





Procedure file

Basic information	
RSP - Resolutions on topical subjects	2018/2769(RSP)
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	Appointed
	 Civil Liberties, Justice and Home Affairs	 MORAES Claude	11/06/2018
European Commission	Commission DG	Commissioner	
	International Cooperation and Development	MIMICA Neven	

Key events			
25/06/2018	Vote in committee		
03/07/2018	Debate in Parliament		
05/07/2018	Results of vote in Parliament		
05/07/2018	Decision by Parliament	T8-0314/2018	Summary
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 136-p5
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/13695

Documentation gateway					
Oral question/interpellation by Parliament		B8-0034/2018	02/07/2018	EP	
Motion for a resolution		B8-0314/2018	05/07/2018	EP	
Text adopted by Parliament, single reading		T8-0314/2018	05/07/2018	EP	Summary

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

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.