Workshop Title:

Migration Management: Sharing Experiences between Europe and Thailand

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“IOM Activities in South-East Asia and the promotion of migrant rights”

Session: ‘The role of Civil Society and IO in supporting Migration Policies’

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Introduction

IOM is an organization which was created to facilitate orderly and humane migration. As such, the organization assists governments to meet the operational challenges of migration, advance understanding of migration issues, encourage social and economic development though migration, and work towards effective respect for the human rights and well-being of migrants. IOM works in this endeavour with migrants, refugees, displaced persons and others in need of migration services or assistance in the region. Although IOM does not have a legal protection mandate, a range of its activities are supporting migrants’ access to their rights, such as access to health and being free from exploitation, in line with international migration law and standards.

Regional accession to migrant-rights related conventions, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, remain low. This is also true for the Convention relating to the Status of Refugees. However, other important documents such as the Protocols to Prevent Trafficking in Persons and the Smuggling of Migrants have been ratified by a wide range of countries.
Even in the absence of ratification of key instruments regarding migrants, some countries have taken active steps to better protect migrants’ rights. Cognizant of the growing cross-border, intra-regional and inter-regional mobility, South-east Asian governments and key actors acknowledge the need for improved migration management and the value of cooperation with civil society and international organizations such as IOM. Governments in the region are working to more effectively regulate the movement of professionals and migrant workers, while also ensuring better protection of the rights of low-skilled labourers. Further, irregular migration and human trafficking remain significant challenges for the region that impact on migrants’ rights, particularly trafficking for sexual exploitation and irregular labour migration movements. Some progress has been made in response to these issues but more efforts are needed.

**IOM activities promote migrant rights**

IOM promotes and protects the rights of migrants in this region in a number of ways. For example, IOM includes considerations relating to the rights and duties of migrants – and of States – in its operational activities as well as its advisory services, capacity-building projects and technical assistance when it works to facilitate regular migration, prevent irregular migration, combat human trafficking and the smuggling of migrants, and support aspects of migrant processing and integration. IOM also routinely integrates the topic of the human rights of migrants in seminars and workshops organized by IOM.

**IOM operational activities result in rights-based protection**

Generally, many of IOM’s operational activities providing assistance to migrants in the South-east Asian region result in protection of the migrant rights. For instance:
• The IOM migration health programmes operating in South-east Asia ensure migrants’ fitness to travel and facilitate health-care follow-up in destination countries, thus promoting and helping realize their right to health.

• By providing safe transportation or evacuation in conflict situations and related assistance, for example through ongoing activities in Mindanao Province in the Philippines, IOM protects the physical integrity of migrants and contributes to the full realization of the right to leave any country and to return to one's country of nationality.

• Through the provision of shelter and assistance to victims of trafficking in many countries across the region, IOM protects the fundamental human right not to be held in slavery or servitude.

• The IOM special resettlement or emigration programmes in situations of internal strife that facilitate movement of refugees from many countries in the region continue to contribute to the implementation of the right to find safe haven abroad.

**IOM activities raising awareness of migrant rights**

A number of IOM activities have the promotion and protection of the human rights of migrants as a primary objective. For example, IOM is undertaking various information dissemination campaigns to increase awareness of the rights and duties of migrants and the realities of migration in the region. These campaigns are a means of empowering migrants by informing them of their rights and procedures to implement them. They help ensure that the respect for migrant rights is promoted and that practical steps against discriminatory practices can be initiated.
In Thailand, IOM continues to work 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. This aims 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 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.

**IOM supports Regional Cooperative Processes’ attempts to promote migrant rights**

In addition, IOM continues to support a number of regional cooperative processes and members’ attempts to put mechanisms in place to promote better protection and wellbeing of migrants. For example, some positive progress has been made recently towards regional frameworks to promote labour migrant welfare as part of the Abu Dhabi Dialogue, which consists of the main sending and receiving member countries of contractual labour in Asia. Further, abuses of migrant rights as part of irregular migration processes within and from Asia remains a primary issue. Regional cooperation through the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime is progressing. In 2012, IOM is establishing a Regional Support Office in partnership with the Australian Government Department of Immigration and Citizenship and UNHCR to support implementation of initiatives under the Bali Process.

**Activities promoting improvements to migration law**

IOM also supports South-east Asian governments in their efforts to develop or improve national migration legislation in accordance with international norms, to reduce migrant
exploitation and xenophobia, and to ensure migrants' access to justice. IOM believes that increased knowledge and acceptance of the legal instruments that govern migration at the national, regional and international levels foster protection of the human rights of migrants. While ASEAN states have committed to address aspects of protection of migrant rights (through, for example, the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers), the levels of ratification of human rights treaties in the region are still generally low.

To this end, the Organization provides training and capacity building on International Migration Law for government officials, civil society groups, international governmental organizations, non-governmental organizations (NGOs) and IOM staff. IOM has also developed guidelines for its staff to help ensure that operations are implemented in accordance with international law and that the personnel who develop and implement IOM projects and programmes are fully aware of the rights and responsibilities of migrants, and those of States.

Activities demonstrate gender-sensitive promotion of migrant rights

Consistent with the organization’s gender policy, IOM’s activities aim to protect the human rights of migrants in a gender-sensitive manner. IOM programmes in the South-east Asian region contribute to the promotion of the human rights of migrant women (including equality and non-discrimination), the rights of the girl child, the right to health (including sexual and reproductive health), the right to family life, and the right to be free from sexual and gender-based violence.

A current IOM program in Vietnam, called Standing Up Against Violence - Migrant Women and Men Working Together to Stop Violence Against Women aims to address the
vulnerability of internal migrant women affected by domestic violence, harassment at their work place and place of residence. This project contributes to national efforts to reduce violence against women and improve the protection of women who have experienced violence. Workshop sessions continue to empower both migrant men and women to speak out and raise awareness of the rights of migrant women in order to strengthen policy development and implementation.

Further, a research study entitled *Trafficking, Exploitation and Abuse in the Mekong Sub-Region (STEAM)* is currently being undertaken by IOM in Thailand and is exploring the gender dimensions and type of exploitation and risks faced by trafficked persons throughout the trafficking process.

**Conclusion**

In conclusion, IOM Member States have determined that a prime objective of the Organization is “to enhance the humane and orderly management of migration and the effective respect for the human rights of migrants in accordance with international law”.

Respect for the human rights of migrants is essential to ensure their dignity and well-being. This is an objective that is central to the spirit and philosophy of IOM and its activities in the South-east Asian region.

Thank you.

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