

Resolution on guidelines for Member States to prevent humanitarian assistance from being criminalised

2018/2769(RSP) - 05/07/2018 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution tabled by the Committee on Civil Liberties, Justice and Home Affairs on guidelines for Member States to prevent humanitarian assistance from being criminalised.

Parliament recalled that under the [Facilitation Directive](#) and the accompanying [Framework Decision](#), Member States are required to implement legislation introducing **criminal sanctions** against the facilitation of irregular entry, transit and residence.

However, the Facilitation Directive provides for a non-binding humanitarian assistance **exemption**, giving Member States the **option not to criminalise** facilitation when it is humanitarian in nature;

Expressing concern at the unintended consequences of the Facilitators Package (consisting of the Directive and the accompanying Framework Decision) on citizens providing humanitarian assistance to migrants, Members underlined that **acts of humanitarian assistance should not be criminalised**. They regretted the **very limited transposition by Member States of the humanitarian assistance exemption** provided for in the Facilitation Directive and noted that the exemption should be implemented as a bar to prosecution, to ensure that prosecution is not pursued against individuals and civil society organisations assisting migrants for humanitarian reasons.

Parliament called on Member States to transpose the humanitarian assistance exemption provided for in the Facilitation Directive and to put in place adequate systems to monitor the enforcement and effective practical application of the Facilitators Package, by collecting and recording annually information about:

- the number of people arrested for facilitation at the border and inland;
- the number of judicial proceedings initiated;
- the number of convictions, along with information on how sentences are determined, and reasons for discontinuing an investigation.

Lastly, Members urged the Commission to adopt **guidelines** for Member States specifying which forms of facilitation should not be criminalised, in order to ensure clarity and uniformity in the implementation of the current acquis. They believed that clarity of parameters would ensure greater consistency in the criminal regulation of facilitation across Member States and limit unwarranted criminalisation.