

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.