**United Nations General Assembly resolution 73/304**

**Stakeholders’ Consultation - 17.01.2021**

**“Towards torture-free trade: examining the feasibility, scope and parameters for possible common international standards”**

* Germany remains resolute and untiring in its fight against the death penalty as well as abuse and torture.
* Respect for human rights and for human dignity are EU founding values, common to the EU Member States. Together with our EU partners, Germany is striving to strengthen the international mechanisms to combat torture.
* The Global Alliance for Torture-Free Trade is a major concrete initiative to deliver on the EU’s shared commitment to the eradication of torture and capital punishment.

**On the feasibility of common international standards**

* Germany supports common international standards that provide for strict control of trade in goods that have no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment or for the purpose of capital 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.
* Germany considers those controls instrumental in promoting respect for human dignity and for fundamental human rights.
* The most suitable way forward would be a legally binding instrument establishing measures to control and restrict trade. 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. An international legally binding instrument would close the gap and put an end to the trade in these goods.

**On the scope of goods to be included**

* - Germany has proposed the following categories of goods:

 i. goods which have no practical use other than for the purpose of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment,

 ii. 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,

 iii. 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).

* The list of goods under each of these three categories 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.

**On how to establish common international standards on the matter**

* Germany considers it 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.
* Article 5 of the Universal Declaration of Human Rights, Article 7 of the International Covenant on Civil and Political Rights and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms all lay down an unconditional, comprehensive prohibition on torture and other cruel, inhuman or degrading treatment or punishment.
* Article 2(2) of the Charter of Fundamental Rights of the European Union (Charter) states that no one shall be condemned to the death penalty or executed. Article 4 of the Charter states that no one shall be subjected to torture or to inhuman or degrading treatment or punishment.
* With regard to goods that could be used for the purpose of capital punishment and goods that could be used for the purpose of torture or other cruel, inhuman or degrading treatment or punishment, the proposed international regulatory framework could include the following activities: export, transfer/transit, brokering services and supply or acceptance of technical assistance related to the regulated goods.
* With regard to goods which have no practical use other than for the purpose of capital punishment, torture and other cruel, inhuman or degrading treatment or punishment, the proposed international regulatory framework could include in addition to the activities referred to above: import, training on the use of the regulated goods, promotion in trade fairs or exhibitions, and selling or purchasing advertising. Trade should be prohibited. Exemptions should be provided for the exclusive purpose of public display in a museum.

**In conclusion**

* Germany opposes the death penalty on ethical and moral grounds as well as for reasons of legal policy and is campaigning worldwide for the abolition of this cruel form of punishment.
* Germany has been a State party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since 1990 and to the Optional Protocol to the Convention against Torture since 2009.
* Germany wishes the Group of Governmental Experts every success for its upcoming report.