

EUAA Fundamental Rights Officer

mandate decision

Mandate

The **EUAA fully adheres to fundamental rights and principles** as established by international and Union law, including the Charter of Fundamental Rights of the EU and pertinent international law, notably the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967.

In all its activities, the **EUAA promotes and respects fundamental rights**, particularly the right to asylum, the principle of non-refoulement, the right to respect for private and family life (including family reunification under Union law), the rights of the child, the right to protection of personal data, and the right to an effective remedy and a fair trial.

The **EUAA Fundamental Rights Officer** is appointed in line with the EUAA Regulation (Article 49) and is responsible to ensure the Agency's compliance with fundamental rights in all its activities, as well as to promote the respect for fundamental rights in the Agency.

The EUAA Fundamental Rights Officer is an **independent body** that reports directly to the Agency's Management Board.

The EUAA Fundamental Rights Officer has access to all information concerning respect for fundamental rights in relation to the Agency's activities and participates in various aspects of the Agency's work.

Fundamental Rights Strategy

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Fundamental Rights Strategy

To ensure respect for fundamental rights in all its activities, and in accordance with Article 57(3) of the EUAA Regulation, the Management board of the Agency has adopted the **EUAA Fundamental Rights Strategy 2024-2028** based on a proposal from the Fundamental Rights Officer.

The Fundamental Rights Strategy defines the **guiding principles** for the Agency's activities, including **legality, equality and non-discrimination, participation, transparency, accountability,** and **protection of personal data.**

Furthermore, the strategy aims at enabling the Agency to achieve **three main goals**:

1. Ensuring compliance with fundamental rights in all activities.
2. Contribute to guaranteeing the dignified and fair treatment of all individuals seeking international protection in the EU.
3. Promoting respect for fundamental rights in all the Agency's activities.

The achievement of the three set goals is structured around **seven strategic objectives**, outlined in the Strategy:

1. The Agency's operational and technical assistance is organised and coordinated in a manner that fully respects fundamental rights.
2. The Agency's operational and technical assistance is implemented in a manner that fully respects fundamental rights.
3. The operational and technical application of all aspects of the CEAS including respect for fundamental rights, child protection safeguards and the specific needs of persons in a vulnerable situation are covered by the EUAA's monitoring mechanism.
4. Fundamental rights in the context of asylum and reception are promoted via training activities.
5. Fundamental rights standards are promoted by the Agency in asylum and reception.
6. The application of the CEAS in a manner that fully respects fundamental rights is promoted when the Agency cooperates with its stakeholders.
7. Human resources, communication and procurement are aligned with fundamental rights principles.

The EUAA ensures continuous **monitoring and evaluation of the Fundamental Rights Strategy**, aiming to identify best practices and implement corrective measures as needed.

The Agency, with the support of the EUAA Fundamental Rights Officer, defines **annual action plans** to implement the Strategy, specifying measures, outcomes, targets, and achievement indicators.

Useful documents & links

- EUAA Fundamental Rights Strategy

Complaints Mechanism

> **If you wish to submit a complaint, please go to the Complaints Mechanism page.**

In line with the EUAA Regulation (Article 51), a **complaints mechanism** is established by the EUAA to ensure that fundamental rights are respected in all the Agency's activities.

Any person directly affected by the actions of a member of an EUAA Operational Asylum Support Team, or their representative, may submit a written complaint to the Agency if they believe their fundamental rights have been violated.

Only **substantiated complaints** involving specific fundamental rights violations are admissible; complaints challenging national authority decisions on individual asylum applications, or those that are anonymous, abusive, malicious, frivolous, vexatious, hypothetical, or inaccurate, are inadmissible.

The EUAA Fundamental Rights Officer is responsible to handle the complaints received by the Agency in accordance with the right to **good administration**, including reviewing admissibility, registering admissible complaints, forwarding registered complaints to the Executive Director, sending complaints concerning experts to the home Member State, informing relevant national authorities or bodies competent for fundamental rights, and ensuring follow-up by the Agency or Member State concerned.

Appropriate **follow-up**, including disciplinary measures and removal from the activities of the Agency, shall be ensured respectively by the EUAA Executive Director or the Member State.

The EUAA Fundamental Rights Officer reports to the Management Board on the findings and follow up in relation to the complaints mechanism. To ensure transparency and accountability, the Agency informs on the complaints mechanism in its **Annual Asylum Report**.

Useful documents & links

- Management Board Decision No 159 of 24 May 2024 on the setting up of the complaints mechanism
- EUAA Annual Asylum Reports

Fundamental Rights in Operational and Technical Assistance

The EUAA Fundamental Rights Office contributes to ensuring that the **EUAA operational and technical assistance** is organized and implemented in a manner that fully respects fundamental rights and principles.

In line with the Agency's Regulation, the EUAA Fundamental Rights Officer:

- **Is consulted on Operational Plans**. Reviews and provides observations to the Operational Plans, to ensure that operational and technical support respects and promotes fundamental rights (EUAA Regulation, Article 49). In that context, the Fundamental Rights Officer may also contribute to needs assessments leading to operational plans;
- **Conducts operational visits**. Conducts visits to locations where the Agency carries out activities to ensure compliance with fundamental rights by the Asylum Support Team experts (EUAA Regulation, Article 49);
- **Provides observations to the evaluation reports**. Offers observations on evaluation reports assessing the Agency's operational and technical support to Member States (EUAA Regulation, Article 16(4));
- **Is consulted on fundamental rights violations by host Member States**. The EUAA Executive Director consults the EUAA Fundamental Rights Officer on serious or persistent fundamental rights violations by host Member States, potentially leading to the suspension or termination of Asylum Support Teams' deployment (EUAA Regulation, Article 18(6)(c)). To support the Executive Director in this function, the Agency has set up an **escalation mechanism** to report incidents related to potential violations of fundamental rights by the host Member State
  Is also consulted on the EUAA Code of Conduct (EUAA Regulation, Article 59).

The EUAA Fundamental Rights Officer further oversees that the Asylum Support Team Experts receive adequate **pre-deployment training, knowledge, and tools** regarding their fundamental rights obligations while implementing the Agency's activities.

Useful documents & links

- EUAA Operations
- Code of Conduct

Cooperation with the Consultative Forum

In implementing its tasks, the EUAA Fundamental Rights Officer cooperates with local, regional, national, Union and international civil society organizations and bodies operating in the field of asylum that participates in the **EUAA Consultative Forum**.

With particular regard to fundamental rights, the Consultative Forum is consulted on the preparation, adoption and implementation of the EUAA Fundamental Rights Strategy, the Code of Conduct, as well as the complaints mechanism.

The Consultative Forum may invite the Fundamental Rights Officer to participate in its plenary or working groups meetings.

Useful documents & links

- Consultative Forum
- EUAA Consultative Forum Working Methods

Promotion of Fundamental Rights

In line with the EUAA Regulation, the EUAA Fundamental Rights Officer offers transversal support to uphold and integrate fundamental rights obligations and standards in all areas of the Agency's work.

In this framework, the EUAA Fundamental Rights Officer:

- Liaises with the **EUAA Liaison Officers in Member States** and exchange on promoting the application of EU law on asylum, including respect for Fundamental Rights (EUUA Regulation, Article 7(4)(c)).
- Is consulted on the **European Asylum Curriculum**, with a view of ensuring that the training offered by the Agency covers international and EU Fundamental Rights standards, in particular the provisions of the Charter of Fundamental Rights of the EU (EUAA Regulation, Article 8(4)(a)).
- Contributes to guaranteeing that the **EUAA Monitoring mechanism for the operational and technical application of the CEAS** covers the application of all aspects related to respect for fundamental rights, child protection safeguards and the specific needs of persons in a vulnerable situation (EUAA Regulation, Article 14(3)(a)).
- Supports the Agency's **cooperation with third countries** towards ensuring compliance with international and EU fundamental rights standards, in particular the provisions of the Charter of Fundamental Rights of the EU (EUAA Regulation, Article 35(1)).
- Supports the Agency assessing that **EUAA Liaison Officers in third countries** are deployed in countries that respect non-derogable human rights (EUAA Regulation, Article

36(3)).

Furthermore, to guarantee that the Agency promotes full respect of fundamental rights in its **cooperation with stakeholders**, the EUAA Fundamental Rights Officer is consulted when designing working arrangements and cooperation plans between the EUAA and other EU institutions, agencies, bodies, as well as International Organisations.

The EUAA Fundamental Rights Officer may also be consulted in the development and update of the Agency's **practical tools, guides, judicial analysis, and factsheets**, with a view to systematically mainstream fundamental rights in the context of the CEAS.

The EUAA Fundamental Rights Officer may further support a **holistic integration** of fundamental rights considerations in the activities of the Agency related to **communication, procurement procedures, digital innovation,** or **human resources**.

Useful documents & links

- Introduction to the European Asylum Curriculum
- Monitoring of the CEAS

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