



General Assembly

Distr.: Limited
6 July 2021

Original: English

Human Rights Council

Forty-seventh session

21 June–13 July 2021

Agenda item 3

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

Albania,* Chile,* Costa Rica,* Ecuador,* Greece,* Mexico, Paraguay,* Peru,* Switzerland* and Uruguay: draft resolution

47/... 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 Rights of the Child, 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 also Human Rights Council resolutions 24/35 of 27 September 2013, 32/12 of 1 July 2016, 38/10 of 5 July 2018, 41/20 of 12 July 2019 and 45/13 of 6 October 2020,

Recalling further General Assembly resolution 74/64 of 12 December 2019 on youth, disarmament and non-proliferation,

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 and unregulated or illicit arms transfers, and that these have a multiplier effect on human rights abuses and violations,

* State not a member of the Human Rights Council.



Noting with concern the diversion of arms and unregulated and illicit arms transfers during the coronavirus disease (COVID-19) pandemic to conflict-affected regions, despite the Secretary-General's urgent appeal for a global ceasefire,

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

Recognizing with concern that the diversion of arms and unregulated or illicit arms transfers may have negative humanitarian, development and socioeconomic consequences, exacerbate armed conflicts and violence, and have a negative impact on the enjoyment of human rights, including the commission and facilitation of gender-based violence against women and girls, and violations and abuses of international human rights law and international humanitarian law committed against children and youth, including in conflict situations,

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 obligations under 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 financial and arms flows by 2030, target 5.2 on the elimination of all forms of violence against all women and girls, target 16.2 on ending all forms of violence against children, and target 8.7 on the elimination of the worst forms of child labour, including the recruitment and use of child soldiers,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights on the impact of the diversion of arms and unregulated or illicit arms transfers on the human rights of women and girls,¹

1. *Expresses its deep concern* at the fact that the diversion of arms and unregulated or illicit arms transfers continue to seriously undermine the human rights of individuals, especially women, children, youth, the elderly, persons with disabilities and persons in vulnerable and in conflict situations;

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, and of violence against women, children and youth, 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 domestic laws, regulations and procedures and international obligations and commitments, that there is a clear risk that such arms might be used to commit or facilitate serious violations or abuses of international human rights law or serious violations of international humanitarian law;

4. *Calls upon* States to implement, as appropriate, the recommendations contained in the above-mentioned report² to address the impact of diversion and unregulated or illicit arms transfers on women and girls, and to establish a comprehensive approach for safeguarding human rights from the negative impact of the uncontrolled proliferation of arms;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare, in consultation with States, United Nations agencies and other relevant stakeholders, an analytical report on good practices, lessons learned and challenges faced by

¹ A/HRC/44/29.

² Ibid.

States in preventing, mitigating and addressing the diversion of arms and unregulated or illicit arms transfers that have a particular impact on the enjoyment of human rights by children and youth, and the role of national control systems as effective mechanisms in that regard, and to present the report to the Human Rights Council at its fifty-first session;

6. *Invites* all relevant special procedures, commissions of inquiry and other relevant mechanisms 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.
