

*Respondent authority:* Bundesamt für Fremdenwesen und Asyl (BFA)

### Questions referred

1. Is the accumulation of measures taken, supported or tolerated in a State by a de facto government actor and consisting, in particular, of the fact that women
  - are denied participation in political office and political decision-making processes,
  - are provided with no legal means to be able to obtain protection from gender-based and domestic violence,
  - are generally at risk of forced marriages; even though they have been prohibited by the de facto government actor, women are not afforded effective protection against forced marriages and such marriages are sometimes performed with the participation of de facto government actors in the knowledge that it is a forced marriage,
  - are not allowed to engage in gainful employment or are allowed to do so only to a limited extent, mainly at home,
  - have difficulties in accessing health facilities,
  - are fully or largely denied access to education (for example by allowing girls only a primary school education),
  - are not allowed to be or move about in public without being accompanied by a man (who must be of a certain family relationship) or, at most, are permitted to do so only a certain distance from home,
  - must completely cover their bodies and veil their faces in public,
  - may not take part in any sports,

as referred to in Article 9(1)(b) of Directive 2011/95/EU<sup>(1)</sup> 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 (recast), to be regarded as sufficiently severe as to affect a woman in a similar manner as described in Article 9(1)(a) of that directive?

2. Is it sufficient, for the granting of asylum status, that a woman is affected by those measures in the country of origin merely on the basis of her gender, or is it necessary to assess a woman's individual situation in order to determine whether she is affected by those measures — to be considered in their entirety — within the meaning of Article 9(1)(b) of Directive 2011/95/EU?

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<sup>(1)</sup> OJ 2011 L 337, p. 9.

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### Request for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 22 September 2022 — FN

(Case C-609/22)

(2023/C 15/26)

*Language of the case: German*

### Referring court

Verwaltungsgerichtshof

### Parties to the main proceedings

*Appellant on a point of law:* FN

*Respondent authority:* Bundesamt für Fremdenwesen und Asyl (BFA)

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1. Is the accumulation of measures taken, supported or tolerated in a State by a de facto government actor and consisting, in particular, of the fact that women

- are denied participation in political office and political decision-making processes,
- are provided with no legal means to be able to obtain protection from gender-based and domestic violence,
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- are not allowed to engage in gainful employment or are allowed to do so only to a limited extent, mainly at home,
- have difficulties in accessing health facilities,
- are fully or largely denied access to education (for example by allowing girls only a primary school education),
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<sup>(1)</sup> OJ 2011 L 337, p. 9.

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**Request for a preliminary ruling from the Conseil d'État (France) lodged on 30 September 2022 —  
Société BP France v Ministre de l'Économie, des Finances et de la Souveraineté industrielle et  
numérique**

**(Case C-624/22)**

(2023/C 15/27)

*Language of the case: French*

### Referring court

Conseil d'État