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**DROITS HUMAINS DES MIGRANTS –  
POLITIQUE ET ACTIVITES DE L'OIM**

## DROITS HUMAINS DES MIGRANTS – POLITIQUE ET ACTIVITES DE L'OIM <sup>1</sup>

### 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. L'Organisation s'emploie à relever les défis opérationnels de la migration, à favoriser la compréhension des questions migratoires, à promouvoir le développement économique et social par le biais de la migration, et à veiller au respect effectif des droits humains et du 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.<sup>2</sup> Aux fins du présent document, le mot "migrants" désigne de manière générale toutes les catégories de personnes relevant du mandat de l'OIM.

2. C'est aux Etats qu'il incombe au premier chef de veiller au respect des droits humains des migrants. Ils ont le devoir de protéger quiconque se trouve sur leur territoire, qu'il s'agisse de nationaux ou d'étrangers. Chaque Etat a en outre le droit – et le devoir – de défendre et de protéger ses ressortissants à l'étranger, et d'autoriser les autres Etats à protéger leurs nationaux qui se trouvent sur son territoire. De nombreux autres acteurs internationaux, dont l'OIM, ont un important rôle d'appui à exercer pour assurer le respect effectif des droits humains des migrants.

### II. MANDAT

3. L'OIM a pour but premier de faciliter la gestion humaine et ordonnée des migrations.<sup>3</sup> Cet objectif s'appuie sur le constat qu'il est nécessaire d'organiser les migrations, notamment pour garantir le respect de la dignité humaine et le bien-être des migrants. De fait, le souci de la dignité et du bien-être des migrants apparaît dans les documents constitutifs de l'OIM depuis sa création.<sup>4</sup>

4. En 2004, les Etats Membres de l'OIM ont approuvé l'intégration de la fonction de droit international de la migration dans le Département des Affaires juridiques afin de rationaliser et de renforcer le rôle de l'OIM dans le domaine du droit international de la migration.

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<sup>1</sup> Le présent document met à jour le document de travail intitulé "Politique et activités de l'OIM concernant les droits des migrants" élaboré en 2002 pour la quatre-vingt-quatrième session du Conseil (MC/INF/259).

<sup>2</sup> Voir le préambule et le chapitre I de la Constitution de l'Organisation internationale pour les migrations.

<sup>3</sup> Ibid. Voir aussi la résolution du Conseil n° 1150 du 7 juin 2007 et son annexe intitulée "Document de stratégie de l'OIM".

<sup>4</sup> En 1951, c'est notamment la nécessité de protéger les migrants quittant l'Europe qui a conduit à la création de l'OIM. Le préambule de la Résolution de Bruxelles faisait référence à l'adoption d'un dispositif intergouvernemental provisoire (dont est née l'OIM) devant permettre de transporter les personnes désireuses d'émigrer dans le "plein respect des droits reconnus à la personne humaine". Par la suite, le préambule de la Constitution de 1954 a souligné la nécessité de promouvoir la coopération entre les acteurs internationaux en vue de faciliter l'émigration de personnes pour des pays où elles pourraient "... mener avec leurs familles une existence digne dans le respect de la personne humaine". En 1989, un nouveau paragraphe est venu s'ajouter au préambule de la Constitution, concernant la consultation en matière migratoire "... non seulement en ce qui concerne le processus migratoire, mais aussi la situation et les besoins spécifiques du migrant en tant qu'être humain".

L'expression "droit international de la migration" désigne l'écheveau complexe des relations juridiques qui, ensemble, réglementent les mouvements des personnes physiques. Plus particulièrement, le droit international de la migration traite des droits et des devoirs non seulement des migrants, mais aussi des Etats.

5. En juin 2007, les Etats Membres de l'Organisation ont adopté la stratégie de l'OIM, qui définit les orientations stratégiques de l'Organisation pour les années à venir. L'une des activités prioritaires sur lesquelles l'Organisation doit mettre l'accent vise à "renforcer la gestion humaine et ordonnée des migrations et le respect effectif des droits humains des migrants, conformément au droit international"<sup>5</sup>. Une autre activité prioritaire énoncée dans ce document consiste à "prendre part aux réponses humanitaires coordonnées dans le contexte des dispositions interinstitutions en la matière et fournir des services de migration dans d'autres situations de crise ou d'après-crise, s'il y a lieu, selon les attentes des personnes concernées, contribuant par là à leur protection"<sup>6</sup>.

6. Ainsi, l'action menée par l'OIM en faveur des droits humains des migrants et son rôle de protection sont fondés sur sa Constitution et certaines décisions du Conseil, dans les limites des paramètres qui y sont énoncés.<sup>7</sup>

7. S'il n'existe pas de définition simple de la protection, celle-ci est généralement définie comme l'ensemble des activités destinées à faire pleinement respecter les droits des personnes, conformément à la lettre et à l'esprit des branches du droit pertinentes. Le cadre juridique international applicable à la protection des migrants est le droit international de la migration, qui découle, entre autres, des instruments pertinents du droit des droits de l'homme, du droit du travail, du droit des réfugiés, du droit humanitaire, du droit maritime et du droit consulaire.<sup>8</sup>

8. Si certaines organisations intergouvernementales ont officiellement une fonction de protection juridique inscrite dans leur mandat (comme le Haut-Commissaire des Nations Unies pour les réfugiés), la notion de protection ne se résume pas à un mandat juridique – pas plus d'ailleurs que son application. Elle s'étend à la protection de fait, accordée par une organisation dans le cadre de ses activités aux bénéficiaires des services qu'elle fournit. En d'autres termes, l'aide effectivement apportée constitue une forme de protection, en particulier quand elle protège la vie et le bien-être de personnes en danger. Lorsque la protection n'est pas l'objectif premier de l'organisation intéressée, ou qu'elle n'en est pas nécessairement un objectif officiellement reconnu, elle est une conséquence ou un effet de la réalisation du but que recherche principalement ou exclusivement cette organisation.

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<sup>5</sup> Résolution du Conseil n° 1150 du 7 juin 2007, annexe intitulée "Document de stratégie de l'OIM", Partie I : Stratégie (activité n° 2).

<sup>6</sup> Ibid., activité n° 9. La note de bas de page se rapportant à l'activité n° 9 indique que : "Même si l'OIM n'a pas de mandat de protection juridique, il n'en reste pas moins que ses activités contribuent à la protection des droits de l'homme, et qu'elles ont pour effet ou pour conséquence de protéger les personnes concernées par la migration." Une autre priorité énoncée dans la stratégie de l'OIM est d'"aider les Etats à mettre au point et à réaliser des programmes, des études et des expertises techniques visant à lutter contre le trafic illicite de migrants et la traite des personnes, notamment des femmes et des enfants, d'une manière conforme au droit international." Ibid., activité n° 11.

<sup>7</sup> Pour d'autres références de résolutions pertinentes, voir le document intitulé "Protection des personnes concernées par la migration : note sur le rôle de l'OIM" (juin 2007).

<sup>8</sup> Pour un recueil d'instruments du droit international de la migration, voir l'ouvrage *Droit international de la migration : recueil d'instruments*, établi sous la direction de Richard Perruchoud et Katarína Tömolövä, OIM/T.M.C. Asser Press distribué par Cambridge University Press, en anglais (2007), français (2008) et espagnol (2009).

9. Comme il ressort de la partie suivante, bien que l'OIM n'ait pas de mandat de protection juridique, elle protège de fait les droits humains des migrants dans le cadre d'un grand nombre de ses activités.

### III. ACTIVITES

10. Directement ou indirectement, en s'efforçant d'atteindre son objectif primordial de faciliter la gestion ordonnée et respectueuse de la dignité humaine des migrations, l'OIM œuvre au respect de la dignité humaine et à la protection des personnes dans l'accomplissement de ses activités, c'est-à-dire par son action.

11. De nombreuses activités opérationnelles d'aide aux migrants menées par l'OIM ont pour effet de protéger leurs bénéficiaires. Par exemple, en assurant des évacuations ou des transports sûrs dans les situations de conflit, ou en fournissant des formes d'aide connexes, l'OIM protège l'intégrité physique des migrants et contribue à la pleine réalisation du droit de quitter tout pays et de revenir dans son pays de nationalité. Lorsque l'OIM offre des abris et une aide aux victimes de la traite, elle protège le droit de l'homme 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 conflit interne contribuent à la mise en œuvre du droit de trouver refuge à l'étranger. Par ses programmes de santé, l'OIM veille, entre autres, à ce que les migrants soient aptes au voyage et facilite le suivi des soins médicaux dans les pays d'accueil, ce qui contribue à la réalisation du droit à la santé.

12. La promotion et la protection des droits humains des migrants sont au cœur même d'un certain nombre d'activités de l'OIM. Par exemple, l'Organisation organise des campagnes de diffusion d'informations pour faire connaître les droits et les devoirs des migrants ainsi que les réalités de la migration. Ces actions, qui contribuent à l'autonomisation des migrants en les informant de leurs droits et des moyens de les faire appliquer, contribuent au respect de leurs droits et à la mise en place de mesures concrètes contre les pratiques discriminatoires.

13. En application de la politique du genre adoptée par le Conseil en 1995, l'OIM protège les droits humains des migrants dans le respect de la sexospécificité.<sup>9</sup> Les programmes de l'Organisation contribuent à la promotion des droits humains des femmes migrantes, notamment l'égalité et la non discrimination, les droits de la fillette, le droit à la santé, y compris la santé sexuelle et génésique, le droit à une vie de famille, et le droit de ne pas subir de violences sexuelles et fondées sur le sexe.

14. L'Organisation appuie en outre les efforts déployés par les gouvernements pour élaborer une législation nationale sur la migration conforme aux normes internationales, réduire l'exploitation des migrants et la xénophobie, et garantir l'accès des migrants à la justice ainsi que la réalisation de leurs droits humains. A la demande des gouvernements, l'OIM offre des conseils sur la conformité des législations nationales existantes avec les normes juridiques internationales.

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<sup>9</sup> Résolution du Conseil n° 932 du 29 novembre 1995.

15. L'OIM estime que le renforcement de la protection des droits humains des migrants passe par une meilleure connaissance des instruments juridiques qui régissent la migration à l'échelle nationale, régionale et internationale, ainsi que par leur acceptation. A cette fin, elle propose une formation et un renforcement des capacités sur le droit international de la migration à l'intention de fonctionnaires gouvernementaux, de groupes de la société civile, d'organisations gouvernementales internationales, d'organisations non gouvernementales (ONG) et de membres du personnel de l'Organisation.

16. La recherche et la diffusion d'informations sont également un aspect fondamental de l'action de sensibilisation au droit international de la migration. L'OIM effectue des recherches pour analyser et évaluer les divers aspects des textes juridiques internationaux, régionaux et nationaux sur la migration ainsi que leur interaction. Soucieuse de recueillir et de diffuser des données sur le droit international de la migration, elle a mis au point une importante base de données en ligne sur le droit de la migration<sup>10</sup>, et a réalisé un recueil complet d'instruments du droit international de la migration (*Droit international de la migration: recueil d'instruments*).<sup>11</sup>

17. Il va de soi que les programmes et projets de l'OIM ne sont pas tous axés sur les droits humains des migrants. Cependant, le souci des droits de l'homme sous-tend les activités de l'Organisation. Par exemple, l'OIM intègre des considérations relatives aux droits et devoirs des migrants – et des Etats – dans ses services de conseil, dans ses projets de renforcement des capacités et dans l'assistance technique qu'elle offre dans divers domaines, tels que l'aide à la migration régulière, la prévention de la migration irrégulière, la lutte contre la traite des êtres humains et le trafic illicite des migrants, ou certains aspects du traitement des dossiers des migrants et de leur intégration. La question des droits humains des migrants est généralement prise en considération lors des séminaires et ateliers organisés par l'OIM sur diverses questions.

18. L'OIM est déterminée à faire en sorte que les droits humains des migrants soient respectés et défendus dans l'ensemble de ses activités. A cette fin, elle a élaboré des lignes directrices à l'intention de son personnel pour s'assurer que les activités sont déployées en conformité avec le droit international. Elle offre en outre une formation sur le droit international de la migration aux membres de son personnel, pour sensibiliser ceux qui élaborent et mettent en œuvre des programmes et projets de l'OIM aux droits et responsabilités des migrants ainsi que des Etats.

19. Ce ne sont là que quelques exemples de la façon dont l'OIM offre une protection de fait aux personnes qui relèvent de son mandat. D'autres exemples sont donnés à l'annexe. Il convient de noter que le rôle et les activités de protection de l'OIM ne dispensent en aucun cas les Etats de leur obligation de veiller au respect effectif des droits humains des migrants. Bien plutôt, l'OIM appuie et complète les activités menées par les Etats en application de leur devoir de protection.

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<sup>10</sup> Base de données sur le droit international de la migration, consultable à l'adresse [www.imldb.iom.int/section.do](http://www.imldb.iom.int/section.do).

<sup>11</sup> Voir la note de bas de page n° 8.

#### IV. PARTENAIRES

20. Le succès des initiatives de l'OIM dépend d'une coopération étroite et efficace avec les États, avec d'autres organisations internationales,<sup>12</sup> et surtout avec des organisations non gouvernementales internationales et nationales. Étant donné la dimension mondiale du problème que pose le non respect des droits humains des migrants, la coopération revêt une importance cruciale dans le contexte des efforts déployés pour œuvrer efficacement et globalement au respect de ces droits.

21. L'OIM collabore avec des ONG du monde entier dans de nombreux domaines d'activité. En ce qui concerne les droits humains des migrants, cette collaboration vise, à la faveur d'efforts concertés, à offrir une assistance plus adaptée et mieux ciblée aux migrants dans le besoin, notamment à l'échelle locale.

22. L'OIM coopère avec plusieurs procédures spéciales du Conseil des droits de l'homme des Nations Unies<sup>13</sup>, ainsi qu'avec des organes de suivi des traités des Nations Unies<sup>14</sup> dans l'accomplissement de leur mandat. Par ailleurs, l'OIM participe activement à un certain nombre de groupes de travail interinstitutions qui traitent de divers aspects du droit international de la migration, et contribue aux efforts collectifs des équipes de pays des Nations Unies sur les questions touchant aux droits de l'homme.

23. Par ailleurs, l'OIM est un membre actif du Comité directeur international de la campagne pour la ratification de la Convention sur les droits des migrants. Ce Comité est composé d'organisations intergouvernementales, d'ONG et d'autres membres de la société civile.<sup>15</sup> L'OIM considère que son rôle, dans cette campagne, consiste à promouvoir ses propres objectifs de respect des droits humains des migrants.

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<sup>12</sup> A titre d'exemple récent de coopération interinstitutions sur les droits humains des migrants, il convient de citer les efforts concertés déployés par le Groupe mondial sur la migration, composé de l'OIM et de treize autres institutions, pour analyser les défis que pose la protection des droits humains des migrants et publier le rapport *International Migration and Human Rights: Challenges and Opportunities on the Threshold of the 60th Anniversary of the Universal Declaration of Human Rights* (Migration internationale et droits de l'homme : défis et opportunités à la veille du 60<sup>e</sup> anniversaire de la Déclaration universelle des droits de l'homme) (Octobre 2008).

<sup>13</sup> Notamment avec les rapporteurs spéciaux i) sur les droits de l'homme des migrants ; ii) sur la traite des êtres humains, en particulier des femmes et des enfants ; iii) sur la violence contre les femmes, ses causes et ses conséquences ; iv) sur la vente d'enfants, la prostitution des enfants et la pornographie impliquant des enfants ; v) sur le droit à l'éducation ; et vi) sur le droit qu'à toute personne de jouir du meilleur état de santé physique et mental possible ; ainsi qu'avec le Représentant du Secrétaire général pour les droits de l'homme des personnes déplacées dans leur propre pays.

<sup>14</sup> Par exemple, le Comité pour l'élimination de la discrimination à l'égard des femmes, ou encore le Comité pour la protection des droits de tous les travailleurs migrants et des membres de leur famille.

<sup>15</sup> A titre d'exemple, le Comité directeur a publié un guide de la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille (*Guide to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*) (avril 2009), qui encourage les gouvernements du monde entier à ratifier et à mettre en œuvre ce texte.

## **V. CONCLUSION**

24. Les Etats Membres de l'OIM ont décidé que l'un des objectifs premiers de l'Organisation était de "renforcer la gestion humaine et ordonnée des migrations et le respect effectif des droits humains des migrants, conformément au droit international". Traditionnellement vouée à fournir une assistance à la migration, l'OIM a entrepris de prendre des mesures et de mettre en œuvre des projets visant à promouvoir activement le respect des droits humains des migrants. Elle joue désormais un rôle plus dynamique dans ce domaine, sans pourtant se transformer en une institution de surveillance ou de suivi de l'application des règles internationales. Le respect des droits humains des migrants est essentiel pour assurer leur dignité et leur bien-être, un objectif dont la quête guide la politique et la façon de voir de l'OIM.

Annexe

**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.<sup>1</sup> 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.<sup>2</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> 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*.<sup>3</sup>

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:**<sup>4</sup> 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,

<sup>3</sup> Published in 2005 (available in French only).

<sup>4</sup> 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.