



**PERMANENT MISSION OF JAMAICA  
TO THE UNITED NATIONS**

**STATEMENT BY**

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Agenda Item 74: Promotion and protection of human rights  
Action on draft resolution A/73/L.94

28<sup>th</sup> June 2019

United Nations, New York

Mr President,

I take the floor to provide an explanation of vote with respect to the draft resolution entitled “Towards Torture-Free Trade: examining the feasibility, scope and parameters for possible common international standards”, which was tabled by Romania on behalf of the European Union and other Member States. Jamaica will vote against the resolution for the following reasons:

1. We are concerned that the text attempts to conflate issues related to human rights and trade without the full ventilation of possible implications in the Third Committee or the World Trade Organisation (WTO). It is noted that Preambular paragraph 5 highlights the absence of common international standards on the import, export and transfer of goods for the uses listed. We maintain that such discussions related to the formulation of international standards on trade should be maintained within the purview of the WTO.
2. We are, therefore, concerned that this draft resolution could set the stage for the imposition of conditionalities or trade regulations that restrict the ability of countries to fully pursue their international trade relations. The imposition of non-tariff measures on the basis of human rights concerns would particularly impact countries like Jamaica which operate open economies and are heavily dependent upon external trade.

3. The language further does not take into consideration the fact that there are tradeable items which embody a dual purpose/use. Hence, the list of items could be infinite. Establishing the threshold for proof and identification of such items would require relevant consultations with military and security experts.
4. Jamaica remains fully committed to the principles set out in the UN Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, as well as General Assembly Resolution 72/163.
5. It is noted that General Assembly Resolution 72/163 provides a mandate to the Secretary General, the Committee and Sub-Committee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur to submit, for consideration, reports on their activities related to torture and other cruel, inhuman and degrading treatment or punishment during this and the upcoming session of the General Assembly. Accordingly, my delegation would not wish to be engaged in a parallel process which may impact or prejudice the outcomes of the consideration of those reports.
6. My delegation is further disappointed that the Resolution includes references to capital punishment, and seemingly equates this lawful practice to torture. It will be recalled that there is currently no international law prohibiting the use of capital punishment. Jamaica

maintains that it is the sovereign right of every country to decide its own judicial and political systems, taking into account its unique history, legal traditions and national circumstances. In this respect, we are concerned at the unwarranted attempt to target and modify national legal instruments governing the use of capital punishment.

7. The Resolution does not reflect a balance of the interests of all Member States. The current draft does not sufficiently address or take into consideration the amendments tabled by Member States during the informal consultations. My delegation, therefore, is concerned that critical issues raised, which require further analysis and discussions, have not been given the required attention during deliberations on the draft resolution.
8. Moreover, the draft resolution envisions the establishment of a group of governmental experts to examine the feasibility and scope of the goods to be included, as well as to draft parameters for a range of options to establish common international standards. My delegation believes that this group of experts is unlikely to be representative of the widest possible views on the related issues. We are, therefore, loathe to support any resolution that may potentially impact international trade opportunities and/or negotiations conducted under the auspices of the WTO.
9. On a final note, operative paragraph four calls for the costs of all activities that may arise from the implementation of the present draft

resolution to be met from voluntary contributions. It would appear that this draft resolution has the potential to divert funds from the existing United Nations Voluntary Fund for Victims of Torture, and from the Special Fund, on which a Report by the Secretary-General is anticipated in the 73<sup>rd</sup> and 74<sup>th</sup> General Assembly. We would discourage such an approach, which appears to run counter to our collective commitment towards the revitalisation of the work of the General Assembly.

I thank you Mr President.