**Questionnaire**

In completing this questionnaire...

* please consider not only treaty law but also, whenever appropriate, custom and general principles of law, as well as soft law and case law;
* please consider whether a distinction should be made between torture and other ill-treatment;
* 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 **24 October 2018**, and that no response or position taken will be nominally attributed. Kindly send your contributions to: Dr Natasa Mavronicola ([n.mavronicola@bham.ac.uk](mailto:n.mavronicola@bham.ac.uk)), Special Advisor to the Rapporteur, with a copy 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. **Based on your experience and expertise, please consider whether the different types of causal and other connections between corruption and torture or ill-treatment[[1]](#footnote-1) are exhaustively captured in the following list, providing examples to illustrate your response where deemed appropriate:**
2. **the intentional use (instrumentalization) of acts or threats of torture or ill-treatment in order to obtain an undue advantage; or the transfer of an undue advantage in order to instigate acts or threats of torture or ill-treatment;**
3. **the intentional use (instrumentalization) of acts or threats of torture or other ill-treatment in order to protect acts or systems of corruption, including by obstructing preventive or accountability-driven anti-corruption processes;**
4. **knowingly tolerating (i.e. not preventing, investigating, prosecuting or providing redress for) acts or threats of torture or other ill-treatment as a result or means of obtaining or providing an undue advantage;**
5. **intentionally taking advantage of the pre-existing exposure of persons to acts or risks of torture or other ill-treatment as a means of obtaining or providing an undue advantage;**
6. **engaging or participating in acts or systems of corruption foreseeably causing or contributing to the exposure of persons to acts or risks of torture or other ill-treatment;**
7. **policy decisions and similar acts involving neither corruption nor torture or other ill-treatment themselves, but foreseeably causing or contributing to the exposure of persons to a combination of, on the one hand, acts or risks torture or other ill-treatment and, on the other hand, acts or systems of corruption.**
8. **What data is available to help us understand and illustrate the links between corruption and torture or ill-treatment, and how to respond to these? What data is further needed in this regard? Please provide examples where possible.**
9. **How can anti-corruption and anti-torture tools be refined or deployed more effectively to address the linkages between corruption and torture or ill-treatment, and to better prevent torture and ill-treatment?**
10. **In your experience, is there a danger that initiatives purportedly aimed at fighting corruption may contribute to a risk of torture or ill-treatment or otherwise impede the prevention of torture or ill-treatment (or vice versa)? Assuming that such dangers may arise:**

**(a) how could anti-corruption measures or initiatives be strengthened to ensure transparency, accountability, and safeguards against torture or ill-treatment?**

**(b) how could anti-torture measures or initiatives be strengthened to ensure transparency, accountability, and safeguards against corruption?**

**Please provide examples where possible.**

1. **With a view to better addressing the interplay between corruption and torture or ill-treatment, please:**
2. **identify any good or desirable practice;**
3. **identify relevant gaps, if any, in international law, as well as in the national regulatory frameworks you are most familiar with; and**
4. **provide your recommendations, if any, towards the affirmation, interpretation and further development of the law.**

1. The circumstances in which such connections can be observed include, but are not be limited to: (1) the use of force in extra-custodial policing and military operations; (2) prison management and the treatment and living conditions of persons deprived of their liberty; (3) the administration of justice, including the investigation and prosecution of allegations of torture and ill-treatment; (4) migration and asylum policies and procedures, including treatment and living conditions of irregular migrants; (5) the protection of persons from abuse at the hands of non-State actors; (6) the protection of persons from abuse in healthcare, social care and welfare settings; (7) the provision of redress and rehabilitation to survivors of torture and ill-treatment; (8) the ability of human rights defenders to perform their role; and (9) the formulation and implementation of law pertaining to any of the above. [↑](#footnote-ref-1)