

Working Group on the Smuggling of Migrants

5-6 October 2023

Dear excellencies, Distinguished delegates,

UNHCR intervened in the session of this Working Group held in June 2022 to flag that sea operations – whether conducted for law enforcement or humanitarian purposes – often result in refugees and migrants being disembarked in places where fundamental safeguards are missing and calling for action to be undertaken to ensure a good faith implementation of the concept of “place of safety” in line with international human rights law and refugee law.

We were thus pleased to learn that the organizers of the 2023 session of the Working Group decided to include in its agenda a specific item dedicated to *“Developments, challenges and best practices in preventing and combating the smuggling of migrants by sea”*, which offers a concrete opportunity to take forward some of the recommendations that UNHCR had made through that intervention.

Over many decades, UNHCR has addressed issues relating to refugee movements at sea in various contexts, from the situation of the so-called “Vietnamese boat people” in the 1970s to the Haitian boat crisis in the 1990s. Still, in the face of the current challenges, with more than 35,000 lives reported as lost at sea since 2014,¹ further urgency and actions are needed by all stakeholders.

The e-learning course on the Protection of Migrants and Refugees Moving by Sea

With a view to assisting States and other stakeholders to discharge their responsibilities in relation to mixed movements by sea, UNHCR and IOM last month launched an *e-learning course on the Protection of Migrants and Refugees Moving by Sea*. This joint course is the result of a year of work initiated by our two organisations following the adoption of the IOM-UNHCR Framework on Engagement in 2022.

It is an important tool that can facilitate understanding of the issues involved and guide action by relevant government departments. We thus encourage its dissemination with the relevant State and regional institutions, as well as with other stakeholders involved in rescue and interception at sea or in delivering protection services following disembarkation. The course is accessible on multiple platforms made available by UNHCR, IOM and the Institute of International Humanitarian Law.

Towards a panoramic route-based approach

UNHCR recognises that a learning tool of this kind can only have limited impact if not supported by a wider strategy for responding to movements by sea. Action to protect lives at sea must be embedded in broader efforts to address mixed movements.

As was recently stressed by the High Commissioner for Refugees, the challenges of the mixed movements of refugees and migrants require a “panoramic” view of population movements. This implies moving away from, as he put it, the “almost obsessive focus on just controlling

¹ IOM Missing Migrants Project.

arrivals at borders, to looking at their geographical complexity - literally at all steps of the long migratory routes.” UNHCR is thus working with partners to promote thinking and action based on comprehensive, route-based approaches to simultaneously address protection challenges and facilitate solutions in different locations along key mixed movement routes.

GRF 2023: Call for pledges on protection of lives at sea

The Global Compact on Refugees (GCR) provides a framework for more predictable and equitable responsibility-sharing. The upcoming 2023 Global Refugee Forum represents an opportunity for States and other stakeholders to renew their commitments under the GCR.

UNHCR thus calls upon the members of the Working Group on the Smuggling of Migrants:

- to uphold the GCR through specific pledges including around protection of lives at sea; and in particular
- to include the promotion and effective use of the UNHCR-IOM *e-learning course on the Protection of Migrants and Refugees Moving by Sea* as an integral part of the curricula of those involved in search and rescue (SAR) and law enforcement operations at sea; and
- to disseminate the “e-learning course” in the shipping, border management and other relevant sectors.

Similar pledges on protection of persons moving by sea could also be made under the GCR and the Global Compact on Migration (GCM).

Such pledges on the protection of refugees and migrants moving by sea will reinforce the complementary implementation of the GCR and GCM and underscore the importance of comprehensive and route-based responses to the challenges of mixed movements.

Thank you.