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6.2. Safety

COMMON ANALYSIS
Last update: November 2024

☐ 6.2.1. Absence of persecution or serious harm

When examining the element ‘absence of persecution or serious harm’, the decision-maker should refer to chapters 1 to 4 of this document.

When assessing the requirement of safety with regard to the applicability of IPA in individual cases of applicants from Iraq, the following elements should be taken into account:

- **General security situation in relation to indiscriminate violence**

Based on the analysis under 4.3. Article 15(c) QD/QR: indiscriminate violence in situations of armed conflict, it appears that the general security situation in the cities of Baghdad and Sulaymaniyah does not preclude an IPA to be found in those cities. A careful examination of the safety requirement with regard to IPA should however be performed, with regard to Baghdad in particular.

- **Actors of persecution or serious harm**

In case where the applicant fears persecution or serious harm by **State actors**, there is a presumption that IPA would not be available (e.g. persons perceived to be associated with ISIL). In specific cases, where the reach of a certain State actor is clearly limited to a particular geographical area (e.g. some PMFs, KRG forces), the safety requirement may be satisfied with regard to other parts of Iraq.

In case the applicant faces persecution or serious harm by **ISIL**, even though the operational capacity of the group has decreased in Iraq, it would be in general not safe to relocate in areas where the group continues to operate.

In some cases where the applicant faces persecution or serious harm for reasons related to the prevalent tribal and social norms in Iraq and the actor of persecution or serious harm is the **Iraqi society** at large (e.g. persons with diverse SOGIESC, certain ethno-religious minorities), the safety requirement would in general not be met.

For certain particularly vulnerable individuals, such as some women and children, if the actor of persecution or serious harm is **the (extended) family, tribe or community** (e.g. honour crimes, *fasliya* marriage, FGM), taking into account the reach of these actors, the lack of State protection and their potential vulnerability to new forms of violence, the safety requirement would in general not be met.

For the presence and area(s) of activity of armed actors see 2. Actors of persecution or serious harm.

- **Behaviour of the applicant**

It is recalled that an applicant cannot be reasonably expected to abstain from practices fundamental to his or her identity, such as those related to religion or sexual orientation and gender identity, in order to avoid the risk of persecution or serious harm (14).

- **Whether the profile of the applicant is considered a priority target and/or a threat by the actor of persecution or serious harm**

The profile of the applicant could make them a priority target, increasing the likelihood that the actor of persecution or serious harm would attempt to trace the applicant in the potential IPA location.

- **Other risk-enhancing circumstances**

The information under 3. Refugee status should be used to assist in this assessment.

☐ **6.2.2. Availability of protection against persecution or serious harm**

Alternatively, it may be determined that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm, as defined in Article 7 QD/QR, in the area where IPA is considered. In the case of persecution by the State, a presumption of non-availability of State protection applies. See also 5. Actors of protection.

The requirement of safety may be satisfied in the cities of Baghdad and Sulaymaniyah, depending on the profile and the individual circumstances of the applicant.

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CJEU, *X, Y and Z*, paras. 70-76; CJEU, *Y and Z*, para. 80.

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