

23 August 2023

Disarm the Enablers: End the impunity of the Firearms Industry and its Helpers

Written Statement to the UN Human Rights Council, 54th regular session (11 September to 13 October 2023)
Item 3: General Debate

WILPF has long argued and demonstrated that as long as firearms exist and circulate, they will pose a threat to all human rights, including the right to life and security of person. The reports on the impact of firearms presented by the Office of the High Commissioner for Human Rights (OHCHR) to the Human Rights Council (HRC) over the years¹ clearly illustrate the role of firearms in contributing to human rights violations and abuses.

Every firearm that is used to commit any form of violence came from somewhere, and in many cases, has been transferred across borders. Thus, the irresponsible role of the firearms industry and other industries that contribute to its operations must be addressed and confronted as a root cause of armed violence. WILPF welcomes that the latest OHCHR report on the 'Impact of the civilian acquisition, possession and use of firearms' (A/HRC/53/49)² sheds light on the role of the arms industry, including its aggressive lobbying strategies to shield itself from any form of liability; its use of globalised supply chains to locate weapon manufacturing in countries with more permissive arms exports laws so as to circumvent stricter national arms control regulations; and its irresponsible marketing strategies.

While WILPF maintains that the firearms industry should be dismantled and the arms trade should end, it emphasises that in the meantime, these industries must conduct robust human rights due diligence before, during, and after sales; and take action to prevent and address human rights risks and abuses related to firearms, including through mitigation measures, abstaining from business when necessary, and providing remedies. Yet, firearms companies often "hide behind" national regulatory licensing processes (whether at the international or national level) to argue that they do not hold any responsibility regarding the impacts of the weapons they sell. WILPF fully agrees with

¹ UN Human Rights Council 'Human rights and the regulation of civilian acquisition, possession and use of firearm' (15 April 2016) UN Doc A/HRC/32/21; UN Human Rights Council, 'Impact of the civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights' (3 July 2019) UN Doc A/HRC/42/21; UN Human Rights Council, 'Impact of civilian acquisition, possession and use of firearms by children and youth' (19 January 2022) UN Doc A/HRC/49/41; UN Human Rights Council 'Impact of the civilian acquisition, possession and use of firearms, Report of the United Nations High Commissioner for Human Rights' (5 May 2023) UN Doc A/HRC/53/49.

² UN Human Rights Council 'Impact of the civilian acquisition, possession and use of firearms, Report of the United Nations High Commissioner for Human Rights' (5 May 2023) UN Doc A/HRC/53/49. Available at: <https://digitallibrary.un.org/record/4012464?ln=en> .

OHCHR that “Criminal and civil liability are essential principles to deter violations of firearms-related legislation, be it by civilians, manufacturers, dealers or others. They also contribute to the prevention of impunity and the implementation of the duty to ensure effective remedies to individuals whose rights have been violated.”³ In this regard, States must implement the recommendation to “Prevent human rights violations and abuses and ensure the right to effective remedies, including by not adopting immunities for any entity operating in the firearms industry and repealing existing ones.”⁴

WILPF also fully supports the OHCHR recommendations for robust human rights due diligence requirements for companies, including for companies that, directly and indirectly, manufacture firearms in third countries.⁵ States that are home to companies operating in the firearms industry must uphold their obligations to respect, protect, and fulfil human rights, including the right to life and security of person, by preventing human rights abuses committed or facilitated by firearms companies on their territory and under their jurisdiction and ensuring access to effective remedies, including in cross-border cases when such harms derive from the legal or illegal exports of firearms. Such obligations should also be considered in the context of national and regional legislation on mandatory human rights due diligence for businesses and in any other relevant regulatory initiatives including but not limited to the prevention of gender-based violence.

WILPF has highlighted the role that the media and gun manufacturers play in perpetuating gender identities in ways that normalise and encourage gun ownership among men, adolescents, and even children.⁶ The role of the toy and gaming industries in perpetrating this tale of “armed male heroes” is further explored in a 2022 joint publication by WILPF and GENSAC.⁷ It is crucial to recognise and challenge harmful gender norms and stereotypes to address the multifaceted issue of gun violence more effectively; with respect to this, the OHCHR report recalls States’ obligations under Article 5(a) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁸

The OHCHR report usefully examines the integral importance of other business sectors, such as social media, and the gaming and entertainment industries, for the marketing of firearms. It highlights examples of marketing strategies that encourage demand for firearms including by exploiting gender norms, and sometimes appealing to racist ideologies; these strategies are also aimed to reach new demographics. The report notes, *inter alia*, that “Protection and self-defence messaging in advertising often associates the acquisition and possession of firearms with masculinity and military themes. The marketing of assault-style rifles, anti-armour sniper rifles and high-capacity semi-automatic handguns are frequently accompanied by imagery of armed forces engaged in armed

³ UN Doc A/HRC/53/49, paragraph 38.

⁴ UN Doc A/HRC/53/49, paragraph 55 (f).

⁵ UN Doc A/HRC/53/49, paragraphs 37 and 48.

⁶ WILPF, “Submission to the OHCHR on the Use of Firearms by Children and Youth’ (19 October 2021) pages 12-13.

Available at: <https://www.wilpf.org/advocacy_documents/report-on-civilian-acquisition-position-and-use-of-firearms-by-children-and-youth/>.

⁷ GENSAC and WILPF, ‘Men and Masculinities in Gender Responsive Small Arms Control’ (March 2022). Available at: <https://gensac.network/wp-content/uploads/2022/03/Men-and-Masculinities_final.pdf>.

⁸ UN Doc A/HRC/53/49, paragraph 43.

conflict or special operations, on occasions made to resemble video games. Research examining firearms advertisements on social media identified military, patriotic and law enforcement themes in almost half of all influencer posts on social media.”⁹ The report also refers to the role of formal and informal relationships between the firearms industry and the entertainment industry in contributing to increased demand; for example, through product placement agreements with movie productions.¹⁰

Firearms-related demand and violence are not isolated from broader societal issues. They are deeply embedded in systems of discrimination, racism, homophobia, and transphobia. Firearms are often the weapon of choice in hate crimes targeting specific racial, ethnic, religious groups, or LGBTQI+ people. Firearms availability significantly increases the risks of gender-based violence, including domestic violence and femicides.¹¹ Addressing firearms-related violence effectively requires a holistic understanding of these intersections and a strong commitment to combating the root causes. The OHCHR report recalls that “States have obligations under international human rights law to prohibit by law any propaganda for war, and incitement to violence, hostility and discrimination. Moreover, States have a duty to prevent reasonably foreseeable threats to life.”¹² WILPF fully supports the recommendation that States “take appropriate measures to prevent marketing practices that promote racism or violence, or which encourage demand for firearms through advertisements misrepresenting the relationship between firearms possession and safety.”¹³ States must also ensure analysis and action regarding racism and firearms-related violence; and the HRC should bring more attention to these concerns in its future deliberation.

Without financial backing, the arms industry would lack the means to pursue its harmful actions. Thus, investors hold significant leverage in curbing this industry and stopping actions by other sectors that enable its operations. The OHCHR report recalls the responsibility of investors to respect human rights in their investment decisions and stewardship activities. It also recalls some positive steps taken by institutional investors and asset owners to provide guidance on responsible investment in the civilian firearms industry;¹⁴ examples of positive steps can also be found in the WILPF submission to OHCHR for this report.¹⁵ While these steps are welcome in operationalising the responsibility of the financial sector to respect human rights, WILPF strongly believes that investors should redirect their resources towards more responsible and beneficial industries. Moreover, they should champion ethical investment and question certain industries altogether. Similarly, they should exert their

⁹ UN Doc A/HRC/53/49, paragraph 28. See also paragraphs 29, 30, 31 and 32.

¹⁰ UN Doc A/HRC/53/49, paragraph 32.

¹¹ See, for example, WILPF, ‘Submission to the OHCHR on Firearms and civil, political, economic, social and cultural rights’ (19 February 2019). Available at: > https://www.wilpf.org/advocacy_documents/submission-to-a-report-on-the-impact-of-firearms-on-human-rights/>.

¹² UN Doc A/HRC/53/49, paragraph 43.

¹³ UN Doc A/HRC/53/49, paragraph 43.

¹⁴ UN Doc A/HRC/53/49, paragraph 52.

¹⁵ See WILPF, ‘Submission to OHCHR the Negative Impacts of Firearms and the Role of the Business Sector’ (February 2023). Available at: <https://www.wilpf.org/advocacy_documents/submission-to-ohchr-on-the-negative-impacts-of-firearms-and-the-role-of-the-business-sector/>.

influence to stop practices by other industries, such as the gaming and entertainment industries, that significantly contribute to root causes of the demand for firearms. By addressing the irresponsible practices of the arms industry and the unchecked promotion of gun culture, investors can actively participate in crafting a world based on human security.

The latest OHCHR report on firearms is another valuable tool in guiding the regulation of firearms, the arms industry and other relevant sectors, shedding light on critical areas and making recommendations for effective policymaking and legislation. It complements the UN Working Group on Business on Human Rights' written guidance for States and businesses on the human rights responsibilities of the arms industry,¹⁶ which focused mainly on arms transfers and did not address civilian acquisition of firearms. Both the OHCHR report and the Working Group's guidance help to counter the narrative that the arms industry is somehow exceptional compared to other sectors. WILPF urges all States, investors, the arms industry, and all other relevant actors to act on the recommendations in these documents. They must work to end the "demand" for firearms brought about through advertising that facilitates concepts like militarised masculinities and white supremacy, among other things. States must also work to prevent and address violations and abuses linked to firearms' ownership and use. But ultimately, States and other actors must end the production, sale, and trade of firearms and invest instead in industries and instruments that facilitate social justice and ecological well-being instead of death, destruction, and discrimination.

¹⁶ 'Responsible business conduct in the arms sector: Ensuring business practice in line with the UN Guiding Principles on Business and Human Rights', Information Note by the UN Working Group on Business and Human Rights (August 2022). Available at: <<https://www.ohchr.org/sites/default/files/2022-08/BHR-Arms-sector-info-note.pdf>> .