## Basic information

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|---|---|
| **2023/2086(INI)**<br>INI - Own-initiative procedure | Procedure rejected |
| Report on the ongoing negotiations on a status agreement on operational activities carried out by the European Border and Coast Guard Agency (Frontex) in Senegal<br>**Subject**<br>7.10.04 External borders crossing and controls, visas<br>**Geographical area**<br>Senegal | |

## Key players

### European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| LIBE Civil Liberties, Justice and Home Affairs | ERNST Cornelia (The Left) | 05/06/2023 |
| | Shadow rapporteur<br>SKYTTEDAL Sara (EPP)<br>BIELOWSKI Theresa (S&D)<br>OETJEN Jan-Christoph (Renew)<br>CARÊME Damien (Greens/EFA)<br>WIŚNIEWSKA Jadwiga (ECR)<br>VANDENDRIESSCHE Tom (ID) | |

| Committee for opinion | Rapporteur for opinion | Appointed |
|---|---|---|
| AFET Foreign Affairs<br>(Associated committee) | OETJEN Jan-Christoph (Renew) | 26/04/2023 |

### European Commission

| Commission DG | Commissioner |
|---|---|
| Migration and Home Affairs | JOHANSSON Ylva |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 15/06/2023 | Committee referral announced in Parliament | | |
| 15/06/2023 | Referral to associated committees announced in Parliament | | |
| 31/01/2024 | Vote in committee | | |
| 07/02/2024 | Committee report tabled for plenary | A9-0032/2024 | Summary |
| 28/02/2024 | Results of vote in Parliament | | |
| 28/02/2024 | Decision by Parliament | | |

| Technical information | |
|---|---|
| **Procedure reference** | 2023/2086(INI) |
| **Procedure type** | INI - Own-initiative procedure |
| **Legal basis** | Rules of Procedure EP 117<br>Rules of Procedure EP 57_o<br>Rules of Procedure EP 55 |
| **Stage reached in procedure** | Procedure rejected |
| **Committee dossier** | LIBE/9/12230 |

**Documentation gateway**

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee opinion | AFET | PE749.909 | 21/09/2023 | |
| Committee draft report | | PE754.984 | 26/10/2023 | |
| Amendments tabled in committee | | PE757.026 | 27/11/2023 | |
| Committee report tabled for plenary, single reading | | A9-0032/2024 | 07/02/2024 | Summary |

## Meetings with interest representatives published in line with the Rules of Procedure

### Rapporteurs, Shadow Rapporteurs and Committee Chairs

**Transparency**

| Name | Role | Committee | Date | Interest representatives |
|---|---|---|---|---|
| OETJEN Jan-Christoph | Shadow rapporteur | LIBE | 04/06/2023 | CCFD Terre Solidaire |

# Report 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) - 07/02/2024 - Committee report tabled for plenary, single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report by Cornelia ERNST (The Left, DE) on a European Parliament recommendation to the Commission concerning on the ongoing negotiations on a status agreement on operational activities carried out by the European Border and Coast Guard Agency (Frontex) in Senegal.

The committee noted that the official negotiations between the EU and Senegal on the establishment of a status agreement that provides for the deployment of Frontex border management teams in Senegal have not yet started. While acknowledging the ongoing exchange with Senegalese authorities, Members noted that the Senegalese Government is reluctant to sign the status agreement.

While acknowledging the efforts by the Senegalese Government to uphold or improve human rights, Members expressed concern about the increasing reports of human rights violations, specifically those concerning the use of force or abuse of migrants during border control checks and the increased criminalisation of civil society. They condemned the repeated pushbacks of migrants and refugees from the Mauritanian and Mali borders to Senegal. They reiterated that Frontex should not take part in any form of pushbacks.

The committee considered that the possible conclusion of a status agreement between the EU and Senegal providing for the exercise of executive powers by Frontex in the country would entail a high risk for Frontex of becoming complicit in direct and indirect violations of fundamental rights or international protection obligations.

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

Members are 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. However, the Senegalese Government has expressed its unwillingness to pursue this kind of cooperation. Therefore, Members expressed their **reservations** regarding the possible conclusion of a status agreement, taking into account the abovementioned concerns.

Members urged the Commission and Frontex to adopt the following measures without further delay, taking into account the fact that Frontex has been increasingly operating in third countries, should negotiations for a status agreement between Frontex and Senegal be opened:

The **European Commission** is recommended to:

- ensure that Frontex staff who are granted immunity for their activities in Senegal 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 to submit complaints to Frontex;

- ensure **safe and legal pathways** to the EU for Senegalese nationals and migrants, including refugees living in or transiting Senegal, including by facilitating the granting of Schengen visas;

- ensure that EU development aid policies, as well as any cooperation with third countries on migration and border management, including border surveillance, are implemented with full transparency and under parliamentary scrutiny;

- engage in **regular dialogue** with local human rights organisations and other NGOs in Senegal that protect and promote the rights of migrants regarding the human rights situation in the country;

- 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;

- include clear guidelines and mitigating measures on combating corruption in identified areas of cooperation between officers of Frontex and Senegalese authorities and security forces, as well as safeguards to avoid the misuse of EU material support;

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

**Frontex** is called on to:

- establish a robust, independent, efficient and easily accessible **complaint mechanism** for non-EU nationals and persons potentially affected by Frontex’s actions on the territory of Senegal in to effectively seek remedy through external bodies, such as the European Ombudsman, the CJEU or a different entity;

- conduct **periodical evaluations** of joint operations in Senegal, with a focus on fundamental rights. These should be shared with the European Parliament and the Council and made public;

- ensure consistent, regular and **transparent reporting** on Frontex’s activities in Senegal under any potential status agreement, with a focus on human rights compliance and the human rights context in the country;

- fulfil its responsibility for addressing direct and indirect human rights violations by its staff in Senegal to ensure accountability;

- ensure that any operational plan establishing operations on the territory of Senegal should inter alia: (i) ensure that the FRO permanently deploy a **Fundamental Rights Monitor** to oversee operations in Senegal and monitor the cooperation in relation to fundamental rights; (ii) 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;

- sign a Memorandum of Understanding with Senegal in order to align complaint mechanisms;

- ensure that national and human rights institutions and civil society organisations have access to all the information deemed necessary for them to scrutinise the impact of the status agreement on migration management in Senegal, as well as any human rights risks and consequences.