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HUMAN RIGHTS COUNCIL
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-eighth session
Agenda item 6 (d)

SPECIFIC HUMAN RIGHTS ISSUES

NEW PRIORITIES

**Mr. Bíró, Mr. Cherif, Ms. Chung, Mr. Decaux, Mr. Guissé, Ms. Hampson,
Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Ms. O'Connor, Mr. Pinheiro,
Ms. Rakotoarisoa, Mr. Sattar, Mr. Sorabjee, Ms. Warzazi and
Mr. Yokota: draft resolution**

**2006/... Prevention of human rights violations committed
with small arms and light weapons**

The Sub-Commission on the Promotion and Protection of Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Geneva Conventions of 12 August 1949 on the protection of war victims and the Additional Protocols thereto, and other relevant international instruments on human rights and international humanitarian law,

Reaffirming the importance of the right to life as a fundamental principle of international human rights law, as confirmed in article 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights and in the jurisprudence of the Human Rights Committee,

Recalling its decision 2001/120 of 16 August 2001, in which it entrusted to Ms. Barbara Frey the task of drafting a working paper on the questions of (a) the trade and carrying of small arms and light weapons; and (b) the use of such weapons in the context of human rights and humanitarian norms, its resolution 2002/25 of 14 August 2002 recommending the appointment of Ms. Frey as Special Rapporteur to prepare a comprehensive study on the prevention of human rights violations caused by the availability and misuse of small arms and light weapons; as well as its decision 2003/105 of 13 August 2003, decision 2004/123 of 13 August 2004 and decision 2005/110 of 11 August 2005 on the prevention of human rights violations committed with small arms and light weapons,

Recalling also Commission on Human Rights decision 2003/112 of 25 April 2003 on prevention of human rights violations caused by the availability and misuse of small arms and light weapons and decision 2004/124 of 21 April 2004 on the transmittal of a questionnaire regarding availability and misuse of small arms and light weapons,

Convinced that the protection of human rights must be central to the development of further principles and norms regarding the availability, transfer and misuse of small arms and light weapons and that to maximize human rights protection for the greatest number of people, both in their own societies and in the international community, States must take steps not only to prevent violations of human rights by State officials with small arms, but also to reduce small arms violence by private actors,

1. *Urges* States to adopt laws and policies regarding the manufacture, possession, transfer and use of small arms that comply with principles of international human rights and international humanitarian law;

2. *Also urges* States to provide training on the use of firearms by armed forces and law enforcement personnel consistent with basic principles of international human rights and humanitarian law with special attention to the promotion and protection of human rights as a primary duty of all State officials;

3. *Further urges* States to take effective measures to minimize violence carried out by armed private actors, including using due diligence to prevent small arms from getting into the hands of those who are likely to misuse them;

4. *Requests*, as a means of preventing human rights violations committed with small arms, that persons and groups who document human rights practices, including United Nations special procedures, United Nations human rights monitors in field operations and non-governmental organizations, seek out information and report specifically on human rights violations committed with small arms and light weapons;

5. *Welcomes* the final report of the Special Rapporteur, Barbara Frey, on the prevention of human rights violations committed with small arms and light weapons (A/HRC/Sub.1/58/27), containing the draft principles on the prevention of human rights violations committed with small arms (A/HRC/Sub.1/58/27/Add.1);

6. *Endorses* the draft principles on the prevention of human rights violations committed with small arms and encourages their application and implementation by States, intergovernmental organizations and other relevant actors;

7. *Requests* Ms. Frey to compile and update the study on prevention of human rights violations committed with small arms and light weapons so that it can be published in one volume as part of the Human Rights Study Series, in all the official languages of the United Nations;

8. *Decides* to transmit to the Human Rights Council the draft principles on the prevention of human rights violations committed with small arms for consideration and adoption by the Council;

9. *Decides* to request the Secretariat to transmit the draft principles on the prevention of human rights violations committed with small arms to the Human Rights Committee and other United Nations human rights treaty monitoring bodies, to the Special Rapporteur on extrajudicial, summary or arbitrary executions, to the United Nations Commission on Crime Prevention and Criminal Justice and to regional human rights bodies, so as to assure their wide dissemination;

10. *Recommends* the following draft decision to the Human Rights Council for adoption:

“The Human Rights Council, recalling Commission on Human Rights decision 2003/112 on 25 April 2003 on prevention of human rights violations caused by the availability and misuse of small arms and light weapons and taking note of resolution 2006/ ... of ... August 2006 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the request by the Sub-Commission to Barbara Frey to compile and update her study on the prevention of human rights violations committed with small arms and light weapons and that the full study, entitled ‘The prevention of human rights violations committed with small arms and light weapons’, be published as part of the Human Rights Study Series, in all the official languages of the United Nations.”
