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Judgment of the Court in Case C-621/21 | Intervjuirasht organ na DAB pri MS (Women who are victims of domestic violence)

Violence against women: the Court clarifies the conditions for qualifying for international protection

Women, as a whole, may be regarded as belonging to a social group, within the meaning of Directive 2011/95, and qualify for refugee status if the conditions laid down by that directive are satisfied. This will be the case 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 the conditions for granting refugee status are not satisfied, they may qualify for subsidiary protection status, in particular where they run a real risk of being killed or subjected to violence.

A Turkish national, who is of Kurdish origin, a Muslim and divorced and who claims that she was forced to marry by her family and was beaten and threatened by her husband, feared for her life if she had to return to Türkiye and lodged an application for international protection in Bulgaria.

The Bulgarian court hearing the case decided to refer questions to the Court of Justice.

Directive 2011/95¹ lays down the conditions for granting refugee status and subsidiary protection status to third-country nationals. **Refugee 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. **Subsidiary protection** is to be granted to a third-country national who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that that person, if returned to his or her country of origin, would face a real risk of suffering serious harm, which includes, inter alia, execution and inhuman or degrading treatment.

The Court finds that **the Directive must be interpreted consistently with the Istanbul Convention², 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 the conditions for granting refugee status are not satisfied, they may qualify for **subsidiary protection, including where there is a real risk of being killed or subjected to acts of violence inflicted by a member of their family or community** due to the alleged transgression of cultural, religious or traditional norms.

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.

² Council of Europe Convention on preventing and combating violence against women and domestic violence of 11 May 2011.