



Freedom, Security & Justice:  
European Legal Studies

Rivista giuridica di classe A

2026, n. 1

EDITORIALE  
SCIENTIFICA



## DIRETRICE

### Angela Di Stasi

Ordinario di Diritto Internazionale e di Diritto dell'Unione europea, Università di Salerno  
Titolare della Cattedra Jean Monnet 2017-2020 (Commissione europea)  
"Judicial Protection of Fundamental Rights in the European Area of Freedom, Security and Justice"

## CONSIGLIO SCIENTIFICO

**Giandonato Caggiano**, Ordinario f.r. di Diritto dell'Unione europea, Università Roma Tre  
**Sergio Maria Carbone**, Professore Emerito, Università di Genova  
**Roberta Clerici**, Ordinario f.r. di Diritto Internazionale privato, Università di Milano †  
**Nigel Lowe**, Professor Emeritus, University of Cardiff  
**Paolo Mengozzi**, Professore Emerito, Università "Alma Mater Studiorum" di Bologna - già Avvocato generale presso la Corte di giustizia dell'UE  
**Massimo Panebianco**, Professore Emerito, Università di Salerno  
**Nicoletta Parisi**, Ordinario f.r. di Diritto Internazionale, Università di Catania - già Componente ANAC  
**Guido Raimondi**, già Presidente della Corte EDU - già Presidente di Sezione della Corte di Cassazione  
**Silvana Sciarra**, Professore Emerito, Università di Firenze - Presidente Emerito della Corte Costituzionale  
**Giuseppe Tesaurò**, Professore f.r. di Diritto dell'UE, Università di Napoli "Federico II" - Presidente Emerito della Corte Costituzionale †  
**Antonio Tizzano**, Professore Emerito, Università di Roma "La Sapienza" - Vice Presidente Emerito della Corte di giustizia dell'UE  
**Ennio Triggiani**, Professore Emerito, Università di Bari †  
**Ugo Villani**, Professore Emerito, Università di Bari

## COMITATO EDITORIALE

**Maria Caterina Baruffi**, Ordinario di Diritto Internazionale, Università di Bergamo  
**Alfonso-Luis Calvo Caravaca**, Catedrático Jubilado de Derecho Internacional Privado, Universidad Carlos III de Madrid  
**Ida Caracciolo**, Ordinario di Diritto Internazionale, Università della Campania - Giudice dell'ITLOS  
**Pablo Antonio Fernández-Sánchez**, Catedrático de Derecho Internacional, Universidad de Sevilla  
**Inge Govaere**, Director of the European Legal Studies Department, College of Europe, Bruges  
**Paola Mori**, Ordinario f.r. di Diritto dell'Unione europea, Università "Magna Graecia" di Catanzaro  
**Lina Panella**, Ordinario f.r. di Diritto Internazionale, Università di Messina  
**Lucia Serena Rossi**, Ordinario di Diritto dell'UE, Università "Alma Mater Studiorum" di Bologna - già Giudice della Corte di giustizia dell'UE

## COMITATO DEI REFEREEES

**Bruno Barel**, Associato f.r. di Diritto dell'Unione europea, Università di Padova  
**Marco Benvenuti**, Ordinario di Istituzioni di Diritto pubblico, Università di Roma "La Sapienza"  
**Francesco Buonomenna**, Associato di Diritto dell'Unione europea, Università di Salerno  
**Raffaele Cadin**, Ordinario di Diritto Internazionale, Università di Roma "La Sapienza"  
**Ruggiero Cafari Panico**, Ordinario f.r. di Diritto dell'Unione europea, Università di Milano  
**Federico Casolari**, Ordinario di Diritto dell'Unione europea, Università "Alma Mater Studiorum" di Bologna  
**Luisa Cassetti**, Ordinario di Istituzioni di Diritto Pubblico, Università di Perugia  
**Anna Cavaliere**, Associato di Filosofia del diritto, Università di Salerno  
**Giovanni Cellamare**, Ordinario f.r. di Diritto Internazionale, Università di Bari  
**Giuseppe D'Angelo**, Ordinario di Diritto e religione, Università di Salerno  
**Sara De Vido**, Ordinario di Diritto Internazionale, Università Ca' Foscari Venezia  
**Valeria Di Comite**, Ordinario di Diritto dell'Unione europea, Università di Bari "Aldo Moro"  
**Marcello Di Filippo**, Ordinario di Diritto Internazionale, Università di Pisa  
**Carmela Elefante**, Associato di Diritto e religione, Università di Salerno  
**Rosario Espinosa Calabuig**, Catedrática de Derecho Internacional Privado, Universitat de València  
**Valentina Faggiani**, Profesora Titular de Derecho Constitucional, Universidad de Granada  
**Caterina Fratea**, Associato di Diritto dell'Unione europea, Università di Verona  
**Ana C. Gallego Hernández**, Profesora Ayudante de Derecho Internacional Público y Relaciones Internacionales, Universidad de Sevilla  
**Pietro Gargiulo**, Ordinario f.r. di Diritto Internazionale, Università di Teramo  
**Francesca Graziani**, Associato di Diritto Internazionale, Università della Campania "Luigi Vanvitelli"  
**Giancarlo Guarino**, Ordinario f.r. di Diritto Internazionale, Università di Napoli "Federico II"  
**Elsbeth Guild**, Associate Senior Research Fellow, CEPS  
**Victor Luis Gutiérrez Castillo**, Profesor de Derecho Internacional Público, Universidad de Jaén  
**Ivan Ingravallo**, Ordinario di Diritto Internazionale, Università di Bari  
**Paola Ivaldi**, Ordinario di Diritto Internazionale, Università di Genova  
**Luigi Kalb**, Ordinario f.r. di Procedura Penale, Università di Salerno  
**Luisa Marin**, Ricercatore di Diritto dell'UE, Università dell'Insubria  
**Simone Marinai**, Associato di Diritto dell'Unione europea, Università di Pisa  
**Fabrizio Marongiu Buonaiuti**, Ordinario di Diritto Internazionale, Università di Macerata  
**Rostane Medhi**, Professeur de Droit Public, Université d'Aix-Marseille  
**Michele Messina**, Ordinario di Diritto dell'Unione europea, Università di Messina  
**Stefano Montaldo**, Associato di Diritto dell'Unione europea, Università di Torino  
**Violeta Moreno-Lax**, Senior Lecturer in Law, Queen Mary University of London  
**Claudia Morviducci**, Professore Senior di Diritto dell'Unione europea, Università Roma Tre  
**Michele Nino**, Ordinario di Diritto Internazionale, Università di Salerno  
**Criseide Novi**, Associato di Diritto Internazionale, Università di Foggia  
**Anna Oriolo**, Associato di Diritto Internazionale, Università di Salerno  
**Leonardo Pasquali**, Ordinario di Diritto internazionale, Università di Pisa  
**Piero Pennetta**, Ordinario f.r. di Diritto Internazionale, Università di Salerno  
**Francesca Perrini**, Associato di Diritto Internazionale, Università di Messina  
**Gisella Pignataro**, Associato di Diritto privato comparato, Università di Salerno  
**Emanuela Pistoia**, Ordinario di Diritto dell'Unione europea, Università di Teramo  
**Anna Pitrone**, Associato di Diritto dell'Unione europea, Università di Messina  
**Concetta Maria Pontecorvo**, Ordinario di Diritto Internazionale, Università di Napoli "Federico II"  
**Pietro Pustorino**, Ordinario di Diritto Internazionale, Università LUISS di Roma  
**Santiago Ripol Carulla**, Catedrático de Derecho internacional público, Universitat Pompeu Fabra Barcelona  
**Angela Maria Romito**, Associato di Diritto dell'Unione europea, Università di Bari  
**Gianpaolo Maria Ruotolo**, Ordinario di Diritto Internazionale, Università di Foggia  
**Teresa Russo**, Associato di Diritto dell'Unione europea, Università di Salerno  
**Alessandra A. Souza Silveira**, Diretora do Centro de Estudos em Direito da UE, Universidad do Minho  
**Ángel Tinoco Pastrana**, Profesor de Derecho Procesal, Universidad de Sevilla  
**Sara Tonolo**, Ordinario di Diritto Internazionale, Università degli Studi di Padova  
**Chiara Enrica Tuo**, Ordinario di Diritto dell'Unione europea, Università di Genova  
**Talitha Vassalli di Dachenhausen**, Ordinario f.r. di Diritto Internazionale, Università di Napoli "Federico II"  
**Valentina Zambrano**, Associato di Diritto Internazionale, Università di Roma "La Sapienza"  
**Alessandra Zanobetti**, Ordinario f.r. di Diritto Internazionale, Università "Alma Mater Studiorum" di Bologna

## COMITATO DI REDAZIONE

**Angela Festa**, Docente incaricato di Diritto dell'Unione europea, Università della Campania "Luigi Vanvitelli"  
**Anna Iermano**, Associato di Diritto Internazionale, Università di Salerno  
**Daniela Marrani**, Associato di Diritto Internazionale, Università di Salerno  
**Rossana Palladino** (Coordinatore), Associato di Diritto dell'Unione europea, Università di Salerno  
**Revisione linguistica degli abstracts a cura di**  
**Francesco Campofreda**, Dottore di ricerca in Diritto Internazionale, Università di Salerno

## DIRETTRICE

### Angela Di Stasi

Ordinario di Diritto Internazionale e di Diritto dell'Unione europea, Università di Salerno  
Titolare della Cattedra Jean Monnet 2017-2020 (Commissione europea)  
"Judicial Protection of Fundamental Rights in the European Area of Freedom, Security and Justice"

## CONSIGLIO SCIENTIFICO

**Giandonato Caggiano**, Ordinario f.r. di Diritto dell'Unione europea, Università Roma Tre  
**Sergio Maria Carbone**, Professore Emerito, Università di Genova  
**Roberta Clerici**, Ordinario f.r. di Diritto Internazionale privato, Università di Milano †  
**Nigel Lowe**, Professor Emeritus, University of Cardiff  
**Paolo Mengozzi**, Professore Emerito, Università "Alma Mater Studiorum" di Bologna - già Avvocato generale presso la Corte di giustizia dell'UE  
**Massimo Panebianco**, Professore Emerito, Università di Salerno  
**Nicoletta Parisi**, Ordinario f.r. di Diritto Internazionale, Università di Catania - già Componente ANAC  
**Guido Raimondi**, già Presidente della Corte EDU - già Presidente di Sezione della Corte di Cassazione  
**Silvana Sciarra**, Professore Emerito, Università di Firenze - Presidente Emerito della Corte Costituzionale  
**Giuseppe Tesaurò**, Professore f.r. di Diritto dell'UE, Università di Napoli "Federico II" - Presidente Emerito della Corte Costituzionale †  
**Antonio Tizzano**, Professore Emerito, Università di Roma "La Sapienza" - Vice Presidente Emerito della Corte di giustizia dell'UE  
**Ennio Triggiani**, Professore Emerito, Università di Bari †  
**Ugo Villani**, Professore Emerito, Università di Bari

## COMITATO EDITORIALE

**Maria Caterina Baruffi**, Ordinario di Diritto Internazionale, Università di Bergamo  
**Alfonso-Luis Calvo Caravaca**, Catedrático Jubilado de Derecho Internacional Privado, Universidad Carlos III de Madrid  
**Ida Caracciolo**, Ordinario di Diritto Internazionale, Università della Campania - Giudice dell'ITLOS  
**Pablo Antonio Fernández-Sánchez**, Catedrático de Derecho Internacional, Universidad de Sevilla  
**Inge Govaere**, Director of the European Legal Studies Department, College of Europe, Bruges  
**Paola Mori**, Ordinario f.r. di Diritto dell'Unione europea, Università "Magna Graecia" di Catanzaro  
**Lina Panella**, Ordinario f.r. di Diritto Internazionale, Università di Messina  
**Lucia Serena Rossi**, Ordinario di Diritto dell'UE, Università "Alma Mater Studiorum" di Bologna - già Giudice della Corte di giustizia dell'UE

## COMITATO DEI REFEREEES

**Bruno Barel**, Associato f.r. di Diritto dell'Unione europea, Università di Padova  
**Marco Benvenuti**, Ordinario di Istituzioni di Diritto pubblico, Università di Roma "La Sapienza"  
**Francesco Buonomenna**, Associato di Diritto dell'Unione europea, Università di Salerno  
**Raffaele Cadin**, Ordinario di Diritto Internazionale, Università di Roma "La Sapienza"  
**Ruggiero Cafari Panico**, Ordinario f.r. di Diritto dell'Unione europea, Università di Milano  
**Federico Casolari**, Ordinario di Diritto dell'Unione europea, Università "Alma Mater Studiorum" di Bologna  
**Luisa Cassetti**, Ordinario di Istituzioni di Diritto Pubblico, Università di Perugia  
**Anna Cavaliere**, Associato di Filosofia del diritto, Università di Salerno  
**Giovanni Cellamare**, Ordinario f.r. di Diritto Internazionale, Università di Bari  
**Giuseppe D'Angelo**, Ordinario di Diritto e religione, Università di Salerno  
**Sara De Vido**, Ordinario di Diritto Internazionale, Università Ca' Foscari Venezia  
**Valeria Di Comite**, Ordinario di Diritto dell'Unione europea, Università di Bari "Aldo Moro"  
**Marcello Di Filippo**, Ordinario di Diritto Internazionale, Università di Pisa  
**Carmela Elefante**, Associato di Diritto e religione, Università di Salerno  
**Rosario Espinosa Calabuig**, Catedrática de Derecho Internacional Privado, Universitat de València  
**Valentina Faggiani**, Profesora Titular de Derecho Constitucional, Universidad de Granada  
**Caterina Fratea**, Associato di Diritto dell'Unione europea, Università di Verona  
**Ana C. Gallego Hernández**, Profesora Ayudante de Derecho Internacional Público y Relaciones Internacionales, Universidad de Sevilla  
**Pietro Gargiulo**, Ordinario f.r. di Diritto Internazionale, Università di Teramo  
**Francesca Graziani**, Associato di Diritto Internazionale, Università della Campania "Luigi Vanvitelli"  
**Giancarlo Guarino**, Ordinario f.r. di Diritto Internazionale, Università di Napoli "Federico II"  
**Elsbeth Guild**, Associate Senior Research Fellow, CEPS  
**Victor Luis Gutiérrez Castillo**, Profesor de Derecho Internacional Público, Universidad de Jaén  
**Ivan Ingravallo**, Ordinario di Diritto Internazionale, Università di Bari  
**Paola Ivaldi**, Ordinario di Diritto Internazionale, Università di Genova  
**Luigi Kalb**, Ordinario f.r. di Procedura Penale, Università di Salerno  
**Luisa Marin**, Ricercatore di Diritto dell'UE, Università dell'Insubria  
**Simone Marinai**, Associato di Diritto dell'Unione europea, Università di Pisa  
**Fabrizio Marongiu Buonaiuti**, Ordinario di Diritto Internazionale, Università di Macerata  
**Rostane Medhi**, Professeur de Droit Public, Université d'Aix-Marseille  
**Michele Messina**, Ordinario di Diritto dell'Unione europea, Università di Messina  
**Stefano Montaldo**, Associato di Diritto dell'Unione europea, Università di Torino  
**Violeta Moreno-Lax**, Senior Lecturer in Law, Queen Mary University of London  
**Claudia Morviducci**, Professore Senior di Diritto dell'Unione europea, Università Roma Tre  
**Michele Nino**, Ordinario di Diritto Internazionale, Università di Salerno  
**Criseide Novi**, Associato di Diritto Internazionale, Università di Foggia  
**Anna Oriolo**, Associato di Diritto Internazionale, Università di Salerno  
**Leonardo Pasquali**, Ordinario di Diritto internazionale, Università di Pisa  
**Piero Pennetta**, Ordinario f.r. di Diritto Internazionale, Università di Salerno  
**Francesca Perrini**, Associato di Diritto Internazionale, Università di Messina  
**Giuseppina Pignataro**, Associato di Diritto privato comparato, Università di Salerno  
**Emanuela Pistoia**, Ordinario di Diritto dell'Unione europea, Università di Teramo  
**Anna Pitrone**, Associato di Diritto dell'Unione europea, Università di Messina  
**Concetta Maria Pontecorvo**, Ordinario di Diritto Internazionale, Università di Napoli "Federico II"  
**Pietro Pustorino**, Ordinario di Diritto Internazionale, Università LUISS di Roma  
**Santiago Ripol Carulla**, Catedrático de Derecho internacional público, Universitat Pompeu Fabra Barcelona  
**Angela Maria Romito**, Associato di Diritto dell'Unione europea, Università di Bari  
**Gianpaolo Maria Ruotolo**, Ordinario di Diritto Internazionale, Università di Foggia  
**Teresa Russo**, Associato di Diritto dell'Unione europea, Università di Salerno  
**Alessandra A. Souza Silveira**, Diretora do Centro de Estudos em Direito da UE, Universidad do Minho  
**Ángel Tinoco Pastrana**, Profesor de Derecho Procesal, Universidad de Sevilla  
**Sara Tonolo**, Ordinario di Diritto Internazionale, Università degli Studi di Padova  
**Chiara Enrica Tuo**, Ordinario di Diritto dell'Unione europea, Università di Genova  
**Talitha Vassalli di Dachenhausen**, Ordinario f.r. di Diritto Internazionale, Università di Napoli "Federico II"  
**Valentina Zambrano**, Associato di Diritto Internazionale, Università di Roma "La Sapienza"  
**Alessandra Zanobetti**, Ordinario f.r. di Diritto Internazionale, Università "Alma Mater Studiorum" di Bologna

## COMITATO DI REDAZIONE

**Angela Festa**, Docente incaricato di Diritto dell'Unione europea, Università della Campania "Luigi Vanvitelli"  
**Anna Iermano**, Associato di Diritto Internazionale, Università di Salerno  
**Daniela Marrani**, Associato di Diritto Internazionale, Università di Salerno  
**Rossana Palladino** (Coordinatore), Associato di Diritto dell'Unione europea, Università di Salerno  
**Revisione linguistica degli abstracts a cura di**  
**Francesco Campofreda**, Dottore di ricerca in Diritto Internazionale, Università di Salerno



## Indice-Sommario 2026, n. 1

### Editoriale

La *vis expansiva* del diritto dell'Unione europea con riguardo agli *status* personali e familiari p. 1  
*Maria Caterina Baruffi*

### Saggi, Articoli e Commenti

La Carta sociale europea alla prova della rivendicazione dei diritti sociali da parte dei beneficiari di protezione internazionale con particolare riferimento al diritto alla salute e alla situazione dei rom in Italia p. 12

*Raffaele Cadin, Valentina Zambrano*

Some reflections about due diligence by the State in the protection against gender-based violence in Europe p. 43

*Elena Martínez García*

European Arrest Warrant in (post) pandemic times: challenges and opportunities p. 56

*Esther Montero Pérez de Tudela, Pilar Martín-Ríos*

(Im)mobility in the context of climate change: between legal challenges and legal experiments p. 82

*Marie Courtoy, Francesco Luigi Gatta*

Sulla tutela risarcitoria per le vittime dei crimini internazionali in Siria nello spazio giudiziario europeo p. 118

*Francesca Tammone*

### FOCUS

#### **Vulnerabilità legate al genere: nuove sfide per la tutela di migranti e richiedenti asilo**

*Il focus raccoglie i contributi selezionati a seguito di call for papers promossa dal Gruppo di interesse "Diritto internazionale ed europeo delle migrazioni e dell'asilo (DIEMA)" della Società italiana di Diritto internazionale e di Diritto dell'Unione europea (SIDI).*

Introduction to the Focus 'Gender-related vulnerabilities: new challenges for the protection of migrants and asylum seekers' p. 144

*Sara Tonolo*

Dal contesto afghano a due nuovi principi di rilevanza generale: il rafforzamento della dimensione di genere nella nozione di rifugiato dopo la sentenza della Corte di giustizia dell'UE *AH e FN* del 4 ottobre 2024 p. 154

*Mariano Manuel Bartiromo*



- Applying intersectionality to gender discrimination in International refugee law: the case of women asylum seekers p. 187  
*Elisabetta Belardo*
- Il nuovo Patto europeo su migrazione e asilo alla luce della Convenzione di Istanbul del Consiglio d'Europa: verso l'incorporazione di una prospettiva sempre più sensibile al genere? p. 210  
*Sara De Vido*
- Dialogue across Courts: the CJEU, the ECtHR, and the rights of migrant women p. 235  
*Sanna Elfving*
- L'emersione delle vulnerabilità di genere nello *screening* pre-ingresso: quale tutela effettiva per le donne vittime di tratta? p. 258  
*Elisabetta Lambiase*
- Género y desprotección en frontera: retos del Pacto europeo de migración y asilo y en el archipiélago canario p. 288  
*Marina Lara Orin López*
- Orientamento sessuale e tutela dei diritti fondamentali: quale tensione con le esigenze di valutazione della credibilità del richiedente protezione internazionale? p. 301  
*Attilio Senatore*
- Forced labour, trafficking, and structural exploitation of women migrant workers: International legal perspectives p. 332  
*Silvia Solidoro*



## INTRODUCTION TO THE FOCUS ‘GENDER-RELATED VULNERABILITIES: NEW CHALLENGES FOR THE PROTECTION OF MIGRANTS AND ASYLUM SEEKERS’

Sara Tonolo\*

SUMMARY: 1. Preliminary Remarks. – 2. Lights and Shadows in the new CEAS. – 3. Issues at Stake.

### 1. Preliminary Remarks

It is generally recognized that gender is a crucial factor in the migration journey.<sup>1</sup> This often reflects in discriminatory treatments that accentuate existing inequalities between men and women, as well as in the risk of falling into the network of trafficking, forced labor and/or prostitution.<sup>2</sup> Migrant women, migrant LGBTQ+ persons have different reception needs, and it is possible to affirm that they are particularly vulnerable to violations of their rights, being subject to some of the different types of vulnerabilities, which, adding up, accentuate their need for protection.

Furthermore, the gender factor is relevant among the aspects that exacerbate persecution in violent contexts.

Violence as an instrument of power in Hannah Arendt’s ideal construction<sup>3</sup>, or as a tool to support power relations that have taken root and reproduce in society, can be

---

\* Full Professor of International Law- Law School, Department of Public Law, International Law and EU Law, Padua University. E-mail: [sara.tonolo@unipd.it](mailto:sara.tonolo@unipd.it).

<sup>1</sup> Statistical data show that almost half of migrants are women. Specifically, the percentage of female migrants decreased from 49.4% in 2000 to 48.1% in 2020. Cf. United Nations Department of Economic and Social Affairs (UN DESA), Population Division, International Migration Stock 2020, available at the following link: <https://www.un.org/development/desa/pd/content/international-migrant-stock>. See A. DI STASI, R. CADIN, A. IERMANO, V. ZAMBRANO (eds.), *Migrant Women and Gender-Based Violence in the International and European Framework*, Naples, 2023, <https://editorialescientifica.it/wp-content/uploads/2023/08/A.-Di-Stasi-R.-Cadin-A.-Iermano-V.-Zambrano-a-cura-di-Donne-migranti-e-violenza-di-genere-nel-contesto-giuridico-internazionale-ed-europeo.pdf>.

<sup>2</sup> As highlighted by UN Women, a specialized agency of the United Nations that works to promote gender equality and women’s empowerment, according to whose report “[m]igrant women are commonly subjected to multiple and intersecting forms of discrimination, as women, as migrants, and often on additional grounds such as, inter alia, race, sexuality or belonging to a minority group. Migrant women face higher risks of sexual and gender-based violence (including early and forced marriage, transactional sex/survival sex, domestic violence, rape, sexual harassment and physical assault), psychosocial stress and trauma, health complications, physical harm, injury and exploitation”. Cfr. UN Women, *Making gender-responsive migration laws*, 2017, available at the following link: <https://www.unwomen.org/en/digital-library/publications/2017/7/making-gender-responsive-migration-laws>.

<sup>3</sup> H. ARENDT, *On Violence*, New York, 1970, <https://grattoncourses.wordpress.com/wp-content/uploads/2019/12/hannah-arendt-on-violence-harcourt-brace-jovanovich-1969.pdf>.

considered as a unifying element of various situations. This also occurs when the State tolerates manifestations of violence in private relationships, for example when authorities do not respond immediately to victims' reports or when they do not carry out an adequate risk assessment to prevent the escalation of violent behaviors.

The number of people living in areas affected by ongoing armed conflicts, the resulting humanitarian needs at a global level, and the consequent risks of trafficking, are data that, read together, help to focus on the dramatic number of people who potentially live today in a condition of slavery determined by war.

According to the United Nations Security Council report of January 28, 2022, two billion people currently live in conflict-affected areas, 274 million of whom need humanitarian assistance.<sup>4</sup> Even before the crises in Afghanistan and Ukraine arose, 12% of trafficking victims came from countries at war.

More generally, all humanitarian crisis situations, including environmental disasters and the emergency generated by the COVID-19 pandemic, amplify the vulnerability factors that can lead to an increase in violations of fundamental rights.<sup>5</sup>

For the purposes of international protection of victims of gender-based violence in such contexts it should be noted that, according to the 1951 Geneva Convention<sup>6</sup>, the main elements present in the definition of refugee are three: a) a well-founded fear of persecution; b) a causal link between this fear and one of the following reasons: race, religion, nationality, membership of a particular social group, political opinion; c) the impossibility or unwillingness of the individual to avail themselves of the protection of their national State or to return there because of this fear. Although Article 1A(2) of the Geneva Convention does not expressly mention sex or gender, the United Nations High

---

<sup>4</sup> UNODC, *Global Report on trafficking in persons*, 2022, available at [https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP\\_2022\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf). The majority of armed conflicts recorded between 2020 and 2022 occurred in sub-Saharan Africa, followed by North Africa, the Middle East, Asia, the Americas, and Europe: see *Stockholm International Peace Research Institute, Sipri Yearbook 2022, Armament, Disarmament and International Security*, SIPRI, 2022, p. 2.

<sup>5</sup> Consider, for example, the well-known case concerning structural and systemic violence against Iranian women, subject to a form of State violence, whose civil rights are constantly trampled upon for the mere fact of being a woman; Mahsa (Jina) Amini, 22 years old, died on September 16, 2022 in Tehran, after being arrested by the police because she was not wearing her veil correctly. The episode sparked revolt throughout the country, as well as harsh repression by the regime. Being a woman in Iran is therefore a condition of persecution – which combines more than one of the reasons indicated by the 1951 Geneva Convention, both belonging to a social group and political condition – that can give rise to a request and subsequent acceptance of a request for international protection. See UN Women, *Statement on women's rights in Iran*, 27 September 2022, <https://www.unwomen.org/en/news-stories/statement/2022/09/un-women-statement-on-womens-rights-in-iran>; UN News, *UN condemns violent crackdown against hijab protests*, 27 September 2022, <https://news.un.org/en/story/2022/09/1128111>.

<sup>6</sup> See J.Y. CARLIER, *Et Genève sera... la définition du réfugié: bilan et perspectives*, in *La Convention de Genève du 28 juillet 1951 relative au statut des réfugiés 50 ans après: bilan et perspectives*, Bruxelles, 2001, p. 63 ff.; J.C. HATHAWAY, *The Rights of Refugees under International Law*, Cambridge, 2005; H. BATTJES, *European Asylum Law and International Law*, The Hague, 2006; G.S. GOODWIN-GILL, J. MC ADAM, *The Refugee in International Law*, Oxford, 2007; T. GAMMELTOFT-HANSEN, *Access to Asylum, International Refugee Law and the Globalisation of Migration Control*, Cambridge, 2011.

Commissioner for Refugees has stated that “the refugee definition, properly interpreted, covers gender related claims”.<sup>7</sup>

In the so-called “social group”, a cause of persecution expressly mentioned by the conventional provision in question, victims of gender-based persecution are also included. This assessment originates precisely from an authoritative interpretative practice of the aforementioned provision offered by the United Nations High Commissioner for Refugees (UNHCR).

Members of the social group share a common characteristic other than the risk of being persecuted, or are perceived as a group by society. Frequently, the characteristic in question is an innate, immutable characteristic, or otherwise of fundamental importance to a person’s identity, conscience or exercise of human rights. This definition includes both historical characteristics, which therefore cannot be changed, and other characteristics that, even if not immutable, are so closely linked to the person’s identity or are expressions of fundamental human rights that the requirement of immutability should not be required. It follows, therefore, that gender can properly be considered as a category that identifies a social group, with women being a clear example of a social subset defined by innate and immutable characteristics, and often being treated differently from men.<sup>8</sup>

An applicant must demonstrate that he/she has a well-founded fear of persecution based on her membership in that particular social group, that he/she does not fall under the exclusion clauses and that she meets the other fundamental criteria, codified by the so-called qualification directive<sup>9</sup> (Articles 9 par. 2 letter f and 10 par. 1 letter d).<sup>10</sup>

Victims of gender-based violence certainly have well-founded reasons to request and obtain international protection, and such violence takes multiple forms as known. Possible and frequent are, in fact, cases in which, for example, a woman suffers from so-called “multiple” discrimination, that is, deriving from a particular status and which is based on racial, religious, ethnic, sexual orientation grounds, for particular conditions such as disability, age, poverty, migration, the circumstance of being an applicant for international protection.<sup>11</sup>

---

<sup>7</sup> UNHCR, *Guidelines on international protection No.1: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, 7 May 2002, par. 6.

<sup>8</sup> See [https://www.unhcr.org/it/wp-content/uploads/sites/97/2020/07/ITA-Gruppo\\_Sociale-1.pdf](https://www.unhcr.org/it/wp-content/uploads/sites/97/2020/07/ITA-Gruppo_Sociale-1.pdf).

<sup>9</sup> 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 (recast)*, of 20 December 2011, in OJ L 337, pp. 9-26.

<sup>10</sup> In the Italian case-law, see: Court of Milan, January 28, 2019, and February 4, 2019: in the second case, the appeal was filed by a woman from Ivory Coast who was forced, while still a minor, to marry and was subjected, from the beginning of her migration journey, to forms of exploitation and violence specifically motivated by her being a woman in conditions of particular vulnerability. Also noteworthy are the decree of the Court of Bologna, May 4, 2018, No. 1111, and that of the Court of Trento, June 5, 2019, No. 1125.

<sup>11</sup> A. C. HELTON, *Persecution on Account of Membership in A Social Group As a Basis for Refugee Status*, in *Columbia Human Rights Law Review*, pp. 1983-1984, p. 39 ff.

The intersection between vulnerabilities and violence is typical of various contexts and forms of gender-specific inequality and violence. In Iraq for example Christian men and women are equally affected by persecutions, but this happens in different forms: from the most obvious method, which is sexual violence or the threat of sexual violence, to forced marriages. But there's also psychological violence, kidnappings, house arrest, and child abduction. In countries like Pakistan, many women are kidnapped to be given as brides, Christian women who, after forced marriage, in addition to the violence suffered, are also forced to convert to their husband's religion. Not to mention human trafficking for sexual exploitation and the actual sale of women, as happens for example in China, where women from North Korea and other countries are sold, given the shortage of women in China produced by selective abortion, to then become wives of Chinese men.<sup>12</sup> In the Middle East, North Africa, and Sub-Saharan Africa, extremists like Boko Haram resort to targeted grooming, forced marriages, and kidnappings as a tool to Islamize Christian girls or Yazidi women.<sup>13</sup>

In this context, the study of gender-based discrimination is framed within this Focus.

The Focus on the gender-related vulnerabilities of migrants and asylum seekers has been launched by the Diema Group of Interest of the Italian Society of International and European Union Law to cover a wide range of issues concerning gender-related migration, including the reasons that lead individuals to leave their country of origin, the heightened risks they encounter during their journey, and the need for specific protection upon arrival. The result is the publication of a Focus made by 8 articles written in Italian, English and Spanish on topics that consider gender-based vulnerability in light of the new CEAS System, and, more generally, the need to follow an international approach in dealing with gender vulnerabilities, whether they concern asylum seekers, migrants victims of trafficking or victims of labour exploitation.

## 2. Lights and Shadows in the new CEAS

Many Papers in this Focus concern highly relevant and timely issues, especially on the eve of the entry into force of the new Common European Asylum System developed by the European Union (EU) that expressly includes gender-sensitive provisions in the

---

<sup>12</sup> T. HESKET, L. LU, Z.W. XING, *The Consequences of son preference and sex selective abortion in China and other Asian countries*, in *CMAJ (Canadian Medical Association Journal)*, 2011, n. 183, pp. 1374-1377; C.Z. GUO, M. DAS GUPTA, S. LI, 'Missing girls' in China and India: trends and policy challenges, in *Asian Population Studies*, 2016, n. 12, pp. 135-155; N. SAIKIA ET. AL., *Trends in missing female at birth in India from 1986 to 2016: analysis of 2.1 million birth histories in nationally representative surveys*, in *The Lancet*, 2021, n. 6, pp. 813-821; R.L.Y. SHAN, *The transformation of abortion law in China*, in M. ZIEGLER (ed.), *Research Handbook on International Abortion Law*, Cheltenham-Northampton, 2023, pp. 260-280.

<sup>13</sup> A/71/303, par. 33; A/HRC/32/CRP.2, paras. 127 and 174.

qualification and asylum procedures regulations<sup>14</sup>, and in the legislation on reception conditions.

The new system, identified as the “fourth phase” in the development of migration and asylum management by the European Union<sup>15</sup>, has been the subject of extensive scholarly debate aimed at highlighting the less protective and more security-oriented features of the framework. Some papers in this focus highlight important issues concerning gender-based problems within migration process. In particular, the new regulations set to enter into force in 2026 expressly emphasize the procedural dimension and the need to take into account individual specificities that have emerged through the case law of the Court of Justice. They strengthen the obligation of individualized assessment and significantly affect the manner in which facts and circumstances relevant to international protection must be ascertained.

The Asylum Procedures Regulation, in recital 21, adds to the framework established by the previous directive that gender sensitivity should focus on the organization of personal interviews “in such a way as to enable applicants of both sexes to speak freely about their past experiences, including in cases where they have suffered persecution on grounds of gender, gender identity or sexual orientation.” It further provides that “at the applicant’s request and where possible, the personnel conducting the interview and the interpreter should be of the sex preferred by the applicant,” as well as the need to “duly take into account the complexity of claims with gender implications in all procedures.” The Qualification Regulation also makes explicit the outcome of the jurisprudential development that led the Court of Justice to consider the temporal factor relevant when assessing credibility in relation to the emergence of sexual orientation. Indeed, recital 28 states that “the determining authority should not consider the applicant not credible solely because the alleged sexual orientation was not invoked at the first opportunity to set out the grounds for persecution, unless it is evident that the applicant is merely seeking to delay or prevent the enforcement of a decision that would result in return.”

The paper concerning the new EU Pact on migration and asylum in light of the Council of Europe Istanbul Convention<sup>16</sup> aims at analysing the acts adopted within the

---

<sup>14</sup> Regulation (EU) 2024/1347 of the European Parliament and of the Council of 14 May 2024, *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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council*, OJ L, 2024/1347, 22.5.2024; Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024, *establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU*, OJ L, 2024/1348, 22.5.2024.

<sup>15</sup> M. BORRACETTI, *Il nuovo Patto europeo sull’immigrazione e l’asilo: continuità o discontinuità col passato?*, in *Diritto, Immigrazione e Cittadinanza*, 2021, no. 1, p. 1 ss.; C. FAVILLI, *Il patto europeo sulla migrazione e l’asilo: “c’è qualcosa di nuovo, anzi di antico”*, in *Questione Giustizia*, 2020; M. MARCHEGIANI, *Il nuovo patto sulla migrazione e l’asilo sotto il prisma della nozione di vulnerabilità*, in *Annuario ADiM*, 2020, pp. 1-8.

<sup>16</sup> S. DE VIDO, *Il nuovo Patto europeo su migrazione e asilo alla luce della Convenzione di Istanbul del Consiglio d’Europa: verso l’incorporazione di una prospettiva sempre più sensibile al genere?*, in this *Focus*, p. 210 ff.

framework of the EU Pact on Migration and Asylum in light of the Council of Europe Istanbul Convention on preventing and combating violence against women and domestic violence, in particular its Article 60. While noting some progress in recognising the gender dimension and intersectionality, this perspective is absent or marginal in several instruments, requiring systematic interpretation in accordance with the Istanbul Convention. Alongside these shortcomings, however, a growing gender sensitivity has emerged in the recent case law of the Court of Justice of the EU, which in three judgments of 2024 referred to both the Istanbul Convention and CEDAW as parameters for interpreting EU law. The contribution highlights how, through legislative and jurisprudential developments, the gender perspective is gradually entering EU migration law.

A special analysis concerning the trafficking in women and girls in view of the screening procedures issued by the Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024<sup>17</sup> is developed by the paper concerning the Gender-Based Vulnerabilities in Pre-Entry Screening<sup>18</sup>. This Essay outlines a critical perspective within the approach against trafficking in the new CEAS, as the coordination between the anti-trafficking system and the CEAS at the stage of identifying the individual on the territory – whether at the borders or elsewhere – remains problematic. Procedural frameworks do not appear capable of effectively linking the Union’s asylum policy with anti-trafficking efforts, thus ensuring timely detection and identification. The absence of an obligation to involve anti-trafficking officers, together with the speed with which assessments must be carried out, leaves limited room for the proper functioning of an intra-agency and multidisciplinary approach, as required given the dynamic nature of the crime. The new CEAS Policies, aimed at tightening control measures, risk not only undermining the enjoyment of migrants’ rights and, more specifically, increasing their exposure to forms of exploitation, but they also fail to act as a deterrent against the decision to leave one’s country of origin. This may result in a likely reduction in the protection afforded to such individuals, contrary to what was established by the European Commission with regard to its stated intention to ensure greater protection for the specific category of vulnerable migrants under the new Pact on Migration and Asylum.

The consideration of issues connected to sexual orientation and gender identity is well outlined in the Paper about the sexual orientation and the need to assess the credibility of Asylum Seekers<sup>19</sup>. Even if the Asylum Procedures Regulation presents a gender sensitive approach in Article 13(7)(a) – stating that the person conducting the interview must “have the competence to take into account the personal and general context in which the application arises, including the situation prevailing in the

---

<sup>17</sup> Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024, *introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817*, OJ L, 2024/1356, 22.5.2024.

<sup>18</sup> E. LAMBIASE, *L'emersione della vulnerabilità di genere nello screening pre-ingresso: quale tutela effettiva per le donne vittime di tratta?*, in this *Focus*, p. 258 ff.

<sup>19</sup> A. SENATORE, *Orientamento sessuale e tutela dei diritti fondamentali: quale tensione con le esigenze di valutazione della credibilità del richiedente protezione internazionale?* in this *Focus*, p. 301 ff.

applicant's country of origin and the applicant's cultural background, age, gender, gender identity, sexual orientation, vulnerability and any specific procedural needs" –<sup>20</sup> the Author highlights the criticalities emerging from the presumption of safety for certain countries, which may be rebutted by the applicant only by demonstrating serious grounds. From a procedural perspective, origin from one of these countries enables the use of an accelerated procedure, including shorter time limits for appeal following rejection of the application. Notwithstanding the approach developed by the CJEU under the Procedures Directive, holding that the substantive conditions of safety must be met in all cases and without exceptions for the entire population, regardless of the specificities of particular individuals<sup>21</sup>, the new CEAS makes the opposite choice compared to the current system, also in light of the relevant case law, by introducing the possibility of designating a country as "safe" with exceptions both "for certain parts of its territory" and for "clearly identifiable categories of persons." In this respect, the paper underlines that it will be necessary to assess the implications for discretionary choices, including at Union level, regarding the designation of safe countries, many of which may include groups of persons – such as members of the LGBTQIA+ community – within the scope of these personal exceptions. However, a problematic issue lies in the difficulty of precisely defining such exceptions, given the extreme variety of situations related to sexual orientation and gender identity. Indeed, can a complex set of heterogeneous discriminatory practices affecting individuals who are not clearly or visibly identifiable be reconciled with the classification of a country as safe?

The notion of safe-country is explored from a different point of view, but always underlying the criticalities in the protection of fundamental gender rights, within the Paper analyzing the implementation of the Safe Third Country concept within the framework of the European Pact on Migration and Asylum and its impact on the Atlantic Route<sup>22</sup>. The study analyzes how the acceleration of border procedures creates a structural model of defencelessness. Regarding the gender dimension, the 72 hours screening model in the detention centers fails to identify specific vulnerabilities, such as gender-based violence and human trafficking. The implementation of the Pact prioritizes administrative efficiency and externalization over international protection, violating international human

---

<sup>20</sup> A similar, though not entirely overlapping, formulation is already contained in Directive 2013/32/EU, Article 15(3)(a) of which provides that Member States shall ensure that the person conducting the interview "has the competence to take into account the personal and general circumstances surrounding the application, including the applicant's cultural origin, gender, sexual orientation, gender identity or vulnerability."

<sup>21</sup> CJEU, judgment of 4.10.2024, case C-406/22, *CV v. Ministerstvo vnitra České republiky*, ECLI:EU:C:2024:841; CJEU, judgment of 1.10.2025, joined cases C-758/24, C-759/24, *LC and CP v. Commissione Territoriale per il riconoscimento della Protezione Internazionale di Roma*, ECLI:EU:C:2025:591. See F. MUNARI, *Alace e Canpelli e...l'insicurezza dei paesi terzi sicuri*, in *Unione europea e diritti*, 2025, no. 3, pp. 1-21; C. FAVILLI, L. MARIN, *Il controllo giurisdizionale sulla designazione di un paese d'origine sicuro dopo le sentenze CV e Alace*, in *Rivista del contenzioso europeo*, 2025, pp. 1-58; M. FERRI, *Le conclusioni dell'Avvocato Generale Richard de La Tour sui paesi di origine sicuri: qualche ombra e molte luci (pro-futuro)*, in *Rivista del contenzioso europeo*, 2025, no. 2, pp. 1-29.

<sup>22</sup> M.L. ORIN LOPEZ, *Género y desprotección en frontera: retos del Pacto europeo de migración y asilo y en el archipiélago canario*, in this *Focus*, p. 288 ff.

rights standards. The article concludes that the Atlantic Route has become a legal and political laboratory, converting the border into a platform for swift returns rather than a space for international protection.

### 3. Issues at Stake

Despite the legal and jurisprudential developments concerning the issue at stake within the Focus, significant obstacles remain in correctly assessing gender-related individual circumstances, particularly when procedures are accelerated or when the applicants are kept in detention, i.e. in situations that do not facilitate the free expression. In such settings, the immediate identification and response to vulnerabilities is often compromised.

To the wide debate on gender norms embedded in International Refugee Law is devoted the Essay concerning Intersectionality within International Refugee Law.<sup>23</sup> Analysing the evolution of the concept of Intersectionality, initially developed about Black American Women, through a wide case-law, the Author considers the fundamental role of this concept within Refugee law. The article posits that intersectionality is particularly crucial in assessing both the credibility of asylum claims and the seriousness of gender-based persecution. Using women asylum seekers as a paradigmatic case, it analyses FGM-related caselaw before the European Court of Human Rights and illustrates how intersectional reasoning can strengthen both the theoretical and practical capacity of refugee law, advancing substantive equality.

Furthermore the Court of Justice's interpretive and creative case-law has played a pivotal role in promoting a gender-sensitive approach to EU asylum law, highlighting the complexity of gender-based forms of persecution, as outlined in the Essay concerning Afghan Women asylum seeking in the case *A.H. and F.N.* of 4 October 2024.<sup>24</sup> Considering the fundamental role of the CJEU, in developing criteria capable of guiding national judges in the application of European rules on international protection, the Author explores the issue of discrimination and gender-based violence as a ground of inclusion within the international protection. This naturally does not mean that all women can qualify for refugee status, even if they belong to societies where they are discriminated against. The analysis is very timely and relevant, considering that, although the new EU regulations introduce multiple safeguards in favor of women asylum seekers exposed to gender-based violence, it is the overall rationale of the new system – which crystallizes emergency practices by elevating them to the rank of ordinary legislation – that may jeopardize the protection of women who, in order to escape discriminatory

---

<sup>23</sup> E. BELARDO, *Applying intersectionality to gender discrimination in International refugee Law: the case of women asylum seekers*, in this *Focus*, p. 187 ff.

<sup>24</sup> M.M. BARTIROMO, *Dal contesto afghano a due nuovi principi di rilevanza generale: il rafforzamento della dimensione di genere nella nozione di rifugiato dopo la sentenza della Corte di giustizia dell'UE AH e FN del 4 ottobre 2024*, in this *Focus*, p. 154 ff.

measures operating in their countries of origin, become part of mass migration flows and are therefore destined to pass through the “new hotspots” and potentially be subjected to special procedures for examining asylum applications.

Within this focus, the role of the CJEU case-law in promoting the gender-sensitive approach cannot be completely evaluated, without examining the role of the European Court of Human Rights, considering the ongoing dialogue aimed at clarifying the meaning of European rules on migration and asylum in the light of the protection of fundamental rights. This consideration is very well developed in the Essay concerning the case-law of the European Court of Human Rights.<sup>25</sup> Building upon the work of intersectional feminist scholars, this article argues that the judgments reveal gendered vulnerabilities on the account of intersecting identities, including class, race and ethnic origin. While both courts are aware of intersectional discrimination, they rarely apply this concept in their judgments. The impact of human rights law at the EU level has expanded the CJEU’s case law to encompass a wide range of equality issues ranging from EU free movement law<sup>26</sup> to the rights of individuals to protect personal data and privacy,<sup>27</sup> with the CJEU taking progressive view of the rights of same-sex couples and trans men and trans women in various aspects of life, not only migration. Considering this important evolution, the Author concludes that the ongoing dialogue between the two regional courts is ever important as it is likely to have a lasting impact on how gender-related vulnerabilities are viewed in Europe in the future.

Another form of necessary coordination is explored by the Paper concerning the exploitation of women migrant workers.<sup>28</sup> Stepping back from the consideration that migration has contributed to a globalized and gendered division of labour, particularly in receiving countries where women migrant workers are disproportionately concentrated in low-paid and, informal, unprotected sectors, the Author analyzes the risks of severe forms of exploitation, particularly forced labour, even in the context of trafficking, while simultaneously reinforcing gender stereotypes and discrimination. Against this backdrop, the Essay examines the existing legal regime and related practice developed at the international and regional levels, arguing that, since violations of women migrant workers’ rights are rarely episodic, reflecting instead systemic forms of exploitation, effective migration governance should combine a gender-sensitive approach with robust labour standards, emerging from the ILO’s interpretive guidance<sup>29</sup> and the CEACR’s (Committee of Experts on the Application of Conventions and Recommendations)

---

<sup>25</sup> S. ELFVING, *Dialogue across Courts: the CJEU, the ECtHR and the rights of migrant women*, in this *Focus*, p. 235 ff.

<sup>26</sup> CJEU, Grand Chamber, judgment of 25 November 2025, case C-713/23, *Cupriak-Trojan and other*, ECLI:EU:C:2025:917.

<sup>27</sup> CJEU, judgment of 9 January 2025, case C-394/23, *Mousse*, ECLI:EU:C:2025:2; judgment of 13 March 2025, case C-247/23, *VP*, ECLI:EU:C:2025:172.

<sup>28</sup> S. SOLIDORO, *Forced labour, trafficking, and structural exploitation of women migrant workers: International legal perspectives*, in this *Focus*, p. 332 ff.

<sup>29</sup> A. WEATHERBURN, *Labour Exploitation in Human Trafficking Law*, Cambridge-Antwerp-Chicago, 2021, p. 123.

practice.<sup>30</sup> Rather than operating in isolation, these two regimes seem to interact, thus complementing each other in reinforcing a human rights-based and gender-sensitive understanding of labour migration governance. At the same time, the CEDAW Committee's perspective has the potential of advancing a transformative approach that seeks not only to remedy individual instances of exploitation but also to challenge the entrenched gendered power relations that render migrant women workers particularly vulnerable to exploitation, including in the context of trafficking. At the same time, this reinforces the argument also supported by the ILO that criminal law alone is not, in principle, adequately equipped to deal with structural patterns of abuses, which require tailored efforts to challenge deep-rooted cultural stereotypes.

**ABSTRACT:** The Focus on the gender-related vulnerabilities of migrants and asylum seekers has been launched by the Diema Group of Interest of the Italian Society of International and European Union Law to cover a wide range of issues concerning gender-related migration, including the reasons that lead individuals to leave their country of origin, the heightened risks they encounter during their journey, and the need for specific protection upon arrival. The result is the publication of a Focus made by 8 articles written in Italian, English and Spanish on topics that consider gender-based vulnerability in light of the new CEAS System, and, more generally, the need to follow an international approach in dealing with gender vulnerabilities, whether they concern asylum seekers, migrants victims of trafficking or victims of labour exploitation.

**KEYWORDS:** Fundamental Rights – Gender Fundamental Rights – Migrant Women – LGBTQ+ Migrant.

---

<sup>30</sup> ILO, *General Survey concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105)*, Report of the Committee of Experts on the Application of Conventions and Recommendations (articles 19, 22 and 35 of the Constitution), Geneva, 2007, pp. 20-21.