



**EUAA/MB/2024/130**

**Management Board Decision No 166  
of 25 September 2024**

**on the Fundamental Rights Strategy 2024-2028**

**THE MANAGEMENT BOARD,**

HAVING REGARD to Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum<sup>1</sup> (hereinafter ‘the EUAA Regulation’), and in particular Article 57(3) thereof,

**WHEREAS:**

- 1) Article 57(1) of the EUAA Regulation provides that the Agency should guarantee the protection of fundamental rights in the performance of its tasks in accordance with relevant European Union (EU) law, including the Charter of Fundamental Rights of the EU, and relevant international law, in particular the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967.
- 2) Pursuant to Article 57(3) of the EUAA Regulation, the Agency, on a proposal of the fundamental rights officer, is to adopt and implement a fundamental rights strategy to ensure respect for fundamental rights in all the Agency’s activities.
- 3) In accordance with Article 50(6) of the EUAA Regulation, the Consultative Forum has been consulted on the preparation and adoption of the fundamental rights strategy.
- 4) Pursuant to Article 41(1)(d) of the EUAA Regulation, the Management Board shall take all decisions for the purpose of fulfilling the Agency’s mandate as laid down in the EUAA Regulation;

**HAS DECIDED AS FOLLOWS:**

**Article 1  
Adoption of the Fundamental Rights Strategy 2024-2028**

The Fundamental Rights Strategy 2024-2028 (hereinafter ‘the Strategy’), as set out in the Annex to this Decision, is hereby adopted.

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<sup>1</sup> Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, (OJ L 468, 30.12.2021, p. 1).





## **Article 2**

### **Implementation of the Strategy**

The Agency, with the support of the fundamental rights officer, shall draw up yearly action plans for the implementation of the Strategy.

## **Article 3**

### **Transparency**

This Decision shall be made public on the Agency's website.

## **Article 4**

### **Entry into force**

This Decision enters into force on the date of its adoption.

Done by written procedure

For the Management Board

*Signature on file*

Evelina Gudzinskaitė  
Chairperson of the Management Board

**Annex:** Fundamental Rights Strategy 2024-2028.



## Annex

### Fundamental Rights Strategy 2024-2028

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## 1. Introduction

According to Article 2 of the Treaty on European Union, respect for human rights is one of the founding values of the EU. The provisions of the Charter of Fundamental Rights of the European Union (the 'Charter') are of particular significance in this regard. It is binding on the EU together with its institutions, bodies, offices and agencies, and the Member States when they are implementing EU law, in particular the legal acts adopted on the basis of Article 78 of the Treaty on the Functioning of the European Union, which make up the Common European Asylum System (CEAS).

In line with **Article 57(1)** of the EUAA Regulation, the Agency shall guarantee the protection of fundamental rights in the performance of its tasks in accordance with relevant EU law, including the Charter, and relevant international law.

According to **Article 57(3)** of the EUAA Regulation, *'to ensure respect for fundamental rights in all the Agency's activities, the Agency shall, on a proposal of the fundamental rights officer, adopt and implement a fundamental rights strategy'*.

**Recital 44** also states that *'an independent fundamental rights officer should be appointed to ensure that the Agency complies with fundamental rights in the course of its activities and to promote respect for fundamental rights within the Agency in accordance with the Charter, including by making a proposal for the Agency's fundamental rights strategy'*. The role of the fundamental rights officer of the Agency is elaborated further in Table 1.

**Table 1. Role of the fundamental rights officer as laid down in the EUAA Regulation.**

### Article 49 - Fundamental rights officer

[...]

2. The fundamental rights officer shall be independent in the performance of his or her duties and shall report directly to the Management Board.

3. The fundamental rights officer shall be responsible for ensuring the Agency's compliance with fundamental rights in all of its activities and promoting respect by the Agency of fundamental rights. The fundamental rights officer shall also be responsible for implementing the complaints mechanism referred to in Article 51.

4. The fundamental rights officer shall cooperate with the Consultative Forum.

5. The fundamental rights officer shall be consulted on, inter alia, operational plans as referred to in Article 18, evaluation of the Agency's operational and technical assistance, the code of conduct referred to in Article 58 and the European asylum curriculum referred to in Article 8(3). The fundamental rights officer shall have access to all information concerning respect for fundamental rights in relation to all the Agency's activities, including by organising visits, with the consent of the Member State concerned, to the places where the Agency carries out operational activities.

### Article 51 - Complaints mechanism

[...]

4. The fundamental rights officer shall be responsible for handling complaints received by the Agency and shall do so in accordance with the right to good administration. [...]

[...]

#### **Article 57 - Protection of fundamental rights and the fundamental rights strategy**

[...]

3. The Agency shall, on a proposal of the fundamental rights officer, adopt and implement a fundamental rights strategy to ensure respect for fundamental rights in all the Agency's activities.

[...]

#### **Article 18 - Operational plan**

[...]

6. The Executive Director shall, after informing the host Member State, suspend or terminate, in whole or in part, the deployment of asylum support teams where:

[...]

(c) after consulting the fundamental rights officer, the Executive Director considers 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.

## **2. Acronyms and abbreviations**

|         |                                        |
|---------|----------------------------------------|
| CEAS    | Common European Asylum System          |
| EAC     | European asylum curriculum             |
| EU      | European Union                         |
| EUAA    | European Union Agency for Asylum       |
| Frontex | European Border and Coast Guard Agency |

## **3. Legal bases**

### ***3.1. Respect for fundamental rights***

**Recital 41** of the EUAA Regulation refers to the Charter, by underlining that:

*'this [EUAA] regulation respects the fundamental rights and observes the principles recognised, in particular, by international and EU law, including the Charter'.*

It then follows that:

*'all activities of the Agency should be carried out in a manner that fully respects those fundamental rights and principles, in particular':*

- the right to asylum (**Article 18** of the Charter);

- the principle of non-refoulement (**Article 19** of the Charter);
- the right to respect for private and family life (**Article 7** of the Charter), including family reunification under EU law;
- the rights of the child (**Article 24** of the Charter);
- the right to protection of personal data (**Article 8** of the Charter), and
- the right to an effective remedy and to a fair trial (**Article 47** of the Charter).

The obligation of the EUAA to respect fundamental rights has been reinforced under the mandate accorded by the EUAA Regulation since the Agency has the obligation under **Article 51(1)** of the EUAA Regulation to set up a complaints mechanism to ensure that fundamental rights are respected in all of the Agency's activities.

Furthermore, specifically on operational and technical assistance, **Article 16(2)** of the EUAA Regulation states:

*'the Agency shall organise and coordinate the appropriate operational and technical assistance, [...] in a manner that fully respects fundamental rights'.*

**Article 18(6)(c)** of the EUAA Regulation additionally states:

*'the Executive Director shall, after informing the host Member State, suspend or terminate, in whole or in part, the deployment of asylum support teams where after consulting the fundamental rights officer, the Executive Director considers 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'.*

**Article 36(1)** of the EUAA Regulation points out to the fact that liaison officers shall only be deployed to third countries whose migration and asylum management practices comply with non-derogable human rights standards.

### **3.2. Promotion of fundamental rights**

One of the overarching missions of the Agency, pursuant to **Article 1(2)** of the EUAA Regulation, is to contribute to ensuring the efficient and uniform application of EU law on asylum in the Member States in a manner that fully respects fundamental rights. Since all CEAS instruments<sup>2</sup> seek to promote the application of the Charter (see Table 2), in all its activities, the Agency should also seek to promote the norms and standards of the Charter.

Additionally, the EUAA Regulation specifically mentions areas where fundamental rights shall be promoted, and in particular:

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<sup>2</sup> Recital 60 of the Asylum Procedures Directive (Directive 2013/32/EU), Recital 35 of the Reception Conditions Directive (Directive 2013/33/EU), Recital 16 of the Qualification Directive (Directive 2011/95/EU), Recital 39 of the Dublin Regulation (Regulation (EU) No 604/2013), and Recital 50 of the EURODAC Regulation (Regulation (EU) No 603/2013).

- **Article 7(4)(c)** indicates that liaison officers in Member States shall contribute to promoting the application of EU law on asylum, including with regard to respect for fundamental rights;
- **Article 8(4)(a)** specifies that the training offered by the Agency shall cover international and EU fundamental rights standards, in particular the provisions of the Charter of Fundamental Rights of the EU;
- **Article 14(3)(a)** signifies that the monitoring shall cover the operational and technical application of all aspects of the CEAS including as regards respect for fundamental rights, child protection safeguards and the specific needs of persons in a vulnerable situation;
- **Article 35(1)** states that:  
*‘the Agency shall facilitate and encourage operational cooperation between Member States and third countries, within the framework of the Union’s external policy, including with regard to the protection of fundamental rights’.*

As outlined in the Agency’s strategy 2024-2029, which at the time of adoption of this Strategy is being finalised, one of the core responsibilities of the Agency is to carry out all activities in line with the rights and principles enshrined in the Charter. The draft EUAA strategy 2024-2029 also highlights that the Agency will be taking on additional tasks as outlined in the New Pact on Migration and Asylum. These new tasks will include additional legal requirements on the respect and promotion of fundamental rights by the Agency.

The Strategy and corresponding action plans aim to translate those legal requirements on the respect and promotion of fundamental rights into concrete processes and activities.

**Table 2. Articles from the Charter referred to in the CEAS instruments.**

|                                                                                           |                                                                                 |
|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| <b>Article 1:</b> Human dignity                                                           | <b>Article 18:</b> Right to asylum                                              |
| <b>Article 4:</b> Prohibition of torture and inhuman or degrading treatment or punishment | <b>Article 19:</b> Protection in the event of removal, expulsion or extradition |
| <b>Article 6:</b> Right to liberty and security                                           | <b>Article 21:</b> Non-discrimination                                           |
| <b>Article 7:</b> Respect for private and family life                                     | <b>Article 23:</b> Equality between women and men                               |
| <b>Article 8:</b> Protection of personal data                                             | <b>Article 24:</b> The rights of the child                                      |
| <b>Article 11:</b> Freedom of expression and information                                  | <b>Article 34:</b> Social security and social assistance                        |
| <b>Article 14:</b> Right to education                                                     | <b>Article 35:</b> Health care                                                  |
| <b>Article 15:</b> Freedom to choose an occupation and right to engage in work            | <b>Article 41:</b> Right to good administration                                 |
| <b>Article 16:</b> Freedom to conduct a business                                          | <b>Article 47:</b> Right to an effective remedy and to a fair trial             |

## 4. Guiding principles

### ***4.1. Legality***

In the performance of its tasks, the Agency respects fundamental rights and observes the principles recognised by EU law, including the Charter and relevant regional and international instruments, in particular the European Convention on Human Rights<sup>3</sup> and the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967.

All activities of the Agency are carried out in a manner that fully respects fundamental rights principles and the case-law of the Court of Justice of the EU and of the European Court of Human Rights.

### ***4.2. Equality and non-discrimination***

The Agency protects the fundamental rights of all persons regardless of their age, gender, colour, ethnic or social origin, migration status, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, gender identity and sexual orientation and ensures equal and non-discriminatory conduct of its staff.

The Agency carries out its tasks with respect for the best interests of the child, in compliance with the United Nations Convention on the Rights of the Child, taking due account of the child's wellbeing and social development, safety and security considerations and the views of the child in accordance with their age and maturity.

The Agency takes into account the specific situation and needs of persons in vulnerable situations such as but not limited to children, unaccompanied children, disabled people, elderly people, pregnant women, single parents with children, victims of trafficking in human beings, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

To better address gender inequalities and ensure that all persons can participate in and benefit equitably from its interventions, whenever possible, in the planning, implementation, monitoring and evaluation of its activities, the Agency intends to look at the impact of its interventions on the concrete situation of persons in a gender sensitive manner.

### ***4.3. Participation***

In all its activities, the Agency promotes the active participation of different stakeholders, including EU Member States and associate countries, international organisations and civil society organisations as appropriate. People seeking international protection are consulted and empowered to contribute to appropriate, sustainable and culturally sensitive interventions.

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<sup>3</sup> Council of Europe Treaty Series, No 5.

#### ***4.4. Transparency***

The Agency respects and promotes the protection of fundamental rights in a transparent manner including through the framework of this Strategy, by defining timebound objectives, by monitoring and evaluating its implementation and sharing timely information about its implementation with its stakeholders, including with the Consultative Forum.

Requests for access to documents drawn up or received by the Agency are handled in accordance with Regulation (EC) No 1049/2001.

#### ***4.5. Accountability***

The Agency is accountable towards the EU institutions and its governing structures. In that respect, the Agency delivers on all fundamental rights obligations related to its mandate.

The Agency is also accountable for any of its activities that may be considered as violations of the fundamental rights of people seeking international protection. In that regard, the Agency will set up a complaints mechanism so that any person who is directly affected by the actions of an expert participating 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 to the Agency.

#### ***4.6. Protection of personal data***

The Agency collects, processes and exchanges personal data in accordance with EU law, including Articles 30-32 of the EUAA Regulation.

### **5. Goals**

The fundamental rights strategy sets the following goals.

#### **Goal 1**

**The Agency complies with fundamental rights in all its activities.**

This goal will be achieved by strategic objectives 1 through to 7.

#### **Goal 2**

**The Agency contributes to guaranteeing the dignified and fair treatment of all people seeking international protection in the EU.**

This goal will be achieved by strategic objectives 1, 2 and 3.

### **Goal 3**

**The Agency seeks to promote respect of fundamental rights in all its activities.**

This goal will be achieved by strategic objectives 4, 5, 6 and 7.

## **6. Objectives**

The Strategy establishes seven strategic objectives to enable the Agency to achieve the three set goals. Some of these strategic objectives will be further achieved via specific objectives. Moreover, criteria that will be used to determine achievement of strategic and/or specific objectives are identified.

### ***6.1.Strategic objective 1***

**The Agency's operational and technical assistance is organised and coordinated in a manner that fully respects fundamental rights.**

In line with Article 16(2) of the EUAA Regulation, the Agency shall organise and coordinate the operational and technical assistance in a manner that fully respects fundamental rights.

With the Agency's increased operational footprint, risks related to fundamental rights violations are heightened. Developing feedback mechanisms regarding compliance with fundamental rights in the context of the EUAA's operations and continuously monitoring the support provided by the Agency are key to identifying and addressing shortcomings.

***Specific objective 1.1: Effective mechanisms are in place to report and address potential violations of fundamental rights.***

#### ***Criterion 1.1.1: The Agency sets up and implements a complaints mechanism.***

In accordance with Article 51 of the EUAA Regulation, the Agency shall set up a complaints mechanism to ensure that fundamental rights are respected in all of the Agency's activities. The Agency will therefore establish rules and procedures for submitting, handling and addressing complaints.

Any person who is directly affected by the actions of an expert participating 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 Agency.

The rules and procedures will ensure that complaints received by the Agency are handled in a confidential manner and in accordance with Article 51(11) of the EUAA Regulation.

The fundamental rights officer will be responsible for handling complaints in accordance with the right to good administration and for monitoring the follow-up to the complaints by the Agency or the Member State concerned.

In view of the implementation of the complaints mechanism, the Agency will ensure that asylum support team experts, including interpreters, are clearly identifiable and differentiable from national authorities or other stakeholders operating in the operational location.

The Agency will ensure, whenever possible, that the mechanism is accessible for all, including children and persons with special needs.

Together with the fundamental rights officer, the Agency will ensure that the mechanism is promoted and well-known by experts in asylum support teams, including interpreters, and by persons who may be directly affected by the actions of experts of asylum support teams as well as their representatives. Additionally, any staff member or any expert participating in an asylum support team who receives any form of written communication from a complainant or from their representative containing allegations of violations of fundamental rights in the context of the Agency's activities shall forward such communication, including, where available, the contact details of the complainant or their representative, to the fundamental rights officer without delay.

To ensure its efficient functioning, the complaints mechanism will be regularly monitored, and evaluated within four years following its establishment.

***Criterion 1.1.2: The Agency sets up and implements an escalation mechanism.***

In line with Article 18(6)(c) of the EUAA Regulation, the Executive Director shall, after informing the host Member State, suspend or terminate, in whole or in part, the deployment of asylum support teams where after consulting the fundamental rights officer, the Executive Director considers 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. In order to receive incidents related to potential violations of fundamental rights by the host Member State and establish a procedure for assessing and escalating those incidents to the Executive Director, the Agency will set up an escalation mechanism.

The escalation mechanism will function as a mechanism to report any incident related to potential violations of fundamental rights and international protection obligations committed by Member States' authorities, in the context of an EUAA operation and observed or brought to the knowledge of the Agency's staff or experts of asylum support teams, including interpreters.

The Agency will develop guidance related to the escalation mechanism. The guidance will foresee that incident reports are duly recorded and shared with the fundamental rights officer.

The guidance will also foresee that incidents are assessed, discussed with relevant national authorities, escalated to senior management when appropriate and, when required, brought to the attention of the Executive Director to consider the activation of the provision foreseen in Article 18(6)(c) of the EUAA Regulation.

To ensure its efficient functioning, the escalation mechanism will be regularly monitored and evaluated.

***Criterion 1.1.3: The Agency updates and implements a code of conduct applicable to all experts participating in asylum support teams.***

In accordance with Article 58 of the EUAA Regulation, the Agency shall develop, adopt and implement a code of conduct applicable to all experts participating in asylum support teams.

The code of conduct will aim to promote professional values based on the principles of the rule of law and the respect of fundamental rights and to establish the ethical behavioural standards that guide all experts deployed in the EUAA's operations. All experts participating in asylum support teams will be bound by the code of conduct.

The code of conduct and the procedure for reporting and following up on potential violations of the code of conduct will be updated.

The code of conduct will foresee the obligation for experts of asylum support teams, including interpreters, to report violations of the code of conduct, including potential violations of fundamental rights. In that regard, specific attention will be dedicated to the prevention and protection from psychological harassment, gender-based violence and sexual exploitation, abuse and harassment in the context of the EUAA's operations. The code of conduct will explicitly refer to the prohibition of sexual exploitation, abuse and harassment.

The code of conduct will foresee the obligation for asylum support teams, including interpreters, to inform any person wishing to submit a complaint to the EUAA about the channels to do so and to forward directly received written complaints to the fundamental rights officer.

The code of conduct will foresee the obligation for asylum support team experts to report, via the escalation mechanism, instances which they consider to amount to potential violations of fundamental rights by Member States authorities.

***Specific objective 1.2: Processes are in place for organising operational and technical assistance in a manner that fully respects fundamental rights.***

The EUAA Regulation foresees a role for the fundamental rights officer in some operational processes, i.e., being consulted on operational plans and on the evaluation of operation and technical assistance. Since fundamental rights risks may be identified at every stage of an operation, timely and ongoing involvement of the fundamental rights officer in all those processes is key. Guidance on efficient cooperation between the Agency and the fundamental rights officer in the framework of operational and technical assistance activities will thus be jointly developed.

***Criterion 1.2.1: The needs assessments for EUAA operations take fundamental rights into account.***

The Agency will conduct needs assessments to design and plan the most relevant activities that have a positive impact on the situation it is trying to address. When conducting needs assessments to assess

the scope of operational and technical assistance to Member States, the Agency will, through the consultation of various sources, also take into consideration fundamental rights challenges, without prejudice to any applicable deadlines for the conclusion of such assessments.

In the analysis of key trends and challenges, a desk review will look into recent and relevant legislative developments, and where available, jurisprudence from the Court of Justice of the EU and the European Court of Human Rights and reports produced by international organisations, EU agencies, civil society organisations, national human rights institutions and ombudspersons operating in the field of migration and asylum in the Member States requesting operational and technical assistance. In the context of ongoing operations requiring a new operational plan or amendment/extension thereof, the needs assessments will take into consideration, *inter alia*, the reports from the escalation mechanism, the information from the complaints mechanism and previous evaluation reports, including the fundamental rights officer's observations on evaluation reports.

The fundamental rights officer will share potential findings from their previous visits to the locations where the Agency carries out operational activities<sup>4</sup>.

Where relevant, and with a view to gathering objective information for the purpose of the needs assessment, the Agency may conduct additional meetings with international organisations and civil society organisations, particularly those that are members of the Consultative Forum.

To ensure that the envisaged operational intervention fully respects fundamental rights, when prioritising the needs to be addressed and the actions to be undertaken, the Agency will give particular attention to potential fundamental rights challenges in the application of the CEAS. The fundamental rights officer may be consulted during the prioritisation process as necessary.

***Criterion 1.2.2: The operational plans include a detailed and clear description of the obligations of the Agency regarding fundamental rights.***

Considering that the Agency will put in place new mechanisms to report and address potential violations of fundamental rights (see specific objective 1.1) and the fundamental rights officer has different roles in the context of operations (i.e., handling complaints, providing observations on operational plans, visiting operational locations), these novelties will be factored in the operational plans.

To the extent possible, operational plans will be designed based on identified needs.

The fundamental rights officer's observations on operational plans will focus on the Agency's compliance with fundamental rights and on the promotion of fundamental rights by the Agency when supporting Member States in implementing the CEAS. Follow up discussions between the Agency and the fundamental rights officer will take place to reflect on the possible limitations and opportunities to address those observations.

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<sup>4</sup> In line with article 49(5) of the EUAA Regulation, the fundamental rights officer shall have access to all information concerning respect for fundamental rights in relation to all the Agency's activities, including by organising visits, with the consent of the Member State concerned, to the places where the Agency carries out operational activities.

Operational plans will include information about the roles and responsibilities of experts participating in asylum support teams to report violations of the code of conduct in accordance with an established procedure, and potential violations of fundamental rights by Member States' authorities via the escalation mechanism. The corresponding reporting templates will be accessible and user friendly.

In line with Article 18(2)(m) of the EUAA Regulation, operational plans will set out measures for members of the asylum support teams to refer persons in need of international protection, victims of trafficking in human beings, children and any other persons in a vulnerable situation to the competent national authorities for appropriate assistance. Detailed measures will be either explicitly formulated as an operational pre-condition or targeted by a specific prioritised implementing measure.

The operational plans will be compliant with the EU personal data protection framework.

The possibility for the fundamental rights officer to organise visits, with the consent of the Member State concerned, to the operational locations where the Agency carries out operational activities will be referred to in operational plans.

***Criterion 1.2.3: The Agency analyses that operational and technical assistance is implemented in a manner that fully respects fundamental rights.***

To support effective decision making and change requirements, the Agency will continuously collect and analyse information about its operational activities. In addition, the fundamental rights officer and the Agency will develop ways to also collect and analyse operational information that is relevant from a fundamental rights perspective.

Together with the Agency, the fundamental rights officer will develop international protection and fundamental rights indicators to monitor compliance of the Agency's activities with fundamental rights, including the linkages between the EUAA's interventions and fundamental rights challenges faced by host Member States. As a good practice, operational data collection may be used to measure those indicators. Those indicators could then also feed into the EUAA's quarterly monitoring exercise.

The Agency will also gather information stemming from potential violations of the code of conduct, from the escalation mechanism and from the complaints mechanism. Together with the fundamental rights officer, the Agency will regularly analyse the incidents and the responses provided by the Agency.

When fundamental rights challenges are identified within a measure, to address those challenges, the EUAA may organise quality review activities and take adequate mitigating measures to ensure that asylum support team experts accurately follow and implement the EUAA's standards and guidance, and European and international standards related to fundamental rights.

The Agency will strive to further enhance operational data collection and, to the extent possible, ensure that the profile of asylum support team experts deployed in operations corresponds to the age, gender and vulnerability-related needs of applicants.

***Criterion 1.2.4: The Agency assesses that operational and technical assistance is organised and coordinated in a manner that fully respects fundamental rights.***

In line with Article 16(4) of the EUAA Regulation, the fundamental rights officer will provide observations on the Agency's evaluations of operational plans. The observations will intend to assess that operational and technical assistance is organised and coordinated in a manner that fully respects fundamental rights.

The fundamental rights officer will provide observations on the Agency's evaluation reports. In addition, whenever mid-term evaluations are conducted, they also have the opportunity to provide informal observations.

Observations on evaluation reports will focus on the Agency's compliance with fundamental rights, and may be based, *inter alia*, on the reports about potential violations of the code of conduct, potential violations of fundamental rights reported via the escalation mechanism, complaints received via the complaints mechanism, fundamental rights indicators developed and monitored by the Agency, and information stemming from quality review activities and the fundamental rights officer's operational visits. In their observations, the fundamental rights officer will also look into the promotion of fundamental rights by the Agency when supporting Member States in implementing the CEAS.

The fundamental rights officer will be invited to contribute to the formulation of evaluation questions on aspects related to fundamental rights, and the evaluation process conducted by the Agency shall be based on objective information obtained from a variety of sources, including, where relevant, the views of international organisations and civil society organisations active in operational locations where the Agency carries out its operational activities.

## **6.2. Strategic objective 2**

**The Agency's operational and technical assistance is implemented in a manner that fully respects fundamental rights.**

***Specific objective 2.1: A framework is in place to ensure that asylum support teams undertake their tasks in line with fundamental rights obligations.***

***Criterion 2.1.1: The Agency has safeguards in place.***

The Agency will put in place safeguards to ensure that asylum support team experts' conduct is compliant with fundamental rights. Prior to deployment, all asylum support team experts will sign a declaration of compliance with the code of conduct. Additionally, remunerated external experts, temporary agency workers and contractor personnel (interpreters) will present a recent and clean criminal record certificate as per contractual obligations.

Asylum support team experts will promote professional values based on the principles of rule of law, the respect of fundamental rights and the principle of good administration in compliance with ethical

behavioural standards established in the code of conduct. Asylum support team experts will be accountable for breaches of fundamental rights of people seeking international protection and professional conduct rules.

***Criterion 2.1.2: Asylum support team experts receive pre-deployment training related to their fundamental rights obligations.***

The Agency will develop relevant pre-deployment training modules to ensure that asylum support team experts understand how to fulfil their fundamental rights obligations.

Prior to deployment, asylum support teams will be briefed and receive updated information on the procedures to refer persons in need of international protection, victims of trafficking in human beings, victims of gender-based violence, children and any other persons in a vulnerable situation to the competent national authorities. This information will also be published on the Country Operation Platform, where available.

Based on the reporting mechanisms put in place by the Agency, a new mandatory pre-deployment training module for asylum support teams will be designed. This module will contain instructions about the purpose of the complaints mechanism, the code of conduct and the escalation mechanism. The module will clearly describe:

- how to provide information to persons who might be affected by the actions of asylum support team experts and to forward directly received complaints to the fundamental rights officer;
- how violations of the code of conduct by asylum support team experts should be reported, and
- how potential fundamental rights violations by host Member States authorities should be reported through the escalation mechanism.

The module and corresponding reporting forms will also be published on the Country Operation Platform, where available. Asylum support team experts will be encouraged to repeat this training as appropriate.

***Criterion 2.1.3: Asylum support team experts receive training and tools related to fundamental rights.***

In order to equip asylum support team experts to fulfil their fundamental rights obligations, the Agency will provide them with relevant training and tools.

In the assessment of learning needs for asylum support team experts, the Agency will ensure that asylum support team experts, depending on their profile, have followed the European asylum curriculum (EAC) foundation modules. The module on the introduction on fundamental rights and international protection will be mandatory for all deployed asylum support team experts. Specific attention will also be attributed to the needs related to the protection of professional well-being. Additionally, all interpreters deployed by the Agency will follow the module on Interpreting in the asylum or reception context.

Training modules on the prevention of psychological harassment and on the prevention, detection and protection from sexual exploitation, gender-based violence, abuse and harassment will be developed.

To help asylum support team experts identify potential breaches of fundamental rights, the fundamental rights officer, together with the Agency, will develop relevant fundamental rights checklists specific to the profiles of experts deployed in asylum support teams.

***Criterion 2.1.4: The fundamental rights officer conducts operational visits.***

The fundamental rights officer's operational visits will be used as a tool for ensuring the Agency's compliance with fundamental rights, including compliance with fundamental rights by asylum support team experts.

The fundamental rights officer will develop a methodology for conducting visits to operational locations where the Agency carries out operational activities. The methodology will define the principles and the purpose of such visits and identify major phases for organising the visits (desk review, identification and consultation with key external stakeholders, onsite visits with asylum support team experts, debriefing with the Agency, meeting with national authorities etc.). The methodology will also foresee key steps to ensure constructive cooperation between the fundamental rights officer and the Agency's operational counterparts before, during and after the visits, including how the EUAA facilitates access of the fundamental rights officer to the operational locations where the Agency carries out operational activities and how Member States provide their consent to the operational visits by the fundamental rights officer.

***6.3. Strategic objective 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.**

***Criterion 3.1: The Agency's monitoring methodology covers the operational and technical application of all aspects of the CEAS, in particular, respect for fundamental rights, child protection safeguards and the specific needs of persons in a vulnerable situation.***

Insofar as already laid down in the monitoring methodology, the monitoring mechanism will prioritise any possible shortcomings with higher impact on the operational and technical application of the CEAS. In particular, where this is possible in accordance with the monitoring methodology adopted by the Management Board, priority will be given to the assessment of findings with a higher impact on the fundamental rights of the persons concerned, child protection safeguards and the specific needs of persons in a vulnerable situation. All objective criteria will be assessed in view of respect for fundamental rights.

***Criterion 3.2: The Agency gathers information relevant to fundamental rights.***

Information gathering for the purpose of the monitoring will take place in line with the existing monitoring methodology. As already set out in that methodology, information gathering for the purpose of the monitoring may take into account internally available information, including from the fundamental rights officer and externally from relevant intergovernmental organisations or bodies, EU agencies, national human rights institutions and ombudspersons and civil society organisations via the Consultative Forum.

***6.4. Strategic objective 4***

**Fundamental rights in the context of asylum and reception are promoted via training activities.**

***Specific objective 4.1: International and EU fundamental rights standards, in particular the provisions of the Charter, are covered by the EAC.***

***Criterion 4.1.1: The Agency mainstreams fundamental rights in all modules of the EAC.***

In line with Article 8(4)(a) of the EUAA Regulation, the training offered by the Agency shall cover international and EU fundamental rights standards. Therefore, specific fundamental rights and principles will be accurately addressed in the modules' development and upgrades that make up the EAC.

The EUAA will ensure that a thorough process is in place for mapping specific and relevant fundamental rights in each module and that guidelines and templates are in place. This mapping process, including the support of the fundamental rights officer and the EUAA's training reference group, will be reflected in the procedures for the development of the EAC.

***Specific objective 4.2: The Agency develops new EAC modules relevant for fundamental rights.***

***Criterion 4.2.1: The Agency has a process in place to decide on the creation of new modules regarding fundamental rights.***

In consultation with its stakeholders, including the Consultative Forum, the Agency will consider the need to develop new EAC modules that are relevant for fundamental rights in the asylum and reception contexts.

***Specific objective 4.3: Ethical behavioural standards are adopted by training participants.***

***Criterion 4.3.1: The Agency has safeguards in place to ensure training participants adopt ethical professional standards.***

The Agency will ensure that the framework for training delivery is conducive to ethical professional standards. The EUAA will ensure that training participants adhere to the code of conduct for participants in training activities. The Agency will regularly monitor gender representation in training initiatives and encourage participation of the underrepresented gender.

### **6.5.Strategic objective 5**

#### **Fundamental rights standards are promoted by the Agency in asylum and reception.**

The Agency will continue promoting fundamental rights through the updates and developments of practical tools, guides, judicial analysis and factsheets. The tools and guides developed through the networks of the Agency, will systematically mainstream fundamental rights and take into account the specific needs of persons in vulnerable situations, including children. Protection of their fundamental rights and human dignity will be a primary consideration. Additionally, within its activities, the Agency will continue to identify possible areas of the CEAS where fundamental rights are most at risk and dedicate specific attention to address those risks. In that regard, needs related to the entry into force of the Pact on Migration and Asylum will also be identified.

The annual report on the situation of asylum in the EU will continue highlighting challenges related to fundamental rights. The annual report will also include relevant information on the complaints and escalation mechanisms. The EUAA's Case Law Database will be made public. Similarly, the EUAA will make the EUAA's information and documentation system public.

#### ***Specific objective 5.1: Fundamental rights are promoted in the development and updating of practical tools, guides, toolkits, judicial analyses and factsheets.***

The development and updating of practical tools, guides, toolkits, judicial analysis and factsheets will promote specific fundamental rights, such as the right of access to the asylum procedure, the right to human dignity, the right to private life, the respect for private and family life, the rights of the child, the right to good administration and the principle of effectiveness, the right to effective remedy and the right to liberty.

#### ***Criterion 5.1.1: The Agency facilitates access to the asylum procedure.***

The EUAA will facilitate access to the asylum procedure through guidance, workshops and information provision materials and activities in cooperation with the European Border and Coast Guard Agency (Frontex) and the EU Agency for Fundamental Rights (FRA).

The EUAA and Frontex have jointly developed a toolkit for first contact officials on access to the asylum procedure. The EUAA will continue to promote the awareness and use of the toolkit, which has been complemented with a set of information provision materials and accompanying guidance in support to access to the procedure, under the umbrella of the 'Let's speak asylum' project.

***Criterion 5.1.2: The Agency promotes human dignity and the right to private life.***

The EUAA will promote the physical, mental and social wellbeing of all applicants throughout the asylum pathway. In particular, ensuring physical, psychological and emotional safety for applicants in vulnerable situations will be a priority.

The Agency will collect, explore and define the good approaches for integrated case management systems in asylum and reception, with a particular focus on the security and safety of persons in vulnerable situations, including the prevention, identification and response to sexual and gender-based violence and trafficking in human beings.

The specific vulnerabilities of asylum seekers, including the specific needs of shipwreck survivors, will be taken into consideration when updating or developing practical tools and guides.

***Criterion 5.1.3: The Agency promotes respect for private and family life.***

The Agency will provide a forum for Member States to discuss and exchange practices and develop tools and guidance promoting the respect for family life and family reunification, particularly in the context of the Dublin Regulation but also in the contexts of relocation or resettlement. The Agency will explore ways to further support family reunification procedures.

The EUAA's Network of Dublin Units has developed and promotes the Agency's recommendations on family reunification within the Dublin procedure. The Network also actively develops practical tools, notably within the field of information provision, such as posters to promote family unity through the Dublin procedure for use in reception centres.

***Criterion 5.1.4: The Agency promotes the rights of the child.***

To support timely and accurate responses to children's needs in asylum and reception contexts, the Agency will continue developing tools related to the rights of the child that address issues such as age assessment, guardianship, family tracing, the best interests of the child, child marriage, female genital mutilation/cutting and trafficking of children. The Agency will also constantly look for avenues of cooperation with specialised child protection bodies at operational and institutional level.

***Criterion 5.1.5: The Agency promotes the right to good administration and the principle of effectiveness in asylum processes and procedures.***

The Agency will continue developing practical tools, guides and analysis that promote the setting up of impartial, fair and timely asylum processes and procedures in line with the principle of effectiveness and the right to good administration. The Agency will therefore analyse good practices and provide guidance on different relevant topics.

***Criterion 5.1.6: The Agency promotes the right to liberty.***

In line with the reception strategy, the Agency will define the best methods and practical interventions to facilitate the transfer of experience and know-how relating to detention and alternatives to



detention of applicants for international protection, with particular attention to the impact of procedural safeguards in detention (or lack thereof) on the effectiveness of the right to asylum. The creation of a network of national and international experts will be considered.

***Specific objective 5.2: Participation of people seeking international protection in the Agency's activities is promoted.***

***Criterion 5.2.1: The Agency conducts analyses of good practices regarding national feedback and response mechanisms and conducts surveys in EU Member States hosting EUAA operations.***

The participation of persons seeking international protection in the design and implementation of relevant services stems from a web of interconnected rights: human dignity, right to private life, and freedom of expression. It can also empower individuals and enhance the effectiveness of the services. Through the promotion of feedback and response mechanisms and the conduct of surveys, the Agency intends to enhance participation.

In line with the reception strategy and to enhance community involvement and participation, the Agency, together with the fundamental rights officer, will analyse good practices regarding national feedback and response mechanisms. When not already in place, the Agency will propose its support to Member States willing to establish feedback and response mechanisms in the framework of its operational activities.

The EUAA will aim to conduct surveys in Member States hosting EUAA operations to gain valuable insights directly from people seeking international protection or beneficiaries of international protection at different stages of asylum and/or reception procedures. These surveys, which will be carried out with the consent of the host Member States concerned and where relevant with their participation and/or involvement, could be useful in supporting more tailored operational responses.

***Specific objective 5.3: Fundamental rights safeguards are in place when supporting digital innovation projects.***

***Criterion 5.3.1: The Agency ensures that fundamental rights safeguards are in place when supporting digital innovation projects.***

Although the EUAA does not discount the support and improvements that algorithms and/or artificial intelligence (AI) can bring to asylum procedures, in line with the principles enshrined in the Artificial Intelligence Act<sup>5</sup>, the Agency notes that AI systems used in migration and asylum affect persons who are often in particularly vulnerable position and who are dependent on the outcome of the actions of the competent public authorities. The accuracy, non-discriminatory nature and transparency of the AI systems used in those contexts are therefore particularly important to guarantee respect for the

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<sup>5</sup> Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828, (OJ L, 12.7.2024) (Artificial Intelligence Act)

fundamental rights of the affected persons, in particular their rights to free movement, non-discrimination, protection of private life and personal data, international protection and good administration.

Therefore, when supporting digital innovation in asylum procedures and reception systems through flagship projects, the Agency will ensure full compliance with the above-mentioned principles and applicable rules enshrined in the Artificial Intelligence Act thus securing the respect of fundamental rights of people seeking international protection.

### **6.6.Strategic objective 6**

**The application of the CEAS in a manner that fully respects fundamental rights is promoted when the Agency cooperates with its stakeholders.**

***Specific objective 6.1: Instruments for cooperation with EU stakeholders, international organisations and civil society organisations are used by the Agency to promote the application of the CEAS in a manner that fully respects fundamental rights.***

Liaison officers to Member States will promote the application of the CEAS in a manner that fully respects fundamental rights. Working arrangements and cooperation plans with EU institutions, agencies and bodies and international organisations will seek to promote respect of fundamental rights in the context of asylum and reception.

The Agency will ensure that liaison officers to Member States are equipped to contribute to the promotion of the application of EU law on asylum, including with regard to respect for fundamental rights. Liaison officers will stay abreast of fundamental rights challenges in asylum and reception, including through dedicated training on fundamental rights. Liaison officers and the fundamental rights officer will exchange relevant information as set out in agreed workflows.

To reflect fundamental rights considerations in the application of the CEAS, the Agency will ensure that the fundamental rights officer is consulted when designing working arrangements and cooperation plans with other EU entities.

The Agency will cooperate with relevant international organisations with expertise relevant to its mandate, particularly with United Nations agencies, including the United Nations High Commissioner for Refugees (UNHCR), and with the Council of Europe. When concluding working arrangements with international organisations, the promotion of fundamental rights and the support to migrants in situations of vulnerabilities and/or with specific protection needs, including children will be identified as areas of cooperation.

In line with its working methods, whenever the Consultative Forum provides advice and recommendations to the Agency, the Agency will provide timely feedback on how that advice and those recommendations have potentially been addressed. The Agency may also enhance cooperation

with other specialised civil society organisations that have relevant expertise for the fulfilment of its mandate.

***Specific objective 6.2: In its cooperation with partner third countries, the Agency respects the fundamental rights set out in the Charter.***

In its cooperation with partner third countries, the Agency will respect the fundamental rights set out in the Charter and comply with norms and standards which form part of EU law. Should the Agency deploy liaison officers to third countries, such deployments will be to countries of deployment, whose migration and asylum management practices, comply with non-derogable human rights standards. Roadmaps will be concluded using a rights-based approach and will seek to promote alignment with the CEAS in a manner that fully respects fundamental rights.

When deploying liaison officers to partner third countries, the Agency will implement its guidance on the deployment of such liaison officers. Supported by the fundamental rights officer, the Agency will, in particular, assess whether the migration and asylum management practices of the designated country or countries of deployment comply with non-derogable human rights standards. The Agency will regularly re-assess this compliance.

In line with Article 36(3) of the EUAA Regulation, the Agency will ensure that liaison officers deployed to third countries are equipped to fulfil their tasks in compliance with fundamental rights, including by receiving fundamental rights training prior to deployment and by participating to yearly briefings on the fundamental rights situation in their assigned country or cluster.

Cooperation with the asylum and reception authorities of partner third countries, including with regard to the promotion of EU fundamental rights standards, will be developed by the Agency through its dedicated instruments. Therefore, when designing roadmaps and project proposals with third countries, the Agency will consult the fundamental rights officer to ensure that fundamental rights are mainstreamed.

Regarding resettlement, the Agency will ensure that implementing partners operating the Resettlement Support Facility respect the principle of non-discrimination, know how to handle and protect personal data of refugees and have a clear complaint procedure that is accessible to the beneficiaries of their services including people seeking international protection. The Agency will also ensure that feedback mechanisms are in place.

***6.7. Strategic objective 7***

**Human resources, communication and procurement are aligned with fundamental rights principles.**

***Criterion 7.1: The Agency's human resources strategy is age, gender and diversity sensitive.***

The Agency will promote diversity, including gender balance in management roles. In the recruitment processes, the Agency will make additional efforts to attract underrepresented groups, review recruitment techniques and advertising channels and take *ad hoc* measures to encourage the recruitment of candidates with disabilities. The promotion of diversity and inclusion will be further developed through a human resources action plan.

Staff participating in recruitment procedures will be specifically trained on gender and cultural bias.

Induction training for staff will include a dedicated session on fundamental rights in the activities of the Agency.

***Criterion 7.2: The communication of the Agency is age, gender and diversity sensitive.***

The Agency will continue to promote age and gender sensitivity and diversity via all its communication tools. The Agency will also monitor gender balance in all its events and encourage the participation of the underrepresented gender.

***Criterion 7.3: Technical specifications in procurement take fundamental rights into account.***

The procurement request template will include a reference to compliance with fundamental rights to ensure that, where relevant, technical specifications take into consideration the potential impact of procurement on fundamental rights.

When the EUAA provides material support to Member States through procurement, it will ensure that Member States are making use of the material in a way that is compliant with its guidance. Whenever the provision of material support is foreseen in an operational plan, a reference to the material support being used in compliance with the EUAA's guidance is mentioned in the pre-conditions of the operational plan.

## **7. Implementation, monitoring and evaluation of the Strategy**

### ***7.1. Implementation***

In line with Recital 44 of the EUAA Regulation, the fundamental rights officer should ensure the implementation of the fundamental rights strategy by the Agency:

*'An independent fundamental rights officer should be appointed to ensure that the Agency complies with fundamental rights in the course of its activities and to promote respect for fundamental rights within the Agency in accordance with the Charter, including by making a proposal for the Agency's fundamental rights strategy and ensuring its implementation, [...], to*

*that end, it is important that the Agency provide the fundamental rights officer with adequate resources and staff corresponding to its mandate and size.'*

To implement the strategy, the fundamental rights strategy will be accompanied by yearly fundamental rights action plans. The action plans will further delineate specific measures, outcomes, targets and indicators of achievements.

### **7.2. Ongoing monitoring of compliance with fundamental rights**

The fundamental rights officer is responsible for ensuring that the Agency complies with fundamental rights. To that end, they are independent in the performance of their duties, report directly to the Management Board and cooperate with the Consultative Forum.

The tools of the fundamental rights officer include:

- Advice through the provision of observations on operational plans and on evaluation of the Agency's operational and technical assistance, and contribution to the Agency's processes for organising operational and technical assistance;
- Operational visits to provide observations on the fundamental rights compliance of the Agency's activities and follow up on incidents of alleged violations received via the complaints or the escalation mechanism;
- Implementing the complaints mechanism to ensure that fundamental rights are respected in all of the Agency's activities;
- Promotion of conduct compliant with fundamental rights by providing input to the code of conduct and fundamental rights considerations in the EAC.

### **7.3. Monitoring and evaluation of the Strategy**

The Strategy and action plans will be monitored and evaluated to identify best practices and corrective actions. To that end, the Agency will appoint at least one focal point reporting on the implementation of the Strategy to the fundamental rights officer in each centre and for each operation.