

ELEVENTH ANNUAL REPORT OF THE  
DIRECTOR GENERAL  
ON IMPROVEMENTS IN THE  
PRIVILEGES AND IMMUNITIES  
GRANTED TO THE ORGANIZATION  
BY STATES

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# IOM Council Resolution No. 1266

*Adopted on  
26 November 2013*

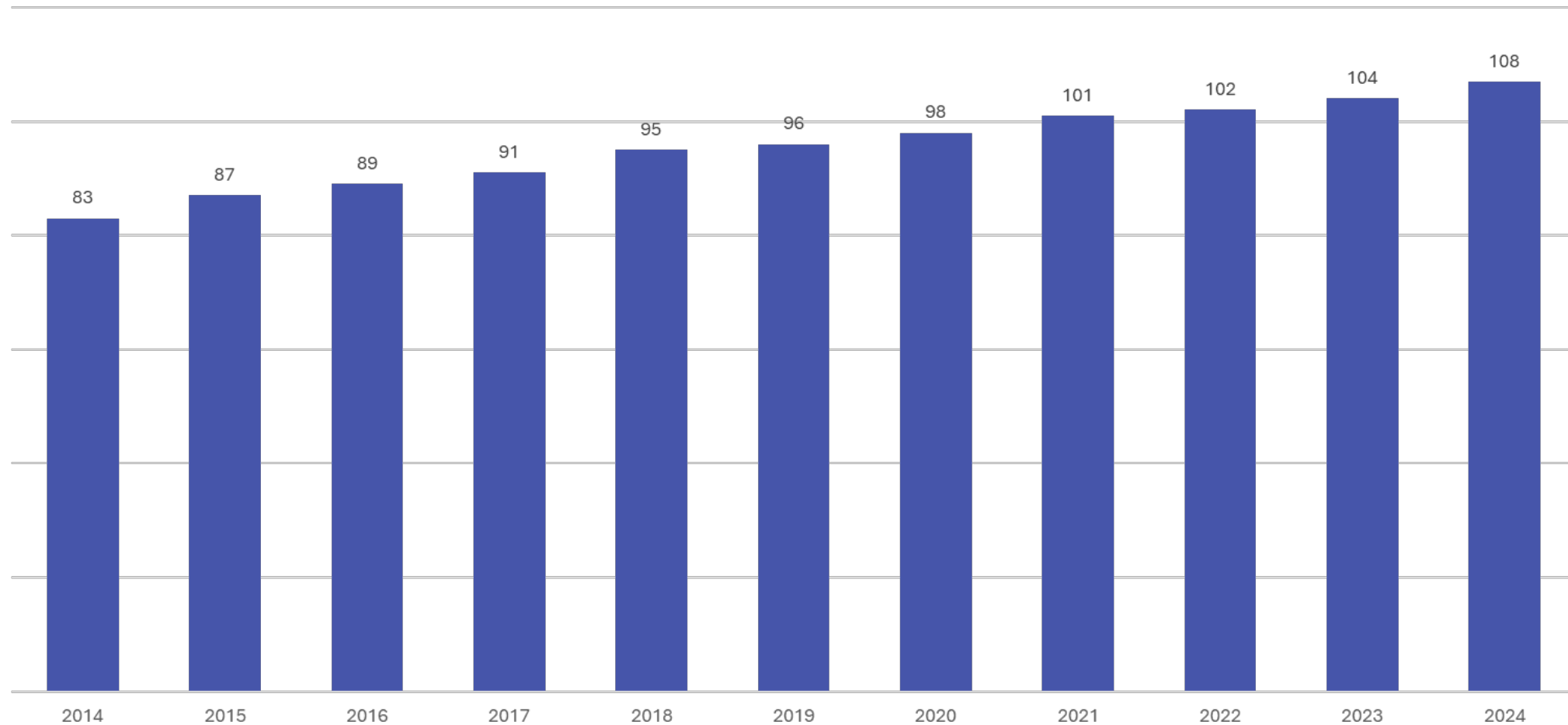
- “Call[ed] on Member States, Observer States and other States where the Organization has activities to grant the Organization privileges and immunities substantively similar to those that the United Nations specialized agencies are entitled to in accordance with the Convention on the Privileges and Immunities of the Specialized Agencies (1947).”
- Requested the Director General to engage with States:
  - “with a view to concluding agreements that provide for the granting of such privileges and immunities to the Organization and calls on States to cooperate fully with the Director General in this regard”
- Requested the Director General to report annually on the implementation of that resolution

# Foundation for IOM's privileges and immunities

## Article 23 of the IOM Constitution

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.

To date, IOM enjoys full privileges and immunities in **108** out of **186** Member States, Observer States and other States and places where IOM has activities



# Gaps in core privileges and immunities expose IOM to operational and financial challenges

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

# Recurring challenges to IOM's privileges and immunities (in reporting period)

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  
*Over 25 employment related claims were filed against IOM in at least 10 different States; immunity of jurisdiction was not upheld in 10 of these cases.*
2. Seizure of IOM funds notwithstanding IOM's immunity from all forms of legal process and measures of execution  
*IOM had USD 108,487 seized from its bank accounts; funds were returned.*
3. Taxation on IOM staff salaries and emoluments

# Efforts to strengthen recognition of IOM's privileges and immunities

- The Administration will continue to work with States to conclude bilateral agreements recognizing IOM P&I meeting the criteria of Resolution No. 1266
- The Administration is currently engaged in negotiations with over 20 States to conclude agreements meeting the criteria of Resolution No. 1266
- The Administration stands ready to assist States through training and other outreach measures to enhance States' awareness, understanding and technical capacity regarding P&I

**THANK YOU**