

Article 15(c) QD

Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict

GUIDANCE NOTE

Last update: February 2023

The following is a summary of the relevant conclusions concerning the situation in Syria.

Armed conflict

There are multiple overlapping non-international (internal) and international armed conflicts taking place in Syria:

- Syria continued to be involved in an international armed conflict with the US-led coalition against ISIL, due to the coalition's military intervention in Syria without the consent of the GoS.
- Syria continued to be involved in an international armed conflict with Türkiye, who has carried out military operations against GoS, ISIL and Kurdish armed groups in Syria, and controls parts of northern Syria with the help of anti-GoS armed groups.
- Syria continued to be involved in an international armed conflict with Israel as well, who has been conducting air strikes on Iranian targets in Syria without the consent of the GoS, and controls parts of Syria.
- Syria continued to be involved in several non-international armed conflicts with various anti-GoS armed groups, most notably HTS, the SNA, the SDF and ISIL.

- Non-international armed conflicts on Syrian territory further included ongoing infighting between various non-State armed groups.
- Türkiye is engaged in a non-international armed conflict in Syria with Kurdish forces and with ISIL.
- Israel is engaged in a non-international armed conflict in Syria with the Hezbollah.

[Read more in the common analysis](#)

Civilian

Article 15(c) QD applies to a person who is not a member of any of the parties to the conflict and is not taking part in the hostilities, potentially including former combatants who have genuinely and permanently renounced armed activity. The applications by persons under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under Article 15(c) QD.

For example:

- GoS military and security forces
- Pro-government militias
- SDF and Asayish
- SNA
- HTS and other anti-government armed groups
- ISIL and its predecessor groups.

It should be noted that actively taking part in hostilities is not limited to openly carrying arms but could also include substantial logistical and/or administrative support to combatants.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon return. The fact that the person took part in hostilities in the past would not necessarily mean that Article 15(c) QD would not be applicable to him or her.

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Indiscriminate violence

Indiscriminate violence takes place to a different degree in different parts of the territory of Syria. The map below summarises and illustrates the assessment of indiscriminate violence per governorate in Syria (Figure 2). This assessment is based on a holistic analysis, including quantitative and qualitative information for the reference period 1 April 2021 – 31 July 2022. Some indicators are updated with information concerning the period 1 August 2022 – 31 October 2022.

Up-to-date country of origin information should always inform the individual assessment.

Mere presence would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD.

Indiscriminate violence reaches **a high level** and **a lower level of individual elements** is required to establish a real risk of serious harm under Article 15(c) QD.

Indiscriminate violence is taking place, however **not at a high level**, and **a higher level of individual elements** is required to establish a real risk of serious harm under Article 15(c) QD.

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

The governorates of Syria are categorised as follows.

In the governorates of **Aleppo, Dar'a, Deir Ez-Zor, Hasaka, Idlib**, and **Raqqa** it is assessed that 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 territory, would, **solely on account of their presence there**, face a real risk of being subjected to the serious threat referred to in Article 15(c) QD.

It is assessed that in the governorates of **Hama** and **Sweida** the level of indiscriminate violence is high.

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.

Indiscriminate violence is also taking place in the governorates of **Homs**, **Latakia**, **Quneitra**, and **Rural Damascus**. However, this violence does not reach 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.

In the remaining two governorates of Syria, namely **Damascus** and **Tartous**, it is assessed that there is currently **no real risk** for a civilian to be personally affected by indiscriminate violence within the meaning of Article 15(c) QD.

This category is applied where the criteria for an armed conflict within the meaning of this provision are not met, where no indiscriminate violence is taking place, or where 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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Serious and individual threat

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. Certain personal circumstances could contribute to an enhanced risk of indiscriminate violence, including its direct and indirect consequences. While it is not feasible to provide exhaustive guidance about what the relevant personal circumstances could be and how those should be assessed, the following are highlighted as possible examples of circumstances which may impact the ability

of a person to assess and/or avoid risks related to indiscriminate violence in a situation of an armed conflict:

- age
- gender
- health condition and disability, including mental health issues
- economic situation
- knowledge of the area
- occupation of the applicant
- etc.

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Threat to life or person

Some of the commonly reported types of harm to civilians' life or person in Syria include killing, injury, abduction, child recruitment, explosive remnants of war, etc. A real risk of such serious harm would qualify a threat to a (civilian's) life or person in accordance with the provision of Article 15(c) QD.

Nexus

The interpretation of the causation 'by reason of' may not be limited to harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict. To a certain extent, it may also include the indirect effect of indiscriminate violence in situations of armed conflict. As long as there is a demonstrable link to the indiscriminate violence, such elements may be taken into account in the assessments as, for example: widespread criminal violence as a result of lawlessness, destruction of the necessary means to survive, destruction of infrastructure, denial of or limited access of humanitarian aid, limited access to healthcare facilities.

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