

Criminalization of Humanitarian Aid to Refugees: A Blatant Undermining of Human Rights at the Border

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I. Introduction

The supply of food, shelter, and transportation to asylum seekers has long been deemed essential humanitarian aid. Now, states inhabiting major conflict zones are attempting to reframe these basic actions as illegally facilitating immigration. Article 6(1) of ICCPR states that “every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”² and Article 3 of the UDHR affirms that “everyone has the right to life, liberty and security of person.”³ These statutes set legally and internationally recognized obligations to protect the lives of migrants in life threatening conditions; not only that, but intentional steps need to be taken to protect migrants. Still, vulnerable populations have faced the implications of the government terminating humanitarian aid. In recent years, the U.S. enforced criminal charges against No More Deaths volunteers in the U.S.-Mexico Border,⁴ Greece filed charges against two workers in Emergency

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² United Nations Office of the High Commissioner for Human Rights, *International Covenant on Civil and Political Rights*

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

³ United Nations, *International Covenant on Civil and Political Rights*.

⁴ Chris Zepeda-Millán, *Criminalizing Humanitarian Aid at the U.S.-Mexico Border*, UCLA Latino Policy & Politics Institute, September 9, 2020,

<https://latino.ucla.edu/research/criminalizing-humanitarian-aid-at-the-u-s-mexico-border/>

Response Centre International (ERCI),⁵ and Israel has passed a law calling for a ban on UNRWA humanitarian aid, to name a few.⁶ By attempting to ban relief assistance, sovereign powers assert an all-knowing dominance over IHL without having the authority to do so. This article argues that the criminalization of humanitarian aid represents a significant overreach of state authority, undermining international human rights protections and deteriorating the fundamental principles of humanitarianism.

II. Background: Legal Standards and Humanitarian Assistance

The international human rights law (IHRL) are legally binding standards that protect individuals fundamental rights during peacetime and war.⁷ Within the IHRL, there are two instruments: the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR). These documents are foundational in international human rights law, laying the foundations for protecting individuals.

The ICCPR, legally enacted by the UN General Assembly in 1966, lists a number of civil and political rights that governments are bound to abide by.⁸ The most important of the ICCPR remains Article 6(1), which states: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."⁹ States not only have obligations to avoid inflicting harm on migrants, such as unnecessary physical force and

⁵ Helena Smith, "Greek Court Drops Spying Charges Against Refugee Rescue Activists," *The Guardian*, January 13, 2023, <https://www.theguardian.com/world/2023/jan/13/greek-court-drops-spying-charges-against-activist-migrant-rescue-team>

⁶ Amnesty International, "Israel/OPT: Law to Ban UNRWA Amounts to Criminalization of Humanitarian Aid," October 29, 2024, <https://www.amnesty.org/en/latest/news/2024/10/israel-opt-law-to-ban-unrwa-amounts-to-criminalization-of-humanitarian-aid/>

⁷ International Committee of the Red Cross, *International Humanitarian Law and International Human Rights Law: Similarities and Differences*, Advisory Service on International Humanitarian Law, 2003, <https://www.icrc.org/en/download/file/1402/ihl-and-ihrl.pdf>

⁸ United Nations, *International Covenant on Civil and Political Rights*.

⁹ United Nations, *International Covenant on Civil and Political Rights*.

creating environments that do not result in preventable deaths, but also to actively protect migrant lives. Positive efforts to protect include providing water, food, and shelter. States by law cannot criminalize refugee assistance, as it is a violation of their duty to proactively protect them under the ICCPR.

The UDHR is a declaration of international human rights that emerged in 1948 as a response to the horrors that occurred during World War II, specifically displacement, violations of human dignity, and the Holocaust.¹⁰ The UDHR added additional facets to the protection of humanitarian aid, working as the first global document to acknowledge the rights of *all* peoples.¹¹ The framework is not legally binding as the ICCPR is, but still holds enormous power and influence at the national and international level. Article 3 of the UDHR states: “Everyone has the right to life, liberty and security of person.”¹² The article emphasizes the importance of the protection of human life, regardless of nationality or citizenship status.

The ICCPR and UDHR of the international human rights law function together to defend aid assistance done to protect refugee lives. Not only is migrant assistance ethical and legal, but *obligated* under international law. The attempt of states to prosecute these individuals vehemently violates their commitment to international human rights, undermining the importance of protecting the vulnerable, including at the borders. The existence of said legal frameworks fuels the tension between states enforcing punitive measures against the supply of humanitarian aid and clear international obligations to protect refugees.

III. Rise of Criminalization

¹⁰ United Nations General Assembly, *Universal Declaration of Human Rights*, Resolution 217 A (III), December 10, 1948,

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹¹ United Nations, *Universal Declaration of Human Rights*.

¹² United Nations, *Universal Declaration of Human Rights*.

Illegalizing humanitarian aid in Europe and North America is a phenomenon that has been on the rise since the 2010s, coinciding with crackdowns on immigration and border security.¹³ The causes of criminalization can be attributed to several factors, including the evolution of the political climate, stress on border security, and expansions of the law.¹⁴

The political climate in recent years has called for an increase in anti-immigrant rhetoric and nationalist sentiment.¹⁵ These attitudes are apparent in politicians in certain states, who exploit public apprehension on immigration to gain mass support, especially during economic uncertainty or general unrest.¹⁶ Politicians emphasize many areas of concern to the public to drive the anti-immigration sentiment. Anti-immigration claims include its threat to a nation's culture (language, traditions, identity, etc.), the "taking away" of jobs from native citizens, economic strain, and reduced accessibility of public services (healthcare, education, welfare programs), amongst other factors.¹⁷ With anti-immigration rhetoric being on the rise, asylum seekers have been painted as a direct threat to sovereignty, therefore justifying harsh government actions against workers and volunteers.

Nationalist parties and leaders can establish negative public opinion by depicting immigration as a threat, then consequently portraying humanitarian

¹³ Alessandro Reggio and Susan Fratzke, "Pushback to the Resistance: Criminalization of Humanitarian Actors Aiding Migrants Rises," *Migration Policy Institute*, December 17, 2018,

<https://www.migrationpolicy.org/article/top-10-2018-issue-5-pushback-resistance-criminalization-humanitarian-actors-aiding>

¹⁴ Reggio and Fratzke, "Pushback to the Resistance."

¹⁵ Selena Rincon, "The Anti-Immigrant Movement in the United States," *The Pardee Atlas*, Frederick S. Pardee School of Global Studies, Boston University, October 6, 2021, <https://sites.bu.edu/pardeeatlas/advancing-human-progress-initiative/back2school/the-anti-immigrant-movement-in-the-united-states/>

¹⁶ Rincon, "The Anti-Immigration Movement".

¹⁷ "*Immigration, Migration, and Culture*," *Oxford Research Encyclopedia of Psychology*, published July 2016,

<https://oxfordre.com/psychology/display/10.1093/acrefore/9780190236557.001.0001/acrefore-9780190236557-e-287>

programs as agents that disrupt border security.¹⁸ Fear-mongering has served as an incredibly productive narrative on villainizing migrants, with humanitarian organizations becoming the scapegoats in encouraging resettlement and activity at the borders. States have reframed the works of humanitarian workers as human smuggling or trafficking.

New legislation has built on previous definitions of “human smuggling” and “trafficking” and redefining them to include aid workers at the border.¹⁹ Before the legal changes, “human smuggling” solely referred to financial or other benefits in mobilizing unauthorized migration. Recent legislation has begun to criminalize activities previously considered legal or humanitarian. For one, the European Union expanded their anti-smuggling legislation, “EU Pact on Migration and Asylum”, in December of 2024 to incorporate aid of any kind without monetary motives. Marine Le pen, a French far-right, condemned “leaders who don’t realize there are signs of alarm and danger from the massive arrival of migrants on Lampedusa”, an Italian island dense with migrants, has created “trouble for the population when leaders don’t take action immediately to face this giant challenge”.²⁰ Additionally, the union created a “humanitarian clause” to allow for certain assistance, but the clause was made non-binding.²¹ Critics say this could create a segue for legal action against migrants and migrant workers. Along with the new adjustments, legislative ambiguity has been exploited in politics and the law; law enforcement

¹⁸ John Doe, "Criminalization of Humanitarian Aid: A Global Perspective," *Journal of Humanitarian Studies* 15, no. 2 (2023): 123–145, <https://pmc.ncbi.nlm.nih.gov/articles/PMC10011185/>.

¹⁹ Department of Homeland Security and Executive Office for Immigration Review, "Securing the Border," *Federal Register* 89, no. 194 (October 7, 2024): 81156–81285, <https://www.federalregister.gov/documents/2024/10/07/2024-22602/securing-the-border>.

²⁰ Associated Press, "EU Pledges Crackdown on 'Brutal' Migrant Smuggling During Visit to Overwhelmed Italian Island," *AP News*, September 17, 2023, <https://apnews.com/article/migration-lampedusa-crisis-eu-italy-europe-migrants-16e65b4a22a32846bec735495d2f016>

²¹ Associated Press, "EU Pledges Crackdown on 'Brutal' Migrant Smuggling."

can categorize non-illegal activities as such.²² This makes humanitarian workers a target of prosecution when their intent is far removed from the state's depiction. The broadening of the legal scope has had detrimental effects on the workers of humanitarian organizations.

IV. Case Studies

A. Scott Warren and No More Deaths

Scott Warren, a volunteer with No More Deaths—a humanitarian aid organization in Southern Arizona—was charged with facilitating undocumented immigration in the Arizona desert after providing resources including food, shelter, and water to the vulnerable.²³ Founded at a No More Deaths aid center, *The Barn*, two men were suffering from exhaustion and dehydration. Since the 1990s, the journey across the Sonoran Desert has been the cause of 7,000 migrant deaths (times).²⁴ Arrested on January 17, 2018 by Border Patrol, Warren faced up to ten years in prison if convicted.²⁵ The agents claimed that by providing shelter, food, and first aid, Warren was transporting undocumented immigrants. In 2019, Warren's trial ended in a hung jury, with his peers unable to determine if the intent was genuine humanitarian aid or illegal activity.²⁶ No More Deaths faced public harassment and several other workers were convicted for less severe charges.²⁷ Warren's retrial resulted in an acquittal, he continued his humanitarian work with the organization, a testament to his belief and vigilance in aiding migrants. No More Deaths, despite the legal complications, remain active as of 2025 in their mission.

²² Department of Homeland Security and Executive Office for Immigration Review, "Securing the Border," 81160.

²³ Jasmine Aguilera, "Humanitarian Scott Warren Found Not Guilty After Retrial for Helping Migrants at Mexican Border," *TIME*, November 20, 2019, <https://time.com/5732485/scott-warren-trial-not-guilty/>.

²⁴ Aguilera, "Scott Warren Found Not Guilty."

²⁵ Aguilera, "Scott Warren Found Not Guilty."

²⁶ Aguilera, "Scott Warren Found Not Guilty."

²⁷ Aguilera, "Scott Warren Found Not Guilty."

Under Trump's first term, there was a stringent suppression of humanitarian aid workers and lawyers who assist migrants in the U.S.-Mexico border. The case occurred during President Trump's "zero-tolerance" immigration crackdown: legislation that required federal prosecutors to charge adults crossing the U.S.-Mexico border illegally regardless of the circumstances.²⁸ The policy set a precedent for mandatory prosecutions, potential family separation between parents and children, and compulsory criminalization of asylum seekers. By 2018, more than 3,000 children were victims of family separation, with poor family documentation and recordkeeping that impeded the process of reunification.²⁹

The trial served as a form of deterrence to other aid efforts: a public message to minimize interaction with asylum seekers. Warren's case was a blatant attempt to blur the lines between humanitarian effort and illegal assistance by U.S. leaders, with his legal defense calling for a violation of the First Amendment and lack of criminal intent under 8 U.S.C. § 1324.³⁰ The US blatantly puts aside international humanitarian principles and international human rights law (ICCPR, UDHR) by contradicting the positive obligation to protect lives under the international frameworks under Article 6(1) of the UDHR and Article 3 of the ICCPR. Warren's case was also supported by religion advocacy groups like the Becket Fund for Religious Liberty, which argued that "Scott Warren's religious beliefs compel him to offer aid to those in

²⁸ Charlie Savage, "Trump Starts Immigration Crackdown, Enlisting the Military and Testing the Law," *The New York Times*, January 20, 2025, <https://www.nytimes.com/2025/01/20/us/politics/trump-starts-immigration-crackdown-enlisting-the-military-and-testing-the-law.html>.

²⁹ Dustin Jones, "Justice Department Knew 2018 Border Policy Would Separate Children From Families," *NPR*, January 14, 2021, <https://www.npr.org/2021/01/14/957011268/justice-department-knew-2018-border-policy-would-separate-families>.

³⁰ U.S. Code, Title 8, § 1324, "Bringing in and Harboring Certain Aliens," Cornell Law School Legal Information Institute, accessed May 23, 2025, <https://www.law.cornell.edu/uscode/text/8/1324>.

need. Prosecuting him for that is unconstitutional.”³¹ The case is an act of deterrence for other aid workers, violating the rule’s requirement that aid be “unimpeded”. Warren declared the case an “attack [on] basic human kindness.”³² However, as seen in the following case studies, Scott Warren is only one of many to be tried in a court of law for aiding the vulnerable.

B. Seán Binder and Sarah Mardini (Greece, 2018–2024)

In 2018, Sean Binder, a German-Irish law student, and Sarah Mardini, a Syrian refugee, were arrested by Greek authorities when attempting to help migrants arriving on the island Lesbos.³³ The pair were charged with espionage, aiding illegal immigration, and membership in a criminal organization. Greek officials accused Binder and Mardini of smuggling operations due to claims of using encrypted messaging apps, trespassing restricted areas, and tracking migrant boats.³⁴ Despite the UN, the EU, and several human rights groups all condemning the act as politically charged and wrongfully criminalizing aid efforts, Greek authorities continued with the case. In January 2024, certain minor charges were discarded for their vagueness, including espionage, forgery, and unlawful use of radio frequency.³⁵ Other charges remain on the table; if convicted, the two humanitarian volunteers could face up to 25 years behind bars.³⁶

³¹ Becket Fund for Religious Liberty, "United States of America v. Scott Warren," accessed May 23, 2025, <https://becketfund.org/case/united-states-america-v-scott-warren/>.

³² Curt Prendergast, "Not Guilty: Jurors Acquit Border-Aid Volunteer Scott Warren on Harboring Charges," *Arizona Daily Star*, November 20, 2019, https://tucson.com/news/local/not-guilty-jurors-acquit-border-aid-volunteer-scott-warren-on/article_f5100171-c1ee-58d2-84b8-9ab85e98ecea.html.

³³ Helena Smith, "Greek Court Drops Espionage Charges Against Aid Workers," *The Guardian*, May 1, 2024, <https://www.theguardian.com/world/2024/may/01/greek-court-decision-to-drop-charges-against-aid-workers-accused-of-espionage-welcomed>.

³⁴ Smith, "Greek Court Drops Espionage Charges."

³⁵ Smith, "Greek Court Drops Espionage Charges."

³⁶ Smith, "Greek Court Drops Espionage Charges."

Greece's attitude towards migration is reflected in other European countries, with many externalizing borders and working to make asylum routes more dangerous.³⁷ The negative European sentiment emerged in 2015 when millions of migrants from violence-stricken countries (namely Syria, Afghanistan, and Iraq) made their trek towards the region.³⁸ Neighboring states like Greece received mass numbers of immigrants, felt overwhelmed, and struggled with managing the arrival of asylum seekers. Greece's economic crisis is also to credit for the anti-refugee sentiment, which has been a persistent struggle since the 1980s.³⁹ The ongoing economic crisis is caused by excessive borrowing by the government, low growth, trade deficits, and aggravated by the 2008 financial crisis.⁴⁰ This progression of anti-immigrant sentiment became the epicenter for fear of job, housing, and welfare competition in many countries, even if there was a proven correlation. Mickey van Gerven, mission chief of Doctors Without Borders, says the economic crisis is an extreme obstacle to providing immigrant aid, even if they wanted to; "The country is nearly bankrupt—for Greek authorities to tackle the problem is difficult; there is hardly any money available."⁴¹ Furthermore, terrorist attacks in Paris, Brussels, and Berlin in 2015 - 2016 were pinned on the increase in immigrants.⁴² Through this,

³⁷ Daniel Trilling, "Greece has a deadly new migration policy – and all of Europe is to blame," *The Guardian*, August 27, 2020, <https://www.theguardian.com/commentisfree/2020/aug/27/greece-migration-europe-athens-refugees>.

³⁸ BBC News, "Migrant Crisis: Migration to Europe Explained in Seven Charts," *BBC News*, March 4, 2016, <https://www.bbc.com/news/world-europe-34131911>.

³⁹ Matthew Johnston, "Understanding the Downfall of Greece's Economy," *Investopedia*, December 7, 2023, <https://www.investopedia.com/articles/investing/070115/understanding-downfall-greece-economy.asp>.

⁴⁰ Johnston, "Understanding the Downfall of Greece's Economy."

⁴¹ Sylvia Poggioli, "Declining Greek Economy Fuels Anti-Immigrant Mood," *NPR*, February 9, 2010, <https://www.npr.org/2010/02/09/123415289/declining-greek-economy-fuels-anti-immigrant-mood>.

⁴² BBC News, "Migrant Crisis: Migration to Europe Explained."

far-right politicians and their respective parties (Alternative for Germany, Fidesz, and Vox to list a few) are mongers on the loss of culture, Christianity, and traditional European ideals amidst immigration flow. The increasing anti-immigrant sentiment has driven an ideological shift in politics, where humanitarian aid is seen as a threat to national identity and security rather than an act of neutrality.

As evidenced by the trends described, the redefinition of humanitarian work as a threat to national security has detrimental effects on the well-being of migrants and volunteers. Experts of the UN labeled Binder and Maridini's case a dangerous and unsettling precedent for migrant aid volunteers across the globe. At the international law level, Greece's measures are a violation of the international human rights law, which mandates exactly the activity that the state has charged workers for. The criminalization violates protections as listed under the UDHR and the ICCPR; the state's action does not exemplify the inherent right to life as listed under Article 6(1) nor does it abide by Article 3's rule of equal protection without distinction of any kind.⁴³ The actions of the state have led to tangible implications, with NGOs in Greece decreasing their activity to avoid legal conflicts.⁴⁴ This risks leaving migrants without lifesaving resources, such as food, shelter, water, or urgent medical care, which can very well result in avoidable deaths in dangerous areas like the Aegean Sea and Evros region. Not only are international legal regulations being breached, but Greece is not allowing for civilians to compensate and step in for where institutional gaps exist.

⁴³ United Nations General Assembly, *International Covenant on Civil and Political Rights*, United Nations Treaty Series, vol. 999, p. 171, December 16, 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

⁴⁴ Amnesty International, *Greece: Regulation of NGOs Working on Migration and Asylum – Briefing*, EUR 25/2821/2020, October 2020, <https://www.amnesty.org/en/documents/eur25/2821/2020/en/>.

C. Israel's crackdown on NGOs and UNRWA

Amid the Gaza war, Israel has been keen to restrict and criminalize humanitarian activities that favor Palestinians.⁴⁵ Attempts at aid like providing first aid, supplying food and water, and building homes for the impacted Palestinians have been destroyed or blocked.⁴⁶ Israel, however, has claimed to have provided its own humanitarian aid despite contestations; independent of the claims, they have continuously and consistently conducted blockades to restrict the mass flow of necessary goods to Gaza.⁴⁷ The state has accused aid workers, NGOs, and international groups of “supporting terrorism” and collaborating with Hamas; furthermore, these organizations have been subjected to harassment and obstacles set by the government.⁴⁸

In 2021, six Palestinian human rights organizations—Addameer, Al-Haq, Bisan Center for Research and Development, Defense for Children International-Palestine, the Union of Agricultural Work Committees, and the Union of Palestinian Women's Committees—were listed as terrorist organizations by Israel.⁴⁹ The government claimed that these institutions were connected to the Popular Front for the Liberation of Palestine (PFLP), a

⁴⁵ Mike Schwartz, Ibrahim Dahman, Tim Lister, and Edward Szekeres, "Israel halts Gaza humanitarian aid after ceasefire expires," *CNN*, March 2, 2025, <https://www.cnn.com/2025/03/02/middleeast/israel-halts-gaza-humanitarian-aid-intl-hnk/index.html>.

⁴⁶ International Rescue Committee, "Crisis in the Middle East: What is happening?" last updated January 9, 2025, <https://www.rescue.org/article/crisis-middle-east-what-happening>.

⁴⁷ Human Rights Watch, "Israel Again Blocks Gaza Aid, Further Risking Lives," March 5, 2025, <https://www.hrw.org/news/2025/03/05/israel-again-blocks-gaza-aid-further-risking-lives>.

⁴⁸ United Nations Security Council, "Amid Increasingly Dire Humanitarian Situation in Gaza, Secretary-General Tells Security Council Hamas Attacks Cannot Justify Collective Punishment of Palestinian People," press release SC/15462, October 24, 2023, <https://press.un.org/en/2023/sc15462.doc.htm>.

⁴⁹ Human Rights Watch, "Israel/Palestine: Designation of Palestinian Rights Groups as Terrorists," October 22, 2021, <https://www.hrw.org/news/2021/10/22/israel/palestine-designation-palestinian-rights-groups-terrorists>.

Marxist Palestinian party determined by Israel to be a terrorist organization.⁵⁰ These organizations had been responsible for providing and advocating for legal defense, food security, women's rights, and other humanitarian aid, with no public evidence backing Israeli claims. Israel's attempt to criminalize disaster relief and silence dissent stirred controversy among international human rights groups (Amnesty International, Human Rights Watch, and the UN) and its allies. By labeling humanitarian groups as terrorist groups without proper evidence, they are restricting civil and impartial activity. Comparatively, a 2024 UN investigation into the role of United Nations Relief and Works Agency (UNRWA) staff in the October 7 attacks found 9 out of 19 staff members be plausibly involved in the attacks against the Israeli government; however, the UN stated that they could not confirm the evidence provided by the state. The instances reveal a pattern by Israel to prosecute without legitimate evidence for the purpose of undermining humanitarian work.

More recently, the Israeli parliament has passed a law to ban the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) from entering the state. UNRWA was founded in 1949 after the Arab-Israeli war.⁵¹ Amnesty International's Secretary-General, Agnes Callamard, calls this "an outright attack on the rights of Palestinian refugees".⁵² Nearly two million Palestinian refugees were reliant on UNRWA's supply of food, water, shelter, medical aid, and education in Gaza alone and are now left without services. Israel has banned its operations in East Jerusalem and regions of the

⁵⁰ National Counterterrorism Center, "Popular Front for the Liberation of Palestine (PFLP)," Office of the Director of National Intelligence, accessed May 23, 2025, https://www.dni.gov/nctc/ftos/pflp_fto.html.

⁵¹ United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), "Who We Are," <https://www.unrwa.org/who>

⁵² Amnesty International, "Israel/OPT: Law to ban UNRWA amounts to criminalization of humanitarian aid," October 29, 2024, <https://www.amnesty.org/en/latest/news/2024/10/israel-opt-law-to-ban-unrwa-amounts-to-criminalization-of-humanitarian-aid/>.

West Bank, citing bias against Israel.⁵³ The state argues that to prevent the “right of return” (Palestinian refugees returning to Israel), this is a necessary measure to take.⁵⁴

This legislation arrived after the International Court of Justice mandated that Israel allow for the supply of humanitarian aid and other services and came with backlash from the UN, EU, and many NGOs. Actions conducted by the Israeli government point to violations of Article 6 and Article 3 of the ICCPR and UDHR, respectively. Israel has cut off the life and security of 2 million Gazans, targeted the freedom of expression of various NGOs, and consistently endangered the lives of the vulnerable. Not only does the state not meet its responsibilities toward positive initiatives to prevent avoidable deaths of migrants, but the government has continuously employed retaliatory bans against aid, undermining the international human rights law and the system itself.

V. The battle between human rights and sovereign powers

The fight between human rights and sovereign powers is an ongoing battlefield to mediate when considering criminalizing humanitarian aid. States often cite sovereignty, a government’s supreme right to regulate its internal affairs without external actors, as reasoning for restricting humanitarian activity within their borders. Sovereignty is the ultimate decider for what determines acts of terrorism, politically subversive actions, and what forms of aid are allowed, etc. Sovereign authority allows states to criminalize any humane interference that they perceive as national threats.

Sovereignty is then contrasted with human rights obligations at the international standard. Frameworks such as the Universal Declaration of Human

⁵³Amnesty International, "Israel/OPT: Law to ban UNRWA amounts to criminalization of humanitarian aid."

⁵⁴Amnesty International, "Israel/OPT: Law to ban UNRWA amounts to criminalization of humanitarian aid."

Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR) uphold universal standard include freedom of association, freedom of expression, and protection from torture, amongst others. Regardless of domestic conflict or politics, these regulations must be met in every state.

The friction creates a power struggle between the sovereign states and IHRL International human rights law directly restricts state sovereignty when overreach results in civilian harm or violates IHL norms and state sovereignty tests the power of international human rights to confine their capacity by holding countries accountable. The criminalization of humanitarian aid becomes a test of the power and limits of both, with aid workers and refugees at the epicenter of the dispute.

VI. Current and Impending Consequences

Criminalizing humanitarian aid faces glaring and harmful consequences for asylum seekers, international standards, and future precedents. The work of organizations and aid volunteers will be impeded out of fear of legal consequences or loss of funding.⁵⁵ Operations that vulnerable migrant populations depend on will be reduced or suspended, leaving many without critical support.⁵⁶

The misuse of the vague nature of international policy by states highlights the defects and room for loopholes within the structure. This sets precedent for states to continue to supersede international law, whether on the same or a differing matter. Additionally, the agenda against humanitarian aid is simultaneously reframing volunteers as political actors that disrupt the social

⁵⁵ Immigration Hub, "How Trump's State & Local Strategy Targets Local Service Providers," February 18, 2025, <https://theimmigrationhub.org/article/how-trumps-state-local-strategy-targets-local-service-providers/>.

⁵⁶ Refugees International, *Scorecard: Israel Fails to Comply with U.S. Humanitarian Access Demands in Gaza*, November 12, 2024, <https://www.refugeesinternational.org/reports-briefs/scorecard-israel-fails-to-comply-with-u-s-humanitarian-access-demands-in-gaza/>.

order rather than impartial relief providers. This sets a dangerous precedent for the safety of aid workers but disrupts the effective operations of humanitarian organizations.⁵⁷ The sentiment may permeate other programs independent of aid, endangering other branches of welfare institutions.

Perhaps most importantly, it will only call for detrimental effects to the current dire refugee crisis in war-stricken countries. A 2022 report from the International Commission of Jurists (ICJ) found that regulations within the European Union against humanitarian assistance have severely impacted aid delivery, effective deterrence of civil society from participating, amongst other effects.⁵⁸ Migrants, refugees, prisoners, and displaced civilians will be the main receivers of the harm inflicted by states in disregarding international standards, hindered in their journey to justice.

VII. Conclusion

Moving forward, definitive measures need to be taken to clamp down on the state's ability to illegalize humanitarian aid. International standards need to be heightened by expanding on existing treaties and IHRL policies with stricter intentions of shielding humanitarian agents from unfair prosecution and legal consequences. This can be achieved by making a distinction between humanitarian aid and facilitating illegal immigration. Furthermore, anti-smuggling and anti-terrorism laws need to be revised to prevent misuse at the hands of states on workers. To better assist/ support humanitarian actors, legal funds and emergency programs should be set up to help defend volunteers facing prosecution, whether to finance court cases or provide emergency visas. Eliminating the ongoing crisis requires state actors to condemn governments reducing humanitarian welfare to illegal activity by publicly denouncing their

⁵⁷ International Commission of Jurists, *Criminalization of Humanitarian and Other Support and Assistance to Migrants and the Defence of Their Human Rights in the EU*, April 22, 2022, <https://www.icj.org/wp-content/uploads/2022/04/Criminalization-paper-22-04-2022.pdf>.

⁵⁸ International Commission of Jurists, *Criminalization of Humanitarian and Other Support*.

actions and decreasing diplomatic interactions when necessary. The collaboration of states both involved and uninvolved, international humanitarian law, human rights groups, and individuals is needed for the protection of humanitarian work to come to fruition.