

Joint Shadow Report on GREVIO Baseline Evaluation Procedure for the EU

November 2025

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Introduction

This joint shadow report aims to provide input to the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) for its first baseline evaluation of the European Union. The report focuses specifically on the situation of the survivors of GBV, in particular self-identified women and girls, in the asylum context (Chapter VII: Migration and Asylum – Articles 60 and 61).

The report is submitted at a pivotal moment, as the EU undertakes a comprehensive reform of the Common European Asylum System (CEAS). The Pact on Migration and Asylum, adopted in 2024 and expected to enter into force in mid-2026, introduces a series of new instruments - including the Asylum Procedures Regulation, the recast Reception Conditions Directive, and the Asylum and Migration Management Regulation - currently under transposition by Member States. In parallel, the recast Anti-Trafficking Directive, agreed in 2024, will replace the 2011 Directive and take effect in mid-2026. A new EU Directive on combating violence against women and domestic violence, also adopted in 2024, will apply from mid-2027.

This submission assesses the updated rules introduced through the Pact and other relevant EU legislation insofar as they fall within GREVIO's mandate. The legal analysis reviews applicable standards, while the case law section focuses on the interpretation of current obligations. The report also examines EU-level practical and policy measures, including training programmes, guidelines, and data collection systems, and offers tailored recommendations addressed to EU institutions and GREVIO.

The report has been prepared by the European Council on Refugees and Exiles (ECRE) within the framework of the AMAL project, with contributions from its member organisations.

European Council on Refugees and Exiles (ECRE) is an alliance of 127 NGOs based in 40 European countries. ECRE's mission is to protect and advance the rights of refugees, asylum-seekers and other forcibly displaced persons in Europe and in Europe's external policies. Its work includes legal support and strategic litigation to help refugees access their rights and effect broader legal change, advocacy to influence government policies and EU external actions affecting refugee rights, and communication to translate expertise into clear public messages. An important tool in ECRE's work is the [Asylum Information Database \(AIDA\)](#), which provides detailed, country-specific information on asylum procedures, reception conditions, and detention practices across 23 countries, including 19 EU Member States and 4 non-EU countries, helping practitioners, policymakers, and researchers understand and compare asylum systems.

AMAL is a three-year project (2023–2025) led by France terre d'asile in partnership with the European Council on Refugees and Exiles (ECRE). Titled "Empowerment and Protection of Migrant Women," the project seeks to strengthen the protection and fulfilment of migrant women's rights through a broad set of activities. These include advocacy at both the French and EU levels, as well as protection initiatives, empowerment programmes, and capacity-building actions.

AsyLex is a Swiss non-profit organization dedicated to providing online legal assistance to asylum seekers in Switzerland and worldwide. Since 2021, AsyLex has consistently presented individual cases to the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), concerning women whose gender-specific risks of refoulement upon deportation have been inadequately assessed at the domestic level. Notably, most of the cases brought by AsyLex to CEDAW

involve deportations under the Dublin III Agreement or a return to an EU member state, where they have previously been recognized as refugees, classified as so-called Safe Third Countries.

Passerell has been working in Luxembourg with vulnerable people, particularly applicants and beneficiaries of international, subsidiary, or temporary protection since 2016. As part of their free legal aid service, Passerell listens and informs people on a daily basis about their fundamental rights and supports them in exercising them. Recognized as public utility since September 2023, Passerell is accredited by the Luxembourg Bar Association and the Ministry of Education, Children, and Youth.

HIAS is a non-profit organisation that provides humanitarian aid and assistance to refugees. **HIAS Greece** provides free legal assistance throughout the asylum procedure, family reunification processes, and for asylum seekers in administrative detention. HIAS' legal services also include undertaking cases to combat hate crime, as well as cases to ensure refugees access to legal, social, and economic rights in Greece.

I. Intersectional Challenges: The Absence of Effective Gender Mainstreaming in EU Migration and Asylum Governance

Despite repeated commitments to gender equality at the EU level, including the Commission's previous Gender Equality Strategy and statements by senior officials, gender mainstreaming remains largely absent, particularly in the legislative and policy outputs of DG HOME.

A clear example of this gap is the EU's New Pact on Migration and Asylum- which will come into effect in June 2026- where gender considerations are largely absent. This is reflected both in the limited attention to gender in key legislative proposals -such as those on asylum procedures, reception conditions, and returns - and in the lack of concrete mechanisms to ensure that implementation at the national level takes into account the specific needs and vulnerabilities of GBV survivors particularly self-identified women and girls. In addition to the Pact, new EU legislation - such as the EU Directive on combating violence against women and domestic violence and the Recast Anti-Trafficking Directive- includes certain provisions relevant to these groups. However, an intersectional approach that addresses the specific needs of GBV survivors in the asylum and migration context, is still lacking. It is therefore crucial for GREVIO to monitor the implementation of the Pact and other relevant EU legislation in EU institutions, agencies, and Member States in line with Articles 60 and 61 of the Istanbul Convention.

In addition, although the EU has not formally acceded to the ECHR, its case law -including rulings relevant to GBV survivors in asylum and migration contexts- is highly instructive. Similarly, the CJEU has developed jurisprudence on fundamental rights under the Charter of Fundamental Rights of the EU, often reflecting ECHR standards. There is a pressing need to systematically mainstream both ECHR and CJEU standards within EU law and practice, particularly in asylum and migration procedures, to ensure that protections for vulnerable groups such as GBV survivors are effectively operationalized. The upcoming MFF proposal raises significant concern regarding the EU's commitment to gender equality, as no dedicated budget lines are foreseen and gender equality is addressed solely through a general reference to "mainstreaming." In practice, without clear earmarked funding, measurable indicators, and accountability mechanisms, mainstreaming becomes largely symbolic and ineffective. This comes at a time when many organisations - especially women's rights organisations - are already struggling with severe budget cuts, jeopardising essential services for GBV survivors. Combined with increasing challenges at the local level, including inadequate reception capacity, overstretched staff, and limited specialised support, any requirement to promote gender equality or protect GBV survivors is often wrongly perceived as an "extra" rather than a core obligation. For this

reason, tailored, ring-fenced EU funding is urgently needed to ensure that gender-sensitive measures and GBV protection are not only political commitments, but practical realities sustained by adequate resources.

AI is increasingly used across EU asylum and border procedures, from biometric checks and document verification to automated profiling and case-matching. Although presented as efficiency tools, they carry serious risks: biased or inaccurate outputs can distort credibility assessments, misidentify origins, and lead to unfair refusals. These dangers are heightened for GBV survivors, whose trauma-affected and sensitive testimonies are especially vulnerable to misinterpretation, increasing their risk of denial of protection, refoulement, and retraumatisation.

Recommendations

- **Integration of Istanbul Convention obligations:** GREVIO should monitor whether the Commission systematically incorporates Istanbul Convention standards in impact assessments, funding programmes, and migration/asylum proposals, requesting evidence of gender-sensitive analysis.
- **Development of indicators and evaluation tools:** GREVIO should encourage the Commission to create gender-responsive indicators and evaluation tools, in collaboration with all relevant EU agencies including EIGE, EUAA, Frontex, FRA, EU-LISA, EU Ombudsperson; units including DG HOME, DG JUST, and Member States, to track progress in asylum and migration policies.
- **Mainstream in all EU agencies:** GREVIO should call on the EU to mainstream gender-sensitive and trauma-informed asylum procedures across all EU agencies involved in asylum and migration.
- **Gender focal point within DG HOME:** GREVIO should encourage designating a gender focal point in DG HOME to liaise with DG JUST and coordinate with the Inter-Service Group on Gender Equality.
- **Structured consultation with civil society:** GREVIO should encourage formal consultation mechanisms to engage women's organisations in monitoring and assessing the Commission's implementation of gender-sensitive asylum policies.
- **Mainstreaming of ECHR case law:** GREVIO should actively integrate ECHR and CJEU case law on GBV survivors into its monitoring and reporting processes, promoting a more consistent application of human-rights protections across EU member states.
- **Monitoring the EU legislation:** GREVIO should systematically monitor the implementation of the EU Pact on Migration and Asylum and related EU legislation - including the Directive on combating violence against women and domestic violence and the Recast Anti-Trafficking Directive- in line with Articles 60 and 61 of the Istanbul Convention. This monitoring should specifically assess whether EU institutions, agencies, and Member States address the intersectional needs of GBV survivors, particularly self-identified women and girls in asylum and migration procedures, and ensure that protection, support, and non-refoulement obligations are fully upheld.
- **Gender-sensitive budgeting:** GREVIO should call on the EU to establish dedicated, clear budget lines for gender equality and GBV prevention and protection within the MFF, rather than relying solely on gender mainstreaming without resources or indicators.
- **Safeguards for using of AI:** GREVIO should urge GREVIO to establish strict human-rights and gender-sensitive safeguards around any use of AI in asylum and border procedures. This includes prohibiting AI-based credibility assessments in GBV-related claims; guaranteeing trauma-informed, human-led interviews; ensuring transparency about when AI is used; and creating accessible mechanisms for survivors to challenge AI-influenced decisions.

II. Article 60 para 1 (recognise gender-based violence against women as a form of persecution for asylum claims) and para 2 (Gender-sensitive Interpretation of persecution grounds)

i. Legal basis

A. GBV as persecution and/or serious harm in the Qualification Regulation

Within EU asylum law - particularly in the Qualification Regulation (EU) 2024/1347, which will replace the Qualification Directive and apply from June 2026 - the recitals make increased reference to gender, comparing to the Qualification Directive although they stop short of establishing binding gender-specific provisions.

Recital 37 of the QR : *“Depending on the circumstances, acts of persecution of a gender-specific or child-specific nature might include, inter alia, under-age recruitment, genital mutilation, forced marriage, child trafficking and child labour, and trafficking for sexual exploitation.”*

Recital 40 of the QR: *“It is equally necessary to introduce a common concept of the persecution ground ‘membership of a particular social group’. For the purpose of defining a particular social group, issues arising from an applicant’s sexual orientation or gender, including gender identity and gender expression, which could be related to certain legal traditions and customs, resulting in, for example, genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant’s well-founded fear of being persecuted.”*

Recital 41 of the QR: *“The circumstances in the country of origin, including, for example, the existence and application of criminal laws which specifically target lesbian, gay, bisexual, transgender and intersex persons, can mean that those persons are to be regarded as forming a particular social group.”*

Recital 42 of the QR: *“When assessing an application for international protection, the competent authorities of the Member States should use methods for the assessment of an applicant’s credibility in a manner that respects that applicant’s rights as guaranteed by the Charter and the ECHR, in particular the right to human dignity and respect for private and family life. Specifically as regards sexual orientation and gender identity, applicants should not be submitted to detailed questioning or tests as to their sexual practices.”*

Article 9 (2) of the QR: *“Acts of persecution as qualified in paragraph 1 may, inter alia, take the form of:*

- (a) *acts of physical or mental violence, including acts of **sexual violence**;*
- (b) *legal, administrative, police or judicial measures which are in themselves **discriminatory** or which are implemented in a discriminatory manner;*
- (c) *prosecution or punishment which is disproportionate or **discriminatory**;*
- (d) *denial of judicial redress resulting in a disproportionate or **discriminatory** punishment;*
- (e) *prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 12(2);*
- (f) *acts of a **gender-specific** or child-specific nature.”*

Implementation considerations for the Article 9(2): It is strong from a gender perspective as it explicitly acknowledges acts of sexual violence and other gender-specific harms, ensuring that persecution

experienced uniquely by women, girls, and gender minorities is recognized. It also covers discriminatory legal or administrative measures that may disproportionately affect women. However, while gender-specific acts are mentioned, the provision does not elaborate on the full range of gendered vulnerabilities or intersectional factors, leaving some gaps in guidance for authorities on how to assess harm that is subtle, systemic, or tied to societal gender norms.

Evidence from Member States:

In Greece, despite clear provisions in international and national law, survivors of GBV are not consistently granted international protection. Greek authorities assess such claims on a case-by-case basis and often require additional elements to justify refugee status - such as proof that the violence occurred in the applicant's country of origin rather than during transit or in Greece, or evidence that they would face continued violence or discrimination if returned.

Article 8 of the QR (Assessing internal flight alternative): *“Where the State or agents of the State are not the actors of persecution or serious harm, the determining authority shall examine, as part of the assessment of the application for international protection, whether an applicant is not in need of international protection because the applicant can safely and legally travel to and gain admittance to a part of the country of origin. (...) For this purpose, the determining authority shall take into account the personal circumstances of the applicant in relation to factors such as health, age, **gender, including gender identity**, sexual orientation, ethnic origin and membership of a national minority.”*

Implementation considerations for the Article 8: It is positive that Article 8 explicitly lists gender, gender identity, and other personal circumstances that must be considered when assessing internal flight alternatives. This helps ensure that GBV survivors in particular self-identified women and girls are not presumed able to relocate safely without examining real risks they may face. However, the provision stops short of recognising the gender-specific barriers and harms - such as social norms restricting movement, heightened exposure to sexual and gender-based violence, or lack of protection mechanisms - that often make relocation unsafe or impossible for GBV survivors. Including explicit reference to these gendered risks would strengthen the provision's protection.

Evidence from Member States:

In Luxembourg (Administrative Court ruling, 23 juillet 2025, [n°52722C](#)): a Guinean woman and her daughter fled their country due to domestic violence and the risk of female genital mutilation (FGM). The Minister, the Tribunal, and subsequently the Court all concluded that, because the applicant is an adult, she could internally relocate within Guinea. This reasoning fails to take into account the extremely high prevalence of FGM in Guinea and relies solely on the existence of legal provisions prohibiting FGM, without examining actual conditions and the persistent realities on the ground.

Art 15 of the QR (Serious harm- Subsidiary protection): *“Serious harm consists of:*

- (g) the death penalty or execution;*
- (h) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin;*
or
- (i) a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.”*

Implementation considerations for Article 15: While the provision could theoretically be interpreted in a way that covers gender-specific forms of violence - such as rape, sexual torture, forced marriage, and other forms of GBV commonly experienced by particularly self-identified women and girls - this outcome is far from guaranteed. The article is entirely gender-neutral and does not explicitly recognise gender-

specific acts or patterns of harm, despite their prevalence in conflict and persecution contexts. The absence of explicit references to sexual violence, gender-based persecution, or the structural vulnerabilities and discrimination faced by GBV survivors in particular self-identified women and girls may lead to inconsistent interpretation or inadequate recognition of these harms by decision-makers.

B. Gender sensitive interpretation of persecution grounds

Art. 10 (1) (d) of the QR: *“Depending on the circumstances in the country of origin, the concept of membership of a particular social group as referred to in point (d) of the first subparagraph shall include membership of a group based on a common characteristic of sexual orientation. Gender related aspects, including gender identity and gender expression, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group.”*

Implementation considerations for Article 10(1)(d): It is positive from a gender perspective as it explicitly requires that gender, gender identity, and gender expression be considered when assessing membership of a particular social group. It also recognizes sexual orientation as a potential characteristic of such groups, which strengthens protection for LGBTQ+ individuals. However, other grounds under Article 10(1) do not explicitly reference gender, leaving gaps in recognizing gendered persecution. For example, religion or political opinion may be grounds for restricting women's rights, and failure to comply with dress codes or adopting “westernized” behaviour can be perceived as evidence of unacceptable beliefs. Additionally, sexual violence during armed conflict may be targeted primarily based on ethnicity, race, or political reasons, showing that gendered harms can intersect with other grounds of persecution.

ii. Case law

Recent CJEU case law that interprets the Qualification Directive:

16/01/2024 - Intervyuirasht organ na DAB pri MS (Women domestic violence victims) Case C-621/21-Bulgaria

In this case concerning Bulgaria, the Court finds that the Directive must be interpreted consistently with the Istanbul Convention, which is binding on the European Union and recognises gender-based violence against women as a form of persecution. Furthermore, the Court states that women, as a whole, may be regarded as belonging to a social group within the meaning of Directive 2011/95. Consequently, they may qualify for refugee status where, in their country of origin, they are exposed, on account of their gender, to physical or mental violence, including sexual violence and domestic violence. If those conditions are not met, must at least be considered for subsidiary protection where there is a real risk of killing or serious violence by family or community members.

In its judgment in Case C-621/21, the CJEU also states that, in light of Article 15(a) of Directive 2011/95 - which seeks to protect individuals whose right to life would be endangered upon return within the scope of subsidiary protection- the term “execution” cannot be limited to killings carried out by State actors. Therefore, when a woman faces a real risk of being killed by family or community members for allegedly violating cultural, religious, or traditional norms, such harm qualifies as “execution” within the meaning of that provision.

11/06/2024 – K and L against Staatssecretaris van Justitie en Veiligheid (Women who identify with the value of gender equality) Case C-646/21-Netherlands

In this case concerning the Netherlands, the CJEU ruled that women and girls who, during their stay in an EU Member State, genuinely come to embrace the fundamental value of gender equality may, depending on the conditions in their country of origin, be treated as belonging to a “*particular social group*” under Directive 2011/95. This identity can therefore constitute a valid reason for persecution and justify the granting of refugee status.

It also notes that, under UNHCR guidelines and EU Member State case law, gender-related factors are relevant not only to determining membership of a particular social group, but also to evaluating other persecution grounds, including political opinion and religion.

04/10/2024 - Bundesamt für Fremdenwesen und Asyl and Others (Afghan women) Joined Cases AH (C-608/22), FN (C-609/22) - Austria

In these joined cases concerning Austria, the CJEU held that the cumulative discriminatory measures imposed on Afghan women by the Taliban - such as restrictions on education, employment, healthcare, and freedom of movement - constitute acts of persecution under Directive 2011/95/EU. The CJEU confirmed that, given the systemic and severe gender-based oppression faced by women under the Taliban - as documented by EUAA and UNHCR - Member States may grant refugee status to Afghan women without requiring proof of an individualised risk. For the asylum assessment, it is sufficient to rely on the applicant's gender and Afghan nationality alone, given that all women in Afghanistan are exposed to acts of persecution.

National case law:

DE, DK, FR, LU - Women as a social group: Courts in [Denmark](#), [Germany](#) and [Luxembourg](#) applied the latest CJEU reasoning after hearing appeals on negative decisions from Afghan women who, were then, granted refugee status.

In decisions nos. [24014128](#) and [24024165](#) dated 11 July 2024 and 3 April 2025, the French Administrative Court (Cour nationale du droit d'asile-CNDA) ruled that women as a whole constituted a social group in Afghanistan and Iran.

In decision no. [24015934](#) handed down on 16 October 2025 by a full panel, the CNDA noted that Somalia had not signed or ratified any international legal instruments designed to combat gender-based discrimination and that, beyond general constitutional principles, no legislation had been developed in this area in a context of civil war and the breakdown of public institutions. It also notes that public sources highlight the discrimination suffered by Somali women in their participation in public life and their access to justice, healthcare, education and employment, as well as the widespread practice of genital mutilation, forced marriages under customary law, and sexual and gender-based violence, particularly by the Al-Shabaab militia.

FR- FGM : The CNDA held that in countries with a high prevalence of FGM, such as Nigeria, girls who have not undergone the procedure may have a well-founded fear of persecution as members of a particular social group (France, CNDA, Mme E., No. 16029780, 2017). It also recognized Somali children and adolescent girls who have not been subjected to FGM as constituting a social group under the 1951 Convention (France, CNDA, No. 18053674, 2020)

BE-Sexual violence: In *X. v Commissioner General for Refugees and Stateless Persons (CGRS)* 34, 19 March 2021, CALL held that sexual abuse occurring outside the country of origin must be considered in asylum assessments, particularly where returning women may face stigma. The case involved a Congolese woman abused by a priest in Spain, and the court emphasized that sexually abused religious women in Africa often remain silent due to marginalization, meaning the abuse should be assessed even if the applicant did not explicitly raise it during interviews.

BE-FGM: The Immigration Appeals Board grants refugee status to an unaccompanied Somali minor. After reiterating the importance of the best interests of the child in assessing the need for international protection and examining the general situation in Somalia with regard to the risk of FGM, the Board concluded that the applicant had legitimate fears of undergoing further infibulation if she returned, due to her membership of the social group of women. The Council took into account the best interests of the child, including her experiences, in reaching its conclusion on the need for international protection. (Belgium, C.C.E., 25 juin 2024, n° 308 758)

FR-Forced marriage: The French National Court of Asylum 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, persons that shared a common history and a specific identity perceived as being different by the surrounding society (CNDA, No. 21038022 C, 2022).

DE-Non-conforming to norms: A German court found that the applicant had developed a 'westernized identity' over the past few years, which is central to her sense of self and cannot be relinquished if she were to return to Iraq. The court noted that the applicant's 'western lifestyle' forms a significant and enduring part of her inner convictions (Regional Administrative Court of Hannover, No. 3 A 1652/19, 2023).

iii. Practical and Policy Actions

EUAA compilation of case law: EUAA published an [analysis](#) of case law from 2020 to 2024 that examines court decisions related to gender-based violence, following three landmark rulings by the CJEU providing clearer legal grounds to grant international protection due to persecution or serious harm based on gender.

EUAA Quarterly Overview of Asylum Case Law: A compilation of cases related to international protection are published quarterly by the EUAA.

EUAA Practical guide on qualification on international protection: This guide intends to assist case officers and decision-makers in the examination of applications for international protection and application of the legal criteria on who qualifies for international protection, referring to both refugee status and subsidiary protection. The guide includes checklists, guidance and references to legislation and case law in order to support the case officer in assessing whether the individual applicant qualifies for international protection.

Recommendations

- **Consistent interpretation with CEDAW and Istanbul Convention as well as European and International case law:** GREVIO should monitor the application of the Qualification Regulation as well as European and International case law in full consistency with CEDAW and the Istanbul Convention.
- **Recognition of GBV as persecution:** GREVIO should call on the EU to guarantee consistent recognition of GBV as persecution under refugee law, in line with UNHCR Guidelines and the Istanbul Convention.
 - **Refugee vs. subsidiary protection:** GREVIO should urge Member States to avoid defaulting to subsidiary protection where refugee status is legally justified.
 - **Particular social group (PSG) interpretation:** GREVIO should encourage harmonised application of the PSG definition, reflecting recent CJEU jurisprudence and Article 10(1)(d) QR.
 - **Alternative grounds:** GREVIO should promote training on political opinion and religion as complementary grounds to avoid an overly narrow PSG focus.
- **Expression of gender-equality beliefs:** GREVIO should recommend that the EU affirm women must never be expected to hide or restrain gender-equality beliefs to avoid persecution, and ensure asylum procedures contain explicit safeguards to uphold this principle.
- **State protection cannot be replaced by private actors:** GREVIO should emphasise that private support networks cannot substitute for State protection in GBV claims and should urge uniform application of CJEU case law requiring protection to be effective, accessible, and durable.
- **Gender-sensitive COI on GBV:** GREVIO should call for systematic production, sharing, and use of gender-sensitive COI on GBV by the EUAA risks across the EU.
 - **Minimum standards:** GREVIO should recommend EU-wide standards for collecting COI on State protection gaps, prevalence of GBV, harmful norms, and non-State actor violence.
- **EU-wide data collection on GBV-related asylum outcomes:** GREVIO should encourage the EU to introduce systematic data collection on protection types, grounds invoked, and decision outcomes, and support the creation of an EU-level monitoring mechanism on women seeking international protection.

III. Article 60 para 3 (gender-sensitive asylum procedures and reception conditions)

A. Gender sensitive asylum procedures

i. Legal basis

Under the Asylum Procedures Regulation (APR), adopted in 2024 as part of the new EU Pact on Migration and Asylum and set to apply from June 2026, new legal requirements have been introduced to ensure gender-sensitive asylum procedures:

Article 8 of the APR (Provision of information on the right to apply for international protection):

“The determining authority or, where applicable, other competent authorities or organisations tasked by Member States for that purpose shall inform applicants, in a language which they understand or are reasonably supposed to understand, of the right to lodge an individual international protection application.”

Implementation considerations for Article 8: The absence of specific provisions on sharing gender-sensitive information - such as the fact that various forms of GBV can constitute grounds for asylum, and that individuals can apply independently of their partners - creates practical barriers for GBV survivors in particular self-identified women and girls in accessing this information.

Evidence from Member States indicates that:

- Self-identified women and girls are often unaware that various forms of GBV can be considered grounds for asylum and that they can apply independently of their partners due to a lack of information from authorities ([CY](#), [DE](#), [NL](#)).
- Complex and frequently changing procedures, along with reliance on basic informational materials and the absence of specific guidance on GBV, hinder many women from understanding and asserting their rights during the asylum process (for example [EL](#)).
- In some cases, NGOs provide only basic information on asylum procedures to those rescued at sea, leaving many women unaware of their rights and the possibility of claiming asylum based on experiences of GBV ([MT](#)).

Article 8 of the APR & Article 35 of the APR (Training requirements): Article 8 of the APR broadens the scope of training required for personnel of competent authorities. In addition to the training mandated by the Asylum Procedures Directive (2013/32/EU), it introduces new content covering applicants in need of special procedural guarantees, those with specific reception needs, and other vulnerable persons, with particular focus on survivors of torture, survivors of human trafficking, and related gender-sensitive issues.

Article 35 provides that personnel responsible for examining applications and making decisions should have access to expert advice on specialized matters - such as medical, cultural, religious, mental health, child-related, and gender issues - whenever necessary.

Implementation considerations: These provisions are positive from a gender perspective as they expand mandatory training. However, their impact will depend on whether MS have the capacity and resources to provide this training consistently and ensure that all relevant staff - not only specialised units - receive it in practice. Evidence from Member States underlines:

- Inconsistent training for interpreters on trauma, stigma, shame and gender-based violence ([IE](#), [RS](#)), unprofessional conduct by interpreters ([EL](#)), and inadequate awareness and lack of mandatory training on GBV and gender-based discrimination for staff ([BE](#), [EE](#), [FR](#), [LU](#)).
- Lack of well-trained personnel in the Asylum service that are able to incorporate a gender-sensitive approach when interviewing asylum seekers. There are also problems in understanding issues relating to LGBTQI+ and in particular to transgender asylum seekers, which can cause great distress to individuals during the interview and ultimately lead to a negative outcome for their application (EL).
- Lack of specialised units for assessing claims related to sexual and gender-based violence ([NO](#)). High staff turnover, unsustainable employment practices ([CY](#)), and insufficient training for police ([ES](#)), legal aid lawyers ([MT](#)) and judges ([IS](#), [RO](#)) further complicate the process. These gaps lead to difficulties in early detection, secondary victimisation, and hinder disclosure of GBV by asylum seekers.
- Additionally, the lack of gender-sensitive interviewing techniques ([RO](#)), training or guidelines on how to apply the Geneva Convention in a gender-sensitive manner ([NL](#)) and inadequate recording practices ([PL](#)) negatively impact the credibility and appeals of applicants. Concerns have also been raised about the impact of training on staff and the need to monitor and evaluate its effectiveness ([HR](#), [CH](#)).
- A recent case from Luxembourg illustrates the consequences of insufficient gender-sensitive training on credibility assessments. Jugement du Tribunal administratif, 4 juin 2025, [n°52828](#): The case concerned a young Cameroonian woman and her minor son who applied for international protection due to domestic violence and sexual abuse in their country of origin. The Court found her account not credible on the grounds that she had not disclosed key elements of her experience - namely that she had been sold to a man as a minor and subjected to constant domination and violence - during her initial application or interviews with the police and Ministry officials. The Court held that her silence “cast considerable doubt on her credibility” and upheld the Ministry’s refusal. This case demonstrates how the absence of trauma-informed, gender-sensitive interviewing and credibility assessment practices can penalise applicants, particularly survivors of sexual and gender-based violence, who may be unable to disclose their experiences at early stages of the procedure.

Article 12 of the APR (Substantive personal interviews): “Before a decision is taken by the determining authority on the merits of an application for international protection, the applicant shall be given the opportunity of a personal interview on the substance of his or her application (the ‘substantive interview’).”

Implementation considerations: The previous explicit provision in the Asylum Procedures Directive requiring that family members not be present during interviews has been removed in the Asylum Procedures Regulation. This legislative gap may create practical risks for asylum-seeking GBV survivors, in particular self-identified women and girls, as being interviewed in the presence of husbands or male family members - who could be the source of their complaints - may compromise confidentiality and prevent them from sharing experiences that could form the basis of their asylum claims.

Article 13 (3) of the APR (Privacy and confidentiality in the personal interviews): “The personal interviews shall be conducted under conditions which ensure appropriate privacy and confidentiality, and which allow applicants to present the grounds for their applications in a comprehensive manner.”

Implementation considerations: Even though there is a similar provision in the Asylum Procedures Directive, practical challenges have arisen in overcrowded spaces and those lacking private areas, where women may need help to divulge sensitive or traumatic reasons for fleeing their countries, thus

jeopardising their access to international protection. As these are questions of implementation, the problem will continue in practice unless it is properly monitored, and measures are taken.

Article 13 (9) of the APR (Same gender interviewer and interpreters): *“Where requested by the applicant and where possible, the determining authority shall ensure that the interviewers and interpreters are of the sex that the applicant prefers, unless it has reasons to consider that such a request does not relate to difficulties on the part of the applicant to present the grounds of his or her application in a comprehensive manner.”*

Implementation considerations: As with the APD, the APR retains the “where possible” clause and does not explicitly require that applicants be informed of this right. In practice, this is likely to continue limiting access for these groups to same-sex interpreters and interviewers.

Evidence from Member States shows that:

- While female asylum applicants are entitled to request interviewers and interpreters of the same sex, this provision is frequently unmet due to shortages of female caseworkers and interpreters ([DE](#), [EL](#), [EE](#), [ES](#), [FR](#), [IT](#), [MT](#), [RO](#), [RS](#), [SI](#)).
- Insufficient information sharing about this option ([CY](#), [IS](#), [MD](#)).

Article 20 of the APR (Assessment of the need for special procedural guarantees): Article 20 of the APR provides different provisions regarding the assessment of the need for special procedural guarantees:

Article 20 (1): *“The competent authorities shall individually assess whether the applicant is in need of special procedural guarantees, with the assistance of an interpreter, where needed.”*

Article 20(2): *“The assessment referred to in paragraph 1 shall be initiated as early as possible after an application is made by identifying whether an applicant presents first indications that he or she might require special procedural guarantees. That identification shall be based on visible signs, the applicant’s statements or behaviour, or any relevant documents.”*

Article 20(3): *“The assessment shall be concluded as soon as possible and, in any event, within 30 days.”*

Article 20(4): *“The competent authority may refer the applicant, subject to his or her prior consent, to the appropriate medical practitioner or psychologist or to another professional for advice on the applicant’s need for special procedural guarantees, prioritising cases where there are indications that applicants might have been victims of torture, rape or another serious form of psychological, physical, sexual or gender-based violence and that that could adversely affect their ability to participate effectively in the procedure.”*

Implementation considerations for Article 20: The APR outlines that identifying special procedural needs will be based on “visible signs, the applicant’s statements or behaviour, or any relevant documents.” This approach promotes a comprehensive view of the applicant’s situation rather than depending solely on self-reported information. For women who have experienced trauma – such as gender-based violence, rape, or trafficking - behavioural cues or physical indicators might initially signal a need for extra support. However, this reliance on visible signs can be problematic, as trauma is not always externally evident, and some women may be reluctant to disclose such experiences openly due to stigma, cultural barriers, or fear of re-traumatisation.

The regulation allows authorities to refer applicants to medical or psychological professionals to assess special procedural needs, prioritising cases involving signs of torture, rape, or GBV. This could significantly benefit women who need mental health or medical support due to trauma, helping address

issues that may hinder their participation in the asylum process. However, its effectiveness depends on certain factors such as informed consent, as some women might feel pressured to agree without fully understanding the implications; and access to gender-sensitive, trauma-informed professionals who are equipped to address the specific needs of women who have experienced violence.

Evidence from Member States:

In [Greece](#), despite Article 72(1) of the Asylum Code requiring authorities to identify applicants needing special procedural guarantees - including those affected by gender-based violence - Greek law and practice do not consistently recognise GBV as a vulnerability. Current vulnerability categories exclude gender-based and domestic violence, and while RIS Vulnerability Focal Points exist, their capacity and expertise vary. As a result, many vulnerabilities go unnoticed, with authorities typically identifying only the most visible cases, leaving many survivors of GBV without the protections they are entitled to. Although Greece recorded 297 women in 2023 who received international protection with noted vulnerabilities, the latest data show that these vulnerabilities—particularly those linked to gender-based violence—are rarely the determinative basis for granting refugee or subsidiary protection. Given the limited and incomplete recording practices of the Asylum Service, the number of women formally recognised as refugees due to GBV-related vulnerability remains extremely small compared to the overall number of female asylum applicants, highlighting a systemic gap between legal protections and their practical implementation.

Article 23 of the APR (Special guarantees for unaccompanied minors):

Article 23(2): *“Where an application is made by a person who claims to be a minor, or in relation to whom there are objective grounds to believe that he or she is a minor, who is unaccompanied, the competent authorities shall:*

- (a) designate as soon as possible a person with the necessary skills and expertise to provisionally assist the minor in order to safeguard his or her best interests and general well-being which enables the minor to benefit from the rights and, where applicable, act as a representative until a representative has been appointed;*
- (b) appoint a representative as soon as possible and no later than 15 working days from the date on which the application is made.”*

Article 23(3): *“In the event of a disproportionate number of applications made by unaccompanied minors or in other exceptional situations, the time limit for appointing a representative may be extended by ten working days.”*

Article 20(5) (a): *“The competent authority shall immediately inform the unaccompanied minor, in a child-friendly manner and in a language he or she can understand, of the designation of the person, and of his or her representative and about how to lodge a complaint against the person in confidence and safety.”*

Article 23 (10): *“The competent authorities shall place a natural person acting as representative or a person suitable to provisionally act as a representative in charge of a proportionate and limited number of unaccompanied minors, and under normal circumstances, of no more than 30 unaccompanied minors at the same time, in order to ensure that he or she is able to perform his or her tasks effectively.*

In the event of a disproportionate number of applications made by unaccompanied minors or in other exceptional situations, the number of unaccompanied minors per representative may be increased up to a maximum of 50 unaccompanied minors.

Member States shall ensure that there are administrative or judicial authorities or other entities responsible to supervise, on a regular basis, the proper performance of tasks by the representatives and persons designated including by reviewing the criminal records of those appointed representatives and designated persons at regular intervals in order to identify potential incompatibilities with their role. Those administrative or judicial authorities or other entities shall review complaints lodged by unaccompanied minors against appointed representatives or persons designated under paragraph 2, first subparagraph, point (a)."

Implementation considerations for Article 23: While the APR introduces positive provisions for unaccompanied children, there are concerns about the implementation of these measures. Specifically, ensuring adequate capacity with the new amendments is a concern, as many countries already face issues such as a shortage of representatives and insufficient training for them.

Delays in appointing representatives hinder the timely identification of girls in vulnerable situations, leading in some cases to their re-victimisation.

Evidence from Member States:

- In particular, children disappear before their interviews due to the lack of timely, early and effective identification, lack of outreach work ([SI](#)), delays in appointing representatives promptly, inadequate resourcing of the guardianship system, and lack of appropriately trained supervisors ([FR](#)), especially for girls, all of which heightens the risk of falling victims to human trafficking and various forms of violence ([SE](#)).
- the high number of children for whom the representatives are responsible at the same time, the fact that a single representative is responsible for all children and there is no other person to fulfil his/her duty in case he/she is on medical leave or vacation, and delays in the appointment of representatives due to the low number of representatives, which prevent the correct follow-up of children's processes and the provision of guidance to children ([BG](#), [BE](#), [CY](#), [DE](#), [NL](#), [RO](#)).

Article 25 (1) of the APR (age assessment): "Where, as a result of statements by the applicant, available documentary evidence or other relevant indications, there are doubts as to whether or not an applicant is a minor, the determining authority may undertake a multi-disciplinary assessment, including a psychosocial assessment, which shall be carried out by qualified professionals, to determine the applicant's age within the framework of the examination of an application. The assessment of the age shall not be based solely on the applicant's physical appearance or behaviour."

Implementation considerations for Article 25 (1): This multi-disciplinary approach to age assessment in the APR represents a positive advancement, particularly considering the potential misleading consequences associated with relying solely on medical examinations. However, in many MS, this multi-disciplinary approach has not been applied, and it requires specific preparations and trainings for professionals. Implementing this approach requires more resource, staffing, training and preparation than many systems currently have.

Evidence from Member States:

The [method of age assessment](#), especially those involving nudity or the examination, observation, or measurement of genitals or intimate areas, can be particularly traumatic for children, particularly girls, who have experienced abuse either as part of persecution in their country of origin or during their migration. In this context, the Committee on the Rights of the Child (CRC) decision highlights the inappropriateness of practices like nudity or genital examinations during age assessment for children.

In the 2021 decision, the CRC reviewed [R.Y.S. v Spain](#), involving a Cameroonian child subjected to invasive age determination tests, including a genital examination, despite showing signs of physical and sexual abuse. The Committee concluded that such examinations, involving nudity or genital examination, infringe on a child's dignity, privacy, and bodily integrity and should not be used for age assessment. The process, conducted without informed consent or a legal representative, violated her rights under the CRC.

Article 42 of the APR (Accelerated examination procedure): Article 42 of the APR makes the accelerated examination procedure mandatory in certain cases. Mandatory acceleration applies to applicants from third countries with a protection rate of 20% or below, unless there has been a significant change in conditions or the applicant is not representative of the low protection rate.

The article also expands the conditions under which the accelerated procedure may apply to unaccompanied children. In addition to previous conditions, such as coming from a safe country of origin or posing a danger to national security, the APR adds:

- Misleading authorities by providing false information or withholding relevant documents;
- Belonging to a nationality with a recognition rate of 20% or less, unless a significant change in conditions or non-representativeness is determined.

Implementation considerations for Article 42: The accelerated examination procedure has been reported to prevent GBV survivors in particular self-identified women and girls in particular from disclosing the violence they have experienced and gathering evidence. Without an assessment of gender related difference, the application of the 20% protection rule will not recognise the specific situation of GBV survivors in particular self-identified women and girls. For example, it would require self-identified women and girls from Pakistan, where the recognition rate is [12% in 2023](#), to go through the accelerated procedure. However, the latest national report on the status of women in Pakistan shows that a deeply patriarchal society, coupled with regressive social norms and entrenched gender stereotypes, fuels discrimination and violence against self-identified women and girls. Additionally, Pakistan performs poorly in global rankings, placing 145 of 146 countries in the [2022 Global Gender Gap Report](#), just above Afghanistan. The [report](#) also underlines that after experiencing any form of violence, survivors often find that services for seeking redress, support, and justice are either inaccessible or insufficient.

Article 45 of the APR (border procedures): Article 45 of the APR specifies situations in which the asylum border procedure is mandatory for Member States:

- *“the applicant is considered to have intentionally misled the authorities by presenting false information or documents or by withholding relevant information or documents;*
- *The applicant is considered a danger to national security or public order, or has been forcibly expelled for serious reasons under national law;*
- *The applicant comes from a third country with a protection rate of 20% or below, unless there has been a significant change in conditions or the applicant's specific circumstances warrant a different assessment of protection needs.”*

Implementation considerations for Article 45: Considering that some countries already apply optional border procedures in practice and the risks identified, the obligation imposed by the APR on the mandatory application of this procedure will cause a regression in terms of access to the right to asylum. This will particularly affect countries that do not currently apply border procedures ([BG, CY, DK, EE, FI, HU, MT, NO, PL, SK and SE](#)) or that exclude or provide additional safeguards for some groups in

this procedure. In particular, as mentioned above, the application of the 20% protection rate criterion poses a great risk for GBV survivors in particular self-identified women and girls who have been subjected to GBV, and their access to the right to asylum will be hampered.

Article 53 of the APR (Exceptions for border procedures): Article 53 of the APR restricts the application of the border procedure for unaccompanied children, allowing it only where there are reasonable grounds to consider the child a danger to national security or public order, or in cases of forcible expulsion for serious reasons under national law.

The article also limits the border procedure for vulnerable persons, specifying that it should not be applied or must be halted if necessary support for applicants with special procedural guarantees cannot be provided. Additional exceptions include:

- Inability to provide required support to applicants with special reception needs, including minors, in accordance with Chapter IV of the recast RCD;
- Relevant medical reasons, including mental health concerns;

Implementation considerations for Article 53: There are concerns about whether applicants with special reception needs, those requiring special procedural guarantees, and those with health problems can be effectively identified due to the lack of legal provisions on identification. Applying the border procedure to these groups may put their access to asylum at risk, making it essential for Member States to provide necessary support. In hotspot areas, the procedure may be applied despite insufficient support, particularly affecting GBV survivors in particular self-identified women and girls

Article 54 of the APR (Locations for carrying out the asylum border procedure): Member States must ensure that families with children reside in reception facilities suited to their needs, based on the best interests of the child, and provide a standard of living supporting their physical, mental, moral, spiritual, and social development, in line with Chapter IV of the recast RCD. However, residence in such facilities does not constitute authorisation to enter or stay in the Member State, and transfers for court procedures or medical treatment are not considered entry.

Unlike families with children, Article 54 does not explicitly require appropriate facilities for applicants with special needs. Nevertheless, Article 53 mandates that applicants with special reception needs, including children, and those requiring special procedural guarantees, receive necessary support. The border procedure must not be applied or must be halted if such support is not provided.

Implementation considerations: While it is positive that Chapter IV of the rRCD applies to families with children and applicants with special reception needs, there is a risk that the specific needs of GBV survivors in particular self-identified women and girls are not addressed. Features such as single-sex rooms, separate bathrooms, female staff, and safe common areas may be overlooked, increasing the risk of exposure to violence.

Article 43(4) and Article 45(4) (Monitoring mechanisms for border procedures):

Articles 43(4) and 45(4) establish monitoring mechanisms for the border procedure. Article 43(4) requires Member States to set up an independent mechanism to monitor fundamental rights at the border, in line with Union and international law. National ombudspersons, human rights institutions, and optionally international or non-governmental organisations may participate. The mechanism must have adequate resources, carry out on-the-spot and unannounced checks, and have access to relevant locations, individuals, and documents.

Article 45(4) provides for specific monitoring of obligations towards families with children. If the Commission finds a Member State is not meeting requirements, it may publicly recommend suspending the border procedure for families with children. The Member State must address identified issues and inform the Commission of the measures taken.

Implementation considerations for Article 43 (4) and Article 45 (4): It is important that the monitoring mechanism is broad, gender-sensitive, independent, accountable, and accessible to applicants, including GBV survivors in particular self-identified women and girls. While involving national human rights institutions and ombudspersons is positive, it is not sufficient, as not all are fully accredited. Inclusion of independent international or non-governmental organisations should be encouraged but is not mandatory.

Accessibility should include gender-sensitive information, safe reporting channels, trained staff, collaboration with NGOs, and the involvement of self-identified women and girls in design and evaluation. Accountability requires public reporting on progress to ensure transparency and effectiveness. While monitoring of families with children is welcome, the scope should be broader to cover all persons with special reception needs, particularly GBV survivors in particular self-identified women and girls in emergency reception centres. Gender-sensitive data collection is also crucial for identifying the specific challenges faced by these groups and for taking tailored action.

Article 21 of the APR: also stipulates that if adequate support cannot be provided within the accelerated and border procedures, particularly when EUMS acknowledge the necessity for special procedural protections due to severe experiences like torture, rape, or other forms of psychological, physical, or sexual violence, EUMS shall refrain from applying or shall cease to apply border procedures.

Implementation considerations for Article 21: To apply these exemptions, individuals requiring special procedural protections from accelerated and border procedures must be identified and supported effectively in border and transit areas. EU Member States therefore need to establish robust identification and monitoring mechanisms and train staff to recognize applicants eligible for special procedural guarantees. However, the APR does not include provisions for these elements. Even if such mechanisms were implemented, practical application would remain challenging due to the very short assessment periods involved.

Evidence from MS on accelerated and border procedures show that:

- In practice, the reports assessing practice show that the accelerated and/or border examination procedure hinder GBV survivors in particular self-identified women and girls from having their specific protection needs addressed and limits their access to procedural guarantees, including legal aid. Rapid processing of asylum applications of self-identified women and girls who are subject to border and/or accelerated procedures may limit their ability to disclose violence and collate evidence ([BE](#), [DE](#), [NO](#), [PL](#)). The lack of gender-sensitive guidelines and reliance on individual officers' discretion exacerbates these issues ([BE](#)). In hotspot areas like [EL](#), asylum authorities often assume sufficient support is available, even if it is not the case. In some cases, some applicants in vulnerable situations, including unaccompanied children and pregnant women, are also subjected to fast-track border procedures, lacking sufficient time to present their claims and remaining in transit zones despite reported vulnerable situations ([FR](#)). There are also obstacles at international airports where asylum claims, even from pregnant women or those with small children, are not registered by border police, and NGOs are denied access ([MD](#)). Additionally, inconsistencies in

assessing individual circumstances and procedural guarantees, particularly at borders, further impede access to necessary protections and fair treatment in the asylum process ([HR](#)).

- A similar pattern is observed in Luxembourg: Administrative Court ruling, [15 mai 2025, n°52725](#): A young Cameroonian woman and her minor daughter, born in Greece, sought international protection due to domestic violence perpetrated by her ex-husband. The Court held that it could not establish a general failure by the Cameroonian State to protect women from domestic violence, criticising the applicant for not having filed a complaint against her ex-husband. It concluded that she could not hold the Cameroonian authorities responsible for failing to protect her. As a result, the Tribunal upheld the Ministry's decision to process the application under an accelerated procedure, considering that the applicant had not presented sufficiently relevant facts to justify international protection. This approach illustrates how accelerated procedures can overlook gender-specific barriers to protection and reporting, reinforcing the need for gender-sensitive assessment frameworks.

ii. Case law

CJEU case law

CJEU ruling C-283/24 B.F. v Kypriaki Dimokratia (Barouk), 3 April 2025-Belgium: In the Barouk ruling, the Court of Justice of the European Union clarifies the powers of national courts with regard to medical examinations of asylum seekers. It stated that, in order to ensure an effective remedy within the meaning of Article 47 of the Charter of Fundamental Rights of the European Union and Article 46(3) of the Procedures Directive, the court must be able to order such an examination, even in the absence of a provision providing for this power in national law. This ruling calls into question Belgian practices: the Council for Alien Law Litigation cannot currently order a medical examination or require the CGRA to organize one. It implies a necessary adaptation of national rules. The ruling also highlights the shortage of doctors available to carry out these examinations, particularly for the preparation of medical reports in accordance with the Istanbul Protocol.

ECtHR case law

F.B. v. Belgium, March 2025: concerns the Belgian authorities' decision to withdraw the protections owed to an unaccompanied minor after a medical age assessment concluded that the applicant - who claimed to be 16 and had submitted supporting documents - was an adult. The ECtHR found a violation of Article 8 ECHR because the age assessment process lacked essential safeguards: F.B. was neither clearly informed of the need for free and informed consent to the medical tests nor assisted by a representative, and the authorities used intrusive medical examinations as a first rather than a last resort, interviewing her only afterwards. While building on earlier case law requiring procedural guarantees in age assessment, the Court avoided addressing the reliability of bone testing, the effectiveness of available remedies, or the potential discriminatory impact of such methods. It rejected the Article 13 complaints (on effective remedy) and dismissed the Article 14 discrimination claim as manifestly ill-founded, ultimately illustrating a broader shift in Strasbourg case law toward prioritising migration control over children's rights.

National case law

Certain national case law also rules that same-sex interpreters and interviewers should be provided during asylum interviews and appeal procedures.

In [FI](#), a Somali woman's asylum application was rejected after an interview conducted by male personnel. The Supreme Administrative Court (**A. (Somalia) v Finnish Immigration Service**) annulled

this decision, ruling that she should have been interviewed by an officer and interpreter of the same sex, given her vulnerable situation and the sensitivity of her claims.

In Greece, **a penal case handled by HIAS Greece in July 2025**. In October 2022 a 40-year old female from Cameroon, survivor of GBV and human trafficking, and infected with HIV, was arrested at the airport and charged with possession and use of forged travel documents, as well as attempt of illegal exit from the country. She had arrived in Greece in January 2022 through Turkey and made many attempts to submit an application for international protection. However, due to well documented structural issues with access to asylum procedure at the time, she did not manage to book an appointment for many months. At the same time, having no legal documents at all, she was not entitled to free medical care and her disease remained untreated. In October 2022, feeling desperate and fearing for her life, she bought a forged passport and attempted to leave Greece, in order to travel to another European country where she would have faster access to asylum procedures. Her trial took place in July 2025 before the Single-member Misdemeanor Court of Lefkada, where she was represented by a defense attorney from HIAS Greece. The Court acquitted her, accepting that the offenses could not be imputed to her, as she acted under a state of emergency.

iii. Practical and Policy Actions

In addition to the legal developments, there are some additional practical and policy actions in terms of gender-sensitive asylum procedures:

EU-level activities, training programmes, toolkits:

The EUAA supports EU and associated countries in identifying and addressing the needs of vulnerable applicants for international protection. It promotes cooperation and information sharing, and develops operational standards, guidance, best practices, and practical tools to assist Member States in providing appropriate support within asylum and reception systems.

EUAA's *Vulnerability Experts Network*

The EUAA Vulnerability Experts Network (VEN), launched in 2018, aims to improve the identification and support of vulnerable applicants for international protection and promote convergence with EU standards. Its structure includes a multidisciplinary steering group, with representatives from Member State authorities, the UN, the EU Commission, and the Fundamental Rights Agency, and an advisory group comprising civil society, international organisations, and academia. The VEN facilitates cooperation among EU and associated countries through the discussion of challenges, exchange of good practices, and collection and analysis of information on vulnerable persons.

Tool for Identification of Persons with Special Needs (IPSN)

The IPSN Tool is an interactive online resource designed to help officials identify potential special needs of applicants in the asylum procedure and reception. It covers 14 categories, including children, elderly, disabled persons, pregnant women, single parents, survivors of trafficking, persons with serious illnesses or mental disorders, survivors of torture or other severe violence, and LGBTI individuals. The tool provides guidance on special guarantees across five areas: first contact, reception support, lodging the application, personal interview, and the end of the first-instance procedure. Its users include officials and other actors interacting with applicants for international protection.

Special Needs and Vulnerability Assessment Tool (SNVA)

The SNVA tool helps Member State authorities assess the special needs of vulnerable persons in a structured way, supporting specialised staff in identifying appropriate actions and ensuring timely

access to services. Its users are professionals responsible for assessing needs and providing an adequate and prompt response to vulnerable applicants.

Referral toolkit

This tool supports authorities in improving referral mechanisms for vulnerable persons seeking international protection. It provides a structured referral system, including regional and local perspectives, and offers guidance through a standard referral form, a service provider mapping tool, and instructions on conducting referrals. Its users are officials and other actors in contact with applicants.

Advanced training module on GBV for case workers

This training module equips learners with the knowledge and skills to handle asylum cases involving gender-based violence. It covers conducting sensitive interviews, assessing evidence and risks, and determining refugee status under the Qualifications Regulation. The online component includes four sub-modules on case challenges, interview techniques, evidence and risk assessment, and refugee qualification, reinforced by case studies. The module concludes with a 16-hour face-to-face session for practical exercises in interviewing, evidence evaluation, and decision-making.

Training module on victims of gender-based violence

This module equips learners with the knowledge and skills to identify GBV in asylum contexts and assess the needs of GBV victims in line with CEAS. It addresses how GBV, rooted in gender power inequalities, disproportionately affects women while also impacting men. The module provides an understanding of gender and GBV, their effects on asylum seekers, and practical guidance for asylum and reception officials when interacting with victims.

EUAA Practical Guide on age assessment

The guide is intended to support EU+ countries in the implementation of the principle of the best interests of the child when assessing the need for age examination and when designing and undertaking age assessment. It is structured around five interlinked pillars and offers analysis of the impact of age assessment on other rights of the applicant. It also provides guidance on the application of the necessary principles and safeguards in the assessment process; on implementing the assessment

process using a holistic and multidisciplinary approach; an overview of age assessment methods conducted by EU+ countries; and key recommendations to address practical challenges.¹

B. Gender sensitive reception conditions

i. Legal basis

Under the recast Reception Conditions Directive (rRCD) (EU 2024/1346), adopted in 2024 as part of the new EU Pact on Migration and Asylum and set to apply from June 2026, new legal requirements have been introduced to ensure gender-sensitive reception conditions:

Recital 38 of the rRCD: “Member States should seek to ensure full respect, where applicable, for the principles of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.”

¹ The third edition of the guide will be published in December 2025.

Implementation considerations for Recital 38: It is a positive development that the rRCD explicitly references the Istanbul Convention. However, since this reference appears only in a recital and is not legally binding, there is a risk that Member States - particularly those that have not ratified the Convention - may not fully implement the relevant principles on reception conditions.

Article 19 (2) of the rRCD (General rules on material reception conditions and health care):

“Member States shall ensure that material reception conditions and health care received in accordance with Article 22 provide an adequate standard of living for applicants, which guarantees their subsistence, protects their physical and mental health and respects their rights under the Charter. Member States shall ensure that the adequate standard of living referred to in the first subparagraph is met in the specific situation of applicants with special reception needs as well as in relation to the situation of persons who are in detention.”

Article 20 of the rRCD (Arrangements for material reception conditions):

Article 20 (3) *“Member States shall take into consideration gender and age-specific concerns and the situation of applicants with special reception needs when providing material reception conditions.”*

Article 20 (4): *“When providing housing, Member States shall take appropriate measures to ensure, as far as possible, the prevention of assault and violence, including violence committed with a sexual, gender, racist or religious motive.”*

Article 20 (5): *“Where female applicants are placed in accommodation centres, Member States shall provide separate sanitary facilities and a safe place in those centres for them and their minor children.”*

Implementation considerations for Article 20: These provisions are positive from a gender perspective as they explicitly require MS to consider gender-specific and age-specific needs, ensure protection from sexual and gender-motivated violence, and provide separate sanitary facilities and safe spaces for women and their children. This reflects an understanding that GBV survivors, in particular self-identified women and girls in reception facilities face particular risks and require tailored safeguards. However, implementation depends heavily on MS' capacity and resources, and it is unclear whether all facilities will consistently provide adequate infrastructure, staffing, and monitoring to ensure these gender-sensitive standards are met in practice.

When reception conditions fall below required standards, violations of reception rights create a ripple effect that limits access to other fundamental rights. Unsafe or inadequate facilities deter survivors from seeking essential services, hinder access to education and information, and deepen existing vulnerabilities and discrimination. For GBV survivors, the absence of safe, gender-responsive support undermines both their protection and their ability to participate meaningfully in asylum procedures, ultimately creating long-term barriers to exercising their rights.

Evidence from Member States :

- While reception centres in many MS ([AT](#), [BG](#), [CY](#), [DK](#), [EE](#), [FI](#), [FR](#), [HR](#), [LT](#), [LU](#), [NL](#), [PL](#), [RO](#), [SE](#)) offer single-sex rooms, [Greece](#), [Ireland](#), and [Cyprus](#) lack adequate women-only accommodation, with overcrowded mixed-gender facilities posing safety risks. [Belgium](#), [Luxembourg](#), [Norway](#), [Romania](#), and [Poland](#) have limited dedicated and well-adapted spaces for the specific needs of these groups. Persistent issues include violence risks in [Germany](#) and [Spain](#) due to mixed-sex dorms, and inadequate lighting and facilities in [Malta](#), [Italy](#), [Romania](#) and [Sweden](#).
- In Luxembourg, shelters for survivors of violence, such as Femmes en Détresse, can only provide accommodation to women holding a residence permit. Undocumented women are excluded from these shelters and therefore lack access to safe accommodation, although they may still access certain services, such as psychological support.

- Besides, due to the lack of safe reception for LBQ+ women and girls and the existing centres organised on a [binary understanding of gender](#), it is crucial to establish specialised and secure reception facilities to prevent exposure to GBV-based or sexual orientation, gender identity or expression, and sex characteristics (SOGIESC)-based violence or hate crimes. Promising practices include [France's](#) opening of 200 places for LGBTIQ+ asylum seekers and the provision of a

reception centre in [Austria and Sweden](#). However, concerns arise from reported incidents in [Germany](#) where LGBTIQ applicants faced harassment in collective reception centres, and in [Greece](#), where accommodation shortages hindered access to [confidential LGBTIQ+ housing](#)

Article 22 of the rRCD (Health care): “Member States shall ensure that applicants receive the necessary health care, whether provided by generalists or, where needed, specialist practitioners. Such necessary health care shall be of adequate quality and include, at least, emergency care, essential treatment of illnesses, including of serious mental disorders, and sexual and reproductive health care which is essential in addressing a serious physical condition.”

Article 28 of the rRCD (Victims of torture and violence): “Member States shall ensure that persons who have been subjected to trafficking in human beings, torture, rape or other serious acts of psychological, physical or sexual violence, including violence committed with a sexual, gender, racist or religious motive, are provided with necessary medical and psychological treatment and care, including rehabilitation services and counselling where necessary, for the damage caused by such acts. Those persons shall be provided, where needed, with an oral translation. Access to such treatment and care shall be provided as early as possible after those persons’ needs have been identified. Those working with the persons referred to in paragraph 1, including health professionals, shall be appropriately trained and continue to receive appropriate training concerning those persons’ needs and appropriate treatments, including necessary rehabilitation services. They shall also be bound by the confidentiality rules provided for in national law and applicable professional ethics codes in relation to any information they obtain in the course of their work.”

Article 31 of the rRCD (Guidance, monitoring and control system): “Member States shall take into account available, non-binding operational standards, indicators, guidelines or best practices on reception conditions developed by the Asylum Agency.”

Implementation considerations for Article 31: It is a positive step because it encourages MS to align with EUAA standards, but it is not sufficient on its own: many countries still lack basic gender-sensitive and violence-prevention protocols, apply Standard Operating Procedures (SOPs) inconsistently, or exclude entire parts of their reception system- such as emergency housing - from these standards. Because the article only requires MS to “take into account” EUAA guidance, without mandating compliance or setting minimum operational requirements, existing gaps are likely to persist. Without clear legal obligations, enforcement mechanisms, and mandatory staff training across all reception facilities, the provision risks maintaining the current patchwork of uneven, ad-hoc practices rather than guaranteeing coherent and safe reception conditions across the EU.

Evidence from Member States:

- While some countries ([BE](#), [DE](#), [ES](#), [HU](#), [MT](#), [PL](#)) have developed SOPs or GBV prevention guidelines, their application remains inconsistent and ad-hoc.

- Gaps persist across EU reception centres, with [Greece](#) lacking gender-specific protocols, [Germany](#) missing federal violence prevention standards, and [Ireland](#) excluding such guidelines in emergency and temporary housing.
- Many countries ([BE](#), [GR](#), [IT](#), [FR](#), [PO](#), [RO](#)) still need comprehensive mandatory training on GBV.

In addition to the recast RCD, other relevant EU legislation also includes new provisions addressing gender-sensitive reception conditions:

EU Directive on combating violence against women and domestic violence -EU 2024/1385 (the Directive on VAW)

Article 33 (3) of the Directive on VAW (Targeted support for victims with intersectional needs and groups at risk): *“Member States shall ensure that victims who so request can be kept separate from persons of the other sex in detention facilities for third-country nationals subject to return procedures or accommodated separately in reception centres for applicants for international protection.”*

Article 33 (4) of the Directive on VAW (Targeted support for victims with intersectional needs and groups at risk): *“Member States shall ensure that persons can report occurrences of violence against women or domestic violence in institutions and reception and detention centres to the relevant staff and that procedures are in place to ensure that those staff or the competent authorities adequately and swiftly address such reports.”*

Implementation considerations for Article 33 (4): It is important that this provision was specifically highlighted in the Directive on VAW. However, because the recast RCD does not contain a direct provision on the issue, there is a risk of weak coordination between different EU legislations on cross-cutting matters.

Evidence from Member States:

- Self-identified women and girls often experience various forms of violence and harassment in reception centres, as reported ([CY](#), [DE](#), [EL](#)) by male residents or sometimes by security staff. Addressing this issue requires providing safe areas, employing female guards, and ensuring effective reporting mechanisms, especially to female staff where relevant.

Article 44 of the Directive on VAW (Data collection and research): Requires that MS shall have a system in place for the collection, development, production and dissemination of statistics on violence against women or domestic violence. The statistics shall, as a minimum, include the following existing data, available at a central level, disaggregated by sex, age group (child/adult) of the victim and of the offender and, where possible and relevant, relationship between the victim and the offender and type of offence:

- “the annual number of reported offences and of convictions of violence against women or domestic violence, obtained from national administrative sources;*
- the number of victims who have been killed due to violence against women or domestic violence;*
- the number and capacity of shelters per Member State; and*
- the number of calls to national helplines.”*

“In order to ensure the comparability and standardisation of administrative data across the Union, Member States shall endeavour to collect administrative data on the basis of common disaggregation developed in cooperation with and in accordance with the standards developed by the European Institute for Gender Equality (EIGE). They shall transmit those data to the EIGE on a yearly basis. The transmitted data shall not contain personal data.

The EIGE shall support Member States in the data-gathering referred to in paragraph 2, including by establishing common standards taking into account the requirements set out in that paragraph.”

Implementation considerations for Article 44: It is a positive development that the EU Directive on VAW requires Member States to collect data on gender-based and domestic violence. However, it remains unclear which institutions in MS are responsible for collecting this data and in which locations. Given the lack of information on incidents in reception and detention centers in particular, there is a clear practical need for such data collection.

Evidence from Member States:

In Cyprus: In 2021, in collaboration with the Mediterranean Institute of Gender Studies (MIGS), UNHCR Cyprus conducted a study mapping the experiences and impact of sexual and gender-based violence (SGBV) among female and male asylum applicants at the Pournara First Reception Centre. The study found that 49% of the women assessed had experienced sexual or gender-based violence. The organisations noted that this high proportion should be considered in the context of the larger number of male arrivals and assessments included in the mapping. The study also highlighted a general lack of data on SGBV among asylum-seeking and refugee women and provided targeted recommendations to improve data collection, reception conditions, specialised support services, access to information, housing and accommodation, as well as employment and training opportunities. The findings and the majority of the recommendations remained relevant in 2024.

ii. Case law

ECtHR judgments underscore the importance of providing adequate safeguards for women and girls in vulnerable situations within reception centers.

M.A. v Italy: The ECtHR found that Italy violated Article 3 because an unaccompanied minor from Ghana, was placed for eight months in an adult reception centre where she suffered sexual abuse, despite repeatedly alerting authorities and her guardians to her vulnerability and need for transfer. The authorities failed to separate minors from adults, did not provide appropriate safeguards or psychological support, and ignored multiple requests for her relocation, only acting after an interim measure was issued. This systemic inaction and lack of protection rendered her reception conditions inhuman and degrading.

A.D. v Greece: The ECtHR assessed the case of a pregnant Ghanaian woman who arrived in Samos in 2019 and was forced to live for months in overcrowded, unsafe tents with inadequate sanitation, medical care and protection despite her high-risk pregnancy. After fires and violence in the camp, the Court granted interim measures before she gave birth and was later transferred to the mainland. Supported by UNHCR and Defence for Children International's descriptions of extreme overcrowding and the lack of facilities for vulnerable groups, she complained that these reception conditions violated Articles 3 and 8.

M.L. v Greece: The ECtHR found that a pregnant Sierra Leonean asylum seeker who lived for over three months in the severely overcrowded and unsanitary Samos RIC - despite being classified as vulnerable and in need of specialised care - was subjected to inhuman treatment in violation of Article 3. Relying on reports from the Council of Europe Commissioner for Human Rights, the Greek National Commission for Human Rights, UNHCR, and Defence for Children International, the Court highlighted the extreme conditions in Samos but found no Article 3 violation regarding her later stay in the Kleidi camp.

P.S. and A.M. v Hungary : The ECtHR found that a mother and her minor child from Iraq suffered inhuman treatment in the Tompa transit zone, where conditions mirrored those previously condemned in Rösztke, and that the mother—considered at risk of suicide—did not receive adequate psychological care. The Court also ruled that their detention in the transit zone was unlawful, violating Articles 5(1) and (4), and that the lack of an effective remedy to challenge these conditions breached Article 3.

E.F. v Greece : The ECtHR found that a Cameroonian asylum seeker in Greece, who was HIV-positive and later diagnosed with non-Hodgkin lymphoma, was subjected to inhuman treatment in violation of Article 3 due to the authorities' six-month delay in providing medical care after her registration at the Moria RIC. Despite being informed of her condition upon arrival, she only received treatment after severe symptoms developed, and the Court held that the authorities failed to take reasonable measures to protect her health. The lack of an effective remedy to address these failures also violated Article 13.

Camara v. Belgium: The case concerned an asylum seeker who was left without accommodation for several months in Belgium despite a final court order requiring the State to provide him with material assistance. The authorities failed to act on the order until the European Court of Human Rights imposed an interim measure. The Court found that this was not an isolated incident but part of a broader systemic failure by Belgian authorities to enforce judicial decisions on reception conditions for asylum applicants. While acknowledging the pressures on the Belgian system, the Court held that the delay amounted to a refusal to comply with domestic court orders, undermining human dignity and violating the essence of the right to a fair hearing under Article 6 of the Convention.

M.S.S. v. Belgium and Greece: In M.S.S. v. Belgium and Greece, the ECtHR found that Greece subjected the applicant to inhuman and degrading treatment through substandard detention and destitute living conditions, and that its asylum system lacked effective remedies. Belgium was also held liable for transferring him to Greece despite knowing of these systemic deficiencies. The judgment clarified that States cannot rely blindly on the Dublin system's presumption of mutual trust and must assess actual reception and asylum conditions before carrying out transfers.

iii. Practical and Policy Actions

Database: EIGE is compiling a comprehensive set of migration- and asylum-and-gender-related statistical [datasets](#) based on the existing EUROSTAT data that capture the demographic and procedural profiles of third-country nationals across the EU. These include detailed annual and quarterly data on asylum applicants and decisions - covering first-instance, appeal, and accelerated procedures - as well as information on unaccompanied minors. The collection also encompasses statistics on orders to leave and returns, temporary protection decisions (both quarterly and annually), and resettlement outcomes by age, sex, citizenship, and related characteristics. In addition, EIGE compiles data on residence permits, including first permits, valid permits, long-term residence, and changes in immigration status. Together, these datasets provide a robust gender- and age-disaggregated evidence base that supports the monitoring of migration flows, protection needs, and integration pathways within the EU.

EIGE Call Tender on Research Study :European Institute for Gender Equality is planning to award the contract(s) for its call for tender on "Gender-Based Violence in EU Reception Centres: An Analysis of Screening, Referral, and Protection Measures"

This study falls within the area of research on gender-based violence (GBV) in crisis contexts, with a particular focus on GBV identification, referral, and protection practices in EU asylum reception systems. It aims to strengthen the identification and support of GBV survivors among asylum seekers and other displaced populations in the EU. The study focuses on both national-level legal and policy frameworks and local practices within reception centres.

Recommendations

Asylum Procedures

- **Information provision on GBV and independent applications:** GREVIO should assess whether the EU provides clear, accessible, and gender-sensitive guidance and frameworks to ensure that asylum applicants across MS, particularly through EUAA guidance and trainings, are informed of their rights, including that gender-based violence can constitute grounds for protection and that individuals can apply independently of partners."
- **Training of personnel:** GREVIO should monitor whether authorities, interpreters, judges, and legal aid staff receive mandatory, ongoing training on trauma-informed, gender-sensitive interviewing, credibility assessment, and GBV-related claims, and whether training is systematically evaluated for effectiveness.
- **Substantive interviews:** GREVIO should ensure personal interviews are conducted confidentially, with appropriate privacy, and that the applicants can request same-gender interviewers and interpreters without barriers or shortages impeding this right.
- **Assessment of special procedural needs:** GREVIO should review whether authorities identify applicants in need of special procedural guarantees early, including survivors of GBV, trafficking, torture, or sexual violence, and whether referrals to gender-sensitive medical or psychological professionals are effectively provided.
- **Protections for unaccompanied minors:** GREVIO should monitor whether unaccompanied children, particularly girls, have timely appointment of trained representatives, child-friendly information, and access to proper supervision, ensuring delays and overload of representatives do not compromise their rights.
- **Age assessments:** GREVIO should monitor whether multi-disciplinary, trauma-informed age assessments are conducted without invasive or harmful practices, respecting the dignity, privacy, and bodily integrity of children.
- **Accelerated and border procedures:** GREVIO should examine whether mandatory accelerated or border procedures respect gender-specific protection needs, allow sufficient time for disclosure and evidence collection, and do not disproportionately affect GBV survivors in particular self-identified women and girls from low-recognition countries.
- **Monitoring and accountability at borders:** GREVIO should recommend broad, independent, and gender-sensitive monitoring mechanisms at borders, including participation of accredited NGOs, human rights institutions, and ombudspersons, with safe reporting channels, public accountability, and oversight of GBV survivors in particular self-identified women and girls. This mechanism should include international independent monitoring bodies such as GREVIO and CEDAW, which carry out gender-specific monitoring
- **Access to procedural safeguards:** GREVIO should evaluate whether all applicants, including survivors of GBV, can access legal aid, protection, and special procedural guarantees during asylum procedures, without being excluded by accelerated or border procedures.
- **Data collection and evaluation:** GREVIO should encourage systematic collection of disaggregated data on asylum procedures, gender-specific barriers, and outcomes to inform policy and ensure accountability in the treatment of GBV survivors in particular self-identified women and girls seeking international protection.

Reception Conditions

- **Reference to Istanbul Convention in rRCD:** GREVIO should monitor whether the EU ensures that its directives, policies, and guidance lead to reception conditions across Member States that

fully comply with the Istanbul Convention, translating recital references into concrete, enforceable measures

- **Gender- and age-sensitive accommodation:** GREVIO should monitor whether the EU ensures that its policies and guidance require Member States to provide GBV survivors -particularly self-identified women and girls - with safe, separate housing, adequate sanitary facilities, and child-friendly spaces, and that issues such as overcrowding or mixed-gender dormitories are effectively addressed.
- **Protection from violence in reception centres:** GREVIO should examine whether the EU ensures that its policies and guidance lead to effective measures in Member States to prevent sexual, gender-, racial-, or religion-motivated violence, including adequate staffing, monitoring, and implementation of standard operating procedures.
- **Health care provision:** GREVIO should monitor that the EU promotes policies and guidance requiring Member States to provide timely and adequate general and specialist health care for GBV survivors - particularly self-identified women and girls - including sexual and reproductive health, mental health, and trauma-informed services..
- **Support for survivors of GBV:** GREVIO should verify that the EU's policies and guidance ensure Member States consistently provide rehabilitation, counselling, translation, and confidentiality services, and that staff receive appropriate training to support GBV survivors effectively.
- **Monitoring, guidance, and EUAA standards:** GREVIO should assess whether the EU ensures that its policies, including EUAA operational standards, indicators, and best practices, are effectively implemented in Member States' reception facilities, and that gaps are addressed where guidance is non-binding.
- **Data collection and reporting on GBV:** GREVIO should encourage systematic, disaggregated data collection on incidents of GBV in reception centres, shelter capacity, helpline usage, and outcomes, aligned with EIGE standards.
- **Training and capacity building:** GREVIO should assess whether the EU ensures that Member States provide all reception staff with mandatory, ongoing training on GBV risks, trauma-informed care, and gender-sensitive treatment of GBV survivors, particularly self-identified women and girls.

IV. Article 61 (Non refoulement)

i. Legal basis

A. Prevention of access to state's territory and pushbacks

The changes introduced by the EU New Pact on Migration and Asylum are likely to restrict access to territory and increase the risk of pushbacks.

The Pact channels far more asylum seekers into accelerated border-procedures (please see previous section on Article 42 of the APR on accelerated examination procedures and Article 45 of the APR on border procedures) rather than regular asylum processing, meaning many will face “de facto detention” at EU borders without the standard safeguards and legal protections. Exemptions for survivors of gender-based violence (GBV) from accelerated and border procedures are only possible if it is determined that adequate support is not being provided to them. However, the definition of “adequate support” is ambiguous and open to interpretation. Combined with the lack of effective identification and monitoring mechanisms and insufficient staff training, this creates a high risk that many GBV survivors will still be subjected to these procedures, thereby hindering their access to territory.

In addition, several new elements under the APR further restrict applicants' access to territory and increase the risk of pushbacks:

Article 43 of the APR (Conditions for applying the asylum border procedure): Article 43 maintains the fiction of non-entry by stating that applicants subject to the border procedure shall not be authorised to enter the territory of a Member State.

Article 54 of the APR (Locations for carrying out the asylum border procedure): stipulates that Member States must provide families with children reception facilities suited to their needs, ensuring an adequate standard of living that supports the child's overall development in line with Articles 24–28 of the recast RCD. However, residing in such facilities does not constitute authorization to enter or stay in the territory, and transfers for legal or medical purposes likewise do not count as entry, meaning the legal fiction of non-entry remains in place.

Implementation considerations for Article 43 and Article 54: While it is positive that Chapter IV (Articles 24–28) of the recast RCD applies to families with children and applicants with special reception needs, including in cases where the fiction of non-entry applies, there is a risk that the specific needs of GBV survivors in particular self-identified women and girls may not be adequately addressed. For example, provisions such as single-sex rooms, specialized facilities, separate bathrooms, female staff, and sufficient lighting in common areas may be overlooked due to the lack of explicit legislative requirements. This absence of clear guidance for gender-sensitive accommodation risks exposing GBV survivors to various forms of violence in practice.

Article 30 of the APR (Access to the procedure at border crossing points): “Where there are indications that third-country nationals or stateless persons present at border crossing points, including transit zones, at external borders, may wish to make an application for international protection, the competent authorities under Article 4 shall provide them with information on the possibility to do so.”

Implementation considerations for Article 30: The requirement to provide accurate and timely information is essential for effective access to the examination procedure under the APR. However, it is unclear and sets an ambiguous standard for Member States. It leaves border guards at border crossing points to subjectively interpret vague “indications” that someone may seek international protection, which risks arbitrariness in practice.

This ambiguity can have serious consequences for survivors of GBV. GBV survivors may be reluctant or unable to openly signal their intention to seek protection due to trauma, fear of stigma, or risk of further violence. As a result, the reliance on officials' subjective interpretation of “indications” may prevent GBV survivors from receiving timely information and accessing protection procedures, leaving them particularly vulnerable.

Article 50 of the APR (Notification by a Member State where the annual maximum number of applications is reached): “Where the number of applications that have been examined in the border procedure in a Member State within one calendar year is equal to or exceeds the maximum number of applications set out in respect of that Member State (...)the Commission shall authorise, by means of an implementing act, the Member State concerned to not examine in the border procedure applications made by applicants.”

Implementation considerations for Article 50: The formula for calculating “adequate capacity” may [incentivize](#) Member States at external borders to informally deny entry to reduce the number of applications they must process in future years. While formal refusals count toward capacity, informal or unlawful pushbacks do not, encouraging practices that circumvent access to protection. This can disproportionately affect survivors of gender-based violence (GBV), who may be especially vulnerable

during border crossings. Informal denials or pushbacks could prevent them from accessing protection procedures, leaving them at heightened risk of further harm or exploitation.

Additionally, the **Crisis and Force Majeure Regulation (EU 2024/1359)** enables Member States to trigger exceptional procedures during mass arrivals, normalizing rapid expulsions or collective pushbacks. Taken together, these measures create multiple structural pressures that limit entry,

heighten detention risks, and increase the likelihood that asylum seekers will be returned without adequate assessment or protection.

Evidence from Member States:

In Greece, according to CEDAW (20 February 2024), refugee, asylum-seeking, and migrant women and girls in Greece experience intersecting discrimination and disproportionately high levels of gender-based violence, particularly in border areas, while undocumented migrant women face heightened risks of sexual exploitation, forced labour, and trafficking. CEDAW also noted reports that many third-country nationals, including women and girls, have been subjected to pushbacks or forcibly returned to Türkiye without effective access to asylum procedures, raising serious concerns of refoulement.

B. Safe country concepts

Safe Country of Origin

Article 61 of the APR: *“A third country may only be designated as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is no persecution as defined in Article 9 of the Qualification Regulation and no real risk of serious harm as defined in Article 15 of that Regulation.”*

Same article explicitly states that the definition of a safe country of origin may include exceptions for certain parts of a country's territory or for clearly identifiable categories of persons.

It states that the assessment of a country's status as a safe country of origin should take into account various sources of information, including data from EUMS, the EUAA, UNHCR and other relevant international organisations.

It introduces new factors to be considered, such as the country's legal framework, adherence to human rights treaties like the ECHR, the International Covenant on Civil and Political Rights, or the United Nations Convention against Torture, provisions for protection against deportation to third countries, and the existence of effective remedies for rights violations

Safe Third Country

Article 57 of the APR: A third country is considered to provide effective protection if:

It has ratified and respects the Geneva Convention, within any lawful derogations or geographical limitations it has made.

- If the country applies geographical limits to the Convention, protection for those outside those limits must be assessed under the criteria below.

If the above condition is not met, the country must at minimum ensure that the individuals concerned:

- (a) are permitted to stay on its territory,
- (b) have sufficient means of subsistence for an adequate standard of living,
- (c) have access to healthcare and essential medical treatment,
- (d) have access to education on the same general terms as others in that country, and

(e) continue to receive protection until a durable solution is found.

Article 59(1) of the APR: it is no longer required for the applicant to have the possibility to request refugee status and receive protection in accordance with the Geneva Convention. The APR introduces the concept of “effective protection”, which can be met in two ways. Either a state has ratified and respects the Convention or the set of four conditions listed in Article 57 are met.

Article 59(2) of the APR: It introduces a new provision allowing a country to be classified as safe “*with exceptions for specific parts of its territory or clearly identifiable categories of persons.*” This measure aims to expand the application of the concept of safety by allowing for a country to be deemed safe even if there are regions or groups that lack safety. This means, for instance, that conflict in one area or repression against a particular group should not prevent the country from being classified as safe.

Implementation considerations:

➤ *For the safe country of origin concept*

Failing to gather information on the specific situations of GBV survivors in particular self-identified women and girls when evaluating a country's status as a safe country of origin increases the practical risk of returning these groups to countries where they may face inhumane treatment. Likewise, while adding a country's adherence to human rights treaties as new factors is beneficial, the omission of treaties like CEDAW or the Istanbul Convention poses a risk of neglecting the specific issues and needs of these groups in practice.

Certain MS define exceptions for specific geographical areas or profiles of asylum seekers within a country of origin. For instance, in the [Netherlands](#), some specific groups, such as women and or LBGTQI+ individuals or some specific areas, such as the union territory of Jammu and Kashmir in India, are excluded from the safe country of origin designation. [Norway](#) provides exceptions for girls under the age of 18 from Ghana and Tanzania, single women from India, and applicants who have faced forced marriage in Ghana and Tanzania. In [Spain](#), although Morocco is designated as a safe country of origin, in recent years Moroccan nationals in specific cases are granted protection by Spain, such as when political grounds (i.e. those coming from the Rif region), LGBTIQ+, and GBV grounds of persecution apply.

Evidence from Member States:

Problems arise when gender-specific risks - such as GBV in the country of origin - are not properly assessed. These issues are compounded by outdated country-of-origin information and limited cooperation with international bodies and independent organisations that document the situation of GBV survivors in particular self-identified women and girls.

Self-identified women seeking asylum often struggle to report violence, particularly when they come from countries labelled as “safe,” as current legislation lacks adequate safeguards for GBV survivors in particular self-identified women and girls. Their claims -including those involving domestic violence or honour-based violence - are frequently dismissed on the assumption that their countries of origin can protect them, sometimes [merely](#) because those countries have ratified the Istanbul Convention, without concrete evidence or reference to GREVIO evaluations. This raises serious concerns about the quality of protection and the treatment of GBV cases in asylum procedures. Moreover, some countries where harmful practices like female genital mutilation remain widespread are still classified as “safe” (e.g., Gambia, Ghana, and Senegal in the [EL](#)), further undermining protection and support for affected self-identified women and girls.

➤ *For the safe third-country concept*

Article 57 sets a low threshold for a country to be considered as offering effective protection, and undermines the Refugee Convention by suggesting that effective protection could be provided outside its scope. Examples from practice show that just because a country is a signatory to the Convention or has the right to remain in the territory without refugee status does not mean that self-identified women and girls can effectively access protection. For example, in [Hungary](#), inadmissibility decisions have been issued based on Serbia being deemed a safe third country, even for applicants in vulnerable situations such as transgender persons, disabled individuals, and single women survivors of sexual and gender-based violence.

By designating a country as safe despite unsafe regions or groups, self-identified women and girls may be exposed to heightened risks of gender-based violence, including domestic violence and sexual assault, especially in areas where conflict or repression is prevalent. It may also overlook the specific vulnerabilities of minority communities, including self-identified women and girls from these groups, who may face systemic discrimination or targeted violence. This could lead to insufficient protection for those who require asylum due to persecution based on gender or ethnicity.

MS specify exceptions for particular geographical areas or profiles of asylum seekers. For example, the Netherlands exempts Dalit women and girls from India, while Norway exempts girls under 18 from Ghana and Tanzania, single women from India, and applicants who have faced forced marriage in Ghana and Tanzania.

However, in practice, the safe third-country concept is often applied automatically and without individual assessment in many countries, contrary to the case-by-case approach.

For example, in EL, the Joint Ministerial Decision (JMD) designating Turkey as a "safe third country" has led to a surge in inadmissibility decisions for asylum seekers from Syria, Afghanistan, Somalia, Pakistan and Bangladesh. GREVIO has raised concerns about the risks this poses to women and girls who are survivors or at risk of sexual and gender-based persecution, as they are often denied access to asylum procedures in Greece. The JMD lacks a regular review mechanism for the "safe" status of countries and does not account for significant human rights changes, such as Türkiye's withdrawal from the Istanbul Convention. Consequently, many women and girls are left in precarious situations in [Greece](#), unable to access reception facilities or support, while being at risk of GBV and human trafficking, exacerbated by the suspension of returns to Türkiye since 2020.

APR amendments on Safe Country Concepts

In 2025, the European Commission proposed amendments to the APR regarding the safe country concept. The APR amendments represent a [significant downgrade](#) from previous EU asylum frameworks, weakening procedural safeguards and increasing the likelihood of inadmissibility or pushbacks. The SCO provisions would establish a presumption that certain countries are safe, based on opaque assessment criteria, and create a list of other safe countries, potentially limiting individualized assessment. The frontloading of Pact provisions risks adding complexity to the common asylum system and encourages inconsistent implementation by Member States.

The proposed changes to the STC concept are particularly concerning. They would allow Member States to eliminate the requirement for a connection between the applicant and the third country, enabling returns to countries where the individual has no prior ties. Additionally, the amendments would remove the automatic suspensive effect of appeals, undermining the right to an effective remedy and increasing the risk of deportation before a full assessment of protection needs.

These structural changes have serious implications for GBV survivors, who are particularly vulnerable in border and accelerated procedures. Self-identified women and girls fleeing gender-based violence may be returned to unsafe countries without adequate assessment of their risk, potentially exposing them to further harm, including sexual violence, domestic abuse, honor-based violence, and other forms of persecution. The removal of appeal suspensive effects further exacerbates these risks, as survivors may be expelled before their claims are properly examined.

C. Transfers under Asylum and Migration Management Regulation (AMMR) (Dublin Transfers)

Relevant articles of the AMMR

Article 8 of the AMMR: requires that MS must not transfer asylum applicants to a country where they face a real risk of inhuman or degrading treatment, which would violate their fundamental rights.

Article 16 of the AMMR: The default principle of “the first point of entry” is maintained. Article 16 (2) of the AMMR mandates that “where no MS can be determined responsible for examining the application for international protection, the first MS in which the application for international protection was registered shall be responsible for examining it”. However, this does not mean that this principle is only applicable in circumstances where international protection is applied. A person crossing into another country without registering or applying for international protection in the first country is still subject to the AMMR

Article 16 (3) of the AMMR: amends the substantive grounds for the impossibility of transferring an applicant to the Member State designated as primarily responsible. Accordingly, in order for the MS to stop the transfer, “substantial grounds for believing that the applicant would face a real risk of a violation of the applicant’s fundamental rights, amounting to inhuman or degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union”. Unlike Dublin III, “systematic flaws in the asylum procedure and reception conditions have been removed from the condition.

Implementation considerations:

Article 16 maintains the “first point of entry” principle, which can disproportionately affect GBV survivors in particular self-identified women and girls who may be more vulnerable during initial border encounters, including risks of gender-based violence, trafficking, or limited access to services. This principle also reflects the continuation of the [dysfunctional Dublin system](#), which ties applicants to the Member State of first entry and contributes to uneven responsibilities across EU countries, often compounding risks for vulnerable groups at external borders. In addition, removing the requirement to assess systematic flaws in asylum procedures and reception conditions, and limiting evaluations to violations of Article 4 of the EU Charter, poses serious risks for self-identified women and girls. It may overlook inhuman or degrading treatment arising from procedural barriers, inadequate legal support, untrained staff, lack of gender-sensitive interviews, and insufficient reception facilities. Other factors, such as medical vulnerabilities or risks of trafficking, can also influence exposure to harm. Also, interpreting Article 4 from a male-centric perspective further neglects women’s experiences of non-state torture and gender-based violence, including domestic abuse, trafficking, and FGM. Case law (e.g., *Opuz v. Turkey*, C-621/21) and UNCAT guidance emphasize that these forms of violence constitute ill-treatment or torture. Therefore, Member States should apply Article 4 broadly, considering systemic and gender-specific risks, to ensure adequate protection for self-identified women and girls.

The recast Anti-trafficking Directive (EU 2024/1712)

Recital 20 of the recast ATD: To prevent survivors from being re-trafficked within the Union, it is important that, when survivors are transferred under Regulation (EU) 2024/1351 of the European Parliament and of the Council, Member States do not transfer survivors to a Member State where there are substantial grounds for believing that the survivors, because of the transfer to that Member State, would face a real risk of violation of their fundamental rights that amounts to inhuman or degrading treatment within the meaning of Article 4 of the Charter.

Implementation considerations: The obligation to prevent the transfer of trafficking survivors to unsafe conditions directly responds to critical gaps in protection. However, its effectiveness depends on whether Member States' authorities are equipped to assess gender-specific risks and vulnerabilities, and whether all staff have the capacity and guidance to identify such risks in practice.

Asylum-seeking trafficking survivors, especially self-identified women and girls, may be transferred to another country under the Dublin Regulation or AMMR in the future without proper risk assessment. This can expose them to dangers such as re-trafficking, retaliation from traffickers, and inadequate support. Evidence from the MS shows that the strict application of these rules often denies them a necessary reflection and recovery period, increasing their vulnerability. ([AT](#), [BE](#), [CH](#), [ES](#), [LU](#), [IE](#) [NO](#), [SE](#)).

ii. Case law

Pushbacks

A.R.E. v. Greece - ECtHR judgment: The European Court of Human Rights held Greece responsible for the unlawful deportation (pushback) of a woman, recognising evidence of "systematic" pushback practices. This case is particularly important for highlighting the risks faced by women at Greece's borders and the persistent denial of effective access to asylum procedures.

Dublin transfers

Different case law on women shows that risks such as medical conditions ([CJEU - Judgment Case C-578/16](#); [Germany](#) – Augsburg Administrative Court) or risk of human trafficking ([Federal Office for Immigration and Asylum v Applicant](#); [Applicant \(Uganda\) v State Secretary for Justice and Security](#)) can also influence transfer decisions.

CJEU cases like [O.T.E. v State Secretary for Justice and Security](#), [Joined cases of N.S. v United Kingdom and M.E. v Ireland](#), and several national case law ([Austrian Federal Office for Aliens and Asylum \(BFA\) v Applicant](#), [Applicant v CGRS](#), [Uganda\) v State Secretary for Justice](#)) support suspending Dublin Regulation procedures when human trafficking risks are present.

Safe country concepts

Safe country origin

Case law in which the national courts found the rejection of a woman's application on the safe country grounds unlawful can be useful and instructive even if they are not binding on other member states:

- In the [Czech Republic](#), the Regional Court of Brno ruled the rejection of a women's application unlawful due to insufficient and outdated COI, highlighting human rights violations, violence against women and risk of refoulement and contradicting India's designation as a safe country of origin.
- In [Ireland](#), a Georgian national's application for international protection, citing fear of domestic violence, was initially rejected due to credibility issues and Georgia being deemed a safe

country. The High Court overturned the decision to uphold the rejection without a hearing, ordering reconsideration due to improperly assessed credibility concerns.

- In the [Netherlands](#), an Armenian national's credible claim of rape and police threats was rejected by the State Secretary, who deemed Armenia a safe country of origin. On appeal, the

Court of The Hague overturned the decision, finding the assessment insufficient and ordering a re-examination to further investigate her protection needs.

Safe third country

Recent CEDAW case law:

The CEDAW may issue interim measures when it considers that a woman faces an imminent risk of irreparable harm and thus, implying a potential risk of violations of the Convention on the Elimination of Discrimination of Violence Against Women. In practice, this mechanism has increasingly been used in the non-refoulement context, where individuals submit communications to the CEDAW and request interim measures to halt deportation. In two precedent cases from July 2025 (K.J. v. Switzerland, CEDAW Communication No. 169/2021, and Z.E. and A.E. v. Switzerland, CEDAW Communication No. 171/2021), the CEDAW issued final recommendations which confirmed that Switzerland's decision to remove these women to Greece, where they have been granted protection status, would constitute a violation of Articles 2(c)–(d) and 3 of CEDAW, in conjunction with the principle of non-refoulement (substantively equal to Art. 61 Istanbul Convention).

Furthermore, the CEDAW Committee - besides the recognition in General Recommendation No. 35, § 33(a) - for the first time in a decision concerning a removal also found a violation of the right to health care under Article 12 CEDAW. The Committee held that Switzerland had insufficiently examined whether the complainants would have access to adequate measures for physical and psychological recovery after experiencing sexualized violence in Greece.

In case K.J. v. Switzerland, the Committee also considered it insufficient for Switzerland to dismiss the complainant's account of SGBV in Greece simply because it was disclosed later, noting that survivors often require time before they can speak about such violence (essentially implying a violation of Art. 60 Istanbul Convention).

Crucially, the CEDAW issued final recommendations in both cases which stipulate that States must take:

“all necessary measures to ensure that refugees who are victims of gender-based violence and in need of protection are not returned to the country of first entry [...] without an individualized, trauma-informed, and gender-sensitive assessment of the real risk of irreparable harm”

The precedent cases before the CEDAW Committee illustrate the systemic failures States exhibit when assessing women's protection claims within the Safe Third Country framework. Instead of conducting a gender-sensitive hearing and applying a gender-sensitive interpretation of the grounds for protection and the assessment of removal-related risks, as they are obligated to do under Art. 60 and 61 of the Istanbul Convention, deportations are carried out under generalized assumptions that other EU countries comply with their international and regional women's rights obligations. These assumptions are in stark contrast to the Committee's decisions, as well as to numerous reports by civil society organizations warning about structural violence women asylum seekers are exposed to in countries such as Croatia, Greece, or Bulgaria. This trend is highly alarming, as it effectively subordinates international human rights obligations to national asylum priorities.

National case law:

Decision IP/96007/2024, 19th Appeals Committee, summary [in Greek] in RSA et al, Greek Asylum Case Law Report Issue 1/2024-Greece: In February 2024, the 19th Appeals Committee accepted the appeal of a single Somali woman, whose application had been found inadmissible at first instance based on the safe third country concept and particularly the time spent in Türkiye. The Appeals Committee took into consideration that: (i) the applicant is a single woman, without a supportive family or family environment in Türkiye, which makes it particularly difficult, if not practically impossible, for her to establish social and employment ties in that country, where, moreover, the problems of women's access to services and legal protection, gender discrimination and women's living and working conditions are real and the Turkish authorities do not take sufficient measures to ensure that women's access to services and legal protection is not restricted. Given that each of the criteria laid down in the law must be satisfied cumulatively, Türkiye cannot be regarded as a safe third country for the applicant, in accordance with the plea in law put forward in that regard.

Recommendations

- **Affirm primacy of IC obligations:** GREVIO should underline that EU asylum arrangements cannot override Istanbul Convention duties and that trauma-informed, gender-sensitive non-refoulement assessments must be applied in all cases.
- **Monitor Art. 60–61 compliance:** GREVIO should call for EU-wide monitoring of gender-sensitive hearings and risk assessments, especially in all cases concerning deportations in the Safe Third Country context.
- **Border access and pushbacks:** GREVIO should assess whether border practices, including pushbacks, prevent GBV survivors in particular self-identified women and girls from accessing asylum and individual assessment
- **Safe country designations:** GREVIO should examine whether safe-country lists integrate gender-specific risks, GBV-focused COI, and reflect GREVIO's own findings on protection in practice.
- **Review of country designations:** GREVIO should call for mandatory, frequent reviews of safe-country designations reflecting real-time changes in women's rights protection, including treaty withdrawals.
- **Individualised risk assessments:** GREVIO should review whether the EU ensures that Member States implement trauma-informed, gender-sensitive risk assessments and appropriately accommodate late disclosures of GBV.
- **Effective protection standard:** GREVIO should evaluate whether the "effective protection" test genuinely safeguards GBV survivors in particular self-identified women and girls, including against non-State GBV and harmful practices.
- **Exemptions for high-risk groups:** GREVIO should assess whether States correctly exempt high-risk GBV survivors in particular self-identified women and girls from safe-country designations based on reliable, gender-specific COI.
- **Inadmissibility decisions:** GREVIO should examine whether States misuse automatic safe-third-country inadmissibility findings without gender-sensitive access to asylum or updated rights assessments.
- **AMMR transfers:** GREVIO should verify whether transfer decisions consider gender-specific risks such as trafficking, SGBV, mental-health needs, and reception gaps in the receiving State.
- **Definition of serious harm:** GREVIO should emphasise that "inhuman or degrading treatment" assessments must explicitly include GBV, domestic violence, trafficking, and harmful practices, not only male-centred forms of harm.

A project led by the association France terre d'asile 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.