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UNHCR Comments on EASO Country Guidance: Nigeria (February 2019)

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1. Introduction: UNHCR's Supervisory Responsibility

The EU Qualification Directive recognizes the 1951 Convention as the “cornerstone of the international legal regime for the protection of refugees”¹ and stipulates that the Directive’s minimum standards are laid down with a view to guiding Member States in the application of the 1951 Convention.² Importantly, the Court of Justice of the European Union has repeatedly reiterated that the Qualification Directive must be interpreted “in a manner consistent with the 1951 Convention and the other relevant treaties” referred to in Article 63(1) TEC.³

UNHCR has a supervisory responsibility in respect of the 1951 Refugee Convention;⁴ States Parties have a corresponding obligation to cooperate with UNHCR in the exercise of its functions and to facilitate its duty of supervision.⁵ UNHCR’s supervisory responsibility, recognised also in the EU instruments,⁶ is exercised in part through the issuing of guidelines on the interpretation and application of the meaning of provisions and terms contained in international refugee instruments, in particular the

¹ Council Directive 2011/95/EU of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) of 13 December 2011 (“Qualification Directive (recast)”), Recital 4.

² Qualification Directive (recast), Recital 23.

³ Treaty Establishing the European Community (Consolidated Version), Rome Treaty, 25 March 1957. Now Article 78 para. 1 of *Consolidated version of the Treaty on the Functioning of the European Union*, 13 December 2007, OJ C 115/47 of 9 May 2008 (“TFEU”). See *Salahadin Abdulla and Others v. Bundesrepublik Deutschland*, C-175/08, C-176/08, C-178/08 and C-179/08, CJEU, 2 March 2010, at paras 53–54; *Bolbol v. Bevándorlási és Állampolgársági Hivatal*, C-31/09, CJEU, 17 June 2010, at para. 38; *Bundesrepublik Deutschland v. B. and D.*, C-57/09 and C-101/09, CJEU, 9 November 2010, at para. 78.

⁴ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, U.N.T.S. No. 2545, Vol. 189, p. 137. According to Article 8(a) of UNHCR’s Statute: “The High Commissioner shall provide for the protection of refugees falling under the competence of his Office by: (a) Promoting the conclusion and ratification of international conventions for the protection of refugees, *supervising their application* and proposing amendments thereto” [emphasis added].

⁵ According to Article 35(1) of the 1951 Convention, “The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.” See also UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, U.N.T.S. No. 8791, Vol. 606, p. 267, Article II(1).

⁶ UNHCR’s supervisory responsibility has been reflected in European Union (EU) law, including by way of a general reference to the 1951 Convention in Article 78(1) of the TFEU. Article 78(1) of the TFEU expressly requires EU secondary legislation on asylum to conform to the 1951 Convention and the 1967 Protocol. UNHCR’s supervisory responsibility has also been reflected in Declaration 17 to the Treaty of Amsterdam, which provides that “consultations shall be established with the United Nations High Commissioner for Refugees [...] on matters relating to asylum policy.” EU, *Treaty of Amsterdam Amending the Treaty on European Union, The Treaties Establishing the European Communities and Related Acts*, OJ C 340/134 of 10 November 1997, Declaration on Article 73k of the Treaty establishing the European Community. Secondary EU legislation also emphasizes the role of UNHCR. For example, Recital 22 of the Qualification Directive (recast) states that consultations with UNHCR “may provide valuable guidance for Member States when determining refugee status according to Article 1 of the Geneva Convention”. The supervisory responsibility of UNHCR is specifically articulated in Article 29 of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), L 180/60 of 29 June 2013 (“Asylum Procedures Directive (recast)”). Article 29(1)(c) in particular obliges Member States to allow UNHCR “to present its views, in the exercise of its supervisory responsibilities under Article 35 of the Geneva Convention, to any competent authorities regarding individual applications for international protection at any stage of the procedure.” See also, *Working Arrangement between the European Asylum Support Office (EASO) and the Office of the United Nations High Commissioner for Refugees (UNHCR)*, entry into force 13 December 2013, preamble, paras 2, 4.



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1951 Convention and the 1967 Protocol. Such guidelines include the UNHCR Handbook, as well as UNHCR's Guidelines on International Protection.⁷

It is against this background that UNHCR wishes to share a number of considerations in relation to the publication by the European Asylum Support Office (EASO) of its *Country Guidance: Nigeria Guidance Note and Common Analysis*.⁸

2. UNHCR Observations on Profiles Relating to Gender-Based Forms of Persecution

EASO's Country Guidance on Nigeria identifies a number of profiles of individuals from Nigeria in relation to whom it is concluded that individuals under such profiles "would, in general, have a well-founded fear of persecution" (EASO, Nigeria Guidance Note, p. 16). In addition, a number of profiles are identified in relation to whom it is concluded, that individuals under such profiles "may have a well-founded fear of persecution in relation to certain risk-enhancing circumstances" (EASO, Nigeria Guidance Note, pp. 16-18).

UNHCR is concerned that the EASO Country Guidance on Nigeria does not provide explicit guidance on certain profiles of individuals who may in fact come within the scope of the refugee definition. In particular, and as explained in more detail below, UNHCR is concerned that the EASO Country Guidance does not provide sufficient guidance to ensure that claims for international protection by women and girls who are at risk of various forms of gender-specific forms of persecution in Nigeria are properly assessed in line with existing guidance provided by UNHCR. In this regard, UNHCR reiterates that, "[e]nsuring that a gender-sensitive interpretation is given to each of the Convention grounds is important in determining whether a particular claimant has fulfilled the criteria of the refugee definition."⁹ In addition, UNHCR draws attention to interpretative guidance it has provided on a number of different terms in international refugee law and their application:

- **Gender-specific forms of persecution:** *Guidelines on International Protection No. 1: Gender-Related Persecution*;¹⁰
- **Nexus to a Convention ground:** *Guidelines on International Protection No. 2: "Membership of a Particular Social Group"*.¹¹

⁷ UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, April 2019, HCR/1P/4/ENG/REV. 4, www.refworld.org/docid/5cb474b27.html. The 2019 edition of the UNHCR Handbook includes the Guidelines on International Protection Nos. 1-13.

⁸ European Asylum Support Office (EASO), *Country Guidance: Nigeria Guidance Note and Common Analysis*, February 2019, www.easo.europa.eu/sites/default/files/Country_Guidance_Nigeria_2019.pdf.

⁹ UNHCR, *Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 7 May 2002, HCR/GIP/02/01, www.refworld.org/docid/3d36f1c64.html, para. 22.

¹⁰ UNHCR, *Guidelines on International Protection No. 1*, op. cit. footnote 9.

¹¹ UNHCR, *Guidelines on International Protection No. 2: "Membership of a Particular Social Group" Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 7 May 2002, HCR/GIP/02/02, www.refworld.org/docid/3d36f23f4.html.



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UNHCR also draws attention to the obligations of EU Member States under the Convention of the Elimination of Discrimination Against Women.¹² The UN Committee on the Elimination of Discrimination Against Women, in its *General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women*, has recommended:

36. States that are parties to regional refugee or asylum instruments should ensure that they respect the rights of women in need of international protection and apply those instruments in a gender-sensitive manner. They should also ensure that women enjoy the benefits of those instruments without discrimination and on the basis of substantive equality.¹³

38. States parties should interpret the definition of a refugee in the 1951 Convention relating to the Status of Refugees in line with obligations of non-discrimination and equality; fully integrate a gender-sensitive approach while interpreting all legally recognized grounds; classify gender-related claims under the ground of membership of a particular social group, where necessary; and consider adding sex and/or gender, as well as the reason of being lesbian, bisexual or transgender, and other status to the list of grounds for refugee status in their national asylum legislation.¹⁴

In line with these observations, UNHCR calls on EASO to ensure that clear, detailed and comprehensive guidance is provided on all relevant profiles, including in particular for profiles of women and girls who may be at risk of gender-specific forms of persecution. The identification of possible 1951 Convention grounds for each such profile should take into account all relevant UNHCR guidance, in line with the obligations of EU Member States under the 1951 Convention and EU law.

In the absence of detailed guidance in EASO's Country Guidance on Nigeria, UNHCR calls on EU Member States, together with Norway and Switzerland,¹⁵ to ensure that clear, detailed and comprehensive guidance is provided to their decision-makers, with a view to ensuring that all Nigerian applicants who are in need of international protection are duly identified as such and are recognized as refugees accordingly, including in particular women and girls who may be at risk of gender-specific forms of persecution in Nigeria.

2.1 "Individuals at risk of trafficking in human beings" (profile 12)

EASO's Country Guidance on Nigeria includes guidance on "Victims of human trafficking, including forced prostitution" (Profile 12). The scope of this profile is limited to persons who have already been subjected to trafficking in the past. In contrast, no guidance is provided on persons who have not been subjected to trafficking, but who may be at risk of trafficking on return to Nigeria.

¹² UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, U.N.T.S. Vol. 1249, p. 13, www.refworld.org/docid/3ae6b3970.html. The Convention on the Elimination of Discrimination Against Women has been ratified by all EU Member States.

¹³ UN Committee on the Elimination of Discrimination Against Women (CEDAW), *General recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women*, 5 November 2014, CEDAW/C/GC/32, www.refworld.org/docid/54620fb54.html, para. 45. Specific reference is made by the Committee in this context to the Qualification Directive (recast): see footnote 39 of General Recommendation No. 32.

¹⁴ Ibid., para. 38.

¹⁵ Norway and Switzerland participate in EASO's Country Guidance Network, which prepares the EASO Country Guidance products. Both countries also have representatives in EASO's Management Board, which has responsibility for endorsing EASO Country Guidance products. See www.easo.europa.eu/about-us/management-board/management-board-members.



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UNHCR refers to its *Guidelines on International Protection No. 7: Victims of Trafficking and Persons at Risk of Being Trafficked*.¹⁶ These Guidelines note that while not all victims or potential victims of trafficking fall within the scope of the refugee definition (GIP No. 7, para. 6), some victims or potential victims of trafficking may fall within the 1951 Convention definition of a refugee (GIP No. 7, para. 12). UNHCR's Guidelines No. 7 provide guidance on the each element of the refugee definition in relation to victims and potential victims of trafficking, including in particular on applicable Convention grounds. In relation to the ground of membership of a particular social group, the Guidelines No. 7 state (paras 38-39, footnotes omitted):

38. Women are an example of a social subset of individuals who are defined by innate and immutable characteristics and are frequently treated differently to men. As such, they may constitute a particular social group. Factors which may distinguish women as targets for traffickers are generally connected to their vulnerability in certain social settings; therefore certain social subsets of women may also constitute particular social groups. Men or children or certain social subsets of these groups may also be considered as particular social groups. Examples of social subsets of women or children could, depending on the context, be single women, widows, divorced women, illiterate women, separated or unaccompanied children, orphans or street children. The fact of belonging to such a particular social group may be one of the factors contributing to an individual's fear of being subjected to persecution, for example, to sexual exploitation, as a result of being, or fearing being, trafficked.

39. Former victims of trafficking may also be considered as constituting a social group based on the unchangeable, common and historic characteristic of having been trafficked. A society may also, depending on the context, view persons who have been trafficked as a cognizable group within that society. Particular social groups can nevertheless not be defined exclusively by the persecution that members of the group suffer or by a common fear of persecution. It should therefore be noted that it is the past trafficking experience that would constitute one of the elements defining the group in such cases, rather than the future persecution now feared in the form of ostracism, punishment, reprisals or re-trafficking. In such situations, the group would therefore not be defined solely by its fear of future persecution.

In this regard, UNHCR also draws attention to the Convention of the Elimination of Discrimination Against Women. The UN Committee on the Elimination of Discrimination Against Women, in its *General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women*, has stated:

45. States parties should recognize that trafficking is part and parcel of gender-related persecution, with the result that women and girls who are victims of trafficking or who fear becoming victims should be informed of and effectively enjoy the right of access to asylum procedures without discrimination or any preconditions. States parties are encouraged to classify victims of trafficking under the "social group" ground in the refugee definition in line with the UNHCR "Guidelines on international protection: the application of article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked" and are recommended to take measures so that women and girls are not returned to places where they risk being re-trafficked.¹⁷

Based on these considerations, UNHCR calls on EASO to ensure that clear, detailed and comprehensive guidance is provided on claims for international protection by Nigerian nationals who have not been victims

¹⁶ UNHCR, *Guidelines on International Protection No. 7: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons at Risk of Being Trafficked*, 7 April 2006, HCR/GIP/06/07, www.refworld.org/docid/443679fa4.html.

¹⁷ CEDAW, *General Recommendation No. 32*, op. cit. footnote 13.



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of trafficking in the past, including the need to consider the risk of trafficking upon return to Nigeria. Clear guidance must also be provided on the existence of relevant Convention grounds, in line with doctrinal guidance provided by UNHCR.

In the absence of such guidance in EASO's Country Guidance on Nigeria, UNHCR calls on EU Member States, plus Norway and Switzerland, to ensure that clear, detailed and comprehensive guidance is provided to their decision-makers on claims for international protection by Nigerian nationals who have not been victims of trafficking in the past. Decision-makers must give due consideration to the risks for such individuals of being trafficked (whether within Nigeria or externally) upon return to Nigeria. Where a real risk is determined to exist, due consideration must be given to the existence of a nexus to a Convention ground, including membership of a particular social group, in line with relevant doctrinal guidance provided by UNHCR.

2.2 "Women and girls" (profile 13)

Profile 13 in EASO's Country Guidance on Nigeria provides guidance on "Women and children". Profile 13 provides a summary of country of origin information (COI) relating to different forms of persecution against women and girls, namely:

- i) Gender-based violence or violence against women and girls, including domestic violence and sexual violence, and, specifically, violence against women and girls by Boko Haram;
- ii) Female genital mutilation / cutting (FGM/C); and
- iii) Child marriage and forced marriage.

The guidance provided in Profile 13 in relation to the nexus to a Convention ground notes that, "Available information indicates that in the case of women and girls, the individual circumstances of the applicant need to be taken into account in order to determine whether or not a nexus to a reason for persecution can be substantiated. In individual cases, persecution may be for reasons of membership of a particular social group." However, only two specific examples are given of applicable Convention grounds for specific sub-profiles. The first such example is, "Yoruba girls under the age of 5 who have not been subjected to FGM/C, based on their innate characteristics (age, gender, ethnicity) and a common background (not having been subjected to FGM/C); and their distinct identity in the respective area of Nigeria, because they are perceived as being different by the surrounding society", while the second example concerns "women and girls perceived to have had sex outside of marriage in the context of Boko Haram violence, based on their innate characteristic (gender) and common background which cannot be changed (past experience); and their distinct identity in the context of the North East of Nigeria, because they are perceived as being different by the surrounding society)".

Against this background, UNHCR wishes to underscore that these two examples do not represent the full range of sub-profiles under profile 13 on "Women and children" for whom a suitable Convention ground can be identified. UNHCR refers to its detailed guidance on Convention grounds provided in its *Guidelines on International Protection No. 1: Gender-Related Persecution* for applications for



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international protection based on gender-related persecution.¹⁸ In particular, UNHCR recalls that it has provided States Parties to the 1951 Convention with the following guidance:

“sex can properly be within the ambit of the social group category, with women being a clear example of a social subset defined by innate and immutable characteristics, and who are frequently treated differently than men. Their characteristics also identify them as a group in society, subjecting them to different treatment and standards in some countries. [...] The size of the group has sometimes been used as a basis for refusing to recognise ‘women’ generally as a particular social group. This argument has no basis in fact or reason, as the other grounds are not bound by this question of size. There should equally be no requirement that the particular social group be cohesive or that members of it voluntarily associate, or that every member of the group is at risk of persecution. It is well-accepted that it should be possible to identify the group independently of the persecution, however, discrimination or persecution may be a relevant factor in determining the visibility of the group in a particular context.”¹⁹

UNHCR also refers to the guidance provided in its *Guidelines on International Protection No. 6: Religion-Based Refugee Claims*, and in particular para. 24, which provides guidance on religion as a Convention ground in relation to gender and gender-specific forms of persecution.²⁰

Finally, UNHCR also recalls the observations by the UN Committee on the Elimination of Discrimination Against Women, in its *General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women*,

Gender-related forms of persecution are forms of persecution that are directed against a woman because she is a woman or that affect women disproportionately. The Committee observes that understanding the way in which women’s rights are violated is critical to the identification of those forms of persecution. The Committee notes that violence against women that is a prohibited form of discrimination against women is one of the major forms of persecution experienced by women in the context of refugee status and asylum. Such violence, just as other gender-related forms of persecution, may breach specific provisions of the Convention. Such forms are recognized as legitimate grounds for international protection in law and in practice.²¹

Based on these considerations, UNHCR calls on EASO to ensure that clear, detailed and comprehensive guidance is provided on claims for international protection by Nigerian women and girls based on gender-specific forms of persecution, including guidance on the existence of relevant Convention grounds in line with doctrinal guidance provided by UNHCR.

In the absence of such guidance in EASO’s Country Guidance on Nigeria, UNHCR calls on EU Member States, plus Norway and Switzerland, to ensure that clear, detailed and comprehensive guidance is provided to their decision-makers on claims for international protection by Nigerian women and girls based on gender-specific forms of persecution, including guidance on the identification of relevant Convention grounds in line with UNHCR’s guidance.

¹⁸ UNHCR, *Guidelines on International Protection No. 1*, op. cit. footnote 9, paras 30-31.

¹⁹ UNHCR, *Guidelines on International Protection No. 1*, op. cit. footnote 9, paras 30-31 (footnotes omitted).

²⁰ UNHCR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*, 28 April 2004, HCR/GIP/04/06, www.refworld.org/docid/4090f9794.html.

²¹ CEDAW, *General Recommendation No. 32*, op. cit. footnote 13 (footnotes omitted).

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2.3 “Individuals targeted by Boko Haram” (profile 1)

Profile 1 in EASO’s Country Guidance on Nigeria provides guidance on “Individuals targeted by Boko Haram”, but refers to Profile 13 on “Women and children” for guidance on women and girls who are targeted by Boko Haram. However, UNHCR is concerned that the guidance provided under Profile 13 is not sufficiently detailed and comprehensive to ensure that claims for international protection by women and girls who originate from the Boko Haram-affected areas and who have a well-founded fear of gender-specific forms of persecution at the hands of Boko Haram are duly identified as such and are recognized as refugees accordingly. The COI summary in profile 13 includes the following information (EASO Nigeria Country Guidance, p. 62):

It is reported that the incidents of gender-based violence have increased significantly with the insurgency of Boko Haram in the North East. In the period from 2009 to 2016, Boko Haram has abducted approximately 2 000 women and girls, subjecting them to sexual abuses, including rape, forced marriage to their captors, being sold in the market as ‘war booty’, forced participation in insurgent operations, including as suicide bombers, as well as to forced labour. Some women who have been forced to marry Boko Haram fighters, or who have been abducted, raped or enslaved, have been rejected by their families, stigmatised and faced difficulties reintegrating in their societies, where sex outside marriage is not acceptable. Women with children from Boko Haram members are reported to face even more difficulties. However, stigmatisation varies between families, individuals, and communities and other women who had escaped Boko Haram have been re-integrated.

More detailed COI on the persecution of women and girls in Boko Haram-affected areas is provided in the two EASO COI reports on Nigeria.²² Nevertheless, and as noted under 2.2 above, the guidance provided in Profile 13 in relation to the nexus to a Convention ground for women and girls from Boko Haram affected areas is limited to an example for the existence of a particular social group of “women and girls perceived to have had sex outside of marriage in the context of Boko Haram violence, based on their innate characteristic (gender) and common background which cannot be changed (past experience); and their distinct identity in the context of the North East of Nigeria, because they are perceived as being different by the surrounding society”).

UNHCR is concerned that guidance provided in such minimal terms fails to recognize the full range of refugee claims by women and girls originating from Boko Haram-affected areas who have a well-founded fear of gender-specific forms of persecution. On the basis of the available COI as presented in the EASO COI reports, and taking into account relevant UNHCR doctrinal guidance as noted above, in many of these cases it will be possible to establish a nexus with the Convention grounds of religion or (imputed) political opinion. In other cases, again taking into account relevant UNHCR doctrinal guidance as noted above, it would be appropriate to analyse the claim in terms of a nexus to membership of a particular social group defined as women and girls in Boko Haram-affected areas.

Based on these considerations, UNHCR calls on EASO to ensure that clear, detailed and comprehensive guidance is provided on claims for international protection by Nigerian women and girls originating from

²² EASO, *COI Report: Nigeria Targeting of Individuals*, November 2018, https://coi.easo.europa.eu/administration/easo/PLib/2018_EASO_COI_Nigeria_TargetingIndividuals.pdf; EASO, *COI Report: Nigeria Country Focus*, June 2017, https://coi.easo.europa.eu/administration/easo/PLib/EASO_Country_Focus_Nigeria_June2017.pdf.



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Boko Haram-affected areas with a well-founded fear of gender-specific forms of persecution, including guidance on the existence of relevant Convention grounds in line with doctrinal guidance provided by UNHCR.

In the absence of such guidance in EASO's Country Guidance on Nigeria, UNHCR calls on EU Member States, plus Norway and Switzerland, to ensure that clear, detailed and comprehensive guidance is provided to their decision-makers on claims for international protection by Nigerian women and girls originating from Boko Haram-affected areas based on gender-specific forms of persecution, including guidance on the identification of relevant Convention grounds in line with UNHCR's guidance.

2.4 Children (profile 14)

Profile 14 in EASO's Country Guidance on Nigeria notes that Nigerian children may be at particular risk in a range of situations that are discussed in more general terms in other profiles, including the profile on victims of human trafficking (profile 12), and the profile on women and girls (profile 13). The Country Guidance observes that, "Under the above mentioned profiles, being a child may generally be considered as an important risk-enhancing circumstance" (p. 65). UNHCR's observations in relation to profiles 12 and 13 above apply *a fortiori* to child applicants.

In addition, UNHCR draws attention to the guidance provided in its *Guidelines on International Protection No. 8: Child Asylum Claims*.²³ In particular, UNHCR has offered the following guidance on the Convention ground of membership of a particular social group in relation to children:

Although age, in strict terms, is neither innate nor permanent as it changes continuously, being a child is in effect an immutable characteristic at any given point in time. A child is clearly unable to disassociate him/herself from his/her age in order to avoid the persecution feared. The fact that the child eventually will grow older is irrelevant to the identification of a particular social group, as this is based on the facts as presented in the asylum claim. Being a child is directly relevant to one's identity, both in the eyes of society and from the perspective of the individual child. Many government policies are age-driven or age-related, such as the age for military conscription, the age for sexual consent, the age of marriage, or the age for starting and leaving school. Children also share many general characteristics, such as innocence, relative immaturity, impressionability and evolving capacities. In most societies, children are set apart from adults as they are understood to require special attention or care, and they are referred to by a range of descriptors used to identify or label them, such as "young", "infant", "child", "boy", "girl" or "adolescent". The identification of social groups also may be assisted by the fact that the children share a common socially-constructed experience, such as being abused, abandoned, impoverished or internally displaced.²⁴

²³ UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, 22 December 2009, HCR/GIP/09/08, www.refworld.org/docid/4b2f4f6d2.html.

²⁴ Ibid., para. 49 (footnotes omitted).