



# General Assembly

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## Human Rights Council

### Fiftieth session

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Agenda item 3

### Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

**Chile,\* Croatia,\* Ecuador,\* Greece,\* Ireland,\* Luxembourg, Mexico, Paraguay, Peru,\* Portugal\* and Switzerland\*:** draft resolution

### 50/... Human rights and the regulation of civilian acquisition, possession and use of firearms

*The Human Rights Council,*

*Guided by the Charter of the United Nations,*

*Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other international human rights law instruments and the Vienna Declaration and Programme of Action,*

*Recalling also Human Rights Council resolutions, 26/16 of 26 June 2014, 29/10 of 2 July 2015, 38/10 of 5 July 2018 and 45/13 of 6 October 2020,*

*Bearing in mind the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,<sup>1</sup> in particular Sustainable Development Goal 16 to promote peaceful and inclusive societies, and acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda are interrelated and mutually reinforcing,*

*Recalling that States bear the primary responsibility under international law to respect, protect and fulfil all human rights and fundamental freedoms, and that such responsibility may include, as appropriate, enacting and enforcing relevant national legislation and implementing related policies and practices,*

*Recalling also the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011, that the responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate, and that addressing adverse human rights impacts requires taking adequate measures for their prevention, mitigation and, when appropriate, remediation, and encouraging States, and business enterprises, including those involved in the manufacture and sale of firearms, to implement the Guiding Principles,*

*Alarmed that hundreds of thousands of human beings of all ages around the world continue to have their enjoyment of human rights, in particular their right to life and security*

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\* State not a member of the Human Rights Council.

<sup>1</sup> General Assembly resolution 70/1.



of person, but also other civil, political, economic, social and cultural rights, including their rights to freedom of thought, conscience and religion, to freedom of expression, to freedom of peaceful assembly and of association, to freedom to seek, receive and impart information and ideas, to equality before the law without discrimination, to enjoy one's culture and use one's own language, and the right to participate in public, political and cultural life, and the rights to health, to education, and to an adequate standard of living and social security, negatively affected by the misuse, intentional or unintentional, of firearms, which has direct links to violence, including violence against women and children, sexual and gender-based violence, femicide and domestic violence,

*Deeply concerned* that cases of civilian firearms-related violence cause death, non-fatal physical injuries and psychological trauma, including anxiety disorders, post-traumatic stress symptoms and the risk of substance abuse, and may lead to severe and life-long disability and an overall decline in a sense of public safety, and that these and other long-term effects may expose individuals to further vulnerabilities and human rights concerns relating to the realization of their economic, social and cultural rights,

*Noting with concern* that increased civilian access to and possession and use of firearms have had alarming patterns of impact on the human rights of women, children and youth, persons belonging to ethnic, religious or linguistic minorities, and persons in marginalized situations, and recognizing that States should thus take appropriate measures to regulate the number of civilian-held legal and illegal firearms, consistent with their constitutional frameworks,

*Deeply concerned* that firearms are used by children and youth in the commission of violent crimes, including for profit, such as robberies, and that children and youth can acquire or come into possession of firearms through their relatives, social networks, criminal gangs or the illicit market,

*Noting with concern* that the exposure of children and youth to civilian firearm violence can have a severe life-long impact on the enjoyment of a wide range of rights, including civil and political rights, the rights to an adequate standard of living, the enjoyment of the highest attainable standard of physical and mental health, the right to education and the right to work, which could lead to distinct human rights violations,

*Noting also with concern* the occurrence of shootings in schools, places of worship and on other public premises,

*Noting further with concern* the increase in domestic violence during the coronavirus disease (COVID-19) pandemic and the risk of firearms being used to commit such violence,

*Acknowledging* that misuse of arms can perpetuate gender-based violence, and that addressing gendered root causes of violence is essential,

*Recognizing* that the costs generated by civilian firearms-related violence in terms of, inter alia, medical treatment, mental health services and criminal justice might undermine the capabilities of States to use their resources to further enhance the promotion and protection of human rights and fundamental freedoms,

*Recognizing also* that national regulation of civilian acquisition, possession and use of firearms includes appropriate measures to avoid illicit practices, including diversion of firearms, as a crucial step towards reducing the impact of civilian access to firearms on the enjoyment of human rights,

*Recognizing further* the importance of systematic measuring and monitoring of and reporting on civilian firearms-related violence and its impact on the enjoyment of human rights, especially through the collection of relevant disaggregated data, and of States providing such information in their reports to human rights treaty bodies and in the context of the universal periodic review, when relevant,

*Acknowledging* that effective national regulation of civilian acquisition, possession and use of firearms and ammunition contributes positively to diminishing the number of victims of the misuse of firearms and may enhance the enjoyment of all human rights, and acknowledging also the efforts made by different States at various levels, including at the regional and subregional levels, in this regard,

*Highlighting* the importance of reducing and preventing armed violence through comprehensive, inclusive and evidence-based public policies that are tailored to address the root causes and risk factors driving firearms-related violence, including different forms of inequality and discrimination rooted in negative stereotypes,

1. *Expresses its concern* that the global number of firearms is rising, that civilians own far more firearms worldwide than the military and law enforcement sectors combined, and that the majority of these firearms are unregistered;

2. *Reiterates its deep concern* at the fact that the majority of firearms-related homicides are committed in non-conflict settings, and that every year hundreds of thousands of human beings of all ages around the world lose their lives or suffer injuries, lifelong disability and psychological harm from the misuse of firearms by civilians, thus having their human rights negatively affected, and that these profound long-term impacts expose individuals to further vulnerabilities and human rights concerns relating to their enjoyment of civil, political, economic, social and cultural rights;

3. *Recognizes* that civilian firearms-related violence and insecurity pose direct risks to the right to life and to security of person, and also affect other civil and political rights, as well as economic, social and cultural rights;

4. *Calls upon* States to do their utmost to take appropriate legislative, administrative and other measures, consistent with international law, in particular human rights law, and their constitutional frameworks, including comprehensive, inclusive and evidence-based public policies, tailored to address the root causes and risk factors driving firearms-related violence, including different forms of inequality and discrimination rooted in negative stereotypes, in order to minimize the human rights impact of civilian acquisition, possession and use of firearms, with the aim of strengthening the protection and enjoyment of the human rights of all;

5. *Also calls upon* States to consider adopting requirements for manufacturers and dealers of firearms based on the Guiding Principles on Business and Human Rights, which include the responsibility to avoid causing or contributing to adverse human rights impacts, preventing or mitigating human rights abuse, and the responsibility to conduct human rights due diligence;

6. *Calls once more upon* States to ensure that regulations on civilian acquisition, possession and use of firearms include appropriate measures to avoid illicit practices, including diversion of firearms;

7. *Calls upon* States to adopt effective national regulations on the acquisition, possession and use of firearms by children, and to invest in and support community-based interventions aimed at violence prevention and rehabilitation of children and youth trapped in environments of violence, as relevant;

8. *Encourages* States to collect and publish disaggregated data on the acquisition, possession and use of firearms, including by children and youth, where feasible and consistent with their constitutional and legislative frameworks, and to analyse the underlying drivers of firearms use affecting the enjoyment of human rights;

9. *Calls upon* all States to take effective measures with the aim of implementing the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 16, to promote peaceful and inclusive societies;

10. *Takes note with appreciation* of the report by the United Nations High Commissioner for Human Rights on the impact of civilian acquisition, possession and use of firearms by children and youth,<sup>2</sup> in which the High Commissioner details the profound impact that the use of civilian firearms has on the enjoyment of human rights, calls for comprehensive measures to reduce the harm caused by firearms, and recommends reducing the availability of firearms in society and implementing measures designed to prevent and address the underlying causes of firearms-related deaths and injuries;

<sup>2</sup> A/HRC/49/41.

11. *Requests* the High Commissioner to prepare, in consultation with Member States, a report on effective national regulations, policies and good practices, challenges and lessons learned to address the negative human rights impact of civilian acquisition, possession and use of firearms and underlying root causes and risk factors driving the availability of firearms and firearms-related violence, including contributions from business enterprises on measures adopted in this regard and their relationship with the Guiding Principles on Business and Human Rights, and to present the report to the Human Rights Council at its fifty-third session;

12. *Invites* all relevant special procedures, commissions of inquiry and other accountability mechanisms, and human rights treaty bodies, as well as the Office of the United Nations High Commissioner for Human Rights, to continue to bear in mind the present resolution within the framework of their respective mandates;

13. *Invites* all business enterprises, including those involved in the manufacture and sale of firearms, to consider the reports of the High Commissioner on human rights and civilian acquisition, possession and use of firearms when addressing the human rights impacts of their operations, in line with the Guiding Principles on Business and Human Rights;

14. *Decides* to remain seized of this issue.

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