



Human Rights Council**Fifty-third session**

19 June–14 July 2023

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Resolution adopted by the Human Rights Council on 13 July
2023****53/15. 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 the 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 peace and security, development 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 Protocols Additional 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, the International Convention on the Suppression and Punishment of the Crime of Apartheid, 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, 45/13 of 6 October 2020, 47/17 of 13 July 2021 and 50/12 of 7 July 2022, as well as 44/12 of 16 July 2020,**Acknowledging that millions of people around the world are affected by varied 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, including the right to life and security of person, the rights to education*

and to enjoy the highest attainable standard of physical and mental health, and other civil, political, economic, social and cultural rights,

Acknowledging also that ownership and use of arms are closely linked to specific dynamics of control, power, domination and strength, that the misuse of arms can cause and 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 have negative humanitarian, development and socioeconomic consequences, exacerbate armed conflicts and violence and have a negative impact on the enjoyment of human rights, including through the commission and facilitation of sexual and gender-based violence against women and girls, violations of the rights of children and youth and other types of violations and abuses of international human rights law and violations of international humanitarian law,

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

Recalling States' obligations and commitments under international human rights law and obligations under international humanitarian law, as well as other principles and provisions relating to international human rights law and international humanitarian law and to the promotion of responsible action by States, including exercising due diligence, 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,

Recalling also 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 enacting and enforcing relevant national legislation and implementing related policies and practices on arms transfers,

Reaffirming that all efforts should be made to ensure the prevention and cessation of all violations and abuses of international human rights law and all violations of international humanitarian law resulting from arms transfers, including the diversion of arms and unregulated or illicit arms transfers, and to ensure the full respect of obligations under these international legal frameworks, as applicable,

Taking note of the report of the Secretary-General on the protection of civilians in armed conflict,¹ in particular the recommendation contained therein that States should ensure respect for international humanitarian law and international human rights law, including through political dialogue, training and dissemination, joint operational planning, and conditioning arms exports on compliance with international humanitarian and human rights law,

Stressing the importance of preventing, mitigating and addressing the negative human rights impacts of the diversion of arms and unregulated or illicit arms transfers, including by adopting a human rights approach to arms transfer governance that takes into account, inter alia, the importance of meaningful public participation, accountability, the rule of law, equality and non-discrimination, with a view to promoting transparency and combating corruption,

Recalling the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011, and that all business enterprises have the responsibility to respect human rights and should, inter alia, carry out human rights due diligence, appropriate to their size and circumstances, to identify, prevent, mitigate and account for how they address their impact on human rights, and that those business enterprises whose operations or operating contexts pose risks of human rights impacts should report formally on how they address them,

¹ S/2023/345.

Bearing in mind the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,² including target 16.4 of the Sustainable Development Goals, on significantly reducing illicit financial and arms flows by 2030, target 16.7, on ensuring responsive, inclusive, participatory and representative decision-making at all levels, target 16.6, on developing effective, accountable and transparent institutions at all levels, and target 16.3, on promoting the rule of law at the national and international levels and ensuring equal access to justice for all,

Acknowledging that, in accordance with the freedom to seek, receive and impart information, the public should have access to information on arms transfers and measures taken by States to prevent, mitigate and address diversion, which is critical to ensure transparency and combat corruption,

Taking note with appreciation of the report of the Office of the United Nations High Commissioner for Human Rights,³

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

2. *Notes with concern* that the diversion of arms and unregulated or illicit arms transfers have a severely negative impact on the full enjoyment of all human rights of all people, in particular women, children and youth and persons in vulnerable situations, and that lack of access to information may exacerbate that negative impact and may increase the risk of corruption involving both the public and the private sectors;

3. *Urges* all States to refrain from transferring arms when they assess, in accordance with applicable domestic laws, regulations and procedures, international obligations and other commitments, including exercising due diligence, 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 report of the Office of the United Nations High Commissioner for Human Rights on the impact of arms transfers on human rights,⁴ and to establish a comprehensive approach for safeguarding human rights from the negative impact of the uncontrolled proliferation of arms;

5. *Also calls upon* States to consider adopting appropriate measures to enable the tracing of arms in their production, sale and transfer, including by requiring human rights due diligence, in order to avoid risks of diversion of arms, unregulated or illicit arms transfers or illicit arms trafficking;

6. *Requests* the Office of the High Commissioner to prepare, in consultation with States, United Nations agencies and other relevant stakeholders, an analytical report on the impact of arms transfers, including the diversion of arms and unregulated or illicit arms transfers, on the enjoyment of human rights, with a focus on the role of access to information in preventing, mitigating and responding to the negative human rights impact thereof, and to present the report to the Human Rights Council at its fifty-sixth session;

7. *Also requests* the Office of the High Commissioner to organize a full-day intersessional workshop to hold stocktaking discussions on the role of States and the private sector in preventing, addressing and mitigating the negative human rights impact of arms transfers, including the diversion of arms and unregulated or illicit arms transfers, to be held before the fifty-seventh session of the Human Rights Council and open to the participation of States, relevant treaty bodies and mandate holders and members of academia, civil society and other relevant stakeholders, to inform the preparation of a report on gaps and future steps on the subject, to be presented to the Council at its fifty-eighth session;

² General Assembly resolution 70/1.

³ A/HRC/51/15.

⁴ Ibid.

8. *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;

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

*35th meeting
13 July 2023*

[Adopted without a vote.]
