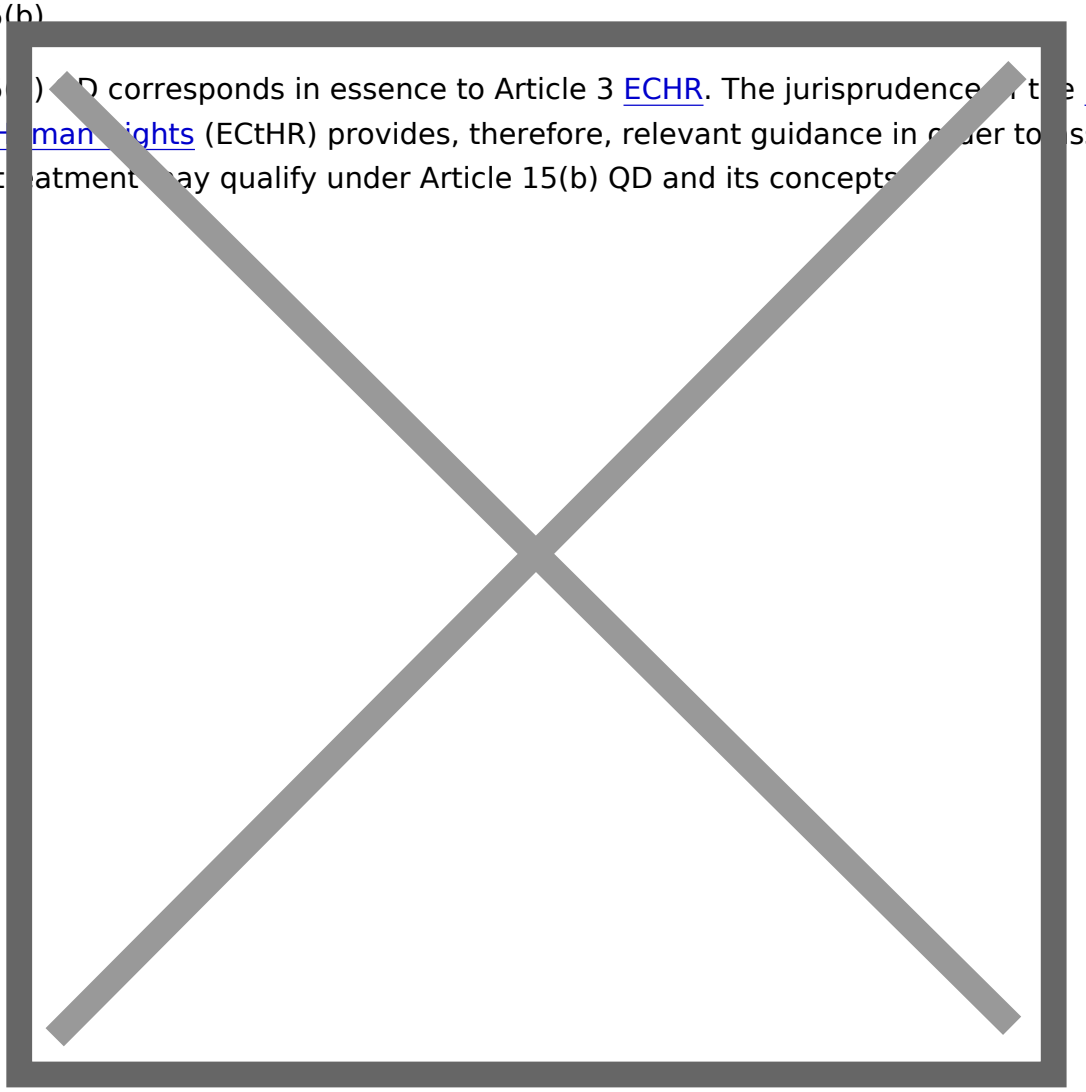
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Article 15(b) QD

Torture or inhuman or degrading treatment or punishment

Qualification directive
Article 15(b)

Article 15(b) QD corresponds in essence to Article 3 ECHR. The jurisprudence of the European Court of Human Rights (ECtHR) provides, therefore, relevant guidance in order to assess whether treatment may qualify under Article 15(b) QD and its concepts.



Jurisprudence often does not distinguish clearly between torture and inhuman or degrading treatment, but in any case requires that the ill treatment attain a minimum level of severity.

The evaluation depends on all circumstances of the case, such as the duration of the ill treatment, its physical and mental effects and, in some cases, the gender, age and state of health of the person. The purpose for which the treatment was inflicted and the intention of the perpetrator may also be relevant factors.

Where a specific treatment has already been assessed as amounting to persecution, it should be considered that the level of severity required by Article 15(b) QD is also substantiated.

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