



# UNODC

United Nations Office on Drugs and Crime

## **UNODC's contribution to the Secretary General's report to the General Assembly Resolution A/RES/69/167 on the Protection of migrants – June 2015**

In March 2015, UNODC and the International Federation of Red Cross and Red Crescent Societies published a technical report on Combating violence against migrants - Criminal justice measures to prevent, investigate, prosecute and punish violence against migrants, migrant workers and their families and to protect victims. This publication is offered in direct response to General Assembly Resolution 67/185 on 'Promoting efforts to eliminate violence against migrants, migrant workers and their families.' That resolution pointed to the continuing instances of criminal acts committed against migrants, migrant workers and their families in all regions of the world, including acts of violence, and called for States to strengthen their efforts to preventing and combat violence, prosecute its perpetrators and protect its victims. The publication is offered as a tool to support States in their efforts to those ends. It offers several measures for legislators, policy makers and criminal justice practitioners and others who encounter migrants in regular and irregular situations in their work.

The normative framework for the measures outlined in the publication, include the international human rights treaties, International Labour Organization (ILO) conventions, protocols and recommendations, the United Nations Transnational Organized Crime convention, and other international instruments which outline a framework for protecting the rights of migrants, regardless of their status. The measures are also informed by United Nations Standards and Norms in crime prevention and criminal justice. The three guiding principles are offered in the interpretation and implementation of the ten measures outlined in the publication:

- *The primacy of human rights*; underlines the obligation of States to place human rights of migrants above law enforcement and migration management objectives.
- *Non-discrimination*; underlines the obligation States have to protect the rights of all persons in their jurisdiction, without discrimination on any basis of any grounds, including migration or other status.
- *Victim-centred approach*; underlines the need to place the rights and need of all victims, irrespective of their status, at the centre of efforts to combat violence.

The publication outlines ten measures offered in the publication, all of which must be guided by the principles outlined above as per below:

- **Measure 1: Establish an effective knowledge base**
- **Measure 2: Address root causes of violence in migration processes and responses**
- **Measure 3: Address root causes of violence in transit and destination countries**
- **Measure 4: Strengthen legislation to combat violence against migrants**
- **Measure 5: Investigate and prosecute violence against migrants**
- **Measure 6: Protect victims and witnesses**
- **Measure 7: Assist migrant victims of violence**
- **Measure 8: Provide access to justice**
- **Measure 9: Provide restitution and compensation**
- **Measure 10: Sentence and rehabilitate perpetrators**

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The publication was developed with inputs from all relevant UN agencies and NGO partners. In addition a fact sheet has been published and efforts to disseminate both publications are underway.

In June 2015, UNODC will publish a paper directly addressing a core rights-based challenge faced by many migrant workers, examining in detail the relationship between recruitment fees and other abusive and fraudulent practices of recruitment agencies and trafficking in persons. The Role of Recruitment Fees and Abusive and Fraudulent Practices of Recruitment Agencies in Trafficking in Persons examines State practice with a view to highlighting lessons learned, and providing recommendations on how to adequately respond to the issue, including the central importance of providing access to remedies.

Since 2013, UNODC has supported a series of national training workshops for diplomatic and consular personnel of the Philippines and Indonesia to facilitate the identification of potential victims of trafficking in persons among Filipino and Indonesian migrant workers, who frequently report exploitative working conditions, including instances of domestic servitude in diplomatic households, and turn to their missions abroad for assistance.