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Refugee status: well-founded fear of persecution

Legal references

Jurisprudence

Article 1A(2) GC

Article 9 QD

Article 4(4) QD

Universal Declaration of Human Rights, UN General Assembly, Resolution 217 (III), 10 December 1948

International Covenant on Civil and Political Rights, 999 UNTS 171, 16 December 1966

International Convention on the Elimination of All Forms of Racial Discrimination, 660 UNTS 195, 7 March 1966

Convention on the Elimination of All Forms of Discrimination against Women, 1249 UNTS 13, 18 December 1979

Convention on the Rights of the Child, 1577 UNTS 3, 20 November 1989

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 25 May 2000

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 25 May 2000

Convention on the Rights of Persons with Disabilities, 2515 UNTS 3, 13 December 2006

International Covenant on Economic, Social and Cultural Rights of 1966, 993 UNTS 3, 16 December 1966

European Social Charter of 1961, ETS No 35, 18 October 1961 and Revised European Social Charter, ETS No 163, 3 May 1996

- CJEU, [Andre Lawrence Shepherd v Bundesrepublik Deutschland](#), Case C-472/13, judgment of 26 February 2015, EU:C:2015:117, paras 25-26 (*individual assessment of persecution*), paras 46, 49 and 52-56 (military desertion)
- CJEU, [Bundesrepublik Deutschland v Y and Z](#), Joined Cases C-71/11 and C-99/11, judgment of 5 September 2012, Grand Chamber, EU:C:2012:518, para. 57, paras 60-67 (severity of interference with the right to religious freedom), para. 72 (sufficient seriousness to qualify as persecution), paras 78-80 (well-foundedness)
- CJEU, [Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel](#), Joined Cases C-199/12 to C-201/12 judgment of 7 November 2013, EU:C:2013:720, paras 53-61 (sufficient seriousness to qualify as persecution, criminalisation of homosexual acts), paras 63-64 (past persecution), paras 73-76 (well-foundedness)

