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## Conference of the Parties to the United Nations Convention against Transnational Organized Crime

Working Group on Smuggling of Migrants  
Agenda item 3: Protection and assistance measures for smuggled migrants  
Vienna, 10 and 11 July 2024

Dear Chairperson, Distinguished Delegates, Colleagues,

UNHCR is grateful for the opportunity to address this Working Group and welcomes the thematic focus on protecting and assisting smuggled persons. UNHCR is particularly concerned with the serious violations of human rights, abuses and life-threatening risks that refugees and migrants suffer at the hands of unscrupulous smugglers along the many routes in Africa, Europe, the Americas and Asia, especially concerning Rohingya stateless refugees. For example, we have just published with IOM and the Mixed Migration Centre a storyboard [Death in the Desert](#) providing evidence about the horrors facing refugees and migrants on routes to Africa's Mediterranean coast.

In this context UNHCR encourages States to:

1. **Invest in search and rescue operations at sea and on land** to protect the right to life of refugees and migrants who are smuggled and ensure their immediate access to life-saving assistance and to screening and referral to appropriate processes and procedures.
2. Provide **access to remedies and justice** for refugees and migrants who are victims of violence, abuses and rights violations while being smuggled.
3. Ensure that anti-smuggling measures, public statements or awareness raising campaigns **do not inadvertently exacerbate xenophobia and discrimination**, nor are they misused, resulting in the criminalisation of those who provide humanitarian aid or help to asylum-seekers, refugees or migrants in accessing their rights.
4. Include in their anti-smuggling legislation a **mandatory humanitarian exemption** to exclude acts of solidarity from the scope of the crime of people smuggling. This means ensuring the non-criminalisation of all relevant actors, including human rights defenders, humanitarian operators, personnel of private vessels and other individuals, such as family members, providing humanitarian aid or otherwise fulfilling a humanitarian duty to rescue or to provide legal or other help to refugees and migrants who are smuggled. These actors intervene under a humanitarian imperative and are not acting with the intent of obtaining a financial or other material benefit through the facilitation of irregular entry or stay.

Thank you for your attention!