

UNHCR's contribution to the Secretary General Report on Oceans and the law of the sea, pursuant to UNGA Resolution 76/72 of 9 December 2021 titled "Oceans and the law of the sea".

1. In the absence of safer means to seek international protection, refugees and other persons under UNHCR's mandate continued to resort to dangerous journeys by sea in many parts of the world, including in the Mediterranean Sea, the Caribbean, the Gulf of Aden, the Indian Ocean, the Bay of Bengal and in the Andaman Sea. They often moved alongside migrants seeking a better life, using the services of smugglers and, in many instances exposing themselves to the risks of being trafficked, kidnapped for ransom or subjected to inhuman and degrading treatment.
2. During the reporting period, UNHCR continued to pursue and support protection at sea through i) advocacy for effective, cooperative and protection-sensitive approaches to search and rescue and disembarkation; ii) operational activities at places of disembarkation or arrival by sea; and iii) supporting access to asylum and other longer-term action on addressing the drivers of dangerous journeys.
3. In May 2022 UNHCR, IOM, UNICEF, OHCHR, UNODC and the UN Special Rapporteur on the Human Rights of Migrants issued a joint Statement on the notion of a 'place of safety'.¹ Building on the IMO Guidelines on the Treatment of Persons Rescued at Sea, the statement encourages states to consider the need to develop the requirement to deliver the persons retrieved at sea to a place of safety.

Asia-Pacific

4. In 2021, the Government of Indonesia rescued two boats of Rohingya refugees in distress (one in June and one in December) and allowed them to disembark in Aceh, saving 190 lives. UNHCR staff on the ground worked in close coordination with the Government, the local community, other UN agencies and NGO partners to ensure that the refugees received immediate assistance. The Government of Indonesia's fulfilment of search and rescue responsibilities is an example to the region of upholding the primacy of preventing loss of life at sea. Furthermore, in 2021, the Government of Bangladesh rescued two boats of Rohingya refugees in April and August as they experienced distress situations while attempting to leave Bangladeshi waters. These actions saved the lives of approximately 53 refugees.
5. In the reporting period, UNHCR continues its advocacy with regional fora such as the Bali Process to highlight the importance of a predictable and equitable mechanism for disembarkation of refugees in distress at sea. UNHCR also advocates for the importance of protection-sensitive entry mechanisms for vulnerable persons arriving by sea, many of whom are victims of aggravated smuggling and trafficking.
6. UNHCR is collaborating with UNODC Regional Office for Southeast Asia and the Pacific by contributing to UNODC's course "Responding to Migrant Smuggling by Sea", specifically with modules on Protection at Sea and Screening and Referral. The course is a two-week training course for maritime and law enforcement officials held in Indonesia, Malaysia and Thailand in 2022 and 2023.
7. UNHCR, in partnership with the Regional Support Office of the Bali Process, developed a Screening and Referral Toolkit Mobile Application which was published on the App Store and Google Play Store in February 2022. The Toolkit seeks to build the capacity of border officials to screen and refer people with specific needs to appropriate services and processes, including

¹ [The concept of place of safety under international law and the respect of the rights of migrants and refugees rescued at sea by all States.](#)

vulnerable persons arriving irregularly by sea in Indonesia, Malaysia, the Philippines and Thailand.

Mediterranean Sea

8. The absence of a predictable and effective search and rescue system in the Mediterranean remains of concern. This resulted in non-response or in lengthy delays by States, before disembarkation was eventually allowed. Survivors often remain stranded for days on board vessels unsuitable for long-term accommodation, which might expose them to further risks and exacerbate their vulnerability, especially for women and children. The gap left in SAR operations by state actors also has led to merchant vessels taking responsibility for saving lives. UNHCR has repeatedly called for greater search and rescue coordination among States, and reiterated that no one should be returned to Libya, which is not considered a safe place for disembarkation.² There have been reports from NGOs active in search and rescue operations about unsuccessful attempts to contact the responsible authorities about boats in distress at sea in their search and rescue areas, including incidents of alleged excessive use of force.³
9. The sharp reduction in arrivals on the Eastern Mediterranean route has been coupled with an increasing number of verified instances of denied access to territory to refugees and migrants in Greece. UNHCR has raised concerns over increasingly violent push back practices both at land and sea borders in several instances⁴.
10. Since 2020, the number of boats attempting to reach Cyprus directly from Lebanon and/or Syria has risen, with most passengers being reportedly Syrians. However, this has not translated into equally important numbers of successful arrivals and asylum applications.⁵ In the months between January and April 2022, a higher number of persons involved in departures and attempted departures from Lebanon was recorded, compared to the same period in 2021, with some 600 individuals (the majority Syrians) trying to cross the sea from Lebanon. This correlates with indications that many hope to undertake onward movements from Lebanon. In April 2022, attempts to cross from Lebanon to Italy by sea increased, sometimes with tragic results,⁶ whereas previously, the primary destination had been Cyprus. UNHCR calls for strengthened search and rescue responses, including through the establishment of a Search and Rescue Region and a dedicated Maritime Rescue Coordination Centre by the Lebanese authorities.
11. The number of dead and missing in the Mediterranean is believed to have reached 1,924 persons in 2021. As at 30 April 2022, some 553 people are believed to have died while attempting to cross the Central and West Mediterranean Sea this year.⁷ In Libya, 453 persons have been reported missing and 107 bodies have been recovered in the first four months of 2022.⁸

² [UNHCR - ICS, UNHCR and IOM call on States to end humanitarian crisis onboard ship in the Mediterranean](#); [UNHCR - IOM and UNHCR condemn the return of migrants and refugees to Libya](#), [UNHCR calls for greater search and rescue coordination – UNHCR Northern Europe](#)

³ OHCHR, “*Lethal Disregard*”: *Search and rescue and the protection of migrants in the central Mediterranean Sea*, May 2021, at 29 to 30, <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR-thematic-report-SAR-protection-at-sea.pdf>; Sea-Watch International, 1 July 2021, <https://t.co/0C2YSmcPoQ>; Alarm Phone, 24 November 2021,

https://twitter.com/alarm_phone/status/1463532081393324034?s=21; SOS Méditerranée, 4 December 2021,

<https://twitter.com/SOSMedIntl/status/1474416522546364418>, SOS Méditerranée, 24 December 2021,

<https://twitter.com/SOSMedIntl/status/1474340823747735558>.

⁴ [UNHCR - News Comment: UNHCR warns of increasing violence and human rights violations at European borders](#)

⁵ <https://ecre.org/cyprus-families-separated-by-pushbacks-to-lebanon-cyprus-calls-for-greater-solidarity/>

⁶ <https://www.unhcr.org/news/press/2022/4/626543974/unhcr-iom-shipwreck-tragedy-lebanese-coast-underscores-need-continuing.html>

⁷ UNHCR, *Operational Data Portal – Refugee Situations: Mediterranean Situation*, 8 May 2022, available at:

<https://data2.unhcr.org/en/situations/mediterranean>.

⁸ UNHCR, *Update: Libya*, 4 May 2022, available at: <https://reliefweb.int/report/libya/unhcr-update-libya-4-may-2022-enar>.

12. The Central Mediterranean route was the most-used migratory route to Europe in 2021⁹, accounting for one-third of all reported irregular border-crossings and seeing an overall 83 % increase in arrivals from Libya, Tunisia, but also directly from Türkiye more recently. The main nationalities identified are Tunisians, Bangladeshi and Egyptians.
13. 67,477 refugees and migrants arrived in Italy by sea in 2021, the highest number of the last four-year period and almost double the sea arrivals recorded in 2020.¹⁰ In the first four months of 2022, 10,761 refugees and migrants arrived in Italy by sea. This represents a 19% increase compared to the same period last year, when 9,013 reached Italian shores.¹¹ In Malta, the total number of sea arrivals in 2022 stands at 32 compared to 147 in 2021 and 1,273 in 2020. While sea arrivals continue to drop in Greece over the last three years, going from 59,726 in 2019 to 9,714 in 2020 and 4,331 in 2021;¹² Cyprus experienced a pick in 2021, triggered mostly by movements from Türkiye and through northern-Cyprus, but also increases in sea arrivals, notably from Lebanon.
14. Sea arrivals in Spain went from 26, 168 in 2019 to 40,326 in 2020 and 41,979 in 2021. By the end of May 2022, 10,914 persons had arrived in Spain by sea, of which almost 80 % landed in the Canary Islands.¹³
15. Between September 2021 and April 2022, some 13,300 refugees and migrants were disembarked in Libya, following interception or rescue at sea by the Libyan authorities. UNHCR continues to advise that Libya is not a safe place for disembarkation due to the security situation in general, as well as the transfer of all disembarked migrants and refugees directly to detention centres across Libya where documented human rights violations continue to take place.¹⁴
16. The EU and its Members States, notably Malta and Italy, as well as Türkiye provide ongoing support to the Libyan authorities' search and rescue efforts through capacity building and training of the LCG, the Libyan Navy, and the GACS, which raises questions of due diligence in compliance with international law standards, given reports of the serious abuses which those disembarked in Libya continue to suffer. In January 2022, three humanitarian organizations filed a complaint with the International Criminal Court (ICC) for alleged war crimes committed by the Libyan authorities against migrants and refugees in detention.¹⁵ The complaint also addressed Malta and Italy for their continuous support to the Libyan CG and thus their implication in human rights abuses of refugees and migrants in Libya. Further, it also criticizes Malta for imposing measures to restrict the SAR activities of NGOs.¹⁶
17. In a positive development, Tunisian authorities increasingly engaged in the rescue off the Tunisian coast of boats that had departed from Libya. As a result, some 1,400 refugees and migrants were disembarked in Tunisia between September 2021 and April 2022 after departing from Libya.
18. Elsewhere in North Africa, sea departures from Algeria, Morocco and Tunisia towards Europe continued, prompting further rescues and interceptions by national authorities. Greater access to disembarkation sites across the region is needed to strengthen the identification of

⁹ <https://frontex.europa.eu/media-centre/news/news-release/eu-external-borders-in-2021-arrivals-above-pre-pandemic-levels-CxVMNN>

¹⁰ [Document - Italy Sea Arrivals Dashboard December 2021 \(unhcr.org\)](#)

¹¹ [Document - Italy Sea Arrivals Dashboard April 2022 \(unhcr.org\)](#)

¹² <https://data2.unhcr.org/en/situations/mediterranean>

¹³ <https://data2.unhcr.org/en/situations/mediterranean/location/5226>

¹⁴ <https://www.refworld.org/docid/5f1edee24.html>

¹⁵ UpRights, Strali, and Adala for All, *Article 15 Communication on War Crimes and Crimes Against Humanity Committed Against Migrants and Asylum Seekers in Libya*, 17 January 2022, available at:

<https://static1.squarespace.com/static/5eccc1ca80c0dd25fdf363f/t/62700396ce98e81f5eaf7824/1651508122395/Public+Circulation+Article+15+Communication+on+War+Crimes+and+Crimes+Against+Humanity+Committed+Against+Migrants+and+Asylum+Seekers+in+Libya.pdf>

¹⁶ Ibid.

persons with international protection needs, along with victims of trafficking, unaccompanied and separated children, and others with specific protection needs.

19. In June 2021, UNHCR partnered with the General Secretariat of the Arab Interior Ministers' Council to organize a workshop on international protection in mixed movements in the Central Mediterranean, leading to several recommendations. It was recommended that, "...priority should be given to promoting the exchange of data and analysis on irregular arrivals, including those disembarked after rescue at sea, between States and the respective International Organizations; where this may contribute to a greater understanding of movement trends, including in relation to people in need of protection."¹⁷
20. UNHCR continues to call on states to provide granular data on those disembarked after rescue at sea. Without data, it is difficult for UNHCR, IOM and partners to have targeted programs for communities who are most likely to be on the move.
21. UNHCR has called on the French and Czech Presidencies of the Council of the European Union to facilitate the adoption of predictable search and rescue (SAR) and disembarkation arrangements that move away from crisis-response and ad hoc approaches.
22. In addition, UNHCR encouraged MS to increase their SAR capacity and activities, including with Frontex support.
23. In accordance with the European Commission's new EU action plan against migrant smuggling, the EU should work to dismantle smuggling networks, while ensuring the protection of migrants and refugees, including by guaranteeing the right to seek asylum for those in need of international protection, identifying and referring vulnerable persons, preventing the separation of families during migratory journeys and developing search mechanisms for missing persons.
24. The 2019 Valletta Declaration was a positive step towards facilitating the establishment of a predictable search and rescue (SAR) and disembarkation mechanism. A fair, transparent and proportional system for responsibility-sharing within the European Union is needed. UNHCR has expressed its readiness to support the EU Member States and EU institutions to operationalize such a system using available evidence and operational experience.

Gulf of Aden

25. Refugees and migrants, mainly from the Horn of Africa (Ethiopia and Somalia), continued to make dangerous journeys across the Gulf of Aden to Yemen. Between September 2021 and March 2022, some 32,300 refugees and migrants arrived by sea in Yemen, but there were no major reported shipwrecks in this period.
26. Greater coordination is needed to strengthen the identification and referral pathways at entry points and along migratory routes of persons with international protection needs, as well as people with specific protection needs, such as with victims of trafficking and unaccompanied children. Awareness raising and information dissemination to refugees and migrants about their rights, how to stay safe and where to seek support, both en route and in Yemen, needs to be further enhanced.
27. Somalia's location on the 'Eastern Migration Route' contributes to bidirectional flows between the Horn of Africa and the Arabic Peninsula. The country is dealing with a huge number of movements. In December 2021 alone, the International Organization for Migration (IOM) observed 23,779 movements of people, of whom 58% were outgoing and 42% incoming.

¹⁷ UNHCR and the General Secretariat of the Arab Interior Ministers' Council, *Final Recommendations Regional Workshop: International Protection in Mixed Movements in the Central Mediterranean: Trends and Good Practices*, June 2021, available at: <https://www.unhcr.org/eg/wp-content/uploads/sites/36/2021/08/Final-Recommendations-Mixed-Movements-in-Central-Mediterranean.pdf>.

28. Many of the people on the move, transit through Somalia and cross the Gulf of Aden from Somaliland and Puntland. Due to irregular and inadequate monitoring of movements, they are exposed to threats such as human trafficking, sexual and other forms of abuse. According to the Mixed Migration Centre (MMC), Ethiopians represent the majority of arrivals into Yemen (91%). A further breakdown of figures shows the majority of arrivals were men (72%), followed by women (18%) and children (10%).
29. From September 2021 to May 2022, UNHCR, through its partner Legal Clinic Office (Hargeisa University), conducted capacity building training sessions for various government officials, including Somaliland police, coastal guards, immigration officers/border guards, and the Mandhera police academy, to strengthen their knowledge of refugee law and international protection in order to promote refugee protection, access to territory, and asylum procedures at the national level.

West Africa-Atlantic Route

30. High numbers of refugees and migrants continued to attempt to cross the sea to the Canary Islands, despite the significant dangers involved along this route where journeys often take several days. In 2021, an estimated 1,153 people are believed to have died or gone missing in the Atlantic coastal waters attempting to reach the Canary Islands from Senegal, Mauritania, Western Sahara, and Morocco. More needs to be done to enhance search and rescue capacity and coordination along this route. In Mauritania, UNHCR continues to work with partners to strengthen referral mechanisms, including for the identification of people with international protection needs at disembarkation points.
31. The identification of persons who lose their lives at sea remain challenging, due to the absence of information and data protocols by the Government of Senegal on movements by sea despite continued advocacy at various levels. The proposed deployment of Frontex along the coast of Senegal represents a novelty, the implications of which will need to be further assessed.
32. Over the reporting period, the UNHCR organized a two-day training session on asylum and mixed movements (23-23 Sept 2021) for some 20 agents of the Senegalese Border Force (Direction de la Police de l'Air et des Frontières - DPAF) with a view to strengthening the identification and referral of persons with protection needs in mixed movements, including sea movements;
33. UNHCR participated in a follow-up regional conference to the Niamey Declaration in Dakar on 10-12 May 2022, where participating States shared good practices in their fight against smuggling and trafficking and reiterated the need to identify and protect victims. More than 100 State delegates (from West Africa, North Africa and Europe) participated in the event, together with UNODC, IOM and UNHCR representatives.

Indian Ocean

34. The Union of the Comoros' proximity to French territory (Mayotte) and strategic location within the Indian Ocean's Mozambican channel - nestled between Madagascar and Mozambique - makes it attractive as a transit hub for migrants and refugees. Poverty and political instability in nearby Madagascar, Burundi, the Democratic Republic of the Congo and the Republic of Congo act as push factors for asylum-seekers and migrants to take dangerous journeys to Mayotte, some of whom end up diverted to Comoros.
35. Whereas Comoros has been recorded as the country with most group arrivals in 2022, other Indian Ocean islands such as Mauritius and Seychelles have reported individual asylum-seekers arrivals and may definitely be impacted by this emerging mixed movements route from continental Africa to the Indian Ocean islands.

36. During the reporting period, the Comorian authorities responded to two large groups of mixed movements arriving by boat on their territory. The first group consisted of 52 individuals who were arrested in September 2021 during a stop-over on Anjouan Island on route to Mayotte. The second group was comprised of 24 individuals who were intercepted by the Comorian coast guard in December 2021, also on route to Mayotte. The majority nationalities among the groups are Congolese (DRC), Burundian and Rwandan.
37. From September 2021 until March 2022 UNHCR provided for care and maintenance of the arrivals held in Anjouan. This included food and sanitary costs in the detention facility. UNHCR, a non-resident agency in Comoros, has relied heavily on the Resident Coordinator's Office and the UN Country Team to provide support. From March 2022 onwards, the upkeep of the group has been absorbed by the Comorian Red Crescent and the government. UNHCR conducted four missions to engage the Comorian authorities and register the group of sylum-seekers.

Americas

38. By the end of 2021, 6.1 million Venezuelan refugees and migrants had left their country. Latin America and the Caribbean host 85% of this population. This includes 204,000 Venezuelans¹⁸ who have been displaced to nearby Caribbean countries, many of whom have arrived through sea routes.
39. UNHCR has also observed a growing number of Haitians resorting to dangerous journeys in the Caribbean Sea, many taking place in overloaded and unseaworthy boats. As of May 2022, the U.S. Coast Guard reported it has interdicted almost 3,900 Haitian nationals in the fiscal year 2022 - more than double the number in the fiscal year 2021 (1,527 Haitians). In addition, at least 175 Haitians have been reported as missing or deceased to the U.S. Coast Guard.
40. Such movements have taken place despite restrictions that remain in place due to COVID-19, including ongoing travel restrictions and the continuous suspension of flights, leading to irregular and unsafe routes by sea as the only means for refugees and migrants to access Caribbean countries.
41. Notwithstanding ongoing search and rescue efforts by coastal guards and authorities in the Caribbean, there were multiple incidents in 2021 and 2022. Shipwrecks and boats were reported missing along Venezuela's coastal areas and other Caribbean States and Territories that led to drownings and missing persons, highlighting the extreme risks of sea journeys undertaken by refugees and migrants in the region.
42. UNHCR stands ready to support national authorities in the establishment of regular and safe pathways to ensure access to territory, the implementation of protection-sensitive entry systems, alternatives to detention and adequate reception, mechanisms for the identification of persons with specific needs and related referral pathways upon disembarkation. These efforts can contribute to preventing situations of refoulement, reducing the use of irregular routes at sea, in addition to deterring human smuggling and trafficking and associated risks and human rights violations in the Caribbean.
43. It is vital to ensure that arrangements for disembarkation of those rescued do not result in their summary return, and that people who are rescued and disembarked have access to procedures to have their claims assessed before being expelled or deported.

¹⁸ As reported by the R4V Coordination Platform for Venezuelan Refugees and Migrants, available here: <https://www.r4v.info/en/caribbean>