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Dear Mrs Lucas,

Thank you very much for your letter of 18 July 2007, in which you convey your concerns on religious freedom in Pakistan.

The European Commission is closely following the situation of human rights and religious minorities in Pakistan, and is actively participating in joint European Union efforts to address the issue. In this context, the EU has regularly used available opportunities to raise the situation of religious minorities with the Pakistani authorities, for instance during a human rights demarche carried out on 26 June in Islamabad. The European Commission would also like to inform you that the EC and Pakistan established a sub-group on governance and human rights at a Joint Commission in Islamabad in May this year.

As far as the draft Apostasy Bill is concerned, I am aware that this has been tabled. If this Bill were to be passed, it would indeed send a negative signal. EU Member States in Islamabad and the Delegation of the European Commission are closely following the matter, and have raised the issue with the Government of Pakistan in a prominent way.

The European Commission is also aware that a death penalty against Younis Masih has been imposed, and I am conscious that blasphemy cases have often been applied against religious minorities. The case of Younis Masih in particular, as well as the issue of the blasphemy laws more generally, has been raised in bilateral contacts with Pakistan and the European Commission will continue to follow this closely.

The Commission is aware of the incident at the Pakistan Institute of Medical Sciences and the accusations that were made against Christian nurses. We understand that in the meantime an amicable settlement has been found.

The Commission has also noted with concern the situation of the Christians in Charsadda. This matter has been raised in bilateral contacts between the European Union and the Government of Pakistan.

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These and other high-profile cases highlight continuing problems for religious minority communities in Pakistan. I would like to assure you that the European Commission remains deeply concerned about religious freedom in Pakistan, and will continue to actively participate in joint European Union efforts to address these questions.

As far as Member States responsibilities in granting asylum and their policy towards rejected asylum seekers are concerned, I would like to point out that the conditions under which a third country national can be granted international protection (refugee or subsidiary protection status) in a Member State have been harmonised at Community level by Council Directive 2004/83/EC, on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. The deadline for the implementation of this Directive by Member States expired on 10 October 2006.

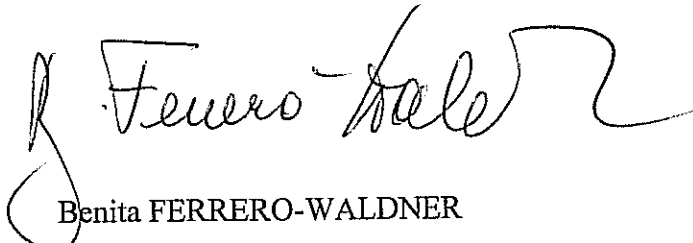
In this context, however, I would like to draw your attention to the fact that the decision to grant a refugee or subsidiary protection status in accordance with this Directive can only be adopted by the competent national authorities, and that the European Commission has no competence to assess asylum applications and grant international protection to individual applicants.

However, the persons who do not qualify for international protection and whose applications for asylum are subsequently rejected by Member States' authorities fall outside the scope of this Directive, and there is currently no instrument of Community law regulating the situation of rejected asylum applicants.

As a result, it is left to the discretion of Member States to decide whether these persons should be returned to the country of origin or should be allowed to remain in the territory, for instance on humanitarian or compassionate grounds. In any case, Member States are free to decide on the nature and level of benefits that should be provided to the rejected asylum seekers who are allowed to remain in their territory.

The European Commission has therefore no competence to intervene in such cases.

Yours sincerely,



Benita FERRERO-WALDNER