



UNHCR Central Mediterranean Sea Initiative (CMSI)

EU solidarity for rescue-at-sea and protection of refugees and migrants

The movement of refugees and migrants by dangerous means across the Mediterranean Sea towards Europe continues to exact a devastating toll on human life. Many of those attempting this dangerous crossing, including an increasing number of Syrian refugees, are in need of international protection. Women, children and the elderly are especially at risk as they embark on these dangerous journeys. Reasons for undertaking these journeys include lack of protection in countries of first asylum and transit, as well as a desire to reunite with family members. The absence of security, economic opportunities and education are also important elements.

In 2013, several shocking incidents occurred, in which hundreds of lives were lost at sea in tragic circumstances. As a reaction to these tragedies, in October 2013 the Italian Navy started a comprehensive rescue operation (Mare Nostrum). This operation is still ongoing and has, since the beginning of this year, already rescued almost 85,000 asylum-seekers and migrants. UNHCR estimates that despite of these commendable efforts, over 800 people have died or are missing at sea trying to reach Europe so far in 2014. These tragedies illustrate that existing mechanisms and arrangements need to be strengthened further to respond more effectively and prevent deaths at sea.

This dramatic situation at the EU's sea borders demands urgent and concerted European action. UNHCR is proposing **12 concrete steps** aimed at saving lives and focusing on **three main areas of action**:

- I. Proposed steps within the European Union
- II. Proposed steps in collaboration with countries of first-asylum and transit
- III. Proposed steps in collaboration with countries of origin

I. Proposed steps within the European Union

1. Strengthening search and rescue (SAR) capacity to facilitate rescue at sea in the Mediterranean to identify boats in distress, including those carrying refugees and migrants.



Augusta, Italy - A UNHCR staff accompanies a Syrian mother with her baby girl to the first reception structures of the port of Augusta, Sicily.
UNHCR/F.Malavolta/March 2014

TRAGEDY IN NUMBERS

Between January and 21 July 2014 over **85,000** people arrived by sea to Italy.

Most of them have been rescued by the Italian Navy.

Eritreans and **Syrians** are among the two top nationalities.

It is estimated that over **800 people died** in the Mediterranean since the beginning of this year.

It is important to highlight the humanitarian nature of rescue at sea and that the principle of *non-refoulement* must be respected. International law of the sea establishes clear obligations for shipmasters to rescue those in distress at sea. In practice, gaps remain regarding responsibilities for disembarkation. UNHCR calls for reinforcing and maintaining SAR patrols along Mediterranean routes. UNHCR welcomes the Italian

initiative to establish Mare Nostrum – the Italian Navy led rescue operation. SAR activities need to be initiated wherever there are indications that a vessel or the conditions of the people on board, do not allow for safe travel, creating a risk that people may perish at sea. National maritime patrol activities, as well as Frontex’s work in coordinating joint patrols, could be reinforced.

2. Encourage commercial shipmasters to undertake rescue where required, without risk of prosecution, including by ensuring the facilitation of disembarkation of rescued persons without delay or diversion, and without the risk of prosecution following their life-saving actions. To the extent possible, such rescue must ensure minimal financial impact on commercial ships.

3. Establish more effective and predictable mechanisms for identifying places of safety for the disembarkation of rescued refugees and migrants. It is important to develop effective and predictable mechanisms for identifying without delay places of safety for the rapid disembarkation in Europe of refugees and migrants, especially those rescued in international waters. UNHCR recommends measures to develop a stronger joint EU response, by capitalizing on the mandate of EASO (European Asylum Support Office) and through shared responsibility amongst Member States including: identification of a place of safety for rapid disembarkation; establishment of a screening mechanism to identify those individuals who may be in need of international protection or have special needs (unaccompanied minors, victims of torture, violence or trafficking); and transfer of those requesting asylum to a reception facility with capacity to receive them, which would not necessarily be in the country of disembarkation.

Augusta, Italy - Syrians families move towards first reception structure, in the port of Augusta. A growing number of Syrians is undertaking this perilous journey across the Mediterranean, seeking safety and, often, a quick way to move to northern European countries. UNHCR/F.Malavolta/February 2014



4. Enhance reception facilities and establish additional facilities with access to urgent care and assistance. For people seeking international protection, cooperative arrangements might be explored between Member States to ensure sufficient capacity and treatment in accordance with the Reception Conditions Directive. With the increase in arrivals, reception capacity in some States is overstretched, negatively impacting reception conditions. Additional first reception facilities could potentially be established with EU support in Member States receiving sea arrivals, where needed. Wider responsibility-sharing arrangements to provide additional reception capacity in other Member States could also be explored.

5. Establish profiling and referral mechanisms, including access to fair and efficient asylum procedures for those in need of international protection and adequate reception facilities.

Such arrangements would be based on the understanding that disembarkation takes place in the EU and does not necessarily imply sole responsibility for processing and solutions by the Member State on whose territory disembarkation takes place, at least for those rescued in international waters. EASO is developing a joint-supported processing model as part of the Task Force Mediterranean proposed lines of action. UNHCR is working on a complementary proposal focusing on persons rescued in international waters, and addressing the pre and post adjudication stages, in particular the identification of durable solutions within the EU and beyond. Other actors, such as IOM and national or international NGOs would have a role to play in this.

6. Persons found in need of international protection should be given access to durable solutions.

To facilitate an equitable distribution within the European Union, mechanisms, such as intra-EU relocation, or resettlement to non-EU countries, based on existing models, could be established, with a focus on those rescued at sea in international waters. Durable solutions could also be enabled through expedited processing especially in situations of family reunification and for those with specific needs.

7. Provide support for the timely return in safety and dignity of those found not to be in need of international protection or without compelling humanitarian needs. Collective practical cooperation efforts and European funding could facilitate the return of persons determined not to be in need of international protection to their countries of origin.

II. Proposed steps in collaboration with countries of transit or first-asylum

8. Reinforced gathering, analysis and sharing of data on movements by sea in the Mediterranean region, aimed at increasing knowledge of routes, motives and profiles of arrivals as a basis for building shared assessments and responses. This information could be the potential basis for developing shared assessments and responses.

9. Further develop capacity and institution-building in countries of first asylum and transit. Countries of first asylum and transit countries should be encouraged and supported to strengthen efforts to fulfill their obligations under international law. This could include reinforcement of protection strategies in such countries, coordination of efforts to identify and prosecute persons involved in smuggling and trafficking and support to local integration through formal education, vocational training and livelihood support. There is now an opportunity for joint initiatives with North African authorities, in relation to asylum procedures, protection sensitive border management, improvement of equipment, and exchange of civil servants working on these issues.

10. Increased mass information programmes on local media and along transit routes aimed at informing people of the risks of onward movements. Engage in a dialogue with community-based diaspora organizations when appropriate. Measures aimed at preventing harmful onward movements are needed, including through targeted information campaigns. These could be undertaken through local/international media in countries along migratory routes in key locations. Structured and informal dialogue with community-based diaspora organizations as well as other NGOs in Europe linked to the nationalities of the persons arriving by sea could help in disseminating accurate information on risks and alternative protection mechanisms and the common need to combat trafficking and exploitation. UNHCR is developing a mass information project aimed at establishing a platform as a resource-base for local and international information campaigns.

11. Create legal migration alternatives to dangerous irregular movements, including resettlement, facilitated access to family reunion options and other protection entry mechanisms. Legal migration routes could reduce the incentives for people to embark on dangerous irregular travel. They could also help boost local economies in the medium term and create labour opportunities in the longer run. The use of humanitarian visas, protected entry procedures and enhanced family reunification need to be further explored. In specific cases some Member States in the past have provided visas at embassies to enable people in need of protection to travel to European destinations. The potential to further develop such arrangements could also be considered.

Efforts to resettle refugees from countries of first asylum as well as those in transit countries need to be enhanced. Member States can play a crucial role by increasing quotas for annual arrivals, which is supported by EU funds. Simplification of resettlement processes may also be required, such as

accepting individuals through dossier submissions and using innovative approaches to interviewing such as Skype or videoconferencing. A possible project pilot to promote and facilitate family reunification of refugees in Egypt, Ethiopia and Sudan with family members in Europe is being expanded as part of the Regional Initiative on Protecting Children at Risk in Egypt, Ethiopia, Sudan and Yemen. A potential additional track for resettlement to the EU is the establishment by Member States of private sponsorship programmes, which could enable refugees to be resettled with the support of private citizens, and other interested groups.

III. Proposed steps in collaboration with countries of origin

UNHCR is concerned that making legal departure from countries of origin more difficult will feed into the smuggling and trafficking networks, as they will become the only option for departure. To be able to make any real headway on the issue of sea crossings, a credible alternative must be offered to the people before attempting any part of the dangerous journey while bringing real relief to host countries.

12. Continue to support relief and development programmes in countries of origin to address humanitarian, human rights and development needs. Continued investment is needed in humanitarian, cooperation and development aid programmes in the countries and regions from which people move irregularly, including sub-Saharan Africa and North Africa. The EU, Member States and other European countries have invested significantly in programmes aimed at improving humanitarian, socio-economic conditions, stability and development in countries of origin in Africa and elsewhere over recent years, which need to be strengthened. A human rights dialogue on selected specific aspects such as child protection mechanisms could also be explored with some countries of origin.



Augusta, Italy - A UNHCR staff stands on the dock of the port, observing the arrival of a ship carrying 1,123 people rescued off the coast of Lampedusa. UNHCR/F.Malavolta/February 2014