Frontex Consultative Forum on Fundamental Rights

Program of Work for 2017

as adopted by the Frontex Consultative Forum on 7 November 2016 and presented to the Frontex Management Board on 24 November 2016
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),
- Advice on individual rights in Europe (AIRED Centre),
- 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 independence, 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, protection and fulfilment of fundamental rights based on its collective knowledge and expertise.
I. Introduction

In accordance with Article 70 of the Regulation on the establishment of a European Border and Coast Guard, the role of the Consultative Forum is to “assist the Executive Director and the Management Board with independent advice 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, on the establishment of the complaints mechanism, on codes of conduct and common core curricula” (Article 70 § 3).

For the purpose of performing its duties, and in line with the Frontex Regulation, “the Consultative Forum shall have effective access to all information concerning respect for fundamental rights, including by carrying out on-the-spot visits to joint operations or rapid border interventions subject to the agreement of the host Member State, and to hotspot areas, return operations and return interventions” (Article 70 § 5).

The Consultative Forum coordinates its work around three formal meetings per year in addition to internal meetings and other 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 thematic rapporteurs for some of its activities.

With the adoption of its Work Programme, the Consultative Forum sets its priorities for 2017. This document also defines specific outputs or results the Consultative Forum aims at achieving through its activities.

The Work Programme reflects priorities and activities jointly identified with Frontex and its Management Board and it 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.

The priorities of the Consultative Forum in 2017 are:

A. Implementation of the European Border and Coast Guard Regulation.
B. Revision and further development of the Frontex Fundamental Rights Strategy and Frontex Codes of Conduct.
C. Fundamental Rights and Frontex operations, with a specific focus on Frontex enhanced mandate on returns and operations in third countries.
D. Contributing to the development and evaluation of Frontex training materials and methodologies in areas related to fundamental rights.

In the implementation of this programme of work, the Consultative Forum finds it crucial to continue working together with and supporting the Frontex Fundamental Rights Officer and her team, 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: Implementation of the European Border and Coast Guard Regulation.**

**Activity A.1: Provision of strategic advice on the implementation of the European Border and Coast Guard Regulation**

The Consultative Forum will contribute its collective expertise on fundamental rights to support the implementation of the European Border and Coast Guard Regulation in areas where fundamental rights may be at stake.

**Responsible:** CF Chairs.

**Output:** On-going analysis and consultation with relevant Frontex staff and other stakeholders.

**Activity A.2:** Frontex Individual Complaints mechanism

The Consultative Forum will further support the establishment and implementation of an effective individual complaints mechanism.

**Responsible:** CF Chairs

**Output:**

(i) Legal assessment of rules and procedures.
(ii) Contribution to the evaluation of the established mechanism.

**Activity A.3: 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 thematic rapporteur on Frontex Fundamental Rights Accountability.

**Output:** Legal discussions on potential scenarios regarding Frontex fundamental rights responsibilities and liability.
Priority B: Revision and further development of the Frontex Fundamental Rights Strategy and Frontex Codes of Conduct.

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

**Responsible:** CF Chairs.

**Output:** Consultation on the implementation and amendment of the Frontex Fundamental Rights Strategy and Action Plan.

Activity B.2: Revision of the Frontex Codes of Conduct for all persons participating in Frontex activities
The Consultative Forum will contribute to the revision of the Frontex Codes of Conduct for all persons participating in Frontex activities in line with the new mandate of the Agency and its Fundamental Rights Strategy.

**Responsible:** CF Chairs.

**Output:** Consultation and provision of input to ensure sufficient fundamental rights safeguards.

Priority C: Fundamental Rights and Frontex operations, with a specific focus on Frontex enhanced mandate for returns and operations in third countries.

Activity C.1: Fundamental Rights in Frontex operational briefings
The Consultative Forum will contribute with its expertise to the enhancement of fundamental rights content of Frontex operational briefings.

**Responsible:** CF Working Group Operations

**Output:** Review of operational briefing materials.

Activity C.2: Enhancement of children protection in Frontex operations
As a strategic advisor, the Frontex Consultative Forum is ready to support Frontex efforts to enhance children protection through its activities. The Consultative Forum will also continue to support the extension of the VEGA Children concept to land and sea operations.

**Responsible:** CF Chairs and Working Group Operations.

**Output:**

(i) Recommendations on issues related to the situation of children at the borders including specific child safeguarding duties and concerns arising through Frontex activities.

(ii) Participation in JO VEGA Children 2017.
(ii) Provision of input to the development and support to the roll-out of VEGA Children Land and Sea borders Handbooks.

Activity C.3: Fundamental rights in Frontex return activities: implications of Frontex enhanced mandate

**Responsible:** Working Group Return.

**Output:**

(i) Support the establishment of an independent pool of forced return monitors.

(ii) Visit to Frontex return or readmission operation, including participation in briefings before return or readmission operation and organisation of a focus group discussion with Frontex and Management Board representatives thereafter.

(iii) Support to the further implementation of the guide for Joint Return Operations by Air coordinated by Frontex with a specific emphasis on enhancing forced return monitoring activities and capacity in Member States.

(iv) On-going analysis and consultation with relevant Frontex staff and other stakeholders.

Activity C.4: Frontex engagement with third countries and its impact on fundamental rights

The Consultative Forum will pay a closer attention to Frontex operations in third countries in line with the enhanced role enshrined in the European Border and Coast Guard Regulation.

**Responsible:** CF Working Group on third country cooperation.

**Output:** On-going analysis and consultation with relevant Frontex staff and other stakeholders.

Priority D: Contributing to the development and evaluation of Frontex training materials and methodologies in areas related to fundamental rights.

Consultative Forum members will continue to contribute to the development of training tools and implementation of training on fundamental rights issues with the view of mainstreaming fundamental rights throughout the Frontex training activities.

**Responsible:** Working Group Training.

**Output:**

(i) Consultation on the revision of the Frontex Common Core Curriculum.

(ii) Observation and recommendations on training related to hotspots and readmission.
(iii) Contribution to the development of the fundamental rights training e-learning tool.

(iv) Contribution to the development of an advanced workshop on Fundamental Rights for trainers involved in Frontex training activities.