

A Norm in the Making – Banning the Global Trade in Tools of Torture

Panel debate with

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Ladies and gentlemen,

Thank you all for being here.

This is a topic close to my heart.

Before we begin, I would like to remind us all about why we are here.

Bushra is from Damascus.

She and her family were sleeping when the military came.

They took her husband.

They took her teenage sons.

And they took many others from neighbourhood too –

some as young as 13 years old.

Bushra eventually had to pay a bribe to have them released.

When she did, it was clear what had happened.

Their teeth were broken.

Their thumbs were fractured.

Her husband's knees were permanently damaged.

Even after fleeing Syria, the effects on her family last to this day.

Torture victims endure terrible physical pain and humiliation – but it does not end there.

After their release, many continue to suffer – nightmares, paranoia, sleep deprivation, emotional distress...

It can create a far-reaching and long-lasting trauma.

Because torture is meant to degrade and debase one's humanity – and it has no place in civilised society.

Trade cannot do everything – but it can do its part.

I have long believed in using trade as a way to make change in the world.

Europe is one of the world's largest markets.

We are one of the world's biggest traders.

This is our great strength.

So when we include provisions on the environment, human rights, labour rights, gender, anti-corruption...

...people listen.

When we are joined by partners around the world,

It has created a serious impact.

Torture is a crime under international law, and cannot be justified under any circumstances. Systematic use of torture is a crime against humanity. The EU Trade Policy is now integrating the fight against torture as one of our common objectives contributing to its full eradication.

While world leaders often utter words of support for the abolishment of these methods, paradoxically, the very products that are used to torture and execute people are still being freely traded across borders, from seller to buyer.

These goods are truly horrifying – batons with metal spikes, electric shock belts, grabbers that seize people while electrocuting them, chemicals used for executions, as well as gas chambers, electric chairs and more. In short: Goods used only for the purpose of death and pain. If the international community is indeed sincere when denouncing such practices, **this trade must be stopped.**

The EU legislation is effective, since 2005 we have adapted the list of products to take into account new tools used for torture and drugs used for lethal injections. We put a ban on transit for these products. We found spike batons and other products for torture in trade fairs in several European cities. We stopped that practice introducing a prohibition to sale and exhibit these products.

Unfortunately, production moves to other countries. Only an international instrument, a global one could close the gap and really stop trade on products for torture.

This is why together with Argentina and Mongolia we launched in 2017 at the United Nations, the Global Alliance to end trade in products used for torture and death penalty. We then agreed to work together and set up cooperation to put an end to this trade.

We agreed to cooperate on several concrete goals – to control and restrict exports, including export bans; to set up a platform for customs authorities to monitor trade flows and identify new products on the market; to make technical assistance available to help countries put legislation in place; and to exchange practices for efficient enforcement.

All this is good but it cannot end there,

It is time now for concluding an international instrument to establish common international rules for the export of products used for torture or other cruel, inhuman or degrading treatment or punishment.

Experiences from another multilateral, trade-related treaty are encouraging. CITES, the Convention on International Trade in Endangered Species, was set up to ensure that international trade in specimens of wild animals and plants does not threaten their survival. Today, with 183 countries and other actors as members.

Another inspiring moment was the adoption of the landmark Arms Trade or ATT, in 2013 by an overwhelming majority in the U.N. General Assembly.

Similarly to these two instruments, a treaty to ban the trade in goods used for torture and capital punishment would provide a binding instrument at the international level.

In September last year, at the second meeting of the Alliance more than 60 countries agreed **to prepare a resolution by the United Nations General Assembly** to conduct a feasibility study with options for such an instrument, to be discussed at UN in 2020. Then we would set up a group of experts to carry the work forward.

I would like to make a special call today here in Geneva, the capital of Human Rights, the city where the Committee Against Torture meets.

A call to all Government, and civil society representatives to support the adoption of this resolution in New York that will be voted in the coming days.

Spiked clubs, thumbscrews, gallows, electric chairs, gas chambers.
Banning these instruments will not put an end to torture,
but it will make torturer's lives more difficult,
as well as stopping those who seek to profit from it.

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Let's take action now and let's work together towards a binding instrument to take away one of the things that torturers need – their tools..

Thank you.

Topics for debate and possible Q&A

What new initiatives the EU could consider in the coming years to further protect human rights and fight against torture through the trade policy?

In March this year the European Parliament adopted a resolution calling on the adoption of a **sanctions regime** targeting any individual, state and non-state actors, and other entities responsible for grave human rights violations. It could be something similar to legislation available in Estonia, Latvia, Lithuania, the United Kingdom, Canada and the United States with human rights sanctions regime, **namely Magnitsky-type laws**. Such kind of instrument could target individuals and entities.

Linked to the previous suggestion and in relation to the forthcoming review of the EU legislation on trade in products used for torture, we could consider introducing into the EU Regulation on trade in products used for torture, restrictive measures blacklisting companies, manufacturers and their managers involved in the production and trade of products made for torture.

We should also continue the work in UN towards an **international instrument banning or controlling trade** in products used for torture and capital punishment.

1) Digitalization, new technologies are changing our lives. How will affect the new technologies human rights and fight against torture?

The technological progress is unfortunately a new trend in the design and manufacturing of new products for torture. Electric shock stun guns, stun

batons, spike shields, are developed and traded for police and security forces around the world.

Electric shock devices attached directly to prisoner's bodies like stun belts, stun vests and stun cuffs may be activated by remote control generating a 'pulse current' of around 50,000 volts causing severe pain on the prisoner, provoking muscles contraction and leaving the victim immobile.

The ability to apply painful high voltage electric shocks with the push of a button, through a remote control, create a constant threat, it is a psychological torture in addition to the physical pain.

Furthermore, the use of remotely-controlled electroshock devices gives the torturer the advantage of anonymity and impunity as it is more difficult to prove who committed torture or when and where the torture happened. Also, the use of electro-shock devices controlled at distance gives the torturer a different experience, not being exposed to their victims' suffering, screams and blood. It is 'clean'.

The European Union has classified these body-worn electric shock devices as having no practical use other than for the purpose of torture and other cruel, inhuman or degrading treatment or punishment and we have **prohibited its export and transit through our territory**.

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