**Subject: next steps regarding the UN process towards “Torture Free Trade”.**

**Group of Governmental Experts. Elements on: the feasibility of common international standards; the scope of goods to be included; draft parameters for a range of options to establish common international standards on the matter. Italy’s reply.**

***Elements for submission to inform the Group of Governmental experts' report under United Nations General Assembly resolution 73/304***

Torture and other ill-treatment are among the most abhorrent violations of human rights, human integrity and human dignity. No exceptions are permitted under international law. All countries are obliged to comply with the non-derogable prohibition of all forms of torture and other ill-treatment in all circumstances. Despite this absolute prohibition, torture and other ill-treatment persist in many parts of the world. Trade can play an important role in promoting human rights. Regulating the trade in goods that can be used for torture or the death penalty can strengthen global efforts towards the eradication torture and other ill treatment.

1. ***The feasibility of common international standards:***

In considering the feasibility of an international regulatory instrument, several aspects may be considered and examined by the UN Group of Governmental Experts, in particular: a comprehensive analysis of existing international mechanisms beyond the UN human rights mechanisms (for instance trade restrictions or due diligence regulations in place to promote human rights), link with UN broader mechanisms, material scope, risk assessment, monitoring mechanisms as well as possible approaches in terms of the legal form of the potential common international standards.

The group may also consider what the essential minimum elements should be considering the need to ensure effectiveness and simplicity

1. ***Scope of goods to be included****:*

The following categories of goods are proposed:

1. goods which have no practical use other than for the purpose of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment,
2. goods that could be used not only for the purpose of torture or other cruel, inhuman or degrading treatment or punishment, but also for legitimate purposes,
3. goods that could be used for the purpose of capital punishment (products which could be used for the execution of human beings by means of lethal injection).

It is considered necessary to prohibit exports and imports of goods which have no practical use other than for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment.

It is also necessary to impose controls on exports of certain goods which could be used not only for the purpose of torture and other cruel, inhuman or degrading treatment or punishment, but also for legitimate purposes. Those controls are instrumental in promoting respect for human dignity and for fundamental human rights.

The list of goods under each of the three categories described above should be as exhaustive as possible.

In order to respond quickly when new goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, are developed, it would be appropriate to develop a mechanism to add goods where there is a clear and immediate risk that those goods will be used for purposes that entail such human rights abuses.

Furthermore, the international regulatory framework could include the following activities linked to import, export and transfer: brokering services, technical assistance, training in the use of the regulated goods, promotion in trade fairs or exhibitions, and advertising.

1. ***Draft parameters for a range of options to establish common international standards on the matter***

The most suitable type would be a legally binding instrument establishing measures to control and restrict trade in the goods referred to in i). It could draw inspiration from the rules, principles and mechanisms established in the Regulation (EU) 2019/125 of 16 January 2019 concerning trade in certain goods, which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

Despite more and more countries worldwide committing to the eradication of the death penalty, torture, and inhuman and degrading treatment, through the development of UN conventions and protocols, torture and death penalty goods are traded across borders. Only a truly international instrument could close the gap and put an end to the trade in this type of goods.