FRONTEX CONSULTATIVE FORUM ON FUNDAMENTAL RIGHTS

PROGRAMME OF WORK 2023

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1. **FRONTEX CONSULTATIVE FORUM ON FUNDAMENTAL RIGHTS COMPOSITION & WORKING METHODS**

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 current composition of the Consultative Forum was extended\(^1\) until the end of 2023 and is currently composed of representatives from:

- Churches’ Commission for Migrants in Europe (CCME),
- Council of Bars and Law Societies of Europe (CCBE),
- Council of Europe (CoE),
- European Union Asylum Agency (EUAA),
- European Union Agency for Fundamental Rights (FRA),
- 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 (RCEU),
- Save the Children (SC),
- 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.

Amnesty International European Institutions Office (AIEIO) and the International Commission of Jurists (ICJ) withdrew their membership at the end of 2022.

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Working methods of the Consultative Forum:  

- Three meetings per year with the Chair of the Frontex Management Board and the Frontex Executive Director.
- Steering Group meetings are held to facilitate timely provision of expertise with Frontex executive management in-between the Consultative Forum meetings.
- Regular meetings and exchange with Frontex business units.
- Regular exchange with the Fundamental Rights Officer and his office.
- Observation missions are organized in line with the Consultative Forum’s working methods, with due advance notice.

The working methods will be revised in 2023.

The Consultative Forum publishes an annual report, which contains an overview of all recommendations and activities of the previous year. 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 and in line with the Management Board decision 43/2022. Furthermore, the Frontex Management Board should share the Consultative Forum’s recommendation with the European Parliament in line with Art. 8 (1).

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2. **INTRODUCTION**

In accordance with Article 108 of the Regulation on the establishment of a European Border and Coast Guard (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 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 2023. 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 as 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 and can submit requests for information to Frontex for this purpose.

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.

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

3. **PRIORITIES IN 2023:**

   **A. Advising on fundamental rights policies and processes of Frontex as they emerge**

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B. Enhancing Frontex VEGA activities through fundamental rights advice

C. Advice within the ETIAS Fundamental Rights Governance Board

D. Implementation of Consultative Forum Recommendations

E. Carrying out research on accountability

Priority A: Advising on fundamental rights policies and processes of Frontex as they emerge

The Consultative Forum has to date provided advice in the setting up of an effective system to monitor, investigate and address potential fundamental rights violations. In line with its mandate, and building on its work in 2022, the Consultative Forum will continue offering its support to the Agency as regards the implementation of the 2019 European Border and Coast Guard Regulation in relation to fundamental rights either at the request of the Agency, its Management Board or at its own initiative.

Output: Continued advice on the effectiveness of the mechanism to monitor, investigate and address alleged fundamental rights violations in Frontex activities.

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

Output: Contribute with expertise to external oversight mechanisms’ inquiries in relation to fundamental rights.

Output: Conduct on the spot visits to selected Joint Operations and formulate specific observations to the attention of Frontex Management and MB members, in close consultation with the FRO.

Output: Provision of input to the European Commission’s evaluation of Frontex.

Priority B: Enhancing Frontex VEGA activities through fundamental rights advice

Consultative Forum members will continue joining VEGA deployments (at land, airports and upon launch at sea) to support the Agency and its staff in the identification of vulnerable persons.

Output: Deployment of Consultative Forum members to Vega operations and an increase of awareness in relation to the identification of vulnerable persons with Frontex staff. Contribution with fundamental rights expertise to related briefings and lessons learned.
Priority C: Advice within the ETIAS Fundamental Rights Governance Board

In 2022, the Consultative Forum appointed one of its members, ODIHR, to represent the Consultative Forum in the ETIAS Fundamental Rights Guidance Board.\(^5\)

**Output:** Ensuring an effective functioning of the ETIAS Fundamental Rights Guidance Board & continued fundamental rights advice in its set up and functioning.

Priority D: Implementation of Consultative Forum Recommendations

The Consultative Forum will continue observing the extent of the implementation of their Recommendations. According to the Regulation and MB decision 43/2022\(^6\) there is an obligation for Frontex to inform the Consultative Forum concerning the implementation of its recommendations.

**Output:** Exchange with Frontex and the Management Board concerning the follow up to CF recommendations such as f.e Training, returns and others.

Priority E: Research on accountability

Launching an external research concerning the overall accountability of Frontex in its various activities will support the Consultative Forum in its advise to Frontex. The research paper should look into various scenarios of Frontex activities and analyse their fundamental rights dimension.

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\(^6\) As per Management Board Decision 43/2022 adopting the rules for the Executive Director and the Management Board to inform the Consultative Forum of the follow-up to its recommendations and to ensure that action is taken with regard to recommendations of the Fundamental Rights Officer (available at https://prd.frontex.europa.eu/wp-content/uploads/mb-decision-43_2022-adopting-rules-on-cfs-and-fros-recommendations_pr.pdf. Last accessed 05/12/2022)
Output: Establishment of terms of references for a research paper conducted by an external service provider. The Consultative Forum members will use its findings and recommendations within their advisory role vis a vis Frontex.