4.2. Article 15(b) QR: torture or inhuman or degrading treatment or punishment

COMMON ANALYSIS
Last update: June 2026

For general guidance on the country guidance approach to this section, see 'EUAA, Article 15(b) QR: torture or inhuman or degrading treatment or punishment in the country of origin in *Country Guidance: explained*, February 2026'.

☐ Arbitrary arrests, illegal detention and prison conditions

The analysis below is based on the following EUAA COI products: Country Focus 2026, 4.1.1., 4.1.2., 4.1.3., 4.1.5., 4.3.1., Country Focus 2024, 4.1.2., 4.1.4., 4.3., 4.3.1., 4.4.2.; Country Guidance should not be referred to as a source of COI.

Arbitrary arrests and illegal detention by the *de facto* authorities have been documented for numerous groups of persons, *inter alia*, former government officials including former ANDSF members and former civil, military and security personnel, individuals suspected of supporting resistance groups or the ISKP, in the context of women's peaceful protest against restrictions imposed by the *de facto* authorities, as well as for persons with diverse SOGIESC, media professionals, civil society activists and human rights defenders, and individuals being accused of promoting atheism or other religions than Islam.

Following the enactment of the 'Morality law', MPVPV enforcers arbitrarily arrested persons perceived as having violated the regulations of the law, including those not complying with the dress codes for women and men. Reportedly, half of all arbitrary arrests made by the de facto MPVPV in the six months following the enactment of the law were related to non-compliant beards and hairstyles.

In general, there has been a significant increase in arbitrary arrests. In the first six months of 2025, an organisation recorded 1 509 cases compared to 614 in the same period in 2024 and 222 in 2023.

Human rights organisations do not have access to detention facilities in Afghanistan, but torture and other forms of ill-treatment are reportedly common practice at such sites. Various forms of ill-treatment inflicting severe physical and psychological pain have been documented, including beatings, waterboarding, electrocution, and sexual harassment of women detainees. Such abuses are committed to extract confessions and information, intimidate, punish, and humiliate detainees, as well as to punish protesters and retaliate against former government employees – in particular those considered opponents or critics of the Taliban. Other sources have also reported on torture of detained persons, as well as rape and sexual violence, especially against detained women.

Detainees are reportedly also being held in inadequate facilities, including kindergartens, district administration buildings, containers, basements, and toilets. Moreover, many facilities lack adequate ventilation and lighting as well as basic amenities for 'cleanliness, sleeping, washing, and personal hygiene'. Some detainees only receive water and bread during their detention. Other issues such as over-crowding, lack of access to legal aid for vulnerable detainees, including women, and prolonged pretrial detention have also been recorded.

As indicated under 3. Refugee status, some profiles of applicants from Afghanistan may be at risk of arbitrary arrest, illegal detention and harsh prison conditions, e.g. members of the security institutions of the former government, public officials and servants of the former government and judicial system, individuals perceived as members or supporters of resistance groups, human rights defenders, activists, and protesters, journalists, humanitarian workers, individuals perceived to have transgressed religious, moral and/or societal norms, individuals from ethnic and religious minorities, and persons with diverse SOGIESC. If such risk is substantiated and all the other qualification criteria under refugee status are met, those individuals would qualify for refugee status.

For other individuals, if conditions of arrest and/or detention amount to torture or inhuman or degrading treatment or punishment and there is no nexus to a reason for persecution, Article 15(b) 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 QR) and, therefore, exclusion should be examined. See 7. Exclusion.

☐ Corporal punishments

The analysis below is based on the following EUAA COI products: COI Update 2026, 1., 2.; Country Focus 2026, 1.2.8.; Country Focus 2024, 1.2.6.; Country Guidance should not be referred to as a source of COI.

Since the Taliban Supreme Leader ordered all de facto judges to fully implement sharia and to issue so-called *hudud* and *qisas* punishments where applicable, *de facto* courts have been handing down floggings and amputations of the limbs.

Floggings have been used as supplementary punishments to imprisonment and as punishment for moral crimes such as 'running away from home' for women, same-sex sexual relations between men, and extramarital relations, and reportedly also for theft, drinking alcohol and drug trafficking. Moreover, the 'Criminal Procedure Code for Courts', issued in February 2026, reportedly provides that 'those who insult the Taliban leaders' will be punished with 20 lashes and six months imprisonment. In some cases, large groups have been lashed all at once, and floggings have been carried out in public – including in sport stadiums. Reportedly, in particular 'moral crimes' were punished in public, with *de facto* MPVPV officials and imams advertising these events to attract crowds.

Collected data suggest a significant increase in floggings, namely 326 people were flogged in the first six months of 2025, including 64 women. This represents more than a two-fold increase compared to the same period in 2024, and more than a four-fold increase since 2023. In the period 1 January–30 September 2025, UNAMA recorded corporal punishment against 656 individuals (518 men, 131 women, 5 girls and 2 boys). In the period 1 October – 31 December 2025, 287 individuals were flogged according to UNAMA's records, including 253 men, 30 women, three boys and one girl.

Corporal punishments, such as those described above, would meet the requirements of serious harm under Article 15(b) QR.

Where there is no nexus to a reason for persecution under the refugee definition, and there is a reasonable degree of likelihood for the individual to be subjected to corporal punishment, this risk would qualify under Article 15(b) QR.

In some cases, the corporal punishments would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion grounds (Article 17 QR) and, therefore, exclusion should be examined. See 7. Exclusion.

☐ Criminal violence

The analysis below is based on the following EUAA COI products: Country Focus 2026, 2.5.; Country Focus 2024, 2.5.; Country Guidance should not be referred to as a source of COI.

There are no crime statistics available in Afghanistan, and available reporting on armed crime 'has not been sufficiently systematic to allow reliable estimates of the scale'.

Following the Taliban takeover, some sources suggested that crime levels increased, and high levels of violent crimes committed by armed groups were reported across the country, including threats, kidnappings and armed robberies. Other sources noted that *de facto* officials had been involved in violent crimes against the population, including kidnappings for ransom, robberies, and crime under the pretext of house searches, while some robberies were allegedly committed by individuals dressed as Taliban or wearing *de facto* security-personnel uniforms.

In 2024 an Afghan analyst reported that the situation concerning violent crimes had significantly improved, although it had not been completely supressed. By contrast, during 2025, some media outlets reported that violent crimes, such as robberies, targeted killings and kidnappings, have increased in many parts of the country, including in Kabul City. Some of these sources attributed this rise to unemployment levels, lack of job opportunities, economic hardship and poverty, as well as to 'weak law enforcement'. The *de facto* authorities have reportedly carried out arrests for some incidents relating to violent crimes. However, according to Afghan media in exile, despite claims of combatting violent crime and providing security, the *de facto* authorities did not provide effective protection.

A real risk of a violent crime, such as kidnapping, would meet the requirements under Article 15(b) QR.

Personal circumstances such as the social and economic situation of the applicant and their home area (with those from big urban areas exposed to higher risk) are to be taken into account for the assessment of real risk of criminal violence.

Where there is no nexus to a reason for persecution under the refugee definition, but there is a real risk for such a violent crime, Article 15(b) QR would apply.

☐ Healthcare and socio-economic conditions

The analysis below is based on the following EUAA COI products: COI Update 2026, 2.; Country Focus 2026, 3.5.; Country Focus 2024, 3.1., 3.2., 3.3., 3.5.; Country Guidance should not be referred to as a source of COI.

The Afghan healthcare system, undermined by long-lasting conflict, has been further struck by the cuts to international aid, on which it had become dramatically dependent, and by an insufficient, dedicated State budget. The health system is also impacted by outbreaks of infectious diseases and by natural disasters causing severe injuries. About 33 % of the population (over 14 million people) are underserved in terms of healthcare access, in particular rural communities.

Many Afghans face economic barriers to access healthcare and the general ability to pay for healthcare has worsened since the takeover. In addition, *de facto* authorities have introduced fees for public healthcare also in public institutions that are supposed to provide free healthcare. Therefore, patients may have to pay for basic services, including child delivery, surgeries, and medicines, if supplies are short. Women and children (in particular women in poor and rural areas and those with disabilities) have been disproportionately affected by the deterioration in healthcare access. Restrictions on women's travel and the requirement of a mahram for both female medical staff and female patients have posed additional barriers to women's access to healthcare. Although the de facto Minister of Communications announced that male doctors are to be considered as *mahram* when treating female patients, in many provinces women still needed a *mahram* to be able to be seen by a male doctor.

The prohibition on women taking university courses and medical training furthermore blocks new generations of female doctors, nurses and midwives from graduating, further aggravating the very limited availability of female health professionals.

Moreover, the decades of conflict, the persistent economic crisis, and natural disasters have pushed large parts of the Afghan population into poverty. With unemployment levels rising in recent years, especially among women and youth, the private sector has been one of few alternatives for working women, but restrictions on gender mixing have been excluding women from many jobs and restricted many to home-based self-employment.

Returnees face multiple challenges upon arrival, including accessing adequate shelter, income, food, clean water, and healthcare and are competing with the local population about access to those resources.

Food insecurity is also widespread in the country. In particular, child malnutrition reportedly increased after the Taliban takeover and has continued to increase amid the

decreasing foreign aid.

It is important to note that serious harm must take the form of conduct of an actor (Article 6 QR). In itself, unless there is intentional conduct of an actor, the general unavailability of healthcare or other socio-economic elements is not considered serious harm meeting the requirements of inhuman or degrading treatment under Article 15(b) QR25.

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

☐ Forced evictions

The analysis below is based on the following EUAA COI products: Country Focus 2026, 4.8.4., 4.8.5., 4.8.7.; Country Focus 2024, 4.6.1., 4.6.3.; Country Guidance should not be referred to as a source of COI.

After the Taliban takeover, conflict-induced displacement stopped almost completely. Most displacement taking place after 2021 has been induced by climate change and natural disasters. Nevertheless, 4.2 million people were estimated to live in internal displacement due to conflict and violence in 2024, and new movements were recorded in 2025 due to violence along the border with Pakistan, including following clashes between Pakistani security forces and Afghan de facto security forces.

Forced evictions and displacement of minority groups, including Hazaras, Tajiks, Uzbeks and Turkmens were reportedly facilitated or tolerated by the de facto authorities. Moreover, since 2021, the de facto authorities carried out forced evictions affecting in particular Hazaras, including in Kabul City where large areas were razed and many residential properties and informal settlements often inhabited by poorer or displaced families demolished. Deaths and injuries have been alleged during eviction operations, which left thousands homeless. Other reports indicated that forced evictions and displacement have been carried out by the Taliban in the context of land seizure by groups perceived to be supported by the *de facto* authorities such as Kuchi nomads. See also 3.16.2. Land disputes.

Personal circumstances such as the home area and the ethnic background of the applicant as well as their gender and being in an IDP situation are to be taken into account for the assessment of real risk of **forced eviction**.

Where there is no nexus to a reason for persecution, but there is a real risk of being subjected to forced eviction, Article 15(b) QR may apply, depending on the severity of its consequences in the individual case.

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  CJEU, Mohamed M'Bodj v. État belge, C-542/13, Grand Chamber, judgment of 18 December 2014, paras. 35-36.

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