



2023/2086(INI)

20.9.2023

OPINION

of the Committee on Foreign Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the ongoing negotiations on a status agreement on operational activities
carried out by the European Border and Coast Guard Agency (Frontex) in
Senegal
(2023/2086(INI))

Rapporteur for opinion: Jan-Christoph Oetjen

PA_NonLeg

SUGGESTIONS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Acknowledges the negotiations between the EU and Senegal on the establishment of a status agreement that provides for the deployment of the European Border and Coast Guard Agency (Frontex) in Senegal; notes that the Senegalese Government is reluctant to sign the status agreement; notes that a status agreement can only be established under the condition that it strictly adheres, including during operations, to the protection of human rights and personal data, the principle of non-refoulement, the prohibition of arbitrary detention and the prohibition of torture and inhuman or degrading treatment or punishment, as enshrined in Article 73(2) of Regulation (EU) 2019/1896¹; insists on the inclusion of a clear human rights clause and guarantees of accountability in Senegal and reporting of human rights violations by Frontex in relation to all its activities concerning migration and asylum in Senegal;
2. Calls for the inclusion of an adequate human rights monitoring mechanism for Frontex activities in all Frontex missions through the deployment of Frontex's Fundamental Rights Monitors in third countries and clear commitments to transparency and information sharing regarding Frontex activities;
3. Calls on the Commission to conduct a thorough and independent assessment of the human rights situation in Senegal as regards the treatment of migrants and refugees and the relevant areas covered by the status agreement before concluding the negotiations with Senegal, in order to be able to fully consider the impact of potential cooperation and to negotiate the necessary safeguards;
4. Underlines that the launch of Frontex operational activities under a status agreement should fully respect, promote and strengthen human rights and EU values including with regard to the protection of personal data, the principle of non-refoulement, the prohibition of arbitrary detention and the prohibition of torture and inhuman or degrading treatment or punishment; considers that any status agreement providing for Frontex operations in third countries should integrate this aspect;
5. Considers it necessary that Frontex staff who are granted immunity for their activities in Senegal must continue to be held accountable under EU or Member State law; calls on the Executive Director to adopt guidelines on the mandatory waiving of immunity for deployed staff, specifying how requests from the third country authorities will be dealt with, as well as enshrining a strong role for the Fundamental Rights Officer; considers that Frontex staff should not only avoid complicity in human rights violations by Senegalese security forces, but should actively denounce such actions; calls for a clear, swift and efficient mechanism to ensure accountability of Frontex staff in their home

¹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

country;

6. Calls for clear guidelines, prepared in consultation with experts and civil society organisations, and training to be provided to Frontex staff deployed in Senegal and to Senegalese border guards on the regional and Senegalese human rights situation and the legal framework in which they operate, which includes international human rights and humanitarian law and standards;
7. Calls for the EU to assist the Senegalese authorities with strengthening their capacity to train and educate Senegalese civil servants tasked with processing asylum applications and handling asylum seekers' complaints;
8. Calls for consistent, regular and transparent reporting on Frontex activities in Senegal under any potential status agreement, with a focus on human rights compliance and on the human rights context;
9. Considers that national and human rights institutions must have access to all the information deemed necessary for them to scrutinise the impact of this status agreement on migration management in Senegal and to scrutinise the conduct of Senegalese security forces in conducting migration management, as well as the human rights risks and consequences;
10. Notes the efforts made by the Senegalese authorities in receiving and processing migrants and refugees in the region; highlights and condemns the repeated occurrences of pushbacks of migrants and refugees from the Mauritanian and Malian borders to Senegal; reiterates and underlines that Frontex should not take part in any form of pushbacks; calls for the EU to continue to support Senegal in providing adequate protection for migrants and refugees in transit and to assist with capacity building and the strengthening of the asylum procedure; calls for the establishment of a mechanism to ensure effective remedy for people impacted by Frontex actions, in the event that a status agreement is concluded;
11. Calls for the establishment of a robust and efficient complaint mechanism that is independent and easily accessible to the public, and for an incident reporting mechanism for Frontex activities; considers that this incident reporting mechanism should guarantee the anonymity and confidentiality of individuals reporting on Frontex activities that infringe international humanitarian law or violate human rights;
12. Calls for the EU and Senegalese authorities to enable inclusive, constructive and transparent dialogue in the preparation of the status agreement; stresses, in this context, the importance for the EU to engage in regular dialogue with local human rights organisations and other non-governmental organisations regarding the human rights situation in the country;
13. Is of the opinion that any deployment of Frontex personnel to Senegal and the conducting of operational activities with local and regional security forces can only take place where adequate human rights protection can be guaranteed for migrants and asylum seekers throughout the entire process of their application or return;
14. Considers that the EU and Frontex should suspend their activities on migration and

asylum carried out in cooperation with the Senegalese authorities under the status agreement in the event of persistent and serious human rights violations, as set out under the standards of the International Criminal Court;

15. Underlines that the provision of development aid by the EU and its Member States is to be carried out in full transparency and under parliamentary scrutiny;
16. Calls on the Commission to support local civil society organisations that protect and promote the rights of migrants, as well as those monitoring the cooperation of the Senegalese authorities with Frontex;
17. Calls on the Commission to ensure that the conclusion of this status agreement with Senegal and Frontex's activities in Senegal do not impede the right to freedom of movement of individuals as guaranteed under the Economic Community of West African States Treaty, which provides for the long-term establishment of a free movement zone for goods, capital and people;
18. Calls for the EU and its Member States to ensure safe and legal pathways for migrants and refugees living or in transit in Senegal and seeking a better life in the EU.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	20.9.2023
Result of final vote	+: 29 -: 5 0: 23
Members present for the final vote	Alviina Alametsä, Alexander Alexandrov Yordanov, Traian Băsescu, Anna Bonfrisco, Reinhard Bütikofer, Włodzimierz Cimoszewicz, Katalin Cseh, Michael Gahler, Giorgos Georgiou, Sunčana Glavak, Raphaël Glucksmann, Klemen Grošelj, Bernard Guetta, Dietmar Köster, Andrius Kubilius, David Lega, Miriam Lexmann, Nathalie Loiseau, Leopoldo López Gil, Antonio López-Istúriz White, Thierry Mariani, Marisa Matias, David McAllister, Vangelis Meimarakis, Sven Mikser, Alessandra Moretti, Javier Nart, Matjaž Nemeč, Demetris Papadakis, Kostas Papadakis, Tonino Picula, Manu Pineda, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos, Mounir Satouri, Andreas Schieder, Jordi Solé, Hermann Tertsch, Hilde Vautmans, Anders Vistisen, Thomas Waitz, Isabel Wiseler-Lima, Željana Zovko
Substitutes present for the final vote	Vladimír Bilčík, Angel Dzhambazki, Andrey Kovatchev, Georgios Kyrtos, Carina Ohlsson, Juozas Olekas, Nikos Papandreou, Mick Wallace, Javier Zarzalejos
Substitutes under Rule 209(7) present for the final vote	Gheorghe Falcă, Dace Melbārde, Jan-Christoph Oetjen, Juan Ignacio Zoido Álvarez

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

29	+
PPE	Željana Zovko
Renew	Katalin Cseh, Klemen Grošelj, Bernard Guetta, Georgios Kyrtos, Nathalie Loiseau, Javier Nart, Jan-Christoph Oetjen, Hilde Vautmans
S&D	Włodzimierz Cimoszewicz, Raphaël Glucksmann, Dietmar Köster, Sven Mikser, Alessandra Moretti, Matjaž Nemeč, Carina Ohlsson, Juozas Olekas, Demetris Papadakis, Nikos Papandreou, Tonino Picula, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos, Andreas Schieder
Verts/ALE	Alviina Alametsä, Reinhard Bütikofer, Mounir Satouri, Jordi Solé, Thomas Waitz

5	-
ID	Anna Bonfrisco, Thierry Mariani, Anders Vistisen
NI	Kostas Papadakis
The Left	Giorgos Georgiou

23	0
ECR	Angel Dzhambazki, Hermann Tertsch
PPE	Alexander Alexandrov Yordanov, Traian Băsescu, Vladimír Bilčík, Gheorghe Falcă, Michael Gahler, Sunčana Glavak, Andrey Kovatchev, Andrius Kubilius, David Lega, Miriam Lexmann, Leopoldo López Gil, Antonio López-Istúriz White, David McAllister, Vangelis Meimarakis, Dace Melbārde, Isabel Wiseler-Lima, Javier Zarzalejos, Juan Ignacio Zoido Álvarez
The Left	Marisa Matias, Manu Pineda, Mick Wallace

Key to symbols:

+ : in favour

- : against

0 : abstention