



HAUT
COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: SW/AL

11 March 2022

Dear Sir/Madam,

I write to you in respect to Human Rights Council resolution 47/17, entitled: "Impact of arms transfers on human rights". Please find the resolution attached for ease of reference.

Paragraph 5 of the resolution "requests the Office of the United Nations High Commissioner for Human Rights to prepare, in consultation with States, United Nations agencies and other relevant stakeholders, an analytical report on good practices, lessons learned and challenges faced by States in preventing, mitigating and addressing the diversion of arms and unregulated or illicit arms transfers that have a particular impact on the enjoyment of human rights by children and youth, and the role of national control systems as effective mechanisms in that regard, and to present the report to the Human Rights Council at its fifty-first session".

In this regard, I would be most grateful to receive from your organisation any information relevant to this report. Please find attached a short questionnaire to assist your organization in providing such information.

Submissions may be sent to: ohchr-registry@un.org with CC to alice.lixi@un.org by **15 April 2022**. Please ensure submissions are in MS Word format and do not exceed 3000 words.

Please note that, unless requested otherwise, the information provided may be made available on the OHCHR website. Any inquiries may be made to Alice Lixi at alice.lixi@un.org.

Yours sincerely,

Simon Walker
Chief a.i.

Rule of Law and Democracy Section
Rule of Law, Equality and Non-Discrimination Branch



Questionnaire

The following questionnaire aims to assist Member States, civil society and other relevant actors in providing information and inputs for the above-mentioned report. For the purposes of this questionnaire, “children and youth” refers to persons 29 years old and under.¹

1. Please identify the ways that diversion² of arms³ and unregulated or illicit arms transfers impact on the enjoyment of human rights by children and youth. Please elaborate on the nature and extent of such impact. Are there rights that are particularly affected? (e.g. right to life, freedom of movement, education, health, etc.)
2. How do the diversion of arms and unregulated or illicit arms transfers contribute to the commission of the six grave violations against children during armed conflict namely the recruitment and use of children, killing or maiming of children, sexual violence against children, abduction of children; attacks against schools or hospitals; denial of humanitarian access for children⁴.
3. If your State undertakes and/or authorises arms transfers, please highlight any good practices and lessons learned you are aware of or challenges you have faced in preventing, mitigating and addressing the diversion of arms.
4. If your State undertakes and/or authorises arms transfers, has it established a national control system or equivalent? If so, how does it prevent, mitigate and address the diversion of arms and unregulated or illicit arms transfers that have a particular impact on the enjoyment of human rights by children and youth? What considerations, including national procedures and/or laws and international norms and standards, does the control system take into account when making export assessments? On what information and from what sources of information does it base its assessments?
5. If your State undertakes or authorises arms transfers, has your State in the past refused to proceed with or authorise an arms transfer due to the risk that those arms could be diverted? What considerations, including national procedures and/or laws and international norms and standards, did your State take into account in undertaking any risk assessments and or in refusing authorisation of the transfer? Did your State take specific measures to assess the impact of possible diversion on the

¹ See Convention on the Rights of the Child, Article 1, defining a “child” as “every human being below the age of eighteen” and Security Council Resolution 2250, preamble, defining “youth” as “persons of the age of 18-29 years old”.

² For the purposes of this questionnaire, “diversion of arms” refers to the movement – either physical, administrative or otherwise – of weapons and ammunition from the legal to the illicit realm, in defiance of national and/or international law, to an unauthorized end user or for unlawful end use.

³ For the purposes of this questionnaire, “arms” refers to all conventional arms within the following categories:

- Battle tanks;
- Armoured combat vehicles;
- Large-calibre artillery systems;
- Combat aircraft and unmanned combat aerial vehicles;
- Attack helicopters;
- Warships;
- Missiles and missile launchers; and
- Small arms and light weapons

⁴ As outlined in United Nations Security Council Resolution 1261 (1999). See also <https://childrenandarmedconflict.un.org/six-grave-violations/>



enjoyment of human rights by children and youth? On what information and from what sources of information did your State base its assessments?

6. If your State does not undertake or authorise arms transfers, what strategies would you recommend for preventing, mitigating and addressing the diversion of arms that have a particular impact on the enjoyment of human rights by children and youth? What considerations, including in relation to national procedures and/or laws and international norms and standards, should be taken into account by national control systems when making export assessments? On what information and from what sources of information could national control systems base their assessments?
7. What measures does your government take to prevent, mitigate and address unregulated and illicit arms transfers that have a particular impact on the enjoyment of human rights by children and youth? Please share good practices, lessons learned and challenges in this area.