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

COMMON ANALYSIS
Last update: October 2026

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 2026’.

☐ 5.2.1. Arbitrary arrests, illegal detention and prison conditions

The analysis below is based on the following EUAA COI products: Country Focus 2026, 1.2., 1.3., 5.7.; Country Focus 2024, 5.4., 5.6.; Country Guidance should not be referred to as a source of COI.

Arbitrary arrest and illegal detention are relatively common practices in Pakistan.

The Anti-Terrorism Act (ATA)’s scope and definition of terrorism was described as broad and vague, allowing for its abuse and resulting in unwarranted prosecutions and human rights violations. The ATA also restricts several due process rights as it allows the police to conduct searches and make arrests without a warrant, admits confessions made

while in detention (which increases the risk of police torture), provides a very short timeline for investigations and trials, and makes offenses non-compoundable.

Sources pointed to severe overcrowding in Pakistan's prison system, estimating the nationwide overcrowding rate in recent years at over 150 %. Prison conditions have been further characterised by exploitative prison labour practices, limited contact with families and legal counsels, lack of effective complaint mechanisms, as well as by lack of hygiene, insufficient access to healthcare, nutritious food and clean water. A 'high risk' of torture and ill-treatment linked to forced confessions was reported in Pakistan.

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As indicated under 4. Refugee status, some profiles of applicants from Pakistan may be at risk of arbitrary arrest, illegal detention and harsh prison conditions (e.g. 4.1. Persons (perceived to be) opposing the Government, 4.2. Journalists and other media workers). 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. This would be the case for individuals responsible for some acts committed during riots, such as attacks on police vehicles, ambulances, and schools. It would also be the case for individuals involved in mob violence. See 8. Exclusion.

☐ 5.2.2. Trafficking in human beings

The analysis below is based on the following EUAA COI products: Country Focus 2026, 6.1.5., 6.1.9.; Country Focus 2024, 6.8.; Country Guidance should not be referred to as a source of COI.

Trafficking in human beings is described as deeply entrenched in Pakistan, with the country serving as a source, transit route, and destination for victims of trafficking in

human beings. The practice affects women, men and children for various forms of exploitation.

Bonded labour, where victims are bound to debt through exploitative creditor practices, remains the most prevalent form of trafficking in Pakistan and it is carried out specifically in the agriculture, brick kilns and textile industry. There are also reports of persons being trafficked for sexual exploitation, forced labour, the drug industry, street begging, and criminal exploitation. The limited availability of protection services leaves many individuals at risk of re-victimisation, and, in some cases, drives them back into exploitative situations.

Perpetrators reportedly include criminal groups and networks but also corrupt local government officials, feudal landlords, and factory owners.

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As indicated under 4. Refugee status, some profiles of applicants from Pakistan may be at risk of trafficking in human beings (see 4.6.2. Christians, 4.6.3. Hindus, 4.8. Women and girls and 4.9. Children). If such risk is substantiated and all the other qualification criteria under refugee status are met, those individuals would qualify for refugee status.

Where there is no nexus to a reason for persecution under the refugee definition, but there is a real risk of trafficking in human beings, Article 15(b) QR would apply.

Personal circumstances such as the age and the socio-economic situation of the applicant, are to be taken into account for the assessment of real risk of trafficking in human beings. For example, poverty is a root cause of trafficking in human beings and may put individuals at heightened risk of (re-)trafficking.

☐ 5.2.3. Violence in relation to land disputes

The analysis below is based on the following EUAA COI products: products: Country Focus 2026, 6.1.10.; Country Guidance should not be referred to as a source of COI.

Land disputes in Pakistan encompass a range of situations involving individuals, families, tribes, organised criminal groups, and local authorities. Despite efforts by the

Pakistani authorities to establish mechanisms to address the issue, such disputes continue to occur across the country and have resulted in killings, violence, forced evictions, land grabbing, and the unlawful demolition of houses.

Killings related to property ownership were reported in both intra-family disputes and disputes involving non-family members in several parts of the country. Land disputes between members of different tribes, including in the context of acts of revenge were also reported.

Pakistan’s blasphemy laws have reportedly been used to target poor individuals and religious minorities in connection with unlawful evictions and land grabbing, including when economically motivated, in order to acquire land belonging to others. Organised groups, also referred to as ‘land mafias’, are also reported to engage in land grabbing.

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As indicated under 4. Refugee status, some profiles of applicants from Pakistan may be at risk of violence linked to land dispute (see 4.6. Religious minorities, 4.7. Individuals (perceived as) transgressing Islamic norms). 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 there is no nexus to a reason for persecution, Article 15(b) QR would apply.

Personal circumstances such as the gender (women without a support network could be more affected than men) and the socio-economic situation of the applicant, are to be taken into account for the assessment of real risk of be victim of violence in relation to land disputes. For instance, economically disadvantaged persons, are at higher risk of land grabbing or illegal demolition of their property.

In some cases, in the context of land disputes, where the applicant has committed a serious crime or other acts falling within the exclusion grounds (Article 17 QR) exclusion should be examined (see 8. Exclusion).

☐ 5.2.4. Healthcare and socio-economic conditions

The analysis below is based on the following EUAA COI products: Country Focus 2026, 7.; Country Focus 2024, 7.; Country Guidance should not be referred to as a source of COI.

Private health-related facilities are predominantly located in urban areas, and public sector health services are available at all levels, including through rural health centres and Basic Health Units (BHUs). More than 50 % of the population reportedly lack access to basic primary healthcare services, an issue particularly affecting populations in conflict-affected and rural areas, as well as minority groups and other marginalised communities. The country records alarming levels of preventable mortality among children under five years of age and pregnant women.

The high cost of medicines renders many treatments unaffordable for low-income households, and shortages of essential life-saving medicines, including insulin, were reported in 2025. Approximately 40 % of deaths nationwide were linked to contaminated water, with diarrhoea, cholera and malaria identified among the leading causes of mortality in children.

Pakistan ranks 106th out of 123 countries on the ‘hunger severity’ index, and approximately 40 % of children were affected by stunting. Around 16 % of the population is food insecure, with the majority of vulnerable people residing in the provinces of Balochistan, Khyber Pakhtunkhwa and Sindh.

The country also continues to face significant economic challenges, characterised by the predominance of informal employment, with most informal workers lacking access to social protection. Child labour and bonded labour remain widespread. Approximately 28.9 % of the population lives below the national poverty line. Poverty is more prevalent in rural areas, although urban poverty is also reported.

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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 (e.g. difficult access to clean water) is not considered as serious harm meeting the requirements of inhuman or degrading treatment under Article 15(b) QR.

Personal circumstances such as the home area of the applicant as well as his/her gender and 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.

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