

IOM'S APPROACH TO PROTECTION

March 2023



PURPOSE

IOM's Approach to Protection reflects shared thinking and common understanding of the Organization's approach to protection across operational contexts.

This document articulates IOM's approach to protection and is intended to support a consistent, coherent and accountable role for IOM on protection. It also serves as a reference¹ for the development of protection related internal policies, guidelines, programming and training materials.

IOM is the leading inter-governmental organization in the field of migration and works closely with governmental, inter-governmental and non-governmental partners. IOM is dedicated to promoting safe, orderly and dignified migration for the benefit of all. IOM is committed to the core values and principles enshrined in the Charter of the United Nations. The protection, respect, and fulfilment of the rights of migrants,² including internally displaced persons (IDPs), is a priority for the Organization; it also reflected in the Organization's strategic vision, the United Nations Global Compact for Migration and aligns with commitments in the United Nations Secretary General's Action Agenda on Internal Displacement.

VISION

IOM's overarching goal on protection is to place the rights and well-being of migrants, regardless of their status, at the centre of its operations. This means ensuring the protection of migrants across the full spectrum of migration management and governance, i.e. migration and development, facilitating migration, regulating migration and addressing forced migration as well in the case of internal displacement, working on solutions that prevent and promote ways to sustainably resolve displacement that protect and uphold rights of IDPs. The Organization promotes migration as a choice through interventions aimed at reducing the risks of violence, abuse and exploitation, and other rights violations, and fostering protective factors that lead to resilience at an individual, household, community, and structural level.



Ukraine's war-induced crisis affects women and girls disproportionately. In Zahony, an IOM staff welcomes a woman fleeing the conflict in Ukraine. © IOM 2022 / Kristóf HÖLVÉNYI

1. Operational Guidance will be shared in 2023 to support the implementation of IOM's Approach to Protection.

2. In this document, the IOM definition of the term 'Migrant' is applied. *Migrant* - an umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons (International Organization for Migration, Glossary on migration, IML Series No. 34, 2019). In this document we refer to migrants and will reference specific categories where relevant.

MANDATE AND RESPONSIBILITY

IOM bases its understanding of Protection on the Inter-Agency Standing Committee's (IASC) definition of protection. The IASC defines protection as: "... all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. International Human Rights Law, International Humanitarian Law, International Refugee law)³." In addition to the bodies of law referenced in the IASC definition, for the protection of migrants, other bodies of law are relevant as well, e.g. labour law,⁴ maritime law and law of the sea, consular law and transnational criminal law.⁵

IOM's approach to protection is consistent with the principle that States, as duty bearers, hold the primary responsibility to respect, protect, and fulfil the rights of all persons who find themselves within the State's jurisdiction or effective control, and, where appropriate, their nationals abroad, in accordance with international, regional, and national law.

IOM's protection interventions seek to secure individual or group rights, as well as activities that aim to create a society in which individual and group rights are recognized and upheld. This notion is paramount since it underpins the idea that individuals are protected from violation of their rights even when a clear and direct threat to any right is not imminent, and thus the action is not necessarily directly aimed at the individual(s) in question but at establishing a general condition of respect of rights and thus of the migrant(s).

IOM's protection mandate stems from the international agreement concluded in 2016 with the United Nations and the Organization's internal law, particularly (but not limited to) the IOM Constitution and Council documents.

As part of the United Nations system, IOM is guided by the principles enshrined in the United Nations Charter, including upholding human rights for all. Respect for the rights, dignity, and well-being of migrants is paramount in all of Organization's work.

The IOM Constitution and various Council and other documents provide the basis for IOM's involvement in protecting the rights of migrants. These documents are the foundation for a rights-based migrant-centred approach in IOM's policies, strategies, projects and activities.

OPERATIONAL CONTEXT

Migration can be a powerful driver of sustainable development for migrants and their communities in countries of origin, transit and destination. However, as much as migration has an impact on development, migration is also affected by development. With the right enabling conditions, migration can help achieve development outcomes and fulfil the aspirations of those who move and the societies they join. Since its establishment in 1951, the Organization has evolved from a purely operational entity to one of a lead agency on migration and a global protection actor.

Over the last two decades, IOM's expanded geographical and operational footprint resulted in greater diversity and complexity of interventions and the need for increased coherence in its efforts to protect, respect and fulfil the rights of persons across the spectrum of human mobility management.

IOM recognizes that human mobility can expose individuals and groups to protection risks, and they may experience situations of vulnerability and require assistance and support. They may be exposed to protection risks as a result from the situations compelling them to leave their homes, the circumstances in which they travel, the conditions they face on arrival or because of personal characteristics such as their age, gender identity, origin, religion, disability or health and legal status.

3. As defined by the Inter-Agency Standing Committee, Inter-Agency Standing Committee Policy Paper (1999) and IASC IDP Protection Policy (1999).

4. In principle, all international labour standards, unless otherwise indicated, are applicable to migrant workers. These standards include the eight fundamental rights conventions identified in the 1998 ILO Declaration on Fundamental Principles and Rights at Work; standards of general application which include those addressing protection of wages and occupational safety and health as well as the governance conventions concerning labour inspection, employment policy and tripartite consultation; and instruments containing specific provisions on migrant workers such as the Private Employment Agencies Convention, 1997 (No.181), the Domestic Workers Convention, 2011 (No.189). ILO migrant specific instruments are Migration for Employment Convention (Revised), 1949 (No.97); Migration for Employment Recommendations (Revised), 1949 (No.86); Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); Migrant Workers Recommendation, 1975 (No.151). The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families is one of the core international human rights instruments and is broader in scope going beyond labour issues.

5. As per as per IOM Council document MC/INF/298.

Mobility decisions are based on a variety of social, economic, political and environmental constraints and hazards, resources and opportunities. All forms of movement are central to allowing people to preserve or increase available resources and opportunities, enabling them to save their lives or access basic assistance, or to enhance employment and education opportunities.

Crises accentuate protection risks by heightening the risks of violence, neglect, deliberate deprivation, discrimination, abuse and exploitation confronting migrants and affected communities. Violations of international human rights and humanitarian law, and pre-existing threats and vulnerabilities, may be both the principal causes and consequences of humanitarian crises. Individuals and communities caught up in armed conflict and other situations of violence, can often become the target of systematic violations and abuse of their rights.

IOM recognizes that reducing the risks of violence, abuse and exploitation, and other rights violations, and fostering protective factors that lead to resilience at an individual, household, community, and structural level will promote safe, orderly and dignified migration and promote migration as a choice.

PROTECTION IN ACTION

IOM recognizes that rights holders and duty bearers may have varying levels of capacities to withstand risks, and accordingly prioritizes its actions where such capacities may be diminished to reduce exposure.⁶ IOM delivers on its protection mandate through interventions focused on the furtherance of right(s) and through interventions that explicitly contribute to the promotion, respect, protection and fulfilment of right(s) of migrants and affected communities.

IOM's protection interventions focus on effective implementation of existing norms and standards related to the rights of migrants, found at the international, regional and national levels. These standards and rights are not abstract or rhetorical notions: they have specific contents and can be claimed, and their effective implementation requires certain and concrete action. On this basis IOM responds, in cooperation with and with the support of States, to the affected populations' needs in a manner that ensures their impartial protection and that of their rights, through its work.

IOM supports the efforts of States, at their request, to fulfil their responsibilities to protect and assist its populations. In crisis response, IOM's protection interventions aim to save lives, ensure safety and security, alleviate suffering, restore dignity and enable affected populations to become more resilient in accordance with human rights law and international humanitarian law as well as internationally recognized protection standards, such as the United Nations Guiding Principles on Internal Displacement.⁷ Outside crisis settings, IOM works to mitigate protection threats and reduce vulnerability while increasing the capacities of individuals, their communities as well as those of their duty bearers by supporting governments in carrying out their duties to respect, protect and fulfil the rights of migrants, including displaced populations, and providing technical advice, capacity and systems building, and guidance on migration management in line with international standards and practices. IOM works to address vulnerabilities, and promote the establishment of peaceful, resilient and prosperous societies in areas impacted by human mobility, including displacement.⁸

IOM acknowledges its responsibility to ensure that its activities, protection and assistance, must strive to achieve full enjoyment of the rights of the individual, and that rights are interdependent. IOM directly contributes to the protection and fulfilment of civil, political, economic, social and cultural rights within its work and operations. These rights include, but are not limited to, the right to life; freedom of movement; access to justice, remedy and reparation; family life; social security; health and wellbeing; education; decent standards of work and living; non-discrimination; privacy and data protection; prohibition of refoulement; and freedom from discrimination, torture and slavery. IOM is thus committed to ensuring that its operations are aligned with legal standards.

6. In this regard, see the protection risk equation in Annex I (adapted from InterAction), which represents in a non-mathematical way, the three factors that contribute to risk. Protection risk arises when the threat and the vulnerability (of an individual or a community) are greater than the capacity to prevent, respond, and recover from that specific threat.

7. OCHA, Guiding Principles on Internal Displacement (2004).

8. IOM works to resolve and mitigate displacement in line with the United Nations Secretary General's Action Agenda on Internal Displacement (2022).



With IOM's support, Fama, a survivor of human trafficking, was able to access critical health care and to set up a profitable taxi business. © IOM 2018 / Sibylle DESJARDINS

MODALITIES OF OPERATION

IOM delivers on its commitment to protection in a number of ways:

IOM applies a rights-based approach (RBA) to programming, according to the United Nations Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Planning. RBA is also applied in humanitarian contexts, where – in line with those of humanitarian principles – the Organization provides assistance based on an assessment of needs (needs-based) that takes into account the diversity of vulnerabilities and threats faced by the affected persons, and on the basis of a “do-no-harm” approach.

In line with the IASC Principals’ statement on the Centrality of Protection in Humanitarian Action, IOM is committed to placing protection at the core of all its actions and decision-making, working with partners and stakeholders towards common protection outcomes, keeping protection on the agenda of its leadership, and ensuring coordinated and complementary actions across sectors and mandates to tackle persistent threats.

In crises and post-crisis contexts, IOM acknowledges the necessity to support all individuals in situations of vulnerability, across the humanitarian, development and peace nexus, in full consideration of the impact crises have on all affected communities.

IOM prioritizes the development of protection-centric strategies and approaches to support the progressive and sustainable resolution of displacement situations that protect and uphold the rights of IDPs and promote longer-term resilience for crisis and disaster-affected communities towards durable solutions. To this end, IOM focuses on community driven, locally led development solutions; enhanced data, data partnerships and joint analysis for solutions; strengthening governance systems and the policy environment; and investing in displacement prevention, through preparedness, anticipatory action, early warning and reducing disaster risk.

IOM is committed to mainstreaming protection (i.e. securing rights) across interventions in line with the principles of prioritizing safety and dignity and avoid causing harm, ensuring meaningful access, accountability, and participation and empowerment. IOM mainstreams protection in policy, strategies and programming to contribute to better protection outcomes for the most vulnerable migrants, including displaced persons, and host communities. Protection is a shared responsibility for all IOM staff.

IOM recognizes that protection and assistance are inextricably linked. IOM acknowledges its responsibility to ensure that when providing assistance, its activities must strive to achieve full respect for the rights of the individual, its activities must be non-discriminatory and must not diminish the human rights of others.

THEMATIC AREAS OF INTERVENTION

In its work, IOM applies diverse strategies to address specific vulnerabilities and protection risks, as well as the factors that compel or force individuals to leave their homes and communities, the circumstances in which they travel, or the conditions they face at destination. In addressing these risks, aside from protection mainstreaming, specific IOM thematic areas of intervention include counter-trafficking; alternatives to immigration detention; legal identity/civil documentation; mine risk education; combatting gender-based violence; child protection; housing, land and property rights; supporting access to health services and mental health and psychosocial support; prevention of sexual exploitation and abuse; disability inclusion; search and rescue at sea and on land; protection of civilians; addressing xenophobia and racism; return, readmission and reintegration; social cohesion; international migration law, including labour and employment law and oversight; supporting ethical recruitment; facilitating multilateral protection of migrant workers and rights-based bilateral agreements on labour migration and social protection, and others. These interventions are designed to address the specific protection concerns and vulnerabilities that migrants, including IDPs, and affected communities may face, with the goal of ensuring that their rights are respected and upheld, and that they are able to live in safety, with dignity and well-being.

IOM works to counter manifestations of racism, racial discrimination, xenophobia, exclusion and related intolerance against migrants, and the stereotypes often applied to them, including on the basis of religion or belief. Interventions to combat discriminatory and harmful practices are integral to its protection work to reduce potential protection risks and vulnerabilities, reinforce individual capacities, and build environments that respect and protect the rights of all, irrespective of their migration status, race, gender, origin or political, ethnic or religious affiliations. IOM recognizes that migration is a gendered process and impacts men and women differently.

COORDINATION AND PARTNERSHIP

IOM supports Member States in mainstreaming gender and considering the specific implications for women, men, boys and girls in any of their planned action, including legislation and policies. IOM mainstreams disability inclusion to ensure that the rights of persons with disabilities are embedded into the Organization's work, ensuring their meaningful participation and assessing the implications for persons with disabilities of any policies or programmes.

IOM implements specialized and integrated protection programming. IOM's specialized and integrated protection interventions support States, as primary duty bearers, to decrease protection risks by reducing vulnerabilities, prevent, respond to and remedy the impacts of rights violations, increase resilience and empowerment of persons in vulnerable situations, strengthen social cohesion among migrants, IDPs and host communities, and develop internal capacity to reduce and mitigate protection risks. Specialized protection activities directly aim to prevent or respond to human rights and humanitarian law violations, or to restore the rights of individuals who are particularly vulnerable to or at risk of neglect, discrimination, abuse and exploitation.

IOM's specialized protection interventions are designed to address specific protection concerns and they include actions that can be preventative, responsive or remedial as well as aimed at building an environment conducive to the respect for the rights of migrants and affected communities (see Annex II). Context analysis is at the core of protection interventions and IOM invests in safe data collection and context analysis, as well as collaborating with partners to assess needs and protection risks and conduct protection analysis to inform the design, implementation and evaluation of its specialized protection actions.

IOM's approach to protection is in line with the standards laid out by the Inter-Agency Standing Committee, the Global Protection Cluster and the United Nations Sustainable Development Group. IOM supports States to implement the Global Compact for Safe, Orderly and Regular Migration,⁹ which while not formally binding and primarily addressed to states, reaffirms the 'effective respect for and protection and fulfilment of the rights of all migrants, regardless of their migration status, across all stages of the migration cycle'.¹⁰

IOM's approach to protection, is based on collaboration, partnership and coordination with stakeholders to achieve protection outcomes and supports the United Nations Secretary General's call for a one United Nations protection approach.¹¹ IOM further recognizes that many international and national actors (other than States) also play key supporting roles in achieving the effective respect of the human rights of migrants. In that respect, the Organization adopts a whole-of-society approach, proactively building partnerships with a wide spectrum of actors including, among others, community leaders, civil society, private sector, and development and humanitarian actors, to implement effective, robust protection responses.

IOM works to ensure that migrants and affected communities have increased capacities to access and exercise their rights, including through the fostering of an environment where individual and group rights are upheld and recognized.

IOM recognizes the importance of strengthened leadership, increased accountability, fit-for-purpose protection capacity, consistent advocacy, and meaningful participation and partnerships to achieve protection outcomes.

9. IOM serves as the Coordinator and Secretariat of all constituent parts of the United Nations Network on Migration.

10. Global Compact for Safe, Orderly and Regular Migration ((A/RES/73/195) para. 15 (f).

11. In 2020, on the occasion of the seventy-fifth anniversary of the United Nations, António Guterres, United Nations Secretary-General, launched A Call to Action for Human Rights.



Venezuelan migrant travelling through Latin America carrying his possessions along major highways and through difficult terrain.
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ANNEX I: GLOSSARY OF TERMS

Affected communities

In its approach to human mobility management, IOM works with communities to mitigate factors that could constrain or limit their decisions to migrate. In pre-crisis and transitional contexts, IOM works to facilitate movement as a life-saving measure and to address the determinants of crises which are in turn the determinants of mobility decisions and pressure. Reducing the pressures constraining people's mobility decisions is key to reducing their vulnerabilities. In these contexts, IOM works to prevent migration crises and to help resolve them in a durable manner.

Centrality of Protection

The Inter-Agency Standing Committee (IASC) Principals' Statement on the Centrality of Protection (2013) affirmed that all humanitarian actors have a responsibility to place protection at the centre of humanitarian action and decision-making. This statement was further unpacked in the 2016 IASC Protection Policy which also outlines the overarching framework for how humanitarian actors can fulfil their responsibility, spelling out core principles, approaches, roles, and responsibilities within and beyond the humanitarian system.

Displacement

The movement of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters.

Humanitarian Principles

IOM reaffirms the principles of humanity, impartiality, neutrality and independence in the delivery of its humanitarian response, and the need for all those engaged in humanitarian action to promote and fully respect these principles.

Migrant

An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.

Protection advocacy

Promoting the respect and fulfilment of the rights of individuals and encouraging the primary duty-bearers to meet their obligations. Advocacy is understood as using a variety of approaches, including confidential dialogue, with duty bearers or those who influence them, to persuade or influence duty bearers to fulfil their protection responsibilities.

Protection integration

Protection integration involves incorporating protection objectives into the programming of other sector-specific responses (i.e. beyond the protection sector response) to achieve protection outcomes. It supports the system-wide commitment to the centrality of protection because it relies on different actors (i.e. protection and non-protection) to work individually and together as part of a multisector humanitarian response.

Protection mainstreaming

Protection mainstreaming is the process of incorporating key protection principles throughout all sectors of intervention. IOM ensures that do-no-harm, promoting non-discrimination, meaningful access, safety and dignity, participation, empowerment and accountability measures become integral part of every response, which ultimately aim to support affected people in recovering from protection risks and claiming their rights. Protection mainstreaming is considered as a collective responsibility across all programmes and implies the implementation of mandatory actions.

Protection risk

A situation where an individual or group are at risk of or suffering from violence, coercion and deprivation.

Protection risk equation (adapted from InterAction)¹²

$$\downarrow \text{Risk} = \frac{\downarrow \text{Threat} + \downarrow \text{Vulnerability}}{\uparrow \text{Capacity}}$$

12. Global Protection Cluster, [Protection Analytical Framework. An Introduction](#) (2021).

Protection outcome

A demonstrated reduction in overall risks to affected persons by decreasing threats, reducing vulnerability and enhancing capacities. A response or activity is considered to have a protection outcome when the risk to affected persons is reduced. The reduction of risks, meanwhile, occurs when threats and vulnerability are minimized and, at the same time, the capacity of affected persons is enhanced. Protection outcomes are the result of changes in behaviour, attitudes, policies, knowledge and practices on the part of relevant stakeholders.¹³

Protection roadmap

IOM's strategic plan that defines the desired outcomes for its role and work and includes the major steps and milestones needed to reach these. Steps/actions are categorized under five pillars: *Leadership, Accountability, Capacity, Advocacy and Partnership*.

Rights-based approach (RBA)

A conceptual framework and methodological tool for developing programmes, policies, and practices that integrate the rights, norms and standards derived from international law. For IOM staff, this means, in practice, that RBA is a conscious and systematic integration of rights and rights principles into all stages of the project cycle. An RBA to migration programming aims to empower rights-holders to enjoy and claim their rights and strengthen the capacity of duty-bearers in their obligations to respect, protect, and fulfil those rights.

Specialized protection interventions/programming

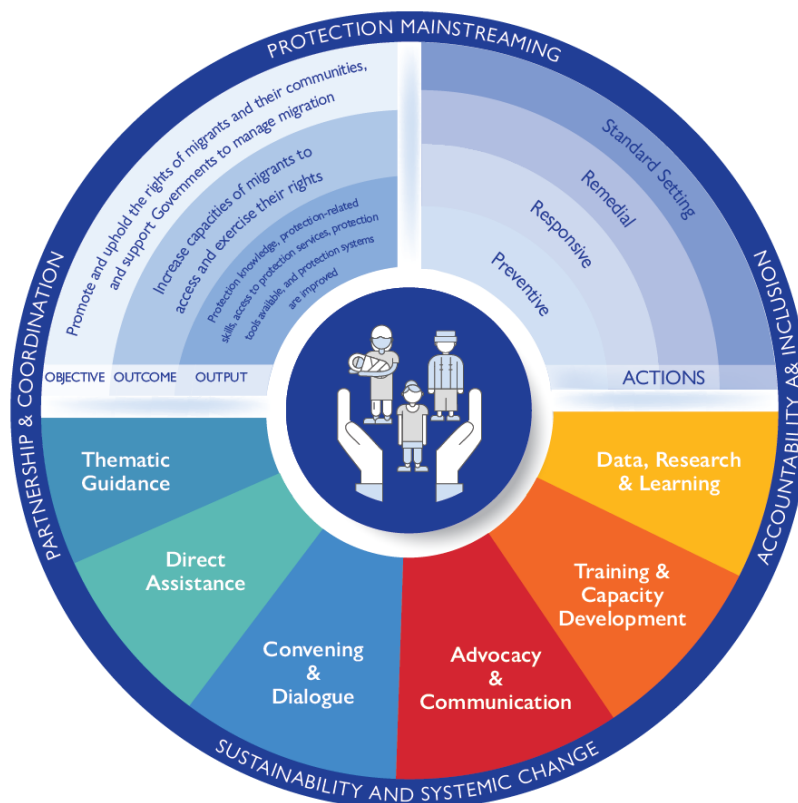
Programmes, projects, or a set of activities where the outcome of IOM's work, is demonstrated by reduced protection risk for beneficiaries. In IOM, these activities are carried out by protection specialists.

¹³ IASC, [Policy on Protection in Humanitarian Action](#) (2016).

ANNEX II: IOM'S PROTECTION FRAMEWORK

IOM's specialized protection interventions are guided by the Organization's protection framework, actions are:

- Preventive:** includes any action which seeks to prevent the risk of violations of human rights and other forms of exposure to violence, exploitation, abuse, neglect and deliberate deprivation of migrants including displaced persons and mitigate exposure to risks and threats in general. It also includes advocacy for inclusion and non-discrimination, awareness-raising and capacity development activities.
- Responsive:** includes any action undertaken to address human rights violations and patterns of abuse such as gender-based violence, aimed at preventing recurrence, ending it, and/or alleviating its immediate effects. It also includes actions taken to reduce protection risks and address needs, including direct assistance, such as access to rights and services, safe and dignified return and sustainable reintegration. It also includes actions undertaken to strengthen capacities of stakeholders to provide support, and ultimately contribute to enhancing migrants' access to rights.
- Remedial:** includes any action undertaken to restore migrants' and displaced persons' dignity and ensuring adequate assistance when an individual has been exposed to violence, exploitation, abuse, neglect and deliberate deprivation. Such support can include provision of shelter to migrants and displaced persons in vulnerable situations, reunification of unaccompanied and separated migrant children with their families, etc. It can also include actions which aim to build capacity of governments and other stakeholders to provide remedy.
- Environment building:** includes all actions taken to support States and stakeholders to build an environment free of rights violations (this includes standard setting). It may also include supporting Member States with legislation, policy and practice that upholds and protects rights.



Cover photo: A young Ethiopian survivor of human trafficking
in Bossaso, Somalia. © IOM 2020 / Muse MOHAMMED

