

**X FRONTEX FUNDAMENTAL RIGHTS OFFICER REPORT***To: Frontex Management Board and Frontex Consultative Forum on Fundamental Rights***3- 28 February 2015****Overview**

- FRO has prepared a PoW for 215 with priority areas of work.
- Meeting with the UN Special Rapporteur on the Rights of Migrants, [REDACTED]
- Quadripartite working level coordination meeting with FRA, EASO, UNHCR and Frontex.
- Follow up meeting on the FRA reports on the situation at land and sea borders.

**1. JOINT OPERATIONS****a) Incidents reported**

On 13 February, during a debriefing interview conducted in Elhovo, Bulgaria, with an Iraqi national apprehended two days earlier at BCP Kapitan Andreevo for carrying a forged passport while travelling by bus with destination Romania. The Iraqi national reported that during the border check, while being outside of the bus and alone with the Bulgarian Border Police Officer, he asked him to pay 400\$ to avoid passport control. When the migrant stated he just had 200 \$, the officer allegedly started mistreating him. The Chief Directorate in Sofia created a Committee to further look into the allegations and after traveling to the area and gathering further information, a preliminary disciplinary proceeding is under consideration against the officer in question. Follow up and feedback is expected in the upcoming period.

On 25 February, allegations arrived to a screener from a female Iraqi nationals about female border police mistreatment and misbehavior in Kapitan Andreevo, Bulgaria. Initial gathering of information revealed that the allegations might have been caused by miscommunication and incomplete picture during the translation process. What initially looked like a theft from the officer, was simply a misunderstanding due to lack of translation of the receipt on the personal belongings seizure by the border police. The case was resolved when the woman was explained that her belongings will be returned when she was released.

**b) Other Operational projects**

After insertion of comments provided by the CF members by the project team, on 23 February FRO received a final draft of the VEGA Children Handbook for final comments. The Handbook is now ready for edition and publication. FRO looks forward to supporting the same process with the remaining sectors within JOU, namely Land and Sea Borders.

**c) Support Frontex Monitoring System on Fundamental Rights**

On 27 February, FRO visited the Hungarian- Serbian border in Szeged and Roszke to familiarize herself with the situation, procedures and challenges of this border area in advance of the reinforcement of surveillance capacity foreseen by Frontex in the upcoming period (JO Flexible Operational Activities). The reinforcement comes as a request from the Hungarian authorities due to the increased flow of persons crossing the border in an irregular manner, and in high percentage claiming international protection. The flow seems to be a mixed one of larger percentage of Kosovo Albanians with a lesser number of Afghans and Syrians, albeit the fluctuation of nationalities seems to be changing daily and rapidly.

**d) Operational Plans and Evaluation Reports received during reporting period**

***OPlans (JOs and PPs)***

JO Focal Points 2015 Air - Regular Officers  
JO Focal Points Air 2015  
Flexible Operational Activities in Return 2015

***FERs JOs/PPs***

PP Reference Manual 2014  
EPN JO Hera 2014  
JO Focal Points Air 2014  
JO Pegasus 2014  
JO Poseidon Land 2014

***FERs JROs***

FRO has received in the reporting period Evaluation Reports of JROs to Serbia and Bosnia-Herzegovina, Colombia and the Dominican Republic and also to Nigeria.

## **2. CAPACITY BUILDING**

On 3 February, FRO took part on a Training Unit (TRU) meeting to launch a needs assessment tool for training needs within Frontex units and sectors. Comments have been duly provided. Furthermore, FRO met with the Director of the Capacity Building Division on 6 February to discuss some strategic matters of common interest where FRO could support the Division during 2015. They have been duly reflected in the FRO PoW 2015.

In order to continue with the internal awareness raising strategy on fundamental rights matters, FRO and PR jointly wrote an article on "the role of border guards in access to international protection" for the Frontex- internal INFORMER. The content is based on the provision of the recast Asylum Procedure Directive that has served also as the basis of increased cooperation with key external actors (EASO, UNHCR, FRA) and will require reinforcement of training capacities for border guards in MSs on access to international

protection procedures. The support to the EASO module on “Fundamental Rights and International Protection on the EU” comes into place to support these efforts.

### 3. FUNDAMENTAL RIGHTS STRATEGY

FRO team has designed a roadmap for finalization of the FRS revision exercise during 2015. As previously reported, FRO team had started the update and revision exercise of the Frontex Fundamental Rights Strategy and the Action Plan that include an update on the implementation reported by the various Units within Frontex, and a compilation of recommendations provided by several IOs and NGOs to Frontex since 2012. During 2015, and after initial consultations with the relevant Divisions and Units of Frontex, FRO will undergo an intensive analysis of the implementation and revert feedback on the conclusions observed. Work in progress.

### 4. RELATIONS WITH EU INSTITUTIONS, OTHER FUNDAMENTAL RIGHTS ORGANIZATIONS AND BODIES

FRO and Frontex LO in Brussels met on 4 February with the United Nations Special Rapporteur on the Rights of Migrants, [REDACTED], during a consultation tour with several EU institutions and bodies aiming to update his 2013 “Regional study on the management of the external borders of the European Union and its impact on the human rights of migrants”<sup>2</sup> at the request of the UN Human Rights Council. The meeting served to clarify the Frontex scope of work and current activities with especial focus on the situation in the Mediterranean, although the interest from the UN Rapporteur was mostly on policy level -out of Frontex scope-. The day after, at a press conference [REDACTED] highlighted the need to increase legal channels for migrants to enter and remain in the EU, as the “status quo isn’t sustainable”<sup>3</sup>.

On 6 February, FRO provided a briefing on “Frontex and Fundamental Rights” to a Dutch delegation of parliamentarians and on 10 February with a delegation from the Moroccan authorities participating in the EASO led Project on Tunisia and Morocco that were hosted on a study visit in Frontex HQ. Later on 13 February, FRO also exchanged views and explained the latest developments on fundamental rights matters within the Agency with a LIBE committee delegation during their visit to Frontex HQ. The exchange was positive and well received by the MEPs.

The CF met on 11- 12 February in Warsaw to discuss strategic fundamental rights matter with Frontex and Management Board. The meeting, the first one attended by the new Frontex Executive Director, resulted in a very constructive discussion with the Frontex units and also an excellent opportunity to prioritize the work of both CF and FRO in support to the identified needs for assistance within the Agency and draw conclusions of its work and impact. Minutes are under preparation and the preliminary PoW CF 2015 served to ensure complementarity with the foreseen priorities for the FRO.

On 18-19 February, FRO attended the Frontex Management Board Meeting in Riga, and reported about her activities and findings during the period covered from mid October 2014 to mid-January 2015.

Together with Head of Relex IO team, FRO took part in a working level meeting in Vienna on 25 February with colleagues from EASO, UNHCR and FRA in order to exchange the

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<sup>2</sup> The 2013 report is available at

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.46\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.46_en.pdf)

<sup>3</sup> Press Release available at: <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=15545&LangID=E>

latest information on ongoing projects, as well as seek opportunities to enhance coordination and cooperation among the partners in areas of common interest: risk analysis and situational picture, operations, training, identification and referral and cooperation with third countries. The strengthened cooperation aims to ensure better synergies and complementarity of activities, as well as increased impact from the different roles and mandates of the organizations involved.

On 26 February, FRA organized a meeting among JHA agencies (Europol, EASO, FRA and Frontex) to seek coordination for the various stakeholders involved in the challenges highlighted in the FRA reports on the situation at land borders and airports released in November 2014. FRO and JOU participated in the meeting, which provided a good opportunity to update each other on ongoing and planned initiatives related to fundamental rights at border crossing points, identifying concrete possibilities for synergies. A number of actions planned or currently implemented by JHA agencies address issues mentioned in the FRA reports: access to asylum, identification and referral of THB victims, identification and referral of children at risks, risk analysis, searches for immigration purposes, and border checks procedures and facilities.

## **5. MISCELLANEUS**

The new FRO trainee, [REDACTED] started the internship in Frontex on 16 January 2015. [REDACTED] main tasks include support in the revision of the Fundamental Rights Strategy and increased the research capacity within the team.

## **6. PLANNED ACTIVITIES AND UPCOMING EVENTS**

3-5 March: Operational Heads of Airports Conference (ABS/JOU), Warsaw

10 March: Meeting IPA II Regional support to protection sensitive migration management in the Western Balkans and Turkey, Warsaw

25-26 March: MB Meeting, Warsaw

8 April: Annual Strategic Coordination Meeting with UNHCR Europe Bureau, Warsaw

## **7. FRO RECOMMENDATIONS**

- Upcoming period of internal planning, desk work and analysis for FRO team