

Joint Public Letter to the European Union on the normalisation of engagement with the Taliban and the need for Rights-Based EU migration policies

To the attention of:

Ms. Ursula von der Leyen, President of the European Commission

Mr. António Costa, President of the European Council

Ms. Kaja Kallas, High Representative of the European Union for Foreign Affairs and Security Policy / Vice-President of the European Commission

Mr. Magnus Brunner, European Commissioner for Internal Affairs and Migration

We, the undersigned Afghan and international civil society organizations, are concerned about the growing [normalisation of engagement](#) with the Taliban, particularly in the context of migration management and return arrangements, which raise serious human rights and protection concerns.

Some European Union (EU) member states, including Germany, have framed their engagement as “[technical-level](#)”. This papers over the [actual harmful impact](#) of such engagement, namely the legitimisation of the Taliban, whose senior leadership are [fugitives from justice](#) for alleged crimes against humanity, including gender persecution. Some policy makers in EU states also appear to be basing their actions on discriminatory narratives portraying Afghan men as inherently dangerous, contributing to their [criminalisation](#) and fueling further hateful [rhetoric](#).

We strongly believe that any migration cooperation framework with the Taliban must be assessed against the EU’s legal and human rights obligations and should not result in direct or indirect legitimisation of *de facto* authorities responsible for widespread and systematic human rights violations and alleged crimes against humanity. In this context, the recent initiative by [twenty European countries](#) urging the European Commission to [prioritise the return](#) of undocumented Afghans, sets a dangerous precedent.

The attempt to justify these discriminatory and rights-violating policy proposals through manipulative and vague language about “[security risks](#)” again serves to smear Afghan refugees as criminals. Any determination that an individual constitutes a “security risk” must remain subject to strict procedural safeguards, including individualized assessment, non-discrimination, and access to an effective remedy, in line with [EU human rights and asylum law](#). [All states have an obligation to uphold the principle of non-refoulement](#), and even commission of crimes does not justify deportation to unsafe countries.

The engagement of European governments with the Taliban is taking place against the backdrop of what many UN experts, human rights organisations have described as an institutionalised system of gender oppression amounting to gender persecution. Cooperation with authorities responsible for the systematic deprivation of women’s, girls’, LGBTQI+ peoples’, and people with

disabilities' fundamental rights raises profound ethical and legal concerns for states that publicly claim to champion gender equality and women's rights. In addition, Afghan victims—primarily women and girls—face years-long denial of [meaningful participation](#) in high level discussions on Afghanistan's humanitarian and rights crisis and the international community's response. Meanwhile, some European countries, [including Belgium](#), are facilitating Taliban members' travels to Europe. Whatever commitment to human rights European states intend to project by occasionally hosting Afghan women in their capitals or [initiating proceedings](#) against Afghanistan at the [International court of Justice](#) (ICJ), is undermined by their willingness to receive Taliban representatives, particularly as the ICJ case fails to receive the needed momentum to move forward.

The harm resulting from these contradictions is compounded by [serious protection risks](#) as [Germany and Norway](#) have [handed over the Afghan consulates](#) to Taliban representatives. Many Afghan refugees, [particularly former government employees](#) and human rights advocates fear their sensitive information could be shared with Taliban members, with potentially deadly consequences for themselves and their families. The increasing deportations and restrictive policies are leaving many Afghans stranded in precarious conditions in third countries [and transit countries](#). Measures in Europe, the UK, and beyond—including visa bans and other travel restrictions—have had [severe](#) impacts on women and girls, including foreclosing their access to education.

Afghanistan remains an unsafe country. Afghans suffer widespread violations of their human rights, [including extrajudicial executions, enforced disappearance, torture](#), and the systematic oppression of women and girls, including the legitimisation of [child and forced marriage](#). Afghanistan is also enduring a deepening humanitarian catastrophe, including [widespread hunger](#). It is precisely this context of prolonged conflict, insecurity, deprivation and repression that has driven large-scale displacement over the years, compelling many Afghans to undertake dangerous journeys, often crossing seas and treacherous land routes, to seek safety in Europe and elsewhere. The Court of Justice of the European Union (CJEU), in the joined cases AH and [FN \(C-608/22 and C-609/22\)](#), affirmed that the cumulative discriminatory measures the Taliban imposes on Afghan women and girls may amount to acts of persecution under EU law. Despite this recognition, the European public is often not aware of the severity of conditions that force people to flee, or of the risks they endure in doing so, making hateful speech in European states all the more dangerous.

The trends towards deporting Afghans and legitimising the Taliban risk violating the principle of non-refoulement and contributing to a broader human rights and humanitarian crisis. Such actions raise serious concerns under international and European law. Article 19 of [the Charter of Fundamental Rights of the European Union](#) explicitly prohibits refoulement and collective expulsions, while Article 18 guarantees the right to asylum in accordance with the 1951 Refugee Convention. In addition, the prohibition of torture and inhuman or degrading treatment under Article 3 of the [European Convention on Human Rights](#) has been consistently [interpreted to prohibit transfers](#) to countries where individuals face a real risk of such harm. The forthcoming EU Qualification Regulation ([Regulation \(EU\) 2024/1347](#)), applicable from June 2026, further

reaffirms Member States' obligations to respect the principle of non-refoulement, fundamental rights, and individualised assessment in line with EU and international law.

Human rights must be at the center of EU migration and foreign relations policy. We join other critical voices, including [the Special Rapporteur](#) on the human rights situation in Afghanistan, [the UN High Commissioner for Human Rights](#), [United Nations High Commissioner for Refugees](#) and [Amnesty International](#), in condemning the forced return of Afghans and **calling for an immediate halt to deportations** to a country that remains unsafe.

Given the Directorate-General for Migration and Home Affairs' (DG HOME) central role in shaping EU return, asylum, and migration cooperation policies, and the role of the European External Action Service (EEAS) and the Council in guiding the EU's political engagement with Afghanistan, we urge the European Union and its Member States to ensure that any migration cooperation frameworks, diplomatic engagement, or return-related initiatives are fully aligned with the EU Charter of Fundamental Rights, international refugee law, and the principle of non-refoulement, and do not result in the direct or indirect legitimisation of Taliban authorities or expose Afghan nationals to persecution or serious harm.

Most urgently, we request the European Union to:

1. Adhere to the UNHCR's position on the non-return of Afghans following the Taliban's takeover and immediately suspend returns to Afghanistan;
2. Ensure strict risk assessment standards for Afghan cases in line with EU and international law;
3. End cooperation with the Taliban that involves data-sharing and other risks associated with consular transfer.
4. Support meaningful participation of Afghan victims of grave crimes, particularly gender persecution, in key international discussions on rebuilding or humanitarian response in Afghanistan.

Sincerely,

1. Accountability Watch Afghanistan (AWA)
2. Afghan Community of Nova Scotia Association (ACNS)
3. Afghan LGBTQ+ Advocacy Organization (ALAO)
4. Afghan Refugee Expert Network In Europe (ARENE)
5. Afghanistan Democracy and Development Organization (ADDO)
6. Afghanistan LGBTIQ+ Organisation (ALO)
7. Afghanistan Media Support Organisation (AMSO)
8. Afghanistan Women's Studies Academy (AWSA)
9. AsyLex
10. Civil Society and Human Rights Network (CSHRN)

11. Congress of Nations and States
 12. Dialogue Hub for Common Ground (DHCG)
 13. EU Hope e.V.
 14. Femena
 15. France terre d'asile
 16. Gender Persecution in Afghanistan Accountability Working Group (GPWG)
 17. Gender Rights Watch (GRW)
 18. HAMRAH Network
 19. HOMA – Alliance for Iranian LGBTQI+ Justice
 20. Human Rights Defenders Plus (HRD+)
 21. Justice Beyond Border
 22. Justice for Iran
 23. Les femmes au de la frontière
 24. LGBT Asylum
 25. MADRE
 26. Mosaic MENA
 27. Negotiating Queer Identities Following Forced Migration Project (NQIfFM)
 28. Passerell
 29. Rawadari
 30. Rights Monitor
 31. Shakar Podcast for Human Rights
 32. Simorgh Queer Community
 33. Spectrum
 34. The Common Good Foundation, Inc
 35. The Minorities
 36. Vatandar
 37. Women Leading Peace
 38. Women Organization for Rights, Dignity and Speech (WORDS)
 39. Women's Justice Movement
 40. Women's Motion Network
 41. Zanan Shoja
- Six Afghan Human Rights Organizations (Names Withheld for Security Reasons)