

**EXECUTIVE SUMMARY**



# **IN THE LINE OF FIRE**

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**HUMAN RIGHTS AND THE US GUN VIOLENCE CRISIS**

**AMNESTY  
INTERNATIONAL**



## One woman has lost all of her four children to gun violence in Chicago.

Ronnie, a 33-year-old aspiring music producer, was shot in the head while sitting in a parked car on the West Side of Chicago on 26 January 2013. On a television talk show a few weeks earlier, he had explained that he was a former gang member who had been in and out of jail, but was now mentoring young rappers, trying to keep them away from gang life. Jerome, aged 23, was shot and killed while using a payphone outside the Cabrini-Green public housing complex on 26 July 2000. Three months earlier, on 27 April, his 15-year-old sister, LaToya, had been standing in the lobby of a Cabrini-Green public housing complex when she was shot and killed by a 13-year-old boy. Five years before that, on 28 November 1995, 18-year-old Carlos was shot twice in the head by a classmate just blocks from their school, Jones Metropolitan High, in Chicago's South Loop.

**G**un violence in the USA is a human rights crisis. In 2016, an average of 106 individuals died per day from firearm related deaths. Per capita, this is significantly higher than in other industrialized countries. In fact, the USA has both the highest absolute and highest per capita rates of gun ownership in the world, yet the USA does not sufficiently restrict access to firearms to those most at risk of abusing them. There is no uniform system to track firearm owners. The USA has not taken effective steps to implement violence reduction, prevention or protection measures where gun violence persists and has not adequately addressed firearm violence as a public health issue, failing to invest in research on the impact of firearms in the USA to inform effective policy solutions. The right to live free from violence, discrimination and fear has been superseded by a sense of entitlement to own a practically unlimited array of deadly weapons, without sufficient regulations on their acquisition, possession and use. In the face of clear evidence of persistent firearm violence, high rates of gun ownership, and

ease of access to firearms by individuals likely to misuse them, the USA is failing to meet its obligation to protect and promote human rights pursuant to international law.

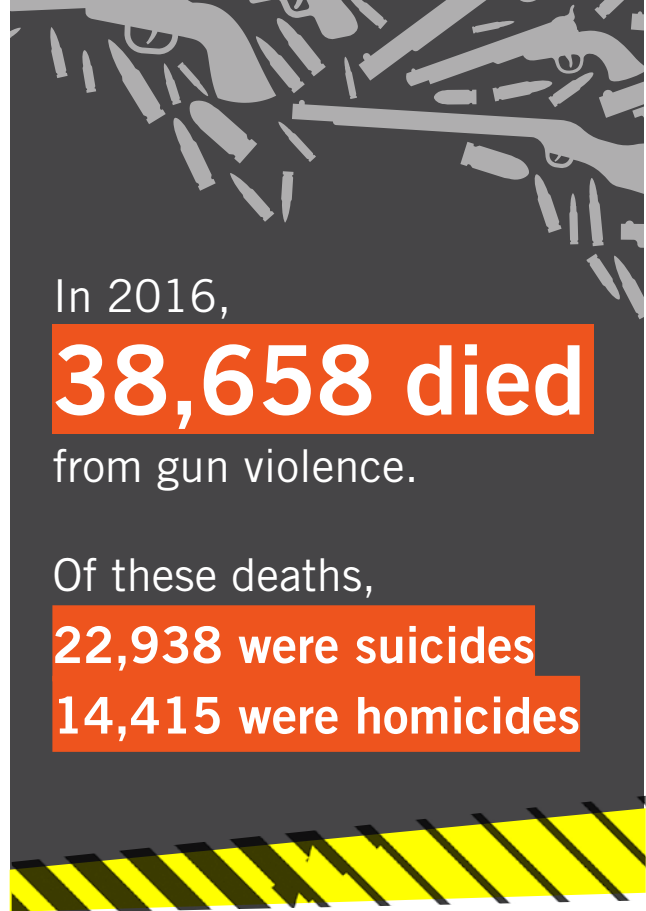
Amnesty International's report is a critical assessment of existing data and research related to the scope of gun violence in the USA, and an analysis of US laws and policies - where they exist - governing the acquisition, possession and use of firearms by private individuals, in the context of international human rights laws and standards. In this report, Amnesty International

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defines the term “gun violence” broadly, encompassing interpersonal and communitywide violence using firearms; implicit threats of violence that firearms represent in certain circumstances; misuse of firearms in the home; and acts of self-harm by firearms, including accidents and suicide. Amnesty International provides a clear set of recommendations, developed under the human rights framework in the context of firearms violence, that the USA must adopt to address this crisis.

The sheer volume of people killed or injured each year in the USA by gun violence is staggering. In 2016, 38,658 died by gun violence. Of these deaths, 22,938 were suicides and 14,415 were homicides (an added 495 deaths were unintentional, 300 were of an undetermined intent and 510 were legal interventions). More than 116,000 additional people suffered non-fatal firearm injuries. Gun violence in the USA affects people nationwide whether they live in a city, suburb, or rural community, but often in dissimilar and disparate ways. Firearm homicides disproportionately impact communities of color and data suggests that the rate of gun homicides has increased in recent years. Moreover, the failure of the USA to implement laws and/or address existing gaps in protection in current policies leave marginalized groups such as children, and those impacted by domestic violence (largely women) at risk of exposure to firearm violence. The use of firearms by private individuals to inflict injury or death on others often dominates the discussion on gun violence. However, access to firearms for individuals who may present a risk of harm to themselves or others and the lack of restrictions on personal possession of firearms by those at recognizable risk of self-harm needs to be acknowledged and is critical to addressing the full spectrum of firearm-related deaths. The impact of firearm violence extends far beyond the numbers of those injured and killed. While mass shootings garner public attention and international



concern, the relentless reality of gunfire in homes, schools, businesses and on the streets of the USA, and the long-lasting trauma and impact of gun violence on victims, survivors, families and communities, rarely does.

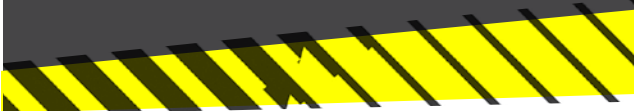
## **FIREARM VIOLENCE: A HUMAN RIGHTS FRAMEWORK**

In the past, Amnesty International has developed recommendations based on international humanitarian law and international human rights law, in relation to the use of force, including specifically the use of firearms and other lethal force, by state actors and armed groups in situations of armed conflict, and in relation to the use of force by state agents in law enforcement. Amnesty International also has long-standing positions on states' obligations to regulate the transfer of arms where there is a substantial risk of them being used to commit or facilitate



**“Given the potential harm and devastating impact of the misuse of firearms on the enjoyment of human rights, public policies with respect to civilian access to firearms should be reviewed and formulated through a human rights lens.”**

*–The Office of the United Nations High Commissioner for Human Rights (OHCHR) in its 2016 report*



serious human rights violations, along with issues related to illicit markets and the illicit transfer of weapons through diversion. Amnesty International has analyzed international human rights laws and standards and developed a clear set of criteria for states to meet obligations to protect the right to life, the right to security of person, and other human rights, in the context of gun violence carried out by private individuals in non-conflict settings.

The USA has either signed or ratified several international human rights conventions that guarantee human rights impacted by gun violence and firearm-related injuries and deaths, including the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), the Convention on the Elimination on all Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The USA, therefore, has a legal obligation to respect, protect and fulfill the human rights set out in these treaties

and to exercise due diligence by taking measures to combat actual or foreseeable threats to these rights, including the right to life. In the context of firearms, this obligation also includes reducing and preventing violent acts against individuals and communities, addressing discriminatory violence, violence against children, gender-based violence, and the use of firearms in suicides, unintentional and accidental deaths. The USA is obliged to exercise due diligence to prevent, punish, investigate and redress harm caused by private individuals and they should pay particular attention to those most at risk, be they individuals or marginalized communities.

The criteria developed by Amnesty International provides guidance based upon these human rights obligations in the context of gun violence. These recommendations range from setting up systems of regulation to govern the acquisition, possession and use of firearms, as well as establishing measures to enable complex social interventions at the community level to reduce overall levels of firearm violence. States’ responsibilities to prevent firearm violence, as part of their obligation to protect the right to life and other human rights, require two interrelated approaches: (i) Restricting access to firearms especially to those most at risk of misusing them; and (ii) Taking effective steps to put in place and implement violence reduction or protection measures where firearms misuse persists. States should establish robust systems for the regulation of the possession and use of firearms and ammunition to prevent them from being used by private actors to abuse human rights. These systems should include measures to address: licensing, registration, restriction of certain weapon types, security of stocks, research and public policy development. It is imperative that a licensing system mandates certain qualifications for eligibility that include an established “credible justification” for firearm possession, in addition to the consideration of other factors including, but not limited to - an

adequate minimum age requirement and the absence of known risk factors for misuse. The USA should take steps to urgently reform its regulatory system for the acquisition, possession and use of firearms to ensure that they meet these international standards.

## US FAILURE: INADEQUATE GUN LAWS & POLICY

Under international human rights law, if a State does not exercise adequate control over the purchase, possession and use of arms by private actors in the face of clear evidence of persistent firearms violence, they could be considered to have breached their due diligence obligations. The USA has failed to implement a comprehensive, uniform and coordinated system of gun safety laws and regulations particularly in light of the large number of firearms in circulation, which perpetuates unrelenting and potentially avoidable violence, leaving individuals susceptible to injury and death from firearms.

### BACKGROUND CHECKS

Federal law does not currently require universal comprehensive background checks with each and every transfer or purchase of a firearm in the USA. As a result, studies have shown that 22% of all firearm sales are conducted without any background check. States mandating universal background check requirements for firearm purchases have been found to have significantly less firearms trafficking, substantially fewer firearm-involved suicides, 47% fewer women killed in firearm-related violence by an intimate partner, and 53% fewer police officers killed on duty. Moreover, even when a background check is required, it may not be adequately comprehensive or accurate because relevant records are often not properly and/or rapidly submitted for inclusion in state and federal databases.



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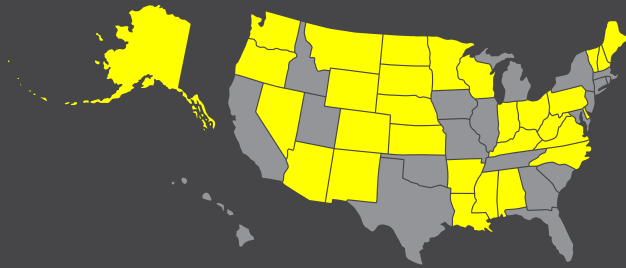


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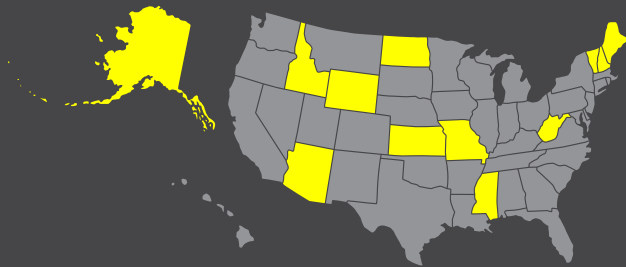
**22% of all firearm sales are conducted without any background check.**



## 30 states

allow the open carrying of a handgun in public without any license or permit

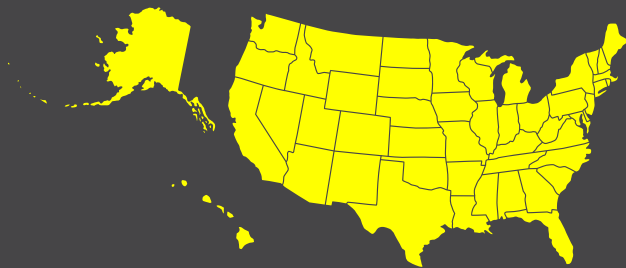
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## 12 states

allow individuals to carry concealed weapons in public without any license or permit

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## All 50 states and Washington, D.C.

allow for some form of concealed carrying of firearms in public

## TRAINING, LICENSING AND REGISTRATION OF FIREARMS

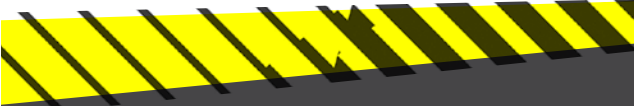
The USA has a patchwork of inconsistent and inadequate federal and state laws governing training, licensing, and registration of firearms. A common feature of the licensing process in most countries around the world is a requirement to have a credible justification for owning a weapon, effectively introducing needs-based ownership criteria. The USA has failed to take all measures necessary to prevent and protect against firearms being owned or accessed by individuals who do not have a credible justification for their ownership, possession or use. Federal law does not require the training, licensing, or registration of individuals who possess or use a firearm. In fact, US law expressly prohibits the creation of a national registry of most firearms. Two states require registration of all firearms, but eight states explicitly prohibit firearm registration within their borders. Only six states (California, Connecticut, Hawaii, Illinois, Massachusetts, New Jersey) and Washington, D.C. require a license or permit to purchase all types of firearms, and nationwide, only six states (California, Connecticut, Hawaii, Massachusetts, and Maryland and Rhode Island but only for handguns) and Washington, D.C. mandate some form of firearm training prior to purchasing a firearm.

## CARRYING FIREARMS IN PUBLIC

Individuals can lawfully carry concealed firearms in public in every state in the USA and can lawfully openly carry firearms in public in most states. However, there is no nationwide uniformity in laws governing the carrying of firearms in public and in some states, there are no laws at all: 12 states allow individuals to carry concealed weapons in public without any license or permit and 30 states allow the open carrying of a handgun in public without any

license or permit. Open carrying of firearms in public, in some form, is currently allowed in 45 states. In only seven states are you required to provide a credible justification or demonstrated need to carry a concealed firearm. All 50 states and Washington, D.C. allow for some form of concealed carrying of firearms in public. Worryingly, in some states, permit systems are ineffective, resulting in permits being issued to individuals who are legally prohibited from possessing firearms, including people convicted of felonies, with outstanding criminal warrants, with domestic violence injunctions and others at risk of misusing a firearm.

Of further concern are recent efforts to enact federal legislation which would override existing state laws where safeguards and processes are in place to curtail misuse related to concealed carrying of firearms, which are permitted in all states.



**Reporting of lost or stolen firearms by private individuals and unlicensed dealers is not mandatory under federal law**

and therefore there is no precise data for the number of firearms lost or stolen in the USA.



## LOST & STOLEN FIREARMS

Lost and stolen guns fuel the underground illicit gun market, allowing prohibited purchasers and others to obtain guns used to carry out violent crimes. They not only facilitate human rights violations, but also hamper the ability to hold those responsible to account; a stolen firearm is difficult to trace, preventing law enforcement from promptly identifying potential suspects and thus impeding their investigation.

Reporting of lost or stolen firearms by private individuals and unlicensed dealers is not mandatory under federal law and therefore there is no precise data for the number of firearms lost or stolen in the USA. However, according to the Federal Bureau of Investigation (FBI), an estimated 1.4 million firearms were stolen from private individuals between 2005 and 2010. More recent data estimates that approximately 380,000 firearms are stolen annually from private individuals. The FBI reported that approximately 31,500 firearms were stolen from gun stores between 2012 and 2016. These numbers are significant and do not include the substantial number of firearms lost or stolen each year that are not reported.

There are no laws requiring gun owners to report lost or stolen firearms to law enforcement in 39 states.

## SEMI-AUTOMATIC ASSAULT RIFLES AND SHOTGUNS, LARGE CAPACITY MAGAZINES, BUMP STOCKS

Mass shooting incidents around the country have demonstrated that shooters armed with semi-automatic assault rifles with large-capacity magazines can kill many people in a matter of minutes and pose a significant threat to public safety. Firearms and ammunition which represent a high level of risk to public safety and are likely to cause excessive or unintended injury must be



prohibited for use by private individuals. These would include at a minimum: semi-automatic assault rifles, semi-automatic shotguns, and semi-automatic submachine guns including accessories/modifications for semi-automatic weapons which allow rapid firing functions akin to those of fully automatic firearms; and large-capacity magazines. The federal government does not regulate these types of weapons, ammunition and accessories which increase the lethality of firearms and they are regulated by only a handful of states. As such, there remains no universal or uniform national framework governing the possession, use or inventory of these weapons.

### **FAILURE TO INVEST IN RESEARCH TO IDENTIFY STRATEGIES TO REDUCE GUN VIOLENCE**

The significant impact of firearms on those living in the USA is irrefutable and yet, for more than 20 years, federal legislation known as the Dickey Amendment has worked to restrict federal funding for firearm research through publicly-funded entities. These restrictions have had a substantial negative effect on gun violence research and, for over two decades, researchers, policy makers, and experts have been inadequately resourced to fill huge gaps in knowledge about the causes, consequences, and prevention of gun violence in

the USA. The USA has also failed to fund research and development of all potential mechanisms of firearms safety to inform evidence-based policy-making aimed at reducing firearms violence, and/or to allow the release of identifying information regarding firearm acquisition, possession and use, for purposes of conducting further firearm research on gun violence prevention policies.

### **CONCLUSION**

Due to the sheer volume of firearms in circulation and lack of adequate regulation, Amnesty International recommends that the USA adopt measures to address: licensing, registration, restriction of certain weapon types, security of stocks, research and public policy development in furtherance of its duty to promote and protect human rights.

## **THE GUN VIOLENCE CRISIS IN THE USA: THE IMPACT ON INDIVIDUALS AND COMMUNITIES**

No part of US society is unaffected by gun violence, and yet some individuals and groups are disproportionately at risk of being impacted.



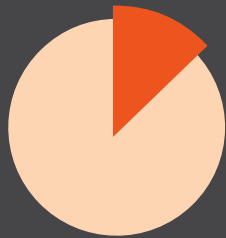
Failure to implement adequate policies and measures to address access to firearms by private individuals, has far-reaching consequences, particularly for those living in urban communities, children, those suffering from domestic abuse, individuals who may be at risk of self-harm, and survivors of gun violence.

## URBAN GUN VIOLENCE

Urban firearm violence, and specifically firearm homicide, disproportionately impacts minority communities and particularly young black men. For example, while African Americans represented approximately 13% of the US population in 2016, they made up 58.5% of gun homicides nationwide and a black male aged 15-34 was almost 20 times more likely to die from firearm homicide than a white male of the same age group.

The disparate impact of gun violence on urban

communities of color raises serious concerns about the protection of human rights including the right to life, to security of the person, to freedom from discrimination and to equal protection of the law. The UN Working Group of Experts on People of African Descent has expressed concern over the lack of firearm regulations in the USA and its impact on black communities. Additionally, the UN Human Rights Committee and the Committee on the Elimination of All Forms of Racial Discrimination both highlighted the issue of gun violence in their most recent reports on US human rights compliance. They remain troubled by the increasing number of gun-related deaths and injuries in the USA, and the disparate impact on racial and ethnic minorities. Both committees noted that the US government's failure to curb gun violence constitutes a violation of the right to life and the right to non-discrimination under international law.



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A collection of grey silhouettes of handguns, rifles, and bullets scattered across the dark background.

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The causes of gun violence in communities of color are multi-faceted and there are deep-seated issues around poverty, discrimination, and economic, social and cultural rights that are beyond the scope of this report. Much of the gun violence in urban communities is attributed to gang activity. However, the relationship between “gangs” and gun violence in the USA is complex. The term “gang” tends to be misused broadly to categorize all gun-related activity amongst communities of color and in urban areas. For this, and other reasons, the actual scope and impact of gang violence, including gun violence, around the country remains unclear. However, what is clear is that gang members are likely to own guns with many claiming to own more than one, and that armed gang members exert control over the streets in their self-designated territories, retaliate against rival gangs in other territories, and often endanger the lives of uninvolved people who are caught in the crossfire. Firearms used in violent crimes across the USA, including those used in communities of color have often been



trafficked, or deviated out of the legal commerce stream and into the illegal market. Most gang killings remain unsolved and unprosecuted, resulting in impunity for the perpetrators, and feeding the cycle of gun violence. Reducing access to firearms is a key element in reducing gun violence in these communities.

Where patterns of firearms possession and use lead to chronic insecurity, states’ obligations are to protect life and ensure security for all through human rights compliant law enforcement; community interventions and tightening regulations on firearms possession and use.

The solutions to urban firearm violence in the USA are varied. They include legislation which works to undermine the illegal firearm market thereby restricting access to trafficked firearms and the prompt investigation of all firearm-related deaths so that those responsible are held accountable. The USA should also work to reduce these high levels of firearm violence in low income and minority communities and to address the long-term socio-economic impact of gun violence. Research indicates that long-term, adequately-funded, evidence-based projects tailored towards specific social, economic and cultural contexts, and working in partnership with the affected communities, can achieve sustained reductions in firearm violence. In fact, several federal and state-funded and supported evidence-based violence intervention and reduction strategies, have proven effective in decreasing gun violence. Most importantly, they have been able to combat and reduce gun violence while simultaneously offering life-altering opportunities for individuals living in high-crime neighborhoods. Unfortunately, despite the success and numerous available models for these programs, lack of funding and lack of political will have prevented sustained and adequate implementation of these initiatives.

## CHILDREN

In 2016, 1,637 children died from firearm-related violence in the USA. Of these, 862 were homicides and 633 were suicides (an added 104 firearm deaths were accidents, 31 were undetermined intent, and 7 were the result of legal intervention). Gun violence impacts children across the USA whether through unintentional or intentional violence, or as a mechanism for self-harm. This is due, at least in part, to that fact that an estimated 4.6 million children live in households with loaded and unlocked firearms. Children all over the country are also at risk of gun violence in their schools.

In 1995, the USA signed the Convention on the Rights of the Child (CRC), a comprehensive international human rights agreement on children's rights. Although the USA is the only country in the world that has signed but not ratified the CRC, the USA still has an obligation to refrain from acts that would defeat the object and purpose of this treaty. This means that in addition to its obligations under the ICCPR, the USA should recognize the particular vulnerabilities of children, defined as those who are 17 and younger, and provide "special safeguards and care" in order to protect children from gun violence, including by preventing access to firearms, and supporting violence interruption and diversion programs.

High rates of gun ownership, weak gun violence prevention laws and readily available (often unsupervised) firearms, make US children much more vulnerable to death through gun violence than children in other high-income countries. To this end, US states with the highest rates of gun ownership also have the highest rates of gun death, including among children. The USA should adopt measures to reduce the impact of firearm violence on children. At a minimum, safe storage and Child Access Prevention laws ("CAP laws") which work to protect children from



injuring themselves and others, by requiring gun owners to keep guns locked up and unloaded, with ammunition stored in a locked location separate from the firearm, are necessary. Despite evidence that CAP laws reduce the number of unintentional or self-inflicted gunshot deaths among children, 23 US states have failed to enact such laws.

## DOMESTIC VIOLENCE


Those suffering from domestic abuse and stalking, most of which are women, are also highly susceptible to gun violence. More than half of all women murdered in the USA are killed by current or former intimate partners and most intimate partner homicides are committed with guns.

The USA has not ratified any treaties that specifically address domestic violence or violence against women, although it is a party to the ICCPR, which guarantees the rights to life and security of the person. It has a due diligence duty to protect the right to life, and to prevent, investigate, and punish any act that would undermine that right, whether committed by its own agents or by private persons. The UN Human Rights Council has recognized that the right to life and security of the person has been significantly undermined by firearms misuse, and that inter-partner violence accounts for a significant number of such attacks. In a 2006 report, *Prevention of Human Rights Violations Committed with Small Arms and Light Weapons*, it noted that: “the State has particularly acute obligations when it comes to protecting the rights of vulnerable groups, including victims of domestic violence, who are most at risk from misuse of a gun in the home. The presence of a gun in the home can easily turn domestic violence into domestic homicide.”

In 1980, the USA signed the Convention on the Elimination on all Forms of Discrimination Against Women (CEDAW), and although the USA has not ratified CEDAW, the USA still has an obligation to refrain from acts that would defeat the object and purpose of this treaty. The Committee on the Elimination of Discrimination against Women, which monitors implementation of the rights enshrined in the CEDAW, has recognized gender-based violence against women as a form of discrimination.

The current federal framework of firearms regulation addressing firearm possession in the domestic violence context does not extend protections to individuals who are not “the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.” Loopholes in this framework permit dating partners, those convicted of misdemeanor stalking, and those subject to temporary or permanent restraining orders to purchase and possess firearms, without offering any protection to individuals who may be at risk of gun violence from a domestic abuser or stalker, including women and those in the LGBTI community.

Unfortunately, even where protections and firearm-related safeguards exist to protect those experiencing domestic abuse, they are often not enforced or even enforceable. For example, the current federal framework does not provide any procedure/mechanism for the removal or surrender of firearms when a permanent restraining/protective order is issued. Similarly, 35 states and Washington, D.C. prohibit firearm possession by persons subject to a domestic violence-related restraining order, but only 27 of those states and Washington, D.C. also explicitly require or authorize relinquishment of firearms. The USA should close these loopholes and establish regulations to ensure that domestic abusers cannot purchase or possess firearms.



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## ACCESS TO FIREARMS FOR INDIVIDUALS WHO MAY PRESENT A RISK OF HARM TO THEMSELVES OR OTHERS

In 2016, 22,938 people in the USA died from suicide by firearm – more than 62 a day. It is critical to examine access to firearms by those individuals who may present a recognizable risk of harm to themselves or others. Numerous mechanisms exist through which a state could take steps to reduce the likelihood that an individual at risk of harm could be prevented from accessing a firearm. These include instituting waiting periods for all individuals prior to firearm acquisition, counseling by health care and other professionals who offer guidance to individuals in crisis, and implementation of procedures through which firearms may be temporarily removed from the possession of these at-risk individuals.

Problematic correlations are often drawn between gun violence and mental health in public debates, wrongly implying that persons with psychosocial disabilities and those with mental health conditions are automatically prone to violence. These correlations and assertions ignore the range of possible mental health diagnoses and how mental health conditions might manifest differently for different individuals, depending on their particular circumstances. Furthermore, such assertions are unsupported by facts. A better framework for evaluating access to firearms is to take into account the broad range of factors that might contribute to an individual being at recognizable risk of self-harm or harming others.

The USA should consider implementing measures that reduce access to firearms for individuals who may present a risk of harm to themselves or others, including instituting adequate waiting periods for all firearms and ammunition purchases. Authorities in the USA should take steps to ensure that health workers are able to discuss all factors impacting their patients' health, well-being and safety, including the possession, use and storage of firearms where relevant and should consider adopting procedures such as Extreme Risk Protection Orders (ERPOs) which provide for the temporary removal of access to firearms for individuals who may present a risk of harm to themselves or others. Such procedures should be implemented in a manner consistent with international human rights protections.

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## GUNSHOT SURVIVORS

Gun violence is often characterized by those who have died from firearm-related injuries, but far more people are shot and survive, and for many, the cost of survival is high. More than 116,000 people were shot and injured by firearms in 2016. This is an underestimate, as injuries are not always recorded accurately, if at all. On average in 2016, more than 317 people were shot every day and survived – at least long enough to get to the hospital. For many gunshot survivors, the mental, physical, emotional, familial, and financial consequences of their injuries shape their lives, irrevocably. The toll that gun violence exacts on victims, family members and the medical services is a public health crisis of astonishing proportion – with remarkably little government response, given the life-long effects on many survivors.

In the Universal Declaration of Human Rights, proclaimed by the UN General Assembly in 1948,

member states including the USA pledged to achieve “the observance of human rights and fundamental freedoms.” Included among those rights are health and medical care. Although it is not constitutionally protected, the USA does have international obligations regarding the right to health under the ICCPR, ICERD, and ICESCR. In 2016, the UN High Commissioner for Human Rights, when evaluating human rights and the regulation of civilian acquisition, possession and use of firearms, noted that: “Alongside preventive measures, states must provide victims of firearms violence with effective measures of protection and reparation, including access to adequate health care to ensure that they have the best possible chances of survival and rehabilitation.”

The USA should guarantee the right to health and access to healthcare services for gunshot survivors. Access to affordable and quality health care services should include necessary long-term health interventions, rehabilitation services, mental health care, and long-term pain management. The USA should also ensure that health-related costs, including payments for medicines and health services, do not act as a deterrent for survivors of gun-related violence to access necessary care, and do not cause undue or catastrophic financial burdens to gunshot survivors and their families. Finally, services should be provided to support independent living for those disabled by gunshot injuries.

## CONCLUSION

These are just some of the ways that gun violence has permeated the lives of those living in the USA and has undermined international human right guarantees. Amnesty International recommends that the USA adopt measures to protect individuals and communities most at risk of gun violence in accordance with its obligation under international human rights law.

## THE US GOVERNMENT SHOULD TAKE STEPS TO REDUCE AND ADDRESS GUN VIOLENCE

The daily toll of gun violence on individuals across the USA has garnered international attention, particularly in recent years. Gaps in protection against gun violence by state agents and private individuals, and prevention of gun violence against individuals and communities must be primarily addressed through policy change. Yet, the USA has failed to pass meaningful federal legislation addressing the issue, in the wake of numerous mass shootings and daily firearm related injury and death. Although over 100 pieces of federal legislation regarding gun violence have been introduced since the Sandy Hook school shooting, which took the lives of 20 children and six adults in 2012, the USA has failed to pass any meaningful federal law regulating firearms.



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There have been some legislative advancements at the state level. For example, in response to the mass shooting on 1 October 2017 in Las Vegas, Nevada, which took the lives of 59 people, eight states have explicitly banned bump stocks, which when attached to a firearm can significantly increase its ability to release multiple rounds of ammunition in rapid succession, and a federal ban is also being considered. Additionally, since 14 February 2018, following the mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, where 17 people were killed, eight states have passed ERPO laws aimed at temporarily reducing access to firearms from those who are likely to misuse them. Also, as of July 2018, six states have passed laws aimed at improving background checks and nine states took action to keep firearms away from domestic abusers. Eight states have also enacted legislations funding urban violence reduction programs. However, these states remain in the minority.

Amnesty International hopes that this report can contribute to and support the work of the many organizations and activists who have been at the forefront of efforts to reduce and eliminate injury and death due to gun violence in the USA. By supporting initiatives developed and directed by impacted communities, Amnesty International seeks to provide an additional platform for

discussion about the impact of gun violence through the framework of human rights. To this end, grounded in analysis of international laws and standards, Amnesty International provides a clear set of criteria and recommendations for all governments to address the impact of firearms violence in compliance with their human rights obligations. These recommendations are crucial in reducing gun violence and protecting the right to life, the right to security of person, and other human rights.

The report and accompanying campaign are intended to demonstrate to the international community the day-to-day experiences of individuals in the USA whose lives have been irrevocably changed by gun violence. Through its campaign, Amnesty International will engage in grassroots advocacy based on the recommendations contained in this report to amplify voices of marginalized and disproportionately impacted communities and provide further opportunity for effective policy change. While this report cannot provide a comprehensive picture of gun violence in the USA, it aims to reflect the determination and courage of individuals and communities nationwide striving for a future where their security, life, and human rights are protected.



## KEY RECOMMENDATIONS:

1. Federal, state, and tribal governments should introduce and strengthen gun laws and policies nationwide. Therefore, at a minimum:
  - The US Congress should enact legislation requiring background checks on all firearm purchases and transfers, prior to carrying out any sale or other transfer. These background checks should be conducted indicating the absence of known risk factors for misuse;
  - The US Congress should ensure that federal, state and local agencies are reporting records accurately, completely, and as soon as possible to the FBI for inclusion in the National Instant Criminal Background Check System (NICS);
  - The US Congress should enact legislation mandating that firearms may only be obtained for purchase or transfer with a valid firearms license and a credible justification for ownership and use;
  - Firearm licenses should not be authorized unless the following minimum conditions are met:
    - » credible justification prior to purchase;
    - » in general, a minimum age of 21;
    - » a background check has been conducted indicating the absence of known risk factors for misuse. Risk factors for consideration should include, at a minimum:
      - prior criminal record, particularly for violent offences;
      - being under indictment for a felony offence;
      - history of gender-based, sexual or domestic violence;
      - medical unfitness including history of drug/alcohol abuse or mental health issues which might lead to the harm of self or others. Each application should be reviewed on a case-by-case basis by competent authorities drawing on all available relevant evidence.
- The US Congress should enact legislation requiring the US Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to register all firearms in a central national gun registry, which is digitized and searchable, and should provide appropriate funding through the legislation to support ATF's ability to implement these systems.
- The US Congress should enact legislation prohibiting the carrying of firearms in public, whether open or concealed, unless there is a credible justification for doing so and should reject federal legislation which would override existing state laws where safeguards and processes are in place to curtail misuse related to concealed carrying of firearms;
- The US Congress should enact legislation requiring all lost and stolen firearms be immediately reported to local law enforcement officials;

- The US Congress must pass legislation banning the sale, transfer, and possession of semi-automatic assault rifles, semi-automatic shotguns, and semi-automatic submachine guns, as well as large capacity magazines, bump stocks, and other dangerous devices;
- The US Congress should acknowledge that firearm violence is a public health crisis, repeal the Dickey Amendment, and enact legislation allocating adequate funding to conduct evidence-based research on the causes and effects of gun violence, and to research and develop viable strategies for gun violence prevention to inform policy making aimed at reducing firearm related deaths and injuries;

**2.** Federal, state, and tribal governments should introduce comprehensive and targeted gun safety measures to address the gun violence crisis in the USA by adopting measures to protect individuals and communities most at risk of gun violence in accordance with its obligation under international human rights law. Therefore:

- The US Congress should pass legislation which supports the implementation and sustained funding of evidence-based violence reduction and prevention programs;
- The US Congress should pass legislation requiring the safe and secure storage of all guns and ammunition, and state legislatures should pass stringent and comprehensive safe storage and Child Access Prevention (“CAP”) laws that mandate all individuals to store all firearms unloaded under the protection of a gun lock or safety device;
- The US Congress should amend the current federal framework of firearms regulation addressing firearm possession in the domestic violence context by closing all loopholes related to dating partners and adding misdemeanor and other stalking offenses as triggers prohibiting firearms possession and use; and state legislatures should pass and implement laws establishing a clear process for the immediate surrender by and removal of firearms from prohibited abusers;
- State legislatures should consider passing legislation to implement procedures, such as ERPOs, providing for the temporary removal of access to firearms for individuals who may present a risk of harm to themselves or others. Such procedures should be implemented in a manner consistent with international human rights protections;
- Federal and State authorities should ensure that survivors of gun-related violence have access to affordable and quality health care, which includes necessary, long-term health interventions, rehabilitation services, mental health care, and long-term pain management.



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