

**TENTH ANNUAL REPORT OF THE DIRECTOR GENERAL
ON IMPROVEMENTS IN THE PRIVILEGES AND IMMUNITIES
GRANTED TO THE ORGANIZATION BY STATES
(S/33/5)**

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Tenth Report on Improving Privileges and Immunities granted to IOM by States

- The report marks a decade since the adoption of Council Resolution No. 1266 of 26 November 2013 on improving the privileges and immunities granted to IOM by States.
- IOM is not automatically covered by the Convention on the Privileges and Immunities of the United Nations (1946) or the Convention on the Privileges and Immunities of the Specialized Agencies (1947).
- The legal basis for IOM's privileges and immunities is comprised of the IOM Constitution, Resolution No. 1266 and any bilateral agreement concluded by IOM with the host country.

IOM Constitution

Article 23

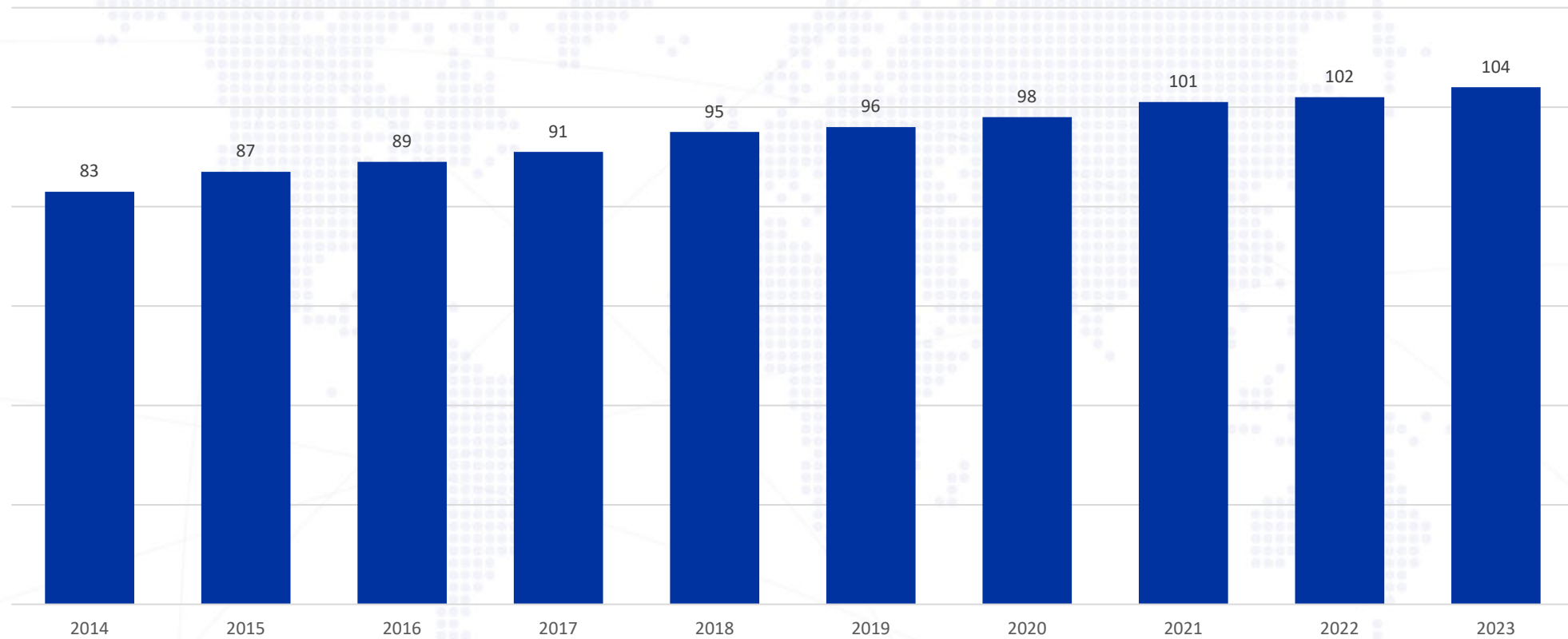
- 1) The Organization shall enjoy such privileges and immunities as are **necessary** for the exercise of its functions and the fulfilment of its purposes.
- 2) Representatives of Member States, the Director General, the Deputy Directors General and the staff of the Administration shall likewise enjoy such privileges and immunities as are **necessary for the independent exercise of their functions in connection with the Organization.**
- 3) These privileges and immunities shall be defined in agreements between the Organization and the States concerned or through other measures taken by these States.

IOM Council Resolution No. 1266

Adopted on 26 November 2013

“Call[ed] on Member States, Observer States and other States where the Organization has activities to grant the Organization privileges and immunities substantively similar to those that the United Nations specialized agencies are entitled to in accordance with the Convention on the Privileges and Immunities of the Specialized Agencies (1947).”

In 2023, IOM enjoys full privileges and immunities in **104** out of **186** Member States, Observer States and other States and places where IOM has activities.



Gaps in core privileges and immunities

The following privileges and immunities are not recognized in all States and places where IOM has activities:

- Immunity of IOM and IOM officials from legal process
- Inviolability of IOM premises and archives
- Exemption of IOM from direct and indirect taxation, and from customs duties
- Immunity from taxation of IOM staff salaries and emoluments
- Immunity of IOM staff from immigration restrictions

Consequences of insufficient privileges and immunities

- Increased operational and financial burdens for IOM
- Reduced effectiveness and value for money of IOM
- Increased inequities between IOM Member States
- Inconsistent conditions of service between IOM staff members based on nationality
- Less favourable treatment for IOM as compared with other UN organizations

Recurring challenges to IOM's privileges and immunities

1. Exercise of jurisdiction by national courts over employment claims filed by IOM staff members notwithstanding IOM's immunity from all forms of legal process
 - *In 2022-23, IOM defended at least 28 employment related claims in 14 different States.*
2. Seizure of IOM funds notwithstanding IOM's immunity from all forms of legal process and measures of execution
 - *In 2022-23, IOM had USD 258,300 seized from its bank accounts.*
3. Taxation on IOM staff salaries and emoluments

Future initiatives to strengthen IOM's privileges and immunities

1. IOM will continue to work with States to develop bilateral agreements recognizing IOM's privileges and immunities in accordance with Resolution No. 1266.
2. The Director General proposes that the Standing Committee request the Working Group on IOM Partnerships, Governance and Organizational Priorities to consider the recurring challenges to IOM's privileges and immunities, with a view to identifying options for consideration by the Standing Committee.



THANK YOU