

Answers to Case Studies



Case 1:

Although Mr. H was not involved in the guerrilla activities, his neighbours still threatened him because he belongs to the minority ethnic group. In this case, his fear of persecution because of his ethnicity is well-founded. He is also in the unusual position of being persecuted by certain members of his own ethnic group for not supporting the independence movement. In other words, his political opinion (that is, not being involved at all) is at odds with others in his ethnic community. Again his fear of persecution on political grounds is well-founded. He should be recognized as a refugee.

Case 2:

Although the 1951 Convention does not specifically include gender-discrimination as grounds for refugee status, Ms. Q should still be granted asylum. UNHCR considers a person who is fleeing severe discrimination or other inhumane treatment-amounting to persecution- to be eligible for refugee status. Ms. Q is being persecuted for not conforming to strict social codes. Since the government is the source of this discrimination, Ms. Q has no higher authority to appeal to for protection. In the spirit of the 1951 Convention, Ms. Q is a refugee.

Case 3:

Mr. C. should not be granted asylum. By killing prisoners of war, Mr. C. has committed a war crime (according to the 1949 Geneva Conventions). By committing a war crime, the exclusion clause applies to this case; under Article F (a) of the *1951 Convention on the Status of the Refugee*, he is not eligible for refugee status. The Universal Declaration of Human Rights would also exclude extending protection to him because his actions are contrary to the "purposes and principles of the United Nations" (Article 14 (2) of the Declaration).

Case 4:

Mr. R should be recognized as a refugee. His actions were political in nature. However, one must also examine the crime he committed while escaping from prison. His crime was obviously serious. The next step is to strike a balance between the nature of the offense and the degree of persecution feared. To be still considered as a refugee, the persecution feared must outweigh the seriousness of the offense. It appears that the crime was committed in order to escape persecution. With this in mind, and weighing the offense versus the persecution, the exclusion clause (Article F of the Convention) should not apply. He should be recognized as a refugee.



Case 5:

Ms. F. should not be recognized as a refugee. Poverty and poor social conditions alone can never be grounds for granting asylum. To be considered a refugee under the 1951 Convention, two conditions must be met. First, there must be a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. However, in this case, Ms. F. is not being persecuted for any of these reasons. Although Ms. F. belongs to the lower class, her membership of this social group is not in itself enough to be recognized as a refugee. There has to be some clear threat of persecution for belonging to this particular group. Second, the individual in question must experience some form of discrimination. In this case, the government health care policy applies to everyone. No one is being disproportionately mistreated for the reasons of race, religion, nationality, membership of a particular social group or political opinion. However, if the government refused to provide medical treatment to Ms. F because of her ethnicity, then she might be recognized as a refugee.

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