

Giving humanitarian help to migrants should not be a crime, say MEPs

- EU countries urged to ensure that giving humanitarian help to migrants is not treated as a crime
- EU Commission asked to state what kinds of help for migrants should not be treated as a crime
- EU countries urged to provide data on numbers of people arrested for helping migrants

The EU should ensure that helping migrants for humanitarian reasons is not punishable as a crime Civil Liberties Committee MEPs said on Monday.

MEPs highlight concerns that EU laws on humanitarian help to migrants is having “unintended consequences” for EU citizens that provide it, in a non-legislative resolution passed by 38 votes to 16, with 2 abstentions.

Under the [2002 “Facilitation” directive](#), EU member states are required to introduce laws listing criminal penalties for anyone who “facilitates” the irregular entry, transit or residence of migrants.

However, the EU legislation also empowers member states to exempt “humanitarian” action from the list of crimes.

NGOs help migrants at sea and on land

MEPs point out that individuals and NGOs help national authorities to ensure that humanitarian assistance reaches those in need, e.g. by carrying out rescue operations at sea and on land, and regret that few member states have incorporated the “humanitarian assistance” exemption in their national laws.

They call on EU countries to include this exemption in their national laws, to ensure that individuals and civil society organisations who assist migrants for humanitarian reasons are not prosecuted for doing so.

MEPs also ask for detailed information on how the EU legislation is being enforced. They ask national authorities to supply data on the number of people arrested for acts of “facilitation”, at sea, at borders and inland, legal proceedings and convictions.

When is “facilitation” not a crime?

Finally, the resolution calls on the EU Commission to issue member states with guidelines specifying which forms of “facilitation” should not be criminalised, to ensure that the law is applied with greater clarity and uniformity.

Next steps

The non-binding resolution prepared by the Civil Liberties Committee will be put to vote by the whole Parliament on Wednesday 4 July in Strasbourg, as a wrap-up to a plenary debate with the EU Commission on Tuesday.

Further information

[Webpage of the Civil Liberties Committee](#)

[Audiovisual material](#)

Contacts

Estefania NARRILLOS

Press Officer

☎ (+32) 2 28 31324 (BXL)

☎ (+33) 3 881 73661 (STR)

☎ (+32) 498 98 39 85

🐦 [@EP_Justice](#)

✉ estefania.narrillos@europarl.europa.eu



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