

Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights

ODIHR and Migration and Freedom of Movement

The OSCE participating States have agreed to “continue to work on migration management by... further elaborating and enhancing the implementation of comprehensive and effective national migration policies and action plans.”

(Athens, 2009)

Participating States “will respect fully the right of everyone to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and to return to his country.”

(Vienna, 1989)

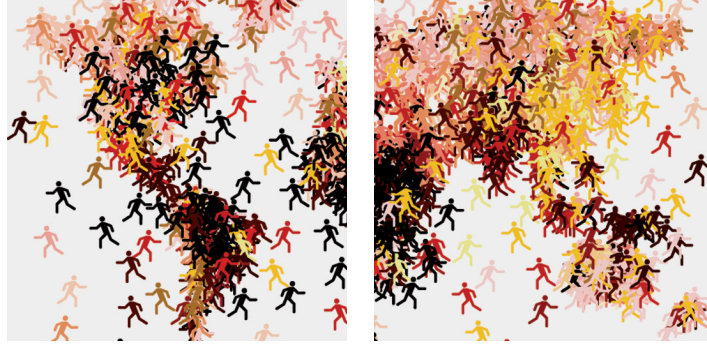
What are migration and freedom of movement?

Migration is the movement of a person or a group of people, either across a recognized international border or within a state. There are two types of migration, distinguished by the cause: forced and voluntary. Forced migration refers to asylum-seekers, refugees and internally displaced persons, and may be the result of conflict, human rights violations, fragile states, development policies and projects, and natural or man-made disasters. Voluntary migration includes labour migrants and people moving for other purposes, such as family reunification.

The term freedom of movement is used by OSCE participating States to describe a wide range of topics that concern the free movement of people within the borders of their own state, entry into states by foreigners and the free movement of foreigners within state borders.

Why are the OSCE and ODIHR involved?

ODIHR’s mandate in the area of migration is based on specific commitments to enable migrants to participate in public life, create conditions that foster harmonious relations between migrant workers and the rest of the society, combat discrimination and violence against migrant workers, and develop or reinforce national plans for migrant integration. ODIHR was directly tasked by the 2003 OSCE Maastricht Ministerial Council to strengthen its activities on migrant integration and combating discrimination against asylum seekers and refugees. Commitments aimed at facilitating cross-border human contacts and freedom of movement in general have been affirmed in numerous OSCE documents. By adopting these commitments, the OSCE participating States have encouraged mutually beneficial steps to clarify rules and simplify procedures, for the purpose of allowing people to enter or leave



their territory temporarily for personal or professional reasons. This was particularly the case in relation to cross-border travel for humanitarian reasons, but also extended to facilitating contacts in other fields, such as business, education and science.

How does ODIHR assist participating States with migrant integration?

The aim of ODIHR's migrant integration assistance is to support participating States in the development of humane integration policies and legislation, and to facilitate the exchange of good practices across the OSCE region.

Data collection

Data collection on migrants and the development of sustainable data-collection mechanisms are integral elements of the facilitation of migrant integration in the OSCE region. ODIHR promotes the exchange of good practices among OSCE participating States by building the capacity of national authorities dealing with migrant integration. The Office carries out assessments of and provides training on migrant-integration policies according to the internationally recognized Migrant Integration Policy Index (MIPEX). The aim of ODIHR's activities is to provide access to objective, accessible and comparable migration data for scrutiny and debate as a basis for migration policy reform.

Promotion of tolerance and non-discrimination

Combating discrimination and intolerance against migrants constitutes one of the main challenges facing OSCE participating States in relation to migrant integration.

To promote non-discrimination and tolerance, including towards migrants, ODIHR facilitates the exchange of good practices for combating xenophobia and discrimination, assists OSCE participating States to design and draft legislation that effectively addresses hate crime, and builds the capacity of law enforcement authorities and civil society actors to combat hate crimes, with a view to raising awareness of issues of xenophobia, intolerance and discrimination in the OSCE region.

Public participation of migrants

Access to political rights for foreigners legally residing in a country and policies to promote their participation in conventional public life are vital in harnessing the potential of migrants to contribute to the societies in which they live. ODIHR facilitates the exchange of good practices to encourage the public participation of migrants between government institutions, civil society actors and OSCE field operations. Through this, the Office seeks to increase the capacity of migrant communities to partake in decision-making in OSCE participating States and to raise awareness of their fundamental rights.



How does ODIHR assist participating States in the management of labour migration?

ODIHR provides training to authorities throughout the OSCE to improve labour migration policies and practices in line with international standards. A specific focus of ODIHR's work in this area is making labour migration policies more gender-sensitive. As a result, in co-operation with the Office of the Co-ordinator of Economic and Environmental Activities, ODIHR has developed a *Trainer's Manual on Gender and Labour Migration*, and continues to support regional training programmes for policy-makers based on the manual.

How does ODIHR assist in eliminating obstacles to freedom of movement?

ODIHR offers expertise to participating States for the development and implementation of legal and regulatory frameworks for residency registration, with the goal of creating population-registration systems that respect both the right to freedom of movement and free choice of place of residence. ODIHR's activities in this field focus on raising the awareness of policymakers, conducting expert assessments, developing reform strategies and providing policy advice to participating State authorities. ODIHR can, upon request, also provide

assessments of existing population-registration procedures and data-storage systems as the basis for developing population-registration reforms.

In 2009, ODIHR published *Guidelines on Population Registration*, which sets out the main principles governing the establishment and maintenance of functional models of population registration in democratic societies and provides a tool for practitioners, relevant authorities and political decision-makers for use when assessing the efficiency of their national systems of population registration and, when necessary, reforming them.

Population registration and voter list accuracy

In many OSCE participating States, the voter register is linked to the population register or produced from it. In such cases, the quality of the population register directly affects the exercise of universal and equal suffrage.

As follow-up to recommendations made by ODIHR election observation missions, the Office can provide specific policy advice and expertise to ensure synergies and effective linkages between voter registers and population-registration systems.



Freedom of Movement and Human Contacts

To raise awareness of the OSCE freedom of movement and human contacts commitments, ODIHR promotes best practices in implementing visa application procedures and handling visa applications that facilitate freer cross border travel in the context of the promotion of human rights and fundamental freedoms. ODIHR also provides assistance in developing specific policies or programmes that states can undertake to enhance their visa policies in line with OSCE commitments on freedom of movement and human contacts.

Partnerships

ODIHR works with a range of partners on migration and freedom of movement issues, including:

- Participating States — governmental structures responsible for migration and freedom of movement issues;
- Migrants' groups and civil society organizations working on migration and freedom of movement;
- OSCE Field Operations; OSCE institutions, including the High Commissioner on National Minorities (HCNM), and the OSCE Secretariat, including the Office of the Co-ordinator of Economic and Environmental Activities and the Transnational Threats Department;
- International organizations, such as the International Organization for Migration (IOM), the Council of Europe and UN Women.

More information

For detailed information about ODIHR's Migration and Freedom of Movement initiatives and to view its full range of resources and publications, please visit

www.osce.org/odihr/migration, www.osce.org/odihr/registration

and www.osce.org/odihr/movement

or contact ODIHR at:

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