



# General Assembly

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## Human Rights Council

### Forty-first session

24 June–12 July 2019

Agenda item 3

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

**Ecuador,\* Iceland, Mexico, Peru, Switzerland,\* Uruguay: draft resolution**

#### **41/... Impact of arms transfers on human rights**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights,

*Recalling* the obligations of States to respect, promote and protect the human rights of all individuals within their jurisdictions,

*Recalling also* the inherent right to individual or collective self-defence of States as recognized in Article 51 of the Charter,

*Reaffirming* that everyone has the right to life, liberty and security of person and is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

*Acknowledging* that peace and security, development and human rights are the pillars of the United Nations system and the foundation for collective security, and recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

*Recalling* the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions of 12 August 1949, the Additional Protocols thereto of 8 June 1977, the Convention on the Elimination of All Forms of Discrimination against Women, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

*Recalling in particular* that the Human Rights Council has the mandate to, inter alia, serve as a forum for dialogue on thematic issues on all human rights,

*Recalling* its resolutions 24/35 of 27 September 2013, 32/12 of 1 July 2016 and 38/10 of 5 July 2018,

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



*Acknowledging* that millions of people around the world are affected by serious human rights violations and abuses resulting from or facilitated by the diversion of arms, unregulated or illicit arms transfers,

*Acknowledging also* with concern that the diversion of arms and unregulated or illicit arms transfers fuel armed conflicts and can have a negative impact on a wide range of human rights, and negative humanitarian, development and socioeconomic consequences, including a disproportionate impact in terms of violence perpetrated against women and girls,

*Acknowledging further* that the diversion of arms and unregulated or illicit arms transfers can have a direct or indirect effect on women and girls, particularly as victims of gender-based violence, including domestic violence,

*Acknowledging* that international human rights law and international humanitarian law are complementary and mutually reinforcing,

*Recalling* the principles and provisions relating to international human rights law and international humanitarian law, and to the promotion of responsible action by States, as contained in the Arms Trade Treaty and in the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and other relevant instruments,

*Reaffirming* that all efforts should be made to ensure the cessation of all violations and abuses of international human rights law and all violations of international humanitarian law, and to ensure the full respect of these international legal frameworks, as applicable,

*Bearing in mind* the adoption by the General Assembly of the 2030 Agenda for Sustainable Development, including target 16.4 of the Sustainable Development Goals, to significantly reduce illicit arms flows by 2030,

*Taking note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on the impact of arms transfers on the enjoyment of human rights,<sup>1</sup> including its recommendations on how States and other relevant stakeholders could assess the relationship between arms transfers and international human rights law,

1. *Expresses its deep concern* at the fact that the diversion of arms and unregulated or illicit arms transfers by States and non-State actors may seriously undermine the human rights of individuals, especially women, children, the elderly, persons with disabilities and vulnerable groups;

2. *Notes with alarm* that such diversion of arms and unregulated or illicit arms transfers can have a severely negative impact on women's and girls' full enjoyment of all human rights, increasing the risk of sexual and gender-based violence, as well as of violence against children, as they may be disproportionately affected by the widespread availability of such arms;

3. *Urges* all States to refrain from transferring arms when they assess, in accordance with applicable national procedures and international obligations and standards, that there is a clear risk that such arms might be used in the commission or facilitation of serious violations or abuses of international human rights law or serious violations of international humanitarian law;

4. *Invites* States to consider the recommendations of elements contained in the above-mentioned report<sup>1</sup> to assess the relationship between arms transfers and international human rights law, with a view to identify and measure the impact of arms transfers on the enjoyment of human rights;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, in consultation with States, United Nations agencies and other relevant stakeholders, on the impact of the diversion of arms and unregulated or illicit arms transfers on the human rights of women and girls, and to present it to the Human Rights Council at its forty-fourth session;

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<sup>1</sup> A/HRC/35/8.

6. *Invites* all relevant special procedures and commissions of inquiry of the Human Rights Council and human rights treaty bodies to bear the present resolution in mind, within the framework of their respective mandates;

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

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