



Human Rights and Disarmament

Disarmament and respect for human rights go hand-in-hand. Recognizing this is an important step in moving towards human-centred disarmament and achieving peaceful and inclusive societies.

— WEAPONS AFFECT HUMAN RIGHTS ...

Weapons have a significant impact on human rights. Whether in armed conflict or through violence more generally, weapons are used to kill and injure. For example, availability of firearms, along with income inequality and the proportion of youth in the population, are the three factors influencing firearms-related homicide.¹ In this context, States have a responsibility to protect **the right to life, the right to health and the right to liberty and security of person.**

GANG VIOLENCE IN HAITI

In 2023, OHCHR issued a report outlining the death and destruction resulting from gang violence in Haiti. The report highlighted that access to firearms largely contributed to the violence and death brought about by the gangs. The report specified that access to these weapons had been a result of illegal international trafficking, given that Haiti does not produce arms and ammunition itself. The report recognized the need for strengthened international cooperation and action by the Haitian authorities to ensure increased border control to stop the illicit arms trade and combat the uncontrolled flow of illicit arms and ammunition.²

¹ UNODC, *Global Study on Homicide*, p.83 (2019); *Small Arms Survey research notes*, No 23, (November 2012), p.3.

² OHCHR and the United Nations Integrated Office in Haiti, "The population of Cité Soleil in the grip of gang violence: investigative report on human rights abuses committed by gangs in the zone of Brooklyn from July to December 2022" (February 2023).

Certain types of weapons can have significant impact on civilian infrastructure. To give one example, explosive weapons in populated areas not only have a significant human cost, but also destroy and damage schools, hospitals and people's livelihoods, affecting a range of **economic, social and cultural rights**. Explosive remnants of war can contaminate water, food and soil, affect food security and destroy livelihoods, harming the **right to a clean, healthy and sustainable environment** and **the right to an adequate standard of living** as well as **the freedom of movement**. The consequences are often long-lasting and may affect current and future generations.

MILITARY SPENDING AND HUMAN RIGHTS

Military spending can divert resources from the social sector affecting, in particular, the **progressive realization of economic, social and cultural rights**. For example, countries in conflict spend two-to-three times more on defence than on health care.³ The **New Agenda for Peace** recognizes the negative impact of unrestrained military spending and its resulting diversion from spending on sustainable development and gender equality.

Importantly, weapons have differentiated impact on people, challenging everyone's **right to be free from discrimination**. Weapons can affect women and men differently – for example, women living with a gun in their home are disproportionately more vulnerable to being victims of gender-related killings.⁴ Children can be particularly vulnerable to blast injuries and can mistake some mines and bombs for toys. In many countries, ethnic minorities, such as people of African descent, face higher rates of gun violence than the rest of the population.⁵

³ S/2021/827.

⁴ A/HRC/44/29.

⁵ A/HRC/49/41.

⁶ Convention on Cluster Munitions, article 5.

⁷ Arms Trade Treaty, preamble, article 7.

BIAS IN NEW AND EMERGING TECHNOLOGIES IN THE MILITARY DOMAIN

New and emerging technologies in the military domain, relying on algorithm-based decision-making, risk reflecting and mimicking existing patterns of discrimination in society. Consequently, input data must be carefully considered. While machines do not themselves carry out legal reasoning or make judgments or discriminate, if the data used for algorithm-based decisions reflects bias and discrimination in society, the operation of technologies can reinforce and perpetuate that discrimination.

... AND DISARMAMENT CAN IMPACT HUMAN RIGHTS POSITIVELY

The impact of arms on human rights highlights the importance of disarmament, arms control and non-proliferation efforts. As the New Agenda for Peace recognizes: 'at the heart of our peace and security engagements is a commitment to save human beings from violence'. The New Agenda promotes a whole of government approach to diversion, proliferation and misuse of small arms and light weapons and ammunition to address human rights abuses and gender-based violence. In the same vein, SDG 16 recognizes that significantly reducing illicit financial and arms flows can encourage peace, inclusion, justice and strong institutions.

Importantly, several disarmament treaties acknowledge the positive relationship between disarmament and human rights. The Convention on Cluster Munitions sets out obligations to provide assistance to cluster munition victims in accordance with human rights law and humanitarian law.⁶ The Arms Trade Treaty recognizes that 'development, peace and security and human rights are mutually reinforcing' and it prohibits States 'from authorizing exports if there is 'an overriding risk' that the arms could be used to commit or facilitate a serious violation of international human rights law, international humanitarian law or serious acts of gender-based violence'.⁷ To this end, States have to undertake good faith assessments of the end-use

of arms transfers and might have to refuse transfers in certain situations.

The implementation of disarmament treaties can promote specific rights as well. For example, the Anti-Personnel Mine Ban Treaty requires States to report on their compliance on national implementation of the treaty on issues such as the quantities of mines stockpiled and destroyed.⁸ This helps promote transparency in the field of disarmament, and can in turn promote the right to seek, receive and impart information.

HUMAN RIGHTS CAN STRENGTHEN DISARMAMENT EFFORTS BY ...

- *Supporting assistance to victims and survivors of weapons* – the Anti-Personnel Mine Ban Treaty and the Cluster Munitions Treaty both include provisions on assistance to victims and survivors. Human rights treaties, such as the **Convention on the Rights of Persons with Disabilities**, provide a comprehensive framework to assist States implement these provisions, including protections from discrimination, recognition of reasonable accommodation, promotion of inclusive education, care and rehabilitation, access to work and to an adequate standard of living and requirements to collect disaggregated data to help understand the situation of survivors and develop policies in response.
- *Encouraging responsible State and business practices* – Human rights norms guide not only States but also businesses. Business enterprises, in particular the firearms industry, contribute to driving the availability of firearms – including through turning a blind eye to the diversion of arms from the legal to the illicit markets and in expanding the marketing of firearms to an ever-broader public, including children, moving beyond themes of recreational use to themes based on self-defence.⁹ Businesses are often hidden from public scrutiny and enjoy exceptions from due diligence requirements and immunities from law-suits. **The Guiding Principles for Business and Human Rights** provide a workable framework to start addressing the conduct of the business sector to promote both human rights as well as disarmament.



Photos by Unsplash: Jason Leung

- *Providing guidance on certain weapons*¹⁰ – human rights mechanisms and OHCHR provide important guidance in this field. For example, the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions was the first to raise the alarm about lethal autonomous weapons systems in 2013. The Human Rights Committee¹¹ has encouraged due diligence to ensure the use of lethal autonomous systems in times of war or in times of peace conforms with the right to life, prior to using such weapons systems.

BUSINESS AND HUMAN RIGHTS: THE GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

The Guiding Principles on Business and Human Rights establish principles to ensure that business activities are compatible with human rights. The High Commissioner has urged the firearms industry to meet its responsibilities under the Guiding Principles on Business and human rights to prevent, mitigate and remedy the negative human rights impact of their operations and suggested concrete measures, including the adoption of human rights policies, the creation of internal procedures to track harm associated with their products and the cessation of marketing targeted at children and youth.¹²

⁸ Anti-Personnel Mine Ban Treaty, article 7.

⁹ A/HRC/53/49.

¹⁰ A/HRC/23/47.

¹¹ CCPR/GC/36.

¹² A/HRC/53/49.

HUMAN RIGHTS ENCOURAGE HUMAN-CENTRED DISARMAMENT

The New Agenda for Peace recognizes that effective national action to sustain peace must be people-centred, with human rights at its core. It encourages a move away from overly securitized and militarized approaches to peace and it recommends reducing military spending and enacting measures to foster a human-centred approach to disarmament.

Human rights can encourage human-centred disarmament by promoting:

- **A comprehensive framework for human-centred disarmament** – human rights standards, covering civil, cultural, economic, political and social rights, the right to development and the right to a clean, healthy and sustainable environment help to understand disarmament in all its human dimensions. In this way, weapons are not only a security issue but also an issue that affects people and their rights in multiple ways.
- **Participation** – the right to take part in the conduct of public affairs encourages popular participation in decision-making and can help move beyond an overly securitized vision of disarmament focused on a narrow group of stakeholders. In this way, a broad range of actors including women, youth, persons with disabilities, minorities, civil society organizations, businesses, scientists and others can provide views, influence and decide on disarmament policy-making, building trust and including everyone affected by arms.

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YOUTH PARTICIPATION IN DISARMAMENT

The [Security Council](#), the [General Assembly](#) and the [New Agenda for Peace](#) recognize the positive contribution of young people in maintaining and promoting peace and security, including their role in policy-making and decision-making processes at the local, national, regional and global levels. Young people are key agents of change. They play an important role in raising awareness, driving change and developing innovative solutions. The meaningful and inclusive participation of youth in discussions on disarmament and non-proliferation is critical to ensure that they have a say in their future and that disarmament and regulation efforts incorporate youth perspectives.

- **Transparency** – the right to seek, receive and impart information can be important to assist participation, improve access to justice, allow for better analysis of arms flows, including illicit arms flows, and is a pre-condition to the effective oversight of arms transfers. Yet there is uneven practice in relation to access to information in this field. There is some good practice, including the use of courts to access government-held information. However, there is insufficient proactive publication of arms transfer data and specific challenges with accessing information from the business sector.¹³
- **Non-discrimination** – the principle of non-discrimination helps to understand the differential impact of arms and arms transfers on people, in turn helping to develop the most appropriate policies and responses to disarmament. In particular, collection and use of disaggregated data – by sex, race, disability, and age - is important in the context of assessments of the risk of diversion, identifying possible impacts on gender-based violence, and informing prevention and protection strategies, including in relation to arms transfers.

¹³ A/HRC/56/42.

- **Access to justice and accountability** – human rights promote the right to a remedy of victims and survivors of the use of firearms, while highlighting the responsibilities of States and other actors, such as the firearms industry, and the imperative of accountability where those responsibilities are not met. This is another means to help place people at the centre of disarmament.

- **The prevention of violence and the transfer of arms** – widespread human rights violations, including inequalities, exclusion and unaddressed grievances, often precede violence and are strategic risks to peace and security. Using human rights to examine the root causes of violence can serve to understand the pressures on people leading to violence, act as an early warning mechanism to prevent violence and reduce the need to arm in the first place.

OHCHR'S WORK ON CASUALTY RECORDING

OHCHR collects casualty data to report on SDG indicator 16.1.2 on conflict-related deaths (disaggregated by cause of death, including by small arms and light weapons and heavy weapons) as well as to report on casualties outside the context of armed conflicts. In 2019, OHCHR launched public guidance on casualty recording. In 2022, OHCHR published a report estimating the total number of civilian deaths during 10 years of conflict in the Syrian Arab Republic.¹⁴ In 2023, OHCHR published a report on the 'Impact of casualty recording on the promotion and protection of human rights'. The report described the use of casualty recording by Governments, UN, civil society organizations, and humanitarian organizations and highlighted positive examples of the impact of casualty reporting has had on human rights, such as through improving compliance with international law and protecting civilians, and providing an evidence base for reparations of rights violations.¹⁵

¹⁴ A/HRC/50/68.

¹⁵ A/HRC/53/48.

REPORTS

Arms transfers

[Impact of arms transfers on the enjoyment of human rights](#) (2017)

[Impact of arms transfers on human rights \(of women and girls\)](#) (2020)

[Impact of arms transfers on human rights \(on children and youth\)](#) (2022)

Civilian acquisition, possession and use of firearms

Human Rights and the [regulation of civilian acquisition, possession and use of firearms and its contribution to the protection of human rights](#) (2016)

[Impact of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights](#) (2019)

[Impact of the civilian acquisition, possession and use of firearms by children and youth](#) (2022)

[Impact of the civilian acquisition, possession and use of firearms](#) (2023)

Publications

[UNODC/OHCHR Resource Book on the use of force and Firearms in Law Enforcement](#)

[Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#)

[Guidance on less-lethal weapons in law enforcement](#)

[Guiding Principles on Business and Human Rights](#)

Casualty recording

[Civilian deaths in the Syrian Arab Republic](#) (2022)

[Impact of casualty reporting on the promotion and protection of human rights](#) (2023)

Other documents

[Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas](#)



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