



2023/2087(INI)

21.9.2023

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 Mauritania
(2023/2087(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 ongoing negotiations between the EU and Mauritania on the establishment of a status agreement that provides for the deployment of the European Border and Coast Guard Agency (Frontex) in Mauritania; 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 Mauritania and reporting of human rights violations by Frontex in relation to all its activities concerning migration and asylum in Mauritania;
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 Mauritania as regards the treatment of migrants and refugees and the relevant areas covered by the status agreement before concluding the negotiations with Mauritania, in order to be able to fully consider the impact of potential cooperation and to negotiate the necessary safeguards, and to inform Parliament without delay;
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 inhumane 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 Mauritania 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 Mauritanian security forces, but should actively denounce such actions; recalls the legal responsibility of Frontex to respect and to guarantee human rights and calls for a clear, swift and efficient mechanism to ensure accountability of Frontex staff in their

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.

home 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 Mauritania on the regional and Mauritanian human rights situation and legal framework, as well as on international human rights and humanitarian law and standards;
7. Calls on the Commission to provide training to the Mauritanian authorities and Mauritanian border guards on human rights and the rights and obligations of Mauritanian staff in search and rescue operations, and asylum processing and management;
8. Calls for the establishment of a robust and efficient complaint mechanism that is independent and publicly accessible, for an incident reporting mechanism for Frontex activities and for a mechanism to ensure effective remedy for people impacted by Frontex actions; 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;
9. Calls on the EU to provide additional capacity building support to Mauritanian national human rights institutions and civil society human rights organisations; calls on Mauritania to ensure the independence of its judicial and human rights institutions;
10. Calls for the inclusion of a strong independent human rights monitoring mechanism for Frontex activities carried out under this status agreement, with the Fundamental Rights Officer playing a strong role, in order to avoid any risk of Frontex officials becoming complicit in human rights violations;
11. Is of the opinion that any deployment of Frontex personnel to Mauritania and the conducting of operational activities with Mauritanian 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;
12. Deplores and strongly condemns the repeated practice by Mauritanian border guards and security staff of pushbacks and refoulement of migrants and asylum seekers;
13. Reiterates and underlines that Frontex should not take part in any form of pushbacks and should publicly denounce such practices when they are observed or when Frontex is made aware of them;
14. Considers that the EU and Frontex should suspend their activities on migration and asylum carried out in cooperation with the Mauritanian 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; calls for clear benchmarks for suspending the status agreement or for suspending specific activities that contribute directly or indirectly to human rights abuses;
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. Is highly concerned about the human rights track record of Mauritania and its security forces, most notably the violations committed between 2020 and 2023 while enforcing migration and border controls, including documented cases of violence and torture, arbitrary arrest and detention, prolonged pre-trial detention of people accused of migrant smuggling, abusive detention conditions, extortion and theft, abusive collective expulsions and trafficking into slavery;
17. Is concerned about the absence of asylum legislation in Mauritania, as well as the fact that homosexual activity is currently illegal in the country;
18. 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 Mauritanian authorities with Frontex;
19. Is concerned by the reported misuse of EU material support by the Mauritanian security forces for migration control purposes; calls for the comprehensive monitoring of the use of material support provided to the Mauritanian authorities and for Frontex funding or material support not to contribute to human rights violations in Mauritania;
20. Calls for the inclusion of the following points in the status agreement before the formal consent of Parliament is sought:
 - (a) Frontex will work with and support Mauritanian authorities to ensure that there will be no excessive or arbitrary detention of migrants and asylum seekers and detention centres will comply with human rights standards;
 - (b) interrogations will only occur where deemed necessary; torture under any form is actively prosecuted and heavily punished;
 - (c) Safeguards against corruption are established and consequently implemented by Frontex governance and by the Mauritanian authorities;
 - (d) Frontex will under no circumstances engage in pushbacks and other human rights violations and will not apply violent measures to influence migration flows;
 - (e) EU funding will be disbursed transparently, with human rights impact assessments to be conducted prior to disbursement and strong monitoring during implementation;
 - (f) Explicit safeguards are established in order to allow deployed officers to disregard orders issued by the third country's authorities that contradict the Agency's human rights obligations and/or obligations that derive from EU or international law;
 - (g) Frontex activities will be documented in a transparent manner;
 - (h) Provisions in the agreement will refer to the need for Mauritanian authorities to respect human rights during operations, and include robust measures to ensure accountability in the event of violations;
21. Maintains that development cooperation and efforts to tackle the root causes of migration should remain a priority in EU-Mauritania cooperation on migration;

22. Calls for the EU and its Member States to ensure safe and legal pathways for migrants and refugees living or in transit in Mauritania.

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, David McAllister, Vangelis Meimarakis, Sven Mikser, Alessandra Moretti, Javier Nart, Matjaž Nemec, 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, Viola von Cramon-Taubadel, 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	+
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, Viola von Cramon-Taubadel, 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, Željana Zovko
The Left	Manu Pineda, Mick Wallace

Key to symbols:

+ : in favour

- : against

0 : abstention