



# **THE ITALIAN CRIMINALIZATION OF NGO VESSELS IN THE CENTRAL MEDITERRANEAN SEA**

**Violation of the International Legal  
Framework**



# The Emerging Containment Strategy of Rescue Discouragement

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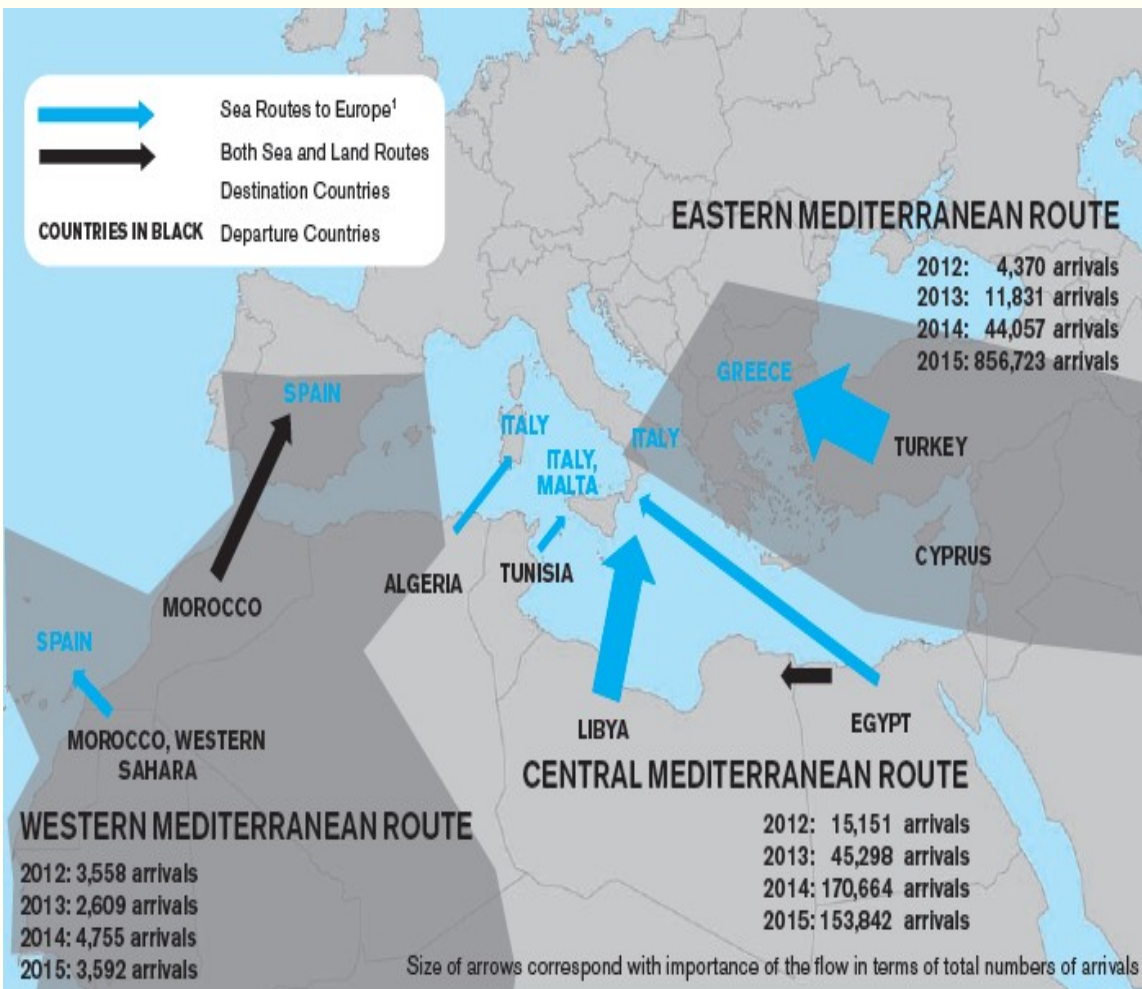
restricted extraterritorial measures against irregular migrants arriving by sea

administrative measures imposing criminal liability to the captains of vessels who transport irregular migrants and the classification status of smuggled migrants as 'offenders'

to argue policies on preventing irregular migration and sanctioning human smuggling activities which continue to over-burden the Italian asylum and not only but EU asylum and immigration capacities

the criminalization of rescue is not the solution to containing irregular migration.

# Cases of Criminalization Measures to Discourage NGO SAR Activities



Case of the captain of *Sea Watch 3*, Ms *Carola Rackete*, European Court of Human Rights (ECtHR) requested Italy to 'continue to provide all necessary assistance' but failed to indicate the Italian government the interim measure as requested to order Italy to allow disembarkation. ECtHR, *Rackete and Others v Italy* (application no. 32969/19)

Case of the *GeoBarents* which saved 439 migrants,

these rescue vessels at sea, are to be considered 'human rights defenders, not criminals.;



# Administrative Measures in Violation of the International Legal Framework on Rescue at Sea

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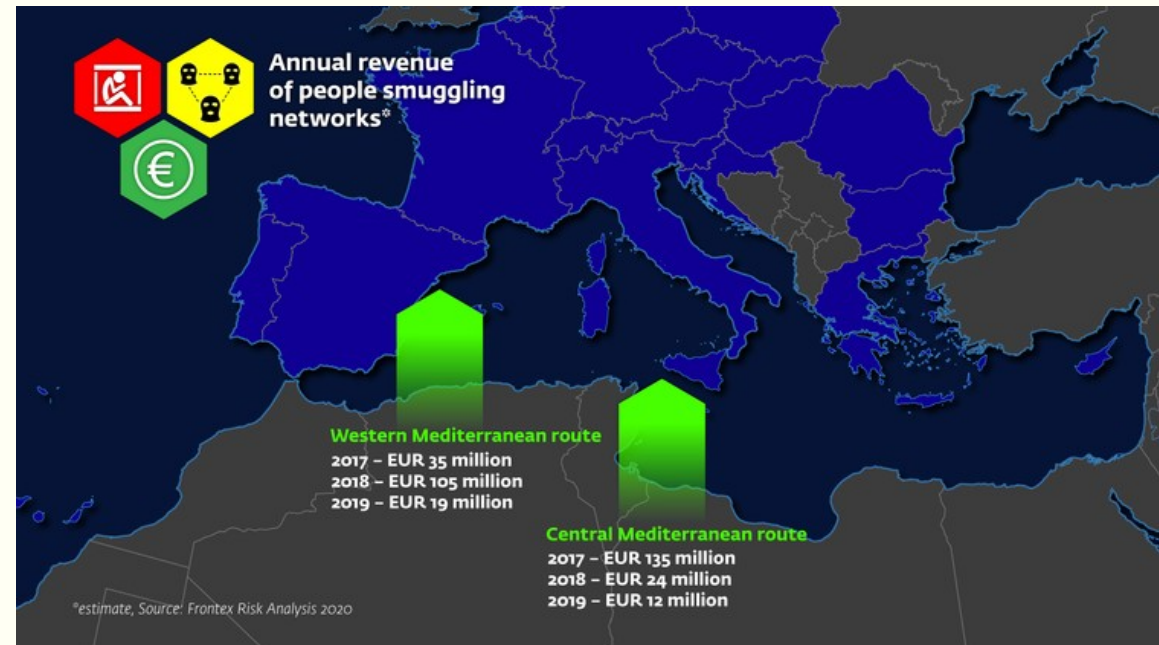
Criminalizing the facilitation of illegal entry

Criminalizing trafficking in human beings

criminalize the smuggling of migrants in its various forms including the smuggling within the territory and cross-border smuggling. For the crime of migrant smuggling, state authorities must prove two legal elements, that of the

1) act embodied in the procurement of the illegal entry and

2) the purpose including a financial or other material benefit to be gained by the smuggler



# Summary

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## Trafficking

\*Trafficking, a failure by the State to identify a trafficked person correctly 'is likely to result in a further denial of that person's rights'

## Considering

\*Considering the above legal analysis, this paper recommends that Italy in collaboration with other EU Member States should implement a coherent, human rights-based response to maritime migration

# Thank you

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