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The EUAA published COI focusing on FGM/C in Mali[1330] and in Ethiopia *(see Section 4.12)*.[1331] EIGE announced new research to map applicant and beneficiary women's access to specialised health care services, in particular related to reproduction and sexual health. The outcome of the research is planned to be published in 2023.[1332]

On the occasion of International Women's Day, the Belgian CGRS provided an overview of the authority's activities related to supporting women and girl applicants. The gender unit, which was created in 2005 and operates through geographical and horizontal sections of the CGRS, is involved in designing the content of draft directives. These aim to advise protection officers and identify and relay their needs to better manage these files, as well as to monitor the quality of files related to gender.[1333]

The Luxembourgish government adopted a proactive approach to raise awareness about the impact of FGM/C. The ONA has collaborated with the Group for the Abolition of Female Genital Mutilation since 2017, and training on this profile of applicants is compulsory for staff working with women and girls in reception.

In accordance with the Swedish government's national strategy for preventing and combating men's violence against women, the SMA continued its collaboration with other national authorities in various government assignments. Efforts mainly focused on training staff and adequately informing applicants. The agency's website includes information on domestic violence and support sources, in order to encourage women to seek support.

The Council of Europe's Expert Group on Action against Violence against Women and Domestic Violence (GREVIO) published its baseline evaluation report on Switzerland in November 2022. The group encouraged Swiss authorities to improve the identification of cases of violence against applicant women and assess whether countries of origin are able to provide effective protection.[1334]

The implementation of the Spanish Protocol against Gender Violence in the Reception System continued,[1335] with support from UNHCR[1336] and NGOs, such as CEAR.[1337]

French authorities focused on the creation of suitable accommodation and since 2020, 300 reception places were made available for female applicants who were victims of violence or

trafficking.

In Lithuania, the Vilnius Regional Prosecutors Office launched a pre-trial investigation into the sexual abuse of residents in one of the foreigners' registration centres by an SBGS employee.[1338]

In *H.M. and others v Hungary*, among other issues *(see Sections 4.8. and 5.6.5)*, the court observed that a pregnant mother had received the necessary medical attention. Nonetheless, the constraints she had to suffer during the advanced stage of her pregnancy (such as the conditions in the transit zone, as well as seeing her husband handcuffed and on a leash) resulted in anxiety and mental issues that were serious enough to find a violation of the ECHR, Article 3.

The Austrian Supreme Administrative Court referred two questions to the CJEU for a preliminary ruling (C-608/22 and C-609/22), inquiring whether the situation of Afghan women in their country of origin could be regarded as sufficiently severe to qualify as persecution. The court also asked whether it is enough that a woman is affected by the measures merely on the basis of gender or if her individual situation still needs to be assessed.

In Denmark, the Coordination Committee of the Refugee Appeals Board decided to change its approach to women and girls from Afghanistan at the end of January 2023. They may now be granted international protection solely on the basis of their gender.[1339]

The CNDA granted international protection to a woman, holding that she belonged to the particular social groups of Ethiopian women and girls having escaped forced marriage and Ethiopian women, adolescent and children of Amhara ethnicity at risk of FGM/C. The court underlined that the authorities in the country of origin were powerless to provide effective protection to victims.

In another case, the court granted international protection to a young girl, recognising she belonged to the particular social group of Egyptian women and children who are exposed to the risk of FGM/C. The court also considered that her maternal aunts supported this practice and that her father, a refugee in France, would be unable to protect her. The CNDA was also asked to review the case of a woman whose application based on a risk of forced marriage and FGM/C was rejected at first instance, but on appeal, she claimed that her daughter, born after the first instance decision, had her own fears of persecution due to FGM/C. The court observed the absence of special provisions for this situation and concluded that the child's claims should be examined in a separate, child-specific asylum application.

The NGO NANSEN published an analysis of jurisprudence related to FGM/C in Belgium. The organisation noted that authorities provide protection to women and girls in a broad manner, but a more coherent approach is needed to address these claims.[1340] In their shadow report on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), NANSEN made recommendations on how the authorities can improve the use of medical reports in FGM/C cases.[1341]

The Irish High Court quashed IPAT's decision on a claim by a Nigerian family whose daughters were at risk of FGM/C by family members if returned. The tribunal did not consider all documents submitted by the applicants, did not determine the validity of one document and

incorrectly stated that the piece of document was post-dated after their departure for Ireland.

The Federal Administrative Court in Austria concluded that having to watch one's daughter undergoing FGM/C amounts to the parent's persecution.1342 The Danish Refugee Appeals Board reopened the case of a woman whose daughter was at risk of FGM/C in Somalia, following a communication from the UNCRC in 2021. The committee had assessed that the board failed to consider the best interests of the child and ensure the child's well-being upon a return. The board considered the parents' will and ability to withstand social pressure and noted that the girl's father resided in the United States and her mother would need to face the pressure on her own. Thus, the board concluded that the girl would be at risk of FGM/C and should be given a residence permit.

The Danish Refugee Board reopened another case, following a communication from the UNCRC in 2022. In that case, the committee disagreed with the board's original conclusions that the applicant and her daughter could receive state protection in India against the husband's violence. The committee reiterated concerns about widespread violence, abuse and neglect, the lack of implementation of the Domestic Violence Act and the deeply-entrenched patriarchal attitudes of police officers, prosecutors and judges who handle domestic violence cases. Consequently, the Danish Refugee Board re-examined the case and concluded that the applicant and her daughter would be in a concrete and individual risk of abuse if returned to India.

The Irish High Court sent back a case to IPAT, as it failed to adequately consider the need for a hearing in the case of an applicant who was a victim of domestic violence in Georgia. The court acknowledged that there was no statutory right to a hearing in an appeal for applicants from a safe country of origin. However, in the particular case, the applicant submitted additional written evidence and IPAT modified its reasoning for the rejection compared to the IPO, but without allowing the applicant to clarify some additional adverse findings. In addition, IPAT did not make a reference to the applicant's request to submit further medical evidence.

The court sent back a similar case to IPAT, as it was unclear how the tribunal approached the concept of a safe country of origin and the availability of state protection for another victim of domestic violence from Georgia. In a third case, the High Court quashed IPAT's decision to reject the claim of a victim of sexual abuse and rape in Georgia. The court found that IPAT was incorrect in concluding that the applicant was not credible, as her husband did not mention this attack in his own international protection claim and she had not sought to call him as a witness.

When authorities assess the availability of internal protection alternatives for victims of domestic violence, the Supreme Administrative Court in Lithuania held that they must specifically examine what consequences the applicant may face if she requested assistance.

The Dutch Court of The Hague considered that the authorities did not sufficiently investigate a case and required an extreme threshold from a female rape victim to decide that Armenia was a safe country of origin in her specific case. The court underlined that the police would have been the competent authority to investigate, and complaining to the Ombudsperson or to the public prosecutor service was not an adequate way to prevent imminent danger.

The High Administrative Court of Lüneburg in Germany rejected the appeal of a female Eritrean victim of violence who sought refugee status instead of subsidiary protection. The court concluded that women in the Eritrean national service who are victims of sexual assault do not constitute a particular social group, as a clearly defined identity is missing and they are not regarded as different by the rest of the society.

The Irish High Court confirmed IPAT's decision to reject an application from a mother and daughter from Zimbabwe, claiming that the father would subject the daughter to forced marriage. The court noted that the applicant's general credibility must be established, so that the benefit of doubt could be applied for undocumented aspects of a claim, and the applicant in this case failed to show the burden of proof which was resting on her.

The Tribunal of Genova in Italy overturned the first instance authority's decision and granted international protection to a victim of trafficking from Nigeria. Contrary to the asylum authority, it considered that the applicant's statements were sufficiently detailed and credible, while the anti-trafficking centre highlighted several indicators which supported that the woman was a victim of forced prostitution. The tribunal noted that these elements also explained the woman's evasive behaviour and contradictions in her story.

In Austria, the Supreme Administrative Court confirmed that even a very general, unspecified fear of sexual assault would allow an applicant to request a case officer of a certain sex, as provided by law. This specific provision was analysed in detail in light of recent jurisprudence on Blog Asyl.1343

- 1330European Union Agency for Asylum. (July 2022). Female Genital Mutilation/Cutting in Mali. Country of origin information report. https://coi.euaa.europa.eu/administration/easo/PLib/2022_07_EUAA_COI_Report_Female_Genital_M
- 1331European Union Agency for Asylum. (May 2022). Female Genital Mutilation/Cutting in Ethiopia. Country of Origin Information Report. https://coi.euaa.europa.eu/administration/easo/PLib/2022_05_EUAA_COI_Report_Ethiopia_FGM.pdf
- 1332European Institute for Gender Equality. (2022). Access to specialised healthcare services. How women and girls fleeing the war can realise their sexual and reproductive rights in the EU. https://eige.europa.eu/about/projects/access-specialised-healthcare-services-how-women-and-girls-fleeing-war-can-realise-their-sexual-and-reproductive-rights?utm_source=newsletter&utm_medium=email&utm_campaign=eige_newsletter_gender_eq 12-16
- 1333Office of the Commissioner General for Refugees and Stateless Persons | Commissariaatgeneraal voor de vluchtelingen en de staatlozen | Commissariat Général aux Réfugiés et aux Apatrides. (2022, March 8). Journée internationale des femmes 2022 [International Women's Day 2022). https://www.cgra.be/fr/actualite/journee-internationale-des-femmes-2022
- 1334Group of Experts on Action against Violence against Women and Domestic Violence. (2022, October 13). Grevio's Baseline Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) - Switzerland. https://rm.coe.int/grevio-inf-2022-27-eng-final-draft-report-on-switzerland-

publication/1680a8fc73

- 1335Ministry of Inclusion, Social Security and Migrations | Ministerio de Inclusión, Seguridad Social y Migraciones. (2022, November 24). El 68% de la violencia de género sufrida por las mujeres migrantes dentro del sistema de acogida es de carácter psicológico [68% of gender violence suffered by migrant women within the reception system is of a psychological nature]. https://www.inclusion.gob.es/en/w/el-68-de-la-violencia-de-genero-sufrida-por-las-mujeres-migrantes-dentro-del-sistema-de-acogida-es-de-caracter-psicologico
- 1336United Nations High Commissioner for Refugees (UNHCR) Office in Spain. (2020, February 23). Inclusión implementa junto a ACNUR el Protocolo de actuación sobre violencia de género en el sistema de acogida [Inclusion implements, together with UNHCR, the Action Protocol on gender violence in the reception system]. https://www.acnur.org/es-es/noticias/comunicados-de-prensa/inclusion-implementa-junto-acnur-el-protocolo-de-actuacion-sobre
- 1337Spanish Commision for Refugees | Comision Española de Ayuda al Refugiado. (2022, November 25). CEAR participa en el Protocolo contra la Violencia de Género del sistema de acogida español [CEAR participates in the Protocol against Gender Violence of the Spanish reception System]. https://www.cear.es/cear-participa-en-el-protocolo-contra-la-violencia-de-genero-del-sistema-de-acogida-espanol/#
- 1338Lithuanian National Radio and Television (LRT) | Lietuvos radijas ir televizija. (2022, April 26). Prokurorai pradėjo tyrimą dėl galimo ilgalaikio migrantų seksualinio prievartavimo viename VSAT užsieniečių [Prosecutors have opened an investigation into possible long-term sexual abuse of migrants at one VSAT alien registration centre]. https://www.lrt.lt/naujienos/lietuvoje/2/1679317/prokurorai-pradejo-tyrima-del-galimo-ilgalaikio-migrantu-seksualinio-prievartavimo-viename-vsat-uzsienieciu-registravimo-centre
- 1339Refugee Appeals Board | Flygtningenævnet. (2023, January 30). Flygtningenævnet giver asyl til kvinder og piger fra Afghanistan [The Refugee Board grants asylum to women and girls from Afghanistan]. https://fln.dk/da/Nyheder/Nyhedsarkiv/2023/30012023; Danish Refugee Council (DRC) Greece. (February 2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-02/drc_greece.docx
- 1340NANSEN, the Belgian refugee council. (2021). Nansen Note 2021-2. Mutilations génitales féminines [Nansen Note 2021-2. Female Genital Mutilation]. https://nansen-refugee.be/wp-content/uploads/2022/06/210826-NANSEN-Note-2021-1-FGM_FR-def.pdf
- 1341NANSEN, the Belgian refugee council. (2022). Shadow Report on the implementation of Convention on the Elimination of All Forms of Discrimination against Women in Belgium. https://nansen-refugee.be/wp-content/uploads/2022/10/220909-NANSEN-Shadow-Report-on-the-implementation-of-CEDAW-in-Belgium_def.pdf
- 1342Hessenberger, M. (2022, June 24). BVwG 28.04.2022, W186 2186843-1 ua: Asylgewährung aufgrund des drohenden Mitansehen-Müssens der Verstümmelung der eigenen Töchter [BVwG 04/28/2022, W186 2186843-1 et al: Granting of asylum due to the threat of having to watch the mutilation of one's own daughters]. Asyl Blog. https://www.blogasyl.at/2022/06/bvwg-28-04-2022-w186-2186843-1-ua-asylgewaehrung-aufgrund-des-drohenden-mitansehen-muessens-der-verstuemmelung-der-eigenen-toechter/

- 1343Hagenlocher, L. (2022, November 4). "Möchten Sie lieber mit einer Frau sprechen?“ – Beleuchtung von § 20 AsylG 2005 vor dem Hintergrund unionsrechtlicher und internationaler Vorgaben ["Would you prefer to speak to a woman?" - Illumination of Section 20 Asylum Act 2005 against the background of Union law and international requirements]. Blog Asyl. https://www.blogasyl.at/2022/11/beleuchtung-von-%c2%a7-20-asylg-2005-vor-dem-hintergrund-unionsrechtlicher-und-internationaler-vorgaben/

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