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Serious and individual threat

Compared to the provisions under Article 15(a) and (b) QD, the harm defined in Article 15(c) QD covers a more general risk for the applicant. What is required is a ‘serious and individual threat (to a civilian’s life or person)’ rather than specific acts of violence.

This element of Article 15(c) QD should be considered in light of the ‘sliding scale’ and the possible differentiation between certain levels of indiscriminate violence.

The existence of such a threat can exceptionally be considered to be established where the degree of indiscriminate violence characterising the armed conflict reaches such a high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, solely on account of his or her presence on the territory of that country or region, face a real risk of being subject to that threat. Where such a high level of indiscriminate violence is not reached, elements of individualisation would be necessary as suggested by the wording of Article 15(c) QD. In this regard, certain applicants may be considered more likely to become victims of indiscriminate violence due to their personal circumstances.

Factors such as age, gender, health condition and disabilities, the lack of a family network, economic situation and geographical proximity to areas which are subject to violence may be relevant personal circumstances to be taken into account.

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