



**RESISTING THE  
CRIMINALISATION OF  
FACILITATION**

**ONLINE COURSE**

**FEMINIST  
AUTONOMOUS  
CENTRE  
FOR RESEARCH**

# RESISTING THE CRIMINALISATION OF FACILITATION

Online Course

## Facilitated by:

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Wednesdays, 29 March to 17 May 2023

17:00-19:00 UTC

17-19h (Dakar, Niamey, London)

18-20h (Tunis, Palermo)

19-21h (Cairo, Athens)

## Programme at a glance

**29 March:** Why no borders? Welcome and introduction.

**5 April:** Feminist perspectives on prison abolition and border abolition. **Roundtable:** Course facilitators (FAC).

**12 April:** Victimisation, patriarchal 'protection' and white saviorism. **Roundtable:** Enrica Rigo (Clinica Legale Roma 3), Angelica Pesarini and Cristina Lombardi (Black Mediterranean Collective), Francesca Esposito (feminist no borders activist-scholar).

**19 April:** Facilitation, smuggling or solidarity? A contested narrative. **Roundtable:** Amara Kromah and Jelka Kretzschmar (El Hiblu 3 Campaign); Kathrin Schmidt (Iuventa Crew), Papamadiéye Dieye (Captain Support Network), Afewerki Gebremedhn, Meles Tesfaldet and Federica Nunzi (ColtivAzione).

**26 April:** Neo-colonial borders, externalisation, and criminalisation. **Roundtable:** Imane Echchikhi (Alarm Phone Morocco), Moctar Dan Yaye (Alarm Phone Sahara).

**3 May:** Legal and political struggles in court.

**Roundtable:** Valentina Azarova and Noemi Magugliani (de:border migration justice collective), Lorraine Leete (Legal Centre Lesvos), Nefeli Belavila-Trova, Christina Karvouni and Varvara Christaki (Aegean Migrant Solidarity), Julia Winkler (Borderline Europe).

**10 May:** Underground railroads: the road towards abolition.

**Roundtable:** Nandita Sharma, Bridget Anderson and Julia N O'Connell Davidson (feminist no borders activist-scholars).

**17 May:** Closing Assembly and Reflections.

## Context

The criminalisation of solidarity towards and between people on the move is a key component of border violence and it is twofold. On the one hand, people on the move accused of boat driving or supporting someone else's journey face extremely long prison sentences: they are the first target of the carceral violence of the border regime. On the other hand, sentences based on arbitrary trials of people accused of 'smuggling' or of 'facilitating illegal entry' including the criminalisation of search-and-rescue boat captains and crews (such as the Iuventa crew in Italy or the Mare Liberum in Greece), seek to exacerbate the violence of borders and worsen the situation of people on the move: the criminalisation of solidarity is intended to reduce people's capacity or willingness to support one another through dangerous journeys. Whilst often they are approached as separate issues, with the latter becoming object of solidarity campaigns aimed at decriminalisation of human rights defenders, migrants' 'saviours' or 'solidarians', we cannot understand one without the other. Both forms of criminalisation happen in a continuum of violence, shifting the attention away from the structural violence of borders. The criminalisation of solidarity is embedded in the formation of racial apartheid in Europe and globally.

The idea to do this course emerged at a workshop held in Palermo in fall 2023, in conversation with associations and activists involved in the struggles for freedom of movement and for the decriminalisation of migration, including the Captain Support Network. There, a consensus emerged on the need to create educational materials to counter the discourses of 'smuggling' and 'trafficking' that mobilise public support for criminalisation, pushbacks, and other forms of border violence. The course will address multiple implications of the politics of criminalisation of facilitation, such as the discursive, political, and legal implications on local, national, and supranational (European) levels. In particular, we will discuss how the process and continuum of criminalisation is not only a tool of incarceration, but also an attempt to depoliticise struggles against borders, as well as to weaken any form of migrant self-organisation and solidarity.

Throughout this course, we will focus on the criminalisation of facilitation. The notion of *facilitation* allows us to reflect on this continuum of criminalisation, without fabricating differentiations between the migrant activist, the boat driver, the sea rescuer, or the lorry driver. Whilst each of these actors is affected by criminalisation differently, by addressing the facilitation of migration in all its forms as the *object of criminalisation*, we seek to take distance from scrutinising the individuals who are criminalised, evaluating their 'guilt/innocence,' or whether they are 'deserving/undeserving' of criminalisation and therefore of solidarity. Placing the focus on the *practice* that becomes the object of criminalisation rather than on the actors brings to light that most forms of facilitation are a product of, and a necessity derived from bordering and the criminalisation of migration. From this perspective, we can build a decolonial, abolitionist analysis: the abolition of borders requires the decriminalisation of any form of facilitation of migration.

## Format

The course involves co-production of the course materials with a group of 40 participants, who will take the course online this spring (29 March to May 17, 2023). The eight weekly meetings of 2 hours each (16 contact hours) will include live (virtual) conversations with experts (including people facing criminalisation, activists, members of advocacy organisations, and academics). These will then be edited into a podcast for future listening and self-education. Anyone interested in the topic can take the course, and it will be structured according to differential levels of accessibility and engagement.

The course is organised around **8 sessions**. For each session, we invite activists, practitioners, and other people with an insight on the topic into a conversation with each other and with the participants. Participants are provided with a set of **key readings and resources** in preparation of each session, and with guiding questions that will inform the discussion. In addition to the key readings, participants have access to a broader range of selected articles, reports, and books relevant to the topic.

The conversations **will be recorded**. After the course is completed, we will edit the conversations into podcast episodes that will be published online together with other course materials. We encourage participants **to join all sessions**, as we seek to create a community of people in conversation with one another and learning from each other, and we hope that each conversation will build on the previous ones.

## Objectives

- Understanding key patterns and dynamics of the criminalisation of facilitation.
- Contextualising the criminalisation of facilitation within a broader political and legal framework.
- Analysing criminalisation from an intersectional, feminist, decolonial, and abolitionist perspective.
- Reflecting on the strengths and limitations of current practices of resistance to criminalisation and how to embrace them.
- Developing our collective imagination and weaving narratives for a world without borders.

All readings and resources listed below can be found [here](https://tinyurl.com/FacilitationCourse)  
<https://tinyurl.com/FacilitationCourse>

# Detailed Course Schedule

## 1. Why No Borders?

29 March

**Roundtable:** Course FACilitators

**Abstract and key questions:** In this first session, we will briefly introduce the course structure and content, and we will give space to a round of introductions of all participants and their interest in the course topic. In advance of the first session, we ask participants to read the article '[Why no borders?](#)' and/or to listen to the podcast '[No One is Illegal](#)', so that we can collectively reflect on their relevance to our current struggles against borders.

**Key reading:** Bridget Anderson, Nandita Sharma, and Cynthia Wright (2009). Why no borders? *Refuge* 26(5). [Article](#) ([Folder](#))

**Podcast:** De Verbranders - Episode 2: *No one is illegal*. With Maryama Omar from We Are Here. [SoundCloud](#)

**Other resources:**

- Amrit Wilson (2020), 'Why feminists should support the struggle for prison and police abolition,' (*Open Democracy*, July 2020). [Online](#)

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## 2. Feminist perspectives on prison abolition and border abolition.

5 April

**Roundtable:** Course facilitators

**Abstract & key questions:** We cannot imagine a world without borders, if we do not imagine a world without prisons—and vice versa. The two regimes are entangled and mutually constitutive of patriarchal and white supremacist forms of power, violence, and control.

Borders and border regimes are punitive and carceral institutions; they require criminalisation and exploitation of people on the move to create regimes of immobility. Similarly, the prison industrial complex operates as a bordering mechanism, which produces and reproduces racial, social, and economic apartheid by criminalising and incarcerating communities of people on the move as well as Black and Brown people, poor people, trans and gender non-conforming people, and sex workers. Therefore, our struggles for a world without institutional violence and without prisons need to be extended to the abolition of all carceral institutions and practices that are constitutive of bordering regimes, including detention centres, humanitarian camps, pushbacks and deportations, as well as endless waiting time for asylum.

Too often, feminist anti-violence analyses are framed around the protection of women who are essentialised as ‘victims’. As abolitionist feminists, we reject carceral ‘solutions’ that legitimise and reproduce punitive regimes in the name of ‘protection’. Following [Beth Richie](#), in the struggle for abolition, we need to shift feminist anti-violence politics from demanding protection to recognising that the police, the state, and borders are not protecting ‘us’, but instead are perpetrators of (trans)misogynist and racist violence, apartheid, and exploitation. For abolitionist struggles to be intersectional, feminist, and anti-racist, we need to organise to create ways and means to respond to interpersonal and institutional violence in all its forms without relying on the very institutions that are synonymous with heteropatriarchal, white supremacist violence in contemporary societies.

Abolition feminism insists that abolition is not just about tearing the current system down, but rendering it obsolete. “Abolition is about presence, not absence” as geographer [Ruth Wilson Gilmore](#) has said: “it’s about building life-affirming institutions,” in place of current ones, which reproduce, normalise, and proliferate violence.

- a. In Chapter 4 of [“Border and Rule”](#), Harsha Walia, drawing on Black-led abolition movements, calls to abolish immigration enforcement rather than to reform it. What is, in her view, the difference between abolition and reform, and how is this relevant to current struggles against borders?
- b. Harsha Walia argues that we need to abolish narratives of innocence and guilt, as well as deserving and undeserving of punishment or protection. Are any of these narratives present in our struggles? If so, how can we challenge them?

**Key reading:** Harsha Walia (2021), *Border and Rule: Global Migration, Capitalism, and the Rise of Racist Nationalism*, Chapter four: Bordering Regimes. Haymarket. [Epub](#)

**Podcast:** The Funambulist Podcast: An internationalist front against border imperialism. With Harsha Walia. [Soundcloud](#)

**Other resources:**

- AWID (2021) No Borders, No Walls: Feminists for Abolition (video). With Galina Angarova, Tanagra Melgarejo, Sharon Yam, Rachel Zellars; facilitated by Zukiswa Wanner. [Online](#)
- Amrit Wilson (2020), Why feminists should support the struggle for prison and police abolition. Open Democracy, July 2020. [Online](#)

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### **3. Victimisation, patriarchal ‘protection’ and white saviourism.**

12 April

**Roundtable:** Enrica Rigo (Clinica Legale Roma 3), Angelica Pesarini and Cristina Lombardi (Black Mediterranean Collective), Francesca Esposito (feminist no borders activist and scholar).

**Abstract & key questions:** In this session, we will ask how gendering and racialisation underpin processes of the criminalisation of facilitation. We will critically discuss how states construct migration as a threat that needs to be combatted, with particular emphasis being given to ‘migrant smuggling’ that is being represented as a global crime that exposes migrants to [life-threatening risks](#). This narrative enables states to engage in a humanitarian language that expresses concerns over ‘vulnerable migrants’ whose life is put at risk by dangerous actors: namely ‘smugglers’.

In this way, states obscure and defend their own violence by claiming to be protecting ‘vulnerable migrants’, whose vulnerability is constructed around racialized and gendered categories. At the same time, processes of criminalising migrants are complemented by humanitarian interventions which operate through “the commodification of suffering, subtle forms of [care-control technologies](#), as well as subordination and discipline of migrants’ agency” (Dadusc & Mudu).

This “care/control nexus” is deeply rooted in histories of colonialism, and is reproduced in neocolonial systems through their intersecting systems of patriarchal ‘protection’: namely, the colonial and patronizing fantasy of the ‘white man’s burden’. We draw upon the concept of the ‘Black Mediterranean’ to highlight how discourses around migrant inclusion and protection, on the one hand, and anti-migrant state discourses, on the other, are ways in which ‘European’/white actors narrate their past and present [colonial project as innocent](#) (Danewid).

After the roundtable participants share their perspectives and experiences on victimisation, patriarchal ‘protection,’ and white saviorism, we will discuss Jackie Wang’s article, focusing on the following questions:

- a. How do constructions of ‘vulnerable migrants’ become intertwined with politics of patriarchal and white saviour ‘protection’?
- b. How does this construction of victimisation and protection feed into EU anti-smuggling action plans and legitimise the criminalisation of so-called trafficking networks?
- c. How are the borders being constructed/reproduced between the ‘saviours’ and the ‘saved’ and how do you challenge them in your work/activism?

**Key reading:** Jackie Wang (2011). Against Innocence: Race, Gender, and the Politics of Safety. *LIES* 1. [Online](#) ([Folder](#))

**Podcast:** The Surviving Society Podcast: Policing and abolitionist intersectional care. With Vanessa Thompson. [Soundcloud](#)

**Other resources:**

- Enrica Rigo (2019). Re-gendering the border: Chronicles of women’s resistance and unexpected alliances from the Mediterranean border. *ACME: An International Journal for Critical Geographies*, 18(1): 173-186. [Online](#) ([Folder](#))
- Vanessa E. Thompson (2023). From the Black Mediterranean to liberation. *Geographica Helvetica*, 78(1): 99-104. [Online](#) ([Folder](#))

- Elizabeth Bernstein (2010). Militarized humanitarianism meets carceral feminism: The politics of sex, rights, and freedom in contemporary anti-trafficking campaigns. *Signs: Journal of women in culture and society*, 36(1), 45-71. [Online](#) ([Folder](#))

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#### 4. Facilitation, smuggling or solidarity? a contested narrative.

19 April

**Roundtable:** Amara Kromah and Jelka Kretschmar (El Hiblu 3 Campaign), Kathrin Schmidt (Iuventa Crew), Papamadiaye Dieye (Captain Support Network), Afewerki Gebremedhn, Meles Tesfaldet and Federica Nunzi (ColtivAzione).

**Abstract & key questions:** In this session, we will critically engage with those practices named as ‘facilitation’, ‘smuggling’, and ‘solidarity’. By bringing into conversation people from different backgrounds and heterogeneous experiences of criminalisation, we will question how the process of criminalisation, as well as resistance to it, labels some actions as benevolent and humanitarian, whilst others as potentially dangerous and deserving punishment. Could the re-politicisation of the notion of facilitation could allow us to reflect on the continuum of heterogeneous criminalised practices, including mutual aid seeking to facilitate freedom of movement, without fabricating differentiations between the community organiser, the migrant activist, the boat driver, the sea rescuer, or the lorry driver?

To prepare for the discussion with the roundtable participants, we encourage everyone to engage with Tekalign Ayalew Mengiste’s article and to reflect on the following questions:

- a. Tekalign Ayalew Mengiste describes the role of ‘community of knowledge’ in facilitating struggles for mobility. What does this mean, and how does it differ from the existing forms of migrant solidarity in Europe?
- b. The article is centred around the notion of ‘refugee protection from below’: to what kind of protection does the author refer, and how does it differ from ‘protection from above’?
- c. Often, the word ‘smuggling’ is associated with the words ‘violence’ and ‘coercion’. Whilst the author acknowledges that people might encounter violence in their journeys, he also links it to the violence and coercion of global inequality and of immobility regimes. How, in our struggle against the criminalisation of mobility, can we preserve the link between inequality and immobility regimes, without minimising the interpersonal violence often experienced by people on the move by those facilitating their movement?

**Key reading:** Tekalign Ayalew Mengiste (2018). ‘Refugee protections from below: smuggling in the Eritrea-Ethiopia context’, *The ANNALS of the American Academy of Political and Social Science* 676(1): 57-76. [Online](#) ([Folder](#))

**Podcast:** The Civil Fleet - Episode 37: Free The El Hiblu 3: Teenagers accused of terrorism for translating. With Jelka and Amara. [Online](#)

**Other resources:**

- El Hiblu 3 Campaign (video and book). [Online](#)



- Porco Rosso, Alarm Phone & Borderline Europe. From sea to prison: on the criminalisation of boat drivers in Italy (report). [Online](#)
- Carlo Caprioglio, Tatiana Montella and Enrica Rigo (2022). Solidarity With Migrants is not a Crime but a Necessary Political Struggle. *Border Criminologies*. [Online](#) (OR longer version in [Jacobin Italia](#)).

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## 5. Neo-colonial borders, externalisation and criminalisation.

26 April

**Roundtable:** Imane Echchikhi (Alarm Phone Morocco) and Moctar Dan Yaye (Alarm Phone Sahara)

**Abstract & key questions:** In this session, we will focus on how the criminalisation of migration is a tool used by states in the Global South both to control the population on their territory and to present themselves as legitimate partners of the international inter-states game. The increased criminalisation of migration in various countries, such as Morocco or Niger, is the result of the unbalanced political game played both by African and European states in the expansion of the externalisation of the EU border regime in the Global South. We seek to address how those politics are implemented in different areas, creating new neo-colonial borders: by targeting all the means that people could use to organise their journey, states are trying to reborder and constrain their mobilities.

We will ask the roundtable participants to share their perspectives and experiences on the above. For preparing the discussion we encourage everyone to read Delphine Perrin's article, focussing on the following questions:

- a. How is the criminalisation of migration used as an uneven negotiation tool between African and European states, and what is the role of externalisation in this dynamic?
- b. How does criminalisation target both foreigners and nationals, reinforcing state repression?
- c. What is the role of the colonial roots of borders and criminalisation in this context, and how shall we centre the autonomy and responsibility of authorities in the Global South?

**Key reading:** Delphine Perrin (2016). "Regulating migration and asylum in the Maghreb: what inspirations for an accelerated legal development?" In Francesca Ippolito and Seline Trevisanut, eds. *Migration in the Mediterranean: Mechanisms of International Cooperation*, Cambridge University Press: 192-214. [Online](#) ([Folder](#))

**Podcast:** De Verbranders - Episode 9: *A colonial history of the passport*. With Radhika Mongia. [Soundcloud](#)

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## 6. Legal and political struggles in court.

3 May

**Roundtable:** Valentina Azarova and Noemi Magugliani (de:border migration justice collective), Lorraine Leete (Legal Centre Lesvos), Nefeli Belavila-Trova, Christina Karvouni and Varvara Christaki (Aegean Migrant Solidarity), Julia Winkler (Borderline Europe)

**Abstract & key questions:** In this session, we turn to the legal and political struggles that take place in court by criminalised people, their legal advocates, and activist supporters. Together, they engage in a struggle for migrant justice by making states accountable to the forms of border violence that they enact. To do so, strategically or unavoidably, they address, use, and work within institutions of those states: specifically, the law. Together with activist organisations that are engaged in advocacy work, trial monitoring, legal research, and legal interventions in support of people who have been criminalised and/or convicted, we will discuss specific and ongoing legal defense cases. We will turn, moreover, to the challenges, dilemmas and contradictions that these organisations experience by having to take recourse in the law and stage migrants' defense in the court. Our aim is to engage in a critical discussion on the ways in which contemporary human rights law through the 'saviour/victim' binary is underpinned by colonial logics and racial and gender power structures. By mobilising the law to address the violence that is produced by borders, we will reflect on how to challenge the harms that are produced through legal systems and the law itself. (How) Can the court be politicised and form a space of intersectional and decolonial struggles?

After the roundtable participants share their perspectives and experiences with respect to the above, we will discuss E. Tendayi Achiume's article focusing on the following questions:

- a. Drawing upon Achiume's argument that "modern international law—including the UN Charter itself—preserved colonial advantage", can legal struggles and strategic litigation undermine the colonial balance inherent in the international legal system? What are the benefits and what are the limitations of those strategies?
- b. How can we move towards abolitionist forms of justice and accountability that are non-punitive and anti-carceral?

**Key readings:** E. Tendayi Achiume (2019). Migration as decolonization *Stanford Law Review* 71: 1509-1574. [Online](#) ([Folder](#))

**PODCAST:** De Verbranders podcast - Episode 21: Border abolition and Black feminism. With Gracie Mae Bradley. [Online](#)

**Other resources:**

- Deportation Monitoring Aegean, Aegean Migrant Solidarity and Bordering Europe (2020). *Incarcerating the Marginalised: the fight against alleged 'smugglers' on the Greek hotspot islands* (report). [Online](#) ([Folder](#))
- Violeta Moreno-Lax, Daniel Ghezelbash and Natalie Klein (2019). Between life, security and rights: Framing the interdiction of 'boat migrants' in the Central Mediterranean and Australia. *Leiden Journal of International Law* 32(4): 715-740. [Online](#) ([Folder](#))

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## 7. Underground railroads: the road towards abolition.

10 May

**Roundtable:** Nandita Sharma, Bridget Anderson and Julia N. O'Connell Davidson (feminist no borders activists and scholars).

**Abstract & key questions:** Many of us may be familiar with the legacy of [Harriet Tubman](#), the fierce smuggler, conductor, and guerrilla soldier who facilitated enslaved people's journeys to freedom through the Underground Railroad. In this session, we will discuss the parallelisms between, on the one hand, contemporary corridors of solidarity and mutual aid along migration routes, and on the other hand, the historical rebellions, maroon communities, and Underground Railroad established during struggles for the abolition of slavery in the 18th and 19th centuries. Whilst the parallelisms between migration and enslavement are problematic insofar as they feed into narratives of 'trafficking', coercion, and victimhood that, throughout the course, we have tried to challenge, there is much to learn from the practices of resistance that, across history, people put in place to fight against enslavement, racial apartheid, colonial violence, and state oppression. What can we learn from historical experiences of smuggling, facilitation, and solidarity in the context of underground railroads? What politically useful parallelisms can be made to the current struggles against borders? How can our struggle for the decriminalisation of migration and of facilitation be situated within a broader struggle for border abolition?

We will then move to a collective discussion on the book 'Seeing like a Smuggler', with a focus on Nandita Sharma's Afterword, 'Seeing Freedom'. Key questions that will inform the discussion include:

- a. According to Nandita Sharma, what is the aim of border controls and of the criminalisation of smuggling within the broader system of global inequality?
- b. Rather than romanticising smugglers or claiming that smugglers are innocent, Nandita Sharma concludes by arguing that smugglers are dangerous to the nation-state. In what ways?
- c. What does it mean to 'stop seeing like a state' and instead to start 'seeing like a smuggler'? Why is it important for our struggle for the abolition of borders and of state formations?

**Key readings:** Sharma, Nandita. (2022) Afterword: Seeing Freedom. In Keshavarz, Mahmoud, & Khosravi, Shahram, eds. *Seeing Like a Smuggler: Borders from Below*. Pluto Press. ([Folder](#)).

### Podcast:

- Escape: The Underground Railroad Podcast - The Crossing. With Rebecca Hall [Online](#)
- De Verbranders - Episode 18: No Borders and a decolonization worth fighting for. With Nandita Sharma. [Soundcloud](#)

### Other resources:

- Rebecca Hall (2004). *Not killing me softly: African American women, slave revolts, and historical constructions of racialized gender*. PhD Dissertation, University of California, Santa Cruz. [Online](#) ([Folder](#))

- Noelle K. Brigden (2019). Underground Railroads and coyote conductors: brokering clandestine passages, then and now. *International Journal of Migration and Border Studies*. [Online](#) ([Folder](#))
- Gabriella Sanchez (2017). Beyond the matrix of oppression: Reframing human smuggling through intersectionality-informed approaches. *Theoretical Criminology* 21(1): 46-56. [Online](#) ([Folder](#))

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## 8. Final Meeting: Closing Assembly and Reflections

May 17

In this closing session, we will give space to a general round of reflection for feedback on the course content, materials and structure, as well as for suggestions on how to further implement it, distribute it, and on how to continue.

In preparation for the session, we will ask people to record, write or draw a reflection on what was discussed, and its relevance on struggles against borders and for the decriminalisation of facilitation (upload [here](#)). Participants will also be asked to fill in an anonymous feedback form.



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