FRONTEX CONSULTATIVE FORUM ON FUNDAMENTAL RIGHTS

WORK PROGRAMME 2014

as approved by the Consultative Forum on 21st May 2014
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1. Composition

The Frontex Consultative Forum (CF) brings together the key European institutions, experts and civil society organisations throughout Europe, who are concerned with the fundamental rights of migrants and refugees.


Due to its diverse composition the strength of the CF is its ability to provide holistic analyses on respect for and protection of fundamental rights based on its collective knowledge and expertise. The CF members can further make full use of the evidence they collect within their organisations’ sphere and provide informed advice and assistance of social, legal and technical nature. This can in turn help to promote fundamental rights in Frontex activities.

In carrying out these tasks the shared objective is to continuously seek to implement the highest standards, very much in line with Frontex’ own objective to aim at “the highest operational standards also in terms of the safeguards of fundamental rights”\(^1\) – and not the lowest common denominators.

\(^1\) Frontex Fundamental Rights Strategy Preamble:  
2. Mandate & Working Methods

Under 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” and to be consulted “on the further development and implementation of the Fundamental Rights Strategy, Code of Conduct and common core curricula” (Art. 26a § 2).²

The access to information is also covered in the 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 working methods and the modalities of the transmission of information as endorsed by the Frontex Management Board foresee for the CF the provision of recommendations and opinions by consensus on how Frontex can structurally improve the respect and promotion of fundamental rights in its activities.³

Besides recommendations and opinions the key deliverable of the CF is an annual publicly available report.

The CF members coordinate their work around two formal meetings per year in addition to other informal meetings, means of communication and exchange and theme specific interaction with the Frontex Executive Director (ED), the Management Board (MB), the Fundamental Rights Officer (FRO) and appointed Frontex staff.

The purpose of this work programme is to define priorities for 2014 and to provide a general framework and structure for the work of the CF members so that the collective knowledge of all members of the CF is used most effectively. At the same time the work programme remains flexible for ad-hoc consultation of the CF on request by Frontex ED,

³ Management Board Decision No. 18/2012 of 26 Sept. 2012.
MB and the FRO in line with emerging needs or the provision of own initiative recommendations.

The work programme should also help to plan the Annual Report, to define timelines for input to it and to establish a calendar, considering key events and developments.

In order to improve efficiency of its work, the CF has established four working groups (WGs) based on the key areas of Frontex’ activity (Joint Operations, Training, Return, Risk Analysis).

The cooperation with the FRO remains to be crucial for the work of the CF being effective and successful. The CF, therefore, works together with the FRO on a regular manner and as closely as possible and also supports her in her activities.

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

Furthermore, the Consultative Forum can follow up on the impact and implementation of its recommendations by:

- asking Frontex or the Management Board for information and proposing action;

- co-operating with the Fundamental Rights Officer in specific areas where only she has a clear monitoring mandate and access to information.
3. Strategic Planning

Objectives:

Δ Assist in the further development, revision and implementation of the Frontex Fundamental Rights Strategy;

Δ Provide recommendations to strategic planning documents and processes such as the Agency’s programme of work 2015, the evaluation under art. 33 and the monitoring mechanism on compliance with fundamental rights

Activities:

3.1 Frontex programme of work 2015 (PoW 2015)
   o Provision of recommendations to the draft Frontex programme of work

3.2 Fundamental Rights Strategy & Action Plan
   o Assisting in the further development and implementation

3.3 Support Frontex evaluation under art. 33 of the Regulation on fundamental rights compliance
   o Provision of recommendations to Frontex and cooperation with the evaluating company/consultants

3.4 Support Frontex in the establishment of an effective monitoring mechanism for fundamental rights compliance
   o Provision of recommendations to Frontex
   o Close cooperation with the FRO

3.5 Handling of individual complaints
   o Contribute to the discussions on the handling of individual complaints and possible provision of recommendations to Frontex

3.6 Study on fundamental rights responsibility risk scenarios for Frontex activities
   o Provision of a mapping in cooperation with the FRO
4. Joint Operations

Objectives:

△ To provide up to date information to Frontex on effective monitoring mechanisms in the MSs;
△ Support Frontex in the implementation of the VEGA Children project concerning the identification of children at risk at EU air borders;
△ Support Frontex in establishing and ensuring compliance with Fundamental Rights standards in joint operations.

Activities:

4.1 Code of Conduct for Joint Return Operations (CoC JROs)

○ Support Frontex on the update of the publication ‘Best practices on the organisation of joint return operations by air’ concerning monitoring practices⁴;

4.2 VEGA Children Handbook to identify children at risk at EU air borders

○ Support Frontex’ air border sector in the testing phase of the handbook at EU airports and possible participation in seminars organised at selected EU airports.

4.3 Follow-up on the CF recommendations concerning Poseidon Programme

○ Stocktaking and update on the situation since CF visit in summer 2013
○ Initiate focus group discussion with interested MB members
○ Possible follow-up visit to Poseidon and/ or other joint operations and provision of strategic recommendations to Frontex

4.4 Surveillance of the external sea borders regulation

- Provide recommendations to Frontex on the implementation of the fundamental rights provision of the sea borders regulation in Frontex operational planning
5. Training & capacity building

Objectives:

△ Assist mainstreaming a fundamental rights dimension (including the principles of access to international protection, diversity and non-discrimination) into selected trainings and briefings.

Activities:

5.1 Operational briefings

○ Contribution to and participation in operational briefings upon request

5.2 European Joint Master’s in Strategic Border Management

○ Provide opinions and/or recommendations on the development and finalisation of the Master’s Module on Fundamental Rights and Ethics in European Border Security Management and support the implementation of the Master’s programme.
6. Risk analysis

Objectives:

△ Inclusion of a Fundamental Rights dimension in the analysis of composition of flows into Frontex risk analysis.⁵

Activities:

6.1 Frontex risk analysis related data collection and analysis⁶;

- Provision of human rights information on third countries for possible use for risk analysis purposes
- Participation in relevant technical meetings and risk analysis activities
- Review and recommendations for possible integration of fundamental rights criteria into data collection methodologies to rate risks

⁵ Frontex Director Ilkka Laitinen’s address to the EP’s LIBE Committee meeting on 11.10.2010 on “Practical steps taken by the agency to guarantee the implementation of rescue measures of migrants at sea in Frontex joint operations in line with the agencies obligation included in the new mandate”: http://www.europarl.europa.eu/ep-live/en/committees/video?event=20121011-0900-COMMITTEE-LIBE&category=COMMITTEE&format=wmv