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5.3 Protecting women and girls

While minor boys can also fall victim to domestic violence, further efforts continued to be needed in protecting women and children in the asylum procedure from risks, such as domestic violence or FGM. In 2020, EU+ countries undertook new initiatives by creating facilities specifically for this profile of applicants and courts stepped in to protect woman and girls who be at risk of violence if returned to their home country *(see Section 4.7)*.

The Council of Europe published a study on Gender-based asylum claims and non-refoulement: Articles 60 and 61 of the Istanbul Convention. It includes practical advice and information on gender-based violence and on how to provide a gender-sensitive interpretation in reception and asylum procedures.[1303]

In France, the CNDA ruled that Somali girls who have not been subjected to FGM/C – but ran the risk if returned – constitute a particular social group in need of protection. The court found that OPFRA had only briefly heard a girl's father, not the mother, even though she could testify that the practice was undertaken in her family. The CNDA reiterated that FGM/C is almost universally practiced throughout Somalia without a significant decline in the practice, and girls at risk if returned therefore constitute a particular social group in need of protection from FGM/C.

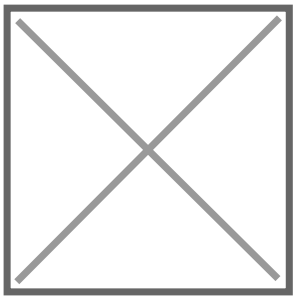
In Iceland, the Supreme Court rejected an appeal in which a father complained that the determining authority and the district court did not correctly assess the situation of his two minor girls who would face the risk of FGM and rape if returned to their home country. In civil cases, the burden of proof lies with the applicant and the court stated that the applicants had not provided evidence of a risk.

The United Nations Working Group on Discrimination against Women and Girls noted a number of positive developments in Greece to provide support to refugee women, but it considered that some women were unable to report violence due to untrained staff at police stations, despite Law No 45/31 of 2018 giving undocumented persons the right to report gender-based violence without a fear of removal. In addition, a lack of interpretation services at hospitals impeded the provision of adequate medical care for female victims of violence.[1304] The Danish Refugee Council observed administrative and procedural deficiencies in Greece which hindered access to a medical examination to prove an applicant was a victim of FGM and victims did not have recourse to a medical certificate confirming that the practice had occurred.[1305]

In 2020, some EU+ countries implemented new measures to better manage applicants who have

suffered sexual or gender-based violence. In Slovenia, the Ministry of the Interior, the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the police and the Ministry of Justice – together with 11 NGOs and UNHCR – signed a new protocol on prevention and action in cases of sexual and gender-based violence in international protection proceedings. Addressing victims requires special mechanisms that complement the existing national system in order to provide adequate protection and assistance.[1306]

A new White Paper published by the Irish government in February 2021 proposes a new model of support and reception to applicants for international protection *(see Section 4.7)*.[1307] The IPAS is working with specialised service providers to roll out a training programme to staff who are involved in the care of applicants with special needs, focusing on victims of sexual and gender-based violence, victims of trafficking, and victims of torture and trauma. In addition, an e-learning training programme, “Children First”, aims to increase awareness and reporting of concerns related to children.



[1303] Council of Europe, Special Representative of the Secretary General on Migration and Refugees (2020, February 10). New study on gender-based asylum claims and non-refoulement. *Council of Europe*. https://www.coe.int/en/web/special-representative-secretary-general-migration-refugees/newsletter-february-2020/-/asset_publisher/cVKOAoroBOtI/content/new-study-on-gender-based-asylum-claims-and-non-refoulement?_101_INSTANCE_cVKOAoroBOtI_viewMode=view/; Council of Europe. (2020, February 10). *Gender-based Asylum Claims and Non-refoulement: Articles 60 and 61 of the Istanbul Convention: A collection of papers on the Council of Europe Convention on preventing and combating violence against women and domestic violence*. https://rm.coe.int/conventionistanbularticle60-61-web/1680995244

[1304] United Nations, Human Rights Council. (2020, June 29). *Visit to Greece: Report of the Working Group on discrimination against women and girls*. A/HRC/44/51/Add.1. https://undocs.org/A/HRC/44/51/Add.1

[1305] Danish Refugee Council. (2021). *Input to the EASO Asylum Report 2021*. https://easo.europa.eu/sites/default/files/DRC-Danish-Refugee-Council.pdf

[1306] Ministry of Labour, Family, Social Affairs and Equal Opportunities | Ministrstvo za delo, družino, socialne zadeve in enake možnosti, Ministry of the Interior | Ministrstvo za notranje zadeve, Ministry of Justice | Ministrstvo za pravosodje, & Office of the Government of the Republic of Slovenia for the Care and Integration of Migrants | Urad Vlade Republike Slovenije za oskrbo in integracijo migrantov. (2020, February 25). *Deležniki podpisali nov protokol o prepre?evanju in ukrepanju v primerih spolnega nasilja ter nasilja na podlagi spola [Stakeholders sign new protocol on prevention and response to sexual and gender-based violence]*. https://www.gov.si/novice/2020-02-25-delezniki-podpisali-nov-protokol-o-preprecevanju-in-ukrepanju-v-primerih-spolnega-nasilja-ter-nasilja-na-podlagi-spola/

[1307] Department of Children, Equality, Disability, Integration and Youth. (2020). *A White Paper to End Direct Provision and to Establish a New International Protection Support Service*. https://www.gov.ie/pdf/?file=https://assets.gov.ie/124757/ef0c3059-b117-4bfa-a2df-8213bb6a63db.pdf#page=0





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