



Vienna, 22 March 2023

RE: Call for comments on the draft general comment of the Subcommittee on Prevention of Torture (SPT) on the article 4 of the OPCAT (optional protocol to the convention against torture)

The Austrian Ombudsman Board (AOB) as Austrian NPM welcomes the clarifications provided by the SPT on the interpretation of Article 4 of the OPCAT in its draft general comment as the Austrian NPM has always applied a broad interpretation of the term “place of deprivation of liberty”. The relevant legal provisions in Austrian law do not contain any limitations for the Austrian NPM’s work in that regard. Concerning “house arrest” as a form of deprivation of liberty, the Austrian NPM notes that the privacy of other persons, who are not under arrest, but share a household with the person under arrest, must be respected.