

PREVENTING LOSS OF LIFE AND OTHER TRAGEDIES DURING MIGRATION

This issue brief is one of four that IOM, the UN Migration Agency, has drafted to support stakeholders in their discussions on the recommendations of the UN Secretary-General's report on the implementation of the Global Compact for Safe, Orderly and Regular Migration, ahead of the inaugural International Migration Review Forum (IMRF) in May 2022. The brief draws on the extensive policy and operational experience IOM has acquired working around the world in close cooperation with States, partner agencies, civil society, the private sector, academia as well as migrants themselves, and presents insights and ways forward to support implementation of the Secretary-General's recommendations.

Why does the Secretary-General's report highlight the issue of loss of life during migration?

The Compact evokes a moral and humanitarian imperative to prevent loss of life and other tragedies during migration, and presents through its eighth objective six clear actions for governments and stakeholders to follow to this end. Yet, since the adoption of the Compact, over 15,000 people lost their lives during migration worldwide.¹ These figures undoubtedly under-represent the true scale of the tragedy.

Just as it has affected other elements of migration governance, the COVID-19 pandemic has adversely impacted efforts to make migration safer and prevent deaths and disappearances. There is evidence that pandemic-related border closures have reduced already limited opportunities for regular migration, pushing more people to take unsafe irregular routes that put them at greater risk of disappearance and death.² But, as highlighted in the report of the Secretary-General, it is also the case that objective 8 of the Compact has received too little attention from governments, with very few examples of concrete actions taken provided in the 2021 regional reviews of the Compact.

While the complete elimination of death and disappearance along perilous migration routes remains a distant goal, the sheer magnitude of the problem necessitates that the international community take the measures required to make migration safer. Countless grieving families around the world and the migrants of tomorrow are counting on it.

What are some of the issues at stake?

Scenes involving dozens and sometimes hundreds of migrant lives lost at sea or on land have become all-too frequent. While such mass casualty events often make headlines across the world, little action has been taken to prevent further loss of life and support families impacted by these events. As outlined in the Secretary-General's report, States need to take urgent and proactive steps to address this issue; however, the prevention of migrant deaths is often hindered by lack of political will. There is also insufficient and incomplete data and evidence to inform responses, including to identify those who have died and gone missing to provide closure to their families.

Ultimately, systemic and policy changes are needed to save lives and prevent deaths during migration. This includes reviewing and updating migration laws and policies to ensure they do not put lives at risk, including deterrence-based approaches and criminalization of humanitarian assistance to migrants and their families, and ensuring that sufficient regular pathways are available, including for humanitarian considerations and family reunification. Moreover, the provision of humanitarian assistance to migrants or the search for loved ones who disappeared or died during migration should not be criminalized.

Even though significant changes to policy and normative frameworks can take time, States can take more immediate action to prevent the loss of life and other tragedies from occurring during migration. This includes carrying out effective search and rescue (SAR) operations along risky migration routes and ensuring safe and rights-compliant disembarkation and post-disembarkation mechanisms. The provision of

1 See <https://missingmigrants.iom.int/>. Missing Migrants Project data reflect documented incidents involving a death or disappearance during migration both on land and at sea; however, it excludes deaths that occur in immigration detention facilities or after deportation to a migrant's homeland, as well as deaths more loosely connected with migrants' irregular status, such as those resulting from labour exploitation.

2 United Nations Office on Drugs and Crime, "COVID-19 and the Smuggling of Migrants: A Call for Safeguarding the Rights of Smuggled Migrants Facing Increased Risks and Vulnerabilities" (Vienna, 2021) and United Nations Office on Drugs and Crime, *Abused and Neglected: A Gender Perspective on Aggravated Migrant Smuggling Offences and Response* (2021).

humanitarian assistance and protection along the migration journey can also save lives. The collection and analysis of data is essential for both policy and operational-level responses.

Regional Consultative Processes

Regional Consultative Processes can serve as a mechanism for increased international collaboration to build capacity and share good practices on the prevention of loss of life during migration. For example, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime has developed [guidelines](#) and a [training curriculum](#) to respond to the challenges of complex and diverse maritime movements in the Asia–Pacific region, and the need to address them through coordination and cooperation between States, specialized organizations and relevant actors.

Migration Crisis Operational Framework

Effective preparedness and response capacities are vital to addressing situations of crisis that present significant risk of loss of life during migration. IOM's operational responses to such scenarios are guided by tools and frameworks like the [Migration Crisis Operational Framework \(MCOF\)](#) and [Migrants in Countries in Crisis Initiative \(MICIC\)](#), which underpin holistic and coherent approaches that ensure support to and close collaboration with national authorities in the provision of assistance to migrants. IOM works with governments, partners and stakeholders worldwide to coordinate responses to diverse situations and crises that put migrants in danger, systematically monitoring flows and providing humanitarian assistance in SAR operation disembarkation points, medical care, protection and vulnerability screening, shelter, food and non-food items, as well as awareness and counselling services that provide information on the risks of irregular migration and alternative safe migration pathways.

Missing Migrants Project

Measures to prevent loss of life and disappearance during migration should be based on a sound evidence base that includes the latest and most accurate data. The [Missing Migrants Project \(MMP\)](#) gathers data on loss of life and disappearance during migration from diverse sources such as official records – including from coast guards and forensic institutes – and other sources such as media reports, NGOs, and surveys and interviews of migrants. Beyond the database, [MMP website](#) also includes many relevant reports and collects

testimonies from and resources for families searching for loved ones lost in the context of migration. This rich source of quantitative and qualitative data serves as the main reference point for media reporting on loss of life and disappearance during migration, and informs policy development by States at the local, national and regional levels. Furthermore, MMP data on the more than 46,000 lives lost during migration since 2014 are used as SDG Indicator 10.7.3, the only concrete measure of “safe” migration in the 2030 Agenda.

Ways forward

As underscored by the Secretary-General in his report, the Compact has proved its value as a guiding document for States throughout the tumult of the pandemic. In the lead-up to the inaugural IMRF, which will help States commit to better common action on pandemic preparedness and response as part of broader efforts to improve migration governance, IOM wishes to present considerations on how to prevent loss of life and other tragedies during migration. These are listed below, beneath the relevant recommendations from the Secretary-General's report, which have been shortened here for brevity.

Secretary-General Recommendation: States are urged to develop clear, safe and predictable disembarkation mechanisms for rescued people (paragraph 104):

- Encourage SAR operations through harmonized preparedness measures, including developing common standard operating procedures; mapping capabilities for deployment; creating regional networks of focal points and maritime assets; and facilitating procedures for commercial vessels to cooperate in SAR operations in line with relevant international maritime laws.
- Enhance bilateral and multilateral cooperation between concerned countries to enable sharing of relevant intelligence and information and early warning messages, and to ensure national and/or regional SAR mechanisms are alerted and appropriate actions taken in a timely manner, including activation and organization of disembarkation procedures.
- Enhance international processes to identify minimum standard requirements for SAR and Safe Disembarkation procedures, including number and type of active vessels, staff to be deployed according to different needs, and training for rights-based procedures.
- Prevent further deaths by prioritizing needs-based life-saving humanitarian assistance and protection to migrants in situations of vulnerability after disembarkation, including emergency shelter; non-food items; water, sanitation and hygiene; protection; direct health support and movement assistance, including return and reintegration support where applicable.

Secretary-General Recommendation: States are urged to comply with their international obligations at borders and along migratory routes and to safeguard human rights (paragraph 105):

- Strengthen integrated approaches to border management, through inter-agency planning, preparedness and response mechanisms that include the necessary coordination between all relevant authorities, civil society, and other stakeholders involved in safe arrival, registration, activation of humanitarian assistance, referrals and case management.
- Ensure that border officials and decision makers executing decisions on returns receive training about relevant obligations under international law to protect the rights and dignity of migrants, including the principle of non-refoulement, and that they are empowered and resourced to conduct their operations in compliance with those obligations.
- Elaborate well-established training and capacity development tools, as well as guidelines and procedures on addressing deaths during migration, including on migrants' rights, data collection and management linked to migrant remains and missing persons reports at borders, and psychosocial approaches to interact with affected communities and families of missing migrants.
- Leverage existing tools, such as the MICIC Guidelines and the Migration Crisis Operational Framework to promote comprehensive dialogue and commitments to address crisis situations in which migrants face acute risks and needs.

Secretary-General Recommendation: States are urged to stop obstructing humanitarian efforts aimed at providing life-saving assistance and criminalizing those who provide such humanitarian assistance (paragraph 106):

- Provide capacity development and prioritize SAR operations along perilous migratory routes, both at sea and land and ensure clear and rights-compliant disembarkation mechanisms.
- Support families of missing migrants throughout the search and identification process, including by designating an institution as a single point of contact for families searching for missing loved ones and creating special visas for families to enable their active participation in the search for their relatives or in identification, funerary and repatriation arrangements.
- Support families of missing migrants by ensuring they are prioritized/included in various government programmes and services, by removing all bureaucratic or administrative impediments to them exercising their rights or in accessing justice, and by strengthening the capacities of community-based support services providing support to families.

Secretary-General Recommendation: States are urged to assess the consequences of restrictive, deterrence-based migration-related laws, policies and practices (paragraph 107):

- Explore tools that can assist in the revision of laws and policies that put lives at risk. For example, the Migration Governance Indicators could help countries in the assessment of the comprehensiveness of their migration policies, as well as to identify gaps and areas that could be strengthened to prevent the loss of life.
- Adapt existing regular pathways and making them accessible to additional categories of migrants, including a possibility for a change of status, multiple entries, change of employer, etc.
- Expand flexible family reunification as a central component of safe and regular migration.