

FRONTEX EVALUATION REPORT

JO Hera 2018

Operational Response Division
Field Deployment Unit

Approved at Warsaw
05/06/2019

[signed]
Berndt Körner
Deputy Executive Director

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1. Background information

1.1. Brief risk assessment

The joint operation (JO) Hera was focused on illegal immigration flows originating from West Africa to the Canary Islands and was implemented on the Western African route.

The JO Hera began in 2006, aiming to assist the Spanish authorities in managing the mass influx of irregular migrants landing on the Canary Islands (more than 30 000 irregular migrants apprehended). Since then, the JO was implemented each year.

Since 2006, the number of irregular migrants decreased systematically, from 31 678 in 2006 to 12 473 in 2007, totalling 421 in 2017. This remarkable drop can mainly be attributed to the high level of cooperation between Spain, Senegal, Mauritania and Morocco over the past years. The presence of joint patrols along the coastline of Senegal and Mauritania, together with joint investigation teams operating on land, resulted in curbing illegal immigration flows and preventing further departures from Senegal and Mauritania towards the Canary Islands.

The migratory pressure on the Western African route must be put into a wider context, based not only on the operational results, but also on the cases of prevention of departure. The efficient cooperation between the Spanish and Moroccan, Mauritanian and Senegalese authorities (with the deployment of Liaison Officers in the Canary Islands) allows Spain to receive information concerning the migratory pressure in pre-frontier areas close to real time and migratory events which had occurred in the country of departure.

1.2. Operational aim

To provide increased technical and operational assistance to the host MS by coordinating operational activities at and beyond the external sea borders of Spain, in particular the Canary Islands, in order to control illegal immigration flows, to tackle cross-border crime and to enhance European cooperation on coast guard functions.

The operational aims had been implemented in full compliance with the relevant EU law, including the Charter of Fundamental Rights, the relevant international law, including the Convention Relating to the Status of Refugees from 1951, the respect for fundamental rights, in particular the access to international protection, and the compliance with the principle of non-refoulement and taking into account the recommendations of the Frontex Consultative Forum.

Furthermore, pursuant to Article 8(1) (f) of the Regulation, the JO aimed at supporting technical and operational assistance to Member States and to third countries (*in casu*, Senegal) in support of search and rescue operations for persons in distress at sea which might have arisen during border surveillance operations at sea.

1.3. Period of implementation and operational areas

1.3.1. Period of implementation

Commencement	16 August 2018	12:00 (local time)
Termination	15 November 2018	12:00 (local time)

1.3.2. Operational areas

Two operational areas “P” have been defined:

- Operational Area P-1
- Operational Area P-2

1.4. Participants

The joint operation was hosted by Spain, under the coordination of the Spanish Guardia Civil (GC).

France was the only participating MS, contributing with patrols performed by Fixed Wing Aircraft (FWA).

1.5. Financial information

The budget initially allocated for the JO amounted to 850.000 €. In the course of the implementation period it was increased to 1,278,814 €.

2. Achievement of objectives

- **Enhance border security - Partly achieved**
 - Carrying out maritime border surveillance in order to detect, identify and intercept the suspicious objects of interest and persons within the operational area, to prevent unauthorized border crossings, also taking into account that some situations may involve humanitarian emergencies and distress situations at sea.
 - Preventing and tackling cross-border crime including smuggling of migrants, trafficking in human beings and terrorism and taking measures against persons who had crossed the border illegally as well as reporting other illegal activities detected to the competent authorities.
 - Fostering MS operational structures (NCC/ICC/LCC).

- **Technical and operational assistance in SAR - Partly achieved**
 - As a part of joint maritime operations concept assist MS respective authorities in conducting search and rescue operations in order to render assistance to persons found in distress at sea, whenever and wherever so required.

- **Support MS in carrying out coast guard functions - Partly achieved**
 - Establish and enhance cooperation with the European Fisheries Control Agency (EFCA) and the European Maritime Safety Agency (EMSA) and with the national authorities carrying out coast guard functions responsible for maritime safety, security, search and rescue, fisheries control, customs control, general law enforcement and environmental protection, to increase maritime situational awareness and to support coherent and cost-effective action.
 - In cooperation with EFCA and EMSA, to provide services, information, equipment and training.
 - To produce common risk analysis involving EFCA, EMSA and Frontex for emerging risks at maritime domain

- **Enhance operational cooperation - Partly achieved**
 - High level of MS participation in the operational activities.
 - Enhanced cooperation between the national authorities of the host MS as well as on an international level.
 - Enhanced cooperation with other Union agencies and bodies or international organisations in the frame of the JO.
 - Seeking an active involvement of Third Countries in the operational activities.

- **Enhance collection and exchange of information, including personal data - Partly achieved**
 - Collection of operational information in a timely manner from all operational actors involved, in particular information on incidents as well as, on identification and registration of migrants reported in JORA.
 - Processing at the EU level of personal data relating to individuals suspected of involvement in the migrants' smuggling, THB, terrorism or other cross-border crimes.
 - Distribution of operational information to all operational actors through the respective authorized channels.
 - Seeking standardized format and quality of the reports and interviews.
 - Use of the "Guidelines for JORA Incident Template" giving detailed information on definitions and establishing a sets of priorities when selecting the appropriate attributes

- **Identify possible risks and threats - Partly achieved**
 - Carrying out debriefing activities to obtain operational information and personal data related to perpetrators of cross border crimes, to be further processed and analysed. Operational analytical products will be shared with relevant stakeholders to maintain and improve situational awareness and support operational planning and implementation

- **Establish and exchange the best practices - Partly achieved**
 - Delivering and supporting workshops, meetings, other networking events to participants.
 - Delivering and supporting operational briefings/debriefings to all participants of the JO including information on the fundamental rights and access to international protection.
 - Building on the MS capacity by implementing activities related to administrative solutions, standardization, fleet management and operational technologies as well as technical solutions/best practices linked with EUROSUR and/or EU Coast Guard Functions and other cooperation. Supporting targeted training activities.

3. Link to other Frontex activities and best practices

Synergy with JO Indalo 2018 was established: the JO was coordinated by ICC Madrid (already established for JO Indalo) and a common Joint Coordinating Board (JCB) was steering both JOs on daily basis.

In order to facilitate organizational arrangements and logistics related to the deployment of resources, the information about the hosting MS and operational areas of JO was available in the Yellow Pages on FOSS, by the OT.

The full scope of EUROSUR Fusion Services (e.g. related to the satellite imagery, Tracking Vessels of Interest or Vessel anomaly detection) was available to all interested users in support of the maritime surveillance activities. The majority of them were accessible on permanent basis via both channels (JORA and EUROSUR Network).

4. Operational results

During the JO Hera 2018, 48 incidents were reported in the operational area, as follows:

- 38 incidents of illegal border-crossings;
- 4 incidents related to third country actions;

- 6 incidents classified as “other types of incident”;
- 16 SAR cases with 287 migrants

In total 741 irregular migrants were apprehended.

In relation to smuggling activities, 115 kg of hashish were seized in an incident involving 14 migrants. It is worth mentioning that the incidents reported as “other types of incidents” involved the detection of abandoned boats (4 inflatable boats and 4 pateras), which might have been implicated in drug trafficking activities.

5. Implementation of Regulation (EU) No 656/2014 of the European Parliament and of the Council

The operation was conducted in respect of the Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the 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 of the European Union.

5.1. Disembarkation in Third Countries

Although foreseen in the Operational Plan, disembarkation in Third Countries was not carried out during the implementation period of the joint operation Hera 2018. During the implementation of the joint operation, no migrant boats were intercepted at sea in the operational area.

5.2. Assessment of the general situation in Senegal

The assessment of the situation in Senegal, which concluded that Senegal is a safe place for disembarkation, was conducted by the Spanish authorities on 01 August 2018 and communicated to Frontex on 02 August 2018.

Based on the general assessment, the host, the participating Member States and Frontex agreed that Senegal, being the only Third Country to which rescued or intercepted persons may be conducted to or to whose authorities they may be handed over or in which territory they may be disembarked, is not engaged in practices such as infringements of the fundamental rights of the persons nor breaches of the principle of non-refoulement.

5.3. Procedures regarding to training and the identification of persons in particular situations

Training in first aid is included in the basic training of the national law enforcement authorities and navies involved in the joint operation. Some of the participating surface assets embarked particularly for this activity special teams for search and rescue and first aid support comprising medical, first aid and search and rescue experts, boarding teams and divers. The Frontex co-financed participating assets were properly equipped for maritime search and rescue missions.

Once disembarked, the migrants were met ashore in the Spanish ports by the Host Member State officers with support of international and non-governmental organizations ensuring the examination of the status of person in need of international protection and addressing the special needs of children victims of trafficking in human beings, persons in need of urgent medical assistance, disabled persons, elderly people, pregnant women, single parents with minor children, persons with mental disorders and persons who could have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence and other persons in a particularly vulnerable situation.