

Frontex Consultative Forum on Fundamental Rights

Programme of Work 2022¹

¹ The focus and timing of activities will be adapted in response to the Agency's progress in the implementation of the EBCG Regulation as well as the evolution of the COVID19 pandemic.

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.

In its current composition, the Consultative Forum is composed of representatives from:

- Amnesty International European Institutions Office (AIEIO),
- Churches' Commission for Migrants in Europe (CCME),
- Council of Bars and Law Societies of Europe (CCBE)
- Council of Europe (CoE),
- European Asylum Support Office (EASO),
- European Union Agency for Fundamental Rights (FRA),
- International Commission of Jurists (ICJ),
- International Organization for Migration (IOM),
- Jesuit Refugee Service Europe (JRS Europe),
- Office of the High Commissioner for Human Rights (UN Human Rights - OHCHR),
- Organisation for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights (OSCE/ ODIHR),
- Red Cross EU Office,
- Save the Children,
- United Nations High Commissioner for Refugees (UNHCR).

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

Given 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 collective knowledge and expertise.

I. Introduction

In accordance with Article 108 of the Regulation on the establishment of a European Border and Coast Guard² (hereinafter referred to as “Regulation 2019/1896”) the role of the Consultative Forum is to assist the Agency *“by providing independent advice in fundamental rights matters”*. To this effect, the Consultative Forum may be consulted on any matter related to fundamental rights, including *“on the further development and implementation of the fundamental rights strategy, on the functioning of the complaints mechanism, on codes of conduct and on the common core curricula”*.

For the purpose of performing its duties, and in line with the Regulation 2019/1896, *“the Consultative Forum shall be provided with effective access in a timely and effective manner to all information concerning the 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 or the third country, as applicable, to hotspot areas, and to return operations and return interventions, including in third countries”*.

With the adoption of its Programme of Work, the Consultative Forum sets its priorities for 2022. The Programme of Work also defines the specific results the Consultative Forum aims to achieve.

The Program of Work reflects priorities and activities jointly identified with Frontex and its Management Board and it remains flexible for adjustments following ad-hoc consultations between the Consultative Forum and the Executive Director of Frontex, the Frontex Management Board, the Fundamental Rights Officer, as well Frontex divisions and business units, in line with emerging needs. In addition to the outlined priorities, the Consultative Forum can also provide advice at its own initiative. Requests for information are regularly submitted to Frontex for this purpose.

² Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624

In the implementation of this program of work, the Consultative Forum will continue working with and supporting the Frontex Fundamental Rights Officer and his team, while ensuring complementarity with his mandate and activities.

Since November 2020 a consultant, supervised by the CF co-chairs, has been supporting the work of the CF as part of the Universal Periodic Review (UPR) Follow-up Project. This project seeks to advance the implementation of UPR recommendations relating to integrated border management, which were accepted by EU Member States, via the strengthening of the Consultative Forum on Fundamental Rights to FRONTEX.

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

Priorities in 2022 are:

- A. Advising on key fundamental rights policies and processes of Frontex.**
- B. Advising on Fundamental Rights in Frontex training and training processes.**
- C. Advising on implications of Frontex operational and return activities on Fundamental Rights.**

II. Priorities and activities

Priority A: Advising on key fundamental rights policies and processes of Frontex

In line with its mandate, and building on its work in 2021, the Consultative Forum will continue offering its support to the Agency as regards the implementation of Regulation 2019/ 1896 in relation to fundamental rights.

A. 1: Advise on key fundamental rights policies and processes.

Output: Appointment of a CF member to the ETIAS Fundamental Rights Guidance Board upon its establishment & continued advice on its set up and functioning. Advice on the Agency's policies and processes with regard to EU-IT systems.

Output: Update on the consultancy on Frontex accountability to support activities highlighted under C.4 and C.5.

Output Set up modalities for the Agency's systematic follow-up to Consultative Forum recommendations thereby facilitating the Agency's compliance with Art.108(3).

Output: Provide specific advice to the Agency on vulnerable groups.

A. 2: Support the setting up of an effective system to monitor, investigate and address potential fundamental rights violations.

Output: Advice on the revision of the existing and new mechanisms to monitor, investigate and address alleged fundamental rights violations in Frontex activities including, but not restricted to, the Complaints Mechanism, the Code of Conduct and the rules for the implementation of the Fundamental Rights Officer's responsibility to investigate.

Output: Support to Frontex Fundamental Rights Monitors as requested by the Fundamental Rights Officer including on their training, and provision of good practices and relevant guidelines in their area of work.

A.3: Support the Agency's preparations in launching an external impact assessment on the Consultative Forum's recommendations.

Output: Assist Frontex in the preparations in launching an impact assessment on the Consultative Forum's recommendations .

Output: Development of terms of reference for an external and independent impact assessment of the Consultative Forum's recommendations.

Priority B: Fundamental Rights in Frontex training and training processes.

B.1: Providing expertise to Frontex on addressing fundamental rights in training materials, including for the training of the Standing Corps.

Output: Provision of advice on Frontex training strategy, processes, tools and participation in related focused meetings, trainings, workshops and roundtables.

Priority C: Advising on implications of Frontex operational and return activities on fundamental rights.**C.1: Consultative Forum visits to Frontex operational activities.**

Output: Consultative Forum visits to Frontex operational activities followed by focus group discussions on findings and observations with relevant Frontex and Management Board Representatives.

Output: Consultative Forum recommendations and advice are informed by its visits to operational activities.

C.2: Continue supporting VEGA activities.

Output: Provide expertise under VEGA activities (VEGA Air, Land and Sea) and organize a focus group discussion with experts deployed under VEGA to share lessons learned.

C.3: Frontex policy for the engagement of interpreters and cultural mediators in its operations.

Output: Advice on the fundamental rights implications of Frontex engagement with cultural mediators and interpreters.

C.4 Fundamental Rights implications of Frontex engagement with third countries.

Output: Provide advice on Frontex accountability in its cooperation with third countries

C.5 Fundamental Rights implications of Frontex aerial surveillance.

Output: Provide advice to Frontex on the fundamental rights implications in the framework of Frontex multipurpose aerial surveillance.

C.6 Focus on diversity in operational activities.

Output: Provide advice to Frontex on diversity including gender considerations required for the implementation of specific operational activities.

III. Modus Operandi³

Framework of implementation of Consultative Forum activities:

- The Consultative Forum meets three times per year with the Chair of the Management Board and the Frontex Executive Director.
- Steering Group meetings are held every three months to facilitate the follow-up and timely provision of expertise with Frontex executive management in-between the Consultative Forum meetings.
- The Consultative Forum regularly meets with Frontex business units on a need-basis.
- The Consultative Forum consults monthly with the Fundamental Rights Officer and his office.

An annual report of the Consultative Forum's activities is published yearly.⁴ It includes the Consultative Forum opinions and recommendations formulated in the course of the previous year⁵.

- The Consultative Forum presents its Annual Reports to the Management Board, the European Parliament, the Council and any other stakeholder upon request.

The Agency shall inform the Consultative Forum on the follow-up to its recommendations, as per Article 108(3) of the Regulation (EU) 2019/1896.

³ The Consultative Forum working methods are available at:

https://frontex.europa.eu/assets/Partners/Consultative_Forum_files/Frontex_Consultative_Forum_on_Fundamental_Rights_2021.pdf

⁴ In line with Article 108 of the Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624.

⁵ The Consultative Forum's eighth annual report (2020) is available at: https://frontex.europa.eu/assets/Partners/Consultative_Forum_files/Frontex_Consultative_Forum_Annual_Report_2020.pdf