**Expert Consultation on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in the Context of Migration**

**Questionnaire**

*(Please write your responses directly into the extendable textboxes provided after each question)*

**I. *Non-refoulement* and the prohibition of Torture/CIDTP**

* What (if any) are the obligations of States under human rights law and refugee law with a view to protecting persons outside of their territory or jurisdiction against torture/CIDTP and *refoulement*?
* At what point in the migration journey does a State become responsible for protecting an individual against torture/CIDTP and in what circumstances does that protection end?
* Does the principle of non-*refoulement* require that States allow access to territory or trigger jurisdictional responsibility for irregular migrants in need of protection?
* How can State policies to deter, prevent or managethe arrival of irregular migrants expose them to the risk of torture, CIDTP or *refoulement?*
* How can States reconcile migration control with the prohibitions of *refoulement* and of torture/CIDTP?
* How can States ensure that decisions-making processes concerning *non-refoulement* are based not only on the standards and concepts of refugee law, but also on those of human rights law and, in particular, of the prohibition of torture/CIDTP?

Response:

**II. Arrival conditions and reception needs**

* To what extent can the detention of irregular migrants *per se* amount to torture/CIDTP?
* What can States do to avoid migration-related detention or, at least, to prevent related risks of torture/CIDTP?
* To what extent can procedural, legislative or other regulatory measures taken to prevent, deter or manage the arrival of irregular migrants *per se* amount to torture/CIDTP (e.g. procedure duration; criminalisation; offshore processing; denial of services)?

Response:

**III: Specific Vulnerabilities and Access to Rehabilitation**

* Can certain vulnerabilities expose irregular migrants to increased risk of torture/CIDTP?
* How can States best identify and appropriately respond to protection needs and potential risks faced by specific vulnerable groups within a population of irregular migrants?
* What are the specific challenges arising regarding the rehabilitation of irregular migrants having been subjected to torture/CIDTP?
* What can States do to ensure the accessibility of rehabilitation to irregular migrants?

Response:

**IV: Non-State Actors and risk of Torture and other CIDTP**

* To what extent do policies and practices to prevent, deter or manage the arrival of irregular migrants expose them to torture/CIDTP at the hands of non-state actors?
* To what extent is the States’ responsibility engaged in this respect?
* What practical and legal measures should States take to avoid such risks?

Response: