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## **The boat drivers: smugglers or criminalised migrants?**

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# Our project

- The smuggling industry in the Mediterranean: a comparison of countries and across periods
- To understand how the smuggling industry have operated in Italy and Greece after the 2015 humanitarian crisis, as well as to identify how and whether migrant smuggling practices has been affected pre – during - and post COVID-19 pandemic and as a consequence of recent EU policies
- Semi-constructed interviews with professionals (such as police officers, border control officials, magistrates etc) and practitioners from related INGOs and local NGOs in both Greece and Italy

# Introduction: Who are the boat drivers?

- Institutional and media discourses: boat drivers = smugglers
- Boat drivers or so-called *scafisti*: smugglers or criminalised migrants?
- Preliminary findings on recruitment, identification and scapegoating for political use with a focus on Italy
- **Key argument:** Boat drivers go through a process of criminalisation as part of the wider process of criminalisation of migrants and migration and securitization of migration policy

# Smuggling: some key points

- **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 of which the person is not a national or a resident
- Migrant smuggling organised through **horizontal networks** characterised by loose and opportunistic affiliations
- **No top-down hierarchical pyramids or criminal masterminds** pulling the strings behind the scenes
- In some border areas smuggling is **an everyday informal activity**, a form of tactical livelihood
- The result of the **complex interactions** of large numbers of smaller, flexible actors efficient at organising piecemeal and ad hoc activities while retaining a relative degree of independence and proactiveness
- Migrants are not naïve victims of ruthless predators but **typically negotiate their shipment/crossing through**

# The debate on smugglers and boat drivers

- As institutional and media discourses routinely conflate smugglers and traffickers, and small smuggling groups with larger smuggling networks, they also conflate improvised boat drivers or so-called *scafisti*, smugglers and traffickers
- In Italy the term *scafisti* is used interchangeably for smugglers or traffickers and a target of anti-migration policy
- "We are going to look for *scafisti* all over the globe", Giorgia Meloni 10 March 2023



## Who are the so-called *Scafisti*?

- For the Right, constructed as the main responsible of an 'invasion of non-EU citizens'
- For the Left, the responsible of shipwrecks and deaths at sea
- According to the Italian law they are those people who 'carry out the transport of foreigners in the territory of the State'
- They are constructed as figures who profit and exploit
- Boat Drivers or *Scafisti* are those people who forcibly or following forced agreements pilot the boats that transport people across the borders and are often supported by another person who holds the compass



# *Scafisti* in the Italian Criminal Justice System

- **Carrying out** the transport of foreigners in Italian territory is a criminal offence
- Since 2013, more than 2,500 criminal proceedings have been initiated against persons accused of guiding boats carrying migrants
- From a review of almost a thousand cases, **over a third of those arrested are from North Africa**, 20% from Eastern Europe and 20% from West Africa
- Sentences range from 2 years to 20 years - sometimes more
- The decree-law approved by the Council of Ministers in Cutro after the shipwreck on Sunday 26 February 2023, harshens the punishment, and anyone who 'promotes, directs, organises, finances or **carries out the transport** of foreigners in the territory of the State' will be punished with imprisonment from 2 to 6 years (**instead of 1 to 5**). In the presence of aggravating circumstances - including exposing migrants to danger to life or limb, or subjecting them to inhuman or degrading treatment - **the framework will go from 6 to 16 years (instead of 5 to 15)**

# How the recruitment of boat drivers takes place

- Forced by violence
- Forced by circumstances
- Forced by 'agreement'
- Trained and skilled



## ‘Forced migrants not scafisti’

- “Those who drive the boats, who depart from Libya, **are forced migrants not scafisti**. I challenge those who meet the accused migrants, who are bringing evidence of being migrants, to consider them professional traffickers. **A professional trafficker knows that as soon as they arrive in Italy, they will be imprisoned**. And they would never go on an inflated boat because they risk imprisonment. However, **the migrants are either forced to drive or they accept the risk because they have no other choice**” (MEDU - Doctors for Human Rights - Practitioner 1)

Forced through the use or threat of use of violence

**“Many told us that they were beaten up. A guy we follow, they broke him all his teeth with a kick of a weapon. Another one, they separated him from his pregnant girlfriend, they told him “You drive the boat, when you send us a message saying you got there, we’ll send her.” This girl never got there. No one from the organisations would go on the boats” (Migrants Lawyer)**

## Boat drivers forced by the circumstances

“So, the traffickers, especially those who leave from the Libyan coasts, they may get on the boat for fifty meters and then hop on the traffickers’ boat and go back to the coast. They don’t reach the Italian coasts” (MEDU - Doctors for Human Rights - Practitioner 1)

“The scafista drives the boat, then in the middle of the ocean. Sometimes after a few minutes, sometimes after hours, another boat arrives, one of the fast ones. The trafficker moves you to the new boat, a relay boat, and they are left in the middle of the water. They are told “Go in that direction”. At times, that is the moment where the threats start. Most of the times it is unnecessary, because it is obvious that once you are in the middle of the sea and you are identified to be the driver, what are they gonna do? Go back?” (Public Prosecutor, Agrigento)

## Boat drivers by 'agreement'

“So, what they do? Everyone knows it. They take two desperate people. Then with either threats, implicit or explicit, or sometimes an agreement (if we can call it agreement), **like I won't make you pay the ticket and you drive. So, that's how they get the boats started. So, the scafista that is caught in Italy, it's the last wheel of the wagon (...)** If you want, we can dig deeper into this agreement because it is necessary to wonder how ridiculous it is an agreement for which you don't have to pay but you have to drive

This second option is also the only one in which we can identify some form of co-responsibility. But even here it is limited. These poor *scafisti* are the last wheels of the wagon, **they are people who cannot find the money for the journey, so they agree to this.** Are they those who earn the money from all the immigrants? No. They know they are at risk, but they still do it.”

(Public Prosecutor, Agrigento)

## Boat Driver identification

“What happened was, at the landing stage there was a scanning of all those arriving. Then, a part of these were taken to the mobile team’s office and they started with detectives and mediators, they spent 12 hours or so without breaks on interrogating (...) they took 10/15 people and if they all gave a similar account of the events and they identified 1/2/3 people – it was usually 3 people, one that drove, one on the satellite phone and maybe a third. If the accounts of those 10/15 people were similar, then they would continue with the administrative action against the defendants. And then the smugglers would be questioned” (Cultural Mediator – Astalli Center in Palermo)

“And you also have people that when the forced scafista is unwell and can’t drive the boat, they intervene and takes the wheel. When the helicopters take the pictures, they then see those people driving and they are appointed as the scafisti” (MEDU - Doctors for Human Rights - Practitioner 2)

# Political use of *scafisti*

The hunt of the *scafisti* is the only attempt western countries made to give a trophy to their publics. We shouldn't forget that this was the primary target of a European operation, Sofia operation, a FOR MED to which many fleets from various countries joined by investing considerable amounts of money. The operation aimed to seize the traffickers' fleets, but if we look at the numbers we only see hundreds of ship rescues. Because you do not obstruct human traffickers at sea, because they are simply not there. We are looking for an elephant at the pole, but you cannot find it there. Human traffickers are not at sea, and you can look for them as hard as you want, with all the tools you have available, but you will not find them because they are not there. (Public Prosecutor)

“I think it's a matter of propaganda. There is this need of identifying the villain (...) They only took some people at put them to drive. These people wouldn't realise that they were collaborating in a crime really severe in Italy. When the new Italian government say “Let's harshen the punishments”, do they think this would solve the problem? They have no idea ” (Cultural Mediator – Astalli Center in Palermo)

# Conclusion

- The so-called *scafisti* do not exist but are constructed as smugglers
- Boat drivers are migrants who are randomly chosen and forced to drive a boat
- Often people who do not know the consequences of their action
- This conflation is a pretext to criminalise migration and migrants
- “Anti-*scafisti*” rhetoric as potent ideological weapon used by states to criminalize both mobility and solidarity