

## **Global Migration Group Stocktaking Exercise on Protection-at-Sea**

### **Report and Recommendations**

#### **1. Background**

In November 2014, at a high-level meeting of the Global Migration Group (GMG), the Principals decided:

*“to take stock of all the existing efforts on crisis-related migration and protection at sea and analyse them ahead of the next Principals’ meeting, with a view to informing both the response of the GMG to the IMO as well as preparing a comprehensive GMG strategy on the issue, outlining the extent to which these efforts could be molded into the GMG’s future work or, if it was not within the GMG’s purview, considering the recommendations the GMG might make to others with regard to the development of such a strategy.”*

The Principals’ decision followed a briefing by the High Commissioner for Refugees on the increasingly dire situation of refugees, asylum-seekers and migrants making precarious sea journeys, notably in the Mediterranean Sea, the Bay of Bengal and the Gulf of Aden, and subsequent exchange of views.

Pursuant to the Principals’ decision, the UNHCR has facilitated the protection-at-sea stocktaking exercise, taking concerns raised during the High Commissioner’s Dialogue on Protection Challenges in December 2014 as a point of departure. Following extensive consultation during the first half of 2015,<sup>1</sup> the present report describes possible areas of inter-agency work and synergies.

#### **2. Protection at Sea**

Across the globe, refugees and migrants risk their lives in irregular and dangerous sea crossings. These typically take place in unseaworthy, overcrowded boats, and are facilitated by smugglers who in many instances do not hesitate to exploit the desperation and vulnerability of their ‘clients’, or to place them in situations of considerable risk. At the same time, for many—including those fleeing war, persecution or human rights abuses, or moving due to poverty and other reasons—recourse to smugglers represents the only viable option in the absence of accessible, safe, fair and regular migration opportunities or pathways to asylum. Sea crossings are very often part of much larger journeys, and should not be seen in isolation from related overland movements.

---

<sup>1</sup> In the first instance with those GMG agencies who have been engaged in, and whose activities are most directly related to protection at sea, including ILO, IOM, OHCHR, UNHCR, and UNODC. The agencies that ultimately contributed inputs on their protection-at-sea related activities to the stocktaking included: ILO, IOM, OLA (Division of Ocean Affairs and the Law of the Sea), UNDESA, UNDP, UNHCR, and UNODC.

Most routes are characterized by ‘mixed flows’ of people travelling for different reasons, including those who—like refugees, children, and trafficked persons—are entitled to special protection. Along some maritime routes, the vast majority are asylum-seekers and people who are then recognized as refugees.<sup>2</sup> Along other routes, a more substantial proportion take to the sea for other reasons. But the distinction is irrelevant when it comes to the imperative of saving lives at sea. All people travelling by sea in dangerous circumstances, regardless of their reasons for doing so, have human rights that must be respected, and assistance needs that must be met.

Effective screening to identify asylum-seekers, refugees and others with specific needs is of central importance. For example, women undertaking these journeys face heightened risks: they are vulnerable to sexual and physical abuse en route, more likely to be detained by authorities, less likely to know how to swim, and pregnant women and women with young infants face further risks.

The challenges in recent years have been most visible in the Mediterranean, but also notably affect the Gulf of Aden and Red Sea; the Caribbean; and the sea routes from the Bay of Bengal, the Andaman Sea, and through the Asia-Pacific. ‘Protection at sea’ as an advocacy and operational framework is understood to encompass (1) **saving lives at sea** (most importantly by effective search-and-rescue arrangements), as well as (2) **comprehensive, human-rights-based and ‘protection-sensitive’ responses**—‘upstream’ (en route to the sea, or in countries of origin) and ‘downstream’ (after arrival on land, or in ‘destination countries’)—to root causes, drivers and determinants of movements by sea, State concerns and challenges, needs, vulnerabilities and protection risks.

### 3. Gaps identified

The stocktaking exercise was not intended to comprehensively map *all* activities related to protection at sea and its expanded interpretation. Four notable kinds of gaps emerged. Analysis of the various agency contributions is provided further in section 5 below.

1. Geographical variations of approach – All agencies recognize that protection at sea is a global issue. However, the unfolding situation in the Mediterranean has commanded—predictably and for good reasons—the overwhelming share of attention of the stocktaking, with some other regions being markedly underrepresented. Much more needs to be done in the Bay of Bengal and Andaman Sea; in the Gulf of Aden and Red Sea; and in the Caribbean, among others. Significant gaps remain in these regions, including on the drivers of mixed migratory movements; search-and-rescue capacity; arrangements for disembarkation to safety; and post-disembarkation assistance and reception.
2. Emergency responses versus more systemic approaches – Emergency responses have been necessary in locations where there are high numbers of known distress incidents involving migrants and refugees. While these responses are welcome and need to be

---

<sup>2</sup> For instance, in 2015 until October, close to 95% of arrivals by sea to Greece were from the world’s top 10 refugee producing countries, with Syrians alone accounting for approximately 65% of arrivals. Arrivals by sea to Italy in 2015 have been more ‘mixed’, with some 47% of arrivals for the same period coming from the top 10 refugee-producing countries.

further strengthened, urgent attention is equally needed to ensure consistent engagement by the range of stakeholders *before* such emergencies arise. Consistent, systematic approaches are essential to ensure that emergencies are anticipated, planned for, and limited, wherever possible. Preparedness measures need to be in place.

3. Drivers, root causes and related responses – Addressing the drivers and root causes of hazardous sea journeys remains an overarching need, highlighting the *importance of ensuring that protection at sea begins with protection on land*. This requires adequate reflection and action on the drivers of movements and the development of safe, fair and regular pathways for movements, with the ultimate aim of allowing safer choices, options and alternatives to dangerous sea journeys.
4. Expanded partnerships – The stocktaking has demonstrated that, given the wide range of activities needed to advance protection at sea, many related actions require the engagement of non-GMG stakeholders. These include civil society, commercial shipping, corporate and trade-related stakeholders, and international and national organizations such as the International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC), and the International Maritime Organization (IMO), among others. GMG agencies directly engaged in protection at sea do already work with a range of partners to facilitate the diverse actions noted below in section 5.

#### **4. Methodology**

UNHCR circulated a draft matrix to the GMG Plus agency cohort for comment, which was then used to guide inputs by individual agencies to the stocktaking exercise. GMG agencies were requested to provide inputs structured around the following broad protection-at-sea ‘sectors’: (1) search and rescue; (2) safe migration and asylum pathways; (3) addressing trafficking and smuggling of migrants and refugees in the context of movements by sea; (4) other interventions in countries of embarkation; (5) post-disembarkation activities; and (6) general or cross-cutting protection-at-sea activities (such as advocacy or information-sharing initiatives).

GMG agencies were requested to include activities that were ongoing, currently in train or planned for 2015, and to include only activities that are directly relevant to protection at sea and, generally, conceived as such in their project design. This included activities aimed at addressing drivers and determinants of mixed migration by sea where there was a clear link. The protection-at-sea stocktaking exercise did not attempt to map out all activities undertaken by the GMG cohort on protection at sea.

A key tenet of protection at sea is that it cannot be achieved entirely by interventions at sea (or in coastal States of departure or arrival) alone: it requires comprehensive responses that look to the multidimensional ‘upstream’ drivers and determinants of unsafe mixed migration by land and sea, and ‘downstream’ to the role of ‘destination’ countries. In recent international discussions, this has been captured by the maxim that protection at sea begins—and ends—on land. Crisis-driven responses that focus on immediate humanitarian needs should be accompanied by support for long-term recovery and development programmes.

Nonetheless, in order for the stocktaking exercise to maintain a useful focus, contributing agencies were requested to confine their inputs in the main to activities in places of embarkation or arrival by sea. This was to ensure that the stocktaking went beyond cataloguing the crucial and vitally relevant, but much more extensive, broader work on migration, development, and refugee protection throughout the world. An indicative list of key regions and countries was provided with the matrix to guide inputs.<sup>3</sup>

## 5. Responses and findings

### a. Advocacy and capacity building (generally)

Joint advocacy—within and beyond the GMG agencies—is an important means of promoting protection at sea. To be effective, common understandings (including agreement on appropriate terminology) are needed on key messages and objectives, consistent with individual mandates.

*It was clear from contributions that advocacy-related and capacity-building activities form a significant proportion of interventions directed at improving protection at sea. This might be considered to reflect, in part, the complex and multidimensional nature of protection at sea, as well as the fact that progress fundamentally requires robust action by States both individually and collectively. This also suggests that GMG agencies' apparent strong focus on advocacy and capacity-building activities could be complemented by more direct work on practical protection and lifesaving activities.*

Advocacy and capacity-building activities cited by contributing agencies included:

- Involvement in and support for regional and global forums on protection-at-sea related themes.
- Publication of informational, guidance, and awareness-raising materials.
- Public information campaigns on protection at sea, including social media awareness-raising activities.
- Individual and joint media interventions.
- Direct advocacy with national governments and regional organizations in support of policies and practices that meet international standards and advance protection at sea.
- Direct interventions and advocacy on strengthened search and rescue at sea including disembarkation to a place of safety. Target groups include critical stakeholders from the shipping industry and seafarers' unions.
- Engagement with regional processes such as the EU-Horn of Africa Migration Route Initiative (Khartoum Process), the Euro-African Dialogue on Migration and Development (Rabat Process) and others.

<sup>3</sup> 'Regions': Global; Caribbean; Gulf of Aden and Red Sea; Mediterranean and Aegean Seas; Bay of Bengal and Andaman Seas. Suggested countries included Yemen, Somalia, Djibouti, Libya, Egypt, Turkey, Italy, Greece, Malta, Tunisia, Myanmar, Thailand, Malaysia, Bangladesh. Use of pre-defined fields was not intended to suggest that these are the only locations where protection-at-sea interventions are needed and/or underway, but rather to provide a simplified framework to structure the stocktaking around some illustrative relevant 'regions' and countries.

- Contributions to international ‘soft law’ including, notably, the annual resolutions of the UN General Assembly on oceans and the law of the sea and on the protection of migrants, as well as Human Rights Council Resolutions on the protection of the human rights of migrants.
- Drawing attention to and mainstreaming the issue of protection at sea by way of reporting mechanisms such as, notably, the UN Secretary-General’s reports to the General Assembly on international migration and development, on oceans and the law of the sea, and on the promotion and protection of the human rights of migrants.
- Regional capacity-building and training initiatives on protection at sea (e.g. the regional *Workshop on Comprehensive Approaches for Addressing Irregular Movements by Sea* held in Bangkok in January 2015, which will inform development of a standardized training platform; and OHCHR/UNHCR training of EU naval forces in the Mediterranean); as well as UNODC’s trans-regional training workshops on addressing migrant smuggling by sea held in Panama in March 2015 and in Italy in October 2015.
- Development and dissemination of global and regional strategic and advocacy frameworks for protection at sea (e.g. UNHCR’s *Global Initiative on Protection at Sea* and *Special Mediterranean Initiative*, IOM’s *Addressing the Complex Migration Flows in the Mediterranean in Countries of Origin, Transit, and Destination: Immediate and Long-term Steps Forward*, the joint IOM/UNHCR/UNODC *Proposals for Action: Bay of Bengal and Andaman Sea*, and IOM/UNHCR *The Gulf of Aden and the Red Sea With A Special Focus On The Yemen Situation: Proposals for Strategic Action*, UNODC *Contribution to International Efforts to Address the Smuggling of Migrants across the Mediterranean Strategy for the Building of Capacity of North African Countries through an Integrated Response*).
- Dedicated international discussion forums on protection at sea, and follow-up advocacy on same (such as UNHCR’s *Dialogue on Protection at Sea* in 2014, which provided a platform for a wide variety of perspectives on drivers and root causes, protection in places of ‘transit’ and at sea, responsibilities of receiving States, and the need for international cooperation and responsibility sharing).
- Development of training modules on migration and human rights, including on human rights at international borders.

Additional advocacy and capacity-building activities are also reflected in specific ‘sectors’ of protection at sea below. A number of GMG agencies whose mandates bear closely on protection at sea have been able to undertake joint advocacy interventions (notably by way of joint inter-agency statements<sup>4</sup>) in response to significant developments. In addition to GMG agencies (including UNHCR, IOM, UNODC, and OHCHR), these initiatives have also

---

<sup>4</sup> See, eg: *Joint Statement on Protection at Sea in the Twenty-First Century*, 10 December 2014, [www.unhcr.org/548825d59.html](http://www.unhcr.org/548825d59.html); *Joint statement: Search and rescue at sea, disembarkation, and protection of the human rights of refugees and migrants now imperative to save lives in the Bay of Bengal and Andaman Sea*, 19 May 2015, [www.unhcr.org/555aee739.html](http://www.unhcr.org/555aee739.html); *Joint Statement on Mediterranean Crossings*, 23 April 2015; *Joint Statement on Protection in the Mediterranean in light of the EU Council’s Decision of 23 April 2015*, 27 April 2015, [www.unhcr.org/553e41e66.html](http://www.unhcr.org/553e41e66.html); *Joint Statement by UNHCR, OHCHR, IOM, the SRSF for Migration and Development, and UNODC: A comprehensive people-oriented approach to the irregular movement of migrants and refugees in South East Asia*, 1 July 2015, [www.unhcr.org/5593dad46.html](http://www.unhcr.org/5593dad46.html).

involved non-GMG members such as IMO and the SRSG for International Migration and Development.

#### **b. Data collection, analysis, and information sharing**

Although a dedicated and more comprehensive survey would be required to map the existing worldwide evidence base and gaps in greater detail, some notable geographic gaps seem apparent: notably in the Caribbean, the Gulf of Aden and the Red Sea.

Another area considered important, on which several initiatives are reported to be underway, is data collection, analysis and information sharing. The importance of the collection, analysis and sharing of quality data on mixed migration, including by sea, has been regularly highlighted in the GMG (including in the Data Working Group), and in discussions on protection at sea. Examples of activities cited during the stocktaking exercise included:

- IOM’s Missing Migrants Project, a global database tracking data on deceased and missing migrants worldwide.
- Regional data-collection and information-sharing initiatives such as the Regional Mixed Migration Secretariat (RMMS) in Nairobi, UNHCR’s Regional Maritime Movements Monitoring Unit (R3MU) in Bangkok, data collection on sea arrivals in Yemen, the North Africa Mixed Migration Task Force (MHub), and the inter-State Voluntary Reporting System on Migrant Smuggling and Related Conduct (VRS-MSRC) developed by UNODC in support of the Bali Process.
- Regular inter-agency circulation of data, notably on arrivals in the Mediterranean and along the Western Balkans route.
- Participation in national-level and inter-agency Mixed Migration Task Forces (MMTFs), for instance notably in Yemen; and at regional levels in the Horn and East Africa region.
- Disseminating information through reporting mechanisms such as, notably, the UN Secretary-General’s reports to the General Assembly (GA) on oceans and the law of the sea; the UN Secretary-General’s report to the GA on violence against migrant women; the UN Secretary General’s report to the GA on the protection of migrants; as well as the report on the situation of migrants in transit submitted by the OHCHR to the Human Rights Council
- Ongoing collection and reporting by a number of agencies of data on refugee and migrant deaths at sea and on related land routes, including through regularly updated infographics.
- Information-exchange protocols with authorities at the national level.
- Development of a ‘joint database’ on migrant smuggling at sea under the lead of IMO, with contribution from IOM and UNODC.
- Methodological work to improve estimates of loss of life at sea and at other international borders.
- Monitoring social and mainstream media.

- Discussion forums such as dedicated sessions at the UNHCR-NGO Consultations in 2015.
- Information gathering through interviews with migrants and refugees (e.g. in Greece), to better understand trends and plan more effective activities and strategies.
- Support for an indicator under target 10.7 of the 2030 Sustainable Development Agenda on the ‘number of migrants killed, injured or victims of crime while attempting to cross maritime, land or air borders’.

These examples suggest that good models for further cooperation and coordination exist, including the possibility of ‘cross-fertilisation’ between regions and locations. Coordination and consultation are important to ensure that efforts are not duplicative or wastefully competitive, and that data-collection is in the service of improved policy and practical responses. Relevant initiatives need to be designed with clear objectives, to be mindful of personal data-protection concerns, and to take account of the possible tension between data collection for narrow law-enforcement purposes and data collection directed at informing broader protection-at-sea policy and practice.

### **c. Search and rescue (SAR) at sea**

Inter-agency cooperation on training, capacity-building, and operational procedures for rescue- and disembarkation-related arrangements is evident in a number of locations and represents a good practice which could be reinforced and developed in additional locations.

Arrangements for predictable and safe disembarkation have long been recognized as an important protection-at-sea issue, but were the subject of activities by only a few agencies. Progress on this issue depends in large part on States. Continued engagement with the international shipping industry also remains indispensable to advancing protection at sea.

*Although protection at sea should not be seen as being solely or even primarily about rescue at sea, arrangements for search, rescue and safe disembarkation will remain a key concern for so long as desperate people take to the sea in dangerous circumstances. Gaps in search and rescue were noted in several regions, including the Gulf of Aden, Red Sea and the Asia-Pacific.*

The mandated agencies with specific competencies relating to the international search-and-rescue regime (notably OLA and IMO) are not GMG members.<sup>5</sup> Accordingly, few activities cited concerned rescue-at-sea operations, arrangements and capacity building as such, although effective search and rescue at sea remains an important advocacy point for concerned GMG agencies. GMG agencies do play a limited operational role in several instances and UNHCR is involved in direct interventions to prompt SAR most notably in the Mediterranean, Bay of Bengal and the Andaman Sea, Caribbean and the Gulf of Aden. Capacity-building activities concerning the intersection between SAR and other mandate

---

<sup>5</sup> Given their roles in SAR, both IMO and OLA (Division of Ocean Affairs and the Law of the Sea) —although not GMG members— were invited to participate in the stocktaking exercise on the basis of their highly relevant mandates. OLA’s contributions were received.

areas (such as refugee protection and human rights) were highlighted by some. Examples of activities mentioned include the following:

#### Interventions and monitoring

- Emergency interventions made with States and commercial shipping to encourage or facilitate rescue of individual migrant and refugee boats in distress, and disembarkation to a place of safety.
- Emergency assistance provided to those who have been rescued.
- Information-sharing and cooperation with naval actors, NGO partners and others to monitor SAR in locations where State SAR services are limited (for instance, in the Gulf of Aden).

#### Strengthening the legal framework and capacity building on SAR

- Awareness-raising and training activities on the legal framework for SAR at sea under UNCLOS and related instruments.
- Publication of guidance and awareness-raising materials such as the publication *Rescue at Sea: A Guide to Principles and Practice as Applied to Refugees and Migrants*, jointly developed by UNHCR, the International Chamber of Shipping (ICS), and IMO, and translated into all six UN languages; and OHCHR's Recommended Principles and Guidelines on Human Rights at International Borders, available in English, French and Spanish.
- Training of national authorities (such as coastguard, border, immigration and military personnel) on international refugee, migration and human rights law standards relevant to rescue-at-sea contexts.
- Development of protocols and Standard Operating Procedures for coordination and cooperation at national level between State authorities, international organizations and NGOs involved in search, rescue, disembarkation and post-disembarkation assistance.
- Advocacy and awareness-raising on refugee protection and human rights in the context of rescue and 'interceptions' at sea.

#### Supporting the role of international shipping

- Consultation with national and international shipping representative organizations, as well as with seafarers' unions.
- Supporting and participating in training and capacity-building activities (on rescues involving migrants and refugees) with shipping industry bodies and seafarers' representatives.
- Monitoring and supervising the application of relevant international instruments (including notably relevant ILO Conventions on maritime labour).

#### Predictable and safe disembarkation

- Ongoing advocacy and interventions with States and regional organizations in favour of predictable arrangements for timely disembarkation to a place of safety.



- Facilitating appropriate disembarkation arrangements between States and/or commercial operators in particular instances.
- Dialogue with State authorities to ensure the safe disembarkation and entry of asylum-seekers or others in need of protection arriving by boat.
- Providing information and advice to State and commercial actors on preventing *refoulement* and collective expulsion in the context of post-rescue disembarkation arrangements.

*Search and rescue will undoubtedly remain a key advocacy point for joint and individual interventions guided by the respective mandates of GMG agencies, as well as an important area for ‘whole-of-law’ capacity building. However, concrete action to improve SAR responses, coordination and capacity (including along major sea mixed-migration routes) is largely the province of States, on the one hand, and non-GMG agencies such as IMO, on the other.*

It is important, for instance, that GMG agencies with relevant mandates remain engaged on developments regarding the international legal framework for SAR, to ensure notably that humanitarian, refugee-protection and human rights concerns are taken into account, as well as the occupational health and safety concerns of seafarers involved in SAR interventions.

**d. ‘Alternative pathways’: safe, fair and regular migration options; safe pathways to asylum; voluntary return and reintegration**

While creating viable migration and asylum pathways on a scale capable of providing realistic safe, fair and regular options to those who might otherwise take to the sea is a longer-term challenge. Some steps have been made, but it is clear that there is an urgent need for further concrete activities and proposals for workable models, including labour-market analysis to inform a holistic response.

Advocacy for credible alternatives to dangerous sea journeys—both for migrants and for asylum-seekers and refugees—is a central plank of several agencies’ approaches to protection at sea. Relevant approaches and activities cited include:

- Promoting stronger dialogue between countries of origin and destination, with a view to establishing bilateral agreements on labour migration, as well as to improve labour mobility schemes based on labour market needs and that focus on matching labour demand and supply domestically, regionally, and internationally.
- Monitoring and supervising the application of relevant international standards, including those on protecting migrant workers and labour-migration governance.
- Facilitating dialogue and technical cooperation through, e.g., ILO’s Fair Migration Agenda and Fair Recruitment Initiative, and IOM’s International Recruitment Integrity System (IRIS) initiative.
- Advocacy in favour of sufficient safe, fair and regular alternatives to the use of smuggling networks for asylum-seekers and refugees, including resettlement,

humanitarian admissions, facilitated access to family reunification, private sponsorships and flexible visa arrangements for work or study purposes.

- Advocacy for expanded safe, fair and regular migration channels, including for labour migration at all skill levels.
- Transportation assistance for asylum-seekers and refugees resettled or relocated to a third country.
- Integrating the various dimensions of migration, forced migration and displacement in the development plans and strategies of countries of origin, transit, and destination, in order to facilitate regular and orderly migration channels.
- Assisted Voluntary Return and Reintegration for migrants who would like to return home instead of pursuing their journey, including return information and counselling, travel preparation and arrangements

**e. Trafficking in persons and migrant smuggling**

It was recognized that effective law criminal justice response against trafficking in persons and migrant smuggling, undertaken with full respect for the rights of migrants, refugees and victims of trafficking, is one component of a comprehensive approach to protection at sea. It is important that these activities be undertaken strategically across all mixed-migratory routes, including in regions of origin, transit and destination.

Activities cited in this context relate to strengthening national legal frameworks on trafficking in persons and migrant smuggling by sea, capacity building and enhancing national coordination, and improving international cooperation. They include:

- Advocating for ratification or accession to the Protocol against Trafficking in Persons and the Protocol against Smuggling of Migrants.<sup>6</sup>
- Supporting implementation of the Protocols against Smuggling of Migrants<sup>7</sup> and Trafficking in Persons, including through developing and implementing anti-trafficking and anti-smuggling legislation (addressing notably the identification and protection of trafficked persons) at the national level. Advocating for ratification of the 2014 Protocol to the ILO Forced Labour Convention, and monitoring and supervising the application of international standards on forced labour.<sup>8</sup>
- Training and awareness-raising activities highlighting jurisdictional issues (notably under UNCLOS) related to crimes at sea, and on challenges posed by prosecuting transnational organized crime involved in crimes at sea.
- Training of national law-enforcement and border authorities on investigative techniques, on identifying and assisting trafficked persons or others who are subjected

<sup>6</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (entered into force on 25 December 2003). Protocol against the Smuggling of Migrants by Land, Sea and Air (entered into force on 28 January 2004).

<sup>7</sup> Protocol against the Smuggling of Migrants by Land, Sea and Air (entered into force on 28 January 2004).

<sup>8</sup> Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29); Abolition of Forced Labour Convention, 1957 (No. 105).

to exploitation and abuse, and on relevant human rights standards in counter-smuggling operations at sea.

- Supporting inter-State information sharing in order to facilitate prosecutions of criminal networks across migratory routes.
- Supporting the development, training and mentoring of multi-agency Port Intelligence Units (PIUs), for instance in Southeast Asia.
- Supporting the development of national strategies to combat trafficking in persons and migrant smuggling.
- Supporting national referral mechanisms for victims of trafficking and others with specific needs, and developing the capacities of government and civil society service providers to identify them and ensure access to appropriate immediate and longer-term support.
- Regional counter-trafficking projects such as United Nations Action for Cooperation against Trafficking in Persons (UN-ACT).
- Supporting regional inter-State forums such as the Indian Ocean Forum on Maritime Crime, the Bali Process, and facilitating international cooperation between select neighbouring States.
- Convening or supporting regional and global conferences, expert meetings and workshops on the intersection and relationship between international maritime, smuggling, trafficking and human rights law, protection related issues surrounding counter-smuggling and trafficking activities, and how to enhance the protection of migrants and refugees who move in an irregular manner both by sea and land.

#### **f. Other activities in countries of embarkation**

Several activities were considered important and in need of strengthening, notably timely information on the risks of potential journeys and availability of safe alternatives; access to livelihoods, asylum and necessary assistance, the absence of which may compel people to undertake hazardous sea journeys; and interventions on detention.

Contributions were sought on activities in ‘countries of embarkation’ (other than those related to law enforcement or safe migration/asylum pathways) that might lead to informed decision making, improved protection, and attenuation of drivers leading to unsafe sea journeys. Activities cited include the following:

##### Awareness raising amongst migrants, refugees and host communities

- Awareness-raising activities (leaflets, posters, individual counselling, community meetings and focus group discussions, online and social media projects) at key points along mixed migration routes, notably in North Africa.
- Participatory research on communication patterns, sources of information and factors influencing journeys.
- Engagement with diaspora communities.
- Media and ‘mass information’ campaigns.

### Access to livelihood opportunities and services

- Sustainable livelihood, job-creation and conflict-prevention initiatives (notably in West Africa, Eritrea, Somalia, and Sudan).
- Emergency employment, livelihood-restoration, capacity-development and socio-economic recovery initiatives in conflict-affected countries (notably in Syria).
- Projects directed at improving access to urban services and shelter conditions for refugee communities (notably in Lebanon).
- Vocational training, job placement services, and educational grants (e.g. in Egypt, Eritrea).
- Service mapping to improve coordination and access to services (e.g. in Somalia).
- Support programmes for local host communities affected by refugee crises (e.g. in Iraq, Jordan, Lebanon, and Turkey).
- Direct assistance to vulnerable migrants (e.g. in Libya, Tunisia, and Yemen).
- Advocacy and awareness-raising activities under ILO's Fair Migration Agenda and Fair Recruitment Initiative, and IOM's International Recruitment Integrity System (IRIS).
- Support to local governments and municipalities by enhancing their capacity in areas of management and service delivery.

### Access to asylum

- Training, capacity-building and support for coastguard, border, immigration and law-enforcement authorities on refugee protection, human rights and on identification and referral of asylum-seekers, refugees and vulnerable migrants to specialised services and procedures.
- Capacity-building support for the establishment and development of national asylum law, policy and procedures (e.g. in Algeria, Morocco and Tunisia).
- Building capacity of local actors (including civil society actors) to conduct screening/profiling of rescued people, identification of asylum-seekers, and to make appropriate referrals for others with international protection needs (e.g. in Tunisia and Morocco).

### Preventing detention and promoting alternatives to detention

- Based on the right to liberty, advocate for the amendment of legislation to establish a presumption against detention in law, and legally prescribe human rights-compliant alternatives to detention, so that detention is a last resort imposed only where less restrictive alternatives have been considered and found inadequate to meet legitimate purpose. Advocate for the abolishment of any form of child immigration detention (including 'protective custody' or similar de facto detention practices) as it is never in the best interest of the child to be held in detention and always constitutes a violation of the rights of the child.

- Monitor places of detention and screening of detained persons to identify asylum-seekers and vulnerable individuals.
- Advocacy and capacity-building with national authorities on human-rights-based alternatives to detention.
- ‘Community protection’ activities in coastal areas to identify people who have been detained or are at risk of detention.

#### **g. Post disembarkation**

Support to States for first-instance and emergency reception is ongoing. Assisted voluntary returns of those not found to be in need of international protection was noted as an important activity. *Gaps remain with regard to family tracing and identification of remains and of those lost at sea.*

A large number of operational activities related to post-disembarkation first assistance and reception, reflecting the concrete operational roles played by a small number of agencies, including in identifying regional gaps in concrete commitments on the actual disembarkation to safety and preparedness for post-disembarkation needs of migrants and refugees (for instance in the Asia-Pacific and the Gulf of Aden). *Nonetheless, the current extraordinary pressures on a number of disembarkation locations (notably in Italy and Greece) calls for significant further investment and coordination by States, UN and other international agencies, and civil society actors.* Activities cited in contributions to the stocktaking include the following:

#### First assistance, reception, alternatives to detention, and access to asylum

- The establishment of reception facilities in support of States, including interventions for emergency reception following disembarkation of those rescued (e.g. in the Bay of Bengal and Andaman Sea, as well as Italy, Malta, Greece, Djibouti and Somalia).
- Access to and monitoring of people held in immigration detention following arrival by sea, and referral of children and vulnerable individuals to alternatives to detention (e.g. Malaysia); advocacy for release from detention.
- Assistance to migrants and refugees arriving by sea and monitoring of reception conditions by multi-agency teams, including cultural mediators and interpreters (Italy and Greece).
- Identification of asylum-seekers, refugees and vulnerable migrants (e.g. victims of trafficking, unaccompanied children, those with medical needs), and referral to specialized services, including competent authorities and civil society partners.
- Individual counselling on the right to apply for asylum, protection mechanisms for victims of trafficking, and the rights of children.
- Direct assistance to rescued persons, including material assistance to asylum-seekers, refugees and migrants held in places of detention.

- Capacity-building of local actors to conduct screening/profiling of rescued people, identify asylum-seekers and others with particular needs or vulnerabilities, prevent their detention, and make appropriate referrals.
- Advocacy for improved sharing of responsibilities between States for asylum-seekers and refugees (notably in Europe, Asia-Pacific, Gulf of Aden and Red Sea, and the Caribbean).

#### Assisted Voluntary Return and Reintegration (AVRR) of migrants and unsuccessful asylum-seekers

- Provision of accommodation for migrants awaiting AVRR (e.g. in Greece).
- AVRR assistance (Malta, Italy, and Turkey).
- Enhanced reintegration assistance for voluntary returnees (Morocco, Senegal, and Tunisia), including by way of support to NGOs in countries of origin.
- Dialogue with governmental actors, social partners and private sector with a view to finding sustainable work and reintegration opportunities for returnees.

#### Family tracing and identification of those who die or are lost at sea

- Identification of family members separated during rescue operations, to facilitate their reunification.
- Dialogue among agencies and partners towards developing joint initiatives to assist family members of migrants and refugees who go missing or die, including at sea.
- Liaising with State authorities, relatives and friends to facilitate identification of migrants and refugees who die at sea.
- Support for improved regional coordination of forensic records to facilitate identification of bodies and match with missing persons / searching families.
- Retrieval of bodies of those who die at sea to facilitate identification and proper burial.
- Research projects on identification of migrants and refugees who die at sea.

Identification of those who perish at sea and notification of families, as well as tracing and reunification services for those separated during travel by sea or rescue operations, have been regularly identified as areas in need of attention. Few specific activities were cited during the stocktaking in this connection, although a number of agencies (notably IOM) have been active in attempting to facilitate dialogue between agencies and other actors with a view to exploring possible approaches. This is due, in part, to the fact that key actors in this area, such as ICRC, are not GMG members and so not represented. That said, some national-level inter-agency cooperative arrangements on rescue and disembarkation involving GMG agencies are looking to, inter alia, build capacity on retrieval and identification of human remains, with a view to notifying families.

## **6. Recommendations**

Given GMG's role, two over-arching **global recommendations** include:

**I. GMG to continue global advocacy** on the range of issues impacting on the protection of migrants and refugees undertaking hazardous journeys by sea, most notably from rights- and solutions-based perspectives.

**II. GMG to encourage regional approaches** that focus on local drivers of mixed migration and on targeted responses to prevent loss of lives at sea, as well as supporting **cross-regional consultations** and synergies, especially in the case of inter-regional mixed movements.

The following more specific recommendations are also proposed:

- i. GMG to support **implementation of the new Sustainable Development Goals (SDGs)**, to translate into action State responsibility for protection at sea.
- ii. **GMG Working Groups (WGs)** to cooperate on the range of issues affecting the protection of migrants and refugees at sea (for instance the Human Rights and Gender WG, Data WG and the Capacity Building WG).
- iii. The Human Rights and Gender WG to consider developing guidance or **a framework for the protection of migrants who do not benefit from protection as refugees**—including but not limited to guidance from a protection-at-sea perspective.
- iv. GMG to explore how protection-at-sea related objectives can be incorporated into country-level development planning and programming, notably in preparing and implementing **United Nations Development Assistance Frameworks (UNDAFs)**.

Specific activities by GMG agencies, including in collaboration with non-GMG partners, in regard to the above recommendations would include:

- Support for human-rights-based advocacy.
- Robust advocacy and capacity-building focus on strengthening arrangements for search, rescue and timely disembarkation to a safe place, as well as on strengthening comprehensive monitoring across all relevant areas.
- Encouraging development of search-and-rescue capacity where it is under significant pressure from large-scale migrant and refugee movements and/or where the capacity of coastal States is presently limited.
- Encouraging cooperation between State and private actors on rescues at sea.
- Support for training and capacity-building to promote consolidated approaches that turn obligations under all relevant areas of law into action. These should underscore the duty to rescue people in distress at sea; and respect for rights—including *non-refoulement* and access to international protection for those who need it.
- Ongoing coordination and consultation to ensure that messaging (and other interventions) on protection, criminal justice responses, and ‘prevention’ are *complementary* rather than being *dissonant*.

- Renewed focus on the importance of support for more comprehensive and long-term approaches to address overall drivers and root causes of irregular movements (e.g. through recovery and resilience-based development programmes aimed at improving local governance, creating income-generating activities, and increasing social cohesion in countries of origin).
- Renewed attention to the importance improving resilience and self-reliance of migrants and refugees through programmes with a special focus on creating and enabling sustainable livelihood opportunities (e.g. access to the labour market, access to services, fair and efficient asylum systems, and host-community resilience in host countries).
- Coordinated information sharing, directed strategically at improving protection at sea.
- Developing a range of concrete and workable proposals and projects for greater access to safe, fair and regular migration pathways and routes to asylum.
- Specific activities addressing the heightened vulnerability of women and children in mixed migratory movements also need due consideration.
- Further advocacy and capacity building on gender responsive reception arrangements and alternatives to detention following disembarkation or spontaneous arrival by sea (e.g. better equipped first-reception centres or mobile units to provide interpretation and information services for newly arrived migrants and refugees).

**Report Prepared by UNHCR**

**11 November 2015**