Frontex Consultative Forum on Fundamental Rights

Work Programme for 2015

as adopted by the Frontex Consultative Forum on 2 March 2015
The Frontex Consultative Forum on Fundamental Rights brings together key European institutions, international and civil society organisations that are concerned with the fundamental rights of migrants and refugees.

The Consultative Forum is composed of representatives from:

- Council of Europe (CoE),
- Organisation for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights (OSCE/ODIHR),
- United Nations High Commissioner for Refugees (UNHCR),
- European Union Agency for Fundamental Rights (FRA),
- European Asylum Support Office (EASO),
- International Organization for Migration (IOM),
- European Council for Refugees and Exiles (ECRE),
- Red Cross EU Office,
- Amnesty International European Institutions Office (AIEIO),
- International Catholic Migration Commission (ICMC),
- Caritas Europa, International Commission of Jurists (ICJ),
- Jesuit Refugee Service Europe (JRS),
- Churches' Commission for Migrants in Europe (CCME),
- Platform for International Cooperation on Undocumented Migrants (PICUM).

These organisations contribute their work on a voluntary basis in accordance with the principles of transparency, mutual respect, informed participation and collegiality.

Due to its diverse composition, the strength of the Consultative Forum is its ability to provide holistic analysis on respect for and protection of fundamental rights based on its collective knowledge and expertise.
I. **Introduction**

In accordance with Art. 26a of the Frontex Regulation (1168/2011) the role of the Consultative Forum is to “assist the Executive Director and the Management Board in fundamental rights matters”. To this effect, the Consultative Forum is consulted, among other matters, “on the further development and implementation of the Fundamental Rights Strategy, Code of Conduct and common core curricula” (Art. 26a § 2).

For the purpose of performing its duties, and in line with the Frontex Regulation, “the Consultative Forum shall have access to all information concerning respect for fundamental rights, in relation to all the activities of the Agency” (Art. 26a § 4).

The Consultative Forum coordinates its work around three formal meetings per year in addition to other informal meetings and exchanges with the Frontex Executive Director, the Management Board, the Fundamental Rights Officer and Frontex staff. With the purpose of optimising the available time and expertise, the Consultative Forum has established thematic working groups and appointed specific focal points for some of its activities.

With the adoption of its Work Programme, the Consultative Forum sets its priorities for 2015. This document also defines specific outputs or results the Consultative Forum aims at achieving through its activities.

The priorities of the Consultative Forum in 2015 are:

A. Fundamental Rights and Frontex-coordinated joint operations, with a specific focus on Frontex screening activities.

B. Application of Regulation (EU) Nr. 656/2014 establishing the rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by Frontex (Frontex Borders Surveillance Regulation).

C. Revision and further development of the Frontex Fundamental Rights Strategy and provision of input to the evaluation of Frontex.

D. Evaluation and strengthening of the Consultative Forum’s working methods.

The work programme remains flexible for ad-hoc consultation of the Consultative Forum by the Executive Director of Frontex and the Frontex Management Board in line with emerging needs.
In the implementation of this programme, the Consultative Forum finds it crucial to continue working together with and supporting the Frontex Fundamental Rights Officer, while ensuring complementarity with her mandate and activities.

All activities and recommendations of the Consultative Forum will fully respect the right to protection of personal data.

II. **Priorities and activities**

**Priority A: Fundamental Rights and Frontex-coordinated joint operations, with a specific focus on Frontex screening activities.**

**Activity A.1: Consultative Forum visits to Frontex Joint Operations**

Visits by Consultative Forum delegations to Frontex-coordinated joint operations are key to ensuring that the work of the Consultative Forum is based on a good understanding of the fundamental rights aspects and implications of these operations on the ground. The valuable insights gained through the visits are mainstreamed into the work of the Consultative Forum.  
**Responsible:** CF Working Group Operations.  
**Output:**

(i) Adoption of a simplified standard procedure for requesting visits to Frontex-coordinated joint operations.  
(ii) Participation in initial briefings for deployed officers.  
(iii) Organisation of focus group discussions with Frontex and Management Board representatives to discuss questions and observations made during the Consultative Forum visits.

**Activity A.2: Frontex screening activities**

The Consultative Forum will focus on the potential impact of Frontex screening activities on fundamental rights and the enhancement of procedural safeguards in their implementation.  
**Responsible:** CF Working Group Operations.  
**Output:** Contribution to the further development of the screening guidelines, screening tools and training for screeners.
Priority B: Application of the Frontex Maritime Borders Surveillance Regulation

Activity B.1: Application of the Frontex Maritime Borders Surveillance Regulation

The Consultative Forum will contribute to the application of the Frontex Maritime Borders Surveillance Regulation adopted in May 2014 in all relevant Frontex activities.

Responsible: CF Working Groups Operations and Training.

Output:

(i) Possible recommendations on how the provisions of the Regulation can be adequately reflected in Frontex’s Operational Plans.

(ii) Contribution to the development of EBGT training for maritime border surveillance and other relevant training activities and tools.

Priority C: Revision and further development of the Frontex Fundamental Rights Strategy and input to the Frontex evaluation.

Activity C.1: Revision of the Frontex Fundamental Rights Strategy

In 2015, Frontex will undertake a thorough revision of its Fundamental Rights Strategy. The Consultative Forum will provide its support and contribute to this relevant process.

Responsible: CF Chairs.

Output: Recommendations on the implementation and amendment of the Frontex Fundamental Rights Strategy.

Activity C.2: Frontex Fundamental Rights Accountability

As part of its core responsibility to assist Frontex on fundamental rights matters, the Consultative Forum will continue to reflect on Frontex fundamental rights responsibilities.

Responsible: CF Focal Points on Frontex Fundamental Rights Accountability.

Output:

(i) Legal assessment on potential liability issues and case scenarios.

(ii) Recommendations on the possible establishment of an Individual Complaints Mechanism.

(iii) Recommendations on criteria and mechanisms for the implementation of Article 3(1a) of the Frontex Regulation.
Activity C.3: Code of Conduct for Joint Return Operations and good practice handbook on joint return operations

As a continuation of the work carried out in 2014, the Consultative Forum will continue its support to the implementation of the Code of Conduct and sharing of good practices on joint return operations.

**Responsible:** Working Group Returns.

**Output:**
(i) Provision of input to the good practice handbook on joint return operations.
(ii) Provision of input in the context of the EU Ombudsman’s own-initiative inquiry on respect for fundamental rights in Frontex-coordinated joint return operations.

Activity C.4: Training

Consultative Forum members will continue to contribute to the development of training tools and implementation of training on fundamental rights issues.

**Responsible:** Working Group Training.

**Output:**
(i) Contributions to the development of the EBGT curriculum on maritime border surveillance (linked to activity B.1).
(ii) Contribution to the development of the EBGT curriculum on land border surveillance.
(iii) Contribution to the development of the curriculum on fundamental rights training for mid-level officers.
(iv) Contribution to the development of the e-learning tool and fundamental rights training.
(v) Contribution to the implementation of the Joint Masters Programme on Strategic Border Management.

Activity C.5: Frontex Art. 33 Evaluation

An external evaluation of Frontex is being undertaken under the supervision of its Management Board, with fundamental rights as one of its main focus areas.

**Responsible:** CF Chairs.

**Output:** Provision of input and possible follow-up recommendations to the external evaluation of Frontex.
Priority D: Evaluation and strengthening of the Consultative Forum’s structure and work.

Activity D.1: Internal evaluation of the Consultative Forum
The Consultative Forum will assess and seek to enhance its internal working structures with a view to increase its efficiency and effectiveness.

Responsible: CF Chairs.

Output:
(i) The Consultative Forum will advocate for and support the establishment of a clear and transparent process for the renewal of membership in the Consultative Forum.
(ii) Recommendations on the future role and composition of the Consultative Forum.

Activity D.2: Revision of the Consultative Forum Working Methods
The current Consultative Forum will analyse the impact of its working methods on the Forum’s work and provide recommendations to the Management Board.

Responsible: CF Chairs.

Output: New recommendations and discussion with Frontex Management Board and staff.

Activity D.3: Communication with Frontex staff and the Management Board
The Consultative Forum will seek to further its communication with Frontex staff and Member States representatives throughout 2015. In addition to the organisation of Focus Group Discussions, the Consultative Forum will explore other possibilities to enhance communication (e.g. meetings and discussions through teleconference).

Responsible: CF Chairs.

Output: Results of Focus Group meetings and discussions.

III. Other areas the Consultative Forum will work on:

- Initial assessment and recommendations on gender mainstreaming in Frontex activities.
  Responsible: CF Focal Point on Gender.
- Frontex cooperation with Third Countries and its impact on fundamental rights.
  Responsible: CF Focal Point on Cooperation with Third Countries.
- Contribution to Frontex strategic planning cycle.
  Responsible: CF Chairs.