

## **Questionnaire for States (Communications and Visit Requests of the Special Rapporteur)**

### **Replies by Republic of Austria**

#### **A. Procedures for the processing of official communications and requests**

**Question:** Please describe the procedures applied by your Government in responding to / following-up on official communications transmitted by the Special Rapporteur, in line with the responsibilities of States outlined in para 2 of Human Rights Council resolution A/HRC/43/L.30 of 31 March 2020, including the initiation of measures of prevention, investigation, prosecution and redress as may be required under applicable international law.

**Response:**

1. 'Allegation letters' (AL) and 'urgent appeals' (UA) on specific alleged specific acts or risks of torture or ill-treatment:
2. 'Other letters' (OL) relating to current or envisaged legislation, regulation or policy measures:
3. Country visit requests:

There have not been any official communications transmitted by the Special Rapporteur (allegations, appeals, requests) to Austria in the period 1 November 2016 until 31 October 2020. In case of such communication, appropriate procedures are in place in order to ensure that Austria can respond fully and expeditiously. This includes measures of prevention, investigation, prosecution and redress, as well as the submission of a coordinated response.

For further details please consult the recent State Party Report in the framework of CAT distributed on 4 May 2020 (Replies to the list of issues prior to reporting (CAT/C/AUT/QPR/7)).

## B. Interaction regarding ‘Urgent Appeals’, ‘Allegation Letters’ and ‘Other Letters’

**Question:** How does your Government self-evaluate its interactions with the mandate of the Special Rapporteur relating to official communications on specific concerns or allegations regarding torture or ill-treatment during the past four years (1 November 2016 until 31 October 2020)?

**Remarks:** For your response, **please choose one or several options from the four-step classification system explained below**, which builds on Human Rights Council in resolution A/HRC/43/L.30 of 31 March 2020, and on universally recognized international legal obligations arising from the absolute and non-derogable prohibition of torture and ill-treatment:

1. **“Fully cooperative”:** (a) Full and expeditious responses, which (b) supply all information requested and (c) ensure proper follow-up to the recommendations and conclusions of the Special Rapporteur including, as a minimum, (d) evidence for the initiation of all measures of prevention, investigation, prosecution and redress required by applicable international law.
2. **“Partially cooperative”:** Responses which fail to meet one or several of the criteria listed under 1 (a) – (d) above, but which have entailed some level of constructive dialogue between the Government and the Special Rapporteur.
3. **“Non-responsive”:** Failure or refusal to respond to the official communications transmitted by the Special Rapporteur.
4. **“No communication received”:** During the past four years (2017-2020), no official communication has been transmitted by the Special Rapporteur. Please explain your Government’s response and, where appropriate, describe any challenges, concerns, grievances or other causes, which may be preventing your Government from achieving a “fully cooperative” interaction.

**Response:**

No communication received.

## C. Interaction regarding Country Visit Requests

**Question:** How does your Government self-evaluate its interactions with the mandate in response to official requests transmitted by the Special Rapporteur to conduct a country visit during the past four years during the past four years (1 November 2016 until 31 October 2020)?

**Remarks:** For your response, **please choose one or several options from the four-step classification system explained below**, which builds on Human Rights Council in resolution A/HRC/43/L.30 of 31 March 2020:

1. **“Fully cooperative”:** During the past four years (1 November 2016 until 31 October 2020), the Government has extended either a standing invitation or an bilateral invitation to the Special Rapporteur to conduct a country visit in full compliance with the terms of reference of the mandate, **and** the visit: (a) has taken place, or (b) has been scheduled, or (c) has been postponed or declined by the Special Rapporteur for reasons not in the responsibility of the Government.
2. **“Partially cooperative”:** During the past four years (1 November 2016 until 31 October 2020), the Special Rapporteur has transmitted one or several official country visit requests, which have not received a favourable response, but which have entailed some level of constructive dialogue between the Government and the Special Rapporteur.
3. **“Non-responsive”:** Failure or refusal to respond to the official country visit requests transmitted by the Special Rapporteur.
4. **“No request received”:** During the past four years (1 November 2016 until 31 October 2020), no official country visit request has been transmitted by the Special Rapporteur. Please explain your Government’s response and, where appropriate, describe any challenges concerns, grievances or other causes, which may be preventing your Government from achieving a “fully cooperative” interaction with the mandate as expected by the Council.

**Response:**

No request received.

## D. State recommendations / requests

**Question:** Please describe and explain any measures which should be taken, and by which authority, mechanism or institution, in order for your Government to achieve a “fully cooperative” interaction on official communications and visit requests transmitted by the Special Rapporteur, in line with resolution A/HRC/43/L.30 of 31 March 2020 and applicable norms of international law.

**Response:**

Not applicable.