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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-fourth session
Agenda item 6

SPECIFIC HUMAN RIGHTS ISSUES

**Mr. Alfonso Martínez, Mr. Bengoa, Ms. Betten, Mr. Chen, Mr. Decaux,
Mr. Dos Santos Alves, Mr. Eide, Ms. Hampson, Ms. Koufa, Mr. Park,
Mr. Sattar, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer,
Mr. Yokota and Ms. Zerrougui: draft resolution**

**2002/... The prevention of human rights violations caused by the availability
and misuse of small arms and light weapons**

The Sub-Commission on the Promotion and Protection of Human Rights,

*Guided by the principles embodied in the Charter of the United Nations, the
Universal Declaration of Human Rights, the International Covenants on Human Rights, the
Geneva Conventions of 12 August 1949 on the protection of war victims and the
Additional Protocols thereto, and other relevant international instruments on human rights
and humanitarian law,*

*Reaffirming the importance of the right to life as a fundamental principle of international
human rights law, as established in article 3 of the Universal Declaration of Human Rights and
article 5 of the International Covenant on Civil and Political Rights,*

Deeply concerned that hundreds of thousands of persons are killed or injured each year by small arms and light weapons and that such arms are also used to facilitate other grave human rights abuses, including rape, enforced disappearance and torture,

Taking account of standards and principles adopted by international bodies, including the 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, adopted by the General Assembly, on 31 May 2001, and the Programme of Action adopted by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspect in July 2001,

Convinced that the protection of human rights must be central to the development of further principles and norms regarding the transfer and misuse of small arms and light weapons and that human rights are not being given adequate consideration in other contexts,

Recalling its decision 2001/120 of 16 August 2001, in which it decided to entrust to Ms. Barbara Frey the task of drafting, without financial implications, a working paper on the questions of (a) the trade and carrying of small arms and light weapons; and (b) the use of such weapons in the context of human rights and humanitarian norms,

Taking into account the working paper submitted by Ms. Barbara Frey at its fifty-fourth session (E/CN.4/Sub.2/2002/39),

1. *Encourages* States to adopt laws and policies regarding the manufacture, transfer and use of small arms that comply with principles of international human rights and international humanitarian law;
2. *Also encourages* States to provide training to armed forces and law enforcement personnel on basic principles of international human rights and humanitarian law especially with regard to use of weapons, including the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
3. *Requests* that those who document human rights practices, including United Nations special rapporteurs, United Nations human rights monitors in field operations and non-governmental organizations, seek out information and report specifically on human rights abuses committed with small arms and light weapons;
4. *Endorses* the conclusions and recommendations of the working paper on small arms and light weapons submitted by Ms. Barbara Frey (E/CN.4/Sub.2/2002/39);

5. *Decides* to appoint Ms. Frey as Special Rapporteur with the task of preparing a comprehensive study on the prevention of human rights violations committed with small arms and light weapons based on her working paper as well as the comments received and the discussion that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission, and requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session;

6. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task;

7. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

“The Commission on Human Rights, taking note of Sub-Commission on Promotion and Protection of Human Rights resolution 2002/... of ... August 2002, decides to endorse the decision of the Sub-Commission to appoint Ms. Barbara Frey as Special Rapporteur with the task of preparing a comprehensive study on the prevention of human rights violations committed with small arms and light weapons based on her working paper (E/CN.4/Sub.2/2002/39) as well as the comments received and the discussion that took place at the fifty-fourth session of the Sub-Commission and the fifty-eighth session of the Commission, and its request to the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-fifth session, a progress report at its fifty-sixth session and a final report at its fifty-seventh session. The Commission also decides to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.”
