**Answers of the government of Luxembourg**

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

1. **Procedures for the processing of official communications and requests**

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| **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:**

The standard transmission of communications and requests from HRC Special Procedures mandate holders is as follows:

* The Permanent Mission of Luxembourg to the United Nations in Geneva receives a communication from a mandate holder;
* The Mission transmits the communication to the Human Rights team at the Political Affairs Directorate of the Ministry of Foreign and European Affairs in Luxembourg;
* The Human Rights team analyses the communication and forwards it on to all concerned line ministries, with recommendations for their treatment and a deadline for responses;
* The line ministries return to the MFA with the information requested, which is then compiled and either sent directly to the response address at the OHCHR or the mandate holder, with copy to the Mission, or, in more formal cases, transmitted to the Permanent Mission in Geneva, which then submits the information via Note verbal to its final destination.
1. **‘Allegation letters’ (AL) and ‘urgent appeals’ (UA) on specific alleged specific acts or risks of torture or ill-treatment:**

Urgent communications such as allegation letters or urgent appeals are treated with priority and followed up on immediately by the MFA’s human rights team. No such communication has been received during the period under examination.

1. **‘Other letters’ (OL) relating to current or envisaged legislation, regulation or policy measures:**

“Other letters”, including requests for information or questionnaires to enable SP mandate holders to respond to the Human Rights Council are examined on the basis of whether Luxembourg can make a positive contribution (e.g. whether we have best practices to share) or whether Luxembourg’s legal or administrative apparatus has itself a need for improvement (e.g. can we flag shortcomings for which we would be interested to receive particular recommendations for outside of the established Treaty Bodies recommendation system or the Universal Periodic Review). Given limited administrative capacities, only questionnaires to which Luxembourg can make a concrete contribution are followed up on. The Ministry of Foreign and European Affairs ensures that requests addressed specifically to the Luxembourg authorities are answered.

1. **Country visit requests:**

Luxembourg has extended a standing invitation to all special procedures mandate holders and has a policy of accepting every visit request. If such a request is received, the Ministry of Foreign and European Affairs coordinates with all other concerned Ministries and Administrations to ensure that it is successful and as efficient as possible. The standing inter-ministerial committee for human rights is one of the fora in which visit requests can be discussed as well as shared with civil society and national human rights institutions.

1. **Interaction regarding ‘Urgent Appeals’, ‘Allegation Letters’ and ‘Other Letters’**

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| **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:**

During the past four years (2017-2020), Luxembourg has received no official communication from the Special Rapporteur.

1. **Interaction regarding Country Visit Requests**

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| **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 linvitation 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:**

As indicated previously, Luxembourg has extended a standing invitation to all Special Procedures mandate holders in 2001.

During the past four years (1 November 2016 until 15 October 2020), no official country visit request has been received from Luxembourg by the Special Rapporteur.

1. **State recommendations / requests**

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| **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:**

The Ministry of Foreign and European Affairs considers that Luxembourg is fully cooperative with the Special Rapporteur. No additional measures appear necessary at this stage, but Luxembourg always welcomes recommendations from the Special Rapporteur and other HRC SP mandate holders.