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4.3.5. Serious and individual threat

COMMON ANALYSIS
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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.

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 what the relevant personal circumstances could be and how those should be assessed.

The text below provides some indications concerning the relevant considerations and the nature of the assessment.

- **Age**: when assessing the risk of indiscriminate violence, age would be of particular importance in relation to the ability of the person to assess the risks. For example, children may not be able to assess the risk associated with contamination by unexploded remnants of war. Children may also not be in a position to quickly assess a changing situation and avoid the risks it entails. 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, it is difficult to ascertain whether and in what circumstances men or women would be at a higher risk in general. It would also depend on other factors, such as the nature of the violence in the area. For example, men may be at higher risk of violence targeting local markets, banks, governmental institutions, as they are the ones more frequently being outside the home and visiting such locations. On the other hand, general gender norms in Sudan suggest that women may have limited access to information regarding the current security situation and the associated risks. Gender-based restrictions, societal norms, and systemic

discrimination can contribute to women having reduced access to timely and accurate security-related information. Additionally, the use of sexual violence as a weapon of war, trafficking, and forced marriages may further limit their ability to engage with broader social networks that could provide critical updates on security threats. Moreover, if violence moves closer to civilian residences, such as in the case of airstrikes or ground engagements, women may face greater difficulty in avoiding it. Movement restrictions, both culturally imposed (such as expectations around modesty and family honour) and conflict-related (such as checkpoints, the threat of sexual violence, or forced marriages to armed actors), can severely limit women's ability to flee danger. Additionally, women caring for children, the elderly, or family members with disabilities may find it even harder to escape quickly, increasing their exposure to conflict-related harm.

- **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. The latter may have different implications related to the assessment of the risk under Article 15(c) QD/QR. Considering road security, individuals required to travel may face increased risks, particularly if travel is necessary to access healthcare services. It may also increase the risk when health facilities themselves are reported to be targeted. Moreover, if healthcare facilities are damaged and closed because of fighting, such an applicant may be at a higher risk due to the indirect effects of the indiscriminate violence as they would not be able to access the health care they need.

- **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.

- **Area of origin/Knowledge of the area:** the relevant knowledge of the area concerns the patterns of violence it is affected by, the existence of areas contaminated by landmines, etc. Different elements may contribute to a person’s knowledge of the area. It can relate to their own 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 or originating from a different area can impact the applicant’s ability to assess the risks.

- **Profession and/or place of residence:** the profession and/or place of residence the person is likely to have if 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 affected by the conflict.

- **Family members or support network**: the lack of family members or support network in particular for single women or women at the head of a household, without a male relative or social 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

Individual elements related to the above can exist in combination. Other factors may also be relevant.

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