

Basic information	
2018/2769(RSP) RSP - Resolutions on topical subjects	Procedure completed
Resolution on guidelines for Member States to prevent humanitarian assistance from being criminalised Subject 6.50 Emergency, food, humanitarian aid, aid to refugees, Emergency Aid Reserve 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF) 7.30.30.02 Action to combat violence, trafficking in human beings and migrant smuggling	

Key players			
European Parliament	Committee responsible		Rapporteur
	LIBE Civil Liberties, Justice and Home Affairs		MORAES Claude (S&D)
European Commission	Commission DG		Commissioner
	International Cooperation and Development		MIMICA Neven

Key events			
Date	Event	Reference	Summary
25/06/2018	Vote in committee		
03/07/2018	Debate in Parliament		
05/07/2018	Decision by Parliament	T8-0314/2018	Summary
05/07/2018	Results of vote in Parliament		
05/07/2018	End of procedure in Parliament		

Technical information	
Procedure reference	2018/2769(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Debate or resolution on oral question/interpellation
Legal basis	Rules of Procedure EP 142-p5
Stage reached in procedure	Procedure completed

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European Parliament

Document type	Committee	Reference	Date	Summary
Motion for a resolution		B8-0314/2018	05/07/2018	
Text adopted by Parliament, single reading		T8-0314/2018	05/07/2018	Summary

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.