

**MC/INF/259**

**Original: anglais  
13 novembre 2002**

**QUATRE-VINGT-QUATRIEME SESSION**

---

**POLITIQUE ET ACTIVITES DE L'OIM  
CONCERNANT LES DROITS DES MIGRANTS**

## POLITIQUE DE L'OIM CONCERNANT LES DROITS DE L'HOMME DES MIGRANTS

### I. INTRODUCTION

1. L'OIM est attachée au principe selon lequel les migrations qui s'effectuent en bon ordre et dans le respect de la dignité humaine sont bénéfiques aux migrants et à la société. Elle est mue par la volonté d'aider à relever concrètement les défis de la migration, de favoriser la compréhension des questions de migration, de promouvoir le développement économique et social par le biais de la migration et de veiller au respect de la dignité humaine et au bien-être des migrants. Son mandat l'autorise à porter secours aux migrants, aux réfugiés, aux personnes déplacées et autres personnes ayant besoin de services ou d'une aide à la migration. Pour les besoins du présent document, le mot "migrants" désigne de manière générale toutes les catégories de personnes relevant du mandat de l'OIM.

2. "Ce qui souligne l'action de l'OIM depuis sa création, c'est clairement la reconnaissance du fait qu'en définitive, toutes les actions qu'elle mène sont faites au nom d'êtres humains qui ont besoin d'une aide internationale à la migration et envers lesquels la communauté internationale se reconnaît responsable. La montée inquiétante de la xénophobie et la tendance à désigner l'étranger comme le bouc émissaire d'un certain nombre de malaises de société sont en contradiction totale avec les buts d'une organisation comme la nôtre. **En conséquence, l'OIM ressent de plus en plus souvent la nécessité de mettre à profit les occasions qui lui sont offertes et les moyens dont elle dispose pour favoriser une prise de conscience des apports que peuvent fournir les migrants et qu'ils fournissent effectivement, des difficultés auxquelles ils sont souvent confrontés et des droits qui sont les leurs en tant qu'êtres humains. Elle ressent aussi le besoin de préciser auprès des migrants leurs obligations légales vis-à-vis des Etats qui les accueillent.**"<sup>1</sup> Cette citation traduit le raisonnement qui sous-tend l'objectif de l'OIM "d'œuvrer au respect effectif des droits des migrants", reconnu par le Conseil de l'OIM dans sa résolution No. 923 (LXXI) du 29 novembre 1995.

3. En tant qu'organisation internationale mandatée pour fournir des services d'aide à la migration, l'OIM reconnaît la responsabilité qui lui incombe d'agir en collaboration avec ses partenaires de la communauté internationale pour venir en aide aux migrants et aux gouvernements dans la quête de solutions aux problèmes migratoires. Dans tous les aspects de son action, l'OIM s'engage à œuvrer pour que la dignité humaine des migrants soit respectée dans les faits et pour veiller à leur bien-être. Cet engagement se reflète dans ses activités, ses projets et ses programmes.<sup>2</sup>

---

<sup>1</sup> Planification stratégique de l'OIM: Cap sur le vingt-et-unième siècle, MC/1842, paragraphe 27, 9 mai 1995.

<sup>2</sup> La protection des droits des migrants découle fréquemment de l'aide qui leur est apportée. Si tel n'est pas le cas, l'OIM milite activement pour les droits des migrants au moyen, par exemple, de campagnes d'information.

## II. MANDAT

4. En droit international, la protection juridique s'exerce sur la base d'un mandat, conféré en vertu d'un traité ou par la coutume, autorisant une organisation à veiller au respect, de la part des Etats, des droits des catégories concernées. S'agissant de migrants, ces droits peuvent concerner les droits de l'homme, les droits des travailleurs ou les droits des réfugiés, et faire l'objet de divers instruments internationaux tels que les conventions des Nations Unies et d'autres instruments.<sup>3</sup> L'OIM ne dispose pas d'un tel mandat formel. Incontestablement, toutefois, la dignité des migrants et l'estime qu'ils ont d'eux-mêmes sont des concepts qui sont à la base de chaque activité de l'OIM. La Constitution en fait mention, ce qui établit un lien entre l'Organisation et les droits de l'homme. Par ailleurs, le concept de protection est aujourd'hui perçu dans un sens plus large. Il englobe non seulement la protection juridique, mais aussi la protection *de facto*, découlant de l'assistance que l'Organisation accorde à des personnes dans le cadre des activités qu'elle déploie en leur faveur. En d'autres termes, le fait même de venir en aide à des personnes peut constituer une forme de protection, surtout lorsqu'il s'agit de préserver l'intégrité physique des personnes exposées. Traditionnellement, le fait pour une organisation de ne pas disposer d'un mandat de protection juridique la conduisait à considérer cet aspect comme se situant hors de son champ d'action. La perception plus large qui est aujourd'hui donnée à ce concept atteste toutefois que la protection et l'assistance sont inextricablement liées. L'OIM reconnaît qu'il lui incombe, lorsqu'elle vient en aide aux migrants, de veiller à ce que ses activités respectent pleinement les droits des personnes physiques, à ce qu'elles soient non discriminatoires et à ce qu'elles ne portent pas atteinte aux droits de l'homme d'autres catégories de personnes.

5. Bon nombre des activités déployées par l'OIM contribuent à protéger les droits humains fondamentaux. C'est ainsi qu'en assurant un transport en sécurité ou en effectuant une évacuation dans une situation de conflit, et en apportant l'assistance indissociable de telles opérations, l'OIM protège l'intégrité physique des migrants et contribue à la réalisation pleine et entière du droit de tout à chacun à quitter tout pays et de retourner dans le pays dont il est ressortissant. Lorsque l'OIM fournit un logement et une assistance aux victimes de la traite, elle protège le droit humain fondamental de ne pas être tenu en esclavage ou en servitude. Les programmes spéciaux de réinstallation ou d'émigration de l'OIM dans les situations de troubles internes contribuent à faire respecter le droit de toute personne à se mettre en quête d'un lieu sûr à l'étranger. Quant aux programmes médicaux de l'OIM, ils consistent à vérifier que les migrants sont en état de voyager et à faciliter un suivi au niveau des soins de santé dans les pays d'accueil, ce qui contribue à faire respecter le droit de tout à chacun à des conditions d'existence adéquates, y compris sur les plans sanitaire et social. Il ne s'agit là que de quelques exemples des formes de protection que l'OIM apporte *de facto* aux personnes physiques relevant de son

---

<sup>3</sup> A titre d'exemples, on peut citer: la Déclaration universelle des droits de l'homme; le Pacte international relatif aux droits civils et politiques; le Pacte international relatif aux droits économiques, sociaux et culturels; la Convention relative au statut des réfugiés et son protocole; la Convention relative aux droits de l'enfant; la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes; la Convention relative à l'abolition de l'esclavage, de la traite des esclaves et des institutions et pratiques analogues à l'esclavage; la Convention pour la répression de la traite des êtres humains et de l'exploitation de la prostitution d'autrui, ainsi que divers instruments de l'OIT concernant les travailleurs migrants.

mandat, et des liens qui s'établissent de ce fait entre la protection des droits des personnes et l'assistance qui leur est offerte.

### III. ACTIVITES

6. Consciente du fait que l'évolution des formes de migration et les pressions qu'elles exercent imposent de leur opposer des réponses nouvelles et dynamiques, l'OIM joue un rôle de plus en plus actif dans la promotion des droits des migrants. Le nombre croissant de migrants en situation irrégulière et autres migrants pour lesquels l'application d'un régime juridique spécifique pose problème, à quoi s'ajoute les violations des droits découlant de l'exploitation et de la discrimination, montrent bien qu'une participation plus active de l'OIM aux efforts tendant à faire respecter les droits des migrants dans les faits ne serait pas hors de propos. Les préoccupations d'ordre sécuritaire dans le climat qui règne aujourd'hui dans le monde ont eu elles aussi des répercussions négatives sur la manière dont les migrants sont perçus. L'OIM est intimement convaincue que, s'il faut certes combattre le terrorisme, il n'en est pas moins vrai que la grande majorité des personnes qui se déplacent de par le monde le font pour de bonnes raisons et que bon nombre d'entre elles ont besoin d'une assistance internationale. C'est pourquoi l'OIM s'efforce de faire en sorte que les migrations soient mieux gérées, en mettant en lumière les aspects positifs de ces dernières, en luttant contre l'exploitation et la xénophobie, et en veillant à ce que les migrants soient traités sur un pied d'égalité sur les plans de la justice et des libertés civiles.

7. L'expérience de l'OIM dans le domaine migratoire fait d'elle un agent tout désigné pour veiller à ce que soient respectés dans les faits les droits reconnus aux migrants, dans la mesure où le respect des droits fait partie intégrante de ses programmes. Elle a entrepris la mise au point d'une formation axée sur les droits de l'homme des migrants à l'intention de son propre personnel, pour veiller à ce que ces droits soient respectés et maintenus dans l'ensemble des activités qu'elle déploie au titre de ces divers programmes. En outre, bon nombre de ses projets sont axés sur un encouragement actif au respect des droits des migrants. C'est ainsi que l'OIM a organisé des ateliers, des séminaires, et des campagnes de diffusion d'informations spécifiquement ciblées sur une meilleure prise de conscience des droits accordés aux migrants. D'autre part, elle a entrepris des campagnes d'information consacrées aux droits et aux obligations des migrants et aux réalités de la migration dans le but de permettre aux migrants d'avoir prise sur leur propre vie par l'acquisition de connaissances. En mettant les migrants et autres étrangers en mesure de connaître leurs droits et les procédures qui permettent de les revendiquer, l'OIM favorise le respect de ces droits et autorise l'engagement d'actions concrètes contre les pratiques discriminatoires.

8. Le travail de recherche et de collecte d'informations est un élément crucial du processus consistant à délimiter et traiter les problèmes relatifs aux droits des migrants, leurs violations et autres motifs de préoccupation dans ce domaine, et, à ce propos, l'OIM a mené une série d'études sur le phénomène de la traite des femmes. Une autre activité de l'OIM susceptible de favoriser le respect des droits des migrants est celle qui consiste à fournir une assistance technique, une formation et des équipements aux services gouvernementaux afin de favoriser la mise en place de systèmes migratoires efficaces. La coopération technique en matière de

migration contribue à l'acquisition de certaines capacités par les gouvernements, grâce à différentes activités comme l'échange de savoir-faire, les ateliers, les services consultatifs, la formation de fonctionnaires, la fourniture d'équipements techniques et les systèmes de gestion de l'information. A travers ces différentes activités, l'OIM est en mesure de favoriser les pratiques non discriminatoires dans la jouissance des droits, et elle prend soin de faire en sorte que cet aspect soit dûment pris en compte, notamment dans la formation du personnel des services de migration.

9. Un aspect important de l'action de l'OIM, et particulièrement pertinent sur le plan des droits, est le soin qu'elle met à satisfaire de manière appropriée les besoins particuliers des femmes et des enfants migrants. Consciente de ce que les femmes sont particulièrement exposées à l'exploitation, aux mauvais traitements et à la discrimination, l'OIM s'efforce d'intégrer le concept de sexospécificité dans chacun de ses projets et de ses programmes. Bon nombre de ses activités de lutte contre la traite sont conçues en fonction des femmes exposées aux risques d'exploitation sexuelle et aux mauvais traitements, et un élément clef de tout programme de l'OIM est celui de l'habilitation des femmes, un objectif qu'elle s'efforce d'atteindre en veillant à ce que leurs droits humains soient respectés.

#### **IV. PARTENAIRES**

10. Le succès des initiatives de l'OIM dépend d'une coopération étroite et effective avec les Etats, avec d'autres organisations intergouvernementales, et surtout avec des organisations non gouvernementales tant au niveau international qu'au niveau local. Etant donné la dimension mondiale du problème que pose le non-respect des droits des migrants, la coopération revêt une importance cruciale dans le contexte des efforts déployés pour œuvrer efficacement et sans rien laisser au hasard au respect de ces droits. L'OIM est un membre actif du Comité directeur international de la campagne mondiale pour la ratification de la Convention des Nations Unies de 1990 sur la protection des droits de tous les travailleurs migrants et des membres de leur famille.<sup>4</sup> Le Comité a été constitué en mars 1998 aux fins de mettre sur pied et de populariser une campagne mondiale destinée à accélérer la ratification et l'entrée en vigueur de la Convention. Au nombre des membres, on trouve notamment le Haut Commissariat des Nations Unies aux droits de l'homme, l'Organisation internationale du Travail, l'Organisation des Nations Unies pour l'éducation, la science et la culture, et un certain nombre d'organisations non gouvernementales. La Convention représente une démarche significative de la communauté internationale dans le sens de la reconnaissance et de la promotion des droits des migrants. Elle reflète une prise de conscience croissante des problèmes et du traitement discriminatoire auxquels sont confrontés de nombreux travailleurs migrants, ainsi que la reconnaissance de l'ampleur du problème que constitue la migration irrégulière. Dans ce sens, la Convention constitue un document utile et important. L'OIM considère son rôle, dans le cadre de cette

---

<sup>4</sup> Cette convention réaffirme les normes fondamentales en matière de droits de l'homme dans un instrument applicable aux travailleurs migrants et aux membres de leur famille. On a pris conscience du fait que ce groupe de personnes était souvent en situation de vulnérabilité et de non-protection, surtout si l'on considère les problèmes additionnels occasionnés par les mouvements clandestins et la traite de travailleurs. La convention se veut par conséquent un instrument reconnaissant les droits fondamentaux des travailleurs migrants et des membres de leur famille, y compris de ceux qui sont sans papiers ou en situation irrégulière.

campagne mondiale, comme étant de favoriser ses propres objectifs qui sont de veiller au respect des droits des migrants, et aussi de contribuer à l'aboutissement de sa propre quête consistant à traduire dans la pratique le programme d'action du Caire. L'OIM appuie les objectifs de la Convention de 1990 dont l'entrée en vigueur imminente constituera un apport particulièrement pertinent aux efforts déployés pour assurer le respect effectif des droits des migrants. Les principes et normes essentiels de la Convention sont de toute évidence liés aux principes et aux objectifs de l'OIM.

11. L'OIM collabore étroitement avec le Rapporteur spécial des Nations Unies sur les droits de l'homme des migrants dans l'accomplissement de son mandat et collabore avec d'autres organes concernés par les questions des droits de l'homme; c'est ainsi qu'elle a conclu un accord avec la Commission interaméricaine des droits de l'homme, par laquelle elle s'engage à coopérer dans le cadre d'initiatives visant à assurer le respect des droits des migrants en général et des travailleurs migrants en particulier. L'OIM collabore en outre avec l'OMS et d'autres entités aux fins de mettre au point une politique sur "la santé et les droits de l'homme des migrants".

## V. CONCLUSION

12. Les Etats Membres de l'OIM, conscients de la difficulté de cette entreprise, ont exprimé leur conviction que l'un des objectifs premiers de l'Organisation était "d'œuvrer pour le respect effectif des droits des migrants". Des mesures sont prises et des projets mis en œuvre dans cette optique, qu'il s'agisse des droits humains fondamentaux ou des droits spécifiques des migrants précisés dans un instrument international. Traditionnellement vouée à fournir une assistance à la migration, l'OIM se trouve aujourd'hui engagée dans divers programmes qui ont précisément pour objectif le respect effectif des droits des migrants. L'Organisation assume à présent un rôle plus dynamique, agissant dans le sens d'une prise de conscience de ces droits, encourageant le dialogue et l'échange d'informations, jouant le rôle d'intermédiaire entre les Etats mais aussi entre ceux-ci et les migrants, sans pour autant se poser en agence de supervision ou de contrôle chargée de l'application des normes internationales. Le respect des droits des migrants est essentiel pour assurer la dignité et le bien-être des migrants, un objectif dont la quête guide la politique et la façon de voir de l'OIM.

Annexe

**IOM ACTIVITIES IN THE FIELD**

1. This section aims to provide a snapshot of selected IOM activities in 2002 which contribute to the active promotion of migrants' rights. It provides some examples of conferences and workshops directed at increasing awareness of rights and sensitizing actors involved with migration or directed at legislation and policy formulation. Some counter-trafficking activities with an explicit awareness-raising component have been included, as well as technical cooperation activities and research projects.

**IOM Albania**

Migrant Assistance Centre

2. The Migration Assistance Centre (the "Centre") was opened on 5 May 2002 to offer a number of services to Albanian emigrants. The purpose of the Centre is to act as a "one stop shop" for actual and potential migrants, providing information on all elements of the migration process including exit, living in the host State and return. The Centre will eventually offer legal advice, advocacy and information on the immigration legislation of a number of countries of destination, as well as the new Albanian emigration legislation. It is anticipated, in particular, that the Centre will be able to offer legal advice to vulnerable migrants. The Centre will also offer information on the dangers of illegal migration and options for legal migration.

Selective Migration Flows from Albania to Italy

3. IOM Tirana collaborates closely with the Ministry of Labour and Social Affairs concerning the identification and selection of Albanian workers who are eligible for lawful employment in Italy. Within this framework, IOM provides counselling and referral to migrants concerning their rights and duties once in the receiving country; a similar scheme of cultural orientation is being run for successful would-be migrants bound for Canada.

Reintegration Centre for Albanian Victims of Trafficking (the "Shelter")

4. The Shelter started receiving victims of trafficking on 12 February 2002. By May 2002, 28 people had been assisted. The Shelter can accommodate up to 28 people at one time. Referrals to the Shelter have been made by local police, local non-governmental organizations (NGOs) and the IOM Rome and Pristina Offices. The age of those assisted is between 16 and 34 years. Stay at the Shelter is based on the free will of the person referred or, in the case of a minor, on the request and approval of the parent and at the request of the police.

5. The Assistance offered includes:

- (i) Immediate medical assistance: A doctor and a nurse are on 24-hour call. A clinic has been identified to make all routine examinations and provide treatment for the women in the programme.
- (ii) Information: The victims of trafficking are given detailed information on their rights and on the support provided at the Shelter and from other resources of the helping network.
- (iii) Legal assistance: A Women's Advocacy Centre meets the legal needs of the assisted. Social workers working with the women have been trained on legal issues relevant to the victims.
- (iv) Psychological assistance: Ten social workers are available to make assessments of the victims and provide counselling.
- (v) Job training and employment: Assessment of education and vocational skills and needs is being completed. Agreements have been reached with several potential employers and social business alternatives have been identified. Two of the women have started working and 13 women have started attending vocational training.

Activities carried out through the IOM 50<sup>th</sup> Anniversary Campaign and the Belgian Information Campaign

6. The theme of the IOM 50<sup>th</sup> Anniversary campaign was the "Human Rights of Migrants". This theme was taken to all the art schools in Albania. The students were given a presentation on the rights of migrants, including the principle of non-discrimination, and were then invited to participate in a painting contest entitled "Migrants Enjoy Their Rights". Over 100 paintings were submitted.

7. An information campaign, carried out from October to December 2001, also touched on the issue of migrants' rights, and included workshops, radio broadcasts, television advertisements and the distribution of information material. A workshop for journalists entitled "Migrants make news: the right to accurate and complete information versus freedom of information" dealt directly with migrants' rights. This workshop addressed a number of human rights issues, including the non-disclosure of the names of victims of trafficking, and the correct use of terminology when referring to mobile populations.

**IOM Armenia**

Training Course on Migration Legislation

8. A training course on migration legislation was conducted by IOM Armenia in February 2002. The course was held at the Border Management Training Centre, established by IOM in cooperation with the Department for Civil Aviation of Armenia.



9. The purpose of the training was to:
- (i) provide relevant knowledge and a basic understanding of the international principles and standards for the protection of migrants' rights when crossing the border of Armenia;
  - (ii) promote knowledge of relevant domestic legislation regulating this field in Armenia; and
  - (iii) highlight the gaps in Armenian legislation when compared with international instruments.

10. Representatives of the Ministries of Foreign Affairs, National Security and Internal Affairs, the Department for Migration and Refugees, as well as the UNHCR Yerevan Office were invited to make presentations.

## **IOM Austria**

### Campaign for People in Need of International Protection

11. IOM Vienna is implementing this awareness-raising campaign in Austria in close cooperation with UNHCR Vienna. The campaign includes the following activities:

- (i) **Research activities:** Prior to the campaign, IOM Vienna produced a country report on the perception of foreigners in Austria. The report was produced in cooperation with the National Focal Point from the "European Monitoring Centre on Racism and Xenophobia" in Vienna.
- (ii) **Information dissemination to national and international media:** IOM Vienna, in cooperation with UNHCR Vienna, has produced three fact sheets: Terminology of Migration; Perception of Asylum Seekers and Refugees in the European Union; and Information on Countries of Origin.
- (iii) **Workshop:** IOM Vienna organized a workshop for journalists in Upper Austria on "Language and Racism" on 21 May 2002, which focused on awareness-raising and sensitizing journalists when reporting on migration-related matters.
- (iv) **Panel discussion:** IOM, in conjunction with the European Commission (EC) and UNHCR organized a panel discussion on 10 June 2002 on the topic "Europe: A Continent for Immigration?". Participants included representatives from the Austrian Foreign Ministry, the EC, UNHCR Vienna and IOM.

Community Action to Combat Discrimination, 2001-2006, Transnational actions for the exchange of information and good practice

12. IOM Vienna was approached by the "Ludwig Boltzmann Institute for Human Rights" in Vienna to be a partner in the implementation of this project. Activities include:

- (i) Supporting the Boltzman Institute in the organization of a national conference on "Non-Discrimination of Migrants".
- (ii) In the second year of the project, it is planned that the Boltzmann Institute will organize a summer school for lawyers on the laws of non-discrimination. IOM Vienna will support the event by contributing a lecturer and providing input on migration matters.

**IOM Azerbaijan**

NGO Migration Sector Development Programme

13. Through this programme, IOM enables a key NGO to take a lead role in developing the capacities of other NGOs to work on migration issues. National NGOs have been provided support to build capacity to conduct research, provide direct services to vulnerable migrants, advise the Government and act in advocacy roles. In Baku, IOM has helped an NGO to set up a Migration Information Centre to meet potential migrants' needs for balanced and reliable information, to advise them on the legal options available, and to promote decision-making on the basis of accurate information. Smaller-scale information centres will also be set up to cover regions outside the capital in cooperation with local NGOs and authorities.

Study/Leaflets Relating to Migrants' Rights

14. Studies and leaflets produced by IOM Baku include:

- (i) "Away from Azerbaijan – Destination Europe" on irregular migration (June 2001);
- (ii) Applied Research in Trafficking in Human Beings (November 2001 – July 2002);
- (iii) Study on Return and Reintegration of Migrants in the Southern Caucasus Returning from Western Europe (November 2001 – March 2002);
- (iv) Study on trafficking "Shattered Dreams" (September 2002). This report is the basis for joint programming on a National Plan of Action for counter-trafficking supported by parliament, key ministries, Organization for Security and Cooperation in Europe (OSCE) and national NGOs;
- (v) Leaflet for female migrants with addresses and telephone numbers of NGOs, Azerbaijan diplomatic missions and IOM offices abroad (March 2002).

## **IOM Bangladesh**

### Awareness-Raising of Migrants' Rights

15. IOM Dhaka has been assisting the “Welfare Association of Repatriated Bangladeshi Employees (WARBE)” in organizing seminars and workshops to raise awareness of migrants’ rights. In 2001, IOM funded the following activities:

- (i) A day-long workshop on “Women Migrants' Reintegration: Problems to Prospects” organized in Gazipur on November 2001.
- (ii) A day-long “Conference on the occasion of the 50<sup>th</sup> anniversary celebration of IOM” in Dhaka in December 2001. The Vice-President of WARBE presented a paper on the “Rights of Migrants”.
- (iii) IOM funded a rally on Migrants' Day 2001 and financed the production of posters, festoons, banners, T-shirts and a newsletter for that event.

## **IOM in the Baltic States**

### Managing Asylum-Seeking and Human Rights in the Baltic States

16. The purpose of this joint IOM-UNHCR project has been to further enhance the administrative capacity of the Baltic States’ migration-related institutions, concentrating on two crucial areas: (1) protection of asylum seekers, refugees, and migrants in general; and (2) how effective migration management instruments and approaches contribute to humane and orderly migration and prevent the abuse of the rights of migrants. Within this framework, the Baltic States’ relevant national legal norms are being taken into account, especially in the context of law approximation with the Justice and Home Affairs *acquis*, and operational and practical implementation issues are being addressed in order to strengthen effective migration-related administrative capacity.

17. The aims of the project are to be achieved through a number of initiatives. These include:

- (i) Training seminars and workshops aimed at the transfer of expertise from European Union (EU) Member States. These activities are generally targeted at government officials of the Baltic States, whose daily work is related to migration management issues, and refugee and human rights protection. NGO workers from the Baltic States are included where relevant. Three major seminars have taken place: (1) “Asylum and Migration in a Diverse Enlarging Europe: a Baltic Perspective” in Riga, Latvia, addressed the general human rights’ framework relevant to migration, its contemporary agenda in Europe, and relevance to the Baltic States; (2) “Protection of Human Rights in the context of Asylum Seeking and Migration” in Tallinn, Estonia, concentrated on the issue of discrimination in migration and asylum-seeking; and (3) “Administrative Procedures for Detention, Pending

Expulsion and Expulsion” in Vilnius, Lithuania, highlighted the detention and expulsion dilemmas in contemporary European practice.

- (ii) Research entitled “Protection of Human Rights in the Baltic States with Special Relevance to Irregular Migration” is being carried out. Findings will be distributed to the participants of subsequent workshops, in order to contribute to informed discussions and follow-up. The findings will also be disseminated as publications, thus serving as useful references for policy makers, migration practitioners and academics.
- (iii) Study visits to the relevant agencies of EU Member States. Such visits consolidate theoretical training offered in the training workshops, offer first-hand experience of EU practices and enhance working professional relationships between Baltic migration officials and their counterparts in EU Member States.
- (iv) Institutional Strengthening Activities in the Refugee Reception Centre in Rukla and the Foreigners Registration Centre in Pabrade, Lithuania, are the final modules. Activities will include: advanced training related to community relations and networking; supervision for the staff of the Rukla Refugee Reception Centre in reception-related matters; local seminars and workshops for awareness-raising and for the prevention of racism and xenophobia; and implementation of a subproject to promote integration in Lithuania or reintegration into the country of origin. The purpose of the subproject is to create good practices for reception work by supporting asylum seekers/refugees to utilize waiting periods, thus preventing mental and social problems and avoiding institutionalization.

18. The project is being executed jointly by IOM through its Regional Office in Helsinki, in coordination with IOM Offices in the Baltic States, and the UNHCR Liaison Office for the Baltic Countries. Its Steering Committee is chaired by the IOM Project Manager and is composed of representatives of UNHCR, relevant institutions of the Governments of Estonia, Latvia and Lithuania, and donors.

### **IOM Bosnia and Herzegovina**

#### Migration Management Workshop

19. IOM Sarajevo and the Office of the High Representative (OHR) of Bosnia and Herzegovina, on the initiative of the Ministry of Human Rights and Refugees, conducted a workshop in Sarajevo on managing migration. Representatives of the various national institutions dealing with migration issues attended the workshop. IOM and OHR representatives gave a presentation to delegates on international standards protecting the rights of migrants.

IOM Programme for the Shelter, Return and Reintegration of Trafficked Women

20. IOM Sarajevo returns home girls and women who have been trafficked and are trapped in the sex industry and/or stranded *en route* to other countries. IOM also provides a network of safe houses in addition to shelter, counselling, medical care, education and vocational training for the girls and women while their travel documents are being processed for their return home. In addition, IOM provides reintegration assistance tailored to each person's situation. The project focuses on building long-term municipal, local NGO and national capacity to combat trafficking and provide humanitarian services for trafficked victims. Furthermore, IOM Sarajevo has begun conducting a review of its standard operating procedures in areas where legal and human rights issues exist. As one example, IOM Sarajevo has consolidated rules on the conduct of interviews into a *Protocol on the Conduct of Media Interviews*, which is distributed to the media in advance of the interview. The Protocol is aimed at ensuring that the rights of interviewees, for example those related to privacy and security, are understood in advance by all parties and are respected at all times.

**IOM Costa Rica**

Hemispheric Conference on International Migration: Human Rights and Trafficking in Migrants in the Americas

21. The United Nations Economic Commission for Latin America and the Caribbean and IOM, with the collaboration of the Office of the United Nations High Commissioner for Human Rights and the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS), will organize the Hemispheric Conference on International Migration: Human Rights and Trafficking in Migrants in the Americas, which is to take place in Santiago, Chile from 20 to 22 November 2002. This Conference will be co-sponsored by the United Nations Population Fund, the United Nations Children's Fund and the International Labour Organization.

22. The main objective of the Conference will be to identify activities and mechanisms for coordination that will give effect to the international mandates and agreements on the human rights of migrants. Within the context of preparing for the Conference, IOM San José initiated a series of successful exploratory discussions with the IACHR, as well as the OAS and United Nations Special Rapporteur on the Human Rights of Migrants, with respect to a cooperative effort in developing an Inter-American Programme within the OAS for the promotion and protection of migrants' rights. Through these and subsequent discussions, IOM and the IACHR jointly identified the Action Centre for Human Rights (ACHR), based in San José, Costa Rica, as an institution with the requisite experience and expertise for designing the Inter-American Programme.

Return and Social Reinsertion of Street Children and Children at Risk Affected by Migrant Trafficking: A Pilot Project

23. This project responds to the recommendations and activities contained in the Plan of Action approved in 1999 by the member States of the Regional Conference on Migration (the “Puebla Process”), as well as the results of the seminar “Migrant Women and Children”, held in El Salvador in February 2000. The general objective of the project is to contribute to protecting children’s rights through the return and social reinsertion of street children affected by or vulnerable to migrant trafficking. This objective will be fulfilled through four main components: (1) return; (2) family reintegration; (3) prevention in communities and schools; and (4) research.

24. The two-year project will be carried out by Casa Alianza, an international NGO with extensive experience working with street children in Latin America. The direct beneficiaries of this project are migrant children victims of trafficking in Central America.

Promotion of the Human Rights of Migrants in the Central American Region

25. This project aims to promote tolerance and solidarity among the Central American population by changing attitudes and prejudices related to migrant populations. The project aims to influence school programmes and curricula addressing migrants’ rights.

26. The project will last three years, during which it will foster democratic values and human rights to combat racism and xenophobia. The aim is to reach 250,000 children, adolescents and university students. In addition, 3,450 schoolteachers and 250 journalists will be targeted in an effort to promote awareness and attitude changes.

**IOM Ethiopia**

Countering-Trafficking through Information Dissemination

27. The overall objective of this information campaign is to provide support to the Ethiopian Government for the prevention of trafficking in human beings. It seeks to inform potential migrants and victims of trafficking, their families and the community at large on issues related to irregular migration and trafficking, as well as their rights as migrants, in order to enable them to make informed decisions in the migration context. This project also intends to raise the awareness of relevant government officials and NGOs working on the issue of migration and trafficking, and to build their capacity to develop sensitive counter-trafficking initiatives. The information will be provided through different channels, including brochures, educational drama followed by panel discussions, radio interviews, and national workshops.

### Preventing Trafficking through Counselling Services

28. Under this project, IOM Addis Ababa proposes pre-departure counselling aimed at empowering potential migrants by providing information about the realities of irregular migration, and in particular the risks for women. Such risks include negative health consequences, exploitation, violence and abuse. In addition, the project would provide counselling on human rights, financial management and health issues to potential migrants and their families. Such counselling would enable the beneficiaries to make better-informed decisions related to migration, as well as to facilitate their socio-economic integration in the country of destination. The project would also provide hotline support to give anonymous counselling services. The pre-departure counselling would complement the above IOM information campaign. The Ethiopian Government, through the Ministry of Social and Labour Affairs, has shown interest and commitment to this project.

### **IOM Guatemala**

#### Investigations and Studies

29. IOM Guatemala has published a series of working notebooks on migration, on the following subjects:

- (i) evolution of the juridical protection of migrant workers in international law;
- (ii) elements for a human rights approach to the phenomenon of forced migration flows; and
- (iii) commercial sexual exploitation of girls, boys and adolescents in Guatemala.

#### Publication of Posters and a Bulletin

30. IOM has undertaken a number of information dissemination activities in 2002 to promote the rights of migrants:

- (i) In coordination with the Office of the Defender of Migrants and Uprooted Populations of the Ombudsman, IOM has disseminated the following posters entitled “Migrant Friend: You Have Rights” and “Human Rights are Everyone’s Rights”.
- (ii) For the Day of the Migrant, IOM, in conjunction with the Human Mobility Pastoral Office of the Catholic Church, published posters with the motto: “The Migrant’s Dream: A Life with Dignity – Every Person’s Right”.
- (iii) The bulletin “Dreams, Pathways and Borders” was published in conjunction with the Centre for Attention to Migrants, with the title: “Migrant: Protect Your Life, Defend Your Rights”.

### Protection and Defence of the Human Rights of Migrants

31. An agreement has been signed between IOM and the Ombudsman's Office to support the opening of offices to assist migrants at the border between Mexico and Guatemala. The main objectives of the assistance offices are to:

- (i) assist the migrant population by providing guidance and mediation;
- (ii) receive and follow up on complaints on alleged violations of human rights;
- (iii) inform migrants about their rights and obligations; and
- (iv) promote and disseminate knowledge of human rights of the migrant population and their families.

32. Furthermore, IOM Guatemala, in coordination with the Ombudsman, the House of the Migrant, and the General Directorate of Migration (GDM), is implementing workshops on Migration and Human Rights of Migrants for the personnel of the GDM and the national police who work in the border areas with Mexico, El Salvador and Honduras.

### **IOM Indonesia**

#### Regional Cooperation Model Programme in Indonesia

33. The programme aims to assist the Government in handling interdicted migrants in an irregular situation. It deals with migrants' rights in two ways. Upon interdiction, the authorities inform IOM, which then provides health care, finds lodging and makes arrangements for food. IOM then also explains to the migrants their situation and counsels them on their options, which include applying for refugee status. If they choose to apply for this status, a referral to UNHCR is made. IOM is working with the Indonesian authorities to ensure these migrants are granted their basic rights.

34. The activity is included in IOM's Cooperation Agreement with Indonesia. IOM cooperates with the Department of Justice and Human Rights, the Indonesian Police and UNHCR.

35. IOM has also begun working with the Department of Justice and Human Rights to strengthen its capacity in protection monitoring and reporting. A first training workshop on the Guiding Principles on Internal Displacement, protection monitoring and conflict resolution was held in Surabaya in July 2002 for officials from the three provinces dealing with the displacement of Madurese. Oxfam and Common Ground participated with IOM. The Department of Justice and Human Rights and IOM are currently following up on the workshop results through community reconciliation activities in Central Kalimantan. A protection capacity-building programme to cover all provinces concerned with internal displacement is in the final stages of development for implementation in 2003.



## **IOM Italy**

### The Migrant Image in Italy through Media, Civil Society and the Labour Market

36. IOM, Caritas Rome and the Archive of Immigration have joined efforts to develop a project aimed at preventing and combating discrimination, exclusion and inequalities in the labour market and civil society in general. The EU-funded project aims at contributing to the improvement of the perception of immigrant communities in Italy, while at the same time promoting and supporting the self-representation of immigrants themselves. The project began in June 2002 and will last 26 months.

37. The project has the following main goals:

- (i) to provide more balanced and correct information related to the presence of immigrants;
- (ii) to improve knowledge, perception and self-representation of immigrant communities in Italy and promote more consistent integration between immigrants and Italian citizens;
- (iii) to improve the social and work-related integration of immigrants and enhance the use of public services for immigrants, through sensitization and training activities involving local bodies, employment services, employers and unions associations, schools, etc. Social workers and employment personnel will be provided with material to be used in their daily work with immigrants.

38. IOM is the lead agency in the project. A total of 21 national partners, covering the whole Italian territory, include Caritas Rome, Statistical Immigration Dossier, Archive of Immigration, CENSIS (research institute), RAI (Italian State television) and RAI NEWS 24, the Intercultural Centre of the City of Turin, the Centre for Intercultural Education of the Province of Mantua, the immigrants' associations Abusuan, Baobab, Bota Shqiptare, Capoverde Women in Italy, Filipino Women's Council, NODI-Our Rights, the NGOs COSPE and UCSEI, the training institutions Forema-Padua, Cefal-Bologna, ENFAP-Pescara, ESCLA-Matera and IRSEA-Bari, and the Ergon Sistemi company.

39. The project envisages two transnational partnerships on specific issues: (1) on media issues with the Netherlands, United Kingdom, Greece and Italy; and (2) on service operators' capacity-building, with IOM Athens and Portugal.

## **IOM Kazakhstan**

### Legal Assistance to Migrants

40. IOM Almaty began implementation of the “Legal Assistance to Migrants” project in November 2000. The main partner in the implementation of this project is the Kazakhstan Bureau for Human Rights and Rule of Law (the “Bureau”). The lawyers of the Bureau provide legal assistance to migrants in seven locations throughout Kazakhstan. The assistance includes:

- (i) legal counselling;
- (ii) assistance in writing administrative appeals; and
- (iii) assistance in the preparation of court appeals and defence of the rights of migrants in court.

41. The project aims to inform migrants and relevant governmental authorities of their rights and obligations. The project partners have drafted the “Brochure on Rights and Obligations of Migrants in Kazakhstan” and presented it to the Kazakhstan Inter-ministerial Working Group on Elaboration and Implementation of Migration Policy for comments. In addition, IOM and the Bureau have conducted workshops and seminars for government agencies on migrants’ rights, including:

- (i) A four-day “Human Rights Course for the Prosecutors of Kazakhstan”, jointly organized by OSCE, UNHCR and IOM. IOM gave a one-day course on migrants’ rights, migration legislation development and prevention of trafficking (October 2001).
- (ii) A “Fraudulent Document Training” course, organized jointly by IOM, the British Immigration Service and the United States Embassy in Kazakhstan. IOM conducted training on migrants’ rights and prevention of trafficking (April 2002).

Under the project, the partners have provided legal assistance to more than 300 migrants.

42. In February 2002, IOM, together with the Bureau, conducted a round table for the officials of Kokshetau oblast in order to brief them on the aims of the project and define ways of mutual cooperation in protecting migrants’ rights. All relevant oblast agencies dealing with migration participated, as well as NGOs and representatives of the mass media. The round table material was published by IOM in April 2002 in Russian.

43. IOM Almaty is now developing a new 18-month phase of the project which, in addition to the mentioned activities, will also include dissemination activities and the provision of legal assistance to migrants in detention.

## **IOM Morocco**

### Resource Centre for Moroccan Migrants' Rights

44. In cooperation with the Ministry for Human Rights and local NGOs, IOM aims to establish a resource centre for migrants' rights. Moroccan migrants will be informed of their rights and responsibilities under the legislation of the country of destination, as well as receive cultural information on the country of destination to help foster intercultural understanding. The project also aims to strengthen the capacities of the Moroccan Government and NGOs to defend the rights of migrants.

## **IOM Nicaragua**

### Migrants and Undocumented Nicaraguans in Costa Rica

45. This project involves the production of a short, documentary video on the reality of migration between Nicaragua and Costa Rica. The video deals with the institutional and legal issues relevant to such migration, the social and personal problems of the migrants, and the impact of migration on the destination society and the lives of the migrants. It is expected to be shown on both Nicaraguan and Costa Rican television, as well as in schools, universities, theatres, markets, and churches.

## **IOM Russian Federation**

### Database of Russian Counter-Trafficking NGOs

46. In the autumn of 2002, IOM Moscow began this project to:

- (i) create a database of Russian NGOs engaged in counter-trafficking work; and
- (ii) train Russian NGOs in establishing effective cooperation with the Government authorities.

47. To date, IOM has completed the first phase of the project, resulting in the development of the above-mentioned database and an analytical report identifying the areas in which the surveyed NGOs would benefit from financial support and capacity-building programmes.

48. In June 2002, IOM Moscow organized a training seminar with a primary focus on advocacy techniques for NGOs to promote government awareness of the risks that trafficking poses to the victims' basic human rights, and to promote decision-making that protects and supports trafficking victims, and prevents new cases of trafficking.

49. One of the presentations during the training specifically discussed ways of sensitizing government authorities to the victims' vulnerability and the need to observe and protect their rights during the rehabilitation period. The underlying idea of this discussion was that the Government's commitment to protect the women will translate into specific activities aimed at assisting the victims in coping with the traumatic consequences of trafficking and building their confidence in the Russian law enforcement system.

### **IOM Tunisia**

#### Pilot Programme to Promote the Development of Out-Migration Areas in Tunisia “PROCHE”

50. This integrated local development programme will include a component aimed at launching a regular migration information campaign in four targeted “emigration-prone locations” in the Tunisian region of Kasserine. Potential migrants will be made aware of existing mechanisms and requirements for regular migration abroad in order to avoid the possible dangers of irregular migration, as well as to inform them of their rights and obligations in receiving countries. An office disseminating relevant and updated information will be established.

51. IOM will be leading, implementing and executing the project in close coordination with the local government of Kasserine, as well as the *Office des Tunisiens à l'Etranger*.

#### Regional Ministerial Meeting on “Cooperation Dialogue on Migration in the Western Mediterranean”

52. This initiative aims to launch a platform for regular, multilateral consultations on migration with a view to sharing experiences and best practices in the Western Mediterranean. Representatives of Western Mediterranean Governments (Algeria, Morocco, Libya, Mauritania, Tunisia, Spain, France, Italy, Malta and Portugal) participated in a ministerial meeting held on 16 and 17 October 2002. The meeting dealt with three cross-cutting topics:

- (i) migration policies and management;
- (ii) integration policies and the role of national and local players in receiving and sending countries; and
- (iii) links between migration and development.

53. With regard to human and migrants' rights, this initiative directly enhances regional cooperation on the promotion of different issues related to the rights of migrants in the Western Mediterranean region. As a result of the ministerial meeting, a process of regular consultations in the Western Mediterranean will be initiated, including projects and specific activities on migrants' rights, especially in the field of fighting xenophobia, facilitating integration and promoting migrants' rights in receiving countries, informing migrants on rights and obligations, and addressing the needs of the various target groups (for example, women, children and seasonal workers).

54. The “Tunis Declaration” was adopted at the conclusion of the meeting. It calls on States to jointly strive, *inter alia*, to “ensure effective adherence to the fundamental rights of all migrants in the Western Mediterranean region”.

Institutional Strengthening of Migration Management Capacities of Tunisian Trainers for a Better Socio-professional Integration of Tunisian Emigration Candidates

55. This pilot project is being implemented throughout the second semester of 2002 and allows for the establishment of a permanent mechanism of socio-professional training and orientation for the pre-departure orientation and preparation of emigration candidates. Training covers essential topics including: language and culture, relevant legislation, insertion into the job market, and job seeking techniques. The project promotes awareness of both rights and obligations on issues such as: entry and residency permits, labour and health legislation, social protection systems, and access to social services (education, health and housing). Women are specifically targeted and training modules incorporate women’s specific needs.

56. IOM is leading, implementing and coordinating the project with the Tunisian Ministry of Employment, as well as other specialized agencies. In addition, IOM plays a pivotal role to facilitate contacts with receiving countries/regions.

Technical Capacity-Building Seminar on Tunisian Migration to Europe

57. This three-day seminar, held in September 2002, dealt with three issues:

- (i) legal aspects of Tunisian migration to Europe;
- (ii) migration policies and strategies related to integration, citizenship, migrants' rights and responsibilities; and
- (iii) the establishment of a permanent mechanism managing migration in the Euro-Mediterranean area.

58. The issue of migrants’ rights was mainly addressed in the first two topics. Recommendations emanating from the debates were compiled and published by IOM in a final report distributed widely among participants, interested institutions, IOM Headquarters and relevant Field Offices.

59. The aim was to promote awareness of the need to exchange information, and jointly plan and coordinate activities carried out by origin and receiving countries to safeguard migrants' rights. The seminar was attended by some 50 officers appointed by 13 Tunisian ministries and specialized agencies dealing with migration issues, as well as academics, experts, and some 15 government officers and independent experts from Belgium, France, Italy, Spain and the European Commission.

60. IOM carried out the activity in close coordination with the Tunisian Ministry of Social Affairs. Other concerned ministerial departments were consulted for the conceptualization and preparation of the workshop.

## **IOM U.S.A.**

### Graduate Certificate Programme

61. IOM Washington has co-created a postgraduate certificate programme on Women's and Children's Issues in International Migration with Trinity College, Washington, D.C. IOM contributes staff to teach the compulsory course: *A World in Motion and its Impact on Women: The Feminization of International Migration*. Within this semester-long course, one session focuses specifically on the rights of migrants, especially migrant women under international law. Another session focuses on gender and asylum issues, and the growing recognition of gender-based persecution.

### Panels/Statements

62. In November 2001, during the annual debate on human rights' issues in the Third Committee of the United Nations General Assembly, the IOM United Nations Observer Office in New York delivered a formal statement regarding respect for migrants' rights. On the same occasion, IOM, ILO and the High Commissioner for Human Rights (UNHCHR) co-sponsored a panel discussion on "Migration, Xenophobia and Human Rights" and IOM participated on the panel with the High Commissioner for Human Rights, the Mexican Permanent Representative to the United Nations in Geneva, and officials from ILO and the International Confederation of Free Trade Unions (ICFTU). Copies of "International Migration, Racism, Discrimination and Xenophobia", a document prepared jointly by IOM, ILO and UNHCHR for the World Conference on Racism, were made available to those attending the panel discussion.

### Information/Publications

63. The IOM publication "The Human Rights of Migrants" was released in 2001, and disseminated to key contacts within the United Nations Secretariat. The publication was for sale in the UN bookshop in New York. Fliers for its purchase were also distributed during the Third Committee debate and the panel discussion mentioned above.

64. Throughout 2002, the IOM United Nations Observer Office regularly disseminated information within the United Nations Secretariat on trafficking in human beings. This topic, in particular trafficking in women, is a regular feature in presentations made by the IOM United Nations Observer Office. In 2002, IOM was again a guest lecturer on smuggling and trafficking at the Centre for Refugee Studies' Summer Course at York University in Toronto, Canada. Migrants' rights were a specific theme covered in the lecture and ensuing discussion.