

IANSA Briefing Paper

December 2025

Human Rights Obligations and the Control of Small Arms and Light Weapons

1. Introduction

One of the purposes and principles of the Charter of the United Nations and the obligations of States under the Charter and international customary law is to promote universal respect for and observance of human rights and fundamental freedoms.¹ International treaties ratified and acceded to by States accept that everyone has the right to life, liberty and security of person and each individual 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.² For example, under Article 4 of the International Covenant on Civil and Political Rights certain rights are absolute and may not be subject to any derogation, even in time of war or emergency. These are the right to life, the right to be free from torture and other inhumane or degrading treatment or punishment, the right to be free from slavery or servitude and the right to be free from retroactive application of penal laws.

One of the most important ways for States to meet these obligations is to strictly control the transfer and regulate the use of small arms and light weapons (SALW) within their jurisdiction using international human rights criteria and accountability. All States are required to do this individually as well as collectively through international cooperation.³ Measures set out in treaties and other instruments on arms control require States to enact and enforce relevant national legislation on SALW and implement related policies and practices, including through express prohibitions, licensing and authorization systems, administrative practice and risk assessments on small arms transfers.

2. Examples of fundamental human rights violated with SALW misuse

Right to Life

In July 2023 UN Secretary General reported that: “From 2015 to 2021, an estimated 3.1 million people lost their lives as a result of intentional homicides, a shocking figure which dwarfs that of the estimated 700,000 people who died in armed conflicts during the period.”⁴ In December 2023 he added that: “According to the latest figures, 260,000 people were killed by small arms in 2021 alone, amounting to 45 per cent of all violent deaths – more than 700 people daily, or one person dying from small arms every two minutes.”⁵ Since the 2021 military coup in Myanmar for example, the junta killed and maimed children during violent crackdowns on peaceful protests, indiscriminate attacks on civilian populations, and mass executions of individuals in its custody. UN investigators verified the killing or maiming of 382 children by armed groups between February 2021 and March 2022. 59 percent of

¹ Charter of the United Nations. Articles 1, 55 and 56. And for an expert study of customary human rights law, see William Schabas (2021), *The Customary International Law of Human Rights*, Oxford University Press.

² The obligations to respect the rights enshrined in the Universal Declaration of Human Rights are reinforced under many treaties including 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.

³ UN Programme of Action to Prevent, Combat and Eradicate the Illicit Manufacture and Trade in Small Arms and Light Weapons In All Its Aspects, adopted by consensus in the General Assembly in June 2001.

The Programme of Action is a voluntary framework that calls on states to implement legislation or other measures to criminalize the illegal manufacture, possession, stockpiling and trade in small arms. It also encourages the establishment of a small arms registration system through the use of marking and tracing mechanisms. The PoA sets out measures to be undertaken at the national, regional and global levels.

⁴ UN Secretary General report “Our Common Agenda”, A/77/CRP.1/Add.8 of 3 July 2023.

⁵ Cited by Mrs. Izumi Nakamitsu, Under-Secretary-General and High Representative for Disarmament Affairs presenting the Report of the Secretary-General on Small arms and light weapons (S/2023/823) to UN Security Council on 15 Dec 2023. For an analysis of the data for IANSA was provided by Peter Danssaert (2024). *Human, Economic and Social Costs of Small Arms and Light Weapons Violence: Selected Global Data*. IANSA June. <https://iansa.org/human-economic-and-social-costs-of-small-arms-and-light-weapons-violence-selected-global-data-june-2024/>. See also for example, World Population Review – *Gun Deaths by Country 2025*. <https://worldpopulationreview.com/country-rankings/gun-deaths-by-country> - also

these deaths and injuries were caused by the military's targeted or indiscriminate attacks.⁶ In Yemen, the UN Group of Experts reported in 2019 that it received allegations that Houthi snipers had killed civilians intentionally or through indiscriminate use of weapons in populated areas.⁷ In Syria, UN Commissioners in 2020 reported that targeted killings of individuals increased across Dar'a and Suwayda' Governorates during the reporting period, in what appeared to be retaliatory acts by numerous local armed actors. Reportedly, there were at least 53 such killings across Dar'a between January and June targeting medical professionals, political actors with both pro- and anti-government stances, judges, members of armed groups who had "reconciled" their status, and members of the security apparatus. In nearly all documented cases, the killings were carried out by men on motorcycles using small arms.⁸

Torture and cruel, inhuman, and degrading treatment

Numerous instances of such treatment are documented in UN reports. For instance, in the Philippines, the lack of independent investigations and accountability for cases of torture is a recurring concern documented by UN human rights officials. They have linked torture to cases of enforced disappearances and extrajudicial killings, suggesting a systemic pattern of abuse against detainees, particularly those accused of drug-related offenses or political dissent.⁹ In 2023 the UN Committee against Torture expressed its deep concern by recurrent allegations of excessive use of force in Egypt, notably in the context of protests, resulting in the death of and injuries to hundreds of peaceful protesters, including children, arbitrary arrests, incommunicado detention, torture and ill-treatment, and enforced disappearances perpetrated by the security forces. It expresses serious concern about the lack of accountability of the police and security personnel for the excessive use of force.¹⁰

Slavery and Servitude

A prime example is when the UN Special Rapporteur on Myanmar in 2022 reported that some ethnic armed organizations had used children as forced labour including to carry military supplies in conflict zones. After reviewing credible reports based on firsthand testimony concerning the use of Rohingya children for forced labor by the Arakan Army since the coup. Children as young as 12 were reportedly forced at gunpoint to carry 50-kilogram bags of rice and were beaten when they were exhausted and paused to rest.¹¹

Liberty and Security

The UN Special Rapporteur on Iran reported in the context of peaceful protests during 2021-the use of lethal force against participants in a series of protests that erupted in mid-July 2021 in over 20 cities in Khuzestan Province, subsequently extending to other areas. Testimonies, photographs and video footage show widespread use of unlawful force against protesters, many of whom belong to the Arab minority. Security forces, riot police and armed plain-clothes agents fired live ammunition, leading to the killing of at least eight individuals, including two children, and the injuring of a large number of

⁶ Human Rights Council: *Losing a generation: how the military junta is devastating Myanmar's children and undermining Myanmar's future*, Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar, 13 June 2022, A/HRC/50/CRP.1, www.ohchr.org/en/documents/thematic-reports/ahrc50crp1-conference-room-paper-special-rapporteur-losing-generation).

⁷ United Nations High Commissioner for Human Rights. *Situation of human rights in Yemen, including violations and abuses since September 2014*, Report of the Group of Eminent International and Regional Experts as submitted to the, A/HRC/42/17, 9 August 2019, <https://documents.un.org/doc/undoc/gen/g19/240/87/pdf/g1924087.pdf>).

⁸ Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 14 August 2020, A/HRC/45/31, <https://documents.un.org/doc/undoc/gen/g20/210/90/pdf/g2021090.pdf>).

⁹ Human Rights Council reports A/HRC/WG.6/41/PHL/2 ; A/HRC/52/13; A/HRC/WG.6/41/PHL/3.

¹⁰ Committee against Torture, Concluding observations on the fifth periodic report of Egypt, 12 December 2023 (CAT/C/EGY/CO/5, <https://documents.un.org/doc/undoc/gen/g23/244/13/pdf/g2324413.pdf>).

¹¹ Human Rights Council. *Losing a generation: how the military junta is devastating Myanmar's children and undermining Myanmar's future*, Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar, 13 June 2022, A/HRC/50/CRP.1, www.ohchr.org/en/documents/thematic-reports/ahrc50crp1-conference-room-paper-special-rapporteur-losing-generation.

others.¹² In Iraq, the firing of live ammunition against protesters attributed to the security forces caused most of the 359 deaths at protest sites, with shrapnel and the direct impact of tear gas canisters responsible for 28 other deaths.¹³ Junta troops in Myanmar were reported by UN investigators in October 2024 to have killed civilians in ground assaults, including the mass killing of individuals already in the custody of junta forces. Women, children and elders have been among those killed.¹⁴

Inequality

The misuse of SALW affects different groups, such as people of different ethnicities, nationalities, genders and ages. Two of the most vulnerable groups are older persons and persons with disabilities. In the deliberations of the Security Council on the situation in Haiti in 2024, non-permanent members reiterated their call for greater efforts to be made by Member States to curb the illicit trafficking and diversion of arms and ammunition, as well as illicit financial flows, to Haiti. They observed that through access to illegal weapons and ammunition, armed criminal gangs were committing sexual and gender-based violence and forcibly recruiting and attacking children, including targeting institutions for children with disabilities.¹⁵

Despite the UN standards designed to prevent racial discrimination, agents of the State, such as armed police officers and soldiers, appear to persistently target racial or ethnic minorities. For example, in 2020, 60.9% of the 19,995 people killed by gun homicide in the US were African Americans, despite African Americans making up just 13% of the US population. Black men and boys aged 15–34 are more than 10 times more likely to die from firearm homicide than white men and boys of the same age group.¹⁶ Yet in some countries the authorities have been slow to act against police targeting of ethnic or racial minorities.

Children and young people are disproportionately represented among the victims of firearms violence, and, in many contexts, are at particular risk of recruitment to violent gangs or organized criminal groups.¹⁷ With respect to northern Central America, concerns have been raised about the stigmatization of children and young people, in particular those in situations of socioeconomic deprivation, high rates of incarceration and a lack of adequate reintegration programmes.¹⁸ Nevertheless, violence against children continues to take many forms, including physical, sexual, and emotional abuse, and may involve neglect or deprivation. Such violence occurs in many settings and is perpetrated against many millions of children worldwide.

Regarding the widespread incidence of gender-based violence, the UN estimated that in 2024, around 50,000 women and girls worldwide were killed by their intimate partners or other family

¹² Human Rights Council. Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, 13 January 2022, A/HRC/49/75, <https://documents.un.org/doc/undoc/gen/g22/005/44/pdf/g2200544.pdf>.

¹³ Human Rights Violations and Abuses in the Context of Demonstrations in Iraq October 2019 to April 2020, United Nations Assistance Mission for Iraq/Office of the United Nations High Commissioner for Human Rights, August 2020, <https://www.ohchr.org/sites/default/files/Documents/Countries/IQ/Demonstrations-Iraq-UNAMI-OHCHR-report.pdf>.

¹⁴ Human Rights Council Situation of human rights in Myanmar, Note by the Secretary-General, A/79/550, 25 October 2024 (<https://documents.un.org/doc/undoc/gen/n24/315/23/pdf/n2431523.pdf>).

¹⁵ UN Security Council, The Question Concerning Haiti, report of the Secretary General, S/PV.975 of 22 October 2024. <https://documents.un.org/doc/undoc/pro/n24/309/10/pdf/n2430910.pdf>.

¹⁶ Amnesty International – Gun Violence and Human Rights webpages - <https://www.amnesty.org/en/what-we-do/arms-control/gun-violence/>. For detailed data see also Bottiani JH, Camacho DA, Lindstrom Johnson S, Bradshaw CP. *Annual Research Review: Youth firearm violence disparities in the United States and implications for prevention*. J Child Psychol Psychiatry. 2021 May;62(5):563–579. doi: 10.1111/jcpp.13392. Epub 2021 Apr 1. PMID: 33797082; PMCID: PMC9993333.

¹⁷ Office of the High Commissioner on Human Rights report: Impact of the civilian acquisition, possession and use of Firearms. by children and youth. A/HRC/49/41, para. 21; and UN Office on Drugs and Crime, *Global Study on Homicide 2023*, p. 57.

¹⁸ Submission to the Office of the High Commission for Human Rights by the Asser Institute and Global Rights Compliance. See also <https://forensic-architecture.org/investigation/the-killing-of-hind-rajab>.

members.¹⁹ In many cases local police have failed to respond to emergency calls reporting that women are being beaten or raped and even failed to establish effective emergency response systems. In many countries there have been unjustifiable delays in initial investigations, the period when there is a greater chance of finding the woman alive and identifying those responsible, and a failure to follow up evidence and witness statements which could be crucial. In other cases, the forensic examinations carried out have been inadequate, with contradictory and incorrect information being given to families about the identity of bodies, thereby causing further distress to them and disrupting their grieving process.²⁰

Fundamental Freedoms

The enjoyment of rights, such as the rights to freedom of opinion and expression, of peaceful assembly and of association, also negatively impacted by the proliferation and misuse of SALW. In July 2024, for example, the UN Human Rights Office published a report on arbitrary, prolonged, and *incommunicado* detention by Israeli authorities, affecting thousands of Palestinians over the previous year. The report also covers allegations of torture and other forms of cruel, inhuman and degrading treatment, including sexual abuse of women and men. The UN report states that they were detained in Gaza and in the West Bank and Israel, and were generally held in secret, without being given a reason for their detention, access to a lawyer or effective judicial review, the report states.²¹ The same UN report states that many abducted civilians and captured military personnel taken from Israel by Palestinian armed groups on 7 October remained held as hostages in Gaza in dire conditions. As of 25 June 2024, 109 civilian hostages, including 34 children, had been released further to negotiated arrangements, and one IDF soldier and six civilian hostages had been rescued by the IDF. According to the Government of Israel, 116 hostages were taken on 7 October, including two children, who remained in Gaza as of 25 June 2024 including 42 believed to have died. Accounts from released hostages, accessible through open sources, describe violence and extremely harsh conditions of captivity. Research carried out by the United Nations Development Programme (UNDP) and published in 2017 found that a sense of grievance towards – and limited confidence in – government are widespread in the parts of Africa associated with the highest incidence of violent extremism. These include the belief that government only looks after the interests of a few; low level of trust in government authorities; and experience of paying bribes. Grievances against security force and law enforcement actors, as well as politicians, are particularly marked, with an average of 78 per cent of respondents expressing low levels of trust in the police, politicians, and military.²²

Economic, Social, and Cultural Rights

Poverty is a major driver of crime and violence. Exclusion and limited opportunities for upward social mobility are significant factors motivating recruitment to violent gangs and organized criminal groups. For example, according to research on recruitment to drug cartels in Mexico and on violent gangs in South Africa, poverty is a motivating factor for joining gangs.²³ In Myanmar during the mass human rights violations by the junta in 2022 approximately 46% of households were living in poverty and nearly eight million children were out of school, while the military junta attacked health facilities and occupied schools. Armed groups have engaged in child recruitment, human trafficking and child

¹⁹ UN Women, *Facts and figures: Ending violence against women*, 9 November 2025 -

<https://www.unwomen.org/en/articles/facts-and-figures/facts-and-figures-ending-violence-against-women>.

²⁰ Examples for preventing gender-based violence linked to civilian possession of firearms can be found in Nadine Easby (2022) *A Closer Look at Domestic Violence and Firearms Legislation in Five Countries* (IANSA) <https://iansa.org/a-closer-look-at-domestic-violence-and-firearms-legislation-in-five-countries-february-14-2022/>.

²¹ Office of the High Commissioner on Human Rights. Thematic Report - Detention in the context of the escalation of hostilities in Gaza (October 2023-June 2024).

²² UN Development Programme, *Journey to Extremism in Africa: Drivers, Incentives and the Tipping Point for Recruitment*, New York 2017.

²³ Piotr A. Chomczyński, Roger Guy and Elena Azaola, "Beyond money, power, and masculinity: toward an analytical perspective on recruitment to Mexican drug trafficking organizations", *International Sociology*, vol. 38, No. 3. Cited by Office of the High Commissioner on Human Rights, Impact of the civilian acquisition, possession and use of firearms. A/HRC/59/39 of 10 April 2025.

labour. Girls were subject to trafficking for the purposes of child marriage and sexual exploitation.²⁴ The Special Representative of the UN Secretary General, in her report in October 2024 to the Security Council on the situation in Haiti, observed that the Haitian people continue suffering in terrible living conditions, with increasingly limited access to essential services, in particular in those areas to which thousands of people have been displaced as they fled the terror of armed gangs. Women, men and especially children suffered the full brunt of the atrocities committed by the gangs, manifested in killings, kidnapping, sexual violence and unheard-of brutality in the affected regions. The gangs systematically use sexual violence as a weapon of terror and submission, inflicting untold suffering on women and girls and other vulnerable groups.²⁵

3. Requirements for Accountability

Effective prevention of human rights violations and abuses requires respect for the rule of law as a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and are consistent with international human rights law. International treaties and customary law on human rights include a number of rules on complicity in order to address responsibility as accessory to the commission of a violation by a third State or non-State actor, for example in the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Genocide Convention.²⁶ Accountability for committing, facilitating, aiding and/or assisting violations and abuses of human rights is crucial for upholding the rule of law, since impunity facilitates the recurrence of such violations and abuses.

Regarding the use of SALW by State agencies in non-conflict situations, UN standards draw on international human rights law and general principles on the rule of law and provide guidance to differentiate between a lawful use of force and firearms, as opposed to an act of criminal violence by police or other law enforcement personnel authorised to carry weapons.²⁷ Moreover, in situations of armed conflict, all acts of indiscriminate killing as well as violence against any person taking no part in hostilities, in particular murder of all kinds, mutilation, cruel treatment and torture, as well as other inhumane acts, are also prohibited.²⁸ Even operations to stop armed terrorists must fall under human rights law and UN law enforcement rules unless the operation takes place in an area of fighting between State forces and the armed group in which case the laws of armed conflict, known as international humanitarian law, will apply.²⁹

²⁴ Human Rights Council. *Losing a generation: how the military junta is devastating Myanmar's children and undermining Myanmar's future*, Conference room paper of the Special Rapporteur on the situation of human rights in Myanmar, 13 June 2022, A/HRC/50/CRP.1, www.ohchr.org/en/documents/thematic-reports/ahrc50crp1-conference-room-paper-special-rapporteur-losing-generation.

²⁵ The question concerning Haiti. Report of the Secretary-General on the United Nations Integrated Office in Haiti. S/2024/742 of 22 October 2024.

²⁶ Human Rights Committee, general comment No. 36 (2018), para. 63; Torture Convention, art 4; and Genocide Convention, art. 3; and *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, paras. 416 and 418 et seq, and on complicity in slavery and genocide see William Schabas (2021), *The Customary International Law of Human Rights*, Oxford University Press, p.70 and p.116.

²⁷ UN Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in resolution 34/169 of 17 December 1979. The Code includes a commentary to guide interpretation of its eight articles. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990. The Basic Principles consist of 26 different rules setting out specific rights and obligations of police and other law enforcers, including an obligation to use firearms only as a last resort when there is an imminent threat to life.

²⁸ See especially Common Article 3 of the Geneva Conventions of 1949 which prohibits wilful killing, mutilation, torture and other crimes by any party to an international armed conflict as well as to a non-international armed conflict.

²⁹ Such scenarios are discussed in Stuart Casey Maslen and Sean Connolly (2017) *Police Use of Force Under International Law*, Cambridge, chapter 8.

Moreover, according to the UN Guiding Principles on Business and Human Rights, every State has the duty to regulate business enterprises involved in arms manufacturing and transfers while such business enterprises have a responsibility to 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. Business enterprises may be perceived as being “complicit” in the acts of another party where, for example, they are seen to benefit from an abuse committed by that party. The Guiding Principles require that those business enterprises whose operations or operating contexts pose risks of negative human rights impacts should take necessary steps to prevent or cease potential or actual adverse human rights impacts linked to their operations. An enterprise should take appropriate remedial action through legitimate processes depending on the context, the severity of a potential adverse impact, and the available leverage of a business enterprise to mitigate such an impact. The business should also ensure its employees are aware of the requirements under international human rights law and international humanitarian law and other applicable laws.³⁰ In this regard, States should remove barriers to accountability, including for corporate actors facilitating firearms trafficking.³¹

Although governments allow individuals, civilian groups and companies to legally acquire and use small arms according to each State’s domestic law, a large proportion of civilian small arms are obtained from illicitly through the diversion of stockpiles, unlawful sales, cross border smuggling and corruption of control regulations.³² The Independent Expert on the situation of human rights in the Sudan noted that there were an estimated 700,000 weapons in illegal circulation across Darfur.³³ The Mexican government reported that over 230,000 illicit firearms enter Mexico through its northern border with the United States every year.³⁴ In addition, 20,000 firearms belonging to federal and state security forces were officially reported missing or stolen between 2006 and 2017.³⁵ The lack of investigation, prosecution and punishment of offences committed through arms exports is a general concern raised by the Office of the High Commissioner for Human Rights which pointed out that notable exception has been the case against Heckler and Koch concerning the falsification of end-user certificates for firearms exports to law enforcement agencies in Mexico.³⁶ The transferred firearms were used in the killing and disappearance of 43 students in 2014.¹³⁸ However, it has been noted that, since that case concerned prosecution for violations of export control laws, victims were reportedly excluded from the proceedings and unable to claim compensation.³⁷

Under international criminal law, the Rome Statute of the International Criminal Court restates customary international humanitarian law norms, criminalizing crimes against humanity, war crimes, genocide, and the crime of aggression. Perpetrators of such crimes and those who deliberately aid and assist a crime under the Statute can be held individually accountable.³⁸ Under transnational criminal law, the illicit trafficking and manufacturing of firearms, their parts and components and ammunition must be specifically outlawed with penal sanctions in national criminal laws. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and

³⁰ Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011. See also Human Rights Council resolution A/HRC/RES/59/13 of 17 July 2025.

³¹ Office of the High Commissioner on Human Rights report [A/HRC/53/49](#), para. 55 (f).

³² UNODC, *Global Study on Firearms Trafficking 2020* (New York, 2020), pp. 63 et seq.

³³ UN Human Rights Council. Report of the Independent Expert on the situation of human rights in the Sudan. A/HRC/39/71, para.9.

³⁴ Office of the High Commissioner for Human Rights, Impact of arms transfers on human rights A/HRC/44/29, p.9 fn. 27.

³⁵ Office of the High Commissioner for Human Rights, Impact of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights A/HRC/42/21, 3 July 2029, para 58.

³⁶ Office of the High Commissioner for Human Rights, *Impact of arms transfers on human rights*. A/HRC/58/41, 9 January 2025, para. 35. For case notes see https://sherloc.unodc.org/cld/en/case-law-doc/criminalgroupcrimetype/deu/2021/bgh_urteil_vom_30.03.2021_3_str_47419.html.

³⁷ Schliemann and Bryk, “Arms trade and corporate responsibility”, p. 17.

³⁸ See Article 25(3)(c) of the Rome Statute of the International Criminal Court. adopted 17 July 1998, entered into force 1 July 2002.

Ammunition (Firearms Protocol) established a framework for States to control and regulate licit arms and arms flows, prevent their diversion into the illegal circuit, facilitate the investigation and prosecution of related offences without hampering legitimate transfers.³⁹

Under the Arms Trade Treaty,⁴⁰ States Parties are required to regulate their international trade in conventional weapons, including SALW, and to prohibit a transfer, meaning an export, import, transit, transshipment or brokering transaction, involving conventional arms (including SALW), or their ammunition or parts and components:

- 'if the transfer would violate measures adopted by the UN Security Council (UNSC) under Chapter VII of the UN Charter, in particular arms embargoes'; or
- 'If the transfer would violate its relevant international obligations under international agreements to which it is a Party, particularly those relating to the transfer of, or illicit trafficking in, conventional arms'; or
- 'if the State Party has knowledge at the time of authorization that the conventional arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.'

In Article 7, the ATT also sets out the specific circumstances under which an export must not be authorized, including where there is an overriding risk that the arms, or their ammunition or parts and components, could be used to commit or facilitate a serious violation of international human rights law or international humanitarian law. In addition, the ATT in Article 10 sets out a range of measures that States Parties are required, or encouraged, to undertake to prevent diversion.

Robust control mechanisms on SALW and their strict implementation should be carried out by skilled officials and guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation. Ongoing failures to do so effectively is leading to continued violations and abuses of human rights and violations of international humanitarian law around the world through the use and facilitation of SALW.

4. The Overriding Need for Prevention

States should adopt a human rights approach to arms management and transfer governance.⁴¹ Prevention of serious human rights violations with SALW should encompass measures relating to the transfer and use of such weapons that, inter alia, address root causes, focus on a rapid response to the earliest indicators, aim to minimize harm once a human rights situation has escalated, focus on minimizing future threats and aim to prevent human rights violations and abuses over the longer term.⁴²

States should adopt measures to prevent negative human rights impacts, including on the enjoyment of the rights to participate in cultural life and to take part in the conduct of public affairs.⁴³ Preventive

³⁹ Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (Firearms Protocol), adopted in resolution 55/255 of the General Assembly on 31 May 2001 and in force since 2005.

⁴⁰ Arms Trade Treaty adopted on 2 April 2013 by the General Assembly in resolution 67/2348, and which entered into force on 24 December 2014.

⁴¹ See for example: Hans Lammerant (2021) *Arms export control and the legal obligation to protect human rights: A human rights agenda to strengthen arms export control*, Vredesactie.

⁴² Human Rights Council Resolution 60/12. The role of prevention in the promotion and protection of human rights: the rule of law and accountability. A/HRC/RES/60/12 of 7 October 2025.

⁴³ Office of the High Commissioner on Human Rights report: Impact of the civilian acquisition, possession and use of

measures should be tailored to specific contexts and developed in consultation with affected communities, including victims and civil society. The underlying factors driving firearm violence should be taken into account in the context of preventive measures.⁴⁴

The Office of the UN High Commissioner on Human Rights has recommended in previous reports that the availability of firearms for civilians should be reduced.⁴⁵ This entails reducing the supply side of firearms including through the regulation of the manufacture, distribution, marketing, sale and purchase of firearms.⁴⁶ States also have responsibilities to take measures to combat firearms diversion and trafficking, including through customs and criminal justice measures.⁴⁷ Given the transnational nature of firearms trafficking, international cooperation is essential, including through intelligence-sharing, tracing, border control, and judicial cooperation to dismantle trafficking networks.

Prevention measures need to address the vulnerability and protection of those who are living in poverty and are marginalized are more likely to be victims of violent crime.⁴⁸ The UN Declaration on the Elimination of Violence against Women sets out standards for all governments and law enforcement authorities to combat violence against women, particularly sexual violence, whether physical, sexual, or psychological in nature, and whether occurring in public or private life. However, a great deal of neglect of these standards still exists around the world. Gender should also be considered in prevention measures. Male gender stereotypes serve as a contributing risk factor for firearms-related violence.⁴⁹ Men and boys are disproportionately represented both as perpetrators and as victims of firearms violence. Stereotyped notions of masculinity contribute to driving civilian firearms acquisition and can serve as a contributing motivating factor in involvement in crime. Under the Convention on the Elimination of All Forms of Discrimination against Women, States Parties must take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices based on stereotyped roles for men and women.

Children and young people should be considered specifically in the context of prevention strategies.⁵⁰ The Convention on the Rights of the Child, ratified by all States except the USA, requires governments to provide a wide range of protection for all persons under the age of eighteen including special safeguards in the criminal justice system and during armed conflict. Police officers are called upon in the UN Code of Conduct to make every effort to refrain from the use of firearms against children, who are defined as all persons under eighteen years of age. UNODC has, for example, noted that preventive programmes aimed at promoting the social inclusion and desistance from gang involvement of vulnerable young people and adults can reduce gang violence in the long term.⁵¹

Firearms. A/HRC/59/39 of 10 April 2025.

⁴⁴ Office of the High Commissioner on Human Rights report, A/HRC/RES/60/12 of 7 October 2025

⁴⁵ Office of the High Commissioner on Human Rights report: Impact of the civilian acquisition, possession and use of Firearms. Reports A/HRC/49/41, para. 50; and A/HRC/53/49, para. 55 (d).

⁴⁶ Office of the High Commissioner on Human Rights report A/HRC/53/49, para. 55.

⁴⁷ For examples of relevant instruments, see Office of the High Commissioner on Human Rights report A/HRC/58/41, footnote 25.

⁴⁸ UN Special Rapporteur on Extreme Poverty and Human Rights. Visit to Ecuador. Report A/HRC/56/61/Add.2, published 2 May 2024.

⁴⁹ UNODA, Training Manual on Gender Mainstreaming and Small Arms Control, 2022 – Unit 4

https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2022/12/report/training-manual-on-gender-mainstreaming-small-arms-control/UNODA_Gender_SALW_Training_Manual.pdf

⁵⁰ See also Office of the High Commissioner for Human Rights. Impact of the civilian acquisition, possession and use of firearms by children and youth. Report A/HRC/49/41, 19 January 2022.

⁵¹ See the conference room paper by the Special Rapporteur on the situation of human rights in Myanmar on the billion-dollar death trade.

Furthermore, unaddressed grievances, such as unaddressed land claims, need to be considered in the context of prevention measures. Many situations of violence may result from a lack of measures to give effective legal recognition to land and land use rights and sustainably address land disputes. In addition, the lack of legal recognition of land rights may exacerbate the risks faced by communities, such as Indigenous communities.

Lastly, prevention measures should seek to strengthen the rule of law and governance institutions, in particular by taking measures to combat corruption, as corruption can sustain organized crime and facilitate firearms trafficking. For example, corruption in the military, law enforcement agencies and customs authorities may facilitate the diversion of firearms.

5. Conclusions and Recommendations

Building respect for human rights and developing effective measures to implement international obligations in international human rights law and international humanitarian law must be at the forefront of preventing, mitigating and addressing the negative human rights impacts of the diversion of arms and unregulated or illicit arms transfers. States must adopt a human rights approach to arms management and transfer governance that takes into account, inter alia, the importance of implementing international treaties and standards, meaningful public participation, the freedom to seek, receive and impart information, accountability, the rule of law, equality and non-discrimination, with a view to promoting transparency and combating corruption.

State management and use of SALW – All governments and law enforcement authorities should promote, publicise, incorporate in law and practice the UN standards for law enforcement officials including the UN Code of Conduct for Law Enforcement Officers and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, as well as the Rome Statute of the International Criminal Court and the obligations under international humanitarian law including the Geneva Conventions of 1949 and related protocols. Police and military training should emphasise human rights and alternatives to the use of firearms. Considering the complexity and range of functions of modern policing and soldiering, such personnel should receive rigorous training to challenge common discriminatory beliefs and attitudes, and to comply with international standards.

State controls on transfers of SALW – All States that have not yet ratified the Arms Trade Treaty (ATT) should do so as soon as possible, and all States that are parties to the ATT should develop mechanisms and training to strictly implement Articles 6 (Prohibitions), Article 7 (Export and Export Assessment), Article 8 (Imports), Article 9 (Transit and Trans-shipment), Article 10 (Brokering), Article 11 (Diversion) and Article 12 and 13 (on record keeping and reporting respectively) with particular attention given to the effective and transparent implementation of their national control system as required by Article 5. How to improve and provide mutual assistance to improve observance of international human rights obligations should be a major topic of discussion at the Conference of States Parties of the ATT.

Civilian possession and use of firearms – Increased resources should be made available for better data collection and analysis because in many countries there is a dearth of information on the civilian acquisition, possession and use of firearms.⁵² All States should prohibit any possession of firearms without a licence; register all firearms; and unlicensed possession should be treated as a criminal offence. Each firearms licence should be subject to certain criteria. For example, the applicant should undergo a comprehensive background check to identify any risks, such as:

⁵² Office of the High Commissioner on Human Rights reports [A/HRC/53/49](#), paras. 14 ff; and [A/HRC/49/41](#), paras. 5 et seq.

- a criminal record – especially for violent behaviour in the home or community; history of gender-based, sexual or domestic violence;
- history of problematic use of drugs/alcohol, emotional issues, mental health conditions; and
- any other circumstances which heighten the risks of the harm to self or others using firearms.

Gun licences should be time-limited and training on how to use the weapon should be mandatory. The number and type of weapons that an individual can possess should also be strictly limited in line with the principles of necessity and credible justification.

Regulation of SALW ammunition – States should develop measures and devote resources to implement the UN Global Framework on Conventional Through-life Ammunition.⁵³ Particular attention should be given to contexts where diverted conventional ammunition has been determined to be associated with armed violence, including gender-based violence, or violations or abuses of human rights or violations of international humanitarian law. Where consistent with national law, feasible and appropriate, States should record information on victims, including data disaggregated by sex and age, to allow for an assessment of the role of diverted conventional ammunition in different types of armed violence.⁵⁴ In addition, States should increase understanding of the differentiated impact and humanitarian consequences of unplanned explosions at conventional ammunition sites, as well as the diversion of conventional ammunition, on women, men, girls and boys and their lives, livelihoods and human rights.⁵⁵

Organised Crime and Corruption – States should implement in law and practice the measures to prevent and prosecute the illicit trafficking of firearms, as well as their ammunition and parts and component, that have been set out in the UN Firearms Protocol as well as the Convention against Transnational Organized Crime and the Convention Against Corruption.⁵⁶ Male and female border control personnel, especially border police and customs officers, should be trained by States to identify and interview victims of human trafficking. Civil society organizations that specialize in research on arms trafficking, organized crime, corruption, people trafficking and gender issues should be invited to assist with such training.⁵⁷

Gender Mainstreaming and Youth Engagement – States should adopt national and regional policies including a National Action Plan (NAPs) on Women Peace and Security, engagement with youth, and the control of SALW that includes a human rights framework. These should aim to ensure the participation of women and youth in inclusive monitoring mechanisms and decision-making processes that are related to disarmament, arms regulation, and conflict prevention.

⁵³ General Assembly (2023) Final Report of the Open-ended working group to elaborate a set of political commitments as a new global framework that will address existing gaps in through-life ammunition management. A/78/111, 16 June 2023.

⁵⁴ Ibid. Objective 13 (vi).

⁵⁵ Ibid. Objective 14 (iii).

⁵⁶ United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime ('Firearms Protocol'). Adopted by resolution 55/255 of the General Assembly, New York, on 31 May 2001, and now has 147 State Parties and 190 signatories. UNTS 2326; in force 3 July 2005. And United Nations Convention Against Corruption adopted by the General Assembly of the United Nations on 31 October 2003

⁵⁷ United Nations (2017) Women, men and the gendered nature of small arms and light weapons, MOSAIC Module 06.10, para 8 .4.

This publication was made in collaboration with the International Peace Information Service (IPIS).
It was written by Brian Wood, with editorial contributions from Markus Fahlbusch and Peter
Danssaert. It was designed by Emily Callsen.

Sponsored by:

United Nations Trust Facility Supporting Cooperation on Arms Regulation



Belgium
partner in development