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Answer given by Mr Brunner
on behalf of the European Commission
(27.7.2026)

The Council conclusions on Afghanistan of September 2021¹ and March 2023² strongly condemn the systemic violation of human rights, in particular of women, children, persons belonging to ethnic and religious minorities, LGBTI persons, human rights defenders, journalists and other media workers, former security forces and politicians. The Commission will continue its unwavering support to every person affected by violations of human rights. The Commission is not negotiating an agreement. The Commission is coordinating with Member States to better structure work on returns with the *de facto* authorities and to ensure a coherent European approach in full compliance with EU and international law, bearing in mind the challenges arising from the acute humanitarian and human rights situation in the country.

It is the responsibility of Member States to determine if an individual constitutes a security threat. EU law³ provides for the possibility to apply stricter rules for third-country nationals that represent a serious threat to public policy, public security or national security. All procedures should ensure the full respect of fundamental rights and an individual assessment is to be carried out in all cases.

EU law⁴ foresees that those who have no legal right to stay in the EU must be returned, based on an individual assessment and in full compliance with relevant caselaw and fundamental rights, including the principle of non-refoulement.

¹ <https://data.consilium.europa.eu/doc/document/ST-11713-2021-REV-2/en/pdf>.

² <https://data.consilium.europa.eu/doc/document/ST-7264-2023-INIT/en/pdf>.

³ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. Articles 7(4) and 11(2).

⁴ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.