



# EUAA Country Guidance in relation to Afghan women and girls and its impact across the EU

WiRL Seminar Series 2023/24

Refuge in a cold climate: The impact on women  
A panel discussion: Coming in from the cold?

Group-based refugee determination for women at risk of gender-based violence

Online, 29 April 2024

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# What is...



## ... the EUAA Country Guidance?



### Article 11(1) EUAA Regulation

**Country-specific common analysis and guidance**  
in relation to the assessment criteria for  
qualification for international protection  
established in the recast Qualification Directive

To **assist asylum decision-makers** and  
**policymakers** in their daily work and to **foster**  
**convergence** in the **assessment of applications**  
**for international protection** and the type of  
protection granted in the context of the CEAS

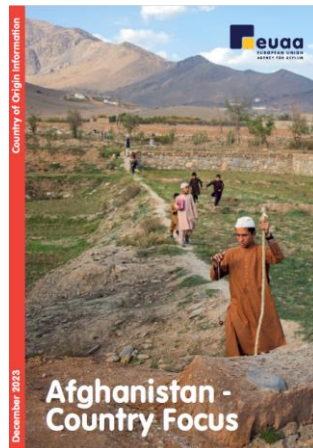
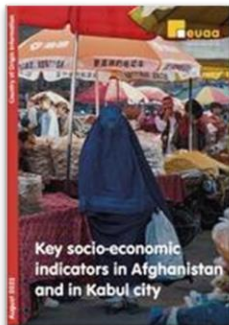
**Joint assessment:**

- Senior-level policy officials from EU+ countries
- EUAA

Next step towards **convergence** in the  
**national decision-making practices**

# International protection needs:

## Common analysis and guidance based on high-quality COI



2024 update on going:  
Expected publication May 2024

To access EUAA COI reports, visit  
<https://euaa.europa.eu/country-reports>.

To access EUAA CG on Afghanistan, visit  
<https://euaa.europa.eu/country-guidance-afghanistan-2023>

# Country Guidance: Afghanistan

**Refugee status:  
focus on women  
and girls**



# Women and girls in Afghanistan



## Restrictions of rights and freedoms under the Taliban


- Freedom of movement and gender segregation
- Dress code
- Exclusion from work and public life
- Access to healthcare
- Access to education

## Violence against women and girls

A long-standing pervasive problem, regardless of the ethnic group (forced marriage, such as child marriage, and honour-based violence)  
Impunity for perpetrators of attacks against women.







The accumulation of various measures introduced by the Taliban, which affect the rights and freedoms of women and girls in Afghanistan, **amounts to persecution.**

**Some women and girls** in Afghanistan **may also face other forms of ill-treatment amounting to persecution** (e.g. forced marriage, such as child marriage, honour-based violence).

**For women and girls in Afghanistan, well-founded fear of persecution would in general be substantiated.**

Taking into account the close link between the restrictions enforced on women and girls and the religious norms imposed by the Taliban, the persecution of women and girls in the form of accumulation of various measures is likely to be for **reasons of religion**. Other grounds, such as **membership of a particular social group** and **(imputed) political opinion** may also be substantiated.

# Country Guidance: Afghanistan 2023 - Profile: '3.15. Women and girls'

From CG assessment to CJEU



Key findings of the  
COI



Risk Analysis



Nexus to a reason for  
persecution

CG is a next  
step towards  
convergence



OPINION OF ADVOCATE  
GENERAL - **Joined Cases  
C-608/22 and C-609/22**

Concept of 'acts of  
persecution' – accumulation of  
discriminatory acts and  
measures adopted against  
women and girls





## Opinion of Advocate General Richard de la Tour - Joined Cases C-608/22 and C-609/22

### Referencing EUAA Country Guidance

6. ‘Some Member States, such as the Kingdom of Sweden, the Kingdom of Denmark and the Republic of Finland, have decided to grant refugee status to Afghan women almost automatically, solely on account of their gender, these Member States being similar to those that, from August 2021, were considering implementing the temporary protection scheme established by Directive 2001/55/EC. For its part, the **European Union Agency for Asylum (EUAA)** concludes, in its latest information report on **Afghanistan (2023)**, that a well-founded fear of persecution will *generally* be determined for Afghan women and girls in view of the measures adopted by the Taliban regime’



# Country Guidance: Afghanistan 2023 - Profile: ‘3.15. Women and girls’

From CG assessment to National Jurisprudence and National Policies and practices



Key findings of  
the COI



Risk Analysis



Nexus to a reason  
for persecution



National  
jurisprudence



National policies and  
practices

CG is a next step  
towards  
convergence in the  
national decision-  
making practices

**Impact on the situation of Afghan  
women and girls applying for  
protection in the EU.**

## Impact of CG on national jurisprudence: some examples

### FLYGTNINGENÆVNET

In **DK**, the Refugee Appeals Board has decided to grant asylum to women and girls from Afghanistan solely based on gender and to reopen all (rejection) cases of women and girls since 16 August 2021 (**CG Afghanistan (2023)**).



In **FR**, the CNDA assessed the situation of indiscriminate violence in Afghanistan and Somalia taking into account the respective **CG Somalia (2022)** and **CG Afghanistan (2023)**.



In **BE**, four judgments of October 2019 noted that, even if CG is not binding, since the CGRS was associated in the elaboration of the CG, it can be expected that relevant and serious justifications of the reasons that made it deviate from CG are provided (**CG Afghanistan (2019)**).



In **NL**, the Council of State referring **CG Iraq (2021)** on the risk assessment for apostates and atheists confirmed that the State Secretary has to conduct further factual investigations.



In **IT**, the Tribunal of Bologna granted subsidiary protection to a Nigerian national referring among others to **CG Nigeria (2019)** on cults and availability of IPA.

# Impact of CG on national policies and practices as reported in the press

Le Monde


ACTUALITÉS • ÉCONOMIE • VIDÉOS • DÉBATS • CULTURE • LE GOÛT DU MONDE • SERVICES

## Le Danemark va systématiquement accorder l'asile aux Afghanes

« La décision se fonde sur des informations relatives à la détérioration continue des conditions de vie des femmes et des filles en Afghanistan » depuis le retour des talibans au pouvoir dans le pays.

Le Monde avec AFP  
Publié le 30 janvier 2023 à 21h34, modifié le 30 janvier 2023 à 21h34 • Lecture 1 min.

Ajouter à vos sélections



Des femmes se rendent à pied dans une école primaire de Kaboul en Afghanistan, le 9 août 2022. WAKIL KOHSAR / AFP

Le Danemark a décidé lundi 30 janvier de systématiquement accorder l'asile aux femmes et filles originaires d'Afghanistan en raison de leur sexe, alors qu'elles vivent un fort recul de leurs droits depuis le retour des talibans au pouvoir dans le pays. « La décision se fonde sur des informations relatives à la détérioration continue des conditions de vie des femmes et des filles en Afghanistan », a déclaré la Commission d'appel des réfugiés danoise dans un communiqué.

La commission s'appuie sur un rapport de l'Agence de l'Union européenne pour l'asile récemment publié, qui « indique que la situation d'un certain nombre de groupes de personnes en Afghanistan, notamment les femmes et les filles, est de nature à constituer une persécution au sens de la convention sur les réfugiés ».

Selon l'autorité danoise, cinq cas en suspens concernant des femmes afghanes se verront accorder l'asile au titre de la nouvelle

## LE SOIR

### Migration: 96% des Afghanes obtiennent l'asile en Belgique

Le Danemark a décidé d'accorder « systématiquement » l'asile aux femmes qui fuient l'Afghanistan. Chez nous, pas d'automatisme, mais, dans les faits, il n'y a plus eu de refus depuis des mois.

Article réservé aux abonnés



Finland to grant refugee status to Afghan women and girls

FINLAND / 16 FEBRUARY 2023

- Chef du pôle Economie  
Par **Maxime Bierné** et avec AFP
- Publié le 16 février 2023 à 10h01 • 1 min
- hébreu, chi...  
Etats-Unis et l'UE veulent élargir les sanctions contre le Téhéran
- 2 Armement : comment l'industrie française se mobilise
  - 3 Stellantis : Carlos Tavares, couvert d'or par ses actionnaires, confirme sa stratégie de réduction extrême des coûts

evangelisch.de

Mehr als du glaubst

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## Germany reviews rules for granting asylum to Afghan women

14.02.2023 | Epd | Flight and expulsion

Frankfurt a.M., Nürnberg (epd). Following a recommendation by the EU Asylum Agency on the automatic recognition of Afghan women as refugees, the German authorities are reviewing the previous practice. This was announced by the Federal Office for Migration and Refugees (Bamf) to the Evangelical Press Service (epd) on Tuesday. If necessary, the decision-making practice will be adapted. Sweden and Denmark have already announced that they will automatically recognise Afghan women and girls.

At the end of December, the European Union Agency for Asylum (EUAA) stated that the restrictions on women and girls in Afghanistan are persecution. This means that they are automatically recognised as refugees in Europe.

## NEWS FROM FINLAND HELSINKI TIMES



A woman carrying a child walks along a roadside in Zhari district of Kandahar province on February 10, 2023. LEHTIKUVA / AFP

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Housing prices to fall and rents to rise: PTT

NEXT ARTICLE  
Strikes by AKT can also affect air travel, says FöU

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FINNISH IMMIGRATION SERVICE has announced that all Afghan women and girls will be granted refugee status due to the worsening position of women's rights and freedoms since the Taliban's rise to power in Afghanistan. The Finnish Immigration Service has updated its guidelines on the processing of applications submitted by Afghans to reflect this change. The decision-making practice aligns with the report published by the European Union Agency for Asylum (EUAA) on January 25, 2023.

## Swiss court grants asylum rights to Afghan women

An Afghan woman arrives at a refugee holding camp for verification in Karachi, Pakistan, November 3, 2023. ROYALTY / ROYAL KHAN

July 2023, however, the SEM changed its practice and, following a recommendation by the European Union Agency for Asylum (EUAA), had decided to grant asylum to women from Afghanistan.

The Federal Administrative Court has upheld an appeal by two Afghan women against their deportation from Switzerland. Consequently, they must be granted asylum in this Alpine country.





## Convergence

High protection standards

Women and Girls

**MS shall take into account the common analysis and guidance notes when examining applications for international protection (Article 11 (3) EUAA Regulation)**

### **No group-based refugee protection**

[..] without prejudice to their (MS) competence to decide on individual applications for international protection

Article 11 (3) EUAA Regulation

*For women and girls in Afghanistan, well-founded fear of persecution would in general be substantiated...*





# Thank you!



<https://euaa.europa.eu/asylum-knowledge/country-guidance>

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