












Procedure file

Basic information		
INI - Own-initiative procedure	2023/2086(INI)	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		
Subject 7.10.04 External borders crossing and controls, visas		
Geographical area Senegal		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs		05/06/2023
		 ERNST Cornelia	
		Shadow rapporteur	
		 SKYTTE DAL Sara	
		 BIELOWSKI Theresa	
		 OETJEN Jan-Christoph	
		 CARÊME Damien	
		 VANDENDRIESSCHE Tom	
		 WIŚNIEWSKA Jadwiga	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Foreign Affairs (Associated committee)	 OETJEN Jan-Christoph	26/04/2023
European Commission	Commission DG Migration and Home Affairs	Commissioner JOHANSSON Ylva	

Key events			
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 54; Rules of Procedure EP 114; Rules of Procedure EP 57
Stage reached in procedure	Procedure rejected
Committee dossier	LIBE/9/12230

Documentation gateway

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

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

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 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 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 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.

Transparency				
OETJEN Jan-Christoph	Shadow rapporteur	LIBE	04/06/2023	CCFD Terre Solidaire