

**Please cite as:** EUAA, '[Refugee status: well-founded fear of persecution](#)' in *EASO Practical Guide: Qualification for international protection*, janvier 2022.

# 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)

