Frontex Consultative Forum on Fundamental Rights

Program of Work for 2018

as adopted by the Frontex Consultative Forum on 31 October 2017 and presented to the Frontex Management Board on 22 November 2017
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 (AIRE Centre),
- 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),
- Save the Children.

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\(^1\) 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 2018. 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 2018** are:

A. Implementation of the European Border and Coast Guard Regulation.
B. Revision and further development of the Frontex Fundamental Rights Strategy and its implementing documents.
C. Fundamental Rights in Frontex Operations and Return support activities.
D. Frontex training activities with an impact on Fundamental Right.
E. External evaluation of the Frontex Consultative Forum.

---

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 continue to provide its advice on the implementation of the European Border and Coast Guard Regulation in areas on which fundamental rights may be at stake.

Responsible: CF Chairs.

Output:
(i) On-going analysis and consultation with relevant Frontex staff, Management Board and other EU actors.
(ii) Thematic consultation(s) with relevant stakeholders including international organisations and civil society.

Activity A.2: Frontex Individual Complaints mechanism

The Consultative Forum will continue to advice on the establishment of an effective individual complaints mechanism.

Responsible: CF Chairs

Output:
(i) Advice on the rules and procedures.
(ii) Contribution to the evaluation of the established mechanism.

Activity A.3: Frontex Fundamental Rights Accountability

Building on previous work and discussions with Frontex, the Consultative Forum will continue to raise awareness on Frontex fundamental rights responsibilities under EU and international law for fundamental rights breaches in the context of Frontex operations as well as advice on the establishment of risk mitigating mechanisms.

Responsible: CF thematic rapporteur on Frontex Fundamental Rights Accountability.

Output: Provision of expertise on Frontex fundamental rights accountability.
Priority B: Revision and further development of the Frontex Fundamental Rights Strategy and its implementing documents.

Activity B.1: Revision of the Frontex Fundamental Rights Strategy
The Consultative Forum will contribute to the revision of the Frontex Fundamental Rights Strategy and Action Plan.
Responsible: CF Chairs.

Activity B.2: Support to the implementation of the Frontex Codes of Conduct
The Consultative Forum will advise on the implementation of the Frontex Code of Conduct for all persons participating in Frontex activities as well as the Frontex Code of Conduct for Return Operations and Return Interventions in line with the new mandate of the Agency and its Fundamental Rights Strategy.
Responsible: CF Chairs.
Output: Provision of advice on relevant implementation strategies of the Frontex Codes of Conduct to enhance fundamental rights in Frontex activities.

Activity B.3: Gender mainstreaming in Frontex
As to guarantee the principle of equality and non-discrimination in Frontex, the Consultative Forum will support the enhancement of gender mainstreaming within the Agency and throughout its activities.
Responsible: CF thematic rapporteur on Gender.
Output: Analysis and consultation with relevant Frontex staff, Management Board, and other relevant stakeholders.

Priority C: Fundamental Rights and Frontex operations

Activity C.1: Enhancement of child protection in Frontex operations
The Frontex Consultative Forum will continue supporting Frontex efforts to enhance children protection through its activities, in particular the VEGA Children concept for land and sea operations.
Responsible: CF Chairs and Working Group Operations.
Output:
(i) Participation in JO VEGA Children 2018 with a focus on the full roll-out of the VEGA Children handbook in new participating airports.
(ii) Provision of input to the development and support to the roll-out of VEGA Children Land and Sea borders Handbooks.
(iii) On-going analysis and consultation with relevant Frontex staff and other stakeholders.

(iv) Continued advice and follow up to the Consultative Forum recommendation on the enhancement of Child protection in Frontex activities.

Activity C.2: Fundamental rights in Frontex operations and return support activities

**Responsible:** Working Group Operations and Working Group Return.

**Output:**

(i) Visit to Frontex operations and/or return or readmission operations, including participation in operational briefings beforehand and organisation of focus group discussion with Frontex and Management Board representatives thereafter.

(ii) Advice on the development and further implementation of operational guidelines and/or handbooks from a fundamental rights perspective, including the guide for Joint Return Operations by Air coordinated by Frontex.

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

Activity C.3: Frontex engagement with third countries and its impact on fundamental rights

The Consultative Forum will continue looking at Frontex’ enhanced role in third countries, including operational activities in the territory of third countries.

**Responsible:** CF thematic rapporteur on Third Country cooperation.

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

Priority D: Frontex training activities with an impact on Fundamental Rights.

To the extent of its capacity, the Consultative Forum will advise on the development of training tools and implementation of training on issues of relevance to fundamental rights with the view of mainstreaming fundamental rights through Frontex training activities.

**Responsible:** Working Group Training.

**Output:**

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

(ii) Advice on the development of the European Course for Frontex Fundamental Rights trainers.
(iii) ‘Ad hoc’ advice on the development and/or observation of training courses and/or material.

Priority E: External evaluation of the Frontex Consultative Forum

In order to measure the impact of the Consultative Forum’s work in Frontex activities as well as the efficiency in its functioning or the internal and external perceptions of its work, an external evaluation of the Consultative Forum will be conducted during 2018.

**Responsible:** CF Chairs.

**Output:** analysis and recommendations on the organisation and impact of the Frontex Consultative Forum.