



RPD File No. / N° de dossier de la SPR : TB1-14163
TB1-14187
TB1-14203
TB1-14204

Private Proceeding / Huis clos

Reasons and Decision – Motifs et Décision

Claimant(s)	XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX	Demandeur(e)(s) d'asile
Date(s) of Hearing	May 18, 2018	Date(s) de l'audience
Place of Hearing	Toronto, Ontario	Lieu de l'audience
Date of Decision and reasons	June 5, 2018	Date de la décision et des motifs
Panel	R. Rossi	Tribunal
Counsel for the Claimant(s)	Juanita Maldonado I.C.C.R.C.	Conseil(s) du (de la/des) demandeur(e)(s) d'asile
Designated Representative(s)	XXXX XXXX	Représentant(e)(s) désigné(e)(s)
Counsel for the Minister		Conseil du (de la) ministre

REASONS FOR DECISION

[1] This is the decision in the claims of **XXXX XXXX** (principal claimant), his spouse, **XXXX XXXX** (the female claimant) and her two sons, **XXXX XXXX** and **XXXX XXXX** (the minor claimants) – citizens of Hungary who are claiming refugee protection, pursuant to section 96 and subsection 97(1) of the *Immigration and Refugee Protection Act (IRPA)*.¹ The claimants alleged they are members of a particular social group – specifically, people protecting two children from harm from their father, who the claimants assert is a pedophile.

[2] Pursuant to Rule 55 of the *Refugee Protection Division Rules*,² the claims for refugee protection were heard jointly. The principal claimant and the two minor claimants relied on the PIF narrative of the female claimant and the panel appointed her as the designated representative for her sons, the minor claimants.

ALLEGATIONS

[3] The details of these claimants' allegations are fully set out in the female claimant's PIF narrative.³ To summarize, the claimants allege a personalized risk to life, or cruel and unusual treatment or punishment, from the claimant's ex-husband, **XXXX XXXX**, a private citizen of Hungary whose vocation is as an **XXXX**.

DETERMINATION

[4] Having considered the totality of the evidence, including the counsel's brief post-hearing submissions, the panel finds that the claimants are not Convention refugees, pursuant to section 96 of the *IRPA* or persons in need of protection, pursuant to subsection 97(1) of the *IRPA*, in that they would not face a risk of torture, a risk to life or cruel and unusual treatment or punishment in Hungary were they to return there.

¹ *Immigration and Refugee Protection Act (IRPA)*, SC 2001, c 27, as amended.

² *Refugee Protection Division Rules*, SOR/2012-256.

³ Exhibit 3, Personal Information Form (PIF).

Identity

[5] The claimants' identities as nationals of Hungary are established on a balance of probabilities by their Hungarian passports.⁴

Credibility

[6] The central and determinative issue in this case is credibility. The panel finds the female claimant to be lacking in credibility based on her testimony and actions as well as on her presentation of a document that undermines the veracity and genuineness of her allegations.

[7] A claimant's sworn testimony is presumed truthful unless there are reasons to doubt the veracity of their allegations.⁵ In assessing credibility, the panel is mindful of the many difficulties faced by claimants in establishing a claim, including nervousness, cultural factors, the setting of the hearing room, and the stress inherent in responding to oral questions through an interpreter.

[8] The panel finds the female claimant not to be credible on the following material aspects of her claim. The panel questioned the female claimant on all of the aspects of her claim, which is based on her allegation that her ex-husband is a pedophile, having sexually abused her sons. However, her actions and testimony call into question the truthfulness of her elaborate story.

[9] Procedurally, the female claimant did not want the sons present to question them on various aspects of the abuse they allegedly suffered. The panel consented to this, and the minor claimants waited in the reception area. The panel had to rely solely on the testimony of the adult claimants to ascertain the credibility of their story and their claims for protection, which ultimately relied on the female claimant's claim for protection.

The female claimant's actions

[10] The female claimant alleged that in 2007, she had proof that her ex-husband, XXXX XXXX, had sexually abused her sons. The female claimant expressed her distress at learning that

⁴ Exhibit 1, Package of information from the referring CBSA/CIC.

⁵ *Maldonado, Pedro Enrique Juarez v. M.C.I.* (F.C.A., no. A-450-79), Heald, Ryan, MacKay, November 19, 1979. **Reported:** *Maldonado v. Canada (Minister of Employment and Immigration)*, [1980] 2 F.C. 302 (C.A.); 31 N.R. 34 (F.C.A.)

her husband was a homosexual, and her great distress at learning that her ex-husband had sexually abused their two sons, the minor claimants. She testified at the hearing, however, that she does not automatically equate homosexuality with pedophilia, but in her narrative, she accused the man of pedophilia. On the basis of learning of the abuse, the female claimant took the following steps.

Leaving her ex-husband

[11] On the same day in 2007 that she allegedly confronted her ex-husband about the abuse, the female claimant went to the police station in XXXX to report details of the incident, then returned home to collect her belongings and then moved with her sons to her parents' home some 140 kilometres away. The panel accepts the female claimant's testimony that she left her husband in 2007. And, as per its analysis outlined below, the panel finds it probable that something occurred in the couple's relationship to cause the female claimant to file for divorce. However, the panel is not persuaded that the female claimant has furnished credible evidence or testimony to support her claim that she left her ex-husband because he sexually abused the minor claimants. The problematic testimony of the female claimant and the document she proffered to the panel (to be referenced later in these reasons) compromise the veracity of her claim, in respect of the abuse, as well as her overall credibility. The panel does not accept the female claimant's testimony or evidence on this material aspect of her claim because there was no credible evidence or testimony to support this very serious allegation.

Divorce proceeding and ongoing threats

[12] The female claimant commenced divorce proceedings in May or June 2007 and the divorce was finalized in XXXX 2008. The female claimant alleged that the man continued to threaten her during this period as well as make things financially difficult for her, so much so that she eventually had to flee Hungary. The panel does not believe that the ex-husband was threatening the female claimant as alleged. The female claimant did not report the alleged threats to anyone: to Family Services, to the police or even to her lawyer. This is implausible testimony given that the female claimant had legal representation for her and her sons. Even if she chose to keep this abuse quiet as she told the panel, it is implausible that the female claimant would not alert her lawyer to these alleged threats if they were truly occurring over a sustained period of

time. The panel will provide its findings further in these reasons in respect of this matter of agreeing to keep silent about the abuse. What is more, as she wrote later, despite agreeing to keep this matter from becoming public news, the moment she learned that her ex-husband had abused her younger son in Italy, she allegedly went directly to the lawyer to ask what to do. The female claimant also wrote that she went to the police, but the panel will address this evidence later.

Agreement with the terms of the divorce settlement

[13] The female claimant agreed to the terms of a divorce settlement that her lawyer and the ex-husband's lawyer negotiated on the couple's behalf. The court approved the settlement, which provided that the ex-husband would pay child support and would enjoy access/visitation with the couple's sons every other weekend and during half of the boys' vacation periods. The panel finds the claimant's narrative regarding the divorce settlement and her claim of insufficient legal representation are not credible. Her narrative and testimony on this point are contradictory. At lines 48 to 53, she wrote that her ex-husband had retained "powerful lawyers," and coupled with his "great influence" and being "famous", the man was able to influence the judge to order that the female claimant grant him access. However, in oral testimony, she told the panel an entirely different story. She said that it was her lawyer and her ex-husband's lawyer who negotiated a divorce settlement. Both parties agreed to it and the settlement was presented to the courts for approval.

[14] The panel must consider: if the female claimant and her ex-husband both agreed to the settlement, which had to have been worked out and signed by them both before it could be presented to the court, it is not logical that a judge could be influenced by her ex-husband. Further, the female claimant did not allege that the court had altered the terms of the settlement let alone made a judgment in favour of her ex-husband. Second, if the ex-husband was as influential as she alleged, it makes no sense that the judge would award custody to the female claimant along with court-ordered child support, instead of only granting the influential and famous man visitation. The panel does not believe the female claimant's testimony that her ex-husband was as influential as she claimed, and she proffered no corroborating evidence for this entirely unsubstantiated allegation. Further, the female claimant offered no corroborating evidence to substantiate her ex-husband's alleged influence or influential connections.

[15] This raises two further points related to the implausibility of her testimony. First, it makes no sense that the female claimant would agree to give her ex-husband ongoing access to her sons given the abuse he had perpetrated against them. Second, even if she was willing to keep the matter quiet as she told the panel, which itself makes no sense since the female claimant gained nothing by keeping silent to protect her ex-husband from sexual abuse charges (she was divorcing him and he was not helping her financially). It further, makes no sense that she would agree to terms that in effect would enable the man to abuse his sons yet again (which happened, as she alleged, when her ex-husband took the minor claimants to Italy).

[16] At lines 58-59, the female claimant wrote that because her career suffered by divorcing her ex-husband; “Therein lay my issue in retaining lawyer to bolster a proper defence to XXXX.” For the reasons stated above, it is not credible evidence that she had insufficient legal representation. The settlement also contained a clause to provide child support, but the female claimant said her ex-husband never paid it. The panel does not believe that the female claimant would not raise this issue with her lawyer, especially given her allegation that the man was not supporting her or her sons. As she told the panel, the moment she learned that her ex-husband had abused her son in Italy, she immediately called her lawyer; however, her statement regarding the lawyer’s response is telling. The lawyer told her that they could not file a missing person’s report until 72 hours had elapsed. This explanation makes no sense given that she knew her sons were on vacation with their father. Her call to the lawyer would reasonably be to report the son’s charge of abuse. Instead, the female claimant gives testimony that is unreflective of the real concern she supposedly had – the well-being of her sons with their father. There was no evidence that the lawyer was unable or unwilling to assist her if she had relayed the information about the abuse.

[17] The panel notes that the female claimant also gave different versions as to whom she contacted for assistance when her son called her from Italy – the police, in her narrative; her lawyer, in oral testimony; and later, she said she went to both. Given the implausibilities surrounding this story, the panel cannot rely on the female claimant’s testimony regarding seeking assistance for her son. The panel does not believe the female claimant reported her husband to the police, based on her problematic testimony and because she had already testified that she was keeping his threats and abuse hidden and she had agreed to ensure this did not become “a

sensation”. The panel finds the female claimant has embellished her story in an effort to create this claim for protection.

Keeping the abuse quiet and out of the media

[18] The female claimant agreed to keep the alleged abuse quiet and out of the media so as not to cause ‘a sensation.’ The panel does not believe the female claimant’s testimony or action in this regard. She told the panel that her lawyer only accepted the case “with strings attached”: that she had to keep quiet, even though she alleged her ex-husband was abusing the boys. Notwithstanding the implausibility of a lawyer setting a condition for the female claimant to keep quiet if that person were to take her case, the panel does not believe this explanation to be a truthful one. There were simply too many instances in the female claimant’s narrative and testimony where she portrayed herself as a victim of legal injustice, administrative red tape, ineffective courts and an ever-present threatening situation from her ex-husband, for the panel to believe that she was under pressure to agree to a settlement, which minimally, set terms favorable to her.

[19] Moreover, the panel is not persuaded that the female claimant would agree to any condition of visitation/access if she was truly horrified by the ex-husband’s alleged sexual victimization of her sons. To this panel, it is implausible that a mother who was so profoundly distressed by her ex-husband’s abuse of her sons would engage in a settlement that protected the ex-husband from public exposure and scandal. Even if it were true that the man had failed to honour his financial commitment to pay child support, as provided for in the divorce settlement, the female claimant could have raised this concern with the ex-husband directly, who she continued to see professionally by performing with him as part of their ongoing work in music and movies. She could have threatened to expose him and/or have the courts nullify the agreement. There is no evidence whatsoever before the panel to support her allegation that the courts were working in favor of the ex-husband.

[20] As the panel discussed above, there was no possible advantage to keeping the matter quiet and out of the press. As the claimants’ counsel submitted, other than protecting her sons from public scrutiny, which is a plausible reason in the panel’s analysis, the female claimant proffered no such explanation to the panel. The female claimant made no reference to protecting her son’s

from the media, and it makes no sense for the female claimant to be protecting her ex-husband and his career. There was no good reason to do so for, as the panel learned, the man was not paying child support: he allegedly continued to threaten her despite their divorce settlement; he had allegedly ruined her career and she was financially unstable; and most significantly, by her testimony, he was still abusing her youngest son. On that basis alone, the female claimant had grounds to alert the authorities and, once she learned that the abuse was continuing, to nullify the divorce settlement. She selectively listed times that she reported the abuse to the police, but her conflicting testimony undermines her credibility on these allegations of a lack of state protection.

[21] Specifically, the female claimant has been selective as to when she would keep the matters private and when she would allegedly confide in specialists or openly tell the police. Her oral testimony made no sense on this material aspect of her claim. Thus, on the basis of the female claimant's problematic testimony and the illogical reasons for keeping quiet about the sexual abuse, the panel is not persuaded that there was abuse as alleged, that she agreed to keep such abuse quiet, and the panel finds the female claimant is not a credible witness.

No further allegations made

[22] Related to the findings in the incidents above, other than the alleged attempt to report her ex-husband in 2007, the female claimant made no further allegations about the ex-husband's sexual abuse of her sons at any time, even when her elder son reported further abuse while on vacation. The panel finds the female claimant's allegation of reporting to the police to be fabricated testimony given the glaring inconsistencies and implausibilities in her testimony. The alleged consultations with a doctor, a psychiatrist and a lawyer acquaintance do not constitute evidence of a lack of state protection, and the panel finds that the female claimant has not proffered any credible evidence to support her claim that protection was unavailable to her should she have sought it. The panel finds that the events as recounted have not occurred, and that the female claimant has used the circumstances of a routine divorce as the basis for a specious claim for protection.

The female claimant lets her ex-husband take the minor claimants on holiday

[23] The female claimant let her ex-husband take the minor claimants to Italy on vacation despite the previous abuse, which served as the basis for the divorce. The panel does not believe the female claimant's story that her ex-husband abused the minor son on a trip to Italy. Setting aside all of the panel's issues with the female claimant's credibility, and centring on this allegation alone, it is entirely implausible to the panel that the female claimant would have allowed the man to take her children out of Hungary given the allegations she made of his sexual abuse of the boys. Even if she was abiding by the terms of a divorce settlement that permitted the man to spend time with his sons, the negotiated terms of to which she herself had agreed, this further incident of abuse would have been sufficient grounds alone for the female claimant to immediately seek protection for her sons from any possible chance of further abuse by allowing them to spend time with a man she called a pedophile. Moreover, the female claimant provided no testimony that her sons never saw their father after that trip.

[24] The female claimant's explanation for permitting her sons to travel with the man is also problematic. She responded affirmatively to the panel that she had allowed the boys to go and visit with her ex-husband after the divorce; only that she was relieved that he did not see them as often as the divorce settlement decreed because he was so busy with his work. And, centred on the most serious element of this entire claim – that of sexual abuse of her sons – the panel finds her testimony and actions entirely implausible that she would still permit her sons to travel unaccompanied with a man she declared to be a pedophile who had abused her children.

[25] The female claimant was pressed by the panel and her counsel on this point. The female claimant said that, based on an official Hungarian judgment, she had to hand over her children to her ex-husband for half of their summer vacation. She said that he had the judgment and he could have brought the police on her and he could have commenced a lawsuit. What is so incredulous to the panel is that the female claimant allegedly worried about a lawsuit from a sex offender and pedophile as her reason for not seeking assistance from the authorities. The female claimant does not find this explanation to be reasonable. Considered in the context of what she knew had occurred; that she owed nothing to the man; that she could immediately nullify the divorce settlement and report him to the police; that she could easily expose him publicly in respect of what he had allegedly done to her sons; and in the context of her oral testimony regarding the number of other specialists and lawyers she had talked to about the situation, the panel finds the

female claimant's explanation for not reporting the man or seeking immediate help for her sons not to be believable. There is nothing believable about this female claimant's testimony and the panel draws a negative inference from all of these credibility issues.

The female claimant continues to work alongside her ex-husband

[26] During and after the divorce, the female claimant was bound contractually to appear in various productions and performances alongside her ex-husband, which she did. And, despite allegations of his further abuse against one of her sons while on vacation in Italy, the female claimant continued to perform alongside the man. She also failed to contact either Family Services or the authorities. The panel does not believe that the female claimant would continue to participate in appearances and performances alongside her ex-husband, particularly as he had allegedly abused her sons; she was living in hiding and allegedly in constant fear; and he was threatening her all the time. This is entirely contradictory and not credible testimony and it makes no sense to the panel. The panel also finds the female claimant's actions in agreeing to appear in performances with her ex-husband to be implausible and not credible. If her anger and distress were as great as she alleged at the hearing, it makes no sense that the female claimant would then agree to work alongside her ex-husband and perform with him.

[27] The panel cannot imagine a parent continuing to have any kind of a relationship with the other parent where allegations of sexual abuse are involved, whether professional or otherwise. Yet, this is precisely what the female claimant did, and over a period of time. In each case, the female claimant alleged that if she did not honour the settlement, her ex-husband could sue her. She alleged that she was contractually obligated to perform with her husband; otherwise, she could be sued. The female claimant alleged that she could not keep the boys from their father; otherwise, he could sue her. As shown above, the panel has identified its reasons why the female claimant's alleged fear of a lawsuit is not believable testimony just as all the other points in her story the panel finds not to be credible.

[28] Also, the panel finds that if the female claimant was still in hiding from her ex-husband, yet she was working alongside her ex-husband in various pre-arranged appearances and performances, as alleged, it is implausible that the female claimant would also be able to elude her

ex-husband after such performances and keep secret her and her sons' whereabouts from the man. Even having moved away, and now in the frequent company of her current husband, who was offering her security services during this time, she would still participate in ongoing performances. This is not credible testimony. Even the possibility that the female claimant would agree to sing and perform alongside a sexual abuser of her sons and a pedophile as she called him, makes no sense to the panel and is inconsistent with the actions of a person who has a well-founded fear.

The signed permission paper

[29] To leave Hungary with the minor claimants, the female claimant asked her ex-husband to sign a paper giving her permission to travel abroad with their sons. This document, labeled as Exhibit WW, "Permit", purports to be her ex-husband's signed document giving this authorizing to the female claimant.⁶

[30] The panel asked the female claimant why, if all of these incidents had occurred, and her ex-husband was still threatening to kill her and the principal claimant, she would approach her ex-husband and ask the man to sign a paper giving her permission to travel abroad with her sons. She responded that she had never asked him for anything before that time and all through the divorce (despite having signed a divorce settlement that awarded her custody of the two minor claimants as well as child support), so she wanted to ask him for his permission and to sign this paper. She also added that, as the minor claimants do not have her family name, she thought she would ask her ex-husband. She said she had never asked him before to have permission to take her children away on vacation, but she knew she wanted to take them to Canada. She also said that she wanted something to protect her from the man filing "an international lawsuit" against her.

[31] The principal claimant added that "theoretically, it's not necessary." He said the minor claimants had valid passports and both parents had to sign them independently whether the couple was divorced or not. He added that when the ex-husband took the minor claimants to Italy, he did not ask the female claimant for such a paper. However, the female claimant told the panel that the

⁶ Exhibit 7, Counsels' Exhibits, Item WW.

authorities at the airport did ask for this document when she was taking the minor claimants out of Hungary.

[32] These explanations make no sense when considered in the circumstances of these claims. It makes no sense to the panel that the female claimant would approach the man under these circumstances, as detailed in her claim; that he would even consider giving her such permission; or that he would in fact sign such a paper. It is entirely implausible to the panel that the ex-husband would give this type of permission to the female claimant if he were truly threatening her, and pursuing her while she was allegedly in hiding. And, if she had taken the minor claimants and withheld them from her ex-husband (line 76 of her narrative),⁷ it makes no sense that he would agree to allow her to take the minor claimants abroad. The panel finds this paper to undermine the female claimant's allegations of abuse, threats as well as her fear of her ex-husband. The panel draws a negative inference given this document and the various credibility issues as evidenced.

[33] The panel finds the female claimant's actions to be inconsistent with her story and these undermine the well-foundedness of her fear. This document giving her permission to take her sons out of Hungary also undermines the veracity of her claim regarding abuse. Considered in light of the other credibility problems, it was unnecessary for the panel to consider other elements of these claims, given the lack of truthfulness and overall credibility of the female claimant.

Ancillary issues with the female claimant's credibility

[34] The female claimant said that as soon as she knew her son had been abused in 2007, she went to the police in XXXX, in northeastern Hungary, on the same day. She told the police what had happened. The police officer said he needed proof or videos or pictures or some audio that he acknowledged doing it. If he wasn't willing to talk about it, the female claimant could be in trouble and he could sue the female claimant for having made a false accusation.

⁷ Exhibit 3, Personal Information Form (PIF), PIF Narrative, line 76.

[35] The panel pointed out to the female claimant that there is no mention in her narrative of her going to the police at this time. She only responded “unfortunately” to the panel and she continued to testify that she took her boys and moved out the same day.

[36] Given the serious credibility concerns as identified, the panel finds the statements of three people in Hungary, labeled Exhibits AA 3 and 4 to be self-serving documents that derive from a claim that the panel finds not to be credible as outlined in these reasons.⁸ The panel cannot assign weight to these statements for this reason and they are of almost no probative value to the assessment of the female claimant’s credibility.

[37] The panel also considered the 2012 psychiatric assessment for the female claimant (Exhibit BB) in the context of these findings.⁹ The panel notes that this report largely restates elements of the claim that were reviewed at the hearing. This document is insufficient for the purposes of the panel’s analysis of the female claimant’s credibility. This is due in large part because of the panel’s finding that the female claimant is not a truthful witness overall, and in part because the diagnosis provides no methodological information let alone observations to support the doctor’s extremely short diagnosis (page 194). Even considering the explanatory materials in Exhibit YY, which speak generally to definitions for the diagnosis provided, there is no provision of information from the assessor regarding what precisely went into informing the opinion.¹⁰ This item is simply insufficient, or corroborative of her allegations, to assign any impacts on the female claimant of alleged threats from her ex-husband or abuse allegedly suffered by the minor claimants. The document in question is not the type of report the Board customarily receives to support victims of domestic abuse or assault. It is neither comprehensive nor persuasive of anything in the context of the panel’s significant concerns with the female claimant’s testimony and evidence.

[38] By extension, the panel reviewed the other two reports purporting to be assessments of the minor claimants. One is from the Dr. XXXX XXXX Medicine Professional Corporation of May 8, 2013 that diagnoses “XXXX XXXX” (XXXX XXXX) with “XXXX XXXX XXXX XXXX

⁸ Exhibit 7, Counsels’ Exhibits, Items AA 3 and 4.

⁹ Ibid., Item BB, p. 194.

¹⁰ Ibid., Item YY.

XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX”; however, the information and methodology that might have informed such a diagnosis for the minor claimant is largely missing from this report. There is nothing in this report to substantiate the diagnosis other than a reference to a XXXX diagnosis in Hungary from 2007, two months after the female claimant took the boys and left the ex-husband. It is an unhelpful and unpersuasive report by virtue of the incompleteness of the aforementioned elements; information, the factors in assessing the child, what was discovered, or the methodology used to determine this diagnosis. There is a similar report for XXXX XXXX dated May 24, 2013, which opines that “maybe he was suffering but no more.” At best, both items simply recount what the female claimant told the assessor in crafting these letters. The panel is not helped by these items as they do not establish the credibility of these claims or lend weight to the allegations of sexual abuse by the ex-husband.

[39] Lastly, the panel was not assisted by the October 2012 letter marked as Exhibit QQ, which purports to be from an official in the XXXX branch of the Service for Family Support and Education.¹¹ The female claimant obtained this item after she was already in Canada and had contacted the office from this country purportedly to learn “what official avenues are there for her if she wanted to make a report against XXXX XXXX, the father of her son, for endangering a minor.” This information is entirely unhelpful to the panel, given that the time for seeking assistance for her son was in Hungary, and not in Canada. Moreover, the only value to be had from this letter would be to corroborate the female claimant’s testimony that it is difficult to prove child abuse in Hungary. However, given that the panel finds the female claimant not to be a credible witness in respect of this material aspect of her claim, the panel assigns no weight to this letter and adds nothing to her claim for protection. The letter simply outlines the steps she would have to follow if she wanted to file a report against her ex-husband.

[40] At the end of the hearing, the claimants’ counsel told the panel that she had asked the female claimant almost every one of the questions this panel had asked of her and the responses were the same. This, however, does not make the female claimant a credible witness. The panel put all of its concerns regarding the female claimant’s evidence and testimony to the female claimant. The panel has enumerated her responses and provided its finding in respect of all of its

¹¹ Exhibit 7, Counsels’ Exhibits, Item QQ.

credibility concerns. The panel finds that the female claimant has failed to resolve the panel's concerns with her overall testimony and lack of credibility. Given this finding of a lack of credibility regarding her testimony as identified, and in respect of the paper permitting to be her ex-husband's permission statement, the panel is unable to proceed further with other allegations in her claim.

[41] Lastly, the two adult claimants alleged that they are members of a particular social group: adults protecting minor-age children from a pedophile adult. Extensive case law and the definition of a particular social group as analyzed exhaustively in the *Ward* decision,¹² confirm the panel's finding that the claimants do not constitute a particular social group under this self-identified description.

CONCLUSION

[42] For the panel to have assigned some weight to the counsel's submissions regarding abuse and victimization of persons who have experienced such abuse, it would first have had to accept as credible the abuse the female claimant has alleged. For all of these reasons, it does not find this witness to be credible. Having considered the totality of the evidence, the panel finds that the female claimant is not a Convention refugee pursuant to section 96 of the *IRPA* and is not a person in need of protection, pursuant to subsection 97(1)(b) of the same *Act*. Further, as the principal claimant and the minor claimants base their claims on that of the female claimant, the panel makes the same findings in respect of their claims. Their claims are rejected.

(signed)

"R. Rossi"

R. Rossi

June 5, 2018

Date

¹² *Canada (Attorney General) v. Ward*, [1993] 2 SCR 689, 1993 CanLII 105 (SCC)

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