

## “The Criminalisation of Humanitarian Acts is a Crime”

The side event entitled «**Duty or offence of solidarity: the action of NGOs in the system of assistance and support to migrants and refugees**» took place on 11 April in the Council of Europe, organised by the Conference of INGOs Task Force on Migration and sponsored by the Parliamentary Assembly Committee on Migration and Refugees and Displaced Persons and with the contribution of Pierre-Alain FRIDEZ, General Rapporteur for the Parliamentary Assembly campaign on ending immigration detention of children.



Damien CAREME, Mayor of Grande Synthe, Winner of the North-South Prize of the Council of Europe in 2018, presented how Grand Synthe continues to procure the basic needs of the refugees by its own means, thanks to the mobilization of the local community and NGOs. Damien CAREME stressed that in different places, the tensions with the local population could have been avoided if a dignified solution would have been found quickly by the state institutions. It is the long term humanitarian crisis and the difficult logistical conditions due to the lack of means of local government that increase the tensions between the accommodated population and the local population.

Dr. Philippe de BOTTON, President of Doctors of the World France, added that it should be questioned whether the evacuation of the camps and the actions by the police to stop humanitarian aid, especially in Calais, made the humanitarian crisis less visible. This question remains crucial even if the motive of these actions is to guarantee the health conditions of the welcomed persons.

Giorgia LINARDI, Advocacy Officer and Italian representative for Sea-Watch testified how the regulations that have been put in place with the EU have made the action of the humanitarian NGOs in the Mediterranean Sea more difficult, especially for finding ports to disembark the rescued persons. The reason why NGOs are saving people in the sea is because governments are not fulfilling their obligations under humanitarian law. Governments try to protect their borders rather than people. This approach is the source of the inhuman violence inflicted primarily on migrants and on NGOs who save migrants' lives.

Carla FERSTMAN, Senior lecturer at the Faculty of Law at the University of Essex underlined that national law is often ambiguous regarding the aid provided to migrants by non-state actors. Through her analysis, she showed that the criminalisation of humanitarian aid goes against international human rights standards. Furthermore, she underlined the importance of international organisations taking a strong position with regard to the humanitarian considerations.

In this regard, the action taken by French NGOs and other stakeholders which led to the decision of the French Constitutional Council has led to a partial improvement of France's new asylum and immigration law.

All participants expressed their support for organizations and institutions represented in the panel and called on concerned governments and the EU to take the necessary action so that complex migration issues no longer cause the criminalisation of those who provide assistance to people in distress. The side event amplified the voice of those who fight against the inhuman turning back of migrants and who, through their action, aim to implement the humanitarian law.





“Duty or offence of solidarity: the action of NGOs in the system of assistance and support to migrants and refugees”

Palais de l'Europe

Room 2

Thursday 11 April from 13.00 to 14.00

Do you feel concerned by the detention of migrant children in Europe?

Does it surprise you that civil society organisations and their members are hunted or sanctioned for helping people on their migration route by providing legal, humanitarian and social assistance?

Or, on the contrary do you think this corresponds to the need to regulate the migratory flows which should be the sole responsibility of the State?

In all these cases, come and discuss the topic with:

- Pierre Alain FRIDEZ, General Rapporteur for the PACE Campaign on ending immigration detention of children, Committee on Migration, Refugees and Displaced Persons
- Anna RURKA, President of the Conference of INGOs
- Damien CAREME, Mayor of Grande Synthe (France), Winner of the North-South Prize 2018 Council of Europe (tbc)
- Giorgia LINARDI, Advocacy Officer and Italian representative for Sea-Watch (Italy)
- Dr. Philippe de BOTTON, President of Doctors of the World France, International Humanitarian Association
- Carla FERSTMAN, Senior Lecturer at the Faculty of Law, University of Essex, Member of the Expert Council on NGO Law of the Conference of INGOs
- Daniel GUERY, coordinator of the task force « Migration » of the Conference of INGOs

