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**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

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

## **Impact of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights**

### **Report of the United Nations High Commissioner for Human Rights\***

#### *Summary*

In the present report, the United Nations High Commissioner for Human Rights highlights how increased civilian access to firearms, including lawfully acquired weapons, leads to increased levels of violence and insecurity, which have a negative impact on civil, political, economic, social and cultural rights. In the report, the High Commissioner also discusses the particular impact that civilian access to firearms has on the human rights of women, children, adolescents and members of ethnic minorities. After an examination of regulatory as well as non-regulatory measures for protecting human rights and preventing violations of human rights, the report sets forth various elements of good regulatory practices and concludes with a number of recommendations.

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\* The present report was submitted after the deadline so as to include the most recent information.



## I. Introduction

1. In its resolution 38/10, the Human Rights Council requested the United Nations High Commissioner for Human Rights to submit a report on the impact of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights with a view to contributing to a fuller understanding of that impact by States and other relevant stakeholders, and to the strengthening or developing of effective national regulation and to other possible measures taken by States.

2. To prepare the report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sought inputs from Member States, international and regional organizations, national human rights institutions and non-governmental organizations.<sup>1</sup> The report also draws on a diverse range of public sources, including international and regional instruments, the practice of United Nations human rights mechanisms, and reports of regional and humanitarian organizations, civil society, scholars and practitioners.

3. The present report builds on a prior report<sup>2</sup> submitted in response to resolution 29/10 of the Human Rights Council, which addressed the different ways in which the civilian acquisition, possession and use of firearms have been effectively regulated, with a view to assessing the contribution that such regulations make to the protection of human rights, in particular the rights to life and to security of person, and identified best practices that may guide States to further develop relevant national regulations.<sup>3</sup>

4. The present report provides an overview of the impact of civilian acquisition, possession and use of firearms on the enjoyment of all human rights. Placing the topic within the broader context of preventing firearm violence among civilians, it examines regulatory as well as non-regulatory measures for protecting human rights and preventing violations of human rights, discussing, where relevant, their efficiency and elements of good practices. The report concludes with a number of recommendations.

## II. Impact on human rights of civilian acquisition, possession and use of firearms

5. Civilians own more than 850 million firearms worldwide, vastly outweighing the number of firearms estimated to be owned by the military and law-enforcement sectors combined.<sup>4</sup> Civilians also commit the vast majority of firearm violence, with approximately 86 per cent of firearm homicides occurring in non-conflict settings.<sup>5</sup>

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<sup>1</sup> The Office of the United Nations High Commissioner for Human Rights (OHCHR) received contributions from Azerbaijan, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Guatemala, Iraq, Kuwait, Montenegro, Peru, Portugal, Qatar, Ukraine, the National Human Rights Commission of India, the Kenya National Commission on Human Rights, the National Human Rights Commission of Mexico, the Uganda Human Rights Commission, the United Nations Children's Fund (UNICEF), the United Nations Institute for Disarmament Research, the United Nations Office for Disarmament Affairs, Amnesty International, the Association Nationale de Promotion et de Protection des Droits de l'Homme (Cameroon), the Commission Nationale de Lutte contre la Prolifération et la Circulation Illicite des Armes Légères et de Petit Calibre (Côte d'Ivoire), the Sur File on Arms and Human Rights, and the Liga Internacional de Mujeres para la Paz y la Libertad (Colombia) on behalf of the Women's International League for Peace and Freedom. All contributions are on file with the Secretariat and available for consultation.

<sup>2</sup> A/HRC/32/21.

<sup>3</sup> In pursuance of the mandate, the High Commissioner's prior report provided a detailed overview of relevant international human rights law, as well as steps taken within the United Nations regarding firearms regulation. The report set forth relevant findings of international and regional human rights mechanisms and sectoral regional agreements and instruments. It also discussed national legislation on the civilian acquisition, possession and use of firearms. The present report will complement that discussion by setting forth examples of effective regulation, which were submitted by States and other stakeholders. See section IV.

<sup>4</sup> See the contribution of the United Nations Office for Disarmament Affairs.

<sup>5</sup> Geneva Declaration on Armed Violence and Development, *Global Burden of Armed Violence 2015: Every Body Counts*, chap. 2.

6. In many instances, civilians acquire firearms illegally, taking advantage of illicit weapons flows to obtain firearms for use in violent crimes. Indeed, only 12 per cent of civilian firearms held globally were reported as registered in 2017.<sup>6</sup>

7. The contributions received from States and other stakeholders have helped to build a better understanding of the direct and indirect impact of firearms on human rights, and confirm that high levels of firearms in circulation among civilians lead to a broad range of acts that can affect a wide variety of human rights.

## A. Impact on civil and political rights

8. As provided by the International Covenant on Civil and Political Rights, no one shall be arbitrarily deprived of their life and this right shall be protected by law.<sup>7</sup> The Human Rights Committee has stated in its general comment No. 36 (2018) on the right to life that the duty to protect the right to life includes an obligation for States to adopt any appropriate laws or other measures in order to protect life from all reasonably foreseeable threats, including from threats emanating from private persons and entities.

9. Civilian access to firearms has an impact on the right to life because it facilitates the commission of homicides. Firearms remain the most widely used instrument for perpetrating homicides worldwide and close to half of all homicides (46.3 per cent) are committed with a firearm, meaning that they are used in about 174,000 homicides per year.<sup>8</sup> In Latin America and the Caribbean, where homicide rates are the highest in the world,<sup>9</sup> recent estimates suggest that around 66 to 72 per cent of homicides involve firearms.<sup>10</sup> Data also suggests that civilian access to firearms increases firearm homicide rates in countries with high rates of lethal violence. In 2015 and 2016, for example, approximately half of all homicides in countries with high levels of lethal violence were committed with a firearm, as opposed to roughly 12 per cent in countries with low rates of lethal violence.<sup>11</sup>

10. With regard to the application of lethal force in self-defence, the Human Rights Committee has stated that, in order to avoid violating the right to life, the application of lethal force by a private person must be strictly necessary in view of the threat posed by the attacker. It must also represent a method of last resort after other alternatives have been exhausted or deemed inadequate. In addition, the amount of force applied cannot exceed the amount strictly needed for responding to the threat, the force applied must be carefully directed only against the attacker, and the threat responded to must involve imminent death or serious injury.<sup>12</sup>

11. States should delineate the rules governing the use of force in self-defence in a way that abides by international human rights norms and standards. Jurisdictions with overly permissive self-defence laws that fall short of these requirements encourage the use of lethal force in situations where there is not a sufficient threat, and where this is combined with civilian access to firearms, it leads to an increase in homicides.<sup>13</sup>

<sup>6</sup> Aaron Karp, "Estimating global civilian-held firearms numbers", Small Arms Survey briefing paper, June 2018, p. 3.

<sup>7</sup> See art. 6.

<sup>8</sup> Geneva Declaration on Armed Violence and Development, *Global Burden of Armed Violence 2015: Every Body Counts*, p. 72.

<sup>9</sup> United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, "La necesaria vinculación entre las normas sobre violencia por motivos de género y las normas de regulación y control de armas pequeñas: el caso específico de Perú", December 2017, p. 3.

<sup>10</sup> See the contributions of Costa Rica, Guatemala and the Sur File on Arms and Human Rights.

<sup>11</sup> Claire McEvoy and Gergely Hideg, Small Arms Survey, *Global Violent Deaths 2017: Time to Decide*, p. 12. Countries experiencing the highest levels of lethal violence were those with violent death rates of at least 20 per 100,000 inhabitants, whereas countries experiencing the lowest levels of lethal violence were those with violent death rates of less than 3 per 100,000 inhabitants.

<sup>12</sup> See the Committee's general comment No. 36 (2018) on the right to life.

<sup>13</sup> See the contribution of Amnesty International. Moreover, the contribution of the Association Nationale de Promotion et de Protection des Droits de l'Homme (Cameroon) suggests that self-defence killings form a considerable percentage of firearm-related homicides in insecure regions with

12. In the United States of America, for example, Stand Your Ground laws in several states permit individuals to use force, including lethal force with a firearm, to defend themselves, without any obligation to retreat, so long as they are in a place that they have a right to be in and are not engaging in illegal activity.<sup>14</sup> This loose formulation of the principle of self-defence ignores the general duty under international law to avoid the use of force where non-violent means of self-protection are reasonably available and to only use lethal force if it is strictly unavoidable in order to counter an imminent threat of death or serious injury to oneself or others.<sup>15</sup> Justified<sup>16</sup> self-defence homicides increased by 75 per cent in the 10-year period after Stand Your Ground laws were passed in the state of Florida, United States.<sup>17</sup> These laws have proliferated in recent years and 35 states of the United States have enacted some version of Stand Your Ground laws.<sup>18</sup>

13. Civilian acquisition, possession and use of firearms also has an impact on the right to life by facilitating suicides and causing deaths by stray bullets. In Switzerland, where the rate of firearm possession is high relative to other central European countries, research has shown that restricting access to firearms is essential for reducing firearm suicides.<sup>19</sup> Deaths by stray bullets are common in Latin America and the Caribbean, where they killed 371 individuals in 2014 and 2015.<sup>20</sup> In 2011, Colombia registered 57 deaths by stray bullets from New Year celebrations alone.<sup>21</sup>

14. When civilians have access to firearms, the risk of physical and mental injury is increased. It is stated in article 9 of the International Covenant on Civil and Political Rights that everyone has the right to security of person.<sup>22</sup> The Human Rights Committee has emphasized that this right protects individuals against unjustifiable and intentional infliction of bodily or mental injury by any governmental or private actors. To safeguard this right, States must protect individuals from foreseeable threats to their life or their bodily integrity, including by protecting their populations against the risks posed by excessive availability of firearms.<sup>23</sup> While very few countries have sophisticated, nationwide data on non-fatal firearm injuries, the Small Arms Survey has estimated that anywhere between 500,000 and 750,000 people worldwide survive firearm injuries sustained in non-conflict settings every year.<sup>24</sup>

15. When individuals use firearms to selectively attack members of a particular religious group, it impacts the right to freedom of thought, conscience and religion.<sup>25</sup> In its general comment No. 22 (1993) on the right to freedom of thought, conscience and religion, the

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high rates of civilian firearm ownership because many individuals acquire, possess and use firearms to defend themselves against the threat of firearms by others. Costa Rica concurs in its contribution, asserting that most of its inhabitants acquire firearms for self-defence purposes and noting that 70 per cent of homicides committed within its borders were committed with a firearm in 2017.

<sup>14</sup> See <https://lawcenter.giffords.org/gun-laws/policy-areas/guns-in-public/stand-your-ground-laws/>.

<sup>15</sup> See the contribution of Amnesty International, citing the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, special provisions, No. 9.

<sup>16</sup> In this context, “justified” refers to homicides that were legally justifiable in the state of Florida under its Stand Your Ground laws.

<sup>17</sup> See the contribution of Amnesty International, citing David K. Humphreys, Antonio Gasparrini and Douglas J. Wiebe, “Association between enactment of a ‘Stand Your Ground’ self-defence law and unlawful homicides in Florida”, *JAMA Internal Medicine* (October 2017).

<sup>18</sup> See the contribution of Amnesty International.

<sup>19</sup> Nina Thoeni et al., “Suicide by firearm in Switzerland: who uses the army weapon? Results from the national survey between 2000 and 2010”, *Swiss Medical Weekly* (23 September 2018).

<sup>20</sup> United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, “Balas perdidas II: análisis de casos de balas perdidas reportados en medios de comunicación en América Latina y el Caribe (2014–2015)”, p. 12.

<sup>21</sup> United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, “Women and children first: armed violence analysis of media reporting of deaths and injuries caused by stray bullets in Latin America and the Caribbean (2009–2013)”, pp. v and x.

<sup>22</sup> See art. 9 (1).

<sup>23</sup> See the Committee’s general comment No. 35 (2014) on liberty and security of person, para. 9. See also the discussion on due diligence obligations of States to protect human rights in A/HRC/32/21, para. 14.

<sup>24</sup> “Non-lethal firearm violence”, Small Arms Survey research notes, No. 32 (July 2013).

<sup>25</sup> International Covenant on Civil and Political Rights, art. 18 (1).

Human Rights Committee expressed concern regarding any tendency to discriminate against any religion or belief for any reasons, including the fact that it may be the subject of hostility by a predominant religious community.<sup>26</sup>

16. The mass shooting in Christchurch, New Zealand, on 15 March 2019, which killed at least 50 Muslim civilians and injured dozens more, in two mosques,<sup>27</sup> is an example of civilian firearm violence that impacts the right to freedom of religion. The shootings at synagogues in Pittsburgh<sup>28</sup> and San Diego,<sup>29</sup> United States, on 27 October 2018 and 27 April 2019 respectively, which killed 12 people and injured 9, are additional examples.

17. Civilian access to firearms also impacts the rights to freedom of opinion and expression when individuals use firearms to target and attack persons who hold opposing views. The right to freedom of opinion entails the right to hold opinions without interference; all forms of opinion are protected, including opinions of a political, scientific, historic, moral or religious nature.<sup>30</sup> The right to freedom of expression includes the right to seek, receive and impart information and ideas of all kinds.<sup>31</sup>

18. In countries with high levels of post-election violence, members of rival political groups often attack each other with firearms in the aftermath of contentious elections.<sup>32</sup> In Mexico, for example, 21 candidates were killed with firearms after federal elections in 2018.<sup>33</sup> In addition, 67 politicians were assaulted with firearms resulting in 28 injuries between September 2017 and August 2018.<sup>34</sup> In other cases, civilians use firearms to attack individuals affiliated with a rival political group. In Norway, for instance, a civilian with far-right extremist views shot and killed 69 adolescents on 22 July 2011 at a Labour Party youth retreat.<sup>35</sup>

19. Journalists, social leaders and human rights defenders have also been killed with firearms by civilians wishing to silence their views. In Mexico, for instance, 130 journalists were killed between 2000 and 2017, mostly with firearms.<sup>36</sup> In Colombia, 82.5 per cent of homicides of social leaders and human rights defenders between 24 November 2016 and 31 July 2018 were committed with a firearm.<sup>37</sup>

20. In States where ethnic, religious or linguistic minorities exist, persons belonging to such minorities must not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.<sup>38</sup> The Human Rights Committee has asserted in its general comment No. 23 (1994) on the rights of minorities that this right is distinct from all other rights to which they are already entitled under international human rights law.<sup>39</sup>

21. Civilian access to firearms impacts this right when individuals use firearms to target members of ethnic, religious or linguistic minorities who are enjoying their culture, practising their religion or using their language. The shooting dead of nine churchgoers of African descent by a white supremacist in Charleston, South Carolina, United States, in

<sup>26</sup> See para. 2.

<sup>27</sup> Reuters, "New Zealand begins funerals for mosque shooting victims, PM visits school", 20 March 2019.

<sup>28</sup> Reuters, "Gunman targeting Jews kills 11 in Pittsburgh synagogue", 27 October 2018.

<sup>29</sup> Reuters, "San Diego-area synagogue shooting leaves one worshipper dead, three wounded", 27 April 2019.

<sup>30</sup> Human Rights Committee, general comment No. 34 (2011) on the freedoms of opinion and expression, para. 9.

<sup>31</sup> *Ibid.*, para. 11.

<sup>32</sup> See the contribution of the Commission Nationale de Lutte contre la Prolifération et la Circulation Illicite des Armes Légères et de Petit Calibre.

<sup>33</sup> See the contribution of the National Human Rights Commission of Mexico.

<sup>34</sup> See [www.ellekt.com/presencia-medios.html](http://www.ellekt.com/presencia-medios.html).

<sup>35</sup> Henrik Pryser Libell, "Anders Behring Breivik, killer in 2011 Norway massacre, says prison conditions violate his rights", *New York Times*, 15 March 2016.

<sup>36</sup> See the contribution of the National Human Rights Commission of Mexico.

<sup>37</sup> See the contribution of the Liga Internacional de Mujeres para la Paz y la Libertad.

<sup>38</sup> International Covenant on Civil and Political Rights, art. 27.

<sup>39</sup> See para. 1.

2015,<sup>40</sup> and the shooting dead of an Indian man and the injury of another man whom the attacker believed to be of Middle Eastern descent, in Olathe, Kansas, United States, in 2017,<sup>41</sup> are examples of this impact.

## B. Impact on economic, social and cultural rights

22. Everyone has the right to an adequate standard of living for himself and his family, including adequate housing.<sup>42</sup> The Committee on Economic, Social and Cultural Rights has asserted that the right to housing should be seen as the right to live somewhere in security, peace and dignity, which includes legal protection against forced evictions.<sup>43</sup> Many forced evictions result from internal strife and communal or ethnic violence<sup>44</sup> and include the involuntary displacement of people from their lands and communities.<sup>45</sup>

23. In Central America and Mexico, organized criminal groups characterized by extreme firearm violence have produced an epidemic of forced evictions that impacts the right to adequate housing. Evidence suggests that approximately 2 per cent of the population of Mexico – or 1.65 million persons – changed residence between 2006 and 2011 owing to the threat or risk of violence by organized criminal groups, suggesting that an average of 330,000 persons are internally displaced per year. In El Salvador, 2.1 per cent of the population changed their place of residence in just one year (2012) as a result of threats of violence by organized criminal groups. Almost one third of these (130,000 persons) had been displaced two or more times that same year.<sup>46</sup>

24. The right to health recognizes the right of everyone to the highest attainable standard of physical and mental health. While it includes the right to health care, it also embraces a wide range of socioeconomic factors that promote conditions in which people can lead a healthy life, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe and healthy working conditions and a healthy environment.<sup>47</sup>

25. Protracted firearm violence among civilians can have a grave impact on the right to health. Owing to their severity, gunshot injuries have a negative impact on victims' long-term mental and physical health. Some require permanent, lifelong care, while others lose their ability to work due to physical and mental impairment or disability. Others cannot afford the expensive treatments required to stabilize and rehabilitate persons suffering from gunshot injuries.<sup>48</sup> In Côte d'Ivoire, for example, the average cost of treating a gunshot wound ranges from \$130 to \$260,<sup>49</sup> which is anywhere from 8 to 16 per cent of national gross annual income per capita.<sup>50</sup>

26. In some areas, individuals must cope with an overwhelming fear of firearm violence, which has an impact on their mental health. In a victimization poll conducted by the Government of Brazil in 2013, for example, more than half of Brazilians indicated that they

<sup>40</sup> Reuters, "White suspect arrested in killing of nine at black U.S. church", 18 June 2015.

<sup>41</sup> Reuters, "Kansas man charged with killing Indian in possible hate crime", 24 February 2017.

<sup>42</sup> International Covenant on Economic, Social and Cultural Rights, art. 11 (1).

<sup>43</sup> See the Committee's general comment No. 4 (1991) on the right to adequate housing, paras. 7–8.

<sup>44</sup> See the Committee's general comment No. 7 (1997) on forced evictions, para. 6.

<sup>45</sup> See [www.ohchr.org/EN/Issues/Housing/Pages/ForcedEvictions.aspx](http://www.ohchr.org/EN/Issues/Housing/Pages/ForcedEvictions.aspx).

<sup>46</sup> David James Cantor, "The new wave: forced displacement caused by organized crime in Central America and Mexico", *Refugee Survey Quarterly*, vol. 33, issue 3 (September 2014), pp. 36–37.

<sup>47</sup> See E/C.12/2000/4.

<sup>48</sup> See the contributions of Amnesty International and the Commission Nationale de Lutte contre la Prolifération et la Circulation Illicite des Armes Légères et de Petit Calibre.

<sup>49</sup> According to the contribution of the Commission Nationale de Lutte contre la Prolifération et la Circulation Illicite des Armes Légères et de Petit Calibre, the average cost for a firearm wound ranges from 75,000 to 150,000 CFA francs, which was approximately \$130 to \$260 at the exchange rate on 7 May 2019.

<sup>50</sup> The World Bank estimates that Côte d'Ivoire had a gross national income per capita of \$1,580 in 2017. See <https://data.worldbank.org/country/cote-divoire>.

were very afraid of being killed and nearly one third believed that they could be murdered within the next twelve months.<sup>51</sup>

27. In most States, these injuries occur in low-income, urban areas that already suffer from inadequate access to public health services. The added burden from high numbers of gunshot injuries further strains available health-care resources and degrades them over time, thereby entrenching the deprivation of these communities in a vicious cycle that negatively impacts their right to health. In Cape Town, South Africa, for example, firearm injuries are overburdening orthopaedic health-care resources, such as material consumables, physical beds and non-material labour. An average orthopaedic firearm wound case uses at least 5 per cent of the total available emergency theatre time per day, which various surgical disciplines must share.<sup>52</sup>

28. In underserved rural areas, firearm violence among civilians impacts the right to health by impeding access to health services and sources of water. In the North Rift region of Kenya, for example, where cattle rustling and generalized banditry by armed civilians is common, individuals are often unable to access the limited health-care services for any purpose. Many clinics and health facilities have closed altogether and vaccination programmes are unable to reach children. Moreover, very few qualified health professionals are willing to travel to and work in the North Rift region, due to insecurity. In addition, rural communities are often unable to access water sources, such as boreholes, because they are either inaccessible or have been destroyed as a result of insecurity. Water and irrigation projects are frequently abandoned or delayed due to ongoing firearm violence.<sup>53</sup>

29. The right to education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. In this regard, education has a vital role in empowering women and girls, protecting children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment and controlling population growth. While the right to education entails progressive realization, States parties to the International Covenant on Economic, Social and Cultural Rights should take deliberate, concrete and targeted steps towards the full realization of this right.<sup>54</sup>

30. Civilian acquisition, possession and use of firearms can have a substantial impact on the right to education. In Latin America and the Caribbean, the use of firearms in schools and the threat thereof is a growing challenge to the security of children and educators, which results in reduced access to education.<sup>55</sup> In Rio de Janeiro, Brazil, for example, shootouts between rival gangs or between gangs and police forced the closure of between 20 and 30 schools or day care centres per day in 2017, resulting in 6,000 to 7,000 children being sent home per day.<sup>56</sup>

31. Armed cattle-raiding among civilians from pastoralist communities also has a negative impact on the right to education. Customarily, these cattle raids were carried out with traditional weapons, or none, keeping violence at low levels. However, increased access to small arms has made the raids more violent. Indeed, Kalashnikov-pattern assault rifles such as the AK-47 are now the weapon most commonly used by cattle raiders in East Africa and the Horn of Africa.<sup>57</sup> The resulting upsurge in insecurity from cattle-raiding has worsened the provision of quality education in a number of countries, including, for

<sup>51</sup> See the contribution of the Sur File on Firearms.

<sup>52</sup> C. Martin et al., "The burden of gunshot injuries on orthopaedic health-care resources in South Africa", *South African Medical Journal*, vol. 107, No. 7 (July 2017).

<sup>53</sup> See the contribution of the Kenya National Commission on Human Rights.

<sup>54</sup> Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999) on the right to education.

<sup>55</sup> United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, "Preventing firearms proliferation and armed violence in educational centres of Latin America and the Caribbean", working paper (2011), pp. 6–7.

<sup>56</sup> Associated Press, "Schools caught in crossfire in violent Rio de Janeiro slums", 13 April 2017.

<sup>57</sup> Control Arms, "How to use the Arms Trade Treaty to address armed violence in pastoralist communities", March 2017, pp. 3 and 6.

example, South Sudan.<sup>58</sup> In northern Kenya, cattle-raiding routinely interrupts classes and limits the number of available teachers, leading to an unfavourable teacher-to-pupil ratio of approximately 1:105. Moreover, many schools in cattle-raiding areas suffer high dropout rates and low rates of transition from one school grade to the next.<sup>59</sup>

32. More generally, the immense cost of civilian firearm violence diverts funds that could be used to enhance the protection of economic, social and cultural rights for all individuals in the State concerned. In Mexico, for example, the economic impact of firearm violence equalled approximately \$41 billion in 2017.<sup>60</sup> In Honduras, the cost of firearm injuries treated by one hospital in one city reached approximately \$16.6 million for the period 2011–2014.<sup>61</sup>

### III. Impact on rights of individuals from particular groups

33. While civilian acquisition, possession and use of firearms affect the human rights of all individuals, they have alarming patterns of impact on the human rights of women, children and adolescents, and ethnic minorities.

34. Under article 2 (1) of the International Covenant on Civil and Political Rights and article 2 (2) of the International Covenant on Economic, Social and Cultural Rights, States parties are required to respect and ensure human rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

35. The Committee on the Elimination of Discrimination against Women has expressed concern that the proliferation of firearms affects women and girls as victims of conflict-related gender-based violence, as victims of domestic violence, and also as protesters or actors in resistance movements.<sup>62</sup> In 2016, for example, the Committee on the Elimination of Discrimination against Women noted a correlation between the proliferation and use of firearms and femicide in Honduras.<sup>63</sup>

36. In the context of domestic violence, civilian access to firearms has a disproportionate impact on the rights to life and to security of person of women. Research has shown that women with a current or former intimate partner who has access to a firearm are disproportionately more vulnerable to being abused or killed. For instance, a survey of women who sought help from a women's shelter in Montenegro revealed that 90 per cent of the victims had been threatened with firearms by their partners.<sup>64</sup> Similarly, research conducted at a women's shelter in Bosnia and Herzegovina concluded that 74 per cent of women who had sought help had experienced domestic violence with a firearm.<sup>65</sup> Additionally, a government study found that more than half of all women murdered in the United States between 2013 and 2014 had been killed by current or former intimate partners, and that most intimate partner homicides were committed with guns.<sup>66</sup> Women

<sup>58</sup> Philip T. Manyok, "Cattle rustling and its effects among three communities (Dinka, Murle and Nuer) in Jonglei State, South Sudan", Nova Southeastern University, 1 January 2017, p. 92.

<sup>59</sup> See the contribution of the Kenya National Commission on Human Rights.

<sup>60</sup> See the contribution of National Human Rights Commission of Mexico.

<sup>61</sup> Mario Flores, "Costo médico-hospitalario derivado de la atención de pacientes víctimas de violencia por armas de fuego en Honduras", Small Arms Survey, 1 February 2016, p. 3.

<sup>62</sup> See the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.

<sup>63</sup> CEDAW/C/HND/CO/7-8, para. 22. For a discussion of comments made by Charter-based human rights bodies regarding the impact of civilian access to firearms on the human rights of women prior to 2016, see A/HRC/32/21, paras. 21–23.

<sup>64</sup> South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons, *Firearms Possession and Domestic Violence in the Western Balkans: A Comparative Study of Legislation and Implementation Mechanisms* (Belgrade, 2007), p. 5.

<sup>65</sup> Ibid.

<sup>66</sup> See the contribution of Amnesty International.

living with a gun in their home were between nearly three and five times more likely to be murdered than women with no gun in their home.<sup>67</sup>

37. Firearm violence committed by civilians can also impact the economic, social and cultural rights of women and girls. In many countries, women frequently lose their access to farmlands and the right to live in their marital homes when their spouses or partners are killed. The resulting survival choices for many women and girls affected are prostitution, commercial labour or domestic servitude, which risk exposing them to continued violence and to ill-health from communicable diseases and poor working conditions, as well as to future community exclusion.<sup>68</sup>

38. Women living in areas prone to civilian firearm violence also face difficulties in accessing health services that are specific to their needs. In the Democratic Republic of the Congo, for example, women with obstetric complications struggle to access medical treatment because dangerous conditions such as armed banditry impede their travel to health centres.<sup>69</sup> Moreover, in the North Rift region of Kenya, women are unable to access sexual and reproductive health services due to insecurity arising from armed cattle-raiding, which has led to the lowest levels of antenatal and prenatal care in the country.<sup>70</sup>

39. Firearm violence also has a disproportionately negative impact on the rights to life and to security of person of children and adolescents, especially outside of conflict settings. Statistics indicate, for example, that 60 per cent of the adolescents who died in Latin America and the Caribbean in 2015 (numbering 26,000) were killed by firearms.<sup>71</sup> Most often, young male perpetrators and victims of firearm violence in the region are lured into a life of gang violence and crime, influenced by the desire to attain a lifestyle that features firearms, cars, alcohol, drugs, a sense of power and other luxuries and excesses that they believe they can only achieve by joining these groups.<sup>72</sup> In addition, the Committee on the Rights of the Child has stated that the availability and accessibility of small arms is a major cause of child disability.<sup>73</sup>

40. Civilian access to firearms can also have a disproportionate and discriminatory impact on the rights to life and to security of person of individuals belonging to ethnic minority communities. In the United Kingdom of Great Britain and Northern Ireland, for example, the Office for National Statistics recently indicated that a disproportionately high number of persons of African and Asian descent were victims of firearm offences.<sup>74</sup> The Committee on the Elimination of Racial Discrimination has expressed concern regarding civilian firearm violence and its disparate impact on minorities.<sup>75</sup>

<sup>67</sup> Ibid.

<sup>68</sup> Organization for Economic Cooperation and Development, *Armed Violence Reduction: Enabling Development* (Paris, 2009), footnote 7.

<sup>69</sup> Ley Uwera (Global Press Journal), "For women in DRC, conflict means greater chance of rape, health problems and scarce access to health care", 9 May 2016.

<sup>70</sup> See the contribution of the Kenya National Commission on Human Rights.

<sup>71</sup> See the contribution of UNICEF.

<sup>72</sup> See the contribution of the National Human Rights Commission of Mexico.

<sup>73</sup> See the Committee's general comment No. 9 (2006) on the rights of children with disabilities. The Committee on the Rights of the Child has also noted with concern that firearm legislation in some States does not expressly prohibit the acquisition or use of firearms by children. See CRC/C/OPAC/GIN/CO/1 and CRC/C/OPAC/MWI/CO/1. In addition, it has expressed concern at the fact that some States provide and organize military training for children and adolescents that includes, or may include, the participation of children in handling firearms. The Committee has urged States to ban such training. See CRC/C/OPAC/EST/CO/1, CRC/C/OPAC/LVA/CO/1 and CRC/C/OPAC/PER/CO/1. For a discussion of comments made by treaty-based human rights bodies regarding the impact of civilian access to firearms on the human rights of children prior to 2016, see A/HRC/32/21, paras. 26, 30 and 33.

<sup>74</sup> "Offences involving the use of weapons", Office for National Statistics compendium, 11 February 2016, p. 20.

<sup>75</sup> CERD/C/USA/CO/7-9, para. 16.

#### IV. Regulation of civilian acquisition, possession and use of firearms<sup>76</sup>

41. Some states of the United States have enacted laws that have considerably reduced the risks of firearm deaths and injuries. For example, 27 states have enacted child access prevention laws, which work to protect children from injuring themselves and others by requiring firearm owners to keep firearms locked away and unloaded with ammunition stored in a locked location separate from the firearm.<sup>77</sup> An in-depth study by the Rand Corporation has found evidence that child access prevention laws reduce the number of unintentional or self-inflicted gunshot deaths among children.<sup>78</sup> Researchers from the Stanford University School of Medicine concur, asserting that states with child access prevention laws experience one fourth as many children's suicides by guns as states without child access prevention laws.<sup>79</sup>

42. Laws requiring background checks of potential purchasers' mental health and criminal history, and any relevant civil orders, have also concretely reduced the risks of firearm deaths and injuries by ensuring that guns do not end up in the hands of individuals who are likely to misuse them.<sup>80</sup> A recent study in the United States found that the overall average number of homicides caused by firearms had dropped in states that had implemented universal background checks for handguns between 2009 and 2016. Crucially, states with universal background checks experienced 47 per cent fewer women killed in firearm-related violence by an intimate partner and 53 per cent fewer police officers killed on duty.<sup>81</sup> Research has also shown that background checks may decrease suicide and violent crime.<sup>82</sup>

43. In some contexts, national legislation restricting the right to carry firearms in public has also reduced levels of firearm homicides. Colombia, for instance, reported that it had experienced its lowest level of homicides in 34 years in 2017 after implementing a general suspension of permits to carry firearms from 1 February to 31 December 2016.<sup>83</sup>

44. Similarly, legislation limiting the right of armed officers from national security services to take their service weapon home appears to reduce the amount of firearm violence against women. According to the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, a six-year study by the Royal Canadian Mounted Police concluded that a policy restricting officers from taking their service weapons home had reduced the risk of women being killed during domestic disputes.<sup>84</sup>

<sup>76</sup> For a full discussion of the regulation of civilian access to firearms and its legal parameters, see A/HRC/32/21, paras. 11–50. The present report specifically addresses laws that have reduced the human rights impact of civilian access to firearms, in an effort to strengthen or develop effective national regulation.

<sup>77</sup> See the contribution of Amnesty International.

<sup>78</sup> Rand Corporation, Gun policy in America, "The effects of child access prevention laws", available at [www.rand.org/research/gun-policy/analysis/child-access-prevention.html](http://www.rand.org/research/gun-policy/analysis/child-access-prevention.html).

The Rand Corporation published its "Gun policy in America" study after having spent two years researching the effects of firearm laws and policies in the United States.

<sup>79</sup> Rob Goodier (Reuters), Stricter state gun laws linked to fewer child deaths from gunshot wounds, 14 November 2018.

<sup>80</sup> See the contribution of Amnesty International.

<sup>81</sup> Ibid.

<sup>82</sup> Rand Corporation, Gun policy in America, "The effects of background checks", available at [www.rand.org/research/gun-policy/analysis/background-checks.html](http://www.rand.org/research/gun-policy/analysis/background-checks.html).

<sup>83</sup> See the contribution of Colombia.

<sup>84</sup> United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, "Violencia armada, violencia por motivos de género y armas pequeñas: sistematización de datos disponibles en América Latina y el Caribe", January 2015, p. 20.

## V. Non-regulatory measures

45. While regulatory measures are an essential and effective measure for reducing the risks inherent in civilian access to firearms, they are not always successful on their own<sup>85</sup> because they do not fully address the larger social, cultural and economic factors driving firearm violence.<sup>86</sup> Additionally, regulatory measures often meet stiff resistance in States where many individuals feel that gun ownership is at the heart of personal and national identity while also being crucial for personal security.

46. For these reasons, it is imperative to also consider non-regulatory measures when discussing ways to reduce the impact of civilian access to firearms on human rights. Several submissions received from States and other stakeholders set forth suggestions for non-regulatory measures that may reduce the impact of civilian acquisition, possession and use of firearms on human rights. These submissions resoundingly supported measures tailored to address the root causes of firearm violence perpetrated by civilians.<sup>87</sup>

47. Several contributions noted the importance of programmes tailored to reducing the drivers of firearm violence among youth. Côte d'Ivoire, for example, suggested instituting poverty reduction programmes, good governance programmes, and vocational and employment opportunities for young people.<sup>88</sup> Costa Rica noted the importance of violence prevention programmes geared towards youth, which it had implemented with remarkably positive results. After experiencing a steady increase from 2006 to 2010 of cases of students bringing a firearm to school, Costa Rica rolled out its Escuela Segura programme, which resulted in a nearly 50 per cent drop in cases of young people bringing a firearm to school in the following year. Aside from a brief increase in cases in 2016, the incidence of young people taking a firearm to school in Costa Rica has continued to drop steadily.<sup>89</sup>

48. One of the most defining features of Escuela Segura is its recommendation that every educational centre form an internal committee for addressing and responding to armed violence on its premises. In addition, the committees are tasked with providing psychological support services to victims, witnesses and the perpetrators of violent acts, as well as actively evaluating the effectiveness of prevention and response measures.<sup>90</sup>

49. The United Nations Children's Fund (UNICEF) highlights the importance of non-regulatory measures that address gang violence, given that patterns of lethal violence among youth are largely attributable to the illicit activities of organized criminal groups and the presence of street gangs. It is estimated that nearly one third of all homicides in Latin America and the Caribbean are related to crime and gangs, and two thirds of these are committed with a firearm.<sup>91</sup>

50. In instances where gang culture is largely responsible for firearm violence, UNICEF recommends programmes that specifically tackle the root causes of gang violence over efforts to merely regulate firearm acquisition by at-risk youth. For instance, interventions that address the risks for antisocial behaviour by teaching peaceful conflict resolution, as

<sup>85</sup> The National Human Rights Commission of Mexico, for example, asserted in its contribution that strict firearm regulations had not halted the high levels of firearm homicides within its borders. It also acknowledged that it was experiencing an elevated level of firearm homicides, despite having a relatively low per capita rate of firearm possession.

<sup>86</sup> The Kenya National Commission on Human Rights, for example, underscored in its contribution that civilian acquisition, possession and use of firearms is a symptom of and reaction to larger social issues, such as insecurity, economic poverty, unemployment, poor governance and unequal provision of goods and services at the local level.

<sup>87</sup> See the contributions of Amnesty International, Costa Rica, Côte d'Ivoire, the Kenya National Human Rights Commission, the National Human Rights Commission of Mexico, the Sur File on Arms and Human Rights and UNICEF.

<sup>88</sup> See the contribution of Côte d'Ivoire.

<sup>89</sup> See the contribution of Costa Rica.

<sup>90</sup> United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean, "Preventing firearms proliferation and armed violence in educational centres of Latin America and the Caribbean", working paper (2011), pp. 16–17.

<sup>91</sup> See the contribution of UNICEF.

well as programmes that support families and parents through safety nets and parenting skills, can yield positive results.<sup>92</sup>

51. When tackling gang violence, however, individual interventions on their own are not enough to deal with the multi-pronged community risks and problems associated with acquiring, possessing and using firearms. Even if individual interventions manage to prevent a youth from seeking, carrying and using a weapon at a particular point in time, they do not fully address the systemic, root causes that may lead him or her to access a firearm again in the future.<sup>93</sup>

52. Therefore, contributions indicated that in order for youth programmes aimed at preventing gang violence to be as effective as possible, they should combine a holistic package of socioeconomic interventions and services tailored to children and adolescents, with individual case management. Under this systems approach, coordination and planning by a team of professionals from social services, health care, law enforcement and the community is best suited to support children who access firearms, or have access to a civilian adult who has acquired or possessed firearms or is using them.<sup>94</sup> UNICEF has cautioned, however, that these programmes should not take place exclusively in schools, or focus exclusively on children in schools, as most of the at-risk youth are not enrolled.<sup>95</sup>

53. In Oakland, United States, for example, an ongoing partnership between community members, social service providers and law enforcement officials known as Oakland Ceasefire has cut annual shootings and homicides nearly in half since 2012.<sup>96</sup> Other cities near Oakland have implemented similar programmes, leading to a sustained overall drop in firearm homicides of 30 per cent for the San Francisco Bay Area and of 40 per cent for residents of African descent. The common context among each of these cities is that they have adopted community-driven, robustly funded approaches that include leadership from formerly incarcerated residents.<sup>97</sup>

54. The Oakland Ceasefire programme also highlights the importance of commissioning public studies on the human rights impact of civilian access to firearms. Through extensive research, the programme was able to determine that only 400 individuals – just 0.1 per cent of Oakland’s total population – were at the highest risk for engaging in serious violence at any given time. Oakland Ceasefire partners intervene with this population, which has contributed in great part to the dramatic decrease in firearm homicides.<sup>98</sup>

55. Evidence also demonstrates a strong link between poverty and firearm violence, which underscores the need to implement poverty reduction programming to decrease the impact of firearm violence on human rights.<sup>99</sup> The United Nations Office on Drugs and Crime has established a clear link between lethal violence and poverty.<sup>100</sup> Additional research indicates that urban armed violence is related to poverty, inequality, unemployment, youth maladjustment, and the prevalence of firearms.<sup>101</sup> States with high levels of firearm violence should therefore consider investing in areas of economic deprivation by creating job programmes, attracting and incentivizing businesses to the area, and offering educational, mentorship and vocational training programmes to counter the

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Mike McLively and Brittany Nieto, “A case study in hope: lessons from Oakland’s remarkable reduction in gun violence” (Giffords Law Center to Prevent Gun Violence, Faith in Action, and Black and Brown Gun Violence Prevention Consortium, April 2019), pp. 5–6.

<sup>97</sup> Lois Beckett et al., “Gun violence has sharply declined in California’s Bay Area. What happened?”, *The Guardian*, 4 June 2019, available at [www.theguardian.com/us-news/ng-interactive/2019/jun/03/gun-violence-bay-area-drop-30-percent-why-investigation](http://www.theguardian.com/us-news/ng-interactive/2019/jun/03/gun-violence-bay-area-drop-30-percent-why-investigation).

<sup>98</sup> Mike McLively and Brittany Nieto, “A case study in hope: lessons from Oakland’s remarkable reduction in gun violence”, p. 6.

<sup>99</sup> See the contributions of Côte d’Ivoire, the Kenya National Commission for Human Rights, Amnesty International and UNICEF.

<sup>100</sup> *Global Study on Homicide 2013* (United Nations publication, Sales No. 14.IV.1), p. 25.

<sup>101</sup> Small Arms Survey research notes, No. 23 (November 2012), p. 3.

root causes of firearm violence.<sup>102</sup> Côte d'Ivoire concurs that poverty reduction programmes and better educational and employment opportunities can reduce local demand for firearms among civilians.<sup>103</sup>

56. Several contributions emphasized the need to implement programmes that sensitize the population to the risks of civilian acquisition, possession and use of firearms.<sup>104</sup> UNICEF, for instance, mentioned the need to conduct interventions aimed at countering the banalization of firearms in a child's environment, including his or her home, school and community.<sup>105</sup> Amnesty International suggested that governments should launch public education campaigns on firearm safety and child deaths that are due to suicide and unintentional shootings. It also proposed that state and local authorities encourage health professionals to offer health and safety education to parents with firearms in the home.<sup>106</sup>

57. Understanding how civilians acquire firearms is also crucial to addressing the human rights impacts of firearm violence. In many instances, civilians procure firearms through illicit weapons flows for use in violent crimes. Stolen and diverted firearms are difficult to trace, often preventing law enforcement authorities from promptly identifying potential suspects.<sup>107</sup> Therefore, many States and organizations highlighted the importance of countering the illicit flow of weapons as a crucial step in reducing the human rights impact of civilian access to weapons.<sup>108</sup>

58. Illicit weapon flows can originate from theft or diversion from individuals or national stockpiles. In Mexico, for example, 20,000 firearms belonging to federal and state security forces were reported missing or stolen between 2006 and 2017.<sup>109</sup>

59. Weapons can also enter the black market when they are diverted from armed conflicts. Corruption and porous borders facilitate the flow of these weapons,<sup>110</sup> frequently leading to transnational impacts on human rights. Northern Kenya, for example, is surrounded by internal armed conflicts in neighbouring Somalia and South Sudan and its borders with those countries are generally porous. As a result, a considerable quantity of firearms from these conflicts make their way into illegal gun markets in Kenya. Indeed, as at February 2019, a fraction under 99 per cent of the firearms in the possession of civilians in Kenya (741,864) were unregistered.<sup>111</sup> Consequently, the North Rift region of Kenya experiences debilitating levels of firearm violence related to cattle-raiding, and urban centres such as Nairobi suffer high rates of firearm violence, often perpetrated with sophisticated weapons.<sup>112</sup>

## VI. Conclusions and recommendations

60. **Increased civilian access to firearms, including lawfully acquired weapons, leads to increased levels of violence and insecurity which negatively impact human rights.**

61. **In particular, civilian acquisition, possession and use of firearms pose direct risks to the rights to life, security of person, freedom of religion, freedom of expression, and freedom to enjoy one's culture, religion and language. Civilian access to firearms also jeopardizes the rights to adequate housing, health, and education, and the right to equality and non-discrimination. Increased civilian access to firearms also**

<sup>102</sup> See the contribution of Amnesty International.

<sup>103</sup> See the contribution of Côte d'Ivoire.

<sup>104</sup> See the contributions of Côte d'Ivoire, UNICEF and Amnesty International.

<sup>105</sup> See the contribution of UNICEF.

<sup>106</sup> See the contribution of Amnesty International.

<sup>107</sup> Ibid.

<sup>108</sup> See the contributions of Côte d'Ivoire, the National Human Rights Commission of Mexico, Kenya, Montenegro and Amnesty International.

<sup>109</sup> See the contribution of the National Human Rights Commission of Mexico.

<sup>110</sup> See the contributions of Côte d'Ivoire and the Kenya National Commission on Human Rights.

<sup>111</sup> See the contribution of the Kenya National Commission on Human Rights.

<sup>112</sup> Ibid.

has specific impacts on the human rights of women, children and adolescents, and ethnic minorities, as highlighted in the report.

62. Given the potential harm and devastating impact of the misuse of firearms on the enjoyment of human rights, legislation and public policies concerning civilian access to firearms should be formulated and reviewed with a human rights lens.

63. The High Commissioner's report submitted to the Human Rights Council in 2016 recommended the adoption of several regulatory measures related to civilian access to firearms, which contribute to the protection of human rights<sup>113</sup> and which should be considered in conjunction with the following additional measures to establish a comprehensive approach for safeguarding human rights from the negative impact of firearms:

(a) Commission comprehensive public studies on the human rights impact of civilian acquisition, possession and use of firearms, in order to facilitate evidence-based policymaking.

(b) Adopt legislation that requires thorough background checks of all potential firearm purchasers or recipients of firearm transfers, prior to the execution of any sale or transfer, which, at a minimum, include consideration of the person's prior criminal record, particularly for violent offences; being under indictment for a crime involving a violent offence; history of gender-based, sexual or domestic violence; and medical conditions, including history of drug or alcohol abuse or mental health issues that might lead to self-harm or harming others;<sup>114</sup>

(c) Adopt legislation that requires the safe and secure storage of all firearms, aimed at protecting individuals, especially children, from injuring themselves and others;<sup>115</sup>

(d) Adopt legislation that imposes appropriate penalties and/or administrative sanctions for the unlicensed discharge of firearms for celebratory<sup>116</sup> purposes;<sup>117</sup>

(e) Adopt legislation that counters the illicit flow of firearms and ammunition, and promotes responsibility in international transfers of conventional arms, by emphasizing adherence to international human rights law, including by signing and ratifying the Arms Trade Treaty;<sup>118</sup>

(f) Review rules governing the use of force in self-defence to ensure that they conform with international human rights law, and, in particular, repeal overly permissive self-defence laws;<sup>119</sup>

(g) Implement programmes that bring together social services, health-care and law enforcement professionals and community workers to address and counter the root causes of firearm violence among civilians, especially among children and adolescents who are particularly vulnerable to recruitment into gangs and other forms of organized crime.

<sup>113</sup> A/HRC/32/21, para. 54.

<sup>114</sup> To be read in conjunction with recommendations (a) and (b) from A/HRC/32/21 (see para. 54).

<sup>115</sup> To be read in conjunction with recommendation (a) from A/HRC/32/21 (see para. 54).

<sup>116</sup> "Celebratory purposes" in this context includes all attempts to observe or rejoice a day or event through the discharge of a firearm.

<sup>117</sup> To be read in conjunction with recommendation (a) from A/HRC/32/21 (see para. 54).

<sup>118</sup> To be read in conjunction with recommendation (c) from A/HRC/32/21 (see para. 54).

<sup>119</sup> To be read in conjunction with recommendation (c) from A/HRC/32/21 (see para. 54).