

The Italian targeting of NGOs involved in SAR operations: are Migrant Rights Defenders chilled?

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Abstract

At the height of the European Mediterranean migration crisis in 2016-2017, many EU member states abdicated their SAR responsibilities, and SAR NGOs filled the gaps in Mediterranean SAR. To discourage this practice as well as disincentivise irregular migration, the interested European member states initiated criminal and administrative proceedings against these actors. Aiming to contribute to the literature on the criminalisation of humanitarianism, this work conducts a case study on Italy, considering whether the initiation of SAR NGOs proceedings may affect the activities of the broader category of migrant rights defenders (MRDs) operating in the country. To make this assessment, this work relies on Penney's theory of chilling effects, for which, in situations of legal or social ambiguity, individuals' behaviour may be deterred or conformed to socially accepted norms.

After a contextualisation of SAR NGOs proceedings, this work used data gathered through qualitative interviews to identify the factors influencing the most Italian MRDs' activities. The same set was also used for the identification of the groups to whose social norms MRDs may refer. On this basis, the application of Penney's theory of chilling effects demonstrated that the initiation of SAR NGOs proceedings may produce chilling effects on the broader category of MRDs when their local community's perception of migrant reception is negative and the individual MRD refers prominently to the social norms of this group. Furthermore, this work highlighted that the perception of the proceedings as personalised enforcement as well as the employment of surveillance means may strengthen these effects. In this view, deterrence has been highlighted as potentially arising independently of social chilling effects when the initiation of SAR NGOs proceedings is perceived by the individual MRD as personalised enforcement targeting the broader category of MRDs. Lastly, this work underlined the relevance of personal norms in chilling effects assessments.

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List of Abbreviations

CAS = Extraordinary Reception Centres

CEAS = Common European Asylum System

CS = Coding Stripe

EU = European Union

HRs = Human Rights

HRDs = Human Rights Defenders

INT = Interviewee

IOM = International Organisation for Migration

MOAS = Migrant Offshore Aid Station

MSF = Médecins Sans Frontières

MRDs = Migrants' Rights Defenders

NGOs = Non-Governmental Organisations

NSAs = Non-State Actors

PBI=Peace Brigades International

SAI = Reception and Integration System

SAR = Search and Rescue

SRR = Search and Rescue Region

TC = Thematic Code

UN = United Nations

1 Introduction

In 2017, the International Organisation for Migration (IOM) defined “Europe’s Mediterranean border [as] by far the world’s deadliest” migration journey.¹ At the beginning of the migratory crisis in the Mediterranean, the interested European Union (EU) member states organised coordinated search and rescue (SAR) operations to comply with their international obligations under the UN Convention on the Law of the Sea,² the International Convention for the Safety of Life at Sea, and the International Convention on Maritime Search and Rescue. Nonetheless, these attempts were short-lived, with the Union changing its approach at the height of the migratory crisis in 2016-2017.³ Today, SAR operations and disembarkation activities are not covered by a common framework in the EU, with the exception of the activities carried out within Frontex operations.⁴ The EU Regulation No 656/2014 states in this sense that the “obligation to render assistance to persons found in distress should be fulfilled by Member States” and is not within the competence of the EU.⁵

In this context, sea rescue non-governmental organisations (SAR NGOs) have been playing a fundamental role in filling the voids in Mediterranean SAR left by EU states. Yet, their activities have been strongly criticised in those countries where the public debate is particularly focused on the otherization of refugees and migrants. Specifically, SAR NGOs engaged in maritime rescue off the Libyan coast have been accused of assisting irregular migration, with these narratives impacting the work of the human rights defenders (HRDs) involved. The European Union Agency for Fundamental Rights (FRA), which regularly reports on administrative and criminal proceedings undertaken by EU countries against non-state actors (NSAs) involved in SAR operations, states that “Germany, Greece, Spain, Italy, Malta, and the Netherlands have initiated 60 proceedings since 2016”.⁶

Provided that the initiation of criminal and administrative proceedings against SAR NGOs has become a common practice in various European countries, this thesis seeks to determine

¹ Fargues, ‘Four Decades of Cross-Mediterranean Undocumented Migration to Europe: A Review of the Evidence’, IOM, 2017, p.1.

² In particular, see UN General Assembly, ‘Convention on the Law of the Sea’, 10 December 1982, Art.98.

³ Lloyd-Damjanovic, ‘Criminalization of Search-and-Rescue Operations in the Mediterranean Has Been Accompanied by Rising Migrant Death Rate - World’, MPI, 12 October 2020.

⁴ Orav, ‘Search and Rescue Efforts for Mediterranean Migrants’ (Think Thank EU Parliament, 24 October 2022).

⁵ ‘REGULATION (EU) No 656/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL’, 15 May 2014.

⁶ FRA (Fundamental Rights Agency), ‘Legal Proceedings by EU Member States against Private Entities Involved in SAR Operations in the Mediterranean Sea (June 2022)’.

whether SAR NGOs proceedings impact the activities of HRDs not involved in SAR but operating in broader migrant rights defence. Specifically, this work will focus on Italy.

To proceed, I will contextualise the Italian initiation of SAR NGOs proceedings within the broader phenomenon of HRDs criminalisation, and within the European securitisation approach to immigration. Then, using data gathered through qualitative interviews, I will identify which elements are most influential on the work of Italian migrant rights defenders (MRDs). Based on these findings, I will apply the theory of “chilling effects” to assess whether the initiation of SAR NGOs criminal and administrative proceedings in Italy has a broader discouraging effect on MRDs. Chilling effects indeed arise in situations of legal or social ambiguity, causing individuals’ behaviour to be deterred or conformed to socially accepted norms.

1.1 Relevance and objective of this work

Despite growing recognition of their role, HRDs continue to be targeted by both states and NSAs due to the nature of their challenging activities.⁷ Therefore, an effective advancement of protection mechanisms for HRDs calls for collaboration between academics, practitioners, and HRDs to find the appropriate protection for the latter’s operational space.⁸

Following the current understanding of the issue at hand, my objective will be to investigate whether the initiation of criminal and administrative proceedings against SAR NGOs in Italy might produce a broader chilling effect on the work of MRDs. In this way, this work aims at contributing to the understanding of the complexities that characterise MRDs’ work in countries adopting a securitisation approach to migration. On this basis, this thesis’ findings may assist future policies addressing the work and rights of MRDs.

1.2 Research question

Given these premises, my work will attempt to answer the following research question:

- Does the Italian targeting of SAR NGOs operating in the Mediterranean produce a “chilling effect” on the activities of MRDs operating at large on Italian territory?

⁷ Nah et al., ‘A Research Agenda for the Protection of Human Rights Defenders’, 1 November 2013 pp.408-409.

⁸ Ibid, pp.415-417.

2 Methodology

2.1 The reason behind a case study

As the criminalisation of SAR NGOs is becoming more common in European countries, Italy provides “the exemplifying case”.⁹ In this view, Italy falls among those cases chosen “because either they epitomise a broader category of cases or they will provide a suitable context for certain research questions to be answered”.¹⁰ An enquiry by the Italian Senate found that “during the first six months of 2017 (1 January-30 June), some ten vessels deployed by NGOs rescued more than a third of the persons rescued at sea in this period (33,190 of the 82,187 persons)”.¹¹ Still, Italy is one of the countries contributing the most to the criminalisation of NSAs involved in SAR in the Mediterranean with the intent to “impede or halt the work of humanitarian rescue vessels and search planes”.¹² For these reasons, Italy provides the appropriate context for an inquiry into the effect of the initiation of SAR NGOs proceedings on MRDs’ work more broadly.

2.2 Methodological approach

In this thesis I have adopted a social science approach, relying on social psychology (elaborated in Chapter 5). As part of my analysis, I apply the theory of chilling effects to assess whether the criminalisation process affecting SAR NGOs may more broadly impact the behaviour of Italian MRDs. For the objective and approach adopted in this work, Italy’s obligations concerning SAR and human rights at sea will not be discussed.

2.3 Methods

To assess the wider impact of the initiation of SAR NGOs criminal and administrative proceedings on MRDs’ work, this thesis will rely on a series of semi-structured interviews. The choice of semi-structured interviews is justified by the need to maintain some fixed guiding topics throughout the course of the interview while at the same time leaving the interviewees

⁹ Bryman, *Social Research Methods*, 2016, p.70.

¹⁰ *Ibid.*

¹¹ FRA, ‘Fundamental Rights Considerations: NGO Ships Involved in Search and Rescue in the Mediterranean and Criminal Investigations - 2018’, European Union Agency for Fundamental Rights, 17 June 2019.

¹² See for reference: Table - NGO ships involved in SAR operations, FRA, “June 2022 Update”, 20 June 2022; ‘Global Update at the 42nd Session of the Human Rights Council’, OHCHR, 9 September 2019.

the space to articulate their experiences.¹³ The specificities of the sample and method of data analysis will be outlined in Chapter 7.

2.3.1 Ethical considerations

Drawing on DiCicco-Bloom (2006), Arifin (2018) and Nijhawan et al. (2013), I took the following steps in conducting interviews. First, as HRDs' work often exposes them to traumatic events impacting their mental health,¹⁴ I reduced the risk of unintended harm by advising my interviewees to leave or momentarily stop the interview if they felt uncomfortable. Second, the interviewees' information was protected through full or partial anonymity: each participant was given an informed consent form (available in the annex), where information was provided about the nature of the study, data storage and usage. Thus, as a general principle, the interviews were guided by human dignity as a core value. Furthermore, the research was conducted following the Guidelines for Research Ethics in the Social Sciences and the Humanities,¹⁵ and was approved by the Norwegian Centre for Research Data.

3 Background

While large-scale migrations have occurred throughout human history, specific global processes have contributed to an "all-time high"¹⁶ in international migration to Europe starting in the 1990s.¹⁷ As mentioned, the criminalisation of SAR NGOs is a phenomenon that affects several European countries. Therefore, the following sections will briefly consider how migration waves to Europe have affected the region since the 1990s. The aim of this part is to retrace the evolution of the EU's approach to immigration with the purpose of contextualising the phenomenon of SAR NGOs criminalisation on a European level. In this broader context, this chapter will then consider Italy as an exemplifying European country when it comes to SAR NGOs proceedings. Specifically, it will outline the context in which SAR NGOs started to operate in the country as well as the evolution of Italian reactions to SAR NGOs' operations.

¹³ Rabionet, 'How I Learned to Design and Conduct Semi-Structured Interviews: An Ongoing and Continuous Journey', 2011.

¹⁴ See for reference: 'Purpose', Human Rights Resilience Project, accessed 29 April 2023, <https://www.hrresilience.org/purpose.html>.

¹⁵ 'Guidelines for Research Ethics in the Social Sciences and the Humanities', Forskningsetikk, 26 May 2022.

¹⁶ Martin, "'Fortress Europe' and Third World Immigration in the Post-Cold War Global Context", 1999.

¹⁷ Ibid.

3.1 The immigration phenomenon in Europe

3.1.1 Briefly on migration trends to Europe from the 1990s until the 2015 Mediterranean migration crisis

As mentioned, modern-day migration to Europe first began to increase in the 1990s. Contributing factors included the global economic recession of the late 1970s as well as the political instability and environmental degradation of developing countries.¹⁸ These causes led to an evolution in the composition of the migratory flows to the region, with immigrants coming increasingly from developing and underdeveloped countries.¹⁹ As the global recession had widened income inequalities, European unskilled workers felt threatened by the immigrant workforce, primarily unskilled.²⁰ In this context, nationalist and neo-fascist propaganda opposing immigration started to gain consensus,²¹ supported by the media's weak coverage of international migration and immigrants' settlement in Europe.²² These concurring factors resulted in migration to Europe being framed and considered a threat to the region's stability.²³ As such, admittance conditions into the EU area began to gradually tighten, and irregular immigration started to increase.²⁴

In these circumstances, migration influxes to the region remained constant until 2011, when the Eastern and Central Mediterranean routes registered a sharp increase in irregular crossings due to the Arab Spring and the Syrian civil war. This spike marked the beginning of the Mediterranean migration crisis, which caused 1.8 million irregular entries in 2015²⁵ and led to a new evolution in the composition of European immigration flows.²⁶ Furthermore, with the initiation of the crisis, Greece, Italy, Malta, Hungary, Croatia, Slovenia, and Bulgaria became the region's primary entrance points.²⁷

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid, p.832.

²² Ibid, p.831.

²³ Montanari, Cortese, 'South to North Migration in a Mediterranean Perspective', 1993.

²⁴ Bonifazi et al., 'International Migration in Europe - New Trends and New Methods of Analysis', 2008.

²⁵ See for reference: EUROPOL, 'Migrant Smuggling in the EU', February 2016, accessed 18 March 2023, https://www.europol.europa.eu/cms/sites/default/files/documents/migrant_smuggling__europol_report_2016_0.pdf.

²⁶ Crawley et al., 'Unpacking a Rapidly Changing Scenario: Migration Flows, Routes and Trajectories across the Mediterranean', 1 March 2016, p.7.

²⁷ Hatton, 'European Asylum Policy before and after the Migration Crisis', 9 September 2020.

3.1.2 On the EU's immigration policies

In response to the changes in composition and direction of the migratory flows to Europe, the EU's immigration policies evolved as well. The following sections will outline these changes with the aim of contextualising why SAR NGOs first started to operate in the Mediterranean.

3.1.2.1 The evolution of the EU's asylum system

The conditions of entrance and residence in the EU were first established on a communitarian level in the 1990s.²⁸ In particular, people moving into the EU were categorised as regular migrants and asylum-seekers. The first category applies to third-country nationals entering the territory of the Union as students, researchers, highly skilled workers, or for family reunification reasons.²⁹ The second applies to third-country nationals or stateless persons seeking refugee status within the requirements of the 1951 Refugee Convention.³⁰

Following the increase in arrivals in the 1990s, the number of asylum seekers increased as well. As a consequence, the EU's asylum policies were tightened through a series of steps that included "tougher screening of asylum applications received, and greater constraints placed on asylum seekers during processing".³¹ To coordinate the EU member states' policies around the definition of refugee, processing procedures, and conditions of reception, in 1999 the Common European Asylum System (CEAS) was developed.³² Despite the adoption of six legislative instruments between 1999 and 2005 within this framework,³³ asylum procedures and protection levels remained however excessively diverse among member states.³⁴ Therefore, in 2008, the European Commission's Policy Plan for Asylum was presented, together with a set of reformed EU asylum laws in 2013.³⁵ As the migration crisis reached its peak, the European Commission's

²⁸ Vatta, 'The EU Migration Policy: Between Europeanization and Re-Nationalization', 2017.

²⁹ Roos, 'The EU and Immigration Policies: Cracks in the Walls of Fortress Europe?', 2013.

³⁰ See for reference: European Commission, 'Definition of "Asylum Seeker" in the EU', accessed 25 April 2023, https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/asylum-seeker_en.

UN General Assembly, 'Convention Relating to the Status of Refugees'. 28 July 1951, Art.1.

³¹ Hatton, 'European Asylum Policy before and after the Migration Crisis', p.2.

³² European Parliament, 'Tampere European Council 15-16.10.1999: Conclusions of the Presidency - European Council Tampere 15-16.10.1999: Conclusions of the Presidency', 15-16 October 1999.

³³ See for reference: European Commission - Migration Asylum, 'Common European Asylum System', accessed 2 March 2023, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system_en.

³⁴ den Heijer, Rijpma, Spijkerboer, 'Coercion, Prohibition, and Great Expectations: The Continuing Failure of the Common European Asylum System', 30 March 2016.

³⁵ See for reference European Commission - Migration Asylum.

European Agenda on Migration was also launched.³⁶ Among other provisions, the Agenda proposed a redistribution of migrants among EU member states through a “quota system”.³⁷ However, the adoption of the system failed due to the opposition of the Visegrád Group (Czech Republic, Hungary, Poland, and Slovakia), which claimed that the issue of immigration was a responsibility of each member state.³⁸ As a consequence, despite this set of reforms, asylum applications remained concentrated mainly in border countries.³⁹ The EU asylum system therefore failed to fulfil its purpose, and as many rejected applicants remained in the EU as irregular migrants,⁴⁰ most EU countries implemented new control measures to “deport a larger share of failed asylum applicants”.⁴¹

3.1.2.2 The EU’s border management

Besides reforming its asylum system, the EU responded to the 2000s migration inflows with tougher border controls. Frontex was established in 2004 with the specific objective of assisting member states’ border management through standardized border control regulations.⁴² Furthermore, as irregular immigration grew during the 2010s, a series of operations were undertaken to reinforce border control. Among these were Italy’s Mare Nostrum operation in 2013-2014, Frontex’ Triton operation in 2014, and EUNAVFOR MED - Operation Sophia, launched upon approval of the European Council in 2015.⁴³ Additionally, through cooperation agreements with various transit countries, the EU adopted a policy of externalisation of border management, which has resulted in its external migration policy primarily entailing “borders’ control by proxy” to date.⁴⁴

³⁶ European Commission, ‘COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS A EUROPEAN AGENDA ON MIGRATION’, 2015.

³⁷ Ibid, p.4.

³⁸ Ivanova, ‘Migrant Crisis and the Visegrád Group’s Policy’, 1 June 2016.

³⁹ Hatton, ‘European Asylum Policy before and after the Migration Crisis’.

⁴⁰ Ibid.

⁴¹ Ibid, p.3.

⁴² See for reference: EU, ‘European Border and Coast Guard Agency | European Union’, accessed 25 April 2023, https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/institutions-and-bodies-profiles/frontex_en.

⁴³ See for reference (only in Italian) ‘Approfondimenti Operazione Sophia - Marina Militare’, accessed 2 May 2023, http://www.marina.difesa.it/cosa-facciamo/per-la-difesa-sicurezza/operazioni-concluse/Pagine/approfondimenti_operazione_sophia.aspx.

⁴⁴ Panebianco, ‘The EU and Migration in the Mediterranean: EU Borders’ Control by Proxy’, 26 April 2022, p.1411.

With the number of arrivals going from 1.032.408 in 2015 to 185.139 in 2017, these strategies effectively resulted in a decrease in arrivals through the Mediterranean route.⁴⁵ Nonetheless, the sustainability of the EU's border management is highly questionable: with no systematic efforts made to address the causes of migration, the externalisation of border control has caused human smugglers and traffickers to "redirect flows towards riskier routes",⁴⁶ contributing to the increase in the Mediterranean route's death toll in 2016.⁴⁷

In this sense, the securitisation policies adopted by the EU and its member states left a humanitarian gap along the Central Mediterranean route,⁴⁸ and it is to fill this gap that SAR NGOs started to operate in Mediterranean SAR. Through their activities, these organisations successfully managed to rescue "thousands of human lives at sea".⁴⁹ Insofar as these organisations operate within a European context of securitisation of irregular migration, SAR NGOs activities are therefore strictly related to broader humanitarian work concerning migrants.

3.1.3 Evolution of the perception of migrants in the EU

As immigration flows to Europe evolved and as the EU's policies of migration management adapted, the perception of migrants in European countries also changed. During the 2000-2010 period, Fetzer (2011) found that in most of the EU-15 member states,⁵⁰ only 20% of the population believed immigration to be one of the two most important problems faced by their country.⁵¹ Related to this, Van Hootegeem et al. (2020) found that "between 2002 and 2016 support for open policies has become stronger in a majority of countries".⁵² In line with these findings, as the effects of the migration crisis unfolded, in most European countries the

⁴⁵ See for reference UNHCR, 'Mediterranean Situation', accessed 4 March 2023, <https://data.unhcr.org/en/situations/mediterranean>.

⁴⁶ Villa, 'The Future of Migration to Europe', p.118.

⁴⁷ See IOM, 'Mediterranean | Missing Migrants Project', accessed 10 May 2023, <https://missingmigrants.iom.int/region/mediterranean>.

⁴⁸ Bevilacqua, 'Italy versus NGOs: The Controversial Interpretation and Implementation of Search and Rescue Obligations in the Context of Migration at Sea Symposium: Search and Rescue: Balancing Humanitarian and Security Reasons', 2018.

⁴⁹ Ibid.

⁵⁰ The EU15 countries include the countries that were EU member states in the period going from January 1st 1995, and May 1st 2004.

⁵¹ Fetzer, 'The Evolution of Public Attitudes toward Immigration in Europe and the United States, 2000-2010', 24 November 2023, p.5.

⁵² Van Hootegeem, Meuleman, and Abts, 'Attitudes Toward Asylum Policy in a Divided Europe: Diverging Contexts, Diverging Attitudes?', 2020.

perception of migrants overall improved: according to the 2022 Special Eurobarometer 519 “Europeans seem to have grown more comfortable with immigrants”.⁵³ Nonetheless, the same report also found EU citizens to overestimate the number of regular and irregular immigrants residing in Europe,⁵⁴ with this phenomenon being particularly evident in first arrival countries such as Italy and Greece.⁵⁵ Commenting on this data, the European Commission hypothesised a correlation with “the way media report on immigration and integration”.⁵⁶ In this sense, while European media first covered the migration crisis with sympathetic and empathic tones, starting in 2015, these were gradually replaced by “suspicion and, in some cases, hostility towards refugees and migrants”.⁵⁷ This is particularly relevant considered that, as NGOs engaged in Mediterranean SAR, the same pattern was also applied to their depiction in European media.⁵⁸

3.2 The immigration phenomenon in Italy

Having briefly outlined how the evolution of immigration fluxes to Europe affected the EU’s policies of immigration management and the European perception of migrants at large, I will now consider the Italian case specifically.

3.2.1 Migration as a security issue

Because of its geographical location, Italy has historically been a destination for migratory flows. Therefore, as the Mediterranean migration crisis unfolded, the number of migrants reaching Italian shores increased severely.⁵⁹ In this context, Italy’s approach to migration remained fundamentally humanitarian until 2013, when the Mare Nostrum Operation was initiated.⁶⁰ Nonetheless, as the migration crisis unfolded, immigration to the country started to

⁵³ European Commission, ‘Special Eurobarometer 519: Integration of Immigrants in the European Union’, p.92. See for reference also Heath, Richards, and Ford, ‘How Do Europeans Differ in Their Attitudes to Immigration?’ 13 July 2016.

⁵⁴ European Commission, ‘Special Eurobarometer 519: Integration of Immigrants in the European Union’, p.8.

⁵⁵ Ibid, p.19.

⁵⁶ European Commission, ‘What Do People in Europe Think about Migrants? Special Eurobarometer Survey’, 13 April 2018.

⁵⁷ Georgiou, Zaborowski, ‘Media Coverage of the “Refugee Crisis”: A Cross-European Perspective’, 2017.

⁵⁸ Berti, ‘Right-Wing Populism and the Criminalization of Sea-Rescue NGOs: The “Sea-Watch 3” Case in Italy, and Matteo Salvini’s Communication on Facebook’, 2021; Cusumano, Bell, ‘Guilty by Association? The Criminalisation of Sea Rescue NGOs in Italian Media’, 15 December 2021.

⁵⁹ Scotto, ‘From Emigration to Asylum Destination, Italy Navigates Shifting Migration Tides’, migrationpolicy.org, 22 August 2017.

⁶⁰ Davies, ‘Lampedusa Boat Tragedy Is “slaughter of Innocents” Says Italian President’, The Guardian, 3 October 2013.

be discussed in security terms.⁶¹ Between 2015 and 2016, 335.000 irregular arrivals were registered. As a consequence, the Italian public started to display growing xenophobia and racism, and far-right parties' anti-immigration consensus grew.⁶² Correlated to the surge of these phenomena, starting from 2017, Italian governments have adopted a series of measures pursuing an anti-immigration and stronger border control agenda.⁶³ In doing so, the Italian authorities also disengaged from their SAR responsibilities in the Mediterranean, leaving space for SAR NGOs.⁶⁴

3.2.1.1 SAR NGOs interventions in the Italian SAR region

As a consequence of the Italian politics of disengagement, non-governmental SAR operations in Rome's search and rescue region (SRR) increased.⁶⁵ The first of these operations was launched in 2014 by Migrant Offshore Aid Station (MOAS), followed by Médecins Sans Frontières (MSF) and Sea-Watch.⁶⁶ The number of non-governmental SAR operations then increased significantly in 2016, and SAR NGOs started carrying out different types of activities depending on their vessels' capabilities. Some would take individuals in distress aboard, provide first aid, and then disembark them at a safe location; others would not take people in distress aboard but only offered urgent medical care, water, and life vests.⁶⁷ With time, the role played by SAR NGOs in Rome's SRR became fundamental: "in 2016 NGOs rescued 46,795 migrants out of the total of 178,415 persons rescued under the coordination of the Italian Maritime Rescue Coordination Center (MRCC)".⁶⁸

⁶¹ Dennison, Geddes, 'The Centre No Longer Holds: The Lega, Matteo Salvini and the Remaking of Italian Immigration Politics', accessed 25 April 2023, p.449.

⁶² Vari, 'Italy-Libya Memorandum of Understanding Italy's International Obligations', (2020).

⁶³ Ibid.

⁶⁴ Cusumano, Pattison, 'The Non-Governmental Provision of Search and Rescue in the Mediterranean and the Abdication of State Responsibility', 2 January 2018.

⁶⁵ SRR have been established by the International Convention on Maritime Search and Rescue (SAR). The map of the Italian SRR within the SRR Mediterranean region can be found at: https://sarcontacts.info/srrs/tr_med/, accessed 20 April 2023.

See for reference Gombeer and Fink, 'Non-Governmental Organisations and Search and Rescue at Sea', 22 June 2018.

⁶⁶ Cuttitta, 'Repolicization Through Search and Rescue? Humanitarian NGOs and Migration Management in the Central Mediterranean', 3 July 2018.

⁶⁷ Gombeer and Fink, 'Non-Governmental Organisations and Search and Rescue at Sea', p.2.

⁶⁸ Ibid.

3.2.1.2 The Code of Conduct for SAR NGOs

As the number of SAR NGOs' operations increased, European and Italian authorities started to claim that the humanitarian assistance provided by these organisations represented a pull factor for migration, encouraging migrants to undertake the journey and providing consistent support to traffickers' activities.⁶⁹ These allegations marked a change in the "institutional equilibrium" between the Italian authorities and SAR NGOs.⁷⁰ Following this change and pursuant to a securitisation approach to immigration, in July 2017 the Italian government adopted a Code of Conduct for NGOs undertaking migrants' rescue operations in the Mediterranean.⁷¹

The 2017 Code of Conduct prohibited signing NGOs from turning off their transponders while at sea and demanded that they not interfere with the work of the Libyan Coast Guard. Furthermore, it barred SAR NGOs from entering Libyan territorial waters and provided for the presence of police officers aboard their vessels.⁷²

3.2.2 The initiation of SAR NGOs proceedings

The approval of the Code of Conduct exemplifies the Italian authorities' open opposition to SAR NGOs. However, this is not the only instance to be considered. From 2017 on, the Italian governments have also started to adopt a policy of SAR NGOs criminalisation, whose evolution will be outlined in the following sections.

3.2.2.1 SAR NGOs criminalisation and Salvini decrees

In August 2017, the Italian authorities launched the first proceedings against a SAR NGO, the Jugend Rettet association. While this specific case will be discussed in more detail at the end of this chapter, for this part it is worth mentioning that its initiation "opened the doors to further criminal investigations determining the seizure of the NGOs' rescuing units as well as criminal investigations against their mission coordinators, shipmasters and/or crew members".⁷³ By June

⁶⁹ Frontex Director Leggeri called for more police investigations for NGOs in 2017 in an interview with the German newspaper Die Welt. See for reference Patrick Wintour, "NGO rescues off Libya encourage traffickers, says EU borders chief", The Guardian, 27 February 2017, accessed 19 March 2023 <https://www.theguardian.com/world/2017/feb/27/ngo-rescues-off-libya-encourage-traffickers-eu-borders-chief>;

⁷⁰ Bevilacqua, 'Italy versus NGOs'.

⁷¹ 'Code of Conduct for NGOs Undertaking Activities in Migrants' Rescue Operations at Sea'.

⁷² Ibid.

⁷³ Bevilacqua, 'Italy versus NGOs', p.17.

2022, a total of 18 SAR NGOs' vessels were indeed targeted with criminal and administrative actions in Italy, and 21 crew members were involved in legal proceedings.⁷⁴

In line with these considerations, as Italian discontent related to the role of SAR NGOs within the migrant emergency grew, new political and material barriers were adopted to impede non-governmental SAR. In 2018, as Minister of Interior for the Conte I government, Matteo Salvini declared the Italian ports closed off to NGO ships and merchant vessels with foreign flags that carried migrants rescued off the Libyan coasts.⁷⁵ While Salvini's stance lacked a legal basis,⁷⁶ in June 2019 the second Decree-Law on Immigration and Security (Salvini Decree-bis) was approved. Under the decree-law, ships ignoring bans on access to Italian waters were threatened with fines up to €1 million. Seizure of the ship was also provided for repeat offenders.⁷⁷ The approval of the Salvini Decree-bis followed the first Salvini Decree of November 2018. With it, the linkage between migration and security had already been strengthened. The decree indeed restricted reception opportunities for migrants while introducing new security norms.⁷⁸

3.2.2.2 SAR NGOs criminalisation after the Salvini decrees

While the Conte I government's opposition to SAR NGOs found open expression in the Salvini Decree-bis, the Conte II government adopted a low-profile strategy with regards to SAR NGOs. Because of the new majority, in October 2020 the Lamorgese Decree-Law was presented as amending the Salvini Decrees.⁷⁹ In particular, the Lamorgese Decree was introduced as abrogating the norm banning access to Italian waters for humanitarian NGOs. While formally true, the same Decree factually reintroduced the same provision, with the only exception being provided for "rescue operations immediately notified to the competent coordination centre for maritime distress and to the flag state, and carried out in accordance with the instructions of the competent sea search and rescue authority".⁸⁰ In addition, while under the Salvini Decrees, ships ignoring bans on access committed an administrative offence, with the Lamorgese Decree

⁷⁴ FRA, 'Legal Proceedings by EU Member States against Private Entities Involved in SAR Operations in the Mediterranean Sea (June 2022)'.

⁷⁵ See, only in Italian, 'Migranti, la svolta di Salvini: chiusi tutti i porti italiani', *ilGiornale.it*, 10 June 2018.

⁷⁶ See, only in Italian, AGI-Agenzia Giornalistica Italia, 'Alla fine Salvini i porti li ha chiusi o no?', 11 May 2019.

⁷⁷ See, only in Italian, *Gazzetta ufficiale*, 'DECRETO-LEGGE 14 Giugno 2019, n. 53'.

⁷⁸ Dennison and Geddes, p.450.

⁷⁹ See, only in Italian, Masera, 'Il Contrasto Amministrativo Alle ONG Che Operano Soccorsi in Mare, Dal Codice Di Condotta Di Minniti, al Decreto Salvini Bis e Alla Riforma Lamorgese: Le Forme Mutevoli Di Una Politica Costante', 2 August 2021.

⁸⁰ Translation by this author from *Gazzetta ufficiale*, 'DECRETO-LEGGE 21 Ottobre 2020, n. 130'.

the violation became a criminal offence, punishable by a cumulative penalty of imprisonment and a fine.⁸¹

Aiming to impede non-governmental SAR, further restraints on humanitarian NGOs' rescue operations were then introduced under the Meloni government in February 2023. As NGOs vessels often complete multiple rescues while at sea, the newest decree establishes that, after a rescue, ships must request a safe port and reach it without delay. Furthermore, captains violating the norm are sanctioned with fines up to €50.000.⁸²

3.2.3 The Iuventa case

The Italian authorities have therefore been prosecuting NGOs in light of their SAR activities since 2017. As such, it is imperative to investigate the broader effects of these proceedings on humanitarian operations concerning migrants. As mentioned, the first of such proceedings was initiated on August 2nd, 2017, against the Jugend Rettet German association. On this occasion, the Iuventa ship was seized, and ten members of the crew were prosecuted by Trapani's public prosecutor.⁸³ The following section will briefly retrace the Iuventa case, which is particularly relevant for the methods employed in the initiation of proceedings as well as for the effects of its mediatisation.

3.2.3.1 Building and evolution of the Iuventa case

The Iuventa case originated from a series of reports written between 2016 and 2017 to the Italian foreign intelligence service by former police officer Pietro Gallo. Working as private security on Save the Children's VOS Hestia vessel, Gallo provided insider information about suspicious activities of SAR NGOs operating in the Mediterranean. Although little proof was advanced to support Gallo's accusations, Trapani's public prosecutor used the man's reports to initiate investigations against three SAR NGOs.⁸⁴ Among these was the Jugend Rettet, described by Gallo as particularly suspect.⁸⁵

During the investigations, at least 40 individuals' phones were wiretapped. Among these were employees of MSF, Save the Children, and Jugend Rettet, as well as members of the security

⁸¹ Masera, 'Il Contrasto Amministrativo Alle ONG Che Operano Soccorsi in Mare, Dal Codice Di Condotta Di Minniti, al Decreto Salvini Bis e Alla Riforma Lamorgese: Le Forme Mutevoli Di Una Politica Costante'.

⁸² See, only in Italian, Gazzetta ufficiale, 'DECRETO-LEGGE 2 Gennaio 2023, n. 1 (Raccolta 2023)'.

⁸³ See, only in Italian, Camilli, 'Tutte le accuse contro l'ong Jugend Rettet', Internazionale, 8 August 2017.

⁸⁴ Campbell, D'Agostino, 'Rebel Boat', The Intercept, 21 December 2022.

⁸⁵ See, only in Italian, 'L'uomo che ha creato il caso ong', Il Post, 2 February 2019, <https://www.ilpost.it/2019/02/02/pietro-gallo-scandalo-ong/>.

aboard the VOS Hestia. Hidden microphones were also placed on board three ships. Furthermore, human rights lawyers and journalists working on migration issues were wiretapped, with confidential conversations being monitored.⁸⁶

The legal basis for this long-term surveillance is found in anti-mafia investigations: in 2013, Italian prosecutors developed an interpretation of Italy's anti-smuggling laws that classified the Libyan smuggling rings as a new kind of mafia.⁸⁷ Nevertheless, in the *Iuventa* case, the continued monitoring has been found to contravene Italian law.⁸⁸ For the surveillance and procedures applied, Amnesty International indeed states that the *Iuventa* investigations violate the right to privacy.⁸⁹ Furthermore, it describes the *Iuventa* case as “an emblematic example of how the criminalization of the legitimate activities of human rights defenders can be the gateway towards further infringements of the rights of many others”.⁹⁰

Moreover, through the media's depiction of SAR NGOs, the proceedings initiated against the *Iuventa* crew resulted in a strengthened discourse whereby suspicious links existed between humanitarian NGOs and smugglers. In this sense, following the Italian and European authorities' accusations against these organisations, Italian media outlets adopted a criminalising discourse when covering SAR NGOs, amplifying these accusations through polarised and partisan coverage.⁹¹ According to Cusumano and Bell (2021), the media's framing of SAR NGOs operating in the Mediterranean has in this sense replicated the “discursive repertoire” adopted to criminalise migration.⁹² Pervading the public depiction of these actors, the media's criminalisation discourse contributed to the delegitimisation of SAR NGOs.

Provided that the connection existing between SAR NGOs proceedings and the public perception of these actors passes through the discourse criminalising irregular migration, the need to study how the Italian treatment of SAR NGOs has an impact on broader work around migration is further emphasised.

⁸⁶ Campbell and D'Agostino, 'Hacked Phones, Undercover Cops, and Conspiracy Theories'.

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ Amnesty International, 'ITALY - A SLIPPERY SLOPE FOR HUMAN RIGHTS THE IUVENTA CASE', 2021.

⁹⁰ *Ibid.*, p.14.

⁹¹ Cusumano, Bell, 'Guilt by Association?', p.4302.

⁹² *Ibid.*, p.4289.

4 Literature review

So far, this work has outlined the context in which SAR NGOs started to operate in the Mediterranean, as well as the Italian responses to the initiation of SAR NGOs activities. Building on this background, this chapter will provide an overview of the current understanding of the politics and consequences of SAR NGOs proceedings as well as discuss relevant gaps in research.

4.1 The evolution of Mediterranean SAR politics

Cuttitta (2018) defines depoliticization as “the tendency of political actors to obscure the political character of politics and to present policy-making as a neutral, necessary and indisputable process”;⁹³ repoliticization, on the other hand, restores politics’ conflictual character, to the point that “if depoliticizing means obscuring, repoliticizing means reviling and reviving the political”.⁹⁴ Discussing these concepts in relation to migration management, Cuttitta (2018) finds that the debate regarding European migration and border management was at first politicized and then depoliticized. In this sense, these topics were at first discussed for electoral purposes, resulting in a series of securitisation policies, and then placed in “technocratic arenas” as the migration crisis evolved.⁹⁵ In this process, the policies of border management were portrayed as “hardly questionable”,⁹⁶ with inevitable consequences for Mediterranean SAR operations. Specifically, the Mediterranean started to be represented as “a depoliticised space, [...] deprived of human agency, in which events, including deaths, are connected easily to fate and therefore systematically depoliticised”.⁹⁷ In this context, SAR NGOs tried to repoliticize the Mediterranean space through their own political positioning.⁹⁸ As emerged in the background chapter, the institutional equilibrium between SAR NGOs and intergovernmental and governmental authorities evolved with the securitisation of migration and border management. In particular, the first SAR NGOs’ interventions followed the “humanitarian governmentalisation of international water”, which characterised the

⁹³ Cuttitta, ‘Repoliticization Through Search and Rescue? Humanitarian NGOs and Migration Management in the Central Mediterranean’, 3 July 2018, p.634.

⁹⁴ Ibid, p.635.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ibid, p.636.

⁹⁸ Ibid.

Mediterranean space from 2014 until 2016.⁹⁹ As previously mentioned, the Mare Nostrum operation, launched by Italy in 2013 with humanitarian intent, was the first operation aimed at border control within the EU.¹⁰⁰ When Mare Nostrum was concluded in 2014, Triton and EUNAVFOR MED - operation Sophia were then launched. The first aimed at border control and surveillance,¹⁰¹ and the second aimed to “identify, capture and dispose of vessels and enabling assets used or suspected of being used by migrant smugglers or traffickers”.¹⁰² Neither of these operations had an official SAR mandate. Yet, due to the universal seafarers’ legal obligation to rescue people in distress at sea, both contributed to saving lives in the Mediterranean and, as such, “to the discursive humanitarisation of the Mediterranean border”.¹⁰³ According to Cuttitta (2018), these operations also asserted the EU and its member states’ authorities’ dominance in the Mediterranean arena, allowing SAR NGOs to be welcomed as new players.¹⁰⁴

This equilibrium changed in 2016, when the EU’s security practices towards irregular migration were strengthened. As mentioned, the EU and its member states focused on border management. In particular, the policies adopted in this period were “driven by a politics of SAR criminalisation and disengagement”,¹⁰⁵ which Carrera and Cortinovis (2019) and Smith (2017) find at odds with the ideals of good governance. In this view, Cuttitta (2020) states that the criminalisation of SAR NGOs led to a division of “more deserving” and “less deserving” rights, with “more deserving” rights including the right to be protected from the risk of death or torture at the hands of smugglers, and “less deserving” rights including the right to flee one’s own country.¹⁰⁶ Furthermore, Cuttitta (2020) claims that the EU’s policies of immigration management impacted solidarity among both EU member states and individuals. In particular,

⁹⁹ UNHCR, “‘Lethal Disregard’ Search and Rescue and the Protection of Migrants in the Central Mediterranean Sea’ 2021.

¹⁰⁰ See for reference: “Mare Nostrum Operation”, Italian Navy, accessed 13 March 2023 <https://www.marina.difesa.it/EN/operations/Pagine/MareNostrum.aspx>

¹⁰¹ See for reference: “Joint Operation Triton”, Frontex, accessed 13 March 2023 <https://frontex.europa.eu/media-centre/news/focus/joint-operation-triton-italy--ekKaes>

¹⁰² See for reference: “About us”, EUNAVFOR MED operation Sophia, accessed 13 March 2023 <https://www.operationsophia.eu/about-us/#mission>

¹⁰³ Cuttitta, ‘Repolicization Through Search and Rescue?’, p. 639.

¹⁰⁴ Ibid.

¹⁰⁵ Carrera, Cortinovis, ‘Search and Rescue, Disembarkation and Relocation Arrangements in the Mediterranean’ June 2019.

¹⁰⁶ Cuttitta, ‘SEARCH AND RESCUE AT SEA, NON-GOVERNMENTAL ORGANISATIONS AND THE PRINCIPLES OF THE EU’S EXTERNAL ACTION’, 2020, pp.123-43.

instead of functioning as a guiding principle, solidarity among member states was relegated to a matter of choice; among individuals, solidarity was instead actively discouraged.¹⁰⁷

In this context, Cusumano and Pattison (2018) demonstrate that SAR NGOs have not been able to fully make up for the gaps in Mediterranean SAR left by European states.¹⁰⁸ The politics of SAR criminalisation and disengagement indeed resulted in state authorities accusing SAR NGOs of facilitating smuggling and irregular migration, and although these accusations were generally proven unfounded, the capabilities of SAR NGOs' rescue vessels have been weakened by this delegitimisation process, widening the gap in Mediterranean SAR.¹⁰⁹

4.2 The effects of SAR NGOs criminalisation on MRDs

Adding to the research concerning the politics of Mediterranean SAR, the following sections outline the literature's assessment of the effects of the Italian proceedings against SAR NGOs.

4.2.1 The immediate effects of criminalisation on the activities of SAR NGOs

The discouragement of private actors' solidarity discussed by Cuttitta (2020) is efficiently exemplified in Italy's case. While initially lauded as "angels" in the Italian public discourse, SAR NGOs were later declassified to "sea taxis" and "vice smugglers" following the securitisation of immigration policies from 2016.¹¹⁰ As SAR NGOs became the primary providers of Mediterranean SAR, Italian authorities indeed accused these organisations of attracting more migrants and encouraging traffickers. These allegations rapidly impacted the Italian public opinion, which was already alarmed by the number of arrivals registered in the country since the beginning of the migration crisis.¹¹¹ As the humanitarian terms characterising SAR NGOs' depiction in public discourses were substituted by suspicion, in Italy these organisations started to face "policy restrictions, judicial criminalization, and broader social delegitimization".¹¹²

Following the initiation of proceedings against them, most SAR NGOs operating in the Italian SRR suspended or reduced their operations; then, as the efforts to obstruct these organisations'

¹⁰⁷ Ibid, pp.131-132.

¹⁰⁸ Cusumano, Pattison, 'The Non-Governmental Provision of Search and Rescue in the Mediterranean and the Abdication of State Responsibility' pp.64-71.

¹⁰⁹ Ibid, p.67.

¹¹⁰ Cusumano, Villa, 'From "Angels" to "Vice Smugglers": The Criminalization of Sea Rescue NGOs in Italy', 1 March 2021.

¹¹¹ Ibid.

¹¹² Ibid.

activities decreased, SAR NGOs' presence at sea increased again.¹¹³ In this sense, Cusumano and Villa (2021) demonstrate that the number of operations launched by SAR NGOs is strictly related to the number of criminal and administrative proceedings initiated against them. While several variables explain this relation, a fundamental factor is the reduction in number and capabilities of SAR NGOs' rescue vessels caused directly by the initiation of criminal and administrative proceedings.¹¹⁴ Further contributing to the weakening of SAR NGOs' capabilities is these organisations' framing in the media and in political discourses. In this sense, despite their acquittal, SAR NGOs have continued to be accused of "serving as a pull factor of migration by media, politicians, and official documents". Furthermore, the delegitimisation of these organisations persisted even when efforts to criminalise these actors were reduced between late 2019 and early 2020.¹¹⁵

Commenting specifically on the relation between SAR NGOs and Italian media, Cusumano and Bell (2021) insert the media framing of SAR NGOs within the tendency of news outlets to cover "irregular migration to Europe [in a way that] is often disjointed from any actual or objective reality".¹¹⁶ This tendency is particularly relevant when considering that media framing has a fundamental role in shaping the public's perception of complex phenomena.¹¹⁷ Concerning migration, Eberl et al. (2018) find that "salience of immigration issues in [traditional] media coverage eventually influences audiences' political attitudes, as well as party preferences".¹¹⁸ Furthermore, repeated exposure to negative media messages may lead to stereotypical perceptions of migrant groups and changes in voting behaviour, especially when immigration is portrayed as a security threat.¹¹⁹ As previously emerged, according to Cusumano and Bell (2021), the media's framing of SAR NGOs is strictly related to that of irregular migration. In this regard, SAR NGOs' activities were discouraged not only by the economic and legal damages of the proceedings, but also by their persisting delegitimisation in relation to the discursive criminalisation of irregular migration.

Taking all these factors into account, the criminalisation of SAR NGOs falls within the phenomenon outlined by Nah et al. (2021) whereby "legal and administrative mechanisms for

¹¹³ Ibid.

¹¹⁴ Cusumano, Pattison, 'The Non-Governmental Provision of Search and Rescue in the Mediterranean and the Abdication of State Responsibility'.

¹¹⁵ Ibid.

¹¹⁶ Cusumano and Bell, 'Guilt by Association?', p.4302.

¹¹⁷ Eberl et al., 'The European Media Discourse on Immigration and Its Effects: A Literature Review' 2018.

¹¹⁸ Ibid, p.217-218.

¹¹⁹ Ibid.

repression” are particularly effective tools “for weakening, or completely shutting down, the activities of HRDs”.¹²⁰ The case of Médecins Sans Frontières (MSF) exemplifies this.

MSF used to operate two vessels, the Prudence and the Aquarius. While it first had to give up Prudence in 2017,¹²¹ the NGO then suspended its SAR operations in 2018.¹²² As explained by the organisation, the suspension was caused by the damages of the criminalisation process. MSF’s website reads: “Attacks aimed at delegitimizing, slandering and obstructing aid organizations have hindered assistance to vulnerable people. [...] Over the past 18 months, the unprecedented efforts curtailing humanitarian assistance have drawn upon tactics used in some of the world’s most repressive states”.¹²³

4.2.2 The research gap on the wider effects of SAR NGOs criminalisation

While the literature has focused on the direct effects of SAR NGOs proceedings on these organisations’ operations, less attention has been paid to the wider effects of this criminalisation process on humanitarian work concerned with migrants. Considering that the discouragement of SAR NGOs’ activities is also affected by the negative media portrayal of these organisations in connection with irregular migration, this section will delineate the perimeter of this research gap. Literature on HRDs’ criminalisation and on the Italian criminalisation of solidarity will be considered.

In its report “Criminalisation of Human Rights Defenders”, Peace Brigades International (PBI) claims that the initiation of proceedings against HRDs produces several effects, including the “undermining of the legitimacy and credibility of the organisation [...], crippling of financial, judicial, and administrative capacity [...], weakening the human rights movement [...], [and] breakdown of democracy and rule of law”.¹²⁴ In this regard, Nah et al. (2013) add that the phenomenon of HRDs criminalisation creates a barrier between HRDs and even their traditional civil society supporters.¹²⁵ Given these considerations, although not directly targeted, the

¹²⁰ Nah et al., ‘A Research Agenda for the Protection of Human Rights Defenders’, p.409.

¹²¹ See for reference: ‘Mediterranean: MSF Ends Mission of Search and Rescue Boat Prudence | MSF’, Médecins Sans Frontières (MSF) International, accessed 30 March 2023, <https://www.msf.org/mediterranean-msf-ends-mission-search-and-rescue-boat-prudence>.

¹²² See for reference: ‘With Migrant Lives Still at Risk on Mediterranean, MSF Is Forced to Terminate Operations of Search-and-Rescue Ship Aquarius’, 6 December 2018, <https://www.doctorswithoutborders.ca/article/migrant-lives-still-risk-mediterranean-msf-forced-terminate-operations-search-and-rescue>.

¹²³ Ibid.

¹²⁴ Peace Brigades International (PBI), ‘Criminalisation of Human Rights Defenders’, n.d.

¹²⁵ Nah et al., ‘A Research Agenda for the Protection of Human Rights Defenders’. p.408;

broader category of MRDs may be affected by the initiation of SAR NGOs proceedings as part of the human rights movement.

Considering the Italian context specifically, in the country the criminalisation of solidarity has been supported by political discourses that have been fueling “hate speech by using warlike narratives against migration”.¹²⁶ In this regard, according to the NGO A Buon Diritto, the criminalisation of solidarity has had “wider repercussions on the [Italian] democratic space, including the right to protest and to criticise the actions of the government and its leaders”.¹²⁷ This is further confirmed by CIVICUS Monitor, which has been rating the country’s civic space as narrowed since 2018.¹²⁸ Linking security and immigration, one of the factors flagged as contributing to the shrinking of the Italian civic space was the approval of the Salvini decree-laws. In line with this broader context of criminalisation of solidarity, Cuttitta (2020) claims that the Italian initiation of SAR NGOs proceedings dangerously erodes the principles of the separation of powers and of the independence of the judiciary.¹²⁹

In this discussion, considering the broader phenomenon of HRDs criminalisation together with the effects of the Italian criminalisation of solidarity on the country’s civic space, sufficient basis exists to argue that SAR NGOs proceedings may impact the work of Italian MRDs. Therefore, this work will aim to further research this specific connection.

5 Hypothesis

Building on the considerations of the previous section, it can be assumed that when SAR NGOs proceedings are initiated, not only are the activities of HRDs directly involved in SAR delegitimised, but the same effect may also be produced on the wider category of MRDs. Furthermore, when viewed within the broader phenomenon of Italian criminalisation of solidarity, the delegitimising effects of SAR NGOs proceedings may be exacerbated by social, political, and legal factors targeting directly or indirectly illegal migration and solidarity. On this basis, and taking into account the discouragement produced directly by SAR NGOs proceedings on the activities of the criminalised organisations, I hypothesise that the broader

¹²⁶ Ibid, p.31.

¹²⁷ Romeo, ‘CRIMINALISATION OF SOLIDARITY AND WIDER REPERCUSSIONS FOR THE SECTOR’, n.d.

¹²⁸ See for reference: ‘Civicus Monitor - Italy’, accessed 4 April 2023, <https://monitor.civicus.org/country/italy/> last accessed 31/03/23.

¹²⁹ Cuttitta, ‘SEARCH AND RESCUE AT SEA, NON-GOVERNMENTAL ORGANISATIONS AND THE PRINCIPLES OF THE EU’S EXTERNAL ACTION’. p.130-131;

category of MRDs operating on Italian territory may also be discouraged from undertaking their defence activities as a consequence of the initiation of SAR NGOs proceedings.

Therefore, building on Waldman's idea that social theory remains underdeveloped in legal theory,¹³⁰ I will test this hypothesis relying on the theory of "chilling effect". The theory, first elaborated by Schauer (1978) and then expanded among others by Solove (2006) and Penney (2021), has previously been applied to other case studies concerning the targeting and criminalisation of HRDs¹³¹ and will be discussed in more detail in the following section.

6 Theoretical framework

The word "chill" was first used by the US Supreme Court in a first amendment case. Since then, the concept of "chilling effect" has been applied in decisions concerning the procedural aspects of free speech adjudication and continues to play an important role in the resolution of a wide range of cases across the spectrum of rights to freedom of speech, expression, and association. While some scholars expressed their scepticism regarding the existence of the phenomenon,¹³² several theories of chilling effects have been developed to explain an individual's discouragement from engaging in specific acts because of situational uncertainty. To proceed in my analysis, I will briefly outline the most relevant features of three of the main theories of chilling effects, elaborated by Schauer (1978), Solove (2006), and Penney (2021). For the reasons outlined in this chapter, at the end of this discussion, Penney's theory will be identified as providing the most suitable theoretical framework for this work.

6.1 The main theories of chilling effect

6.1.1 Schauer and chilling effects as legal harms

Schauer (1978) was the first to theorise the existence of "chilling effects", connecting them to legal harms. To build his theory, Schauer claims that the imprecision of "'people-made" rules"¹³³ affects the entire legal process, generating uncertainty. Furthermore, he adds that an improper limitation of rights such as free speech has "more social disutility than an erroneous

¹³⁰ Waldman, 'Privacy as Trust: Information Privacy for an Information Age', 2018.

¹³¹ See for reference: Gordon, 'Israel's "Tent Protests": The Chilling Effect of Nationalism', 1 August 2012.

Hanung, 'Indonesia: Investigate Systemic Discrimination and Violence against Human Rights Defenders Speaking on Papua', 18 June 2020.

Saura-Freixes, 'Environmental Human Rights Defenders, the Rule of Law and the Human Right to a Healthy, Clean, and Sustainable Environment: Last Trends and Challenges', 31 December 2022.

¹³² See for instance Bedi, 'The Myth of the Chilling Effect', Fall 2021.

¹³³ Schauer, 'Fear, Risk and the First Amendment: Unraveling the Chilling Effect', 1 January 1978, p.687.

overextension [of the right]”.¹³⁴ On this basis, he states that in law the basis for deterrence is fear of punishment, since an individual may be prevented from engaging in an activity by the threat of a penal statute or civil sanction.¹³⁵ Highlighting that individuals decide to commit crimes when the benefits outweigh the costs,¹³⁶ and stating that criminal justice policy relies on punishment of criminal activity to ensure compliance with the law,¹³⁷ Schauer defines a chilling effect as “an act of deterrence”.¹³⁸ As such, he claims that in chilling effect theory, one should look for invidious chilling, which occurs whenever a behaviour safeguarded by the Constitution is discouraged. Deterrence is therefore concerning when a positively advantageous activity protected by an affirmative right is discouraged.¹³⁹

Although Schauer’s account has the merit of being the first elaborated theory of chilling effect, his conceptualisation has a narrow scope of applicability. First, the theory is only useful to explain chilling effects deriving directly from legal harms and from state actions.¹⁴⁰ Furthermore, even when applicable, Schauer’s theory of chilling effects is fundamentally built on deterrence theory, which evidence suggests applies only when specific conditions are present.¹⁴¹ For the case under analysis, where the directly criminalised group is only that of SAR NGOs, Schauer’s account is, for these reasons, inadequate. These considerations notwithstanding, his conceptualisation remains relevant insofar as it provides the foundation for the evolution of the theory of chilling effects through social psychology.

6.1.2 Solove and chilling effects as privacy harms

Linking chilling effects to privacy, Solove (2006) significantly contributes to the elaboration of the theory of chilling effects through social psychology. In his conceptualisation, Solove discusses the chilling effects associated with the “architectural problems”¹⁴² of privacy, which by their nature create uncertainty and ambiguity. Relevant for this thesis, Solove connects privacy harms with the balance of social and institutional power, claiming that even when an

¹³⁴ Ibid, p.688.

¹³⁵ Ibid.

¹³⁶ Pratt, et al., ‘The empirical status of deterrence theory: a meta-analysis’, in ‘Taking stock: the status of criminological theory’, 2006.

¹³⁷ Piquero et al., ‘Elaborating the Individual Difference Component in Deterrence Theory’, 2011.

¹³⁸ Schauer, p.689.

¹³⁹ Ibid, p.692.

¹⁴⁰ Penney, ‘Understanding Chilling Effects’, 28 May 2021, <https://doi.org/10.2139/ssrn.3855619>.

¹⁴¹ Pratt et al., ‘The Empirical Status of Deterrence Theory: A Meta-Analysis’, 2008.

¹⁴² Solove, ‘A Taxonomy of Privacy’, 2006, p.487.

individual's privacy is not directly harmed, the balance of power may indirectly affect that person's life. For example, an individual facing law enforcement officials may alter the way or rate at which they engage in activities such as attending political rallies or criticising popular views in relation to the officials' power.¹⁴³

Furthermore, Solove focuses specifically on surveillance and argues that even when no information is publicly disclosed, information collection may still harm individuals if the methods employed are improper, as in the case of continuous monitoring. In these instances, even awareness of surveillance can alter an individual's behaviour, leading to phenomena of self-censorship and inhibition. Considering the panoptic effect formulated by Bentham,¹⁴⁴ Solove adds that awareness of the possibility of surveillance can be as inhibitory as actual surveillance. Lastly, connecting surveillance with social norms, Solove concludes that "surveillance is a tool of social control, enhancing the power of social norms".¹⁴⁵ He also adds that surveillance works "more effectively when people are being observed by others in the community".¹⁴⁶

Introducing social psychology into the theory of chilling effects through the dimension of privacy, Solove expands the phenomenon's conceptualisation. In consideration of the procedures employed in the *Iuventa* case, the introduction of surveillance as a cause for chilling effects is particularly relevant for this study. These merits notwithstanding, Solove's theory retains some limitations. For one, by focusing exclusively on rational choices, the dimension of subjectivity is neglected.¹⁴⁷ Furthermore, Solove's theory conceptualises chilling effects exclusively as an effect of deterrence caused by privacy harms.¹⁴⁸ For these reasons, Solove's account cannot be taken as the theoretical framework for this work. This study focuses on the indirect effects of SAR NGOs criminalisation on the work of Italian MRDs, and although the dimension of privacy deserves consideration, given the type of impact that criminalisation of HRDs has on the wider human rights movement, Solove's theory is relevant but remains limited.

¹⁴³ *Ibid*, p.488.

¹⁴⁴ J. Miller, R. Miller, 'Jeremy Bentham's Panoptic Device', 1987.

¹⁴⁵ Solove, 'A Taxonomy of Privacy', p.493.

¹⁴⁶ *Ibid*.

¹⁴⁷ Penney, 'Understanding Chilling Effects', p.1485.

¹⁴⁸ *Ibid*.

6.1.3 Penney and chilling effects as social conformity

Penney (2021) elaborates his theory of chilling effect as a theory of social conformity. In doing so, he builds on the idea that conventional theories of chilling effect neglect social norms.

Recalling the standard definition of social norms as “understood rules for accepted and expected behaviour”,¹⁴⁹ Penney cites Ellickson’s (1991) study on social norms. The study demonstrated that relations between neighbouring ranchers in Shasta County, California, were regulated by local norms rather than the law. In this regard, Penney states that “if social norms can be more effective at shaping behaviour than the law, then surely they also play a role in chilling effects”.¹⁵⁰ From this assumption, Penney defines a chilling effect as “an act of social compliance with, or conforming to, social norms”,¹⁵¹ arising “out of contexts of ambiguity – such as ambiguity in the law or a circumstance where a person is aware they may be monitored by the government”.¹⁵²

In “Understanding Chilling Effects” (2021), Penney connects chilling effects with other social phenomena. The first of these is the “watching eye” effect.¹⁵³ According to the watching eye effect, when individuals are reminded of the possibility that they may be watched, the perceived likelihood that they will face social sanctions if social norms are broken increases. This heightened perception results in conforming behaviour, adopted with the aim of avoiding negative judgments or negative evaluations from others.¹⁵⁴ While several causes lie behind the “watching eye” chilling effect, Penney underlines “deeper psychological dimensions”, whereby “simply being under the gaze of watching eyes creates more “negative” psychological states”.¹⁵⁵

Penney also addresses chilling effects in the realms of political science, communications, and sociology. Specifically, he connects chilling effects to the “spiral of silence”,¹⁵⁶ which causes individuals holding views dissenting from those of the majority to self-censor and remain silent. In this regard, he holds that the spiral of silence arises out of humans’ motivation to form

¹⁴⁹ Ibid.

¹⁵⁰ Ibid, p.1490.

¹⁵¹ Ibid, p.1488.

¹⁵² Ibid.

¹⁵³ Ibid, p.1491.

¹⁵⁴ Ibid, p.1491.

¹⁵⁵ Ibid, p.1492.

¹⁵⁶ Ibid, pp.1493-1495.

meaningful relationships with others, achieved through social norms and based on affiliation, reciprocity, and approval.¹⁵⁷

In general, Penney holds that “the more uncertain a person is about a situation, decision, or other course of action, the more likely they will be susceptible to social influences in making their decision”.¹⁵⁸ When facing uncertainties, individuals then research informational and normative influences to decide how to behave. Their decision is driven by two factors: on the one hand, individuals want to have an accurate representation of reality; on the other, they fear social sanctions and ostracism. In this context, social norms performed or expressed by legitimate authorities create a “social proof” that further influences the behaviour of individuals.¹⁵⁹ Following Cialdini (1991), Penney holds that shifting a person’s attention to a specific social norm causes an alteration in that person’s behaviour that will be consistent with the new information. This process is consistent with social norms performed by legitimate authorities and results in conformity, defined as self-censorship and/or self-restraint.¹⁶⁰ In this context, if two or more social norms conflict, “the more salient social norm will have greater influence and conforming effects”.¹⁶¹

Building on the connection of chilling effects with social norms, Penney also explains the emergence of chilling effects in relation to legal and privacy harms. In the case of chilling effects related to legal harms, individuals comply with the law because they believe that it is “moral and legitimate” to do so.¹⁶² Obedience to the law is, in this view, perceived as a social norm. As such, Penney claims that Schauer “was right about the uncertainty in the law being a key part of chilling effects but wrong about how and why, in the end, a person may be chilled”.¹⁶³ In this context, while Penney finds chilling effects related to general law to be weak and uncommon, tailored legal rules and personalised enforcement are instead assessed as producing substantial chilling effects.¹⁶⁴ Penney provides three reasons for this claim. First, social psychology proves that chilling effects are amplified when threats are more personal and specific. Second, in line with focus theory (Cialdini et al. (1991)), a norm that is highlighted

¹⁵⁷ Ibid, p.1495.

¹⁵⁸ Ibid, p.1498.

¹⁵⁹ Ibid, pp.1499-1502.

¹⁶⁰ Cialdini, Kallgren, Reno, ‘A Focus Theory of Normative Conduct: A Theoretical Refinement and Reevaluation of the Role of Norms in Human Behavior’, 1991.

¹⁶¹ Penney, ‘Understanding Chilling Effects’, p.1502.

¹⁶² Ibid, p.1503.

¹⁶³ Ibid, p.1504.

¹⁶⁴ Ibid, p.1509-1510.

and made more salient has a stronger impact on an individual's behaviour. Third, the conditions characterising personalised legal rules and enforcement may bring deterrence theory into play.¹⁶⁵

Penney also addresses chilling effects connected to privacy harms and surveillance. Provided that modern surveillance practices are characterised by ambiguity and uncertainty, he claims that "surveillance is inherently ambiguous".¹⁶⁶ Therefore, conceptualising chilling effects as social conformity, Penney holds that individuals avoid engaging in an activity if they fear that, by doing so, they will be caught breaking a social norm because of active or covert surveillance.

6.2 Theoretical framework for this work

Through the concept of social chilling effects, Penney's theory manages to explain chilling effects arising also from legal and privacy harms. As such, his conceptualisation addresses chilling effects deriving not only from state actions, but also from interactions with private individuals. Given the assumption that SAR NGOs proceedings delegitimise the activities of the broader category of MRDs, Penney's theory of chilling effects therefore provides the most suitable theoretical framework for this study.

For exemplificatory purposes, I consider the discouragement of MRDs involved in SAR NGOs. Provided that Italy criminalises the facilitation of entry even when the intention to gain profit is absent and that the application of the relevant laws on human smuggling and facilitation of irregular migration often does not reflect these laws' original intent,¹⁶⁷ the discouragement identified by Cusumano and Villa (2021) as affecting SAR NGOs' operations may result from perceived personalised law enforcement. As such, a chilling effect may be assumed to result from direct state action. Moreover, the mediatisation of SAR NGOs proceedings has been proven to negatively affect the social perception of SAR NGOs' activities in the public discourse. Therefore, the decrease in SAR NGOs operations may be connected to social chilling effects, arising because MRDs involved in SAR may perceive a heightened risk that they will be caught breaking a social norm when engaging in these activities. This risk is then strengthened when surveillance methods are employed.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid, p.1507.

¹⁶⁷ See Vosyliūtė, Conte, 'Crackdown on NGOs and Volunteers Helping Refugees and Other Migrants', p.6; Italy ratified the UN Protocol against the Smuggling of Migrants by Land, Sea, and Air whereby smuggling must be criminalised when the intention to gain profit is present. A similar clause is also contained in the EU Facilitators' Package.

7 Data

Having identified Penney’s theory of chilling effect as the theoretical framework for this thesis, I will proceed to test my hypothesis. For this part, a set of interviews has been conducted with a sample of MRDs operating on Italian territory. The purpose of this data collection is to investigate the most prominent influences on MRDs’ work with the aim of assessing to what extent the initiation of SAR NGOs criminal and administrative proceedings may affect MRDs’ work. Furthermore, the information gathered here will help identify the social norms to which MRDs may conform.

7.1 Description of the sample

The data collected for this part consists of 9 interviews conducted on Zoom Meetings with a heterogeneous group of MRDs. Guiding the sampling was the idea that “being a human rights defender is not dependent on one’s profession. Defenders include lawyers, judges, journalists, academics, those from a range of other careers or jobs, or people not in formal employment”.¹⁶⁸ Therefore, the interviewees were selected through both a purposive and a snowball sampling technique. The initial set was selected via direct contact with organisations involved in integration and reception projects on Italian territory. From these first contacts, snowball sampling was used to widen the sample.¹⁶⁹ The following table illustrates the characteristics of the group of participants: the information presented is made available prior to participants’ consent.

Interviewee	Interviewee’s role within the organisation	Name of the organisation and activities
INT1	Worker in an extraordinary reception centre (CAS).	Cooperativa Eleison: manages an extraordinary reception centre (CAS). In addition, the cooperative runs, on a volunteer basis, an information desk for migrants. Among other things, the desk provides

¹⁶⁸ OHCHR, ‘A/77/178: Refusing to Turn Away: Human Rights Defenders Working on the Rights of Refugees, Migrants and Asylum-Seekers - Report of the Special Rapporteur on the Situation of Human Rights Defenders’, 18 July 2022, §32.

¹⁶⁹ Sadler et al., ‘Recruitment of Hard-to-Reach Population Subgroups via Adaptations of the Snowball Sampling Strategy’, 2010.

		information on how to renew residence permits.
INT 2	Volunteer.	The association* is invested in the very first reception of migrants arriving by land. It collaborates with other public and private organisations, institutions, and associations. * Anonymity was requested by the interviewee.
INT3	Coordinator for the foundation's integration and reception projects in Italy.	Fondazione Giovanni Paolo II: the foundation is mainly involved in international cooperation projects in the Middle East and in reception and integration projects in Italy. Among others, through a network of associations, the foundation runs projects to support migrants already partially integrated in the local community. In addition, it runs three help desks for migrants: one dedicated to psychological support, one to legal information, and one to job orientation.
INT4	Project manager, research manager, and communication area manager.	CIAC: the association is active with a wide range of services dedicated to the migrant population. It is invested in a series of free-access territorial help desks and provides legal counselling. Furthermore, it manages reception and integration projects within the national reception and integration system (SAI) as well as on a self-organised basis. Through a collaboration with ASGI, the association also provides legal advice services.
INT5	President of the association.	Integra ONLUS: the association works in the fields of migration policies, integration, and the promotion of peoples' cultures. It used to work within the national reception systems for refugees and asylum seekers.

INT6	Coordinator of CAS and SAI facilities.	Solco Prossimo: the cooperative is part of the Solco Civitas cooperative group. Within this network, it offers mediation and integration services to adult and non-adult immigrants. It manages both CAS and SAI reception facilities and has a help desk providing legal and bureaucratic information as well as job orientation.
INT7	Head of the refugee area, responsible for SAI projects.	ADL a Zavidovici: the cooperative is part of the Local Democracy Embassies of the Council of Europe. ¹⁷⁰ It has been active with informal reception activities for refugees of the Bosnian War since the 1990s. In the year 2000, the cooperative started to work within the national reception system.
INT8	Head of intercultural-migrants area.	Intrecci ONLUS: the cooperative was established and began to operate for migrants' rights in 2003. Since 2014, it has been managing CAS and SAI facilities. Its operations are constructed also through a series of institutional, social, and church partnerships.
INT9	President of the cooperative.	Cooperativa Fiordaliso: the cooperative used to manage both CAS and SAI facilities and now only manages a SAI facility. Furthermore, as leader of a consortium of cooperatives, it manages a help desk that, among others, guides migrants through applications for residence permits, citizenship, family reunification, and Italian language tests. Lastly, through collaboration with other realities involved in migrants' reception, the

¹⁷⁰ See for reference, Casagrande, 'THE LOCAL DEMOCRACY EMBASSIES: INSTRUMENTS FOR PEACE AND DEMOCRACY IN EUROPE' Congress of Local and Regional Authorities of Europe, 3 June 1997.

		cooperative is invested in a series of actions and activities aimed at the integration and visibility of migrants within the local social fabric.
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7.2 Coding methodology

Interview questions were formulated based on the most salient topics that emerged through the literature review. Specifically, these were built on the consideration that SAR NGOs proceedings lead to the delegitimisation of SAR NGOs and MRDs through the discursive criminalisation of irregular migration. As such, the questions primarily focused on the interviewees' work in relation to the Italian public's perception of migrants and their reception, on the interviewees' activities in relation to the Italian authorities' attitudes towards MRDs' work, and on the interviewees' perceived physical and digital safety. These themes were considered both in general terms and in relation to SAR NGOs proceedings.

The final data set includes 48 pages of single-spaced transcriptions, which were coded with the software NVivo 1.7.1. The methodology for this part was developed based on Zamawe (2015), Welsh (2002), and Dalkin et al. (2020). Specifically, after a first analysis of the set, I identified the most recurring themes to produce an initial coding table. Through this table, 9 main thematic codes (TCs) were identified. Then, using NVivo, the interviews were categorised within these 9 TCs, and individual coding stripes (CSs) were elaborated to expand each theme. A complete coding table is available in the annex, and the following are the initial TCs:

1. TC1: Feelings towards their work;
2. TC2: Modified work practices;
3. TC3: Relation of SAR NGOs proceedings with the Italian authorities;
4. TC4: Relation of SAR NGOs proceedings with the Italian public opinion;
5. TC5: Relation of SAR NGOs proceedings with their own work;
6. TC6: Relation between their work and the Italian public opinion;
7. TC7: Relation between their work and the Italian authorities;
8. TC8: Perceived safety;
9. TC9: Surveillance.

7.3 Data analysis

In the following sections, I list the CSs forming each TC and describe the interviewees' answers with respect to each theme. In doing so, I refer to interviews' extracts categorised under each

TC or CS with the term “coded item”. In the annex, for each TC, a hierarchic chart in the form of a tree map will represent the CSs’ distribution. Through this representation, each chart will graphically display which CS contains the most coded items and is more salient within the TC under consideration.

7.3.1 Feelings towards their work (TC1)

TC1 was elaborated in 4 CSs:

Coding stripe	Corresponding sub-theme	N° items coded
CS1.1	Feels or has felt the pressure of the political climate	7
CS1.2	Expresses positive feelings about their work	4
CS1.3	Expresses negative feelings about their work	3
CS1.4	Feels that their job is frequently underestimated	2

Under this TC, it emerges that most interviewees have felt political pressure on their work, especially when other MRDs were criminalised for their activities (for instance, see the cases of Mimmo Lucano¹⁷¹ or Aboubakar Soumahoro¹⁷²). On these occasions, cooperatives operating for migrants’ integration were framed in the media and politics as working in reception for personal gain. Furthermore, three interviewees refer pressure derived from the local authorities’ policies concerning migrants and their reception (INT2, INT3, INT4).

In this regard, while four participants are satisfied with their work because of the human relations they build with the migrants they operate for (INT1, INT2, INT7, INT8), three express negative feelings in relation to their activities (INT2, INT4, INT5). In particular, one interviewee expresses dissatisfaction with the authorities’ recognition of HRDs’ role (INT2), another refers of discriminatory attitudes prone to aggression received from the public (INT4), and the last openly mentions burn-out syndrome and claims to carry out their work with greater fatigue compared to the past (INT5). Correlated to these feelings, two interviewees mention that the amount of work put into refugees and asylum seekers’ reception is widely underestimated by the public (INT1, INT6). In particular, while employed within the national reception system, these participants claim that their work is often perceived as voluntary.

¹⁷¹ See for reference: Tondo, ‘Pro-Refugee Italian Mayor Sentenced to 13 Years for Abetting Illegal Migration’, The Guardian, 30 September 2021.

¹⁷² See for reference: ‘Probe on Cooperatives “to Harm Aboubakar Soumahoro”, Family Says - Sicily’, ANSAMed, 22 November 2022.

7.3.2 Modified work practices (TC2)

TC2 was elaborated in 2 CSs:

Coding stripe	Corresponding sub-theme	N° items coded
CS2.1	Adaptation of work practices due to public opinion	2
CS2.2	Adaptation of work practices due to the political climate	4

Under this TC, two interviewees mention that they have adapted their work practices to the public opinion of migrant reception (INT1, INT6). Specifically, one feels that their organisation's social media campaigns cannot be undertaken freely due to antagonizing comments of the public (INT6). They also add that in periods of tension, the local prefecture requested that refugees and asylum seekers arrive in reception facilities at night to avoid neighbours seeing them. Similarly, another participant reports that with public tension rising towards migrants and their reception, their work evolved into that of shielding refugees and asylum-seekers from the "outside world", which includes employers who want to hire without a contract and police officers who may be difficult to approach (INT1).

Concerning the adaptation of work practices to the political climate, two interviewees agree that their activities are adapted to it insofar as they aim to stimulate Italian institutions to grant migrants their rights (INT1, INT9). Three interviewees also say that their work practices are carried out more carefully when the political debate concerning migrants and their reception is particularly heated (INT1, INT4, INT9).

7.3.3 Relation of SAR NGOs proceedings with the Italian authorities (TC3)

TC3 is articulated in 2 CSs:

Coding stripe	Corresponding sub-theme	N° items coded
CS3.1	SAR NGOs proceedings are initiated to discourage further operations	2
CS3.2	SAR NGOs proceedings are initiated for propaganda	7

Concerning the nature of SAR NGOs proceedings, two interviewees say that these are initiated to discourage future non-governmental SAR operations (INT1, INT9). In particular, one argues that SAR NGOs proceedings are initiated to economically harm SAR NGOs (INT1), and the other adds that their purpose is to prevent migrants from undertaking the journey (INT9). Furthermore, while the interviewees hold that each case should be analysed individually, seven out of nine see the criminalisation of SAR NGOs as a political phenomenon, arguing that the

proceedings against these organisations are initiated for reasons of propaganda (INT1, INT3, INT4, INT5, INT6, INT7). In relation to this, one interviewee expresses concern about the broader criminalisation of HRDs (INT7).

7.3.4 Relation of SAR NGOs proceedings with the Italian public opinion (TC4)

TC4 is elaborated in 2 CSs:

Coding stripe	Corresponding sub-theme	N° items coded
CS4.1	SAR NGOs proceedings are related to public opinion on migrants in a mutually influencing way	5
CS4.2	SAR NGOs proceedings influence the public opinion on migrants and their reception	4

In this TC, five interviewees argue that there is a circularity between the initiation of SAR NGOs proceedings and the Italian public perception of migrants and their reception (INT1, INT3, INT4, INT6, INT9). One participant in particular claims that portraying migrants as “enemies” is no longer acceptable. As such, the criminalisation of SAR NGOs is offered as the next best solution to the issue of irregular immigration (INT9). Furthermore, according to this interviewee, the initiation of proceedings is followed by a delegitimising media campaign that justifies these legal actions. On the same topic, another participant also adds that the public perception of SAR NGOs remains fundamentally negative because the news of these organisations’ acquittal is not as mediatised as the news of proceedings being initiated (INT4). Four interviewees, on the other hand, contend that the initiation of SAR NGOs proceedings has a greater influence on the public perception of migrants than the opposite (INT2, INT7, INT8, INT9). According to one participant, this influence stems from the fact that public discourses concerning SAR NGOs proceedings often associate the migratory phenomenon with an invasion (INT9).

7.3.5 Relation of SAR NGOs proceedings with their own work (TC5)

TC5 has been articulated in 3 CSs:

Coding stripe	Corresponding sub-theme	N° items coded
CS5.1	SAR NGOs proceedings do not impact the interviewee’s work	1
CS5.2	SAR NGOs proceedings impact directly the interviewee’s work	4
CS5.3	SAR NGOs proceedings impact indirectly the interviewee’s work	7

Regarding the impact of SAR NGOs proceedings on the interviewees' work, only one participant states that their own work is not at all impacted by the initiation of proceedings (INT8). On the other hand, four interviewees answer that their work is directly affected by the initiation of SAR NGOs proceedings (INT2, INT3, INT4, INT9). In particular, one holds that the criminalisation of SAR NGOs is part of a broader dysfunctional management of disembarkation activities that also affects reception (INT3). Another interviewee argues that when denied the authorisation to land, migrants on rescue vehicles are negatively affected on a psychological level. As such, when these individuals arrive in reception facilities, it is harder for MRDs to successfully work for their integration (INT9). Furthermore, seven interviewees perceive that the initiation of SAR NGOs proceedings delegitimises MRDs' role (INT1, INT2, INT4, INT5, INT6, INT7, INT9). In this sense, one participant specifies that while their individual activities may not be directly impacted, the initiation of SAR NGOs proceedings negatively affects HRDs' work at large (INT7).

7.3.6 Relation between their work and the Italian public opinion (TC6)

TC6 has been articulated in 6 CSs:

Coding stripe	Corresponding sub-theme	N° items coded
CS6.1	Public opinion of migrants and their reception does not influence the interviewee's work	2
CS6.2	Public opinion of migrants and their reception influences the interviewee's work in a direct way	5
CS6.3	Public opinion of migrants and their reception influences the interviewee's work in an indirect way	2
CS6.4	The interviewee's work influences the public opinion of migrants and their reception	6
CS6.5	Local perception of their work	6
CS6.6	Challenges faced in relation to public opinion	5

When asked whether a relation exists between their work and the public opinion of migrants and their reception, two interviewees state that their practices are not affected by it (INT4, INT8). On the other hand, the rest perceive that their work is influenced by the public perception of migrant reception. In particular, five interviewees argue that their work is directly influenced by the public perception of migrants and their reception (INT1, INT2, INT5, INT7, INT9), and two argue that a negative opinion of migrant reception is indirectly associated with a negative perception of MRDs' work (INT3, INT9).

The relation between the interviewees' activities and the public develops in both positive and negative ways. Concerning the first, two participants state that they have a positive relationship with the public (INT1, INT2), with one interviewee saying that when their organization was threatened with repression, the public showed strong support (INT2). Three participants, on the other hand, have a more negative relation with the public, mentioning instances of racist behaviour (INT5, INT7, INT9). Moreover, one of the interviewees fears that negative perceptions of migrant reception may negatively affect their future employment opportunities (INT9).

Six interviewees then claim that it is also their work that impacts the public perception of migrants and their reception (INT1, INT2, INT3, INT4, INT5, INT9). Four participants in particular mention that, through awareness-raising work, they were able to gain more support and respect in their local communities (INT2, INT3, INT4, INT9). Similarly, two interviewees report instances of individuals with racist behaviours who developed a positive opinion of migrants after coming into direct contact with them (INT1, INT5).

In line with these considerations, five interviewees perceive that a large share of the local population is now familiar with and appreciates their work (INT2, INT3, INT4, INT8, INT9). On the other hand, one participant reports that, in their local community, MRDs employed in reception are often perceived as “enemies, as people working for profit” (INT1). Similarly, four interviewees have encountered challenges resulting from the local perceptions of migrants and their reception (INT1, INT4, INT6, INT7). One of them mentions in particular the difficulties that they had in securing housing for their reception facility's hosts (INT7). In one instance, a real estate agency refused to rent a house to a Nigerian family because the owner did not want “any non-Italian overlooking their yard”.

7.3.7 Relation between their work and the Italian authorities (TC7)

TC7 is articulated in 7 CSs:

Coding stripe	Corresponding sub-theme	N° items coded
CS7.1	Feels that they have a positive relation with the local authorities	3
CS7.2	Has not felt that the local authorities have ever obstructed their work;	2
CS7.3	Has not felt that the national authorities have ever obstructed their work	2
CS7.4	Institutions used to not support their work	3
CS7.5	Has felt that the local authorities have obstructed their work	5

CS7.6	Has felt that the national authorities have obstructed their work	5
CS7.7	Feels that the institutions do not properly support their work	8

Under this TC, three interviewees claim that they have a positive relation with the local institutions (INT1, INT6, INT7). Among these, one specifies that their organisation only has a positive relation with part of them (INT1), while another says that their work is necessary for local institutions because they are all “on the same boat” (INT6). In this regard, two interviewees do not feel that the local authorities have ever obstructed their work (INT7, INT8), and three claim that, while local institutions used to not provide adequate support for their work, now they are provided with better working conditions (INT3, INT6, INT9).

Five participants, on the other hand, believe that the local authorities have obstructed their work operations in various ways (INT1, INT2, INT4, INT5, INT9). For example, when corresponding with the local prefecture, one is concerned that their contact with this institution may backfire if the object of the communication is one of their facility’s hosts (INT1). Additionally, another participant openly states that the local authorities tried to repress their organisation’s activities (INT4), and a third adds that they constantly feel like the local authorities are obstructing their work (INT9). The latter specifies in this regard that employees in the relevant institutions often choose not to follow the appropriate procedures.

Concerning national authorities, two interviewees say that they have never felt obstruction from them (INT7, INT8). In this regard, one of these participants specifies that, while an inadequate number of workers is employed in police stations and prefectures, they do not feel this to be a sign of open obstruction to MRDs’ activities by the Italian national authorities (INT8). Instead, five interviewees believe that the national authorities have intentionally obstructed their work (INT2, INT4, INT5, INT6, INT9). One of them mentions Salvini’s security decrees, which significantly cut CAS’ facilities funds (INT6).

In general, eight interviewees claim that the Italian institutions do not properly support their work (INT1, INT2, INT3, INT4, INT5, INT7, INT8, INT9). Three of them refer to the national reception system’s unclear requirements, stating that their work operations are affected by national guidelines on CAS and SAI facilities that constantly change (INT1, INT7, INT9). Furthermore, another three add that the funding provided to the entire reception system is poor, especially for CAS facilities (INT3, INT5, INT8). Regarding the latter, one interviewee underlines that the institution of CAS facilities contributed to the decline of the Italian reception system (INT2).

7.3.8 Perceived safety (TC8)

TC8 has 1 CS:

Coding stripe	Corresponding sub-theme	N° items coded
CS8.1	Feels safe about their physical integrity	3

The theme of physical safety in relation to their work emerges only in three interviews, where participants openly state that they feel safe in relation to their work (INT4, INT6, INT7). However, one of them reports instances of verbal violence (INT4), and another says that their perceived safety is affected by the country's political climate (INT6). The latter also mentions that, in the past, their colleague's car was set on fire.

7.3.9 Surveillance (TC9)

TC9 is articulated in 4 CSs:

Coding stripe	Corresponding sub-theme	N° items coded
CS9.1	Has never felt under surveillance by the Italian authorities	6
CS9.2	Does not presently feel under surveillance but did in the past	1
CS9.3	Has not felt surveilled but watched	2
CS9.4	Has felt or been under surveillance by the Italian authorities	3

Under this TC, six interviewees state that they have never felt or been under surveillance by the Italian authorities (INT3, INT4, INT7, INT8, INT9). Among these, one says that if they had ever perceived surveillance, they would probably no longer be working in migrants' reception (INT9). Another participant then reports that, while they do not have that perception now, in the past they were surveilled by the Italian Division of General Investigations and Special Operations (INT6). Similarly, two interviewees say that they were subject to physical and digital surveillance by the Italian authorities (INT2, INT5). The case against one has been dismissed (INT2), while the other says they were subject to several controls but nothing irregular was ever discovered (INT5).

Lastly, two interviewees say that they have not perceived direct surveillance but have felt "watched" and "under scrutiny" as political tensions rose (INT3, INT4). In line with this, one interviewee states that in times of high tension, they have felt paranoid about being surveilled (INT1).

7.4 Preliminary findings

The preliminary findings of the interviews will be described in the following sections. This part will first consider the interviewees' relations with the public perception of migrant reception and then the interviewees' activities in relation to the Italian authorities' attitudes towards their work. These considerations will be made both independently and in relation to the initiation of SAR NGOs proceedings.

7.4.1 Interviewees' work and public perception of migrants and their reception

When it comes to the relation between the participants' activities and the public perception of migrants and their reception, the interviewees agree that their work practices are under pressure if the debate on migrants and their reception is particularly heated. In this view, when other MRDs are criminalised, the interviewees perceive the entire category of HRDs as delegitimised as a result of these cases' mediatisation. While this broader delegitimation leads to the perception that the public underestimates MRDs' work, the interviewees' work practices are not significantly modified in relation to the public's opinion of MRDs' work. In this sense, none of the participants is discouraged from carrying out their defence activities, and the majority also feels secure about their physical integrity.

In this general context, the criminalisation process is unanimously perceived as related to the Italian public perception of migrants and their reception. As such, most interviewees believe that the initiation of SAR NGOs proceedings is a political phenomenon with propagandistic overtones. In this view, the participants also agree that the initiation of SAR NGOs proceedings affects the broader category of MRDs and their work, confirming that other MRDs' criminalisation affects the entire category. As highlighted by the literature, the media's framing of these organisations in connection to irregular migration is perceived as particularly relevant in this process. In this regard, most participants believe that the public opinion of migrant reception influences their own activities in both positive and negative ways. Furthermore, some interviewees highlight that their own activities also have an impact on the public's perception of migrants and their reception. In this view, when the local community supports their work, the interviewees express positive feelings for their work and face fewer challenges in relation to the public.

7.4.2 MRDs' work and their relationship with the Italian local and national authorities

When considering the interviewees' activities in relation to the Italian authorities' attitudes towards MRDs' work, it must be taken into account that the participants tend to make a distinction in the relations they develop with national and local authorities. Specifically, while

the majority perceives their work as hampered by the national authorities through insufficient funding and inadequate reception policies, a mixed picture emerges in the case of local authorities. Part of the interviewees indeed have a positive relationship with at least some of the local authorities, with reported improvements in the support they receive from the relevant institutions. Nonetheless, the majority continues to perceive blatant obstruction by some, if not all, local authorities, with reported instances of open repression.

According to one of the participants, the outcome of an interaction with local authorities is determined by the individual worker/s with whom the MRDs relates. On the other hand, relations with national authorities tend to be more sporadic and distant. In this view, the fact that the local authorities with which MRDs interact are direct governmental branches is only partially relevant to the participants' contacts with these institutions.

Mixed reactions emerge also when considering surveillance from the Italian authorities: while the majority has never felt or been under surveillance, instances are reported of both actual surveillance and perceived scrutiny. As a consequence, when political tensions are high over migrants and their reception, the interviewees seem to carry out their activities more carefully. As exemplified by the Iuventa and two of the interviewees' cases, that may be because surveillance methods have been employed by the Italian authorities in several cases of criminalisation of solidarity.¹⁷³

7.4.3 Preliminary results

Based on the description of the findings and in line with the literature, an interaction exists between the initiation of SAR NGOs criminal and administrative proceedings and the broader category of MRDs. From the data, this interaction passes through the Italian public's perception of migrant reception and is influenced by the Italian authorities' attitude towards MRDs' work, which differentiates at the local and national level.

On this basis, while none of the interviewees expressed such discouragement that they would immediately abandon their activities as MRDs, considering the analysis of the interviews through Penney's theory of chilling effects, sufficient elements exist to argue that the initiation of proceedings against SAR NGOs may still produce a chilling effect in the long term.

In this sense, two main factors might contribute to the emergence of this chilling effect. The first of these is the effect that the initiation of SAR NGOs criminal and administrative proceedings produces on the Italian public's perception of migrant reception. In line with the

¹⁷³ Amnesty International, 'ITALY - A SLIPPERY SLOPE FOR HUMAN RIGHTS THE IUVENTA CASE'.

fact that the criminalisation of other MRDs is perceived as producing a wider delegitimisation of the entire category, MRDs may indeed perceive their work as devalued following the initiation of proceedings. As a result of this delegitimisation process, the second factor to be considered is MRDs' potential perception of SAR NGOs proceedings as an expression of the Italian authorities' attitude toward their own activities. In this view, the interviewees' tendency to carry out their activities more carefully in times of high tension may be related to the employment of surveillance methods in the criminalisation of solidarity, which could increase the likelihood that they may be caught breaking a social norm when engaging in defence activities.

In regard to the first of these two factors, the interviews reveal another element that needs consideration. As mentioned, based on the participants' experiences, MRDs' activities may themselves exert an influence on the local perception of migrants and their reception. From the interviews, this influence is positive and conveyed through the public's exposure to MRDs' work and advocacy campaigns focusing on migrant reception. Building on these considerations, before moving on to the assessment of chilling effects on MRDs' activities, the next section will introduce contact theory and the related concept of proximity.

7.4.3.1 Contact theory, proximity, and the public opinion of migrants

Setting the basis for contact theory and the phenomenon of intergroup contact, in "The Nature of Prejudice" (1954), Alport theorised that social contact between a majority and a minority group in a community can contribute to decreasing reciprocal negative attitudes.¹⁷⁴ As the theory evolved, Alport's conceptualisation was expanded into the argument that "familiarity generally leads to liking",¹⁷⁵ which led to the subsequent finding that "the increases in liking that derive from exposure can generalize to greater liking for related, yet unknown, targets".¹⁷⁶ Contact theory is particularly relevant when considering intergroup contact between natives and migrants in a community. In this view, Genovese et al. (2017) focus on Italian communities and the effects of proximity in relation to migrants' distribution and reception centres. The study found that when natives are in geographical proximity to migrants, their economic and psychological concerns are affected.¹⁷⁷ In particular, "if migrants are kept distant from

¹⁷⁴ Pettigrew et al., 'Relative Deprivation and Intergroup Prejudice', 2008.

¹⁷⁵ Ibid, p14.

¹⁷⁶ Pettigrew, Tropp, 'A Meta-Analytic Test of Intergroup Contact Theory', 2006, p.766.

¹⁷⁷ Genovese, Belgioioso, Kern, 'The Political Geography of Migrant Reception and Public Opinion on Immigration: Evidence from Italy', 2017, p.27.

residents, residents will develop fear due to the segregation that prevents structured contact with the migrants”.¹⁷⁸ On the other hand, diffused models of reception through “small reception centers can foster positive feelings if residents live in large urban communities, where people are exposed to migrants within centres that foster contact and integration”.¹⁷⁹

In this thesis, most of the interviewees were involved in the management of CAS and SAI reception centers, which employ a decentralised reception system. Therefore, applying the concept of proximity to the Italian context, Genovese et al. (2017) provide proof that MRDs’ work can positively influence the local opinion of migrants and their reception.

On this basis, it can be argued that two distinct and opposite forces can simultaneously act on the Italian public’s perception of migrants and their reception. First, as emerged in the literature and was further proven by the interviewees’ experiences, the initiation of SAR NGOs proceedings negatively impacts the public’s opinion of migrant reception insofar as the media depict MRDs’ work in delegitimising tones and within a discourse that compares irregular migration to an invasion. Then, as supported by contact theory, the second force acting on the public perception of migrants and their reception is generated by MRDs’ work, which can exert a positive influence when the conditions described by Genovese et al. (2017) are present. While the first phenomenon influences the public on a national level, the second force acts on a local level.

Building on these considerations, in the application of Penney’s theory of chilling effects to my hypothesis, I will take into account the action of these opposite forces on the local community’s perception of migrants and their reception. In this regard, I will assume for practical reasons that one of the two forces may prevail over the other in local communities.

8 Discussion

Based on the finding that MRDs’ work is influenced by the Italian public opinion of migrants and their reception, along with the Italian authorities’ attitude towards their work, this chapter examines whether Italian MRDs’ work may be affected by chilling effects due to the initiation of SAR NGOs criminal and administrative proceedings.

To proceed, I recall Penny’s statement that the “conforming and compliant behaviour is produced in different ways. In some cases, it leads people to conform to typical pro-social norms [...]. In others, it leads them to avoid anti-social behaviour like cheating, lying, acting

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

unconventionally, or expressing views inconsistent with the perceived views of the group majority”.¹⁸⁰ In consideration of the discussion conducted so far, this chapter will first determine the social norms to which MRDs may refer. Then, it will consider these social norms in relation to the initiation of SAR NGOs criminal and administrative proceedings. In particular, I will consider SAR NGOs proceedings in relation to the public’s perception of migrant reception and to the Italian authorities’ attitude towards MRDs’ work. Provided that “social norms [...] can be viewed as customary standards for behaviour, attitudes, and beliefs that members of a group share”,¹⁸¹ I introduce the concept of reference group.

8.1 Conceptualisation of reference groups

The concept of reference group has been defined in different but related ways in the field of social psychology.¹⁸² For the purpose of this study, I adhere to the notion formulated by Shibutani (2013), whereby a reference group is “that group whose perspective is used by an actor as the frame of reference in the organisation of his perceptual field”.¹⁸³ In his conceptualisation, Shibutani assumes that individuals may adhere to more than one reference group and adds that adherence to reference groups is not necessarily related to a democratic majority expressed in the local community. He states that “in our mass society, characterized as it is by cultural pluralism, each person internalizes several perspectives”.¹⁸⁴ Referring to these perspectives as “social worlds”,¹⁸⁵ Shibutani (1955) claims that they are characterised by “special norms of conduct, a set of values, a special prestige ladder, characteristic career lines, and a common outlook toward life”.¹⁸⁶ As reference groups, social worlds therefore define the social norms to which an individual refers.

Taking into account that “all kinds of units may serve as reference groups”,¹⁸⁷ I will now rely on the literature and the data previously collected to identify to which reference groups MRDs may adhere. Penney’s theory of chilling effects is indeed a theory of social conformity that builds on social norms. As such, the identification of MRDs’ reference groups will facilitate the assessment of the social norms to which MRDs may conform because of chilling effects.

¹⁸⁰ Penney, ‘Understanding Chilling Effects’, p.1491.

¹⁸¹ Gavac, Murrar, and Markus Brauer, ‘Group Perception and Social Norms’, 11 July 2014, p.334.

¹⁸² Shibutani, ‘Reference Groups as Perspectives’, 1955.

¹⁸³ Shibutani, ‘Reference Group and Social Control’ 16 December 2013, p.132.

¹⁸⁴ Shibutani, ‘Reference Groups as Perspectives’, p.565.

¹⁸⁵ Ibid, pp.565-567.

¹⁸⁶ Ibid, p.566-567.

¹⁸⁷ Shibutani, ‘Reference Group and Social Control’, p.132.

8.1.1 Reference groups for MRDs

To begin, I consider that an individual's most salient reference group may be the "community members in the village or town",¹⁸⁸ "people to whom one is directly connected (friends)",¹⁸⁹ or "those to whom one is more broadly and indirectly connected (friends of friends)".¹⁹⁰

On this basis, one of the reference groups to whose social norms MRDs may adhere is their local community. The interviews would confirm this, since the participants' work is influenced by their local community's perceptions of migrants and their reception. In this regard, integration projects involve the promotion of migrants' social connections with local communities.¹⁹¹ As such, MRDs need to be well inserted into the social fabric of the communities they operate in to work for successful migrant integration.

Moreover, because of their humanitarian work, MRDs also share a set of values common to the broader community of HRDs. For one, this is revealed by the perceived delegitimisation that the initiation of SAR NGOs proceedings produces on the broader category of HRDs. Furthermore, this commonality of values is reflected by the same sample of MRDs participating in this study, as most interviewees operate in organisations that rely on networking to support their activities. As emerged from the sample, the reasons for which these ties are created are several and include geographical proximity, mutual support for the cause, and complementarity in work competencies. Moreover, Gozzoli and De Leo (2020) claim in this regard that relations between groups of MRDs active in reception are necessary because MRDs' interactions with the relevant local authorities are often difficult and frustrating.¹⁹²

The need for the broader category of HRDs to work in networks is further confirmed by Nah et al. (2013), whose study mentions the "importance of building relationships, trust and confidence between local HRDs, national coalitions and regional networks".¹⁹³ In this view, geographical proximity is not a strict necessity for the formation of and adherence to reference groups. As held by Shibusani (1955), geographical distance does not prevent individuals from

¹⁸⁸ Institute for Reproductive Health, Georgetown University for the U.S. Agency for International Development (USAID), 'Social Norms Lexicon', February 2021.

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ See for reference: UNHCR, 'Promoting Integration through Social Connections | UNHCR Integration Handbook', accessed 14 April 2023, <https://www.unhcr.org/handbooks/ih/social-connections/promoting-integration-through-social-connections>.

¹⁹² Gozzoli, De Leo, 'Receiving Asylum Seekers: Risks and Resources of Professionals', 1 June 2020, p.7.

¹⁹³ Nah et al., 'A Research Agenda for the Protection of Human Rights Defenders'.

forming a social group because communication between geographically distant individuals is easier in modern societies.¹⁹⁴ On this basis, because of shared values and practices, the network of MRDs can therefore be assumed to represent another potential reference group for MRDs. This section has therefore highlighted that MRDs may adhere to the social norms of their local community and/or those of the network of MRDs. Considered that this thesis is conducting a generalised analysis of the Italian context, I will proceed on the assumption that one of these two groups may emerge as the most salient internalised perspective of an individual MRD. On this basis, I will consider how the initiation of SAR NGOs criminal and administrative proceedings may impact an individual MRD's adherence to the social norms of the group to which they refer most prominently. Having identified the Italian public opinion of migrants and their reception and the Italian authorities' attitude towards MRDs' work as the main influences on MRDs' work operations, I will conduct this analysis considering the effect of SAR NGOs proceedings on both these factors. Building on this, I will assess whether the initiation of SAR NGOs proceedings affects MRDs' adherence to the social norms of their more salient reference group and whether a chilling effect may consequently arise.

8.2 Adherence to the local community's social norms

On the assumption that one of the reference groups may emerge as more prominent, I will first consider the case in which the local community's social norms are internalised as more salient by the individual MRD.

8.2.1 Local community's social norms and public opinion

To begin, I recall the assumption previously made that two opposing forces act on the local perception of migrant reception. The first is generated by the initiation of SAR NGOs proceedings, which negatively influence the public perception of migrant reception through the proceedings' mediatization; the second force is produced by proximity and can foster positive feelings between migrants and the native community through diffused models of integration. Based on this premise, two scenarios will be addressed to assess the potential emergence of chilling effects when the local community's social norms are more salient: the first is the case in which the negative influence generated by the initiation of SAR NGOs proceedings dominates the local perception of migrant reception; the second is the scenario in which the

¹⁹⁴ Shibutani, 'Reference Groups as Perspectives', p.565.

positive influence of proximity outweighs the negative impact of the initiation of SAR NGOs proceedings on the local perception of migrant reception.

8.2.1.1 Negative impact of SAR NGOs proceedings and chilling effects

In the first case, as demonstrated by the literature and the interviews, the initiation of SAR NGOs proceedings has a delegitimising effect on the wider category of MRDs. As such, given Penney's conception that social norms are "understood rules for accepted and expected behavior",¹⁹⁵ the proceedings have a negative influence on the local community's perceived social value of MRDs' activities. When facing situational uncertainties, MRDs who internalise more prominently the local community's social norms may therefore fear social sanctions and isolation because of their work. As a result, they may be inclined to conform to the social norm whereby MRDs' operations are devalued and may, for this reason, avoid future engagement in activities aimed at migrant integration and reception. It follows that, when the local community's social norms are internalised as more salient by the individual MRD, a chilling effect may impact their activities if the local community's perception of migrant reception is overall negative. As a result, if the conditions presented in this section are fulfilled, the initiation of SAR NGOs proceedings may have a chilling effect on MRDs' activities.

8.2.1.2 Positive impact of proximity and chilling effects

I will now consider the scenario in which the positive effects of proximity influence the local community's perception of migrant reception more prominently. For this part, it must be taken into account that NGOs' efficacy has been proven to increase through supportive public opinion and that, in this regard, "activists need at least some domestic support to flourish".¹⁹⁶ Following this consideration, MRDs can be assumed to feel more supported and appreciated for their work when proximity prevails, creating a positive local perception of migrant reception. This is proven by the data, with part of the interviewees expressing positive feelings towards their local communities when, over time, these have started to appreciate their work.

Building on this, I argue that if the local community's social norms are internalised as more prominent and if the positive influence of proximity prevails, in situations of uncertainty there

¹⁹⁵ Penney, 'Understanding Chilling Effects', p.1490.

¹⁹⁶ See for reference: Ron et al., 'Reputation: Human Rights Meanings and Trust', in *Taking Root: Human Rights and Public Opinion in the Global South*, ed. James Ron et al., 2017.

Malkova, 'Images and Perceptions of Human Rights Defenders in Russia: An Examination of Public Opinion in the Age of the "Foreign Agent" Law', 14 March 2020.

is a lower probability that MRDs may be chilled from undertaking their defence activities. In this scenario, the overall social perception of MRDs' work would indeed be positive. As such, working for migrants' reception and integration would not heighten the risk of social exclusion.

8.2.2 Local community and Italian authorities

Keeping the assumption that the local community's social norms are internalised as more prominent by the individual MRD, I will now consider whether SAR NGOs proceedings may create a chilling effect in relation to the Italian authorities' attitude towards MRDs' work. Following the interviews findings, in this assessment a distinction will be made between national and local authorities.

8.2.2.1 Local community's social norms and Italian national authorities

To begin, I consider MRDs' relations with national authorities. As previously determined, the initiation of SAR NGOs proceedings produces a broader delegitimisation of MRDs. Therefore, when considering this phenomenon within the wider criminalisation of solidarity, individual MRDs may perceive SAR NGOs proceedings as personalised enforcement targeting the broader group of MRDs. If this was the case, the initiation of SAR NGOs proceedings could have a strong chilling effect on MRDs' work operations if the local community's perception of migrant reception was negative.

Similarly, a strong chilling effect could arise in relation to the employment of surveillance means in SAR NGOs proceedings. Considered that surveillance has been employed in several cases criminalising solidarity,¹⁹⁷ its use in SAR NGOs proceedings may strengthen MRDs' perception that they may themselves be monitored by the Italian authorities. Since surveillance increases an individual's chances of being caught breaking a social norm, strong chilling effects may therefore arise if the local community's perception of migrant reception is overall negative. Considered also that the legitimate authorities provide social proofs when performing or expressing social norms,¹⁹⁸ I argue that the fear of social exclusions would be stronger in this case if the perception of surveillance was paired with that of SAR NGOs proceedings as personalised enforcement.

On the other hand, if the effects of proximity are more prominent in the local community, the fear of surveillance would not increase MRDs' risk of social exclusion. For the reasons

¹⁹⁷ See supra note 174.

¹⁹⁸ See supra note 159.

provided in the previous section, in this case, MRDs' activities are considered socially valuable. As such, the emergence of chilling effects would also be limited in relation to surveillance. Nonetheless, if SAR NGOs proceedings were perceived as personalised enforcement targeting the broader category of MRDs, for the reasons outlined by Penney (2021), deterrence could cause chilling effects to arise irrespective of the local community's perception of MRDs' activities.¹⁹⁹

8.2.2.2 Local community and Italian local authorities

I will now consider the emergence of chilling effects in relation to the local authorities' attitudes towards MRDs. As highlighted by the preliminary findings, the interactions that MRDs have with the relevant local institutions tend to be more practical and reliant on the direct relations that the individual MRD forms with the interested worker or representative. On this basis, I argue that when MRDs internalise the social norms of the local community as more prominent, the social dynamics operating in the relation between the individual MRD and the relevant local institutions are determined by the broader relation that the individual MRD establishes with their local community. Because a local institution is "a complex of norms and behaviours that persists over time by serving some socially valued purpose", these are strictly related to the norms of the communities they operate in.²⁰⁰ Therefore, for the same reasoning above, MRDs may be chilled when the relevant local authorities have a negative attitude towards MRDs' activities, influenced by a negative local perception of migrant reception.

8.2.3 Local community's social norms and chilling effects

Based on the discussion in these sections, I conclude that the initiation of SAR NGOs criminal and administrative proceedings may produce a chilling effect on MRDs' work if the individual MRD internalises the local community's social norms as more salient and if the community's perception of MRDs' work is overall negative. When these conditions are present, chilling effects may be further reinforced if the proceedings initiated against SAR NGOs involve active surveillance and if the initiation of proceedings is perceived as personalised enforcement targeting MRDs at large. Instead, when the local perception of migrant reception is positive, the chances that SAR NGOs proceedings may have a chilling effect on MRDs' activities are lower. This is because, in this case, MRDs' work has higher social value in the local community.

¹⁹⁹ See section 6.1.3, p.25.

²⁰⁰ Uphoff, 'Local Institutions and Participation for Sustainable Development', 1992, p.3.

Nonetheless, chilling effects may arise if SAR NGOs proceedings are perceived as personalised enforcement. That is because in this case the effects of deterrence may still be relevant.

8.3 Adherence to the network of MRDs' social norms

Having considered the scenario in which MRDs internalise their local community's social norms as more salient, I will now consider whether MRDs may be chilled by the initiation of SAR NGOs proceedings when the social norms of the network of MRDs prevail.

To begin, I recall that, because of the intercultural environment they work in, MRDs operating in reception facilities need to work in teams for a multidisciplinary approach.²⁰¹ Among other reasons, the adoption of this approach is necessary because refugees and asylum-seekers allocated to reception centers are often survivors of trauma.²⁰² In this regard, exposure to migrants' experiences often results in tiredness and stress, which makes relations with colleagues a necessity.²⁰³ This process, further confirmed by some of the interviewees, characterises each working group. Nonetheless, as demonstrated by Nah et al. (2013) and Gozzoli and De Leo (2020), networking with other MRDs' organisations is also fundamental. As such, while some core values are shared among all MRDs, subsets of culture and values emerge in each working group.²⁰⁴ On this basis, when discussing the potential emergence of chilling effects in relation to SAR NGOs proceedings, I refer to two networks of MRDs: the group of colleagues with whom the individual MRD has daily interactions and the larger category of MRDs, with which the individual MRD shares some core values.

Based on these assumptions, I will now proceed with the assessment of chilling effects. Following the same scheme of analysis as above, I consider the initiation of SAR NGOs proceedings first in relation to the public opinion of migrants and their reception, and then to the Italian authorities' attitude towards MRDs' work.

8.3.1 MRDs network and public opinion

Gozzoli and De Leo (2020) claim that the values shared by MRDs operating in the same working group act as a moral benchmark for the individual MRD.²⁰⁵ Although this commonality of values is independent of why the individual MRD decides to be involved in reception in the

²⁰¹ Gozzoli, De Leo, 'Receiving Asylum Seekers: Risks and Resources of Professionals', p.6.

²⁰² Ibid, p.2.

²⁰³ Ibid, p.6.

²⁰⁴ Ibid, p.7.

²⁰⁵ Ibid, p.5-11.

first place,²⁰⁶ their study argues that these values are even more salient in idealised MRDs, who choose to be active in migrants' reception and integration "with a desire to be useful to society, to do a job perceived as important and fundamental as a kind of vocation".²⁰⁷ In this process, the idealisation of their own work can protect the individual MRD from job-related fatigue and produces a contraposition of "a good world opposed to a bad one".²⁰⁸

Given these considerations, I argue that when the social norms of the network of MRDs are more salient, the probability that SAR NGOs proceedings will produce a chilling effect in relation to the public perception of migrant reception is low. That is because, even if SAR NGOs proceedings delegitimise MRDs' work in the local community, the network of MRDs builds the value of their own activities on shared humanitarian principles. On this basis, I argue that the internalisation of these principles is strengthened by the common difficulties faced in each individual working group. As such, the initiation of SAR NGOs proceedings does not produce a threat of social isolation from the reference group. In this view, chilling effects are even less likely to arise in idealised MRDs since the public delegitimation of the broader category of MRDs may cause the perceived good versus bad world dichotomy to be more salient.

8.3.2 MRDs network and Italian authorities

I will now move on to consider if chilling effects can arise in relation to the Italian authorities' attitude towards MRDs' work. Here again, I will first consider Italian national authorities and then Italian local authorities.

8.3.2.1 MRDs network and Italian national authorities

For the reasons provided in the previous section, when the social norms of the network of MRDs are internalised as more prominent, the delegitimation produced by SAR NGOs proceedings on MRDs' work will hardly produce a chilling effect on the latter's activities in relation to public opinion. Following the same reasoning, when the individual MRD internalises the social norms of the network of MRDs as more prominent, the employment of surveillance methods does not increase their risk of social exclusion. That is because MRDs' work is socially valued in their reference group. As such, the employment of surveillance means in SAR NGOs proceedings has a lower probability of producing a chilling effect on MRDs' activities.

²⁰⁶ Ibid, p.5.

²⁰⁷ Ibid, p.5.

²⁰⁸ Ibid, p.10.

Nonetheless, for the reasons above, a chilling effect may arise if the individual MRD perceives the initiation of SAR NGOs proceedings as personalised enforcement targeting the broader category of MRDs.

8.3.2.2 MRDs network and Italian local authorities

When the social norms of the network of MRDs are internalised as more salient, the possibility that chilling effects may arise in relation to the local authorities' attitude towards MRDs' work is also minimised. That is because, for the reasons above, I here again assume that the dynamics shaping MRDs' relations with their local community also apply to the interaction between MRDs and the relevant local institutions. As such, the same reasoning as in section 8.3.1 is valid in this part, and chilling effects are unlikely to occur even when SAR NGOs proceedings produce a negative perception of migrant reception in the local community.

8.3.3 MRDs network as reference group and chilling effect

Following the discussion in this part, when the social norms of the network of MRDs are internalised as more salient, the possibility of chilling effects affecting MRDs' activities as a consequence of SAR NGOs proceedings is lower. This is because, in this case, the social norms of the network of MRDs are not as affected as those of the local community.

However, chilling effects may still occur if the individual MRD perceives the initiation of SAR NGOs proceedings as personalised enforcement targeting the broader category of MRDs.

8.4 Most salient social norm and other factors influencing behaviour

To conclude this work's discussion, I recall that individuals internalise several perspectives, providing alternative perceptions of the same situation.²⁰⁹ As such, conflicts between social norms are bound to arise, forcing "a choice between two social worlds".²¹⁰ Concerning these conflicts, Penney (2021) holds that the more salient norm is the one that has "greater influence and conforming effects".²¹¹ Yet, his theory of chilling effects seems to overlook the influence produced on behaviour by personal norms, which are defined as "rules or standards for one's own behaviour".²¹² In "Understanding Chilling Effects", Penney addresses subjectivity and

²⁰⁹ Shibutani, 'Reference Groups as Perspectives'.

²¹⁰ Ibid, p.568.

²¹¹ Penney, 'Understanding Chilling Effects', p.1501.

²¹² de Groot, Bondy, Schuitema, 'Listen to Others or Yourself? The Role of Personal Norms on the Effectiveness of Social Norm Interventions to Change pro-Environmental Behavior', 1 December 2021, p.2.

claims that “chilling effects, as a force for social conformity and compliance, would lead communal values and social norms to dictate subjectivity”.²¹³ Nonetheless, social norms have been hypothesised to function as a “peripheral cue” for individuals holding strong personal norms.²¹⁴ These individuals have indeed been proven to be more weakly persuaded by the external inputs of social norms; vice versa, individuals with weak personal norms tend to be more strongly persuaded by social norms.²¹⁵ The consideration of personal norms is therefore relevant in this work’s assessment, since any chilling effect arising from the initiation of SAR NGOs proceedings will be minimised if the individual MRD has strong personal norms binding them to their work. On the other hand, chilling effects will be stronger if the individual MRD has weak personal norms. The relevance of personal norms on behaviour may, in this sense, relate to the case of strongly idealised MRDs described above.

9 Limitations

The discussion in this work aims to contribute to the determination of whether Italian MRDs’ activities may be chilled by the initiation of SAR NGOs proceedings. Yet, at its conclusion, it must be considered that the conceptual model developed in this thesis has a fundamentally theoretical basis. As such, its application is limited. Borrowing Penney’s words, “understanding how law, social processes, and people interact more generally is often complex, and simple or singular answers do not “advance the ball very far””.²¹⁶ Therefore, I will now address four main limitations of this study.

First, following Martínez-Mesa et al. (2014) and Vasileiou et al. (2018), the sample of MRDs interviewed is quite small.²¹⁷ This is related both to the choice of conducting semi-structured interviews and to the response rate of the contacted organisations. Second, this study attempted to identify the social norms to which MRDs may refer using both data from interviews and previous studies. However, research shows that reference groups are frequently difficult to

²¹³ Penney, ‘Understanding Chilling Effects’, p.1518.

²¹⁴ de Groot, Bondy, Schuitema, ‘Listen to Others or Yourself?’, p.9.

²¹⁵ Doran, Larsen, ‘The Relative Importance of Social and Personal Norms in Explaining Intentions to Choose Eco-Friendly Travel Options’, 2016.

²¹⁶ Penney, ‘Understanding Chilling Effects’, p.1497.

²¹⁷ Martínez-Mesa et al., ‘Sample Size: How Many Participants Do I Need in My Research?’, 2014; Konstantina Vasileiou et al., ‘Characterising and Justifying Sample Size Sufficiency in Interview-Based Studies: Systematic Analysis of Qualitative Health Research over a 15-Year Period’, 21 November 2018.

identify.²¹⁸ Third, the interviewed MRDs are primarily employed in refugee and asylum-seeker reception facilities. While individuals working in migrants' reception have been shown to have intrinsic motivations for their work,²¹⁹ their behaviour may also be driven by personal interest since the activity of defence represents their full-time occupation. Finally, social norms evolve quickly.²²⁰ For all these reasons, the scope of this thesis is confined to a current snapshot of the potential emergence of chilling effects on Italian MRDs' activities as a result of the initiation of SAR NGOs proceedings in Italy.

10 Conclusion

This study is intended to determine whether the work operations of Italian MRDs may be affected by a chilling effect in relation to the initiation of SAR NGOs criminal and administrative proceedings. At its conclusion, this thesis highlighted that no straightforward answer can be provided to this work's research question. That is because different factors influence individual MRDs' behaviour in relation to their work. First, an individual's perception of social norms depends on the social group they refer to most prominently. Comparing the experiences of a sample of Italian MRDs with the literature, this study argued that MRDs tend to refer to the social norms of their local community and to those of the network of MRDs. Furthermore, this work recognised the local perception of migrant reception and the Italian authorities' attitude towards MRDs' work as factors influencing the activities of MRDs. In this view, having identified Penney's theory of chilling effect as theoretical framework, this work demonstrated that chilling effects may affect the work operations of MRDs when the social norms of the local community are internalised as more prominent. In this scenario, MRDs might be inclined to abstain from their activities when the initiation of SAR NGOs proceedings delegitimises their work operations in a way that is unbalanced by the positive influence of proximity and where, therefore, the local community's perception of migrant reception is overall negative. In this context, the emergence of chilling effects on MRDs' work may be reinforced when surveillance techniques are employed in SAR NGOs proceedings and when the proceedings are perceived as personalised enforcement targeting the broader category of MRDs. Furthermore, while amplifying already existing chilling effects, the perception of SAR

²¹⁸ Shakya, Christakis, Fowler, 'Association Between Social Network Communities and Health Behavior: An Observational Sociocentric Network Study of Latrine Ownership in Rural India', May 2014.

²¹⁹ Gozzoli, De Leo, 'Receiving Asylum Seekers'.

²²⁰ Morsky and Akçay, 'Evolution of Social Norms and Correlated Equilibria', 30 April 2019.

NGOs proceedings as personalised enforcement may also induce deterrence irrespective of social considerations.

These considerations notwithstanding, personal norms also play a role in shaping behaviour. As such, while this research aims to be a snapshot of the present-day consequences of the initiation of SAR NGOs proceedings on the work of MRDs in Italy, the assessment of chilling effects should be considered on a case-by-case basis. For this reason, in the context under analysis, this work provides only general and theoretical guidance in the assessment of chilling effects.

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Annex

1. Complete coding table

TC1: Feelings towards their work			
CS1.1: feels or has felt the pressure of the political climate	CS1.2: expresses positive feelings about their work	CS1.3: expresses negative feelings about their work	CS1.4: feels that their job is frequently underestimated

TC2: Modified work practices	
CS2.1: adaptation of work practices due to public opinion	CS2.2: adaptation of work practices due to the political climate

TC3: Relation of SAR NGOs proceedings with the Italian authorities	
CS3.1: SAR NGOs proceedings are initiated to discourage further operations	CS3.2: SAR NGOs proceedings are initiated for propaganda

TC4: Relation of SAR NGOs proceedings with the Italian public opinion	
CS4.1 SAR NGOs proceedings are related to public opinion on migrants in a mutually influencing way	CS4.2: SAR NGOs proceedings influence the public opinion on migrants and their reception

TC5: Relation of SAR NGOs proceedings with their own work		
SAR NGOs proceedings do not impact the interviewee's work	CS5.2: SAR NGOs proceedings directly impact the interviewee's work	CS5.3: SAR NGOs proceedings indirectly impact the interviewee's work

TC6: Relation between their work and the Italian public opinion					
CS6.1: public opinion of migrants and their reception does not influence their work	CS6.2: public opinion of migrants and their reception influences their work in a direct way	CS6.3: public opinion of migrants and their reception influences their work in an indirect way	CS6.4: their work influences the public opinion of migrants and their reception	CS6.5: local perception of their work	CS6.6: challenges faced in relation to public opinion

TC7: Relation between their work and the Italian authorities						
CS7.1: feels that they	CS7.2:	CS7.3:	CS7.4: institutions	CS7.5:	CS7.6:	CS7.7: feels that the

have a positive relation with the local authorities	has not felt that the local authorities have ever obstructed their work	has not felt that the national authorities have ever obstructed their work	used to not support their work	has felt that the local authorities have obstructed their work	has felt that the national authorities have obstructed their work	institutions do not properly support their work
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TC8: Perceived safety	
CS8.1: feels safe about their physical integrity	CS8.2: has felt unsafe about their physical integrity

TC9: Surveillance			
CS9.1: has never felt under surveillance by the Italian authorities	CS9.2: does not presently feel under surveillance but did in the past	CS9.3: has not felt surveilled but watched	CS9.4: have felt or been under surveillance by the Italian authorities

2. Hierarchic chart of the distribution of items coded for each TC and CS.

Figure 1 – TC1: Feelings towards their work



Figure 2 – TC2: Modified work practices

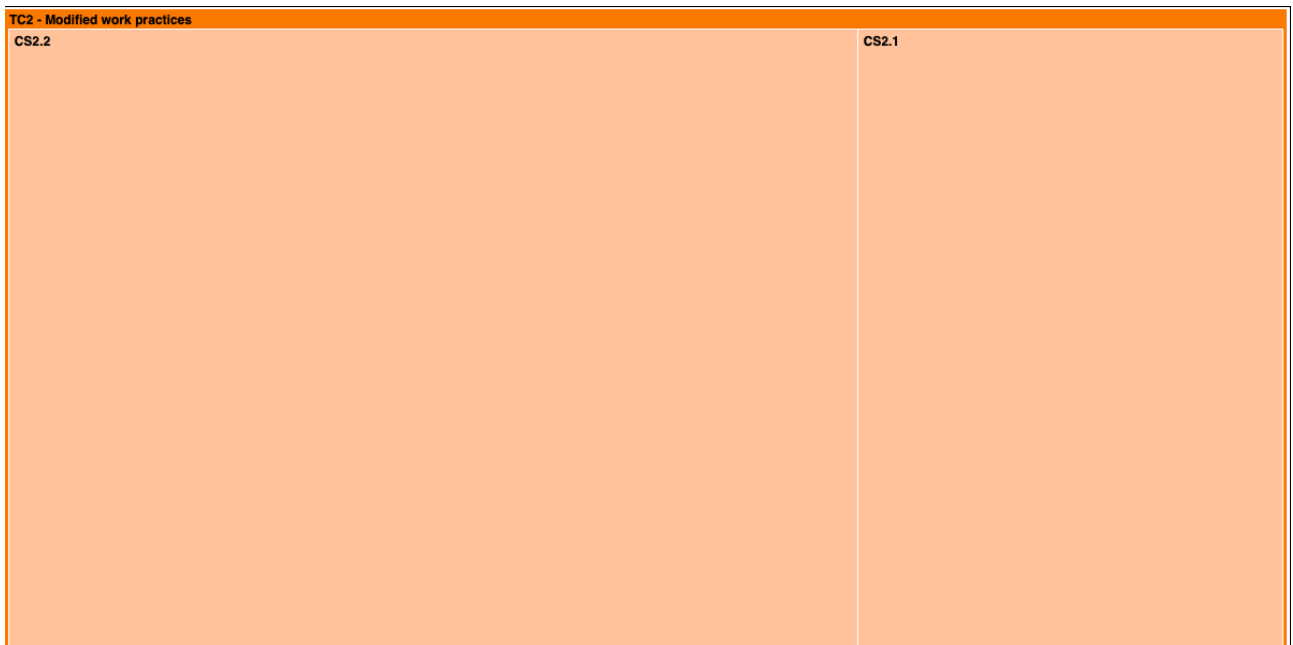


Figure 3 – TC3: Relation of SAR NGOs proceedings with the Italian authorities

TC3 - Relation proceedings - authorities	
CS3.2	CS3.1

Figure 4 – TC4: Relation of SAR NGOs proceedings with the Italian public opinion

TC4 - Relation proceedings - public opinion	
CS4.1	CS4.2

Figure 5 – TC5: Relation of SAR NGOs proceedings with their own work

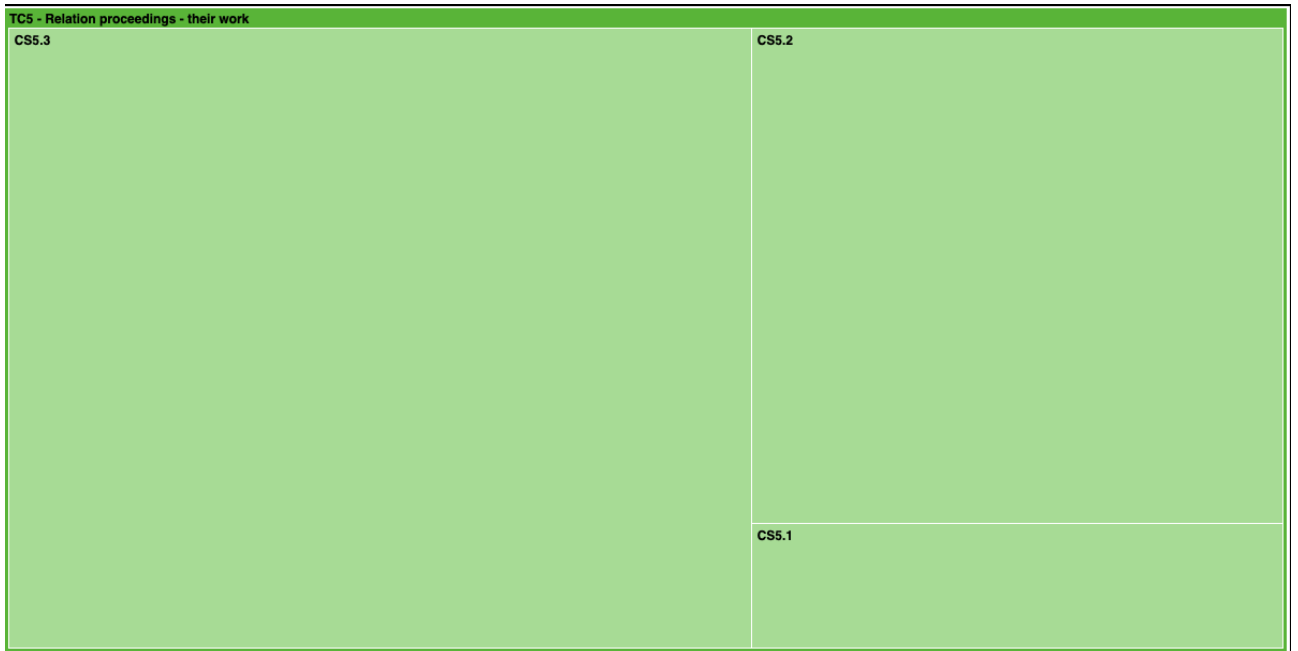


Figure 6 – TC6: Relation between their work and the Italian public opinion

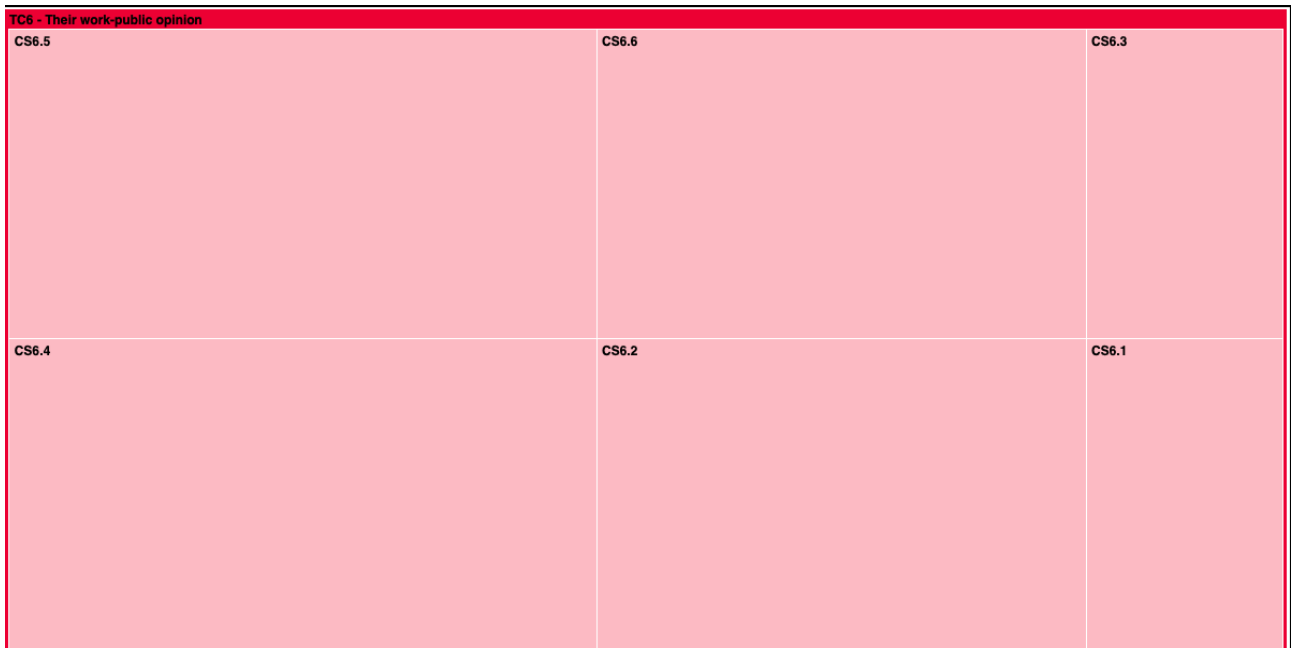


Figure 7 – TC7: Relation between their work and the Italian authorities

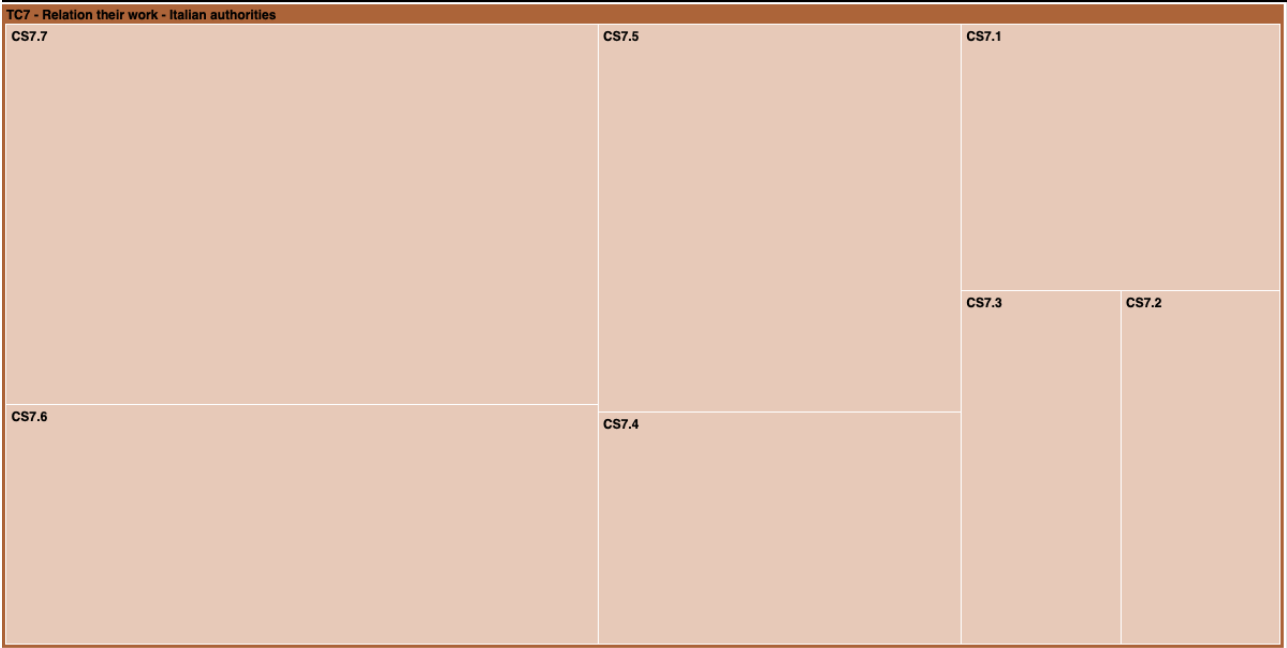


Figure 8 – TC8: Perceived safety

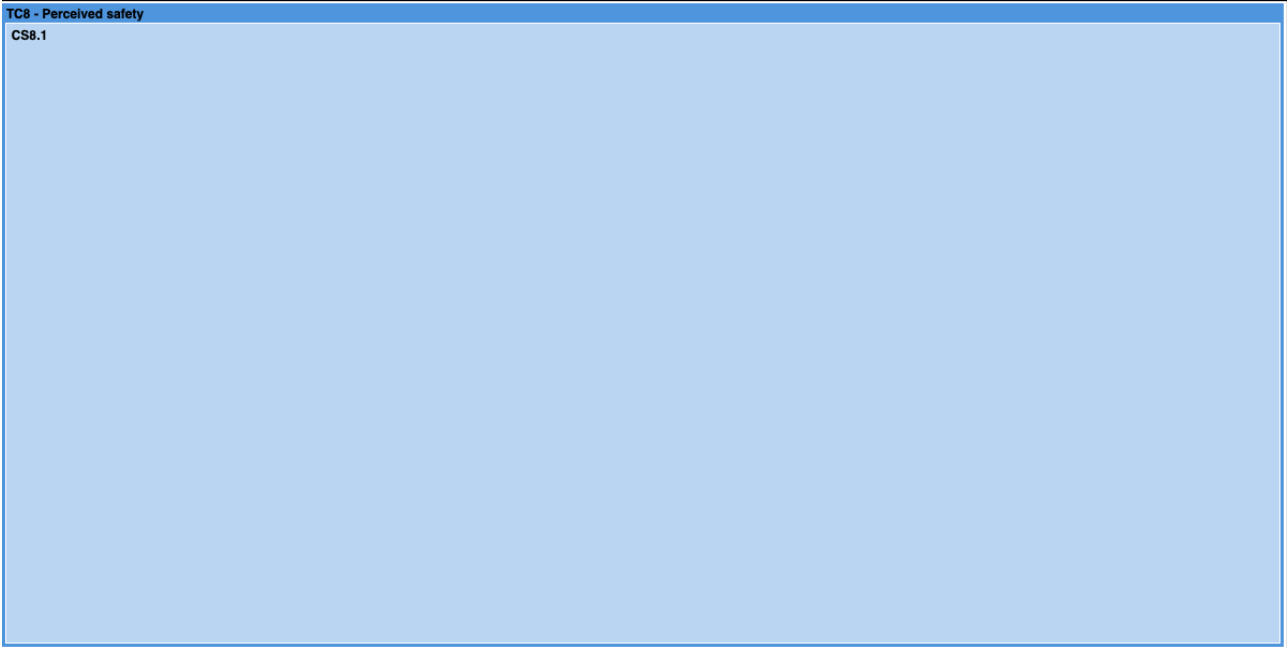
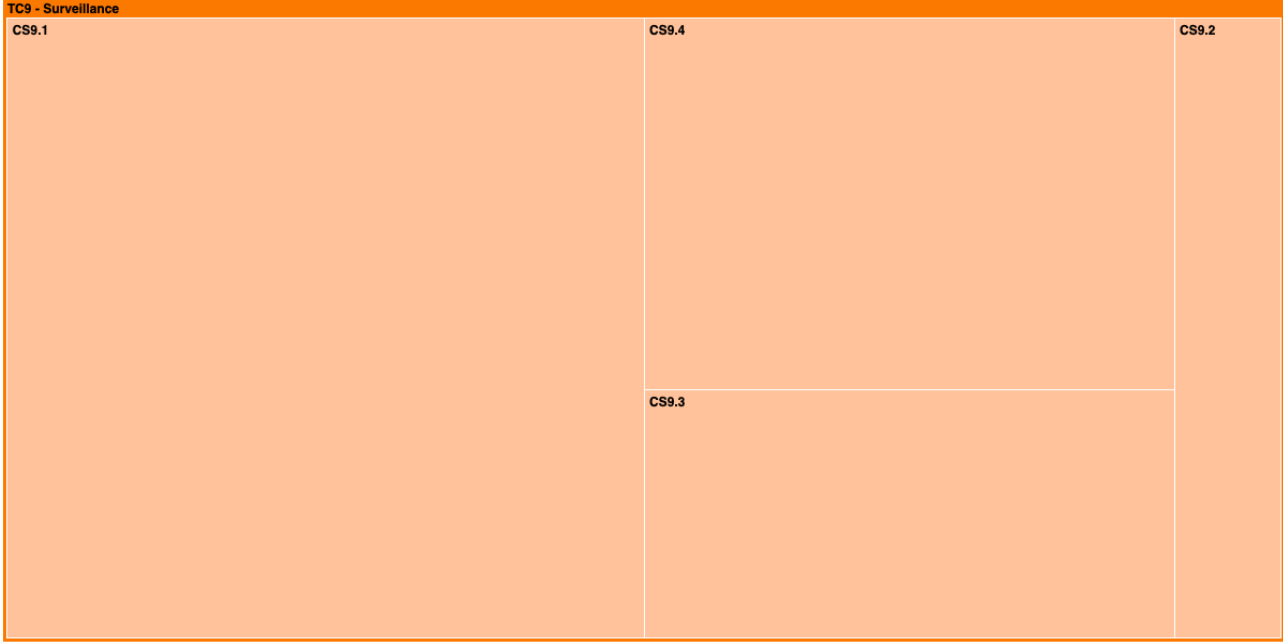


Figure 9 – TC9: Surveillance



3. Interview guide in Italian

1. Può descrivere il tipo di attività da lei svolta?
 - a. Quando ha iniziato ad operare/lavorare per questa realtà?
 - b. In che modo la sua organizzazione opera per i diritti dei migranti? Quali servizi fornisce loro e/o quali progetti sono attivi per la difesa dei loro diritti?
2. Come si sente, oggi, a lavorare per i diritti dei migranti in Italia?
3. Nel dibattito pubblico italiano, le ONG impegnate nel soccorso marittimo nel Mediterraneo sono state spesso accusate di favorire l'immigrazione irregolare, e diversi procedimenti giudiziari sono stati avviati nei loro confronti da parte delle autorità italiane. Lei come percepisce questo fenomeno?
4. Dal suo punto di vista, ha motivo di ritenere che i procedimenti avviati contro le ONG impegnate nel soccorso marittimo nel Mediterraneo possano direttamente o indirettamente influire sulle sue pratiche di lavoro? Sulla sua sicurezza fisica o digitale, o in altro modo?
 - a. In caso affermativo, può descrivere in che modo tali procedimenti potrebbero influenzare o hanno influenzato, direttamente o indirettamente, le sue pratiche di lavoro, la sua sicurezza fisica o digitale o altro?
5. In base alla sua esperienza, ritiene che l'avvio di questi procedimenti giudiziari possa essere stato causato dall'opinione pubblica italiana sulla questione migranti?
6. Potrebbe invece l'avvio di questi procedimenti aver plasmato l'opinione pubblica sull'accoglienza dei migranti?
7. Ritiene che il suo lavoro sia influenzato dalla percezione che l'opinione pubblica italiana ha dei migranti?
 - a. Se sì, può descrivere in che modo il suo lavoro è stato o è influenzato dalla percezione pubblica dei migranti nel Paese?
8. Ha mai incontrato sfide o difficoltà nel suo lavoro di advocacy?
 - a. In caso affermativo, può spiegare in che modo queste sfide o difficoltà possono aver influenzato, direttamente o indirettamente, le sue pratiche di lavoro, la sua sicurezza fisica, digitale o altro?
9. Lei ritiene che le ONG impegnate nel soccorso marittimo nel Mediterraneo siano ostacolate dalle autorità italiane nel loro lavoro?
10. Ha qualche timore di poter essere sottoposto/a a sorveglianza fisica o digitale (ad esempio tramite intercettazioni) da parte delle autorità italiane?

- a. In caso affermativo, può spiegare se questo influenza o ha influenzato, direttamente o indirettamente, le sue pratiche di lavoro, la sua sicurezza fisica o digitale o altro?
11. Ha mai avuto la sensazione che il suo lavoro fosse o potesse essere ostacolato dalle autorità italiane?
- a. In caso affermativo, può descrivere come?

4. Interview guide in English

1. Please describe the type of activity you are involved in.
 - a. When did you start this activity?
 - b. What do you defend and in what way?
2. How does it feel to be a migrant rights defender working in Italy nowadays?
3. In the Italian public debate, NGOs engaged in maritime rescue in the Mediterranean have often been accused of assisting irregular migration, with several proceedings being initiated against them by the Italian authorities. How do you perceive this phenomenon?
 1. Do you believe that the proceedings initiated against SAR NGOs might either directly or indirectly affect your working practices, physical or digital security, or otherwise?
 - a. If so, can you describe how, either directly or indirectly, the proceedings initiated against SAR NGOs might affect or may have affected your working practices, physical or digital security, or otherwise?
 2. From your experience, do you believe that the initiation of these proceedings might have been caused by the public's opinion on the matter?
 3. In turn, might the initiation of these proceedings have shaped the public's opinion on the reception of migrants?
 4. Do you perceive your work as being influenced by the public perception of migrants in the country?
 - a. If so, can you describe how your work has been influenced by the public perception of migrants in the country?
 5. Have you ever experienced any challenges or difficulties in your advocacy work?
 - a. If so, can you explain how these challenges or difficulties directly or indirectly affected your working practices, physical or digital security, or otherwise?
 6. Do you believe that SAR NGOs are obstructed by the Italian authorities in their work?
 7. Do you have any concerns about being subject to digital or physical surveillance by the Italian authorities?
 - a. If so, can you explain if this has directly or indirectly affected your working practices, physical or digital security, or otherwise?
 8. Have you ever felt that your work was being obstructed by the Italian authorities?
 - a. If so, can you describe how?

5. Information letter

Are you interested in taking part in the research project “*The targeting of HRDs involved in SAR in the Mediterranean: The Italian case*”?

This is an inquiry about participation in a research project whose main purpose is to assess whether the Italian targeting of the human rights defenders (HRDs) involved in search and rescue operations (SAR) in the Mediterranean produces a chilling effect on the work of the HRDs operating for migrants’ rights on the Italian territory. In this letter we will give you information about the purpose of the project and what your participation will involve.

Purpose of the project

This project is part of Francesca Faggiano’s master’s thesis in The Theory and Practice of Human Rights. Its aim is, as mentioned, to assess whether the Italian obstruction to the work of the HRDs involved in SAR in the Mediterranean produces a chilling effect on the work of the HRDs operating for migrants’ rights on the Italian territory at large. Provided that chilling effects arise from situations of legal or social ambiguity, the term "chilling effect" is hereby used to refer to a phenomenon involving both a deterring and a shaping effect, with the individual not only refraining from acting as they otherwise would, but also conforming to the socially accepted norm.

On this premise, this work will therefore attempt to answer the following research question: does the Italian targeting of the NGOs involved in Search and Rescue operations in the Mediterranean produce a “chilling effect” on the work of migrant rights defenders operating at large on Italian territory?

Who is responsible for the research project?

The Norwegian Centre for Human Rights of the University of Oslo is the institution responsible for the project.

Why are you being asked to participate?

Your organisation, and therefore you has its representative, has been selected for this research project because it is active in the advocacy or provision of services for immigrants on the Italian territory.

What does participation involve for you?

If you chose to take part in this project, the data will be collected through an interview lasting approximately 35 minutes. The interview will include questions regarding you work as a migrant rights defender, as well as your perception of the Italian authorities’ behaviour towards SAR NGOs, and any potential direct or indirect impact of said behaviour on your work. The

interview will be conducted either on Zoom or by telephone and your answers will be recorded through sound recording.

Participation is voluntary

Participation in the project is voluntary. If you chose to participate, you can withdraw your consent at any time without giving a reason. All information about you will then be made anonymous. There will be no negative consequences for you if you chose not to participate or later decide to withdraw.

Your personal privacy – how we will store and use your personal data

We will only use your personal data for the purpose specified in this information letter. We will process your personal data confidentially and in accordance with data protection legislation (the General Data Protection Regulation and Personal Data Act).

- In connection with the Norwegian Centre for Human Rights and the University of Oslo, Francesca Faggiano, as student conducting the research, and Siena Anstis, as her supervisor, will have access to the personal data collected through this interview.
- To ensure that no unauthorized persons can access your personal data, I will replace your name and contact details with a code. The list of names, contact details and respective codes will be stored separately from the rest of the collected data. The data will be stored on Google Cloud and will be deleted at request.
- The name of your organisation and your role within it may be published on this work.

What will happen to your personal data at the end of the research project?

The project is scheduled to end on May 16th, 2023. Your personal data will be secured and stored indefinitely, unless otherwise requested, in light of any potential follow-up study on the matter.

Your rights

So long as you can be identified in the collected data, you have the right to:

- access the personal data that is being processed about you
- request that your personal data is deleted
- request that incorrect personal data about you is corrected/rectified
- receive a copy of your personal data (data portability), and
- send a complaint to the Data Protection Officer or The Norwegian Data Protection Authority regarding the processing of your personal data

What gives us the right to process your personal data?

We will process your personal data based on your consent.

Based on an agreement with the Norwegian Centre for Human Rights of the University of Oslo, Data Protection Services has assessed that the processing of personal data in this project is in accordance with data protection legislation.

Where can I find out more?

If you have questions about the project, or want to exercise your rights, contact:

- The Norwegian Centre for Human Rights of the University of Oslo via Francesca Faggiano francesca.faggiano@student.jus.uio.no or Siena Anstis s.s.m.anstis@nchr.uio.no (supervisor for the project).
- The University of Oslo's Data Protection Officer: Roger Markgraf-Bye at personvernombud@uio.no
- Data Protection Services, by email: (personverntjenester@sikt.no) or by telephone: +47 53 21 15 00.

Yours sincerely,

Siena Anstis

Francesca Faggiano

Consent form

I have received and understood information about the project “The targeting of HRDs involved in SAR in the Mediterranean: The Italian case” and have been given the opportunity to ask questions. I give consent:

- to participate in an interview
- for information about me/myself to be published in a way that I can be recognised through my role in my organisation
- for my personal data to be stored after the end of the project for future research

I give consent for my personal data to be processed until the end date of the project, approximately May 16th, 2023

(Signed by participant, date)