



FOURTH ANNUAL REPORT

**Frontex Consultative Forum
on Fundamental Rights**

2016

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Frontex Consultative Forum on Fundamental Rights

Consultative Forum Members:

- The AIRE Centre — Advice on Individual Rights in Europe
- Amnesty International European Institutions Office (AI EIO)
- Caritas Europa (CE)
- Churches' Commission for Migrants in Europe (CCME)
- Council of Europe (CoE)
- European Asylum Support Office (EASO)
- European Council on Refugees and Exiles (ECRE)
- European Union Agency for Fundamental Rights (FRA)
- International Commission of Jurists (ICJ)
- International Organisation for Migration (IOM)
- Jesuit Refugee Service Europe (JRS)
- Organisation for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights (OSCE/ODIHR)
- Platform for International Cooperation on Undocumented Migrants (PICUM)
- Red Cross EU Office
- United Nations High Commissioner for Refugees (UNHCR)

Plac Europejski 6
00-844 Warsaw, Poland
T +48 22 205 95 00
F +48 22 205 95 01

Consultative.Forum@frontex.europa.eu
frontex@frontex.europa.eu
www.frontex.europa.eu

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1 EXECUTIVE SUMMARY



Vast pile of lifejackets in northern Lesvos, Greece

© UNHRC / Gordon Welters / June 2016

The Annual report is the main publication of the Consultative Forum and aims at providing the reader with a glimpse of the activities of the Forum during the year. It also contains observations and recommendations raised with Frontex and its Management Board in an effort to strengthen fundamental rights protection in Frontex activities.

2016 has been a challenging year for Frontex, which concluded with the adoption of a new Regulation that provides for its transition into a European Border and Coast Guard Agency with an extended mandate, resources and fundamental rights responsibilities. Despite the limited resources available due to the voluntary nature of its membership, the Consultative Forum delivered in all the priorities that had been set for 2016, with a primary focus on **the development and implementation of Frontex's new mandate**.

In this regard, the Consultative Forum issued its views on the establishment of a **Frontex individual complaints mechanism**, which, if well developed and staffed, should contribute to transparency and accountability (*see Section 4.1.2*). As in previous years, the Forum continued a constructive dialogue with the Agency on 'Fundamental rights accountability' with the view to achieving a common understanding in terms of legal obligations, risks and mitigation measures (*see Section 4.1.1-3*).

The establishment of a **European pool of forced return monitors** under the governance of Frontex brings along a significant human rights safeguarding task for Frontex. This is a positive step forward and should contribute to the setting of high standards to guarantee dignified returns, as well as to increasing the percentage of return and readmission operations coordinated by Frontex that are effectively monitored (*see Section 4.1.4*).

The understanding of the new framework, potential limitations and implications of the **extended mandate of Frontex in third countries** as well as its impact on fundamental rights was also part of the Consultative Forum focus during 2016. The Consultative Forum aims at identifying potential risks, challenges and ways forward in this area (see *Section 4.1.5*).

As in previous years, the Consultative Forum visited Frontex operations in order to better understand their practical functioning and challenges. In 2016, **Consultative Forum members visited Frontex operations in Greece** and shared their observations with Frontex and Management Board representatives (see *Section 4.3.1*). Joint discussion led to the identification of concrete action points that could be considered by the Agency to strengthen fundamental rights protection aspects in its activities.

In line with its mandate as strategic advisor on fundamental rights matters, the Consultative Forum issued a **recommendation** to the Agency and its Management Board concerning **Frontex operational activities at the Hungarian-Serbian border** (see *Section 4.3.3*).

The Consultative Forum continued its work towards the **enhancement of child protection in Frontex activities**, which included its continued support to Frontex VEGA Children concept and its extension to land borders, as well as the launch of a study on specific child safeguarding duties and concerns arising through Frontex activities. The findings will serve the Forum to provide concrete recommendations during 2017 (see *Section 4.4*).

The forum also contributed to the **revision of the Frontex Fundamental rights strategy** which will be further developed in 2017 and incorporate the outcome of the Consultative Forum's assessment on the **mainstreaming of gender** in Frontex activities. It also

continued to share its expertise and recommendations with the **Frontex Training unit** (see Section 5) and developed **new working methods** in consultation with Frontex and the Management Board, as provided for in the European Border and Coast Guard Regulation¹.

As repeatedly recommended during the year, urgent recruitment of additional technical staff to support the Fundamental Rights Officer remains key to the Agency's ability to deliver on its fundamental rights obligations, including the rolling out of an individual complaints mechanism as foreseen in the European Border and Coast Guard Regulation.

This fourth Annual report of the Consultative Forum was presented to the Frontex Management Board on 29 March 2017.

¹ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard, *Official Journal of the European Union* L 251/1-76, 16.9.2016.



2 INTRODUCTION

A family fleeing Syria loses a child, after crossing the river Evros from Turkey in to Greece, and finds support amongst the local community. Greece.

© UNHCR / Achilleas Zavallis / January 2016

2016 was a year of significant changes in the context in which Frontex operates. The high numbers of arrivals to Europe in late 2015 and early 2016 resulted in an intense political debate with prominent focus on the work of Frontex, and in calls for its reinforcement. The creation of a European Border and Coast Guard Agency was proposed on 15 December 2015 and agreed by European Union law makers within just 9 months; the new Agency was launched on 6 October 2016.

According to UNHCR statistics², at the end of 2015, 65.3 million individuals were forcibly displaced as a result of persecution, conflict, generalised violence, or human rights violations around the globe — an unprecedented number. Two thirds remain internally displaced, while one third of the displaced persons fled their countries to seek refuge. 51 % of all refugees are children and many persons belong to particularly vulnerable groups. According to UNICEF estimates, there are 5.4 million migrant children in Europe³. 86 % of the 21.5 million refugees around the globe are hosted by so-called developing regions and many of them face immense challenges in gaining access to effective protection⁴.

The major challenge for the Agency in 2016 was to prepare for and implement the new European Border and Coast Guard Regulation which provides for, *inter alia*, a significant expansion of the Agency's return activities ⁽⁵⁾ and an enhanced role in registration of migrants

2 See UNHCR Global Trends — Forced displacement in 2015 (available at: <http://www.unhcr.org/576408cd7.pdf>)

3 See UNICEF Uprooted — The growing crisis for refugee and migrant children (available at: https://www.unicef.org/publications/files/Uprooted_growing_crisis_for_refugee_and_migrant_children.pdf)

4 UNCHR Global Trends.

5 Budget allocated to the Return support unit in 2016 was EUR 66 557 000 (see http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Budget/Budget_2016.pdf)

and refugees as part of the migration management support teams deployed in hotspots at the external borders. Moreover, in the context of the EU–Turkey Statement, adopted on 18 March 2016, its emergency operational support in Greece increased with a particular focus on readmissions.

While detections of irregular border crossings in 2016 decreased dramatically overall (down to just over 500 000) compared to 2015, there were over 1.23 million applications for international protection lodged (10 % fewer than 2015) in the EU+ (EU plus Norway and Switzerland). According to provisional data available from countries covering 44 % of all applications lodged in the EU+ during 2016, already well over 30 000 unaccompanied children were accounted for in EU+ countries⁶. The role of NGOs in search and rescue activities in the Mediterranean gained significance⁵ during 2016. For instance, according to Frontex statistics, in the period January–October 2016, NGO vessels were involved in about 30 % of search and rescue operations in the central Mediterranean.

The legislative and policy context in which Frontex operates also changed significantly. The European Commission proposed major new initiatives in the field of border control and asylum: A communication of 6 April 2016 on ‘Stronger and smarter information systems for borders and security’ pointed to the need for new tools, including an EU Entry-exit system (EES) and a supporting amendment to the Schengen Borders Code foreseeing systematic checks of travellers against central databases. Proposals were also made to establish

⁶ EASO Early warning and preparedness system (EPS) data, as of 27 February 2017.

⁷ NGOs were involved in 433 search and rescue operations during 2016 in the central and eastern Mediterranean: 54 detections, 108 interception and 271 detections and interceptions. Source: Frontex Situation Centre, data extracted on 13 March 2017.

a European travel information and authorisation system (ETIAS, to be run operationally by Frontex) and on reinforcing Europol, including through the creation of a European migrant smuggling centre.

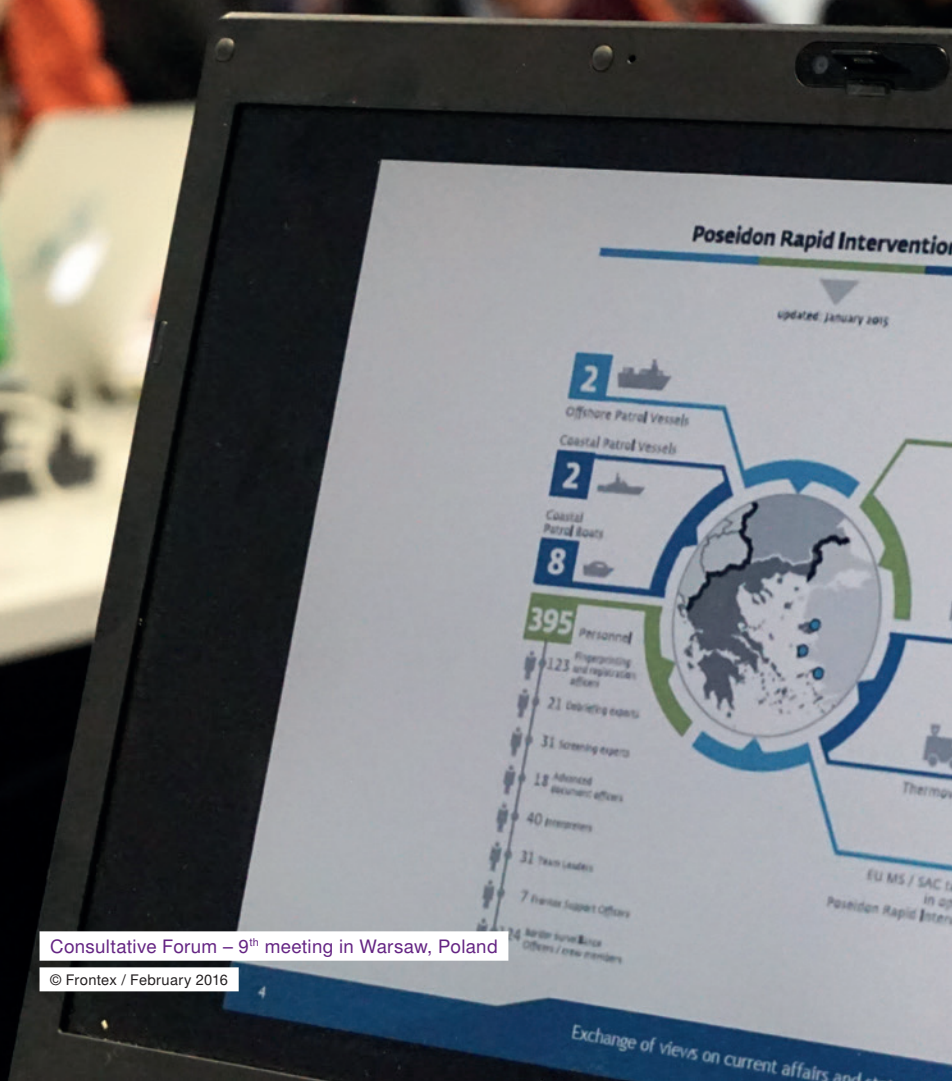
The Commission, moreover, published a communication on 'Reforming the Common European Asylum System and developing safe and legal pathways to Europe' which preceded the publication of a set of proposals reforming the EU asylum *acquis*, including the creation of an EU Asylum Agency (and its close cooperation with Frontex), the revision of the Eurodac Regulation, Dublin Regulation and the Reception Conditions Directive as well the Asylum Procedures Directive and Qualification Directive — making border guards directly responsible for 'receiving and registering applicants for international protection'.

The provisions in the Regulation establishing a European Border and Coast Guard Agency underline the importance of the promotion of fundamental rights in the work of border control, foreseeing a modestly increased role for the Consultative Forum and the Fundamental Rights Officer, the creation of an individual complaints mechanism and a greater focus on the needs of vulnerable groups, particularly children.

3 COMPOSITION AND ROLE

Consultative Forum – 9th meeting in Warsaw, Poland

© Frontex / February 2016



Exchange of views on current affairs and...

Officially established in October 2012, and operational since January 2013, the Consultative Forum provides its independent advice to the Agency's Management Board as well as its Executive Director on the respect, protection and promotion of fundamental rights through Frontex activities. The European Border and Coast Guard Regulation did not fundamentally alter the Consultative Forum mandate but modestly reinforced its role by codifying the possibility for the Consultative Forum to conduct on the spot visits to operational areas and activities. Pursuant to Article 70 of the European Border and Coast Guard Regulation, the Consultative Forum is to be consulted on matters such as the further development and implementation of the Fundamental rights strategy, Codes of conduct and Common core curriculum and shall have effective access to all information related to the respect of fundamental rights in all activities of the Agency.

Under the European Border and Coast Guard Regulation, the Consultative Forum has neither the mandate nor the capacity to monitor or systematically assess fundamental rights compliance in Frontex activities. The work of the Consultative Forum should therefore not preclude the necessary oversight of relevant stakeholders such as the European Parliament, national parliaments, civil society and the judiciary.

The Consultative Forum is composed of 15 organisations, which contribute their expertise and resources on a voluntary basis, and is supported by a Consultative Forum Secretariat provided by Frontex.

In its current composition, the Consultative Forum has been operational since 26 September 2015 and its mandate will expire on 31 December 2018. The Consultative Forum is composed of the following.

(i) **Two European Union agencies:**

- the European Asylum Support Office (EASO); and
- the European Union Agency for Fundamental Rights (FRA).

(ii) **Four UN agencies and intergovernmental organisations:**

- the United Nations High Commissioner for Refugees (UNHCR);
- the Council of Europe (CoE);
- the International Organisation for Migration (IOM); and
- the Organisation for Security and Cooperation in Europe — Office for Democratic Institutions and Human Rights (OSCE ODIHR).

(iii) **Nine civil society organisations:**

- The AIRE Centre — Advice on Individual Rights in Europe;
- Amnesty International European Institutions Office (AI EIO);
- Caritas Europa;
- Churches' Commission for Migrants in Europe (CCME);
- European Council on Refugees and Exiles (ECRE);
- International Commission of Jurists (ICJ);
- Jesuit Refugee Service Europe (JRS);
- Platform for International Cooperation on Undocumented Migrants (PICUM);
- and the Red Cross EU Office.

In 2016, the Consultative Forum was chaired by UNHCR and the Jesuit Refugee Service.

Consultative Forum working methods

The Consultative Forum working methods regulate the work of the Forum and the roles and responsibilities of the Chairs, the Members and the Secretariat. During 2016, the Consultative Forum initiated the process of adopting new working methods as foreseen in Article 70 of the European Border and Coast Guard Regulation. The draft was consulted with the Frontex Executive Director and Management Board, as required by the Regulation. Views and comments from Frontex and the Management Board were discussed during a meeting in October.

The new document has been aligned with the European Border and Coast Guard Regulation, bringing more clarity to the functioning of the Forum as well as ensuring transparency of its work. It also opens the chairpersonship to all the members of the Forum, including civil society organisations.

The Consultative Forum will adopt its working methods in the beginning of 2017 and they will be made publically available.



4 MAIN ACTIVITIES IN 2016

Refugees and migrants on Chios island, Greece

© UNHCR / Yorgos Kyvernitis / April 2016

4.1. Development of Frontex's mandate and operationalisation of the new European Border and Coast Guard Regulation

4.1.1. Provision of strategic advice on the new European Border and Coast Guard Regulation

In December 2015, the European Commission launched its proposal for the adoption of a European Border and Coast Guard Regulation replacing the Frontex Regulation and substantially enhancing the Agency's mandate. In April 2016, the Consultative Forum formally shared its views with the Frontex Executive Director and the Chair of the Frontex Management Board concerning the Commission proposal for a Regulation on the European Border and Coast Guard⁸ to assist Frontex in its contribution to the discussions preceding the adoption of the new Regulation. Complementary to the recommendations and individual positions by its members⁹, which were also discussed, the Consultative Forum provided its views on provisions directly related to its role. These views were also shared in writing with the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament.

- 8 Proposal for a Regulation of the European Parliament and of the Council on the European Border and Coast Guard, 15 December 2015 (available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/legal-documents/docs/regulation_on_the_european_border_and_coast_guard_en.pdf).
- 9 Joint Briefing on the European Border and Coast Guard Regulation — International Commission of Jurists, ECRE and Amnesty International, April 2016 (available at: http://www.amnesty.eu/content/assets/Docs_2016/ReportsBriefings/EBCGReg_Joint_briefing.pdf); Comments on the European Commission's Proposal for a European Border and Coast Guard COM(2015) 671 final, 19 April 2016 (available at: http://www.ccme.be/fileadmin/filer/ccme/20_Areas_of_Work/01_Refugee_Protection/2016-04-19_European_Border_and_Coast_Guard.pdf); UNHCR comments on the proposal (available at: <http://www.refworld.org/pdfid/57176acc4.pdf>).

The Consultative Forum welcomed the provision on the Forum's effective access to all information concerning the respect for fundamental rights, including carrying out on-the-spot visits to joint operations or rapid border interventions. Additionally, the Forum welcomed the explicit reference to the consideration of its views and its continued consultative role in the further development of Frontex's Fundamental rights strategy, Codes of conduct and Common core curricula, as well as its role in the establishment of the individual complaints mechanism.

In its communication, the Consultative Forum also articulated the following concerns:

- Whereas the Commission's proposal stipulated that the Consultative Forum would constitute a part of the **administrative and management structure of the Agency**, the Consultative Forum considered that such a categorisation would not be consistent with its mandate, composition or working methods, as well as its status as an independent advisory body.
- The Consultative Forum urged to maintain the existing arrangement with regards to **the Fundamental Rights Officer's reporting to the Forum** as a key element in safeguarding the independent role of the Fundamental Rights Officer and contributing to the promotion of respect for fundamental rights in the activities of the Agency.
- While the Consultative Forum welcomed the inclusion in the Commission's proposal of a provision on an individual complaints mechanism, it considered that clearer rules concerning the follow-up of complaints at national level as well as to provide for the formal involvement of national and European Ombudspersons, should be provided. The Consultative Forum warned against the creation of an incomplete, ineffective and non-transparent mechanism, which would **preclude access to an effective remedy** by the rights holders.

- ♦ The Consultative Forum also regretted that, aside from cooperation with the Forum itself, the proposal did not provide for a meaningful and sustainable **involvement of the civil society in the work of the Agency**.
- ♦ Finally, the Consultative Forum called for the allocation of **additional staff** to the Fundamental Rights Officer and the Secretariat of the Consultative Forum in line with the extended mandates of the Agency and the Fundamental Rights Officer.

As the Regulation on the European Border and Coast Guard entered into force on 6 October 2016, the Consultative Forum notes that none of its recommendations were adopted by the legislator. The concerns raised by the Forum to Frontex and Senior Management and EU Parliament with regard to the Forum's role remain.

4.1.2. Frontex individual complaints mechanism

The Consultative Forum welcomes the establishment of a Frontex individual complaints mechanism as a result of the adoption of the European Border and Coast Guard Regulation. The Forum believes that an accessible, impartial, transparent, independent and well-managed complaints mechanism is needed to ensure that Frontex fully complies with its fundamental rights obligations. In particular, an effective remedy must be available for migrants, asylum-seekers and refugees who consider that their fundamental rights are violated in any of the activities of the Agency. In this regard, the Forum stresses that this mechanism can only be complementary to, and not a substitute for a proper judicial remedy, whether before national courts or before the Court of Justice of the EU, or other regional and international bodies.

The Consultative Forum was asked to provide comments to the Agency's Rules governing the complaints mechanism and to the complaints form in September 2016. While the Consultative Forum fully understands the need to set up an effective, efficient and independent complaints mechanism as soon as possible, after the entry into force of the Regulation, it nevertheless regrets the lack of a meaningful and comprehensive consultation process with the Forum and other relevant actors, such as competent authorities handling national complaints mechanisms. Despite the short timeframe for consultation, the Forum still submitted its initial views and recommendations to Frontex.¹⁰

The Forum noted that the rules that were later adopted by the Agency¹⁰ merely reproduced Article 72 of the European Border and Coast Guard Regulation without providing further detail on the roles of the different actors involved in the procedure. Furthermore, the rules do not specify the maximum timeframe for the processing of complaints including the issuance of decisions on admissibility, the examination by the Executive Director and the implementation of follow-up measures. In addition, the following recommendations to improve the mechanism remain unaddressed:

- ♦ the Consultative Forum recommended that no **time limit** should be established for the submission of complaints. Eventually, the time line was extended from 6 months to 1 year;
- ♦ the term '**directly affected**' should refer to the same standards used in international human rights law to identify the status of victim of a complainant, i.e. victims of acts *and omissions*;

¹⁰ The Agency's rules on the complaints mechanism (available at: http://frontex.europa.eu/assets/Complaint/Annex_1_-_Frontex_rules_on_the_complaints_mechanism.pdf).

- ♦ the possibility of submitting anonymous complaints should be provided;
- ♦ the **obligation of the members of the team to provide information** on the complaints mechanism should extend to any person that could be affected by the Agency's activities and should not be limited only to those who specifically ask for it. Information about the complaint form, including a handout, should be provided to any person who expresses a wish to report an alleged violation;
- ♦ information should be provided in **languages that third-country nationals understand, using clear, precise and non-technical language** throughout all the stages of the procedure, including the provision of information about the mechanism.
- ♦ lack of reference to any **means of appeal** against the Executive Director's decision that, in EU law, includes the Court of Justice of the EU (CJEU).

In its recommendation, the Consultative Forum also voiced its concern about the need to clarify the **linkage between the complaints mechanism and the powers of the Executive Director or of the Agency to suspend or terminate operations** in case of serious or persistent fundamental rights violations, or to suspend financing of return operations in case of fundamental rights breaches as per Article 25 of the European Border and Coast Guard Regulation. It therefore recommends that the internal rules outline the necessary steps and the grounds for the triggering of the Executive Director's powers of suspension or termination of operations and interventions.

The Consultative Forum also believes that the **role of the Fundamental Rights Officer** should not be limited to the checking of admissibility, but should instead extend into the carrying out of preliminary assessments regarding the alleged fundamental rights violations and drafting recommendations based on these assessments.

The Consultative Forum recommends the development of a separate version of the **complaints form adapted to vulnerable groups**, as well as to include an annex with one or two addresses and contact details of national courts for each Member State and one for the CJEU, as potential remedies.

The Consultative Forum remains concerned that no dedicated staff have yet been allocated to support the Fundamental Rights Officer in developing, rolling out and managing the mechanism.

With most of the concerns raised by the Forum, in particular those related to the Agency's internal rules, unaddressed, the Consultative Forum regrets that the complaints mechanism, as presented, may be insufficient to ensure access to an effective remedy or compliance with the right to good administration, as required under Articles 47 and 41 of the EU Charter of Fundamental Rights. In this regard, the Consultative Forum recommends that the Agency organises a full evaluation of the internal rules of the complaints mechanism to be conducted in 2017, in order to assess their compliance with EU and international human rights law.



4.1.3. Frontex Fundamental rights accountability

The discussions on this topic take the form of an informal exchange of views among participants on the basis of scenarios that may engage the responsibility of the Agency, whether directly or indirectly, for fundamental rights violations in activities where it is involved to varying degrees. The discussions aim to identify what actions or omissions may trigger Frontex's responsibility, as well as ways to prevent fundamental rights violations from occurring during Frontex operations. A focus group meeting was held in 2016, featuring discussions on various sea border operations scenarios in the presence of representatives of Frontex Legal Affairs Unit and the Frontex Sea Borders Sector.

The overall purpose of these meetings is to gain a better understanding of the potential risks of infringement of European and international human rights law stemming from Frontex activities. Work in 2016 focused on Frontex activities at the sea borders where issues related to disembarkation, search and rescue, use of force and interception, among others, were discussed.

4.1.4. Fundamental rights implications of Frontex's mandate and activities in the area of returns

Stepping up of both voluntary and forced returns has become a key focus of the EU's migration policy¹¹. Consequently, Frontex was given an enhanced mandate and an increased budget to initiate activities in this area¹². The new European Border and Coast Guard Regulation has also explicitly mandated Frontex to organise return operations for voluntary returnees, a reflection of its ongoing support to readmissions in the context of the implementation of the EU–Turkey Statement. Given that operationally there is no difference between return and readmission operations, the Consultative Forum has insisted on the Code of conduct for Joint return operations¹³ to apply also to readmission operations coordinated by Frontex, such as those undertaken from Greece. The new Regulation has also codified the practice¹⁴ of organising return operations from a single Member State — as opposed to Joint return operations, composed of more than one Member State.

11 Communication from the Commission to the European Parliament and to the Council — EU Action plan on return, COM (2015) 453, 9 September 2015.

12 Several provisions in the European Border and Coast Guard Regulation, as well as the increased budget for returns are clear indicators of Frontex's enhanced mandate and activities in that area.

13 Frontex Code of conduct for joint return operations (available at: http://frontex.europa.eu/assets/Publications/General/Code_of_Conduct_for_Joint_Return_Operations.pdf).

14 In March 2016, before the entry into force of the European Border and Coast Guard Regulation, Frontex Executive Director issued a decision extending Frontex support to return operations from one Member State.

The **practical implementation of Frontex's enhanced mandate in return activities** must fully comply with fundamental rights, in particular the principle of *non-refoulement* and the right to an effective remedy. The Consultative Forum considers it of the utmost importance to fully respect safeguards in EU law to avoid violations of fundamental rights. One such safeguard is the monitoring of returns in compliance with the EU's Return Directive. The establishment of a pool of forced return monitors as per Article 29 of the European Border and Coast Guard Regulation is a step forward in the strengthening of monitoring efforts corresponding to the increase of return operations. The Consultative Forum will closely observe the evolution in the number of monitored forced return operations in light of the increase of return and readmission operations.

The Consultative Forum is concerned that an increase of return and readmission operations from Member States, which do not yet have an effective return monitoring mechanism¹⁵ in place, could ultimately lead to a decrease of return operations that are effectively monitored, despite the establishment of the European pool of monitors.

In this regard, Frontex and the Fundamental Rights Agency organised a **joint workshop for forced return monitors** in order to identify gaps and good practices in the monitoring of forced return operations in June 2016. Three Consultative Forum representatives participated in the workshop, as well as representatives from competent bodies from Member States that carry out independent forced return monitoring, escorts, a representative from the Committee for the

¹⁵ See the FRA's overview on the state of play of forced return monitoring systems in 28 EU Member States (available at: <http://fra.europa.eu/en/theme/asylum-migration-borders/forced-return>).

Prevention of Torture, the International Centre for Migration and Policy Development and the EU Ombudsman Office.

The Consultative Forum provided its advice on the development of a **European Border and Coast Guard Teams (EBCGT) profile for forced return monitors** with a view to guarantee its independent nature and build safeguards so the return system complies with international and EU fundamental rights standards and obligations. The Consultative Forum provided its views and recommendations to the draft and during two working group meetings with Frontex and representatives of EU Member States. The profile for forced-return monitors was adopted by the Management Board on 6 December 2016¹⁶.

The Consultative Forum supports the establishment of a **pool of forced return monitors** composed of independent forced return monitors from Member States.

4.1.5. Frontex cooperation with third countries and its impact on fundamental rights

The **current and future Frontex engagement with Turkey** was discussed with the Frontex Deputy Executive Director during the 9th Consultative Forum meeting in February 2016, in particular engagement in the areas of risk analysis, air borders, capacity building and the role of Frontex Liaison Officer to Turkey.

The Forum members expressed concerns about the difficulties in ensuring that the enhanced Turkey–Frontex cooperation is fully compliant with relevant fundamental rights standards, given the current situation in Turkey. Several Consultative Forum members raised

¹⁶ Management Board Decision 41/2016 of 6 December 2016 adopting the profiles and the overall number of experts to be made available to the pools of forced-return monitors, forced-return escorts and return specialists.



Consultative Forum visit to JO Poseidon sea 2016

© Consultative Forum / July 2016

the question of whether migrants and refugees who are readmitted by Turkey have access to the full set of rights they are entitled to.

In particular, the Consultative Forum recommended the following:

- ♦ Fundamental rights are a crucial element to take into consideration when cooperating with Turkey. The Consultative Forum recommended Frontex reached out to NGOs, international organisations as well as civil society in Turkey to feed into risk analysis and planning activities by Frontex in Turkey.
- ♦ The Consultative Forum also recommended Frontex to assess its role in preventing migration from Turkish coasts and its consequences for fundamental rights.

Following an **agreement between the EU and Afghanistan** on 2 October 2016 ⁽¹⁷⁾, members of the Consultative Forum raised concerns to the Deputy Executive Director about Frontex's involvement in the implementation of this agreement at the Consultative Forum meeting on 19-20 October 2016. According to the agreement, Frontex will have a key role in carrying out return flights to Afghanistan.

As in 2015, the Forum was provided an opportunity to submit comments on the draft **Africa–Frontex Intelligence Community (AFIC) Joint Report 2016**. This document analyses the irregular migratory movements in AFIC countries and EU Member States and cross-border criminality. It also provides an overview of the main regional security threats affecting selected countries. The information and analyses provided by the report may have a strong influence

17 Joint way forward on migration issues between Afghanistan and the EU (available at: https://eeas.europa.eu/sites/eeas/files/eu_afghanistan_joint_way_forward_on_migration_issues.pdf).

on EU Member States and third countries' policies and practices on migration management issues. Therefore, the Consultative Forum welcomed the possibility to review the document from a fundamental rights perspective. As in 2015, the Forum was given a limited period of time to share its views and suggestions. This time constraint did not allow the Forum to carry out an extensive review of the document, nor to provide comprehensive and in-depth recommendations. For the same reasons, the Consultative Forum was not able to comment on the methodology used in this report.

Nonetheless, the Forum highlighted that more efforts should be made to stress the need for the respect of the rights of migrants and refugees in border management activities with third countries. The Forum also called for neutrality, including in the use of terminology. Frontex was invited to ensure that a full and balanced picture is provided, so as to guarantee that the information delivered can be best used by the European institutions, EU Member States and public administrations.

The **respect for the rights of all migrants and refugees** should be at heart of cooperation with third countries and thus, adequately reflected in the AFIC as well as in other reports developed by Frontex.

4.2. Revision and further development of the Frontex Fundamental rights strategy

4.2.1. Revision of the Frontex Fundamental rights strategy

The Frontex Fundamental rights strategy is the main document which specifically tackles fundamental rights in Frontex activities

and, most importantly, how to effectively ensure their promotion, respect and protection.

The Consultative Forum was formally invited by the Fundamental Rights Officer to support the revision of the Frontex Fundamental rights strategy. Consultative Forum views were discussed in the framework of a meeting with the Fundamental Rights Officer and Frontex representatives in February. The Consultative Forum welcomes the efforts of the Fundamental Rights Officer to involve a great range of relevant actors in the revision, as well as the interest shown by Management Board members in shaping the strategy.

The revision of the Frontex Fundamental rights strategy was put on standby in view of the imminent adoption of the European Border and Coast Guard Regulation. The Consultative Forum will continue its support to the revision of the Fundamental rights strategy during 2017.

4.2.2. Gender mainstreaming in Frontex activities

In 2016, the Consultative Forum continued its study on gender mainstreaming in Frontex activities. As part of the study, numerous sample documents were provided by Frontex, ranging from training curricula to operational plans, project proposals, guidelines, Fundamental Rights Officer (FRO) reports and others. The Consultative Forum also designed a questionnaire, according to which the sample documents were reviewed. Aspects that were considered are the inclusion of the inclusion of gender considerations, absence of gender stereotypes (e.g. 'women are vulnerable'), use of gender-sensitive language (he/she), compilation of a gender analysis, sex-disaggregation of data, identification of gender-based needs, targeting of practical gender needs and others.

Preliminary conclusions show that while some efforts have been made to mainstream gender in Frontex activities, more is needed to ensure that Frontex consistently uses gender-sensitive language, avoids gender stereotypes, reflects gender-specific needs in Frontex activities and designs its activities accordingly.

Gender was also discussed in the framework of a meeting held in April with the Frontex Press Office. The meeting focused on Frontex external communication and public information strategies and approaches, as these are crucial in promoting the different roles that women can play in border management, as well as in highlighting gender-specific needs of the migrants and refugees.

In order to support gender mainstreaming in Frontex public communication, the Consultative Forum recommended the following:

- ♦ avoidance of gender stereotypes in imagery, when women are only depicted in a vulnerable position, asking for help and/or playing a subordinate role to male officers;
- ♦ proactive use of imagery where women play different and/or leading roles;
- ♦ use of gender-neutral language: 'he' should not be taken as a default noun and rather use 'he or she' or 'they';
- ♦ enhancement of the visual presence and representation of female border guards in Frontex public information products.

4.3. Fundamental rights and Frontex-coordinated joint operations

4.3.1. Consultative Forum visits to Frontex joint operations

Focus group meeting following the Consultative Forum visit to Joint Operation Triton in October 2015

Preliminary observations from the Consultative Forum visit to Joint Operation Triton have already been outlined in the 2015 Annual report and were discussed with the Frontex Management Board, as well as Frontex staff, in a focus group meeting in January 2016.

The Consultative Forum noted the very good cooperation with all the actors involved, in particular the efforts and flexibility of both Frontex and the Italian authorities to adapt the programme of the visit according to Consultative Forum needs and interest.

During the meeting, the Consultative Forum shared its preliminary observations with Frontex and the Management Board. The following aspects were highlighted during the discussions:

- ♦ the importance of applying due diligence in determining migrants' and refugees' nationality, since the result of the **pre-identification procedure** may affect access to the asylum procedure and impact on the credibility of the applicant for international protection;
- ♦ the Consultative Forum reiterated its recommendation that Frontex develops a European Border and Coast Guard Team **profile for cultural mediators/interpreters**, as well as specific training;
- ♦ the importance of thoroughly briefing Frontex debriefing and screening officers about the **various forms of vulnerability and the need for a proactive referral** of vulnerable cases to the national authorities;



Refugees and migrants on Chios island, Greece – Reception and Identification Center of Vial

© UNHCR / Yorgos Kyvernitis / April 2016

- ♦ the importance of ensuring, in **cooperation with international and non-governmental organisations** present on the ground, access to information for all arriving migrants and refugees. Information should be consistent and harmonised among all actors involved. Frontex shall also ensure that information about the possibility to apply for asylum is also made available in the areas where debriefing activities take place;
- ♦ the Consultative Forum suggested the conduct of a **study on how to assess protection needs of children**;
- ♦ the importance of ensuring **fundamental rights training** is timely, provided to all participants to Frontex operations, including crew members;
- ♦ the relevance of **tackling gender from an operational perspective** by deploying a higher number of women (particularly to positions where they interact with migrants and refugees) and mainstreaming gender in Frontex activities.

During the meeting, participants also discussed the progress in implementation of the Consultative Forum observations¹⁸ made after their visit to Joint Operation Poseidon Land in 2014.

Visits to Joint Operation Poseidon 2016, Joint Operation Focal Points 2016 Land and Joint Operation Flexible Operational Activities on Border Surveillance 2016

From 11 to 15 July 2016, a Consultative Forum delegation visited the three operations that Frontex was conducting in Greece at the time: Joint Operation Poseidon sea 2016, Joint Operation Focal Points 2016 Land and Joint Operation Flexible Operational Activities on Border Surveillance 2016. The delegation attended a Frontex operational briefing in Piraeus, participated in sea patrolling activities, observed security checks, initial information sessions, screening, registration and fingerprinting of refugees and migrants in Vial (Chios) and Moria (Lesbos) and visited the Border Crossing Point Kastanies on the Greek-Turkish border.

During the visit, the Consultative Forum identified the following **good practices**:

- ♦ the concept of coastal patrolling by land is presented as a way to enhance early detection of boats arriving to the islands, including those in distress. It is, however, a concept that can also help to ensure that fundamental rights are properly observed during disembarkation procedures;
- ♦ nomination of a focal point for fundamental rights for the Hellenic Police (HP) and the Hellenic Coast Guard (HCG);
- ♦ issuance of an HP internal order on the protection of female migrants and refugees.

¹⁸ See Consultative Forum observations from visit to Joint Operation Poseidon Land in Consultative Forum Annual report 2015, pp. 19-21 (available at: http://frontex.europa.eu/assets/Partners/Consultative_Forum_files/Frontex_Consultative_Forum_annual_report_2015.pdf).

The aspects observed during the visit included: coverage of fundamental rights during Frontex operational briefing; access to information during the different steps in the procedure; conduct of screening interviews, including the role of interpreters and cultural mediators; the gender composition of the teams; public security in the hotspots; readmissions from the hotspots; referral mechanisms; access to medical assistance and age assessment.

The Consultative Forum shared and discussed the below **observations** with the Greek authorities, representatives of the Management Board and Frontex staff in a **focus group meeting** convened at Frontex Headquarters in November 2016.

- ♦ **Operational briefings could be revised**, particularly the fundamental rights section and could include additional information (e.g. trafficking in mixed migration flows, referral of unaccompanied children and vulnerable individuals, cultural orientation).
- ♦ Frontex could consider organising operational briefings for public security officials deployed within the area of Frontex operations.
- ♦ **Referral mechanisms could be strengthened** by enhancing the coordination and cooperation with international organisations and NGOs working on the ground and by including information on referral mechanisms in the operational plans and operational briefings.
- ♦ Space allocated to **screening activities** could be assessed with a view to ensuring that children and other vulnerable groups are prioritised in screening and all other border procedures.

- ♦ It would be relevant to consider **standardising screening forms** and support the development of high quality and **common screening tools endorsed by Frontex**, such as reference handbooks for screeners, in order to ensure that deployed officers and national authorities have a common understanding and, most importantly, share tools to efficiently identify and refer vulnerable persons to the competent authorities.
- ♦ **Roles and responsibilities of cultural mediators could be further clarified and developed.**
- ♦ Frontex could proactively encourage the deployment of **more female officers and other staff** participating in operations (e.g. interpreters), mainstream **gender** in trainings, operational briefings and procedures.
- ♦ The Agency could also **consider the holding of joint trainings for deployees and national officers on the ground during operations.**
- ♦ It would be relevant to involve the Fundamental Rights Officer when reviewing the existing and developing new **common risk indicators** (e.g. for debriefers).
- ♦ Referral possibilities for unaccompanied children could be further explored; Frontex could encourage and assist Member States in the development of child-friendly information material, as well as clarify procedures regarding age assessment and referral of cases of doubtful age to relevant authorities.
- ♦ It may also be relevant to encourage and assist Member States in the **review of security check procedures** to safeguard dignity and ensure adequate working conditions.



4.3.2. Frontex pre-identification and screening activities

In February 2016, a Consultative Forum representative attended the Regional Profile Training Course for Screening Experts in Athens. The training course aimed at developing key competences and strengthening capacities of officers tasked with nationality assumption and screening. The Consultative Forum representative participated as an observer and discussed initial comments with the trainers and project manager on the spot.

Likewise, the Consultative Forum commended the good practices and standards set by this training, and put forward a number

of specific recommendations aimed at the further development of the course. These included:

- incorporating the **EASO/Frontex Practical guide: access to protection**¹⁹ in the training, including in the practical exercises;
- placing more emphasis on the **obligation of first-line officials to inform** migrants and refugees on relevant procedures, their role and outcome of decisions, and to tailor the course accordingly;
- further drawing on the expertise of Forum members concerning the **collection and use of Country of Origin Information (COI)** and to further develop the trainees' awareness of the situation in refugee- and the stateless-producing countries;
- drawing on the expertise of Forum members in the development of **standardised tools and materials** for screening activities;
- further highlighting the challenges in **working with interpreters**.

4.3.3. Recommendation concerning Frontex operational activities at the Hungarian-Serbian border

At the 11th Consultative Forum meeting in October, the Consultative Forum raised several concerns with the Fundamental Rights Officer, Frontex and the Management Board on the situation at the Hungarian-Serbian border. Concerns were expressed in particular with regard to the impact of the new law of July 2016 on border control measures which, amongst others, obliges officers to return migrants apprehended within 8 km of the border back to the fence with Serbia. The new restrictive border measures of July 2016

¹⁹ *Access to Asylum procedure: practical guide* (available at: http://frontex.europa.eu/assets/Publications/Training/Practical_Guide.pdf).

build upon a raft of other changes introduced since July 2015 to Hungary's border and asylum laws and practices which have resulted in severely limiting and deterring access to asylum in Hungary and raise serious concerns with regards to compatibility with international and European law²⁰.

Further to an exchange with the Deputy Executive Director and the Management Board Chair, the Consultative Forum issued a recommendation to the effect that it considers that the restrictive provisions of the new law and the manner in which they are implemented by Hungarian officials create an environment leading to violations of fundamental rights or international protection obligations that are of a serious nature and are likely to persist. The Consultative Forum's recommendation was adopted in line with the Consultative Forum's working methods by a majority of members, some of which abstained and none of which voted against.

20 See 'UNHCR, Hungary as a country of asylum. Observations on restrictive legal measures and subsequent practice implemented between July 2015 and March 2016', (May 2016) (available at: <http://www.refworld.org/docid/57319d514.html>). See also 'AIDA, Country report: Hungary', update 2016, pp. 16-19 (available at: <http://www.asylumineurope.org/reports/country/hungary>). In December 2015, the European Commission started an infringement procedure on some elements of the legislative changes of July and September 2015.

In particular, the Consultative Forum recommended that operational support at the Hungarian-Serbian border must be contingent upon Frontex being satisfied that people arriving at that border are duly registered by Hungarian authorities, given access to an individualised procedure and to asylum, if they so wish, are not summarily returned to Serbia, and that instances of police abuse and violence are investigated in an independent and impartial manner. Until this can be guaranteed, the Consultative Forum recommended to the Executive Director to immediately take action pursuant to Article 25(4) of Regulation (EU) 2016/1624 and suspend operational activities at the Hungarian-Serbian border.

By the end of 2016, there was no response from Frontex.

4.4. Enhancement of child protection in Frontex operations

4.4.1. Consultative Forum participation in Joint Operation VEGA Children 2016

As in previous years, Frontex launched Joint Operation VEGA Children 2016, which was carried out at EU airports in order to combat child trafficking at air borders, identify children on the move at risk and refer them to the welfare and protection institutions²¹. To this end, *VEGA Handbook: Children at airports*²² presents best practices in identification and referral of children victims of trafficking.

For the third consecutive year, the Consultative Forum was invited by Frontex to participate in the Joint Operation. Eleven representatives

²¹ Operational aim as foreseen in Joint Operation VEGA Children 2016 Operational Plan.

²² The handbook is available online at: http://frontex.europa.eu/assets/Publications/Training/VEGA_Children_Handbook.pdf

of the Consultative Forum or recommended civil society organisations participated in Phase I (June-July), while two representatives took part in Phase II (August-October).

Consultative Forum members shared advice and expertise during their deployment, as well as through their participation in the respective operational briefing and debriefing sessions.

The Consultative Forum presented its work and the experience gathered during deployment in the Joint Operation VEGA Children at the Frontex Operational Heads of Airports Conference on 8-10 March 2016 in Malaga.

Modelled on the *VEGA Handbook: Children at airports*, Frontex developed the VEGA Children Handbook for Frontex land operations, which the Consultative Forum commented upon. Recommendations for further revisions of the first draft included the following:

- ♦ specifying child-rights related **terminology**;
- ♦ further strengthening the **best interests of the child** principle;
- ♦ highlighting the **prohibition of discrimination** on the basis of the status of a child as being unaccompanied or separated, or as being a refugee, asylum-seeker or migrant;
- ♦ identifying the **different forms of vulnerability and related protection needs** that children on the move may have;
- ♦ emphasising the **various threats**, including that of exploitation, that children may encounter;
- ♦ underlining the need for **referral**, particularly of unaccompanied and separated children;

- ♦ further tailoring **behavioural manners** of border guards when interacting with a child (language, non-verbal communication, appearance etc.);
- ♦ ensuring that the handbook is **gender-sensitive**;
- ♦ making measures that have been designed for land border more child-sensitive.

VEGA Handbook for land operations is expected to be finalised and rolled out in 2017.

4.4.2. Recommendations on child protection and rights

A session on child protection was held on 12 May, in the framework of the 10th Consultative Forum meeting. The Consultative Forum invited a representative from UNICEF to take part in the meeting as external expert and jointly identified possible areas in which the Consultative Forum could further support Frontex. Discussions focused on how to mainstream the child protection component at all stages in the structure of the Agency, with a particular focus on Frontex operations.

As a follow-up to the discussions, the Consultative Forum selected the organisation Child Circle to undertake a research and deliver a report in the beginning of 2017 analysing the specific child safeguarding duties and concerns arising through Frontex activities, including initial recommendations. The report and recommendations will serve as a resource document for the Consultative Forum on Fundamental Rights to advise the Frontex Executive Director and Management Board in fundamental rights matters as per Article 72(1) European Border and Coast Guard Regulation.



PIKPA village, Mytilini, Greece
© UNHCR / Gordon Welters / August 2016

4.5. Training

To the extent of its capacities, the Consultative Forum continued its fruitful cooperation with the Frontex Training Unit. The support of the Consultative Forum was requested on a number of learning developments and activities, including the updating of the Frontex **Common core curriculum** (CCC).

The Consultative Forum representative revised all the modules of the CCC including its Fundamental Rights Chapter and provided recommendations to the initial drafts. The Consultative Forum further supported the preparation of a module on fundamental rights, as well as a module on return and readmission from a fundamental rights perspective. During the meetings, Consultative Forum representatives provided input to the different working groups on fundamental rights issues related to the specific modules. Work on the updating of the CCC will continue in 2017, as Frontex aims at adopting the revised tool around mid-year.

Likewise, the Consultative Forum continued to support other Frontex training activities. During 2016, a Consultative Forum representative took part in the **Regional profile training course for screening experts** in February 2016 in Athens as referred in point C.2. Another Consultative Forum representative contributed to the 4th contact week of the **Frontex training on Operational cooperation in EU border guarding for mid-level officers** in Slovenia in July 2016 by delivering a briefing on institutional collaboration within the framework of the management of EU external borders.

The Consultative Forum supported the preparation and took an active part in the **Frontex Annual Training Conference** in October 2016 at the Frontex Headquarters. The focus of the conference was on Fundamental rights training for border guards and coast guards and it was attended by representatives from Border Guard education and training from all EU Member States and third countries. The Consultative Forum gave a general presentation on their work and a presentation on child protection. The Consultative Forum also contributed as a panellist to the panel discussion on fundamental rights training methodology. The conference presented an opportunity to disseminate tools on fundamental rights that could be used and incorporated in national trainings.

The Consultative Forum will further contribute to the development of the **e-learning course on fundamental rights training for border guards**.

4.6. Other areas of work

Fundamental rights in Frontex communications and public information

The way Frontex communicates through its website, publications, reports, training materials but also the media and the society at large has a fundamental rights impact and can effectively contribute to the advancement and promotion of fundamental rights in border management. In April 2016, the Consultative Forum discussed with Frontex Press Office issues related to the collection and verification of data, the use of terminology and gender mainstreaming (for recommendations related to gender mainstreaming, *see section 3.2.2 above*).

The Consultative Forum emphasised once again the importance of the **terminology** used in Frontex communication and public information, including Frontex reports, as it has a strong impact on the perception of migratory movements.

5 PREVIEW OF 2017



Fences and barbed wire in Moria camp, Greece

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The Consultative Forum has set the priorities for 2017 in its Program of Work²³. The Forum's priorities for 2017 were discussed with Frontex Deputy Executive Director and Chair of the Management Board during the 11th Consultative Forum meeting on 20 October 2016 in Warsaw. During that meeting, both the Frontex Deputy Executive Director and the Chair of the Management Board presented their views with regard to the current needs and how best the Consultative Forum could fulfil its mandate to provide strategic advice to the Agency in 2017. Both agreed in encouraging the Consultative Forum to support the revision of the Fundamental rights strategy, the setting up of the Frontex complaints mechanism, further development of the Frontex return activities, Frontex cooperation with third countries and child protection in Frontex activities.

The Program of Work was adopted by the Consultative Forum on 7 November 2016 and presented to the Frontex Management Board on 24 November 2016. It contains a number of activities and expected outputs which the Forum aims to achieve during the year. The priorities of the Consultative Forum in 2017 are:

- A.** implementation of the European Border and Coast Guard Regulation;
- B.** revision and further development of the Frontex Fundamental rights strategy and Frontex Codes of conduct;
- C.** fundamental rights and Frontex operations, with a specific focus on Frontex's enhanced mandate on returns and operations in third countries;
- D.** contributing to the development and evaluation of Frontex training materials and methodologies in areas related to fundamental rights.

The Consultative Forum Program of Work remains nevertheless flexible for ad-hoc consultation by the Frontex Executive Director and the Frontex Management Board where the need arises and capacity and resources permitting.

23 Consultative Forum work programme for 2017 (available at: http://frontex.europa.eu/assets/Partners/Consultative_Forum_files/CF_work_programme_2017.pdf).

6 CONTACT US



More than 10,000 refugees and migrants remain at the Idomeni transit station despite the closure of the so called Western Balkan Route. Greece

© UNHCR / Achilleas Zavallis / March 2016

If you would like to know more about the work of the Consultative Forum or have any comment about this Annual report, please contact our secretariat at: consultative.forum@frontex.europa.eu.

7 ANNEXES



Thousands of refugees, mainly from Iraq and Syria, are caught in a vortex of uncertainty as the Western Balkan route to Northern Europe shuts down. Idomeni – Gevgelija border crossing

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7.1. ANNEX I: List of activities 2016

15 January Focus group meeting with Management Board representatives and Frontex staff on the Consultative Forum visit to Joint Operation Triton in Italy (from 19 to 23 October 2015) and on the Consultative Forum visit to Joint Operation Poseidon, July 2013, Frontex Headquarters, Warsaw

2–3 February 9th Consultative Forum meeting, Frontex Headquarters, Warsaw

4 February Consultation on the revision of the Frontex Fundamental rights strategy

22–26 February Regional profile training course for screening experts, Athens

8–10 March Operational Heads of Airports Conference, Malaga

6 April Meeting with Frontex Deputy Executive Director, representatives from the Legal Affairs Unit and the Fundamental Rights Officer to discuss the Regulation, Frontex Headquarters, Warsaw

19 April Focus group meeting on Frontex Communication and Public Information, Frontex Headquarters, Warsaw

11–12 May 10th Consultative Forum meeting, CCME premises, Brussels

31 May VEGA Children Phase I operational briefing, Frontex Headquarters, Warsaw

28–29 June Frontex-FRA Joint workshop for forced return monitors, Frontex headquarters, Warsaw

3–9 July 4th contact week of the Frontex training on Operational cooperation in EU border guarding for mid-level officers, Slovenia

5 July VEGA Children phase I operational debriefing, Frontex Headquarters, Warsaw

11–15 July Consultative Forum visit to Joint Operation Poseidon 2016, Joint Operation Focal Points 2016 Land and Joint Operation Flexible Operational Activities on Border Surveillance 2016

19 July Working Group meeting on the development of the European Border and Coast Guard Teams (EBCGT) profile for forced return monitors

25 August VEGA Children phase II operational briefing, Frontex Headquarters, Warsaw

23–25 August Working Group leaders meeting on the revision of the CCC, Frontex Headquarters, Warsaw

1 September Focus group meeting with Frontex staff on the potential fundamental rights implications of Frontex operational activities, UNHCR Headquarters, Geneva

14 September Working Group meeting on the development of the European Border and Coast Guard Teams (EBCGT) profile for forced return monitors

26–29 September Working Group session on the revision of the CCC, Frontex Headquarters, Warsaw

4–6 October Frontex Annual Training Conference, Frontex Headquarters, Warsaw

6 October VEGA Children phase II operational debriefing, Frontex Headquarters, Warsaw

19–20 October 11th Consultative Forum meeting, Frontex Headquarters, Warsaw

21 October Meeting with Frontex and Management Board on the Consultative Forum Working Methods, Frontex Headquarters, Warsaw

24–26 October Working Group session on the revision of the CCC, Frontex Headquarters, Warsaw

22 November Focus group meeting with Management Board representatives and Frontex staff on the Consultative Forum visit to Joint Operation Poseidon 2016, Joint Operation Focal Points 2016 Land and Joint Operation Flexible Operational Activities on Border Surveillance 2016

7.2. ANNEX II: List of consultations 2016

- ♦ Frontex Fundamental rights strategy
- ♦ Frontex individual complaints mechanism: rules and complaints form
- ♦ AFIC report
- ♦ Frontex Code of conduct
- ♦ EBCGT profile for forced return monitors
- ♦ Common core curriculum
- ♦ VEGA Children Handbook Land

7.3. ANNEX III: List of requests for information²⁴ filed by the Consultative Forum

Date of the request	Subject	Brief description
12 April	Operations	All operational plans and any other relevant documents related to Frontex activities in Greece (land, sea and air, including return/readmission)
3 June	Cooperation with third countries	Frontex working arrangement with Kosovo
3 June	Operations	Operational Plan of Joint Operation European Patrols Network (EPN) Poseidon 2016
21 June	Operations	Information related to the incident which occurred on 11 June off the coast of Chios in the framework of EPN Poseidon 2016. In particular, the Consultative Forum is requesting all information related to the Agency's reported involvement in the events, details on the activation of follow-up mechanisms and findings

²⁴ As per Article 70(5) European Border and Coast Guard Regulation, the Consultative Forum 'shall have effective access to all information concerning the respect for fundamental rights'.

Date of the request	Subject	Brief description
15 September	Operations	Operational briefing materials for EPN Poseidon 2016, Joint Operation Focal Points 2016 Land, Joint Operation Flexible Operational Activities on border surveillance 2016 as well as operational briefing materials for screening and debriefing experts in EPN Poseidon 2016, Joint Operation Focal Points 2016 Land and Joint Operation Flexible Operational Activities on Border Surveillance 2016
29 September	Operations	Details of Frontex operational activities in Hungary (including relevant operational plan(s)); and the number of serious incident reports (SiRs) related to alleged violations of fundamental rights reported to Frontex and investigated in Hungary, including facts and findings
15 December		Information related to the Frontex reports referred to in the article 'EU border force accuses charities of collusion with migrant smugglers' in the Financial Times



Plac Europejski 6
00-844 Warsaw, Poland
T +48 22 205 95 00
F +48 22 205 95 01

Consultative.Forum@frontex.europa.eu
frontex@frontex.europa.eu
www.frontex.europa.eu

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