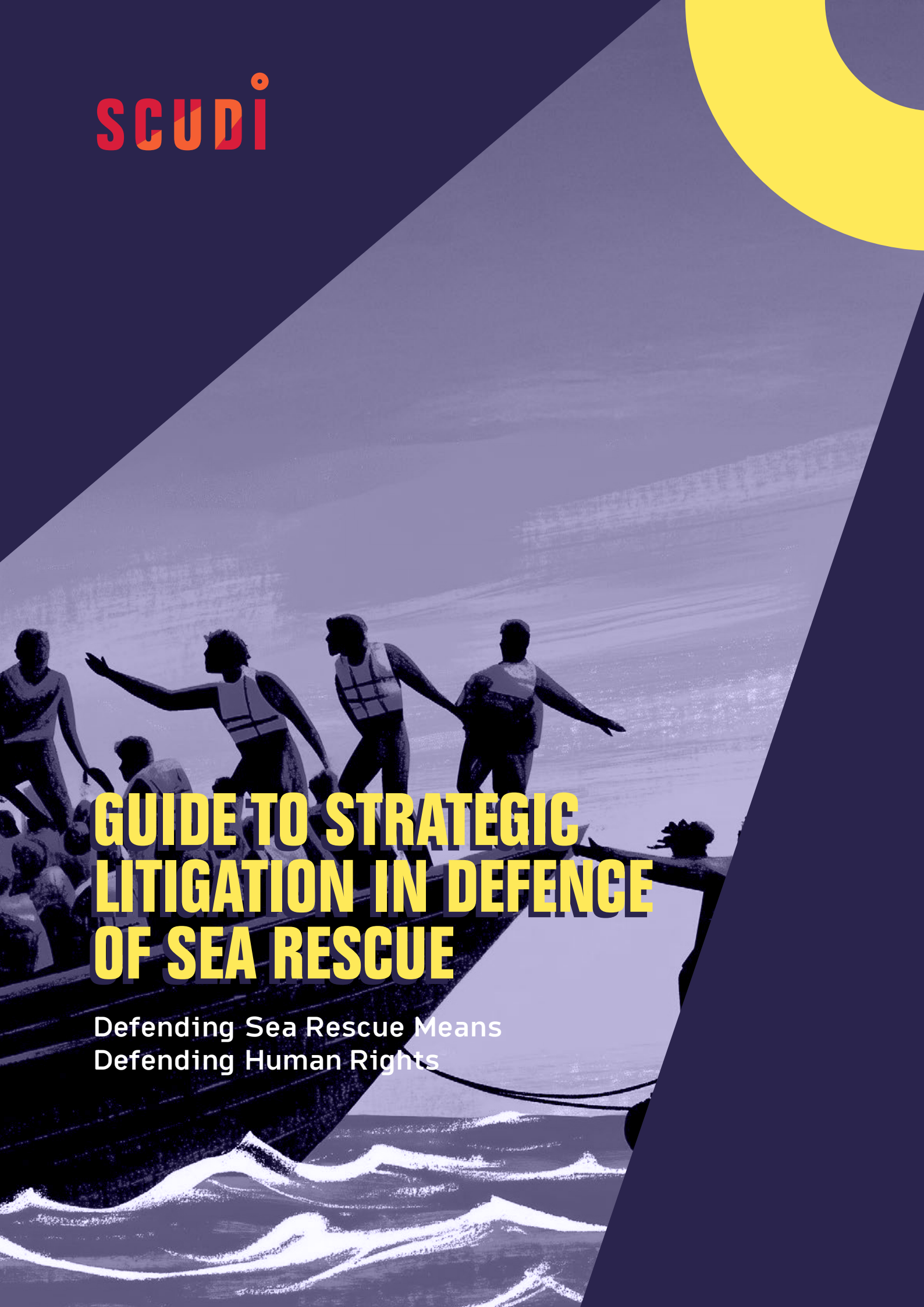
SCUDI



GUIDE TO STRATEGIC LITIGATION IN DEFENCE OF SEA RESCUE

Defending Sea Rescue Means
Defending Human Rights

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GUIDE TO STRATEGIC LITIGATION IN DEFENCE OF SEA RESCUE

Defending Sea Rescue Means Defending Human Rights



In recent years, sea rescue has become one of the primary battlegrounds for human rights in Europe.

Organisations and activists who save lives at sea or support those who do so are increasingly criminalised, obstructed, or delegitimised.

This guide is addressed to **activists, civil society organisations, and individuals committed to the defence of human rights.**

It does not provide operational instructions on sea rescue, but rather **guidance tools** to understand, document, and support legal and political responses to the criminalisation of sea rescue.

This guide was developed as part of the **SCUDI** project – **School of Human Rights: Strategic Litigation for the Protection of the Rights of Migrants.**

In the Italian context of increasing restrictions on human rights, SCUDI aims to strengthen the **knowledge, skills and abilities of lawyers, trainees, activists and workers from civil society organisations**, so that they can engage more effectively in **strategic litigation** practices in favour of migrants and people with a migratory background.

The aim of the project is to contribute to strengthening the protection of fundamental human rights, including through the application of **EU law**, such as the **EU Charter of Fundamental Rights**, and by reinforcing the role of civil society in countering systemic violations.

SCUDI is a project promoted by Cittadinanzattiva in collaboration with CILD and funded by the European Union through the CERV Programme (Grant Agreement n. 101143178).



WHY SEA RESCUE IS UNDER ATTACK

In recent years, sea rescue activities have increasingly been the target of criminalisation, administrative hurdles, and political delegitimisation.



THESE ATTACKS

- DO NOT ONLY AFFECT INDIVIDUAL ORGANISATIONS OR PEOPLE
- AIM TO MAKE SAVING LIVES MORE DIFFICULT
- PRODUCE INTIMIDATION AND ISOLATION
- NORMALISE VIOLATIONS OF FUNDAMENTAL RIGHTS

ATTACKING RESCUE MEANS ATTACKING

- THE RIGHT TO LIFE
- THE PRINCIPLE OF SOLIDARITY
- THE RIGHT TO INTERNATIONAL PROTECTION

RESPONDING THROUGH THE LAW MEANS

- DEFENDING THOSE WHO PROVIDE RESCUE
- PROTECTING PEOPLE ON THE MOVE
- COUNTERING ILLEGITIMATE AND SYSTEMIC PRACTICES

KEY MESSAGE

STRATEGIC LITIGATION IS A TOOL FOR COLLECTIVE DEFENCE.

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WHEN AN ATTACK BECOMES A STRATEGIC CASE



AN ATTACK BECOMES A CASE OF STRATEGIC LITIGATION WHEN:

- IT IS NOT AN ISOLATED INCIDENT, BUT PART OF A RECURRING PRACTICE
- IT PRODUCES EFFECTS THAT GO BEYOND THE INDIVIDUAL CASE
- IT AFFECTS FUNDAMENTAL RIGHTS
- IT COMES INTO CONFLICT WITH EU OR INTERNATIONAL LAW



THE STRATEGIC NATURE OF A CASE DOES NOT DEPEND ON THE FORMAL SEVERITY OF THE MEASURE. EVEN AN ADMINISTRATIVE SANCTION OR A SEEMINGLY "MINOR" OPERATIONAL RESTRICTION CAN HAVE A SYSTEMIC IMPACT IF IT CONTRIBUTES TO LIMITING RESCUE OPERATIONS OR CRIMINALISING SOLIDARITY.

KEY MESSAGE

STRATEGIC RELEVANCE IS MEASURED BY ITS EFFECTS, NOT BY ITS LEGAL LABEL

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WHEN AN ATTACK OCCURS: HOW YOU CAN CONTRIBUTE

When an organisation or an individual engaged in sea rescue suffers an attack, even those not directly involved can play an important role.



- HELP TO UNDERSTAND AND RECONSTRUCT WHAT HAPPENED
- SUPPORT THE COLLECTION AND ORGANISATION OF INFORMATION
- POINT OUT ANALOGIES WITH OTHER KNOWN CASES
- HELP TO MAKE THE CASE VISIBLE IN A RESPONSIBLE MANNER

DEPENDING ON THE TYPE OF ATTACK

1. DETENTIONS, SEIZURES, SANCTIONS → DOCUMENT EFFECTS AND CONSEQUENCES
2. CRIMINAL CHARGES OR LEGAL PROCEEDINGS → SUPPORT THOSE AFFECTED AND THE COLLECTIVE CONTEXT
3. POLITICAL OR MEDIA DELEGITIMISATION → COUNTER DISTORTED NARRATIVES WITH VERIFIED INFORMATION

KEY MESSAGE

EVEN WITHOUT BEING ON THE FRONT LINE, YOU CAN STRENGTHEN THE RESPONSE

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DOCUMENTING AND SUPPORTING: WHAT REALLY MATTERS

To transform an attack into a possible strategic case, documentation and widespread support are essential.



IT IS HELPFUL TO

1. GATHER RELIABLE INFORMATION ON FACTS, DATES, AND LOCATIONS
2. KEEP RECORDS OF COMMUNICATIONS, LEGAL ACTS, AND PUBLIC STATEMENTS
3. NOTE WHO IS INVOLVED AND IN WHAT CAPACITY
4. POINT OUT RECURRING PATTERNS AND SIMILAR PRACTICES
5. SUPPORT THOSE AFFECTED WHILE AVOIDING UNNECESSARY EXPOSURE

IT IS IMPORTANT TO AVOID

1. THE DISSEMINATION OF UNVERIFIED INFORMATION
2. EXCESSIVE SIMPLIFICATION OF COMPLEX CASES
3. INDIVIDUAL STANCES THAT INCREASE ISOLATION
4. THE PERSONALISATION OF THE CONFLICT

KEY MESSAGE

AN INFORMED AND COLLECTIVE RESPONSE STRENGTHENS EVERY LEGAL ACTION.

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WHEN A LOCAL CASE INVOLVES EUROPE

A CASE CAN ACQUIRE EUROPEAN RELEVANCE WHEN IT:

- THIS IS NOT AN ISOLATED EPISODE, BUT PART OF A RECURRING PATTERN
- INVOLVES EUROPEAN UNION REGULATIONS
- REFERS TO INTERNATIONAL HUMAN RIGHTS CONVENTIONS
- REFLECTS PRACTICES WIDESPREAD ACROSS MULTIPLE COUNTRIES
- LIMITS RIGHTS GUARANTEED AT A SUPRANATIONAL LEVEL



LOOKING BEYOND THE NATIONAL CONTEXT CAN:

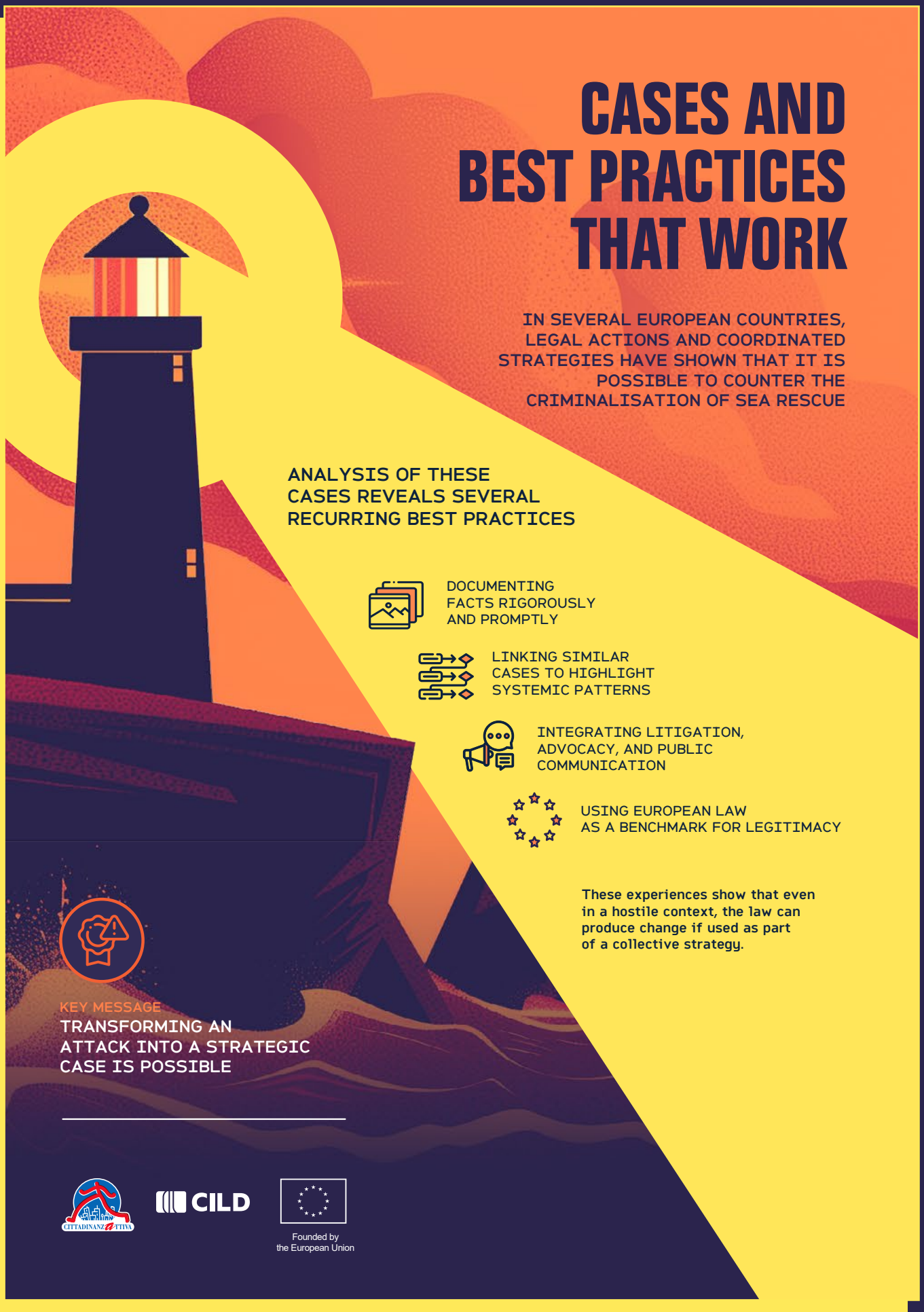
- STRENGTHEN LEGAL ARGUMENTS
- INCREASE THE IMPACT OF THE CASE
- MAKE SYSTEMIC VIOLATIONS VISIBLE
- CONTRIBUTE TO COUNTERING DISCRIMINATORY POLICIES

KEY MESSAGE

EUROPEAN LAW CAN BE A POWERFUL TOOL FOR PROTECTION

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CASES AND BEST PRACTICES THAT WORK

IN SEVERAL EUROPEAN COUNTRIES, LEGAL ACTIONS AND COORDINATED STRATEGIES HAVE SHOWN THAT IT IS POSSIBLE TO COUNTER THE CRIMINALISATION OF SEA RESCUE

ANALYSIS OF THESE CASES REVEALS SEVERAL RECURRING BEST PRACTICES

- DOCUMENTING FACTS RIGOROUSLY AND PROMPTLY
- LINKING SIMILAR CASES TO HIGHLIGHT SYSTEMIC PATTERNS
- INTEGRATING LITIGATION, ADVOCACY, AND PUBLIC COMMUNICATION
- USING EUROPEAN LAW AS A BENCHMARK FOR LEGITIMACY

These experiences show that even in a hostile context, the law can produce change if used as part of a collective strategy.

KEY MESSAGE

TRANSFORMING AN ATTACK INTO A STRATEGIC CASE IS POSSIBLE

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ACKNOWLEDGEMENTS

This guide is the result of a collective effort developed within the framework of the SCUDI project, thanks to the contribution of activists and professionals committed to defending human rights and people on the move.

We thank all the organisations that, through their daily commitment, legal work, research, and activism, contribute to countering the criminalisation of sea rescue and to keeping a perspective of solidarity and justice alive.

Special thanks go to the organisations and individuals who shared experiences, cases, and practices, making the creation of this tool possible.

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Produced by:

CILD Italian Coalition for Civil Liberties and Rights

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