PICUM

Criminalisation of migration and solidarity in the EU

2024 report

This briefing highlights cases of criminalisation of solidarity with migrants as well as criminalisation of people crossing borders in the EU in 2024. It is followed in the annex by an extensive list of media sources of the cases of individuals who were criminalised for providing solidarity as well as migrants who were criminalised.

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Design: www.chocolatejesus.be

Co-funded by the European Union

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This report has received financial support from the European Union Programme for Employment and Social Innovation "EaSI" (2021-2027). For further information please consult: http://ec.europa.eu/social/easi. The information contained in this publication does not necessarily reflect the official position of the European Commission.

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Executive Summary

In 2024, PICUM's media monitoring confirmed a growing trend: at least **142** individuals faced criminal or administrative proceedings for acting in solidarity with migrants in the EU. Additionally, our media monitoring found that at least **91** migrants were subjected to criminalisation, mostly under counter-smuggling legislation. But we know that this number is an undercount, as other organisations recorded many more cases[1] in their own work. Furthermore, news articles highlighted several forms of non-judicial harassment directed at human rights defenders and civil society organisations within the EU.

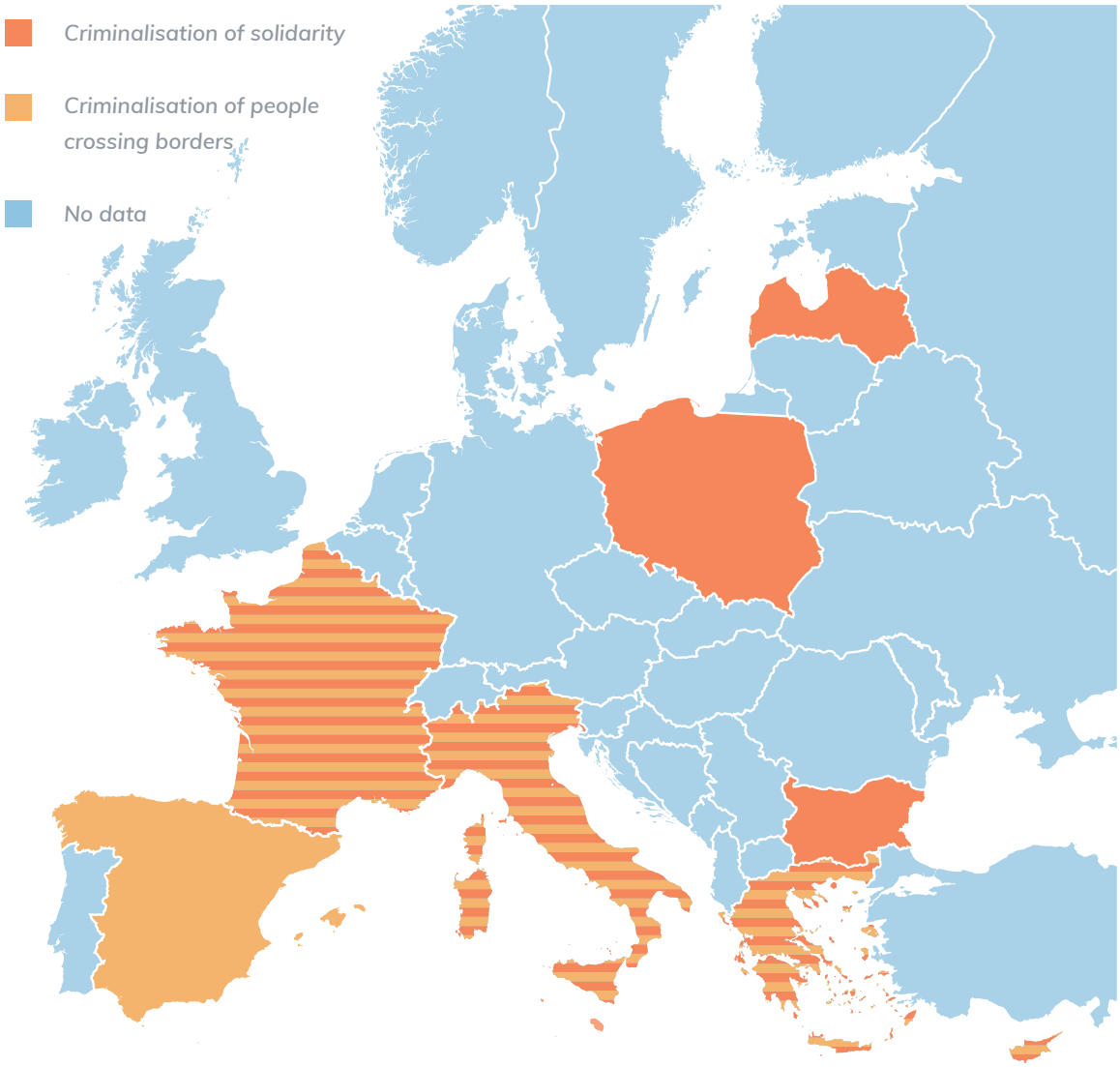
Due to the significant gap in statistical and official public data[2] regarding individuals accused, charged, or convicted for smuggling and related offenses, this briefing relies on a media alert system and desk research, which may not comprehensively capture all relevant incidents reported across EU countries. Consequently, the figures presented likely underestimate the true extent of such occurrences. In addition, it is likely that many cases, particularly regarding people who are migrants, go unreported by the media.[3]

Beyond the continuously high number of people who have been criminalised in 2024, this report highlights different trends. Under the current legal system, charges of facilitation and smuggling can be used to criminalise migrants or people without regular residence and those acting in solidarity with them. Despite numerous and protracted judicial proceedings, actual convictions remain low. This report also looks at the several cases of people and organisations across Europe that have experienced non-judicial harassment.

Moreover, the findings of our media monitoring in 2024 seek to shed light on the criminalisation of people crossing borders irregularly, which has grown of at least 20% in comparison to monitoring in 2023,[4] but remains a relatively hidden phenomenon. A comparison between PICUM's findings and existing research reveals a tendency for the media to underreport the criminalisation of migrants.[5] Yet, the majority of cases analysed by PICUM align with research indicating that migrants, including children, often face unfounded accusations, endure harsh legal processes and face years of pre-trial detention for the sole fact of migrating.

142 people criminalised for acting in solidarity with migrants

91 people criminalised for crossing borders



Criminalisation of solidarity[6]

Greece	62
Italy	29
Poland	17
France	17
Bulgaria	11
Malta	3
Latvia	2
Cyprus	1

Criminalisation of people crossing borders[7]

Greece	45
Italy	40
Cyprus	3
Spain	2
France	1

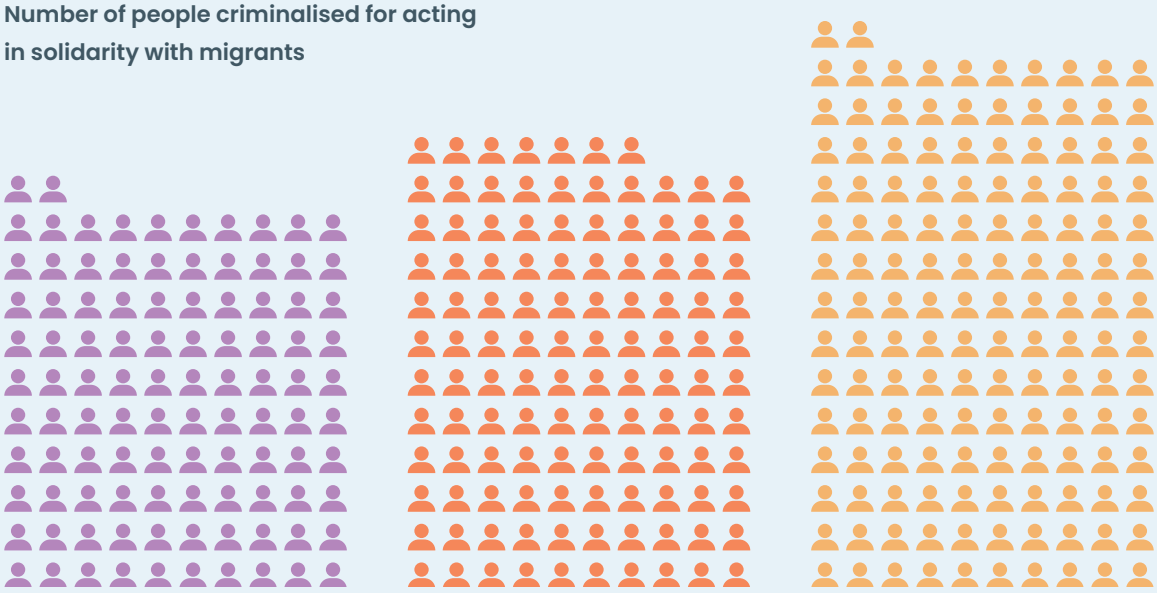
Introduction

In the past years, there has been a consistent and noticeable rise in the criminalisation of solidarity actions towards migrants and those crossing borders irregularly across Europe.[8] This trend undermines civic space and the rule of law within the EU, and has a disproportionate punitive effect on migrants.

Despite the seriousness of this phenomenon, statistical and official data remain scarce.[9] To fill this gap, PICUM has been regularly monitoring media sources across the EU, in order to track cases of individuals accused, charged, or convicted for smuggling and related offenses, both because they crossed a border irregularly, and for actions in solidarity with migrants.

For the third consecutive year,[10] PICUM's monitoring reveals a disturbing pattern of increasing criminalisation affecting hundreds of migrants and solidarity actors across Europe. This briefing provides an overview of the results of PICUM's desk research and a media alert system based on different national news outlets over a period of twelve months, from January to December 2024. Our media monitoring has no claim of comprehensiveness, as some news may not be detected by our alert system. However, it provides a comparative overview of this trend across different member states, and it shows how it evolved through the years. In addition, these findings are consistent with the outcome of national-level research conducted by other civil society organisations, activists, scholars and experts.[11]

Number of people criminalised for acting in solidarity with migrants



At least **102** in **2022**

At least **117** in **2023**

At least **142** in **2024**

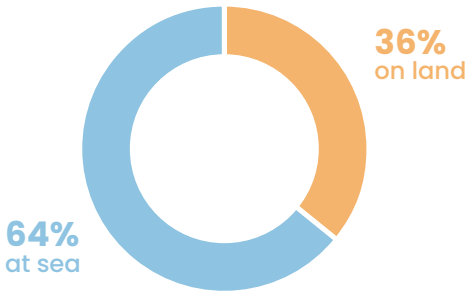
At least 142 human rights defenders criminalised in 2024

Between January 2024 and December 2024, at least **142 human rights defenders**[12] **faced judicial proceedings in the EU for standing in solidarity with migrants**. This data confirms a concerning, ongoing trend observed in previous years.[13]

In 2024, people were criminalised for actions with a clear humanitarian purpose, such as trying to rescue people in distress, providing them with shelter, food or water, as well as participating in civil disobedience actions, such as protesting against migration detention:

Action	Number of people criminalised
Search and rescue of migrants at sea (and related activities)[14]	**88**
Providing humanitarian assistance (food, water and/or clothing) to migrants[15]	**21**
Civil disobedience actions (protests and political activism)[16]	**17**
Providing shelter to migrants[17]	**3**
Preventing an escalation on a boat in distress[18]	**3**
Helping someone crossing borders irregularly[19]	**1**
Other actions[20]	**9**
Total number of people criminalised for solidarity with migrants	**142**

Cases targeting solidarity with migrants at sea[21] and on land[22]



Case studies

Poland: Humanitarian aid prosecuted as crime because it constituted 'personal gain' for migrants

Five individuals providing humanitarian aid at the Poland-Belarus border are facing severe criminal charges, with potential sentences of up to five years in prison. These charges stem from accusations of organising irregular border crossings and providing support to migrants, including transporting them a short distance within Polish territory.

Despite Polish law requiring facilitation of irregular entry to be carried out for financial or personal gain to be considered a crime, the public prosecutor argues that the mere fact that migrants receive assistance is enough to criminalise those providing assistance.[23]

Bulgaria: Activists targeted and migrants left to die at Bulgaria's borders

In Bulgaria, authorities have increasingly targeted activists providing assistance to migrants. Seven international volunteers were arrested in October after helping people in distress in Bulgaria's forests on the border with Turkey.[24] Activists were held in dire conditions and were forced to sign documents in Bulgarian regarding their arrest and detention without receiving any translation. Four volunteers were later arrested, interrogated, and threatened while assisting stranded migrants.[25]

It was reported that the police frequently obstructed rescue efforts and intimidated volunteers. In one tragic case, despite repeated emergency calls and precise GPS coordinates, border police did not intervene but blocked rescue teams' access, delaying lifesaving aid to three Egyptian children, who froze to death. Their bodies were found by the activists the following days. Even in these circumstances, the activists were harassed by border guards, detained in the cold and even asked to move the bodies themselves.[26]

While no formal charges were eventually filed against the activists who have been arrested, these incidents reflect a broader pattern of repression against those providing aid at the borders.

Reclaiming solidarity: The *J'accuse* campaign

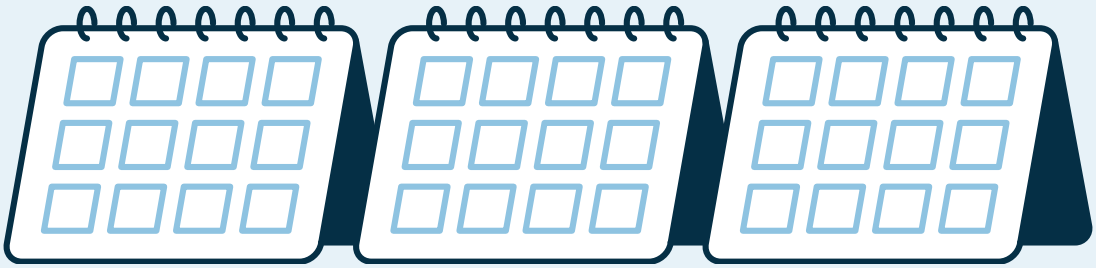
In March 2024, seven Basque activists escorted 36 migrants across the border between Irun (Spain) and Hendaye (France) during the Korrika race in a coordinated act of civil disobedience. As a result, they were charged with aiding and abetting the entry and stay of individuals with irregular status. Their court date was set for 28 January 2025. However, public outrage led to the *J'accuse* campaign, in which more than 3,000 people signed a petition declaring themselves 'guilty' of solidarity.[27] The trial hearing was eventually posptoned to 7 October 2025.

Many human rights defenders are acquitted but face long and distressing proceedings

Most human rights defenders' trials last for several years. Of the 142 human rights defenders criminalised in 2024, 83%[28] were in proceedings which had continued from previous years.[29] **The average length of the proceedings recorded by our media monitoring is three years**. In one case that resulted in an acquittal in 2024, a woman faced nearly ten years of legal proceedings after being criminalised in 2014 for purchasing train tickets for a group of Syrian refugees.[30]

Average length of proceedings:

3 YEARS



Case studies

Italy: After seven years, court drops case against search and rescue workers

After seven years, one of the most prominent cases against search and rescue workers has been closed. Several humanitarian workers from Jugend Rettet, Save the Children, and Médecins Sans Frontières, accused by the Trapani prosecutor of "aiding irregular immigration" and "collaborating with human traffickers" during Mediterranean rescue operations, have been acquitted. On 19 April 2024, the judge ruled that all the allegations were unfounded.[31] The prosecution also requested the return of the ship of the German NGO Jugend Rettet, seized in 2017, which is now irreparably damaged and forced the NGO to halt its operations. In its statement, the prosecution admitted the main witnesses lacked credibility and found no evidence of wrongdoing by the defendants.

Malta: Terrorism trial against teenagers acting as mediators continues

In 2019, teenagers Abdalla, Amara, and Kader fled Libya on a rubber boat and were rescued by the El Hiblu tanker after it capsized. The ship was initially ordered to return to Libya but changed course to Malta after migrants protested. No one was harmed or property damaged. Upon arrival, despite explaining that they only acted as mediators between migrants and the crew, the three were accused of "acts of terrorism".[32] After five years of continuous postponements, in May 2024, the Maltese court confirmed jurisdiction over the case, which will now be tried in criminal court.[33]

PICUM's media monitoring consistently reveals that most trials against human rights defenders are unfounded and often lead to acquittals.[34] This highlights the ongoing disproportionate impact of criminalisation and chilling effect on solidarity efforts.

In 2024, court proceedings concluded for 43 of the 142 individuals criminalised. Among them, 41 people were acquitted or had their charged dropped while only 2 individuals were convicted. One of them received a suspended sentence (see text box on page 11). At the end of the monitoring period (December 2024), 99 individuals still had ongoing criminalisation cases.

Case study

Former French mayor tried for aiding an undocumented migrant while he tried to regularise his situation

Henri Stoll, former mayor of the French town of Kaysersberg, faced trial for solidarity towards Armand N'dountsop, who lived there for almost ten years in an irregular situation while trying to regularise his situation. The charges against Stoll included offering an apartment where the man could live for one month, loaning his car, and helping him with some money when he lost his job. After trial, Henri Stoll was judged guilty but dispensed from serving his sentence.

Jean-Joseph Ancel, a restaurant owner who also tried to help the man regularise by offering him a job and hiring him in his restaurant, was acquitted due to a statute of limitations.

N'dountsop himself was put on trial for allegedly arranging a fraudulent marriage with a French woman — despite the fact that the couple has a daughter — in an attempt to gain residence status. The accusations were ultimately proven unfounded.[35]

Criminalisation of people crossing borders irregularly is growing, yet underrepresented in the media

In 2024, our media monitoring found that at least **91 migrants**[36] **were criminalised on grounds of facilitation of irregular migration, smuggling and other charges**. Of these cases, 78 were ongoing cases, while 13 were initiated in 2024. But we know that this number is an undercount, as other organisations recorded many more cases in their own work (see below).

Criminal proceedings that are launched against migrants accused of being 'smugglers' are often absent from official data and less visible in the media. Therefore, data collected in this briefing is likely to underrepresent the reality. **However**, **compared to our 2023 media monitoring – which documented at least 76 migrants facing criminalisation – we identified 20% more cases.**

> The criminalisation of solidarity with migrants is deeply tied with the criminalisation of migration itself. These are not two separate issues, but should be considered in a continuum with restrictive migration policies that make border crossing unsafe and create a hostile environment against those who are considered to have entered in an irregular manner.[37]

Most of the individuals facing criminal charges (84%)[38] are accused of steering a boat or driving a vehicle across a border, or of allegedly assisting in managing passengers on board. The accusations fail to capture the underlying motivations behind these actions, which often include reuniting with family members, covering the cost of the passage, seeking livelihoods, and supporting others. In reality, these charges are often based on actions such as being a simple passenger, distributing food and water,[39] using a phone and a map while at sea,[40] or even helping others in difficult situations, such as on a boat at risk of capsizing.[41]

In other cases, individuals were criminalised for traveling irregularly and allegedly "facilitating" the entry of their own children or relatives.[42] Others faced charges for protesting the dire conditions in which they were detained in a closed centre.[43]

These findings only relate to cases PICUM has been able to monitor through its own media monitoring, but other civil society organisations have recorded many more cases in their work.

Despite the scarcity of official data, civil society organisations and activist groups play an essential role in bringing the phenomenon of criminalisation of migrants to light. Their findings paint a deeply concerning picture.

Within Italy only, the organisation ARCI Porco Rosso and borderline-europe are following the cases of **128 people criminalised for facilitation of irregular migration** after arriving by boat as of January 2024.[44] Two thirds of these people are in prison pending trial. The organisations also reported 106 arrests of individuals accused of 'smuggling' in 2024.[45]

In Greece, Aegean Boat Report's last analysis of the data provided by the Hellenic Coast Guard shows that **228 people were arrested under suspicion of being 'smugglers' in 2024**. This is more than a 50% rise as compared to the previous year.[46]

In the Canary Islands alone, more than 100 migrants are arrested each year on charges of boat driving. In 2023, 108 people were arrested in the Canary Islands, nearly a third of the total arrests that took place in the entire country.[47] As of 27 September 2024, in the province of Las Palmas alone, 75 people were arrested, 71 of whom were directly placed in pretrial detention.[48]

Many cases slip under the radar. Despite the essential work of civil society organisations, lawyers, and grassroots groups, hundreds of individuals continue to face arrest and trial without proper support or legal assistance.

Case studies

Italy: Arrest of two Iranian women marked by violence and irregularities

Maysoon Majidi, a 28-year-old Kurdish-Iranian activist, fled persecution, while Marjan Jamali escaped domestic violence in Iran with her 8-year-old son. After arriving to Italy by boat in December 2023, they were accused of smuggling and imprisoned – simply for sharing food and water with fellow travellers on board. Jamali was separated from her son for eight months before being placed under house arrest. Majidi spent ten months in prison, enduring a hunger strike in protest of the irregularities in her trial before being acquitted in February 2025.[49] Their cases sparked widespread public support, with protesters highlighting the hypocrisy of European governments that once championed the Woman, Life, Freedom movement in Iran while criminalising those who embody its spirit.[50]

Spain: Two children released from prison, but still at risk of prosecution

On December 16, 2023, a small boat arrived on the shores of Gran Canaria. Among its passengers were two Senegalese boys who, upon reaching land, were arrested as alleged boat drivers and imprisoned – despite being registered as children by the Red Cross. A.G. spent two months behind bars, while B.C.'s case required United Nations intervention.[51]

On March 12, the UN Committee on the Rights of the Child ordered Spain to recognise his minor age and prevent his imprisonment with adults. The Spanish court also recognised that their pre-trial detention violated the best interests of the child and the right to be heard. The court also highlighted that the accusations may be based on invalid evidence, but proceeding against them are still ongoing.[52]

Innocent people continue to serve prison sentence over smuggling charges

Among the cases of alleged boat drivers that concluded in 2024, seventeen people were convicted at first instance or in appellate proceedings. **However, fifteen of them are in the process of further appealing the decision.**[53]

The number of people who received an acquittal (44)[54] **is much higher.** Strikingly, all defendants were acquitted after spending long periods in prison. In Italy, S. Mohammad, a Syrian boy who fled Aleppo, was falsely accused of being a people smuggler. His initial sentence was overturned after he was unjustly imprisoned for almost two years. The same court also acquitted another man who had been detained for almost three years. In both cases, the prosecution case fell apart due to lack of evidence.[55]

Overall, pre-trial detention was used in two thirds of the cases (61) involving people crossing borders monitored by PICUM in 2024.[56] This is a striking difference with criminalisation of solidarity, where pre-trial detention was used only in a handful of the cases which were ongoing in 2024.[57] Non-nationals also frequently encounter prolonged pre-trial detention due to challenges in accessing alternative measures such as bail or house arrest.[58]

In addition to the time spent in prison, **these accusations and the time spent fighting to prove their innocence have a broad impact on people's lives, including on their ability to ask for asylum or secure a residence permit.** Iraqi asylum seeker A.B. had his asylum case suspended for almost five years due to multiple postponements of his trial, which went on despite video evidence showing he was not steering the boat.[59] Iranian asylum seeker Homayoun Sabetara was also accused of being a smuggler for driving a car to join his daughter in Germany. He has been on trial since his arrest in 2021 and held in pre-trial detention for over three years. His asylum case cannot move forward until the trial is over.[60]

Case studies

Greece and Italy: Shipwreck survivors prosecuted as smugglers

Hundreds of people lost their lives in two major shipwrecks that occurred in Cutro, Italy (February 2023) and Pylos, Greece (June 2023). In both cases, there are ongoing investigations on the lack of action of the Italian and Greek coastguards that failed to provide timely assistance to the two boats.[61] Yet this did not stop the prosecution of some of the shipwreck survivors as alleged 'smugglers'.

In Italy, six people who were on board the ship that sank off Cutro were prosecuted on charges of causing a shipwreck, facilitating irregular migration and causing death as an outcome of other criminal offences.[62] Three received sentences between 11 and 16 years of imprisonment on charges of aiding and abetting illegal immigration and, as a consequence, causing the passengers' deaths. They claim that they were simple passengers and their trials on the shipwreck were tainted by doubts on the testimonies collected by the prosecution right after the shipwreck, and by poor translation.[63]

Two other, Mohamed A., Syrian, and Gun U., a Turkish man, were sentenced to 20 years of imprisonment after a fast-track trial.[64] Considering that a fast-track trial ensures a one third reduction, they have been given an extremely high sentence, comparable to what the Italian Penal Code foresees for voluntary manslaughter. Gun U., who claims he accepted to help with mechanical tasks onboard to get a reduction on his passage fee, was also condemned to pay a 3 million euros fine. His lawyer said that he was scapegoated by the Italian authorities especially given that the responsibilities of the Italian Coastguard have not yet been ascertained.[65]

In Greece, nine Egyptian migrants (the so-called 'Pylos 9') were arrested after surviving the tragic shipwreck of the Adriana boat in Pylos. The trial was delayed until May 2024 – eleven months after the shipwreck – when the court declared itself incompetent to adjudicate the charges (and in parallel, also acquitted the defendants). Journalistic investigation reveals that Egyptian authorities informed the Greek authorities that the nine survivors of the Pylos shipwreck were not members of the smuggling network, but passengers of the boat.[66] Therefore, a trial that kept nine persons behind bars for almost a year, and that entailed important material and emotional costs for the defendants, could have been avoided.[67]

In line with its findings from the previous year, PICUM's 2024 media monitoring also highlights numerous cases of individuals accused based on flawed evidence and tainted by procedural irregularities.

Media articles, trial monitoring, and civil society reports continue to highlight the 'routine criminalisation' of individuals – especially after disembarkation – as well as violations of fair trial standards for those accused of smuggling after crossing borders.[68]

Boat drivers are often identified on the basis of faulty evidence or unreliable testimonies. Convictions are often issued after procedures characterised by lack of fair trial guarantees, such as lacking or inadequate access to legal aid and translation.[69]

Spotlight

In Canary Islands, migrants face unfair trials and plea bargains on 'boat driving' charges

The Patrones Project, comprising lawyers and activists, aims to support the accused and to make visible the situation of migrants criminalised as "boat drivers" in the Canary Islands. A study by lawyer Daniel Arencibia comprehensively analyses sentences in cases of alleged boat captains in Spain, showing many irregularities in arrest practices, evidence gathering and judicial proceedings.[70]

Judicial proceedings often fail to comply with fundamental fair trial guarantees. In the first 72 hours after the boat's arrival, the authorities interrogate passengers to identify the person driving the boat. Those who agree to testify can become protected witnesses and can be offered residence and work permits in exchange for their testimony. These protected testimonies are often the only evidence against the accused.

Most of the cases are decided through a plea agreement. Prosecution offers a plea bargain for a reduced sentence of three years imprisonment, in exchange for a guilty plea. In case the defendants want to defend their innocence at trial, the prosecution usually asks for eight years imprisonment.

Faced with harsh sentences and limited access to legal assistance, most accused migrants accept guilty pleas to avoid longer imprisonment. In the Canary Islands, of 287 sentences issued between 2018 and 2024, 266 resulted in convictions and, among those convicted, in 224 cases the defendants pleaded guilty.

More information about the project is available on this webpage:
https://captainsupport.net/blog/category/regions/spain/

Counter-smuggling legislation is the most used tool to criminalise acts of solidarity and crossing of borders

Charges of migrant smuggling or facilitation of entry, transit or stay (depending on how the crime is defined in the national legislation) were used to criminalise the majority of the people acting in solidarity (81%)[71] as well as of the migrants crossing EU borders (86%).[72]

In addition to charges for smuggling and facilitation, people also faced other charges and/or aggravating circumstances such as belonging to a criminal organisation,[73] espionage,[74] forgery,[75] acts of terrorism,[76] resisting a public officer,[77] false alarm,[78] death or manslaughter,[79] endangering the life of others,[80] and causing a shipwreck.[81]

The actions that led to these very serious charges are explained in detail in the paragraphs above. Most of these cases also end up being deemed unfounded by courts and tribunals (see above). However, just to give an example of the disproportionate nature, both a 16-year old and a pensioner have been accused of being part of a criminal organisation, simply for being on a boat or for driving some young migrants to a reception centre.[82] Acts of terrorism are also contested to three teenagers who tried to prevent a pushback.[83]

This shows to what extent counter-smuggling policies have been based on misconceptions about what constitutes migrant smuggling, and end up harming rather than protecting, the rights of migrants and of people acting in solidarity.[84]

Criminalisation likely to increase with the revision of the EU's 'Facilitators' Package'

In November 2023, the European Commission published a proposal for a new Facilitation Directive.[85] The proposal for a new Facilitation Directive fails to adequately address the risk of criminalisation of migration and solidarity, while adding new, controversial grounds for criminalisation. The Council of the European Union published its position on the proposed reform in November 2024, also failing to introduce proper and binding safeguards.

The European Parliament is still to negotiate its position, but it commissioned a substitute Impact Assessment, which confirms the need to introduce a binding exemption for acts of solidarity and criminalisation of migrants. The assessment also calls for a shift in the entire framework, urging a focus on targeting organised criminal networks and profit-driven activities, rather than penalising actions carried out in good faith, including the provision of services.[86]

For a more detailed analysis of the proposal, see PICUM, 2024, How the New EU Facilitation Directive Furthers the Criminalisation of Migrants and Human Rights Defenders.

Human rights defenders and NGOs face several other forms of non-judicial harassment

Our media monitoring recorded several forms of administrative sanctions and non-judicial harassment across seven EU countries (Belgium, Bulgaria, Cyprus, France, Greece, Italy, Poland).[87] In these cases, based on the information available, no judicial proceedings were started against individuals or NGOs. However, they were subjected to other forms of intimidation, violence, and harassment. Actions against search and rescue NGOs are also not covered by this report (see dedicated text box on page 20).

It is difficult to determine the exact number of people and organisations involved in such cases, which are often tied to ongoing and widespread intimidation, violence, and harassment. These acts target individuals, civil society organisations, and activist groups solely because of their support for migrants. As an example of the size of the phenomenon in certain contexts, French NGO Utopia 56 denounced that its volunteers were checked more than 98 times during patrols at the French-British border between January and November 2024 and its vehicles were searched 59 times.[88] The systemic nature of the repression of solidarity with migrants in France has also been analysed in a report published by the Observatory of Associative Freedoms (Observatoire des libertés associatives).[89]

Non-judicial forms of harassment detected in 2024 included:

- surveillance of civil society and activists' activities,[90]
- stops and identification by police authorities,[91]
- failure of the authorities to protect civil society actors from threats and attacks by private or anonymous groups,[92]
- closure of a laundry and community space,[93]
- a raid on a volunteer's private home,[94]
- restrictions on access to certain locations and people of concern.[95]

Case studies

Italy: Spyware scandal targets NGO members and activists

A major spyware scandal has emerged in Italy, with several individuals linked to the search and rescue NGO Mediterranea Saving Humans, including co-founders Luca Casarini and Beppe Caccia, as well as ship chaplain Don Mattia Ferrari, reporting that they were spied on via WhatsApp.[96] Prominent activists, such as David Yambio, founder of Refugees in Libya, and Husam El Gomati, a critic of the Italy-Libya migration deal, were also targeted. The surveillance was carried out using software from Paragon Solutions, an Israeli company that provides surveillance tools to governments.[97] After it denied its involvement, it was confirmed that the Italian government ordered its secret services to spy on activists using the Paragon military software, as Mediterranea and its activists were considered "dangerous for national security".[98]

France: The repression of collective aid in Calais through urban planning law

A solidarity laundry and community space for people in transit in Calais became the target of repression by municipal authorities. Just weeks after opening, the organisation Collective Aid, who run this space, was pressured to shut it down under bureaucratic pretexts. Despite months of legal exchanges and attempts to comply with shifting demands, the association faced escalating threats, culminating in a closure order in March 2024. In July 2024, the court dismissed their appeal, citing the existence of other water access points in the area. With its space closed, Collective Aid struggles to maintain its work, losing vital connections with those it supports.[99]

Cyprus: One year after bombing attack against NGO KISA, still no progress in official investigation

In January 2024, the offices of human rights organisation KISA were targeted by a heinous bombing attack. This was the culmination of numerous threats, as well as acts of physical and verbal violence, harassment and smear campaigns against the organisation. Despite multiple calls from civil society and international human rights actors, no updates as to advances in the investigation into the bombing have been shared with the organisation, and perpetrators have not been brought to justice.[100]

Spotlight

Administrative actions and fines targeting search and rescue NGOs

While PICUM's monitoring does not cover cases of administrative actions and fines targeting search and rescue NGOs, there is dedicated monitoring covering this area both from search and rescue (SAR) actors[101] themselves and by the EU Agency for Fundamental Rights (FRA).

The FRA reports that between July 2023 and June 2024, 18 new cases were opened in Italy, involving fines between 2,000 and 10,000 euros and the temporary blocking of vessels in ports (usually for 20 days).[102] These cases stem from Italy's Decree No. 1/2023, converted into Law No. 15/2023, which imposes strict regulations on civil society SAR operations. The law requires SAR vessels to go to designated ports, often far from rescue areas, and mandates that vessels head to the assigned port immediately after each rescue, limiting their ability to assist other distressed groups in the following days.

According to the FRA, NGOs facing sanctions refused to comply with the designated ports or chose to rescue additional groups at sea. In seven cases, sanctions were allegedly imposed for not following instructions from the Libyan Coast Guard.

Endnotes

1 Arci Porco Rosso and borderline-europe, 6 March 2025, The Criminalization of Migrant Boat Drivers in Italy in 2024. Aegean Boat Report, 17 December 2024, Sharp increases in arrests of what Greek authorities call "Migrant Smugglers". Iridia and Novact, December 2024, Vulneración de Derechos Humanos en Canarias 2024

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3 PICUM, 2024, Cases of criminalisation of migration and solidarity in the EU in 2023; PICUM, 2023, More than 102 people criminalised for acting in solidarity with migrants in the EU in 2022; Gionco, M; Kanics, J., 2022, Resilience and Resistance in defiance of the criminalisation of solidarity across Europe.

4 In 2024, at least 91 migrants were criminalised on grounds of facilitation of irregular migration, smuggling and other charges. In 2023, PICUM documented at least 76 cases of migrants facing criminalization. PICUM, 2024, Cases of criminalisation of migration and solidarity in the EU in 2023.

5 Arci Porco Rosso and borderline-europe, 6 March 2025, The Criminalization of Migrant Boat Drivers in Italy in 2024; Aegean Boat Report, 17 December 2024, Sharp increases in arrests of what Greek authorities call "Migrant Smugglers"; Iridia and Novact, December 2024, Vulneración de Derechos Humanos en Canarias 2024.

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[13] Previous reports indicate that, between January and December 2023, at least 117 individuals faced criminal or administrative proceedings for acting in solidarity with migrants in the EU. In 2022, at least 102 people were criminalised in the EU. Additional reports cite at least 89 people criminalised between January 2021 and March 2022. Furthermore, 171 individuals faced charges of facilitation of irregular entry, transit or stay in 13 EU Member States between 2015 and 2019. PICUM, 2024, Cases of criminalisation of migration and solidarity in the EU in 2023; PICUM, 2023, More than 102 people criminalised for acting in solidarity with migrants in the EU in 2022; Gionco, M; Kanics, J., 2022, Resilience and Resistance in defiance of the criminalisation of solidarity across Europe; RESOMA, 2019, The Criminalisation of Solidarity in Europe.

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[15] Front Line Defenders, 17 September 2024, Ieva Raubiško, who is on trial for assisting asylum seekers, is facing a final hearing; LSM.lv, 30 October 2024, «Gribu palīdzēt bēgļiem» darbinieces Raubiško lietā atsāk tiesas izmeklēšanu; Helsinki Foundation for Human Rights, 21 September 2023, The case of an activist suspected of leading a criminal ring: a judge seconded by the Minister of Justice/Prosecutor General to hear the appeal against the pre-trial detention of the activist; Szpila, 2024, Five people who provide humanitarian aid at the poland-belarus border face serious criminal charges. Up to 5 years in prison! (Last access: 4 February 2025); Melting Pot Europe, 26 October 2024, Aumentano gli abusi e le violenze contro gli attivisti e le persone in movimento in Bulgaria; Szpila, Five people who provide humanitarian aid at the Poland-Belarus border face serious criminal charges. Up to 5 years in prison!; Il Post, 7 January 2025, Aiutare i migranti in Bulgaria è sempre più difficile; Rai News, 12 April 2024, Comprò biglietti del treno ai migranti, assolta Nawal Soufi; Helsinki Foundation for Human Rights, 21 October 2024, Uchylona decyzja o wydaleniu z Polski obywatelki UE niosącej pomoc humanitarną na granicy.

[16] Rapports de Force, 9 October 2024, "In the Basque Country, we don't hide from helping migrants": seven charged after a solidarity run; Szpila, 17 January 2024, Krosno Odrzańskie – 10 people with criminal charges.

[17] The Press project, 10 December 2024, Ingeborg Beugel: Journalist convicted for hosting a refugee; De Groene Amsterdammer, 11 December 2024, Criminalisering van hulp aan vluchtelingen; L'Alterpresse, 24 March 2024, A Colmar, un rassemblement devant le tribunal judiciaire en soutien à Armand N'dountsop, Jean Joseph Ancel et Henri Stoll, ex-maire de Kaysesberg ; FranceInfo, 15 March 2024, L'ancien maire de Kaysersberg reconnu coupable d'entrave à l'action de la police pour avoir aidé un sans-papier, mais dispensé de peine ; L'Humanité, 12 December 2024, Fernand Perret, la solidarité avec les migrants criminalisée.

[18] Times Malta, 3 February 2022, El Hiblu teens had 'calmed down' panicked fellow migrants, witnesses tell court; Free EL Hiblu 3, Court Proceedings and Indictments.

[19] Francebleu, 4 July 2024, Pays Basque : un passeur condamné pour avoir fait franchir une trentaine de fois la frontière à des migrants.

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[21] Media monitoring showed that 91 of the 142 human rights defenders were prosecuted for acts of solidarity at sea. Internazionale,19 April 2024, Tutti prosciolti gli operatori umanitari del caso Iuventa; Jurist news, 21 April 2024, Italy court dismisses long-running against migrant rescue ship crews; Il Post, 2 March 2024, Le indagini e il processo sulla nave Iuventa, dall'inizio; Civil MRCC, 28 March 2024, Sara Mardini – Sean Binder": A First Big Victory; Euronews, 31 January 2024, Greek court acquits aid workers who helped rescue migrants crossing in small boats; Deutsche Welle, 18 November 2021, Greece: Activists go on trial for helping migrants; TV 2, 6 June 2024, Hellas vil arrestere Tommy: – Vil true meg til stillhet; EUobserver, 7 June 2024, Greece issues arrest warrant for Norwegian helping refugees; Melting pot Europa, 15 February 2024, Processo contro Mediterranea. Emergono gravissime violazioni dei diritti di difesa; Times Malta, 3 February 2022, El Hiblu teens had 'calmed down' panicked fellow migrants, witnesses tell court; Free EL Hiblu 3, Court Proceedings and Indictments; Ekathimerini, 30 April 2024, Criminal charges dropped against 35 international aid workers.

[22] Media monitoring showed that at least 51 people were criminalised for carrying out acts of solidarity on land. Szpila, 17 January 2024, Krosno Odrzańskie – 10 people with criminal charges; Utopia, 3 December 2024, Utopia 56 visée par trois procédures judiciaires; L'Humanité, 12 December 2024, Fernand Perret, la solidarité avec les migrants criminalisée ; Directa, 13 December 2024, Tot el pes de la llei contra activistes i migrants: el delicte de desafiar l'Europa fortalesa; Il Post, 7 January 2025, Aiutare i migranti in Bulgaria è sempre più difficile; Rai News, 12 April 2024, Comprò biglietti del treno ai migranti, assolta Nawal Soufi; Libération, 20 March 2024, Arrestation Vallée de la Roya : le militant Cédric Herrou interpellé par les gendarmes; Helsinki Foundation for Human Rights, 21 October 2024, Uchylona decyzja o wydaleniu z Polski obywatelki UE niosącej pomoc humanitarną na granicy; Szpila, Five people who provide humanitarian aid at the Poland-Belarus border face serious criminal charges. Up to 5 years in prison!; Rapports de Force, 9 October 2024, "In the Basque Country, we don't hide from helping migrants": seven charged after a solidarity run; Melting Pot Europe, 26 October 2024, Aumentano gli abusi e le violenze contro gli attivisti e le persone in movimento in Bulgaria; Francebleu, 4 July 2024, Pays Basque : un passeur condamné pour avoir fait franchir une trentaine de fois la frontière à des migrants; The Press project, 10 December 2024, Ingeborg Beugel: Journalist convicted for hosting a refugee; De Groene Amsterdammer, 11 December 2024, Criminalisering van hulp aan vluchtelingen; Front Line Defenders, 17 September 2024, Ieva Raubiško, who is on trial for assisting asylum seekers, is facing a final hearing; LSM.lv, 30 October 2024, «Gribu palīdzēt bēgļiem» darbinieces Raubiško lietā atsāk tiesas izmeklēšanu; Helsinki Foundation of Human Rights, The case of an activist suspected of leading a criminal ring: a judge seconded by the Minister of Justice/Prosecutor General to hear the appeal against the pre-trial detention of the activist; Front Line Defenders, 14 October 2024, Human rights defender Doros Polykarpou on trial with possibility of imprisonment ; L'Alterpresse, 24 March 2024, A Colmar, un rassemblement devant le tribunal judiciaire en soutien à Armand N'dountsop, Jean Joseph Ancel et Henri Stoll, ex-maire de Kaysesberg ; FranceInfo, 15 March 2024, L'ancien maire de Kaysersberg reconnu coupable d'entrave à l'action de la police pour avoir aidé un sans-papier, mais dispensé de peine.

[23] Szpila, Five people who provide humanitarian aid at the Poland-Belarus border face serious criminal charges. Up to 5 years in prison!.

[24] Melting Pot Europe, 26 October 2024, Aumentano gli abusi e le violenze contro gli attivisti e le persone in movimento in Bulgaria.

[25] Il Post, 7 January 2025, Aiutare i migranti in Bulgaria è sempre più difficile.

[26] No Name Kitchen and Collettivo Rotte Balcaniche, January 2025 Frozen Lives. An investigation into how Bulgarian authorities put the lives of people on the move at risk of death.

[27] ARGIA, 29 January 2025, The trial of those accused of helping migrants cross the border in Corrika is postponed to October 7; Ici, 28 January 2025, Pays Basque : 200 personnes venues soutenir sept militants jugés au tribunal de Bayonne pour avoir aidé des migrants.

[28] The Press project, 10 December 2024, Ingeborg Beugel: Journalist convicted for hosting a refugee; De Groene Amsterdammer, 11 December 2024, Criminalisering van hulp aan vluchtelingen; Internazionale,19 April 2024, Tutti prosciolti gli operatori umanitari del caso Iuventa; Jurist news, 21 April 2024, Italy court dismisses long-running against migrant rescue ship crews; Il Post, 2 March 2024, Le indagini e il processo sulla nave Iuventa, dall'inizio; Civil MRCC, 28 March 2024, Sara Mardini – Sean Binder": A First Big Victory; Euronews, 31 January 2024, Greek court acquits aid workers who helped rescue migrants crossing in small boats; Deutsche Welle, 18 November 2021, Greece: Activists go on trial for helping migrants. Front Line Defenders, 17 September 2024, Ieva Raubiško, who is on trial for assisting asylum seekers, is facing a final hearing; Front Line Defenders, 17 September 2024, Ieva Raubiško, who is on trial for assisting asylum seekers, is facing a final hearing; LSM.lv, 30 October 2024, «Gribu palīdzēt bēgļiem» darbinieces Raubiško lietā atsāk tiesas izmeklēšanu; Helsinki Foundation for Human Rights, 21 September 2023, The case of an activist suspected of leading a criminal ring: a judge seconded by the Minister of Justice/Prosecutor General to hear the appeal against the pre-trial detention of the activist; Szpila, 2024, Five people who provide humanitarian aid at the poland-belarus border face serious criminal charges. Up to 5 years in prison! (Last access: 4 February 2025); Front Line Defenders, 14 October 2024, Human rights defender Doros Polykarpou on trial with possibility of imprisonment; L'Alterpresse, 24 March 2024, A Colmar, un rassemblement devant le tribunal judiciaire en soutien à Armand N'dountsop, Jean Joseph Ancel et Henri Stoll, ex-maire de Kaysesberg ; FranceInfo, 15 March 2024, L'ancien maire de Kaysersberg reconnu coupable d'entrave à l'action de la police pour avoir aidé un sans-papier, mais dispensé de peine ; Melting pot Europa, 15 February 2024, Processo contro Mediterranea. Emergono gravissime violazioni dei diritti di difesa; Francebleu, 4 July 2024, Pays Basque : un passeur condamné pour avoir fait franchir une trentaine de fois la frontière à des migrants ; Free EL Hiblu 3, Court Proceedings and Indictments; Szpila, Five people who provide humanitarian aid at the Poland-Belarus border face serious criminal charges. Up to 5 years in prison!; Utopia, 3 December 2024, Utopia 56 visée par trois procédures judiciaires; Szpila, 17 January 2024, Krosno Odrzańskie – 10 people with criminal charges; L'Humanité, 12 December 2024, Fernand Perret, la solidarité avec les migrants criminalisée; Directa, 13 December 2024, Tot el pes de la llei contra activistes i migrants: el delicte de desafiar l'Europa fortalesa; Rai News, 12 April 2024, Comprò biglietti del treno ai migranti, assolta Nawal Soufi; Helsinki Foundation for Human Rights, 21 October 2024, Uchylona decyzja o wydaleniu z Polski obywatelki UE niosącej pomoc humanitarną na granicy; Ekathimerini, 30 April 2024, Criminal charges dropped against 35 international aid workers.

[29] Twenty people (17%) faced legal or administrative proceedings for the first time in 2023. United Nations Special Rapporteur on Human Rights Defenders, Latvia: alleged undue use of criminal proceedings against human rights defenders Ieva Raubiško and Egils Grasmanis (joint communication) (8 May 2023); Helsinki Foundation of Human Rights, The case of an activist suspected of leading a criminal ring: a judge seconded by the Minister of Justice/Prosecutor General to hear the appeal against the pre-trial detention of the activist (21 September 2023); TGR, Caltanissetta, activists block the bus with migrants to be repatriated: 17 complaints (14 November 2023).

[30] Rai News, 12 April 2024, Comprò biglietti del treno ai migranti, assolta Nawal Soufi.

[31] Internazionale,19 April 2024, Tutti prosciolti gli operatori umanitari del caso Iuventa; Jurist news, 21 April 2024, Italy court dismisses long-running against migrant rescue ship crews; Il Post, 2 March 2024, Le indagini e il processo sulla nave Iuventa, dall'inizio.

[32] Times Malta, 3 February 2022, El Hiblu teens had 'calmed down' panicked fellow migrants, witnesses tell court; Free EL Hiblu 3, Court Proceedings and Indictments.

[33] Amnesty International, 22 January 2025, Malta: El Hiblu case 'everything wrong with migration policies in the central Mediterranean'.

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[81] Written communication with Legal Centre Lesvos (27 January 2025); La Repubblica, 29 January 2025, Ahmed, il minorenne che rischia 30 anni per aver attraversato il mare. L'accusa: "È un trafficante".

[82] Borderline Europe, 24 November 2024, Crete: 16-year-old faces 4670 years in prison for smuggling; L'Humanité, 12 December 2024, Fernand Perret, la solidarité avec les migrants criminalisée.

[83] Times Malta, 3 February 2022, El Hiblu teens had 'calmed down' panicked fellow migrants, witnesses tell court; Free EL Hiblu 3, Court Proceedings and Indictments.

[84] PICUM, 2022, Migrant Smuggling, why we need a paradigm shift.

[85] 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.

[86] European Parliament Research Service, March 2025, Commission proposal for a revised Facilitation Directive. Targeted substitute impact assessment.

[87] PICUM's media monitoring found at least fourteen cases of non-judicial harassment, targeting both individuals and NGOs. Naiz, 17 March 2024, La Policía española identifica a integrantes de las redes de acogida a migrantes en Irun; Statewatch, 14 February 2024, Civic space in Cyprus must be protected; EITB, 24 October 2024, El Consistorio prohíbe las cenas de Kaleko Afari Solidarioak en Egia para evitar "problemas de seguridad"; Cope, 22 July 2024, Vox veta la renovación de un convenio con Cepaim para mantener el pacto con el PP en Lorca; Cadena SER, 22 July 2024, El PSOE pide al PP de Lorca que rompa su pacto con Vox tras vetar un convenio de colaboración con Cepaim; Testimony shared at an event organised by PICUM, 11 December 2024; Utopia 56, 2 August 2024, Social media post on X.
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[97] The Guardian, 11 February 2025, Campaigner for migrants in Libya targeted in spyware attack.

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[100] PICUM, 13 February 2024, Over 40 organisations call on the Cypriot authorities to take action to stop the escalating harassment and attacks against KISA and protect civic space in Cyprus; UN Special Rapporteur on Human Rights Defenders, 7 May 2024 Cyprus: bombing of the offices of KISA and previous intimidation and attacks against the NGO and its staff (joint communication).

[101] See for example the website of the Civil Maritime Rescue Coordination Centre (CMRCC), a coordination and documentation platform for people in distress in the Central Mediterranean Sea: https://civilmrcc.eu/.

[102] European Union Agency for Fundamental Rights (FRA), July 2024, Search and rescue operations and fundamental rights - June 2024 update.

PICUM

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