

**CM2407**

**MEIJERS COMMITTEE COMMENT ON THE EU'S FACILITATORS PACKAGE**

**SEPTEMBER 2024**

The EU Facilitation Directive 2002/90/EC, passed in 2002, was introduced to combat migrant smuggling, i.e., helping migrants to enter or stay in a country illegally in exchange for financial or material gain.

Recently, the Commission proposed to amend the Facilitation Directive with the aim to strengthen the EU tools countering migrant smuggling. With this comment, the Meijers Committee raises serious concerns and urges the EU legislator to reform the proposal in order to prevent the criminalisation of humanitarian aid workers. As such, we highlight certain elements of the directive that have left discretion for the Member States for the prosecution of natural and legal persons providing humanitarian aid to migrants in distress and proposals that urgently need further consideration and amendment.

 **Meijers  
Committee**

Standing committee of experts on international  
immigration, refugee and criminal law

## Meijers Committee comment on the EU Facilitators Package

### 1. Introduction

On 28 November 2023, the European Commission introduced a package to combat migrant smuggling, consisting of: 1) a proposal for a Directive on preventing unauthorized entry (COM(2023) 755 final), 2) a Regulation to strengthen police cooperation and Europol's role (COM(2023) 754), and 3) a call for a global alliance against smuggling (also known as the EU's Facilitators package). For the purpose of this comment, "facilitation" is understood as the act of helping or making it easier for someone to engage in unauthorised entry, transit, or stay within the European Union. While most attention is focused on humanitarian assistance at the point of entry, the scope of this comment examines both forms of assistance: entry by means of smuggling and humanitarian assistance.

With this comment, the Meijers Committee raises serious concerns about the criminalisation of humanitarian aid workers. As such, we highlight certain elements of the Facilitation Directive that have left discretion for the Member States for the prosecution of natural and legal persons providing humanitarian aid to migrants in distress and proposals that urgently need further consideration and amendment.

Our key findings are as follows:

1. The Meijers Committee recommends that the EU legislator revise the proposal for the amended Facilitation Directive, specifically Article 3(1), to include a provision ensuring that actions by natural or legal persons intending to provide humanitarian assistance are exempt from the definition in Article 3(1).
2. The Committee advises against adopting the proposed Article 3(2) in the amended Facilitation Directive.
3. We urge the European Commission to initiate infringement actions against Member States that misuse criminalisation provisions to investigate or prosecute humanitarian actors.
4. The Meijers Committee suggests that the proposal for the amended Facilitation Directive should include a specific definition of 'humanitarian assistance' under Article 2 ('Definitions').
5. We strongly support the establishment of an independent authority to supervise relevant developments regarding humanitarian assistance and investigate complains.

### 2. Current 2002 Directive and proposal for a Facilitation Directive

The EU Facilitation Directive 2002/90/EC (hereafter Facilitation Directive), passed in 2002, was introduced to combat migrant smuggling, i.e., helping migrants to enter or stay in a country illegally in exchange for financial or material gain.<sup>1</sup> The general objective of this legislation is to help the fight against both irregular migration, by penalising facilitation in connection with unauthorised crossing of the border, and organised crime networks that endanger migrants' lives. This Directive sets out obligations concerning the facilitation of illegal entry, transit, residence and stay of migrants in EU Member States. At the same time, when defining the offence, the Facilitation Directive provides for

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<sup>1</sup> Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence, available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32002L0090>.

the possibility for Member States to exempt humanitarian assistance from being criminalised under Article 1 (2).

Research from the European Commission and several NGOs shows that criminal smuggling-related investigations and charges against NGOs, volunteers and other individuals have dramatically increased between 2015 and 2019.<sup>2</sup> This research found 60 investigation and prosecution cases – mostly on facilitation of entry – in 10 Member States during that time period, with cases peaking in 2018. The cases analysed as part of the research consist mostly of the following categories of workers: volunteers, human rights defenders, crews of boats involved in search and rescue operations at sea, but also ordinary members of the public, family members, journalists, mayors, and religious leaders.

Subsequent research has confirmed this escalating trend. In 2023, at least 117 individuals faced charges despite the clear humanitarian character of their actions, such as attempting to rescue people in distress at sea and providing them with shelter.<sup>3</sup>

Recently, the Commission proposed to amend the Facilitation Directive (hereafter: the proposal), with the aim to strengthen the EU tools countering migrant smuggling.<sup>4</sup> The proposal consists of multiple amendments such as the removal of the clause through which Member States can provide an exemption for the criminalisation of humanitarian assistance. However, the proposal -although making a reference to it in the recital - does not introduce a specific obligation for Member States to ensure that the criminalisation of humanitarian aid is prevented.

### **3. International Legal Framework**

#### **3.1. Law of the sea**

International maritime rescue law consists of different treaties as well as customary law. The main conventions are i.e. the United Nations Convention on the law of the sea (hereafter: UNCLOS),<sup>5</sup> the International Convention on Maritime Search and Rescue (SAR Convention)<sup>6</sup> and the International Convention for the Safety of Life at Sea (hereafter: SOLAS).<sup>7</sup> All these conventions contain the duty on State Parties to ensure that a place of safety is provided to persons in distress at sea (annex para 2.1.10 SAR Convention; annex chapter V reg 33(1) SOLAS Convention). The UNCLOS was ratified by the EU by Council Decision 98/392.<sup>8</sup> This means that the EU Member States and EU Agencies are bound by all

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<sup>2</sup> Note that the Facilitation Directive is broader than smuggling (e.g. also includes residing) but the focus in this comment is on smuggling. See L. Vosyliūtė & C. Conte, 'Crackdown on NGOs and volunteers helping refugees and other migrants', Research Social Platform on Migration and Asylum (ReSOMA), Final Synthetic Report, June 2019, p. 32.

<sup>3</sup> See PICUM, Report on Cases of criminalisation of migration and solidarity in the EU in 2023, April 2024, p.7.

<sup>4</sup> Proposal for a Directive of the European Parliament and of the Council laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union, and replacing Council Directive 2002/90/EC and Council Framework Decision 2002/946 JHA, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0755>

<sup>5</sup> See [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf).

<sup>6</sup> See <https://treaties.un.org/doc/publication/unts/volume%201405/volume-1405-i-23489-english.pdf>.

<sup>7</sup> See <https://treaties.un.org/doc/Publication/UNTS/Volume%201184/volume-1184-I-18961-English.pdf>.

<sup>8</sup> See Council Decision of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention of 10 December 1982 on the Law of the Sea and the Agreement of 28 July 1994 relating to

the rights and obligations under UNCLOS, when addressing situations within their competences, such as when persons in distress at sea fall within their jurisdiction. Article 98 UNCLOS obliges every Member State to require the master of a ship sailing under its flag, including those operated by FRONTEX, to render assistance to any person found at sea in danger of being lost. Additionally, it requires every coastal State to promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea.

### 3.2. The United Nations Protocol on the smuggling of migrants

The United Nations Protocol against the smuggling of migrants by land, sea and air supplementing the United Nations Convention against Transnational Organised Crime was adopted in 2000 and entered into force in 2004.<sup>9</sup> It was the first international instrument to provide a common definition of migrant smuggling. The EU acceded to the Protocol in 2006 and all EU Member States, except for Ireland, have ratified it.<sup>10</sup>

Smuggling of migrants is defined in Article 3 of the Protocol as ‘the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national’.<sup>11</sup> In its 2017 paper on the ‘Concept of Financial or Other Material Benefit’ in the Smuggling of Migrants Protocol<sup>12</sup>, the United Nations Office on Drugs and Crime (hereafter: UNODC) describes such financial or other material benefit as the very purpose of migrant smuggling, ‘the reason behind the growing involvement of organized criminal groups in conduct that often puts the lives of vulnerable migrants in great jeopardy’. UNODC notes that ‘[t]he financial or other material benefits associated with migrant smuggling are fuelling a trade that turns human suffering and resilience against unfair odds, into enormous and unscrupulously procured profits’.<sup>13</sup> The UNODC paper further describes the ‘phenomenon of facilitated illegal entry with no benefit motive’ as ‘an act that falls beyond the scope of the Protocol’.<sup>14</sup>

UNODC concludes that, even if ‘the Protocol does not prevent States from creating criminal offences outside its scope – for example facilitation of illegal entry or illegal stay’, it ‘does not seek and cannot be used as the legal basis for the prosecution of humanitarian actors’. It recalls that the Legislative

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the implementation of Part XI thereof (OJ L 179, 23.6.1998) also available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31998D0392>.

<sup>9</sup> See [https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM\\_Protocol\\_English.pdf](https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf)

<sup>10</sup> See: i) Council Decision 2006/616/EC of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of this Protocol fall within the scope of Articles 179 and 181a of the Treaty establishing the European Community (OJ L 262, 22.9.2006, p. 24); and ii) Council Decision 2006/617/EC of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community (OJ L 262, 22.9.2006, p. 34).

<sup>11</sup> See in this context: [https://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/UNODC\\_Issue\\_Paper\\_The\\_Profit\\_Element\\_in\\_the\\_Smuggling\\_of\\_Migrants\\_Protocol.pdf](https://www.unodc.org/documents/human-trafficking/Migrant-Smuggling/Issue-Papers/UNODC_Issue_Paper_The_Profit_Element_in_the_Smuggling_of_Migrants_Protocol.pdf).

<sup>12</sup> Ibid.

<sup>13</sup> See Communication from the Commission Commission Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence (2020/C 323/01), available at [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XC1001\(01\)&rid=8](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XC1001(01)&rid=8).<sup>14</sup> Ibid.

Guide for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols<sup>15</sup> ‘elaborates on this theme, affirming that the reference to ‘financial or other material benefit’ was indeed intended to exclude groups with purely political or social motives’. On this basis, UNODC urges countries ‘to include safeguards to ensure that faith-based organizations, civil society and individuals acting without any purpose to obtain a financial or other material benefit are excluded from the application of smuggling offences while ensuring that such exclusion cannot be used as a loophole to escape justice’.<sup>16</sup>

#### **4. The EU legal Framework**

##### **4.1. The European Asylum acquis**

Provisions on combating human smuggling must be in accordance with Article 18 (right to asylum) as well as Article 19 (prohibition of refoulement) of the EU Charter of Fundamental Rights and the EU’s secondary legislation of the asylum acquis. Additionally, in *European Commission v Hungary*, the CJEU clarified that the mere assistance of people intending to apply for asylum cannot be criminalised in the meaning of the Facilitation Directive.<sup>17</sup> This case was brought by the European Commission, arguing that Hungary’s asylum laws violated several EU Directives related to asylum procedures and treatment standards for asylum seekers.

Against this backdrop, the new Facilitation Directive should contain clear and precise wording in order to prevent Member States from failing to meet their obligations under the asylum acquis by criminalising the actions that provide assistance in respect of the making or lodging of an application for international protection.

##### **4.2. Facilitation Directive 2002**

Within EU law, the Facilitation Directive defines the facilitation of unauthorised entry, transit, and residence in the EU. Article 1(1) of the 2002 Facilitation Directive obliges Member States to appropriately penalise (i.e. both criminal and administrative sanctions) anyone who, in breach of laws, intentionally assists a non-EU country national to enter or transit through an EU country, or for financial or material gain, a non-EU country national to reside in an EU country.<sup>18</sup>

The facilitation offence as set out in Article 1(1) of the Facilitation Directive is broader defined than in the UNODC Protocol insofar as financial gain is not a constituent component of the offence of facilitation of irregular entry or transit. Financial gain — together with participation in a criminal organisation or endangering the lives of the people who are the subjects of the offence — is listed under the aggravating circumstances set out in Article 1(3) of Framework Decision 2002/946/JHA.

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<sup>15</sup> UNODC, Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto UN Sales No. E.05.V.2 (2004), p. 13, para. 26

<sup>16</sup> UNODC, Legislative Guides for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto UN Sales No. E.05.V.2 (2004), p. 71.

<sup>17</sup> CJEU, *European Commission v Hungary*, C-821/19, para 144

<sup>18</sup> Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence, available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32002L0090>.

At the same time, Article 1(2) of the Directive provides for the possibility to exempt facilitation of unauthorised entry and transit from being criminalised, when carried out for humanitarian assistance purposes.

In September 2024, only eight Member States have included in their national law an exemption from punishment for facilitating unauthorised entry and/or transit in order to provide some form of humanitarian assistance. An examination of the legislation of these Member States reveals a variety of national interpretations of the Facilitation Directive, each taking account of the national legal context.<sup>19</sup>

For example, Belgium and Spain have adopted almost verbatim the language in the Directive on including humanitarian assistance as a reason for non-incrimination, while other Member States used different constructions.<sup>20</sup>

#### **4.2.1. Problematic elements: lack of definition of humanitarian assistance**

While the current Directive exempts the delivery of humanitarian assistance from its scope, it does not define what acts can qualify as such. Consequently, Member States that have chosen to implement the exemption often use narrow interpretations, covering only situations involving life and death, for example. Due to these ambiguities, even in those few (former) Member States which have implemented the exemption, including Belgium, Greece, Italy, Malta and the UK, criminal investigations and prosecutions against humanitarian actors have still taken place.<sup>21</sup>

In addition, the current Facilitation Directive does not require the existence of the motivation of material benefit for an act to count as smuggling (i.e. material benefit includes any kind of financial or non-financial inducement or payment). This omission in the Facilitation Directive is contrary to the wording in the UN Protocol against the Smuggling of Migrants by Land, Sea and Air as laid down in Article 3 (a).<sup>22</sup> While the Directive outlines material benefit as a requirement for the prosecution of those who enable the stay and residence of irregular migrants within Member States, there is no such condition in the article on the facilitation of entry.

The Meijers Committee is of the opinion that 'humanitarian assistance' should be defined broadly, in line with the EU Charter of Fundamental Rights,<sup>23</sup> asylum law, the law of the sea and the existing definition of the European Consensus on Humanitarian Aid and states obligations under the UN

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<sup>19</sup> See Communication of the Commission (2020), Commission Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence, (2020/C 323/01), see also: *Criminalisation of migrants in an irregular situation and of persons engaging with them*, FRA (2014), p. 10.

<sup>20</sup> Communication of the Commission (2020), Commission Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence, (2020/C 323/01), see also: *Criminalisation of migrants in an irregular situation and of persons engaging with them*, FRA (2014), p. 10.

<sup>21</sup> Ibid.

<sup>22</sup> See [https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM\\_Protocol\\_English.pdf](https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf).

<sup>23</sup> See in this context:

<https://documents.un.org/doc/undoc/gen/g20/112/28/pdf/g2011228.pdf?token=Lmj2wE45KlzFAfdXgh&fe=true>).

Declaration on human rights defenders and the EU instruments on human rights defenders.<sup>24</sup> Such a definition should protect not-for-profit actions undertaken by natural and legal persons such as formally registered civil society organisations as well as citizen movements, and individual volunteers and activists who are there to help and protect the rights of refugees and other migrants. As such, the Meijers Committee stresses that the EU legislator should rather focus on a broad definition of humanitarian assistance and prioritise targeting criminal entities profiting from migrant smuggling through effective law enforcement actions.

#### **4.3. Commission Proposal amending the existing Facilitation Directive**

The Commission's proposal drafted on the 28<sup>th</sup> of November 2023, attempts to reform the current Facilitation Directive of 2002. These reforms include a revised definition for facilitation as well as the removal of the optional clause offering the possibility of exempting the criminalisation of humanitarian assistance.

The proposal to amend the Facilitation Directive sets a definition for a criminal offence in Article 3. Namely, according to Article 3(1) assisting a third country national constitutes a criminal offence if the person carrying out the conduct receives a financial or material benefit from it, or if there is a high likelihood of serious harm being caused to a person.

Furthermore, Article 3(2) in the new proposal does not contain an optional clause any longer and introduces a new definition of 'public instigation'. According to Article 3(2) Member States shall make sure that the act of publicly instigating third country nationals to enter, travel through or stay in the territory of a Member State constitutes a criminal offence. Hence, Member States no longer have the option not to impose sanctions in case the aim of the behaviour is to provide humanitarian assistance to the person in question.

##### **4.3.1. Problematic elements of the proposal to amend the Facilitation Directive: existing possibility to criminalise humanitarian aid workers**

The European Commission has argued earlier on, that punishing humanitarian aid that arises from a higher legal obligation (such as maritime law) conflicts with EU law. However, at the same time, criminal smuggling-related investigations and charges against NGOs, volunteers, and other individuals (such as those helping family members) by Member States have dramatically increased since 2015 and still continue to take place.<sup>25</sup>

Under the current Directive the definition in Article 1(a), lacking any other prerequisite for criminalisation but "assistance", creates a gap in the protection of humanitarian assistants not being investigated or even prosecuted in relation to this offence. By requiring the prerequisite of "financial

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<sup>24</sup> See European Consensus on Humanitarian Aid, available at [https://civil-protection-humanitarian-aid.ec.europa.eu/who/european-consensus\\_en](https://civil-protection-humanitarian-aid.ec.europa.eu/who/european-consensus_en), see also Declaration on Human Rights Defenders, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups-and>, see also the EU instruments on human rights defenders: [https://www.eeas.europa.eu/sites/default/files/eu\\_guidelines\\_hrd\\_en.pdf](https://www.eeas.europa.eu/sites/default/files/eu_guidelines_hrd_en.pdf) and <https://data.consilium.europa.eu/doc/document/ST-7388-2023-INIT/en/pdf>.

<sup>25</sup> See in particular: [https://finance.ec.europa.eu/system/files/2022-07/220630-humanitarian-aid-guidance-note\\_en.pdf](https://finance.ec.europa.eu/system/files/2022-07/220630-humanitarian-aid-guidance-note_en.pdf).



or material gain" with respect to any form of assistance, the proposed definition closes that gap for a large part. The Meijers Committee appreciates this part of the Proposal.

However, concerns remain as only an active obligation for Member States to prevent starting investigations against humanitarian assistants will provide humanitarian assistants the necessary protection which they are entitled to according to international law. It should be absolutely clear, and therefore incorporated in the Directive itself, that humanitarian assistants should not be investigated or prosecuted in relation to this offence. Hence, the Meijers Committee strongly recommends to add such obligation in a new paragraph 3 of Article 3, for instance reading: "Member States have a positive obligation to ensure that no criminal investigation or prosecution will be started against humanitarian assistants."

In this regard the Meijers Committee notes that Article 83(2) TFEU - the legal basis for this proposed Directive - holds that the approximation of criminal laws shall prove *essential* to ensure effective implementation of a Union policy, implying a strict proportionality requirement. The Commission has not convincingly explained why the criminalisation proposed, lacking adequate protections for the exception of humanitarian assistance, conforms to these strict standards.

The same is true of the proposed Article 3(2), under which Member States shall ensure that 'publicly instigating third-country nationals to enter, or transit across, or stay within the territory of any Member State in breach of relevant Union law or the laws of the Member State concerned' constitutes a criminal offence. This proposed offence carries a high risk of leading to violations of the right to freedom of expression and to receive and impart information (as protected in Article 11 of the EU Charter and Article 10 European Convention on Human Rights, hereafter ECHR) and the right to freedom of assembly and association (Article 12 of the EU Charter and Article 11 ECHR).

While recital 6 of the proposal mentions that the providing of objective information to third country nationals about the conditions on the legal entry and stay in the Union and regarding international protection should not be understood as public instigation, the wording is vague in regard to what actually falls into the category of 'objective' information. There is a real risk that some Member States will use such criminal offences as tools to criminalise a wide range of civil society expressions and information provision to those in need, especially in the absence of an exemption for humanitarian assistance in the Directive.<sup>26</sup> Moreover, the proposed Directive already states that inciting *assistance*, as laid down in Article 3(1), should be criminalised (Article 5), which calls into question the need for a specific offence on instigating entry/transit/stay.

As such, the Meijers Committee recommends the EU legislator to include in the Facilitation Directive an obligatory prohibition on the criminalisation of civil society actors (i.e. natural and legal persons) acting with humanitarian intent to assist migrants and refugees.<sup>27</sup> Moreover, the Meijers Committee

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<sup>26</sup> See UN Special Rapporteur on the situation of human rights defenders, *Response to the proposal by the European Commission for a Directive to update the Facilitators Package*, February 2024; UN Special Rapporteur on the human rights of migrants, *Right to freedom of association of migrants and their defenders*, 13 May 2020, A/HRC/44/42.

<sup>27</sup> European Parliament, [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/608838/IPOL\\_STU\(2018\)608838\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/608838/IPOL_STU(2018)608838_EN.pdf), p. 110.



recommends the EU legislator to delete the proposed amendment of Article 3(2) on the criminalisation of 'public instigation'.

In relation to the monitoring of relevant developments regarding humanitarian assistance, the Meijers Committee recommends that an independent authority be invited to set up an inquiry to hear the testimonies of civil society actors that have been criminalised and to investigate whether the cases were politicised.<sup>28</sup>

#### ***Proposed amendment of Article 3(1)***

The Meijers Committee recommends the EU legislator to revise the proposal for the amended Facilitation Directive in Article 3(1) to include the provision:

*Member States shall ensure that actions undertaken by natural or legal persons with the intention of providing humanitarian assistance to individuals are exempted from the definition outlined in Article 3, paragraph 1.*

### **5. Recommendations**

In this comment, the Meijers Committee has raised several concerns regarding the current wording of the proposed Facilitation Directive that creates the possibility to prosecute EU humanitarian and civil society actors for smuggling.

To this end, the Meijers Committee recommends that the EU legislator should:

- Revise the proposal for the amended Facilitation Directive in Article 3(1) to include the provision that "Member States shall ensure that actions undertaken by natural or legal persons with the intention of providing humanitarian assistance to individuals are exempted from the definition outlined in Article 3, paragraph 1."
- Decide against adopting the proposed Article 3(2) in the amended Facilitation Directive.
- Urge the European Commission to invoke infringement actions against Member States that abuse criminalisation provisions to prosecute humanitarian actors.
- Include a specific definition for 'humanitarian assistance' in 'Definitions' under Article 2 of the proposal for the amended Facilitation Directive.
- Invite an independent authority to supervise relevant developments regarding humanitarian assistance and investigate any complains.

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<sup>28</sup> Ibid.

# About

The Meijers Committee is an independent group of experts that researches and advises on European criminal, migration, refugee, privacy, non-discrimination and constitutional law.



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