Technical consultation with Member States on actionable recommendations on missing migrants and providing humanitarian assistance to migrants in distress

22 November 2023 – 11:30-12:30

Registration link **here**

In-person event: Intercontinental Hotel (Geneva) and Zoom.

Simultaneous interpretation will be provided in **English**, **French** and **Spanish**.

Background

The first International Migration Review Forum (IMRF) Progress Declaration requested the Secretary-General, with the support of the United Nations Network on Migration (Network) and other actors, to include in his next biennial report actionable recommendations on strengthening cooperation on missing migrants and providing humanitarian assistance to migrants in distress, including by collaborating with humanitarian actors, with the aim of preventing loss of life in transit.[1]

To meet this mandate, the Network created a workstream, co-led by the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC), the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR). Through this workstream, the Network is conducting consultations at global, regional and national levels to seek feedback on the content and prioritization of the recommendations.

This consultation follows an introductory GCM Talk held on 23 March 2023 and three regional engagements with Member States and other stakeholders, as well as desk based and informant research and mapping of promising practices, and exchanges and insights from experts.[2]

Pursuant to the 2016 New York Declaration stating that refugees and migrants have the same universal human rights and fundamental freedoms and also face many common challenges and have similar vulnerabilities, the complementary implementation of the two Compacts is taken into account in the activities of the workstream, including the development of

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[1] Paragraph 76, International Migration Review Forum Progress Declaration
[2] Nairobi, Kenya on 8 June (Dialogue on GCM implementation in the East and Horn of Africa); 29-30 August (ECOWAS meeting on development of a policy on data and information on missing West African Migrants); Panama City, Panama 29 September (First Regional Forum of Champion Countries in the Americas).

actionable recommendations, which are generally applicable to migrants as well as to refugees and without prejudice to the treatment they are entitled to under international law.

These recommendations are being developed against a backdrop where migrants continue to die and go missing in transit. Across the world, more than 28,000 migrants have died during migration journeys on land and at sea since the adoption of the GCM, with nearly 60,000 recorded in the past decade. This year alone, 5,148 migrants have died, 48 per cent of them in the Mediterranean, 27 per cent in Africa and 19 per cent in the Americas.

Objective

This technical consultation is for Member States and particularly for their permanent representations in Geneva. A similar consultation will be organised on 7 December for permanent representations in New York at UN Headquarters. The main objectives are as follows:

1) To present the draft recommendations on missing migrants and key elements on humanitarian assistance to migrants in distress to be included in the next biennial report of the Secretary-General;
2) To gather feedback and insights from Member States on the draft recommendations and key elements.

The proposed draft recommendations on missing migrants and key elements for the recommendations on humanitarian assistance to migrants in distress in transit are listed in Annexes 1 and 2 to this concept note.

Methodology

The 60-minute in-person consultation will take place at the Intercontinental Hotel in Geneva and is exclusively for Member States. The meeting will be under Chatham House rules.

Programme

11:30-11:35   **Introductory remarks**, *Mr. Jonathan Prentice, head of the Secretariat of the UN Network on Migration*

11:35-11:40   **Presentation of draft recommendations on missing migrants**, *Mr. Florian von König, Global Advocacy Lead - Central Tracing Agency, ICRC*

11:40-11:45   **Presentation of key elements for the actionable recommendations on the provision of humanitarian assistance to migrants in distress**, *Ms. Sanjula Weerasinghe, Global Migration and Displacement Coordinator - Disaster, Climate and Crises, IFRC*

11:45-12:20   **Open discussion with Member States on the key elements for the actionable recommendations**

12:20-12:30   **Concluding remarks**

This consultation follows a joint briefing by the Coordinator of the Network and the High Commissioner for Refugees on the complementary implementation of the GCM and Global Compact on Refugees, held on 22 November 10am-11.15am at the InterContinental Hotel.

GCM Objectives

The workstream is closely linked to several objectives of the GCM, in particular **Objective 8** (Save lives and establish coordinated international efforts on missing migrants) but also **Objective 3** (Provide accurate and timely information at all stages of migration), **Objective 7** (address and reduce vulnerabilities in migration), **Objective 15** (Access to basic services), **Objective 12** (Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral), **Objective 13** (Use immigration detention only as a measure of last resort and work towards alternatives) and **Objective 23** (Strengthening international cooperation).

Registration

Please click here to **register**.

Annex 1 – Draft of actionable recommendations on missing migrants

Background

Based on consultations over the past 12 months and building on existing bodies of recommendations,[3] the workstream has developed draft recommendations on missing migrants under each of the key thematic areas of (1) the prevention of migrant deaths and disappearances, (2) the search for and identification of migrants who have died and/or gone missing, and (3) support to families of missing migrants.

Prevention

1. Create independent review bodies to assess the (direct or indirect) impact of migration related laws, policies and practices on the risk of migrants dying or going missing.
2. Provide migrants and their families the means to establish, restore and maintain contact throughout their migratory journeys, including in places of detention and at border crossings, either directly or through allowing their safe access to the services of humanitarian actors without discrimination.

Search and identification

National level

3. Develop and strengthen systems for the collection, management centralization and systematization of data on all unidentified human remains on a state territory, including publication of anonymized data in line with GCM reporting frameworks.
4. Systematize Disaster Victim Identification (DVI) responses to mass casualty events involving migrants.
5. Set up processes and mechanisms for families and others to register cases and provide information in an accessible, safe and confidential manner in countries of migrant origin, transit and destination, in line with data protection rules and standards. In particular, ensure that information provided is used for humanitarian purposes only, unless otherwise agreed by those providing it.
6. Follow a standardized approach to registration of cases involving missing migrants as laid out in ICRC's core data set to harmonize data collection for the search for missing migrants.

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[3] ICRC and IOM have developed a number of guidance documents and policy recommendations based on global consultative and evidence-based processes.

7. Appoint national focal point for transnational cooperation who can ensure that requests are received and that the right institutions are consulted.
8. Increase bilateral cooperation between key countries of origin and disappearance, as a steppingstone towards route-based coordination and cooperation mechanisms on missing migrants. This should include, inter alia, access to biometric databases for identification purposes.
9. Regional and sub-regional bodies and institutions should facilitate cooperation among States and other actors along migratory routes, including through the adoption and alignment of relevant normative frameworks, policies and standards and the establishment of information sharing arrangements and even institutionalized structures to support efforts.

Families

10. Provide access to critical legal documentation such certificates of absence/presumed death certificates, and other documents which can help address challenges such as marital status, control of property, guardianship of children and related topics.
11. Make all efforts to repatriate the remains of deceased migrants when identified, respecting the wishes of grieving families.
12. Acknowledge and support the role of civil society and non-governmental organizations as important intermediaries between families and States that can facilitate the registration of cases, provide information for search purposes, and support access for affected families to rights and services.

Annex 2 – 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 multi-sectoral 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.

- o 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.
- o 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.