

**Amnesty International USA Testimony before IACHR re:  
The Regulation of Gun Sales and Social Violence in the United States  
Bogotá, Colombia, February 27, 2018**

Thank you for convening today's hearing on the Regulation of Gun Sales and Social Violence in the United States.

Gun violence is a human rights crisis in the United States as the government has failed to protect the right to life, the right to personal security, and the right to be free from discrimination. Persistent firearms violence, like that experienced in communities across the U.S., also undermines the enjoyment of economic, social and cultural rights, such as the right to health and the right to education.

The United States is a party to two of the international human rights treaties—the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, which guarantee rights implicated by gun violence, most significantly the right to life—and the U.S. government has clear and defined obligations to protect people from gun violence.

Codified in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights and regional human rights conventions, the right to life is the cornerstone of the international human rights system and has been described as the “prerequisite”<sup>i</sup> or “precondition”<sup>ii</sup> for all other rights. State obligations under the right to life include both positive and negative obligations: to prevent violations of the right to life and protect life. These obligations apply to the prevention of violations/abuses both by state agents and by private actors.<sup>iii</sup>

- (i) States have a positive obligation of due diligence to prevent violations of the right to life, by taking measures to combat actual or foreseeable threats to the right to life.<sup>iv</sup>
- (ii) States must also exercise due diligence to prevent, punish, investigate and redress the harm caused<sup>v</sup> by private actors; this requires that they pay particular attention to protection of those most at risk, be they individuals or marginalised communities.

If a State does not exercise adequate control over the possession and use of arms by private actors in the face of clear evidence of persistent firearms violence, then it could be considered to have breached its obligations under international human rights law.

Broadly, States' responsibilities to prevent and protect against firearms violence require two interrelated approaches:

- (i) restricting access to firearms by those most at risk of abusing them; and
- (ii) taking effective steps to put in place and implement violence reduction or protection measures where firearms abuse persists.

States must implement legislation and take administrative measures to prohibit the possession of firearms and ammunition by private actors who represent a high level of risk to public safety and *protect those most at risk of being victims of gun violence*.

However, the U.S. has a patchwork of inconsistent and inadequate federal and state gun control laws and has failed to take all measures necessary to prevent and protect against gun violence.

- In 2016, 33,658 people were killed by guns in the United States,<sup>vi</sup> with another 84,997 suffering nonfatal injury by a firearm.<sup>vii</sup>

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- An average of 92 people in the United States are killed by firearms every day, and twice as many are injured. <sup>viii</sup>

In 2018 alone, as of February 14<sup>th</sup>:

- 1806 individuals have died from gun violence,
- 3,126 individuals have suffered gun injuries,
- 69 children have been shot or killed,
- 331 teenagers have been shot or killed,
- 215 unintentional shootings,
- 30 mass shootings and
- 11 shootings in schools that resulted in death or injury---

-- all in the first 45 days of the year.

It is against this backdrop that we are here today to discuss the particular and disproportionate impact of firearm-related homicides in the U.S. on groups like women, children, and communities of color. There have been numerous mass shootings in the United States, several just in the past few months. In Las Vegas, Nevada on October 1, 2017, 59 people were killed with more than 500 more injured while attending a concert. In Sutherland Springs, Texas on November 5, 2017, 26 people were killed with another 20 injured while worshipping at church. Most recently in Parkland, Florida, on February 14, 2018, 17 individuals were killed, 14 of them children, with more than a dozen injured, while in school. While these incidents are horrific and coverage of them has garnered worldwide attention, we feel it is incumbent upon us to highlight that gun violence in the U.S. is a daily epidemic that is not limited to these devastating isolated events, rather it consistently impacts the human rights of marginalized populations at a disproportionate rate across the U.S. Many of the gaps in protection against gun violence by state agents and private individuals and prevention of gun violence against individuals and communities can only be addressed through policy change, and laws being enacted and enforced. Yet, despite the introduction of over 100 pieces of federal legislation regarding gun violence since the Sandy Hook school shooting, which took the lives of 20 young children and six adults in 2012, the U.S. has failed to pass any significant law addressing the issue. For more than 20 years, the U.S. has restricted federal funding for firearms research. <sup>ix</sup> These restrictions have had a substantial and chilling effect on gun violence research. By effectively eliminating funding for research by the U.S. Centers for Disease Control and Prevention (CDC), the largest public health organization in the field, for over two decades, researchers, policy makers, and experts have been unable to fill huge gaps in knowledge about the causes, consequences, and prevention of gun violence in the U.S.

The United Nations 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 U.S. human rights compliance and stated that they remain concerned with the increasing numbers of gun-related deaths and injuries in the United States, and the disparate impact on racial and ethnic minorities.<sup>x</sup>

**WOMEN:**

*Due to gaps and loopholes under federal law, the U.S. is failing to protect women and other disparately*

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*impacted groups from the misuse of firearms by private individuals, in the domestic violence context. These deaths are preventable, as women are often attacked by someone they know. Where protections and firearm-related safeguards do exist, they are often not enforced. For example, while federal law provides that an individual found guilty of a domestic violence crime may not legally own or acquire a firearm<sup>xi</sup>— without state-level retrieval procedures in place, individuals who commit domestic violence crimes (or who are subject to a restraining order) often maintain possession of their weapons— continuing to serve as a threat to public safety. Moreover, if the relevant domestic violence records are not accurately and rapidly submitted for inclusion in state and federal databases, the individual could purchase additional firearms, without recourse.*

*Key Statistics & Findings*

- U.S. women are 16 times more likely to be killed by a gun than women in other high-income countries.<sup>xii</sup>
- An average of 760 individuals in the U.S., most of them women, are killed by their ex-spouses or dating partners each year.<sup>xiii</sup>
- The U.S. has failed to provide adequate legal protections for individuals who are at risk of domestic violence at the hands of armed and abusive partners, ex-partners.
- By limiting the definition of “intimate partner” to spouses, co-habitants and co-parents, federal and state laws fail to protect domestic victims from armed current and former dating partners, rendering them potentially vulnerable to attacks. Women who are victims of domestic abuse in the U.S. are five times more likely to be killed by their abuser if the abuser owns a firearm.<sup>xiv</sup>
- Stalkers who are not related to their victims are exempt unless the behavior rises to the level of a felony offense;
- The Centers for Disease Control and Prevention’s 2010 report stated that 66% of female stalking victims were stalked by a current or former intimate partner.<sup>xv</sup>
- Even if a temporary domestic violence protection order is issued, abusers can still buy or keep their guns; allowing subjects of temporary or *ex parte* domestic violence protective orders to maintain firearms is *de facto* unsafe and defeats the intent and purpose of such orders issued by the courts to safeguard potential victims.
- Even when a final domestic violence protection order is in place, federal law does not provide any procedure/mechanism for the removal or surrender of firearms, and only 24 states require surrender of guns.
- Currently, only 15 states have enacted laws prohibiting persons convicted of misdemeanor domestic violence and persons subject to restraining orders, from owning or possessing guns.
- Failure to keep adequate records at the federal and state level means background checks are not effective and individuals who are prohibited from purchasing firearms because of domestic violence may still obtain firearms from a licensed gun dealer.
- Abusers can also obtain a firearm by avoiding the background check system altogether if they buy a weapon at a gun show or from a private dealer.
- From 2008-2012, states where background checks were required for *all* handgun sales resulted in 46% fewer women being shot to death by an intimate partner.<sup>xvi</sup>

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- Mass shootings often originate from a domestic violence conflict: 57% of mass shootings across the U.S. between Jan 2009 and July 2015 originated from domestic violence confrontations.<sup>xvii</sup>

CHILDREN:

*Thousands of children die each year from gun-related homicides, unintentional shootings and suicides in the U.S. Children as young as three years old are strong enough to pull a trigger. Unintentional shooting deaths and suicides by children who have access to guns are preventable through the implementation of child access prevention laws. Research indicates that high rates of unintentional firearm-related deaths and injuries can be directly linked to access to firearms. On average, U.S. states with the highest gun ownership levels had nine times the rate of unintentional firearm deaths compared to states with the lowest gun levels.<sup>xviii</sup> Age limits on gun sales should be implemented so that dangerous firearms like assault rifles cannot be legally purchased by individuals under the age of 21. Children should be safe in schools, yet over the past four years there have been more than 283 school shootings in the U.S. For students attending schools located in areas with high rates of gun violence, the path to and from school is even more life-threatening.*

*Key Statistics & Findings:*

- U.S. children are 13 times more likely to die from a firearm homicide and eight times more likely to die of a suicide by firearm than children of comparable developed nations.<sup>xix</sup>
- On average, six children die every day in the U.S. due to gun violence.<sup>xx</sup>
- In 2016, 1,502 children across the U.S. died from gun violence.<sup>xxi</sup>
- Gun violence in the U.S. disproportionately impacts children of color, with African American children between 15-19 years old being more than five times as likely to be killed from firearms than white youth.<sup>xxii</sup>
- Child Access Prevention (CAP) laws are effective in protecting children from injuring themselves and others, by operating a firearm, yet federal law does not impose any specific CAP laws on gun owners, except that licensed importers, licensed manufacturers and/or licensed dealers of handguns are required to provide “secure gun storage or safety device,” to a purchaser at the time of sale or transfer, with limited exceptions for law enforcement and government officers.<sup>xxiii</sup> Further, disregarding the significant data illustrating that CAP laws are successful in protecting children and youth from firearm related suicides and unintentional death, 23 states across the U.S. have failed to enact CAP laws.
- In the U.S., 1.69 million kids under the age of 18 live in households with loaded and unlocked firearms.<sup>xxiv</sup>
- Despite evidence that safety counselling for families in households with firearms reduces gun violence,<sup>xxv</sup> several U.S. states have attempted to limit the ability of doctors talking to families about safe storage of weapons. While Florida’s Privacy of Firearm Owner’s Act was recently overturned,<sup>xxvi</sup> Montana, Minnesota and Missouri — have

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laws limiting the collection of gun ownership information by medical professionals or agencies.<sup>xxvii</sup>

- 73% of children under 10 years old are reported to live in homes with firearms, and 36% admitted to handling the weapons.<sup>xxviii</sup>
- Under the Gun Control Act of 1968, FFLs are prohibited from *selling* long-gun firearms or ammunition for long arms to anyone under 18 years of age, and from *selling* handguns or handgun ammunition to anyone under 21 of age.<sup>xxix</sup> Private sellers are prohibited from selling, delivering, or otherwise transferring (for example, as a gift) handguns to youth under 18. There is no federal law, however, preventing private persons from selling, delivering, or otherwise transferring a long gun or ammunition for long guns to a person of any age.<sup>xxx</sup>
- Federal law prohibits possession of a handgun by anyone under the age of 18.<sup>xxxi</sup> However, there is no minimum age for the possession of long guns, such as rifles and shotguns, or long gun ammunition. While many states have set their own minimum age laws that limit the purchasing of firearms, the majority of states do not regulate the age at which a child can possess a firearm.
- Incidents of children bringing guns to schools are common across the U.S., and could lead to devastating and preventable deaths. Unsecured firearms in the home play a role in deadly school shootings. In July 2004, the U.S. Secret Service and U.S. Department of Education published a study examining 37 school shootings from 1974-2000 that found that in more than 65% of cases, the attacker got the gun from his or her own home or that of a relative.<sup>xxxii</sup> A study by the Brady Campaign to Prevent Gun Violence analyzed the link between CAP laws and possession of a firearm on campus by high school students, concluding that the existence of CAP laws contributed to a 13 percent reduction in number of students carrying guns and an 18 percent reduction in students reporting threats or injuries resulting from firearms on campus. Evidence shows that most shootings which occurred on school campuses in the past three years were carried out by a student under the age of 18 who obtained the firearm from his/her own home, or that of a family member.<sup>xxxiii</sup> Accordingly, introduction of CAP laws, requiring that firearms be securely stored and unloaded, with corresponding civil and criminal liability for adults who permit access to guns to children without adequate supervision can ensure that school campuses remain safe and firearm-free.<sup>xxxiv</sup>
- In 2015, one in every four high school males reported having carried a weapon (includes firearms) to school on at least one occasion in the past 30 days.<sup>xxxv</sup>
- Federal law<sup>xxxvi</sup> prohibits students in K-12 schools from bringing firearms to school and the Gun-Free School Zones Act<sup>xxxvii</sup> directs that K-12 schools shall be “gun free zones,” with certain exceptions. Most notably, the law does not cover individuals licensed by the state to possess or carry a handgun. Other exceptions include exemptions for unloaded and locked firearms stored in a motor vehicle and/or firearms utilized in conjunction with an approved school program or activity. Currently, eight states either authorize (or fail to prohibit) individuals with concealed carry permits to carry firearms in K-12 schools.
- Despite the proven effectiveness of community-based youth violence prevention programs<sup>xxxviii</sup> and the need for further research on youth violence prevention initiatives, the U.S. Congress has failed for 10 years to pass the YOUTH PROMISE ACT which would fund evidence-based violence intervention and prevention programs, empower local

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communities with control and oversight, build on local strength by engaging universities and research sites, reduce crime, and increase accountability by linking funding to measured success.

## COMMUNITIES OF COLOR

*Under international law, the U.S. has an obligation to ensure that nationwide- all individuals enjoy the right to security without distinction based on race, color, sex, religion, language, nation or social origin, birth or status. The disparate impact of gun violence on communities of color is particularly troubling in the context of its long-lasting and life-altering effects -- and the way in which it compounds the socio-economic challenges of already marginalized minority communities. While racial divides and inequities are prevalent in many areas of life in the U.S.—including rates of unemployment, access to healthcare, mortality rates, etc. —nowhere is it more prevalent than in the impact of gun violence, which is in many ways symptomatic of a host of other discriminatory factors, leading to African Americans being ten times more likely to be the victims of gun homicides, by state and private actors, than white Americans.<sup>xxxix</sup>*

*Evidence suggests that in many cases, perpetrators of urban gun violence particularly impacting communities of color can be narrowed down to a small subset of individuals who can be identified as high risk for engaging in violence.<sup>xi</sup> Violence intervention models like Ceasefire,<sup>xli</sup> Cure Violence,<sup>xlii</sup> and hospital-based interventions,<sup>xliii</sup> have been widely reviewed, successfully implemented, and offer palatable solutions for communities in crisis.<sup>xliv</sup> Yet, despite their proven success, it is difficult to secure federal, state, and/or local government funding for these intervention programs.<sup>xlv</sup> While these programs have the potential to provide long-term stability to disadvantaged communities, they are the often the first to be defunded, after being established and successfully executed.<sup>xlvi</sup>*

### Key Statistics & Findings:

- African Americans represent 13% of the U.S. population, but make-up 56% of gun homicides nationwide.<sup>xlvii</sup>
- Gun violence is the leading cause of death among black men ages 15–34.<sup>xlviii</sup>
- Black teens are 22 times more likely to be killed by a gun than white teens.<sup>xlix</sup>
- International standards limit the use of lethal force by law enforcement. The intentional lethal use of firearms is justified only when “strictly unavoidable in order to protect life.”<sup>1</sup> There is no federal statute governing the use of lethal force in the United States. The use of lethal force is governed by individual state statutes and U.S. common law. Currently, no state in the U.S. fully complies with international standards.<sup>li</sup> Communities of color are disproportionately impacted by the use of lethal force by law enforcement in the U.S. According to one media source tracking the incidents, (due to the absence of U.S. government data), in 2016, of the 1093 people were killed by law enforcement, 266 or 24.3 percent were African American.<sup>lii</sup> For victims who died, but were unarmed when interacting with the police—the percentage of African Americans affected is even higher. Out of 170 unarmed individuals killed by law enforcement in 2016, 42 or 24.7 percent of them were black.<sup>liii</sup> Native Americans as well as Hispanics have also been disproportionately affected by law enforcement implementing lethal force.<sup>liv</sup> For

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example, while Native Americans make up less than one percent of the population, they account for nearly two percent of police killings.<sup>lv</sup>

- Research suggests that Stand Your Ground laws may legitimize racial bias in the criminal justice systems of the states where they are enacted. In 22 states with Stand Your Ground laws, the shooting of a black person by a white person was found justifiable 17 percent of the time, while the shooting of a white person by a black person was deemed justifiable just over 1 percent of the time.<sup>lvi</sup>

Recommendations to the U.S. government:

In order to prevent firearms violence and protect human rights, the U.S. should enforce minimum standards for the regulation of firearms to prevent them from being used by private actors to abuse human rights. The Special Rapporteur on the Prevention of Human Rights Violations Committed with Small Arms and Light Weapons has established a need for strict national laws and regulations on small arms licensing, registration, training, and safe storage practices. There must be restrictions of firearms and ammunition types that represent a high level of risk to public safety and are likely to cause excessive or unintended injury, firearm tracing, along with the investigation and prosecution of illicit manufacture, possession, stockpile or transfer, among other measures. Lastly, there must be research to study the causes, prevention, and impact of gun violence on individuals and the community.<sup>lvii</sup>

Specifically, with regard to addressing gun violence and its impact on the human rights of disparately impacted groups:

Federal Law:

- Federal law must require background checks for all gun sales and transfers, not just those by licensed dealers. Currently, only nine states and Washington, D.C. require background checks for all types of gun sales and transfers.<sup>lviii</sup>
- Federal law should be amended to provide enhanced protection for women and LGBT individuals, by expanding the definition of intimate partners to include dating partners<sup>lix</sup> and by expanding the list of disqualifying offenses for prohibited persons to include “misdemeanour stalking.”<sup>lx</sup>
- The federal government should enact the Youth Promise Act, legislation which will implement the most comprehensive approach to youth violence intervention and prevention and provide funding for evidence-based practices that address juvenile justice and criminal activity.
- The federal government should amend the Gun-Free School Zones Act to close the loophole for concealed carry permits and [should not allow weapons to be on school property if in cars and vehicles].
- The U.S. Department of Education should collect data on firearms incidents that take place prior to and after school dismissal.
- The federal government should provide funding to state, local and tribal authorities to ensure that trauma-informed treatment and services are made available for children and families exposed to gun violence and trauma.

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- The federal government should undertake research around causes and effects of gun violence among youth in the U.S., and develop gun violence prevention strategies to protect against the loss of children's lives.
- The federal government should launch a public education and awareness campaign around firearm safety and child deaths due to unintentional shootings and suicide.
- The federal government should allocate funding through the Department of Justice and/or other agencies to support evidence-based gun violence intervention strategies that decrease gun violence in communities of color and continue to support and expand initiatives that improve police legitimacy and community relations.

State Law:

- All states should pass laws prohibiting persons convicted of misdemeanor domestic violence and persons subject to restraining orders, from owning or possessing guns.
  - All states should implement procedures for the immediate removal of firearms by individuals who become prohibited persons under state and federal law.
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- States should encourage pediatricians and other health professionals to provide counseling and safety education to parents with firearms in the home or within access of children.
  - States must each pass laws that recognize a heightened safety obligation for gun owners and should require them to keep guns properly locked up or under their immediate control when they have reason to know that a child is present or might have access to the area. All states should pass stringent and comprehensive Child Access Prevention Laws that:
    - Mandate all individuals must store firearms unloaded under the protection of a locking device.
    - Hold individuals civilly and criminally liable for negligent storage of firearms and ammunition:
      - regardless of whether a child has succeeded in exercising control or possession of the firearm and/or ammunition; and/or
      - regardless of whether the firearm being handled by the child actually shoots an individual causing injury or death.
      - regardless of whether the gun owner or possessor stored the gun unloaded or loaded.
    - Provides protection for all children and youth under the age 18, at a minimum, by defining "minor" under the relevant statute to include individuals ages 0-18 years of age.
    - Requires public education and caution regarding the law, including the distribution of materials to be promoted in conjunction with firearm sales.
  - States should ensure that gun purchasers, including purchasers of rifles or shotguns, must be provided with a gun lock or safety device.
  - States should require every licensed dealer to ensure that the sale of any firearm is accompanied by appropriate safety information.<sup>lxi</sup>
  - States should ensure that students attending schools are safe from gun violence. In particular, in areas where there are high rates of gun violence, states should ensure that



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students are offered safe passage to and from school, in areas around the school, during school activities and extracurricular events that may occur outside usual school hours.

- States should prohibit guns in K–12 schools, and no exceptions should be granted to individuals who have a concealed carry permit or a firearm stored in their vehicle.
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- States must repeal Stand Your Ground Laws as they violate international law on the use of lethal force and evidence suggests that they may disparately impact communities of color.
  - States must ensure that victims, survivors and those affected by gun violence, particularly children and youth, are offered opportunities for treatment of trauma, and social, emotional and psychological counseling through victim support offices, direct service organizations, schools and hospitals, where necessary.

Conclusion and Request to IACHR:

Although people are dying daily due to gun violence, policy makers have largely been inactive and unwilling to reform our laws. As a result, thousands of people throughout the United States are dying each year from gun violence; tens of thousands more are injured.

The U.S. is in violation of its obligation to protect human rights pursuant to international law, and it must act immediately to address its gun violence crisis.

We thank you for holding this hearing on an urgent human rights crisis in the United States and ask the Commission to:

- Conduct a follow up hearing to hear from survivors, families of victims and representatives of impacted communities;
- And conduct an investigation and issue a report on the issue of gun violence in the U.S. that includes best practices on how the United States can meet its obligations under international law, in order to address this crisis.

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<sup>i</sup> Amnesty International, Amnesty International's observations on the draft general comment on article 4 of the African Charter on human and peoples' rights (right to life), Index number: AFR 01/2341/2015, 2 September 2015, p. 2.

<sup>ii</sup> Amnesty International, The UN human rights committee's proposed general comment on the right to life Amnesty International's preliminary observations, p. 5, <https://www.amnesty.org/en/documents/afr01/2341/2015/en/>  
<https://www.amnesty.org/download/.../IOR4016442015ENGLISH.pdf>

<sup>iii</sup> Barbara Frey, University of Minnesota human rights programme, The obligation to respect and protect the right to life under article 6 from firearm-related violations, Independent Submission on the Human Rights Committee general comment on article 6 for the 114th session, July 14, 2015, pp. 5-7.

<sup>iv</sup> Amnesty International, The UN Human Rights Committee's Proposed General Comment on the Right To Life, Amnesty International's Preliminary Observations, Prevention of the violations of the right to life, IOR 40/1644/2015, p. 10, available at <http://www.ohchr.org/Documents/HRBodies/CCPR/Discussion/2015/AI.pdf>

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- <sup>v</sup> Human Rights Committee, General Comment 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, para. 8.
- <sup>vi</sup> *Gun Violence By the Numbers*, Everytown for Gun Safety, <https://everytownresearch.org/gun-violence-by-the-numbers/#YearlyGunMurders>.
- <sup>vii</sup> The Center for Disease Control and Prevention (CDC) figures for 2015, <http://www.cdc.gov/injury/wisqars/nonfatal.html> (for nonfatal injury) and [http://www.cdc.gov/injury/wisqars/fatal\\_injury\\_reports.html](http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html) (for deaths).
- <sup>viii</sup> U.S. Centers for Disease Control and Prevention, WISQARS™ (Web-based Injury Statistics Query and Reporting System), Fatal Injury Data 2016, <https://www.cdc.gov/injury/wisqars/fatal.html>. (In 2016, 33,658 individuals died from firearms in the US); see also *Gun Violence By the Numbers*, Everytown for Gun Safety, <https://everytownresearch.org/gun-violence-by-the-numbers/#YearlyGunMurders>.
- <sup>ix</sup> In 1996, Congress passed the “Dickey Amendment” which specified that “none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention (CDC) may be used to advocate or promote gun control.” The legislation was accompanied by a \$2.6 million budget cut, which just happened to match the amount of money spent by the CDC on gun research the year before.
- <sup>x</sup> Concluding Observations on the Fourth Periodic Report of the United States of America 5-6, UN. Doc. CCPR/C/USA/CO/4 (April 23, 2014) (“While acknowledging the measures taken to reduce gun violence, the Committee remains concerned about the continuing high numbers of gun-related deaths and injuries and the disparate impact of gun violence on minorities, women, and children.
- <sup>xi</sup> 18 U.S.C. § 922(g)(8), (9).
- <sup>xii</sup> Erin Grinshteyn, David Hemenway, *Violent Death Rates: The US Compared with Other High-income OECD Countries, 2010*, Am J Med. (Mar. 2016) 129(3):266-73, [http://www.amjmed.com/article/S0002-9343\(15\)01030-X/pdf](http://www.amjmed.com/article/S0002-9343(15)01030-X/pdf); D.Hemenway and E.G. Richardson, *Homicide, Suicide and Unintentional Firearm Fatality: Comparing the United States with other High-Income Countries*, J Trauma (Jan. 2011), 70(1): 238-43; <https://www.ncbi.nlm.nih.gov/pubmed/20571454>.  
<http://nytlive.nytimes.com/womenintheworld/2015/09/18/the-boyfriend-loophole-in-u-s-gun-laws-is-costing-womens-lives/>; see also Arkadi Gerney, et al., *Women Under the Gun*, Center for American Progress (June 2014), <https://www.americanprogress.org/issues/guns-crime/report/2014/06/18/91998/women-under-the-gun/>.
- <sup>xiii</sup> Associated Press, *Domestic Shooting Homicides*, <http://data.ap.org/projects/2016/domestic-gun-homicides/>; Louis Beckett, *What Could Actually Work to Fix Gun Violence in America- and What Doesn't*, The Guardian, June 23, 2016, <https://www.theguardian.com/us-news/2016/jun/23/gun-control-violence-what-works-what-doesnt>.
- <sup>xiv</sup> Jacquelyn C. Campbell et al., *Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study*, 93 Am. J. Pub. Health 1089, 1092 (July 2003)
- <sup>xv</sup> *National Intimate Partner and Sexual Violence Survey – 2010 Summary Report*, National Center for Injury Prevention and Control, Division of Violence Prevention, Centers for Disease Control and Prevention (2010), [https://www.cdc.gov/violenceprevention/pdf/nisvs\\_report2010-a.pdf](https://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf).
- <sup>xvi</sup> Everytown analysis of FBI Supplementary Homicide Reports, 2008-12, available at: <http://bit.ly/1yVxm4K>.
- <sup>xvii</sup> Everytown for Gun Safety, *Analysis of Recent Mass Shootings* (July 2014), <https://everytownresearch.org/documents/2015/09/analysis-mass-shootings.pdf>.
- <sup>xviii</sup> *Gun Violence Statistics*, Giffords Law Center to Prevent Gun Violence, <http://lawcenter.giffords.org/category/gun-studies-statistics/gun-violence-statistics/>
- <sup>xix</sup> Daniel Webster and Jon S. Vernick, *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, The Johns Hopkins University Press (2013), at 13.
- <sup>xx</sup> *Gun Violence by the Numbers*, Everytown for Gun Safety, <https://everytownresearch.org/gun-violence-by-the-numbers/>.
- <sup>xxi</sup> Analysis of Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Injury prevention & control; Data statistics (WISQARS), Fatal Injury Reports, <https://webappa.cdc.gov/sasweb/ncipc/mortrate.html>.
- <sup>xxii</sup> Analysis of Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Injury prevention & control; Data statistics (WISQARS), Fatal Injury Reports, <https://webappa.cdc.gov/sasweb/ncipc/mortrate.html>.
- <sup>xxiii</sup> 18 U.S.C. § 922(z)(1)
- <sup>xxiv</sup> Catherine A. Okoro et al., *Prevalence of Household Firearms and Firearm-Storage Practices in the 50 States and the District of Columbia: Findings from the Behavioral Risk Factor Surveillance System, 2002*, 116 Pediatrics e370, e370 (Sept. 2005).
- <sup>xxv</sup> *Commonsense Solutions: State Gun Laws to Protect Kids from Unintended Shootings*, Americans for Responsible Solutions and the Law Center to Prevent Gun Violence, 2014, at 3, [http://smartgunlaws.org/wp-content/uploads/2015/06/20150615\\_ARS\\_ToolKit\\_kidsandguns\\_rd4.pdf](http://smartgunlaws.org/wp-content/uploads/2015/06/20150615_ARS_ToolKit_kidsandguns_rd4.pdf) (citing Teresa L. Albright & Sandra K. Burge, Improving Firearm Storage Habits: Impact of Brief Office Counseling by Family Physicians, 16 J. OF THE AM. BD. OF FAMILY PRACTICE 40, 40 (2003)); see also Jane Brody, *Personal Health: Keeping Guns Out of Children's Hands*, The New York Times (Aug. 17, 2004), <http://www.nytimes.com/2004/08/17/health/personal-health-keeping-guns-out-of-children-s-hands.html> (Despite this

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evidence-based consensus in favor of asking and educating patients about firearm safety, the gun lobby vigorously opposes such counseling, and is even supporting proposals to limit doctors' authority to talk to their patients about gun storage. Florida enacted a limited version of one of these proposals in 2011. See Fla. Stat. § 790.338). [should this be in the footnote or above in the text with a cite to the FL statute?]

<sup>xxvi</sup> Rebecca Hersher, *Court Strikes Down Florida Law Barring Doctors From Discussing Guns With Patients*, NPR (Feb. 17, 2017), <https://www.npr.org/sections/thetwo-way/2017/02/17/515764335/court-strikes-down-florida-law-barring-doctors-from-discussing-guns-with-patient>; see also *Dr. Wollschlaeger et. al v. Governor, State of Florida, et. al*, No. 12-14009 (11th Cir. Feb. 16, 2017), <https://www.documentcloud.org/documents/3467440-Wollschlauger-v-Fla-11thCircuitDecision.html> ("As part of their medical practices, some doctors routinely ask patients about various potential health and safety risks, including household chemicals, drugs, alcohol, tobacco, swimming pools, and firearms. A number of leading medical organizations, and some of their members, believe that unsecured firearms 'in the home increase risks of injury, especially for minors and those suffering from depression or dementia...In an effort to prevent and reduce firearm-related deaths and injuries, particularly to children, the American Medical Association 'encourages its members to inquire as to the presence of household firearms as a part of childproofing the home and to educate patients to the dangers of firearms to children.")

<sup>xxvii</sup> Mont. Code Ann. §50-16-108 (2014), Mo. Rev. Stat. §571.012 (2015), Minn. Stat. §144.05 (2015); Minn. Stat. §62V.06 (2015); see also Garen J. Wintemute, MD, MPH; Marian E. Betz, MD, MPH; Megan L. Ranney, MD, MPH, *Yes You Can: Physicians, Patients, and Firearms*, *Ann Intern Med.* 2016;165(3):205-213, <http://annals.org/aim/fullarticle/2522436/>  
<sup>xxviii</sup> Fla. Stat. Ann. §790.338 (2015).

<sup>xxviii</sup> Statistics on Youth Gun Violence & Gun Access, Giffords Law Center, <http://lawcenter.giffords.org/youth-gun-violence-gun-access-statistics/>.

<sup>xxix</sup> 18 U.S.C. § 922(b)(1) (2018).

<sup>xxx</sup> ATF, *Minimum Age for Gun Sales and Transfers*, <https://www.atf.gov/resource-center/minimum-age-gun-sales-and-transfers>.

<sup>xxxi</sup> 18 U.S.C. § 922(x)(2)(A), (5) (2018).

<sup>xxxii</sup> U.S. Secret Service & U.S. Dep't of Education, *The Final Report & Findings of the Safe School Initiative – Implications for the Prevention of School Attacks in the United States* 27 (July 2004), at <http://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf>.

<sup>xxxiii</sup> *Id.* at 18.

<sup>xxxiv</sup> *Id.*

<sup>xxxv</sup> *1991-2015 High School Youth Risk Behavior Survey Data*, Centers for Disease Control and Prevention (CDC)(2016), <http://nccd.cdc.gov/youthonline/>; see also *High School Students Carrying Weapons*, Child Trends (October 2016) [http://www.childtrends.org/wp-content/uploads/2016/10/19\\_Students\\_Carrying\\_Weapons.pdf](http://www.childtrends.org/wp-content/uploads/2016/10/19_Students_Carrying_Weapons.pdf).

<sup>xxxvi</sup> The Gun-Free Schools Act, 20 U.S.C. § 7151, <https://www.gpo.gov/fdsys/granule/USCODE-2011-title20/USCODE-2011-title20-chap70-subchapIV-partA-subpart3-sec7151>.

<sup>xxxvii</sup> The Gun Free School Zones Act (GFSZA), 18 U.S.C. § 922(q)(2)(A). The GFSZA originally was enacted as part of the Crime Control Act of 1990. The GFSZA was eventually challenged as an unconstitutional exercise of congressional authority under the Commerce Clause of the U.S. Constitution. In *United States v. Lopez*, the Supreme Court struck down the law on the grounds that the Act regulated neither commercial nor interstate activity. (514 US 549 (1995)). Following the ruling in *Lopez*, Congress re-enacted the GFSZA in 1996, correcting the defects identified by the Supreme Court. The amended GFSZA contained the same prohibitions as the 1996 revision, except the newer version added language to apply the law to any firearm "that has moved in or that otherwise affects interstate or foreign commerce." 18 U.S.C. § 922(q)(2)(A), (3)(A). Challenges to the new statute have been unsuccessful. See, e.g., *United States v. Danks*, 221 F.3d 1037, 1038-39 (8th Cir. 1999) and *United States v. Dorsey*, 418 F.3d 1038, 1045-46 (9th Cir. 2005), *rev'd on other grounds*. (It should be noted that President Trump wants to eliminate this law.)

<sup>xxxviii</sup> *Youth Violence Prevention Initiatives and Outcomes*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, [https://www.ojjdp.gov/programs/youth-violence-prevention.html#outcomes\\_jump](https://www.ojjdp.gov/programs/youth-violence-prevention.html#outcomes_jump) (See e.g. The Richmond, Virginia Gang Reduction and Intervention Program (GRIP), a DOJ pilot program funded through a grant from the Office of Juvenile Justice and Delinquency Prevention. The program spent \$2.5 million in a collaborative effort between the City of Richmond, federal, state and local partners focusing on a target community. In two years, major crimes in that target community were down 43% and homicides fell from 19 to 2.); see also Meagan Cahill, *Findings from the Evaluation of OJJDP's Gang Reduction Program*, OJJDP (Dec.2010) at 10, <http://www.preventgangsnova.org/GangReductionStudy.pdf>.

<sup>xxxix</sup> 2016, United States Death Rates per 100,000 Population, All Injury, Homicide, Black (Non-Hispanic), Both Sexes, All Ages, Annualized Crude Rate for US 20,05, CDC Fatal Injury Mapping WISQARS, <https://wisqars.cdc.gov:8443/cdcMapFramework/mapModuleInterface.jsp>; 2016, United States Death Rates per 100,000 Population, All Injury, Homicide, White (Non-Hispanic), Both Sexes, All Ages, Annualized Crude Rate for US 1.81, CDC Fatal Injury Mapping WISQARS, <https://wisqars.cdc.gov:8443/cdcMapFramework/mapModuleInterface.jsp>; *Statement by the NAACP*

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*Legal Defense and Educational Fund, Inc.*, United States Senate Committee on the Judiciary, Hearing on “What Should America Do About Gun Violence” (Jan. 30, 2013),

[http://www.naacpldf.org/files/case\\_issue/LDF%20Testimony%20in%20Senate%20Judiciary%20Committee%20%20Hearing%20on%20Gun%20Violence.pdf](http://www.naacpldf.org/files/case_issue/LDF%20Testimony%20in%20Senate%20Judiciary%20Committee%20%20Hearing%20on%20Gun%20Violence.pdf).

<sup>xi</sup> S. Bieler, K. Kijakazi, N. LaVigne, N. Vinik, and S. Overton, *Engaging Communities in Reducing Gun Violence: A Road Map for Safer Communities*, Joint Center for Political and Economic Studies, the Urban Institute and the Joyce Foundation (April 2016), at 8, <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/2000760-Engaging-Communities-in-Reducing-Gun-Violence-A-Road-Map-for-Safer-Communities.pdf>; A. Braga, D. Weisberd, *Focused Deterrence and the Prevention of Violent Gun Injuries*, *Annu. Re. Public Health* (2015 Mar 18), 36:55-68; <https://www.ncbi.nlm.nih.gov/pubmed/25494051>; Daniel Webster, *Commentary: Evidence to Guide Gun Violence Prevention in America*, *Annu. Rev. Public Health*: 36: 1-4, (Jan. 7, 2015), <http://www.issuelab-dev.org/resources/22698/22698.pdf>.

<sup>xlii</sup> Office of Justice Programs, National Institutes of Justice, Operation Ceasefire, <https://www.nij.gov/topics/crime/gun-violence/prevention/pages/ceasefire.aspx>;

<sup>xliii</sup> CeaseFire Illinois, the Cure Violence Model, <http://cureviolence.org/partners/illinois-partners/>; <http://cureviolence.org/>.

<sup>xliiii</sup> Key Components of Hospital-Based Intervention Programs, <http://nnhvip.org/wp-content/uploads/2010/09/key.pdf>; see also Poli Rijos, *A Coordinated Effort May Be the Solution to Gun Violence in St. Louis*, <https://publichealth.wustl.edu/a-coordinated-effort/> (Oct. 1, 2015).

<sup>xliiv</sup> Nancy Ritter, *Ceasefire: A Public Health Approach to Reduce Shootings and Killings*, *National Institute of Justice Journal*, Issue 264 (2009), <http://www.narrowthegap.org/images/documents/228386.pdf>; *Group Violence Intervention*, National Network for Safer Communities, <https://nnscommunities.org/our-work/strategy/group-violence-intervention>; Purtle, Jonathan MPH, MSC; Dicker, Rochelle MD; Cooper, Carnell MD; Corbin, Theodore MD, MPP; B. Greene, Michael PhD; Marks, Anne MPP, *Hospital-based Violence Intervention Programs Save Money and Lives*, *Journal of Trauma and Acute Care Surgery*: [August 2013 - Volume 75 - Issue 2 - p 331-333](http://journals.lww.com/jtrauma/Citation/2013/08000/Hospital_based_violence_intervention_programs_save.22.aspx);

[http://journals.lww.com/jtrauma/Citation/2013/08000/Hospital\\_based\\_violence\\_intervention\\_programs\\_save.22.aspx](http://journals.lww.com/jtrauma/Citation/2013/08000/Hospital_based_violence_intervention_programs_save.22.aspx); Developing a Successful Street-Outreach Program: Recommendations and Lessons Learned, National Council on Crime and Delinquency (Oct. 2009), <http://www.ci.richmond.ca.us/DocumentCenter/Home/View/8054>.

<sup>xliiv</sup> Lois Beckett, *Beyond Gun Control: Why No One in Washington-Not Even President Obama- Will Embrace a Program That Could Actually Reduce Gun Violence*, *The New Republic* (Nov. 24, 2015), <https://newrepublic.com/article/124445/beyond-gun-control>; S. Bieler, K. Kijakazi, N. LaVigne, N. Vinik, and S. Overton, *Engaging Communities in Reducing Gun Violence: A Road Map for Safer Communities*, Joint Center for Political and Economic Studies, the Urban Institute and the Joyce Foundation (April 2016), at 10, <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/2000760-Engaging-Communities-in-Reducing-Gun-Violence-A-Road-Map-for-Safer-Communities.pdf>; Nancy Derringer, *Aid Guns and Violence and Police Shootings, A Program That Works* (July 21, 2016) (Describing Kalamazoo, MI inability to receive grant-funding for Ceasefire. Finally funded by private foundations); <http://www.bridgemi.com/public-sector/amid-guns-and-violence-and-police-shootings-program-works>; Bobby Constantino, *We’ve Turned Our Backs on a Proven Method to Curtail Gun Violence*, *The Guardian* (Dec. 14, 2015); <https://www.theguardian.com/commentisfree/2015/dec/14/turned-our-back-on-a-proven-method-to-curtail-gun-violence-project-ceasefire>; see also AIUSA Interview with Mark Payne, Executive Director of Cure Violence/Ceasefire Illinois and Chico Tillmon, Violence Interrupter/Program Manager, Cure Violence/ Ceasefire, IL (Oct. 17, 2016), AIUSA Interview with Victor Dixon, CEO & President, Safer Foundation, and Sodiqa Williams, Vice President, Safer Foundation (Oct. 17, 2016); AIUSA Interview with DeVone Boggan, President, Advance Peace, Director, Richmond, CA Office of Neighborhood Safety/Peacemaker Fellowship (Nov.30,2016).

<sup>xlivi</sup> S. Bieler, K. Kijakazi, N. LaVigne, N. Vinik, and S. Overton, *Engaging Communities in Reducing Gun Violence: A Road Map for Safer Communities*, Joint Center for Political and Economic Studies, the Urban Institute and the Joyce Foundation (April 2016), at 10, <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/2000760-Engaging-Communities-in-Reducing-Gun-Violence-A-Road-Map-for-Safer-Communities.pdf>; see also AIUSA Interview with Mark Payne, Executive Director of Cure Violence/Ceasefire Illinois and Chico Tillmon, Violence Interrupter/Program Manager, Cure Violence/ Ceasefire, IL (Oct. 17, 2016); AIUSA Interview with Mike McLively, Attorney, Law Center to Prevent Gun Violence (Nov. 28, 2016); *Anti-violence Programs Shut-down as Chicago Shootings Climb*, *The Chicago Tribune* (Oct. 9, 2015), <http://www.chicagotribune.com/news/ct-ceasefire-funds-frozen-as-chicago-shootings-climb-20151009-story.html>; Justin Fenton, *Anti-gun Ceasefire Program Struggling in Baltimore*, *The Baltimore Sun* (May 30, 2015), <http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-ceasefire-troubles-20150530-story.html>.

<sup>xliiii</sup> Analysis of Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Injury prevention & control; Data statistics (WISQARS), *Fatal Injury Reports*, <https://webappa.cdc.gov/sasweb/ncipc/mortrate.html>.

<sup>xliiii</sup> Centers for Disease Control and Prevention, *Leading Cause of Death by Age Group, Black Males, 2014*, <https://www.cdc.gov/men/lcod/2014/black/index.html>.

<sup>xlix</sup> Analysis of Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Injury prevention

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& control; Data statistics (WISQARS), Fatal Injury Reports, <https://webappa.cdc.gov/sasweb/ncipc/mortrate.html>.

<sup>i</sup> Article 3, UN Code of Conduct for Law Enforcement Officials, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979); Principle 9, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990).

<sup>ii</sup> Amnesty International, *Deadly Force: Police Use of Lethal Force in the United States*, 2015, [http://www.amnestyusa.org/sites/default/files/aiusa\\_deadlyforcereportjune2015.pdf](http://www.amnestyusa.org/sites/default/files/aiusa_deadlyforcereportjune2015.pdf).

<sup>iii</sup> *The Counted: People Killed by Police in the US*, The Guardian, <https://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database> (last visited Sept. 5, 2017) [hereinafter Guardian Database] (reporting 1039 people killed by police in 2016).

<sup>iiii</sup> *Id.*

<sup>liv</sup> Center for Disease Control, WISQARS database, *Fatal Injury Reports, 1999-2013, for National, Regional, and States*, [Legal Intervention Injury, Deaths, and Rates per 100,000 all races], [http://webappa.cdc.gov/sasweb/ncipc/mortrate10\\_us.html](http://webappa.cdc.gov/sasweb/ncipc/mortrate10_us.html).

<sup>lv</sup> Police Shootings of Native Americans Spark a Movement, High Country News, <http://www.hcn.org/articles/native-lives-matter-a-movement-emerges>.

<sup>lvi</sup> Roman, John K., “Race, Justifiable Homicide, and Stand Your Ground Laws: Analysis of FBI Supplementary Homicide report Data”, Urban Institute, July 2013, available at <http://www.urban.org/UploadedPDF/412873-stand-your-ground.pdf>.

<sup>lvii</sup> Prevention of human rights violations committed with small arms and light weapons Final report submitted by Barbara Frey, Special Rapporteur, in accordance with Sub-Commission resolution 2002/25, A/HRC/Sub.1/58/27, July 2006,

<sup>lviii</sup> *Universal Background Checks*, Giffords Law Center to Prevent Gun Violence, <http://lawcenter.giffords.org/gun-laws/policy-areas/background-checks/universal-background-checks/>.

<sup>lix</sup> The U.S. should amend federal law 18 USC § 922, to expand definition of “intimate partner” to include dating partners, enhancing protection for women and LGBT individuals whose safety is threatened in a domestic violence situation involving a firearm.<sup>lix</sup>

<sup>lx</sup> Federal law 18 USC § 922(g) should expand the list of disqualifying offenses to include “misdemeanor stalking.”

<sup>lxi</sup> Olivia Li, *Cars, Toys and Aspirin Have to Meet Minimum Safety Standards. Guns Don't. Here's Why*, The Trace (January 19, 2016), <https://www.thetrace.org/2016/01/gun-safety-standards/>; see also *Commonsense Solutions: State Gun Laws to Protect Kids from Unintended Shootings*, Americans for Responsible Solutions and the Law Center to Prevent Gun Violence, 2014, [http://smartgunlaws.org/wp-content/uploads/2015/06/20150615\\_ARS\\_ToolKit\\_kidsandguns\\_rd4.pdf](http://smartgunlaws.org/wp-content/uploads/2015/06/20150615_ARS_ToolKit_kidsandguns_rd4.pdf) (Firearms and ammunition are some of the only products specifically exempted from the requirements of the federal Consumer Product Safety Act, which imposes health and safety standards on consumer products. As a result, the Consumer Product Safety Commission lacks the jurisdiction to require firearms and ammunition to be accompanied by safety information. Further federal law immunizes the gun industry from most kinds of civil liability through the Protect of Lawful Commerce in Arms Act of 2005 (PLCAA). But, the PLCAA makes an exception for ‘an action in which a manufacturer or seller of a firearm knowingly violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought.’, so despite the absence of a federal statute on the issue, states have the capacity to enact this requirement.)