

19 September 2024

## UN Human Rights Council, 57th session (9 September — 11 October 2024)

### Item 3 - General debate

## Statement on the OHCHR report on arms transfers

*Speaker: Tessa Cerisier via video*

The right of every individual to seek and receive information is one of the rights upon which free and democratic societies depend. In such societies, individuals can seek out and obtain information, including government data. This transparency is essential for informed decision-making, holding authorities accountable, and ensuring public participation in the democratic process. The right to seek and receive information is also essential for the enjoyment of other human rights, including the right to life and access to justice and remedy.

In this context, and as highlighted in WILPF's written submission to OHCHR on the Role of Access to Information Regarding Human Rights Impacts of Arms Transfers,<sup>1</sup> civil society plays a crucial role in investigating, illuminating, and sharing critical information about the arms trade, as well as regarding human rights violations resulting from the use of weapons. Their efforts are essential for maintaining public oversight over arms exports and the arms industry. WILPF is deeply concerned about the repression and criminalisation in some countries of members of civil society who work on the arms trade. We are also concerned that civil society actors often face undue restrictions on access to information critical for preventing and ensuring accountability for violations caused by arms transfers, including in litigation.

The **OHCHR's report on the "Impact of arms transfers on human rights" (A/HRC/56/42)** underlines these disproportionate restrictions and recognises that "concerns remain that the sum of information made available by States is often not sufficient to effectively prevent and ensure accountability for the negative human rights impacts associated with arms transfers." The report also reminds States that under international human rights law, restrictions on the right of access to information should be narrowly interpreted, even when it comes to information about arms transfers.<sup>2</sup>

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<sup>1</sup> Women's International League for Peace and Freedom, Submission to OHCHR on the Role of Access to Information Regarding Human Rights Impacts of Arms Transfers, 29 January 2024, available at: [https://www.wilpf.org/advocacy\\_documents/submission-to-ohchr-on-the-role-of-access-to-information-regarding-human-rights-impacts-of-arms-transfers/](https://www.wilpf.org/advocacy_documents/submission-to-ohchr-on-the-role-of-access-to-information-regarding-human-rights-impacts-of-arms-transfers/)

<sup>2</sup> Women's International League for Peace and Freedom, Statement on the OHCHR report on the "Impact of arms transfers on human rights", UN Human Rights Council, 51st regular session (12 September – 7 October 2022), 21 September 2022, available at: [https://www.wilpf.org/advocacy\\_documents/hrc51-statement-on-arms-transfers/](https://www.wilpf.org/advocacy_documents/hrc51-statement-on-arms-transfers/)

As the arms industry often has a symbiotic relationship with the State, the right of access to information is also essential to ensuring independent public oversight of government and military decisions, including by parliaments. We, hence, welcome that the OHCHR report recommends that “States make sufficient information publicly available in accessible formats in order to ensure public oversight on arms transfers, including by parliaments and the judiciary.” In this regard, we concur with the OHCHR’s recommendation for States to disclose “risk assessment criteria and risk assessments related to international human rights law and international humanitarian law, as well as the factual basis for those assessments.”

The report also notes that the arms sector does not sufficiently disclose information related to arms transfers, something that was also noted by the UN Working Group on Business and Human Rights in its 2022 Information Note on the arms sector.<sup>3</sup> Arms companies must actively provide transparent information about the potential and actual severe human rights impacts of their operations and the measures they are taking to mitigate such impacts, in line with the UN Guiding Principles on Business and Human Rights.

WILPF underlines that, to fully implement the right of access to information, it is imperative to protect the rights of civil society, journalists, activists, lawyers, whistle-blowers, workers and trade unions, and of all those who expose how weapons fuel conflicts and serious human rights violations and abuses. We also stress that respecting, protecting and fulfilling the right of access to information in the context of the arms trade is essential in ensuring access to justice, including the right to the truth of victims of violations caused or facilitated by weapons.

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<sup>3</sup> “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”, available at <https://www.ohchr.org/sites/default/files/2022-08/BHR-Arms-sector-info-note.pdf>.