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Indiscriminate violence

Indicators

The common analysis regarding the degree of indiscriminate violence taking place in different regions in the respective country of origin combines quantitative and qualitative elements in a **comprehensive holistic assessment**.

The assessment is usually made at a provincial, or governorate, level. In some cases, where available information clearly justifies this, a separate assessment may be made at a district level or for particular cities, etc.

The indicators applied (see Figure 6) were initially formulated in reference to the ECtHR judgment in *Sufi and Elmi* and were further developed and adapted in order to be applied as a general approach to assessing the element of 'indiscriminate violence', irrespective of the country of origin in question. The CJEU judgment in *CF and DN* was seen as a confirmation of the appropriateness of the selected approach.

Figure 6. Assessment of the level of indiscriminate violence.

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None of the indicators above would be sufficient by itself to assess the level of indiscriminate violence and the risk it creates for the civilian population in a particular area. Therefore, a holistic approach is applied, taking into account all different elements.

It should, furthermore, be noted that the COI used as a basis for this assessment cannot be considered a complete representation of the extent of indiscriminate violence and its impact on the life of civilians. The background of the conflict in a particular area could be important to understand local dynamics and security incidents trends. Concerns with regard to underreporting, especially pertinent to the quantitative indicators, are also often highlighted and should be taken into account.

Table 1 below outlines the general approach to the different indicators. However, specifics of the available COI on these indicators are often necessary to take into account and would be highlighted in the respective country-specific common analysis.

Table 1. Indicators of indiscriminate violence.

Presence of actors in the conflict	This indicator looks into the presence of different armed actors in the area. It takes into account whether the area is controlled by a specific actor and which that actor is, whether it is contested, which actors operate there and conduct attacks, etc.
Nature of methods and tactics	The COI summaries include information on the nature of violence used by the actors of persecution or serious harm e.g. airstrikes, clashes, use of improvised explosive devices (IEDs), complex attacks, etc. Some methods and tactics used in an armed conflict are, by their nature, more indiscriminate than others and create a more substantial risk for civilians in general. The assessment of the level of indiscriminate violence takes into account the types of security incidents reported in the area, including the methods used as well as where and how they are conducted.
Frequency of incidents	The frequency of incidents is a useful indicator to assist in the assessment of the risk of indiscriminate violence. The number of reported security incidents related to the armed conflict is provided by the available COI documents and is included in the COI summaries at provincial level. In order to provide an indication of the relative intensity of the violence in the area, the number of security incidents is furthermore presented as a weekly average for the reference period of the country guidance document.
Civilian casualties	The number of civilian casualties (including killed and injured civilians) is considered a key indicator when assessing the level of indiscriminate violence and the associated risk for civilians in the context of Article 15(c) QD. The reported number of casualties is further weighted by the population of the respective area and presented as the approximate number of civilian casualties per 100 000 inhabitants. The reporting of civilian casualties in an armed conflict is often challenging. Requiring these data at a provincial level poses additional difficulties in terms of its comprehensiveness, comparability and reliability. For example, data may be limited to the reported number of civilian deaths and information on injured civilians may not be available. Such limitations are taken into account in the analysis.
Geographical scope	This element looks into how widespread the violence within each region is, highlighting the areas which are particularly affected by indiscriminate violence and/or the areas which are relatively less affected, where relevant information is available.
Displacement	This indicator refers to conflict-induced displacement from the area in question . It is seen as an indication of the perception of the local population of the risks in the area. Under this indicator, where available, the COI summaries provide information about recent IDP movements from or to the area, including within the area itself. Information on returns to the area could also be provided.

In addition to the indicators above, some examples of further impact of the armed conflicts on the life of civilians (e.g. infrastructure damage, obstacles to humanitarian aid and other disruptions to civilian life) are mentioned and taken into account in the assessment.

The sources for the information under the different indicators are outlined within each country guidance document and more details on their methodology can be found in the respective COI reports.

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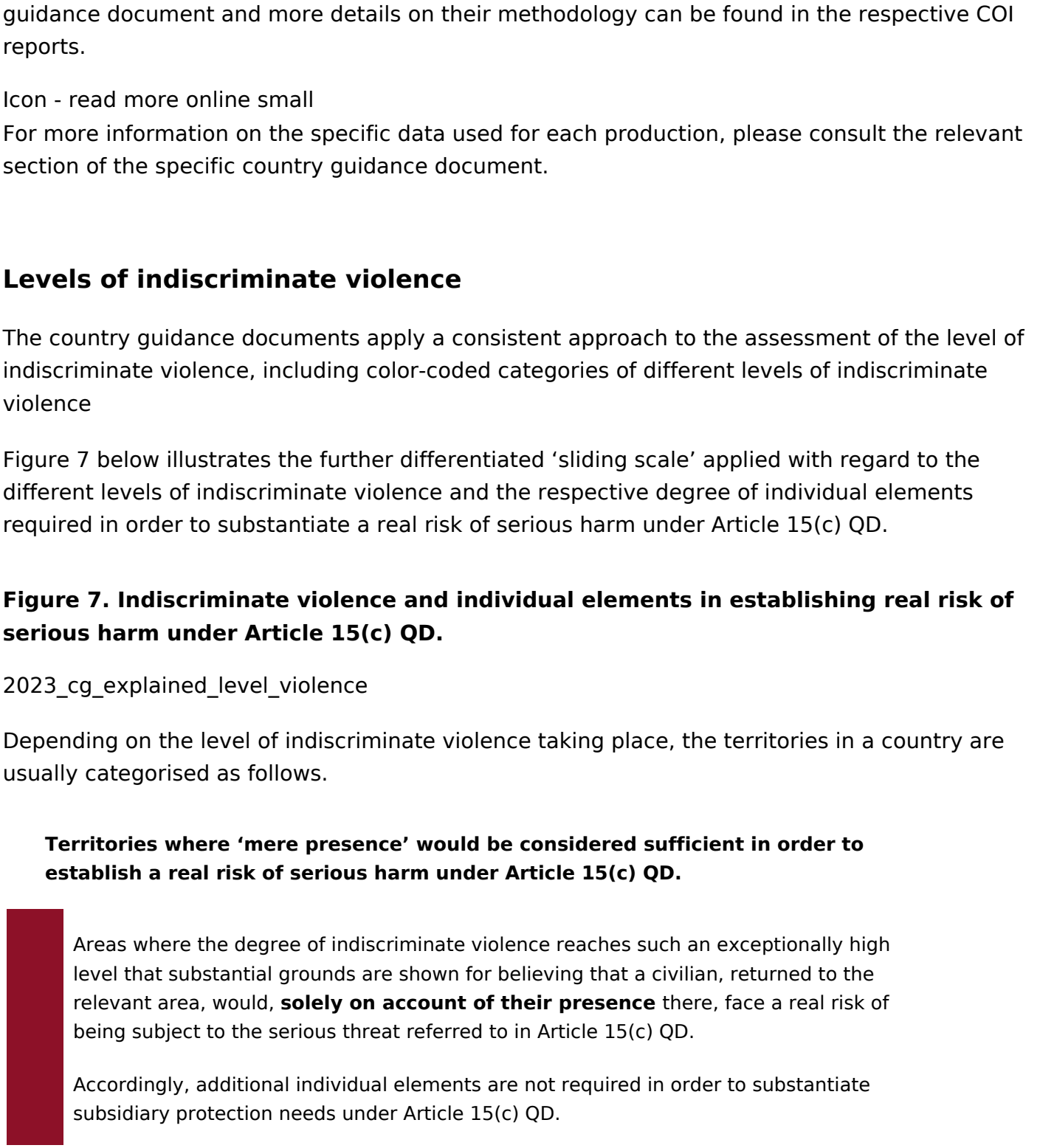
For more information on the specific data used for each production, please consult the relevant section of the specific country guidance document.

Levels of indiscriminate violence

The country guidance documents apply a consistent approach to the assessment of the level of indiscriminate violence, including color-coded categories of different levels of indiscriminate violence

Figure 7 below illustrates the further differentiated ‘sliding scale’ applied with regard to the different levels of indiscriminate violence and the respective degree of individual elements required in order to substantiate a real risk of serious harm under Article 15(c) QD.

Figure 7. Indiscriminate violence and individual elements in establishing real risk of serious harm under Article 15(c) QD.



Depending on the level of indiscriminate violence taking place, the territories in a country are usually categorised as follows.

Territories where ‘mere presence’ would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD.

Areas where the degree of indiscriminate violence reaches such an exceptionally high level that substantial grounds are shown for believing that a civilian, returned to the relevant area, would, **solely on account of their presence** there, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

Accordingly, additional individual elements are not required in order to substantiate subsidiary protection needs under Article 15(c) QD.

Territories where a real risk of serious harm under Article 15(c) QD may be established if the applicant is specifically affected by reason of factors particular to their personal circumstances, following a ‘sliding scale’ approach.

Areas where ’mere presence’ would not be sufficient to establish a real risk of serious harm under Article 15(c) QD, but where, however, indiscriminate violence reaches a **high level**.

Accordingly, a **lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the area, would face a real risk of serious harm in the meaning of Article 15(c) QD.

Areas where indiscriminate violence is taking place, however **not at a high level**.

Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the area, would face a real risk of serious harm in the meaning of Article 15(c) QD.

Lastly, there are territories with regard to which Article 15(c) QD would in general not be applicable.

Areas where, in general, there is **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

This may be because the criteria for an armed conflict within the meaning of this provision are not met, because no indiscriminate violence is taking place, or because the level of indiscriminate violence is so low, that in general there would be no real risk for a civilian to be affected by it.

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