

1997/28. Firearm regulation for purposes of crime prevention and public health and safety

The Economic and Social Council,

Recalling resolution 9 of 7 May 1995 adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995,¹⁵⁶

Recalling also section IV.A of its resolution 1995/27 of 24 July 1995 and its resolution 1996/28 of 24 July 1996,

Mindful of the need for effective implementation of those resolutions,

Taking note of the report of the Secretary-General on measures to regulate firearms,¹⁵⁶

Taking note also of the findings contained in the draft "United Nations international study on firearm regulation",¹⁵⁷ prepared by the Crime Prevention and Criminal Justice Division of the Secretariat,

Taking note further of the work of the Inter-American Drug Abuse Control Commission of the Organization of American States on the question of control of the international movement of illicit firearms and explosives, including the proposal for a model regulation for the control of the international movement of firearms,

1. *Urges* Member States that have not already replied to the questionnaire related to the draft "United Nations international study on firearm regulation"¹⁵⁷ to do so by 30 September 1997;

2. *Requests* the Secretary-General to continue the data collection and dissemination of information on firearm regulation, including the revised survey format referred to in the report of the Expert Group Meeting on Gathering Information on and Analysis of Firearm Regulation, held at Vienna from 10 to 14 February 1997¹⁵⁸ and the ongoing and regular maintenance of a list of contact persons and organizations in each Member State with the responsibility of providing such information and enhancing the existing database on firearm regulation;

3. *Takes note with appreciation* of the proposal of the Secretary-General to convene an ad hoc meeting of representatives of relevant international organizations¹⁵⁹ with a view to better coordinating the data collection that is necessary for a more complete understanding of the issues affecting firearm regulation;

4. *Requests* the Secretary-General to promote, within existing resources, technical cooperation projects that recognize the relevance of firearm regulation in addressing violence against women, in promoting justice for victims of crime and in addressing the problem of children and youth as

¹⁵⁶ E/CN.15/1997/4 and Corr.1.

¹⁵⁷ E/CN.15/1997/CRP.6.

¹⁵⁸ E/CN.15/1997/CRP.4.

¹⁵⁹ E/CN.15/1997/20, para. 10.

victims and perpetrators of crime, and in re-establishing or strengthening the rule of law in post-conflict peacekeeping projects;

5. *Encourages* Member States to consider, where they have not yet done so, regulatory approaches to the civilian use of firearms that include the following common elements:

(a) Regulations relating to firearm safety and storage;

(b) Appropriate penalties and/or administrative sanctions for offences involving the misuse or unlawful possession of firearms;

(c) Mitigation of or exemption from criminal responsibility, amnesty or similar programmes that individual Member States determine to be appropriate, so as to encourage citizens to surrender illegal, unsafe or unwanted firearms;

(d) A licensing system, including the licensing of firearm businesses, to ensure that firearms are not distributed to persons convicted of serious crimes or other persons who are prohibited under the laws of the respective Member States from owning or possessing firearms;

(e) A record-keeping system for firearms, including a system for the commercial distribution of firearms and a requirement for appropriate marking of firearms at manufacture and upon import, to assist criminal investigations, discourage theft and ensure that firearms are distributed only to persons who may lawfully own or possess firearms under the laws of the respective Member States;

6. *Requests* the Secretary-General to include in the provisional agendas for the four regional workshops on firearm regulation to be organized in 1997 in accordance with the work plan¹⁶⁰ approved by the Council in its resolution 1996/28, within existing resources or subject to the availability of extrabudgetary funding, the possible development of a United Nations declaration of principles, based on the regulatory approaches suggested above, the collection of comparable information on firearm regulation, the provision of technical assistance, training and information sharing and the need for implementing bilateral, regional or multilateral agreements or arrangements on combating illicit trafficking in firearms, in order to ensure that all Member States have sufficient capacity in the area of firearm regulation, and requests that interested non-governmental organizations should each be allowed to make a statement at the regional workshops on subjects covered in their agenda but should not be permitted to attend workshop meetings where sensitive law enforcement issues will be discussed;

7. *Also requests* the Secretary-General to seek the views of Member States, the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, relevant United Nations entities and inter-governmental and non-governmental organizations on the development of a declaration of principles, based on the regulatory approaches suggested above, and to submit a report

containing the views received to the Commission on Crime Prevention and Criminal Justice at its seventh session;

8. *Further requests* the Secretary-General to explore ways and means of developing a programme of continuing education for criminal justice administrators and of public education and awareness-building in relation to the links between firearms in civilian use and the unacceptable levels of violence in cities, communities and families and to disseminate that information in order to encourage Member States to undertake similar programmes;

9. *Encourages* Member States to ensure the tracing of illegal firearms and accurate and prompt responses to requests from other Member States for firearm-tracing;

10. *Invites* the International Criminal Police Organization to review the firearm- and ballistic-tracing capabilities of its member States, with a view to advising the Commission on Crime Prevention and Criminal Justice on the adequacy of those capabilities, and to clarify and compile common firearm terminology and descriptions, preferably in the form of an index, in order to enhance the sharing of investigative information on illegal firearms among Member States;

11. *Invites* the United Nations Panel of Governmental Experts on Small Arms, established in pursuance of General Assembly resolution 50/70 B of 12 December 1995, and other relevant specialized intergovernmental organizations to provide the Commission with available information about the results of their work in relation to the proliferation of illegal military small arms in Member States;

12. *Invites* the Customs Cooperation Council, also called the World Customs Organization, to review international customs practices relating to the movement of firearms for civilian purposes and worldwide trends in firearm smuggling, including such matters as import and export licensing, monitoring, standard protocols, including a common import and export certificate, and an advance notification system, with a view to advising the Commission on the effectiveness of controls concerning the international movement of firearms;

13. *Invites* other relevant intergovernmental organizations to re-analyse their data on issues related to firearms, within the scope of the United Nations international study on firearm regulation, with a view to informing the Commission, through the Secretary-General, of possible steps towards improving the collection and analysis of the related interdisciplinary statistics;

14. *Reiterates its request* to the Secretary-General to publish the "United Nations international study on firearm regulation", as scheduled in the work plan approved in Council resolution 1996/28, and to disseminate the study as widely as possible;

15. *Encourages* Member States to disseminate the report of the Secretary-General on measures to regulate firearms¹⁵⁶ and the "United Nations international study on firearm regulation" in their own countries and to consider the usefulness of the report and the study in evaluating whether to undertake new initiatives in firearm regulation;

¹⁶⁰ *Official Records of the Economic and Social Council, 1996, Supplement No. 10 and corrigenda (E/1996/30 and Corr.1-3), para. 73 (g).*

16. *Requests* the Secretary-General to prepare a report on the implementation of the present resolution and to submit it to the Commission at its seventh session;

17. *Decides* that the Commission on Crime Prevention and Criminal Justice should consider the item entitled "Measures to regulate firearms" at its seventh session, drawing on the report of the Secretary-General referred to in paragraph 16 above.

*36th plenary meeting
21 July 1997*