

More than

100
people
criminalised

for acting in
solidarity with
migrants in
the EU in 2022

PICUM Briefing

This briefing highlights cases of criminalisation of solidarity with migrants in the EU in 2022. 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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SIGRID RAUSING TRUST



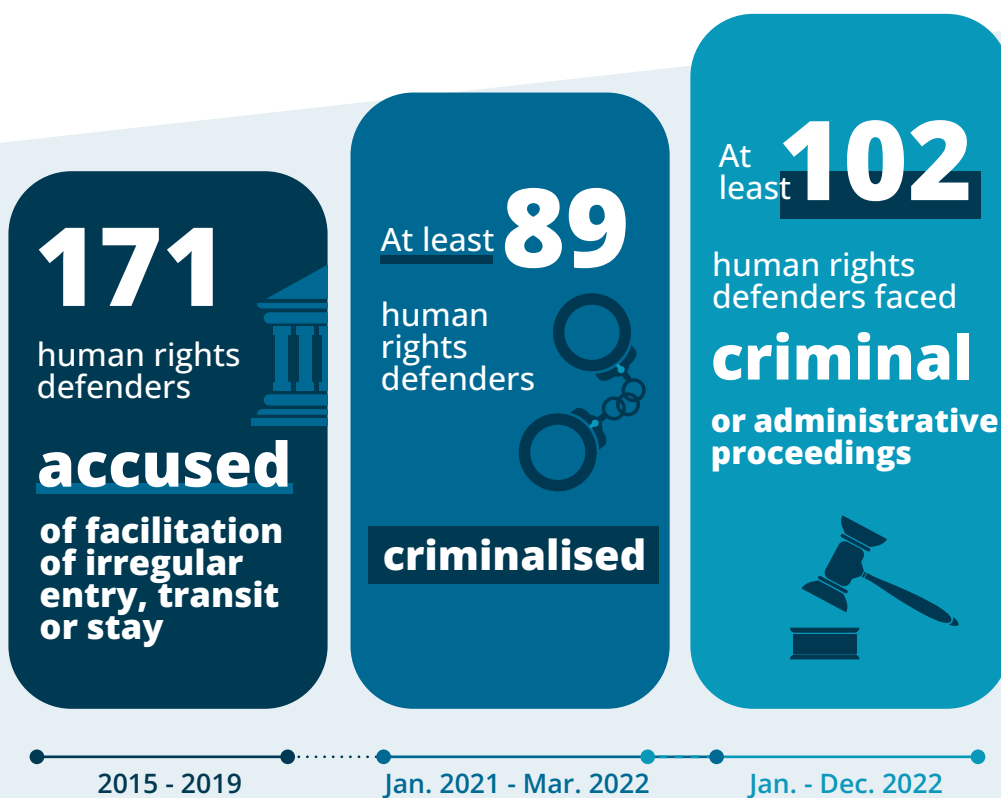
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Criminalisation of solidarity

Between January 2022 and December 2022, **at least 102 human rights defenders¹ faced criminal or administrative proceedings in the EU for acts of solidarity with migrants.** The figures stem from media monitoring of different national news conducted by PICUM and its network of volunteers over the past year.

These numbers illustrate a worrying trend in the EU. As demonstrated by previous reports, at least [89 people](#) were criminalised in the EU between January 2021 and March 2022, while [171](#) faced charges of facilitation of irregular entry, transit or stay in 13 EU Member States between 2015 and 2019.

These numbers are likely to underrepresent what is actually happening in the European Union. On the one hand, there is a widespread [absence of statistical and official data](#) concerning those who are being accused, charged or convicted for smuggling and related offences. On the other hand, many cases might not be covered by the media (for instance to protect people's private lives while they continue their human rights work). Many cases regarding criminalisation of human rights defenders who are migrants themselves are also less likely to be picked up by the media. In addition, other cases reported by the media might not have been detected by our alert system.



Source: ReSOMA (2020): [The criminalisation of solidarity in Europe](#)



Source: Gionco, M; Kanics, J. (2022): [Resilience and Resistance in defiance of the criminalisation of solidarity across Europe](#)



Source: PICUM (2023): [More than 100 people criminalised for acting in solidarity with migrants in the EU in 2022](#)

Criminalisation of migration

The root of the criminalisation of solidarity with migrants is the soaring criminalisation of migration itself. In 2022, migrants were criminalised for driving a boat which was capsizing², driving a car across an EU external border³, being on a boat that irregularly crossed a border⁴, turning on a mobile phone's GPS when lost at sea⁵, and resisting pushbacks at sea⁶. For these acts, they were charged with irregular entry, facilitation of irregular entry⁷, acting for profit, involuntary manslaughter⁸, causing an accident at sea, endangering the life of another (including of a child)⁹, violent resistance¹⁰, and membership of a criminal organisation¹¹.

Many of the cases collected by our media monitoring occurred in Greece, but cases were [reported](#) as well in Romania, the Netherlands and [Italy](#). In 2022, [Borderline-Europe](#) counted at least 264 migrants being arrested following their arrival by boat in Italy, and estimates the number to be around 350.

Of the 102 human rights defenders criminalised in 2022, **almost 3 out of 4 were facing proceedings which were ongoing from previous years¹² and for 9 out of 10, the trial is still ongoing.** In 2022, nine people received an acquittal decision. Even if they end in an acquittal, trials still have heavy consequences on human rights defenders' finances, personal life, and psychological wellbeing.

Trials often go on for years, because the state appeals first instance acquittal decisions. For six of the nine people acquitted in 2022, the judicial proceedings lasted for at least five years¹³; for two of the nine, they lasted for more than two years¹⁴; and only for one person was the length of the proceedings less than a month¹⁵.

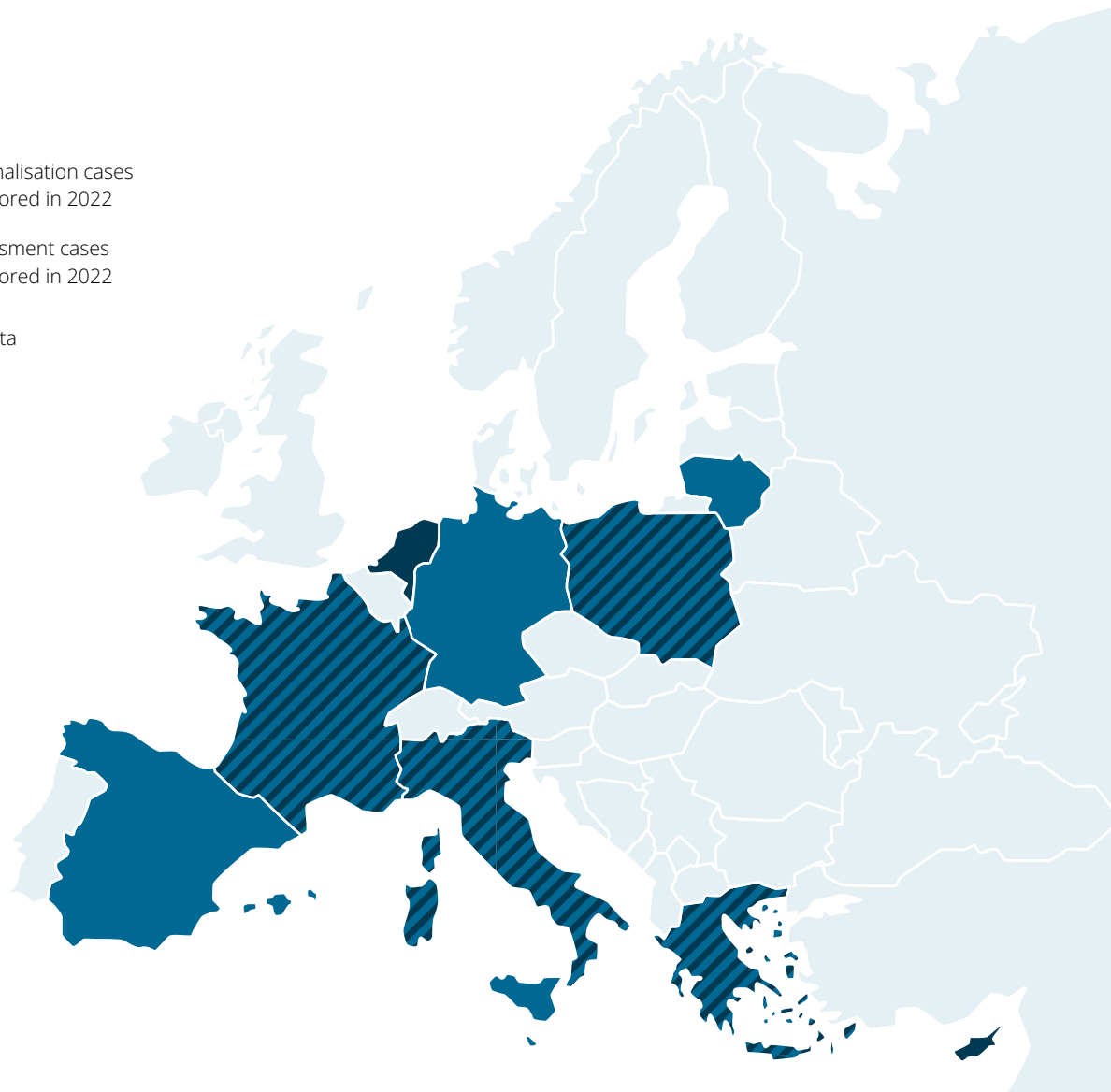


For **6 out of 9 people**
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5 YEARS

Eighteen of the 102 people faced new charges in 2022¹⁶, while the legal proceedings of eleven people closed in 2022¹⁷. Among the cases covered by our media review, no one was convicted, which demonstrates how these trials are politically motivated, but judicially unfounded. However, two people received a decision to leave the territory¹⁸. Nine people were acquitted¹⁹.

Criminalisation is an EU-wide phenomenon, with 48 cases reported in Italy²⁰, 35 cases in Greece²¹, twelve in Poland²², and a total of seven cases reported in Malta²³, France²⁴, Germany²⁵, Spain²⁶ and Lithuania²⁷. As mentioned above, our media monitoring is not comprehensive, and cases from other countries may have been undetected.

People have been criminalised for actions including offering assistance with an asylum application²⁸; driving migrants by car or assisting them during a train ride²⁹; buying or providing money to buy public transport tickets to migrants³⁰; providing food, water and/or shelter to migrants³¹; occupying abandoned buildings to shelter migrants³²; rescuing or helping migrants in distress at sea³³; helping migrants to disembark safely³⁴; being on a boat or helping others in need on a boat³⁵; helping migrants who had been pushed back to cross the border again³⁶; photographing coast guard vessels³⁷; and anti-racist, pro-migrant activism³⁸.



Half of all 102 human rights defenders were criminalised for acts of solidarity on land³⁹, and half for carrying out acts of solidarity at sea⁴⁰.

Three out of four human rights defenders were charged with facilitation of entry, transit or stay or migrant smuggling⁴¹ (depending on how the crime is defined in the national legislation). A third of those charged with facilitation also faced other charges, including money laundering, membership of a criminal organisation⁴², espionage⁴³, conspiracy, abuse of office, fraud, extortion, embezzlement⁴⁴, and obstructing investigations by authorities⁴⁵.

Other charges used to criminalise human rights defenders include: acts of terrorism⁴⁶; use of violence⁴⁷; unlawfully and forcibly removing a person to another country⁴⁸; causing another person to fear that violence will be used against them or their property⁴⁹; arrest, detention or confinement of a person against their will⁵⁰; disturbing the peace⁵¹; radicalisation and being a threat to national security⁵²; breach of domicile⁵³ and irregular stay⁵⁴.

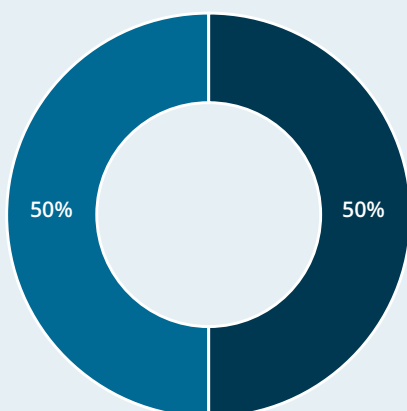
Besides judicial proceedings, human rights defenders and NGOs face several other forms of harassment.

Our media monitoring recorded at least eleven different cases of non-judicial harassment, in addition to the 102 cases mentioned above, concerning at least four people⁵⁵ and fifteen NGOs⁵⁶.

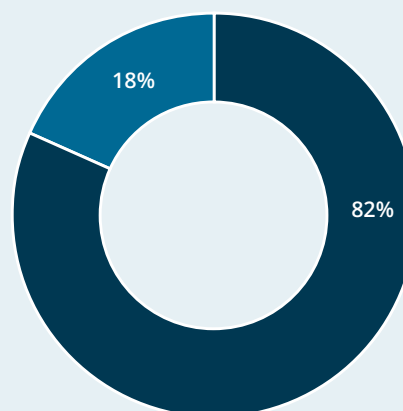
One third of the cases concerned police harassment⁵⁷, while another third regarded restriction and entry difficulties⁵⁸, followed by confiscation of material⁵⁹, administrative fines⁶⁰, threats by right-wing private groups⁶¹, defamation⁶², and arrest⁶³. These cases took place in Poland (3)⁶⁴, Greece (3)⁶⁵, France (2)⁶⁶, Italy (1)⁶⁷, Cyprus (1)⁶⁸, and the Netherlands (1)⁶⁹.

Nine of the eleven cases of harassment took place in retaliation to acts of solidarity on land⁷⁰, and two of the eleven cases of harassment were targeted at search and rescue activities at sea⁷¹.

Cases of criminalisation of human rights defenders in 2022



Cases of non-judicial harassment in 2022



On land At sea

Case studies

France: Young British volunteer in Calais

A 22-year-old British citizen supporting migrants in Calais had not been able to receive a letter from the authorities at his official address, as he was residing in a squat building. For this reason, authorities revoked his residence permit, issued him an order to leave the territory and banned the volunteer from entering France for one year. Police arrested and detained him for 15 hours, after which he left France voluntarily⁷².

Spain: Mohamed Said Badaoui, anti-racism activist

Mohamed Said Badaoui, a long-term anti-racism activist, was arrested by Spanish police when submitting an application for Spanish nationality. His permanent residence permit was revoked. Although having lived in Spain for over 30 years, he received an order to leave the territory. Authorities claimed his alleged 'radicalisation' constitutes a threat to national security⁷³.

Germany: Julia Seelmann, Franciscan nun

In 2019 and 2020, Julia Seelmann, a nun from Germany, sheltered two Nigerian women in her church. This gave them some protection from being deported, by applying the long-standing practice of "church asylum" in Germany and providing them with social support and accommodation⁷⁴. The two women had fled sexual exploitation in Italy. In 2021, the nun was accused of facilitation of irregular stay and ordered to pay a €500 'warning fine' by a regional court⁷⁵. After appealing the court's decision, she was eventually acquitted more than a year later⁷⁶.

Malta: The "El Hiblu 3"

In 2019, 15, 16 and 19-year-old Abdalla, Amara and Kader fled Libya on a rubber boat. The 'El Hiblu' ship rescued the boys and the other migrants when their boat capsized. The tanker had been instructed to return to the Libyan coast, yet eventually headed to Malta after the migrants protested this decision. No one was hurt and nothing was damaged during the protest. Upon docking in Malta, the three boys were arrested and detained for seven months⁷⁷. They were accused of hijacking the vessel, which is considered as a terrorist act under Maltese law and punishable with 30 years in prison⁷⁸. Abdalla, Amara and Kader say they merely tried to mediate amongst the other migrants and the ship's crew, as they spoke some English and French. Due to numerous postponements by the court, their case has been ongoing for over three years⁷⁹.

France: Ban on Calais aid organisations' food distributions

In September 2020, an order banning non-state mandated food distributions was issued by local authorities in Calais, France. The order has been renewed almost every month for two years⁸⁰. Authorities argued the ban had been put into place to put an end to disturbances to public order, occurring due to food distributions to migrants living in dire conditions in the area⁸¹. Although migrant aid organizations continued to organize food distributions, their capacity to do so was limited because of the regular harassment at the hands of riot police. Volunteers were systematically prevented from accessing distribution sites, checked for their identity, and issued administrative fines⁸². After a group of these aid organizations challenged the legality of the order, this was finally deemed "disproportionate to the pursued aims"⁸³ by an administrative court in October 2022. Aid organisations can now refer to this jurisprudence to invoke a rapid suspension, if the order were to be renewed again⁸⁴.

Italy: Four Eritrean refugees

Four Eritreans were accused of “aiding and abetting illegal immigration” for helping other Eritreans, including some of their relatives, to move around Italy and other countries in 2016. After having spent one and a half year in pre-trial detention, all four were finally acquitted by the Italian Supreme Court in May 2022⁸⁵.

Italy: Don Mosè Zerai (priest, founder of organisation Habeshia)

Don Mosè Zerai, an Eritrean priest who was nominated for the Nobel Peace Prize in 2015 and the founder of the NGO Habeshia, which provides telephone assistance to migrants in distress at sea and contacts the authorities to initiate rescue activities, was registered as one of the suspects in the investigation into the German NGO ‘Jugend Rettet’ and was accused of “aiding and abetting illegal immigration”. After five years of investigations, the charges against Don Mosè Zerai were finally dropped in 2022⁸⁶.

Poland: Doctor faces charges of “disturbing the peace” for helping a patient apply for asylum

Paulina Bownik, a doctor, has been removed from a hospital after trying to give a paper to seek asylum to a patient in the Polish city of Bialystok, close to the Belarusian border. The doctor, who has been providing medical assistance to migrants attempting to cross the Polish border, has been informed by the police that she will be charged for ‘disturbing the peace’⁸⁷.

Italy: Baobab President, Andrea Costa

The president of the migrants’ rights association Baobab Experience, Andrea Costa, has been on trial for “aiding and abetting illegal immigration”. The charges was based on the fact that Andrea Costa and a number of Baobab volunteers had offered eight Sudanese and a Chadian citizen support to buy train and bus tickets from Rome, to reach the Red Cross camp in Ventimiglia. The prosecution against Andrea started in 2016, and charges were finally dropped in April 2022⁸⁸.

Greece: Four people prosecuted for ‘guiding’ undocumented people on a train

Thessaloniki police officers arrested four people for guiding and accompanying people without documents to board a train to the Greek territory of Kilkis⁸⁹.

Further readings

PICUM (2022): [Migrant smuggling: Why we need a paradigm shift](#)

PICUM (2021): [Help is no crime: Are EU policies moving in the right direction?](#)

Gionco, M; Kanics, J. (2022): [Resilience and Resistance in defiance of the criminalisation of solidarity across Europe](#)

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