THE IMPACT OF SOCIAL MEDIA ON THE SMUGGLING OF MIGRANTS

Authors:

Zsófia HACSEK, University of Vienna

Branislav VIŠŇANSKÝ, Comenius University of Bratislava

2017

Contents

THE IMPACT OF SOCIAL MEDIA ON THE SMUGGLING OF MIGRANTS

ZSÓFIA HACSEK, BRANISLAV VIŠŇANSKÝ

1   INTRODUCTION

Since 2015, Europe has been experiencing an unexpected influx of migrants and refugees, especially from countries close to the war zone in Syria. The dramatic increase of people crossing the outer border of the European Union (EU) is best depicted in statistics found in Frontex Risk Analysis from 2017 (Frontex 2017a). 2015 was noted as the year with the highest number of illegal border-crossing detection compared to other years, including 2016. That year, 1 822 177 people tried to enter the EU by one of the major smuggling tracks – Eastern Mediterranean, Central Mediterranean and Western Balkan route. Out of 9 official smuggling routes, these three represented more than 90% of all the illegal crossings (ibid.). Only the Central Mediterranean route noted an increase in 2016 compared to 2015, which means that the authorities either found a way to consolidate the situation in Eastern Mediterranean area (Frontex 2017b) and Western Balkan Area (European Commission 2017), or that the routes have become too dangerous to be used.

The main focus is on the way migrants and the smugglers use electronic devices and social media for communication, protection or self-representation. To the best knowledge of the authors, there have not been many documents to this date, there has not been many documents issued by any of the UN agencies (in addition to documents by Frontex, Europol, Interpol or ICMPD) that would put the social media as a primary target of analysis.

The technical difference between migrant smuggling and human trafficking remains to be unclear, has not been defined sufficiently in the official sources by UNODC. The *UN Convention Against Transnational Organized Crime* and its supplementing "*Palermo Protocol*" (UNODC 2014) makes a clear distinction between human trafficking and migrant smuggling. However, a significant overlap between these two terms exists in majority of sources this paper follows.

Criminal character of migrant smuggling is initially the easiest thing to recognize and/or define in the whole framework of the migrant crisis. If a person uses any other channels to get into the target country besides following the official asylum and refugee policies. They enter the country

deliberately and illegally, gaining a criminal status for themselves, and also for the people that helped them to do so, which are the smugglers, helpers, corrupt officials and even humanitarian organizations. *Criminalization of Flight and Escape aid* (Bellezza/Calandrino 2017) provides a different viewpoint on the criminal character of this behaviour and offers several interesting points for discussion about the topic.

Analysis of these three main categories can help to offer a clear overview of what can be done to further expand and improve existing policies regarding the topic of smuggling. Since 2015, several issue papers by UNODC were introduced together with various academic papers explaining and describing the details and possible hardships all the actors need to deal with. However, more research is necessary to enable a better explanation of the problems and dilemmas mentioned previously.

This paper will summarize the most important theoretical milestones regarding the irregular migrant wave of 2015-2017 in the EU, compare them with the practical information gained from the field, identify the gaps between existing and newly analyzed theories, and ultimately create a policy suggestion that would help both policy-makers and migrants in the future. Thus, we developed the following research question:

> *Against a backdrop of largescale irregular migration to Europe, how has social media contributed to organizing, communication, self-representation and evaluation of/by smuggled migrants and smugglers since 2015?*

2 THEORETICAL FRAMEWORK

In this part of the paper, it is desired to set a clear theoretical framework on which the practical research and consequent policy recommendations can be based. Comparing the already existing literature, especially the issue papers by UNODC (Frontex, Interpol, Europol, etc.) to the outcomes of the interviews we have done, we can see the differences between the practical and the theoretical. This theoretical framework also creates new space for information to be added, adjusted or discarded to draw an honest picture of different hardships endured by migrants in the context of the smuggling process.

2.1 GENERAL OVERVIEW

Migrant smuggling is defined as *"…the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national"*

(UNODC 2004: 54). In short, it describes the process in which a person conducting the smuggling business "helps" a person fleeing from their country to illegally enter another state. Article 6 of the Protocol against the Smuggling of Migrants by Land, Sea and Air also adds the point of criminal character, claiming that the condition of conduct of illegal smuggling is also defined as: *"Enabling a person to remain in a country where the person is not a legal resident or citizen without complying with requirements for legally remaining by illegal means"* in order to obtain a financial or other material benefit" (ibid. 5).

In the context of the migrant wave that commenced in 2015, this definition appears to be too simple, depicting the smuggler as a career criminal, focusing only on the business side of smuggling, neglecting the many other features of the process, such as safety, reputation or involvement of third sides (helpers, conductors, officials, families, etc.). Apparently, according to an interview interview with a Syrian refugee smuggler published November 2015 on the webpage of an American liberal magazine the New Republic (Mire/Winograd 2017) hints that while smuggling is a criminal business, it is still a business – several criminal groups are competing for potential clients in order to maximize their profits. This does not only include offering their services for fair prices, but also providing safety measures, clothes, cell phones, shelters and stable assistance to uphold their own reputation (ibid.).

The Protocol does not criminalize parties that do not benefit from it, however, if the party benefits directly/indirectly from procurement, facilitating or promoting of the actual or intended movement across or into the Protocol country, it can be held liable for breaching the law of such country (UNODC 2010b). As it is very difficult to prove that the party benefits from the action, even those with humanitarian intentions can be subjected to investigation by competent authorities, hinting the conflictual criminalization of humanitarian help. The smuggling process does not only consist of transporting a person from one place to another, but also from setting the conditions for the migrant to remain in the country, procurement of identity documents necessary for contact with local authorities, providing the accommodation for migrants waiting to be smuggled or guidance or leadership in practical issues the people have to face during the process (UNODC 2010a). The Protocol also states that *""Migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been the object of conduct set forth in article 6 of this Protocol."* (UNODC 2004: 55). A triangle is created, composed of three different parties – migrant, smuggler and the state. While the smuggler is clearly the perpetrator and the state is the damaged party, migrants are not to be prosecuted upon being arrested by authorities and it does not influence their appeal for asylum (UNODC 2010a).

2.2 TYPES OF SMUGGLERS

A criminal group specialized on smuggling does not only consist of a simple hierarchy of bosses and the henchmen. It is rather a sophisticated and well-organized system of many types of actors, who each carry a different responsibilities and decision-making power (ibid.).

Coordinator – the smuggler boss, holds all the power, controls and manages the profits, employs additional manpower and can influence any technical part of the smuggling process. It is almost impossible to make contact with such person, as they only communicate with their trusted employees out of safety reasons

Recruiters – advertise the services and make contact with potential clients. They are often permanent residents of the country and may collect the initial fees for accommodation and transportation. They also use social media and mobile devices for communication and self-advertising to attract migrants.

Transporters and guides – accompanying and guiding migrants during the journey, usually the most important person for the migrant´s safety and well-being.

Spotters/drivers/messengers/enforcers – provide necessary information about police checks, safety on the route. They usually drive in front or after the vehicles carrying migrants. They use mobile phones to communicate with other links in the smuggler chain. Enforcers oversee that migrants pay the fees and keep them under the control during the journey. They do not use violence unless it is necessary for the operation (in comparison with human trafficking, where violence and coercion is used as a mainly tool to control the trafficked).

This organizational structure is mostly relevant to pre-organized stage-to-stage smuggling, as the migrant uses the whole chain of smugglers from his own country up to the arrival into the target country (TGI 2014). So called Ad-hoc smuggling, when the migrant uses only a certain feature of these services (for example to cross a border, pass a dangerous area, get across the sea) does not provide a high chance for the migrant to experience an encounter with all the above mentioned smuggler types (ibid.). Therefore, even in the analysis of first-hand information discussed in this paper, we need to take into an account the fact that the number of interviewees would need to be several times larger to get a fair chance of obtaining direct information on all of the types.

2.3   SMUGGLING BY SEA

Migrant smuggling by the sea is not a standalone component. It usually occurs in the context of a wider smuggling scale. Involved processes are not limited to embarking on a vessel and crossing a water area, but is connected to movement by land, obtaining vessels and eventually returning the vessel to the country of origin (UNODC 2011). In this case, the definition serves only to distinguish it from other categories of smuggling, such as smuggling by air (UNODC 2010c). These are, according to the European Council on Refugees and Exiles, the two most often used ways of migration (Sirtori/Coelho 2007: 4). Routes and patterns usually differ greatly when various categories of smuggling are discussed.

Very often, migrants need to undertake a journey on land to one of the transit hubs where they can find necessary means to continue, such as accommodation, markets, providers of counterfeited documents, information exchange etc. (UNODC 2011). While travelling, they are a vulnerable target for bandits, traffickers, or corrupt officials, who abuse the situation to make profit. Insufficient access to information or lack of alternatives gives dishonest smugglers power to blackmail migrants in order to extort financial means and valuables, after which they depart, and migrants are left to die (UNODC 2010e: 55). In this situation, the gender dimension drastically changes the way the migrants are treated. Women are more vulnerable to acts of violence and abuse from smugglers, often having to endure systematic rape and sexual assaults (UNODC 2011). In the main transit hubs with high concentration of potential clients and recruiters, criminal groups compete to attract customers in various ways, which include lying about the conditions of their boats, promising stable and prosperous life in Europe.

Just before the sea journey starts, we can find one of the few good examples of social media usage. The so-called 'hawala', an unofficial banking system, provides migrants with safe method of transferring money among themselves or to the smugglers to make a payment (Europol 2017). Due to its obscured nature, it is almost impossible to uncover the system, as it bypasses any real banking institutions and is controlled by financial brokers called 'Hawaladars' (ibid.).

The sea journey itself starts by initiation of the smugglers, not migrants. After being kept in the safe houses and divided into batches, each journey is carefully planned by the smugglers to ensure safety of the operation (UNODC 2011). Migrants are separated into even smaller groups in order to avoid attracting attention of authorities on their way to the point of departure. To avoid identification and consequent connection to the smugglers, mobile phones and documents are taken away from migrants. Public testimonies made by migrants themselves using cameras and

mobile phones are almost non-existent. One of the very few examples of such self-representation in media was made by migrants during the tow-back from Australia back to Indonesian coast (ABC News 2014).

The methods of sea smuggling is described by UNODC issue papers to consist of transportation by two vessels. One vessel picks the migrant at the pre-determined departure point and carries them to a larger cargo ship that is more viable for journey on high seas. After crossing the sea, they are either transported to a smaller vessel again to reach the coast, or they disembark at one of nearby islands, where they wait for arrival of another vessel (UNODC 2011). Boats used for smuggling are usually bought from fishermen and sailors, hired or borrowed from fishermen (smugglers use fisherman as boat conductors), or even taken by force from people leaving near the coast (ibid.).

Recruitment of fishermen as boat drivers hints yet another point for the discussion about criminal characters of smuggling. If the poor boat owners agree to be part of the smuggling process, they are usually motivated only by their basic needs and the needs of their family. Upon arrival, in some cases, smugglers exploit the authorities of the target state by setting the boat on fire or intentionally sinking it, being aware of the obligation of the coast guard to save the drowning migrants. This problem will be, however, analyzed further in the next chapter.

2.4 DILEMMA NR.1 – SMUGGLING OR TRAFFICKING?

While constructing our research, we have encountered two major dilemmas that we needed to deal with before conducting the case studies. Even though these dilemmas were not solved, it is necessary to define and characterize both of them, and lay down a possible framework to navigate within them.

The first dilemma in the research is the demarcation of trafficking and smuggling. Theoretically, both terms have they are on distinctive features and thus pose no problem to differentiate them. However, we cannot always clearly say which phenomenon is which, as they overlap, share certain features or happen at the same time with the same actors. While we might encounter cases in which the migrants (especially females) became victims of sexual assault, this does not yet classify as trafficking. Let us first examine the possible scenarios of how the smuggled sometimes become the trafficked.

a. Migrants are forced/coerced/deceived into the situation in which they are exploited, for example to 'repay the debt' or to be allowed to partake in the journey

b. Smugglers are traffickers acting like smugglers, laying to migrants about their motives until it is too late

c. Change from smuggling to trafficking during the journey, if the smugglers realize that they can increase their financial profits (contradicts the concept of reputation of smuggler groups) (UNODC 2010a).

Trafficking in Persons Protocol includes situations such as sexual exploitation, forced labour or services, slavery or organ removal to be achieved by use of force/coercion, abduction, fraud, deception, abuse of power, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person (UNODC 2004, Article 3, subparagraph [a]). Consent of the victim in this situation becomes irrelevant once the person agreed to it as a result of above mentioned practices (ibid.). The key elements to distinguish trafficking from smuggling are:

a. Exploitation

b. Illegal entry/stay – the process of smuggling always involves the element of illegal stay of the smuggled person, while the trafficked person can enter/stay in the country both legally and illegally

c. Victimization – a migrant can be forced into cooperation during the smuggling process if necessary, however, the trafficked person is a victim of violence/deception/coercion/etc. since the beginning

Another of the important features demarking smuggling from trafficking is the comparison of victims. While smuggling victimizes the country of illegal entry, in the process of trafficking, the trafficked person is the victim, even if they entered a country illegally.

2.5   DILEMMA NR.2 – CRIME OR HELP?

The second dilemma concerns a much bigger problem. As mentioned previously, Article 6 of Protocol against the Smuggling of Migrants by Land, Sea and Air criminalizes all the behaviour that would enable migrants to enter or stay in the country illegally with the incentive to profit from it. The problem can be summarized the following way: if it is already illegal to get in the country, then everyone who helps a migrant to get into a country and gets any kind of reward for it is illegalized/criminalized. However, this view contains many inconsistent grey zones. For example, it should make a difference if the "smuggler" is paid for a service that would be paid anyway (like a form of carsharing), or he gets a significant extra profit while exploiting people. It should be also

considered if a smuggler is abusive to people or not. A person with strictly humanitarian motives or a simply non-abusive helper should not be criminalized the same way an abusive smuggler should.

Before the Mare Nostrum was launched in Italy, several criminal cases were led against boat-drivers for illegal smuggling, even though they were later freed for the lack of consistent evidence (Bellezza/Calandrino 2017). After they were returned to their country of origin, many of them returned to the smuggling. This hints several problems with the concept. First, even if they were convicted and imprisoned, would the smuggling process be affected? The situation shows that the smuggler bosses are rarely affected by investigation and prosecution, and without targeting them, illegal migration, smuggling will continue. The second problem is that even if the boat-drivers are arrested, new ones will take their place, or the migrants will have to steer the boat themselves. The same reasoning can be applied to help received from citizens while already in the desired country, humanitarian organizations saving migrants from certain death at sea, or officials trying to secretly help migrants to remain the country and find their families. The main focus should thereby lie in punishing the main organizers of smuggling who are significantly profiting from the whole operation and are the main cause behind it.

3   HYPOTHESES

1. The use of social media, mobile and computer devices, have no impact on technical merits of organization and conduct of smuggling of migrants and their role in it, however, it provides better overview of options the migrants can take while choosing the way of travel, and the smugglers themselves.

In the theoretical framework discussed in the previous chapter, social media and mobile devices are not mentioned to carry any significant influence on the process of smuggling itself. Migrants can, indeed, find their chosen smuggler through social media by self-representation (posting their personal information online in hope to be found or contacted by the smuggler) or "advertising" by smuggler groups (smugglers offering their services in hope to be contacted by migrants) (Europol 2017). Facebook remains to be the most popular platform of smugglers to advertise their services (ibid. 16). However, it is difficult to find any information how exactly the mobile phones and social media are used between and during the journey(s) and after the arrival to the destination.

2. There is a system of references and information-sharing in place which enables the participants of the smuggling process (migrants/smugglers/facilitators/handlers, etc.) to communicate before, during and after the journey.

Taking into account the relative safety and privacy of social networks (WhatsApp encryptions, etc.), they serve as a logical space for communication between the smugglers and the smuggled. This paper provides an overview of examples of how, and to what point can migrants use their cell phones in the smuggling process. On the contrary, it also targets the restrictions set in place by smugglers to limit leaking of information and potential danger to the whole operation from authorities.

3. Cell phones and other mobile devices help to increase safety of migrants in the whole process through a posterior evaluation provided by specific smuggler groups, thus filtering those with stable, secure and fair services from those with dangerous or overpriced services.

Smuggling of migrants holds several incentives, the major one being the profit. *A rough estimate of the yearly turnover of migrant smuggling can be produced based on the number of migrants who entered the EU in 2015: approximately 1 million people entered the EU, most of whom were facilitated, and who paid an average of USD 3,200 – 6,500 (EUR 3,000- 6,000). This would result in an average turnover of USD 5 to 6 billion in* 2015 (Europol/Interpol 2016: 8). In order to surpass the competition and increase the profit, smugglers build primarily on their reputation. An evaluation system would guarantee clear guarantees of safety, fairness and reliability of a particular smuggler group.

4 EMPIRICAL RESEARCH

4.1 RESEARCH METHODS

In the first part of our research, we undertook a comprehensive literature review on this topic. Our main resources were legal papers, issue papers published by UNODC and academic papers on the topics of social media, migration, gender and border policy. We realized that although there are ongoing researches on the social media representation of migration and asylum, but to the best knowledge of the researchers, there are not any studies that concentrate on the connection between social media and smuggling as a criminal(ized) action.

Meanwhile, UNODC studies on migrant smuggling have not really addressed the question what role does social media play in this issue on the practical level. However, we realized that

distinguishing different types of smugglers and trajecting their online activities is a crucial point in this regard. It is, as we argue in the following chapters, not only a question of law enforcement, but of saving thousands of lives through concentrating security forces on following and finding the 'real' criminals.

After identifying the research question and several subquestions that issue social media usage and migrant smuggling/flight and escape aid on a practical level, we launched our <u>empirical research</u>. We realized very soon that this topic might involve several personal stories of flight, putting the detailed description of migrant smuggling and social media usage in the focus, so we decided to use qualitative methods: narrative-biographical interviews and participant observation.

The interviews were semi-structured, with two different sample questionnaire for the two different categories of interviewees defined below. They lasted from twenty minutes until two hours and they usually ended in a more informal discussion with a lot of additional information about migration in general. Because of the sensitivity of the topic, we usually let our interview partners decide what exactly they want to share with us, especially in financial issues or traumatizing flight experiences. Fortunately, most of them trusted us enough to make a lot of information available for us.

To interpret our data that included primary (transcriptions, fieldnotes) and secondary sources (newspaper articles, photos, second-hand migration and smuggler stories), we used the method of hermeneutical content analysis according to Mayring (1988: 49).

4.2 INTERVIEW PARTNERS

There were two main types of interview partners. The first category of people can be labelled as "migrants" or "refugees", on different legal levels of application for or grant of asylum in Austria. We met them in May 2017, and with the exception of K., they all gave us interviews as couples or families:

- N., female, 31 and M., male, 31, married couple from Syria
- Z., female, 20+ and J., male, 31, married couple from Afghanistan
- F., female, 38, and J., 13, mother and son, Kurds from Iraq
- K., female, 43, from Iran (simultaneous interpretation by N.)

In June 2017, we did some participant observation at a courtroom hearing. This is where we met three men who are also "migrants" and "refugees" just like the people in the first category, but they had been also involving in a political movement in Austria and accused of being "smugglers"

themselves. After being released, we met them again for narrative interviews where they told us about their own migration story and their involvement in illegalized and criminalized actions that led to their capture and imprisonment. For the most comprehensive understanding possible, we found it very important to enable the 'other side', namely the criminal(ized) smuggler, to speak from its point of view as well.

- S., male, 24, from Pakistan
- H., male, 42, from Pakistan
- A., male, 25, from Pakistan

Although we had luck for finding representatives from five different countries and from a wide range of ages, family statuses and genders, there were also some limits of our research. It was very unlikely for us, students with limited resources who are based in Vienna and Bratislava, to find any interview partners who are, as criminal or criminalized "smugglers", fleeing from justice, already in prison or involved in a court case. This is why we needed to involve secondary sources to understand the circumstances of infamous examples such as the Parndorf case, labelled in Hungarian media as the "death van" case, referring to a van where 71 people suffocated in August 2015.

4.3 CASE STUDIES

In the following part, we are going to summarize the most important results of our case studies, based on semi-structured narrative interviews and participant observation.

4.3.1 *Way of travelling*

In general, almost all of our interview partners left their respective Middle Eastern, Central and South Asian regions of origin through the Balkan route. A few exceptions involve travelling by airplane, but none of the people in question flew directly to Austria from the region of origin. This can be explained by security, financial or personal reasons that will be highlighted later in the analysis part. Travelling by airplane required either a real or (if the person did not have a permission to leave their country) a forged passport.

So everyone, sooner or later, ended up on the Balkan route, either alone or with spouse/family. The most typical ways of travelling on the Balkan route were by car, van or on foot. Between Turkey and Lesbos, people travelled by boat or, in one exception, they had to swim for a short distance. From Lesbos they were transported to Greece (most typically Athens), where they continued their way with the above mentioned vehicles as well as on foot.

One of the interview partners, A., tried to leave their respective country three times between 2010 and 2014 until it succeeded permanently. Although this person was the only one who was eventually sent back to their own country, the others also had to face imprisonment, punishment and/or a constant and dangerous flight from the police at their intermediate stops. (S., for instance, spent a night at a graveyard in a freshly dug grave in order not to be caught at a razzia, whereas fellow migrants, one by one, were arrested that day.)

It is important to mention that these flight stories are not linear: people tended to spend months or years in intermediate countries like Turkey, Greece, Macedonia or Serbia before reaching Austria. In some cases, they worked there to earn money for the rest of the journey, in other cases they waited in refugee camps until their circumstances became too horrible to hold on. So, in a lot of cases, there are two or three separate journeys that involve different kinds of "helpers" or "smugglers".

4.3.2   *Encountering the "helpers" or "smugglers"*

It is clear that under the existing circumstances, none of the mentioned people could leave their country without help – speak about forging a passport/ID or crossing state borders. The first encounter with illegal(ized) services like that happened through friends or relatives, so rather in the offline space. Later, at their intermediate stops and especially in the refugee camps, migrants found themselves in a different kind of local network where they could easily find out who the "reliable" smugglers are or who can provide them with this information. (As one of the interview partners pointed out: "If you are sick, you know where to find the doctor! With the helper, it's all the same!") It means that choosing the "right" smuggler occurred through interpersonal relations and did not really involve social media usage.

After talking to one organizer, they never see them again. The next people they encountered were the driver(s) or leader(s) themselves. In the most usual case, a driver drove a car or a van with people in the cabin. The circumstances were really hard, because the vehicles were crowded, dark, airless and all the migrants, even the children, had to be silent. When coming close to a border, people had to leave the vehicle and cross the border on foot (alone or with a leader) until they could get in the vehicle again. To be aware of the coordination issues that may occur in a situation like this, the smugglers were almost all the time in contact with other smugglers. As regular phone calls can be easily tracked down by the police and smugglers couldn't use one permanent SIM card anyway, they contacted each other using the social media: WhatsApp, Viber, Messenger, Telegram. From the death van case we also learned that if smugglers form a criminal organization, then they

have a clear hierarchy where "driving the car with migrants" stays at the bottom and being the "forerunner driver" (who calls the actual smuggler when noticing police or border guards) is already one level higher (Nagy 2017). After organizing further members in the group, a driver can level up from the lowest category to the second lowest.

It was, of course, a very sensitive question how much the migrants had to pay for the services. Depending on the region of origin and of other factors (required service, presence or absence of humanitarian help), the prices vary from 1200 dollars through 5000 euros until a total amount of 12000 euros in case of a journey that lasted several years.

4.3.3 *Smartphone and social media usage*

Social media usage of migrants varies from situation to situation. Some of our interview partners come from very poor rural areas where people do not even get access to a smartphone or any mobile phone. As mentioned above, all people we talked to (even those who actually had a smartphone back in their homeland) got access to the respective smuggler rather by offline networks. One of our interview partners, J. claimed that he organized their own journey on smartphone, but while crossing a border from one land to another, he was attacked by unidentified people (either border guards or armed outlaws) and they took all his money and smartphone away. Other interview partners lost their cell phones a similar way.

Some interviewees managed to keep their smartphones, though. For them, it was a very important tool to keep in touch with their family. (At one point, police officers also took away their phones, but subsequently gave them back.) They did not use social media to take photos of their own journey and to post them on various social media platforms, because, as they say, these were very bad conditions and bad memories that they do not ever want to recall. At the same time, they were interested in the social media documentation of other people's journey, because it gave them a lot of useful information about where (not) to go and what to expect.

While going on foot, the above-mentioned people were the only ones who had smartphone with GPS in a bigger group of migrants. This gave them a special attention – as they recall, a lot of men helped them carry their bags or shared goods with them, only to stay in their immediate proximity and getting advantage of their GPS. Therefore, a smartphone can affect the hierarchical conditions in a freshly "founded" group of random people on the way and can influence someone's social status.

After getting to Austria, the interview partners who previously had not had a cell phone/smartphone almost immediately obtained one. One of them is a very frequent user of social

media that he sees as a platform for distributing news and his political views. In the interview situation, this person showed me their Facebook wall full with content and spoke a lot about his political insights. There are other interview partners who are active on Facebook as well, but they rather post private content like pictures of their children.

4.3.4 _Arrested as members of a political movement_

Three of my interview partners, S., A. and H., all males, have been involved in a political movement after arriving to Austria. They protested against the precarious situation of asylum seekers in Austria and meanwhile they also helped fellow migrants with small services (driving, helping to purchase tickets, organizing their trip). At a demonstration, they were arrested and, due to obtaining money or small material goods for the mentioned services, they were sent to prison.

They all have different memories about their imprisonment. S. claims that the only thing he could do in prison was to watch Austrian TV, so he managed to learn German fast and effective this way. H. claims that imprisonment made him more pious and reversed; now only wanting to live for hard work and small pleasures in life. A. suffered a lot in prison, mostly because he lost contact to his family members and felt completely cut off from his beloved ones. "My mother didn't know if her son was still alive!", he explained emotionally. No surprise that this particular person has the most critical attitude regarding Austrian laws and jurisdiction. As he keeps saying: "We left our countries to live in a country that respects human rights! But where are here the rights of refugees?"

4.4   ANALYSIS OF THE CASE STUDIES

While evaluating the interviews, we confirmed that the category "smuggler" does not represent one homogenous group, and it is one of the most important issue to identify as many different kinds of smugglers/helpers as possible. We also concentrated on the social media usage of migrants and smugglers and of the crucial question of safety during the journey.

4.4.1 _Identifying the categories of "smugglers"_

Some of our interview partners travelled by airplane for some part of their journey. Their story relates completely to the UNODC issue paper about migrant smuggling by air. This is a miscellaneous category of "smuggling" where the smuggler does not (necessarily) accompany the migrant – they specialize themselves in creating fraudulent documents (UNODC 2010c: 9-10). Their service is especially useful for migrants coming from politically unstable countries where, due to the political system, the compulsory military service and lots of other factors, it is forbidden to

leave the country (ibid. 7). This can be therefore considered as a safe form of travelling, because once the forged passport is present, the migrant can travel – apparently legally – just like all other passengers. As UNODC points out, this makes the price of this service higher than usual, although it varies from situation to situation whether the money is paid beforehand or only after a successful smuggler (ibid. 8). But, considering the safety of this way of transport, this does not play a big role for the migrant themselves, as soon as they can afford the service.

As mentioned above, none of our interview partners took the airplane directly to Europe. In one certain case, the reason was the necessity of a family reunion. The male migrant and his wife still were not married back then, so while the man was flying, his relatives told the authorities that he disappeared to and unknown place, and the wife-to-be took a different (overland) route with a male relative. So they could reunite at a different location without raising any suspicion in the authorities.

Another reason for arriving to a Balkan route country can be the lack of money to pay for the forged passport AND a freely chosen flight ticket at the same time. We also should not forget the safety issue as well: *"Smugglers will change routes as soon as law enforcement or airport authorities become suspicious"* (ibid. 7). It might be that the migrant has to completely rely on the smuggler in this case, wanting to leave their country so desperately that they do not even care what (interim or final) destination the smuggler chooses for them.

Since all our interview partners ended up on the Balkan route, they had to face another form of smuggling between Turkey and Greece: <u>migrant smuggling by sea</u>. We complemented our own case studies with secondary sources that report about a different geographical context, namely of smugglers "collecting" people in North Africa and taking them to Europe on boats, often under life-threatening circumstances. For instance, during our research in August 2017, IOM reported that smugglers, after seeing "authority types" threatening their action, simply drowned the people who were on their boat (IOM 2017).

Our own case studies also confirm the key point of UNODC that migrant smuggling by sea is *"the most dangerous type of smuggling, making it a priority concern for State response"* (UNODC 2011: 8). In one case, our interview partner's little daughter fell in the water in the complete darkness and almost drowned. Only her father's fast action at that time saved her life. Another interview partner told me that after seventeen hours of trembling for their lives, their boat suddenly changed routes because, as the smuggler said, "they have to go back". On the mainland, after walking for four more hours, they realized that they are still in Turkey instead of Greece and the whole boat trip was for nothing. A third interview partner said that they even had to swim in the sea for a while before catching an extra boat to continue their journey.

Migrant smuggling by sea, due to its extremely dangerous nature, is the area where crime and help meet on the spot. Boat people who help migrants getting to the other side and who are maybe even paid for that one small service are not necessarily criminals. Arguably, neither are the civilians, lifeguards and NGO workers who organize life jackets, help people on the sea and save their lives, doing this from a humanitarian standpoint and not receiving any money for their "services". It is no surprise that humanitarian activists are often accused of supporting criminal smugglers, either consciously or unconsciously. The Italian prosecution already treated this as a fact, falsely referring to a Frontex report (Campbell 2017). NGOs keep claiming that without their intervention, neither migration itself nor criminal activities would decrease, but there would be even more deadly victims in the sea (Bellezza/Calandrino 2017: 67).

For our interview partners, the longest part of their journey was the so-called Balkan route, from Greece through Macedonia, Serbia, Hungary and Austria, partly in vehicles and partly on foot. This led us to the identification of the third category (or more like categories) of smugglers, because this is the most heterogeneous group.

Migrants might take public transport (bus, train) that drops them off close to the border and then they walk the last few miles overland, either alone or having a "guide" who helps them illegally across the border. People who organize these public transport journeys and the guides are the smugglers in this case, just like the guide themselves, even if they do not necessarily accompany the migrants on all their ways.

Another possibility is that migrants encounter the drivers of informal taxis and carsharing networks. Here, social media can play an important role, as there are a lot of Facebook groups and individual sites (for example http://blablacar.de, http://oszkar.com) where people can find "Mitfahrgelegenheit" from one European country to another. Just like any other passengers, migrants also pay for this service, which raises the question if it already fits the requirement of "financial or material benefit". It is an especially crucial point, because gaining benefit is the main reason for criminalizing smuggling at all (UNODC 2017: 8). Are we able to detect the intentions of all informal taxi drivers to find out the intention behind offering their service (from humanitarian reasons through requiring fuel costs to exploiting the migrant) (ibid. 15)? From another point of view, if the migrant has documents (real or forged) and passes the border in a car, it is quite hard to define the driver's own responsibility in this case, putting the blame more like on the creator of the fraudulent papers.

Migrants who spend some time in refugee camps or intermediate stations in Jordan, Turkey, Greece or in any other Balkan route country are very likely to come across the stereotypical "smuggler",

someone they can hire for organizing their journey. This leads to stories that are usually present in the media: a smuggler organizes a vehicle (car, van) full with migrants, the forerunner driver sends updates about the safety of the route, and the vehicle drops migrants off before the border, so that they cross it on foot with another member of the smuggler network, a guide.

There is, however, a crucial point that distinguishes one hired smuggler from another. Those smugglers who only get paid in the destination country are honestly interested in people's safety – if the migrant dies on the way, then the smuggler doesn't get any material benefit from the service (in their case, approximately 1000 euros). Another category is the abusive smuggler who take advantage of migrants' desperate situation and take the money beforehand. They are the ones who represent the most criminal nature of the smuggling process, not only because they let people illegally cross a nation state's border, but because they endanger migrants' life. Here, the line between migrant smuggling and human trafficking is truly narrow – smugglers have the power to rape, misuse and blackmail women, and they care of the quantity of the smuggled persons much more than the quality of the journey for one individual. This attitude is usually behind the infamous tragedies like the "death van" case (Bellezza/Calandrino 2017: 127).

Being aware of the mentioned dangers of migrants' situation, a certain humanitarian assistance (organized by NGOs, churches and individuals) is also present on the Balkan route. They can be considered as "smugglers" as well for helping people crossing borders as carsharing service providers, although they do not expect any money for their service. Just like the lifeguards on the sea, these people are also attacked of supporting the criminal networks according to the message that "refugees are welcome here" (ibid. 57).

4.4.2   *Social media usage among migrants and smugglers*

One of our important questions was how migrants and smugglers organize themselves on the online space and what they use social media for. To understand that, we have to distinguish between two different motivations behind the usage of social media. The one is communication and the other is self-representation. The grey zone between the two is self-advertisement – for example, posting personal information with the hope of getting in contact with other people and sell them a service.

It is no surprise that communication is very important for migrants themselves who are torn apart from their families. They would like to keep in touch with family members left behind in their homeland (one of our male interview partners left his wife and his children behind, another his mother and his siblings) and, mostly in case of a possible reunification, they want to provide them

with useful information. On the other hand, they also require information from family/friends/acquaintances who are already in Europe for a longer time and can help them in language and bureaucratic issues. This need of communication is so urgent that NGOs already designed social media platforms for refugees, for example the one called Refunite (Daponte 2015: 30).

It is an exciting further topic how self-representation of refugees on social media shapes their networking and can contribute to political activism. As Gillian Whitlock's comparative study (of *Operation Sovereign Border* in an Australian and *Mare Nostrum* in a Mediterranean context) points out, geographical migration and activeness/activism on social media both contribute to a certain "liquid life" in Derrida's sense (Whitlock 2015: 247-250), to a new formation of identity that includes an essential part of "virtual self". Representing refugee stories in real time on Facebook, Instagram or Snapchat/WhatsApp/Messenger stories is a personal and political statement as well, making migrants visible and appealing for a humane treatment towards them. Otherwise, it's also a way of faking a successful life in Europe, hiding the troubles and difficulties they encountered here (Dekker/Engbersen 2014: 412).

Although we were aware of the aforementioned papers and studies[1] about social media usage of migrants, the question how criminal(ized) smugglers use social media is a very sensitive and therefore not a widely researched issue. Here, we had to rely on the information we gathered from or primary and secondary sources.

As already mentioned, the kind of communication (texting, sending GPS data, making calls and video chatting) plays a crucial role in the actual smuggling process. While on the way, smugglers are very active on WhatsApp, Viber, Messenger, Telegram, etc. among their own circle. It gives them a tool for organization and also a sense of security of not tracked down by police and by border guards. They also use their smartphones to communicate with migrants before organizing their journey. Therefore, the question arises how smugglers use the social media for self-advertisement of a certain service that is completely illegalized.

It seems that while finding migrants who want to leave their country, smugglers tend to rely on offline networks more than online ones. Even if a migrant reaches a smuggler on WhatsApp, it is very likely that he/she previously received the phone number from a reliable member of the offline community, a family member or a close friend. At the time of contacting their future smuggler, our

---

[1] The Austrian Academy of Sciences is currently supporting a project about smartphone usage among refugees: http://derstandard.at/2000062755328/Lieber-hungrig-als-ohne-Akku-Smartphone-als-Freund-auf-der

interview partners were already determined to leave their country, and therefore the smuggler did not have to persuade them in any way.

We encountered different stories though, in which migrants complain about smugglers promising them a prosperous life in Europe. It is a well-documented issue especially in North Africa (Adamson/Akbiek 2015) that smugglers tell a story about free accommodation, free cars and a monthly regular income that awaits migrants in Europe, encouraging them to decide for the dangerous journey on boat and, of course, paying for their services. It is very likely that smugglers involve the social media for this kind of "advertisement", citing alleged proofs of "successful" refugee stories mentioned above (Dekker/Engbersen 2014: 404), but it does not seem to be much more important in this matter than having an offline conversation with the possible future clients.

Most probably due to the fact that smuggling activity is criminalized, we did not manage to get in any closed group on the social media where smugglers discuss their experiences and ongoing tasks – which does not mean that such groups do not necessarily exist. What we find very unlikely, though, is that smugglers, constantly trying to hide from police's attention, proudly represent themselves on Facebook, Instagram or Snapchat as "smugglers". While a migrant might seek attention with posts about their own journey, the smuggler tends to escape from that attention and hide their identity, often behind fraudulent sites that provide false information (the best example we found for that is a smuggler advertising their boat service on Facebook as "trip on a big fast tourist yacht") (Kingsley 2015). This is also the reason why criminal smuggling networks are organized hierarchically, with divided exercises, in the offline world as well.

What we also found out in the literature is the existence of the "hawala" system, an unofficial banking service that works as a temporary safekeeping place for migrants' finances. It would have been useful to find out how social media supports this system, but unfortunately, we could not get access to this service, nor did we meet anyone who has ever used it, so further research in this regard would be necessary.

4.4.3   *Issues of safety*

As we already mentioned in the previous parts, migrants have to face several security issues. The smuggler might be one, although not the only, reason for danger. There is the possibility to drown in the sea or suffocate in a vehicle, often due to the carelessness or abusive nature of the smuggler. Nevertheless, police and border guards might attack migrants as well, not to mention armed thieves and robbers who take their money and smartphones, as it happened to almost all of our interview

partners. Moreover, people who migrate illegally often have to face poor hygienic conditions, the lack of water and food and the possibility of finding no shelters on the way (Porászka 2017: 31).

Certain migrants, just like women, children, elderly and disabled people, are extremely vulnerable and therefore can be exploited easily by the abusive smuggler or by the authorities. This leads to the consequence of labelling certain migration routes (for example the one from Afghanistan or Pakistan) extremely dangerous and therefore to be avoided by women. This was confirmed by two interview partners who did not want their family members (wife with children and mother with sister, respectively) to accompany or follow them on their journey. It shades the picture, though, to have four interview partners out of ten who are indeed women, one of them travelling completely alone and only receiving long-distance support from one male relative. It can be still stated that, on the long run, the stereotypical image of smuggled migrants as "active male contributors" and trafficked people as "passive female victims" continues to be present in literature and in mass media discussions (Van Liempt 2011).

Because we consider the issue of safety as the most important of all, we would like to continue at this point with our policy recommendations aimed to the United Nations and its Member States, as well as to NGOs involved in the support of migrants.

5 RECOMMENDATIONS

Regarding what we found out about the risks that migrants have to face when they have no other chance in their country of origin than setting off on a journey to Europe, we advise the United Nations, the EU and UN Member States and the NGOs to take the following recommendations into consideration:

5.1 Recommendations for the United Nations

a) UNODC should continue defining more and more categories of smugglers based on actual empirical research. Apart from defining smuggling as a crime if it involves "financial or other material benefits", it is also important to find out when and how the smuggler gets their payment and how this fact contribute to the abusive or non-abusive nature of smuggling.

b) The United Nations should define the motives and incentives of smuggler helpers, also based on the way they benefit from smuggling, like in the case of boat owners, locals who serve as spotters, contacts, etc. The criminalization of every subject who gets in contact with smugglers and/or migrants should be revisited.

c) The United Nations should continue the reform of the discourse of female migrants. Women should be made visible and seen as active contributors rather than as "passive innocent victims" who are only involved in human trafficking but rarely in migrant smuggling. The gender status should be equal in context of smuggling and trafficking both, considering the fact that women are as much active participants of smuggling process as man can be trafficked as well (usually in a form of forced labour).

5.2 Recommendations for the Member States

a) As often mentioned, border policy of European nation states should be revisited. While an uncontrolled admission of people cannot be possible regarding the rights of the state of protect its citizens, it should not be overseen that migrants are also entitled to the basic human rights (see also Miller/Baumeister 2013).

b) Member States also should revise domestic law on criminalization of citizens enabling the illegal stay (not entry!) of migrants directly or indirectly. This concerns that it should be allowed that migrants buy train/plane tickets, drive their own car, share resources, etc.

5.3 Recommendations for NGOs involved in the support of migrants

a) Just like the United Nations, the NGOs should also pay attention to the different categories of smugglers and learn to recognize each of them. While not stopping the support of migrants in need, they should avoid any direct or indirect support for abusive smugglers who deceive people with unrealistic ideas about "European life" and then endanger migrants' life during the journey.

b) Local NGOs can also make thoughts about the possibility of offering a humanitarian alternative for the abusive smuggler, as far as the legal framework makes it possible in each nation state.

5.4 General recommendations

a) In the context of migration and displacement of people, social media should be a tool for safety. Networks for connection/help of refugees should be supported officially, whereas networks of criminals/frauds should be tracked down. This would lead to a desirable decriminalization of such communication.

b) Migrants should not be prosecuted based on intrusion into their privacy. Their human rights should be respected even in the context of their communication and self-representation on social media.

c) While paying attention on migrants' safety and preventing them from exploitation, a big emphasis should be made on social media devices. Even if it is hard to guarantee a complete safety in as an ambiguous way of travelling as migrants are forced to, devices that enable them to keep important contacts and to locate themselves are crucial factors and even can save lives.

6 CONCLUSION

The purpose of this paper was to find out the dimensions of the contribution of social media to organization, communication, self-representation end evaluation of/by smuggled migrants and smugglers since 2015. Before conducting our empirical research, we built up three hypotheses, which were based on our comprehensive literature review.

Our first hypothesis is partly confirmed. None of the case studies we encountered – ours or in the literature – mention migrants whose final decision to move away was only motivated by social media information, nor did migrants find their future smuggler exclusively on the social media. However, social media was a useful tool to encounter the smuggler. Also during the actual journey, the information presented/represented on social media (including GPS usage) could help migrants in precarious situations. For smugglers, the importance of social media lies in the easy way of communicating with each other in a more anonymized way than as it would be on the phone.

As for the second hypothesis, we realized that social networks like Facebook, WhatsApp, Telegram and Viber are useful tools for both the self-representation, communication and self-advertising of people involved in migration and smuggling. We also found out about the "hawala" system in the literature, although none of our interview partners confirmed using it. It is a fact, even if we could not get deeper into them, that there are closed networks (e.g. Facebook or WhatsApp groups) where criminals or criminalized smugglers advertise their "products" or connect to each other, so further research would be necessary to get even closer to these secret parts of communication.

Maybe the most important of our findings is the confirmation of the third hypothesis. Smartphones and social media can indeed help to increase the safety of migrants, in a direct correlation with the useful information they can gather in the internet, as we already found out in the third hypothesis. The only ambivalence in this regard is that migrants are often threatened of losing their smartphones during the journey alongside their money and other valuables. Just like in the case of

the Matthew effect, those migrants whose safety is violated at a point while taking their phone away during the journey, are the ones even more vulnerable while continuing their illegalized and therefore dangerous way to Europe.

This is why we recommend Member States, as mentioned above, to revisit border policy of the respective nation state as well as the domestic law on criminalization of citizens enabling the illegal stay of migrants. As for the UNODC, we recommend an even more sophisticated categorization of "smugglers", a definition of the motives and incentives of smuggler helpers, and a reform of the discourse of female (and, parallel to that, male) migrants would be necessary.

7 BIBLIOGRAPHY

ABC News (2014): Asylum seekers towed back in lifeboat: New video emerges as Defence Minister criticises ABC. http://www.abc.net.au/news/2014-02-07/video-emerges-of-lifeboat-towback-operation/5245280 [Accessed 15 Dec. 2017]

Adamson, Daniel/Akbiek, Mamdouh (2015): The Facebook smugglers selling the dream of Europe. In: BBC News. http://www.bbc.com/news/magazine-32707346 [Accessed 15 Dec. 2017]

Bellezza, Sara/Calandrino, Tiziana (2017): Criminalization of Flight and Escape Aid. Hamburg: borderline-europe.

Campbell, Zach (2017): New evidence undermines EU report tying refugee rescue group to smugglers. In: The Intercept. https://theintercept.com/2017/04/02/new-evidence-undermines-eu-report-tying-refugee-rescue-group-to-smugglers/ [Accessed 15 Dec. 2017]

Daponte, Jason (2015): Clear connections: How social media's power is being harnessed by refugees. In: Index on Censorship, Vol.44(1), p. 26-30.

Dekker, Rianne/Engbersen, Godfried (2014): How social media transform migrant networks and facilitate migration. In: Global Networks, Vol.14(4), p. 401-418.

European Commission (2017): Managing the refugee crisis. Western Balkans route: state of play report. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/western_balkans_route_state_of_play_report_en.pdf [Accessed 15 Dec. 2017]

Europol (2017): First Year Activity Report. The Hague. Print.

Europol/Interpol (2016): Migrant Smuggling Networks. Joint Europol-Interpol Report. Print.

Frontex (2017a): Risk Analysis for 2017. Warsaw: Risk Analysis Unit. Print.

Frontex (2017b): Eastern Mediterranean Route. http://frontex.europa.eu/trends-and-routes/eastern-mediterranean-route/ [Accessed 15 Dec. 2017]

International Organization for Migration – IOM (2017): Up to 50 Somali, Ethiopian Migrants Deliberately Drowned by Smugglers off Yemen. https://www.iom.int/news/50-somali-ethiopian-migrants-deliberately-drowned-smugglers-yemen [Accessed 15 Dec. 2017]

Kingsley, Patrick (2015): People smugglers using Facebook to lure migrants into 'Italy trips'. In: The Guardian. https://www.theguardian.com/world/2015/may/08/people-smugglers-using-facebook-to-lure-migrants-into-italy-trips [Accessed 15 Dec. 2017]

Mayring, Philipp (1988). Qualitative Inhaltsanalyse. Grundlagen und Techniken. Deutscher Studienverlag, Weinheim.

Miller, Rebecca/Baumeister, Sebastian (2013): Managing Migration: Is border control fundamental to anti-trafficking and anti-smuggling interventions? In: Anti-Trafficking Review, 01 September 2013(2).

Mire, Loubna/Winograd, Miguel (2017). A Syrian Refugee Smuggler Speaks Out. [online] New Republic. https://newrepublic.com/article/123247/king-shores-interview-syrian-refugee-smuggler [Accessed 15 Dec. 2017].

Nagy, Gergely Miklós (2017): Samsung, Mitkó és a többiek – Hogyan történt a 71 halálos áldozatot követelő parndorfi tragédia? (Samsung, Mitko and the others – Behind the Parndorf tragedy that cost the life of 71 people). In: Magyar Narancs, Vol. 30/2017.

Porászka, Boróka (2017): Jezidik a román kőrisfák alatt. Virágzik az embercsempészet a Temesvár-Arad-vonalon. (Yesidis under the Romanian ashes. Trafficking persons is flourishing on the Temesvár-Arad line.) In: 168 Óra, issue 28. 09. 2017. pp. 28-31.

Sirtori, Sonia/Coelho, Patricia (2007): Defending Refugees' Access to Protection in Europe. European Council on Refugees and Exiles. Print.

The Global Initiative Against Transnational Organized Crime – TGI (2014): Smuggled futures: the dangerous path of a migrant from Africa to Europe. Geneva. Print.

United Nations Office on Drugs and Crime – UNODC (2004): United Nations Convention Against Transnational Organized Crime And The Protocols Thereto. Vienna. Print.

United Nations Office on Drugs and Crime – UNODC (2010a): A short introduction to migrant smuggling. Vienna. Print.

United Nations Office on Drugs and Crime – UNODC (2010b): Model Law Against the Smuggling of Migrants. Vienna. Print.

United Nations Office on Drugs and Crime – UNODC (2010c): Migrant smuggling by air. Vienna. Print.

United Nations Office on Drugs and Crime – UNODC (2010d): Organized crime involvement in trafficking in persons and smuggling of migrants. Vienna. Print.

United Nations Office on Drugs and Crime – UNODC (2010e): Chapter 3: Smuggling of Migrants. In: Transnational Organized Crime Threat Assessment. Vienna. Print.

United Nations Office on Drugs and Crime – UNODC (2011): Smuggling of migrants by sea. Vienna. Print.

United Nations Office on Drugs and Crime – UNODC (2017): The concept of "financial or other material benefit" in the smuggling of migrants protocol. Vienna. Print.

Van Liempt, Ilse (2011): Different geographies and experiences of 'assisted' types of migration: a gendered critique on the distinction between trafficking and smuggling. In: Gender, Place & Culture, Vol.18(2), p. 179-193.

Whitlock, Gillian (2015): The Hospitality of Cyberspace: Mobilizing Asylum Seeker Testimony Online. In: Biography, Vol.38(2), p. 245-266.