

74th UNGA

Agenda Item 72:

'Towards Torture-Free Trade: examining the feasibility, scope and parameters for possible common international standards'

Statement on Explanation of Vote after the Vote

June 28, 2019

Mr. President,

1. I take the floor to explain India's vote on the resolution contained in document A/73/L.94
2. India remains firmly committed to prevent torture and other cruel, inhuman and degrading treatment or punishment. We firmly believe that freedom from torture is a human right which must be respected and protected under all circumstances.
3. Acts of torture are punishable offence under various provisions of the Indian Penal Code. The Indian judiciary also serves as a bulwark against any such violations of human rights.
4. The present draft resolution 'Towards Torture-Free Trade' seeks to establish a link between trade in goods and the criminal acts of torture. It is apparent that the multilateral trade system is already under stress.
5. In such a situation, attempts at trade restrictions in a selective manner, as proposed by the resolution, is likely to raise further concerns regarding implications on the international trading system.

6. Before starting a process of this nature, the obligations undertaken by different countries under WTO and other forums also needs to be carefully looked into. The current process has not afforded any such opportunity for the Member States.

7. As per the GA resolution 72/163 Member States are going to give full consideration to the subject matter of torture in the forthcoming GA session. This also includes a range of appropriate measures to be taken to prevent and prohibit the production, trade, export, import and use of equipment that has no practical use other than for the purpose of torture.

8. This current resolution may start a duplicative parallel process related to 'goods' used for torture and capital punishment and create ambiguity by conflating different issues.

Mr. President,

9. Every State has the sovereign right to determine its own legal system and appropriate legal penalties. In States where Capital punishment is statutorily provided for, it is exercised after following the due process of law. Torture is a crime and therefore, unlawful.

10. Incorporating capital punishment into the scope of this resolution raises concerns that it may be an attempt to place it on par with torture.

11. Any implication that-capital punishment is being treated on par with torture is unacceptable to my delegation, as in India capital punishment is a statutory provision, even though it is used in the rarest of rare cases.

12. In view of these substantive and procedural inconsistencies India was not able to support the resolution contained in A/73/ L.94 and abstained during the voting.

I thank you.