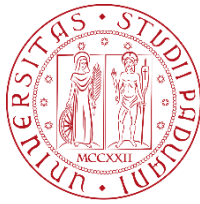


UNIVERSITÀ DEGLI STUDI DI PADOVA

DEPARTMENT OF POLITICAL SCIENCE, LAW, AND
INTERNATIONAL STUDIES

**Master's degree in
Human Rights and Multi-level Governance**



**HUMAN SMUGGLING AS A SYMPTOM OF FAILING
MIGRATION POLICIES:**

The criminalization of irregular migration and its impact on
Policy Development and Public Narratives in Italy

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ABSTRACT

This thesis analyzes human smuggling and irregular migration as a direct consequence of systemic failures in migration policies in Italy. The methodology employs a qualitative and critical research design, using a multidisciplinary approach that integrates migration studies, international law, human rights and empirical evidence. The research is structured around a multi-level analysis, comprehending from international politics and European governance to Italian national law, and migrant experiences gathered through six semi-structured interviews. The temporal framework focus from 2015 to 2025, after the so-called “migration crisis” period. The background analysis traces migration flows in the MENA region. The theoretical analysis critically looks at the EU's agenda for criminalization, securitization, and externalization of irregular migration, and finds that restrictive policies unintentionally encourage human smuggling by blocking legal routes and increasing demand for smuggling services. This directly influences political discourse and public perception. With a human lens, empirical findings reveal profiles of smugglers, human rights abuses and reflections on irregular migration from the migrants’ perspective. The thesis concludes that human smuggling is a symptom of failing migration policies in Italy and the EU. The thesis recommends a fundamental shift towards rights-based approaches, including creating safe and legal pathways, updating antiquated legal frameworks, and giving migrants' participation top priority.

Keywords: *Human smuggling, irregular migration, migration policies, Italy, EU, Criminalization, Securitization, Externalization, Human Rights, Policy Development, International Migration Law.*

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CHAPTER I: INTRODUCTION TO THE TOPIC AND SCOPE OF THE RESEARCH

Human smuggling, defined by inter-state institutions as “the procurement, to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or permanent resident”.¹ Furthermore, the smuggling of migrants generally takes place with the consent of the person willing to move.² This practice carries a profound ethical and moral connotation that leads to a general lack of academic research in areas where migration rights and politics are often overlooked.

It is, in fact, different from ‘human trafficking,’ which does not necessarily require crossing of international borders, involves physical or psychological violence, coercion, exploitation of a position of vulnerability, and is aimed at the exploitation of the victim. Particular attention should be paid to the distinction between these two types of definitions, which often can become blurred in practice and discourse because smuggled people can also become victims of violence or some form of exploitation.

For migration studies, many individuals have contradictory moral intuitions regarding those who assist people to move illegally across state borders. As Aloyo and Cusumano describe in their critical exploration of human smuggling,³ a moral ambiguity exists that divides public perception and, consequently, the development of policies.

On one hand, the implications for the protection of human rights where human smuggling occurs are very sensible since the individual goes through a perilous and extremely life-threatening journey. The so-called “smugglers” are making a business

¹ UN. (2000a). [Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime](#). United Nations.

² European Commission, ["EU-Türkiye Joint Action Plan,"](#) press release MEMO/15/3261 (Brussels, October 15, 2015): 2. Accessed July 8 2025.

³ Aloyo, E., & Cusumano, E. (2018). [Morally evaluating human smuggling: the case of migration to Europe](#). *Critical Review of International Social and Political Philosophy*, 24(2), 133–156. Accessed June 24, 2025

(that is, a real and systematic profit) with annual profits of \$4.7 billion to \$6 billion⁴ on the need of people who are looking for a better place to live in. Often, human rights abuses are committed since smugglers are aware that they have no choice.

On the other hand, the ethical implications of human smuggling could be considered as a form of assistance, since the smuggler is providing a way to help, in some way, people who are looking for a new life in other countries.⁵ When smugglers give migrants escape from threats to their fundamental rights, especially in contexts where legal pathways are closed or inaccessible, they may in fact be acting as last-resort agents of aid. In fact, as Europol estimates, more than 90% of the irregular migrants who reach the EU use the services of smugglers.⁶

The primary objective of this study is to critically examine the evolution of European Union migration policies, with its focus on Italy, analyzing how they contribute to human smuggling in the main Italian ports and the Mediterranean. Therefore, the goal of the thesis is to comprehend how these policies affect irregular migration, its growing criminalization, and the growth of illicit networks. Using a multidisciplinary approach, including migration studies, international law, and human rights, this study challenges the dominant narrative of creating more border protection. Instead, it aims to demonstrate how frontier restrictions have indirectly fueled this clandestine market. Moreover, it seeks to humanize the debate, adding real-life testimonies, empirical evidence, and analysis of the real impact of these policies.

Human smuggling is presented not only as a symptom of broken migration systems but also as an urgent topic charged with a morally contested narrative that highlights the necessity of exploring rights-based migration alternatives. In some cases, smugglers themselves are former migrants, driven by empathy or solidarity rather than profit. However, these events function more as anecdotal evidence rather than a systemic function. From this perspective, this ambiguity takes on concrete significance when speaking of the Mediterranean region, where thousands of migrants

⁴ European Council. [Migrant smuggling: member states reach agreement on criminal law - PubAffairs Bruxelles](#). 2024.

⁵ Hidalgo, J. (2016). The ethics of people smuggling. *Journal of Global Ethics*, 12(3), 311–326

⁶ European Council. 2024.

continue to risk their lives in pursuit of safety, dignity, or mere survival. Year by year, borders are being increasingly securitized, states are reducing channels for legal migration, and those who attempt to cross are heavily criminalized. This European response appears to be more self-defensive than genuinely aimed at individual protection.

As in many countries, Italy has adopted a migration strategy that relies on state protection through externalized control, bilateral agreements, and heavy penalization of irregular border crossings, an approach that tends to treat all migrants the same, regardless of their individual circumstances.

This thesis is therefore structured to critically analyze human smuggling as a symptom of failing migration policies through a multi-level approach. Chapter II outlines the methodology, including six semi-structured interviews with migrants who have used smuggling routes, legal texts, political discourse, and documentary sources. The geopolitical and historical context of MENA migration flows is covered in Chapter III, with a focus on how political instability, economic crisis, and the fall of governments like Libya created the conditions for irregular migration.

Turning to Italy, Chapter IV examines irregular arrivals, important smuggling routes, and how smuggling networks operate in the Central Mediterranean. Chapter V discusses the processes of criminalization, securitization, and externalization that have influenced policy responses in the EU and then proceeds to a more local examination of Italy. Chapter VI focuses on public narratives and political discourse in Italy, where smuggling has been used to strengthen views of migrants as threats. The empirical results are presented in Chapter VII, which also gives voice to the experiences of migrants, their encounters with smugglers, and their opinions on Italian immigration laws. Finally, Chapter VIII concludes, arguing that restrictive policies have encouraged the very illegal markets they seek to suppress.

1.1. Research problem

Irregular migration has become one of the most controversial topics in host European countries, especially in the Mediterranean. According to the International Organization for Migration (IOM), the number of people attempting to cross the Mediterranean illegally has significantly fluctuated year by year.⁷ For instance, in 2015, over 3,770 migrant fatalities were recorded, marking it as the deadliest year on record for such crossings. This so-called “migration crisis” has been affecting many European borders, increasing the aversion against irregular migrants and criminalizing migration, leading to a rise in anti-immigration and xenophobic behaviors in the political context and the population in general.

Italy, as one of the main entry points to Europe due to its geographic location, has been at the front line of these events. For instance, some NGOs like SOS Méditerranée and Sea-Watch, which provided humanitarian help on the coasts, have faced increasing legal and political pressure due to the increased illegal migration, particularly from African countries. These included vessel confiscations, administrative obstacles, and even the criminalization of rescue missions.⁸

A dominant narrative in media and political discourse often places the responsibility for these deaths in the migrant’s hands. Even if it is not an easy decision, they are the ones who decide to leave their territory in the first place. However, scholarly research indicates that many individuals embark on these dangerous crossings due to compelling circumstances that leave them with little to no alternative. Deciding to start such a journey is their last resort.

According to the 2024 Global Trends Report of the United Nations High Commissioner for Refugees (UNHCR)⁹, the number of refugees fleeing conflict, persecution, and violence has more than doubled since 2007, reaching 36 million by

⁷ International Organization for Migration. [IOM Counts 3,771 Migrant Fatalities in the Mediterranean in 2015](#). Published in 2016. Accessed June 25, 2025.

⁸ Guenier, Lucille, and Lucille Guenier. 2024. [“Italy’s Obstruction of Search and Rescue Activities Is Endangering People’s Lives.”](#) SOS MEDITERRANEE. February 22, 2024.

⁹ UNHCR. [Global Trends Report 2024](#). Accessed April 27, 2025.

2024.¹⁰ This increase reflects escalating global instability and the absence of safe and legal migration pathways.

How do these people cross the sea? Which is the journey they must take to arrive at a port where they can request asylum status, or simply escape from poverty? Who is behind the human smuggling business, and how is it possible? What is the price of that future? How do criminal networks succeed under a system that is supposed to protect human rights? Who are the responsible ones?

These people come from war backgrounds or poverty-stricken countries and cross the sea, risking their own lives, looking for new opportunities. Geographically proximate countries, such as Italy, are particularly impacted due to their extensive coastlines and strategic positions along migration routes. Italy, as one of the main entry points to Europe, has implemented diverse restrictive policies to stop irregular migration.

However, instead of reducing the problem, these policies have encouraged the proliferation of human smuggling networks that profit from desperation.

This study aims to examine the relationship between Italian migration policies and the emergence of human smuggling networks operating in the Central Mediterranean. It explores how restrictive border control measures may harm politics themselves and foster clandestine routes and criminal actors. While political and media discourse usually criminalizes smugglers, it is rarely examined how their existence is the result of a lack of safe and legal avenues for migration.

By combining insights from migration studies, international law, and human rights, this thesis adopts a multidisciplinary focus. It seeks to challenge the dominant narrative and demonstrate how frontier restrictions have fed a clandestine market. Furthermore, it aims to humanize the debate by including testimonies and analysis based on data about the real impact of these policies.

¹⁰ This excludes the vast majority of Palestinian refugees.

1.2. General Objective

To critically examine the evolution of Italian and EU migration policies as a contribution to human smuggling in key Mediterranean ports, and their impact on irregular migration, its increasing criminalization, and the emergence of illegal networks.

1.3. Specific Objectives

- To investigate the evolution of Italian and EU migration policies from 2015 to 2025 and assess their role in the criminalization of irregular migration and the increasing structuring of human smuggling networks.
- To assess how securitization policies in Italy and the current Italian Government are facilitating the establishment and expansion of human smuggling networks.
- To analyze the origin, evolution, and geographical concentration of these organizations with the help of concrete examples and interviews.
- To propose alternative approaches that prioritize human rights and safer migration routes.

1.4. Research Questions

Does the criminalization of human smuggling and irregular migrants in Italy's main entry ports reflect a systemic failure in migration policies, and how does this influence migration policy-making and public perception in Italy?

- What are the main reasons that motivate irregular displacement and human smuggling in the Mediterranean zone to Italy and the EU? (Chapter III)
- How do human smuggling networks operate in Italy's main ports, and how do their origins, roles, responses, and narratives vary across different contexts? (Chapter IV)

- How would migration policies in the EU and Italy contribute to the creation of migration-related networks and human smuggling? (Chapter V)
- What are the political positions in the current government, society, and migration studies on human smuggling and individuals who cross their routes? (Chapter V)
- How do politicians manage political discourse and use human smuggling in Italy to interrupt the evolution of policies? (Chapter VI)
- How does the narrative on organized crime and migration influence policy decisions on asylum in Italy and the EU? (Chapter VI)
- Which are the real reasons and how irregular Mediterranean journeys are experienced from the migrant's perspective? (Chapter VII)

CHAPTER II: METHODOLOGY

The methodology of this thesis adopts a qualitative and critical research design, situated within the field of essential studies of migration, and supported by a multidisciplinary approach, including human rights, international politics, international law, and empirical evidence. Instead of assuming that migration and human smuggling are neutral or technical, the research design recognizes that they are politically and socially constructed practices. Furthermore, human smuggling involves multiple interconnected issues, such as corruption, organized crime, poverty, and human rights violations.¹¹ Given that, this approach also recognizes the importance of cooperation between the disciplines studied. The aim is not just to account for migration governance, but to interrogate the logics, contradictions, and discursive frames that work to legitimize that governance.

For all those reasons, the study is organized around a multi-level analysis, which brings together the following:

- **Macro-level:** International geopolitics and European Union Governance.
- **Meso-level:** Italian national law and political discourse.
- **Micro-level:** Heterogeneous migrant experiences, based on interviews, case studies, and NGOs' experiences.

This makes it possible to take a more holistic approach to smuggling, not as an isolated criminal activity, but as a current critical phenomenon that is co-produced with legislation, policy making, power, and discourse.

Instruments of investigation include existing literature review, six interviews with individuals who have followed one of the migratory routes to reach Italy, and case law on criminalization.

¹¹ Kiener-Manu, Katharina. 2019. [“Trafficking in Persons & Smuggling of Migrants Module 3 Key Issues: Investigative and Prosecutorial Multidisciplinary Approaches.”](#) UNODC. Accessed on August 22, 2025.

For the existing literature review, the thesis discusses a background on migration, with a historical and geopolitical context. Then, the research explores the dynamics of European Migration Governance and Externalization processes in Italy, followed by an analysis of the evolution of internal law, and some political narratives regarding human smuggling.

For the interviews, the focus is on individuals over the age of eighteen who have migrated to Italy via illegal board crossings (IBCs), with a preference for the Central Mediterranean route. Furthermore, to be robust, they should have extended or little contact with one or more individuals of a human smuggling network. Besides, they should be willing to participate. They should have given their consent to share their information to gain deeper insights into the migratory routes from a more personal and human perspective.

This approach will facilitate an analysis of the migratory process, including the motivations behind the decision to migrate, the routes taken, and the experiences encountered during the journey to Italy. The study also seeks to deepen the researchers' experience of the criminalization of migration, given that within the spectrums of the migration process, it is possible to analyze the migration process from the point of view of the migrants themselves.

Official data on human smuggling, provided mainly by law enforcement and border control agencies, is inherently limited and often misleading.¹² As will be highlighted by existing literature, these statistics tend to count crossings rather than individuals, risk double-counting those intercepted multiple times, and systematically underrepresent undetected movements and migrant deaths.

Moreover, they fail to distinguish clearly between smuggling-assisted crossings and other forms of irregular migration, and their variations often reflect fluctuations in policing levels, instead of in actual smuggling dynamics. In consequence, this thesis does not rely exclusively on quantitative data. Still, it

¹² National Institute of Justice. 2020. [“Gaps in Reporting Human Trafficking Incidents Result in Significant Undercounting | National Institute of Justice.”](#) Accessed on August 22, 2025.

focuses on a specific migration route and integrates qualitative material, which offers insight into the human and systemic dimensions of the complex phenomenon of migrant smuggling.¹³

2.1. Sources and data collection

The research relies on a diversity of sources that can be divided into the following categories, aimed to ensure a 360-degree analytical approach.

1. Documentary Sources

Including international organization reports, international treaties, official EU documents, NGO reports, and Italian legal texts

2. Academic Literature

Including scholarly articles, critical border and migration studies, and migration governance on human smuggling.

3. Media and Political Discourse

Based on newspaper articles and political speeches, especially those of the current Italian Government.

4. Primary Sources

With two main sources: semi-structured interviews with migrants who used smuggling networks as their primary means of migrating to Italy, and case law against boat captains during their Mediterranean journey, which is explained in this same section.

2.2. Selection Criteria

2.2.1. Temporal scope

The focus of the current investigation is on the period 2015-2024/2025, which corresponds to the period of the so-called migration crisis in Italy, up to one year before the thesis was written. This is to avoid biases in hard data and

¹³ Campana, Paolo. 2020. "Human Smuggling: Structure and Mechanisms". University of Chicago Press. doi:10.17863/CAM.51150.

qualitative data, and to give research a more fact-based approach. Although data from earlier years is considered, it serves only as a reference to strengthen the arguments of the aforementioned time frame.

2.2.2. Criteria for relevance to the research

Sources and cases included in the research should be relevant to the research questions, should be original, accessible, reliable, objective, precise, and updated. In this sense, priority was given to official documents, widely recognized NGOs, and experts in the field of study. In addition, the documents included should have a diversity of perspectives to diversify the investigation and provide a clear and transparent result.

2.3. Interviews

Conducting interviews exclusively with migrants who had experienced smuggling was deliberate and aligned with the objectives of this research. While some other perspectives could provide valuable institutional perspectives, the central aim of these perspectives is to examine the consequences of migration governance for the rights and lived realities of smuggled migrants. In consequence, prioritizing the voices of migrants allows the study to humanize the investigation, ensuring that the analysis does not remain in policies and discourses, but in the experiences of those who can tell us the truth of the debate on the smuggling of migrants.

The interviews in this thesis were conducted with six individuals who crossed the Mediterranean through smuggling routes and arrived in Italy.¹⁴ The choice of the number was based on the role they play within the overall research design. That is, they are not intended to constitute the primary empirical basis, but they shall provide illustrative and real insights in a complementary way. Having said so, six interviews were considered sufficient to capture recurring themes and offer empirical support.

They were semi-structured interviews since the scope was to make them feel comfortable while they were answering the questions. Following the same line, it is

¹⁴ To see the entire interviews, see Appendix 10. *Interview*

worth highlighting that the topic of their journey is overly sensitive, and for this reason, a moment for just casual conversation was also allowed to connect with interviewees and make them feel valued. These moments, inside the semi-structured interview, are also relevant for the investigation and, for that, are inserted in Appendix 10.

The purpose of these interviews was to capture first-hand experiences that reveal lived realities behind the literature review and existing data, providing a direct account of how migration governance is experienced. In this way, the study focuses on the voices of those most affected by human smuggling. It seeks to uncover the indirect consequences of European and Italian migration policies, which prioritize borders over people. It is about humanizing the individuals and not just putting them in the “irregular migrant” category. Furthermore, with first-hand evidence, facts and data that have been collected so far become tangible, and connect authentically to the reader, a moment where they can reflect and create critical thought.

It is essential to note, however, that the qualitative evidence gathered is not intended to represent the entire migrant population. Instead, the intention is to offer an in-depth understanding of phenomena that are often reduced to two sides that do not work when talking about human rights: from one side, numbers, hard data, graphics; and from the other, policy debates, and an abstract law framework, which ends up in not protecting anyone. These personal accounts therefore serve both as a source of empirical data in first person, and as a counter-narrative to dominant political and media discourses, grounding the analysis in real lived experience.

Furthermore, the added value of the first-hand evidence provided by interviews could be found in this kind of methodology, where individuals studied, such as irregular migrants, are the subjects who can tell us their stories. Giving the microphone to someone who was used to being quiet all their life is one of the objectives of doing these interviews.

Interviews consisted of twenty-two questions, divided into five parts, as in the current study. That is, the first part consisted of the reason they decided to come to Italy, the second part was about their experiences with their interaction with smugglers, the third part was about migration policies and the journey itself, the fourth part was

about their arrival in Italy, and finally, a space for reflection and ideas. This is mainly because it was essential to maintain order and guidance, even though it was intended to be an open space for them to speak and express themselves. However, the format of the interviews was not the typical question-answer type. While searching for people willing to participate, it was constructively understood that the topic was too sensitive to maintain such a format, and interviewees showed more openness when it appeared to be a more casual interview.

For the same reason, some interviews were not recorded at all, even though interviewees were aware of the scope of the study, but 2 out of 6 felt uncomfortable with the idea of being recorded, even though it was well explained that the recordings were for academic purposes only. This approach enhances participants' safety, trust, and ethical integrity. However, to reassure the integrity of the data taken, immediate notes were taken at the moment of the interview.

Subjects must comply with the following requirements:

- They were over 18 years old.
- They arrived in Italy by a Mediterranean route through human smuggling networks. Preferably, the Central Mediterranean one.
- They arrived in Italy after 2015 (because of the so-called migration crisis), policy changes, and Europe's response after that.
- They must be willing to share their story openly.
- They shall have crossed a Mediterranean route, with a preference for MENA region nationals, to Italy. However, due to the broader relevance of African arrivals, this might not be a determinant.

To comply with the abovementioned requirements, the search for participants was done with the support of diverse NGOs in the city of Padua, Italy.

2.3.1. Questions

Semi-structured interviews yield rich, context-specific insights as well as comparative data by combining the consistency of pre-planned

questions with the freedom to explore emerging themes. This method balances depth and structure, which is in line with best practices in qualitative research.¹⁵

The questionnaire was developed in alignment with the research objectives. Questions were divided into five categories:

- **Personal Journey and Decision (1-6):** Designed to explore the drivers of migration and the decision-making process behind the motivation of leaving the home country.
- **Experience with smugglers (7-11):** This category is intended to investigate migrants' perceptions of smugglers and the conditions under which they operated in their isolated experience. Despite plenty of academic evidence on smuggling journeys in the Mediterranean, questions about costs, promises, treatment, organization, and available alternatives are often diverse from one experience to another. These questions allow the research to capture the complexity of smuggling: a multi-level crime, but a necessary service. This section is crucial to the objective of humanizing the debate by providing first-hand evidence of how migrants describe smugglers, in contrast to the often rhetorical portrayals in the media and society.
- **Migration policies and the journey (12-17):** This section is related to individual experiences and the effects of migration governance on individuals. Within these questions, crucial topics such as border controls, policy-induced route changes, the role of NGOs, and some of the difficulties created by migration laws are addressed. With their responses, the thesis illustrates how structural conditions impact individual trajectories. Questions about rights awareness and respect also help analyze securitization and criminalization by examining the discrepancy between formal legal frameworks and lived realities.
- **Arrival and life in Italy (18-20):** The purpose of these questions is to examine how irregular entry continues to shape migrants' lives even after

¹⁵ Lewis-Beck, Michael, Alan Bryman, and Tim Futing Liao. 2004. [The SAGE Encyclopedia of Social Science Research Methods](#). SAGE Publications, Inc. eBooks.

arrival. In other words, this section seeks to highlight the long-term consequences of irregularity, ensuring that the analysis does not end at the border but follows the footsteps of migrants towards integration and daily encounters with Italian bureaucracy and institutions.

- **Reflections and Ideas (21-22):** This last section allows participants to give a more reflective response based on their critical thinking and to formulate their own messages to those who are involved in policymaking. These open-ended questions serve for two methodological purposes: To provide a closure to the interview centered on the participant, and to allow a space to articulate alternative visions of migration governance. This directly supports the humanizing approach of the interviews, ensuring that participants are treated as voices with demands, not as sources of data.

2.3.2. Ethical disclaimer

All interviews were conducted with informed consent. Participants were guaranteed anonymity and confidentiality, with identifying details removed in the transcripts (Appendix 10. *Interview*). The study respects the principles of voluntary participation and non-harm, particularly given the vulnerability of migrant populations. Information provided in the interviews may be sensitive and may contain violent experiences. Discretion is highly recommended.

2.4. Limitations and gaps

- **Focus:** the study focuses on Italy and the Central Mediterranean, which limits generalizability to other contexts.
- **Data access:** Sources are constrained by availability, including willingness to participate in interviews, which may introduce selection bias. Furthermore, hard data does not make a distinction between asylum seekers and irregular migrants, with the latter being the focus of the investigation. That represents a challenge not only for the current research but for migration studies in general.

- **Position:** As a scholar engaged in human rights, the analysis of the research is committed to migrant rights protection, justice, and equality defense.

Nevertheless, such limitations do not diminish the relevance of the research, given its contextual relevance in Italy and the Central Mediterranean, its contribution to data and lived experiences, its scholarly and policy value, and its balance of limitations.

CHAPTER III: BACKGROUND & STATUS QUO

Understanding the profiles and motivations of individuals who choose to migrate to Europe through human smuggling networks is one of the foundations for empathizing with this population. In this direction, general analysis points out that the most relevant populations migrating first to the European Union countries, and then to Italy, are those who come to the Middle East and North Africa countries (MENA).

The purpose of this chapter is to provide the historical and geopolitical foundations necessary to understand the emergence of human smuggling across Italy's Mediterranean borders. The phenomenon of human smuggling, particularly through the main Italian ports, cannot be fully understood without examining the structural conditions that have shaped irregular migration over the past two decades. This includes the role of political instability and economic disparity in countries of origin, Italy's geographical and strategic position within the Mediterranean, and the long-standing gaps in legal migration pathways.

The chapter begins by tracing the principal patterns of migration during the period 2005–2025 across the Central Mediterranean, highlighting key events such as the Arab Spring, the overthrow of Libya, the Syrian war, and the decay of the political and economic crises across Sub-Saharan and North African states.

The section also considers the dynamics between geography, political responses, and public opinion structuring this port of entry perceptions. It also considers sites of national and European command over migrations, and how the European Union Member States have reacted differently towards the so-called 2015 migration crisis. This results in differential interpretations and migration policy implementation. These are key dynamics that drive how localized responses become components of national narratives about smuggling and migration.

Finally, the current chapter examines some demographic and educational characteristics of individuals who choose to undertake a route through human smuggling, presenting relevant evidence to discredit common myths surrounding migration policies. Last but not least, this chapter sets the stage for the following analysis, arguing that the criminalization of smuggling networks is intricately coupled

with Italy's decentralized, reactive, and often uneven migration governance, at both the national and regional levels. Understanding the dynamics of migration flows and regional instability in the MENA region is crucial for contextualizing how smuggling networks have emerged as a response to policy restrictions.

3.1. Migration Flows in the MENA Region

The role of the Middle East and North Africa Region in shaping migration dynamics across the Central Mediterranean has been central. The strategic position between sub-Saharan Africa and Europe works both as a region of origin and as a transit zone for migrants hoping to reach the European Union. For that, the MENA region has been the main route used by smugglers to enter the EU for almost a decade.¹⁶

The sustained lack of legal migration pathways, combined with the externalization of EU border control, has systematically intensified these movements and pushed thousands of migrants into informal and perilous migration channels. Understanding who these migrants are, where they come from, how, and why they leave is essential to contextualize the emergence of smuggling networks and to challenge the simplistic view of criminalization that often dominates political and media narratives.

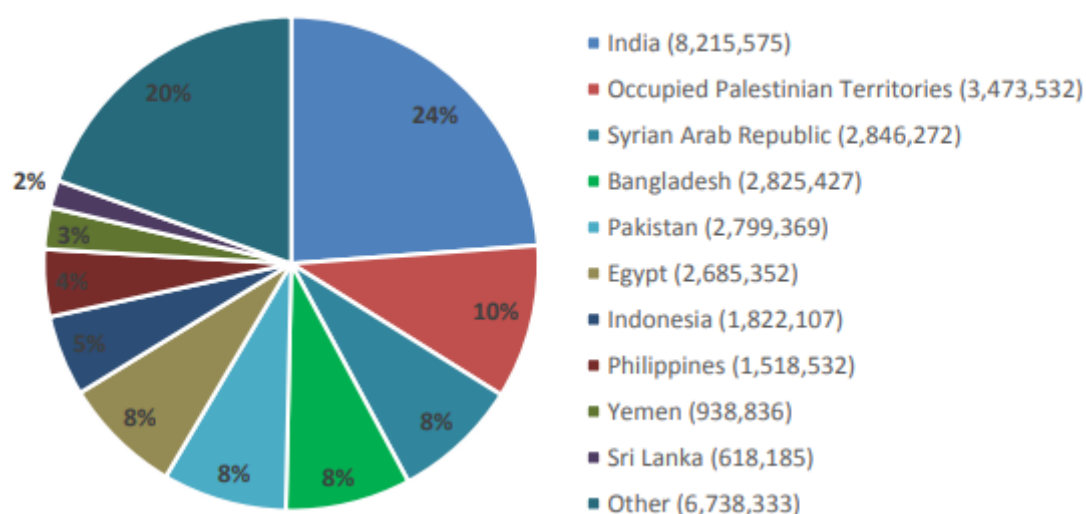
In the early 2000s, migration across the Central Mediterranean was relatively limited, but began to rise due to increasing instability in parts of Africa and the Middle East. According to IOM data, around 30,000 - 60,000 irregular border crossings were detected annually through the Central Mediterranean route during the early 2000s, with Libya already emerging as a key transit point due to its proximity to Italy and Tunisia.¹⁷ Nowadays, the MENA region is the

¹⁶ European Commission, "[EU-Türkiye Joint Action Plan](#)," press release MEMO/15/3261 (Brussels, October 15, 2015). Accessed June 27, 2025.

¹⁷ IOM. World Migration Report 2015. Geneva: IOM, 2015. Accessed August 5, 2025.

largest producer of refugees and migrants worldwide, with over 6 million refugees originating in MENA at the end of 2015, as shown in Figure 1.^{18 19}

Figure 1. Top countries of origin of international migrants in MENA, 2015



Source: FRONTEX, 2023²⁰

The figure also shows that countries like Libya and Egypt have become primary launching points for irregular crossings, while countries like Syria and Eritrea remain as sources of displaced populations. In recent years, the Central Mediterranean has remained the most active migratory route into the EU in 2023, accounting for more than 50% of all irregular entries detected. Most departures were reported from Libya and Tunisia, with Egypt emerging again as a point of origin or transit.²¹

According to the Frontex Report on irregular migration, illegal border crossings at the blue borders increased by 31% in 2022 compared with 2021. [...] Whilst well-established corridors such as the Libyan and Tunisian corridors

¹⁸ The Middle East and North Africa (MENA) region refers to IOM's definition of the region. It includes Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Occupied Palestinian Territories, Oman, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Emirates, and Yemen. Some other definitions also include Iran and Israel.

¹⁹ International Organization for Migration (IOM), [Migration in the Middle East and North Africa](#) (Data Sheet, August 2016). Accessed June 27, 2025.

²⁰ Special consideration should be taken since inside this figure a large share of which are refugees. For that, data is relevant but not demonstrative.

²¹ Frontex, [Annual Risk Analysis 2023 \(Warsaw: Frontex, 2023\)](#). Accessed June 29, 2025.

in the Central Mediterranean accounted for the strongest absolute increases, emerging corridors from Lebanon and Syria towards the Central Mediterranean saw incomparably higher relative increases, offering alternative routes to, in particular, Syrian migrants. Altogether, the Central Mediterranean, with 105,561 IBC (71% of all detections on the sea borders), topped the maritime migratory routes, followed by the Western African route (15,463), the sea corridors of the Eastern Mediterranean (13,478), and the Western Mediterranean sea route (13,257).²²

Additionally, it is critical to recognize some other peculiarities of the migratory flows in the Middle East and North Africa region. For that, we cannot ignore the fact that roughly two-thirds of international migrants in the MENA region are male, according to the 2015 data.²³ That could give us an initial hint for some implications, such as the goal for migration (mainly for highly physically demanding work) and some possible religious particularities regarding women.²⁴

For a better understanding of this structural increase, we must emphasize the following critical events that shaped the increasing migration outflows in the region. These events must be understood as part of geopolitical dynamics: power relations, territorial control, and international interests intersect to shape states' behavior and regional instability.

3.1.1. The Arab Spring and migration outflows

Also known as the 'Arab Awakening', the Arab Spring (2010-2015) was a wave of protests and uprisings, marking some of the most significant events that shaped migration outflows from the MENA. The catalyst for the escalation of the protest began on December 17, 2010, with the self-immolation of Tunisian Mohamed Bouazizi, a street vendor in protest against police harassment. His

²² Ibid.

²³ International Organization for Migration (IOM), [Migration in the Middle East and North Africa \(Data Sheet, August 2016\)](#). Accessed June 30, 2025.

²⁴ See Appendix 2 for additional information.

death on January 4, 2011, turned the masses into a gathering to protest against the existing system.²⁵

The act of immolation sparked a chain reaction of protests in Tunisia and several demonstrations in other countries, including Egypt, Libya, Syria, Yemen, and Bahrain, demanding political reforms, greater democracy, and an end to authoritarian rule. This led to the fall of long-standing dictatorships.²⁶ However, the aftermath of the Arab Spring resulted in civil wars, ongoing violence, and new governments' failure to deliver their promises. In this sense, the Arab Spring could be framed as a 'revolution,' but this could be a simplistic way to admit its complexities. The term implies a coherent, unified political transformation, whereas the events unfolded as a heterogeneous set of uprisings with divergent outcomes. For that reason, they should be understood as a crisis of state legitimacy, opening new migratory trajectories rather than just revolutions.

Subsequently, the decision to leave home became the standard response among citizens of the aforementioned countries. According to the European Institute of the Mediterranean (IEMed),²⁷ the Arab Spring's migration outflows were fundamentally shaped by three dynamics: first, the youth nature of the protests, with youth unemployment exceeding 30% in Tunisia and Egypt.²⁸ Second, the apolitical character of demonstrations, which focused on individualistic issues, was able to mobilize the rest of their peers. And finally, the rejection of traditional Islamist alternatives, which rapidly created ideological voids that fed conflicts in Libya and Syria, currently the primary center of irregular migration.²⁹

²⁵ BBC News. "[Tunisia suicide protester Mohammed Bouazizi dies](#)" January 5, 2011. Accessed July 2nd, 2025.

²⁶ Information compelled from a series of texts and articles. For a better understanding see IEMed, [Arab Spring: The Awakening of Civil Society \(Barcelona: European Institute of the Mediterranean, 2021\)](#), 12. Accessed July 2nd, 2025.

²⁷ Ibid.

²⁸ See Appendix 1

²⁹ IEMed, Arab Spring, 18-20

As John Feffer mentions,³⁰ Europe faced an immediate dilemma: while supporting democratic movements, it simultaneously sought to contain the resulting migration flows through stricter border controls. This focus on 'migration containment' often diminished its democratic effort, exacerbating irregular routes.³¹ The collapse of these states transformed migration corridors into chaotic pathways. Consequently, the duality of political liberation and forced displacement remains central to understanding the dynamics of migration in the MENA region.

3.1.2. The Overthrow of Libya and Human Smuggling

Libyan autocrat Muammar Gaddafi's overthrow in 2011 was another dividing line in the regional geopolitics of Mediterranean migratory fluxes. From being a localized regional domestic crisis, Gaddafi's removal had broader implications that fundamentally reorganized irregular migratory movements from the MENA region to Europe.

Since Gaddafi's overthrow, Libya has been slowly transformed from a border-control state limiting migratory flux to the very hub for human smugglers and massive refugee outcomes, becoming the epicenter for one of the world's deadliest and most politically contentious migratory routes, and with the most direct implications for Italy.

During Muammar Gaddafi's leadership, Libya was a crucial geopolitical buffer zone³² for Europe and sub-Saharan Africa. Gaddafi wielded control over transit hubs as a foreign policy tool, in exchange for European allies granting him support, investments, and political legitimacy in containing migrant exits. Interestingly, the 2008 Italy-Libya Friendship Treaty included cooperation in naval patrols, detention centers, and the return of migrants, which resulted in subcontracting a significant portion of border control from Europe to the Libyan

³⁰ John Feffer, "[Europe's Dilemma: Immigration and the Arab Spring](#)," Foreign Policy In Focus (FPIF), March 15, 2011. Accessed July 3rd, 2025.

³¹ Feffer, "Europe's Dilemma," paragraph 4.

³² A buffer zone is a neutral area that lies between two or more bodies of land, usually, countries. Depending on the type, it may serve to separate regions or conjoin them. (Source: Wikipedia)

state.³³ As Paoletti documents, Gaddafi 'weaponized migration threats' and for a while, these arrangements worked to contain the numerous attempts at the perilous crossing over the Mediterranean.³⁴

But Gaddafi's migration control relied mainly on repression. Migrants were summarily deported, while his security forces monopolized transit routes.³⁵ Once that system was lifted with the NATO-backed uprising in 2011, Libya was immersed in chaos, and the framework of containing migrations collapsed with it.^{36 37}

As a result, the state control broke up into hostile power centers: rival governments, militias, and tribes. None among them possessed either the means or the will to secure Libya's borders in any systematic way. This gave an opening that transnational human smuggling organizations promptly exploited. Furthermore, as the UN Panel of Experts on Libya reported, armed groups seized control of detention centers, extorting migrants and even selling them into forced labor.³⁸ The long, open desert frontiers of Libya were turned into corridors for migrants from the MENA region. They were directed towards coastal cities like Zuwarah and Sabratha, and even the capital city, Tripoli, to await transportation across the sea. Smuggling operations were then 'industrialized,' with militias charging €1,000–€5,000 per person for boat passages.³⁹

This destabilization also acted as a catalyst to broader regional shifts in migratory tendencies. Its emergency status as a transit state extended far

³³ Emanuela Paoletti, *The Migration of Power and North-South Inequalities*. London, Palgrave Macmillan, 2011. p. 89.

³⁴ *Ibid.*, p. 112

³⁵ Derek Lutterbeck, "[Migrants, Weapons and Oil](#)". *Journal of North African Studies* 14, no. 2 2009, p. 175.

³⁶ OHCHR, "[Desperate and Dangerous: Report on the Human Rights Situation of Migrants and Refugees in Libya](#)" (Geneva: OHCHR, 2018). Accessed July 7, 2025.

³⁷ Karim Mezran and Elissa Miller, "[Ten Years Ago, Libyans Staged a Revolution. Here's Why It Has Failed](#)" MENASource, Atlantic Council, February 16, 2021. Accessed July 7, 2025.

³⁸ UN Security Council, [Final Report of the Panel of Experts on Libya, S/2017/466 \(2017\)](#), p. 14.

³⁹ Mark Micallef, "[The Human Conveyor Belt Broken](#)". Geneva: Global Initiative Against Transnational Organized Crime, 2019. p. 38. Accessed July 7, 2025.

beyond its borders. Conflict migrants, such as those from Syria and Iraq, and economic migrants from countries such as Nigeria, Eritrea, and Sudan, were drawn to the sphere of Libya because its exit points promised Europe, in perception or in reality, a better life. In the vast majority of cases, migrants were recruited with the promise of Libya as a safe point of exit to Europe or beyond.⁴⁰

The Libyan migratory flux was not just the result of a spontaneous response to war or poverty. Instead, it was shaped by a political vacuum and a criminalized migratory economy that bloomed in the vacuum created by the incapacitated state of Libya. The consequence was that the Libyan crisis that ensued after Gaddafi was not just a regional domestic civil war, but a global migratory crisis with extensive regional security, human rights repercussions, and global governance ramifications.

3.1.3. The Syrian war and the exodus to the EU region

The war in Syria is an ongoing⁴¹ conflict that began in 2011 and originally started between Bashar al-Assad's regime and the rebel opposition as part of wider protests of the Arab Spring in the region. Currently, the conflict is a 'proxy war' involving various international actors, turning the country into one of the most significant sources of migrants.⁴²

The conflict rapidly escalated from civil unrest as part of the broader Arab Spring protests into a multifaceted, international conflict. As of 2025, more than 14 million Syrians have been forced to flee their homes in search of safety, and more than 7.4 million Syrians remain internally displaced in their own country. Currently, 70% of the population needs humanitarian assistance, and 90% live below the poverty line.⁴³

⁴⁰ The World Bank, *Migration and Mobility in North Africa* (Washington, DC: World Bank, 2016), p. 12.

⁴¹ It is debatable if the war has reached its end. Despite Assad's fall, the situation in Syria remains volatile and complex, with clashes and violence in several regions.

⁴² Marina Díaz, "[The EU and the Root Causes of Syrian Migration](#)". Global Affairs, University of Navarra. Accessed July 7, 2025.

⁴³ UNHCR, "[Syria Refugee Crisis Explained](#)," UN Refugee Agency, March 13, 2025. Accessed July 8, 2025

From a smuggling and migration perspective, Syria's fall introduced new and decisive dynamics into Central and Eastern Mediterranean circuits of migration. Initially, most Syrians fled to bordering countries such as Türkiye, Lebanon, and Jordan.⁴⁴ However, as the conflict continued to grow with bombings and chemical attacks, many of them considered longer-term opportunities in Europe.

According to Al-Rodhan, the migration of refugees from the Syrian Arab Republic, which would challenge the European Union, actually occurred in several phases. First, internal displacement, as growing numbers of people felt the effects of regime reprisals. The second phase of the migration, which accounted for 4 to 5 million refugees, consisted of legal but complex migration to neighboring countries. Weak economies, host society exploitation of vulnerable displaced labor, and a lack of formal protection by international law prevailed against the refugees. Refugees in Türkiye have allowed some Syrian communities to establish a foothold in Türkiye's informal economy. But for hundreds of thousands of Syrians, Türkiye also became a route to Europe. The open-door policy of Angela Merkel's Germany and other liberal asylum regimes, particularly in Sweden, drew Syrians north.⁴⁵

As shown in Figure 2, the majority of this influx occurred between 2013 and 2016, with Syrians being the largest nationality of people arriving in Europe irregularly. Although many entered via the Eastern Mediterranean route (through Greece and Türkiye), a massive number entered via land routes westwards through Egypt and Libya, using the Central Mediterranean route.⁴⁶ Migrants continue to arrive in Libya, which is the main departure country towards Europe, with a well-established presence of smuggling networks.⁴⁷

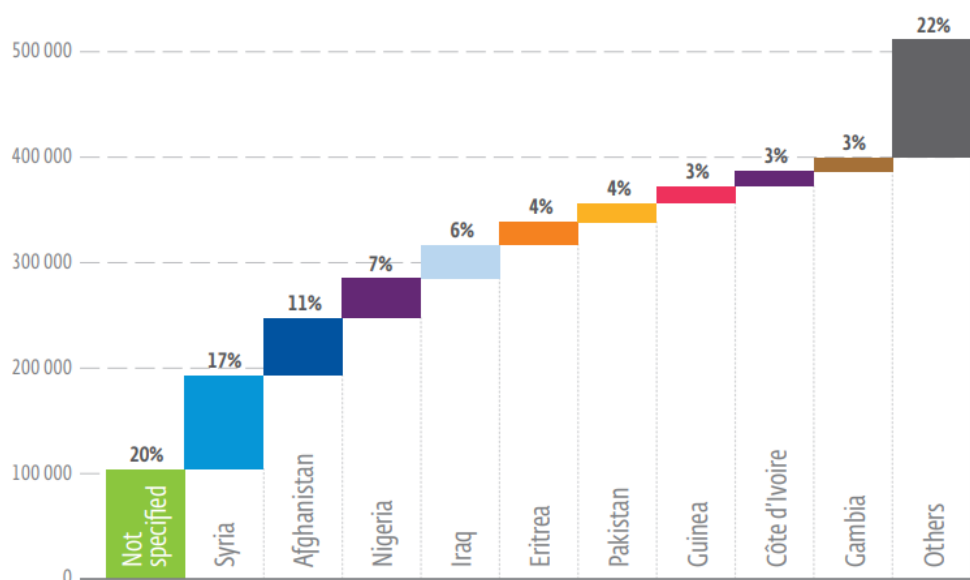
⁴⁴ Ibid.

⁴⁵ Al-Rodhan, "The Impact of the Arab Spring on Migration," *New England Journal of Public Policy* 26, no. 1 (2014): 2-7

⁴⁶ Frontex, [Annual Risk Analysis 2017](#) (Warsaw: Frontex, 2017), 18

⁴⁷ Ibid., 20.

Figure 2. Detections of illegal border-crossing, by main nationalities (scale in absolute numbers, with labels showing percentages of total) in 2016



Source: Frontex, 2016

These networks quickly evolved beyond the Syrian flow. Once it was clear that legal routes of asylum were closed or overcrowded, they turned to the smuggling networks offering illegal sea travel across the Mediterranean.⁴⁸

The EU's response, as in Libya, revealed the contradictions in European policymaking on migration. Though EU member states issued public statements in favor of Syrian civilians and humanitarian aid, most reaffirmed deterrence measures rather than protection. In particular, the 2016 EU-Türkiye arrangement.⁴⁹ This approach, rather than reducing arrivals, drove more Syrians toward the far more dangerous Central route through North Africa.

3.1.4. Political and economic crises in the MENA region

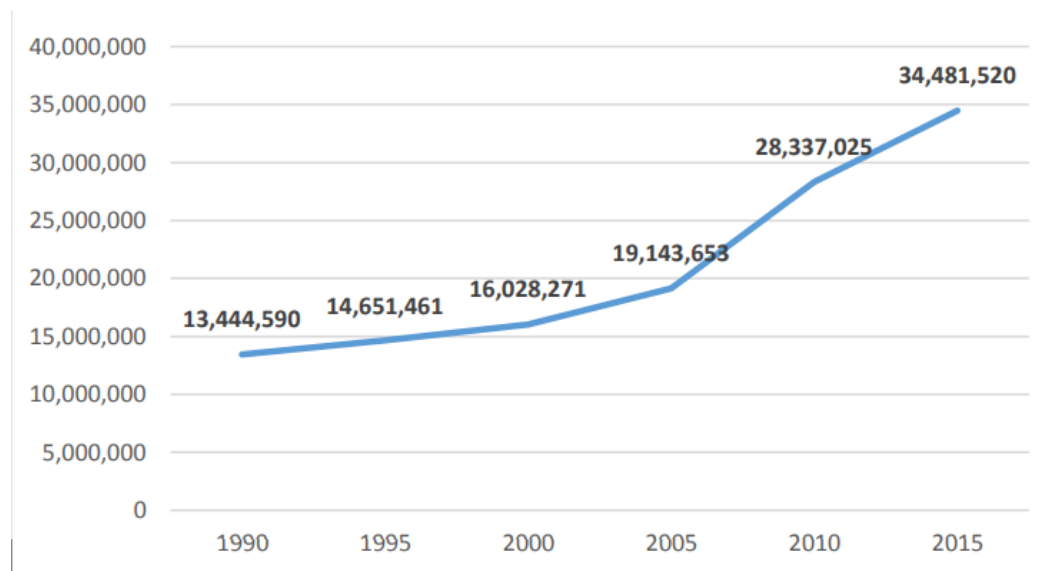
The Arab Spring, the Overthrow of Libya, and the Syrian war are just a few examples of historical events that have made the MENA region one of the most conflict-ridden regions in the world, and that in 2025 hosts the largest population of irregular migration towards Europe.

⁴⁸ Alessandro Monsutti, "Migration as a Rite of Passage: Young Afghans Building Masculinity and Adulthood in Iran," *Iranian Studies* 40, no. 2 (2007): 170.

⁴⁹ European Parliament, [Legislative Train Schedule Report: EU-Türkiye Statement Action Plan \(Brussels: European Parliament, 2021\)](#). Accessed July 8, 2025.

These events led to the alarming growth of the stock of migrants in the MENA region of 156% in 1990. This represents more than double the global growth of migrants globally, with 60% over the same period. In parallel, the share of the world's migrants who are in the MENA region has grown from 9% in 1990 to 14% in 2015.⁵⁰ (See Figure 3)

Figure 3. Stock of international migrants in MENA, 1990 - 2015



Source: IOM, 2016

The consequences of such events extended beyond displacement and migratory outflows, triggering a series of political and economic crises, with the latter disproportionately affecting younger segments of the population.

Political crisis

The aftermath of the Arab Spring has included chaos, persecution, instability, and continuous violence. As the IOM describes, this has been mainly shown in Tunisia, Egypt, Libya, Syria, and Yemen, countries that “have witnessed a range of political conditions over the past few years as a result of the accumulation of miserable situations of political and civil rights.”⁵¹

⁵⁰ International Organization for Migration (IOM), [Migration in the Middle East and North Africa](#) (Data Sheet, August 2016), p. 8. Accessed July 7, 2025.

⁵¹ International Migration Report, Migration, Displacement and Development in a Changing Arab Region, 2016.

Following the weakening of state institutions, many governments in the MENA region have struggled to re-establish legitimacy or maintain effective governance. This lack of state control turned certain regions into major hubs for human smuggling and irregular migration in the Mediterranean space.⁵² At the same time, repressive political responses to popular demands have led to massive human rights violations. These patterns of repression and political responses have increased public disapproval, especially among younger generations who participated in the Arab Spring.

As a result, many perceive irregular migration as the only means of escape from these shrinking political conditions and the absence of democratic regimes in the future.⁵³ Furthermore, the peculiarity of apolitical younger generations seeking a better future - the same generations that participated in the Arab Spring uprisings - is absolutely compatible with the demographic characteristics of Europe, which is composed of an older population.

The juxtaposition of political repression, weak rule of law, lack of political reforms, and human rights violations has created an ideal environment for migration outflows to Europe. This affirmation is supported by Dabrowski and Domínguez-Jiménez, who state that ‘the failure of peaceful political transition at the beginning of the 2010s, [...] and unresolved conflicts [...], (made) the MENA region look extremely unstable. The authoritarian nature of political regimes further increases the risk that violence and conflicts will spill over.’⁵⁴

Furthermore, they add that ‘political instability and numerous conflicts affect economic development negatively in the region, generating negative security, economic and social spillovers to other regions, especially Europe.’⁵⁵

⁵² Frontex. [Annual Risk Analysis 2023](#), 15. Accessed on July 8, 2025.

⁵³ Nassar, Heba. 2008. “Migration in the MENA Region: An Overview.” In *Panorama Med.* 2008, 269–273.

⁵⁴ Bruegel. 2021. [Migration from Africa: Assessing the Root Causes](#). Policy Contribution Issue no. 02/2021. Accessed on July 8, 2025.

⁵⁵ Ibid.

Economic crisis

Despite periods of constant GDP growth⁵⁶ in several countries of the MENA region during the 2000s, these countries have struggled to translate economic development into employment. The highest rate of unemployment weighs heavily on the younger population.⁵⁷ This mismatch between growth and economic expansion can be explained by unsatisfactory education levels (other factors include slow growth, labor market rigidities, cultural barriers, gender inequality, poor business climates, corruption, and nepotism).⁵⁸ All of these together translate into a significant gap in economic opportunities.

These crises have fueled irregular migration to Europe and have become a primary driver of its systematic increase. Frontex reported a 31% rise in irregular sea crossings between 2021 and 2022, with the “Central Mediterranean, with 105 561 IBC (71% of all detections on the sea borders), topping the maritime migratory routes.”⁵⁹

These statistics indicate that the MENA’s migratory dynamics are structurally rooted in geopolitical instability, which, in turn, explains the increasing number of smuggling networks. As previously shown (Recall Figure 3), the region has experienced a dramatic growth from 13,45M in 1990 to 34,5M in 2015, more than double the global average, highlighting the deep link to recurring political changes, economic breakdowns, and armed conflicts.

Events such as the explained Arab Spring, the fall of the Libyan regime, the prolonged war in Syria, and the political and economic instability in the region, transformed the MENA into a hot zone for illegal migration that currently functions not only as a transit and origin zone but also as a containment one, where human conditions are poor and control is limited.

⁵⁶Robert Z. Lawrence. US - Middle East Trade Agreement: A Circle of Opportunity? Washington D.C.: The Peterson Institute for International Economics, 2006.

⁵⁷ See Appendix 3

⁵⁸ Ibid. 17.

⁵⁹ Frontex. 14. Accessed on July 8, 2025.

Such pressures culminated in the unprecedented migration crisis in 2015, when Europe faced the most significant influx of irregular arrivals in decades. As the following section demonstrates, the crisis was the inevitable outcome of the conditions described above.

3.2. The migration crisis in 2015 and consequences in the EU

Migration studies highlight the unprecedented migration income in 2015, with an estimated 1.3 million people coming to the continent to request asylum, as the most critical event shaping human smuggling. This number is the most in a single year since World War II.⁶⁰ ⁶¹ Later on, it would be called a “crisis” or ‘the Arab Winter’ in reference to the aftermath of the Arab Spring.⁶²

The series of events described is called the 2015-2016 migration crisis, which highlighted the EU's shortcomings and lack of resources to protect the lives of migrants and prioritize them over the protection of its borders, which resulted in uncertainty regarding securitization, especially in Italy and Greece, with 74,947 and 75,970 arrivals, respectively.⁶³ Most importantly, resulted in the highest death rates in the last 20 years, reaching between 3,771 and 3,713 people who had drowned that year in the Mediterranean Sea. These flaws were critically exposed in Europe’s asylum framework.⁶⁴

⁶⁰ Filzmaier, Peter. 2017. *The Migrant Crisis: European Perspectives and National Discourses*. Edited by Melani Barlai, Birte Fährnich, Christina Griessler, and Markus Rhomberg. Zürich: Lit Verlag. Accessed on July 9, 2025.

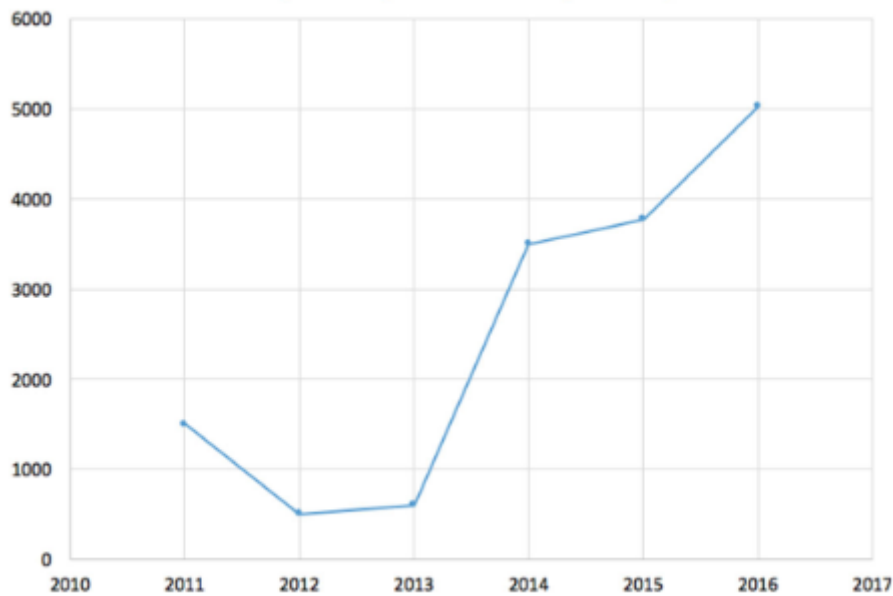
⁶¹ For a more visible example, See Appendix 3

⁶² Jerome Donnelly, ["Arab Winter."](#) America: The Jesuit Review, December 17, 2012.

⁶³ International Organization for Migration. (2015, July 10). [Migrant boat arrivals in Europe Top 150,000 in 2015](#).

⁶⁴ Hintjens, H. (2019), [Failed Securitisation Moves during the 2015 'Migration Crisis'](#). Int Migr, 57: 181-196. Accessed on July 9, 2025.

Figure 4. Refugee and Migrant Deaths at Sea (2011-2016)



Source: UNHCR, 2016

The arrival of more than 1 million unauthorized migrants overwhelmed reception capacities and triggered significant public opinion. Due to this incapability, the current system created perverse incentives whereby migrants must first undertake dangerous irregular journeys before they can apply for protection, facing rejection rates exceeding 50% according to Frontex.⁶⁵

For a better understanding of the EU's management of this migration crisis, it is noteworthy to make a distinction between the management of migratory policies before and after the crisis.

3.2.1. The EU management before the crisis

Even before 2015, the semantic confusion between irregular migration and illegal migration shaped the EU's migration approach. Politicians of all backgrounds, and large parts of the media, had started to represent migrants as a threat to EU unity and to the supposedly democratic values of "the West".⁶⁶

⁶⁵ Barslund, Mikkel, Anna Di Bartolomeo, and Lars Ludolph. "[European Asylum Policy Before and After the Migration Crisis](#)." IZA World of Labor 2018, no. 550 (2018). Accessed on July 9, 2025.

⁶⁶ Huysmans, J.2000 "The European Union and the securitization of migration," Journal of Common Market Studies, 38(5): 757.

According to Hammond, Mediterranean flows are better described as “mixed migration,” which includes asylum seekers and individuals seeking better economic opportunities. Different international legal standards govern these groups and, as such, require different approaches under EU and International law. In this way, the misuse of terminology has enabled a reductionist narrative that frames all unauthorized entries through human smuggling as criminal.⁶⁷

Furthermore, Hammond exposes that before the crisis in 2015, the EU had already adopted a security-based and deterrence-oriented approach that failed to account for the complex nature of the migration flows. Rather than strengthening legal and humanitarian mechanisms, Member States frequently turned to border control and criminalization. This led to a fragmented and generally insufficient reaction to the growing number of arrivals. Policies that placed more emphasis on externalization and containment than protection frequently compromised the legal principle of *non-refoulement*, which forbids the return of people to nations where they might be persecuted or in danger.⁶⁸

In this context, the European asylum system was already facing criticism before the 2015 crisis. One primary concern was that only 40% of asylum seekers were recognized as refugees under the legal definition, with most rejected applicants required to leave, but many disappearing into the informal economy.⁶⁹ In response, several Member States tightened control during application procedures and increased efforts to deport rejected cases, in some cases, while in others, they vanished in the informal economy. These measures reflected a broader shift toward deterrence, even before the large-scale arrivals.⁷⁰

⁶⁷ Hammond, Timothy G. ["Irregular, Not Illegal: The Human Rights of Migrants Crossing the Mediterranean."](#): 3. Foreign Policy Journal, May 19, 2015. Accessed on July 9, 2025.

⁶⁸ Ibid.

⁶⁹ Hatton, Timothy J. ["European Asylum Policy before and after the Migration Crisis."](#): 4. IZA World of Labor, February 2020. Accessed July 9, 2025.

⁷⁰ Ibid.: 5.

3.2.2. The EU management after the crisis

The European Union's response to the 2015 migration crisis reflected the continuous trend in contemporary migration governance: prioritizing border control and externalization over structural reform and rights-based protection. There are clear measures that follow this line and show how the EU opted for short-term political solutions. For that reason, we should consider the key points in this section that are described as follows.

The first and most controversial one is the decision to adopt third-country agreements, in particular, the EU-Türkiye Statement of March 2016.⁷¹ This agreement was intended to stem the flow of migrants crossing the Aegean Sea by returning irregular migrants from Italy and Greece to Türkiye in exchange for financial aid and resettlement commitments. Additionally, they tightened internal borders, which ultimately did little to alleviate the crisis and, in many ways, aggravated it.^{72 73}

As Hintjens argues, the EU's response on securitization and border protection did nothing but worsen the situation. Compared with one death in every 250 people crossing the Mediterranean in 2015, a combination of Italian refusal to allow boats to land, resulted in 'one death for every seven arrivals in Europe from Libya in June and one death for every 14 arrivals from Libya in 2018 as a whole.'⁷⁴

Some other examples are some migration cooperation with Libya, Niger, and other transit states, often involving financial and technical support. This kind of arrangement, firstly framed as necessary partnerships to manage irregular migration, blurred accountability on migration management, and transferred responsibility for human rights violations to countries with weak governance and

⁷¹ Further information will be given in Chapter V: Legal and Policy Framework

⁷² Fekete, Liz. ["Migrants, borders and the criminalisation of solidarity in the EU."](#) Race & Class 59, no. 4 (2018): 65-83.

⁷³ Crawley, Heaven. "Managing the Unmanageable? Understanding Europe's Response to the Migration 'Crisis.'" Human Geography 9, no. 2 (2016): 13-23.

⁷⁴ Hintjens, H. (2019): 191. Accessed on July 10, 2025.

human rights protection. This was the first EU effort on externalization, which later exposed refugees to abuse, exploitation, and detention.

Simultaneously, the EU reinforced internal border control within the Schengen Area. Despite that, it is noteworthy to disclaim that 'internal border controls had been temporarily re-instated by Schengen states before the 2015 migration crisis for a range of events including major intergovernmental summits and sports fixtures.'⁷⁵ In this sense, Schengen control is permitted under the Schengen Borders Code.⁷⁶

After the crisis, several Schengen states, such as Hungary, began to reintroduce and prolong internal border checks, initially based on a 'big influx of persons seeking international protection' and subsequently due to the 'security situation in Europe and threats resulting from the continuous significant secondary movements.'⁷⁷

Most importantly, the reinforcement of border control for the now European Border and Coast Guard Agency, Frontex, has seen the EU significantly increase funding, reaching three times its previous amount (see Tables 1 and 2). This naturally translated into an increase in powers for the agency, emphasizing border surveillance operations in the Mediterranean (called 'Triton' and 'Poseidon') and deterrence.⁷⁸

⁷⁵ Alan Desmond. ["From migration crisis to migrants' rights crisis: The centrality of sovereignty in the EU approach to the protection of migrants' rights."](#) Leiden Journal of International Law, 36 (2023): 328. Accessed on July 10, 2025.

⁷⁶ European Commission, ["Member States' Notifications of the Temporary Reintroduction of Border Control at Internal Borders pursuant to Article 25 and 28 et seq. of the Schengen Borders Code"](#).

⁷⁷ Alan Desmond: 328. Accessed on July 10, 2025.

⁷⁸ Sergio Carrera et. al. ["The EU's response to the refugee crisis taking stock and setting policy priorities."](#) 2015: 4. CEPS ESSAY 20 (December). Accessed on July 10, 2025.

Table 1. EU Contributions (Main Revenue Source)

Year	EU Contribution (€)
2015	138,698,625
2016	211,741,766
2017	248,448,863

Source: Author's elaboration based on [Frontex Financial Statements Reports Data \(2015-2017\)](#)

Table 2. Frontex's total Revenue and Expenditure

Year	Total Revenue (€)	Total Expenditure (€)	Surplus/Deficit (€)
2015	140,382,202	137,231,614	3,150,588
2016	228,589,294	212,633,729	15,955,565
2017	271,434,816	258,118,611	13,316,205

Source: Author's elaboration based on [Frontex Financial Statements Reports Data \(2015-2017\)](#)

However, this securitized approach did not resolve systematic challenges. The EU asylum system remained fragmented, with uneven responsibility among member states and persistent high rejection rates. Many irregular migrants faced uncertainty, inadequate reception, and obstacles to integration.

The next short-term measure was 'the implementation of setting up a new 'hotspot approach' in which EU home affairs agencies like Frontex, Europol, and the European Asylum Support Office (EASO) would work on the ground to support 'frontline' member states in identifying, registering, and fingerprinting migrants.'⁷⁹ These hotspots, mainly located in Italy and Greece, were designed at first to ensure rapid identification, registration, and fingerprinting of arriving migrants. In daily life, however, these centers rapidly became overcrowded detention-like centers where human rights protection is the last interest of personnel, contributing to a policy of containment rather than safety.⁸⁰

⁷⁹ Ibid.: 6.

⁸⁰ See [CPR, Hotspot, CPA – Progetto Melting Pot Europa](#) for articles on human rights abuses on Hotspot and detention centers. (Italian only)

Loschi et al. complement this view, arguing that ‘both the Commission and the European Council were careful to frame the legally non-binding hotspot-approach as a ‘quick’ and ‘flexible’ crisis response mechanism within the existing boundaries of EU law that is legitimized by its ‘results.’ While the Explanatory Note has strengthened the mandate of Frontex, it did so softly and vaguely, leaving the agency with considerable leeway in how to interpret and implement it.⁸¹

As a last measure, but with the same amount of controversy, a relocation mechanism for 20,000 refugees from outside the EU, along with an additional €50 million budget for 2015-16 to support this scheme.⁸² This mechanism was poorly implemented ‘in spite of its limited ambitions’.⁸³ Many Member States resisted mandatory quotas, and the limited number of relocated individuals reflected a broader lack of political solidarity within the European Union and the unwillingness of several states to share responsibility.

All of these measures helped the EU's narrative shift from a humanitarian crisis to a narrative of a security threat. This change was not restricted to rhetoric; it had been implemented through policies that prioritized enforcement, externalization, and deterrence over the development of safe and legitimate routes. Under this dynamic and context, many people, especially from the MENA region, found themselves caught between danger in their home country and an increasingly more challenging and more and more impenetrable European Border regime.

In this situation, smuggling networks and irregular migration became less of a conscious decision and more of a last resort for people escaping persecution, conflict, political, or economic crisis. Smugglers were one of the

⁸¹ Loschi, Chiara, and Peter Slominski. 2022. “The EU Hotspot Approach in Italy: Strengthening Agency Governance in the Wake of the Migration Crisis?” *Journal of European Integration* 44 (6): 769–86. doi:10.1080/07036337.2022.2047186. Accessed on July 10, 2025

⁸² Sergio Carrera et. al. “The EU's response to the refugee crisis taking stock and setting policy priorities.” 2015: 6. CEPS ESSAY 20 (December). Accessed on July 10, 2025.

⁸³ Geddes, A. (2018) ‘The politics of European Union migration governance’, *JCMS: Journal of Common Market Studies*, 56(S1): 120–130

few, if not the only, means of access to European territory, as humanitarian corridors were either closed or inoperable. Consequently, this development was the first symptom of the EU's structural inability to guarantee access to protection under international and regional law, rather than just the result of criminal opportunism.

3.3. Before migrating to Europe: Demystifying the concept of the uneducated migrant

Following the securitized and short-term strategies that were part of the EU's response to the migration crisis, European migration policy has, paradoxically, contributed to the intensification of irregular migration routes. Safe and legal pathways were becoming increasingly less available, military-controlled borders replaced humanitarian corridors, and the European border regime began to push even the most skilled and educated individuals towards smuggling routes. As we saw in the previous sections, the number of crises and instability in the Middle East and North Africa made the region a migration hub where the dream of all young people was to leave their homeland in search of a better life.

There is a common perception and a media portrayal of irregular migrants as uneducated, desperate, and often criminalized figures. This concept is usually fueled by laws criminalizing migration and the lack of freedom of movement we have seen on the part of the European Union. However, no thought is given to what makes people like this decide to risk their own lives, because for them, it is a choice between risking it at home or risking it on a human smuggling route.

According to the 2021 KAS PoDiMed survey conducted across six MENA countries,⁸⁴ educated individuals and youth are the demographic groups most likely to express a desire to migrate.

'Perhaps most concerning about these patterns is the very high percentage of educated people who seek to emigrate. Across every country, with the exception of Libya, Arab citizens who have an education beyond secondary school are more likely

⁸⁴ Lebanon, Tunisia, Jordan, Morocco, Libya and Algeria

to say that they want to emigrate. Among those with high levels of human capital, a significant percentage state that they would like to leave their countries of origin.’⁸⁵

In Lebanon, Tunisia, and Jordan, over 50% of university-educated respondents indicated an intention to leave their country or origin for Europe. Their principal motivations are primarily economic and educational. These dimensions should first be addressed through legal migration channels. However, the EU’s existing decisions on migration policies have closed such paths, leaving these individuals with few to no alternatives but to resort to irregular means of travel.⁸⁶

In this way, the study highlights the need to blur the false dichotomy between “deserving” the right of asylum and being an economic migrant. Educated migrants from the MENA region are not opportunists. Instead, they are often highly skilled individuals seeking stability, opportunities, and the freedom to pursue their professional development. Hard data evidence on this is the ICMPD Migration Outlook 2025, which documents the growing role of labor migration to Europe, with non-EU work permits increasing by 9%.⁸⁷ This indicates an increasing presence of skilled migrants in labor markets. Nonetheless, these opportunities do not exist in their countries of origin, where economic crises and political instability are everyday life.

Furthermore, the portrait of the ‘boat’ migrant shows irregular migrants as uneducated, unskilled, and opportunistic.⁸⁸ Doing so, the result is that general public perception is biased and does not consider the information provided here. In addition, this misconception contributes to a dangerous loop: restrictive policies force high-skilled migrants to pursue irregular migration, which then will reinforce the perception that irregular migrants are a threat to the territory.

⁸⁵ Konrad-Adenauer-Stiftung (KAS), [Migration in the Middle East and North Africa: Report – KAS PolDiMed Survey](#) (Berlin: KAS, 2021), Accessed July 11th, 2025

⁸⁶ See [Appendix 4](#) and 5

⁸⁷ [ICMPD Migration Outlook 2025](#). International Centre for Migration Policy Development. Accessed on August 5, 2025.

⁸⁸ ‘Boat migrant’ or ‘boat people’ is a pejorative term (coined in the 1970s to the Vietnamese and Cambodian refugees) to describe immigrants, refugees, and asylum seekers who flee their home countries (by boat) seeking sanctuary.

Studies by De Haas and Natter support this correction of narrative and long argued the ‘myth of invasion’, where public understanding of the ‘other’ distorts reality and leads to policy overreaction, something very familiar to the case of Europe and the MENA region.⁸⁹ Similar evidence supports the demystification of the uneducated irregular migrant, as provided by the Organization for Economic Co-operation and Development (OECD), which shows that among immigrants, 29% are overqualified for the jobs they ultimately take, compared to 20% among native-born individuals.⁹⁰

3.4. Chapter Conclusions

Considering this evidence, a key challenge for EU migration policy is not only to create safer and more legal pathways but also to reframe the perception of the irregular migrants. The current criminalized and securitized response and narrative, by contrast, continues to push the misconceptions and fuels inhuman treatment of those who decide to cross the Mediterranean through an irregular route.

These misconceptions are not without consequences. By neglecting the complexity of the dynamics of irregular migration and human smuggling, particularly from the MENA region, EU policies have continued to shape the profile of the irregular migrant and those who help them as criminals. Throughout the chapter, we have seen and understood the reasons that drove the exodus from the MENA region to Europe, why legal access became increasingly complex, and the growing emergence of human smuggling as the primary means of migration, even for educated and highly motivated individuals.

This dynamic is particularly visible in the case of Italy, one of Europe's primary entry points for migrants crossing the Central Mediterranean route. As we contextualize irregular migration and human smuggling in Italy as a symptom of a larger policy failure rather than a security concern, it is crucial. In Chapter IV, we will look at how restrictive migration frameworks have changed, increasing the need for smuggling networks.

⁸⁹ Hein de Haas, Katharina Natter. “[The Determinants of Migration Policies: Does the Political Orientation of Governments Matter?](#)” *International Migration Review*, 49(4), 2015. Accessed on July 11th, 2025.

⁹⁰ OECD (2020), [International Migration Outlook 2020 | OECD](#), OECD Publishing, Paris: 84.

CHAPTER IV: IRREGULAR MIGRATION, HUMAN SMUGGLING AND KEY ROUTES IN ITALY

Italy's geographical proximity to the MENA region made it a primary entry point for migrants seeking refuge or better economic opportunities in Europe. For that, it is of utmost importance to evaluate its status on migration trends, specifically in irregular migration. However, when trying to find data on irregular immigrants arriving in Italy, numbers can vary depending on the number of migrants registered upon arrival, whether they were underage, accompanied, or actually registered, or if they were at least seen by border control personnel. Furthermore, the ethical and moral implications of the topic make the research particularly challenging.

The present chapter will analyze the current situation and trends in Italy in recent years, considering the period before and after the significant event of the so-called migration crisis in 2015. For that, the chapter will split these trends into two to understand how the crisis was managed and what the results of its aftermath were. Although the importance of every arrival through a human smuggling route is crucial to the scope of the investigation, this chapter will focus on sea arrivals and Mediterranean routes. This is mainly because they are the most common journeys chosen by migrants who decide to access Italian territory in the pursuit of new opportunities. In fact, according to Frontex, in 2017, almost all irregular border crossings in the Central Mediterranean involved a sea crossing.⁹¹

It then goes on to consider Italy's transit and destination nation position, bearing in mind how close geographically it is to the North African shores and the institutional frailties that have created the pattern of Italy's migrations. In that sense, the chapter will analyze the main arrival ports related to human smuggling routes. Specific reference has been made to the geographical positions of Lampedusa, Catania, Palermo, Pozzallo, and the port of Augusta, the latter of which has become an emblematic entry point towards the EU. These ports have become emblematic not only due to the high frequency of arrivals, but also because they present a large number of rescue operations, and paradoxically, the criminalization of the migrants or

⁹¹ Frontex, 2019

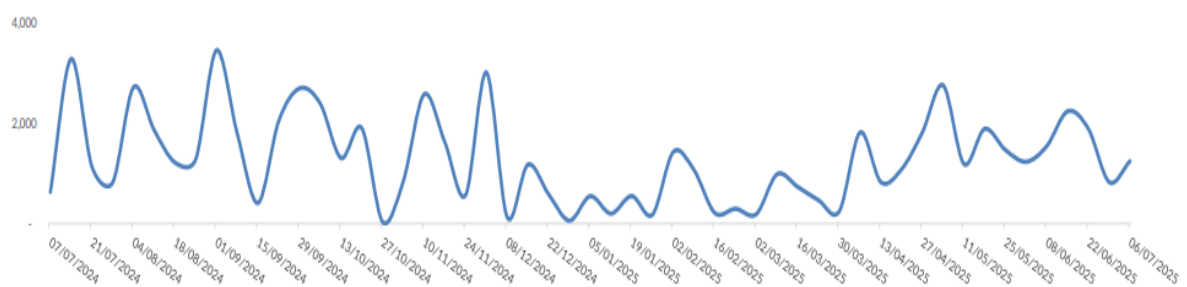
those assisting them. In addition, special attention will be given to the hotspot approach by the UE, centering on some hotspots present in Italy, and analyzing specific cases that could have documented human rights abuses.

Finally, specific focus will be given to the planning of organized irregular migration from the MENA region to Italy, with special attention to transit countries and the possible human rights violations that may occur throughout the journey.

4.1. Key Statistics on Irregular Migration to Italy

A first glance at data-driven insights from 2015 onwards on the current Italian migration situation will introduce irregular migration arrivals to the Mediterranean country, allowing us to delve into historical data later. As of 2025, Italy has experienced a notable increase in irregular sea arrivals. On average, approximately 1,006 people arrive by sea in one week in 2025.⁹² That is 17% more than in 2024 and represents a 145% increase compared to month-to-date arrivals in the same year.⁹³

Figure 5. Weekly sea arrivals 2024-2025



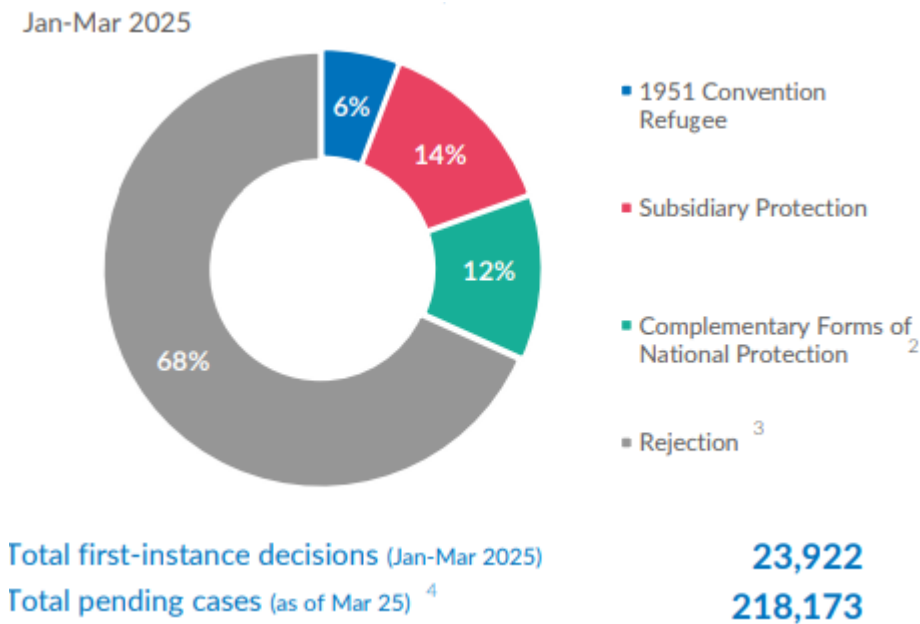
Source: [UNHCR](#), 2025

In parallel, the rejection rate for asylum applications has remained consistently high. Between January and March 2025, 68% of First-Instance Refugee Status Determination (RSD) decisions were negative, indicating a systemic tightening of asylum procedures, as shown in Figure 6.

⁹² UNHCR. Weekly Snapshot (30 JUN- 06 JUL 2025)

⁹³ UNHCR footnote: Please note that, in addition to sea arrivals, Italy also receives land arrivals and air arrivals. The present document focuses on sea arrivals only, as per official figures provided by the Italian Ministry of Interior.

Figure 6. First-Instance RSD Decisions, Jan-Mar 2025



Source: UNHCR, 2025

These numbers suggest a growing disconnection between the scale of arrivals and the legal mechanisms intended to process and protect asylum seekers. The steady increase in arrivals, combined with persistently high rejection rates, may be interpreted as an early indicator of policy failure. Not necessarily because of the number of people arriving, but due to the system's apparent inability to respond with proportionality, fairness, and rights-based procedures. (Such policy mechanisms will be discussed later in Chapter V).

Therefore, a proliferation of human smuggling networks could be seen as an early symptom of Italy's failing migration policies; it fails to deter arrivals, fails to protect those in need, and fuels demand for smuggling by narrowing legal pathways. Besides, it forecasts excessive bureaucracy, rigid migration systems, and a 'merits' mindset where an economic migrant is portrayed as criminal and opportunistic.

As with the analysis of the EU's reaction to the 2015 crisis, we will adopt a similar data-centered approach in assessing Italy's contemporary migration landscape. The focus lies on quantifiable outcomes that may reflect some early inefficiencies and contradictions of the country's migration system.

4.1.1. Trends in irregular migration before the 2015 migration crisis

To fully understand the current dynamics of irregular migration to Italy, we shall examine the trends that preceded the 2015 migration crisis. Contrary to the common perception that irregular migration emerged as a sudden phenomenon during the so-called “crisis years,” Italy has long been a key entry point to Europe for migrants and a target point for smugglers, long before.

This section offers a retrospective analysis of pre-2015 migration flows to Italy, drawing on available data. Trustworthy estimates for the pre-2015 period are limited. For that reason, the source’s choice was based on the reliability of the data, where experts have converged in considering the estimates provided by the ‘Iniziativa e Studi sulla Multietnicità’ (ISMU) foundation as the most accurate and reliable ones for Italy from the 1990s to 2014.⁹⁴ By applying large-scale sample surveys, ISMU was able to build a more accurate picture of the evolving migratory landscape.

Table 3. Estimates of irregular immigrants in Italy, 1991-2014

Year	Irregular Immigrants Estimation	Year	Irregular Immigrants Estimation	Year	Irregular Immigrants Estimation
1991	383,000	2001	469,000	2011	443,000
1992	293,000	2002	750,000	2012	326,000
1993	323,333	2003	500,000	2013	294,000
1994	353,667	2004	250,000	2014	350,000
1995	384,000	2005	443,000		
1996	262,000	2006	650,000		
1997	140,000	2007	349,000		
1998	245,000	2008	651,000		
1999	249,333	2009	422,000		
2000	188,000	2010	454,000		

Source: ISMU, 2019 (Author’s adaptation)

These data show that irregular migration towards Italy has historically fluctuated more or less in the same way, with slight variations from 1991 to 2010. On the other hand, ISMU’s numbers show the immediate response to both domestic and regional developments, and the interconnectedness of

⁹⁴ Ghio and Blangiardo Genus. [Exploring the link between irregular migration and asylum: the case of Italy | Genus](#) (2019) 75:14. Accessed on July 11th, 2025.

irregular migration trends and political instability in the region, as shown in the previous chapter.

For example, the introduction of regularization schemes in 2007, 2009, and 2012 significantly reduced the stock of irregular migrants by up to 35% in some years (see Table 3). In 2007, the idea of individual regularization for irregular foreign workers was proposed, and ‘the increase of regular population reflected the number of irregular migrants that obtained a regular residence permit through the quota admitted by the regularization process’.⁹⁵ In 2009, a regularization program targeted domestic care workers employed for at least three months, and the stock of migrants dropped by 35%. Finally, in 2012, a regularization process was introduced, where 26% of the stock was appraised.⁹⁶

These trends show that before 2015, Italy often responded to irregularity with integration-oriented tools, like programs and proposals, rather than restrictive enforcement and externalization. That could be translated into a reduction in the profitability of the human smuggling business. By early 2015, the foreign population in Italy reached 5.8 million, of which 404,000 (approximately 8%) were classified as irregular, according to the ISMU Foundation.⁹⁷ Figures like these provide a crucial baseline for understanding how irregular migration evolved once the crisis intensified later that same year.

4.1.2. Trends in irregular migration after the 2015 migration ‘crisis’

In 2015, approximately 154,000 migrants crossed to Italy by sea, where 2,913 were counted as dead and missing.⁹⁸ In comparison, 2007 saw approximately 20,000 sea arrivals, with significantly fewer reported deaths at sea, and in 2009, despite around 9,600 sea arrivals, the recorded deaths

⁹⁵ Ghio and Blangiardo Genus. 2019: 8. Accessed on July 11th, 2025.

⁹⁶ Committee of Ministers. [“Regularisation programmes for irregular migrants”](#) - Parliamentary Assembly Recommendation 1807. 2007. March 2008.

⁹⁷ Ghio and Blangiardo Genus. 2019: 7.

⁹⁸ UNHCR. [Italy](#). 2025. Accessed on July 11th, 2025.

remained under 100, suggesting a far lower mortality ratio. Even in 2012, with an estimated 13,200 sea arrivals, the number of deaths remained limited.

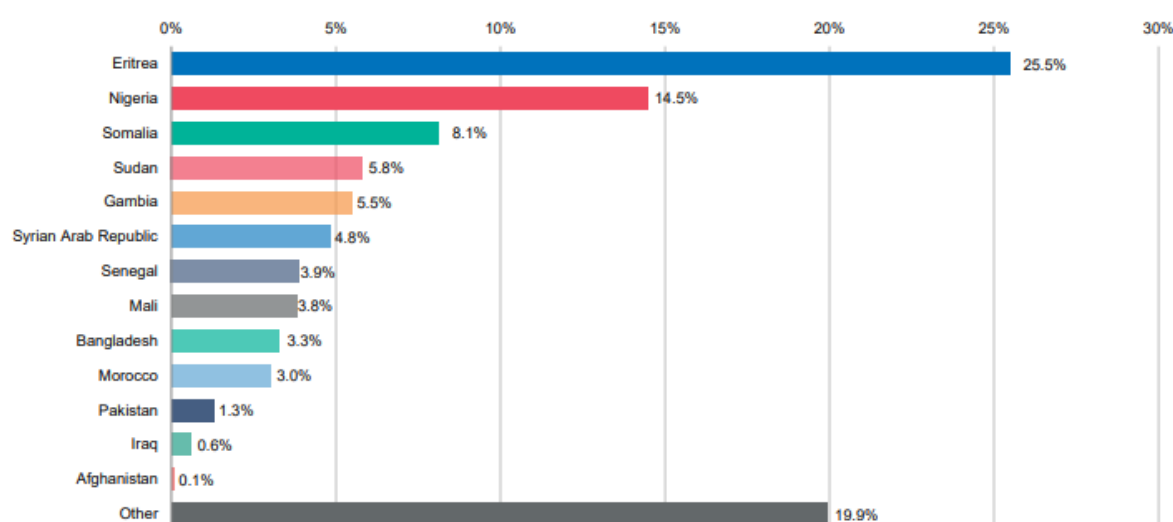
Out of the total number of people who arrived in Italy the same year, 25.5% identified as Eritreans, a trend that could be explained by the compulsory and indefinite national service for an unlimited period imposed by the Eritrean government. Furthermore, many Eritreans flee the country not only due to economic instability but also to escape what has been widely criticized as a repressive and abusive regime.⁹⁹ This coercion, combined with restricted civil liberties, has made Eritrea one of the top sources of irregular migrants towards Europe, being in the top 10.

The trend continued in the years 2014-2019, which saw approximately 104.000 Eritreans arriving by boat from North Africa to Italy alone. Thousands of others arrived via Greece, Spain, and Türkiye into the EU. With an estimated population of 5,34 million people, which equates to almost 2% of the entire population of Eritrea, arriving in Italy during these five years.¹⁰⁰ Thanks to the huge arrival, the ethnic groups were associated with the so-called 'Migrant Crisis' in the Mediterranean. Depending on the viewpoint, migration to the EU through the Mediterranean or via Türkiye has been described as an 'invasion,' a term that we previously explored as wrongly perceived, which takes a very securitized position and tends to criminalize migration and freedom of movement.

⁹⁹ BBC News Mundo. [Los miles de jóvenes que huyen de Eritrea, uno de los países más herméticos del mundo](#). May 18, 2015. Accessed July 12th, 2025.

¹⁰⁰ J. Whittle and G. Antonopoulos. ["Irregular migration from Eritrea and role of human smuggling."](#) Crimen (2022). Accessed on July 12th, 2025.

Figure 7. Percentages of nationalities arriving in Italy 2015



Source: [UNHCR](#), 2015.

However, in 2015, only 0,2% of Eritrean sea arrivals made it to Greece, despite both countries serving as major entry points to Europe via the Mediterranean. This highly uneven distribution raises the question of Eritrean migrants choosing the Central Mediterranean route through Italy.

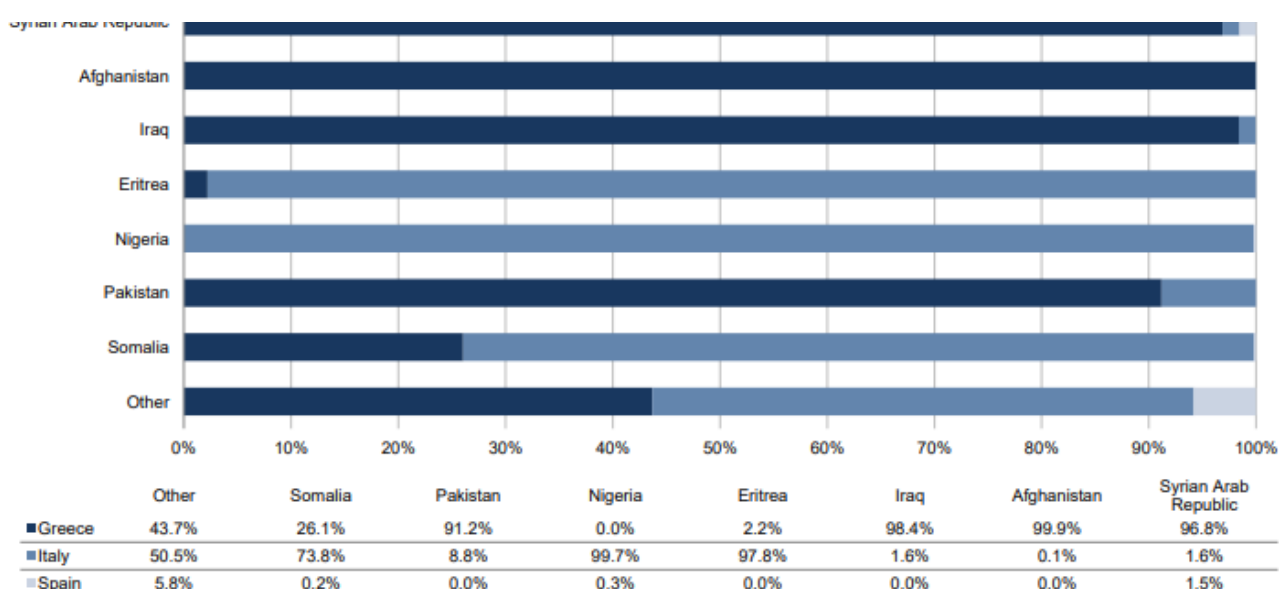
One key factor could lie in the historical and socio-cultural relationship between Eritrea and Italy. It is well known that Italy colonized Eritrea from the late 10th century until World War II. For that reason, the country could have retained linguistic and familial ties that continue to shape migration trends. Besides, Eritreans continued to receive relatively high rates of international protection due to the widely recognized human rights abuses in their home country.¹⁰¹ Most importantly, Eritrean migrants showed less interest in using Greece as a transit corridor. In fact, Eritrean mobility patterns have typically been shaped by different smuggling routes and logistical preferences, often aiming for direct asylum procedures in Italy.

Finally, the factor that could have contributed to shaping this pattern was geographic access and the configuration of smuggling networks. Not only

¹⁰¹ EUAA Europa. [Recognition rates: Granting international protection in EU+ countries, Fact Sheet No 19](#). 2023. Accessed on July 12th, 2025.

Eritreans but also other countries from the African continent fleeing repression typically cross overland through Sudan and Libya, established as dangerous (but operational) smuggling routes. However, the Central Mediterranean route has thus historically been the main corridor for East African migration into Europe, both due to geographic distance and a lack of logistical infrastructure.¹⁰² This distinction will be further explored in the following sections.

Figure 8. Top nationalities of arrivals in Greece, Italy and Spain



Source: [UNHCR](#), 2015

Following the temporary line, sea arrivals after 2015 not only increased but diversified. Between 2016 and 2017, sea arrivals to Italy rose to 181,436 and 119,369, respectively, and by 2023 reached almost 157,700, marking a 50% increase from the previous year, according to the UNHCR. The composition of arriving nationalities also accompanied this shift. While Eritreans, Nigerians, and Somalis dominated earlier trends, recent arrivals have seen a significant rise in arrivals from Bangladesh, Guinea, and Côte d'Ivoire. These demographic changes reflect evolving and deeper push factors, with the hand of possible changing smuggling dynamics, and a broader transformation

¹⁰² UNHCR. [Monthly Trends of Nationalities - Arrivals to Greece, Italy and Spain -31 December 2015](#):2. Accessed on July 12th, 2025.

not just as part of a response to the Arab Spring, but also the increasing arrival of West African migrants, with Bangladeshis in the first place of nationalities, with 42% in early 2025. (See Table 5)

Table 4. Sea arrivals to Italy 2015-2025

Previous years	Sea arrivals	Dead and missing
2024	66,617	1,172
2023	157,651	1,908
2022	105,131	1,453
2021	67,477	1,545
2020	34,154	955
2019	11,471	754
2018	23,370	1,311
2017	119,369	2,873
2016	181,436	4,578
2015	153,842	2,913

Source: [UNHCR](#), 2025

Table 5. Sea arrivals by nationality, May 2025.

Country of Origin	Population Group ID	Individuals	Source
Bangladesh	4833	11863	Government
Eritrea	4823	5051	Government
Egypt	4830	4519	Government
Pakistan	4841	2962	Government
Ethiopia	4832	1625	Government
Sudan	4824	1400	Government
Somalia	4829	1341	Government
Syrian Arab Rep.	4839	1119	Government
Guinea	5020	853	Government
Iran (Islamic Rep. of)	4843	830	Government
Tunisia	4837	662	Government
Nigeria	4822	603	Government

Algeria	4813	598	Government
Mali	4819	541	Government
Côte d'Ivoire	4810	452	Government
Afghanistan	4840	373	Government
Morocco	4814	325	Government
Others	4828	244	Government
Iraq	4842	244	Government
Cameroon	4811	225	Government
Ghana	4831	221	Government
Gambia	4812	111	Government
South Sudan	5265	101	Government
Burkina Faso	4815	76	Government
Senegal	4827	64	Government
State of Palestine	4997	64	Government
Libya	5076	42	Government
Sierra Leone	4825	28	Government
Benin	4838	8	Government

Source: Author's work based on UNHCR data, 2025.

Despite the continuous increase in sea arrivals from 2015 to 2017, a significant decline was observed in 2018. This is due in large part to the changes in Italy's cooperation with Libya. Although this trend represents an essential shift in the dynamics of Mediterranean migration, Chapter V will go into greater detail about its causes and effects.

While the sharp rise from 2018 onward may initially appear a sign of improvement in border control, future investigation will evaluate how these practices increased human smuggling and reflect it as a symptom of failing migration policies.

With a broader picture of irregular migration trends provided in this section, the focus now shifts to points of arrival and reception infrastructure that have evolved in response to them. The following section will explore how the Italian state, in cooperation with the European Union, managed the large amount of migration inflows

through the establishment of hotspot, border reception policies, and the strategic targeting of human smuggling routes.

4.2. Points of Arrival and Reception

Having analyzed the trends before and after the ‘Migration Crisis,’ we shall understand the dynamics of human smuggling, especially at the main ports, the new focus and concept of hotspots in the European Union, and their presence in Italian territory.

4.2.1. Main Italian Ports

The following map shows the main entry points for sea arrivals. These ports, listed in order of importance, are Lampedusa, Augusta, Pozzallo, Trapani, Reggio Calabria, and Taranto. They have played a vital role in the Central Mediterranean Route. This is particularly important since the total number of Central Mediterranean arrivals involves a sea crossing that often involves smuggling. As Campana explains,

*‘It is safe to assume that journeys that include a sea crossing are likely to have been facilitated by smugglers. In 2017, 93 percent of IBCs on the Western Mediterranean Route, 82 percent on the Eastern Mediterranean, and 100 percent on the Central Mediterranean involved a sea crossing. The following year, 98 percent of the IBCs on the Western Mediterranean route, 60 percent of those on the Eastern Mediterranean, and all the Central Mediterranean ones involved crossing a sea.’*¹⁰³

Furthermore, the view of these ports is relevant for the development and understanding of human smuggling. Campana highlights that ‘land crossings can be made with or without a smuggler, but given the heightened border controls, a conservative estimate would be that two-thirds of crossings were made with the assistance of a smuggler. [...] We can thus estimate that over

¹⁰³ Campana, Paolo. 2020. Human Smuggling: Structure and Mechanisms. University of Chicago Press: 8. doi:10.17863/CAM.51150. Accessed on July 12th, 2025.

98% of the West Mediterranean crossings can be attributed to smugglers; over 90% of the Eastern Mediterranean crossings, and all of the Central Mediterranean ones.”¹⁰⁴

Figure 9. Italy Sea Arrivals



Source: UNHCR, 2025.

More recently, disembarkation patterns have been heavily concentrated in specific regions, as seen in Figure 9. According to data from UNHCR and ISPI, in 2025, approximately 87% (25,614) of all sea arrivals occurred in Sicily, with the ports of Lampedusa, Augusta, Catania, Pozzallo, and Palermo, not to mention Trapani and Messina.¹⁰⁵ Following this is the presence of the Calabria region, with ports in Reggio Calabria, Vibo Valentia, and Crotone (4.3%). Notably, in recent years (after 2022), Tuscany has gained importance, accounting for 2.42% (713) of total arrivals in early 2025.¹⁰⁶

¹⁰⁴ Ibid.

¹⁰⁵ Castellano, Di Vincenzo. 2017. [La mappa dei porti dove sbarcano i migranti](#). Agenzia Giornalistica Italia, July 1, 2017. Accessed on July 13, 2025.

¹⁰⁶ UNHCR, 2025.

While some disembarkations have occurred in central and northern ports, such as in the regions of Liguria and Marche, they are often a result of policy decisions directing NGO vessels to more distant ports and remain the exception rather than the rule. The Italian decisions remain justified by citing the overburdening of southern regions.¹⁰⁷ However, some critics argue that such policies are designed to obstruct NGO-led rescues by extending their routes, delaying disembarkations, increasing operational costs, and delegating responsibility to some ports that are not necessarily prepared for their arrival. This practice started around December 2022 and has led to hundreds of lost days at sea for NGOs, reducing their ability to conduct rescues.^{108 109}

In light of this, the infrastructural and legal implications of migrants' disembarkations are recognized. In conclusion, the designation of a specific port determines several circumstances: the regional jurisdiction, the applicable reception mechanisms, and, often, the pace of access to asylum or relocation procedures. Furthermore, it affects the mere coordination with EU agencies such as EASO and Frontex, particularly in the so-called hotspot areas, discussed in the following subsection.

4.2.2. The hotspot approach in Italy

“Hotspots,” according to a fact sheet released on Sept. 8, 2015, by the European Commission, are a “method of managing exceptional migration flows to provide support to member states on the front lines of dealing with the very high migration pressures at the EU's external borders.”¹¹⁰ Meaning literally a hot spot (in other words, red zone), they were first implemented in 2015 as part of the European Union's hotspot approach, designed to manage the large influx of migrants arriving via the Central Mediterranean route, mainly from Libya.

¹⁰⁷ [Dove sbarcano di più i migranti in Italia | Pagella Politica](#). 2023. Pagella Politica. Accessed on July 13, 2025.

¹⁰⁸ [Joint Statement: Italy's obstruction of search and rescue activities is endangering people's lives | EMERGENCY](#). February 23, 2024. Accessed on July 13, 2025.

¹⁰⁹ Carmine Conte. [“The New Italian Law Against Rescue NGOs: Another Crackdown on Solidarity With Migrants.”](#) 2023. EURAC Research. January 30, 2023.

¹¹⁰ Melting Pot Europa. [Speciale Hotspot](#). 2021. Translated from Italian. Accessed on July 13, 2025.

This initiative aimed to identify, register rapidly, and fingerprint incoming migrants to facilitate asylum procedures and accelerate returns of those not eligible. Later on, Decree Law 113/2018 subsequently introduced the possibility of detention of people whose nationality cannot be determined, for up to 30 days in suitable facilities set up in hotspots for identification reasons.¹¹¹ However, there is no legal cap on how long individuals may be held. In practice, this often translates into prolonged stays due to transfer delays to the deeper reception.

As we previously analyzed, the hotspot approach is part of the EU responses to the 2015 migration crisis and was intended to provide a structured and coordinated reception system among Member States. Under the French six-month Council presidency, on 22 June 2022, twenty-one EU Member States and associated countries signed a declaration of solidarity, which included a mechanism for voluntary solidarity contributions, in the form of relocation or other types of contributions, particularly financial contributions.¹¹²

In the case of Italy, this legal framework was established through emergency decrees, for example, the Ministry of Interior Decree of August 5, 2019, which designated border and transit zones near existing facilities in ports such as Taranto, Pozzallo, Messina, and Lampedusa, where expedited border procedures and rapid screening would apply.¹¹³ Upon arrival, individuals face “fotosegnalamento”¹¹⁴ and receive preliminary information, including a *foglio notizie*, often untranslated, followed by either asylum registration or channeling to a Repatriation Detention Center (CPR) for return.¹¹⁵

¹¹¹ Asylum Information Database, [Hotspots - Asylum Information Database | European Council on Refugees and Exiles](#). 2024. Accessed on July 13, 2025.

¹¹² Ibid.

¹¹³ Melting Pot Europa. [CPR, Hotspot e altri luoghi di confinamento](#). December 2021. Accessed on July 13, 2025.

¹¹⁴ The photo-identification of migrants is a law enforcement activity that involves the acquisition of biometric data (fingerprints and facial photos) and descriptive data for the identification of a person, which are then entered into a European database.

¹¹⁵ [The Asylum Procedure - UNHCR Italy](#). Accessed on July 13, 2025.

However, access to asylum procedures suffers significant flaws: absence of proper information, poor-quality translation, and coercive signing of documents.¹¹⁶ Most importantly, some hotspots result in overcrowding, a lack of sanitation, dangerous structural failures, and even casualties, which clearly reflect a failure of this approach and the implementation of migration policy.

In 2023, the busiest was Lampedusa, where its official capacity was 389 people, yet in February of the same year, it arrived at the dangerously overcrowded number of 3,200 migrants.¹¹⁷ Naturally, this resulted in migrants sleeping outdoors, a lack of food and water, sanitation, and three deaths in early 2023.¹¹⁸ This problem was far from being finished, as the situation became unsustainable in September 2023.

‘The Red Cross and workers from other organizations have been unable to enter the hotspot center for “security reasons” since yesterday morning, Sept. 13. This seems an overwhelming situation for all. Pre-identification procedures, of course, are completely skipped. The continuous flow of arrivals makes it very complex to break the stalemate: as many as 2,000 people are scheduled to be transferred today between liners and military assets. By tomorrow (Sept. 15 ed.), another 2,300 or so. Of course, it remains unpredictable how many people will simultaneously continue to reach the island.’¹¹⁹

Reacting to such events, the city council declared a state of emergency, still basing it on the rhetoric of “invasion.” It is surprising, however, that the deliberate use of the word ‘invasion’ is seen as usual, when in reality, far from being trivial, it further fuels the barrier between ‘the state’ and ‘the foreigner’ that Italian policies themselves have created. Policies that decided on an approach of securitization, criminalization, and externalization of irregular migration.

¹¹⁶ [Asylum Information Database](#), European Council on Refugees and Exiles. (2024b, July 1).

¹¹⁷ Hotspots - Asylum Information Database | European Council on Refugees and Exiles. 2024. Accessed on July 13, 2025.

¹¹⁸ Fatshimetrie. Le Blog du Citoyen 2023, September 19. “[The Migrant Crisis in Lampedusa: An overcrowded hotspot in distress](#)”. Accessed on July 13, 2025.

¹¹⁹ Melting Pot Europa. [Lampedusa: il sistema hotspot non ha mai funzionato e mai funzionerà. E, al momento, non esiste](#). September 2023. Accessed on July 13, 2025.

Figure 10. Typical view of one daily arrival of migrants. Lampedusa, 2023.



Source: Melting Pot Europa. 2023.

Such procedural failures naturally complicate migrants' confidence in the legal system. In view of the lack of channels, the confusion, the poor information on procedures, the non-existent translation of documents, and the lack of legal support, smugglers position themselves as a perceived strong alternative in the face of a poor management system in border policies. This creates a channeling to CPRs, detention centers that often are confused with hotspots, because of the ad hoc system at odds with Italy's procedural obligations under EU law.

The (un)distinction between CPR and hotspots

While formally distinct in law and purpose, hotspots and CPRs (*Centri di Permanenza per i Rimpatri*) have become increasingly blurred in practice. This confusion is not accidental but rather symptomatic of a broader strategy of deterrence and opacity. Hotspots are presented as mere administrative hubs for identification and registration, with no deprivation of liberty. However, in reality, they often operate in conditions that resemble de facto detention. Individuals are unable to leave, do not have access to legal assistance, and are held in overcrowded, unsanitary facilities for periods much longer than 30 days, as it should be. This ambiguity fuels widespread confusion among the population, the media, and even migrants themselves, who are

unaware of their legal status. The situation is not a casual result, but the result of all the flaws mentioned above.

The hotspot approach then becomes a convenient policy fiction: a dark space where rights can be suspended without recognition of their suspension, masked in a facility for ‘registration,’ where in reality migrants are quickly channeled to the CPRs, often without adequate evaluation or consensus. This institutional grey zone is a powerful illustration of how failing migration policies do not just enable human smuggling: they construct the very conditions that make it necessary, even rational, for those trapped within a broken system that validates human rights abuses. The following section will explore some documented human rights abuses within these hotspots.

4.2.3. Documented Human Rights Abuses in Italian Hotspots

Italy has been harshly criticized for its management of irregular migration. According to a report published by Amnesty International, the hotspot approach has failed to respect the most basic guarantees under international and European human rights law. Initially introduced as a neutral tool, this system has come to symbolize the deterioration of migrant and asylum seeker rights at EU borders. Beneath the bureaucratic vocabulary of “screening,” “identification,” or “relocation,” lies a system where individuals are subjected to arbitrary detention, abuse, and coercion. All of these, in the name of ‘border control.’¹²⁰

Below are some of the most controversial examples of documented human rights abuses in Italian hotspots.

Taranto: Illegal detention of two unaccompanied minors

A striking example of the systemic nature of these violations emerged in November 2023, when the European Court of Human Rights (ECtHR) condemned Italy for the illegal detention of two unaccompanied minors at the Taranto hotspot in

¹²⁰ Amnesty International, Hotspot Italy: [How EU Policies Are Leading to Violations of Refugee and Migrant Rights](#) (London: Amnesty International, 2016): 12. Accessed July 13, 2025.

Puglia.¹²¹ The minors, aged 16 and 17, were held in conditions of de facto detention without a legal basis, judicial oversight, or access to a guardian, translator, or legal assistance. The Court found violations of Articles 1, 3, 4, 5, 8, and 13 of the European Convention of Human Rights.^{122 123} The ruling is significant not only because it deals with minors, but because it confirms that the deprivation of liberty in hotspots continues to occur outside any lawful framework.

Operative from February 2016, this center is hardly reachable from the city center. This location is not arbitrary, but it is strategically located far from the city, firstly because apparently it ‘facilitates the administrative operations,’ and most importantly, its location so far away from the town, hides the facility from people’s eyes, as well as hampering monitoring by civil society actors.’¹²⁴

The Taranto hotspot then revealed the most troubling aspects of the Italian hotspot system: segregation, arbitrary classification, and widespread legal violations. According to the University of Oxford, migrants are divided upon arrival, often at the port itself, based solely on their nationality. This could be safely classified as a discriminatory practice with no legal grounding. Those from countries called “safe” (are often denied information about their right to seek asylum, legal assistance, or evaluation.

Consequently, these practices reflect an institutionalized policy of externalization and exclusion, operationalized through blurry classifications and a lens of “deserving” the right to be heard. Furthermore, in the absence of interpreters, migrants are frequently asked to check boxes on official forms they do not understand. Those who are arbitrarily categorized as “economic migrants” are expelled without ever being given a chance to explain their circumstances.

¹²¹ [Ministero della giustizia | Sentenze della Corte Europea dei Diritti dell'Uomo](#). November 2023. Accessed on July 13, 2025.

¹²² ECHR. [European Convention on Human Rights](#).

¹²³ Further information will be explored in the next chapter.

¹²⁴ Oxford Law Blogs. 2018. [“The Taranto Hotspot: Unveiling the Developments of EU Migration Management Policies.”](#) Oxford Law Blogs (blog). April 11, 2018.

In addition, the facility also served as a forced redistribution hub for migrants apprehended in northern border areas who are transferred by bus over 1,000 kilometers under the vague justification of “public order”. This happens even for individuals who already possess asylum seeker status or residency permits, who are re-identified and subjected to coercive administrative procedures under threat.¹²⁵

The Khalifa judgment: A black spot that was ignored

The Khalifa judgment itself, delivered in 2016, had already denounced Italy for arbitrarily detaining Tunisian nationals in the Lampedusa hotspot and for failing to provide judicial remedies or adequate information about the reasons for their detention.

‘Italy had (already) violated Article 5 of the European Convention on Human Rights, which protects the right to liberty and security, in relation to its detention of four Tunisian migrants at a “first aid and reception center” in Lampedusa (the center was later converted into a “hotspot”)’¹²⁶

Despite this, such practices have persisted, as we saw in the case of Taranto. In fact, in many cases, the situation becomes more normalized through the use of euphemistic language, such as “temporary stays” or “registration,” when in reality these terms mask the reality of closed doors and the absence of human rights protection and procedural guarantees.

Having described such violations, what both cases reveal is undeniable: a deliberate policy system that takes migrants away from their legal protection at the very first point of contact with the EU. We can then argue that the hotspot system is not a neutral technical solution, but it is an instrument of exclusion where rights are the first casualty of a system centered on deterrence. In such conditions, it is not surprising at all if irregular migrants turn to smuggling networks as a last resort. Individuals are aware of the specific legal barriers and risks associated with reception centers like hotspots. For that, research suggests that many migrants operate with fragmented but circulating knowledge about border practices, detention risks, and asylum chances.

¹²⁵ Melting Pot Europa. [La CEDU condanna l'Italia per detenzione illegale di minori stranieri nell'hotspot di Taranto](#). Translated to English. Accessed on July 13, 2025.

¹²⁶ Global Detention, Project. [Italy: Complicit in Grave Human Rights Abuse? - Global Detention Project](#). Global Detention Project | Mapping Immigration Detention Around the World. February 10, 2021. Accessed on July 13, 2025.

When institutional and official channels like these become the reason for human rights violations, the illegal routes become the only rational option for survival (if it happens).

It is logical to conclude, then, that hotspots do not prevent smuggling; they incentivize it. They create by hand the conditions of desperation, invisibility, and precarity. They screen a curtain of ‘invasion’ under terrible administration and a lack of human conditions. These abuses are not isolated failures; they are symptoms of a broader policy architecture that treats human movement as a threat rather than a right, under a paradox of ‘state protection’ where protection is the last issue on the policy agenda. It is within this environment that human smuggling operates as a direct response to systemic failure.

To understand its persistence and evolution, we now turn to the logistics and organization of irregular migration from the MENA region to Italy, where smuggling networks have spread through the cracks left by broken asylum systems and securitized borders.

4.3. The logistics of human smuggling and organized irregular migration from the MENA region to Italy

As we previously analyzed, illegal crossings always involve some form of human smuggling. ‘According to Frontex, the number of facilitators has hovered around ten thousand: 10,234 (2014); 12,023 (2015); 12,621 (2016); 10,246 (2017) and 10,642 (2018).’¹²⁷ ¹²⁸ This persistence reflects the relevance of including these networks while studying the irregular migration inflows to Italy. However, it is important to disclaim that reliable data either is limited, could not be relevant for the temporary framework of the investigation,¹²⁹ or could be politically biased, given the illegal nature

¹²⁷ Campana, Paolo. 2020. “Human Smuggling: Structure and Mechanisms”. University of Chicago Press: 8. doi:10.17863/CAM.51150.

¹²⁸ According to the author, ‘these figures need to be taken with extreme caution as they conflate people with different roles in facilitating irregular entry into the EU, including those involved in the production of counterfeit documents, and they are likely to grossly underestimate the number of smugglers operating outside the EU.’

¹²⁹ This is specifically referring to an in-depth [study](#) by Monzini, Pastore, and Sciortino that analyses human smuggling in Italy until 2004. Given the nature of the historical context provided in Chapter II, the information may be relevant but not representative.

of the topic. Even with these limitations, available information shows that human smuggling responds actively more than causing restrictive and securitized migration regimes that fail to provide viable legal alternatives.

Available and relevant data show that smuggling networks are highly adaptable, despite the recent strengthening of border controls and securitized approaches, and provide an initial indication that the logical (or even mathematical) relationship between human smuggling and stricter migration policies is far from being negative. That is, human smuggling does not reduce with the application of securitization and the criminalization of movement, but becomes more complex, perilous, and challenging to extract from the root.¹³⁰

In this section, we will analyze the complexities of human smuggling, specifically in the case of Africa-to-Italy, exploring the profile of smugglers and the structure of human smuggling networks, as well as their methods. Secondly, we aim to explore the main routes used by smugglers to arrive in Italy, focusing on the Central Mediterranean route that ‘has been the main route used by smugglers to enter the EU for almost a decade’¹³¹. Ultimately, the section will explain the interaction between migrants and smugglers, and the possible human rights violations that such interactions could involve.

4.3.1. Smuggler profile, structure, and methods

According to the United Nations Interregional Crime and Justice Research Institute UNICRI, migrant smuggling is an activity with high profits and relatively low risks at the penal level (if compared to drug trafficking, for example). In fact, migrant smuggling is a business that could be worth as much as USD 10 billion or more per year, given that routes from West, East, and North Africa to Europe.¹³²

¹³⁰ Valentina Punzo and Attilio Scaglione. "[Beyond borders: exploring the impact of Italian migration control policies on Mediterranean smuggling dynamics and migrant journeys.](#)" Trends in Organized Crime (2024). Accessed on July 14, 2025.

¹³¹ European Union. [Questions and Answers: Smuggling of Migrants in Europe and the EU response.](#) 2015. Accessed on July 14, 2025.

¹³² Migration Data Portal. [Smuggling of Migrants.](#) 2024. Accessed on July 14, 2025.

Transnational human smuggling networks exhibit considerable multinational diversity.¹³³ ¹³⁴ Smuggling, therefore, emerges as a structurally distinct activity and often a preferable modality compared to human trafficking.¹³⁵ The preference could be given due to key differentiators, including the presence of consent versus its coercion, the non-essential role of exploitation, and divergent profit models. In fact, the smuggling activity can even engender relatively stable operational relationships among actors. Besides, even if the coincidence between trafficking and smuggling could happen in some cases, such convergence does not constitute the predominant pattern—Savona et. al present evidence.

‘Even though authorities have at times reported an overlap between the people engaged in drugs, arms, and human trafficking, the empirical evidence indicates that these groups do not generally run all these different “enterprises” together. If interactions between transnational organized crime groups and smuggling networks do occur, then this typically involves the latter paying road tolls or other forms of taxation for moving their cargo across territories that are under the control of the former.’¹³⁶

Given the empirical, informal-conversation nature of the author’s study, its evidence masks the ‘mafia-like’ notoriety commonly associated with human smuggling, often compared with arms trafficking. At the same time, it highlights its ethical implications. To better understand the representation of the human smuggler, a deeper examination of their socio-economic and operational background is necessary.

Smuggler profile

Contrary to the homogenizing discourse of “criminal smugglers,” several studies depict the profiles of smugglers as widely heterogeneous. According to the European Commission, smuggling is often a side activity for shop owners or professionals, driven

¹³³ United Nations Interregional Crime and Justice Research Institute. [Organized Crime and the Legal Economy](#): The Italian Case. 2016: 26. Accessed on July 14, 2025.

¹³⁴ See [Appendix 6](#) for more information on nationalities of facilitators.

¹³⁵ United Nations. [Migrant Smuggling](#). Accessed on July 14, 2025.

¹³⁶ E. U. Savona et al. (eds.), [The Evolution of Illicit Flows, Sustainable Development Goals Series](#). 2022: 46. Accessed on July 14, 2025.

by mixed motives of solidarity, or profit to later on pay for their own journey.¹³⁷ Similarly, Devir et al.'s study of smugglers in Türkiye reveals that 91% of interviewed smugglers held ordinary occupations such as shop owners, with only one respondent identifying migrant smuggling as their primary livelihood.¹³⁸ As a result, these findings show a diversity of smugglers and their intentions, as well as dismantle the myth of smugglers as just criminals.

On the other hand, the UNODC further explores the economic category of smugglers into four categories (see Figure 11), ranging from hierarchical to loosely collectives of opportunistic individuals. The latter, notably dominating in Libya, where state collapse has turned border zones into informal economies.¹³⁹ Furthermore, some smugglers, as Eritrean ones, often leverage their experience as border traders or soldiers. This is not the first time we have seen this pattern, since in Syria, migrant smugglers were found to be taxi drivers, business owners, or even government officials.¹⁴⁰

In a demographic analysis, patterns persist across countries. In Europe, lead human smugglers are mainly men, typically '35 or older', while facilitators are younger (18 -25 years old).¹⁴¹

¹³⁷ European Commission. [Study on smuggling of migrants](#). 2016:15. Accessed on July 14, 2025.

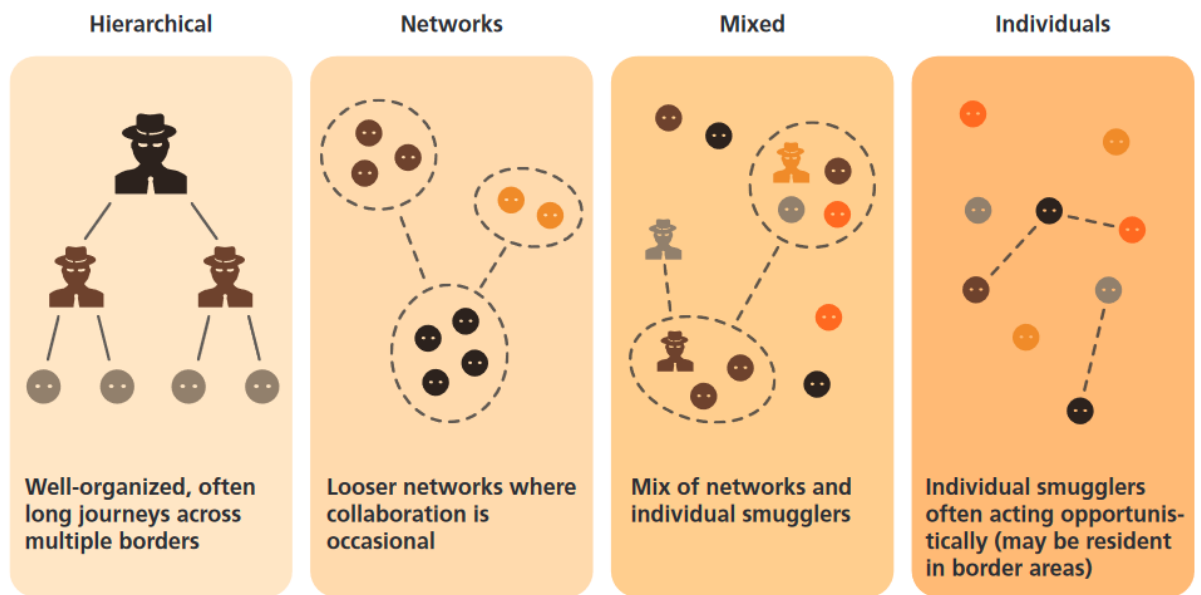
¹³⁸ Demir, Oguzhan O., Murat Sever and Yavuz Kahya (2017). The Social Organization of Migrant Smugglers in Türkiye: Roles and Functions. *European Journal of Criminal Policy Research*, 23: 371-391.

¹³⁹ UNODC. [Global Study on Smuggling of Migrants 2018](#): 8. Accessed on July 14, 2025.

¹⁴⁰ Zhang, S., and K. Chin. 2002. "Chinese Human Smugglers." *Criminology* 40 (4): 737–768

¹⁴¹ Optimity Advisors. 2015. *Profiling Migrant Smugglers*. London: Optimity.

Figure 11. Types of smugglers according to the UNODC



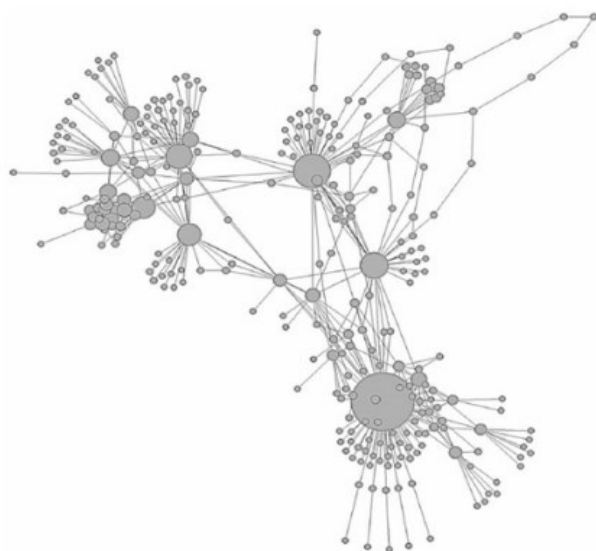
Source: UNODC, Global Study on Smuggling of Migrants, 2018, p. 8

Structure of human smuggling networks from MENA to Italy

Through academic analysis, we can reveal that human smuggling networks operate in diverse ways and not in a hierarchical criminal enterprise. Campana defines this as 'adaptive ecosystems,' shaped by the dynamics of legal migration paths.¹⁴² As Figure 12 shows, smuggling operations between the Horn of Africa and Europe function through localized, semi-autonomous cells, a finding that directly contradicts Italian government narratives of centralized 'cartels' (see Section 5.2).

¹⁴² Campana, 2018: 493.

Figure 12. Network of contacts among smugglers operating along the Central Mediterranean Route (Horn of Africa to Europe via Libya)



Source: Campana, 2018. Nodes represent degree centrality.

The image depicts some “nodes” developed by empirical studies by Campana, which demonstrates that the logic of smugglers is far from being centralized and highly organized. What the author shows is that their contacts to develop networking between them are generally people they already know. In this sense, human smuggling networks are far from being professional. Instead, they are identified mainly by ranges. The first type is the ‘amateur’ smuggler, who acts as a guide, driver, or intermediary. For instance, in places such as Agadez (Niger), on the borders of Sudan or Egypt, these actors operate with minimal capital. As a result, smuggling in these areas are identified as a community-based survival economy, rather than a criminal network.¹⁴³

On the other side of the spectrum are ‘professional’ smugglers, who are often linked to localized criminal economies, capable of organizing an entire journey from origin to destination.¹⁴⁴ These actors usually maintain territorial control over departure points, coordinate logistics, and ensure coast guard cooperation using bribes.¹⁴⁵

¹⁴³ Brachet, Julien (2018). “Manufacturing Smugglers: From Irregular to Clandestine Mobility in Sahara,” *The Annals of The American Academy of Political and Social Science*, 676:1, 16-35.

¹⁴⁴ UNODC. 2018: 51.

¹⁴⁵ UNODC. 2018: 50.

However, even such complex journeys rely on ‘horizontal structures of intermediaries’ that compete with each other.¹⁴⁶ This market persists because of the low barriers to entry and, most importantly, a policy-induced demand. As a consequence, we can intuit the direct and stretched relationship between higher securitization policies and human smuggling. Not surprisingly, Italy’s border externalization strategy has inadvertently diversified these smuggling models. In Libya, Militias now tax smugglers for passage, blending political and criminal economies.¹⁴⁷

In Tunisia, local fishermen have turned into seasonal guides, exploiting maritime patrol blind spots, while in other parts of the world, this diversification is still underway.¹⁴⁸ As Achilli anticipated in 2024, and as we are analyzing, the shaping and movement of human smuggling networks are not the cause of irregular migration, but rather its symptom of failing migration policies. In sum, it could be defined as an illegal solution to a market that will not stop generating demand for providing safe mobility channels, but as a result of poor management of border policies.

Methods: the journey

As we deepen our understanding of the journey itself, a logical question comes to the table: What does it actually mean to undertake a sea crossing through the networks of human smuggling?

Once embedded in the entire system of smuggling networks, migrants have to seek out a solution for their passage. According to UNODC, the main channels through which migrants connect with smugglers include online platforms, mainly social media (Facebook, Viber, and even LinkedIn), where information on recommendations of smugglers, reviews, routes, and journeys circulates. Additionally, word-of-mouth remains the main method through friends and communities.¹⁴⁹

¹⁴⁶ Campana, 2018: 14.

¹⁴⁷ Okorie, M. M., & Okeja, U. (2024). [Leaving at All Costs: Implications of the Italy-Libya Border-Externalization Policy on Migrant Smuggling and Trafficking Facilitation](#). *Perspective Politice*, 17(1-2), 131-146.

¹⁴⁸ Stefano Liberti, [Those fishermen turned into migrants | fieri](#). 17 January 2024. Accessed on July 14, 2025.

¹⁴⁹ See [Appendix 7](#)

Furthermore, the report identifies some other “business models” that remain as examples of more visibly structured ones. In this model, migrants may encounter recruiters in known transit hubs or through informal travel agencies. It is like this that ‘social media are a critical means of information and communication for migrants considering smuggling options.’¹⁵⁰ In this sense, social media serves as a marketing tool for smugglers, who post pictures of their past successful journeys to attract clients. This naturally increases the migrant’s trust; smugglers create false expectations and normalize high-risk crossings.

UNODC also identifies several ‘business models’ through which smuggling is organized. For instance, many migrants encounter recruiters in transit hubs or through informal travel agencies that advertise visa assistance, transport, under the name of ‘migration consultancy.’ The journeys themselves unfold in the following ways:

- Hop-on hop-off models, where migrants progress in stages, depending on available money, opportunities, and conditions. Between each leg, they may pause to find work, contact other smugglers, or wait for the weather to decrease patrols. These pauses also leave migrants exposed to abuse, exploitation, or detention. They are often asked for more money even if they have already paid.
- “From one leg to another” chains. Where one smuggler hands over a group of migrants to another operator for the next phase of the journey. They may not know each other, but are connected through loose trust-based arrangements.
- Opportunistic smuggling, where local actors can help smugglers. They are not part of the smuggling network, but they act when demand arises, offering housing, labor connections, or protection.

Prices of the journeys vary, being extremely elastic according to migrants’ needs and routes. Usually, for the route between North Africa and Europe’s closest coasts in Italy and Greece, prices range from €3,000 to €10,000, including travel

¹⁵⁰ European Commission, DG Migration & Home Affairs. [Study on smuggling of migrants](#): 27. Accessed on July 15, 2025.

expenses, accommodation, and transportation. Besides, the price goes up if there is a lot of law enforcement on the way.’^{151 152}

In the following stages of the journey, the movement begins on foot or by car within war-torn regions. Reaching the border often involves bribing officers, crossing frontlines, or hiring smugglers who are directly connected to armed groups.¹⁵³ Once at the borders of the main hubs, Lebanon, Türkiye, or Libya, further corruption appears. Here, migrants pay officials to avoid fingerprinting, evade detection, and deny access to safe houses. In these territories, the lack of consistent policies and humanitarian access means that smuggling becomes an extremely dangerous but last resort for irregular migrants.

This is the example of Libya, a crucial and most recurrent embarkation point in the Mediterranean region. According to Massari and Ingrasci, migrants risk of being punished, exploited, discriminated against, and even slavery and imprisoned, where their studies described Libya as ‘the worst country in the world.’¹⁵⁴

Such a resort, then, involves further risks, such as being locked in a container, crossing the desert on foot, hiding, starving, or, as an ultimate act of desperation, floating in the middle of the Mediterranean, praying for a patrol to appear before the worst could happen. This is the non-monetary price that migrants have to pay in their pursuit of arriving in Italy.

However, their arrival does not represent the end of their suffering. When they arrive, they encounter a significantly underestimated situation, which is the lack of assistance and psychological support of the Italian reception system.

¹⁵¹ Holleis, Jennifer. 2023. [“Migrant Smugglers: Who Are They?”](#) Dw.Com, July 10, 2023. Accessed on July 15, 2025.

¹⁵² See [Appendix 9](#)

¹⁵³ UNHCR, 2015

¹⁵⁴ Massari M, Miceli S and Ingrasci O. A prevention approach to undocumented forms of migration across the Mediterranean Sea: a critical assessment from Italy [version 2; peer review: 3 approved] Open Research Europe 2024, 4:126 <https://doi.org/10.12688/openreseurope.17607.2>. Accessed on July 15, 2025.

‘The lack of adequate and timely support in addressing their psychological suffering can also reactivate the fear and trauma experienced during the journey. Moreover, this condition is often amplified by the long and exhausting time needed for receiving feedback on their request for international protection - the only channel currently available for regularizing undocumented migrants’ status in Italy.’¹⁵⁵

Having to go through experiences like this is the least of the problems for a migrant seeking a better lifestyle in Italy. As we have seen, this whole journey of human smuggling is not a system that was created overnight, but rather one that has been shaped by changing policies and demand, given the geopolitical context. It is the responsibility of the authorities to offer them safer routes, protection of their rights, and assistance upon their arrival in Italy. Let us now focus on the shaping of smuggling routes and their reaction to securitization policies.

4.3.2. Smuggling Routes to Italy and their evolution due to policy changes

Migrant smuggling into Italy primarily occurs via three major Mediterranean routes. Each of them has evolved in response to both migratory pressures and shifts in European and Italian migration control policies.

The Central Mediterranean Route

The Central Mediterranean remains the most significant entry route for smuggled migrants. As we previously saw, it typically begins in North Africa and ends on Italian shores.¹⁵⁶

Recent trends indicate that significant shifts in this route have occurred since 2024. For example, corruption, which once secured migrants’ lives, nowadays ‘no longer guarantees a safe passage, as the Coastguards have increased pressure to intercept some, but not all, boats crossing the Mediterranean.’¹⁵⁷

¹⁵⁵ Ibid.: 10

¹⁵⁶ European Commission. [Questions and Answers: Smuggling of Migrants in Europe and the EU response](#).

¹⁵⁷ Mixed Migration Centre. [Beyond Restrictions: how migration and smuggling adapt to changing policies across the Mediterranean, the Atlantic and the English Channel](#). 2025.

The Eastern Mediterranean Route

The Eastern Mediterranean route connects Turkish coasts to Italian, Greek, and Cypriot shores. Migrants departing by sea arrive in towns like Izmir, towards Greek islands. This route was predominantly the second most used route by smugglers, mainly Syrian and Palestinian asylum seekers who have used the Eastern Mediterranean sea route (followed often by Afghans, Iraqis, and increasingly African nationalities).¹⁵⁸ For the case of Italy, this route connects with some smuggling hubs, with 14% of arrivals.

However, some highlighting shifts in the Eastern Route show that smuggling activities in the region have shifted from Serbia to Bosnia and Herzegovina due to tightening controls along the Serbia/Hungary border.¹⁵⁹

The Western Mediterranean Route

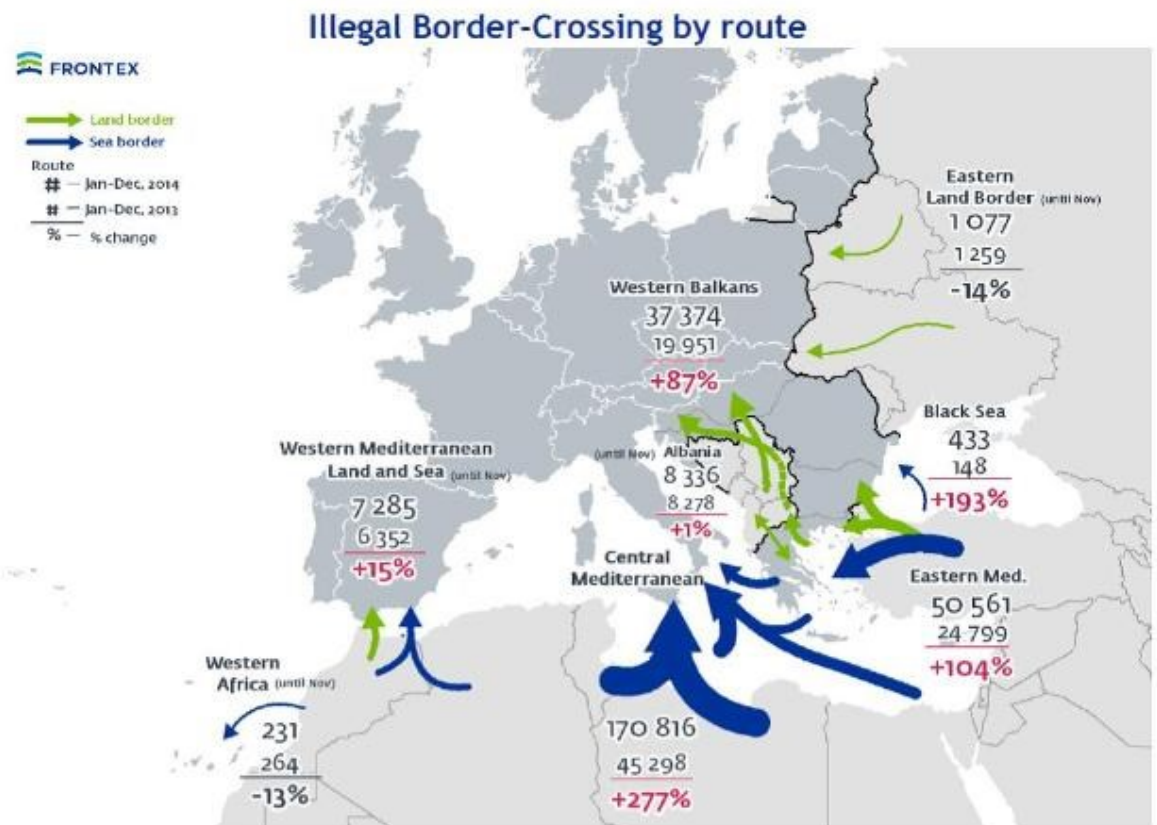
Though less relevant in terms of volume in arriving at Italy, its existence demonstrates the adaptability of human smuggling networks. Some flows from the MENA region have shifted from Libya to Tunisia in response to increased Libyan border controls and surveillance. In 2023, Tunisia surpassed Libya as the primary departure point for migrants heading to Italy. However, in 2024, departures from Tunisia decreased significantly due to increased interceptions and stricter migration policies.¹⁶⁰ A visual map is provided as follows.

¹⁵⁸ UNODC. 2018.

¹⁵⁹ Mixed Migration Centre. 2025: 2.

¹⁶⁰ Timep Journal. 2025. [“Externalizing Migration Control to the MENA Region: Tunisia - the Tahrir Institute for Middle East Policy.”](#) The Tahrir Institute for Middle East Policy. May 1, 2025. Accessed on July 15, 2025.

Figure 13. Typical Smuggling Routes to Italy



Source: Frontex, 2025.

From safer journeys to lethal routes

The transformation of migrant journeys from relatively dangerous to increasingly lethal has been directly shaped by the evolution of European and Italian border enforcement policies after the so-called migration crisis of 2015. As Italy and the EU tightened control and surveillance at external borders, smuggling networks adapted. However, these adaptations often resulted in journeys becoming more dangerous, longer, and more exploitative. As a consequence, the paradox of deterrence-based migration control arises: policies meant to reduce irregular migration but serve to escalate the human cost of crossing borders.

One illustrative example is the shift of the facilities provided for the journeys, where many migrants crossing the Eastern Mediterranean used to navigate in small boats to reach Greek islands. Although perilous, these crossings were relatively feasible with basic navigation and minimal risk of interception. However, after the agreement of EU-Türkiye and the increasing role of Frontex and the Italian Coast

Guard, the dynamics of smuggling changed dramatically.¹⁶¹ With fewer patrols and more humanitarian aid, these journeys were often less deadly. From that moment, the usual pathway consisted of using smaller, cheaper rubber dinghies, usually overloaded and not designed to do such a journey.

In this way, instead of reducing smuggling, the enforcement of policies created a market for cheaper, deadlier crossings. Moreover, the shift from the Operation Mare Nostrum (a large-scale maritime search and rescue (SAR) oriented to rescue migrants in the Italian coasts) to Operation Triton, a more control-oriented and border-protective response, increased indirectly deaths at sea since its focus was to protect the coast and not people.^{162 163}

Another key example of the re-shaping of smuggling routes is the so-called “Mother Boat.” As maritime patrols increased and smugglers faced higher risks of interception, they adapted by using larger cargo ships stationed off the coast of Türkiye or Libya. Migrants were first transported on fishing boats or smaller vessels to these ships and then crammed on board in huge numbers, sometimes arriving in more than 700 at once. Later on, smugglers proceeded to abandon these ships mid-sea, disabling engines only once they were far from their origin but still far from European coasts. As a consequence, smugglers created an immediate trend of maritime emergencies, transferring danger and responsibility to migrants.

According to each of these shifts, the main Frontex agenda against human smuggling did nothing but increase the risk for migrants' lives and human rights violations within smuggling journeys. For that, we can argue that tougher Italian and EU border controls did not dismantle smuggling networks: They reshaped them. Blocking legal pathways, militarizing borders, and prioritizing borders over people increased the cost, violence, and human toll of migration. Smugglers rapidly adapted

¹⁶¹ Heller, Charles and Pezzani, Lorenzo. [“Ebbing and Flowing: The EU’s Shifting Practices of \(Non-\) Assistance and Bordering in a Time of Crisis”](#) Near Futures Online 1 “Europe at a Crossroads” (March 2016). Accessed on July 15, 2025.

¹⁶² Mixed Migration Centre. [Beyond Restrictions: how migration and smuggling adapt to changing policies across the Mediterranean, the Atlantic and the English Channel](#). 2025.

¹⁶³ [“Miriam Laux. The Evolution of the EU’s Naval Operations in the Central Mediterranean: A Gradual Shift Away From Search and Rescue”](#) | Heinrich Böll Stiftung | Washington, DC Office - USA, Canada, April 16, 2021. Accessed on July 15, 2025

by developing more exploitative and fragmented tactics, while migrants were pushed into greater dependence on smugglers. For that reason, the Mediterranean became the deadliest migration route in the world, with its human rights violation implications that are going to be explored in the next section.

4.3.3. Human smuggling and the implications of human rights violations

Migrant smuggling is such an entrenched business that it implies ethical dilemmas, violence, solidarity, and indifference, all at the same time. What is undeniable is the quantity of human rights violations committed while a migrant is trying to reach European territories. Either on the smuggler's behalf or on the side of migration authorities, it seems that human rights regarding irregular migration and migrant smuggling are the last dish on the menu. As the Beyond Restrictions report recently noted, European deterrence policies have not stopped irregular migration, but instead 'only heightened risks for migrants,' exposing them both to state violence and to the growing "professionalization of smugglers who put more people into unsafe boats."¹⁶⁴

For a nuanced analysis, however, it is vital to look at both sides of the coin. Ethnographic studies have challenged the assumption that violence is the norm in these exchanges. Although abuse and coercion are the more common circumstances, especially in high-risk zones or during critical phases of the journey, such practices could be different when smugglers represent themselves as service providers, who are merely satisfying a need that people are unable to meet through legal channels.¹⁶⁵ This rhetoric is particularly true for numerous migrants, including those interviewed in this research.

"They (the smugglers) were very cooperative with me because they knew my cousin very well; sometimes they were aggressive, but just with people who were nervous or trying to regret. But that was not a problem that I could solve.

¹⁶⁴ Mixed Migration Centre. 2025. ["Beyond Restrictions: how migration and smuggling adapt to changing policies across the Mediterranean, the Atlantic and the English Channel."](#) Accessed on August 20, 2025.

¹⁶⁵ Achilli, L. 2018. The "good" smuggler: The ethics and morals of human smuggling among Syrians. *The Annals of the American Academy of Political and Social Science*, 676(1), 77–96.

They told me, “If you have a problem, you just have to get in touch with me, and that’s it.”

Interviewee 6

Another respondent from Nigeria described a more neutral sense of obligation when asking about their experience with the person(s) who helped them cross.

“As I said, they were just doing their business... They were not particularly aggressive, but you are just money for them, you know? I would say it is neutral.”

Interviewee 1 - “L”. 2025

These voices echo other narratives showing that cooperation can emerge even under these conditions, particularly when smugglers and migrants share ethnic or linguistic ties. Furthermore, some scholars argue that, in some cases, irregular migrants have access to low-paid labor to solve their financial situations before their departure to Italy, and not necessarily because they are under coercion.¹⁶⁶

Research also shows how smugglers consciously cultivate trust and satisfaction to sustain their business. For instance, in Southern Türkiye, smugglers are known to keep their word, behave respectfully, and even reprimand associates for reckless actions that might harm migrants or damage their reputation, since it plays a crucial role in their business. In fact, ‘smuggling groups operating in Southern Türkiye take considerable care to establish and maintain a trusting relationship with their “clients,” by behaving properly, keeping their “word” and being well mannered.’¹⁶⁷

Ethically and under a human rights perspective, it is critical to underline that highlighting the existence of “ethical smugglers” or trust-based

¹⁶⁶ Sanchez, Gabriella. 2020. Migrant smuggling in the Libyan context: Re-examining the evidence.

¹⁶⁷ Achilli, 2018.

relationships (or even friendships)¹⁶⁸ does not excuse or justify the serious human rights violations also committed in these contexts. Restrictive European policies continue to heighten risks for migrants, empowering smugglers who adapt and, sometimes, exploit desperation.¹⁶⁹ However, what emerges with this discussion is a debate that could be understood as the result of a system marked by exploitation and abuse. But even within these circumstances, smugglers can act as the only bridge to survival. One interviewee, whose visa was denied because they could not obtain a passport in their country, captured this duality: *“If I had any legal way to come to Europe, I would never go with them.”*

On the other hand, this does not mean that abuse is absent. Some other interviewees described extortion, beatings, abuse, forced labor, imprisonment, and even death. Here, the “service provider” narrative falls into outright exploitation, showing that violence and solidarity, trust and betrayal, life and death, often coexist in the smuggling economy. A Gambian migrant described their story:

“They were very, very mean people. I was in prison for eight months. I saw a woman have a baby in prison, and the Libyans didn’t let her go. My father also died while he was in prison with me.”

Interviewee 3

Nevertheless, what unites both perspectives is the structural absence of alternatives. While human rights violations in smuggling contexts are undeniable, these smugglers also operate as the final resort for people trapped by border restrictions. For that, migrants do not turn to (ethical) smugglers out of their choice, but because legal pathways remain closed.

¹⁶⁸ Zhang, S., Sanchez, G., & Achilli, L. (2018). Crimes of solidarity in mobility: Alternative views on migrant smuggling. *The Annals of the American Academy of Political and Social Science*, 676(1), 6–15.

¹⁶⁹ Mixed Migration Center. 2025. Accessed on August 20, 2025.

4.4. Chapter Conclusions

Given the high rates of irregular migration inflows, the adaptive nature of human smuggling networks, their reactive and constant changes due to policy burdens, the existent and continuous demand of migration (regular or irregular) from the MENA region to EU and, more specifically, Italy, the implication of government authorities inside the business and the implications of human rights violations in the middle of human smuggling journeys, it is clear that an urgency of acting beyond the protection of borders and the individualism is of utmost importance.

In the control of smuggling agenda, there are proposals to criminalize such actors, defining them as equal, regardless of their profiles, motivations, or behaviors throughout the smuggling journey. Despite their clear and undeniable implication on serious human rights violations, as we saw in 3.3.3. section, given all the information detailed above, we can also argue that such violations are just a result of a lack of empathetic view, where the ‘problem’ are irregular migrants and not lack of cooperation and solidarity between the EU, a hyper-generalization of the concept of ‘migrants’, a lack of control, extremely abuse, and nonchalant towards the migrants situations and motivations to migrate. Furthermore, the current chapter demonstrates how, in some cases, smugglers can be even more effective in protecting migrants’ lives than governments themselves.

In conclusion, the current chapter, which analyzes the key statistics of irregular migration inflows, points of arrival, and the logistics of human smuggling, demonstrates the initial hypothesis that human smuggling is a direct symptom of failing migration policies in Italy. In addition, it opens up a new need: To better understand the multifaceted nature of irregular migration and human smuggling in the Mediterranean and the impacts of policy interventions. The implications of human rights abuses in the mere points of arrival, such as hotspots and CPRs, are clear proof of the criminalized nature of policies and legal background sustained in Italy. For this reason, it is logical to follow with the development of the investigation, exploring the current legal and policy framework that is now shaping irregular migration and human smuggling, so we can identify the main flows and possible factors, present in this chapter, that may not be taken into account at the moment.

CHAPTER V: LEGAL AND POLICY FRAMEWORK

Building on the previous chapter's analysis of irregular migration dynamics and human smuggling networks in the Central Mediterranean, this chapter turns to the legal and policy structures that have shaped these realities. Rather than offering a purely legal panel, it aims to understand the current situation in the multi-level legal field. In doing so, the chapter seeks to demonstrate a shift from humanitarian protection to criminalization, deterrence, and containment in Italy's response.

After examining the motivations for using human smuggling as a common means of migration and studying the specific context and status of human smuggling in Italy, it becomes crucial to examine the legal framework that legitimizes or challenges these dynamics. Intending to gain a deep understanding of the rules that frame the complexities of irregular migration in the European Union, this chapter will delve into the legal and policy framework, starting from a broad, international perspective and moving to the most specific policies developed in Italy. Afterwards, the chapter will identify the leading legal and political actors that have shaped the evolution of anti-human smuggling policies over the last 20 years, with a focus on the period following the 2015 migration crisis.

Over the past 20 years, the EU has faced enormous migration challenges, committed gross human rights violations, and re-shaped its migration policies due to these changes.¹⁷⁰ To them, the EU has often responded by prioritizing border control, deterrence, and externalization. As previously seen, these approaches have not only failed to reduce irregular arrivals or deaths at sea but also contributed to a governance framework where human rights violations have become a recurring feature in the context of migration management.

In the Mediterranean, the consequences of such failures are sharp: more than 31,855 migrants were reported as missing, while 24,788 of them (77.81%) were

¹⁷⁰ Chemelil, P. (2024). Comparative Analysis of Human Rights Provisions in the EU Migration Agreement. PÓLUSOK. <https://doi.org/10.15170/psk.2024.05.02.02>. Accessed on July 27, 2025.

reported in the Central Mediterranean area.¹⁷¹ For the EU policies, ‘Managing’ migration and refugee flows in the Middle East and North Africa meant to externalize the responsibility of migration, adopting policies that often seek to deter or return refugees to their countries of origin or redirect them to other states within the region. In addition, migration crisis management means to qualify some places and areas as ‘dangerous’ for European citizens, when, at the same time, the same regions are qualified as ‘safe and with a high quality of life’ for migrants. This led to mismanagement, contradictory policies, and a profound disparity between human rights for those seeking a better place to live, who are often forcibly displaced from their own land.

The expected purpose of European policies regarding migration is to reduce the number of deaths and arrivals on the continent. However, this number has not done anything but increase throughout the years. What grew, then? For sure, it was not safety, nor humanitarian protection, but rather a system called by academics as “Externalization System,” where European regulations clearly displaced their responsibilities. This contradiction reveals a conscious political choice: Not to safeguard human lives, but to prioritize deterrence and containment over genuine human rights protection.

5.1. International legal framework

The international legal framework governing migration, asylum, and human smuggling encompasses both binding and non-binding treaties and declarations. It is essential, though, to recall the aim of the chapter, which is to provide not a list of laws and treaties, but a deep analysis of their objective, their current status, what they reveal about the understanding of the EU and Italy regarding migration, and, ultimately, how this affects the increasing phenomenon of human smuggling.

Taken together, these instruments construct a legal system that at first glance places human dignity, protection, and international cooperation as its priority. Yet, the selective application, politicization, and securitization of some principles have

¹⁷¹ IOM. [2024 is Deadliest Year on Record for Migrants, New IOM Data Reveals | International Organization for Migration](#). Accessed on August 8, 2025.

contributed to a legal landscape with significant gaps and inconsistencies, where irregular migrants are increasingly treated as threats, and smuggling becomes a survival strategy rather than a criminal decision, whether on the migrants' side or the smugglers.

The objective of this chapter is not to absolve smugglers of responsibility for the harm and exploitation they may cause. Instead, the analysis aims to delve into how the current configuration of international legal frameworks, focused on the securitization of migration and a lack of clarity regarding the protection of migrants' rights, has indirectly contributed to the expansion of human smuggling networks. In simple terms, to “close the main gate” and ignore the windows—a paradox between freedom of movement and limiting mobility, and an endless struggle between sovereignty and independence.

First created to safeguard human dignity, legal regimes are selectively applied and undermined, reinforcing the phenomenon of human smuggling, which violates several fundamental human rights, with the law they initially aim to combat.

5.1.1. Refugee and Human Rights Law

The (Universal) Declaration of Human Rights

The Universal Declaration of Human Rights (1948) determines the basis of fundamental human rights. Some relevant articles directly applicable to the matter of Refugee and Human Rights are Article 13 (Freedom of movement) and Article 14 (Right to Seek Asylum).¹⁷² These two rights were designed to protect the dignity and safety of individuals forced to flee their homes.

Despite their non-binding nature, the UDHR established fundamental principles for the protection of every human being, which were later translated into binding treaties such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the Convention Against Torture (CAT). Serving as a solid

¹⁷² [Universal Declaration of Human Rights | United Nations](#). 1948.

base for International Law, the Declaration, presented as Universal, represents the primary legal basis for international human rights protection.

However, the UDHR is now selectively applied worldwide in contexts where migration is framed as a security threat rather than a human phenomenon. A clear example of this is the use of Artificial Intelligence (AI) in border and migration control in the EU as part of a broader “security” process. Such systems have been demonstrated to be biased, especially towards minority and vulnerable groups.¹⁷³ Global trends show migration as a crisis or a threat, which is the main reason that public discourse on the criminalization of migration gets supported by restrictive measures, undermining universal human rights protection, and leading to some irregular forms of migration, such as human smuggling.

To understand this gap between ideals and practice, we will evaluate when and why such erosion started, and how the lack of rights updating created infinite loops of protection and vagueness. The current policy landscape, especially across Europe and the Central Mediterranean, reveals significant discrepancies between the UDHR’s guarantees and actual state practices. The detailed analysis goes as follows:

Article 1: ‘All human beings are born free and equal in dignity and rights’. Yet, human rights are often applied selectively, prioritizing the rights of citizens (“the self”) over those of migrants (“the other,” “the stranger,” as previously discussed in chapter 3.3). Humanitarianism is sometimes extended only to migrants if they conform to the host country's demands, undermining the ‘universality’ of the UDHR.¹⁷⁴

Article 3: “Everyone has the right to life, liberty, and security of person”. However, the lack of legal pathways and the criminalization of rescue

¹⁷³ Rinaldi, Alberto, and Sue Anne Teo. “[The Use of Artificial Intelligence Technologies in Border and Migration Control and the Subtle Erosion of Human Rights.](#)” *International and Comparative Law Quarterly* 74, no. 1 (2025): 61–89. Accessed on August 12th, 2025.

¹⁷⁴ U. Korkut, A. Terlizzi and Daniel Gyollai. “[Migration controls in Italy and Hungary.](#)” *Journal of Language and Politics* (2020).

operations have not only worsened the situation of deaths at sea but also created an environment of deterrence for survivors. Trends show what we have been discussing: It is not about making justice, it is about finding a guilty person, with a higher frequency of those who choose to migrate to Italy under irregular conditions, without giving them the rights the declaration mentions.

“From an analysis of nearly a thousand cases, we estimate that over a third of those arrested are from North Africa, 20% from Eastern Europe, and 20% from West Africa. Many of the North and West African citizens arrested and imprisoned in Italy were forced to operate the boats from Libya, the country they were fleeing. In the case of the Eastern European smugglers, many report being tricked into human trafficking.”¹⁷⁵

The same report documents systematic pushbacks from Italian SAR zones¹⁷⁶ to Libya, where people are returned to conditions of abuse. Between January and June 2021, over 15,000 people were intercepted by the so-called Libyan Coast Guard, with operational support from Italy, directly reducing the importance of Article 3.¹⁷⁷

Article 5 punishes torture or cruel, inhuman, and degrading treatment. However, inhuman conditions have been reported in detention centers in Libya, including overcrowding, deprivation of food and water, physical abuse, and sexual violence, seriously violating migrant’s rights.¹⁷⁸ Furthermore, multiple NGO reports highlight that states return individuals to environments where torture and ill-treatment are systematic. In particular, a 2025 Human Rights Watch report censures Italy for its ‘outsourced repressive migration controls by countries with problematic human rights records.’¹⁷⁹

¹⁷⁵ [“Dal Mare Al Carcere.”](#) 2021. Arci Porco Rosso & Alarm Phone. October 14, 2021. Accessed August 8, 2025.

¹⁷⁶ Italy’s Search and Rescue ([SAR zones](#)) encompass a vast area of the Mediterranean Sea, extending beyond its territorial waters. These zones are defined areas where Italy, through the Italian Coast Guard, is responsible for coordinating and providing search and rescue services to those in distress at sea.

¹⁷⁷ Dal Mare al Carcere: 6. 2021.

¹⁷⁸ Ibid.:7

¹⁷⁹ [World Report 2025: Italy | Human Rights Watch](#). Accessed on August 8, 2025.

These practices also erode trust in official migration pathways, leaving increasingly violent smuggling routes as migrant's only viable, and often deadly, means of reaching Europe. In theory, the UDHR provides an unambiguous foundation for the protection of migrants, refugees, and all individuals *regardless of status*. In practice, however, the selective enforcement of its application has transformed universal rights into privileges for a few. Article 7, which prohibits every form of discrimination, guarantees equal protection under the law. However, as previously discussed, border control in the EU demonstrated to have 'a lack of transparency in the decision-making as a result of the inability to look beneath the surface to reveal the processes and rationale of a particular recommendation or decision.'¹⁸⁰

Article 25 guarantees the right to an adequate standard of living, including health, housing, and medical care. In reality, migrants in irregular situations are often excluded from social protection, forced into informal labor, and housed in overcrowded reception centers. Furthermore, conditions in their countries of origin are threatening to all the rights mentioned in the article, which fosters economic inequalities and deepens the vulnerability that smuggling networks can exploit.

By framing migration as a security concern, states have legitimized policies that actively undermine UDHR rights. This approach has not made anything but an incentive for irregular migration, as human rights described in the declaration are not a matter of legal irrelevance but of deliberate political choice. For that, a strong reality comes to the ground: Lack of clarity and vagueness on these rights, despite their non-binding nature, could offer a first glance of a possible void to cover to become a truly Universal Declaration, and not a political choice.

This deliberate narrowing of universal rights is even more evident when comparing the UDHR's aspirational commitments with the binding obligations

¹⁸⁰ Rinaldi and Sue Anne Teo: 61–89. Accessed on August 12th, 2025.

of the 1951 Convention Relating to the Status of Refugees and its 1967 protocol.

1951 Refugee Convention: An urgent response to human mobility in the 21st century

The 1951 Refugee Convention¹⁸¹ was designed for a political context that no longer exists. Written in the European post-war aftermath, and the Middle of the Cold War's toughest period, this convention established a narrow definition for a "refugee," prioritizing some profiles, such as political persecutors from the Soviet bloc, leaving behind all the people in need fleeing from extreme poverty, climate change, and violence in the global South.¹⁸² Seventy-four years later, this definition remains unchanged. At the same time, in some regions like the MENA, thousands of individuals risk their lives on sea journeys to escape from realities where subsistence itself is in the middle. Instead of receiving protection, these people are criminalized, pushed back, or forced to live in the middle of legal uncertainty.¹⁸³

Article 1 (A) (2) of the Convention defines the refugee status as someone who 'for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.'

However, the beginning of the same article mentions that it is a result of events occurring before 1 January 1951. That means this definition was the product of a Eurocentric framework, conditioned by political priorities in the post-war and Cold War periods, and does not include (or even specify) other

¹⁸¹ UNHCR. [The 1951 Convention and 1967 Protocol relating to the Status of Refugees](#).

¹⁸² Kleinman, Abby. 2024. ["The Definition of a Refugee Under International Law: The Complexities Behind the Initial Deliberations And Modern Implications for Contemporary Refugees."](#) The Yale Review of International Studies. November 29, 2024.

¹⁸³ Jan-Phillip Graf. May 2025. [Hiding in Plain Sight: Where Is Refugee Law in 2025?](#), Völkerrechtsblog. Accessed on August 9, 2025.

structural causes of displacement. This casualty, even if not intentional, occurred because the migration context was very different in those years. The exclusion of people running from hunger, poverty, climate change, and criminal violence, among others, is not a casual decision: It is a political decision to limit international obligations.¹⁸⁴

Today, thousands of individuals in the MENA region are facing economic collapses, political repression, and several consequences we have discussed in Chapter 2. For many of them, the only way of having an opportunity to continue is to cross the Mediterranean in precarious conditions to Italy. However, EU law prioritizes border externalization, and extra-EU agreements place protection of rights as the last item on their lists. In this way, it is natural to find hopeless people with severe difficulties in regaining trust in international law.

Furthermore, Article 33 of the Convention expresses the principle of non-refoulement, which 'prohibits States from transferring or removing individuals from their jurisdiction or effective control when there are substantial grounds for believing that the person would be at risk of irreparable harm upon return, including persecution, torture, ill-treatment, or other serious human rights violations.'¹⁸⁵ In theory, these provisions represent a fundamental right for international protection. In practice, however, its scope and applicability are narrowed by political discretion.

Egypt, one of the main countries of origin for irregular migrants arriving in Italy (see Chapter 3.1), illustrates the limitations of this framework. As one of the interviewees explained,¹⁸⁶ Egyptian nationals are subject to compulsory military service, a policy that directly restricts personal liberty and involves punitive consequences for evasion. While such circumstances engage fundamental human rights concerns, Article 33's general formulation and its

¹⁸⁴ K, Yash. 2025. ["Student's Pen: Is the 1951 Refugee Convention Outdated?"](#). YLCube.

¹⁸⁵ OHCHR. [The principle of non-refoulement under international human rights law](#). Accessed on August 12th, 2025.

¹⁸⁶ Interviewee 2, See [Annex](#)

historically contextual drafting often fail to address such contemporary risks, leaving affected individuals vulnerable to pushbacks or rapid deportations.

On the other hand, Eritrea, the top country of origin among irregular arrivals to Italy after Bangladesh in 2025¹⁸⁷, presents another example. The country faces a severe and prolonged human rights crisis, including indefinite national service, political repression, and economic stagnation. In *Hirsi Jamaa and Others v. Italy*, thirteen Eritrean nationals were among those intercepted at sea. They summarily returned to Libya, where they faced detention and abuse without any protection of their needs.¹⁸⁸ This case illustrates that Art. 33 was subordinated to migration control, despite the clear evidence of harm.

The selective enforcement of the principle of non-refoulement then makes it questionable if it is reserved for a narrow category of cases that fit pre-defined and outdated protection paradigms. When individuals flee not only from direct persecution but also structural violence, hunger, and chronic socio-economic deprivation, this interpretation becomes tight for international law and leaves significant gaps. Gaps that, in turn, drive those excluded from regular pathways to seek the services of smugglers, transforming human smuggling from a criminal activity into a structural feature of migration systems.

These policies, then, overlook the fact that irregular migration and human smuggling are not inherently evil: they are an inevitable consequence of the lack of legal guarantees. Denying legal protection to people who are fleeing their countries and are out of the typical definition of refugee according to the Convention is ignoring that deliberate deprivation of economic rights could be as lethal as direct political persecution. Furthermore, the criminalization of migration equals sanctioning a phenomenon whose existence is induced by the self-design of migration policies.

¹⁸⁷ UNHCR, 2025.

¹⁸⁸ European Court of Human Rights. 2012. [HIRSI JAMAA AND OTHERS v. ITALY](#). ECHR.

By closing the main pathways and restricting protection, states are doing nothing but pushing people to use illegal routes. In this way, pretending to ‘eradicate’ irregular migration and human smuggling without even modifying it is the same as wanting to treat fever without treating the illness: the symptom worsens, gets more violent, and means vast amounts of money year by year. The 1951 Convention was an advanced tool for its time, but today it has become a legal barrier that condemns millions to invisibility. Considering reforming it is not an act of political weakness, but rather a strategic adaptation to contemporary reality: saving lives, managing mobility in an orderly manner, and demonstrating that security and humanity are not incompatible goals.

As long as the definition of “refugee” remains frozen and safe routes remain closed, irregular migration and trafficking networks will continue to thrive as a predictable and avoidable effect of restrictive policies themselves. The rubber boat crossings from MENA are not just media images: they are reminders that the current international system prioritizes territorial sovereignty over human dignity. The 21st century demands a redefinition of the right to asylum that responds to all causes of displacement, not just those that Europe considered acceptable in 1951.

International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT)

While the UDHR and the 1951 Convention offer the foundational principles for migration rights, they gain legal weight by binding instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT). Moreover, some other legal instruments are relevant for the smuggled and the irregular migrants. They include the International Covenant on Economic, Social, and Cultural Rights (ICESCR); the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), among others.¹⁸⁹

¹⁸⁹ International Council of Human Rights and Policy (IMUMI). [Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence](#). 2010. Geneva, Switzerland: 50. Accessed August 12th, 2025.

The ICCPR, particularly, affirms the right of every person to be free to leave any country, including their own (Article 12). Based on the UDHR principle of freedom of mobility, this right could allow some exceptions, such as those necessary for national security or public order. Furthermore, it guarantees the right to life, liberty, and security of a person (Articles 6 and 9).¹⁹⁰ While the right to leave one's country is explicitly stated, the right to enter another country is not absolute. This legal void left a blank space where migrant's protection is provided to each country's decision. As a result, a certain ambiguity could be identified in such instruments. The self-use of legal terms that began to be inclusive, protect every individual, and establish a base of equality, in reality, is not respected. The report on Irregular Migration and Smuggling emphasizes this point:

'Their use of inclusive language (pronouns such as "everyone" and "no one") implies that their provisions must apply to all persons, regardless of their circumstances, except where specific reference is made to citizenship rights or lawful residence [...]. In addition, all migrants are entitled to protection of their economic, social, and cultural rights: in this respect the ICESCR entitles "everyone" to the rights to just and favorable conditions of work (Article 7), to an adequate standard of living (Article 11), and to the highest attainable standard of physical and mental health (Article 12).'¹⁹¹

The reality on the ground is far from these statements. For instance, the practice of pushing back migrants to countries with poor human rights and the criminalization of rescue operations in the Mediterranean directly undermine the right to life and safety for those attempting to reach Italy. Similarly, the CAT establishes a strict prohibition on torture and cruel, inhuman or degrading treatment or punishment.¹⁹² Nonetheless, migrants who choose to cross the Mediterranean to arrive in Europe are not only subjected to every type of torture and modern slavery in the middle of their journey, but also suffer from degrading

¹⁹⁰ OHCHR. [International Covenant on Civil and Political Rights](#). 1966.

¹⁹¹ IMUMI: 50. 2010.

¹⁹² OHCHR. [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#).

treatment when arriving in Europe. An article in the *Journal of Ethnic and Migration Studies* demonstrates several human rights abuses, especially in the case of Italy's cooperation with Libyan authorities.¹⁹³

While Italy may not directly subject migrants to torture, by collaborating with Libyan forces and returning migrants to a country with widely documented human rights violations, the country risks becoming complicit in the violation of Article 3 of the Convention (non-refoulment). Furthermore, inhuman treatment in hotspots and detention centers leaves smuggled migrants unprotected. Thus, this “anti-policy” on smuggling masks political disagreement and leads to a “reality check” for migrants, whose experiences with these measures often expose evidence of complicity between authorities and smuggling networks.¹⁹⁴ This not only contradicts the ICCPR's guarantees of due process (Article 14) and non-discrimination (Article 26) but also creates structural barriers to the right to seek asylum.

In addition, the focus on criminalizing migration rather than addressing its root causes creates situations where migrants are often treated as criminals themselves, violating their rights under the ICCPR and the CAT, when both protect the right to a fair trial, specifically: ‘the right to a fair and public hearing, the presumption of innocence, and the right to legal representation.’¹⁹⁵ This is particularly evident in the criminalization of migrants who are forced to act as “captains” of smuggling boats, as shown in several studies and deeply analyzed in further chapters.

A glance at this is given by Papadouka, Montagna, and Serrantino, presenting the term “crimmigration” referring to criminalization of migration trends, which demonstrate how those forced to act as “captains” of smuggling boats are prosecuted under anti-smuggling laws despite being victims of

¹⁹³ Nina Perkowski and Vicki Squire. [The anti-policy of European anti-smuggling as a site of contestation in the Mediterranean migration 'crisis'](#). *JOURNAL OF ETHNIC AND MIGRATION STUDIES*. 2019, VOL. 45, NO. 12, 2167–2184. Accessed on August 13, 2025.

¹⁹⁴ Ibid. 2019.

¹⁹⁵ Article 14. ICCPR

coercion, demonstrated violence, and slavery.¹⁹⁶ Arrest procedures often occur without legal counsel, interpretation, translation, or proper explanation of charges, violating ICCPR rights to a fair trial and presumption of innocence. Moreover, the evidence is clear: Testimonies reveal that many are randomly selected or violently forced by smugglers to pilot boats, sometimes in exchange for discounted passage or no fee. Criminalizing these individuals with up to 30 years in prison, rather than providing secure ways of mobility, perpetuates cycles of abuse.

From a policy perspective, this gap between international commitments and domestic practice directly feeds the conditions that sustain human smuggling. When states focus on deterrence rather than protection, they narrow safe and legal migration channels, forcing them to trust irregular routes where smugglers become the only available facilitators. Findings in Perkowski and Squire's article highlighted the importance of instituting safe and legal entry routes to Europe, with some suggesting that this would be the only effective way to combat smuggling. In fact, a common demand among their research participants is to open the gates to diminish smuggling networks, arguing that people from countries with conflicts will always need to migrate.¹⁹⁷ This dynamic turns human smuggling into a structural product of migration governance itself, rather than just organized crime. In this sense, Italy's approach to migration management not only fails to eliminate smuggling but actively reproduces the vulnerabilities and power imbalances on which it expands.

The Right to Exclude: A Smoke Curtain?

The right to exclude, or *ius excludendi*, is a well-established principle of international law, and it is the right of states to determine admit/deny entry, conditions of stay, and expulsion.¹⁹⁸ Originating with the mere perception of the modern State, the right to exclude has originated under colonization, with States

¹⁹⁶ Papadouka, Maria Eirini, Nicola Montagna, and Giuseppe Serrantino. 2024. "[Human Smugglers or Criminalised Migrants? Securitarian Bordering and the Criminalisation of 'Captains' in the Mediterranean.](#)" Trends in Organized Crime, November. Accessed on August 13, 2025.

¹⁹⁷ Perkowski and Squire: 2178-2180. Accessed on August 13, 2025.

¹⁹⁸ The Oxford Handbook of International Refugee Law. 2021. Oxford University Press.

of the “Global North” and International Public Law of the 19th and 20th centuries as the ones who can decide whether “aliens” could enter (or not) into their national territory. As in the case of the 1951 Convention on Refugees, the architecture of the *ius excludendi* was designed within a context in which imperial powers defined mobility rights along racial and civil hierarchies.¹⁹⁹

Under this paradigm, Italy shapes its externalization agreements with third countries, replicating patterns where powerful States project control beyond their borders, serving the interests of the North at the expense of human rights defense.

In contemporary times, this principle is operationalized through visa regimes, carrier sanctions, detention, deportations, and physical border controls. In Italy, the *ius excludendi* manifests both at the territorial border (through maritime interceptions and the hotspot approach, for instance) and extraterritorially (through extra-EU agreements, see 4.4 section).²⁰⁰ In this way, the right to exclude is increasingly exercised preventively rather than reactively. In other words, before migrants reach Italian jurisdiction. This could be exercised via interception at sea, refusal of disembarkation, or outsourcing migration control to third countries. This use effectively bypasses the procedural rights protections that would apply if the individual were to touch Italian soil effectively.²⁰¹

Thereafter, this extraterritorial application of the right to exclude systematically denies migrants the opportunity to present protection claims, without making any distinction among them and disregarding their specific

¹⁹⁹ Lægaard, Sune. (2010). What is the Right to Exclude Immigrants? *Res Publica*. 16. 245-262. 10.1007/s11158-010-9122-2.

²⁰⁰ Cusumano, Eugenio, and Matteo Villa. “From ‘Angels’ to ‘Vice Smugglers’: The Criminalization of Sea Rescue NGOs in Italy.” *European Journal on Criminal Policy and Research* 27, no. 1 (2021): 31–54.

²⁰¹ Moreno-Lax, Violeta. “[The Architecture of Functional Jurisdiction: Unpacking Contactless Control—On Public Powers, S.S. and Others v. Italy, and the ‘Operational Model.’](#)” *German Law Journal* 21, no. 3 (2020): 385–416. Accessed on August 13, 2025.

needs. As a result, this transforms border control into a mechanism for depriving rights, rather than a balanced exercise of sovereignty.²⁰²

By sealing regular and legal pathways to protection, the exercise of the right to exclude fuels unintentionally the irregular channels it seeks to stop, turning to smuggling networks as their only means of reaching safer countries.²⁰³ In Italy's case, the closure of safe corridors has resulted in increasing irregular migration flows, more dangerous routes, and empowered smuggling networks. This dynamic directly supports the main thesis: human smuggling is not the product of criminal opportunism but a structural symptom (consequence, or even a parallel paradigm) of restrictive migration governance.

5.1.2. Transnational Crime: The Smuggling Protocol

Signed in Palermo in 2004, the Protocol against the Smuggling of Migrants by Land, Sea and Air, or simply, The Smuggling Protocol, is a Supplement of the UN Convention against Transnational Organized Crime and the Protocols thereto.²⁰⁴ It commits signatory states, including Italy, to criminalize migrant smuggling, to criminalize related activities such as document forgery and illegal facilitation, and to treat smuggled migrants humanely, even when prosecuting smugglers.

Inside its content, the Protocol defines smuggling of migrants as 'the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.'²⁰⁵ However, this definition often gets blurred with human trafficking, which the UN defines as 'the recruitment, transportation, transfer, harboring or receipt of people through force, fraud or

²⁰² Spijkerboer, Thomas. "The Global Mobility Infrastructure." *Journal of Ethnic and Migration Studies* 44, no. 10 (2018): 1493–507. Accessed on August 13, 2025.

²⁰³ Triandafyllidou, Anna, and Thanos Maroukis. *Migrant Smuggling: Irregular Migration from Asia and Africa to Europe*. Basingstoke: Palgrave Macmillan, 2012. Accessed on August 13, 2025.

²⁰⁴ [United Nations Convention against Transnational Organized Crime](#)

²⁰⁵ UNODC. [PROTOCOL AGAINST THE SMUGGLING OF MIGRANTS BY LAND, SEA AND AIR, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATION](#). Article 3 (a). 2000.

deception, to exploit them for profit.²⁰⁶ In theory, these definitions are clear, where the main difference is that human smuggling involves a consensual agreement between the migrant and the smuggler to illegally cross a border in exchange for a financial benefit to the smuggler.

However, these concepts are often interchanged and treated as synonyms, due to their similar connections with irregular migration and the clandestine movement of people. As Burke highlights, in practice, international and national legal frameworks, including those in Italy, often blur the distinction between these categories.²⁰⁷ The undistinguished use (and even understanding) of human smuggling and human trafficking in legal discourse and enforcement leads to policy responses that obscure the rights of smuggled migrants and undermine protections afforded to trafficked persons. This conflation produces several problematic outcomes.

Firstly, the criminalization of smuggled migrants. While the Trafficking Protocol explicitly prohibits penalizing trafficked people for illegal entry or residence²⁰⁸, no guaranteed protection exists for smuggled migrants. Article 5 from the Smuggling Protocol alleges that ‘migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been the object of conduct’.²⁰⁹ However, according to the evidence demonstrated in migration practices in Italy, such as the Salvini Decrees, smuggled persons are often detained, prosecuted, expelled, mistreated, or denied protection, without due consideration of potential vulnerabilities.²¹⁰

Secondly, the neglect of exploitation within smuggling, where many smuggled migrants face conditions similar to those of trafficking. Despite its

²⁰⁶ UNODC. [Human-Trafficking](#). Accessed on August 13, 2025.

²⁰⁷ Burke, Carolyn (2009) "Smuggling Versus Trafficking: Do the U.N. Protocols Have It Right?" Human Rights & Human Welfare: Vol. 9: Iss. 1, Article 33. Accessed on August 14, 2025

²⁰⁸ UNODC. [Annex II Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations](#). Article 7.

²⁰⁹ Pablo Rodríguez. 2014. [Non-criminalization of smuggled migrants](#). UNHCR: 4. Accessed on August 14, 2025

²¹⁰ Gaspari, Laura. [The International and European legal framework on human trafficking: an overall view](#). DEP. Ca' Foscari University. ISSN 1824 - 4483. Accessed on August 14, 2025

voluntary nature, they find themselves in inhuman situations, often related to forced and unpaid labor, violence, sexual abuse, and even death. Yet, the Smuggling Protocol does not explicitly address these harms.^{211 212} This creates a protection gap where migrants experiencing trafficking-like conditions are excluded from human rights protections because their journey began as “consensual” smuggling. Illustrative examples are provided by primary sources in this thesis’s interviews.

“I went to a policeman’s house and I worked there. I learned how to drive a tractor, I did farming work, I worked on a farm for almost one year. The first two months, he didn’t pay me. He said he was the one who would help me.”

*Interviewee 3*²¹³

Finally, by treating all irregular migration as organized crime, the mixture of concepts between smuggling and trafficking reinforces securitizing narratives that legitimize Italy’s deterrence-based strategies. From a critical point of view, this serves as a kind of moral punishment, implicitly framing the decision to engage a smuggler as a voluntary, culpable choice, where the cost is their own lives and their own rights. This view is as misguided as it is dangerous, as migrants also suffer many of the consequences of human trafficking. By obscuring the structural coercion behind “consensual” smuggling, international law leaves space for states like Italy to diminish their obligations towards migrants.

One demonstrative example of this blurred distinction is Italy’s recent Cutro Decree (Law Decree No. 20/2023), adopted after the February 2023 shipwreck on Calabria’s coast.²¹⁴ Publicly framed as a response to “human trafficking” and the need to dismantle smugglers, the decree primarily expands detention powers, accelerates deportation procedures, and eliminates the

²¹¹ Burke, 2009:24.

²¹² Some implicit provisions could be stretched to cover some forms of exploitation, but they result to be insufficient in practice.

²¹³ See [Appendix 10](#)

²¹⁴ [DECRETO-LEGGE 10 marzo 2023, n. 20](#)

possibility of conversion of the residence permit for extra-communitarian citizens, among others. All these measures target irregular migrants rather than the smuggling of migrants. In this way, the law legitimizes punitive measures against victims of structural coercion, and, in some cases, even exploitation. Therefore, the Decree clearly exemplifies how international legal ambiguities can have not only a huge gap in humanitarian protection for migrants, but also translate into tangible victims after events such as the Calabria shipwreck.

Figure 14. Calabria's tragedy on the Calabria Coast, March 3, 2023.



Source: Gilda Sciortino. [Strage di Cutro. Il grido di Mohammad: «Quanta crudeltà nella volontà di non salvare le loro vite»](#). Vita It, 2023.

On the other hand, some literature has stressed the importance of maintaining a clear distinction between trafficking and smuggling. For instance, the International Organization for Migration highlights that conflating the two phenomena diminishes the protection framework for both victims. Trafficked persons risk losing their guaranteed rights, whereas smuggled migrants may be excluded from assistance.²¹⁵

²¹⁵ [Whatever Happened to the Migrant Smuggling Protocol? | IOM Publications](#)

All of these demonstrate that despite the Protocol's relevance in raising awareness of smuggling and providing a framework for states to address the issue, its effectiveness in combating smuggling has been limited by a range of factors. This includes weak legal frameworks, a lack of resources, and limited cooperation between countries. In addition, the Protocol faces criticism for a lack of focus on the root causes of smuggling, such as poverty, gender inequality, and conflict.²¹⁶

Similarly, as seen in the Italian context, this enforcement approach reinforces some principles based on colonial ideas, such as the *ius excludendi* logic. Further, it treats human smuggling as a “problem,” without foreseeing its roots. For all these reasons, many migrants still seek human smuggling networks as the only viable route to reach Italy. These same dynamics are spread within the broader European legal framework.

5.2. EU legal framing of irregular migration and human smuggling

The EU's legal framework on irregular migration and human smuggling reflects a prioritization of deterrence and border control over protection of individuals, something not new, as we saw in the Italian example.²¹⁷ This is not a casualty, but a trend that has spread among most EU Member States. Such a line of thought often implements the very ambiguities and enforcement biases found at the international level. Having said that, it is crucial to understand this EU-level framing, as it shapes member state policies, legitimizes restrictive practices, and directly influences the migration routes and choices available to people seeking entry through irregular means such as human smuggling.

For a comparative analysis, we differentiate between the characteristics of each period, taking as a reference the already discussed migration crisis of 2015. This distinction will give us a better understanding of how migration policies in the European

²¹⁶ Rout, Prमित Chandra and Danish, Md Faizan and Swain, Ananya and Behera, Subhankar, [Analyzing the Palermo Protocol on Human Trafficking: Implementation, Efficacy and Challenges](#) (February 27, 2024). Indian Journal of Law and Legal Research, Volume VI Issue I, 2024. Accessed on August 14, 2025.

²¹⁷ For a broader overview, see [Appendix 11](#)

Union could react to such events, always trying to tackle the instant event but not the roots of irregular migration.

5.2.1. Evolution of EU migration policies before the migration crisis in 2015

Prior to 2015, the EU's management of asylum and irregular migration was framed by the evolving Common European Asylum System (CEAS), which aimed to harmonize rules, standardize procedures, and introduce limited burden-sharing measures. This system was characterized by a first phase (1999 - 2005) where the European Council focused on establishing minimum standards for asylum procedures and reception conditions, followed by a second phase (2008 - 2013) aiming for greater harmonization and a standard procedure.

Between 2000 and 2005, six legislative instruments were adopted: The Eurodac Regulation, the Temporary Protection Directive, the Reception Conditions Directive, the Dublin Regulation replacing the 1990 Dublin Convention, the Qualification Directive, and the Asylum Procedures Directive.²¹⁸ The second phase instead consisted of legislative proposals that were issued in 2008, and five of the legislative instruments were amended between 2011 and 2013, moving from minimum standards to establishing a common asylum procedure and a uniform status for refugees and beneficiaries of subsidiary protection.²¹⁹ Landmark events of this phase include the Hague Programme (2005) and the Treaty of Lisbon (2009).²²⁰

Moving on to specific operational measures, between 2006 and 2007, Frontex launched a coordinated operation called Hera (parts I, II, and III) that diverted migrants back to their points of departure. This process faced criticism

²¹⁸ European Commission's department. [The evolution of the Common European Asylum System \(CEAS\)](#). n.d. Accessed on August 16, 2025.

²¹⁹ "Asylum in the EU." n.d. [Migration and Home Affairs](#). Accessed on August 16, 2025.

²²⁰ Olga Passamera and Alessandro Ermini. ["Asylum Policy | Fact Sheets on the European Union"](#). European Parliament. 2025. Accessed on August 16, 2025.

for its lack of transparency, since some “documents provided were censored extensively, and it was barely possible to subject the practices of the operational staff”.²²¹ In addition, experts from Germany, Italy, Luxembourg, and Portugal were deployed in the Canary Islands and worked together with Spanish authorities on gathering intelligence-related information.

In 2010, Operation RABIT was launched to help Greece guard their borders. In 2011, responding to the violent situation in North Africa and in view of potential migratory flows from Libya, Frontex extended the operational area of its ongoing Joint Operation Poseidon Sea to the Greek Islands in the Aegean Sea. In 2013, Mare Nostrum was launched by Italy, a one-year-long military-humanitarian operation coordinated by the Italian navy. The operation aimed at identifying boats in distress, rescuing migrants, and apprehending human traffickers. Furthermore, the operation rescued about 177,000 people.²²² This last one was recognized to be primarily humanitarian-driven, using a substantial monthly budget of around €9 million.²²³

Despite these advances, the system already faced challenges in handling large-scale irregular migratory flows. As Hatton observes, “border controls were unable to stem the flow of migrants and asylum applications fell very unevenly among EU member states”.²²⁴ This uneven distribution reflected the low level of harmonization among Member States. Legal standards existed on paper, but practice varied widely according to each legislation. They were consolidated by a formula of capacity, plus responsibility, where both remained concentrated at external borders, particularly in vulnerable States, as the case of Italy.

²²¹ Vera Wriedt and Darius Reinhardt. 2017. [Opaque and unaccountable: Frontex Operation Hera](#). European Center for Constitutional and Human Rights, ECCHR

²²² Ilse van Liempt. 2016. [A Critical Insight into Europe's Criminalisation of Human Smuggling**](#). European Policy Analysis: 5. Accessed on August 17, 2025.

²²³ Mortera-Martinez and Korteweg. “Dead in the Water: [Fixing the EU's Failed Approach to Mediterranean Migrants](#).” April 2015. Centre for European Reform. Accessed on August 17, 2025.

²²⁴ Hatton, Tim. 2020. [“European Asylum Policy Before and After the Migration Crisis.”](#) IZA World of Labor, January. Accessed on August 16, 2025.

Furthermore, the coordination between countries was limited. A clear example of this is the Frontex agency, which had only a modest mandate: coordinating MS's border activities but lacking operational corps. Additionally, deterrence policies existed but were less formalized. This means that even with cases like *Hirsi Jamaa v. Italy* (2012), the measure was not yet locked into EU-wide operational architectures.²²⁵ In other words, such cases remained more like country-specific episodes rather than integrated into a consistent EU approach. In sum, the EU's legal migratory framework represented continuous work in progress, with weak institutions, poorly equipped to manage large-scale irregular flows.

For that, the 2015 migration crisis did not bring new challenges, but it evidenced these structural failures. These deficiencies already pressured border states and limited secure access to protection, creating 'favorable' conditions for irregular migration and human smuggling.

5.2.2. European anti-smuggling agenda as a response to the migration crisis: Criminalization, securitization, and externalization

As previously analyzed, the so-called "migration crisis" was not a coincidence or the simple result of the socioeconomic and political instability in the MENA region. It was the mirror of a migration system built in a blurred and fragmented European Union, where countries lacked harmonized processes, and the result of a series of events that, for the EU, could have been an opportunity to reform its regime. However, its response was the opposite, generating tension in the Mediterranean region and, indirectly, life-hazardous irregular migration routes. Finally, increasing human smuggling and its human rights implications. In this section, we are going to analyze the EU response to irregular migration arrivals from a legal and policy perspective after 2015 until now.²²⁶

²²⁵ Ibid.

²²⁶ For an analytical perspective, refer to 2.2.2 Section.

Instead of reforming the weaknesses previously analyzed, the EU responded with an agenda characterized by a reactive approach, prioritizing the security of the borders of the most vulnerable countries from a geographical perspective, as in the case of Italy. This agenda is framed under the label of “fighting” against human smuggling, with three particular ideologies: securitization, externalization, and criminalization. In practice, instead of tackling the smuggling of migrants, these measures narrowed access to asylum (which was already narrow), displaced responsibility beyond borders. They established the logic of deterrence as the primary containment measure for irregular migration.

Criminalization

On May 13, 2015, the European Commission presented its *Action Plan against migrant smuggling from 2015 to 2020*, known as the Facilitation Directive, as a reform of the *Framework Decision on Smuggling* in 2002. The proposal included key reforms, such as harmonized penalties and an expanded jurisdiction, even for offenses occurring in international waters. Additionally, the plan led to the subsequent establishment of the European Centre Against Migrant Smuggling (ECAMS). Furthermore, its primary objective was to ‘transform migrant smuggling networks from ‘low risk, high return’ operations into ‘high risk, low return’ ones.’²²⁷

However, in the same proposal, it is stated that ‘an effective return policy is a strong deterrent.’ This, paradoxically, generated higher returns for smugglers, since they were aware of the changes and started to create deadlier and more expensive routes.²²⁸ What should have been driven primarily to protect migrants’ rights was instead diminished to simply reduce smugglers’ incomes. That represents, then, a low-level humanitarian assistance approach rather than a rights-based one.

²²⁷ European Commission. [“EUR-Lex - 52015DC0285 - EN - EUR-Lex.”](#). 2015. Accessed on August 17, 2025.

²²⁸ Hoffman and Korniyama. [Strategic Choices of Migrants and Smugglers in the Central Mediterranean Sea](#). 10 Jul 2022. Accessed on August 17, 2025.

Illustrative examples of this are some NGO reports. The Italian organization Arci Porco Rosso highlights in its 2024 report how the label of “smuggler” is deliberately applied not only to adults but also to children and people acting for humanitarian reasons, reinforcing a punitive logic rather than one of protection.²²⁹ This evidence highlights the EU's failure to address its main objective, while disproportionately penalizing facilitators who are themselves vulnerable migrants.

In sequence, in 2021, the European Commission presented the *Renew EU Action Plan against Migrant Smuggling (2021 - 2025)*. In this plan, the EU recognized the need for urgent action, mainly due to the emergence of new migratory routes. It alleged to have a modernized and renewed fight, despite maintaining the same focus: strengthening law enforcement, enhancing cross-border cooperation, and revising the legal framework to still impose stricter penalties on facilitators, as the previous plan provided.²³⁰

On the other hand, the 2021-2025 Plan faced criticism for several reasons. Firstly, its broad use of language, such as the scope of the “economic benefit” of smugglers, which “can lead to the criminalization of humanitarian tasks, mutual aid between asylum seekers”, and migrants on the move who drove the boats without pursuing an economic benefit, but to save lives. Secondly, the package does not address the victims’ rights, but instead condemns smugglers. Thirdly, because it largely reinforced the criminalization-first approach, leaving document provision- such as permits- to discretion.²³¹

Hence, these extraordinary measures against the “invading illegal migrant” got institutionalized, and have normalized the feeling of emergency to become the norm in the bordering regime. Furthermore, as Van Liempt

²²⁹ Arci Porco Rosso. [“La Criminalizzazione Dei Cosiddetti Scafisti Nel 2024.”](#) Arci Porco Rosso. March 10, 2025. Accessed on August 17, 2025.

²³⁰ European Commission. [“EUR-Lex - 52021DC0591 - EN - EUR-Lex.”](#). 2021. Accessed on August 17, 2025.

²³¹ Mirentxu Santiago. [Addressing migrant smuggling in the European Union. Challenges for a non criminalized, coordinated and effective response.](#) Jean Monnet Network on EU Law Enforcement: 3. Accessed on August 17, 2025.

expresses, “blaming the smugglers takes attention away from the root causes”. It could potentially lead to thousands of people being trapped in warzones without any means of escaping.²³²

This criminalization perspective allows states to evade their obligations towards people in need of protection, especially if sole responsibility is assigned to smugglers. Migrants, who are often portrayed as a threat, are the most affected, since this perspective also undermines their rights by mixing the capacity to pay for a journey with the absence of legitimate protection needs. However, many individuals flee from home and resort to precarious journeys as their only option. This is demonstrated by testimonies collected in this research. In this sense, from a human rights perspective, the criminalization approach creates tension with the UDHR itself, specifically with Articles 3, 4, 5, 13.

In conclusion, the term ‘migration crisis’ is itself an image of criminalization, with a narrative painted “as an exceptional and unpredictable phenomenon that required special measures to be applied”.²³³ Both action plans addressed smuggling as the primary problem to tackle, rather than dismantling conditions that make smugglers indispensable. Thus, these policies reinforce a punitive regime that normalizes exceptional measures and evades human rights. Once more, smuggling becomes the last resort for migrants, especially with a system that closes the possibilities to legal mobility pathways.

Securitization

The EU’s response to irregular migration after 2015 cannot be understood outside the frame of securitization. As Buzan et al. defined, securitization involves the construction of an issue as an existential threat, legitimizing exceptional measures that otherwise would not be acceptable in other contexts.²³⁴ After this milestone, the EU escalated its securitization as the

²³² Van Liempt: 8.

²³³ Aversa, Ilaria. "[The harms of anti-smuggling narratives and legislation on migrants: a comparative study of Italy and the UK](#)", *Justice, Power and Resistance* 8, 1 (2025): 112-129, accessed Aug 17, 2025.

²³⁴ Public, Marketa. "[Buzan, Waever and De Wilde 1998 Security - A New Framework For Analysis.](#)" 1998. Accessed on August 18, 2025.

second “pillar” of its response, with military and border control tools against human smuggling. The most visible was Operation Sophia, born as a consequence of the April 2015 Libya migrant shipwrecks.

The operation, initially called EUNAVFOR Med (European Union Naval Force Mediterranean), was the first official military operation of migration management, targeting the smuggling and trafficking of people from Libya to the EU. Moreover, it was later on renamed Sophia, after a baby that was born on board a ship.

Issued at the peak of the migration crisis, Operation Sophia aimed to neutralize and disrupt established refugee smuggling routes in the Mediterranean and to undertake systematic efforts to identify, capture, and dispose of vessels, as well as enabling assets used or suspected of being used by migrant smugglers.²³⁵ Its efforts included destroying smugglers’ boats, training the Libyan Coast Guard, and enforcing the arms embargo.²³⁶

However, this operation resulted in tragic figures, with an increase of 18% in migrant arrivals.²³⁷ In addition, smugglers’ response to boat operations was to start sending migrants in vessels rather than in boats, resulting in more deaths at sea. Scholars have since criticized this framework for being too focused on speech acts and elite discourses, denying the role of everyday practices, and portraying irregular migration as ‘an apocalyptic image of an increasingly massive exodus of desperate Africans fleeing poverty and war at home, trying to enter European territories’.²³⁸ Clear examples of this process are some early securitization moves. Then Italian Prime Minister Matteo Renzi attempted to portray smugglers as participants in a “new slave trade,” a

²³⁵ Ilse van Liempt. 2016. [A Critical Insight into Europe’s Criminalisation of Human Smuggling**](#). European Policy Analysis: 5. Accessed on August 17, 2025.

²³⁶ “About Us - Operation Sophia. 2025. [EUNAVFOR MED Operation Sophia. May 22, 2025.](#)

²³⁷ BBC News. 2017. [“EU Naval Mission Has Failed to End People Smuggling - Peers.”](#) July 12, 2017. Accessed on August 17, 2025.

²³⁸ Hein de Haas. 2007. [Irregular migration from West Africa to the Maghreb and the European Union](#). International Migration Institute (IMI) research report. Accessed on August 18, 2025.

metaphor highly criticized for being historically misleading and politically manipulative.²³⁹

Thus, this military turn illustrates another paradox identified in the EU response to human smuggling: Operation attempts to ‘stop the smuggler,’ often resulting in repelling the refugee. As Strauch argued, intervening in smuggling vessels frequently prevents asylum seekers from accessing the EU, violating Article 33 of the 1951 Refugee Convention.²⁴⁰ Although the operation did save lives, once again, the EU targeted border safety over migrants’ protection.

For a deeper critical analysis, it is worth revisiting some other scholars’ perspectives under this hypothesis. For instance, Aversa introduces the concept of border spectacle as an explanation of the persistence of such measures despite their human costs. Border spectacle emphasizes that migration control is not only about securitization and control, but also about performance. In other words, states use visible and theatrical-like displays of bordering violence “as a tool of the nation-state to assert its powers and its existence altogether”.²⁴¹ With this lens, Italy’s efforts to showcase naval patrols intercepting smugglers’ operations function as a public display of sovereignty and power, dramatizing the border as a site of control while diminishing the harm that such measures fuel: more deaths, blurred migration rights, and the development of safer paths.

For all those reasons, we can conclude that despite its successful rescues and measures against smugglers, the EU securitization approach for tackling human smuggling resulted in unintended, tragic consequences. From one death per 250 crossings in 2015, to one in 14 by 2018.²⁴² Such results do not justify the approach shift, as it could be argued. Instead, they fuel human

²³⁹ Hintjens, Helen. 2019. [“Failed Securitisation Moves During the 2015 ‘Migration Crisis.’”](#) International Migration 57 (4): 181–96. Accessed on August 18, 2025.

²⁴⁰ Paul Strauch. “When Stopping the Smuggler Means Repelling the Refugee: International Human Rights Law and the European Union’s Operation To Combat Smuggling in Libya’s Territorial Sea.” Yale Law Journal, 126 (2017): 3.

²⁴¹ Aversa: 114. 2025.

²⁴² UNHCR. [“Desperate Journeys: Refugees and Migrants Arriving in Europe and at Europe’s Borders.”](#) Geneva: UNHCR, 2018. Accessed on August 18, 2025

smuggling through measures that live migrants' lives as the last item on the EU priorities list, and for that, migrants choose smuggling as their mode to reach Europe. It is not a casualty; it is a symptom of power illness.

Externalization

Externalization of migration governance is such a big topic that it would be impossible to describe in just this section. For that, we are going to present it here as the third pillar of the EU's response to the crisis. Still, it is necessary to delve into the strategies taken by the Italian government in those years until now (see section 4.3). It is, perhaps, the most defining and controversial shift, where the EU and its Member States transferred border enforcement responsibilities to third countries.

As a pioneer of this model, the EU-Türkiye Statement (2016) exchanged the return of irregular migrants from Greece for financial aid and resettlement quotas. Its main objective was “to break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk”.²⁴³ It stipulated that all irregular migrants arriving on Greek Islands from Türkiye would be rapidly returned in exchange for resettlement of one Syrian refugee to the EU for every return (one-for-one mechanism), with a fund of \$4 billion.²⁴⁴

The agreement operated as a securitization move in two ways: Firstly, constructing a new “safe border” through rapid transfers and returns, reinforcing the idea that it is the border that they aim to protect; and, secondly, institutionalizing externalization. This, not just military, but *politically*, offering Türkiye both access through visa liberalization and dialogue, and financial incentives.²⁴⁵

²⁴³ European Council. [EU-Türkiye statement, 18 March 2016 - Consilium](#). 2016. Accessed on August 18, 2025

²⁴⁴ Policy Briefs; [2017/29](#); Migration Policy Centre

²⁴⁵ European Council. 2016. Accessed on August 18, 2025

While the implementation of the statement showed positive results in reducing the number of people risking their lives, the price for those who did make it to the EU has been unbearable.

“Only 2,140 people have been returned from Greece to Türkiye under the deal. This is partly because Türkiye is not a safe country to send people back to.[...] The containment policies put in place as a consequence of the EU-Türkiye agreement have come at an immeasurable cost to people seeking safety and protection, trapping thousands of asylum seekers and refugees in limbo with devastating impacts on their physical and mental health.” ²⁴⁶

Later on, this situation was worsened in 2021 by a Greek Joint Ministerial Decision (JMD) which designated Türkiye as a ‘safe third country’ for people from Afghanistan, Bangladesh, Pakistan, Somalia and Syria.²⁴⁷ Nonetheless, this classification functions more as a political instrument with a troubling double standard. As Diab explains,

*“For European citizens, safety criteria are stringent; entire regions are often deemed unsafe based on relatively broad security assessments. For refugees and asylum seekers, however, the standard is markedly lower. The same regions and countries considered too dangerous for European tourists are judged “safe” for those who have already suffered significant trauma, violence and displacement. This discrepancy suggests a hierarchy in the valuation of human lives, where the worth of an individual is determined not by universal standards but by their origin and perceived worth.”*²⁴⁸

This analysis carries a deeper ethical issue. The concept of safety is inked inside the same discourse we discussed before: Migrants are a threat, not individuals to protect. We can link this interest in protection to a more “convenient” political move. As Gerver argues, the EU’s concept of “safety” is

²⁴⁶ Eu, Rescue Org. 2023. [“What Is the EU-Türkiye Deal?”](#). Rescue Org. Accessed on August 19, 2025

²⁴⁷ Ibid.

²⁴⁸ Diab, Jasmin Lilian. 2024. [““Safe Enough for Me, but Not for You?”: How Europe Redefines Refuge for Refugees.”](#) Oxford Law Blogs (blog). October 14, 2024. Accessed on August 20, 2025

contingent on convenience: Türkiye's bargaining power made it safe enough before European eyes.²⁴⁹

Another critique for externalization of borders is that it represents the failure of the "principle of solidarity and fair sharing of responsibility" within the EU itself, where Member States show their willingness to choose deterrence measures instead of establishing robust mechanisms for protection.²⁵⁰ What at first glance appears to be a pragmatic solution, is in fact, a manifestation of institutional indifference, which, together with criminalization and securitization, neglects Europe's legal and moral obligations, sustaining the very smuggling networks it claims to tackle.

Despite all the disadvantages mentioned above, the EU continues to externalize its responsibility until now. The more recent \$1 billion EU-Lebanon support package, covering the period from 2024 to 2027, intends to cover Syrian refugees' basic needs, such as healthcare and education.²⁵¹ At the same time, Lebanon is going through the worst economic crisis in its history, meaning that they depend on international funds to provide refugees a minimum of life quality. In this situation, the number of deportations of Syrian refugees in Lebanon has reached an unprecedented level: Access Center for Human Rights documented 763 deportations to Syria in 2023 alone, with a further 433 deported in just the first five months of 2024.²⁵²

Hence, we find another formula for the same paradox: In the name of protecting lives and reducing life-hazard journeys through smugglers, externalization leaves migrants with no safe alternatives but to rely on smuggling itself. Despite its achievements, almost 10 years later, the EU-Turkey

²⁴⁹ Gerver, Mollie. "Decriminalizing People Smuggling " *Moral Philosophy and Politics* 8, no. 1 (2021): 131-153. <https://doi.org/10.1515/mopp-2018-0054>

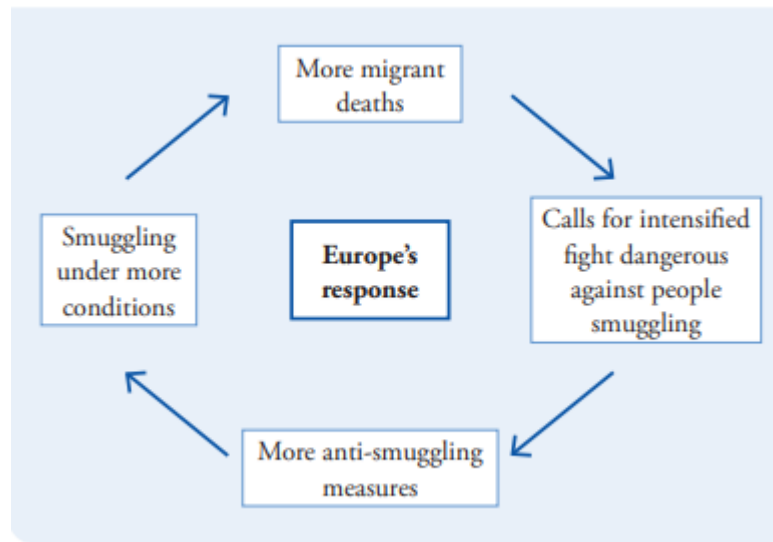
²⁵⁰ Serafino, Daniela. ["Externalisation of Migration Management: A Critical Appraisal."](#) EU Migration Observatory, Pisa University, 2021.

²⁵¹ Timep, and Timep. 2025. ["Externalizing Migration Control to the MENA Region: Lebanon - the Tahrir Institute for Middle East Policy."](#) The Tahrir Institute for Middle East Policy - (blog). May 5, 2025.

²⁵² Stachelhaus, Sara. ["EU-Lebanon Deal: Turning a Blind Eye to Reality"](#) | Heinrich Böll Stiftung | Brussels Office - European Union. 2024. July 16, 2024. Accessed on August 20, 2025

Deal has neither eliminated irregular flows nor addressed the conditions of driving migration.²⁵³ Protection obligations are being perpetually postponed, and the system becomes a cycle (See Figure 15). That explains why migrants choose smugglers day by day, instead of coming to Europe through regular corridors.

Figure 15. Europe's response cycle



Source: Carling. 2015.

5.3. Italy's legal framework from 2015 to now: Border Externalization and Bilateral Agreements

Above we provided an overview of the externalization measures (or, in other words, the beginning of externalization) taken by the European Union at the beginning of 2016 and its continuous efforts with the EU-Lebanon package. What began as a contingency measure, developed as one of the main strategies to deal with refugees and migrants. Probably, the country that has faced the most criticism for adopting controversial externalization measures is Italy. This is mainly because Italy went further in institutionalization of externalization, negotiating directly with states outside the EU, often with weak human rights safeguards and limited monitoring capacity. In this section, we are

²⁵³ Nicelli, Alberto. [“The EU–Türkiye Deal after Nine Years: Between Controversy and Shifting Paradigms.”](#) GAR Blog, March 18, 2024. Accessed on August 19, 2025.

going to analyze two of the most important, with a critical approach on how these agreements could fuel human smuggling.

5.3.1. The Italy–Libya Memorandum of Understanding

On February 2, 2017, the Italian government and the UN-backed Libyan Government signed a Memorandum of Understanding, sponsored by the European Union and coordinated by Frontex, aimed at securing national borders, and to eliminate irregular migration and human trafficking, strengthening cooperation in development.²⁵⁴ ²⁵⁵ The Memorandum itself, offered Libya funding, training and equipment to the Libyan Coast Guard to intercept boats and return migrants to Libyan territory. This included patrol boats, logistical support, and training under the banner of their objective: to combat irregular migration and human smuggling.

After some years of its ruling, the Italian government claimed that the MoU was successful. Specifically, they stated that it helped to significantly reduce the number of migrant arrivals and deaths at sea by strengthening Libya's operational capacity, particularly the Libyan Coast Guard, to intercept migrants and combat human smuggling.²⁵⁶ Indeed, one of the white cards on the Italian government's behalf to renew the Memorandum was that the number of irregular arrivals and deaths reduced drastically.

As can be seen in Figure 16, this is, indeed, true, but the statistics do not show the whole picture. The oscillation of migrant arrivals depends on multiple factors: COVID-19 (since we see a drop in 2020), the so-called "*periodo di porte chiuse*" (the closed-doors period)²⁵⁷, and others. For that, data does not necessarily refer specifically to the MoU.

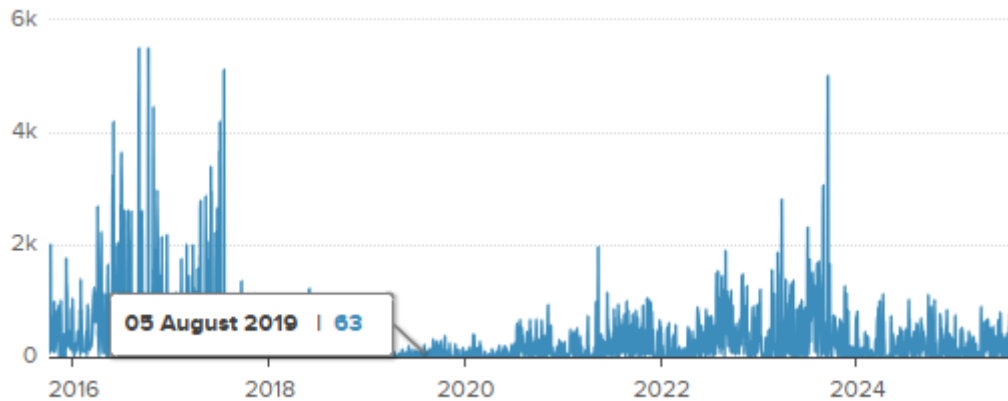
²⁵⁴ Euro-Med Human Rights Monitor. 2023. ["Italy-Libya Memorandum of Understanding: An Affront to the Fundamental Human Rights of Migrants, Refugees, and Asylum Seekers."](#) March 13, 2023. Accessed on August 21th, 2025.

²⁵⁵ ASGI Italy. 2017. [Italy-Libya agreement: the Memorandum text](#). Accessed on August 21th, 2025.

²⁵⁶ Info Migrants. [Italy renews Libya cooperation deal, pledges to 'improve it' - InfoMigrants](#). November 1, 2019. Accessed on August 21th, 2025.

²⁵⁷ The term refers to periods and policies characterized by intense restrictions on entry and reception possibilities, increased after the migration crisis.

Figure 16. Italy's sea arrivals by day



Source: [UNHCR](#). 2025

This official view has met with considerable criticism on human rights grounds. In this case, not only because of the discourse on outsourcing the management of irregular migration to third countries, but also because Libya has been classified by Italy as a “safe country,” when it is known to be one of the countries with the weakest rights protection system in the region. A 2024 Amnesty International report confirms what has been mentioned above: torture, abuse, arbitrary detention and unfair trials, sexual violence, discrimination, are just the first elements of a long list inside the inhuman conditions to which migrants are subjected in these territories.²⁵⁸

Furthermore, all the tension in Libya did not start now. In fact, at the very moment Italy signed the MoU in 2017, a civil war was raging in the cities of Tripoli and Tobruk, which ended just in 2020, not to mention the more than 700 militias that control the territory.²⁵⁹ Therefore, the Memorandum of Understanding would not only be systematically violating the principle of non-refoulement, but would also be classifying Libya as a safe country, when it

²⁵⁸ Amnesty International. 2024. [“Amnesty International \(Author\): ‘The State of the World’s Human Rights’](#). Document #2124742. Ecoinet.

²⁵⁹ Center for Preventive Action. July 15, 2024. [Civil Conflict in Libya | Global Conflict Tracker](#). Accessed on August 21, 2025

clearly is not, with the sole objective of stopping the arrival of migrants on Italian territory, regardless of the conditions in which they might find themselves.

With this Memorandum, Italy is not just externalizing their responsibilities with migration management. It is actively financing and aiding the perpetration of crimes against humanity in Libya. In fact, since 2017, Italy has allocated €32.6 million just to support the Libyan Coast Guard, including €10.5 million in 2021 for enhancing maritime surveillance capabilities.²⁶⁰ In contrast, EU-funded initiatives aimed at migrant integration in Italy are significantly underfunded. For instance, the Asylum, Migration and Integration Fund (AMIF), which supports integration projects, received €310 million for 2014 to 2020 (approximately €51 million per year), but a substantial portion of this number includes resettlement and border control measures, which reduces the budget for integration programs.²⁶¹

This financial imbalance suggests a prioritization of externalizing border control over investing in the integration of migrants within Italy, aligning with the concept of the border spectacle we earlier discussed. Furthermore, the financial arrangements of Italy-Libya have shown lack of transparency. Efforts to obtain detailed information about the implementation of the MoU, including financial expenditures, have been met with resistance. In words of the Association for Legal Studies on Immigration (ASGI),

“The lack of prior control (of the MoU) over the activities to be carried out, without requiring any guarantees, without transparency obligations and without prior risk assessment, have in fact exposed refugees, women victims of trafficking and unaccompanied minors to repatriation to their countries of origin where their safety may be at risk.”²⁶²

²⁶⁰ Medici Senza Frontiere. 2022. [Italy-Libya agreement: Five years of EU-sponsored abuse in Libya and the central Mediterranean | MSF](#). Project Update. Accessed on August 21st, 2025

²⁶¹ Fondo Asilo Migrazione E Integrazione (FAMI). n.d. Ministero Dell'Interno. [Fondo asilo migrazione e integrazione \(Fami\) | Ministero dell'Interno](#). Accessed on August 21st, 2025

²⁶² Associazione per gli Studi Giuridici Sull'Immigrazione. [Appeal to the Italian Government, to UNHCR and IOM for the immediate withdrawal of the Italy-Libya Memorandum | Asgi](#). 2022. Accessed on August 21st, 2025.

With this statement, ASGI appeals against the government's refusal to disclose information about the financial resources used under the MoU. While the country invests heavily in border control in Libya, it neglects integration and protection within its own borders. While efforts are being concentrated on indirectly creating conditions for heavy human rights violations, migrants cannot access safe, legal routes or adequate support once in Europe.

Having said that, it is not a coincidence that the environment around the MoU is currently full of tension. Several NGOs, such as Amnesty International, the ECCR itself, and Refugees in Libya are urgently appealing for stopping the Memorandum, alleging that it is supporting torturers, giving them impunity and demanding urgent alternatives.^{263 264 265} In addition, such tension between Italy and Libya also manifested at the diplomatic level, when in July 2025, the Italian Minister of the Interior, Matteo Piantedosi, was declared “*persona non grata*” and expelled from Libya following a visit to Benghazi to discuss border control measures. The expulsion of a high-ranking official highlights the fragility of this cooperation, and the political-driven interests to curb irregular migration, even if states are key partners.²⁶⁶

In conclusion, the MoU institutionalizes irregular migration paths. Italy, in particular, in its desperate intent of stopping irregular migration flows, is fueling the chain we explained in the previous section. Human smuggling is not an independent market; it is not a business that emerged out of illegal demands. It is a direct and responsive proof of policy failure. As we have continuously seen throughout this chapter so far, when safe, legal, and well-supported pathways are absent, demand for smuggling rises. The same occurs with restrictive

²⁶³ Amnesty International. 2018. [A year after Italy-Libya migration deal, time to release thousands trapped in misery](#). Accessed on August 21st, 2025.

²⁶⁴ Refugees in Libya. 2017. [STOP THE MEMORANDUM ITALY-LIBYA](#).

²⁶⁵ European Center for Constitutional and Human Rights. June 20, 2025. [End the Italy-Libya Memorandum: A Campaign Against Deaths, Pushbacks and Abuse](#). ECCHR. Accessed on August 21st, 2025.

²⁶⁶ Giornale Radio. July 9, 2025. [Il ministro dell'Interno Piantedosi respinto dalla Libia e accusato di ingresso illegale](#). . Accessed on August 21st, 2025.

measures such as the Memorandum of Understanding, and even when human rights protection is far from being prioritized.

The delegation for migration control to a third country, qualified as a “safe country,” guided just by political interests, and almost by a hegemonic ideology, generates a risk ecosystem where smugglers succeed. Furthermore, Italy’s financial prioritization of border enforcement over migrant integration creates structural conditions that encourage migrants to rely on smuggling networks. Thus, human smuggling is not an accidental phenomenon but a symptomatic outcome of current migration policies.

5.3.2. Italy–Albania: Detention Beyond Borders

The 2023 Italy-Albania bilateral agreement is perhaps the sharpest example of how externalization policies have moved away from “crisis responses” and become instead a permanent feature of migration governance. Under the agreement, roughly 36,000 refugees each year will be moved out of Italy to detention and reception centers in Shëngjin and Gjader, which, despite being in Albania, will be under Italian control and subject to Italian law.²⁶⁷ This agreement was held in secret until the last minute, which developed skeptical opinions about its transparency and intention.

At face value, the agreement is framed in pragmatic terms: Prime Minister Giorgia Meloni has consistently justified it as a mean to ease pressure on “Italy’s hospitality system,” to fight smugglers, and to shape a “model” to the rest of Europe.²⁶⁸ And yet that rhetoric hides the deeper rationale of externalization as abdication. In transporting asylum seekers outside its own borders, Italy is not solving the “crisis” but moving it, generating detention outside borders that replicates rather than mitigating human rights dangers.

²⁶⁷ Bushati, R., & Furramani, E. (2024). [Potential Effects and Concerns of the Agreement Between Italy and Albania on Managing Migratory Flows](#). *Journal of Liberty and International Affairs*, 10(3), 28-43.

²⁶⁸ Giorgia Meloni in one of her discourses about the Italy-Albania Agreement. See more [here](#)

Policy analysis converges on the central design choice: the Protocol manufactures a “non-entry” fiction, where individuals are physically intercepted and detained, but are to be treated as though they never reached the EU. This move, precisely to limit the scope of EU asylum law and judicial supervision. As Giordani writes, this is a slide “from the fiction of non-entry to functional entry” : in reality, Italy is exercising public powers over persons (admission, detention, status determination), but it tries to escape from the full set of EU obligations by moving acts inside Albania. Carrera et al. are even more critical, referring to the Protocol as “a worst practice” in extraterritorial migration control.²⁶⁹

This is not a new model, but extends the blueprint of Australia’s infamous offshore processing centers in Nauru and Manus Island, characterized by rights abuses and impunity.²⁷⁰ As a matter of fact, the transplantation of Italian law in Albania creates a new legal no-man’s land, in which it is more challenging to guarantee respect for fundamental rights, impose control-skilled, give refugee status, and where those claims hang in the air. The European Court of Human Rights has addressed the issue of extraterritorial effectiveness, on the basis of Art. 1 of the ECHR of the so-called *effective control*, “according to which state activities conducted abroad or with respect to subjects located abroad determine the responsibility of contracting states if they are carried out under the effective control of the former”.²⁷¹ However, what we experience as “effectiveness” in the Protocol, in controlling the flows, is really the calculated invention of spaces of exception where accountability becomes dark and infractions the norm.

Nonetheless, under an international legal lens, a territorial shift does not mean a legal vacuum. That is, that before International Human Rights Protection’s eyes, it is not about the “geography,” but the jurisdiction itself. In

²⁶⁹ Carrera, S., Campesi, G., Colombi, D. [“The 2023 Italy-Albania Protocol on Extraterritorial Migration Management - CEPS.”](#) 2023. CEPS. December 7, 2023. Accessed on August 21st, 2025.

²⁷⁰ Human Rights Watch. 2022. [“Australia: Appalling Abuse, Neglect of Refugees on Nauru.”](#) October 27, 2022. Accessed on August 21st, 2025.

²⁷¹ Article 28-bis(4) of Legislative Decree No 25 of 28 January 2008.

simpler words: When a state falls within the effective exercise of power over people, or premises abroad, its duties follow. Extraterritorial acts by a state in the exercise of its authority, engage Convention duties. Under this logic, the European Court of Human Rights (hereinafter, ECtHR) has held for a long time that extraterritorial acts of a State in the exercise of its authority also commit Convention duties (e.g., *Hirsi Jamaa v. Italy*).^{272 273}

Furthermore, the Italy-Albanian model, under Italian command, Italian procedures, Italian officers, makes it difficult to deny Italy's "functional sovereignty" over bodies in these places. There is no neutralization of jurisdiction for such ECHR, ICCPR, CAT, or core EU-Charter safeguards when trying to warehouse asylum processing on the other side of the Adriatic.²⁷⁴ In fact, several laws and instruments could be at risk under the current Protocol.²⁷⁵

All of this matters because it gives the feeling of legitimization for ethical-troubling measures. A clear example of this is the recent official address of Prime Minister Meloni, which explicitly mentions "the problem of migration," framing it as a threat to the state, not "rights of individuals".²⁷⁶ The Protocol operationalizes this discourse: The objective is the Italian border, not migrants in need of protection.

As a conclusion, the outcome is currently discussed in the research: Narrowing the access to EU territory even before arriving, at the same time of closing legal pathways, increases the payoff for smuggling. The Protocol accelerates detention and returns offshore, and as a result, disperses routes toward more clandestine, dangerous crossings, putting migrants in highly risky

²⁷² Article 1 (obligation to respect human rights) of the European Convention on Human Rights (ECHR): "The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention."

²⁷³ European Court of Human Rights. [Extraterritorial Jurisdiction of States Parties to the ECHR \(Factsheet\)](#). Strasbourg, 2018: 11. Accessed on August 22th, 2025.

²⁷⁴ Sarah Miller, [Revisiting Extraterritorial Jurisdiction: A Territorial Justification for Extraterritorial Jurisdiction under the European Convention](#), European Journal of International Law, Volume 20, Issue 4, November 2009, Pages 1223–1246. Accessed on August 22th, 2025.

²⁷⁵ See [Appendix 12](#)

²⁷⁶ Vista Agenzia Televisiva Nazionale. 2025. ["Giorgia Meloni: 'Porteremo i Migranti in Albania, Siamo Determinati a Superare Ogni Ostacolo.'" : 2:50](#). Watched on August 22th, 2025.

situations, ‘remaining in the Albanian territory in a condition of irregularity’ given their great need for work. Finally, as Giordani describes in her claims to the Protocol, ‘an additional outcome of the production of irregularity in this specific case would be the increasing number of migrants trying to leave Albania for other countries via routes old and new, increasing the human smuggling flows.’²⁷⁷

5.4. Decrees and Internal Law

Our legal and policy analysis would not be complete without delving into Italian Internal Law. Its development went through a series of changes that shaped irregular migration and its behavior in the country. In this section, we are going to explore the particularities of such systems, shaped more by electoral cycles and EU pressures than by a rights-based agenda.²⁷⁸ In this way, we can understand the development of human smuggling from a legal and more specific perspective.

The main Italian particularity in migration studies is its shift in the 70’s from workload makers to a host country, due to the economic growth it experienced during those years.²⁷⁹ In the 80s, it showed that the population had increased significantly due to the return of emigrants and the arrival of immigrants, and that, for the first time, the number of people present exceeded the number of registered residents, which suggested the presence of irregular migrants.²⁸⁰ As a consequence, the first measures regarding migration started to shape its legal framework.

5.4.1. From governance to deterrence

From a historical approach, the development of the contemporary Italian legal framework was shaped in a context of administration and rule of law. Since 1998, Italy’s modern framework has started by coupling entry control with administrative detention and return. One of the first laws that shaped migration

²⁷⁷ Giordani:12. 2024.

²⁷⁸ Campesi, G., & Fabini, G. (2020). Immigration Detention as Social Defense: Policing ‘Dangerous Mobility’ in Italy. *Theoretical Criminology*, 24(1), 50–70.

²⁷⁹ Venturini, Alessandra, “Italy in the context of European migration”, *Regional Development Dialogue*, vol. 12, n. 3, 1991.

²⁸⁰ Ortega, Elisa. 2013. [La consolidación histórica de la migración irregular en Europa: leyes y políticas migratorias defectuosas](#). UNAM. Accessed 23 August 2025

legislation was the 40/1998 law, also known as the “Turco-Napolitano” law. This law institutionalized reception and expulsion and set the template for detention in specialized facilities such as the *centri di permanenza per il rimpatrio (CPR)*.

It is from this historical point onwards that irregular migration has been introduced as a matter of protection, given that this law legitimizes confinement as a routine measure, rather than as an exception to the rule. Furthermore, it has been the first time that a law has enabled the seizure of vessels. This is one of the first steps towards the criminalization of facilitation of irregular entry (Art 12).²⁸¹

Under this lens, it is worth citing Alagna in his interview with Melting Pot Europe, “*Non chiamiamogli scafisti*” (Do not call them smugglers), when he argues that the phenomenon of smuggling is not a new or isolated issue but a direct consequence of the border control policies. In his words, “the moment a territory is created with rules about who can and cannot cross, unauthorized crossings will inevitably emerge. Subsequently, individuals who help facilitate these crossings, known as smugglers, will also appear.”^{282 283}

In this sense, it is from the very roots of Law 40/98, which treats irregular migrants as a threat rather than as subjects of law, that the migrant market has sought ways to cross borders through migrant smuggling. As Alagna says, “If we don't open even just a little bit of the entrance door, we can't be surprised when all the unfortunates of the planet enter by force through the windows.”²⁸⁴

Further modifications were made to the 40/1998 law four years later. The 189/2002 Law (Bossi-Fini) reformed the first one by tying residence permits to pre-existing work contracts and expanding expulsion powers.²⁸⁵ With this

²⁸¹ Italy: Law No. 40 of 1998, [Provisions Governing Immigration and Regulations Concerning the Status of Foreigners](#), 6 March 1998. Accessed 23 August 2025

²⁸² Alagna, Federico. April, 2024. [Non chiamiamoli “scafisti”](#). Melting Pot Europe - Radio Melting Pot. Accessed on August, 22 2025.

²⁸³ Translated from Italian

²⁸⁴ Ibid.

²⁸⁵ NORMATTIVA. [LEGGE 30 luglio 2002, n. 189 - Normattiva](#)

change, migrants who were already in the territory but had lost their jobs found themselves in an “illegal” status, thus increasing vulnerability and, sooner or later, reliance on clandestine entry for future arrivals. Hence, the law was less about dismantling smuggling rings and more about drawing a line between “desirable” (for being economic contributors) and “undesirable” (irregular) migrants. Parallely, smuggling was not addressed as a complex transnational economy but reduced to a policing issue. As a result, smuggling began to become profitable, since the lack of regular channels inflated demand for clandestine services.

Most importantly, the 189/2002 law introduced several elements that shaped migration law in Italy to this day. Some crimes are illegal entry, punished with expulsion, the non-convertibility of a special protection residence permit into a work permit, rejection in extraterritorial waters, and even the retention of unaccompanied minors in adult reception centers. Critics argue that the law is ideologically biased and counterproductive, as it criminalizes migrants and not only denies their entry, but also systematically generates illegality for those who are already in the territory.²⁸⁶ This focus continues to shape migrants' vulnerability until now, since they are labeled as “non-persons” in the eyes of the law, a legal void that increases discretionary police decisions. For instance, one of the most affected sectors would be women working as caregivers and domestic workers, where 7 out of 10 are migrants.²⁸⁷

The campaign *Ero Straniero* shares this critique. According to the NGO, Italy's immigration system “lacks viable legal pathways for third-country nationals to enter for work.” This absence “renders the system structurally dysfunctional,”²⁸⁸ as it ineffectively matches policy with the country's economic

²⁸⁶ ACE Times. 2024. [“Punti Di Maggiore Criticità Del Testo Unico Sull’immigrazione \(D.lgs. 286 1998 Come Modificato Dai Successivi Interventi\),”](#) September 23, 2024. Accessed on August 22, 2025.

²⁸⁷ Valentina. 2024. [“Legge Bossi-Fini: Cosa Prevede E L’Impatto Sull’Immigrazione.”](#) Casa Della Carità. July 30, 2024. Accessed on August 22, 2025.

²⁸⁸ Misculin, Luca. [“Il Vero Motivo per Cui L’immigrazione in Italia Non Funziona – Ero Straniero.”](#) n.d. Accessed on August 22, 2025.

demand for migrant labor, perpetuating irregularity. Indeed, Italy hosts 600,000 people without any permit. That is one person for every 100 regular residents.²⁸⁹

Similarly, Ero Straniero's 2024 monitoring report reveals that in 2023, demand for work-entry permits vastly out surpassed available quotas with 462,422 applications, with just 82,705 quotas available. As a consequence, only 23,52% of those applications actually secured a stable, regular job and permit.²⁹⁰

5.4.2. 2015-2017: Procedural acceleration and detention expansion

The legal framework governing migration and smuggling would have remained unchanged had it not been for the crisis of 2015. In the middle, a couple of relevant instruments had already been enacted, such as Law 94/2009, better known as the "Security Package," and Law 89/2011, which extends the maximum period of stay in a CPR.²⁹¹ However, these do not represent major changes to the migration spectrum, or the Bossi-Fini law, which still forms the legal framework within which Italy operates today.

The context, though, demanded changes. That's how, in 2015, with the so-called migration crisis, a logic of acceleration and containment started in Italy. In 2017, the "Minniti-Orlando" decree, bearing the names of back-then Interior Minister Marco Minniti and Justice Minister Andrea Orlando, contained "urgent provisions for accelerating procedures relating to international protection, as well as measures to combat illegal immigration."²⁹² According to statements by the ministers themselves, the decree stemmed from the government's need to speed up the procedures for examining appeals on asylum applications. On the other hand, the government wanted to increase the rate of expulsions of irregular migrants.

²⁸⁹ Ibid.

²⁹⁰ ["Nel 2023 Solo Il 23,5% Di Chi È Entrato in Italia per Lavorare Ha Ottenuto Contratto Regolare E Documenti – Ero Straniero."](#) May, 2024. Accessed on August 22, 2025.

²⁹¹ Merlino, Massimo. 2009. [The Italian \(In\)Security Package](#). CEPS CHALLENGE Programme. Accessed on August 24, 2025.

²⁹² Redazione. 2017. ["I Punti Critici Del Decreto Minniti-Orlando in Aula Al Senato."](#) Internazionale, March 28, 2017. Accessed on August 24, 2025.

The decree had four main points: the abolition of the second instance of judgment for asylum seekers who have appealed against a rejection, the abolition of hearings, the extension of the network of detention centers for irregular migrants, and the introduction of voluntary work for migrants. In the first instance, the then called “summary proceedings” will be replaced by chamber proceedings without a hearing, in which the judge views the video recording of the asylum seeker’s interview before the territorial commission. There is not cross-examination, and the judge is not be able to ask questions of the asylum seeker who has lodged the appeal.²⁹³

At first glance, these measures were framed as tools to improve “efficiency” and “speed.” However, they resulted in systematic restriction of fundamental rights. The new chamber replaced oral hearings, with recorded interviews, skipping cross-examination and the possibility for asylum seekers to answer judges’ questions.²⁹⁴ Scholars immediately pointed out that this decree is a multi-level violation. That is, the decree would not only be against human rights, but would also be unconstitutional, violating Article 111 of the Italian Constitution (right to a fair trial) and Article 24 (right to defense), and most worryingly, Article 6 of the ECHR, which covers the right to an adversarial procedure. Such mechanism contradicted the EU’s Procedures Directive (2013/32/EU, Art.46), which guarantees the right to an effective remedy through a full and fair examination of facts and law.²⁹⁵

Nonetheless, perhaps the most criticized measure was the expansion of detention capacity, renaming the CIEs (*Centri di identificazione ed espulsione*) as CPRs (*centri di Permanenza per il rimpatrio*) and multiplying them, aiming at twenty centers with 1,600 places.²⁹⁶ Despite the aim of being smaller or different, these centers have presented overcrowding, systematic violations, and a lack of dignity. For these reasons, several campaigns and petitions have

²⁹³ Ibid.

²⁹⁴ Global Detention Project. 2018. [Italy Immigration Detention Profile](#). Geneva, Switzerland. Accessed on August 24, 2025.

²⁹⁵ See more at [2013/32 - EN - Asylum Procedures Directive - EUR-Lex](#)

²⁹⁶ Internazionale. 2017.

been carried out in the last few years.²⁹⁷ The decree was therefore criticized for its ineffectiveness. Riccardo Magi, from Radicali Italiani, argues that without legal channels of entry, irregularity is reproduced structurally and smuggling blooms in the absence of alternatives. As Magi put it, “if the problem is security, the solution cannot be criminalizing migration; the solution must be expanding legal pathways.”²⁹⁸ This merges Alagna’s view and the thesis itself, where smuggling is the result of the lack of such pathways.

From a broader perspective, the Minniti-Orlando reforms illustrate how Italy framed migration as a security emergency, where efficiency meant cutting procedural rights, and control meant expanding detention. The focus was never on dismantling human smuggling or protecting migrants, but on border protection, and this approach, far from reducing smuggling networks, strengthened them and shaped vulnerability and danger within the journeys.

5.4.3. Salvini Decrees and the criminalization of NGOs

Following the timeline, one of the most critical changes was made under the Salvini decrees (2018-2019). These decrees made a huge securitarian turn, criminalizing humanitarian action, abolishing it, and narrowing the scope of legal residence, multiplying the cases of irregular migrants.²⁹⁹ Furthermore, they restricted access to reception facilities (SPRAR) and expanded the grounds for deportation and even citizenship revocation.³⁰⁰ Due to these regulations of extreme severity and excluding nature, thousands of migrants, including vulnerable populations like children and victims of human trafficking, were forced out of receiving centers and faced homelessness or unstable living

²⁹⁷ ASGI. 2017. [Lorenzo Trucco \(Asgi\) on Minniti-Orlando decree : “A wall of laws that limit the right to asylum”](#). Accessed on August 24, 2025

²⁹⁸ Billau, Andrea. [Immigrazione: intervista a Riccardo Magi sulle decisioni del Governo e sulle proposte di Radicali Italiani](#). January 10 2017. Accessed on August 24, 2025

²⁹⁹ Rosina, Matilde, and Iole Fontana. 2024. [“The External Dimension of Italian Migration Policy in the Wider Mediterranean.”](#) Mediterranean Politics 30 (4): 695–726. Accessed on August 24, 2025

³⁰⁰ Luigi Superadmin. 2018. [“New Legislation on Immigration, Asylum and the Granting of Italian Citizenship: Changes and Critical Aspects of the Salvini Decree Law.”](#) Italian Visa. May 27, 2025. Accessed on August 24, 2025

situations. In this sense, irregular migration was not reduced, and increased migrants' susceptibility to exploitation and abuse.

Matteo Salvini, Deputy Prime Minister of Italy, whose last name gave the name to the decrees, made a clear connection between these actions and the battle against people smuggling to justify such actions. Under his view, he described NGO rescue efforts as "pull factors" ³⁰¹ that promoted departures and made smuggling easier, diminishing the NGO labor, when they are almost the only ones to save migrants' lives. The infamous "closed ports" policy made it illegal for aid vessels to discharge rescued migrants, criminalizing solidarity.³⁰² However, as primary sources show, these actions failed to prevent departures from the MENA region; they just undermined protection.

Thus, by 2019, it was already clear that the Italian trend on migration policies and Internal law was pointing to an over-criminalization. Following it, Matteo Salvini faced a risk of 6 to 15 years in prison as he was charged with kidnapping and neglect of duty by preventing the NGO vessel Open Arms from docking in Lampedusa in 2019.³⁰³ Many among those rescued by the humanitarian vessel were reported to have suffered life-threatening forms of violence in Libya and present third-degree burns and gunshot wounds.³⁰⁴

Treating the rescue of migrants by NGOs as a crime further clarifies what has been said so far: there is no desire to protect the lives of migrants; there are "undesirable" migrants, and the laws that were fair for the Italian government at the time were designed to preserve this trend. From a blind perspective of exaggerated territorial protection, taking away the last hope that irregular migrants have of reaching Italian territory after having gone through routes full

³⁰¹ BBC. 2019. ["Italy's Salvini Shuts Europe's One-time Largest Migrant Centre."](#) July 9, 2019. Accessed August 24, 2025.

³⁰² Peretti, Alessia, and Sofia Mandilara. 2024. ["Italy's Salvini Risks Six Years in Prison in Migrant Rescue Prevention Case."](#) Euractiv, October 1, 2024. Accessed August 24, 2025.

³⁰³ Ibid.

³⁰⁴ RefugeeLawInitiative. 2020. ["When the Criminalization of Solidarity Risks Being Criminalized: The Case of Matteo Salvini - Refugee Law Initiative Blog."](#) Refugee Law Initiative Blog. August 27, 2020. Accessed August 24, 2025.

of violence, anarchy, abuse, and death is simply an inhumane decision. The criminalization of rescue, therefore, targeted those reducing deaths rather than creating secure pathways or dismantling smuggling, reducing investment in third countries, for example.

In conclusion, the Salvini decrees illustrate the paradox we are exploring at the heart of Italy's migration governance: the more protection is restricted, the more irregularity and smuggling expand. These securitization measures fuel smuggling not only by being restrictive but also feed irregularity within its own borders, subject to informal economies. Furthermore, with NGOs' exclusions, Salvini decrees created a monopoly over rescue for smugglers, at a higher risk and cost.

5.4.4. Contemporary migration law

Later on, although celebrated as corrective measures, in 2020, Lamorgese's reforms only partially reversed Salvini's measures. NGO fines were reduced, aiming to diminish what Tazzioli and Walters call the "criminalization of solidarity," prosecuted under the same law that punishes smugglers. Despite this reduction and a reintroduction of special protection, the securitarian infrastructure remained intact. Scholars describe this as "having betrayed the spirit of solidarity and humanity that underpinned the European integration process, being the first to violate human rights conventions and international law by carrying out illegal forced returns."³⁰⁵

More recently, the Piantedosi Decree in 2023 has further restricted NGO operations at sea, confirming that the securitarian turn under Salvini is a structural trend in Italy's migration governance. The decree obliges humanitarian vessels to head immediately to an assigned port after each rescue, preventing them from conducting multiple rescues in a single mission. Besides, ships are directed to distant ports in northern Italy, forcing long

³⁰⁵ Poli, Cecilia. 2021. [Il "Decreto Lamorgese": luci e ombre delle modifiche ai decreti sicurezza](#). Melting Pot Europa. Accessed on August 24, 2025.

navigation and delaying disembarkation.³⁰⁶ This is not a casualty, but a deliberate decision that reduces the capacity to save lives and jeopardizes survivors' mental and physical health by keeping them in such inadequate conditions.

And it is at this point that we find one of the many mechanisms already identified in this chapter: without rescue ships, the decree reinforces the logic of the smuggling market: migrants are left with no alternatives, forcing them to rely on these networks, which, thanks to their desperation, can reap financial benefits. Every decision, every penny, and every migrant, every customer. All of this is driven by the closure of legal and humanitarian routes. For this reason, the decree institutionalizes abandonment and becomes an accomplice in the production of irregularity and danger on the routes to Italy.

5.5. Chapter Conclusions

After analyzing the laws relating to smuggling in the international, European, and Italian contexts, a logical question arises: Has Italy ever been pro-rights for irregular migrants?

In the case of Europe, border protection has been the priority on its agenda, with three fundamental pillars that shaped the structure: criminalization, securitization, and externalization, accelerating processes to the point of diminishing fundamental protections, biased by supremacy and political interests. In this way, they systematically built smuggling as we know it today, including financing countries that were deliberately classified as “safe” (just for migrants), not as a protective measure, but as a political strategy.

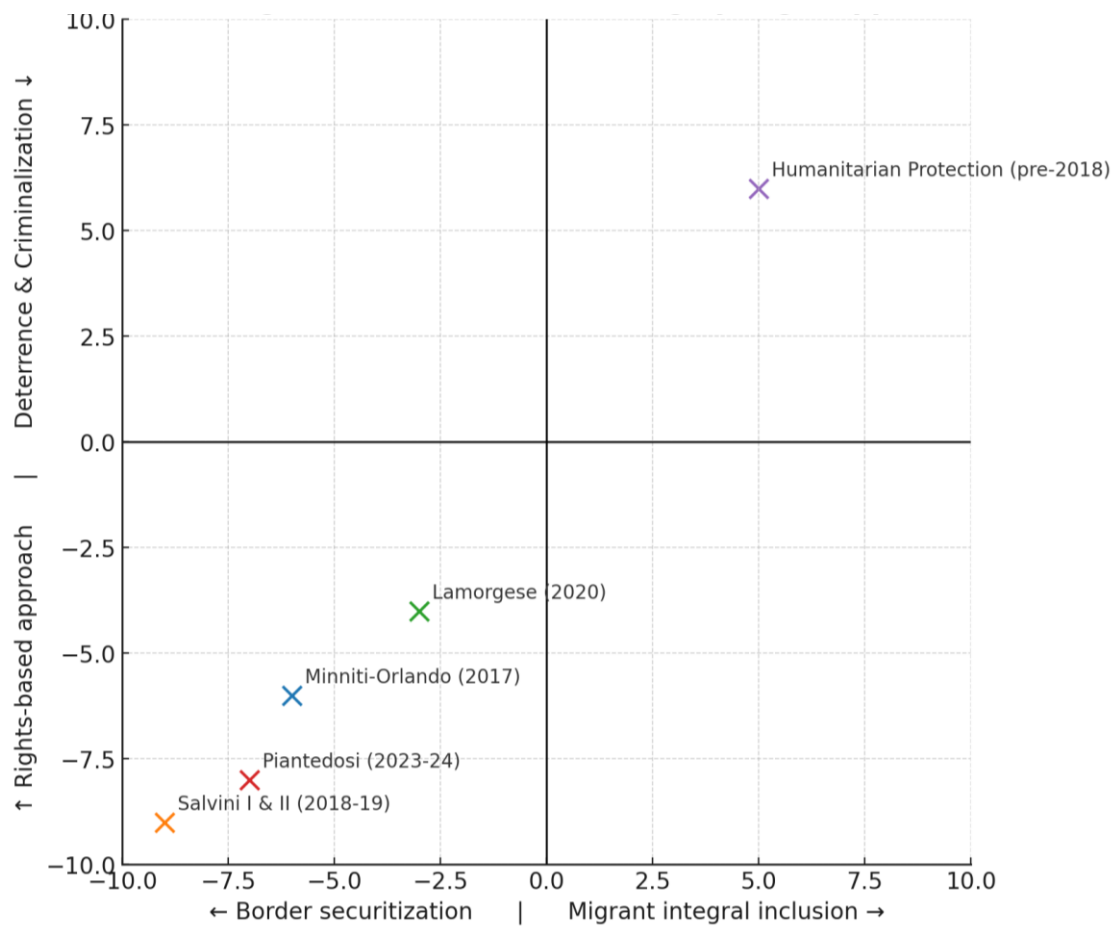
On a more local level, we can see that there were, in fact, some occasional protective measures, such as the reinstatement of humanitarian permits, but ultimately, these remain fragile exceptions. They functioned more as tools for political

³⁰⁶ Frerotte, Naomi, and Naomi Frerotte. 2023. “[Piantedosi Decree: The Price of Disregard for Maritime Law.](#)” SOS MEDITERRANEE. November 25, 2023.

negotiation within the European Union, rather than focusing on migrants and their rights. Their constant changes and reforms demonstrate this, always subject to the government in power, thus showing the country's unwillingness to establish a path toward protection and a more inclusive agenda for migrants.

For a more graphic view and a summary of specific policies, we can create a double-axis diagram:

Figure 17. Italian Migration Decrees positioned by a legal approach



Source: Author, 2025.

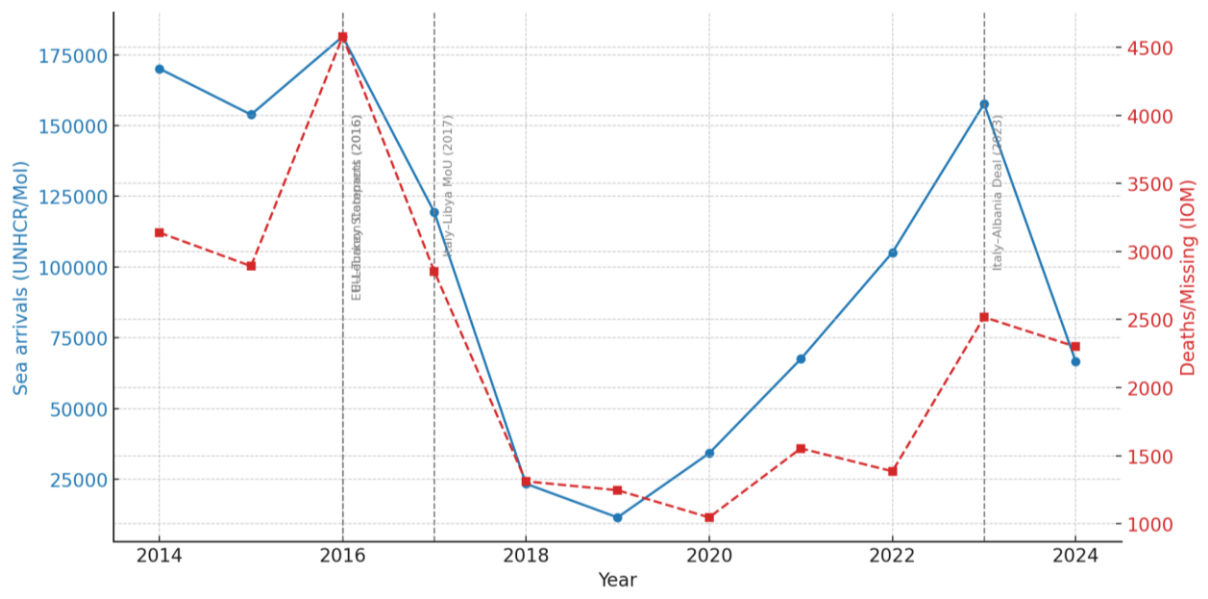
As shown in the diagram, most Italian decrees cluster in the bottom-left quadrant, that is, securitization + criminalization. Lamorgese's “correction” is positioned on a higher level of rights-based approach, but never reaches a consistent level, and, finally, we can appreciate that there is no real shift to inclusion and rights.

Nonetheless, irregular arrivals fluctuate in response to a wide range of factors, such as bilateral agreements, regional instability, and political events, and for that it

would be a mistake to attribute smuggling just to these changes. However, internal law plays a crucial role in determining whether arrivals are managed by legal channels or pushed into smuggling. Therefore, the aim is to demonstrate how strict legal frameworks are often associated with an increased reliance on smuggling, rather than to claim a direct causal relationship.

Having said so, the analysis could be completed through the following graphs, showing the sensitivity of irregular arrivals to policies.

Figure 18. Irregular Sea Arrivals vs. Deaths/Missing (2014-2024): Key EU and Bilateral agreements



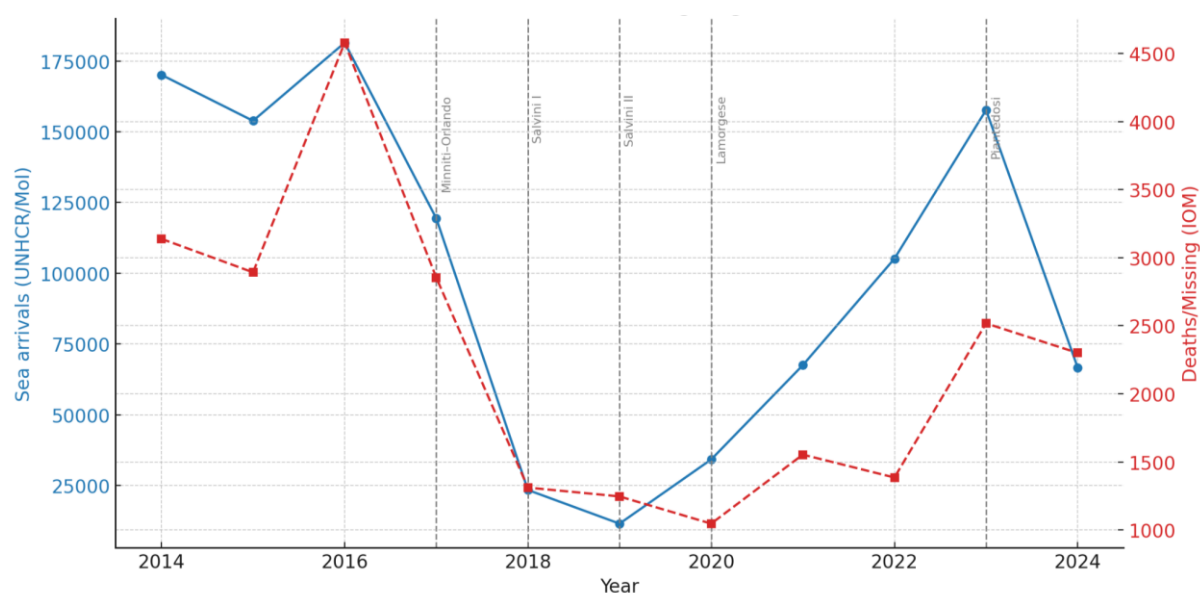
Source: Author based on UNHCR data. 2025.

This graph illustrates the sensitivity of non-binding agreements analyzed in the chapter, as well as the number of arrivals (blue line) and the number of deaths (red) in the Mediterranean. Despite their reduction in arrivals, the number of fatalities remains. Even though we can see a decline after 2016, it would be a mistake to attribute it solely to EU measures, such as EU-Türkiye and EU-Lebanon, the same year, but also to NGOs' operations and SARs. What we can assume instead is that even though these measures have been taken, the number of arrivals remains and is increasingly growing. In fact, from 2019 onwards, the number of arrivals escalated, and routes are

becoming more life-hazardous, with the space between arrivals and deaths covered just by NGOs rescued, which, as we have seen, have been criminalized.

The same happens within the case of Italian internal law:

Figure 19. Irregular Sea Arrivals vs. Deaths/Missing (2014-2024): Italy



Source: Author based on UNHCR data. 2025.

Like the previous one, this graph illustrates the reactivity of arrivals in Italy via the Mediterranean route; however, this time the vertical lines represent the decrees and internal laws analyzed in the chapter. In this sense, it is even more evident how the arrival of irregular migrants on Italian shores (especially with the so-called “Salvini Decrees”) can even be rendered harmless by such measures. In fact, as evidenced in 2019, these decrees can be interpreted in the graph as another factor in making the Central Mediterranean route more lethal, as we had already anticipated in the analysis in this chapter.

In conclusion, the findings of this chapter reveal a paradox at the heart of Italian and European migration governance: the more states invest in deterrence and externalization measures, the more smuggling adapts and grows. In this way, securitization trends made irregular channels deadlier, binding Italy to a cycle where rights are consistently traded for the illusion of control. This sets the stage for Chapter

VI, where the focus shifts from policies to the political discourse and public perception, thanks to this “migration performance” played on Italian borders.

CHAPTER VI: PUBLIC PERCEPTION & POLITICAL DISCOURSE ON SMUGGLING AND IRREGULAR MIGRATION

At the opening of the 2023 International Conference on Mediterranean Migration held in Rome, Prime Minister Giorgia Meloni addressed leaders from across the region, emphasizing shared interests and the need for “coordinated efforts to fight the network of traffickers.” She insisted migration was not merely a European issue but one of human dignity.³⁰⁷ The tone of this concern revealed a contradiction: It highlights human solidarity, but it reinforces the image of migrants as subjects of “protection.”

In the past chapters, we have examined the legal and political frameworks that shape migration governance in Italy to understand their role in shaping human smuggling. This chapter turns to the discursive and perceptual dimensions that underpin those frameworks. Politics are not a sphere that functions solely based on law; they are embedded in a broader narrative that constructs perceptions of migrants, smugglers, and “illegality” in particular ways and, as a consequence, shapes public opinion. In the Italian case, this interaction between political discourse and perception has been decisive in legitimizing deterrence-oriented policies while unrecognizing the structural drivers of irregular migration and human smuggling.

This chapter explores how terms such as *scafista*, “*smuggler*,” “*trafficker*,” and “*illegal migrant*” are often confused in political rhetoric and media, creating categories that criminalize people on the move, instead of those systems that push them to irregularity. This narrative confusion both distorts public understanding of migration and reinforces the idea of repression as the only answer. We are going to delve into some of these discourses and their reception in Italian society, highlighting how the perceptions of “emergency” and

³⁰⁷ France24. July 23 2023. [Italy's Meloni hosts conference on immigration with regional leaders](#). Accessed on August 25, 2025.

“invasion,” or “threat” persist even in moments of declining arrivals, which shows a significant gap between representation and reality.

In this way, Chapter VI argues that perception and discourse are not separated from policy but are constitutive of it. Beginning with the smuggler and the criminalization of people on the move, the chapter analyzes public narratives. Then it examines the use of stopping arrivals as a political instrument, situating them as a structural factor in the co-production of human smuggling, irregular migration, and associated human rights violations.

6.1. The ‘smuggler’ and its use in government’s narratives: The criminalization of migrants

As we have already seen in previous chapters, since the emergence of the so-called migration crisis, criminalization and deterrence were top priorities for the Italian government. Data from Associazione Antigone show an increase in the foreign prison population in Italy in 2017, peaking at just over 34% of the total prison population. Historical data confirm an increase in the foreign presence in prisons over the years, with percentages reaching high peaks.³⁰⁸

However, this data corresponds to the total number of foreign detentions, and available data does not distinguish between migrants and those accused of smuggling. It is from here that the distinction between smuggler and migrant becomes a reason for the criminalization of migration. The already cited report “From sea to prison” highlights that data is “not made public, making it desirable that a future research project could include their systematic collection.”³⁰⁹ This has direct implications for the lack of transparency for accountability and accurate policy assessment. As Alagna mentions, the inability to separate the alleged smugglers from other detained migrants

³⁰⁸ Verdolini, Valeria. [“Migrazioni E Criminalità Dentro E Fuori Le Mura.”](#) n.d. Associazione Antigone. Accessed on August 25, 2025.

³⁰⁹ ARCI Porco Rosso. [1. Dati | Dal mare al carcere.](#) Accessed on August 25, 2025.

reinforces the conflation between the two categories, thereby legitimizing narratives that depict freedom of movement as a crime.³¹⁰

For that reason, for public opinion, it becomes even more challenging to distinguish between irregular migrants and smugglers. This, far from being a coincidence, is an ethical void: the first one is in need of protection, while the second one risks 8 to 20 years of prison, according to Art. 601 of the Penal Code and Art. 12 of the TUI.³¹¹ Even though a state of necessity should exonerate them under Article 54 of the Penal Code, convictions are frequently the result of judicial discretion and the challenge of demonstrating coercion in court. The end effect is a narrative and legal framework that criminalizes migration by using the smuggler as a metaphor.

This indistinction does not seem to be a problem for media discourse. On the contrary, newspapers and online outlets often reinforce it by publishing photos of arrests of so-called *scafisti*, presented as if they were dangerous criminals. Such is the case of the newspaper “La Spia,” which in March 2023 reported the arrest of alleged smugglers in Pozzallo, even reproducing images provided by the police and presenting them as proof of success in the “fight against smugglers.”³¹²

Another example is the coverage in *Il Giornale* of Italy’s 2018-19 migration policy shift. The article reports an 80% reduction in arrivals and frames it as a triumph of “closed ports” and the reduction of NGO operations, painting a picture of smugglers in crisis.³¹³ However, this interpretation is misleading and simplistic. Scholarly evidence reveals that such measures produce indirect effects, such as the adaptation of routes and the restructuring

³¹⁰ Alagna, Federico. 2024. [Migrant Smuggling and the Criminalisation of Migration in the EU](#). European Administrative Governance.

³¹¹ Camera dei deputati. 2007. [Disposizioni in materia di contrasto al favoreggiamento dell'immigrazione clandestina](#). Accessed on August 25, 2025.

³¹² Redazione. 2014. [“Pozzallo, Polizia Arresta Due Scafisti. Avevano Finto Incidente in Mare per Fuggire Alla Cattura”](#) - .: La Spia .: Contro Ogni Forma Di Mafia.” .: .: La Spia .: Contro Ogni Forma Di Mafia. October 20, 2014.

³¹³ Sarra, Chiara. 2024. [“L'Italia Chiude Porti, Gli Scafisti Cambiano Rotta: Cala Il Traffico Dalla Libia.”](#) *ilGiornale.it*, November 14, 2024.

of networks, rather than directly stopping smuggling itself.³¹⁴ For that reason, what is presented as a policy achievement may actually be a shifting of responsibilities imposed on the population. In this way, the media serves to solidify a political narrative of control and deterrence, even if the most latent problems are still present. Measures that, as we saw before, are legally questionable and ethically controversial become a legitimate silencing of human costs.

Thus, the media reproduces the narratives already constructed by the state, while also contributing to the public spectacle of criminalization. Thereby, transforming judicial processes into a form of political communication. This, in addition to connecting with the concept of “border spectacle” from chapter V, could also function as a kind of warning to future “smugglers.”

In this sense, the “scafista” narrative is one of the clearest examples of showing them as the government's enemy. According to Savatteri et al, more than 2,500 people were accused of being smugglers between 2013 and 2020, with numbers peaking at 770 in 2016.³¹⁵ Nonetheless, these arrests often conceal episodes of injustice. That is the example of Maysoon Majidi, an Iranian activist who was detained for months after being accused of smuggling merely because she distributed food and water on board. Marjan Jamali, also Iranian, was arrested and imprisoned despite being a refugee fleeing violence with her son.

And like those, the continuous spectacle of “scapegoating” is multiplying. Three young men from Benghazi, celebrated as promising soccer players and university students, were arrested and sentenced to 30 years in prison after being labeled as *scafisti* and complicit in the 2015 shipwreck that claimed 49

³¹⁴ Punzo and Scaglione. "Beyond borders: exploring the impact of Italian migration control policies on Mediterranean smuggling dynamics and migrant journeys." Trends in Organized Crime (2024). Accessed on July 14, 2025.

³¹⁵ Platini, Virginia et al. 2024. [“Gli Scafisti Sono Il Capro Espiatorio Del Governo.”](#) Scomodo. November 11, 2024.

lives.³¹⁶ Despite strong objections from their legal team and NGOs, which alleged that they were victims of a judicial system seeking someone to blame, their convictions stand, but are based on contradictions and rushed proceedings.

However, it seems that all these efforts to “combat migrant smuggling” that the government spreads in its speeches are somewhat slower when it comes to real terrorists. In February 2025, the Italian government refused to comply with an International Criminal Court (ICC) arrest warrant that exposed ‘deep-rooted hypocrisy’ in EU migration policy.³¹⁷ The case involved Osama Elmasry (also known as Almasri) Njeem, the head of the Libyan judicial police, who was detained in Turin on January 19 on an ICC arrest warrant for charges of torture, rape and sexual violence, murder, and persecution. Two days later, he was freed and returned to Libya on an Italian state plane, after a series of mistakes, contradictions, and justifications.³¹⁸

In this sense, these incongruences reveal a double standard: The judicial power and Italian law enforcement focus on low-profile migrants, often innocents, while real smugglers do not face accountability.

Such selective prosecutions raise a broader question: Is the objective really to dismantle migrant smuggling networks, or rather to maintain the appearance of a fight against smugglers, sacrificing innocents? The focus on detention, pictures, and quick convictions reinforces a narrative of control and deterrence. Still, neither the structural causes of irregular migration nor the impunity of those who profit most from them are addressed. In this way, the “smuggler” is not a real target of justice but a political and symbolic figure.

³¹⁶ Gennaro, Angela. 2022. [“Condannati Come Scafisti Ma Facevano I Calciatori in Libia. E Ora Puntano a Riaprire Il Processo per La Strage Di Ferragosto.”](#) Open, November 30, 2022.

³¹⁷ Libert, Julien. 2025. [“The Italy V ICC Row Exposes Deep-Rooted Hypocrisy in EU Migration Policy - CEPS.”](#) CEPS. February 27, 2025.

³¹⁸ [“Il Fact-checking Definitivo Della Versione Del Governo Sul Caso Almasri.”](#) February 7, 2022. Pagella Politica.

6.1.1. Captains vs. Smugglers: The collapse of distinctions

In view of the increases in penalties, the destruction of boats, and above all, the constant efforts of Italian policies to secure the borders, since 2014, smugglers have increasingly delegated the task of steering boats to people on the move themselves. Primary sources of this study confirm this affirmation:

“Some people without money are told, “Drive the boat and you go for free.” They give them a compass and say, “Head in this direction.” Not all of them are part of the organization; some are just desperate. In my case, I had the money and had made agreements with those leading my journey.”

Interviewee 2

As a result, thousands of migrants found themselves accused of smuggling simply because they held a rudder, helped with navigation, or were forced to such roles under threat. The majority of people arrested as smugglers in Sicily were actually alleged or forced smugglers with only weak or no ties to criminal networks, according to empirical research and court proceedings.^{319 320} This practice was made possible by the already discussed Article 12 of the Italian Consolidated Immigration Act (TUI), which, like the EU Facilitation Directive, makes it illegal to aid irregular entry regardless of financial gain or coercion.³²¹

For instance, the already studied government operation Sophia, officially framed as search-and-rescue (SAR), further contributed to this confusion by undistinguishing the line between humanitarian rescue, border control, and law enforcement. Within this logic, “smugglers” became the perfect ‘scapegoat’ to

³¹⁹ Borghi, L., & Biondo, A. (2017). Country report Italy. In S. Bellezza & T. Calandrino (Eds.), *Criminalization of flight and escape aid* (pp. 168–201). borderline-Europe, Menschenrechte ohne Grenzen e.V. Accessed on August 25, 2025.

³²⁰ Oxfam Italia, Borderline Sicilia Onlus, & Tavola Valdese. (2016). [Presunti scafisti: Le vittime invisibili del traffico di esseri umani](#). Progetto #OPENEUROPE. Accessed on August 25, 2025.

³²¹ Alagna, Federico (2024a). [From smuggled migrants to ‘alleged smugglers’](#): Empirical evidence and policy perspectives on the criminalization of people on the move in Italy. *International Migration*, 62(2), 215–231. Accessed on August 25, 2025.

shift the blame onto shipwrecks and deaths and away from restrictive border, asylum, and migration policies, which were even (paradoxically) enhanced.’³²²

Several cases of this nature occurred in Italy, becoming highly mediatic and controversial due to their high ethical content and the contradictions mentioned above. That is the case of Mohammed, a guy originally from Freetown, Sierra Leone, who arrived in Italy in 2016. As the cabin attendant on the ship, he was recognized by all the migrants as one of the smugglers and was arrested, taken to prison in Palermo, and then to the one in Enna, where he spent three years awaiting trial.

*"I had gone to Libya to work, but the situation in the country was terrible, so I decided to leave. I paid some traffickers, some Libyans. [...] While we were in line, they chose me, made me step out of line, and told me I had to help the captain," he says. "I had never driven a boat in my life."*³²³

His case was ultimately resolved in April 2022 when the Palermo Court of Appeal confirmed that Mohammed had operated the ship under duress from human traffickers who were still on the ground in Libya.

The same source tells the story of a twenty-year-old who had arrived in Sabrata, Libya, from Dakar, Senegal, when the Libyans forced him to take the helm of a fiberglass motorboat.³²⁴ Boubou Dieye (a pseudonym to protect his identity) was arrested upon arrival at the port of Palermo, despite explaining that he had been forced to drive it.

This detention-oriented strategy has little impact on migrant smuggling, given that smugglers rarely take charge of steering the boat, as they know that doing so involves a high risk, either of losing their lives or of being arrested upon

³²² Alagna, Federico. 2024. Migrant Smuggling and the Criminalisation of Migration in the EU. European Administrative Governance. Accessed on August 25, 2025.

³²³ Camilli, Annalisa. 2023. ["Chi Sono Davvero Gli Scafisti."](#) L'Essenziale, March 19, 2023. Accessed August 26, 2025.

³²⁴ Ibid.

arrival. Generally, these individuals are migrants who have no knowledge of boats and must learn how to operate them to save the lives of those on board.

*"Often, those who pilot the boats are not part of the criminal network that organized the journey: those who pilot them don't make a profit; at best, they are migrants who don't pay for the trip. Criminalizing the smuggler means failing to understand the complexity of the migration phenomenon."*³²⁵

As the cases of Mohammed and Bouba Dieye, thousands of cases serve as an example of how the blurring of the lines between captain and smuggler contributes to the criminalization of migration in general. Rather than tackling the structural factors that push people to travel irregularly, like the lack of safe routes, European externalization, and Italian law enforcement, they turn vulnerability into guilt. In fact, one out of every 300 disembarking passengers is charged and found guilty of "boat smuggling." Some have never even touched the helm of a rubber dinghy, while others have steered the vessel under threat and coercion. Still, others have done so as payment for navigating the Mediterranean and possibly saving their fellow passengers.³²⁶

At this point in the research, we saw how the EU's general approach to migration over the past few years has primarily been motivated by the need to secure the EU's external borders. Neither the Facilitation Framework Decision nor the 2002 Facilitation Directive refers to "human smuggling" but instead to the "facilitation of irregular migration". Hence, this framing makes clear that the ultimate wrong targeted by the law is not the exploitation of migrants, but their act of irregular entry.

Under Art. 1 of the Facilitation Directive, "assisting" a migrant to enter or stay irregularly does not even require proof of financial gain. Instead, it defines it as "any person who intentionally assists a person who is not a national of a Member State to enter, or transit across, the territory of a Member State".³²⁷ In

³²⁵ Montella, Tatiana for L'Essenziale. March 19, 2023. Roma Tre University legal clinic.

³²⁶ "[Capitani Coraggiosi](#)." 2025.

³²⁷ [Directive - 2002/90 - EN - EUR-Lex](#). Art. 1 (a). 2002.

practice, this means that the moral content of the facilitator's behavior is treated as secondary. The Directive thus adopts what Carrera and Guild call a "complicity approach." That is, smuggling is only criminalized because it is perceived as complicity in irregular migration, the "real wrong." According to this reasoning, migrants are not viewed as victims who require protection but rather as the ultimate perpetrators of the crime that needs to be stopped.

This framing would explain why cases like Bouba, Mohammed, and others can result in arrest and conviction for simply steering a boat. Again, it reinforces the already mentioned term of border spectacle, where "facilitators" are used to show they are "fighting human smuggling" while the reality is that their own legal structure is oriented towards deterring migration itself. Hence, there is strong evidence that there is a deeper similarity between Italian practice and EU law: both criminalize mobility by the discourse of "fighting smugglers," using them as a tool, but, at the same time, ignoring the structural reasons for irregular migration.

6.1.2. Civil society responses

"Go, find me someone to blame!' That's what the commander told us to do!"

A language mediator working with the Italian coast guard ³²⁸

In response to such phenomena, several organizations gathered together to protest against this trend and raise their voice against the criminalization of migrants as "smugglers." Their advocacy not only shows individual resistance but also critiques at a structural level.

³²⁸ Melting Pot Europe. 2022. [I cosiddetti «scafisti» e il processo di criminalizzazione della migrazione](#). Accessed on August 26, 2025.

For instance, the campaign *Capitani Coraggiosi* (Brave captains) exemplifies the phenomenon of using migrants as captains. Launched by Baobab Experience together with lawyers and activists, the campaign calls for the revision of the trial of Alaji Diouf, a Senegalese immigrant who was wrongfully convicted of operating a dinghy in 2015 and sentenced to eight years in prison. As their report highlights, none of the passengers on Diouf's boat identified him as the "captain." For that reason, the accusation rested solely on the testimony of a man travelling on another vessel. Besides, his interrogations were conducted in languages he did not understand, a clear violation of his right to defense.³²⁹

Diouf's case, for Baobab Experience and civil society, does not represent an exception; it is a symbol of a broader pattern. In fact, in Diouf's sentencing, the Lecce Court of Appeal itself admitted that those arrested are not the organizers of the journeys; they remain 'safe on the Libyan coast', in reality, these 'other wretches who accepted this task to escape the situation they were in in their own country'.³³⁰ Stated differently, the campaign condemns Italy for using scapegoats to fill its jails while leaving the real profiteers unpunished and protected.

Melting Pot Europe reports that these events are a direct result of border closures. Alagna claims that people on the move are forced to take increasingly hazardous and difficult routes because it is impossible to cross Europe's borders legally and safely, which forces them to rely on organizations that transport and facilitate their crossing to the southern European coasts. Additionally, he notes that the strategy of entrusting a vessel to a migrant depends entirely on the route: the easier the route, the higher the probability of survival. Instead, if a border is highly controlled, it is more likely that smugglers will ask someone else to do their work.³³¹

³²⁹ Baobab Experience. 2023. [FINTI PROCESSI PER FINTI SCAFISTI: LA REVISIONE DEL PROCESSO PER CHIEDERE VERITÀ E GIUSTIZIA PER ALAJI DIOUF](#). Accessed on August 27, 2025.

³³⁰ Baobab Experience. 2023: 3. Accessed on August 27, 2025.

³³¹ Alagna, Federico. *Melting Pot Europa*. 2024. *Non Chiamiamoli scafisti*. Accessed on August 27, 2025.

In 2023, Arci Porco Rosso's "*Senza Frontiere*" annual monitoring report found that 177 people were arrested as alleged smugglers, almost all of whom were foreign nationals, with many held in pre-trial detention.³³² The same year, *Valigia Blu* denounced the methods commonly used to identify the so-called captains. After what is often a traumatic journey, migrants are asked only two questions upon disembarkation: "Who drove the boat?" and "Who is part of the crew?" No questions are asked about the conditions of departure, the organization of the journey, or any coercion or violation that may have occurred. Hundreds of people are arrested, and authorities only need a few passengers to point to the same person. Testimonies are frequently exchanged by promises of residence permits or other benefits, which civil society has condemned as a form of abuse of power.³³³ Meanwhile, real smugglers are still safe on their starting points.

Identification also relies on aerial monitoring, where a person's photograph or video next to an engine or holding a compass is enough to mark them as a "smuggler." *Valigia Blu* reports that such measures cause chaos during flights which has, on occasion, caused deadly crashes. The story of Bakary, for instance, shows the injustice of this approach. After disembarking in Taranto, he was photographed and later accused of being a smuggler, even though he had never touched the ship's wheel. He thought photographic evidence would help him prove his innocence, but it actually became the basis of his imprisonment.³³⁴

Civil society advocacy expressed by all these initiatives points to the same structural weakness in the anti-smuggling framework in the EU and Italy: There is a deep misunderstanding between migration and crime. What emerges from their work is a broader logic of governance that treats mobility itself as a suspect, represented by cases of injustice and individual trials of the deliberate

³³² Arciporcorosso. 2024. "[Senza Frontiere: La Criminalizzazione Dei Cosiddetti Scafisti Nel 2023.](#)" *Arci Porco Rosso*. February 6, 2024. Accessed on August 27, 2025.

³³³ Tallone, Virginia. 2023. "[Il Fallimento Delle Politiche Migratorie E La Criminalizzazione Degli "Scafisti"](#)." *Valigia Blu* (blog). April 6, 2023. Accessed on August 27, 2025.

³³⁴ Ibid.

methods taken. In this way, the “captains” (actually forced migrants) act as a smoke curtain, reinforcing the narrative of a relentless “fight against smugglers,” despite its stage nature on a terrain where border control is legitimized.

The roots of the EU’s smuggling fight were laid by the Facilitation Directive, which already inscribes this logic by defining smuggling as complicity in irregular migration, rather than as an autonomous crime against migrants. In other words, punishing the act of crossing as if it were the crime itself. The list is long: Judicial partiality, weak identification systems, pre-trial detentions, and coercing migrants to give their testimonies are just some of the anomalies of a system that criminalizes movement while presenting that as combating human smuggling.

For all those reasons, civil society interventions are not just valuable for exposing contradictions and systems’ flaws. They reframe the debate. Those imprisoned, flagged as smugglers, are in fact vulnerable individuals in need of protection who might qualify as victims of a series of human rights violations. This shift in the approach is crucial, since it suggests that the question is not if states are actually fighting against migrant smuggling, but rather what kind of political order is produced by a fight that targets the very people it claims to protect. Under this light, criminalization is not just a policy failure. It is a political strategy of spectacle that tightens with the discourse of “invasion” and “protection of the land.” In the next section, we are going to analyze these discursive narratives.

6.2. Public Narratives & Perception in Italy

Public narratives and perceptions surrounding human smuggling and irregular migration in Italy are not merely descriptive. On the contrary, they actively contribute to the sphere of irregular migration, serving as a stark indicator of systemic failures of migration policies. Specifically, some framing on the irregular migrant and the smugglers is often amplified by media and political discourse, inadvertently strengthening the operational frameworks of human smuggling networks, since they

create vulnerability and stigma among migrants.³³⁵ Furthermore, these narratives depict migrants as either victims or villains, diminishing the complexity behind migrants' journeys, and reinforcing state power in border control.

In Italy, migration is used as a symbolic “battlefield,” where national identity and the populist discourse of “protecting the country from migrants” are at stake. For that, public narratives have been key in shaping how Italians perceive migration and how these perceptions reinforce the very conditions that sustain smuggling networks. Influenced by far-right discourses, public discourse around human smuggling has framed migration primarily as a threat.³³⁶ However, this rhetoric is closely linked to the “great replacement theory,”³³⁷ a racist, anti-immigrant conspiracy theory that has inspired several mass murderers and been used by far-right activists to defend stricter immigration laws and more militarized borders. It is closely associated with “invasion” rhetoric.³³⁸

This is not an undeliberate decision. The construction of the smuggler and the migrant as a public enemy comes across a broader climate of criminalization of migration, not only by law but also through speech. Reports by international organizations have consistently denounced the increasing political and media discourse as contributing to xenophobia and racism. That is the case of the UN 2018 report, where experts already warned that legal changes and a “climate of hatred and discrimination, both against migrants and civil society” were threatening migrants’ rights in Italy.³³⁹ In addition, the University of Padua affirms that “since coming into power in June 2018, the new Italian Government has implemented the anti-migrant and exclusionary measures it campaigned upon.”³⁴⁰ More recently, the Council of

³³⁵ Ceccorulli, Michela. 2019. [“Così è \(Se vi Pare\)1: Talking Migration to Italians.”](#) The International Spectator 54 (3): 18–36. Accessed on August 27, 2025.

³³⁶ Repetto, Eric. 2021. [“So Far, yet so Close: Italian Parties’ Immigration Discourses During the Gentiloni and the First Conte Governments.”](#) Interdisciplinary Political Studies 7 (1): 199–239. Accessed on August 27, 2025.

³³⁷ Bauder, David. 2022. [“EXPLAINER: White ‘replacement Theory’ Fuels Racist Attacks | AP News.”](#) AP News. May 16, 2022. Accessed on August 27, 2025.

³³⁸ Modine, Hasalyn. 2024. [Immigration “Invasion” Rhetoric Has a Long, Ugly History - Boundless.](#) Boundless Blog. Accessed on August 27, 2025.

³³⁹ OHCHR. 2018. [Legal changes and climate of hatred threaten migrants’ rights in Italy, say UN experts | OHCHR.](#) Accessed on August 28, 2025.

³⁴⁰ UNIPD. [“UN Experts: Legal Changes and Climate of Hatred Threaten Migrants’ Rights in Italy.”](#) 2018. Centro Di Ateneo per I Diritti Umani. November 22, 2018.

Europe has criticized the country for “increasingly xenophobic policies, noting how migrants and asylum seekers are systematically used as a curtain for broader social insecurities.”³⁴¹

Moreover, media coverage often highlights police operations against alleged smugglers, using visual and rhetorical strategies that dramatize arrests as victories for national security. This, far from being just a sensationalist strategy, rarely investigates the structural realities of smuggling and, as a result, reinforces the archetype of the smuggler as a foreign criminal who preys on Italian borders.³⁴²

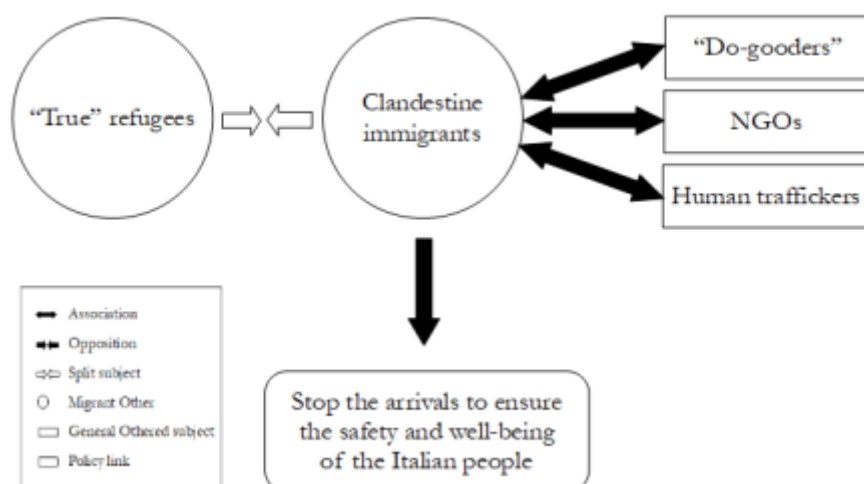
Repetto showcases this trend in his 2020 study, where he analyzed the primary focus on migrants’ images on political posts on Facebook from 2016 to 2019 by Italian main actors. In his analysis, Repetto found that even center-left parties like the Democratic Party (PD) and the populist Five Star Movement (M5S), while not using xenophobic language, framed migrants as a distant, abstract problem rather than as individuals with rights and lived experiences. This approach inadvertently legitimized the more hardline stance of the right-wing Lega party, which employs a more confrontational discourse.³⁴³

³⁴¹ De La Feld, Simone. 2024. [“Council of Europe Denounces Italy’s ‘Increasingly Xenophobic’ Policy, Slams Interference On.”](#) Eunews, October 28, 2024.

³⁴² Repetto, Eric. 2020. [“Discourses on Migration and the Security Paradigm in Italy.”](#) Italian Journal of Political Science (Rivista Italiana di Scienza Politica), 50 (2): 237–252.

³⁴³ The political landscape in Italy has shifted significantly since the period of the study. The current government is led by Prime Minister Giorgia Meloni of *Fratelli d'Italia*. On the other hand, the League is led by Matteo Salvini, having significant power in decision-making policies, where their approach is characterized by externalization, anti-migration speech and NGOs criminalization.

Figure 20. Graphical representation of the League's basic discourse ³⁴⁴



Source: Repetto. 2020: 222

The image illustrates the discursive model used primarily by the League party. It demonstrates how this political discourse constructs “the migrant other” and links it to policy outcomes. This discourse splits the subject of protection, calling “clandestine” to irregular migrants, regardless of their reasons for migration. Furthermore, it depicts an association between NGOs and human “traffickers” (smugglers).³⁴⁵

The author also analyzes the leading associations between migrants and the quantity of posts referring to migrants.

Table 6. Proportion (%) of Facebook posts coded for the presence of each migrant image.

Frame	PD			M5S			League		
	Gov.	Opp.	All	Gov.	Opp.	All	Gov.	Opp.	All
Enemified	0	0	0	0	0	4	4	6	5
Criminalised	15	9	11	6	13	9	41	45	42
General Negative	0	1	1	0	0	0	7	6	7
Reified	37	13	23	6	2	4	7	9	8
Victimised	22	43	34	14	2	7	11	4	9

³⁴⁴ In his study, the author analyzes the three political parties. However, only Lega's diagram was selected, given that at the time of drafting this thesis, it is the party that makes the decisions regarding migration governance.

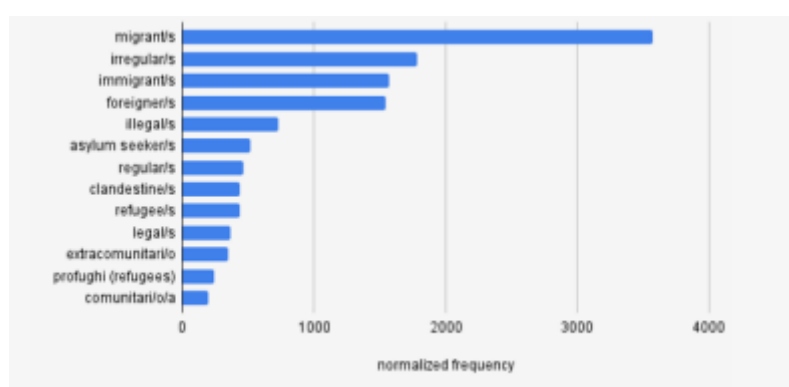
³⁴⁵ Repetto, 2020.

Source: Repetto, 2020: 217

Both are representations of the public narrative that demonstrate how political discourses are actively contributing to human smuggling by blurring its root causes, and using the migrant as the “other,” the enemy, the “clandestine”

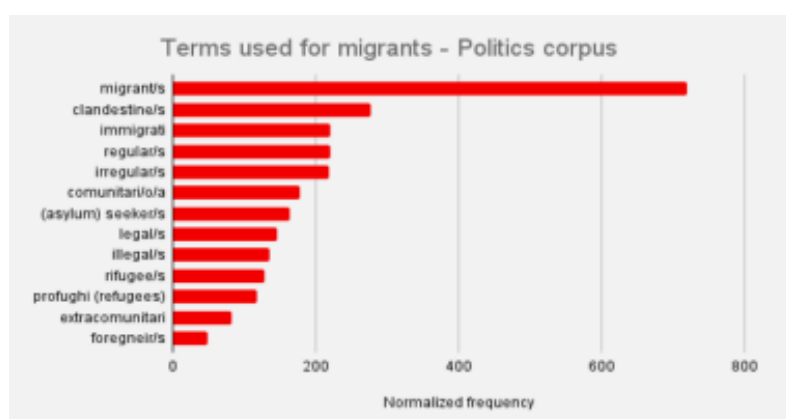
A more recent study by Garofalo analyzes the discourse specifically on terms used on irregular migrants and migration discourses, both in politics and media corpus, where the media plays a crucial role in contributing to the same perception analyzed above.³⁴⁶

Figure 21. Terms used for migrants - Media corpus (2024)



Source: Garofalo. 2025: 9-10

Figure 22. Terms used by migrants - Politics corpus (2024)



³⁴⁶ Garofalo, G. (2025). [The public discourse on migration, irregularity and work in Italy: The intersectionality of narratives in media, civil society and politics](#). Country Report. I-CLAIM. Accessed on August 28, 2025.

As a result, all this framing contributes to the delegitimization of migrant protection. If migration is reduced to a form of criminalization, then migrants are no longer viewed as subjects of protection but as mere parts of the smuggling sphere. Without any protection, it is logical that migrants are increasingly trusting in smuggling networks to reach EU territories. In words of the OHCHR, they will be more vulnerable to attacks and exploitation, traffickers and other criminal groups will be more likely to target them, and many will lack the resources to meet their basic needs through legal means if protections are removed from potentially thousands of migrants and their ability to regularize their stay in Italy is restricted.³⁴⁷

Nonetheless, public narratives are also contributing to the criminalization of migrants and the alleged smugglers. The following section delves into this systematic discursive confusion.

6.2.1. Discursive Confusion: Smuggling, Trafficking, Irregularity, Illegality

“... Don't just target the traffickers we find on the boats, but also target the traffickers behind them. [...] Change the government's approach and go after the smugglers across the globe.”

Giorgia Meloni

*Italy's Prime Minister for Cutro's press conference. 2023.*³⁴⁸

Politicians, including several members of the Meloni government, often use the terms "smugglers" and "traffickers" interchangeably to refer to the people who organize and guide migrant journeys across the Mediterranean. As explained in Chapter 5, in reality, the two terms are not always identical.³⁴⁹ This selection of words is an intentional choice designed to increase the criminal image of the smuggler.

³⁴⁷ OHCHR. 2018.

³⁴⁸ La Repubblica. 2023. [“Meloni: ‘Andremo a Cercare Gli Scafisti Lungo Tutto Il Globo Terracqueo’. E Il Video Diventa Virale.”](#) March 10, 2023. Accessed on August 27, 2025.

³⁴⁹ [“Scafista/Trafficante.”](#) n.d. Pagella Politica. Accessed on August 27, 2025.

The same scenario happens with the conflation of the words “irregular” migrant and “illegal” migrant. In fact, the word “clandestino” (clandestine) is a widely used term in Italian political discourse. However, the *Carta di Roma* Association affirms that the term “illegal” implicitly contains “a priori negative judgment” and “suggests the idea that the migrant acts in the dark, secretly, like a criminal.”³⁵⁰ Furthermore, this definition is considered legally incorrect if used to describe people attempting to reach Europe who have not yet had the opportunity to apply for international protection. In all cases, the more correct term to use is “irregular migrants.”³⁵¹

Furthermore, this oversimplistic view can be misleading and create a distorted view of reality on migration, influencing public perception and policy decisions.³⁵² The distinctions between humanitarian actors, professional smugglers, and coerced migrants are blurred, reinforced by the legal framework, making it difficult for law enforcement to distinguish between organized networks and forced boat drivers. As a result, the public is led to believe that all irregular migration is criminal.

This discursive collapse has several consequences. First, it provides political cover for policies of deterrence and spectacle. When migrants are labeled as “traffickers,” the government is allowed to justify harsh policing and prison sentences, while presenting itself as “fighting” organized crime. This results in a widely accepted lack of protection of human rights to migrants, no matter their reasons or their needs, and across all societal levels.

Second, it generates false security outcomes. By detaining migrants simply for taking the helm or standing near the engine, those who truly benefit from the smuggling business remain safe and untouched on the coasts of North Africa, such as Libya and Türkiye. As we have already demonstrated with Valigia Blu and the Baobab experience, hundreds of young people end up in pretrial detention based solely on

³⁵⁰ Associazione Carta di Roma. 2018. [“La Parola ‘Clandestino’ Va Cancellata Dal Linguaggio Giornalistico - Associazione Carta Di Roma.”](#) Associazione Carta Di Roma. September 3, 2018. Accessed on August 28, 2025.

³⁵¹ Leo, Davide. 2023. [“Breve Glossario per Non Fare Confusione Sui Migranti.”](#) Pagella Politica. Accessed on August 28, 2025.

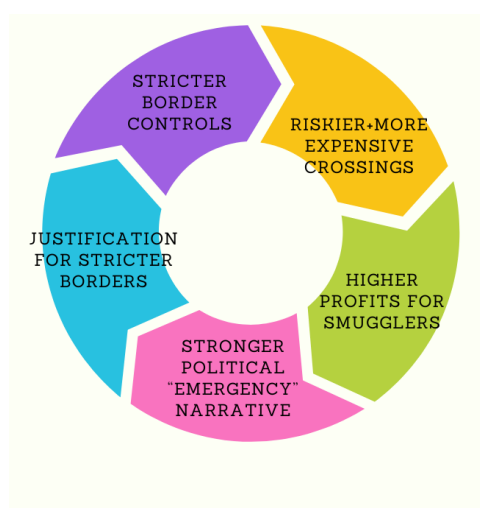
³⁵² [“Public Discourse on Migration Shaped by Misinformation and Conspiracy Theories.”](#) 2025. The Joint Research Centre: EU Science Hub. June 5, 2025. Accessed on August 28, 2025.

testimonies that are often biased. At the same time, the real criminal networks continually adapt to legislative and political changes.

Finally, all these confusions feed the very smuggling it claims to dismantle. Throughout the research, the EU and Italy claimed that the main objective of their policies and internal law was to “transform migrant smuggling networks from 'low risk, high return’”.³⁵³ However, Italy constantly forbids legal routes and reinforces the smuggling business model by portraying all migrants as illegal, clandestine, and as possible smugglers. The more criminalized the act of migration becomes, the more migrants are pushed into smuggling channels, and the more power will be concentrated in the hands of real smugglers. As Repetto demonstrates in his study, Italy’s securitarian discourse transforms mobility itself into an act of illegality, which automatically raises demand for smuggling.³⁵⁴

This logic creates a self-reinforcing cycle:

Figure 23. Self-reinforcing cycle caused by political conflations



Source: Author. 2025.

In addition to enhancing the public’s perception of migrants as criminals, governments use trafficking language to hide the structural causes of smuggling, which include closed borders, a lack of legal channels, and Italy’s reliance on deterrence as

³⁵³ European Commission. 2015.

³⁵⁴ Repetto. 2020.

the only migration strategy. In other words, this confusion is not a rhetorical mistake, but a governing strategy that guarantees the persistence of the very phenomenon it claims to tackle.

6.2.2. Public perception of the irregular migrant

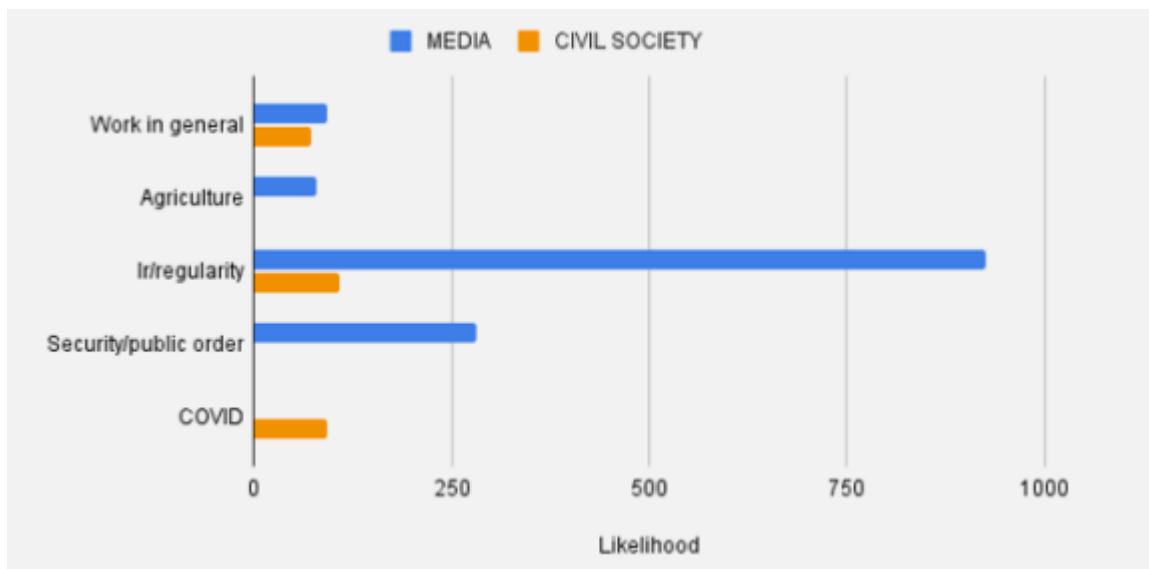
The discursive confusion and the political strategy against migration, smugglers, and asylum seekers profoundly shape public perception of irregular migrants. As Garofalo's study demonstrates, narratives produced in media, politics, and civil society frame migration differently, with profound implications for how irregular migrants are seen and treated.³⁵⁵

Several problems in these discourses have consequences for public perception. First, the depiction of migrants as an emergency to treat often shows male irregular migrants in agriculture as exploited labor, and as a result, reinforces security and criminal tropes. Second, political and media representations often show irregular migrants as blank data: bodies to rescue, deport, and criminalize. This minimizes their agency and humanity. Garofalo shows that irregular migrants rarely appear as multidimensional individuals, which, at the same time, transmits the same perception to the public. Third and last, media narratives gender some labor sectors, reinforcing stereotypes of migrants just as "braccianti" (men in agriculture) or "badanti" (female caregivers).

The following graphs show such results.

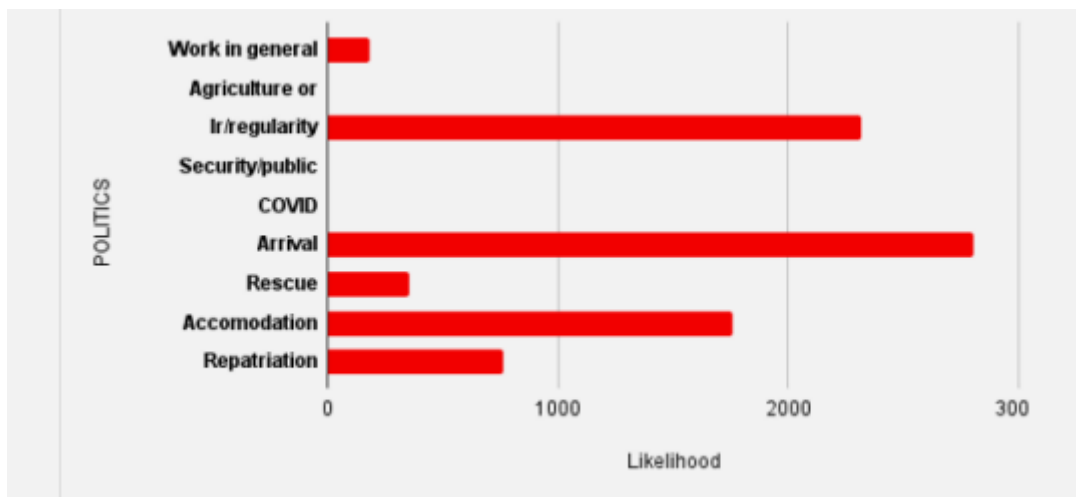
³⁵⁵ Garofalo, G. (2025). The public discourse on migration, irregularity and work in Italy: The intersectionality of narratives in media, civil society and politics. Country Report. I-CLAIM. Accessed on August 27, 2025.

Figure 24. Semantic association with “immigrati” (immigrants) in Italy



Source: Garofalo. 2025: 21.

Figure 25. Semantic association with “immigrati” (immigrants) in Italy



Source: Garofalo. 2025: 21.

Both graphs provide strong evidence on what we were discussing before, and public perception, at the end of the day, is what decides the government. For that, its importance in fueling human smuggling is crucial.

But this study is not the only evidence. Evidence in interviews also demonstrates how migrants are perceived after their arrival.

“I usually don't tell anyone that I came here by boat because I am afraid of being judged. Actually, you are one of the first people who know that. And I thank you for that.”

Interviewee 1 - “L”

“Some classmates called me names; they called me Black, like it was an insult. For me, that is racism. [...] I just want to stay calm because I don't want problems. Also, when I looked for a house, it was the same. Some people told me directly: “we don't want people of color.” That made me feel very bad.”

Interviewee 6 - “K”

“In the street, some Italians treat you well and some don't. Some people like immigrants, some don't. Sometimes people look at you differently or say things because you're African or because you came by boat. When you're walking on the streets some people go to the other side.”³⁵⁶

“I was treated differently not only for the way I arrived but also for the way I look and speak. And I think, I am smart, I am working for you, I want to get better for your country. I don't understand why. At first, I wanted to go to Germany because I wanted to get better for myself. Now I want to get better for Italy. And they still treat me badly. After 11 years.”

Interviewee 5 - “M”

These responses demonstrate how irregular migrants internalize, resist, and challenge these public and institutional perceptions. Migrants feel erased and rejected, rather than human beings deserving safety and protection. These testimonies illustrate the internalization of public discourses, where people are dehumanized and criminalized simply by existing in irregularity.

Taken together, this evidence reveals how the confusion and hostility of political and media discourses do not remain abstract but are absorbed into the daily lives of

³⁵⁶ To see the complete interviews refer to appendices.

people on the move. Acts of discrimination, racialization, and exclusion in day-to-day interactions are a direct result of public narratives that portray irregular migrants as emergency “problems,” as faceless bodies, or stereotyped workers. Simultaneously, migrants employ tactics such as endurance, conditional belonging, or silence to deal with these perceptions.

All of these, ironically, perpetuate their invisibility. Besides, it results in indirectly fueled migrant smuggling, entrenching the very conditions of precarity and dependence that sustain them. Under this lens, public perception is not only a result of distorted political discourse or a reflection of failed migration policies. It becomes an active force in perpetuating them.

6.3. Chapter Conclusions

This chapter has examined how the figure of the “smuggler” has been used in Italy as a potent political and symbolic tool, and not just as a legal category to attend. In legal systems, government discourses, media discourses, and judicial procedures, the smuggler and migrant categories often merge into one another, establishing a blurring of the lines that justifies the criminalizing of movement. The law permits the prosecution of migrants who operate boats due to necessity, coercion, solidarity, or chance, as demonstrated by the examination of Art. 12 of the TUI and associated jurisprudence. However, the transnational networks that genuinely benefit from smuggling remain unaffected.

The resulting conclusion is clear: Neither smuggling networks nor irregular migration are broken down by the Italian approach to smuggling. Instead, it reproduces irregularity through the criminalization of the very individuals who are compelled to cross dangerous areas, and, as a result, perpetuates irregularity and feeds the smuggling industry. The state consolidates a narrative of control and deterrence for domestic audiences. Still, it uses migrants as scapegoats, depicting them as smugglers, and thereby shifting responsibility away from restrictive migration policies, border violence, and discriminatory discourses.

Having finished the theoretical and literature review, in the next chapter, we are going to analyze primary sources confirming some of these theories, through the lens of migrants themselves, to humanize the discourse and dissolve some typical discourses studied in this chapter.

CHAPTER VII: EMPIRICAL FINDINGS AND DISCUSSION

After reviewing the impact of laws and political discourse on the systematic production of human smuggling, it is also necessary to turn to the empirical information gathered through the interviews conducted for this study. To do so, we shall recall the methodology mentioned in Chapter 2, which states that the questions are divided into five sections. Findings and their discussion are shown below.

7.1. Personal Journey and Decision

The first set of questions, with the objective of exploring the drivers of migration and the decision-making process, explored the interviewees' personal journeys to Italy and the reasons behind their decisions to migrate. The six participants in this study came from diverse countries of origin, including Gambia, Nigeria, Ethiopia, Egypt, and Mali. They were all between 18 and 29 years of age at the moment of the interview. Their years of arrival span 2014 to 2023, with the majority arriving during the so-called "migration crisis" (2014-2017), and three coming in more recent years (2023). This temporal distribution allows us to observe how motivations and circumstances remained consistent over time, particularly the structural absence of legal pathways.

Despite different backgrounds, the interviews reveal clear commonalities. Four participants came from contexts of war, forced military service, or hostile family situations, which made remaining in their countries unsustainable. One interviewee explained how his migration decision was shaped by coercion in Libya: *"I did not want to go to Italy, but I had to follow him. The man who helped me was a police officer in Libya. He helped me get out of prison and paid for my trip."* (Interviewee 3). In the same way, another respondent stressed that he never aspired to come to Italy at all, his trajectory was the result of forced labor in Libya, after which he was pushed onto a boat. These experiences demonstrate how migration routes are often shaped by coercion and necessity, showing a clear disconnection from reality in political discourse.

For instance, in 2021, Matteo Salvini, Lega's leader, exclaimed: *"I'm fed up with migrants who disembark and wander around doing whatever they want. To eat pizza,*

you need a Green Pass, and there are no checks to disembark."³⁵⁷ However, this evidence shows that the decision to migrate is based on situations of extreme desperation, poverty, instability, and even coercion, as already anticipated in Chapter 3, and that the present evidence shows us with tangible stories, which have a name and a human being who tells them. This claim aligns with Achilli's theory, which anticipates that "the decision of migrants (to leave Libya for Europe) was often the outcome of a series of violent acts, the overall sense of insecurity and its implications."³⁵⁸

It is worth noting that the desire to migrate was not always an individual decision. Some participants emphasized that the initial push came from their families, who viewed Europe as a place of opportunity and dignity. As one noted,

"The decision to go was made by my father. In Africa, the father is the boss, so when he tells you to do something, you must obey. I did not want to go to Italy, but I had to follow him."

Interviewee 3

Migration here emerges as a collective project, where family expectations weigh as heavily as personal motivations.

Crucially, none of the six interviewees had access to legal migration channels. Three attempted to regularize their entry through visas or sponsorships but failed. In one case, despite having a house and employment awaiting him in Italy, he was denied and attributed the rejection to racism. Such failures highlight the structural barriers that force people to use irregular channels. In this way, irregular routes become the only possible option when trying to migrate to Europe.

Another key finding relates to how migrants found the smuggling route they took. In most cases, recruitment occurred through informal channels, such as word of mouth among relatives or friends. In these cases, smugglers were marketed as reliable, creating false expectations about the safety and success of the journey. One interviewee reported his experience:

³⁵⁷ "Immigrazione, Matteo Salvini: ['Ne Ho Le Palle Piene Di Migranti Che Sbarcano E Vanno in Giro a Fare I Comodi Loro.'](#)" 2021. Accessed on August 29, 2025.

³⁵⁸ Achilli, 2018: 234.

“The day I departed, I put my cologne on, I wore elegant shoes, and prepared myself. Because I thought I was about to travel in a boat with rooms and everything. Then, when I saw the ... balloon. Do you know these balloons where children play? Yes, that material. There were 200 people on that boat. My legs were shaking.”

Interviewee 1

With this empirical data, we can argue that the decision of migration through smuggling channels depends highly on trust, since the information about the journey comes from a relative or a friend, confirming Campana's theories in Chapter 4. Only one participant reported discovering the option of an irregular journey through a Facebook group, highlighting how digital spaces are increasingly part of smuggling networks. In practice, however, the routes offered were more perilous than advertised or believed, confirming what was highlighted in Chapter 4.3 regarding deceptive recruitment practices.

Apart from the journey decision, the interviews also challenge dominant stereotypes about irregular migrants. All six spoke more than one language, and 5 out of 6 had achieved fluency in Italian. For that, their profiles show high levels of resilience, adaptability, and skill, contradicting the stereotyped image of migrants as passive, unskilled, or the *“badante-bracciante”* image we discussed earlier. This also confirms what we discussed in Chapter 3.3. One interviewee reflected on this contradiction:

“I am smart, I am working for you, I want to get better for your country. I don't understand why. At first, I wanted to go to Germany because I wanted to get better for myself. Now I want to get better for Italy. And they still treat me badly.”

Interviewee 5

In this sense, these voices disrupt public narratives that erase the complexity and humanity of irregular migrants.

With this evidence, we can affirm that the personal journeys narrated here reveal that irregular migration through smuggling channels is rarely a voluntary embrace of risk or crime. Instead, it is the product of structural violence: Wars,

repression, hostile family situations, death of relatives, racism, and, most importantly, the systematic absence of legal alternatives. Families, aspirations, and coercion all intersect in ways that make smuggling less a matter of choice than of necessity. In sum, these findings reinforce the central thesis of this study: human smuggling should be understood as a complex phenomenon, not just as the cause of irregular migration, showing itself as a symptom of the deliberate closure of safe and legal routes.³⁵⁹

7.2. Experience with smugglers

The empirical evidence collected through the interviews also provides a profound insight into the relationship between people on the move and smugglers, which both confirms and challenges the already studied scholarship. As discussed in Chapter IV, the literature on migrant smuggling has repeatedly emphasized the variability of the smuggler-migrant relationship, fluctuating between exploitation and human rights violations, and trusting a “service provider”.³⁶⁰ These testimonies demonstrate that this variability is not abstract but lived concretely, shaped by power asymmetries, coercive contexts, and individual circumstances.

7.2.1. Financial arrangements and labor exploitation

Three of the interviewees reported having paid amounts between €1,000 and €3,500 at their departure, only to discover upon arrival in departure ports (Libya and Tunisia) that they were required to work to complete their payments. Two participants described working for months under smugglers’ supervision to finance the continuation of their journeys, or even cooking for other migrants doing the same journey, all of this to finance the continuation of their own, showing the blurred boundaries between facilitation and forced labor that some scholarship discussed in Chapter IV has identified.³⁶¹ Furthermore, one participant indicated that he paid more than €10,000 over the four years it took to reach Italy, explaining the high volatility mentioned above.

³⁵⁹ To see a comparative table summarizing this part of the interviews with deeper detail, see [Appendix 13](#)

³⁶⁰ Achilli, L. 2018. The “good” smuggler: The ethics and morals of human smuggling among Syrians. *The Annals of the American Academy of Political and Social Science*, 676(1), 77–96.

³⁶¹ Oxfam Italia, Borderline Sicilia Onlus, & Tavola Valdese. 2016. *Presunti scafisti: Le vittime invisibili del traffico di esseri umani. Progetto #OPENEUROPE*. Accessed on August 31, 2025.

“But I can tell you... I bet there are still people who came with me here while I am here... Because of the money. So, at the end of everything I ended up paying more than 10,000 euros. I swear to you, it would have been better to take a private jet instead of doing it! I’m not joking.”

Interviewee 1

Such affirmations confirm Sanchez's study, which states that “smuggling fees varied widely and were almost invariably negotiated” and that “it was common to find two migrants who, having travelled on the same boat, had paid significantly different amounts”³⁶². In addition, they demonstrate the degree to which irregular routes can impose a form of long-term financial dependency on migrants and their families.

Quite the opposite, one interviewee paid absolutely nothing because he was traveling with a white relative, who, in his words, inspired a certain "respect" from the smugglers. This contrast demonstrates how race, status, and social capital can shape power dynamics in smuggler encounters, confirming results from recent ethnographic studies, which claim that migrant-smuggler interactions are not uniform, but rather highly stratified.

7.2.2. Perceptions of smugglers

Findings in the interviews about the migrant perceptions of smugglers challenge the view that they are inherently violent criminals. Several described the relationship as largely “neutral,” noting that smugglers did not promise much beyond facilitating departure, though they frequently created false expectations regarding safety or timing.

“They just promised to go on a bigger boat from Tunisia to Lampedusa, but they changed their minds when they knew the boat could be destroyed by the Italian authorities. In the end the boat broke but it wasn’t their fault.”

Interviewee 6

³⁶² Sanchez, 2020:234.

This evidence supports the critical literature review by Alagna (2024) and Cusumano (2019), showing that state enforcement policies, rather than addressing structural causes of smuggling, indirectly displace smuggling onto a riskier journey.

Further findings show that smugglers were not consistently aggressive, challenging the general view of them, but participants noted that violence could emerge in moments of collective panic or perceived threat.

“It’s not about good or bad, it’s about respect. If you give respect, as in my case, they respect you. ... But if they saw something dangerous happening that could capsize the boat, then yes, they would react, even violently. I knew of cases where people were shot and fell into the water.”

Interviewee 3

This statement illustrates the conditional and situational character of smuggler violence, which can be qualified as reactive, instead of just assuming that it is a systematic part of their logistics. Knowing that, state narratives are being challenged, especially of the usual portrait of smugglers as just brutal predators. Once again, revised literature is confirmed thanks to these findings, especially those by Demir, Oguzhan O. et al (2017) and the European Commission (2020).³⁶³

7.2.3. Solidarity on the sea

Ultimately, findings from the research through the interviews point out the importance of solidarity between migrants. At the same time, they were on their journeys as a way of counterbalancing the vulnerability of their smuggling situation. Interviewee 5 explained:

“They [the smugglers] were aggressive, selfish, and mean. The rest of the group was nice; they took care of me as the youngest.”

Similarly, Interviewee 6 described smugglers as “very cooperative” toward him because of his relative’s presence, though he also observed episodes of aggression toward others. These experiences reveal how migrants themselves develop protective

³⁶³ See Footnotes 141, 142

networks and strategies of resilience in contexts where their human rights protection is absent. Such evidence aligns with scholars who interpret irregular migration journeys through the lens of agency, negotiation, and collective care, as Zhang et al (2018) explain.³⁶⁴

In summary, these stories demonstrate that the relationship between migrants and smugglers cannot be reduced to either service or exploitation. On the contrary, it represents a range of experiences that are impacted by interpersonal dynamics, financial arrangements, social hierarchies, and situational risks. This empirical evidence contradicts the simplistic and binary logic built into Italian and EU legal and political frameworks, which portray irregular migrants as either complicit or victims, and smugglers as endless criminal perpetrators. It also supports the thesis, which holds that criminalizing alleged smugglers shadows the complexity of these interactions and, as a result, perpetuates policies that punish those forced into smuggling networks while failing to dismantle them from the roots.

7.3. Migration Policies and Journey

7.3.1. Smuggling logistics

One of the first findings in this section is that all interviewees confirmed that smugglers work in networks. According to Interviewee 2, the networks operate in organized groups, separated into phases: those who greet migrants, those who take you to the storage buildings, those who transport you from there to the beach, and those who put you on the boats. Interviewee 3 described them as a kind of “company,” with transnational connections that extend across countries and routes. However, Interviewee 4 stressed that “not everyone knows everyone,” suggesting categorization as a strategy to reduce risk. Just one interviewee explained that they are “friends of friends,” and they are not organized.

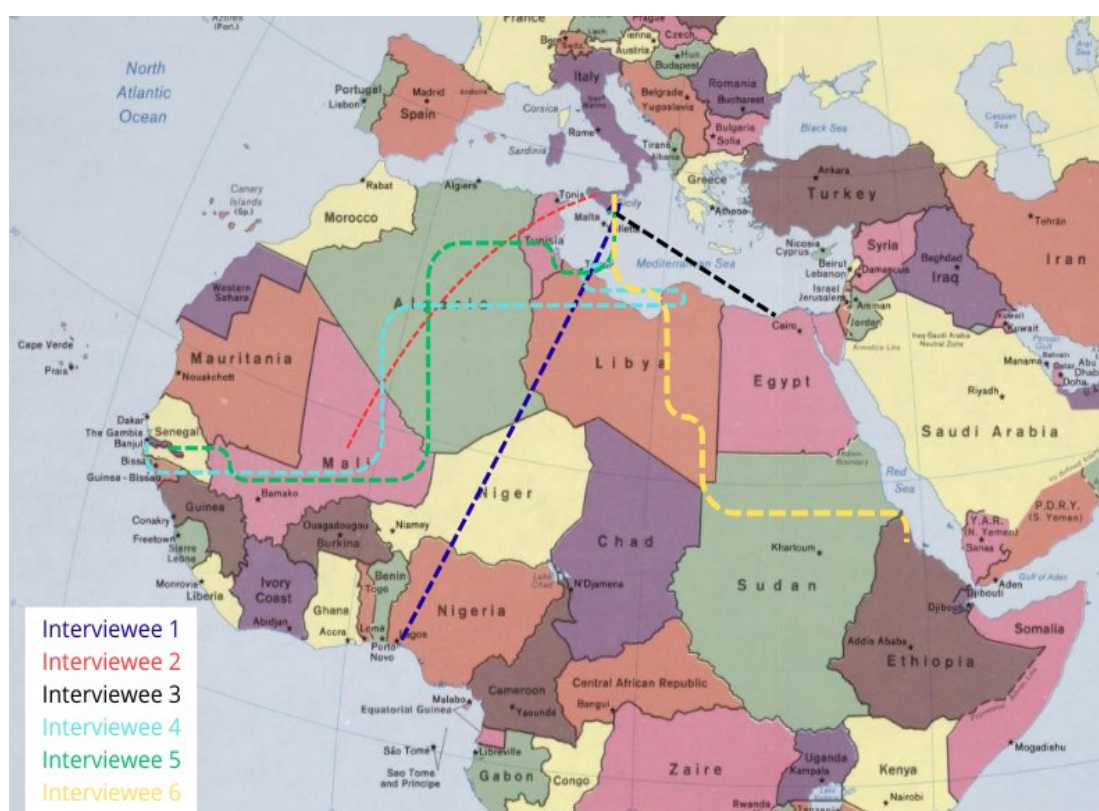
This finding resonates with the already studied scholars in Chapter 4.3.1, describing smuggling as a market-based service industry, rather than a structured network. Furthermore, this finding aligns with UNODC data from the same section,

³⁶⁴ Zhang, S., Sanchez, G., & Achilli, L. (2018)

which suggests that they can be organized in four different ways. (See Figure 11: Types of smugglers according to the UNODC). In addition, this also aligns with Campana's theory on smuggling networks, where migrants often perceive smugglers as powerful intermediaries, while also revealing that relationships of trust, fear, and necessity coexist.

When speaking about the length of the journeys, evidence points to the fact that they are the most variable feature, ranging from 1 week (Interviewee 2) to 4 years (Interviewee 3). The main determinants are the route taken and the countries crossed in transit. That means prolonged detentions, waiting periods for money transfers, or delays due to policy enforcement, which significantly extend travel times. The following map shows their routes:

Figure 26. The difference between migrants' routes



Source: Author's work based on interviews. 2025. Original map: [Library of Congress](#)

It is essential to highlight that border controls shaped four out of six journeys, with Libyan police described as the most repressive. This forced several respondents to change routes or adapt to unsafe alternatives. Thanks to the answers, we can find that some relevant factors stood out more than others:

- Policy-driven changes on the routes: Interviewee 2 highlighted how Egypt's closure of borders pushed departures towards Libya, a shift analyzed in this study. Similarly, interviewee 4 explained that Tunisia imposed barriers specifically targeting Black migrants, exemplifying the racialization of border enforcement, which was biased and targeted.
- Unpredictability and danger: Interviewee 6 recalled barriers along the Mali-Tunisia route where individuals passed away in transit, while Interviewee 3 stated that smugglers purposefully avoided checkpoints. Both testimonies demonstrate how securitization and controls translate into longer, riskier routes, confirming patterns examined in this thesis.
- Lack of agency: Findings on this part of the interviews show that not all migrants experienced a direct change in their routes. For example, Interviewee 1 remained at sea, waiting to be rescued, showing how limited agency can leave individuals entirely dependent on smuggling. Even more explicit is the case of Interviewee 5, since his re-routing occurred after arrival in Italy: he was prevented from continuing to Germany due to lack of resources and the constraints of the Dublin Regulation, which ties asylum seekers to the first EU country of entry.³⁶⁵

Taken together, findings on the migrant smuggling logistics demonstrate that migration policies and enforcement do not stop it. They restructure it. As anticipated in Chapter 5, securitization strengthens smuggling networks, increasing their profit, relying on increasingly dangerous alternatives, and disproportionately targeting already marginalized groups. The result is thus reflected in Europe's arrival.

7.3.2. Human rights violations

As anticipated in Chapter 4.3.3, migrants who come to Europe through smuggling networks are exposed to several human rights violations. The interviews reveal a consistent pattern of severe human rights violations, committed both by smugglers and by state actors. These abuses occurred before migrants reached European territory and thus highlight the consequences of externalization policies,

³⁶⁵ ["Country Responsible for Asylum Application \(Dublin Regulation\)."](#) 2020. Migration and Home Affairs. Accessed on August 29, 2025.

where responsibility for migration control is delegated to countries with weaker protection.

Violations by smugglers

Smugglers put migrants in dangerous situations, such as overcrowded boats, not enough food and medicine, extortion, threats, physical violence, and death. Several testimonies show that migrants were treated like goods instead of people. This is a violation of their right to life (UDHR Art. 3; ECHR Art. 2) and the ban on torture and inhuman treatment (UDHR Art. 5, ICCPR Art. 7, ECHR Art. 3). Forced labor in Libyan prisons, as described by Interviewee 3, violated the ban on slavery (UDHR Art 4, ICCPR Art. 8; ECHR Art. 4).

This finding highlights the paradox at the core of anti-smuggling enforcement. In other words, European policies and the Italian legal framework indirectly empower and professionalize smuggling networks, increasing risks and decreasing safe routes. Ultimately, they leave migrants more susceptible to human rights violations.

Violations by border authorities

Four out of six interviewees showed direct abuses by border police and state authorities, especially in Libya and Tunisia. These included physical violence, racial discrimination, extortion, arbitrary detention, and overcrowded prisons. For example, interviewee 4 detailed racialized controls in Tunisia where Black migrants were chosen out, attacked, and eliminated, in violation of the non-discrimination principle (UDHR Art. 2, ICCPR Art. 26, ECHR Art. 14).

Others claimed that they were detained without judicial supervision, suffering torture, forced labor, and witnessing death, all without judicial oversight. This provided evidence confirming how transit restrictions, supported by the European regime, contribute to human rights abuses. This is especially true with the Italy-Libya Memorandum of Understanding, as anticipated in the section with the same name.

The following table describes an overview of the human rights violations for each interviewee:

Table 7. Human rights violations. Overview

Case	Perpetrator	Human Rights Violations	Relevant Articles
1	Smugglers	Extortion (extra payments after the agreed sum), detention in Libya, risk to life at sea (overloaded rubber boat with 200 people).	UDHR Art. 3 (right to life); UDHR Art. 5 / ICCPR Art. 7 / ECHR Art. 3 (prohibition of torture/inhuman treatment).
1	Border controls	De facto detention in Libya by militias tolerated by authorities; lack of safe/regular pathways.	ICCPR Art. 9 (arbitrary detention); Refugee Convention Art. 33 (non-refoulement).
2	Smugglers	Exposure to the risk of death at sea; reports of violence against passengers (cases of people being shot).	UDHR Art. 3; ECHR Art. 3; ICCPR Art. 7.
2	Border controls	Indirect: Egypt's border closures are forcing longer and more dangerous Libyan routes.	UDHR Art. 13 (freedom of movement); ICCPR Art. 12.
3	Smugglers	Forced labor (cooking for 115 people in prison); extortion; denial of freedom; degrading conditions.	UDHR Art. 4 (prohibition of slavery); ICCPR Art. 8; ECHR Art. 4.
3	Border controls	Arbitrary detention in Libya (3 times), father died in custody; imprisonment tolerated by the Libyan state.	ICCPR Art. 9; ECHR Art. 5; Refugee Convention Art. 33.
4	Smugglers	Aggression with knives; unsafe boat crossing; lack of food/medicine.	UDHR Art. 3; UDHR Art. 25; ICCPR Art. 7; ECHR Art. 3.
4	Border controls	Racial discrimination in Tunisia: arbitrary detention (1 month, overcrowding, lack of food/medicine, beatings).	UDHR Art. 2 (non-discrimination); ICCPR Art. 26; ICCPR Art. 9; ECHR Art. 14.
5	Smugglers	Extortion (an additional € 1,000); threats; violence; unsafe travel.	UDHR Art. 3; ICCPR Art. 7; ECHR Art. 3.
5	Border controls	Forced immobility in Italy due to the Dublin Regulation; prevented from reaching Germany.	UDHR Art. 13; ICCPR Art. 12; Refugee Convention Art. 33.
6	Smugglers	Dependency on cousin's protection; others faced aggression if nervous/regretful; unsafe sea crossing.	UDHR Art. 3; ICCPR Art. 7; ECHR Art. 3.
6	Border controls	Constant avoidance of police barriers; forced night travel; exposure to danger; underage without special protection during journey.	CRC Arts. 3 & 22; UDHR Art. 25 (special protection for children).

Source: Author based on interviews. 2025

Finally, with this evidence, we can claim that restrictive policies exacerbate vulnerabilities instead of protecting human rights.

7.3.3. The impact of NGOs: Rescuing people on Italian borders

These empirical findings on smuggling journeys would not be complete without the impact of NGOs when speaking about rescuing people in the Mediterranean. 5 out of 6 interviewees attributed their survival to the intervention of NGOs. Interviewee 1, for instance, vividly recalled the moment of rescue as not merely the relief of physical survival but as a recognition of humanity:

“Yeah, it was something like an NGO full of volunteers. They had this yellow vest, you know? The one that prevents you from drowning. Most of them spoke English, but some others didn’t. For me there wasn’t a problem. I swear to God... When I first saw that ship. I couldn’t do anything but jump at them. I climbed the boat. I was desperate. It wasn’t just like the emotion of seeing someone who rescued us, it was seeing someone human. I hugged that guy so much...”

Interviewee 1

Across the testimonies, specific organizations were repeatedly mentioned: Interviewees 2 and 6 were rescued by the Italian Red Cross, Interviewee 3 by Open Arms, and Interviewee 5 by Caritas, which restored their dignity and safety. Only Interviewee 4, who arrived as a minor, did not directly interact with NGO rescuers, but benefited from Italy’s child protection once on land.

These accounts provide strong evidence against the narrative promoted by the Salvini Decrees, as mentioned in Chapter 5.3.3, challenging the view of “pull factors” for irregular migration. Far from this lens, NGOs functioned as the only line of defense against death at sea. The stories of the interviewees all point to the same conclusion: they could not have survived without the help of NGOs. The basic assumption of Italian policy that rescues promote irregular migration is directly called into question by this. Instead, findings on this part of the interview point to the necessity of rescues as a humanitarian last resort, reducing the risks brought precisely by externalization policies and restrictive border regimes.

In addition, findings reveal that NGO rescues were more than just material interventions (providing life vests, food, water, and medical care). On the contrary, they offered acts of recognition and humanity. For that, stories like Interviewee 1’s highlight

the moral importance of rescue, contrasting strongly with the inhumanity seen under smuggling journeys. In this sense, NGOs embody the practical implementation of human rights.

Thus, the evidence provided by migrant testimonies powerfully challenges the view of the Salvini Decrees. First of all, because interviewees perceive NGOs as their only lifeline. Second, because their experiences expose a double contradiction: while Italy criminalizes NGOs, it simultaneously depends on them to sustain fundamental human rights and humanitarian obligations in the Mediterranean. Third, because of the emotional and human support NGOs provided at the moment of arrival.

With this strong evidence, we find that NGOs provide indispensable protection where states have advocated for human rights and responsibility. For this reason, the criminalization of these leading actors is inconsistent with empirical reality. It constitutes a direct attack on the very mechanisms that safeguard life more practically in the European area. Furthermore, this empirical finding strongly supports the central thesis of this research work: European and Italian migration policies do not reduce irregular migration and smuggling flows; they exacerbate risks, externalize violations, and undermine human rights.

In light of those as mentioned earlier, the evidence calls for a fundamental reassessment of Italian and European migration policy, recognizing NGOs as an essential partner in fulfilling international human rights and humanitarian obligations, especially for individuals who have seen them diminishing through journeys full of violence and exploitation.

7.3.4. Perceptions of migration policies on the journey

Throughout the interviews, a recurring theme is the belief that migration policies have made the journey and integration more challenging rather than easier. The testimonies gathered also show a consistent and critical perspective on how migration policies have shaped their experiences, offering a deep understanding of how policies exacerbate migrants' vulnerabilities and hardships. Unanimously, interviewees expressed that policies focus more on border protection than on human rights or humanitarian concerns. That is the example of Interviewee 2, who explicitly refers to

border closures and increased deaths in the Mediterranean, supporting the main argument of this thesis.

“The policies are wrong. They focus more on protecting borders than on protecting people. The more you close borders, the more people die. Last year in the Mediterranean was the deadliest. Closing Italy’s borders didn’t stop departures; it just shifted them toward Greece.”

Interviewee 2

Furthermore, such affirmation aligns with the theory exposed in Chapter 5.2.2, where securitization and deterrence measures do not reduce irregular migration but push migrants toward more dangerous routes.³⁶⁶ In this sense, findings from this part of the interview point to the concept of the “migration crisis” as a symptom of failing policies, prioritizing state security over individual protection.

Under the same lens, Interviewee 1's reflection that policies serve as economic interests agrees with the critique of externalization and the outsourcing of border control, such as the examples of Libya and Albania (Chapter 5.3).

“I wish I knew something about them [migration rights]. Policies are often in place due to economic interests. They don’t care about people.”

Interviewee 1

With this testimony, a crucial finding emerges in the discussion: Several interviewees highlight the absence of adequate information on their rights and support during their journeys and upon arrival. In addition to Interviewee 1, Interviewee 6 describes the chaotic reception in Italy, emphasizing language barriers and a lack of guidance. This reflects the inadequate handling of migrant reception in centers and hotspots, where they face overcrowding, poor conditions, and limited access to legal assistance, aligning with the critique addressed in Chapter 4.2.3.

³⁶⁶ Nicelli, Alberto. “The EU–Türkiye Deal after Nine Years: Between Controversy and Shifting Paradigms.” GAR Blog, March 18, 2024. Accessed on September 1, 2025.

“No one helped me, and I was little. But when I arrived here, the only thing that I saw was that they treat underage people better. When I arrived in Italy, it was a mess. So, they made things a lot harder because I looked for a good way to come with my [soccer] team. No one spoke French or Arabic.”

Interviewee 6

Thus, the lack of clear and accessible legal pathways and support mechanisms forces migrants to rely on smugglers, reinforcing what has already been argued in section 4.3 of this thesis, and complementing findings on the role of trust as a determining factor in deciding to undertake a journey through irregular channels. In addition, findings like the above-mentioned support once more the central argument on human smuggling as a structural response to restrictive and failing migration policies. This directly answers the main research question.

Discrimination

It is of utmost importance to mention that perceptions did not refer just to policies but also to actors. Interviewees 4 and 5 recount experiences of discrimination and dehumanization, both in countries of transit and in Italy. For instance, Interviewee 5 described having been treated “like slaves,” as well as Interviewee 1:

“It was slavery. For them -the police- we weren’t people. We were slaves [...] I usually don’t tell anyone that I came here by boat because I am afraid of being judged. Actually, you are one of the first people who know that.”

This functions as empirical evidence of the stigmatization of irregular migrants, discussed in Chapter VI.

7.4. Arrival and life in Italy

Reception processes upon arrival of migrants in Italy constitute an essential part of the empirical findings. Although there is plenty of literature documenting the abuses produced in these processes, the testimonies collected from the interviewees offer an unadulterated portrayal of this phenomenon, revealing how they often strip individuals of their agency and subject them to arbitrary systems, even though their stated

humanitarian aims. This section analyzes these findings, demonstrating how the experiences of arrival directly align with and validate the theoretical frameworks of securitization, criminalization, and the extremely bureaucratic management of migration, as discussed through this thesis.

7.4.1. Arbitrary allocation and confinement

The Italian migration system initially appears to offer freedom of choice, or at least interviewees have expressed their expectations in that way. Yet in reality, it imposes a cold system of impersonal processing and arbitrary allocation. Interviewee 1's description of the journey from being one individual in a group of 500 to one of 500 people broken down into groups of 20 and then sent to a “totally random” city captures this experience. The statement captures extreme depersonalization, perhaps as opposed to fear. Campesi and Fabini argue that immigration detention serves to police “dangerous mobility,” and their logic is to “manage” people not as human beings but as risks.³⁶⁷ Immigration authorities use securitized border logics, which Moreno-Lax (2020) describes as border regimes, to prioritize control and cost minimization over human dignity. The stark assignment to locations without any choice or consideration further entrenches this reality.

Corruption

In addition, some findings of alleged corruption were expressed in the interviewees' responses, as in the example of Interviewee 1, where one bus driver attempted to solicit €80 to avoid fingerprinting, with the warning, “Once they fingerprint you, you have to stay in Italy forever,” trying to give “contacts” to transfer migrants to other countries. Similarly, the Interviewee 2 testimony supports this assertion, stating that in some centers, certain police officers offer documents to newly arrived migrants to obtain information about smugglers. This is a response to some smugglers' threats of not revealing their identity.

³⁶⁷ Campesi, G., & Fabini, G. (2020). Immigration Detention as Social Defense: Policing ‘Dangerous Mobility’ in Italy. *Theoretical Criminology*, 24(1), 50–70.

These practices, whether official or not, highlight the coercive elements implicated within the reception process, where vulnerability is exploited in all senses, and choices are severely constrained. As discussed in Barslund et al (2018), some asylum seekers and migrants lose their chance to get a regular entry, especially in their first country, limiting their mobility and with long-term consequences. Even if both cases could be dealt with anecdotic evidence rather than a systematic reality, such practices reveal a deep stratification of bureaucracy as the first boundary between a migrant and their regular status. Thus, smuggling routes become more and more appealing.

Besides, for many, arrival does not signify immediate freedom; it represents a transition from all human rights violations and suffering to another confinement. Interviewee 1 spent 1 year in a detention center, where “they try to take out the light from you” and people go “mad,” providing a profound reflection on the psychological impact of institutionalization. One of the reasons for such an impact is the poor treatment they received from humans. Interviewee 6 affirms that “the police were racist because they were rude to us [migrants]” and Interviewee 4 expressed his fear of the police, as seen in his facial expressions. These experiences directly relate to critiques of detention centers presented by Melting Pot Europa (2021, 2023), where they function as prolonged deprivation of liberty centers more than just border control. As Fekete argues, these practices, more than a coincidence, are inherent to systems, designed to deter and manage unwanted populations through punitive measures.³⁶⁸

Despite such testimonies, there was also positive feedback that provides a counter-narrative to the whole system. For instance, Interviewee 1 encountered “S,” who taught Italian to migrants, Interviewee 3 was received by a social assistant and an elderly woman, and Interviewee 2 was integrated into an Italian family and subsequently introduced to schooling. While not universal, such moments of human connection and support offer a view on the importance of human-centered approaches and the potential for positive outcomes when policies move beyond the mere control of borders, to embrace genuine inclusion.

³⁶⁸ Fekete, L. 2018

In sum, as narrated by the interviewees, the reception in Italy is a complex and contradictory experience. It could vary from extreme exploitation to confrontation with a bureaucratic system, prioritizing control over care. All these findings provide compelling evidence for the thesis arguments regarding the dehumanizing effects of securitized migration policies and the urgent need for a shift towards rights-based reception systems. By this analysis, we managed to humanize the migrant discourse, without letting data count them as just numbers.

7.4.2. Public perception and criminalization

This section explores how interviewees perceive differential treatment, directly addressing the research question concerning public perception and its interplay with the theoretical frameworks of criminalization, securitization, and societal integration. The experiences of migrants following their initial reception in Italy reveal a persistent and often painful reality: the stigma associated with their irregular mode of arrival, compounded by racial and ethnic biases. Findings exposed here resonate strongly with the arguments presented in Section 6.2.2 on the criminalization of migrants and the construction of “otherness” as a result of political discourse regarding irregular migrants.

A commonality among several interviewees is the persistent feeling of being treated “differently.” This perception is shown in different ways. Interviewee 1 articulates this as an everyday reality, showing that the discourse not only refers to public perception but also becomes a sort of internalization of being the other, an outsider, even after years in Italy. This aligns with Campesi and Fabini’s argument on immigration detention as a driver of perceiving migrants as distinct or problematic.

Furthermore, this differential treatment is not just linked to irregular arrival but intersects with race and origin. Interviewee 4 explicitly says that “some people look at you differently or say things”. Such behaviors manifest as everyday micro-aggressions, reflecting societal prejudices fueled by political narratives that often confuse irregular migration with threat and criminality, as discussed in 6.2.2. Not differently, Interviewee 5 still faces ill-treatment not only for the way he arrived but also for the way he looks

and speaks. This agrees with already studied critiques on Italian hate speech by the UN, a growing trend that directly contradicts the ideal of meritocratic integration.³⁶⁹

This is a proof of the direct connection between political narratives and public perception, but told from the migrant's point of view, which provides the literature a different perspective that, at the same time, offers the opportunity to rethink the Italian policies' approach. Migrants' resilience on this topic is shown through Interviewee 6, who, after explaining that he faced housing discrimination: "we don't want people of color," expressed that "he understands it," suggesting a sort of resignation to a reality shaped by historical and contemporary biases. The evidence provided in this section shows that current migration policies and their narratives aggravate them.

Finally, such evidence emphasizes the significant human cost of policies that put control over integration. At the same time, it supports the thesis that existing public perception and discourses actively contribute to the marginalization and dehumanization of people who are fleeing for their lives in search of safety and a better life, rather than addressing irregular migration.

7.5. Reflections and ideas

As the last part of the findings, the section of reflections and ideas allowed the participants to express their thoughts and claims about migration policies. These open-ended questions served to provide a participant-centered closure to the interview and to create a space for articulating alternative visions of migration governance. In summary, this final section enabled participants to provide a more reflective response based on their critical thinking.

7.5.1. Reflective perspectives: Between agency and necessity

From a reflective point of view, this part of the interviews offered a profound insight into the complex motivations, reflections, and emotional challenges of migrants who took these perilous journeys to Italy. More than a specific finding, this section

³⁶⁹ ANSA. 2023. [UN racism experts concerned by growing 'hate speech' in Italy - InfoMigrants](#). Info Migrants. Accessed on September 1, 2025

served as a critical space for respondents to articulate alternative visions of migration governance, not grounded in theory but in their own experiences.

Results on regret of having flown home to Europe show a very divided point of view. On one side, Interviewees 1, 2, and 3 explicitly state that they would not have made the trip again if they had been aware of the difficulties and losses involved. However, Interviewee 1 balances his testimony by answering that he has “a good life in Italy right now,” highlighting the tension between past suffering and present stability. Similarly, Interviewee 2, who fled mandatory military service at the age of 13, admits that Italy has provided better opportunities for the future. Still, the personal cost has been immense: separation from family, the inability to return home due to political and military conditions, and missing the funerals of his own father and close relatives. This underlines that migration is rarely a matter of choice or curiosity. It is a decision of survival shaped by systemic conditions in both the country of origin and destination.

“If there had been a better future in my country, I would never have allowed myself to think of leaving. Migration was not a choice; it was survival.”

Interviewee 2

. Interviewee 3, from his side, presented a narrative of lack of dignity throughout the journey, but enduring perseverance and the intergenerational dimensions of the decision to migrate.

“I told my father that if I had known what the journey would be like, I would never have followed him. I saw everything. I had to sleep naked on the boat. But he said to me, “Please, in this life, you must suffer. But never give up, never, ever give up.”

Interviewee 3

Such reflection echoes the theoretical framework of migration as a process marked by both agency and necessity. As argued by De Genova, migrants are active agents navigating structural violence and restrictive policies rather than passive

victims. This, despite the coercive conditions that shaped their choices, demonstrates the participants' ability to reflect critically and engage in deep self-assessment.³⁷⁰

On the other hand, Interviewees 4, 5, and 6 affirm that they would still undertake the journey, emphasizing necessity and social factors. Interviewee 5, for instance, states that he “always felt he had no choice,” confirming that migration is not a choice but a necessity. This evidence directly connects with the ones presented in this same chapter, as well as the conclusions of chapter III, where the growing emergence of human smuggling happens due to a lack of legal pathways, combined with the neglect of the complexity of the dynamics of irregular migration and human smuggling, particularly from the MENA region. Instead, public narratives of the decision to migrate are reduced to a sort of “invasion”, as discussed by previous theory by De Haas and Natter. Interviewee 6's affirmation of the desire to leave the country, despite the risks, aligns with the broader literature on failing migration policies, as the reasons for leaving are not solely due to more securitized borders.

It is in this sense that this section gives a deeper insight into the complexity of the decision and the urgent need to attend to the roots of irregular migration and, as a consequence, migrant smuggling as the only available route to achieve European territories. For those reasons, findings in this section effectively achieved its methodological goal of providing participant-centered research and allowed respondents to engage in critical self-reflection beyond their storytelling. The evidence presented here suggests a more individual-oriented approach to tackling human smuggling.

7.5.2 Claims by Migrants

As we reach the final stretch of the interviews, it is clear that presenting empirical evidence for reducing irregular sea arrivals to Italy is one of the most effective ways to arrive at a possible solution to this phenomenon. Together with theoretical evidence, a more personal approach focused on the roots of migration becomes more than evident as an alternative to the Italian approach to border protection.

³⁷⁰ Nicholas De Genova (2013) [Spectacles of migrant 'illegality': the scene of exclusion, the obscene of inclusion](#), *Ethnic and Racial Studies*, 36:7, 1180-1198. Accessed on September 3, 2025.

Claims by migrants vary from personal critiques of policy frameworks to direct petitions about ethical directions. Such insights offer a valuable counter-narrative that challenges dominant ones and suggests a substantial revision for effective migration governance. Interviewee 1 highlighted the power of economic interests over human capital, while Interviewee 2 directly criticized policies by saying that “(the EU) just makes migration more dangerous”, both aligning with the extensive research. Furthermore, he mentions the need for “focus on the countries of origin, and give people jobs and hope”, a very similar answer to Interviewee 3, who spoke about “documents and a place to stay”, stressing at the same time the urgent need to “stop letting people die in the Mediterranean”.

More interestingly, Interviewees 4 and 5 remarked on the need for greater recognition of migrants’ hardships and criticized specific political figures for their anti-immigration stances, identifying them as a part of the problem. At the same time, Interviewee 5 argued that he wishes “a place where refugees like him are welcomed, not just rescued”. This last sentence deepens the conversation to a more critical approach of continuing efforts even after rescuing, since the evidence shows how difficult could it be to be in a country full of policies against migrants, and, as a consequence, how impactful it is to develop programs of inclusion in civil society, such as the Baobab experience, analyzed in Chapter 6, or Melting Pot Europa.

Collectively, these responses demonstrate that migrants have critical connections between the current legal and policy framework and a more specific focus on the reality of irregular migration. It is not about their capability of reflection, but also a view from their own experiences. Participants’ recommendations fulfilled the initial intention of the interviewees, providing a point of view that only a migrant who saw human rights violations, suffered violence, forced labor, and saw friends and family die throughout their journey could provide.

7.6. Chapter Conclusions

As we revised the qualitative evidence in this chapter, we have effectively demonstrated that irregular migration and human smuggling are complex and very human issues. We were able to analyze the choices migrants make for going on dangerous journeys, proving that they are influenced by a complicated mix of factors that go beyond traditional causes like war, human rights abuses, or family separation. In this sense, for numerous individuals, irregular migration signifies the singular source of hope in areas that do not offer sufficient security or sustainable futures. This contrast was effectively captured in the opposing reflections of the participants, some expressing willingness to participate in such journeys if they promise a better future. In contrast, others carry profound regret of having left behind irreplaceable moments and relationships, but with no option rather than choosing their faith on deciding to migrate. Such duality demonstrates that the consequences of irregular journeys are also measured in emotional and social fragmentation. All together confirm what was presented in Chapter 3, aligning the complexity of the decision to leave.

Specific evidence demonstrated that experience with smugglers cannot be defined as just violent or just collaborative. The relationship between smuggler and migrant shows as a complex variable interaction, fluctuating between negotiation and cooperation, coercion and violence, and neutrality and respect. However, there is unanimity in the indispensable character of their crossing the Mediterranean. This complexity destabilized the dominant narrative of smugglers as one-dimensional criminals, instead showing a spectrum of interactions shaped by the journey itself, countries of transit, and very variable violence. These findings connect directly to Chapter IV, where the literature emphasizes the relational and service-oriented dimensions of smuggling, according to Achilli, Sanchez, and Campana, concluding that what is commonly framed as “crime”, in practice, is a survival economy based on trust, facing the absence of safe and legal pathways.

In contrast, evidence shows that routes are still full of extreme violence, especially in the Libya and Tunisia route, where migrants wait a long time and

there is a lot of uncertainty. Under this narrative, findings demonstrated that NGOs play a lifesaving but politically controversial role at sea. Respondents depicted the journey as a coercive passage, shaped by racial discrimination, where usually Italy is not even in their plans. The importance of such findings offers a valuable counter-narrative to the voluntary risk that is assumed in policies. These realities echo with the theoretical discussions in Chapter 4 of smuggling as a market produced by closure of borders, with Chapter 5's examination of externalization policies and the EU's reliance on third countries; and its critique of criminalization and the deliberate targeting of rescue operations. Taken together, empirical evidence reinforces that what European policy frames as "irregular migration" is in fact sustained by state choices.

Shifting to life in Italy, interviewees faced a legal landscape defined by uncertainty, waiting, and exclusion. Some crucial factors shown in findings are the unfairness of asylum procedures, the fear of deportation, the impossibility of family reunification, and experiences of corruption and heavy discrimination. Such findings align with the analysis in Chapter 6 on political discourse and public perception, where migrants' experiences in interactions are reflected in the importance of political discourse about migrants and how public perception can influence taking a different approach towards irregular migration and asylum. This reinforces the role of opinion in shaping policies, as without a different perception, the smuggling situation will remain the same or worsen.

Thus, smuggling, detention, marginalization, and racialization in irregular migration appear as the very architecture of a political project that seeks to regulate who may enter and under which terms. Inside this project, migrants are seen as merely passive recipients of humanitarian pity. However, evidence provided by the interviews articulates that they could be an actor of comprehension if there is a shift in the approach. Participants do not want to remain as survivors; they want to be treated as social subjects, belonging with dignity and with rights. In this sense, evidence points to the need for decisive intervention to reconfigure the debate on migration policy.

The structural consequences of criminalizing mobility emerge with clarity. First, the Italian restrictive border regime displaces migration routes without reducing movement, generating higher profits for smugglers, prolonged journeys, and an inevitable exposure to violence. Second, the criminalization of irregular migrants as they were smugglers perpetuates cycles of exploitation, while criminal networks are left intact. Third, the logic of “temporary protection” translates into prolonged uncertainty, which reduces integration and undermines the very objectives of social cohesion. Thus, such effects became a systemic dynamic, reinforcing one another.

For these reasons, the evidence that follows suggests the urgency of rethinking solutions beyond the spectrum of repression and humanitarian relief. In front of such a complex and entrenched phenomenon, migrants’ own proposals provide an alternative horizon. Initiatives incentivizing access to stable work, recognition of individual responsibility, and reevaluating policies that can value law as a mutual pact rather than a unilateral imposition could indicate a different grammar of migration governance. In other words, integration cannot be reduced to a final stage; it must be conceived as a commitment to both politics and civil society.

Such reorientation requires the first step in dismantling the current government efforts to conflate smuggling with organized crime. Evidence shows that the boundary between assistance and facilitation is so thin that it does not consider either solidarity or necessity, and efforts on legal channels are almost nonexistent. However, such actions do not address how policies create demand for smuggling, and how opening avenues for mobility would undercut its current conditions. Under this lens, reflections on the interviewees converge on a simple insight: to be legitimate, laws must demand reciprocity, respecting those who abide by them. Here lies the potential for a migration policy rooted in shared responsibility.

The evidence presented in this chapter demonstrates that incorporating voices into dialogue with academic theory and policy discourse provides a path to objective solutions. The task of scholarship and policymaking is to recognize

migrants as speakers in designing responses. In conclusion, the debates around smuggling, border control, and sovereignty cannot be from one side or another. Still, there should be a constant and active interplay that goes beyond the defense of a political position. Migration governance must be measured not by its capacity to restrict movement, but its ability to create conditions for justice, safety, and belonging.

CHAPTER VIII: CONCLUSIONS AND RECOMMENDATIONS

8.1. Conclusions

This thesis critically examined the evolution of Italian and EU migration policies. It has been demonstrated that they both directly and indirectly contribute to human smuggling in their key Mediterranean ports: Lampedusa, Augusta, Pozzallo, Trapani, Reggio Calabria, and Taranto. Findings confirm that European migration policies have an impact on irregular migration, as they are pushing migrants towards life-hazard journeys rather than stopping the flux. In addition, the criminalization of irregular migration has been intensified due to the Piantedosi Decree, the Salvini Decrees, Article 12 of the TUI, and Italian internal law in general. As a consequence, new illegal smuggling networks are increasing not naturally, but as a direct response to securitization.

This increase is directly influenced by the destruction of boats authorized by Operation Sophia, aiming to undertake systematic efforts to identify, capture, and dispose of embarkations. As a result, smugglers started to change them to vessels, where the percentage of risk of dying relative to arrivals has remained systematically high over the years, demonstrating a wrong approach to deterrence, securitization, and externalization by the European Union. With this conclusion, the thesis successfully achieved its general objective, confirming that human smuggling in Italy is more than an external criminal phenomenon, it is a mere outcome of state policies and their legitimizing narratives. In doing so, the thesis achieved its general objective.

The thesis also investigated the evolution of Italian and EU migration policies, firstly before the "so-called" migration crisis, in 2015, and secondly from 2015 to 2025, and assessed their role in the criminalization of irregular migration. Doing so, the study determined that the European agenda of criminalization, securitization, and externalization, with special relevance on the last one, constantly fuels the structuring of human smuggling networks in the MENA region, particularly the ones operating in Libyan coasts, in the city of Tripoli, to Italian ports. Here, Libyan smugglers use migrants as captains of ships and NGOs as the last part of their journey, which resulted

in an Italian response of heavy criminalization of such organizations, and migrants who assisted or facilitated on the journey (without a clear distinction among them), charging them as smugglers and erasing the line between smugglers and irregular migrants.

With this conclusion, given its legal, policy, and empirical analysis, the theoretical contribution of this thesis supported debates on smuggling and migration governance. Empirical evidence confirms research portraying smuggling as a previously negotiated service, and not as a criminal enterprise, showing how securitization and externalization, as analyzed in migration studies, take material form in migrants' vulnerabilities. Thus, it challenges the EU's current migration framing, especially in Italy, highlighting the paradox of promoting policies, firstly intended to eradicate migrant smuggling, that generate the very networks they claim to fight against. In this way, the thesis achieved its first specific objective.

The research set the second specific objective of assessing how securitization policies in Italy and the current Italian Government are facilitating human smuggling networks. Through a multi-level analysis on securitization and externalization policies, research demonstrated that Italian migration policies are based on unlawful decrees and laws, such as the TUI, where migration is penalized and migrants are left with no protection. Furthermore, the thesis determined that the Italian hotspot approach violates the universal principle of non-refoulement. Such violations are supported not only by evidence provided in the thesis, but also by international organizations and civil society, which has led to profound debate and criticism, qualifying Italy as developing "border spectacle" instead of protecting rights.

The thesis firstly intended to analyze the origin, evolution, and geographical concentration of smuggling activities. The study then analyzed that the origin of smuggling activities is directly related to the closure of borders, since the need and the urgency of migrate it is present in history, but it has been increasingly growing due to political instability and economic problems, such as the Arab Spring, the civil war in Libya and general poverty, and determined that the urgency to migrate irregularly is rarely a voluntary decision. Then, it followed the evolution of smuggling networks, from very centralized to real networks, where smugglers have even transnational connections, but keep a low-connection level, being more a service provider than a

consolidated business. Furthermore, the thesis determined that pricing on human smuggling from MENA coasts to Italian main entry ports is highly fluctuating, going from 1,000 to even 10,000 euros, seeing differences in fees even among migrants that were in the same boat. Lastly, the geographical concentration of migrant smuggling shifted from a wide range of departure ports to being concentrated in Libya and Tunisia, due to their geographical proximity and lack of control.

However, that means that these irregular migration hubs bear a high level of power and control, and militias in Libya are surveilling the whole territory, taking advantage of the situation and committing serious human rights violations against migrants. From forced labor to violence and even death, human rights violations in these territories run without any judicial control. Evidence presented showed that every participant had suffered at least two heavy violations and their subsequent neglect by both smugglers and border controllers. To top it off, Italian procedures at arrival exacerbated both trauma and violations, obliging migrants to stay in overcrowded detention centers and hotspots for extremely long periods, deliberately choosing their city of destiny without any control, offering them a false promise of giving documents to find someone to blame, and finally leaving them to their faith after their release without any type of support nor follow-up.

The evidence presented in this thesis demonstrated how all of these measures are constantly increasing uncertainty and instability among irregular migrants, indirectly pushing them to take smuggling pathways to enter Europe. As a consequence, policies and procedures immediately fuel smuggling, since bureaucracy is infinite and the percentage of chance of legal status is lower than the 32% in the last year, according to FRONTEX.

Finally, the thesis' last specific objective was to propose alternative approaches that prioritize human rights. To do so, the thesis first identified a significant gap in European cooperation towards Italy, specifically due to the Dublin Regulation and the failure of relocation mechanisms. Empirical evidence in this thesis proposes alternative approaches, prioritizing urgent shifts in policymaking by taking the migrant as an interlocutor of migration policies, with a focus on reciprocity, rights, and obligations. Findings showed that a deterrence-based approach like the current one will only

incentivize smuggling, and it is already reshaping routes and making them more dangerous. It is essential to highlight the role of political discourse, public perception, and civil society on these purposes, as evidence demonstrates that perceptions of migrants are one of the factors perpetuating migration-exclusive measures.

For that, political discourse should approach a more integrated view, where migrants could be postured not in a duality of protection and deterrence, but create a spectrum of responsive compromise. On the way of looking for safer and legal pathways, the thesis prioritized the migrant experience as a valuable resource for humanizing the debate of human smuggling, in the hope of a better integration and protection of migrants in the future.

Inevitably and as anticipated in Methodology, the study has limitations. Interviews, despite their relevance and robustness, rest on a limited number of individuals, clarifying that this amount of evidence cannot capture the full diversity of migrant experiences. However, its deep analysis and its focus on Italy and its central ports, present a significant window for future research and application with other EU border states such as Spain or Greece.

Ultimately, migration governance must be reshaped as the very source of protection of human life. As long as deterrence and externalization remain the main Italian policies' base, smuggling will not stop or reshape, but rather adapt, becoming more profitable and consequently more appealing to smugglers. Human costs will remain high, and migrants will still decide to take perilous journeys. This thesis has shown that alternatives do exist if migrants are recognized as essential participants in shaping a sustainable migration future.

8.2. Recommendations

. The evidence presented in this thesis points to the urgency of a shift in approaches. Therefore, a different orientation is required. Reforms should accelerate asylum and residence procedures, introducing provisional statuses that can evolve into durable residence based on work, education, or community participation, reducing documentary burdens. In addition, expanding safe and legal entry channels is

recommended to reduce the reliance on smugglers. Finally, integration must extend beyond legal status and move into the social sphere, with measures that combine language instruction with vocational pathways and link newcomers with employers in need of labor. Several case studies already demonstrate the viability of this more integrated approach, such as Canada's community sponsorship model, or Portugal's inclusive regularization policies.³⁷¹ Although contexts differ, they highlight the importance of integration implementation for reducing smuggling demand.

From an NGO perspective, the current study recommends using the information to construct a promising avenue for the development of peer-navigation projects, where migrants who have completed procedures support newcomers. Some partnerships with universities and NGOs can also expand access to legal aid, training, and research labs, where migrants contribute to the design of policies.

From an academic perspective, the thesis opens essential directions for future research. Studies based on the primary evidence could expand the comparative dimension in policy studies, examining how EU Member States apply similar approaches and how some alternative models of integration challenge the typical narrative. Particular attention should be paid to the role of political discourse in shaping public perception, specifically a comparative analysis of approaches among different political parties. Additionally, future research based on this study should consider Chapter 7 findings for developing human rights studies, to provide detailed and established purposes in migrants' integration for a better future. Under an economic lens, an econometric model on the positive relationship between migration and development is suggested.

Finally, the thesis should be used not only as a source of knowledge in migration studies, but also as a method of consciousness towards social studies and empathy for irregular migrants who left everything to look for a better future.

³⁷¹ See [Migrant Integration Policy Index 2025](#)

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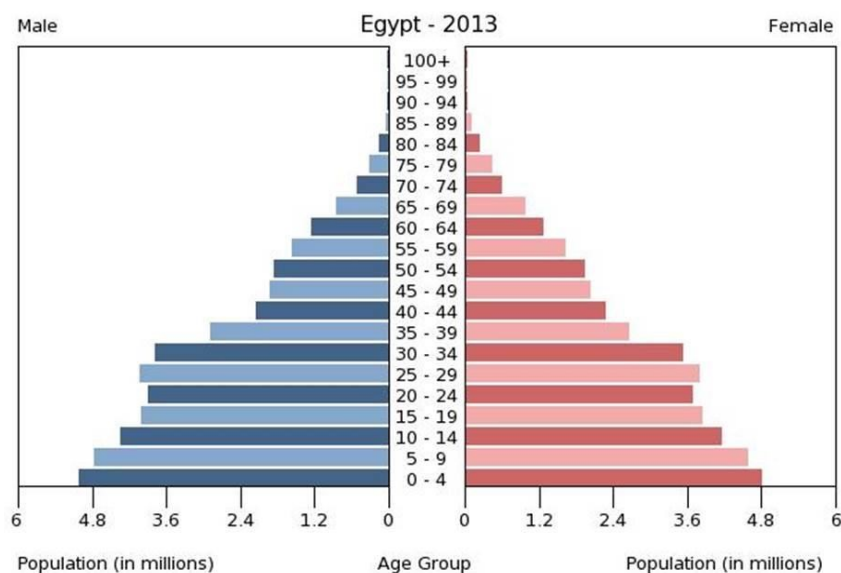
APPENDICES

Appendix 1

Demographics of the Arab Spring. Bowyer, Jerry. "Youth in Revolt: The Demographics Behind Middle Eastern Uprisings." Forbes, July 18, 2013

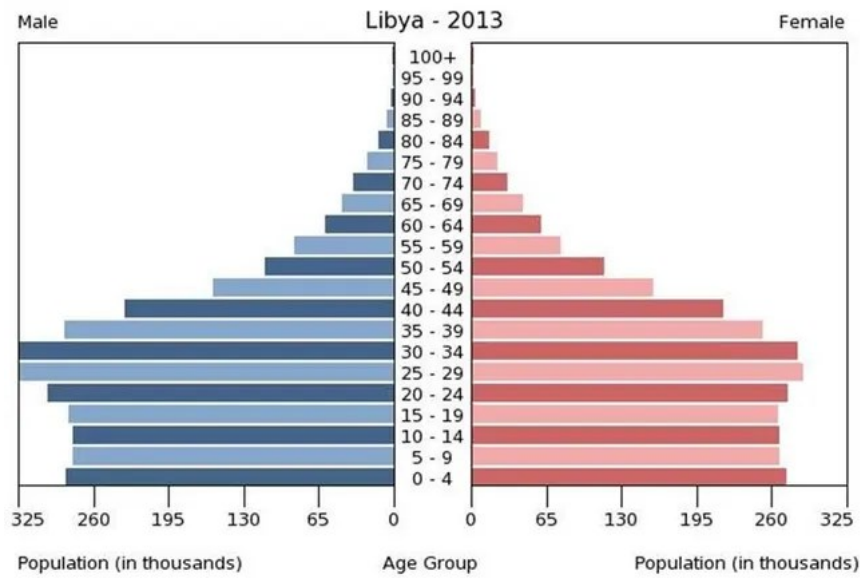
An analysis of all the countries which have gone through a revolution, coup attempt or civil war in the recent 'Arab Spring' demonstrates that every single one of them had a median age of 24 or younger.

Figure 27. Egypt



Source: [census.gov](https://www.census.gov)

Figure 28. Libya

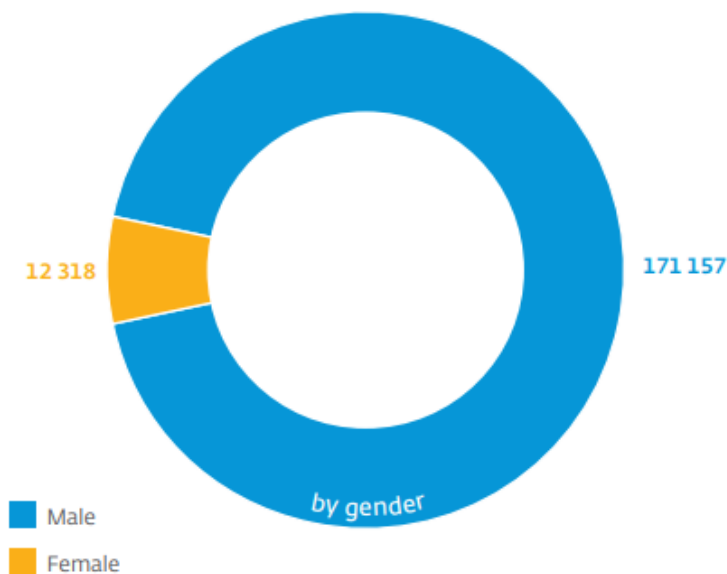


Source: [census.gov](https://www.census.gov)

Appendix 2

Demographics of individuals detected for illegal border-crossing on entry at external land borders

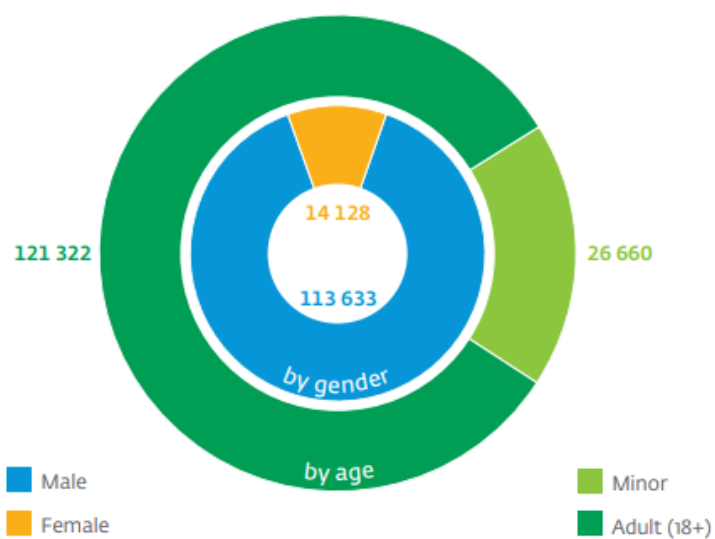
Figure 29. Distribution by gender



Source: FRAN data as of 3 February 2023

Figure 30. Demographics of individuals detected for illegal border-crossing on entry at external sea borders

Gender breakdown excludes data not available.



Source: FRAN data as of 3 February 2023

Appendix 3

Table 8. MENA, unemployment total, women and young people (15-24), % of labor force, modelled ILO estimate (compared to the EU average), 2015-2019

Country	Total unemployment			Female unemployment			Youth unemployment		
	2015	2017	2019	2015	2017	2019	2015	2017	2019
EU average	10.0	8.1	6.7	10.2	8.4	7.0	24.1	20.0	16.8
Algeria	11.2	12.0	11.7	16.7	21.1	21.1	29.7	29.6	29.5
Bahrain	1.1	0.7	0.7	3.7	2.8	3.0	5.3	3.9	4.6
Djibouti	10.6	10.4	10.3	10.8	10.5	10.4	20.9	20.8	20.8
Egypt	13.1	11.7	10.8	24.9	23.1	22.1	34.3	32.9	31.1
Iraq	10.7	13.0	12.8	22.2	31.0	30.4	21.4	25.5	25.1
Qatar	0.2	0.1	0.1	0.9	0.6	0.4	0.6	0.5	0.4
Oman	3.6	3.0	2.7	13.2	12.4	11.9	15.0	13.4	13.2
Iran	11.1	12.1	11.4	19.5	19.9	18.6	25.9	28.0	27.4
Jordan	13.1	15.1	14.7	22.7	24.0	23.3	30.9	35.4	35.0
Lebanon	6.4	6.2	6.2	10.4	10.1	9.9	17.7	17.4	17.6
Kuwait	2.2	1.8	2.2	4.7	4.8	5.5	15.3	13.7	15.8
Mauritania	9.8	9.6	9.5	12.2	12.0	12.1	15.1	14.8	14.8
Morocco	9.5	9.2	9.0	10.4	10.7	10.4	20.9	22.3	22.1
Saudi Arabia	5.6	5.9	5.9	21.7	20.3	22.1	29.2	26.9	28.6
Sudan	17.3	17.1	16.5	30.0	29.5	27.8	32.6	32.4	31.4
Tunisia	15.2	15.4	16.0	22.4	23.1	23.4	34.2	34.8	36.3
UAE	1.9	2.5	2.3	4.7	7.1	6.0	6.5	7.9	7.3
Yemen	13.4	13.2	12.9	25.3	25.5	24.9	24.6	24.4	24.0
MENA	10.1	10.2	9.8	18.2	18.6	18.1	27.0	27.4	26.9

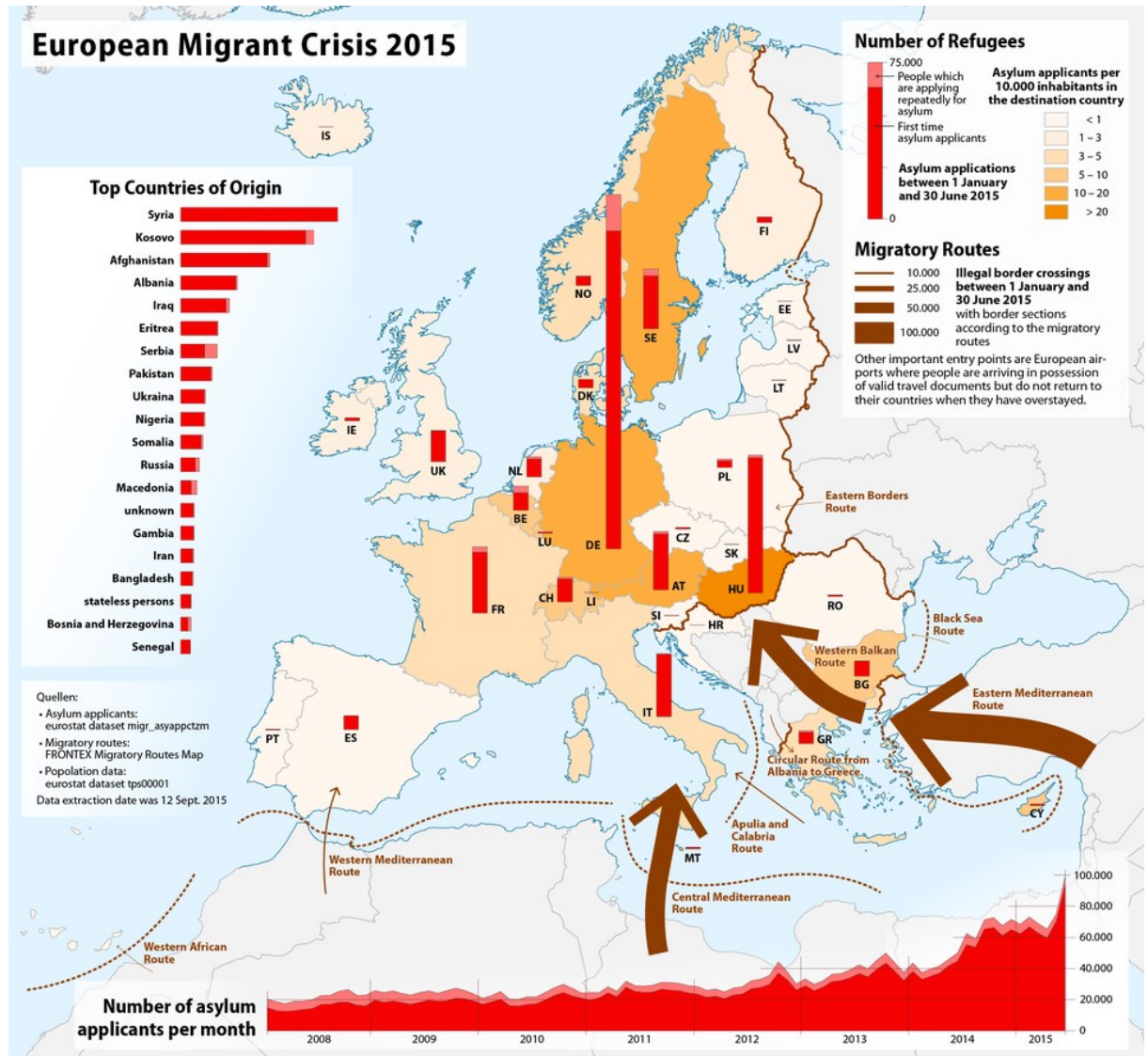
Source: [Bruegel](#) based on World Bank's World Development Indicators.

Appendix 4

Europe Arrivals in 2015 with the Mediterranean Route

The following map shows in a very graphic way the impact of the so-called Arab Winter, that is, the consequences of the Arab Spring, which had a total amount of more than 100,000 arrivals through illegal immigration routes.

Figure 31. European Migrant Crisis 2015



Source: [Wikipedia](#). Accessed July 8th, 2015

Appendix 5

Survey answers to the wish to migrate

Not only do substantial numbers of citizens wish to emigrate, but they also seem to hold this preference for a family member as well. When asked about encouraging another family member to migrate, a clear majority of 57 percent in Lebanon agree with this statement, followed by Tunisia and Morocco where 37 percent and 31 percent respectively indicated the same preference for a family member to migrate.

Figure 32. Survey answers to the wish to migrate 1

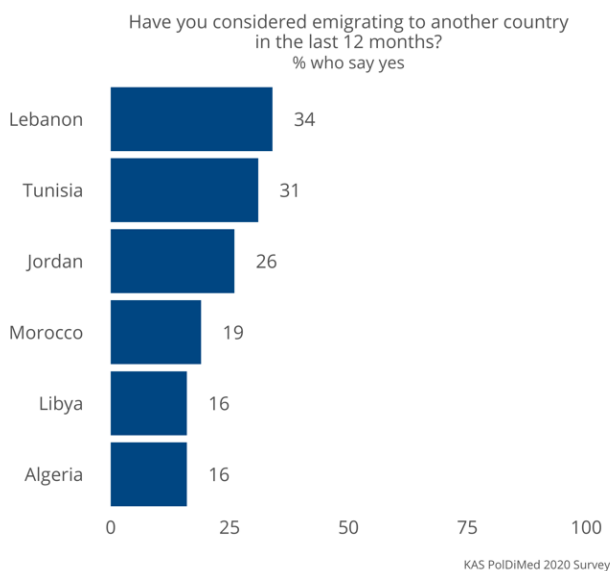
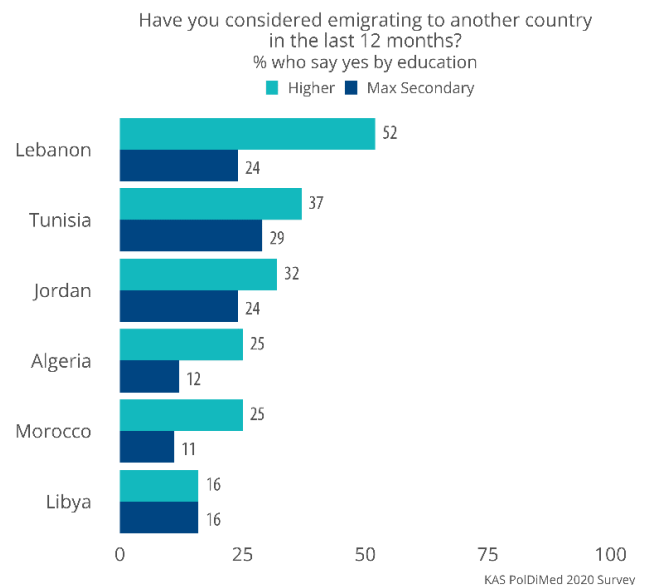


Figure 33. Survey answers to the wish to migrate 2



Appendix 6

International migration and illegal costs: Evidence from Africa-to-Europe smuggling routes

The present appendix shows the result of the study of Fiebel et al, which examines how changes in the distance along smuggling routes affect migration intentions from African countries to Europe. Using bilateral data from 2010-2013, the author estimated the elasticity of migration intentions based on route characteristics, institutional quality and access to information.

Findings

Table 9

Key Variable	Effect on Migration Intentions	Interpretation
Smuggling Route Distance ↑	Migration Intentions ↓	A 1% increase in irregular distance leads to a 3% drop in intention to migrate. Distance (cost/risk) strongly deters movement.
Low Rule of Law	Effect intensified	Countries with weak institutions show higher dependence on smuggling networks.
Internet Access ↑	Migration Intentions ↑	Informed individuals are more likely to migrate. Smugglers may become unnecessary where trusted information is available.
West vs East Africa	No significant difference	Migration patterns are widespread and not confined to one region.
Southern Africa	Less sensitive to distance	Possibly due to geographic constraints or alternative strategies.

Source: Author's elaboration based on Guido Fiebel, M. Manchin, M. Mendola and G. Prarolo. "International migration and illegal costs: Evidence from Africa-to-Europe smuggling routes." .2024)

These findings confirm that migration patterns are highly reactive to cost, governance and risk, rather than driven solely by criminal networks.

Appendix 7

Smuggling network investigations in Sicily (2013-2015)

Investigations conducted in Catania and Siracusa between 2014-2015 resulted in the following data:

1. Nationalities on the facilitators (arrested and non-arrested)
2. Three major smuggling networks and their leaders
3. Cross-national cooperation documented between Syrian facilitators, Iraqi operatives, Turkish networks and Palestinian organizers.³⁷²

Table 10. Facilitators reported to courts, arrested 2010-2014, first 6 nationalities

2010	2011	2012	2013	2014 (to 30/9)
Italy	Italy	Italy	Italy	Italy
China	China	China	Egypt 181	Egypt 151
Morocco	Egypt 95	Egypt 118	China	Bangladesh
Egypt 51	Unknown	Unknown	Morocco	Tunisia
India	Senegal	Morocco	Unknown	China
Unknown	Tunisia	Tunisia	Albania	Morocco

Source: EMN (2014)

³⁷² European Commission, Directorate General for Migration and Home Affairs, Study on smuggling of migrants: Characteristics, responses and cooperation with third countries, Case Study 1: Syria/Lebanon – Egypt - Italy, 2015.

Table 11. Facilitators reported to courts, not arrested 2010-2014, first 6 nationalities³⁷³

2010	2011	2012	2013	2014 (to 30/9)
Italy	Italy	Italy	Italy	Italy
China	China	China	Egypt 31	Egypt 151
Morocco	Egypt 64	Egypt 47	China	Bangladesh
Egypt 84	Unknown	Unknown	Morocco	Tunisia
India	Senegal	Morocco	Unknown	China
Unknown	Tunisia	Tunisia	Albania	Morocco

Source: EMN (2014)

³⁷³ Since the study is focused on Egypt, number of Egyptian nationals appears on the table.

Appendix 8

Table 12. Smuggling of migrants and social media. UNODC.

Smuggling of migrants and social media

Social media networks and channels are used in various ways in the context of migrant smuggling. One common usage is where various social media serve as 'consumer forums'. In a business where there is a considerable gap between the information that is shared with migrants and reality, migrants often try to reduce this gap by using social media tools to research the smuggler and the journey they are planning to undertake.

In order to organize journeys, the internet is used to share recommendations (or negative reviews) of migrant smugglers as well as information about routes and prices.^a Syrians, in particular, make extensive use of technology and social networks, such as Facebook, Viber, Skype and WhatsApp, to share their insights.^b The use of such tools has also been documented in South Asia, for the selection of smugglers,^c and in Africa.^d

In destination countries, smuggled migrants publish feedback about smugglers and their services; exposing cases where smugglers failed, cheated or treated migrants badly. Migrants and refugees also comment on their experiences in the receiving countries as well as administrative procedures to stay in the country.

Social media channels are also used to promote smuggling services. This is often done by posting ads on Facebook or other fora normally used by migrants to exchange views and experiences. In their posts, smugglers present their offers, often by inserting attractive images. They underline payment modalities; for instance, payment after the delivery of the required visa. They may also ask potential clients to contact them directly via a range of messaging services, some of which also offer the advantage of anonymity.

Different 'travel packages' can be found, from cruises to flights. It is common to advertise 'guaranteed visa' for destination countries, as well as passports or any other travel documents.

In selling their services, smugglers often deceive migrants and channel irregular migration movements towards or away from certain transit and destination countries.^e In some Facebook pages, smugglers pretend to work for NGOs or fake European Union agencies tasked with organizing the safe passage to Europe by sea.^f Smugglers targeting Afghan migrants have also been found to pose as 'legal advisors' for asylum on social media.^g

Source: UNODC, GLOBAL STUDY ON SMUGGLING OF MIGRANTS. 2018: 41.

Appendix 9

Table 13. UNODC: Migrant Smuggling Routes to Italy and the EU: Transit and Destination Patterns, Costs, and Modalities

Smuggling Passage or Route	Type of Smuggling	Reported Costs	Sources
Malta to Italy (EU secondary movement)	Sea route	US\$1,100	Regional Mixed Migration Secretariat, Abused & abducted: the plight of female migrants from the Horn of Africa in Yemen, October 2014.
Libya to Italy	Sea route	From around US\$500 up to 2,500	European Commission, DG Migration and Home Affairs, A study on smuggling of migrants, Final Report, Sept 2015; RMMS, Going West, June 2014: 49.
Agadez (Niger) – Libyan coast	Land route	Around US\$2,000–3,000	The Global Initiative, Integrated responses to human smuggling from the Horn of Africa to Europe, May 2017: 20.
Agadez (Niger) – Sabha (SW Libya)	Land route	Around US\$100–300	UNHCR & Altai Consulting, Mixed migration: Libya at the crossroads, Nov 2013: 35.
Eritrea – Sudan/Ethiopia – Libya/Egypt	Land route	Around US\$4,000	The Global Initiative, Integrated responses to human smuggling, May 2017: 20.
Somalia (Somaliland) – Sudan – Libya/Egypt	Land route	US\$2,000 to 3,500	UNHCR & Altai Consulting, Mixed migration: Libya at the crossroads, Nov 2013. The Global Initiative, May 2017: 20.
Horn of Africa to Southern Africa	Mainly land route	Around US\$3,000–3,500	RMMS, Smuggled South, March 2017: 16; Migrant Smuggling in the Horn of Africa & Yemen, June 2013: 30.
Türkiye coastline – Greek islands	Sea route	US\$1,000 to 8,000	European Commission, Study on smuggling of migrants, Sept 2015: 43. (Entry through Greece, with potential secondary movement to Italy or elsewhere in the EU)

Afghanistan – Western Europe	Air route	US\$10,000–15,000	UNODC, Migrant Smuggling in Asia, April 2015: 34-35; UNODC, Comparative Research on Financial Flows, 2013: 22.
Afghanistan to Western Europe	Land route	Around US\$10,000	UNODC, Migrant Smuggling in Asia, April 2015.
Pakistan – Western Europe	Land route	US\$3,000 to 8,000	UNODC, Migrant Smuggling in Asia, April 2015.
Pakistan – Western Europe	Air route	US\$12,000 to 18,000	UNODC, Migrant Smuggling in Asia, April 2015.
India to Europe (Schengen Area)	Air route	US\$15,000 to 30,000	ICMPD, Yearbook on Illegal Migration, 2011: 192, 250; UNODC, August 2015: 32.
Viet Nam – Western Europe	Air and land route	US\$7,000 to 15,000	UNODC, Migrant Smuggling in Asia, April 2015: 34-35, 71.

Appendix 10. Interview questions ³⁷⁴

I. Personal Journey and Decision

- 1. Why did you leave your home country?**
- 2. What did you do before coming to Europe? How many languages do you speak?**
- 3. Did you try to find legal ways to come to Europe before considering other ways to do it? What happened?**
- 4. How did you plan your journey? Who helped you find the way to do it? How did you find it? (Social media, friends, friends of friends)**
- 5. Where did your route begin, and where did you first arrive in Italy?**
- 6. Did you follow the original plan from the beginning, or did your route change along the way?**

II. Experience with Smugglers

- 7. How much did you pay in total for the journey? Were you asked to pay more than was initially agreed?**
- 8. Did they promise anything they didn't fulfill (safety, destination, paperwork)?**
- 9. What was your experience like with the person(s) who helped you cross? How would you describe your interaction with these people? Were they helpful/collaborative or aggressive?**
- 10. Would you say that they work alone or as part of an organized group or network?**

- 11. Did you feel you had other choices besides them?**

III. Migration Policies and the Journey

- 12. How much time did you take from the moment of departure until the moment you touched Italian lands for the first time?**
- 13. Did border controls or police actions affect your journey?**
- 14. Did you or others change routes because of policy or danger?**
- 15. Do you feel that migration policies helped or made things harder for you? What do you think about them?**
- 16. Did you receive help from any NGO when you arrived?**

³⁷⁴ See [Interviews](#) for the full interviews transcription

17. Did you know your rights as a migrant before or after arrival? Do you think those rights have been respected?

IV. Arrival and Life in Italy

18. What happened when you arrived in Italy?

19. How have you been treated by people, institutions, or the police?

20. Did you ever feel treated differently because of how you arrived?

V. Reflections and Ideas

21. If you could go back in time, would you still make the same journey? Why or why not?

13. If you could speak to EU or Italian leaders, what would you tell them? What would you change about European or Italian migration policies?

Appendix 11

Table 14. EU Laws Addressing Human Smuggling and Irregular Migration

Policy Area / Instrument	Legal Act	Description
Carrier Sanctions Directive	Council Directive 2001/51/EC	Introduces penalties for carriers transporting irregular migrants.
EU Facilitation Directive	Council Directive 2002/90/EC	Obligates MS to penalize assistance with irregular entry or transit of TCNs (with or without financial gain). Humanitarian activities may be exempted.
Passenger Information Directive	Council Directive 2004/82/EC	Requires carriers to transmit passenger data to national authorities to strengthen the fight against 'illegal migration'.
Visa Code	Regulation (EC) 810/2009	Establishes procedures and conditions for issuing short-term visas (up to 3 months in a 6-month period).
Schengen Borders Code	Regulation (EU) 2016/399	Lays down rules for external border control of persons crossing MS borders.
Visa List Regulation	Regulation (EU) 2018/1806	Lists third countries subject to visa requirements and those exempt.
Immigration Liaison Officers Network Regulation	Regulation (EU) 2019/1240	Creates a European network of immigration liaison officers to improve cooperation in preventing irregular migration.
Long-Term Resident Directive	Directive 2003/109/EC	Defines status of long-term residents and safeguards against loss of status (e.g., unemployment, welfare dependency).
Family Reunification Directive	Directive 2003/86/EC	Grants TCNs with lawful residence the right to family reunification; Art. 8 ECHR extends scope to irregular migrants.

Residence Permit for Victims of Trafficking Directive	Directive 2004/81/EC	Establishes conditions for granting temporary residence permits to TCNs cooperating against trafficking and irregular immigration.
Employers Sanctions Directive	Directive 2009/52/EC	Prohibits and sanctions employment of irregular migrants while recognizing rights of exploited migrant workers.
Single Permit Directive	Directive 2011/98/EU	Simplifies procedure for issuing a single residence and work permit and strengthens TCN workers' rights.
Anti-Trafficking Directive	Directive 2011/36/EU	Defines trafficking offences and sanctions, integrates gender perspective, and strengthens victim protection.
Victims' Rights Directive	Directive 2012/29/EU	Ensures victims of crime, regardless of residence status, receive information, support, protection, and participation rights in proceedings.
Transit Support for Removal Directive	Council Directive 2003/110/EC	Provides for MS cooperation in unescorted and escorted removals by air to end irregular residence.
Return Directive	Directive 2008/115/EC	Central EU measure on irregular migration: regulates voluntary and forced return, detention, and safeguards for returnees.
EU Citizens Directive	Directive 2004/38/EC	Governs free movement and residence rights of EU citizens and their family members, including permanent residence.

Source: MlrreM Working Paper No 8. 2024: EU Policy Framework on irregular migrants

Appendix 12

Table 15. Rights at risk under the Italy-Albania Offshore Processing Model

Instrument & Article	Core guarantee	How the Italy–Albania model puts it at risk	Notes / case-law
ECHR art. 3	Absolute ban on torture, inhuman or degrading treatment	Fast-track screening + detention in “non-entry” sites may enable neglect, ill-treatment, and removal down risky return chains without robust assessment	Hirsi Jamaa v. Italy (non-refoulement at sea); M.S.S. v. Belgium & Greece (systemic deficiencies)
ECHR art. 5	No detention without lawful basis, necessity, and prompt judicial control	Automatic/blanket detention in off-shore compounds; distance hinders access to judges, counsel, interpreters; review not truly prompt/individualized	Saadi v. UK (immigration detention standards); necessity/proportionality line
ECHR art. 13	Effective remedy before an independent body	Offshore location + accelerated procedures limit real access to lawyers, appeals, and suspensive effect	Gebremedhin v. France (remedy with suspensive effect); art. 13 + art. 3 nexus
ECHR Protocol No. 4, art. 4	No collective expulsion	Group handling, “mass” decisions, and safe-country templates risk de facto collective treatment	N.D. and N.T. v. Spain (collective expulsion criteria)
EU Charter art. 18	Right to asylum with due process	Compressed processing outside the EU space undermines individual examination and access to fair procedure	Read with Asylum Procedures Directive (individual interview, reasoned decision)
EU Charter art. 19(2)	Non-refoulement	Rapid transfers/returns via “safe” labels, without individualized risk analysis, risk chain refoulement	Parallel to ECHR art. 3; applies whenever a Member State implements EU law
EU Charter art. 47	Effective judicial protection	Offshore siting + logistical barriers impede effective access to courts and legal aid	Read with APD remedies (right to an effective remedy, time limits, suspensive effect)
ICCPR art. 7	No torture/ill-treatment	Same risks as ECHR art. 3; absolute duty, including non-refoulement via art. 7	HRCtee General Comment No. 31 (extraterritoriality via effective control)
ICCPR art. 9	Liberty and security; no arbitrary detention;	Systemic, prolonged confinement without	HRCtee General Comment No. 35 (immigration

	right to challenge detention	genuine individual review = arbitrary detention	detention standards)
CAT art. 3	No removal to risk of torture (non-refoulement)	“External” screening/returns where monitoring is weak ⇒ heightened risk of onward transfer to harm	CAT GC No. 4 (risk assessment factors, burden/standard of proof)

Source: Author based on International Law. 2025.³⁷⁵

³⁷⁵ Note: All instruments are available at: ECHR, EU Charter, ICCPR, and CAT. They were operationalized in a table with the support of Chat GPT for a more visual analysis. The author of this paper is responsible for verifying the information. AI was only used as an intermediary.

Appendix 13

Table 16. Interviewees' personal decisions

Interviewee	Country of Origin	Year of Arrival	Age	Attempted Legal Entry	Barrier Faced	Decision to Migrate	Smuggler Recruitment	Language Skills
1	Nigeria	2017	29	Yes (failed)	Transport barriers from their country	Too young to decide, hostile family situation	Word of mouth	English, Italian
2	Egypt	2016	22	Yes (failed)	Failed visa attempt	Mandatory military service, no future perceived, left too young	Word of mouth	Arabic, Italian
3	Gambia	2023	18	No	Forced labor in Libya, no legal option	Coercion, not personal choice	Forced by smugglers in Libya	Mandinka, Arabic, French, English, Italian
4	Gambia	2023	18	No	No legal option	Hostile family situation	Word of mouth	Multilingual, fluent Italian
5	Eritrea	2014	24	Yes (failed)	No legal option	Personal decision due to violence and instability in the country	Facebook ad	Mandinka, Arabic, English, Italian
6	Mali	2023	18	Yes	Visa denied despite work & housing (perceived racism)	Hostile family situation/ Instability in the country	Word of mouth	Tigrinya, Arabic, English and Italian