

Negotiations on a status agreement on operational activities carried out by the European Border and Coast Guard Agency (Frontex) in Mauritania

2023/2087(INI) - 22/11/2023 - Text adopted by Parliament, single reading

The European Parliament adopted by 390 votes to 135, with 15 abstentions, a recommendation concerning negotiations on a status agreement between the European Union and the Islamic Republic of Mauritania on operational activities carried out by the European Border and Coast Guard Agency (Frontex) in the Islamic Republic of Mauritania.

Parliament acknowledged that Frontex deployment in Mauritania, acting in line with the EU acquis, has the potential to have a positive effect on respect for fundamental rights. However, it expressed deep concern about the situation of fundamental rights in Mauritania, especially for migrants and refugees, and considered that the **possible conclusion of a status agreement** between the EU and Mauritania providing for the exercise of executive powers by Frontex in Mauritania would entail a **high risk of violations of fundamental rights** and international protection obligations that are of a serious nature and likely to persist.

Parliament considered that provisions of the model status agreement must be improved in order to address the abovementioned serious concerns that could lead to severe accountability gaps in the event of fundamental rights violations, which should be properly addressed.

The Commission and Frontex are strongly urged to adopt the following measures without further delay, should negotiations for a status agreement continue:

The European Commission should, *inter alia*:

- include explicit safeguards allowing deployed officers to disregard orders issued by Mauritania's authorities that contradict Frontex's fundamental rights obligations that derive from EU and international law;
- refrain from including specific provisions allowing for the agreement to be provisionally applied before the European Parliament assesses whether to give its consent to it;
- ensure that Frontex staff who are granted immunity for their activities in Mauritania must continue to be held accountable under EU or Member State laws in order to guarantee legal certainty;
- ensure sufficient and accessible internal and external mechanisms for non-EU individuals and ensure that Frontex develops mechanisms to receive complaints in the first instance, in line with the recommendations of the EU Ombudsman;
- include provisions and guarantees for adequate human rights protection in the status agreement in order to ensure that the Mauritanian authorities respect fundamental rights during operations;

- keep the European Parliament fully and regularly informed on all steps of the negotiations process and, in general, inform the European Parliament before opening negotiations with third countries on a status agreement.

For its part, Frontex should *inter alia*:

- ensure effective, proactive and timely consultation with the FRO when deciding whether to launch a joint operation in Mauritania;
- involve the Frontex Consultative Forum on developments related to the status agreement and consult with it, in line with its working methods and mandate, including on the possible organisation of an on-the-spot visit to Mauritania;
- ensure adherence to Frontex rules on waiving immunity for deployed staff;
- include special guidelines for the processing of asylum requests from vulnerable migrants, most notably children, unaccompanied minors, women, LGBTQI+ persons and members of communities that face targeted violence or discriminatory prosecution in their country of origin;
- conduct periodical evaluations of joint operations in third countries, including in Mauritania, with a focus on fundamental rights, share them with the European Parliament and the Council and make them publicly available;

Lastly, Parliament emphasised the responsibility of Frontex to address any human rights violations by its staff in Mauritania and to ensure accountability.