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Judgment of the Court in Case C-646/21 | Staatssecretaris van Justitie en Veiligheid (Women identifying with the value of gender equality)

International protection: refugee status may be granted to women who identify with the value of equality between women and men

Women, including minors, who share as a common characteristic the fact that they genuinely come to identify with the fundamental value of equality between women and men during their stay in a Member State may, depending on the circumstances in the country of origin, be regarded as belonging to a 'particular social group', constituting a 'reason for persecution' capable of leading to the recognition of refugee status.

Two Iraqi teenagers have been staying in the Netherlands continuously since 2015. After their initial applications for international protection were rejected, they submitted subsequent applications. In support of those applications, they stated that, due to their long stay in the Netherlands, they have adopted the norms, values and conduct of young people of their age in that society. They claim that, if they return to Iraq, they would be unable to conform to the norms of a society which does not afford women and girls the same rights as men and fear being exposed to a risk of persecution due to the identity which they have formed in the Netherlands.

Those subsequent applications were also rejected by the Dutch authorities and those young women brought proceedings before the Netherlands court which decided to refer to the Court of Justice a question on the interpretation of Directive 2011/95 on international protection, which lays down the conditions for granting refugee status to third-country nationals. That status is to be granted in cases where a third-country national is persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group ¹.

In its judgment, the Court holds that women, including minors, who share as a common characteristic the fact that they genuinely come to identify with the fundamental value of equality between women and men during their stay in a Member State may, depending on the circumstances in the country of origin, be regarded as belonging to a 'particular social group', constituting a 'reason for persecution' capable of leading to the recognition of refugee status.

It clarifies that, where an applicant for international protection is a minor, the national authorities must take into account his or her best interests in connection with an individual examination concerning the merits of the application for international protection submitted by that minor.

Furthermore, for the purpose of assessing an application for international protection based on a reason for persecution such as 'membership of a particular social group', a long stay in a Member State may be taken into account, especially where it coincides with a period during which an applicant who is a minor has formed his or her identity.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Pictures of the delivery of the judgment are available from "[Europe by Satellite](#)" ☎ (+32) 2 2964106.

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¹ Directive [2011/95/EU](#) of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.