



C/2024/4433

22.7.2024

Judgment of the Court (Grand Chamber) of 11 June 2024 (request for a preliminary ruling from the rechtbank Den Haag, zittingsplaats 's-Hertogenbosch – Netherlands) – K, L v Staatssecretaris van Justitie en Veiligheid

(Case C-646/21, ⁽¹⁾ Staatssecretaris van Justitie en Veiligheid (Women identifying with the value of gender equality))

(Reference for a preliminary ruling – Area of freedom, security and justice – Common asylum policy – Directive 2011/95/EU – Qualification for refugee status – Article 2(d) and (e) – Reasons for persecution – Article 10(1)(d) and (2) – ‘Membership of a particular social group’ – Article 4 – Individual assessment of the facts and circumstances – Directive 2013/32/EU – Article 10(3) – Requirements for the examination of applications for international protection – Article 24(2) of the Charter of Fundamental Rights of the European Union – Best interests of the child – Determination – Third-country nationals who are minors and who identify with the fundamental value of equality between women and men by reason of their stay in a Member State)

(C/2024/4433)

Language of the case: Dutch

Referring court

Rechtbank Den Haag, zittingsplaats 's-Hertogenbosch

Parties to the main proceedings

Applicants: K, L

Defendant: Staatssecretaris van Justitie en Veiligheid

Operative part of the judgment

1. Article 10(1)(d) and (2) of 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

must be interpreted as meaning that depending on the circumstances in the country of origin, women who are nationals of that country, 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 be regarded as belonging to ‘a particular social group’, constituting a ‘reason for persecution’ capable of leading to the recognition of refugee status.

2. Article 24(2) of the Charter of Fundamental Rights of the European Union

must be interpreted as precluding the competent national authority from deciding upon an application for international protection submitted by a minor without having concretely determined the best interests of that minor in the context of an individual assessment.

⁽¹⁾ OJ C 24, 17.1.2022.