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Effectiveness

Protection is generally provided when the actors of protection take reasonable steps to prevent 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.

The assessment of whether the actor of protection takes '**reasonable steps**' is a practical issue and refers to what measures can reasonably be expected in order to prevent the persecution or serious harm feared by the applicant. What would qualify as reasonable steps depends also on the severity of the feared harm. Certain levels of ill treatment cannot be excluded even if reasonable steps are taken to prevent persecution or the suffering of serious harm.

The acts of persecution or the acts that cause serious harm normally fall within the ambit of criminal law due to their high severity. Mere detection, prosecution and punishment of acts constituting persecution or serious harm, after they have taken place, does not meet the requirement of effective protection. The actors of protection have to take reasonable steps to prevent such harmful acts and to diminish the risk of them occuring.

Elements such as human-rights records, corruption, sufficiency of resources, law-enforcement practices and independence of the judiciary can be taken into account when assessing whether effective protection can be provided.

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