

Case Law: Cour Nationale du Droit d'Asile (*National Court of Asylum), Diara-Kouyate, 12.03.2009 (France)

Subsidiary protection (1 year, renewable)

Asylum Provisions

Definition of 'refugee' in asylum law

This act introduces a sub-category among asylum seekers. A subsidiary protection can be granted to those who do not meet the criteria stated in FR_01_LEG3, later FR_05_LEG3, notably if they are threatened to be executed or at risk of suffering inhuman or degrading treatments.

Definition of 'particular social group' and type(s) of persecution addressed

Re-establishes the principle of family unity, granting subsidiary protection to a woman whom children were born in France from a man legally established in France, but would be exposed to FGM if returning in Mali as result of her separation from the father due to domestic violence problems. The annual renewal of the medical certificate (not addressed in this case), is maintained

Number of asylum cases granted on the ground of FGM

248 in 2010 (20% of subsidiary protection granted to female asylum seekers). This data is only for adult demanders. Besides, 1.179 medical certificates were produced for children in 2010 to renew subsidiary protection on the ground of FGM risk.

Source

<http://www.rajfire.free.fr> http://rajfire.free.fr/IMG/pdf/Decisions_sections_reunies_sur_excision.pdf

Metadata

TYPE: Policy / Legislation

LANGUAGE: French

TYPES OF GBV: Female Genital Mutilation

KEYWORDS: female genital mutilation, gender-based violence, legislation, asylum seekers, asylum provisions