



Group of refugees on the Balkan route to the EU in 2015.

# Persons Fleeing Armed Conflicts and Country Guidance in the European Union

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For a more detailed analysis see Christel Querton, 'Country Guidance, Country of Origin Information, and the International Protection Needs of Persons Fleeing Armed Conflicts' (2023) 42(2) Refugee Survey Quarterly 204

100 M

89.3 MILLION  
FORCIBLY DISPLACED WORLDWIDE

50 M

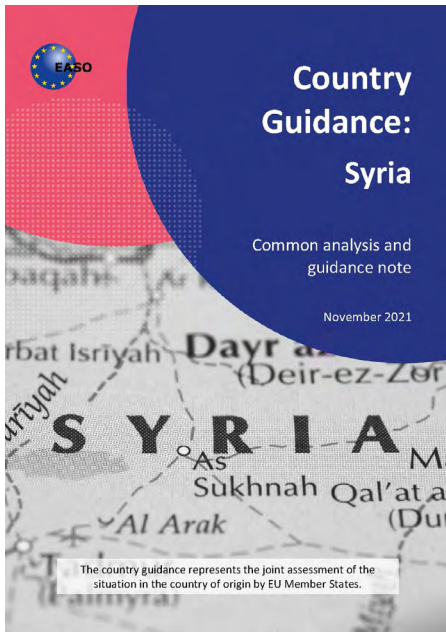
adapted from UNHCR, Global Trends Report 2021

**By the end of 2021, there were more than 89 million forcibly displaced people in the world - the highest number ever recorded.**

Most refugees today are fleeing situations of armed conflict, including countries like Syria, Afghanistan, South Sudan, and Myanmar.<sup>1</sup> Many persons fleeing armed conflicts therefore seek asylum in other parts of the world. International protection can take different forms. In the European Union (EU), this includes refugee status and subsidiary protection, a lesser form of status.<sup>2</sup>

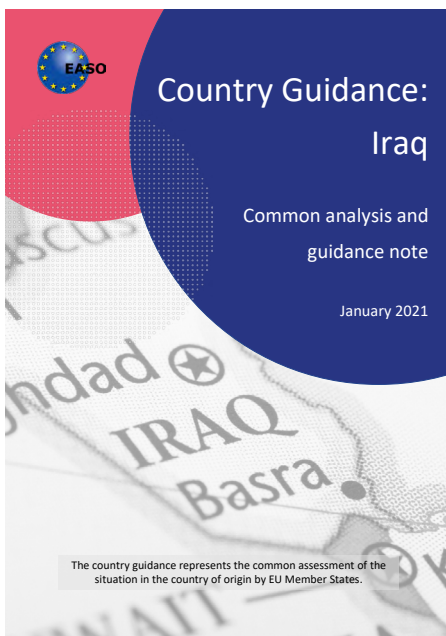
**A REFUGEE** is defined as a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country” (art. 1A(2) UN Refugee Convention).

In the EU, a beneficiary of **SUBSIDIARY PROTECTION** is a person who does not qualify as a refugee but who would face a real risk of suffering a “serious and individual threat [...] by reason of indiscriminate violence in situations of international or internal armed conflict” on return to their country of origin (arts. 2(f) & 15(c) Qualification Directive)



**Country guidance is country-specific policy that communicates an assessment whether certain profiles of asylum seekers are considered in need of refugee or subsidiary protection.**

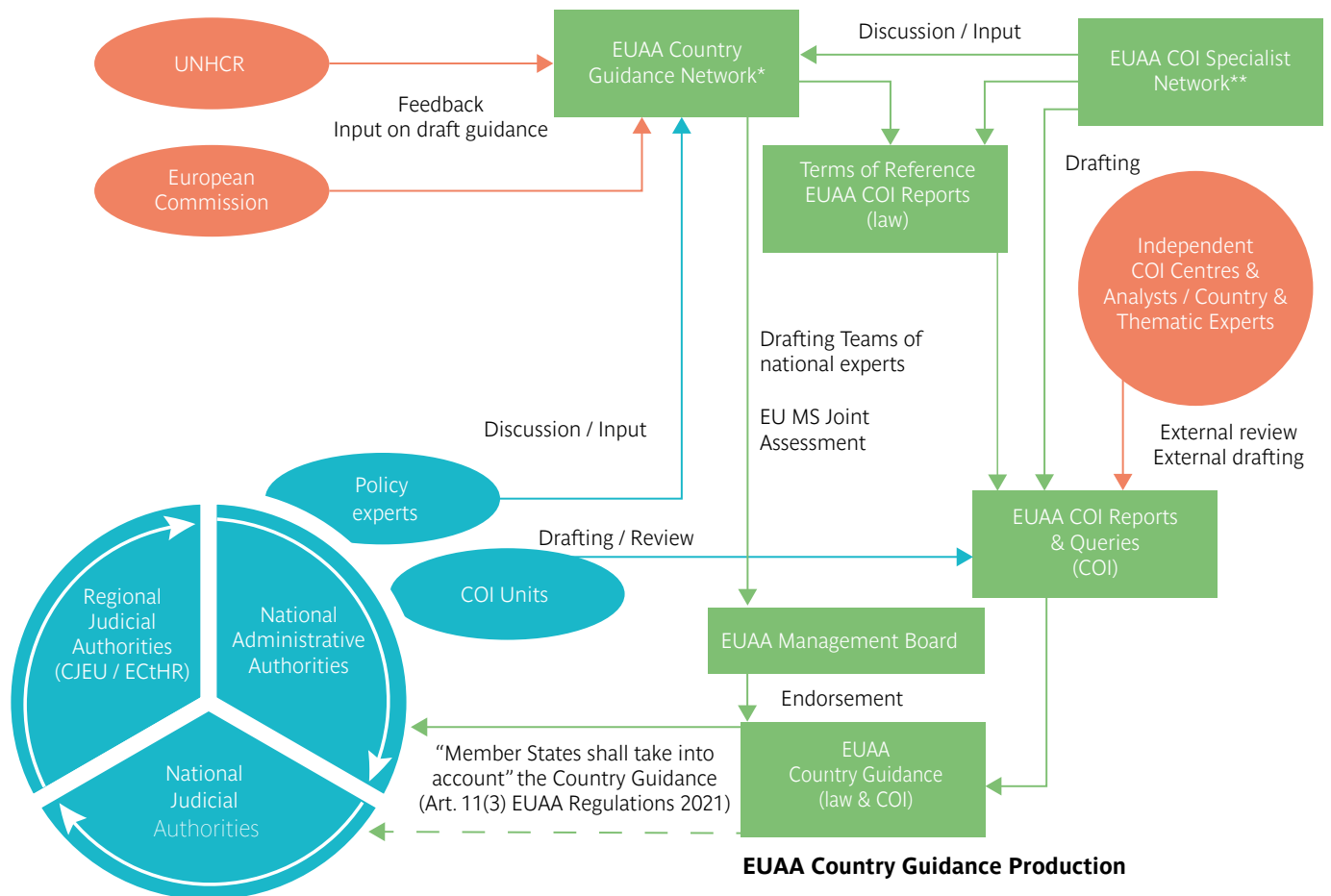
Country Guidance is based on Country of Origin Information (COI), which is information about conditions in the countries of origin of asylum applicants. National administrations, judicial authorities and regional and international agencies are regularly producing country guidance to help decision-makers determine asylum applications and ensure consistency in decision-making. The European Union Agency for Asylum (EUAA), for example, is increasingly supporting EU Member States' asylum systems by producing COI reports and coordinating efforts amongst Member States to develop country guidance.<sup>3</sup> EU Member States have an obligation to "take into account" the guidance [...], without prejudice to their competence to decide on individual applications for international protection"<sup>4</sup> in order to achieve convergence in international protection statuses.<sup>5</sup> Although there is no published data evidencing the extent of Member States' reliance on EUAA country guidance, it is likely that decision makers at both the administrative and judicial levels in the EU are increasingly relying on the accessible and extensive document due to time and resources limitations.<sup>6</sup> Moreover, the Agency's guidance is influential due to its status as a centre of expertise and the fact that the guidance is endorsed by its Management Board, which is dominated by Member States.<sup>7</sup>



Greece, Idomeni, March 2016: the biggest refugee camp in Europe at that time, hosting up to 11.000 people mostly from Syria, Afghanistan and Iraq



# How is European Union Agency for Asylum (EUAA) Country Guidance Developed?



## Refugee Status Determination Process

Art. 1A(2) Refugee Convention / Arts. 2(d), 2(f) & 15(a)-(c) Qualification Directive  
 Art. 3 European Convention on Human Rights / Regional and National Interpretation

\* The EUAA Country Guidance Network is comprised of senior-level policy officials from Member States and associated countries.  
 \*\* The EUAA COI Specialist Network is comprised of specialised COI researchers from EU+ national administrations.

EUAA Country Guidance draws only on the Agency’s own COI reports. The EUAA’s COI reports are based on Terms of Reference drafted by the Agency’s COI Specialist Network with input from the Agency’s Country Guidance Network. The COI Specialist Network, comprised of COI researchers from Member States and associated countries, then drafts the COI Reports. The drafting process for the reports (not the COI queries) usually also benefits from the expertise of independent COI centres and analysts and country and thematic

experts. Country Guidance represents EU Member States’ joint assessment of international protection needs for asylum applicants’ profiles from specific countries. It is drafted by national experts from the EUAA Country Guidance Network, comprised of senior-level policy officials from Member States and associated countries, with feedback and input from the United Nations Refugee Agency (UNHCR) and the European Commission. Finally, it is endorsed by EUAA’s Management Board.

# The Study: To what Extent Does EUAA Country Guidance Reflect the Nature of Violence in Armed Conflicts?

As most forcibly displaced people in the world today are fleeing armed conflicts, it is essential that the content of policy guidance influencing asylum decision-makers reflects the present-day realities of armed conflicts. A study was conducted to evaluate to what extent EUAA Country Guidance reflects the nature of violence in armed conflicts, using the Iraq Country Guidance as

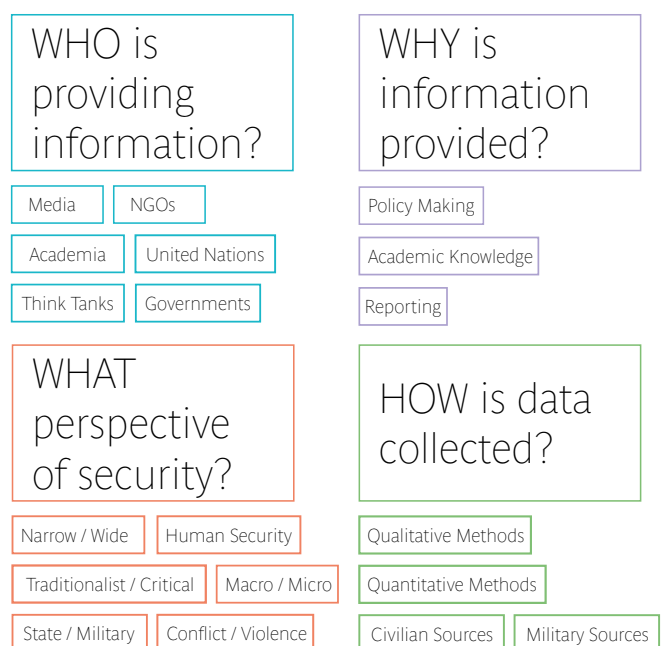
a case study.<sup>8</sup> The analysis was informed by security studies scholarship, which indicates that the characteristics of armed conflicts generally and the nature of violence in situations of armed conflict more specifically have changed over time. The project therefore also sought to identify how Country Guidance could be improved to reflect this new reality.

## How Objective and Balanced are EUAA's Country of Origin Information (COI) Reports?

As Country Guidance is based on COI that evidences conditions in the country of origin, it is essential that COI is objective and balanced to ensure that Country Guidance is relevant to the protection needs of persons fleeing armed conflicts.<sup>9</sup> Objectivity may be defined as "the quality of being fact-based and not influenced by [...] interests or biases".<sup>10</sup> Objectivity in COI is enabled by balancing sources, and this is achieved when different perspectives are introduced through diverse types of sources.<sup>11</sup> However, the research found that there was a disproportionate reliance on military and State-centric sources that adopt a traditional and narrow concept of security grounded in quantitative approaches in EUAA's Iraq Country Guidance.

Recommendation: Information about the security situation in countries experiencing armed conflicts should reflect the range of perspectives and approaches that exist in the field of security studies. Perspectives of security range from traditional military State-focused that centre on the use of military force to critical perspectives that focus on people's experiences of insecurity,

and approaches vary between quantitative and qualitative methods.<sup>12</sup> Asking the questions found in the diagram to assess the objectivity and balance of COI sources used in Country Guidance would ensure that Country Guidance more adequately reflects the nature of violence in situations of armed conflicts today.



# How Relevant is the COI contained in EUAA's Country Guidance?

As noted above, the content of EUAA's COI reports is determined by Terms of Reference developed by the Agency's COI Specialist Network and Country Guidance Network. The Terms of Reference of EUAA's Security Situation COI reports are based on what EUAA refers to as "indicators of indiscriminate violence".

Location of confrontations and their intensity

Number of security incidents and their frequency

Number and pattern of civilian casualties

Number of displaced civilians

The narrow indicators, summarised in the diagram, reflect a quantitative and traditional military State-centric notion of security linked to armed groups' physical control of territory. However, security studies demonstrate that the threats arising from indiscriminate violence in situations of armed conflict, which the grant of subsidiary protection under Art. 15(c) Qualification Directive was designed to protect from, take different forms.

Recommendation: The Terms of Reference in EUAA's COI Reports should include indicators that better reflect the nature of violence in situations of contemporary armed conflict. The strategies adopted by armed groups rely on violence exercised through other means than conventional military force and warfare. In particular, highly visible forms of human rights violations, such as kidnappings or sexual violence at checkpoints, are utilised to threaten and influence populations, ensuring that armed groups gain authority over territory even in the absence of conventional military power and infrastructure.<sup>13</sup>



Abandoned belongings and life jackets on the shore

# References

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<sup>1</sup> UNHCR Global Trends 2021, <<https://www.unhcr.org/62a9d1494/global-trends-report-2021>> accessed 1 August 2022, 2.

<sup>2</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) [2011] OJ L337/9 ('Qualification Directive') <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095>> accessed 1 August 2022.

<sup>3</sup> Article 1(e) and 1(g) Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 ('EUAA Regulation') <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R2303>> accessed 1 August 2022.

<sup>4</sup> Article 11(3) EUAA Regulation.

<sup>5</sup> Article 11(1) EUAA Regulation.

<sup>6</sup> Robert Gibb and Anthony Good, 'Do the Facts Speak for Themselves: Country of Origin Information in French and British Refugee Status Determination Procedures' (2013) 25 Int'l J Refugee L 291.

<sup>7</sup> Evangelia (Lilian) Tsourdi, 'European Union Agency on Asylum: An Agency 'Reborn'?' (2022) 98 EU Law Live 2, 7. For the composition of the Management Board, see <<https://euaa.europa.eu/about-us/management-board>> accessed 1 August 2022.

<sup>8</sup> Christel Querton, 'Country Guidance, Country of Origin Information, and the International Protection Needs of Persons Fleeing Armed Conflicts' (2023) 42(2) Refugee Survey Quarterly 204 (see <https://academic.oup.com/rsq/article/42/2/204/7091824>)

EUAA, Country Guidance: Iraq, January 2021 <<https://euaa.europa.eu/country-guidance-iraq-2021>> accessed 1 August 2022.

<sup>9</sup> EUAA, Country of Origin Information (COI) Report Methodology, June 2019 <<https://euaa.europa.eu/sites/default/files/publications/2019-EASO-COI-Report-Methodology.pdf>> accessed 1 August 2022.

<sup>10</sup> Ibid.

<sup>11</sup> ACCORD, 'Researching Country of Origin Information: Training Manual' 2013 edition, <<https://www.coi-training.net/site/assets/files/1021/researching-country-of-origin-information-2013-edition-accord-coi-training-manual.pdf>> accessed 1 August 2022, 134.

<sup>12</sup> Barry Buzan, *The Evolution of International Security Studies* (CUP 2009) 57, 162, 187-192.

<sup>13</sup> See for example, Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (3rd edn, Polity Press 2012); Christine M. Chinkin and Mary Kaldor, *International Law and New Wars* (CUP 2017); Ibraheem Bahiss, Ashley Jackson, Leigh Mayhew, and Florian Weigand, 'Rethinking Armed Group Control: Towards a New Conceptual Framework' (Centre for Study of Armed Groups Working Paper 2022) <[www.odi.org/publications/rethinking-armed-group-control](http://www.odi.org/publications/rethinking-armed-group-control)> accessed 1 August 2022.