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Article 15(b) QD/QR: torture or inhuman or degrading treatment or punishment

COMMON ANALYSIS

Last update: June 2025

For general guidance on the country guidance approach to Article 15(b) QD/QR, see 'EUAA, '[Article 15\(b\) QD/QR: torture or inhuman or degrading treatment or punishment in the country of origin](#)' in *Country Guidance: Explained*, February 2025'.

As noted in the chapter on [Refugee status](#), some profiles of applicants from Syria may be at risk of torture or inhuman or degrading treatment or punishment. In such cases, there would often be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground, the need for subsidiary protection under Article 15(b) QD/QR should be examined.

The analysis below is primarily based on the following EUAA COI reports: [Country Focus 2025](#), [1.2.2](#), [1.3.1](#), [2.1](#), [4.5.4](#); [Security 2023](#), [1.4.1](#), [1.5.4](#); [Security 2022](#), [2.3.3](#), [2.12.3](#); [Actors 2019](#), [2.2.6](#), [2.3.3](#), [2.4](#). Country Guidance should not be referred to as a source of COI. The section below should be read in conjunction with most recent COI available at the time of the examination.

With regard to the assessment of an applicant's eligibility for subsidiary protection based on torture or inhuman or degrading treatment or punishment it is necessary to take into account what the situation in Syria was prior to the fall of the Assad regime. This information needs to be assessed together with COI available after the regime change.

Healthcare and socio-economic conditions

The healthcare system in Syria is in dire condition as are also the socio-economic conditions in general. Prior to the fall of Assad's regime there were reports that actors of the conflict were intentionally targeting health care facilities and among other things also restricting the supply of basic necessities in some areas. To know more about healthcare and socio-economic conditions before the fall of the Assad regime please refer to 'EUAA, ['5.2.1. Healthcare and socio-economic conditions'](#) in *Country Guidance: Syria, April 2024*'.

In the recent hostilities, civil infrastructure has been largely affected. There is, however, no new information available on the potential intention of the actors to destroy or damage the civil infrastructure.

It is important to note that serious harm must take the form of conduct of an actor (Article 6 QD/QR). In themselves, the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of IDPs, difficulties in finding livelihood opportunities, housing) are not considered serious harm meeting the requirements of inhuman or degrading treatment under Article 15(b) QD/ QR in relation to Article 6 QD/ QR, unless there is intentional conduct of an actor, such as the intentional deprivation of the applicant of appropriate healthcare.

Arbitrary arrests, prison conditions, treatment in detention and criminal violence

Special attention should be paid to the phenomena of **arbitrary arrests and illegal detention, as well as to prison conditions**. When assessing the conditions of detention, the following elements can, for example, be taken into consideration, cumulatively: number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world.

Prior to the fall of the regime, prisons and detention centres had been reported as harsh and, in many instances, the conditions were described as life-threatening, due to physical and psychological abuse, food shortages, gross overcrowding, and inadequate sanitary conditions and medical care.

Before the fall of the Assad regime, HTS pledged to maintain Syria's institutional framework and later declared a general amnesty for army soldiers. The Transitional

Administration then initiated a settlement process. Alongside voluntary settlement procedures, the Military Operations Administration (MOA) tracked down individuals evading settlement. During these campaigns, former officers were arrested, while others were released after it was determined that they had not participated in abuses. The number of officers and members of the previous government's forces in prisons such as Adra, Hama, and Harim exceeded 9 000, including 2 000 who were returned from Iraq. Most were arrested during raids or at checkpoints. Relatives of wanted individuals, whether former Assad government affiliates or unrelated civilians, were also arrested.

Numerous human rights violations in detention have been reported, including the deaths of detainees in custody. Videos posted online have shown detainees enduring physical and verbal mistreatment, such as assaults and humiliating treatment. Additionally, there have been allegations of torture.

To know more about arbitrary arrests, prison conditions, and treatment in detention, please refer to 'EUAA, [5.2.2. Arbitrary arrests, prison conditions and treatment in detention](#)' in *Country Guidance: Syria*, April 2024'.

Insecurity and volatility of the security situation due to criminality and lawlessness have been reported in various regions. Particularly, communities in the Homs countryside with predominantly Alawite and Shiite populations have experienced a sharp escalation in criminal acts.

In cases where the prosecution or punishment is grossly unfair or disproportionate, or where a person is subjected to prison conditions which are not compatible with respect for human dignity, a situation amounting to serious harm under Article 15(b) QD/QR may occur.

It should be highlighted that in some cases, there would be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. If nexus to a reason for persecution is not substantiated, Article 15(b) QD/QR would apply.



In some cases, the arrest, detention and imprisonment would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion

grounds (Article 17 QD/QR). Therefore, although the criteria of Article 15(b) QD/QR would be met, exclusion considerations should be examined (see [Exclusion](#)).