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3.3.5. Qualification of the harm as ‘threat to (a civilian’s) life or person

COMMON ANALYSIS

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Neither the Qualification Directive, nor the CJEU in its jurisprudence, have defined the terms ‘threat to (a civilian’s) life or person’.

The CJEU has held that [Article 15\(c\) QD](#) has an additional scope to that of [Article 3 ECHR](#) and, therefore, has to be interpreted independently, but with due regard to fundamental rights as they are guaranteed under the ECHR. [\[24\]](#)

By comparing the provisions of [Article 15\(a\) and \(b\) QD](#), which indicate a particular type of harm, with the provision of [Article 15\(c\) QD](#), the CJEU further concludes that the latter:



[...] covers a more general risk of harm. Reference is made, more generally, to a ‘threat... to a civilian’s life or person’ rather than to specific acts of violence. Furthermore, that threat is inherent in a general situation of ‘international or internal armed conflict’.

CJEU, *Elgafaji*, paras. 33-34

Some of the commonly reported types of harm to civilians’ life or person in Nigeria include killings, injuries, abductions, forced displacement, rape, famine caused by food insecurity, etc.

^[24] *Elgafaji*, para.28. [\[back to text\]](#)