

## CONCEPT NOTE

### ONLINE WEBINAR ON WOMEN AND GIRLS' ACCESS TO INTERNATIONAL PROTECTION: CHALLENGES AND LEGAL DEVELOPMENTS

#### Background

Women and girls fleeing persecution, conflict, or violence face unique challenges in seeking international protection. Gender-based violence, discriminatory laws, and socio-cultural practices put them in a vulnerable situation. Despite international and regional frameworks like the Istanbul Convention and the EU Qualification Directive (QD), the recognition and implementation of gender-specific asylum claims across EU member states remain inconsistent. Many asylum systems overlook gender-specific perspectives on persecution, often applying standards that unintentionally favor male experiences. Asylum law largely fails to address the gender-specific nature of persecution, often overlooking the distinct ways women face violence and oppression because of their gender. This gap results in the dismissal or undervaluing of claims from women fleeing gender-based violence, leaving many without the critical protection they need.

However, recent developments, such as the ECJ's ruling in the [AH & FN](#) case concerning Afghan women, highlight the need for a more feminist approach to asylum and constitutional law. Additionally, the new EU Qualification Regulation which replaces the QD and should be in application by 2026 provides a legal basis for gender-sensitive refugee status determination, yet its practical realization continues to pose challenges.

#### Objective

The webinar aims to provide a platform for experts, legal practitioners, and policymakers to discuss the gendered dimensions of international protection in the EU. By focusing on key legal developments and practical challenges, the webinar will contribute to a better understanding of how refugee women and girls' rights can be fully realized.

The online webinar will seek to address the following questions:

- How can the serious harm caused by gender-based violence against women be accurately identified and recognized as "persecution" under the Geneva Refugee Convention?
- How can we ensure a gender-sensitive interpretation of each ground in the Geneva Refugee Convention? Specifically, how can interpretation acknowledge how gender influences the type and motives of persecution or harm experienced?

- Can the cumulative effects of gender-based discrimination, such as restricted access to income, education, health, labour market, and other basic rights, be considered “persecution” due to their severity?
- What are the current practices, challenges and good practices on gender-based asylum claims within the EU?
- How might the Qualification Regulation impact women and girls’ access to international protection?
- What are the implications of recent jurisprudence, particularly the ECJ ruling (AH & FN) on Afghan women, on gender-based asylum claims?

### Target Audience

- Policymakers and officials from the EU and member states
- Lawyers and legal practitioners working on refugee and asylum law
- ECRE member organisations as well as NGOs and advocacy groups focusing on women's rights, refugee rights, and gender-based violence
- Academics and researchers in the field of international protection, gender studies, and EU law
- UN agencies

### Expected Outcomes

- Enhanced understanding of gender-based asylum claims and the challenges faced by women and girls in accessing international protection.
- Identification of best practices and areas for improvement in the implementation of the EU Qualification Regulation and the Istanbul Convention.
- Greater awareness of recent ECJ rulings and their implications for a feminist constitutionalism approach in the asylum process.

### Date and venue

The Webinar will be organised on **10 December 2024** in an online format. The link for the meeting will be shared by ECRE with registered participants.

### AGENDA

<b>10.50-11.00</b>	<b>Online registration for participants</b>
<b>11.00</b>	<b>Welcome and introductions by ECRE</b>
<b>11.10</b>	<b>Session I: Recognizing Gender-Based Violence as Persecution: A Gender-Sensitive Approach to Asylum under the Geneva Convention and the Qualification Regulation</b>

	<i><u>Speaker:</u> Dr Catherine Warin, Expert in EU Law and in human rights, and the co-founding president of Passerell</i>
<b>11.50</b>	<b>Session II: Implications of Recent Jurisprudence on Gender-Based Asylum Claims: Specific focus on ECJ Ruling (AH &amp; FN) on Afghan Women</b> <i><u>Speaker:</u> Dr Christel Querton, Wallscourt Fellow in Law at the University of the West of England (UWE)</i>
<b>12.15</b>	<b>Questions and discussion moderated by ECRE</b>
<b>12.45</b>	<b>Closing remarks</b>

*AMAL: Empowerment and Protection of Migrant Women” is a three-year project (2023-2025) implemented by France Terre d’Asile in partnership with the European Council on Refugees and Exiles (ECRE). The Project aims to improve the realisation of migrant women’s rights through a wide range of activities, including advocacy at both the French and the EU level, protection, empowerment and capacity-building activities.*