United Nations
Network on Migration
Working Better Together

Key elements of actionable recommendations on the provision of humanitarian assistance to migrants in distress to prevent loss of life in transit

Background

These preliminary elements of actionable recommendations are based on, and informed by, consultations with Member States and other stakeholders, a mapping of operational initiatives and practices (some of which are reflected in the Migration Hub's Network of Practices), and insights from policies and practices of States and stakeholders, including ICRC, IFRC, IOM and UNHCR's experience as humanitarian actors.

The workstream has focused on identifying three thematic clusters and preliminary elements to guide the formulation of actionable recommendations. These clusters relate to: (1) strengthening data and evidence and addressing gaps; (2) strengthening the normative and policy environment; and (3) strengthening the operational environment, including solidarity and support for humanitarian action. Each of these areas requires concerted political will and action.

Strengthening data and evidence and addressing gaps

Truly comprehensive global data on migrant deaths and migrants going missing is unavailable, with the current data likely an underestimate of the true death toll and no global figures on migrants whose fate is unknown available. There is also insufficient global evidence available on how humanitarian action to prevent the loss of life of migrants in transit is being supported. Elements for actionable recommendations include:

- Strengthening the collection and consolidation of global data and knowledge—including by States —on the global scale and dynamics of deaths along migration routes, both on land and at sea.
- Strengthening and consolidating global knowledge on how humanitarian action to prevent the loss of life of migrants in transit is being provided and supported in different regions—including through coordination and cooperation among States and humanitarian actors—or is being deterred or obstructed.

Strengthening the normative and policy environment

International law sets out the legal obligations and duties applicable to preventing the loss of life of migrants in transit. Domestic legal and policy frameworks or their application can strengthen the implementation of such obligations. Elements for actionable recommendations include:

- Strengthening capacity to comply with legal obligations related to preventing the loss of life in transit, including when necessary, seeking support or guidance from other stakeholders.
- Establishing peer-to-peer mechanisms for States to discuss and identify solutions to address laws and policies that create the risk of loss of life for migrants in transit.
- Ensure that laws and regulations specify responsibilities of specific government entities on search and rescue of migrants, including on land as a humanitarian imperative and consider separating these responsibilities from immigration

enforcement. Developing specific mechanisms to regularly review domestic laws and policies and their implementation to assess implications for—directly or indirectly—contributing to loss of life and other distress situations during transit. This includes laws and policies that criminalize or deter humanitarian action or link such action to immigration enforcement.

Operational environment, including for the provision of humanitarian assistance

Operational and solidarity challenges, including limited capacities, often constrain and curtail the ability to prevent the loss of life of migrants or provide humanitarian assistance to migrants in distress in transit. When needed, humanitarian actors can provide support in the spirit of partnership to mitigate these challenges. Elements for actionable recommendations include:

- Strengthening monitoring and other mechanisms to identify and provide timely alerts on distress situations.
- Enhancing early warning systems and defining a common set of triggers that will allow coordinated humanitarian responses including in contexts of large flows of migrants.
- Strengthening capacities—resources, infrastructure, expertise—to undertake effective and dignified search and rescue (SAR) in good faith both on sea and land and strengthening coordinated SAR operations.
- Assigning places of safety in line with obligations and without delay and providing effective disembarkation for SAR at sea.
- Ensuring that life-saving humanitarian assistance for migrants in distress is multisectoral and based on needs.
- Facilitating humanitarian action by humanitarian actors and other stakeholders, when States are unable or unwilling to prevent the loss of life of migrants in transit, or provide humanitarian assistance to migrant in distress, including by:
  - Ensuring access to all migrants, irrespective of status or where they are.
  - Creating a safe and enabling environment for humanitarian actors to operate free from obstruction, impediments, deterrence, insecurity, stigmatization or criminalization.
  - Permitting humanitarian actors to provide support to migrants irrespective of their status and in safe spaces accessible only to migrants.
  - Funding humanitarian assistance, including from humanitarian financing envelopes which should not be tied to migration management objectives, such as those aiming to curtail irregular migration.
  - Facilitating humanitarian actors to carry out their duties independent of political agendas, financial incentives or other criteria in areas where humanitarian action is being implemented in line with the humanitarian principles of humanity, impartiality, neutrality and independence.
- Promoting and facilitating route-based approaches to preventing the loss of life of migrants in transit. The route-based approach takes the 'route' as the main unit of analysis and relies on an active consideration of how conditions in origin, transit and destination impact each other. It therefore requires flexibility and capacity to adjust interventions over time and promotes a coherence of approaches across countries as well as inter-country, inter-regional information sharing which allows for coordinated engagement among actors and partners to improve protection

outcomes. This will require changing operational modalities of organizations and requires more flexible funding from donors.

- De-linking immigration control practices from SAR operations and humanitarian action. Immigration control should not be part of the provision of humanitarian assistance and immigration controls should not be carried out near places where humanitarian assistance is provided.
- Strengthening operational coordination among UN and other actors including the private sector (e.g. shipping industry; train and bus companies; telecommunications).
- In countries in crisis, migrant-inclusive approaches are needed to crisis preparedness and response, including by ensuring that the humanitarian needs of migrants are integrated into humanitarian response plans.