

**V FRONTEX FUNDAMENTAL RIGHTS OFFICER REPORT*****To: Frontex Management Board and Frontex Consultative Forum on Fundamental Rights*****1 February-8 March 2014****Overview**

On 6 March Frontex received a SIR report on an incident close to Chios Island in Greece where 3 migrants were injured after performing manoeuvres to prevent interception by the HCG, including fire shots. FRO has also supported several internal meetings and provided fundamental rights comments and suggestion to various Frontex related documents.

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

On 6 March, an incident took place off the coast of the island of Oinousses, east of Chios, Greece. In accordance with the SIR received by Frontex, a HCG boat was attempting to intercept a high speed boat that repeatedly refused to stop, and furthermore it tried to ram the boat of the HCG. After the use of warning shots and also shots to the fore side of the boat, the high speed boat was intercepted and stopped. After a search, 13 migrants were found in the cabin of the boat, and 3 of them were injured. They were disembarked in Chios and transferred to the local hospital. A Turkish facilitator was arrested. The report also states that their lives are not in danger. Frontex has not received any further information as regards to the type of injuries or nationality of the group to date.

**b) Joint Operations**

Frontex Legal Unit, Relex-IO, Head of Sea Border Sector and FRO and Assistant met on 21 February to initiate a discussion in order to timely incorporate the upcoming obligations in relation to fundamental rights in the Operational Plans of the Sea Border Sector in 2014. The day before the LIBE committee had held the final vote on the compromise text agreed in trilogue meetings on the text of the Regulation on Surveillance of the external Sea Borders in the Context of Operational Cooperation Coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States ("Frontex Sea Border Regulation"). The vote was as follows: 35 in favour, 2 against and 3 abstentions. The text was thus adopted.

Article 4 of the text imposes strong and clear fundamental rights obligations for MSs to be incorporated to the Operational Plans compiled by Frontex once the text enters into force-date yet unknown-. FRO will follow up and support the process in order to facilitate inclusion of FR related aspects in the OPlan and an assessment, as the text will enter into force once the sea operations are already launched.

#### **c) Other Operational projects**

On 6 March, FRO team supported Air Border Sector (ABS) work during the Conference on Operational Heads of Airports in Warsaw. The gathering 80 airport representatives from different MS/SAC, 24 airports representatives from 14 different Third Countries<sup>2</sup> and 8 representatives from FRA, EUROPOL, Interpol, MARRI Regional centre, UNHCR, IOM and Airpol. FRO facilitated a workshop together with ABS on vulnerable travelers with a focus on children (Vega project), which had a very good turnout of over 40 participants. The workshop provided a unique opportunity to share experiences on the treatment of vulnerable travelers and its challenges in theory and practice of countries of origin, transit and destination.

#### **d) Support Frontex Monitoring System on Fundamental Rights**

Both during the Consultative Forum meeting on 6 February and the Management Board on 19 February, FRO presented the draft concept for an effective monitoring system on fundamental rights for all Frontex activities. MSs, CE and CF members provided further comments that will be carefully considered and duly taken into account in the final concept note.

#### **e) Evaluation Reports**

In this period, FRO has received FERs from the following joint return operations: Serbia, Nigeria and Albania.

## **2. CAPACITY BUILDING**

FRO team is currently working with the Training Unit (TRU) to support the streamlined concept and standardization of the new operational briefings for the 2014 joint operations. The idea is to support all operational briefings in the operational areas at the launching of the operations and cover all necessary issues -from Charter, Courts, Regulation, FR Strategy to Operational Plan and its implementation- and also the different types of operations (sea, land and air) with specific fundamental rights challenges for each type. The material will consist of a development of a video, a presentation and other audiovisual material. The briefing will last approximately 90 minutes and will serve to refresh the knowledge and understanding of MSs Officers on fundamental rights matters obtained within their national training schemes.

## **3. FUNDAMENTAL RIGHTS STRATEGY**

During this period, FRO has provided an initial round of fundamental rights comments to the Frontex Strategy and Multi Annual Plan 2015-2018. She has also provided initial comments and suggestions on fundamental rights matters to the initial draft of the Schengen evaluation questionnaire for MSs on management of external borders.

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<sup>2</sup> Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Cape Verde, Former Yugoslav Republic of Macedonia, Moldova, Montenegro, Nigeria, Russia, Serbia, USA, Ukraine

#### **4. RELATIONS WITH OTHER FUNDAMENTAL RIGHTS ORGANIZATIONS AND BODIES**

On 5 March, FRO was invited by Relex team to attend a technical meeting with the European External Action Service (EEAS) visiting Frontex. FRO had an initial exchange on issues of common interest and gathered initial information on the fundamental rights aspects of their mandate. General exchange on mandate and functions was the focus of the meeting. Their support could be very relevant for inclusion of fundamental rights aspects of third countries in all activities, especially in sea operations.

During this period, FRO was also contacted by the Subcommittee on the prevention of Torture and Inhuman and Degrading Treatment and Punishment of the United Nations (SPT) for an initial exchange of information. FRO clarified Frontex mandate and the FR strategy and activities and its involvement in JRO and SPT explained its mandate with the National Prevention Mechanisms of third countries. The cooperation could be beneficial for the Relex-TC and the Operations Division, especially in relation to the SPT long term interest to encourage monitoring JROs arrival in TCs outside the EU and the Council of Europe State parties.

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

- 12 March, Athens, meeting with Focal Points on Fundamental Rights from HCG and HP
- 26-27 February, Warsaw, MB Meeting
- 3-4 May, SCIFA, Brussels
- 10 May, Youth Forum, European Parliament, Strasbourg

#### **6. RECOMMENDATIONS**

- Support the development and implementation of the Trainers' Manual on Fundamental Rights for Border Guard in the national education systems for border guards. The course is a very important tool to ensure fundamental rights awareness and understanding on the border guard daily practices, both nationally and within Frontex Joint Operations.
- Continue the positive trend of increasing establishment of effective forced return monitoring systems in MS and also support the Frontex efforts to ensure presence of monitors in all JRO. The regular sharing of the MSs monitoring reports with Frontex will likely result in better standards effectively applied in JRO in the future.

