



Commentary: Criminalising Solidarity towards Migrants and Refugees

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Commentary: Criminalising Solidarity towards Migrants and Refugees

Yasha Maccanico¹

The Transnational Institute has published a report on the criminalisation of solidarity towards migrants and refugees. It highlights developments including efforts by the EU and its member states (with a special focus on Italy) to stop citizens throughout the EU 'doing the right thing' by helping people in need to assert their authority in the fight against 'illegal' immigration. The subordination of human rights, the rule of law and solidarity with people experiencing hardship to policy-driven objectives is becoming commonplace in a policy field whose management model increasingly relies on coercion and discrimination. The coercion and violence suffered by migrants as consequences of the EU's border regime has been common knowledge for decades, including ill-treatment and deaths during their journeys and in centres and camps in Europe and beyond. Yet, vilification, criminalisation and harassment promoted by national and EU institutions increasingly target European citizens, as is documented using a catalogue of cases from many EU states. They are guilty of providing long-term and often inspirational examples of resilience against public policies that promote exclusion and undermine competing positive values and principles for society at large including rights, the rule of law, public health, non-discrimination and solidarity. The EU supposedly supports such values and principles but has chosen to relinquish them to assert immigration control policies whose effects intensify in expansive fashion in response to the problems they cause. The authoritarian outlook its restrictive immigration policy inherently fosters and requires is not conceived of as a potential risk or problem by bodies specialised in self-serving risk analyses (like Frontex), although it is undermining the EU's viability, standards and reputation.

¹ Yasha Maccanico has worked as a journalist and researcher for Statewatch since 1997, analysing the EU's JHA policies in relation with developments at the national level in several western EU countries (Italy, Spain, France and UK) and beyond its borders, as their externalisation to neighbouring regions and countries advanced. At the University of Bristol since 2012, he obtained an MSc in Policy Studies and is completing a PhD on European immigration policies at the EU and national levels on "European immigration policies as a problem: state power and authoritarianism. The development of immigration policy as a means to assert state power in the EU and its member states." He writes and translates articles for Statewatch, among others, has had articles and translations published in websites, magazines and journals around Europe, cooperating with associations and networks (Migreurop, Osservatorio Solidarietà).

The European Commission's 2015 Agenda on Migration marked a conversion to policies of exclusion, destitution, dogged harassment and death targeting third-country nationals who disobey the prohibition to move, even in the presence of life-threatening and systemic threats. Its priorities and objectives have driven EU countries towards practices marked by high levels of violence and illegality to secure borders and instrumental practices of discrimination by nationality or by travel route to limit people's right to seek asylum, like those instituted in Italian and Greek hotspots. Against the resistance fielded by citizens in EU countries, it has strategically chosen the far right and problematic regimes outside the EU as its allies and/or partners.

The criminalisation and intimidation of activists and acts of solidarity towards migrants throughout Europe are used to describe the "shrinking space" for actions by civil society resulting from an immigration policy-driven onslaught by the EU and its member states. From a more positive perspective, it highlights the numerous forms of resistance that have arisen from European society, also by resorting to international bodies like the European Court of Human Rights, UN rapporteurs and working groups and informal tribunals like the Peoples' Permanent Tribunal (PPT). In Palermo in December 2017, the PPT ruled that the EU and Italy were guilty of "system crimes" in relation to their policies to prevent departures from north Africa.

Transnational Institute report, "The shrinking space for solidarity with migrants and refugees. How the European Union and Member States target and criminalize defenders of the rights of people on the move", 2 October 2018, available at:

https://www.tni.org/files/publicationdownloads/web_theshrinkingspace.pdf

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