

## **C8 Stop fighting the smugglers, create safe passage instead!**

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Agenda item: 3. Resolutions

### **Text**

1 The fight against refugee and migrant smuggling has evolved into a central  
2 paradigm of EU asylum and migration policies in the past several years and has  
3 played a pivotal role in the public discourse ever since the adoption of the EU  
4 Agenda on Migration and the Action Plan on Migrant Smuggling in 2015.

5 We consider the policy prerogative of fighting smugglers misconceived in several  
6 ways:

7 First and foremost, the fight against smugglers neglects that as long as in the  
8 current European border regime safe and legal ways to Europe remain scant,  
9 refugees are dependent upon the smugglers to reach European shores. While some  
10 smugglers will without doubt attempt at exploiting refugees on their way to  
11 Europe, we understand smuggling as a more complex phenomenon. What makes the  
12 right of asylum meaningful and tangible for the refugees in practice, is in  
13 today's system the smuggler. Consequently, what smugglers provide is not much  
14 different than a service, which is illicit in the current regime but for which  
15 there is a clear need. The only way to lower the risk for the refugees involved  
16 is to provide for alternative, legal ways to Europe.

17 Media and some EU institutions and organs keep depicting smugglers as greedy  
18 criminals and refugees and migrants as their passive, uninformed victims.  
19 Meanwhile, recent critical scholarship suggest the relationships between  
20 smugglers and refugees can be and are more complex, with social, family or  
21 ethnic ties playing an important role. Refugees are not always completely  
22 unaware of the risks involved in their journeys but - in the absence of other  
23 options for reaching Europe - willingly choose to take the risk. Likewise, it is  
24 not true that smugglers always attempt to exploit or otherwise harm refugees,  
25 who are as in any other business their clients. While it is important to protect  
26 refugees from being exploited en route, in places like Hungary, refugees are  
27 more likely to experience violence from border authorities than from the  
28 smugglers. It is hypocritical to fight smugglers and leave state-sponsored  
29 violence untackled, covered with the veil of impunity.

30 NGOs providing vital assistance at High Seas as well as individual activists  
31 facilitating refugees' transfer for humanitarian, non-profit purposes keep being  
32 attacked for having connections or even cooperating with criminal smuggling  
33 networks. From France to Sweden to Greece, individuals who have helped refugees  
34 cross the border for humanitarian purposes are being put on trial. We understand  
35 assistance in border crossing - which does not involve financial or material  
36 benefit for the smuggler - as an instance of "humanitarian smuggling", an act of  
37 civil disobedience and an example of practical solidarity in the face of

38 European borders.

39 **Considering the above, we demand the EU:**

- 40 1. To stop pouring money into militarized fight against migrant smuggling  
41 which has proven not efficient and which is dangerous to the migrants  
42 themselves. In particular, we require militarized operations aiming at  
43 seizing and destroying smugglers' vessels, such as the EU NAVFOR MED  
44 operation Sophia, to be ceased. The financial means gained herewith are to  
45 be channeled towards increased search and rescue operations.
- 46 2. To create legal, safe ways to Europe by easing access to humanitarian,  
47 student and work visas, by widening the criteria for family reunification  
48 and by making increased efforts at resettling refugees. Legal ways to  
49 Europe will make refugees less dependent on the illicit means of transport  
50 which expose them to risks inherent in such journey.
- 51 3. To launch proper investigation into reported cases of border violence and  
52 border deaths from the hands of state authorities as well as the Frontex.
- 53 4. To stop accusing humanitarian actors of having ties and cooperating with  
54 criminal smuggling networks. They provide crucial help which the EU has  
55 failed to provide and should be respected as such.
- 56 5. To amend the EU Facilitation Directive in order to create a clear  
57 distinction between smuggling and humanitarian smuggling. EU member states  
58 shall be prohibited from criminalizing the facilitation of irregular  
59 border transfer which does not involve an element of financial or material  
60 gain.
- 61 6. To stop making fight against migrant smuggling a precondition for  
62 development cooperation, to repeal the EU-Turkey deal and to stop any  
63 agreements aiming at curbing migration flows with countries in Northern  
64 Africa.
- 65 7. Last but not least, we call on the civil society to stand in solidarity  
66 with the refugees, to support them in their struggles and to continue  
67 engaging in acts of legitimate civil disobedience vis a vis the Fortress  
68 Europe. Solidarity is not a crime!

## Reason

The Idea of the Europe Fortress has paved the way for human trafficking and smuggling in our borders. We think that approaching migration as a human right calls for open borders, that can be crossed safely and freely, ending once and for all the suffering of thousands of people.