



## Protecting women and girls in the asylum procedure

The information presented in this fact sheet is extracted from the [Asylum Report 2022](#) and covers developments in 2021 and early 2022.

Women and girls throughout the world may be subjected to intense forms of cultural, structural and direct violence. Gender-based violence may include – but is by no means limited to – sexual abuse and exploitation, rape, female genital mutilation/cutting (FGM/C), human trafficking, harassment and domestic violence, as well as social stigmatisation and marginalisation, and related psychosocial consequences.

Such traumatic experiences need to be taken into consideration while trying to understand and assess a person's need for protection. Likewise, these realities need to be included in the development of protection solutions to properly cater to the needs of survivors of gender-based violence. It is fundamental that gender considerations are integrated into the asylum procedure, even when a specific asylum claim is not clearly gender-related per se.



### Key developments extracted from the Asylum Report 2022

#### Data

- Women and girls accounted for just 30% of all applicants for international protection in 2021. Women were only the majority of applicants in the age group 65 and older.
- Men received over two-thirds of all first instance decisions in 2021. In a few countries, however, women received a higher portion of decisions than the EU+ average. In Denmark, Ireland, Luxembourg, Norway, Spain and Switzerland, between 41% and 46% of all decisions were delivered to female applicants.<sup>1</sup>
- Within these first instance decisions, 41% of women and girls were granted international protection, compared to 31% of men and boys. However, the data available do not indicate which applications lodged by males or females were part of family groups.

<sup>1</sup> Only countries issuing more than 1,000 decisions in 2021 were considered.

- While over two-thirds of pending cases at the end of 2021 concerned applications lodged by male applicants, there were exceptions. For Latin American applicants, such as Colombians and Venezuelans, the majority of pending case applied to women.

## Developments at the EU level

- The AMIF-funded project, “Identification of Trafficked International Protection Beneficiaries’ Special Needs (TRIPS)”, is a 2-year initiative which aims to identify and address specific integration needs of trafficked beneficiaries of international protection, both at the EU and national levels.<sup>1</sup> The gender component of human trafficking cannot be overlooked as the majority of identified victims are women and young girls, most often victims of sexual exploitation.<sup>2</sup> Accordingly, addressing trafficking requires gender-specific responses. As part of the project, a toolbox was produced to provide practitioners with guidance on dealing with the consequences of human trafficking within the wider international protection and integration context.<sup>3</sup>
- The Mediterranean Institute of Gender Studies launched the COALESCE Project in January 2021 to provide support to female migrant survivors of trafficking in human beings for sexual exploitation in Europe. The project focuses on providing gender-specific psychosocial, legal and economic support to women, developing synergies, and improving transnational cooperation among frontline professionals and practitioners.<sup>4</sup>
- The European Institute for Crime Prevention and Control, which is affiliated with the United Nations (HEUNI), started implementing the project SARAH – Safe, Aware, Resilient, Able and Heard, aiming to protect migrant women who are victims of gender-based violence, including applicant and refugee women. The project is implemented by civil society organisations in four EU Member States, namely Germany, Greece, Finland and Italy.<sup>5</sup>

## Developments in EU+ countries

### Updating procedures to better protect women and girls from violence

- The State Agency for Refugees in Bulgaria updated its standard operating procedures for preventing and responding to sexual or gender-based violence within the asylum procedure, and the new procedures were implemented in cooperation with UNHCR and the State Agency for Child Protection. In addition, the agency established a pilot programme of self-care and well-being classes for women in the reception and registration centre Vrazhdebna in Sofia.<sup>6</sup>
- In Croatia, the Ministry of the Interior developed standard operating procedures to prevent and address sexual and gender-based violence in reception centres, in cooperation with UNHCR, Médecins du Monde, the Red Cross and the Croatian Law Centre. The new procedures, which were implemented in April 2021, define the roles and responsibilities of all service providers in the prevention of and response to violence. The Gender Equality Office designed leaflets in eight languages on gender-based violence for women applicants and beneficiaries of international protection.

- Following the examples of the asylum and reception authorities, a gender coordinator was appointed for the Belgian Immigration Office in 2021.
- The French action plan on vulnerabilities foresees an evaluation of the 300 reception places dedicated to victims of human trafficking and female victims of violence.<sup>7</sup>
- Related to the specific needs of women and girls in reception, the Italian Ministry of the Interior's Department of Civil Liberties and Migration issued a circular to disseminate an operational guide to first-contact reception staff. The guidance addresses the provision of initial support to survivors of gender-based violence, which was developed by the IOM, UNHCR and UNICEF.
- In collaboration with the Mediterranean Institute of Gender Studies (MIGS), UNHCR Cyprus mapped the experiences and impact of sexual and gender-based violence among female and male asylum seekers in the Pournara First Reception Centre and highlighted that 49% of all women assessed were identified as victims of sexual or gender-based violence. The organisations added that the high share can be further contextualised with the higher rate of male arrivals and the higher number of men assessed in the mapping. The study observed a general lack of data on sexual or gender-based violence among asylum-seeking and refugee women and put forward specific recommendations to improve data collection, reception conditions, specialised support services, access to information, housing and accommodation, as well as employment and training.<sup>8</sup>
- The SEM in Switzerland underlined that addressing the issue of violence against women would remain a priority in 2021 and the authority planned to hold information and training sessions for asylum and reception staff to raise awareness of all forms of violence against women. A video will be developed to inform asylum applicants about social conventions and their rights and duties in Switzerland. It will also address specific topics related to women and underline the prohibition of all forms of violence against them.<sup>9</sup>
- The Swiss Refugee Council published a legal analysis on the use the reports from the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) in the asylum procedure.<sup>10</sup> Together with UNHCR, the organisation summarised recommendations on the protection of women and girls in the area of asylum, which were collected from multiple reports published after the adoption of a special report on the situation of female applicants and beneficiaries of international protection by the Federal Council in 2019.<sup>11, 12</sup>
- A protocol was approved in Spain to establish common criteria for professionals who work with applicants and beneficiaries of international protection to detect and prevent gender-based violence in reception.
- The Swedish Migration Agency updated its legal position from 2017 on investigating and assessing women's gender-based persecution within the asylum procedure.<sup>13</sup>

## Female genital mutilation/cutting (FGM/C)

- The Finnish Immigration Service produced new, comprehensive guidance for reception staff to help combat FGM/C in countries of origin.
- The Maltese IPA and AWAS signed a memorandum of understanding on the medical referral of applicants claiming to be survivors of FGM/C. The IPA refers these women and girls to AWAS, which follows up with a medical examination at a local hospital. When the fact of FGM/C is confirmed, the applicant receives a medical certificate, the IPA omits questions related to this fact during the interview to avoid retraumatizing the person, and AWAS adapts material reception conditions accordingly.
- As part of an ongoing commission from the Swedish government to several authorities to combat and prevent FGM/C, the Swedish Migration Agency undertook a legal quality monitoring of 400 cases, with the final report expected to be published in 2022.<sup>14</sup>

## Employment and integration of female beneficiaries of international protection

- The German BAMF published an analysis on the social integration of refugee women. The report points out that refugee women have different prerequisites for integration than refugee men: they often have lower education levels, are less likely to be employed and have little knowledge of the German language. They are more involved in household activities and participate less in sports or cultural events. They often have fewer contacts with German citizens. However, having children turned out to be a positive factor to establish contacts within the host society.<sup>15</sup>
- The COVID-19 pandemic had a particularly negative impact on the employment of women refugees and refugees with higher-level education in Austria, according to a study from the International Centre for Migration Policy Development (ICMPD). Persons from both groups were more likely to become or remain inactive.<sup>16</sup>
- To facilitate migrant women's employment, the Swedish government proposed to reserve 90 days of parental leave to each parent including for low-income families. So far only parents with an income high enough to qualify for sickness benefits have had 90 reserved days in their parental insurance.<sup>17</sup>
- To further increase the employment rate of migrant women, the Danish government proposed a reform plan to require migrants who receive social benefits to work or participate actively for 37 hours a week in order to receive full social benefits. The proposal was met with severe criticism,<sup>18</sup> but has not come into force since there has not been political agreement or an amendment yet. The independent Danish Knowledge Centre on Integration indeed observed that only 17% of Syrian women living in Denmark were employed, compared to 80% of Eritrean men and 38% Eritrean women. The centre noted that this may be due to education levels and trauma, as 40% of Syrian refugees arrived in Denmark with limited education and were more likely to be suffering from trauma.<sup>19</sup>

- The EMN French National Contact Point published a national report analysing the integration of migrant women, including those benefitting from international protection. The report provides a panorama of the different projects undertaken in various thematic areas and underlines the importance of ongoing projects to establish a network of childcare facilities, allowing women to participate in training and be supported in their search for employment.<sup>20</sup>
- In Cyprus, a civil society initiative provided insights into the impact of the COVID-19 pandemic on applicants, beneficiaries of international protection and migrants. Their research revealed a disproportionately larger impact on women's lives and their integration,<sup>21</sup> in addition to substantial delays in the delivery of residence permits and other official documents, which delayed access to education, health care and employment.<sup>22</sup>
- To bridge the gap between locals and newly-arrived beneficiaries of international protection,<sup>23</sup> the NGO Mareena in Slovakia used crowd-funding to open a café for a month in February 2021, where women refugees shared typical cuisine from their country of origin.<sup>24</sup> The civil society organisation Human Rights League launched the first accredited service to support beneficiaries of international protection and migrant victims of hate crime, through free legal, social and psychosocial assistance.<sup>25</sup>
- JRS Europe provided examples of their integration initiatives designed specifically for women in Greece and Portugal, in addition to individual success stories in Germany and Italy.<sup>26</sup>

### **Other developments at the country level to support women and girls**

- In Poland, a special reception for single women and single mothers, operated by a contractor, was closed. The authorities were planning to construct a new, state-owned centre for women with AMIF funding.
- Civil society organisations in Malta, such as Aditus Foundation, offered various activities in 2021, many of them focusing on providing counselling and outreach to women.
- The Council of Europe's Committee for the Prevention of Torture (CPT) recommended to Malta to introduce specific measures for vulnerable groups (especially families with children, unaccompanied and separated minors, and women) and called for immediate action to transfer vulnerable people to open centres and out of detention.<sup>27</sup>
- The Healthcare Investigation Board published a report which underlines that refugee women arriving in Norway through family reunification are often in an extremely vulnerable situation, and the requirements for family reunification may impact their mental health and prevent them from seeking professional support. The demands of the integration process are often seen to be higher than what a newly-arrived person can handle in such a short period of time. The report was prepared after a murder-suicide of a young South Sudanese mother and her children, who had arrived in Norway through family reunification.<sup>28</sup>

- NGOs highlighted a lack of female interpreters in Croatia to assist with the asylum procedure.<sup>29</sup> Authorities mentioned similar issues in Belgium, where female interpreters for Somali were limited.

### Court rulings related to the protection of women and girls

- On specific gender-related asylum grounds, the Belgian CALL **granted** refugee status to a woman by concluding that her fear of persecution following her abortion in Senegal was well-founded.
- Related to forced marriages, the Belgian court also **held** that an applicant cannot be excluded from international protection based on having married and having had a sexual relationship with a minor girl, when he himself was also a minor at the time of the marriage. The court underlined in another **case** that early marriage may constitute a ground for exclusion, but this should not be automatic. It granted refugee status to the applicant, whose wife was 13 years old at the time of the marriage. Taking into account the importance of religious laws, customs and traditions and the Syrian law on personal status, the court concluded that he was not aware of the unlawfulness of his actions and did not intend to commit rape. The wife was 23 years old at the time of the judgment, left Syria with her husband, and the welfare officer observed mutual trust and respect between the spouses, who were both actively involved in the education of their children. The CALL came to a similar conclusion in another **case** and overturned the exclusion of a Syrian applicant who married a 14-year-old girl.
- In contrast, the French CNDA **confirmed** OFPRA's decision to exclude from international protection a Congolese man, whose well-founded fear of persecution was acknowledged based on his political and religious engagements, but he had married a 12-year-old girl and had a child with her when she was 14.
- The CNDA **granted** refugee status to a woman from Côte d'Ivoire who was abused by her uncle since her childhood and was forced to marry one of his business partners. The court noted the evolution of legislation on forced marriage but concluded that this practice was still widespread and authorities provided no effective protection against it. It came to the same conclusion in the **case** of a woman from Mali, who was forced to marry and was a victim of domestic violence, and in another **case** of an Afghan woman who was harassed to re-marry after her husband passed away.
- On assessing gender-based violence more generally, the Belgian CALL **held** that despite some ambiguous points in the statement, a female applicant provided sufficiently detailed, precise and plausible points to conclude that she was a victim of threats following her divorce, and there seemed to be insufficient protection for victims of violence in Turkey. However, in another **case**, the court reiterated that the fear of persecution must be demonstrated in concrete terms, and the mere fact that women are the main victims of sexual and psychological gang violence in El Salvador was not sufficient to substantiate that the single female applicant and her two girls are actually threatened and persecuted in their country of origin.
- The French CNDA **granted** subsidiary protection to a single, unmarried woman from Central Kasai in Congo (based on the recast Qualification Directive, Article 15(c)), as it considered that isolated women were sexually targeted by armed groups. In another

case, the CNDA [stated](#) that, in addition to a well-founded fear of persecution which was thoroughly documented by medical certificates, supported by the applicant's credible statements and corroborated with COI reports, the fact that an applicant was a single woman with five children from the Democratic Republic of Congo would make it difficult for her to settle in a safe environment if returned to her country of origin.

- In Finland, the Supreme Administrative Court [ordered](#) the Finnish Immigration Service to reassess a case based on updated COI reports and the best interests of the child, when it originally rejected refugee status for a Somali girl when assessing that her report on attempts to forcibly marry were not sufficiently credible.
- The High Court in Ireland [referred](#) back a case for examination and underlined that the authorities are also obliged to verify the risk of future persecution in the event of a return of a single Pakistani woman, next to the assessment of persecution in the past.
- The Dutch Council of State [granted](#) international protection to a female lawyer from Iran who had helped a woman in a divorce from her abusive husband. She had an altercation with the judge on the case on women's rights, after which she was removed from court, then arrested, detained and assaulted for 2 days by the security service. Originally, the asylum authority deemed her statements credible but not sufficiently serious to grant international protection.
- The Danish Refugee Appeals Board upheld the Immigration Service's decisions to revoke protection status for a number of Syrians from Damascus, for example, in the [case](#) of a single woman and in the [case](#) of a woman with children who left her spouse. In 2021, the Danish Refugee Appeals Board upheld the decision to revoke protection status in 50% of cases brought before the board. It was observed that mainly single women and elderly lost their permits.<sup>30</sup>

### **Selected case law related to female victims of human trafficking**

- Italian tribunals were faced with several asylum claims by trafficked applicants, in particular women from Nigeria (see [here](#) and [here](#)).
- The CNDA in France [noted](#) that a Nigerian woman from Lagos, escaping a prostitution network, could not be considered to belong to a particular social group, as the scale, methods and traffickers' means of control over the victims were not comparable to that in Edo or other southern states in Nigeria. Still, due to the risks after escaping from prostitution, the court concluded that she should be granted subsidiary protection.
- In contrast, the Swiss Federal Court [concluded](#) in a case that an applicant from Edo who was forced into prostitution after she arrived to Europe could return to Nigeria and re-establish her life there, given that she remained in constant contact with her family and there were no indications that they would not support her upon return.
- The Dutch Court of the Hague [referred](#) questions to the CJEU seeking clarification on the issuance of a residence permit for victims of trafficking in human beings in conjunction with the Dublin III Regulation. The Council of State questioned the [impact](#) of an appeal on the counting of the Dublin transfer time limit in a case involving human trafficking.

## Selected case law related to FGM/C

- The Norwegian Immigration Appeals Board **ruled** that the mother of a girl who was granted international protection due to a risk of FGM/C in the country of origin should be granted a derivate residence permit for international protection and should not be referred to apply for family reunification. The decision was based on the best interests of the child.
- In the Netherlands, the Court of the Hague **rejected** the appeal of a Nigerian woman who claimed that her four children were at risk of FGM/C, noting that legislation prohibited FGM/C in Nigeria and the applicant's statements were found to be contradictory.
- The UN Committee on the Rights of the Child **concluded** that Denmark violated the best interests of a girl who was at risk of FGM/C and forced marriage if returned to her country of origin. The committee underlined that the authorities assessed only the general situation in the country of origin and did not consider the child's specific context.

To search for more developments by topic, country or year, consult the [National Asylum Developments Database](#).

To read more case law related to asylum, consult the [EUAA Case Law Database](#).

## Sources

Please see [Sources on Asylum 2022](#) for the full list of over 1,200 references which were consulted for the Asylum Report 2022.

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<sup>28</sup> Norwegian Healthcare Investigation Board | Statens undersøkelseskommisjon for helse- og omsorgstjenesten. (2021, June 9). *Undersøkelse etter drukningstragedien i Tromsø: Hva kan vi lære om integrering og flyktningshelse?* [Investigation after the drowning tragedy in Tromsø: What can we learn about intergration and refugee health?]. <https://ukom.no/rapporter/undersokelse-etter-drukningstragedien-i-tromso/innledning>

<sup>29</sup> Swiss Refugee Council | Schweizerische Flüchtlingshilfe | Organisation suisse d'aide aux réfugiés. (2021, December 20). *Situation of asylum seekers and beneficiaries of protection with mental health problems in Croatia: Report and recommendations of the Swiss Refugee Council*. [https://www.osar.ch/fileadmin/user\\_upload/Publikationen/Dublinlaenderberichte/211220\\_Croatia\\_final.pdf](https://www.osar.ch/fileadmin/user_upload/Publikationen/Dublinlaenderberichte/211220_Croatia_final.pdf)

<sup>30</sup> European Website on Integration. (2021, March 20). *Denmark: Permits for certain Syrian refugees revoked*. [https://ec.europa.eu/migrant-integration/news/denmark-permits-certain-syrian-refugees-revoked\\_en](https://ec.europa.eu/migrant-integration/news/denmark-permits-certain-syrian-refugees-revoked_en)