



Intersessional workshop to hold stock taking 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

Monday 7 October 2024, 13:00 – 15:00 CEST

Tuesday, 8 October 2024, 13:00 – 15:00 CEST

Wednesday 9 October 2024, 13:00 – 15:00 CEST

Registration: <https://indico.un.org/event/1013597/>

I. INTRODUCTION

In 2023, the Human Rights Council adopted resolution 53/15, requesting the Office of the High Commissioner for Human Rights to organize a 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”. The workshop will 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.

II. BACKGROUND

In 2013, the Human Rights Council passed its first resolution on the impact of arms transfers on human rights. Since then, it has passed several resolutions and mandated the Office of the High Commissioner for Human Rights to report on various aspects of the topic.

In its resolutions, the Human Rights Council has expressed concern over the negative impacts resulting from arms transfers and their multiplier effect on human rights abuses and violations. It has also highlighted the negative impacts that transfers can have on the enjoyment of rights by women, children and youth, the elderly, persons with disabilities and vulnerable groups. The resolutions also express concern over the humanitarian, development, and socioeconomic consequences of such transfers and that they can exacerbate armed conflicts and violence.

The Council has referred to the obligations of States under international law and stated that all efforts should be made to prevent and cease all violations and abuses of international human rights law (IHRL) and all violations of international humanitarian law (IHL) resulting from arms transfers. It has urged States to refrain from transferring arms when there is a clear risk that such arms might be used to commit or facilitate serious violations or abuses of IHRL or serious violations of IHL. It has also highlighted 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. In addition to recalling the obligations of States under international law, the resolutions have also recalled the role of businesses in relation to the UN Guiding Principles on Business and Human Rights (UNGPs).

Pursuant to these resolutions adopted by the Human Rights Council, OHCHR has prepared reports focusing on (1) the impact of arms transfers on the enjoyment of human rights, in order to provide elements to assess the relationship between arms transfers and human rights law; (2) the impact of the diversion of arms and unregulated or illicit arms transfers on the human rights of women and girls; (3) preventing, mitigating and addressing the diversion of arms and unregulated or illicit arms transfers particularly impacting the enjoyment of human rights by children and youth, and the role of national control systems as effective mechanisms in that regard; and (4) the role of access to information in preventing, mitigating, and addressing the negative human rights impacts of arms transfers.

III. ONLINE MEETINGS

a. Goal

The goal of the meetings is to inform the preparation of a report on “gaps and future steps” with respect to 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 presented to the Human Rights Council at its 58th regular session.

b. Format

The meetings will be held in the form of three online meetings. The meetings will be held in English. Interpretation is not provided.

c. Content

The meetings will take stock of the role of States and the private sector in preventing, addressing, and mitigating the negative human rights impact of arms transfers. They will also identify themes and issues that have not been addressed through existing reporting to the Human Rights Council, and which could be the object of future reporting mandates.

➤ The role of States

International law regulates the role that States must play in preventing, mitigating and addressing the negative human rights impact of arms transfers. The discussion will seek to examine how these norms regulate the duties of States to prevent, mitigate and address negative human rights impacts of arms transfers. Discussions will also take stock of State practice in this regard, exploring good practices, areas of concern, and identify areas of law and practice that would benefit from further attention and action by the Human Rights Council.

➤ The role of the private sector

The private sector plays an important role in all aspects of the arms trade, and facilitates the role played by actors engaged in the arms trade. The UNGPs, endorsed by the Human Rights Council, establish standards for business adherence to human rights. The discussions will explore how the UNGPs apply to private actors in the arms sector engaged in arms transfers, as well as the private sector engaging with actors involved in arms transfers. Discussions will seek to identify whether the role that the private sector, or parts thereof, is playing, conforms with their responsibilities under the UNGPs, and identify areas of law and practice that would benefit from further attention and action by the Human Rights Council.

IV. BACKGROUND DOCUMENTS

Human Rights Council resolutions on arms transfers:

- [A/HRC/RES/24/35](#)
- [A/HRC/RES/32/12](#)
- [A/HRC/RES/41/20](#)
- [A/HRC/RES/47/17](#)
- [A/HRC/RES/53/15](#)

Other Human Rights Council resolutions:

- [A/HRC/RES/55/28](#)

Reports by the UN High Commissioner for Human Rights:

- [A/HRC/35/8](#)
- [A/HRC/44/29](#)
- [A/HRC/51/15](#)
- [A/HRC/56/42](#)

Documents prepared by human rights mechanisms:

- [Information note by the UN Working Group on Business and Human Rights, Responsible business conduct in the arms sector: Ensuring business practice in line with the UN Guiding Principles on Business and Human Rights](#)

Reports prepared by human rights mechanisms

- [A/HRC/42/CRP.5](#)
- [A/HRC/42/CRP.3](#)
- [A/HRC/45/CRP.7](#)
- [A/HRC/49/CRP.1](#)