

# Serious and individual threat

As mentioned above, even if refugee status is not granted, established personal circumstances are yet to be taken into account in the examination of subsidiary protection.

This section presents a general framework regarding the individual circumstances which may be relevant to consider in the assessment of a serious and individual threat in territories where the ‘mere presence’ threshold is not reached.

Certain personal circumstances could contribute to an enhanced risk of being subjected to indiscriminate violence, including its direct and indirect consequences.

It is important to differentiate these individual circumstances from the individual circumstances taken into account at other stages in the analysis:

Different from refugee status

It is important to differentiate these individual elements from the individual elements which would result in the deliberate targeting of the applicant, whether as an individual or as a part of a group defined by one of the grounds under the refugee definition.

Different from IPA

The assessment should also be distinguished under internal protection, albeit with regard to the reasonableness of the applicant to seek a different location to their home area.

In the context of the ‘sliding scale’, each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant’s case. It is not feasible to provide exhaustive guidance about what the relevant personal circumstances could be and how those should be assessed.

Some examples of personal circumstances that could affect the level of risk under Article 15(c) QD/QR, depending on the specificities of each country of origin, may include:

- **Age:** when assessing the risk of indiscriminate violence, this personal circumstance may be of particular importance in relation to the ability of the person to assess the risks. Children may not be in a position to quickly assess and avoid risks related to a volatile security situation or associated risks, such as those of unexploded remnants of war. In some cases, elderly age may also impact the person's ability to assess and avoid risks associated with an armed conflict.
- **Gender:** when assessing the applicability of Article 15(c) QD/QR, the respective role of men and women in society and the perceptions of it may expose them to a differentiated level of risk and should be assessed accordingly. Their vulnerability to armed confrontations and targeted attacks may also differ.
- **Health condition and disabilities, including mental health issues:** serious illnesses and disabilities may result in restricted mobility for a person, making it difficult for them to avoid immediate risks and, in the case of mental illnesses, it can make them less capable of assessing risks. In other cases, such conditions may require frequent visits to a healthcare facility. Depending on the road security and the potential targeting of healthcare facilities, the latter may have additional implications related to the assessment of the risk under Article 15(c) QD/QR.
- **Occupation and/or place of residence:** the occupation and/or place of residence the person is likely to have when they return to their home area may also be relevant to assess the risk under Article 15(c) QD/QR. It may, for example, be linked to the need for the applicant to travel through areas where road incidents are often reported, or to frequent locations known to be particularly targeted in the conflict.
- **Economic situation:** applicants in a particularly dire economic situation may be less able to avoid the risks associated with indiscriminate violence. They may be forced to expose themselves to risks such as working in areas which are affected by violence in order to meet their basic needs. They may also have less resources to avoid an imminent threat by relocating to a different area.
- **Knowledge of the area:** when assessing the risk of indiscriminate violence under Article 15(c) QD/QR, the relevant knowledge of the area concerns the patterns of violence it is affected by. Different elements may contribute to a person's knowledge of the area. It can relate to their experience in the area or in areas similarly affected by indiscriminate violence. For example, being born or having lived for many years outside the country can impact the applicant's ability to assess the risks in the home area.
- **Family members or support network:** the lack of family members or a support network could affect the applicant's economic situation and place of residence/occupation and may also prevent them from being informed on risks relevant to the indiscriminate violence in a situation of an armed conflict.

In country-specific guidance, further elaboration on how specific individual circumstances may affect the level of risk in the context of Article 15(c) QD/QR, depending also on the nature and intensity of violence, may also be provided.