

**Frontex Consultative Forum on Fundamental Rights**

# Work Programme for 2016

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*as adopted by the Frontex Consultative Forum on 16 November 2016 and  
presented to the Frontex Management Board on 26 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 (AIRE Centre);
- Caritas Europa;
- International Commission of Jurists (ICJ);
- Jesuit Refugee Service Europe (JRS);
- Churches' Commission for Migrants in Europe (CCME); and
- 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 the 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 2016. This document also defines specific outputs and results which the Consultative Forum aims to achieve through its activities.

The priorities of the Consultative Forum in 2016 are:

- A. Development of the Frontex mandate and operationalisation of the Frontex amended Regulation – fundamental rights implications;
- B. Revision and further development of the Frontex Fundamental Rights Strategy and Action Plan;
- C. Fundamental Rights and Frontex-coordinated joint operations, with a specific focus on pre-identification and screening activities; and
- D. Development and evaluation of Frontex training tools and methodologies in areas related to Fundamental Rights.

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: Development of Frontex's mandate and operationalisation of Frontex's amended Regulation – Fundamental Rights implications.**

#### Activity A.1: Provision of strategic advice on the amendments to the Frontex Regulation

The Consultative Forum will contribute its collective expertise on fundamental rights to the development and operationalisation of the amended Frontex regulation.

**Responsible:** CF Chairs.

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

#### Activity A.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 Point on Frontex Fundamental Rights Accountability.

**Output:**

- (i) Legal assessment on potential liability issues and case scenarios; and
- (ii) Support to the establishment of an Individual Complaints Mechanism.

#### Activity A.3: Fundamental rights implications of Frontex's mandate and activities in the area of returns

The Consultative Forum will contribute its expertise in the area of Fundamental Rights particularly looking into the enhancement of Frontex's role in the area of returns.

**Responsible:** Working Group Return

**Output:**

- (i) Support to the further implementation of the guide for JRO by Air coordinated by Frontex with specific emphasis on enhancing forced return monitoring activities and capacity in Member States; and
- (ii) On-going analysis and consultation with relevant stakeholders.

#### Activity A.4: Frontex cooperation with Third Countries and its impact on Fundamental Rights, with a specific focus on Turkey and the Western Balkans

The Consultative Forum will pay a closer attention to the development of

Frontex cooperation with third countries with specific focus on Turkey and the Western Balkans.

**Responsible:** CF Focal Point on Cooperation with Third Countries.

**Output:**

- (i) On-going analysis and consultation with relevant stakeholders; and
- (ii) Recommendation of good practice and standards to promote respect for Fundamental Rights through third country cooperation, including readmissions, returns and entry refusals.

**Priority B: Revision and further development of the Frontex Fundamental Rights Strategy.**

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

The Consultative Forum will contribute to the ongoing process of the revision of the Frontex Fundamental Rights Strategy and Action Plan during 2016.

**Responsible:** CF Chairs.

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

Activity B.2: Gender mainstreaming

Initial assessment and recommendations on gender mainstreaming in Frontex's activities.

**Responsible:** CF Focal Point on Gender

**Output:** Assessment and recommendations on gender mainstreaming to be covered under the Frontex Fundamental Rights Strategy.

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

Activity C.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) Participation in initial operational briefings for deployed officers; and

- (ii) Organisation of focus group discussions with Frontex and Management Board representatives to discuss questions and observations made during the Consultative Forum visits.

**Activity C.2: Frontex pre-identification and screening activities**

The Consultative Forum will focus on the potential impact of Frontex pre-identification and screening activities on Fundamental Rights and the enhancement of procedural safeguards in their implementation.

**Responsible:** CF Working Group Operations.

**Output:**

- (i) Contribution to the further development of the screening guidelines, screening tools and training for screeners.

**Activity C.3: Enhancement of child protection in Frontex operations**

As a strategic advisor, the Frontex Consultative Forum is ready to support Frontex's efforts to enhance child 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 or nominated focal point.

**Output:**

- (i) Recommendations on issues related to the situation of children at the borders exploring a possible engagement of specialised child rights organisations;
- (ii) Contribution to the identification and sharing of good practice standards and recommendations for the protection of children in Frontex operations;
  - (i) Participation in JO VEGA Children 2016; and
  - (ii) Provision of input to the development of VEGA Children Land and Sea borders Handbooks.

**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 the implementation of training on Fundamental Rights issues with the view of mainstreaming Fundamental Rights throughout Frontex's training activities.

**Responsible:** Working Group Training.

**Output:**

- (i) Consultation on the revision of the Frontex Common Core Curriculum;
- (ii) Observation of Maritime Border Surveillance Officer training;
- (iii) Contribution to the development of MLC for mid-level officers, with specific focus on operational cooperation with civil society and IOs;
- (iv) Contribution to the development of the Fundamental Rights Training E-Learning Tool;
- (v) Observation of the Frontex Fundamental Rights training for trainers.
- (vi) Observation of the screening expert profile training; and
- (vii) Contribution to the development of an advanced workshop on Fundamental Rights for trainers involved in Frontex training activities.