



The Agreement between the European Community and Pakistan on readmission raises significant questions concerning the respect of human rights

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The AEDH challenges the manner in which a readmission agreement between the European Union and Pakistan would be implemented. The Agreement concerns Pakistani nationals and individuals who have transited through Pakistan, particularly Afghan nationals, who would be irregular on the territory of the European Union. Pakistan is not a signatory of the Geneva Convention on Refugees of 1951 nor of the Convention relating to the Status of Stateless Persons of 1954. This Agreement raises a number of questions about the terms and conditions of readmission, the processing of personal data collected in order to justify and implement readmission and the process by which this agreement would be enforced by the European Union and the concerned States.

In a detailed analysis covering point-by-point the issues of this Agreement, the AEDH wants to show how its content and application procedures are contrary to fundamental rights. This analysis is available in French on [the AEDH website](#) and soon in English.

As such, the AEDH considers that readmission agreements carry within them the seeds of violations of human rights, first considering the rights of asylum seekers. More generally, if everyone has the right to leave their country under the Universal Declaration of Human Rights, by symmetry, only in exceptional cases can any individual be required to return to their country of origin, and even more so in a country where they transited. Furthermore, any measure of return to a country must be accompanied by strict safeguards concerning the violations of freedoms, dignity, and even the physical integrity of the individuals concerned. In the case of Pakistan, such an agreement would lead to the deportation of migrants to a country where insecurity rules and this agreement would apply to third country nationals who fled a war torn country, Afghanistan. It makes no guarantee concerning the respect of the fundamental rights of the people evicted, concerning personal data and privacy protection, and it cultivates a dangerous legal uncertainty as to its implementation. The agreement contains numerous loopholes or ambiguities, particularly regarding the travel documents issued to nationals subjected to a readmission procedure, also regarding the question of the burden of proof in the investigations preceding the application for readmission and even the exact role of the Readmission Committee responsible for the implementation of the agreement. The guarantees of protection of personal data are grossly inadequate in view of the type of data collected (fingerprints and biometric data, airline passenger lists for airlines, etc.).

Negotiated over nine years by the European Community and Pakistan, the Agreement was concluded in September 2008, but the European Parliament, following enforcement of the Treaty of Lisbon, must give its assent. Without this assent the agreement cannot take effect. The AEDH asks MEPs not to issue an assent to this Agreement, which not only raises many questions about respect for human rights but will also incite other countries to accept the proposals of readmission agreements from the European Union.

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The European Association for the Defense of Human rights (AEDH) is an umbrella organisation that brings together leagues and associations defending Human rights in EU countries. It is an associate member of the International Federation for Human Rights (FIDH). For further information: www.aedh.eu