

# **Annex II.**

## **Problem Analysis Tool**



International Organization for Migration (IOM)

## ANNEX II. PROBLEM ANALYSIS TOOL



### OBJECTIVE

This tool is intended to be used for the Problem Analysis and it can help reveal which areas the intervention should focus on and who the beneficiaries and other stakeholders should be included.

**Identify the international and regional conventions, treaties and instruments that address the relevant issue facing migrants**

Has the State signed or ratified these instruments?

*(If the State has not yet signed or ratified, examine if there are any lobby or advocacy activities for ratification being carried out by any other agencies, organizations or civil society groups.)*

Human Rights Instruments:\*

- |  |                                     |
|--|-------------------------------------|
| <input type="checkbox"/> ICERD                                 | <input type="checkbox"/> CAT        |
| <input type="checkbox"/> ICCPR                                 | <input type="checkbox"/> CAT Op.    |
| <input type="checkbox"/> ICCPR Op. 1                           | <input type="checkbox"/> CRC        |
| <input type="checkbox"/> ICCPR Op. 2                           | <input type="checkbox"/> ICRMW      |
| <input type="checkbox"/> ICESCR                                | <input type="checkbox"/> ICERPD     |
| <input type="checkbox"/> CEDAW                                 | <input type="checkbox"/> ICERPD Op. |
| <input type="checkbox"/> CEDAW Op.                             | <input type="checkbox"/> ICPAPED    |
| <input type="checkbox"/> 1951 Refugee Convention/1967 Protocol |                                     |

Geneva Conventions:

- I     II     III     IV

ILO Instruments:

- |                                  |   |
|----------------------------------|---|
| <input type="checkbox"/> No. 97  | <input type="checkbox"/> UNCTOC               |
| <input type="checkbox"/> No. 143 | <input type="checkbox"/> Trafficking Protocol |
| <input type="checkbox"/> No. 189 | <input type="checkbox"/> Smuggling Protocol   |

Regional Instruments:

Europe

- ECHR  
 Protocol 4  
 Protocol 7

Inter-Americas

- ADRDM  
 ACHR

Africa

- ACHPR  
 ACRWC  
 ACHPR-WOMEN  
 AU Refugee Convention  
 The Kampala Convention

League of Arab States

- Revised Arab  
 Charter on Human  
 Rights

\* Definitions of acronyms in the beginning of manual.

Is there discrimination against migrants or certain groups of migrants?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Explanation of discrimination and affected groups, including those who face double discrimination:		
Do national policies or laws reflect international standards?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Policies and laws which do not reflect international standards:		

#### Identify national policies, laws, and actions taken by the State to address the issue

Assess whether national policies and laws exist and if yes, do they effectively address the issue in question?		
Are certain groups, e.g. irregular migrants, domestic workers, implicitly or explicitly excluded from the relevant policy or law?		
Is irregular migration criminalized under national law?		
Are the national policies and laws implemented in practice? <i>(If not, what are the reasons for this? Lack of knowledge? Lack of resources? Discrimination or xenophobia?)</i>		
Have any of the UN treaty-based bodies (e.g. Migrant Workers Committee) or charter-based bodies (e.g. Special Rapporteur on the Human Rights of Migrants) made any recommendations or raised any concerns regarding State policies, laws and actions involving the issues?		

#### Identify potential capacity gaps of duty-bearers in fulfilling their obligations

Identify the causes of the capacity gaps (e.g. lack of resources, knowledge gaps, fragmentation of migration management across State agencies, etc.).	<u>Causes</u>
Address the root causes for why these rights are not protected and the structural factors impeding the rights holders' ability to claim their rights and the duty bearers' capacity to meet their obligations (e.g. discrimination, migrants fear authorities, etc.)	<u>Root causes</u>
Assess the level of awareness that public officials and authorities have of the relevant issue as well as of the rights and obligations involved.	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> None

Identify potential gaps in the capacity of rights-holders in claiming their rights		
Assess the extent to which rights-holders are aware of their rights.	<input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> None	
Do some groups have a better knowledge about their right than others?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Groups with better knowledge:		
Groups with less knowledge:		
Are the rights-holders able to access information about their rights?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Do the rights-holders enjoy access to justice? (access to courts and tribunals or other complaint mechanisms such as an Ombudsperson)	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Potential shortcomings:		
Can rights-holders access legal representation?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
Are there any other underlying reasons for why the rights-holders cannot claim their rights? For example, discriminatory or xenophobic attitudes.	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	<u>Underlying reasons</u>	