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European courts provide increased clarity on women seeking international protection, EUAA report finds



In 2024, the Court of Justice of the European Union (CJEU) handed down three landmark judgments providing national authorities with more clarity when assessing applications for international protection lodged by women faced with different forms of gender-based violence. A new EUAA report examines how these EU-level and national court decisions are guiding national practices to shift to a more gender-sensitive approach in international protection.

The European Union Agency for Asylum (EUAA) has published a report examining how courts interpreted the legal grounds to **grant international protection to women fleeing violence and systematic discrimination**. Over the last five years, there has been a **significant legal shift in recognising and protecting this profile** of applicants, with three landmark rulings by the Court of Justice of the European Union (CJEU) in 2024 **providing clearer legal grounds** to Member States' national authorities, as they consider asylum applications due to persecution or serious harm based on gender.

In 2024, the CJEU ruled that women who are **subjected to systematically imposed discriminatory measures by the State**, amounting to persecution, may qualify for international protection on account of their gender and nationality. Already prior to this judgment, some national authorities had adapted their policies following the EUAA's Country Guidance on Afghanistan of January 2023, which then served as one

of the main sources for the judgment of the CJEU. The Agency continues to work closely with Member States' national authorities to help ensure that this jurisprudence is then reflected in national practices. Courts in **Denmark**, **France**, **Germany** and **Luxembourg** applied this reasoning after hearing appeals on negative decisions from Afghan women who, were then, **granted refugee status**.

The EUAA report highlights how, between 2020 and 2024, European courts have established case law that increasingly acknowledges persecution on account of gender; and, identifies the risk profiles of women who might then be members of a 'particular social group', as defined in the recast Qualification Directive. The case law referenced in the report notes that the risk profiles include **women fleeing forced marriage, divorced women targeted by honour crimes, victims of sexual violence, women accused of witchcraft, women who have had an illegal abortion** and those fleeing **female genital mutilation/cutting**.

National courts in **Finland**, **Greece**, **Ireland**, **the Netherlands** and **Portugal** also overturned decisions of asylum authorities when they failed to assess the need for special procedural guarantees that aim to ensure that women can effectively participate in the procedure for international protection. The cases highlighted the need to **transfer vulnerable women from the border or accelerated procedure** to the regular procedure for international protection, with sufficient safeguards in place.

Background

The cases presented in the report are extracted from the EUAA Case Law Database, a public database which serves as a centralised platform on jurisprudential developments related to international protection. It contains English language summaries of judgments related to international protection which are pronounced by national courts of EU+ countries, the CJEU, the European Court of Human Rights (ECtHR) and quasi-judicial bodies of the United Nations and the Human Rights Committee (CCPR).

Download the Jurisprudence related to Gender-Based Violence against Women report.

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