Please cite as: EUAA, '3.6. Protection of fundamental rights' in *Asylum Report 2023*, May 2023.

3.6. Protection of fundamental rights

3.6. Protection of fundamental rights

Protection of fundamental rights

The EUAA Regulation introduced provisions to ensure that the Agency fully adheres to fundamental rights when delivering its tasks, including the appointment of a Fundamental Rights Officer who reports to the Agency's Management Board and is responsible for the development of the Agency's Fundamental Rights Strategy in close collaboration with the Consultative Forum. The regulation also provides for the establishment of a complaints mechanism to respond to claims of breaches of fundamental rights in the context of the Agency's operations.

In 2022, the EUAA carried out preparatory activities for the appointment of a Fundamental Rights Officer, and in February 2023, the Agency's Management Board selected a candidate for the position. Steps were also taken to establish the complaints mechanism, whereby any person who is directly affected by the actions of an expert in an Asylum Support Team, and who considers that their fundamental rights have been violated due to those actions, or any party representing such a person, may submit a complaint in writing to the EUAA. The complaints mechanism is to be implemented by the Fundamental Rights Officer, who is independent.

In June 2022, the EUAA also updated its Code of Conduct, which all experts who are deployed as part of Asylum Support Teams (including experts from the Agency's own staff, experts from Member States, experts seconded by Member States to the Agency or other experts not employed by the Agency) are bound to respect. The Code of Conduct will be further updated in consultation with the Fundamental Rights Officer.

The Agency has been developing an escalation process, according to which the Executive Director, after informing the host Member State, can suspend or terminate, in whole or in part, the deployment of Asylum Support Teams. This would take place when, after consulting the Fundamental Rights Officer, it is considered that there are violations of fundamental rights or international protection obligations by the host Member State that are of a serious nature or are likely to persist.

© European Union Agency for Asylum 2026 | Email: info@euaa.europa.eu