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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.1353

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.

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.

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.1354

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.1355

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.1356 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 2019.1357,1358 Indeed, in its annual report for 2020, the Swiss parliamentary control committees (Commissions de gestion et de la Délégation des Commissions de gestion des Chambres fédérales) also looked at the risk of violence against women in federal reception facilities, as a follow-up to the special report.

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.1359

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.

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