules on anti-discrimination legislation at international, European Community and national levels. It seeks to enhance user awareness of human rights and their capacity to apply and implement anti-discrimination legislation, with the overall objective of helping to combat discrimination.

40. **Republic of Moldova and Ukraine:** Under a project whereby IOM provides technical support and capacity-building for the Governments of the Republic of Moldova and Ukraine for the implementation of readmission agreements with the EU, IOM contributes to safeguarding the human rights of irregular migrants detained in the Republic of Moldova and Ukraine through capacity-building measures for civil society and government agencies and by upgrading physical infrastructures of holding facilities and equipping them in line with international standards.

41. **Italy:** At the request of the Government of Italy, IOM is supporting efforts to improve migrant reception standards in Lampedusa and other locations in Sicily and Sardinia, in cooperation with other relevant organizations and local authorities. IOM's assistance covers different phases, from the arrival of migrants to their transfer to further reception structures. The Organization's activities include providing information and legal counselling to migrants and displaced persons on the consequences of their irregular entry into Italy and risks associated with their irregular stay; identifying and assisting vulnerable persons such as the victims of trafficking or violence and unaccompanied minors and referring them to relevant authorities for proper follow-up and assistance; and monitoring procedures in reception/temporary residence centres. For instance, upon arrival and during first reception, IOM stresses the need to protect migrants' health as a priority and advocates for health concerns to take priority over other requirements related to identification and police measures.

42. **Republic of Moldova:** IOM has several counter-trafficking-related projects in the Republic of Moldova, which involve both: (i) empowering the Moldovan authorities and civil society to address the issue of trafficking; and (ii) providing direct assistance to victims and potential victims of trafficking, such as victims of domestic violence and unaccompanied minors. IOM's comprehensive approach extends to, inter alia, protection, rehabilitation and socio-economic reintegration of victims; trafficking prevention; criminalization of trafficking; and prosecution of perpetrators. For instance, through the Chisinau Assistance and Protection Centre, IOM offers four types of rehabilitation services: medical, psychological, legal and socio-economic. Through another project, IOM helps to strengthen the framework for cooperation between the Government and civil society in providing assistance to the victims and potential victims of trafficking. A different project involves developing and monitoring individual reintegration plans for the victims of trafficking, which includes assistance such as vocational training and small business start-up packages.

43. **Portugal:** IOM is working with the Government of Portugal and the NGO Jesuit Refugee Service to ensure that irregular migrants hosted in a temporary installation centre pending removal orders are treated in a humane and dignified manner, in respect of their rights according to international humanitarian standards. IOM is involved, inter alia, in monitoring and evaluating the centre; training the centre's staff on subjects such as cultural diversity and identification of vulnerable persons; and producing information materials covering topics such as opportunities for regular migration and the risks of irregular migration.

44. In another example, IOM worked with partners from certain EU governments and civil society on a project coordinated by the Government of Portugal to assess a potential “one-stop-shop” model for the integration of migrants in EU Member States. A one-stop-shop procedure would bring under one roof the integration-related services provided by governmental and non-governmental actors, including the provision of information on the rights and duties of migrants. IOM’s primary contribution was to draft working documents for discussion among the project partners. The assessment resulted in a handbook with practical guidance and suggestions for implementing a one-stop-shop model in EU Member States.

45. In a final example, IOM developed an advertisement for International Migrants Day (18 December) advocating human rights for all and referring to migrants’ rights and duties, which was published in the three principal national newspapers in Portugal.

46. **Turkey:** IOM facilitates training for a core group of lawyers to build their capacity to provide legal assistance to potential and actual victims of trafficking in Turkey. It is envisioned that this core group will not only provide legal assistance to victims, but will also work to integrate the topic of human trafficking into the curriculum for trainee lawyers, and thus ensure that future lawyers are fully prepared to handle trafficking cases. This project also addresses the international dimension of trafficking by increasing cooperation among bar associations in the Black Sea region, including through a seminar involving the National Bar Associations of the Republic of Moldova, Ukraine, Georgia, Bulgaria and Romania on the topic of mainstreaming a human rights approach into assistance to the victims of trafficking. The seminar provides an opportunity to establish a network to facilitate communication between these bar associations and to promote mutual legal assistance.

47. **Ukraine:** IOM is an active participant in the Diversity Initiative, a network of over 50 partners from the international, civil, corporate and government sectors, as well as representatives of various embassies and diplomatic missions, which works to uphold the human dignity of migrants, refugees and visible minorities in Ukraine. In this framework, and in coordination with government counterparts and NGO monitoring organizations, IOM maintains a centralized and standardized database to record incidents suspected to be racially motivated. IOM also analyses trends of racially motivated attacks and provides ad hoc medical assistance for the victims of such incidents, while partner organizations provide legal assistance as needed.

48. In another example, to promote the benefits of cultural diversity and increase awareness of xenophobia among university students in five pilot universities in Ukraine, IOM is creating an academic diversity consortium for these universities and developing an education module on cultural awareness.