

(English version)

**Priority question for written answer P-004474/25
to the Commission**

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(11 November 2025)

Subject: Forced returns of Afghan women to Afghanistan under Taliban rule

Over the past few weeks, reports have emerged that the Dutch Government intends to return two Afghan women to Afghanistan, despite the well-documented and systematic persecution of women under Taliban rule. Since the Taliban takeover, women have been deprived of access to education, employment, freedom of movement, and protection against violence. In its judgment of 4 October 2024 (Cases C-608/22 and C-609/22 ⁽¹⁾), the Court of Justice of the EU ruled that such treatment constitutes an ‘act of persecution’ under the EU Qualification Directive, and that Afghan women may therefore qualify for refugee status solely based on their gender and nationality.

1. Does the Commission agree that, in the light of this ruling, returning Afghan women to Taliban-controlled areas would constitute a violation of EU and international law, in particular the principle of non-refoulement?
2. Is the Commission aware of any ongoing or planned returns of Afghan women by EU Member States, and will it investigate whether these actions are compatible with EU asylum and human rights obligations?
3. Will the Commission take steps to ensure that all Member States uniformly apply the Court’s interpretation and immediately suspend any decisions concerning the return of Afghan women until their safety can be guaranteed?

Submitted: 11.11.2025

**Answer given by Mr Brunner on behalf of the European Commission
(9 January 2026)**

EU law on asylum and return requires an individual assessment when examining an application for international protection and deciding on the issuance and enforcement of a return decision.

These decisions need to comply with the EU Charter of Fundamental Rights, including the respect of the principle of non-refoulement as well as relevant EU and national jurisprudence.

It is the responsibility of the Member States’ competent authorities to carry out an individual assessment in all cases, taking into account all facts and circumstances, including relevant jurisprudence.

In joined Cases C-608/22 and C-609/22 ⁽¹⁾, the Court of Justice of the EU held that, when carrying out an individual assessment of the application for international protection of a woman of Afghan nationality, the competent national authorities are not required to take into consideration other factors particular to the individual’s personal circumstances.

EU law on asylum and return establishes that the third-country nationals concerned can appeal decisions related to asylum and return and that the enforcement of return decisions must be suspended when there is a risk to breach the principle of non-refoulement.

The Commission is not empowered to intervene in individual cases of application of EU law or implementation of Court’s judgments.

The Commission may only act in case of a general practice of incorrect application of EU law in the Member State concerned or a problem of compliance of national legislation with EU law.

¹ Judgment of the Court (Third Chamber) of 4 October 2024, *AH and FN v Bundesamt für Fremdenwesen und Asyl*. Requests for a preliminary ruling from the Verwaltungsgerichtshof. References for a preliminary ruling — Area of freedom, security and justice — Common asylum policy — Directive 2011/95/EU — ECLI:EU:C:2024:828.

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62022CJ0608>.