Frontex Consultative Forum on Fundamental Rights

Program of Work 2019

as adopted by the Frontex Consultative Forum on 26 October 2018 and presented to the Frontex Management Board on 5 November 2018
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:

- 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 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” (Art. 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 2019. This document also defines specific outputs or results the Consultative Forum aims at achieving through its activities.

The Program of Work 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.

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Slight modifications may also be undertaken this year to optimise the time and expertise available within the new composition of the Consultative Forum that will be appointed as of 1 July 2018.

The **priorities of the Consultative Forum in 2019** are:

A. **Ongoing enhancement of the European Border and Coast Guard Agency and its fundamental rights implications.**

B. **Revision 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 rights.**

E. **Child protection and safeguarding in the context of Frontex activities.**

In the implementation of this program 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: Ongoing enhancement of the European Border and Coast Guard Agency and its fundamental rights implications.**

**Activity A. 1: Provision of strategic advice on the ongoing enhancement of the European Border and Coast Guard Agency and further development of its mandate**

The Consultative Forum will contribute its collective expertise on fundamental rights to the further development of the European Border and Coast Guard
Agency, including advice on the setting up of new functions such as those related to the implementation of ETIAS.

**Responsible:** CF Chairs.

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

**Activity A.2: Frontex fundamental rights monitoring mechanisms**

With the view to enhancing the monitoring of fundamental rights compliance in Frontex activities, the Consultative Forum will map and advice on fundamental rights monitoring mechanisms within the Agency.

**Responsible:** CF Chairs.

**Output:**

(i) Consultation with Frontex Fundamental Rights Officer, Frontex staff and other relevant stakeholders.

(ii) Advice on rules and procedures, including the Agency’s rules on the complaints mechanism.

**Priority B: Revision and further development of the Frontex Fundamental Rights Strategy and its implementing documents**

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

**Responsible:** CF Chairs.

**Output:** Consultation on the amendment of the 2011 Frontex Fundamental Rights Strategy and its Action Plan.

**Priority C: Fundamental Rights in Frontex operations and return support activities**

**Activity C.1: Fundamental rights in Frontex return support activities**

The Consultative Forum will continue looking at Frontex’ enhanced role on returns, including the pre-return phase.
**Activity C.2: 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:**

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

Follow up to the Consultative Forum recommendation related to third country cooperation.

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**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:** ‘Ad hoc’ advice on the development and/or observation of training courses and/or material.

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**Priority E: Child protection and safeguarding in the context of Frontex activities.**

The Frontex Consultative Forum will continue to support Frontex efforts to enhance children protection and safeguarding through its operational activities, including through Frontex implementation of the recommendations issued by the Consultative Forum in 2017.
**Responsible:** CF Chairs and thematic rapporteur on Children.

**Output:**

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

(ii) Conduct on-spot visit(s) to Joint Operations with a focus on child protection.

(iii) Support to the implementation of Consultative Forum recommendation on the enhancement of child protection in Frontex activities.