

Public Statement

UN experts back international calls for a torture-free trade agreement

UN experts back consistent calls including the recent report by the Special Rapporteur on Torture, Alice Jill Edwards, and other cruel, inhuman or degrading treatment or punishment calling for the establishment of international standards prohibiting the trade, manufacture, and use of tools and equipment that inflict torture and other cruel, inhuman or degrading treatment or punishment, and to regulate their use by law enforcement and other public authorities.

The UN experts indicate that an international treaty, which regulates the manufacture, use and trade in tools used for torture would be a significant milestone to help prevent and limit the excessive use of force and mistreatment by public authorities and law enforcement agencies, including in the context of peaceful protests.

The experts acknowledge the General Assembly Resolution [73/304](#), which required the [Secretary-General](#) and [Member States](#) to explore the feasibility, scope and parameters to adopt universally agreed standards for torture-free trade, and welcome the relevant reports examining potential legally-binding or soft law instruments, derived from regional and national good practices, to regulate the trade, manufacture and use of such equipment.

The experts expressed that such an agreement would be a powerful mechanism to prevent the continuous human rights violations inflicted due to the misuse of such tools, and to strengthen the protection of human rights of individuals, especially working in combination with the recently published Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests¹ and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.²

‘The Special Rapporteur on Torture has issued a list of 20 prohibited types of torture instruments that are inherently torturous, and we are very concerned that these have been used also in the context of protests. We support the call that these instruments should be immediately removed from production and use, in order for States to comply with their obligation under the absolute prohibition of torture. Trade in them should also cease,’ the experts added expressing their endorsement of the list outlined in the Special Rapporteur’s most recent [report](#) to the General Assembly. This prohibition should also include a timetable to destroy and decommission any stocks.

There has been a worrying and considerable spike in allegations of excessive and unnecessary use of force by law enforcement in the context of assemblies in all regions in the past years. The Special Rapporteur in the Model Protocol emphasised that the unlawful use of force during assemblies may constitute a violation of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or

¹ <https://www.ohchr.org/en/documents/tools-and-resources/practical-toolkit-law-enforcement-officials-promote-and-protect-human>

² https://www.ohchr.org/sites/default/files/Documents/HRBodies/CCPR/LLW_Guidance.pdf

punishment. Particularly concerning has been the observed militarization of law enforcement, tactics and equipment in addition to the increased use of technologies without transparent and accountable clear guidance and regulations.

At a time of increasing mobilization and protests around the world as the communities are facing many challenges- conflicts, growing inequalities, climate crisis among others – and with the increased use of force to suppress protests, an international treaty would be crucial. Such treaty would considerably help to prevent abuses by authorities and improve accountability underlined the experts.

Risks of serious injury and even death at the hands of public authorities are also prevalent in prison and custodial settings, medical facilities, interview rooms, courts, immigration centres and at the border, and centres for youth, drug and rehabilitation and psychiatric care.

The experts stressed the need to regularly review and update the list of tools and equipment that could be used for torture, including through the establishment of dedicated and independent mechanisms at the national, regional, or international level. They also underlined that States must fulfil their obligations under the UN Guiding Principles on Business and Human Rights to protect against human rights abuses by businesses, and to ensure that businesses respect human rights.

The UN experts note that it will be for States to determine the exact nature of any international legally binding instrument to end the import, export, production and use of these tools and equipment. The experts further recommend that States undertake immediate measures at the national level to review and amend national laws and procedures to cease the production, trade and use of tools and equipment violating the right to dignity, life, security, and liberty, and hence should be prohibited.

ENDS

***The experts: Mr. Clément Nyaletsossi Voule, [Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association](#); Mr. Morris Tidball-Binz, [Special Rapporteur on extrajudicial, summary or arbitrary executions](#)**

Endorsed by:

Ms. Alice Jill Edwards, [Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#)