

**Accountability for Torture and Other Cruel, Inhuman or Degrading Treatment or  
Punishment**  
**Thematic Report of the Special Rapporteur on Torture to GA76**

**Questionnaire**

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**In completing this questionnaire...**

- *please consider not only treaty law but, whenever appropriate, also custom and general principles of law, as well as interpretations provided in soft-law instruments and case law;*
- *please provide reasons or examples for your answers, and feel free to cross-reference your answers in case of overlap;*
- *please clarify whether your argument is based on existing international law (lex lata) or on your assessment of what the law "ought to be" (lex ferenda).*

Please note that responses will be received and processed until **15 May 2021**, and that no response or position taken will be nominally attributed. Kindly send your contributions to: [sr-torture@ohchr.org](mailto:sr-torture@ohchr.org).

Thank you in advance for your valuable contribution to the work of this mandate.

**Questions:**

1. **Challenges to accountability:** What are the most important legal, practical and other challenges that are conducive to the current worldwide accountability gap for torture and ill-treatment?
2. **Functions, forms and levels of accountability:** Please identify, explain, distinguish or compare the different functions (e.g. punitive/reparative, or proactive/preventative etc.), forms (e.g. legal, political, economic or social etc.) and levels (e.g. individual, collective, institutional, State etc.) of accountability for torture and ill-treatment.
3. **Rights of victims:** Who should be recognised as a victim of torture and ill-treatment, and what are – or ought to be – victims' procedural and substantive rights within accountability processes? Who else, if anyone, should be entitled to have access to and/or participate in accountability processes and mechanisms?

4. **Recommendations:** Based on your experience and/or analysis of accountability in (2) and (3) above, what are the most effective mechanisms / measures and/or good practices that can or should be taken to respond to the challenges you identified in (1) so as to ensure accountability for torture and ill-treatment worldwide?"