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Actors of protection

This chapter analyses the provision of Article 7 QD and examines the requirements for the assessment of actors of protection in the respective country of origin.

Article 7 of the recast Qualification Directive

1. Protection against persecution or serious harm can only be provided by:

(a) the State; or

(b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State;

provided they are willing and able to offer protection in accordance with paragraph 2.

2. Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned under points (a) and (b) of paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to such protection.

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as described in paragraph 2, Member States shall take into account any guidance which may be provided in relevant Union acts.

In order for State or non-State actors to be considered as actors of protection, they must control the entire territory or at least a substantial part of it and be willing and able to provide protection to the applicant. Furthermore, the protection in the country of origin has to meet three cumulative conditions. It has to be:

effective non-temporary accessible to the applicant

This chapter offers a COI summary and analysis regarding the three cumulative conditions. It addresses the capacity and responsiveness of the law enforcement system as well as the capacity and independence of the judiciary. It also refers to possible reported discriminatory practices with regard to the accessibility of protection.

The assessment concludes whether or not the State or other relevant parties or organisations qualify as actors of protection meeting the requirements of Article 7 QD. In some cases, conclusions may be nuanced depending, for example, on geographical scope or the profile of the applicant.

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For further general guidance on the topic, see the section ‘Protection in the country of origin’, p. 36, of the EUAA **Practical guide: Qualification for international protection**.

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