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Actors of persecution or serious harm

Geneva Convention
Article 1A(2)

Qualification directive
Article 6

The actors of persecution or serious harm include:

The state	Parties or organisations controlling the state or a substantial part of its territory	Non-state actors
• The notion of the state should be broadly interpreted. It encompasses de jure and de facto organs and may cover any officials exercising governmental functions, irrespective of whether they pertain to the judiciary, executive or legislative branches of a government, and working at any level. • State actors of persecution or serious harm may also include: persons or entities empowered to exercise governmental authority; private individuals or groups acting under the control or direction of organs or entities empowered to exercise governmental authority; or state agents acting beyond the scope of their legal authority.	• When controlling the territory of the state or a substantial part of it, parties or organisations could amount to de facto state actors by exercising elements of governmental authority in the absence of a de jure state authority. • The dividing line between parties or organisations controlling the state, or a substantial part of its territory, and non-state actors is not always a sharp one.	• This notion encompasses all non-state actors, such as clans and tribes, rebel groups, criminals and family members

Actors of persecution are a key element in the status determination process. Persecution or serious harm must always take the form of conduct on the part of a specific actor.

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