Please cite as: EUAA, 'Actors of protection' in *EASO Practical Guide: Qualification for international protection*, January 2022.

Actors of protection

The list of actors of protection is exhaustive.

- **The state**

Usually, the state is the primary actor of protection. It encompasses any organ exercising legislative, executive, judicial or any other functions and acting at any level, be it central, federal, regional, provincial or local.

In some cases, private entities may also be given state powers and made responsible for providing protection under the control of the state. This should be pursuant to a measure adopted by the state.

In order to be considered an actor of protection, the state has to control the entire territory of the country of origin, or at least a substantial part of it. In some cases, the state as an actor of protection may receive assistance from parties and organisations, including international organisations, in order to fulfil its protective role. This, however, should be without prejudice to the state having control over the territory or substantial part of it.

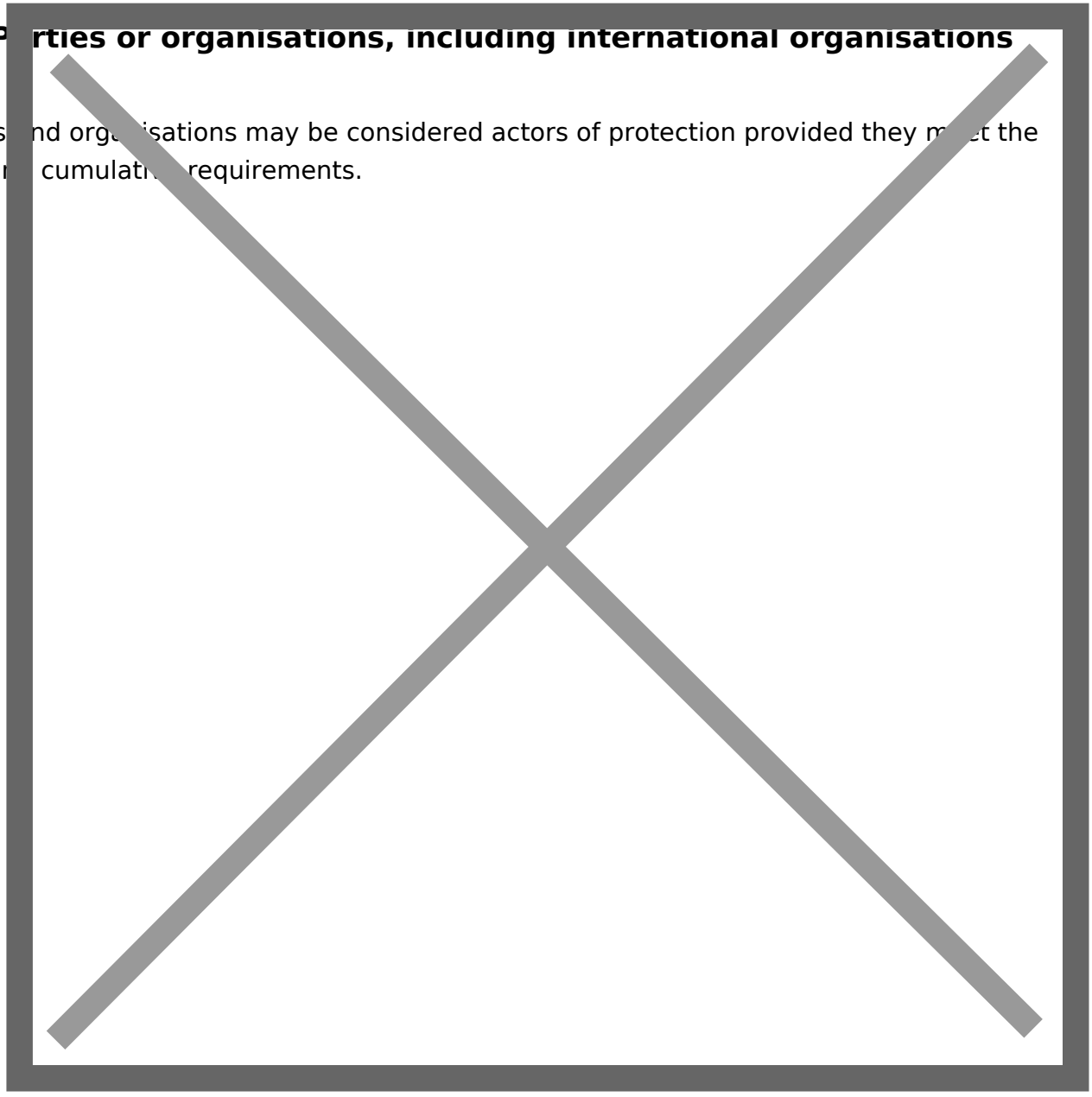
State: willing	State: able
The state is unwilling to offer protection particularly when it is itself the actor of persecution or serious harm or tolerates such acts. Where the state or agents of the state are the actors of persecution or serious harm, there would be a presumption that effective protection is not available to the applicant. However, this presumption is rebuttable and certain exceptions could apply (e.g. when the threat is from a local authority and the central authority is willing and able to offer protection).	Mere willingness to protect would not be sufficient in the absence of the ability to protect. The state is unable to offer protection if it does not possess the necessary power or resources to provide it. In this respect, particular attention has to be given to situations where a transition to power has recently occurred in the country of origin or if a state of emergency is ongoing in the country.

Both conditions have to be satisfied. Protection cannot be considered to be afforded to the applicant in case the state is willing but unable to offer protection, or able but unwilling to offer it.

The inability and/or unwillingness of the state to provide protection can be particular to the individual case of the applicant, or of general nature which also applies to the applicant.

- **Parties or organisations, including international organisations**

Parties and organisations may be considered actors of protection provided they meet the following cumulative requirements.



In order to consider that parties or organisations control the territory of a state or a substantial part of it, it should be established that they exercise relevant governmental functions. This should be seen in conjunction with their actual ability to provide protection, which is effective

and of a non-temporary nature.

The willingness and the ability of the parties and organisations to provide protection have to be assessed according to the same standards as those applicable to state protection.

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