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## Human Rights Council

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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 the civilian acquisition, possession and use of firearms

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

#### *Summary*

In the present report, the United Nations High Commissioner for Human Rights examines firearms-related death and injury and its human rights consequences, and the factors driving the availability of firearms. The High Commissioner examines the way in which business enterprises, in particular the firearms industry, contribute to driving the availability of firearms and their adherence to the Guiding Principles on Business and Human Rights. The High Commissioner concludes with a series of practical recommendations for States to respect and ensure human rights, and for the business sector to mitigate the negative human rights impacts of the civilian firearms industry.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



## I. Introduction

1. In its resolution 50/12, the Human Rights Council requested the United Nations High Commissioner for Human Rights to prepare a report on effective national regulations, policies and good practices, challenges and lessons learned to address the negative human rights impact of civilian acquisition, possession and use of firearms and underlying root causes and risk factors driving the availability of firearms and firearms-related violence, including contributions from business enterprises on measures adopted in that regard and their relationship with the Guiding Principles on Business and Human Rights.

2. To prepare the report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sought inputs from States,<sup>1</sup> national human rights institutions,<sup>2</sup> United Nations entities,<sup>3</sup> international and regional organizations,<sup>4</sup> non-governmental organizations,<sup>5</sup> and firearms industry associations.<sup>6</sup> The report also draws on a diverse range of public sources, including international instruments, the practice of United Nations human rights mechanisms, and reports by States, civil society, scholars and practitioners. As noted in the previous report submitted to the Human Rights Council,<sup>7</sup> however, a dearth of information persists on the civilian acquisition, possession and use of firearms in many parts of the world. The availability of information therefore influences to some extent the range of the contexts examined.

3. The present report builds on prior reports submitted in response to resolutions 29/10, 38/10 and 45/13 of the Human Rights Council, in which the Council addressed the regulation of civilian acquisition, possession and use of firearms, and the impact of civilian acquisition, possession and use of firearms on civil, political, economic, social and cultural rights, respectively.<sup>8</sup>

4. In the present report, the High Commissioner first presents an overview of the negative human rights impacts of civilian acquisition, possession and use of firearms. Second, he examines some important factors driving the supply and demand for firearms by civilians. Third, he analyses conduct by the firearms industry and its effects on the supply and demand for firearms. Fourth, he details challenges and good practices in implementing a human rights-based approach to address the risks caused by the availability of firearms, particularly those emanating from conduct by the firearms industry. Fifth, he proposes practical recommendations to States on how to implement their obligations to respect and ensure human rights, and to the business sector on how to address the risks associated with involvement in the civilian firearms industry through adherence to the Guiding Principles on Business and Human Rights.

## II. Negative human rights impact

5. As highlighted in previous reports, the civilian acquisition, possession and use of firearms affects the enjoyment of the right to life and personal integrity, and it also affects the enjoyment of other civil, political, economic, social and cultural rights.<sup>9</sup>

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<sup>1</sup> Submissions were received from: Algeria, Burundi, Ecuador, Lebanon, Italy, Mali, Mauritius, Mexico, Saudi Arabia, Serbia and Venezuela (Bolivarian Republic of).

<sup>2</sup> A submission was received from the national human rights institution of Mexico.

<sup>3</sup> A submission was received from the United Nations Office on Drugs and Crime.

<sup>4</sup> A submission was received from the European Union.

<sup>5</sup> Submissions were received from the Ak-sik-hata Nation of Yamassee-Moors, the Association for the Reintegration of Crimea, Control Arms, Nancy Dodson, Global Action on Gun Violence, Gun Free South Africa, Humanity & Inclusion (Handicap International), the University of Stellenbosch and the Women's International League for Peace and Freedom.

<sup>6</sup> No submissions from such associations or their members were received.

<sup>7</sup> [A/HRC/49/41](#).

<sup>8</sup> [A/HRC/32/21](#), [A/HRC/42/21](#) and [A/HRC/49/41](#).

<sup>9</sup> *Ibid.*

6. Most recent global estimates suggest that approximately 250,000 deaths annually were caused by the use of firearms.<sup>10</sup> According to the Global Burden of Disease Study, this entailed an estimated annual loss of more than 12 million years of life from 2017 to 2019.<sup>11</sup> The majority of homicide victims globally are between 15 and 30 years old.<sup>12</sup>

7. Of all homicides reported by the United Nations Office on Drugs and Crime (UNODC) in 2017, 54 per cent were committed using firearms.<sup>13</sup> There are large regional and national variations in the proportion of homicides carried out by firearms.<sup>14</sup> Available numbers suggest that North, South and Central America account for the largest proportion of firearms homicides globally.<sup>15</sup>

8. The use of firearms is also prevalent in suicides, although the rate varies significantly by State. Research suggests that the highest rates occur in Greenland, Uruguay and the United States of America.<sup>16</sup> Studies conducted in the United States suggest that more than 50 per cent of firearms-related deaths are suicides and that more than 50 per cent of the total number of suicides were carried out by firearms.<sup>17</sup> While globally the rates are declining, some States are experiencing an increase in the rates of suicide by firearms.<sup>18</sup>

9. There are limited quantitative data on the global number of firearms injuries. However, available research suggests that the rates of firearms injuries are higher than deaths due to firearms, in some contexts significantly higher.<sup>19</sup> The long-term impact on the survivors of firearms injuries includes disability, loss of work and deterioration in the quality of life.<sup>20</sup> One submission highlighted that individuals experiencing disabilities due to firearms injuries often become dependent on caregivers who are forced to give up work.<sup>21</sup>

10. There are discriminatory impacts of firearms violence. As noted in previous reports, they affect communities based on their socioeconomic status, often disproportionately affecting racial and ethnic minorities. There is also a significant gender dimension to firearms deaths and injuries. While men and male youth overwhelmingly constitute the majority of both perpetrators and victims of firearms-related deaths and injuries, certain firearms-related violence, including intimate partner violence, disproportionately affects women and girls.<sup>22</sup> In this regard, the European Union reported on research showing that, in its member States, legal firearms were mostly used in cases of domestic violence and illegal firearms were mostly used in organized crime and other crime.<sup>23</sup>

11. The indirect impact of firearms deaths and injuries is significant. Firearms are also used to facilitate the commission of human rights abuses affecting the enjoyment of other civil, political, economic, social and cultural rights, and the cost of firearms violence places

<sup>10</sup> “Global Burden of Disease Study 2019”, *Lancet*, vol. 396, No. 10258 (2020), pp. 1129–1306; and the Global Burden of Disease 2016 Injury Collaborators, “Global mortality from firearms, 1990–2016”, *JAMA Network*, vol. 320, No. 8 (2018), pp. 792–814.

<sup>11</sup> Institute for Health Metrics and Evaluation, “GBD results” (Seattle, University of Washington, 2020). Available at: <https://vizhub.healthdata.org/gbd-results>.

<sup>12</sup> For statistics on age distribution, see UNODC, *Global Study on Homicide: Understanding homicide – Typologies, Demographic Factors, Mechanisms and Contributors* (Vienna, 2019), p. 12.

<sup>13</sup> *Ibid.*, p. 77. See also Small Arms Survey, “Global violent deaths in 2020”. Available at: [www.smallarmssurvey.org/sites/default/files/resources/SAS-GVD-July-2022-update.pdf](http://www.smallarmssurvey.org/sites/default/files/resources/SAS-GVD-July-2022-update.pdf).

<sup>14</sup> Small Arms Survey, “Global violent deaths in 2020”; and UNODC, *Global Study on Homicide*.

<sup>15</sup> *Ibid.*

<sup>16</sup> Irena Ilic and others, “Worldwide suicide mortality trends by firearm (1990–2019): a joinpoint regression analysis”, *PLOS ONE* (2022).

<sup>17</sup> John Gramlich, “What the data says about gun deaths in the U.S.”, Pew Research Center, 26 April 2023.

<sup>18</sup> Irena Ilic and others, “Worldwide suicide mortality trends by firearm (1990–2019)”.

<sup>19</sup> Linda Dahlberg and others, “Firearm injuries and public health”, *Oxford Research Encyclopedia of Global Public Health* (2022).

<sup>20</sup> Bellal Joseph and others, “The hidden burden of mental health outcomes following firearm-related injuries”, *Annals of Surgery*, vol. 270, No. 4 (2019).

<sup>21</sup> Submission by Gun Free South Africa.

<sup>22</sup> A/HRC/49/41, para. 33, and the citations therein.

<sup>23</sup> Submission by the European Union.

burdens on public institutions to deliver their services<sup>24</sup> and affects economic development.<sup>25</sup> There are limited reliable studies on the broader economic costs of firearms injuries and death. However, some research estimated the loss in gross domestic product from firearms-related deaths across member States of the Organisation for Economic Co-operation and Development at \$239 billion between 2018 and 2030.<sup>26</sup> Recent studies conducted in the United States estimated that firearms injury and death entailed an annual loss of \$557 billion or 2.6 per cent of gross domestic product.<sup>27</sup>

### III. Availability of firearms

#### A. Availability of firearms and firearms-related violence

12. The availability of firearms refers to the ease with which they can be acquired or possessed by civilians. This depends on a variety of factors related to supply and demand, which are often transnational. Thus, high availability of firearms for civilians in one State is likely to have significant consequences for the supply of firearms to civilians in neighbouring States.<sup>28</sup> For example, in Haiti, in a report into human rights abuses committed by gangs, OHCHR concluded that abuses were largely facilitated by access to firearms. In a country that does not produce arms and ammunition, access to these weapons comes from illegal trafficking.<sup>29</sup> In Mexico, more than 70 per cent of all firearms recovered in crime scenes emanated from illegal trafficking.<sup>30</sup>

13. As highlighted in the High Commissioner's previous report, there is a correlation between the availability of firearms, and firearms violence, suicide rates and accidental firearms injuries.<sup>31</sup> In its 2019 study on homicide, UNODC found that the rate of firearms-related homicide was determined by three factors: (a) income inequality; (b) the proportion of youth among the general population; and (c) the rate of civilian-held firearms per person.<sup>32</sup> Efforts to reduce civilian possession of firearms in society therefore may be the most effective and least complex lever to reduce firearms-related homicide.<sup>33</sup> The High Commissioner has therefore previously recommended that States reduce the availability of firearms.<sup>34</sup>

#### B. Supply of firearms

14. The Small Arms Survey has estimated that there were 1 billion firearms in global circulation as of 2017, of which 857 million (85 per cent) were in civilian hands, 133 million (13 per cent) were military arsenals and 23 million (2 per cent) were owned by law enforcement agencies. The global stockpile had increased over the previous decade, largely due to civilian holdings, which grew from 650 million in 2006 to 857 million in 2017.<sup>35</sup>

<sup>24</sup> See, e.g., submission by the University of Stellenbosch.

<sup>25</sup> A/HRC/49/41, para. 30.

<sup>26</sup> Alexander W. Peters and others, "The macroeconomic consequences of firearm-related fatalities in OECD countries, 2018–30: a value-of-lost-output analysis", *Health Affairs*, vol. 39, No. 11 (2020).

<sup>27</sup> See, e.g., Everytown for Gun Safety, "The economic cost of gun violence", 19 July 2022.

<sup>28</sup> See, e.g., submission by the European Union.

<sup>29</sup> 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), para. 35. See also United States Immigration and Customs Enforcement, "HSI announces crackdown on firearms, ammunition smuggling to Haiti, the Caribbean", 19 August 2022.

<sup>30</sup> United States Government Accountability Office, "Firearms trafficking: U.S. efforts to disrupt gun smuggling into Mexico would benefit from additional data and analysis", 22 February 2021.

<sup>31</sup> A/HRC/49/41, para. 50. See also submission by UNODC.

<sup>32</sup> UNODC, *Global Study on Homicide*, p. 83.

<sup>33</sup> Submission by UNODC.

<sup>34</sup> A/HRC/49/41, para. 50.

<sup>35</sup> Small Arms Survey, "Global firearms holdings", 29 March 2020.

15. Globally, the vast majority of firearms were manufactured legally by licensed manufacturers.<sup>36</sup> In the United States, more than 7 million firearms were manufactured and nearly 4 million firearms were imported in 2019.<sup>37</sup> While industrially manufactured firearms constitute the largest proportion of total holdings, artisanal and craft weapons and converted firearms exist in significant numbers in some regions, such as in some States in West Africa.<sup>38</sup> Similarly, while industrially manufactured firearms are most prevalent in crime, privately made firearms are also used for criminal purposes, including by gangs and organized crime.<sup>39</sup>

16. In addition to lawful acquisitions, firearms end up in the hands of civilians through a variety of illicit ways. Conflict and post-conflict settings entail a high risk of diversion from national stockpiles,<sup>40</sup> often in large quantities over a relatively short period of time.<sup>41</sup> However, diversion from national stockpiles also occurs outside conflict settings, including through theft and corruption.<sup>42</sup> In South Africa and Brazil, corruption in law enforcement has reportedly led to the diversion of firearms from law enforcement holdings, which were subsequently used in crime.<sup>43</sup> Arms transfer diversions constitute another prominent illicit means by which firearms end up in the hands of civilians, including through diverted exports, clandestine shipments and mislabelling.<sup>44</sup> Firearms are also diverted in significant numbers from civilian stockpiles, such as through straw purchases, theft and illegal sales, and through the reactivation of deactivated firearms.<sup>45</sup>

### C. Demand for firearms

17. To reduce the availability of firearms, the demand for firearms should be understood. There are a multitude of reasons why civilians acquire firearms. Legal acquisition may be for the purpose of sport, hunting, antique collection and recreational shooting. However, research examining why individuals acquire firearms suggests that fear of victimization constitutes an important motivation for the acquisition of firearms by civilians.<sup>46</sup> This appears particularly prevalent for the acquisition of certain types of firearms, such as handguns.<sup>47</sup> The notion that firearms increase safety, however, must be contrasted with research demonstrating that the presence of firearms in homes increases the risk of injury for everyone living there.<sup>48</sup>

18. **The fear of victimization** is more pronounced in contexts in which there is a real or perceived threat to the safety of individuals. For example, the need for protection reportedly led to demand for firearms by civilians in the Central African Republic<sup>49</sup> and by pastoralist

<sup>36</sup> UNODC, *Global Study on Firearms Trafficking* (2020), p. 37.

<sup>37</sup> United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, “Firearms commerce in the United States: annual statistical update 2021” (2021), pp. 2 and 6.

<sup>38</sup> See, e.g., African Union Commission and Small Arms Survey, *Weapons Compass: Mapping Illicit Small Arms Flows in Africa* (January 2019), p. 55. See also the submission by Humanity & Inclusion.

<sup>39</sup> Nicolas Florquin and Benjamin King, *From Legal to Lethal: Converted Firearms in Europe* (Geneva, Small Arms Survey, 2018), p. 42.

<sup>40</sup> UNODC, *Global Study on Firearms Trafficking*, p. 37.

<sup>41</sup> See, e.g., S/2014/106, paras. 94–99.

<sup>42</sup> See, e.g., submission by the University of Stellenbosch; and African Union Commission and Small Arms Survey, *Weapons Compass*, p. 52.

<sup>43</sup> Caroline Gonçalves and Kai Michael Kenkel, “Implementing SDG target 16.4: illicit arms flows, diversion and corruption in Rio de Janeiro”, *Small Arms Survey Medium*, 17 August 2018; and Saferworld, Security Research & Information Centre and China Arms Control and Disarmament Association, “Small arms and ammunition in South Africa” (August 2022).

<sup>44</sup> UNODC, *Global Study on Firearms Trafficking*, pp. 37–38. See also A/HRC/44/29.

<sup>45</sup> UNODC, *Global Study on Firearms Trafficking*, pp. 37–38.

<sup>46</sup> Joseph M. Pierre, “The psychology of guns: risk, fear and motivated reasoning”, *Palgrave Communications* (2019). See also Julián Alfie and others (Instituto de Estudios Comparados en Ciencias Penales y Sociales), “Violencia de género y armas de fuego en Argentina” (Friedrich Ebert Stiftung, 2018), p. 18 (in Spanish).

<sup>47</sup> Pierre, “The psychology of guns”.

<sup>48</sup> Andrew Anglemyer, Tara Horvath and George Rutherford, “The accessibility of firearms and risk for suicide and homicide victimization among household members: a systematic review and meta-analysis”, *Annals of Internal Medicine*, vol. 160, No. 2 (2014).

<sup>49</sup> Submission by Humanity & Inclusion.

communities in the Horn of Africa,<sup>50</sup> and it appears to drive demand for craft weapons in Nigeria.<sup>51</sup> During the coronavirus disease (COVID-19) pandemic, firearms sales increased in the United States, reportedly due to increased feelings of insecurity caused by the pandemic.<sup>52</sup>

19. Demand for firearms appears also linked to cultural perceptions of masculinity.<sup>53</sup> This corresponds with statistics, showing the overwhelming majority of perpetrators and victims of firearms violence are men.<sup>54</sup> There appears to be a link between the fear of victimization and cultural perceptions of the role of men as protectors.<sup>55</sup> For instance, in Argentina, as of 2018, 97 per cent of holders of firearms licences were reportedly men,<sup>56</sup> and studies on the justification for the acquisition of firearms suggested that a gendered notion of protection was the most prominent reason.<sup>57</sup>

20. Changes in legislation appear to contribute to drive increases in demand for the lawful acquisition of firearms. In Brazil, a series of legislative changes relaxing the requirements for the civilian acquisition of firearms and increasing the number and calibre of firearms and ammunitions that civilians could acquire reportedly led to a doubling between 2018 and 2022 of the number of firearms in civilian possession.<sup>58</sup> These legislative changes have subsequently been repealed through a presidential decree on 1 January 2023.<sup>59</sup>

21. In many contexts, demand for firearms by criminal groups, including organized crime, appears linked to factors such as the illicit drug trade or disputes within or between criminal groups. OHCHR recently reported on the endemic violence between gangs in Haiti perpetrated with firearms.<sup>60</sup> Research on Sweden suggests that, while a general decrease in the acquisition of firearms has been observed over recent years, there has been an increase in demand for illegal firearms, as well as an increase in firearms-related violence, predominantly driven by organized criminal groups and conflicts involving those groups.<sup>61</sup>

#### IV. How businesses contribute to the availability of firearms

22. In its resolution 50/12, the Human Rights Council noted, in particular, businesses involved in the manufacture and sale of firearms.<sup>62</sup> The following section focuses on how businesses involved in the manufacture and sale of firearms, including industry associations, contribute to the negative human rights impact of civilian acquisition, possession and use of firearms, and the underlying root causes and risk factors driving the availability of firearms and firearms-related violence. Other business sectors, such as social media and the entertainment industry, are also examined, given their integral importance for the marketing of firearms.

<sup>50</sup> Submission by Control Arms. See also Kennedy Mkutu, “Pastoralism and conflict in the Horn of Africa” (Africa Peace Forum, Saferworld and the University of Bradford, 2001), p. 18.

<sup>51</sup> Matthias Nowak and André Gsell, “Handmade and deadly: craft production of small arms in Nigeria” (Small Arms Survey, 2018).

<sup>52</sup> Matthew Miller, Wilson Zhang and Deborah Azrael, “Firearm purchasing during the COVID-19 pandemic: results from the 2021 National Firearms Survey”, *Annals of Internal Medicine*, vol. 175, No. 2 (February 2022), pp. 219–225.

<sup>53</sup> Submissions by Gun Free South Africa and the Women’s International League for Peace and Freedom. See also A/HRC/49/41, para. 47.

<sup>54</sup> A/HRC/49/41, para. 32.

<sup>55</sup> See, e.g., submission by the Women’s International League for Peace and Freedom.

<sup>56</sup> Alfie and others, “Violencia de género y armas de fuego en Argentina”, p. 17.

<sup>57</sup> *Ibid.*, p. 21.

<sup>58</sup> Instituto Sou da Paz, “Brasil se aproxima de 3 milhões de armas em acervos particulares”, 13 February 2023 (in Portuguese).

<sup>59</sup> Brazil, Decree No. 11.366 of 1 January 2023, *Diário Oficial Da União* (2 January 2023) (in Portuguese).

<sup>60</sup> OHCHR and the United Nations Integrated Office in Haiti, “The population of Cité Soleil in the grip of gang violence”.

<sup>61</sup> Declan Hillier and Matt Lewis, “A deadly cocktail: firearm violence and trafficking in Sweden”, in *Pulling the Trigger: Gun Violence in Europe*, Nils Duquet, ed. (Brussels, Flemish Peace Institute, 2022).

<sup>62</sup> Human Rights Council resolution 50/12, preamble and paras. 5 and 13.

## A. Supply of firearms

23. Firearms manufacturers contribute to the availability of firearms through their production and sale, domestically and through the international arms trade. Firearms manufacturers have often fully or partially established their operations in jurisdictions in which conditions for the manufacture and sale of firearms are permissive and/or help them to gain access to new markets. This is notably the case of major Brazilian, European, Israeli, Russian and other firearms manufacturers that have moved or authorized manufacture in the United States.<sup>63</sup>

24. Prior to 2005, cities, municipalities, counties, non-profit organizations and individuals affected by firearms violence in the United States brought multiple claims against firearms manufacturers, distributors and retailers.<sup>64</sup> It was argued that manufacturers had supplied communities with more firearms than could be expected to sell on the lawful market, used distribution channels that regularly yielded criminal end users and took no measures to address distributor practices that supplied the illicit market, for example through straw purchases or illegal sales. In 2005, the Protection of Lawful Commerce in Arms Act was passed in the United States, granting firearms manufacturers immunities from civil liability, resulting in the dismissal of several subsequent lawsuits.<sup>65</sup> Between 2000 and 2020, the number of domestically manufactured firearms per capita in the United States increased 187 per cent.<sup>66</sup> In addition, several manufacturers have increasingly designed and produced firearms for the civilian market with increased power and lethality, including semi-automatic versions of military assault rifles and submachine guns, anti-armour sniper rifles, and high-capacity semi-automatic handguns,<sup>67</sup> which are favoured by criminals. As a consequence of the Act and in response to increased firearms violence, four states passed legislation between 2021 and 2022 that would facilitate civil suits against firearms manufacturers,<sup>68</sup> one of which has been challenged by a firearms industry association and several manufacturers.<sup>69</sup> On the basis of these laws, new lawsuits have been brought alleging that manufacturers have created, supplied, maintained and contributed to an illicit market for firearms through their design of firearms, and their marketing and distribution practices.<sup>70</sup>

25. The United States has recently reported on tracing data of firearms used in crime within and outside the country. It found that traced crime guns typically originate from the legal supply chain of manufacture (or importation), distribution and retail sale.<sup>71</sup> Many

<sup>63</sup> See, e.g., submission by the Women's International League for Peace and Freedom.

<sup>64</sup> E.g., United States Court of Appeals, Third Circuit, *Camden County Board of Chosen Freeholders v. Beretta, U.S.A. Corp.*, 273 F.3d 536 (2001); United States Court of Appeals, Third Circuit, *City of Philadelphia v. Beretta, U.S.A. Corp.*, 277 F.3d 415 (2002); New York Supreme Court, Appellate Division, *People of the State of New York v. Sturm, Ruger & Co., Inc.*, 761 N.Y.S.2d 192 (2003); United States District Court, Eastern District of New York, *National Association for the Advancement of Colored People v. AcuSport, Inc.*, 271 F.Supp.2d 435 (2003); Supreme Court of Illinois, *City of Chicago v. Beretta, U.S.A. Corp.*, 821 N.E.2d 1099 (2004); District of Columbia Court of Appeals, *District of Columbia v. Beretta, U.S.A. Corp.*, 872 A.2d 633 (2005); and Supreme Court of Ohio, *Cincinnati v. Beretta, U.S.A. Corp.*, 768 N.E.2d 1136 (2002).

<sup>65</sup> See, e.g., submission by Global Action on Gun Violence.

<sup>66</sup> Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Firearms Commerce and Trafficking Assessment: Firearms in Commerce* (Washington, D.C., 2022), p. 14.

<sup>67</sup> Violence Policy Center, *The Militarization of the U.S. Civilian Firearms Market* (Washington, D.C., 2011).

<sup>68</sup> New York State Senate Bill S7196 (2021); Delaware Senate Bill 302 (2022); New Jersey Legislature Bill A1765 (2022); California Assembly Bill 1594 (2022); and Giffords Law Center to Prevent Gun Violence, "Gun industry immunity".

<sup>69</sup> United States District Court, Northern District of New York, *National Shooting Sports Foundation, Inc. et al v. Letitia James*, Case No. 1.21-cv-1348 of 25 May 2022. Available at: [https://findx.thomsonreuters.com/gfx/legaldocs/mopanzylgva/05252022gun\\_ny.pdf](https://findx.thomsonreuters.com/gfx/legaldocs/mopanzylgva/05252022gun_ny.pdf).

<sup>70</sup> See, e.g., United States District Court, Eastern District of New York, *Ilene Steur v. Glock, Inc., and Glock Ges.m.b.h.*, Case No. 1.22-cv-3192 of 27 July 2022. Available at: [www.courthousenews.com/wp-content/uploads/2022/06/glock-complaint.pdf](http://www.courthousenews.com/wp-content/uploads/2022/06/glock-complaint.pdf).

<sup>71</sup> Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Firearms Commerce and Trafficking Assessment, Vol. 2, Part III: Crime Guns Recovered and Traced Within the United States and its Territories* (Washington, D.C., 2023), p. 41.

firearms recovered outside the United States originated from lawful firearms commerce in the United States and had subsequently been illegally trafficked.<sup>72</sup> In nearly all cases in which such firearms were traced to a known purchaser, the firearm was acquired from a dealer, pawnshop or manufacturer, the majority of which were acquired from a dealer.<sup>73</sup>

26. In 2021, Mexico filed a lawsuit before domestic United States courts against several firearms manufacturers. In the complaint, Mexico held that between 70 and 90 per cent of firearms recovered at crime scenes in Mexico were trafficked from the United States, with the defendants producing more than 68 per cent of those firearms. The complaint maintains that the defendants are aware of the harmful effects that their actions have in Mexico, and intentionally allowed the continued unlawful trafficking of firearms into Mexico. According to the complaint, one manufacturer marketed firearms in ways that specifically enticed Mexican criminal cartels.<sup>74</sup> On 30 September 2022, the lawsuit was dismissed on the basis of the immunities granted under the Protection of Lawful Commerce in Arms Act,<sup>75</sup> but the dismissal has been appealed.<sup>76</sup> In 2022, Mexico reportedly filed another lawsuit, this time against firearms dealers in the state of Arizona, for their alleged involvement in the diversion of firearms to Mexico.<sup>77</sup>

## B. Marketing and demand for firearms

27. Studies have shown that marketing practices over several decades have turned from an emphasis on hunting and recreational shooting to self-defence.<sup>78</sup> This corresponds to research suggesting that the fear of victimization constitutes an important motivation for the acquisition of firearms. The persistent use of the argument that the civilian acquisition of firearms increases safety has prompted complaints to authorities of unfair and deceptive marketing, given evidence to the contrary.<sup>79</sup>

28. Protection and self-defence messaging in advertising often associates the acquisition and possession of firearms with masculinity and military themes.<sup>80</sup> 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 conflict or special operations,<sup>81</sup> on occasions made to resemble video games.<sup>82</sup> Research examining firearms advertisements on social media identified military, patriotic and law enforcement themes in

<sup>72</sup> Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Firearms Commerce and Trafficking Assessment, Vol. 2, Part IV: Crime Guns Recovered Outside the United States and Traced by Law Enforcement* (Washington, D.C., 2023), p. 27.

<sup>73</sup> *Ibid.*, p. 5; and Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Crime Guns Recovered and Traced Within the United States and its Territories*, p. 16.

<sup>74</sup> United States District Court, District of Massachusetts, *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc.; Barrett Firearms Manufacturing, Inc.; Beretta USA Corp.; Century International Arms, Inc., Colt's Manufacturing Company, LLC; Glock, Inc.; Sturm, Ruger & Co. Inc.; Witmer Public Safety Group, Inc. d/b/a Interstate Arms*, Civil Action No. 21-11269-FDS, 4 August 2021. Available at: [www.courthousenews.com/wp-content/uploads/2021/08/mexico-smith-wesson-complaint.pdf](http://www.courthousenews.com/wp-content/uploads/2021/08/mexico-smith-wesson-complaint.pdf).

<sup>75</sup> United States District Court, District of Massachusetts, *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc., and others*, Civil Action No. 21-11269-FDS, Memorandum and Order on Defendants' Motions to Dismiss, 30 September 2022. Available at: <https://tlblog.org/wp-content/uploads/2022/09/Mexico.OpinionMTD.pdf>.

<sup>76</sup> Mexico, "Mexican government appeals the US District Court judgement on its civil complaint against gun manufacturers", press release No. 105, 15 March 2023.

<sup>77</sup> Mexico, "Gobierno de México presenta una segunda demanda para combatir el tráfico ilícito de armas", press release No. 377, 10 October 2022 (in Spanish).

<sup>78</sup> David Yamane, Paul Yamane and Sebastian L. Ivory, "Targeted advertising: documenting the emergence of Gun Culture 2.0 in *Guns* magazine, 1955–2019", *Palgrave Communications*, vol. 6, No. 61 (2020).

<sup>79</sup> Brady, Giffords Law Center to Prevent Gun Violence and March For Our Lives, "The gun industry's advertising: effective, deadly and actionable", 7 April 2022.

<sup>80</sup> Violence Policy Center, *The Militarization of the U.S. Civilian Firearms Market*.

<sup>81</sup> *Ibid.*

<sup>82</sup> United States House of Representatives Committee on Oversight and Reform, memorandum on the Committee's investigation into gun industry practices and profits, 27 July 2022.



almost half of all influencer posts on social media.<sup>83</sup> Following the Sandy Hook Elementary School shooting of 2012, relatives of the victims filed a lawsuit against the manufacturer of the firearm used,<sup>84</sup> reportedly also on the basis that the advertisement was militaristic and contained messaging that would have special appeal to certain young men.<sup>85</sup>

29. The firearms industry has also adopted marketing practices to reach new demographics. Advertising targeting women often appeals to safety and protection, particularly from sexual crime.<sup>86</sup> Manufacturers, industry associations and others affiliated with the industry have also reportedly increased marketing of firearms to children, allegedly in an attempt to secure future markets.<sup>87</sup> In some cases, firearms manufacturers and dealers appear to have used marketing to appeal to racist ideologies and far-right militias.<sup>88</sup>

30. The firearms industry has increasingly used social media to advertise firearms,<sup>89</sup> including through paid advertisements and the creation of social media accounts to disseminate content on their products. In many States, advertising laws restrict the use of social media and other online channels to advertise firearms and ammunition. Consequently, one firearms manufacturer in Brazil was reportedly ordered to remove online and social media content used to advertise firearms and ammunition.<sup>90</sup>

31. In response to the growing practice of the advertisement, sale and promotion of firearms and ammunition online, some social media and search engine companies have reportedly restricted the permissibility of such activities through internal policies. However, such policies have reportedly been easy to circumvent or have enjoyed ineffective enforcement.<sup>91</sup> The firearms industry has increasingly made use of social media influencers to advertise their products and promote online sales, given the opportunities to reach wider audiences and avoid restrictions introduced by social media companies.<sup>92</sup>

32. Formal and informal relationships between the firearms industry and the entertainment industry may also have contributed to increased demand. The entertainment industry provides valuable marketing opportunities for firearms manufacturers, such as through product placement agreements with movie productions.<sup>93</sup> Developers of video games with armed conflict-related themes have reportedly sought measures to add authenticity to video games through representation of authentic firearms, initially through licensing deals with firearms manufacturers and subsequently through the use of artistic freedom

<sup>83</sup> Lisa Jordan, James Kalin and Colleen Dabrowski, “Characteristics of gun advertisements on social media: systematic search and content analysis of Twitter and YouTube Posts”, *Journal of Medical Internet Research*, vol. 22, No. 3 (2020).

<sup>84</sup> Business and Human Rights Resource Centre, “Gun industry lawsuit (re Sandy Hook shooting in USA)”, 22 February 2016.

<sup>85</sup> Robert J. Spitzer, “The Sandy Hook-Remington settlement: consequences for gun policy”, Rockefeller Institute of Government, 21 March 2022.

<sup>86</sup> Jordan, Kalin and Dabrowski, “Characteristics of gun advertisements on social media”.

<sup>87</sup> Violence Policy Center, “*Start Them Young*”: *How the Firearms Industry and Lobby Are Targeting Your Children* (Washington, D.C., 2016), p. 3.

<sup>88</sup> United States House of Representatives Committee on Oversight and Reform, memorandum, pp. 15–18.

<sup>89</sup> Ben Curnett, “Five reasons your firearms business needs social media ads”, Firearm Industry Trade Association, 18 July 2019; and Jordan, Kalin and Dabrowski, “Characteristics of gun advertisements on social media”.

<sup>90</sup> See, e.g., Leonardo Grandchamp, “Justiça proíbe propaganda de armas fora dos canais especializados. Confira!”, *Jornal Contábil*, 17 January 2023 (in Portuguese).

<sup>91</sup> Craig Silvermann and Ruth Talbot, “Google says it bans gun ads. It actually makes money”, ProPublica, 14 June 2022; Tech Transparency Project, “Gun ads flow on Meta platforms”, 26 October 2022; and Camden Carter and Spencer Silva, “We found almost every part needed to build an AR-15 on Facebook Marketplace and Instagram Shopping”, Media Matters for America, 15 June 2022.

<sup>92</sup> See, e.g., Kaitlyn Tiffany, “The hired guns of Instagram”, Vox, 19 June 2019; and Jordan, Kalin and Dabrowski, “Characteristics of gun advertisements on social media”.

<sup>93</sup> Gary Baum and Scott Johnson, “Locked & loaded: the gun industry’s lucrative relationship with Hollywood”, *Hollywood Reporter*, 19 December 2016.

guarantees.<sup>94</sup> In one case, a video game company placed advertisements for a specific firearms brand on a website related to their game.<sup>95</sup>

## V. States obligations and business responsibilities

### A. States

33. As noted in previous reports, international human rights law places obligations on States to respect, protect and fulfil the enjoyment of the civil, political, economic, social and cultural rights of everyone within their jurisdictions.<sup>96</sup> This entails not only an obligation to refrain from violating the rights of individuals, but also to take reasonable positive measures, which do not impose disproportionate burdens, to prevent harm committed by private actors.<sup>97</sup> States should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity.<sup>98</sup> As noted in a previous report, this includes an obligation to reduce the proliferation of firearms.<sup>99</sup>

34. The obligations of States to protect do not only relate to the harms that occur within their territory. As noted by the Human Rights Committee, States must also take appropriate legislative and other measures to ensure that all activities taking place in whole or in part within their territory and in other places subject to their jurisdiction, but having a direct and reasonably foreseeable impact on the right to life of individuals outside their territory, are consistent with the right to life. This includes measures related to activities by corporate entities based in their territory or subject to their jurisdiction.<sup>100</sup>

35. Legislative efforts are important to address the potential extraterritorial effects of firearms availability. Research in the United States has, for example, revealed an association between state-level firearms-related deaths and the firearms laws in neighbouring states in the United States. A lower incidence of firearms-related death was observed in states that had neighbouring states with stricter firearms laws.<sup>101</sup> Given risks posed by firearms and trafficking, particularly in an area without internal border controls, the European Union adopted its Firearms Directive (the latest version of which is Directive (EU) 2021/555 of the European Parliament and of the Council of 24 March 2021 on control of the acquisition and possession of weapons (codification)) to harmonize rules across member States.<sup>102</sup>

36. Several States reported on their domestic legal frameworks regulating such acquisition, possession and use of firearms.<sup>103</sup> As previously reported,<sup>104</sup> and as research has shown, the adoption of stricter legal requirements for the acquisition, possession and use of firearms can be an effective measure to reduce injury due to firearms.<sup>105</sup> Studies suggest that reductions in firearms-related injuries are more strongly associated with broader legislative efforts, such as comprehensive gun reforms, than single legislative measures.<sup>106</sup> Examples of

<sup>94</sup> Simon Parkin, “Shooters: how video games fund arms manufacturers”, Eurogamer, 14 May 2019.

<sup>95</sup> United States House of Representatives Committee on Oversight and Reform, memorandum.

<sup>96</sup> A/HRC/49/41, paras. 35–37.

<sup>97</sup> Human Rights Committee, general comment No. 31 (2004), paras. 6 and 8; and Human Rights Committee, general comment No. 36 (2019), para. 21.

<sup>98</sup> Human Rights Committee, general comment No. 36 (2019), para. 26.

<sup>99</sup> A/HRC/49/41, para. 38.

<sup>100</sup> Human Rights Committee, general comment No. 36 (2019), para. 22.

<sup>101</sup> Ye Liu, Michael Siegel and Bisakha Sen, “Association of state-level firearm-related deaths with firearm laws in neighboring states”, *JAMA Network Open*, vol. 5, No. 11 (2022).

<sup>102</sup> Submission by the European Union.

<sup>103</sup> Submissions by Algeria, Burundi, Ecuador, Lebanon, Italy, Mali, Mauritius, Mexico, Saudi Arabia, Serbia, Venezuela (Bolivarian Republic of) and the European Union.

<sup>104</sup> A/HRC/32/21.

<sup>105</sup> Jay Patel and others, “Firearm injury – a preventable public health issue”, *Lancet Public Health*, vol. 7, No. 11 (November 2022).

<sup>106</sup> Dahlberg and others, “Firearm injuries and public health”.

such reforms positively affecting the rates of firearms injuries include those in Australia, Austria, New Zealand and South Africa.<sup>107</sup>

37. The regulation of the civilian acquisition, possession and use of firearms should be accompanied by regulating the conduct of private corporate actors, including through licensing requirements for firearms manufacturers, dealers and brokers.<sup>108</sup> However, States should also consider the adoption of stricter requirements for businesses with respect to safety, reporting and record-keeping of inventory to prevent loss or diversion, and requirements for manufacturers with respect to firearms safety designs<sup>109</sup> and marking requirements, permitting the tracing of firearms.<sup>110</sup> States should also consider adopting human rights due diligence requirements for companies that, directly or indirectly, manufacture firearms in third States.

38. 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. Several submissions highlighted the potential detrimental effects of laws providing for immunities from liability for firearms manufacturers, which reportedly leads to impunity for the supply of firearms to illicit markets.<sup>111</sup> Other effective tools to ensure compliance include administrative measures, such as revocation of licences to manufacture or sell firearms following violations.<sup>112</sup>

39. To ensure effective implementation, States should review the scope of powers granted to authorities responsible for the enforcement of firearms-related legislation. Recently, the Swedish Firearms Act was reportedly amended in order to tackle the proliferation of illicit firearms, including by enhancing the powers of Swedish Customs to stop suspicious consignments.<sup>113</sup> A submission noted the legislative restrictions on the authorities in charge of enforcing firearms laws in the United States.<sup>114</sup> Examples include provisions reportedly preventing the United States Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives from requiring firearms dealers to submit inventories, requiring the Federal Bureau of Investigation to destroy all approved gun purchaser records within 24 hours of approval and placing restrictions on the Bureau of Alcohol, Tobacco, Firearms and Explosives from releasing firearm trace data.<sup>115</sup>

40. Several factors influence the effectiveness of enforcement of firearms legislation. A challenge faced by many States relates to resources allocated to authorities responsible for enforcing firearms legislation,<sup>116</sup> including weapons and ammunition management programmes. Adequate resources are crucial, not only to ensure security, criminal justice and enforcement of customs rules, but also to facilitate the work of agencies responsible for considering requests for firearms licences, and for controlling and carrying out inspections of businesses engaged in the manufacture and sale of firearms. Moreover, States should also strengthen interdepartmental cooperation mechanisms to ensure that regulatory frameworks are enforced comprehensively.<sup>117</sup>

<sup>107</sup> Ibid.

<sup>108</sup> Submissions by the European Union and UNODC.

<sup>109</sup> Compare Violence Policy Center, “Misfire: the gun industry’s lack of accountability for defective firearms”; and Giffords Law Center to Prevent Gun Violence, “Design safety standards”.

<sup>110</sup> See, e.g., 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, art. 8.

<sup>111</sup> See, e.g., submissions by Global Action on Gun Violence and the Women’s International League for Peace and Freedom.

<sup>112</sup> See, e.g., submission by Global Action on Gun Violence.

<sup>113</sup> Declan Hillier and Matt Lewis, *A Deadly Cocktail: Firearm Violence and Trafficking in Sweden* (Brussels, Flemish Peace Institute, 2022), p. 45.

<sup>114</sup> Submission by Global Action on Gun Violence.

<sup>115</sup> Ibid.; and Giffords Law Center to Prevent Gun Violence, “Tiaht amendments”.

<sup>116</sup> See, e.g., Bureau of Alcohol, Tobacco, Firearms and Explosives, *National Firearms Commerce and Trafficking Assessment*, p. 160.

<sup>117</sup> A/75/78, para. 118.

41. Effective tracing and record-keeping are crucial to prevent and investigate firearms-related crimes. Several States reportedly still lack coordination between different agencies to address tracing requests and the lack of a centralized tracing mechanism.<sup>118</sup> UNODC noted that the lack of digital, centralized and real-time record-keeping mechanisms in many countries still impedes higher levels of accountability related to firearms, creating opportunities for potential diversion and misuse of firearms.<sup>119</sup>

42. Several States have adopted firearms amnesties and buy-back policies to reduce firearms proliferation.<sup>120</sup> Such measures are effective in reducing the number of firearms and may reduce the number of suicides committed with firearms.<sup>121</sup> However, in order to effectively reduce firearms violence, research suggests that such measures that apply to firearms should be accompanied by measures targeting the firearms that are likely to be used to commit violence.<sup>122</sup>

43. In addition to reducing the supply of firearms, States must address the demand for firearms. As noted in previous reports, this requires comprehensive socioeconomic interventions, including to reduce inequality and structural discrimination.<sup>123</sup> States have obligations under international human rights law to prohibit by law any propaganda for war, and incitement to violence, hostility and discrimination.<sup>124</sup> Moreover, States have a duty to prevent reasonably foreseeable threats to life.<sup>125</sup> States should thus 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. The demand for firearms is also linked to cultural conceptions of masculinity,<sup>126</sup> and States have an obligation to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices that are based on stereotyped roles for men.<sup>127</sup>

## B. Business enterprises

44. The Guiding Principles on Business and Human Rights establish principles to ensure that business activities are compatible with human rights.<sup>128</sup> The expectations under the Guiding Principles on Business and Human Rights apply irrespective of whether those standards are required under domestic law.<sup>129</sup> They apply to all enterprises regardless of their size, sector, operational context, ownership and structure. Nevertheless, the scale and complexity of the means through which enterprises meet that responsibility may vary according to these factors and the severity of the enterprises' adverse human rights impacts,<sup>130</sup> including by the misuse of products by end users.

45. Business enterprises should respect human rights, meaning that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.<sup>131</sup> Businesses should avoid causing or contributing to adverse

<sup>118</sup> United Nations Institute for Disarmament Research, "The international tracing instrument: examining options to support operationalization" (Geneva, 2018), p. 11.

<sup>119</sup> Submission by UNODC. See also A/75/78, para. 119.

<sup>120</sup> See, e.g., submission by the Bolivarian Republic of Venezuela.

<sup>121</sup> See, e.g., Julian Santaella-Tenorio and others, "What do we know about the association between firearm legislation and firearm-related injuries?", *Epidemiologic Reviews*, vol. 38, No. 1 (2016).

<sup>122</sup> Amanda Charbonneau, "Gun buyback programs in the United States", Rand Corporation, 10 January 2023.

<sup>123</sup> See, e.g., A/HRC/49/41.

<sup>124</sup> International Covenant on Civil and Political Rights, art. 20.

<sup>125</sup> A/HRC/49/41, para. 35.

<sup>126</sup> *Ibid.*, para. 47.

<sup>127</sup> *Ibid.*; and Convention on the Elimination of All Forms of Discrimination against Women, art. 5 (a).

<sup>128</sup> Guiding Principles on Business and Human Rights.

<sup>129</sup> OHCHR, "Guiding Principles on Business and Human Rights: implementing the United Nations 'Protect, Respect and Remedy' framework" (Geneva, 2011), p. 13 (commentary to principle 11).

<sup>130</sup> Guiding Principles on Business and Human Rights, principle 14.

<sup>131</sup> *Ibid.*, principle 11.

human rights impacts through their own activities, and address such impacts when they occur and seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.<sup>132</sup>

46. In an unprecedented settlement agreement in 2000, Smith & Wesson agreed to take measures with regard to its design, manufacturing, distribution and marketing practices that would help reduce unlawful access to guns and prevent accidental injuries.<sup>133</sup> The Department of Justice noted that the agreement illustrated that “common sense distribution” and safety measures were practical and could be embraced by the gun industry as a matter of responsible business practice.<sup>134</sup> While the agreement was an unprecedented achievement, it reportedly led to calls for boycotts of the company’s products by a firearms lobby organization and part of its consumer base, nearly bankrupting it.<sup>135</sup> The Department of Justice also stated that the “firearms industry can make a significant contribution to public safety by adopting measures to police its own distribution chain”.<sup>136</sup> However, it is reported that even in situations in which manufacturers are aware of the involvement of firearms dealers in the diversion of firearms, they continue to distribute to these dealers without requirements for safe sales standards or monitoring.<sup>137</sup>

47. Some research has pointed to the broader economic incentives for the failure to take effective action on the part of the industry. One study estimated that firearms trafficking from the United States to Mexico represents a major source of revenue for Federal Firearms Licensees, without which roughly 47 per cent would cease to exist.<sup>138</sup> In the lawsuit brought by Mexico against firearms manufacturers, Mexico argued that the defendants received at least \$170 million annually from sales of firearms entering the illegal market.<sup>139</sup>

48. To ensure corporate responsibility to respect human rights, business enterprises should adopt human rights policies.<sup>140</sup> In addition, businesses should conduct human rights due diligence to identify, prevent, mitigate and account for how they address their adverse human rights impacts. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses and communicating how impacts are addressed.<sup>141</sup> In order to gauge human rights risks, business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships.<sup>142</sup>

49. In recent years, shareholders in some firearms manufacturing companies have reportedly called for the adoption of human rights policies by the companies. In 2019 and 2022, the Interfaith Center on Corporate Responsibility reportedly made proposals to manufacturers to develop policies to adhere to the Guiding Principles on Business and Human Rights, including due diligence processes to identify, assess, prevent and mitigate actual and potential adverse human rights impacts. However, in a letter to shareholders, one manufacturer remarked that the proposal required the company to “voluntarily assume the risk of unlimited financial and legal liability associated with the misuse of our products, along with extensive compliance costs potentially putting in play the very viability of our

<sup>132</sup> Ibid., principle 13.

<sup>133</sup> United States Department of Justice, Smith & Wesson Agreement, appendix D.

<sup>134</sup> United States Department of Justice, *Gun Violence Reduction: National Integrated Firearms Reduction Strategy* (2001).

<sup>135</sup> Submission by Global Action on Gun Violence; and Christina Austin, “How gun maker Smith & Wesson almost went out of business when it accepted gun control”, *Business Insider*, 21 January 2013.

<sup>136</sup> United States Department of Justice, *Gun Violence Reduction*.

<sup>137</sup> Submission by Global Action on Gun Violence, p. 16.

<sup>138</sup> Tophier L. McDougal and others, “The way of the gun: estimating firearms trafficking across the US-Mexico border”, *Journal of Economic Geography*, vol 15, No. 2 (2015), pp. 297–327.

<sup>139</sup> United States District Court, District of Massachusetts, *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc.; and others*, 4 August 2021.

<sup>140</sup> Guiding Principles on Business and Human Rights, principle 16.

<sup>141</sup> Ibid., principle 17.

<sup>142</sup> Ibid., principle 18.

company”.<sup>143</sup> Another company adopted a human rights policy statement, committing to uphold human rights principles,<sup>144</sup> albeit in vague terms.<sup>145</sup>

50. In 2022, the United States House of Representatives Committee on Oversight and Reform launched an investigation into the leading manufacturers of semi-automatic assault-style firearms.<sup>146</sup> The Committee found that the businesses in question did not monitor or track injuries and deaths caused by the firearms in question, either from accidental discharge, product malfunction or deliberate use, including in crime, in the latter case despite being informed by the authorities in the course of the tracing process.<sup>147</sup> None of the manufacturers responded to requests for internal company analysis of the risks posed by the marketing or sale of these weapons and the ability to modify these weapons to increase their lethality.<sup>148</sup>

51. The firearms industry has also actively opposed stricter firearms regulation and control. In the United States, the firearms industry lobbied for the so-called Tiahrt amendments, preventing the Bureau of Alcohol, Tobacco, Firearms and Explosives from effectively investigating compliance by the industry with firearms legislation.<sup>149</sup> The firearms industry association has also resorted to lawsuits to prevent the enforcement of rules, such as when the Bureau adopted reporting requirements for Federal Firearms Licensees to reduce firearms trafficking to Mexico.<sup>150</sup> Civil society has argued that the pressure and influence exerted by the firearms industry over the Bureau harms the public interest.<sup>151</sup> Powerful firearms lobby interest groups and industry associations also widely lobby against so-called firearms control legislation,<sup>152</sup> and one such lobbying group has reportedly supported associations across the continent to push for less firearms control.<sup>153</sup>

52. While efforts to take action to address the potential human rights impacts associated with the civilian acquisition, possession and use of firearms on the part of the firearms industry are limited, there have been some promising practices by other businesses. Several major retailers have ceased selling firearms or certain types of firearms, such as assault-style weapons and handguns, or certain types of ammunition, or have adopted a practice with respect to background checks that go beyond the permissive minimum legal requirements.<sup>154</sup> In line with their responsibility to respect human rights in their investment decisions and stewardship activities, a series of institutional investors and asset owners developed a set of principles for a responsible civilian firearms industry as guidance for investors and a framework for engagement with public and private companies on responsible investment in the civilian firearms industry.<sup>155</sup> Several financial services institutions have reportedly adopted policies requiring adherence to industry best practices, refusing loans to manufacturers of assault-style semi-automatic firearms or have ceased rendering their services to manufacturers or to facilitate the sale of firearms.<sup>156</sup> Businesses that are not exclusively linked to the manufacture and sale of firearms thus appear to have been more

<sup>143</sup> American Outdoor Brands Corporation Letter to Stockholders.

<sup>144</sup> Sturm, Ruger & Co., Inc, Human Rights Policy Statement.

<sup>145</sup> See contribution by the Women’s International League for Peace and Freedom.

<sup>146</sup> United States House of Representatives Committee on Oversight and Reform, memorandum.

<sup>147</sup> *Ibid.*, p. 20.

<sup>148</sup> *Ibid.*, p. 21.

<sup>149</sup> Everytown for Gun Safety, “Repeal restrictions on gun trace data”.

<sup>150</sup> See United States Court of Appeals for the District of Columbia Circuit, *National Shooting Sports Foundation, Inc. v. Jones*, 716 F.3d 200 (2013).

<sup>151</sup> Lindsay Nichols, “ATF: captured by the gun lobby”, Giffords Law Center to Prevent Gun Violence, 22 July 2022.

<sup>152</sup> Giffords, “The gun lobby”.

<sup>153</sup> Wendy Cukier, “The NRA’s hemispheric reach”, *Americas Quarterly*, 22 April 2013; and Neil Weinberg, Polly Mosendz and Bill Allison, “NRA goes international in its mission to defend guns”, Bloomberg, 3 January 2019.

<sup>154</sup> Everytown for Gun Safety, “American businesses are taking a stand on gun violence”.

<sup>155</sup> Principles for a Responsible Civilian Firearms Industry, 14 November 2018.

<sup>156</sup> CitiGroup, “Announcing our U.S. commercial firearms policy”, 22 March 2018; Laura J. Keller and Polly Mosendz, “BofA will stop lending to makers of assault-style guns”, Bloomberg, 10 April 2018; Amalgamated Bank, “Anti-violence and gun safety”; Salesforce, “Acceptable use and external-facing services policy”; and PayPal, “Acceptable use policy”, 29 October 2022.

receptive to addressing the human rights consequences linked to the civilian acquisition, possession and use of firearms.

## **VI. Conclusions and recommendations**

53. **The human rights consequences of the civilian acquisition, possession and use of firearms are devastating. To tackle these effectively, States should increase their efforts to address the supply and demand factors affecting the availability of firearms, in accordance with their obligations to respect, protect and fulfil human rights. The human rights impacts transcend borders and so efforts to address them should be based on active cooperation and coordination among States.**

54. **Available information suggests that the firearms industry, including firearms industry associations, manufacturers and dealers, have not taken adequate steps to ensure that their operations conform with the Guiding Principles on Business and Human Rights. It is imperative that States take further effective measures, including through cooperation with States and the business sector, to address the negative human rights impacts resulting from the contribution by the business sector to the supply and demand for firearms by civilians.**

55. **The High Commissioner recommends that States:**

(a) **Collect data and promote research to understand better the factors driving the availability of firearms and the dynamics of firearms-related violence, to inform evidence-based policies to address the human rights impacts of the civilian acquisition, possession and use of firearms;**

(b) **Review their domestic laws to restrict the acquisition, possession and use of firearms by civilians and introduce requirements pertaining to the manufacture and sale of firearms, including firearms safety designs and enhanced due diligence requirements;**

(c) **Take appropriate measures to prevent marketing practices that promote discrimination or violence or that encourage demand for firearms through advertisements misrepresenting the relationship between firearms possession and safety;**

(d) **Take measures to reduce the number of firearms in circulation, including through the adoption of targeted firearms amnesties and buy-back policies;**

(e) **Ensure, individually and in cooperation with each other, the effective enforcement of firearms legislation, including the prevention of arms trafficking. Moreover, States should ensure that adequate powers and resources are given to agencies responsible for enforcing firearms legislation and adopt policies to ensure the effective coordination among relevant agencies;**

(f) **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;**

(g) **Review their practices with respect to the revocation of licences for businesses following breaches of applicable requirements, to ensure compliance by the industry;**

(h) **Involve victims of firearms violence, their representatives and civil society in the development, implementation and review of firearms laws and policies.**

56. **The High Commissioner urges 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, including by:**

(a) **Adopting human rights policies, through inclusive internal and external consultations, including with victims of firearms violence, their relatives and organizations representing their rights, which include human rights due diligence and**

**transparency requirements, and take active steps to effectively implement the policies throughout their operations;**

**(b) Adopting industry best practice recommendations with respect to firearm safety features;**

**(c) Creating internal procedures to track injury, death and crime associated with their products;**

**(d) Revising their marketing practices and ceasing marketing targeted at children and youth;**

**(e) Reviewing their lobbying practices to facilitate the adoption of legislation to enhance firearms safety and the investigation of firearms-related crime.**

**57. Shareholders and the business sector engaging with the firearms industry should continue to advocate for adherence to the Guiding Principles on Business and Human Rights.**

**58. Social media and search engine companies should adopt or review their firearms policies to prevent circumvention of those policies, and take the steps necessary to ensure their effective enforcement. Video game developers and movie producers should conduct human rights-sensitive risk assessments, particularly with respect to whether their products promote acquisition, possession and use of firearms.**

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