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

COMMON ANALYSIS | Last update: December 2025

For general guidance on the country guidance approach to this section, 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.

☐ Arbitrary arrests, illegal detention and prison conditions

The analysis below is based on the following EUAA COI reports: COI Update, 5.; Country Focus July 2025, 1.2., 2.1.1.; Country Guidance should not be referred to as a source of COI.

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 should, 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.

It was reported that, while torture practices in prisons have ‘largely ceased’, poor detention conditions persist, with overcrowded and unsanitary makeshift facilities replacing looted or abandoned Assad-era prisons. Limited humanitarian access, absence of independent monitoring, and destroyed records further obstruct justice efforts, weaken detainee protections, and threaten long-term stability.

The Syria Justice and Accountability Centre (SJAC) noted sporadic reports of torture and abuse of detainees held for criminal or security-related reasons, including incidents in Adra prison. Cases of persons who died under torture were reported in Homs in February 2025, with the general Security Services (GSS) of the Transitional Government taking responsibility for some of the deaths and promising to open investigations.

In cases where a person faces conditions of arrest/or detention amounting to torture or inhumane or degrading treatment or punishment, a situation of serious harm under Article 15(b) QD/QR would occur.

In cases where there would be a nexus to a reason for persecution, those individuals would qualify for refugee status. If a nexus cannot be substantiated, Article 15(b) QD/QR would apply.



In some cases, the arrest, detention and imprisonment would have been imposed on the applicant for a serious crime committed, or 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 8. Exclusion)

☐ Healthcare and socio-economic conditions

The analysis below is based on the following EUAA COI reports: COI Update, 6.; Country Focus July 2025, 3.2., 3.4., 3.7., 5.8.4., 5.8.5., 5.8.11.; Country Guidance should not be referred to as a source of COI.

The **healthcare system** in Syria is in dire condition. The World Health Organisation (WHO) indicated that 15.8 million people - more than 65 % of the total population – were in need of humanitarian health assistance. As of December 2024, 57 % of the hospitals and 37 % of primary healthcare facilities were fully functional, while the rest remain partially or completely out of service.

Accessing basic services is reportedly particularly challenging in and around Aleppo, Rural Damascus, Homs, and Dar'a, while in the northwest region, the operativity of health facilities has been affected by the freeze of US-funded activities. The escalation of hostilities in early March 2025 affected at least one hospital in both Tartous and Latakia. The hospital in the town of Mar'at Numman in Idlib had been destroyed in airstrikes and the one in the town of Daraya in Damascus was described as 'heavily damaged'.

Lack of specialised healthcare has been identified as a consistent challenge across governorates, including where basic services have been restored. The capacity to address chronic illnesses, injuries and disabilities, particularly among vulnerable groups remains thus limited.

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. There is no information indicating this is still the case in Syria.

It is important to note that serious harm must take the form of conduct of an actor (Article 6 QD/QR). In itself, the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of IDPs, difficulties in finding livelihood opportunities, housing) is 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 from the applicant of appropriate healthcare.

Personal circumstances such as the home area of the applicant as well as his/her gender, being in an IDP situation, belonging to a minority are to be taken into account

in the assessment of real risk of inhuman or degrading treatment based on the socio-economic conditions. Where there is the intentional conduct of an actor and no nexus to a reason for persecution is substantiated, the treatment may qualify under Article 15(b) QD/QR, depending on the severity of its consequences in the individual case.

☐ Criminal violence

The analysis below is based on the following EUAA COI reports: COI Update, 4.; Country Focus July 2025, 1.2., 3.9.1.; Country Guidance should not be referred to as a source of COI.

Since December 2024, urban areas have seen rising criminality. Reportedly, personal security concerns, relevant to theft, harassment, kidnapping and revenge killing, persist across all governorates.

Criminality has been particularly reported in Damascus, Homs, Latakia, Sweida, and Tartous. Lawlessness is reported in Sweida governorate. Petty crime is reported in Tartous governorate. Criminal networks in Latakia have been targeted by security operations aiming at dismantling them. Kidnappings and criminality are reported in the Damascus suburbs and travel routes between Damascus to Dar'a, Sweida, Homs are not safe, especially at night. In Homs city, in March-April 2025 authorities have set up checkpoints across the city to clamp down on criminality. Despite the presence of security forces of the Transitional Government, including General Security Services (GSS) checkpoints at the city's entrances, the attacks on civilians, particularly Alawites, continued according to reporting from May 2025. Some civilians have accused the authorities of condoning or even facilitating the murders.

Personal circumstances such as the home area of the applicant as well as his/her gender, being in an IDP situation, and/or belonging to a minority are to be taken into account for the assessment of real risk of criminal violence. A real risk of a violent crime, such as abduction, murder, robbery and violence related to trafficking in human beings and forced child labour would meet the requirements under Article 15(b) QD/QR. Where there is no nexus to a reason for persecution under the refugee definition, but there is a reasonable degree of likelihood for the individual to face violent crime, this risk would qualify under Article 15(b) QD/QR.

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