

3.1. International legal framework

Articles 12(2)(c) and 17(1)(c) of the QR and the recast QD provide for exclusion from refugee status and subsidiary protection for persons guilty of acts contrary to the purposes and principles of the United Nations, as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations. These provisions reflect Article1(F)(c) of the Geneva Convention.

Additionally, Recital 31 of the recast QD links this ground to terrorism. It stipulates that:

“Acts contrary to the purposes and principles of the United Nations are set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations and are, amongst others, embodied in the United Nations resolutions relating to measures combating terrorism, which declare that ‘acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations’ and that ‘knowingly financing, planning and inciting terrorist acts are also contrary to the purposes and principles of the United Nations’”.

The assessment framework to categorise an act as contrary to the purposes and principles of the UN are outlined in both the EUAA Practical Guide on Exclusion from International Protection (September 2026) and the UNHCR Information Note on the Application of Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees, which both prescribe a restrictive interpretation. The guidance sets a high threshold for the types of acts that fall into this category, limiting it to crimes either with an international dimension that affect international peace, security and peaceful relations between States or serious and sustained violations of human rights. When assessing the applicability of this ground, the guidance indicates the following relevant elements which may be considered: i) the gravity of the act; ii) the manner in which the act is organised; iii) the international impact and implications for international peace and security (international dimension); and iv) the long-term objectives of the act. Additionally, guidance from both the EUAA and UNHCR notes that while any actor may be a perpetrator of such an act, certain acts, given their nature, may only be committed by high-ranking officials within a state or state-like entity.

Furthermore, the legislative provisions do not set out any temporal or territorial limitation to the ground, meaning that the acts characterised as contrary to the purposes and principles of the UN may have been committed before or after the applicant entered the host country and inside or outside of the host country.

It is evident from the wording of the legislative provisions that this ground must also be interpreted in light of the broader international legal framework. Nevertheless, the legal instruments relied upon by national courts to characterise acts as contrary to the purposes and principles of the United Nations reveal a divergence in interpretive approach that has

consequences for the scope of the exclusion ground. The starting point derived from the legislation, CJEU jurisprudence and EUAA guidance is the UN Charter itself, specifically the Preamble and Articles 1 and 2, supplemented by the UN Security Council resolutions, which provide the most direct and explicit articulation of what the international community has determined to be contrary to those purposes and principles. However, as national case law demonstrates, courts that require an explicit security council determination apply a more constrained scope, while courts that draw on the broader corpus of international law in interpreting the purposes and principles of the UN are prepared to extend the ground to a wider scope of acts.

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