



C/2024/1652

4.3.2024

Judgment of the Court (Grand Chamber) of 16 January 2024 (request for a preliminary ruling from the Administrativen sad Sofia-grad — Bulgaria) — WS v Intervyuirasht organ na Darzhavna agentsia za bezhantsite pri Ministerskia savet

(Case C-621/21, ⁽¹⁾ Intervyuirasht organ na DAB pri MS (Women victims of domestic violence))

(Reference for a preliminary ruling — Area of freedom, security and justice — Common asylum policy — Directive 2011/95/EU — Qualification for refugee status — Article 2(d) — Reasons for persecution — ‘Membership of a particular social group’ — Article 10(1)(d) — Acts of persecution — Article 9(1) and (2) — Link between the reasons for and acts of persecution or between the reasons for persecution and the absence of protection against such acts — Article 9(3) — Non-State actors — Article 6(c) — Qualification for subsidiary protection — Article 2(f) — ‘Serious harm’ — Article 15(a) and (b) — Assessment of applications for international protection for the purpose of granting refugee status or subsidiary protection status — Article 4 — Gender-based violence against women — Domestic violence — Threat of ‘honour killing’)

(C/2024/1652)

Language of the case: Bulgarian

Referring court

Administrativen sad Sofia-grad

Parties to the main proceedings

Applicant: WS

Defendant: Intervyuirasht organ na Darzhavna agentsia za bezhantsite pri Ministerskia savet

intervening party: Predstavitelstvo na Varhovnia komisar na Organizatsiyata na obedinenite natsii za bezhantsite v Bulgaria

Operative part of the judgment

1. Article 10(1)(d) of 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,

must be interpreted as meaning that depending on the circumstances in the country of origin, women in that country as a whole and more restricted groups of women who share an additional common characteristic may be regarded as belonging to ‘a particular social group’, as a ‘reason for persecution’ capable of leading to the recognition of refugee status.

2. Article 9(3) of Directive 2011/95

must be interpreted as meaning that where an applicant claims a fear of being persecuted in his or her country of origin by non-State actors, it is not necessary to establish a link between one of the reasons for persecution referred to in Article 10(1) of that directive and such acts of persecution, if such a link can be established between one of those reasons for persecution and the absence of protection from those acts by the actors of protection referred to in Article 7(1) of that directive.

⁽¹⁾ OJ C 24, 17.1.2022.

3. Article 15(a) and (b) of Directive 2011/95

must be interpreted as meaning that the concept of 'serious harm' covers the real threat to the applicant of being killed or subjected to acts of violence inflicted by a member of his or her family or community due to the alleged transgression of cultural, religious or traditional norms, and that that concept is therefore capable of leading to the recognition of subsidiary protection status, within the meaning of Article 2(g) of that directive.
