



GLOBAL ACTION
ON GUN VIOLENCE

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February 16, 2023

Volker Türk
High Commissioner for Human Rights
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10
Switzerland

Via email

RE: *Addendum to the* United Nations Office of the High Commissioner for Human Rights:
Human rights and the regulation of civilian acquisition, possession and use of firearms,
Report from Global Action on Gun Violence

Dear High Commissioner Türk:

The purpose of this addendum letter is to add a recommendation to the above-referenced report submitted by Global Action on Gun Violence (“GAGV”) to your office on 31 January 2023 in response to the request for submissions on the regulation of civilian acquisition, possession and use of firearms (“GAGV Report”). In addition to the recommendations in its Report, **GAGV further recommends the promotion and appointment of a new special procedure with a thematic mandate on the regulation of firearms commerce, and civilian acquisition, possession and use of firearms, including unlawful gun violence.** This letter will highlight the issue of civilian gun violence described in more detail in the GAGV Report, to propose a draft mandate for the proposed special procedure on gun control.

As noted in the GAGV Report, rampant civilian gun violence is generating a major transnational human rights crisis that infringes on fundamental human rights, especially the rights to life, security, physical integrity and health. International attention tends to focus on civilian casualties in armed conflict, but statistics suggest that more lives are lost due to civilian gun violence in countries not at war than in armed conflict. For example, over 85% of lethal violence globally occurs in civilian gun incidents,¹ while only 10% of all deaths by firearms occurs in conflict situations.² Indeed, the absolute number of war deaths globally has been

¹ Geneva Declaration on Armed Violence and Development, *Global Burden of Armed Violence 2015*, accessible at <http://www.genevadeclaration.org/measurability/global-burden-of-armed-violence/global-burden-of-armed-violence-2015.html> (last visited Feb. 3, 2023).

² Meghan Werbick, Imran Bari, Nino Paichadze, Adnan A. Hyder, *Firearm violence: a neglected “Global Health” issue*, *Globalization and Health*, 17:120 (2021), accessible at

declining since 1946.³ Moreover, as the GAGV Report establishes, the transnational gun violence crisis is largely the result of the United States-based gun industry which is not only grossly under-regulated but also shielded from liability for many of its documented abuses by legislation that effectively codifies impunity. This dearth of effective gun regulation in the United States creates devastating regional consequences, in particular the transboundary trafficking of firearms, that amply justify the establishment of a dedicated special procedure.⁴

The appointment of a special procedure charged with monitoring the human rights crisis generated by the deficient regulation of the gun industry and resulting civilian gun violence is crucial. **The mandate of the special procedure on the regulation of firearms commerce, and civilian acquisition, possession and use of firearms, including unlawful gun violence, should at a minimum include the following:**

- To gather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental and non-governmental organizations, on the regulation of firearms commerce, and civilian acquisition, possession and use of firearms, including unlawful gun violence;
- To study, in a comprehensive manner, trends, developments and challenges in relation to deficient regulation of firearms commerce, and civilian acquisition, possession and use of firearms, and to make recommendations and observations to States concerning appropriate measures to prevent and correct such deficiencies. and urge (relevant/non-compliant) States to take action;
- To study, in a comprehensive manner, trends, developments and challenges in relation to combating transnational trafficking of firearms as well as rampant civilian gun violence, and to make recommendations and observations to States concerning appropriate measures to prevent and eradicate such practices. and urge States to take action;
- To identify, exchange and promote best practices on safe gun industry practices and regulations;
- To explore options and make recommendations at the national, regional and

<https://globalizationandhealth.biomedcentral.com/articles/10.1186/s12992-021-00771-8> (last visited Feb. 3, 2023); Geneva Declaration on Armed Violence and Development, *Global Burden of Armed Violence 2015*, accessible at <http://www.genevadeclaration.org/measurability/global-burden-of-armed-violence/global-burden-of-armed-violence-2015.html> (last visited Feb. 3, 2023).

³ U.N., *A New Era of Conflict and Violence*, accessible at <https://www.un.org/en/un75/new-era-conflict-and-peace> (last visited February 3, 2023); Max Roser, Joe Hasell, Bastian Herre & Bobbie Macdonald, *War and Peace*, accessible at <https://ourworldindata.org/war-and-peace> (last visited Feb. 3, 2023).

⁴ President López Obrador discussed that, “[F]or Mexico, the main concern is arms control. ‘What we agreed, as one of the most important measures in regional security, is to drastically control this traffic. Because [if arms go] from a country that does allow these purchases to another where they are not allowed, there must be action by the country that does allow it, because it is illegal in the other.’” See Secretary of Foreign Relations, *Leaders’ Summit and Bilateral Meetings, a Success for Mexico and North America*: Ebrard, Press Release Jan. 12, 2023 (Mex.), accessible at <https://www.gob.mx/sre/prensa/leaders-summit-and-bilateral-meetings-a-success-for-mexico-and-north-america-ebarrard?idiom=en> (last visited Feb. 8, 2023)(Mex.).

international levels for enhancing access to effective remedies available to those whose human rights are affected by gun violence and transnational trafficking in firearms;

- To conduct country visits with the consent or at the invitation of Governments and to enhance further dialogue with them, and to follow up on recommendations made in reports after visits to their countries;
- To integrate a gender perspective and a victim-centered approach throughout the work of the mandate and to give special attention to persons living in vulnerable situations, in particular children;
- To develop a regular dialogue and discuss possible areas of cooperation with all relevant actors, including Governments, specialized agencies and programmes, as well as nongovernmental organizations;
- To work in close cooperation and coordination with other relevant special procedures of the Human Rights Council, relevant United Nations and other international bodies, the treaty bodies and regional human rights organizations;
- To examine situations relating to the regulation of firearms commerce, and civilian acquisition, possession and use of firearms, including unlawful gun violence in all circumstances and for whatever reason, and to submit his or her findings on an annual basis, together with conclusions and recommendations, to the Human Rights Council and the General Assembly, and to draw the attention of the Council to serious situations of transnational trafficking in firearms as well as civilian gun violence that warrant immediate attention or where early action might prevent further deterioration.

The harms flowing from the deficient regulation of firearms commerce, and civilian acquisition, possession and use of firearms, as well as from the resulting traffic in firearms and civilian gun violence, are a major threat to fundamental international human rights on a global scale. Inaction is not an option. Therefore, **I recommend that OHCHR promote in its forthcoming report the appointment of a new thematic special procedure on the regulation of firearms commerce, and civilian acquisition, possession and use of firearms, including unlawful gun violence.**

Respectfully,

Jonathan E. Lowy
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Founder & President
Global Action on Gun Violence