

Please cite as: EUAA, 'Subsidiary protection: torture or inhuman or degrading treatment or punishment' in *EASO Practical Guide: Qualification for international protection*, Enero 2022.

Subsidiary protection: torture or inhuman or degrading treatment or punishment

Legal references	Jurisprudence
Article 15(b) QD **Article 3 ECHR** **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1465 U.N.T.S. 85, 10 December 1984**	• CJEU, Mohamed M'Bodj v État belge, Case C-542/13, judgment of 18 December 2014, Grand Chamber, paras 40, 41 and 50 (unavailability of appropriate healthcare) • CJEU, Meki Elgafaji and Noor Elgafaji v Staatssecretaris van Justitie, Case C-465/07, judgment of 17 February 2009, EU:C:2009:94, para. 28 (relevance of ECtHR case-law in interpreting the scope of Article 15(b) QD) • ECtHR, Paposhvili v. Belgium, Application No 41738/10, judgement of 13 December 2016, paras 181-193 (unavailability of appropriate healthcare) • ECtHR, Trabelsi v. Belgium, Application No 140/10, 4 September 2014, paras 113-115 (life imprisonment) • ECtHR, M.S.S. v. Belgium and Greece, Application No 30696/09, judgment of 21 January 2011, Grand Chamber, para. 220 (definition of 'inhuman' and 'degrading') • ECtHR, Gäfgen v. Germany, Application No 22978/05, judgment of 1 June 2010, Grand Chamber, para. 108 (threshold of severity to qualify as torture) • ECtHR, Kalashnikov v. Russia, Application No 47095/99, judgment of 15 July 2002, para. 95 (degrading treatment). • ECtHR, Selmouni v. France, Application No 25803/94, judgment of 28 July 1999, Grand Chamber, paras 99-101 (definition of torture) • ECtHR, Tyrer v. the United Kingdom, Application No 5856/72, judgment of 15 March 1978, para. 30 (degrading treatment) • ECtHR, Ireland v the United Kingdom, Application No 5310/71, judgment of 18 January 1978, para. 167 (distinction between torture and inhuman or degrading treatment or punishment)

© European Union Agency for Asylum 2026 | Email: info@euaa.europa.eu