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On 21 November 2020, the CPME Board adopted the 'CPME Statement on criminalisation of acts of solidarity' (CPME 2020/093 FINAL).

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### **CPME Statement on criminalisation of acts of solidarity**

*The Standing Committee of European Doctors (CPME) represents national medical associations across Europe. We are committed to contributing the medical profession's point of view to EU and European policy-making through pro-active cooperation on a wide range of health and healthcare related issues<sup>1</sup>.*

The recent months have seen an increasing number of attempts by governments and other parties to criminalise acts of solidarity. This has been especially acute with regard to humanitarian aid provided to refugees and other migrants arriving in the European Union, but can also be seen internal conflicts for example in Turkey. CPME condemns any political or judicial action which undermines medical ethics and patients' fundamental right to health. There must be legal certainty to ensure the provision of medical care and other humanitarian assistance cannot be criminalised.

- Physicians have the duty to help those in need of medical treatment in accordance with the need. Not doing so is unethical for members of the medical profession and would be in complete opposition to their professional obligations.
- The duty to treat applies without any discrimination of patients regarding age, disease, disability, creed, ethnic origin, gender, nationality, political affiliation, race, sexual orientation, social standing or any other factor.
- The provision of help to those in need of medical care is a characteristic of professional autonomy: decisions as regards treatment are intrinsic to the patient-doctor relationship and no interference is acceptable.
- The criminalisation of medical care provided by physicians that is in line with ethical rules and professional norms is therefore not acceptable and it must be rejected. Political and judicial systems may not criminalise the provision of medical care in accordance with patients' needs.
- Within the European Union, the Facilitation Directive 2002/90/EC<sup>2</sup>, especially Article 1, paragraph 2, should be reviewed so as to make it mandatory for Member States to exempt humanitarian assistance. It would also improve legal certainty to clarify what constitutes humanitarian assistance, and acknowledge complementary rights, e.g. to medical confidentiality.

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<sup>1</sup>CPME is registered in the Transparency Register with the ID number 9276943405-41.

More information about CPME's activities can be found under [www.cpme.eu](http://www.cpme.eu)

<sup>2</sup> [Facilitation Directive 2002/90/EC](#)



In support of this statement, CPME also refers to the World Medical Association Resolution on Criminalisation of Medical Practice<sup>3</sup> and the WMA Statement on Medical Care for Refugees, including Asylum Seekers, Refused Asylum Seekers and Undocumented Migrants, and Internally Displaced Persons<sup>4</sup>.

Additional references:

- [Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence \(Facilitation Directive\)](#), 28 November 2002
- [Commission Guidance on the implementation of EU rules on definition and prevention of the facilitation of unauthorised entry, transit and residence](#), 23 September 2020
- [Joint Statement: The EU must stop the criminalisation of solidarity with migrants and refugees](#), 26 July 2019
- [European Parliament study 'Fit for purpose? The Facilitation Directive and the criminalisation of humanitarian assistance to irregular migrants: 2018 Update'](#), 2018
- [Amnesty International report on 'Punishing compassion: solidarity on trial in Fortress Europe'](#), 2020

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<sup>3</sup> [World Medical Association Resolution on Criminalisation of Medical Practice](#), 2013

<sup>4</sup> [WMA Statement on Medical Care for Refugees, including Asylum Seekers, Refused Asylum Seekers and Undocumented Migrants, and Internally Displaced Persons](#), 2010