

BRINGING HUMAN RIGHTS HOME

CHICAGO AND ILLINOIS:
GUN VIOLENCE

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BRINGING HUMAN RIGHTS HOME: CHICAGO AND ILLINOIS: GUN VIOLENCE

A five-year-old boy was watching fireworks and playing with his siblings at Cooper Park on July 5, 2013 when he was shot twice. Police said that the shooting stemmed from gang factions and the young boy was caught in the crossfire. One bullet went through his right leg. Another entered the left side of his back and ripped through his spleen. That night, he had to be placed on life support and his damaged spleen, a kidney and part of his pancreas were removed. After six weeks of treatment he was released from the hospital.¹

Gun violence is a widespread problem across the United States. Each year, more than 11,000 people are killed as a result of someone pulling a trigger.² Gun violence impacts a range of human rights from the right to life; security of the person; to the rights to education; freedom of movement and freedom from discrimination. The reasons for gun violence in Chicago are complex. Poverty, unemployment, lack of access to education, and the fragmentation of gangs across the city are some of the factors that play a role in the violence. Also, the recent decision to close nearly 50 public schools has put thousands of children going to school at risk of violence or death. All states have an obligation to respect, protect and fulfill human rights, including the right to life and security of the person, and have a duty to take positive measures to prevent acts of violence and unlawful killings.

GUN VIOLENCE IN CHICAGO



In this Sept. 20, 2013 photo, Chicago police detectives investigate the scene where a number of people, including a 3-year-old child, were shot in a city park in Chicago. (AP Photo/Paul Beatty)

In 2013, **414** people were killed in Chicago; with more than 80 percent of those deaths attributed to gun violence.³ While amounting to an 18 percent decrease from 2012, which saw a total of 506 homicides that year, Chicago had the highest number of homicides across the country in 2013. Chicago's homicide rate is alarmingly elevated, especially compared with other big cities like Los Angeles and New York. For instance, New York City has three times the population of Chicago, and had 333 murders in 2013. Los Angeles, with over a million more people than Chicago, had 255 murders in 2013.⁴ Seventy-five percent of Chicago's gun-death victims in 2012 were African-American or Latino.⁵

In August 2011, six-year-old Arianna Gibson was fatally shot at around 6 a.m. when someone walked up to the front porch of her grandmother's bungalow, in Englewood, and fired a gun through the living room window.⁶

Violence affects everyone in Chicago, but it is particularly devastating for the City's youth who are so often the perpetrators and victims of violence. From 2008-2012, almost half of Chicago's 2,389 homicide victims were killed before their 25th birthdays.⁷

“... [Y]outh exposed to high levels of violence often become the victims or perpetrators of violence, exhibiting the same psychological trauma as children growing up in urban war zones.”

Garbarino, Kostelny, and Dubrow 1991; Popkin, Leventhal, et al. 2010, cited in Urban Institute, *Chronic Violence: Beyond the Developments*.⁸

While an alarming number of young people in Chicago have been killed in gun attacks, many more are exposed to gun violence on a regular basis. While 414 people were killed in 2013, there were a total of 1,864 shootings in the city which resulted in 2,328 gunshot survivors.⁹ There were an additional 10,343 crimes committed with a handgun or firearm in Chicago during 2013.¹⁰ Studies have shown that children who are exposed to violence suffer increased rates of depression, aggression, delinquency, and poor school performance.¹¹

Chicago's homicides have taken place mostly in neighborhoods in the west and south of the city. Gun crime in Chicago is most prevalent in communities with high rates of poverty and unemployment. The City of Chicago as a whole has an extreme poverty rate of nearly 10 percent, with more than 260,000 households living in extreme poverty (i.e. \$10,000 or less for a family of three in 2012).¹² The high school graduation rate for black males in Chicago is 39 per cent and a staggering 92 per cent of all black males aged 16-19 were unemployed in 2012.¹³ These issues are also human rights issues: the right to a living wage; affordable housing; equal access to education and health care, including mental health care, are human rights.

Any policy to curb gun violence should also address issues of poverty, income inequality and unemployment. The Illinois Commission on the Elimination of Poverty has laid out a plan that the State of Illinois can take to cut extreme poverty in half by 2015. The Commission integrates a human rights approach to addressing poverty and notes “the absence of human rights is the cause of poverty” and issued recommendations that touch on access to safe, decent, and affordable housing; access to adequate food and nutrition; access to affordable and quality healthcare; equal access to quality education and training; providing dependable and affordable transportation; access to quality and affordable child care; providing opportunities to engage in meaningful and sustainable work; and the availability of adequate income supports.¹⁴

GANG VIOLENCE AND GANG FRAGMENTATION:

Chicago reportedly has one of the highest gang populations in the United States. According to a 2012 Chicago Police Department gang audit, there are at least 59 active gangs with 625 different factions throughout the city, with a combined membership of 70,000 active members.¹⁵ Police have estimated that up to 80 percent of Chicago’s murders and shootings are gang-related.¹⁶

Targeting of gang leaders for arrest by law enforcement removed the leadership and created fragmentation of the larger gangs.¹⁷ The demolition of public housing units - the Robert Taylor Homes in 2007 and the Cabrini-Green projects in 2011 – led to the dispersion and further fragmentation of gang members across the city. Due to neglect from the City throughout many administrations, these housing developments came to symbolize concentrated areas of poverty where gangs were allowed to flourish. As a way to finally address the crumbling structures, the city decided to demolish the buildings and relocate its residents throughout the city as part of a larger plan to transform the City’s 25,000 public housing units. However, tearing down the high-rise housing projects had the unfortunate consequence of scattering gang members throughout Chicago and into rival territory. It also further splintered their hierarchy into hundreds of independently functioning subgroups or factions. The disordered hierarchy of gangs has an impact on juveniles, who are increasing their criminal involvement and holding leadership positions within factions. This has allowed juveniles, typically between the ages of 15 and 17, to gain authority in their neighborhoods.¹⁸ According to the Chicago Police Department, juveniles holding leadership positions in gangs and feeling unsafe in their own neighborhoods are two of the main reasons for increased gun possession and violence in the city.

The fragmentation of gangs means that law enforcement authorities in Chicago are finding that it is harder to combat high levels of crime in the city, increasing the challenge of ensuring the right to life and security of the person are protected.

ACCESS TO ILLEGAL GUNS:

Access to illegal firearms is also an issue within Chicago. Gun ownership regulations in Chicago throughout Illinois are relatively strict, but the trafficking of weapons from outside state remains an issue. The City of Chicago has taken some steps to prevent access to weapons, having passed measures to outlaw possession of assault weapons and high-capacity ammunition magazines.¹⁹ It is also seeking to prevent the sale of firearms from within the city.²⁰ However, more lenient regulations in surrounding states allow an influx of weapons into the City of Chicago.

According to data collected by Chicago Police Department, nearly 10,000 of the more than 17,000 guns recovered by the Chicago Police Department between January 1, 2008 and March 31, 2012 originated from outside the state of Illinois.²¹ No clear and effective federal statute makes gun trafficking a federal crime. Since the regulations on guns in each state vary so widely and illegal guns can easily be carried across state boundaries, federal legislation targeting unethical dealers, traffickers, straw purchasers,²² and private sales without background checks could limit access to guns in cities like Chicago.

Local, state and federal authorities should ensure measures to improve safety by enacting strict laws and procedures to control small arms, including by reducing the quantity of surplus and illegal arms in circulation.

In order to address the issue of trafficking of guns from states with lax regulations on gun ownership to those with strict regulations, Senator Kristin Gillibrand of New York introduced the Gun Trafficking Prevention Act of 2013 on January 30, 2013. The Act would amend the federal criminal code to prohibit transferring two or more firearms to, or receiving two or more firearms from, a person in interstate or foreign commerce knowing or with the reasonable belief that such transfer, possession, or receipt of a firearm would violate a federal state, or local law punishable by a prison term of more than one year.²³

YOUTH AT INCREASED RISK OF DEATH OR VIOLENCE DUE TO SCHOOL CLOSINGS:

“Rahm Emanuel [the Mayor of Chicago] is not caring about our schools. He’s not caring about our safety...He should be investing in these schools not closing them... Education is a right that is why we have to fight.”

Asean Johnson, aged 9, Marcus Garvey School, located on 103rd and Morgan in Chicago, speaking at rally against the closure of elementary schools in Chicago in May 2013.²⁴

All children have the right to education, the right to life, security and to be free from discrimination. However thousands of children in Chicago recently saw their schools closed and have been placed at risk by the need to attend new schools in areas controlled by rival gangs.

Everyone has the right to education and it is indispensable in realizing other human rights.²⁵ Governments must ensure that education is available; accessible; acceptable and adaptable. All children should have equal access to school services regardless of gender, race, religion, ethnicity, sexual orientation, gender identity or socio-economic status on the basis of non-discrimination.

The United Nations Convention on the Rights of the Child, adopted in 1989 to protect the rights of children, is the most widely ratified human rights treaty in history. 193 countries have ratified the Convention – only the United States and Somalia have failed to do so. However, the Chicago City Council adopted the UN Convention on the Rights of the Child in 2009 and directed all city agencies to advance policies that are consistent with it.²⁶



Protesters of Mayor Rahm Emanuel's plan to close dozens of city schools rally in the rotunda at the Illinois State Capitol Wednesday, May 22, 2013 in Springfield, Ill. (AP Photo/Seth Perlman)

In May 2013, the City of Chicago announced the closure of **49 public elementary schools**. This represents the largest wave of school closures in US history, encompassing 10 per cent of all public schools in Chicago. The schools targeted for closure were predominately in African American communities. Nearly **30,000** students, over **80 per cent** of whom are African American, were affected by the closures. Due to the prevalence of gangs in many of these communities, students are forced to walk greater distances to new schools and face an increased risk of violence and have to travel via "safe passage" routes.

The school closures prompted the Midwest Coalition for Human Rights to make a submission to the United Nations Office of the High Commissioner on Human Rights,²⁷ requesting an investigation to address the potential domestic and international human rights violations that could result from the school closings, including the rights to non-discrimination, life, security of the person, and education. Notwithstanding the concerns raised by human rights organizations, parents, students, teachers and community organizations, the Chicago Board of Education continued with school closures.

In an attempt to address the fears of parents and children affected by the school closings, who now have to travel to a school from one gang controlled neighborhood to another, the city has implemented Safe Passage routes. Safe passage routes are patrolled by approximately 1,200 unarmed workers, wearing neon vests, who have been trained to stand watch as students pass by.²⁸ Since the implementation of the Safe Passage program, there have been reports of "shots fired," a sexual assault, and even other incidents where, because of a gang run-in, children were chased back to school after a fight broke out. However, district officials say that no one has been shot or seriously injured on Safe Passage routes during protected hours.²⁹

Gang violence continues to plague many neighborhoods in the parts of the city affected by the school closures and it is not clear how long the City of Chicago intends to continue to provide safe passage routes, raising concerns that children simply trying to attend school will be put at risk. Furthermore, the creation and maintenance of “safe passage” routes cannot be a long-term solution to protecting children from the rampant gun violence in Chicago.

International human rights law

Under international human rights law, states have a duty to take positive measures to prevent acts of violence and unlawful killings, including those committed by private persons. There is growing recognition that states’ duties under international human rights law include exercising due diligence to ensure that basic rights – certainly the right to life and security of the person – are not abused by private actors. Where a foreseeable consequence of a failure to exercise adequate control over the civilian possession and use of arms is continued or increased violence, then states might be held liable for this failure under international human rights law.

Gun violence can result in abuses of a number of human rights, including the right to life; the right to security of the person; and the right to be free from discrimination. When a state fails to act with sufficient due diligence in preventing or responding to gun violence, this can also violate an individual’s right to equality before the law. The United States has ratified many of the key human rights treaties that guarantee these fundamental human rights, including the International Covenant on Civil and Political Rights; and the International Convention on the Elimination of All Forms of Racial Discrimination.

International law obliges governments to protect and fulfil human rights. This includes not only ensuring that their own officials comply with human rights standards, but also acting with “due diligence” to address abuses committed by private individuals. When states know, or ought to know, about abuses of human rights and fail to take appropriate steps to prevent them, they as well as the perpetrators, bear responsibility. The principle of due diligence includes obligations to prevent human rights violations, investigate and punish them when they occur, and provide compensation and support services for survivors.

The state responsibility to exercise due diligence does not lessen the criminal responsibility of those who carry out gun crimes. The perpetrator of the crime is the person liable under criminal law and should be brought to justice. However, the state also bears a responsibility if it fails to prevent or investigate and address the crime appropriately. Amnesty International is concerned that authorities in Chicago may be failing to exercise due diligence when it comes to gun violence in Chicago.

In order to establish whether the State is meeting its obligations under international law it is necessary to assess whether or not they are taking all reasonable measures to provide protection to victims of gang-related violence. Amnesty International is not in a position to evaluate the full extent of programs and measures that the City of Chicago has implemented and their effectiveness. However, the organization urges the city to be mindful of its responsibilities under international law. A lack of measures to ensure security to individuals at risk of harm by gangs; a general unwillingness on the part of the public to seek police or governmental assistance because doing so may be perceived as futile or likely to increase risk of harm by gangs are indicators of whether state protection is effective.³⁰

ADDRESSING VIOLENCE IN CHICAGO:

“The city’s rate of violence is still staggering ... Even one murder is too many, but these numbers show we have not been as effective as we could be in stopping violence. ... Through our initiatives, we plan to cut violence is half by the year 2020.”

Rahm Emanuel, Mayor of Chicago, National Forum on Youth Violence Prevention: City of Chicago Youth Violence Prevention Plan

The City of Chicago has developed a plan, in collaboration with local organizations, to tackle the issue of youth violence. Although a critical step in the right direction, the plan notes that not all of these measures can be implemented in the immediate future, some initiatives require further planning and/or funding. Furthermore, the true measure of success will be the ability to demonstrate that these measures are effective in reducing the levels of gun crime in the City.

The One Summer Chicago program, led by the Chicago Department of Family and Support Services, aims to reduce violence during the summer by providing young people with summer jobs. One Summer Chicago was piloted in 2011 and provided 2,800 job placements in four high-crime neighborhoods.

As noted by the UN Committee on the Rights of the Child legislative, administrative, social and educational measures need to incorporate children in potentially vulnerable situations, including those “in low socio-economic urban environments, where guns, weapons, drugs and alcohol may be easily available.”³¹ It is important to recognize that this is not an issue that the City of Chicago alone should have to address; the federal government must also take action, for example, by passing the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (“Youth PROMISE Act”) a bi-partisan bill aimed at implementing and funding evidence-based practices related to juvenile justice and criminal gang activity.

FEDERAL ACTION REQUIRED

The Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (“Youth PROMISE Act”) is a bi-partisan bill aimed at implementing and funding evidence-based practices related to juvenile justice and criminal gang activity.³² If enacted, the Youth PROMISE Act will fund, implement, and evaluate evidence-based, locally controlled youth and gang violence prevention and intervention programs. Many advocates working in Chicago have supported passage of the Youth PROMISE Act as a means to get to the root of gang violence within the city.

The bill was introduced in the U.S. House of Representatives on March 21, 2013 by Rep. Robert C. Scott (D-VA)³³ As of March 2014, the Act had 99 co-sponsors in the House (H.R. 1318) and 3 in the Senate (S. S. 1307).

The following legislators from Illinois are co-sponsors of the bill (H.R.1318):

1. Rep. Danny Davis [D-IL-7]
2. Rep. Bobby Rush [D-IL-1]
3. Rep. Robin Kelly [D-IL-2]
4. Rep. Janice Schakowsky [D-IL-9]
5. Rep. Mike Quigley [D-IL-5]

The following legislators from Illinois have yet to co-sponsor the bill (H.R.1318) and are encouraged to do so:

6. Rep. Daniel Lipinski [D-IL-3]
7. Rep. Luis Gutiérrez [D-IL-4]
8. Rep. Peter Roskam [R-IL-6]
9. Rep. Tammy Duckworth [D-IL-8]
10. Rep. Bradley Schneider [D-IL-10]
11. Rep. Bill Foster [D-IL-11]
12. Rep. William Enyart [D-IL-12]
13. Rep. Rodney Davis [R-IL-13]
14. Rep. Randy Hultgren [R-IL-14]
15. Rep. John Shimkus [R-IL-15]
16. Rep. Adam Kinzinger [R-IL-16]
17. Rep. Cheri Bustos [D-IL-17]
18. Rep. Aaron Schock [R-IL-18]

In the Senate, Senator Richard Durbin [D-IL] has co-sponsored S. 1307 however Sen. Mark Kirk [R-IL] has yet to do so.

CALL TO ACTION:

- ✓ Local, state and federal officials, in partnership with civil society and police, should develop community safety programs that promote practical ways of halting the violence arising from the proliferation and misuse of guns.
- ✓ Local, state and federal authorities and civil society organizations should mobilize official resources and community structures to address some of the social and economic roots of armed gang violence. Local, state and federal officials should ensure that any policy to curb gun violence also addresses issues of poverty, income inequality and unemployment, including implementation of the plan developed by the Illinois Commission on the Elimination of Poverty to eliminate extreme poverty by 2015.
- ✓ All federal legislators in Illinois should co-sponsor and the US Congress should pass the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (“Youth PROMISE Act”) a bi-partisan bill that would fund, implement and evaluate evidence-based locally run youth and gang violence prevention and intervention programs, including in Chicago.
- ✓ Local, state and federal officials should act with due diligence to prevent and investigate violent criminal acts which infringe the right to life, liberty, dignity and security of the person; bring to justice those responsible for such crimes; and take steps to curb the proliferation of guns in the community.
- ✓ Local, state and federal officials should enact strict laws and procedures to control guns and reduce the quantity of surplus and illegal arms in circulation. Federal legislators in Illinois should co-sponsor, the US Congress should pass and the President should sign the Gun Trafficking Prevention Act.
- ✓ Local, state and federal officials should ensure that children enjoy their right to be protected from harm and discrimination, and that their access to education is not restricted. The “Safe Passage Routes” should continue to be adequately resourced to ensure that all children’s right to life, security of the person are respected.

SOME OF THE RECENTLY REPORTED SURVIVORS AND VICTIMS OF CHICAGO'S GUN VIOLENCE

A three-year-old boy³⁴

On September 19, 2013, a gang member who was reportedly seeking revenge for a minor injury suffered in a gang-related shooting, headed to a crowded park with fellow gang members, "where one of them unloaded more than a dozen bullets from an assault rifle"³⁵ injuring 13 people including a 3-year-old boy. The attack injured rival gang members in addition to several bystanders. One of the bullets struck the boy "just behind his right ear and exited from his face. He has had surgery and is recovering but is expected to need plastic surgery."³⁶

A four-year-old girl

On July 29, 2013, a four-year-old girl was shot while riding her scooter near Marquette Park. Two teenagers, one age 17 and one 18, have been charged in the shooting of the girl and another adult, "neither of which were believed to be the intended target."³⁷ The young girl was struck by one bullet which entered through her "abdomen, and exited through her back."³⁸ Relatives rushed her to the hospital where she was treated and recovered from her wounds. According to local media, "Police sources say they believe the gunmen were aiming for some of the little girl's relatives, who they say are "confirmed" gang members."³⁹

A fourteen-year-old

On September 12, 2013, a fourteen-year-old boy was shot in the back outside a South Side high school. His mother told a journalist that he was playing with friends at a park near school, and had walked two girls home.⁴⁰ On his way back, he was confronted by two teens, "possibly gang members"⁴¹ who questioned him about his affiliation to a particular gang. The young boy denied any affiliation and one of the teens punched him, pulled out a gun and tried to shoot him twice but the gun jammed. Just as the young boy started to run away, the gunman tried firing again and shot him in the back. His mother said he was shot in his lower right side of his back and "the bullet hit his liver, his pancreas, stomach, and small intestine."⁴² He recovered from his wounds.

A fourteen-year-old girl

On September 13, 2013, a fourteen-year-old girl was shot in the leg. She was reportedly walking home with relatives when "a group of men or boys in hooded sweatshirts came walking towards the family, and when the group had passed the family, one of them yelled "blow, blow," and someone started shooting."⁴³ Although the circumstances are not clear, witnesses claim that she was caught in gang crossfire.

A six-year-old boy

On November 6, 2013, a six-year-old boy was shot while sitting in the back seat of his 19-year-old brother's car in the Gage Park neighborhood. Chicago police reportedly said that "the shooting appears to be random."⁴⁴ Two men had started throwing bottles at the car and appeared to have said something to the boy's older brother, who "didn't hear them and drove away, which is when they opened fire."⁴⁵ The bullet went through the boy's chest and came out through his back. He survived the shooting.

Seven-year-old boy

On July 4, 2013, a seven-year-old boy was shot in the neck in Cole Park in the Chatham neighborhood.⁴⁶ He was attending a Fourth of July picnic with his family when someone drove up and "fired shots from a vehicle."⁴⁷ He survived the shooting.

A seventeen-year-old girl

On January 13, 2014, a seventeen-year-old girl was shot while waiting for the school bus on Chicago's South Side. A witness told police that the shooter wanted the girl's cell phone. Police reportedly said that she was shot in the stomach before she had a chance to respond and was later taken to an area hospital in critical condition.⁴⁸ She survived the shooting.

A six-year-old girl

On July 19, 2013, a six-year-old girl and a woman were shot during a memorial vigil for a young man who was killed five years earlier. Three teenage boys were charged with two counts each of attempted murder and two counts each of aggravated battery with a firearm.⁴⁹ The young girl survived the shooting.

A fifteen-year-old girl

On the evening of November 26, 2012, a 15-year-old girl was shot and killed on Chicago's Southwest Side in the city's Lithuanian Plaza neighborhood while standing in a backyard with friends. Police reportedly said that the shooting was apparently gang-related, but that the young girl was not likely to have been its intended target.⁵⁰ She was with three friends when a gunman walked up and opened fire at about 9:20pm. The young girl was shot in the back and pronounced dead shortly after 10 pm at Advocate Christ Medical Center in Oak Lawn.⁵¹

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