



Doc. 12687

18 July 2011

Gender-related claims for asylum

Reply to Recommendation¹: Recommendation 1940 (2010)
Committee of Ministers

1. The Committee of Ministers has taken note of Parliamentary Assembly [Recommendation 1940 \(2011\)](#) on “Gender-related claims for asylum” which proposes measures to ensure that greater account is taken of gender-based violence and gender-related persecution in asylum procedures. It has brought the recommendation to the attention of the governments of the member states so that they may draw on it where needed for their asylum systems. It has also communicated the recommendation to the Steering Committee for Human Rights (CDDH) and the Steering Committee for Equality between Women and Men (CDEG) for information and possible comments.

2. Regarding the Parliamentary Assembly’s suggestion to carry out a study on various aspects of gender-based violence, the Committee of Ministers recalls that Recommendation Rec(2002)5 on the protection of women against violence sets out a number of general measures for protecting women against any form of violence, including “female genital mutilation, trafficking in human beings and so-called ‘honour crimes’”. Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building calls for action to “integrate a gender perspective in the arrangements and procedures for granting asylum and receiving refugees and other displaced persons”.

3. The implementation of those recommendations is being or will be monitored, and this process has already yielded information on the issues raised by the Assembly, notably within the framework of the third round of monitoring the implementation of the aforementioned Recommendation Rec(2002)5. These activities might be further developed along the lines advocated by the Assembly, and current work on devising indicators for monitoring implementation of Recommendation CM/Rec(2010)10 might also draw on the Assembly’s proposals. Consequently, the Committee of Ministers does not consider it necessary at this stage to embark on the preparation of a specific study on the question of gender-related claims for asylum.

4. Furthermore, the Committee of Ministers wishes to inform the Assembly that Article 60 of the Council of Europe Convention on preventing and combating violence against women and domestic violence, which was opened for signature on 11 May 2011 in Istanbul, covers the matter of gender-based asylum claims. In particular, the Parties to the Convention commit to take “the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A (2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm giving rise to complementary/subsidiary protection. Parties shall ensure that a gender-sensitive interpretation is given to each of the Convention grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments”. The Convention also stipulates that “Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection”.

1. adopted at the 1118th meeting of the Ministers’ Deputies (6 July 2011)

