



U.S. Senate Committee on the Judiciary Hearing on “VAWA Next Steps: Protecting Women from Gun Violence.”

Testimony Submitted to U.S. Senate Committee on the Judiciary Hearing on “VAWA Next Steps: Protecting Women from Gun Violence.”

“Gun Violence and Women: A Human Rights Violation”

Submitted by Amnesty International USA

July 30, 2014

Thank you Chair Leahy and Ranking Member Grassley, and to the members of the Committee, for holding this important hearing and for your leadership in helping to end gun violence in domestic violence.

Amnesty International USA is pleased to testify at this critical and timely hearing, “VAWA Next Steps: Protecting Women from Gun Violence.” Amnesty International has supported VAWA throughout its history, and we are gratified that the Senate is considering its relevance to growing concern about gun violence in our country.

Amnesty International is a global human rights movement of more than 3 million supporters, activists and volunteers in more than 150 countries. Amnesty International USA is the largest country section in the organization with nearly 250,000 members. We view both violence against women and gun violence as human rights issues. Our past work on these issues includes an international **Control Arms** campaign during the 1990s in coalition with the International Action Network on Small Arms (IANSA) and Oxfam International, and an Amnesty International campaign to **Stop Violence Against Women** from 2004 to 2010. More recently, we have actively campaigned for the rights of girls to attend school without threats of armed violence.

Too often, gender is overlooked in discussions of gun violence. Everyone in society is affected, but women and men experience gun violence very differently. Men are much more likely than women to buy, own and use small arms. They are also much more likely than women to become victims of gun

homicide (82.6%) and to commit gun homicide (92.1%).¹ Men are most often attacked by acquaintances or as victims of violent crime by strangers (34%).²

Women, however, are much more at risk than men of being assaulted by people they know. Family killings are the only category of homicides where women outnumber men as victims, and when a woman is murdered in her home, her partner or a male relative is most likely to be the perpetrator.³ The World Health Organization reports that "one of the most important risk factors for women - in terms of their vulnerability to sexual assault - is being married or cohabiting with a partner." Refusing sex is one of the most frequent reasons cited by women as a cause of violence.⁴

Far from keeping women safe in their homes, studies in the United States have found that having a gun in the house increases the risk of murder of someone who lives there by 41%, but the risk for women nearly triples (an increase of 272%).⁵ Between 2001 and 2012, 6,410 women in the U.S. were killed by an intimate partner with a gun - more than the number of U.S. troops killed in the wars in Iraq and Afghanistan combined.⁶

Episodes of domestic violence are far more likely to become lethal when a gun is involved. With access to a gun, a woman's chances of being killed by her husband or partner increase 5-fold.⁷ Women who live in homes where a law enforcement officer, security guard or a member of the military is authorized to take a weapon home are at heightened risk of violence. When men return home from armed conflict traumatized, bringing their weapons with them, these may be used to threaten or harm the women who live with them.⁸

Although mass shootings involving 4 or more victims represent a small share of all US gun homicides, women are again disproportionately at risk. Women are the victims in 13% of the total gun homicides in the country, but they represent 51% of the victims in mass shootings. There is a high correlation between domestic violence and incidents of mass shooting. In more than half (57%) of the cases in a 6-year study by Everytown for Gun Safety, the perpetrators of mass shootings killed a current or former spouse, intimate partner or family member, and in nearly 1/3 of these cases, there had been a prior charge of domestic violence.⁹

Gang violence sometimes goes hand-in-hand with a failure to respect women's rights, and the result is a higher level of gender-based violence against women. The presence of guns increases the risk that

¹ Homicide Trends in the United States, 1980-2008 Bureau of Justice Statistics, November 2011
<http://www.bjs.gov/content/pub/pdf/htus8008.pdf>

² Gerney, A. and Parsons, C. Women Under the Gun: how gun violence affects women and four policy solutions to better protect them, 2014. Center for American Progress, Washington, DC, pg. 1.

³ The Impact of Guns on Women's Lives, 2005, Amnesty International, International Action Network on Small Arms (IANSA), and Oxfam International. ch. 2.

⁴ Id.

⁵ Id.

⁶ Gerney, A. and Parsons, C. Women Under the Gun: how gun violence affects women and four policy solutions to better protect them, 2014. Center for American Progress, Washington, D.C., p.1.

⁷ The Impact of Guns on Women's Lives, 2005, Amnesty International, International Action Network on Small Arms (IANSA), and Oxfam International. ch. 2.

⁸ Id., ch.6.

⁹ Analysis of Recent Mass Shootings, July 2014, Everytown for Gun Safety. p. 3.

women and girls will be targeted for violent attacks, including sexual assault. In areas where there is gang violence, women do not feel safe to go about their lives outside their homes.¹⁰

Although the U.S. Supreme Court has consistently upheld the interpretation of the Second Amendment as allowing individuals the right to own firearms and protect their own homes, the Court has also permitted legislation to keep guns out of the hands of individuals who pose a risk to public safety. The passage of the Violence Against Women Act by Congress in 1994 and related legislation prohibited the possession of guns by individuals who were under restraining orders as a result of domestic violence. In 1996, Congress also enacted a law barring those convicted of a misdemeanor crime of domestic violence from gun possession.¹¹

Since then, state legislatures have also passed a patchwork of laws intended to keep guns out of the hands of individuals with a high risk of using them in acts of violence. However, these laws, the definitions of the circumstances they cover, and enforcement are inconsistent across the country.

For example, over the past two decades, the incidence of violence between intimate dating partners, as opposed to married couples, co-parents or partners who live together, has risen steadily. In 1980, 69% of intimate partner homicides were committed by a spouse, but by 2008, 48.6% were committed by a dating partner. Some states revoke the right to gun ownership upon conviction of domestic violence against a spouse, cohabiting partner or a co-parent, but not when the violence occurs in the context of a dating relationship.¹²

Women in the United States are 11 times more likely to be killed with a gun than women in other high-income countries around the world. More than five women in the United States are murdered every day with firearms.¹³ This is unacceptable. The success other developed countries have achieved protecting their citizens demonstrates that such high levels of gun violence need not be tolerated.

Amnesty International regards gun violence against women as a violation of their human rights. The Universal Declaration of Human Rights states in Article 3 that "Everyone has the right to life, liberty and security of person." Women cannot freely exercise these rights when their lives and safety are under threat of gun violence.

Under international law, all countries have an obligation to protect women from gender-based violence, including armed violence. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) prohibits discrimination of any kind against women. The United Nations Committee on the Elimination of Discrimination Against Women, which oversees implementation of the treaty, recognized in its General Recommendation No. 19 that violence against women impairs women's right to enjoy their basic human rights, including the right to life, the right not to be subjected to torture or ill-treatment, and the right to liberty and security of the person. It further states that:

"Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations or rights or to investigate and punish acts of violence, and for providing compensation."

¹⁰ The Impact of Guns on Women's Lives, 2005, Amnesty International, International Action Network on Small Arms (IANSA), and Oxfam International. ch. 4.

¹¹ Gerney, A. and Parsons, C. Women Under the Gun: how gun violence affects women and four policy solutions to better protect them, 2014. Center for American Progress, Washington, D.C., p. 11.

¹² Id., p. 16.

¹³ Id., p. 13.

Article 4 of the UN Declaration on the Elimination of Violence against Women, adopted in 1993, says:

"States (Countries) should pursue by all appropriate means and without delay a policy of eliminating violence against women."

The 1995 Beijing Declaration and Platform for Action recognizes violence against women as one of 12 critical areas of concern for women globally and set out steps governments should take to protect women from gender-based violence.

Radhika Coomaraswamy, former UN special Rapporteur on violence against women, its causes and consequences, spelled out "due diligence" as follows:

“States must promote and protect the human rights of women and exercise due diligence:

- a) To prevent, investigate and punish acts of all forms of VAW [violence against women] whether in the home, the workplace, the community or society, in custody or in situations of armed conflict;
- b) To take all measures to empower women and strengthen their economic independence and to protect and promote the full enjoyment of all rights and fundamental freedoms;
- c) To condemn VAW and not invoke custom, tradition or practices in the name of religion or culture to avoid their obligations to eliminate such violence;
- d) To intensify efforts to develop and/or utilize legislative, educational, social and other measures aimed at the prevention of violence, including the dissemination of information, legal literacy campaigns and the training of legal, judicial and health personnel.”¹⁴

The issue of gun violence was also addressed in the United Nations Human Rights Committee's Universal Periodic Review of the United States. In its concluding observations on the fourth report of the United States of America, the Committee recommended that the U.S. "continue its efforts to effectively curb gun violence, including through the continued pursuit of legislation requiring background checks for all private firearm transfers in order to prevent possession of arms by persons recognized as prohibited individuals under federal law and strict enforcement of the Domestic Violence Offender Gun Ban legislation of 1996 (the "Lautenberg Amendment")."¹⁵

Last month, the UN Human Rights Council adopted a resolution expressing alarm that hundreds of thousands of lives have been "negatively affected by the misuse, intentional or unintentional of firearms; and that a significant number of such killings of women have occurred as a result of inter-partner violence. The Council called on all States to:

"take appropriate legislative, administrative, and other measures, consistent with international human rights law and their constitutional frameworks, in order to ensure that civilian acquisition, possession and use of firearms are effectively regulated with the aim of enhancing the protection of the [sic] human rights, in particular the right to life and security of person, of all."¹⁶

¹⁴ The Impact of Guns on Women's Lives, 2005, Amnesty International, International Action Network on Small Arms (IANSA), and Oxfam International. ch. 7.

¹⁵ UN HRC Universal Periodic Review of the United States, concluding observations, 26 March 2014, <http://justsecurity.org/wp-content/uploads/2014/03/UN-ICCPR-Concluding-Observations-USA.pdf>

¹⁶ UN General Assembly document A/HRC/26/L.27, June 2014.

The enactment of the Violence Against Women Act was an important milestone toward protecting women in the United States from violence in their homes and communities. However, the U.S. government must do more to carry out its due diligence to prevent gun violence and protect the rights of all people to fully enjoy their human rights.

Chair Leahy, Ranking Member Grassley, and members of the Committee, Amnesty International USA thanks you for holding this important hearing and urges you to take swift action.

Thank you.