



# END GUN VIOLENCE

EDUCATIONAL TOOLKIT

AMNESTY  
INTERNATIONAL



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# #ENDGUNVIOLENCE

### How to Use This Resource

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This is an **informational resource** providing a deeper dive into different types of gun violence and reviewing how gun violence intersects with human rights laws and standards.

Our action-oriented toolkit will be available shortly. Please email [egv@aiusa.org](mailto:egv@aiusa.org) if you have any questions about how to become involved in the meantime.

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# BEYOND THE HEADLINES

## DIFFERENT TYPES OF GUN VIOLENCE EXPLAINED

### COMMUNITY GUN VIOLENCE

Gun homicides impact black and latino communities – especially young black men – at rates that are especially high. While African Americans represented approximately 13% of the U.S. population in 2016, they made up 58.5% of gun homicides nationwide and a black male aged 15-34 was almost 20 times more likely to die from firearm homicide than a white male of the same age group. In no way should this imply that communities of color are prone to violence.

Gun violence and the toll it takes on communities of color in urban settings is the symptom of a bigger problem: the failure of our government – at every level – to address institutional racism. Without jobs, investment in at-risk communities, adequately-funded and resourced violence reduction and youth mentorship programs, and other support networks and services that can provide stability, gun violence remains prevalent.

The U.S. must work to reduce these high levels of firearm violence in low income and minority communities and to address the long-term socio-economic impact of this violence. In addition to taking "due diligence" steps to reduce and prevent gun violence, this can be done, in part, by implementing sustained, adequately-funded, evidence-based gun violence reduction and prevention programs, tailored towards specific social, economic

and cultural contexts, and by working in partnership with the affected communities.

### SUICIDE

In 2016, 22,938 people in the U.S. died from suicide by firearm – more than 62 a day. Evidence shows that suicide with a gun is the most common and by far the deadliest suicide method of self-harm. While personal autonomy is central to human dignity, individuals attempting suicide may be doing so because they are in a momentary acute crisis which may affect their ability to make an irreversible decision to end their life.

The government should ensure that health workers are able to discuss all factors impacting their patients' health and safety – including possession and use of guns. This is why *Extreme Risk Protection Orders*, and similar laws, which provide a mechanism for the police, health care providers, and/or family to petition a court to temporarily remove guns from an individual that they believe is a risk are so important – and must be used in a manner consistent with human rights protections.



## DOMESTIC VIOLENCE

Around 4.5 million American women alive today have been threatened by an abuser with a gun; 1 million of those have been shot and injured or shot at without injury.

Federal law loopholes allow dating partners, those convicted of misdemeanor stalking, and those subject to temporary or permanent restraining orders to purchase and possess firearms. Even when safeguards do exist, they are often not enforced. For example, 35 states and Washington, D.C. prohibit people subject to domestic violence-related restraining orders from possessing guns, but only 27 of those states also explicitly require these gun owners to give up the gun they already have. The U.S. must close all these loopholes and establish regulations to ensure that domestic abusers cannot purchase or possess firearms.

Domestic violence also occurs within the LGBTI community, and it's critical that when closing loopholes, LGBTI relationships are also taken into equal account.

## YOUTH

Gun violence impacts youth in their homes, neighborhoods and schools, whether through unintentional or violent acts, or as a mechanism for self-harm. In 2016, 1,637 children died from gun-related homicides, unintentional shootings or suicide in the U.S.; and, according to a 2017 CDC study, an average of 5,790 kids are treated in emergency rooms for gun-related injuries every year. States with the highest rates of gun ownership also have the highest rates of gun death, including among children.

Even if a child survives a gun-related incident, long-term exposure to gun violence can lead to numerous developmental problems. Children raised in turbulent and violent climates, whether related to domestic violence, physical abuse, or community violence, may be more likely to engage in violence and anti-social behavior throughout their lives. They are also more susceptible to mental health issues such as anxiety, post-traumatic stress disorder and depression.



## POLICE USE OF LETHAL FORCE

Nearly 1,000 individuals are also killed each year by law enforcement officials (state actors) with firearms. African Americans are disproportionately impacted by the police using firearms.

In 2017, 987 people were killed in confrontation with law enforcement officials, 223 (23% of the total) were African American despite making up only 13% of the population.

International human rights standards provide that law enforcement officers should only use force when there are no other means that are likely to achieve the legitimate objective.

The amount of force must be proportionate to the seriousness of the harm it is aiming to prevent, and designed to minimize damage and injury. Officers may use firearms only as a last resort when strictly necessary to protect themselves or others against the imminent threat of death or serious injury. The intentional lethal use of firearms is justified only when "strictly unavoidable in order to protect life."

For more detailed information, see Amnesty International's report, [\*Deadly Force: Police Use of Lethal Force in the United States\*](#).





## MASS SHOOTINGS

Mass shootings are typically defined as shootings where four or more victims are killed. Between 2009 and 2016 there were 156 mass shootings in the U.S., in which a total of 848 people were killed and 339 injured. Public mass shootings account for less than 1% of gun deaths in the U.S. However, mass shootings have a profound emotional and psychological effect on survivors, family members and their communities, and have created an environment in which people feel unsafe in public places: including churches,

schools, concert-venues, and movie theaters. More than half of mass shootings between January 2009 and July 2015 arose out of domestic disputes, which occur when an offender kills 4 or more family members.

The solutions to addressing mass shooting incidents are the solutions that have been identified as ways to prevent other acts of gun violence, see "*What AIUSA is Calling For*" on p15.



# GUN VIOLENCE & HUMAN RIGHTS

## ABOUT HUMAN RIGHTS

Human rights are freedoms and protections that belong to every single one of us. They are based on principles of dignity, equality, and mutual respect – regardless of age, nationality, gender, race, beliefs and personal orientations.

Human rights are universal – they belong to all of us; everybody in the world. They are inalienable – they cannot be taken away from us. And they are indivisible and interdependent – they are all of equal importance and are interrelated.

Since the atrocities committed during World War II, international human rights instruments, beginning with the Universal Declaration of Human Rights, have provided

a solid framework for national, regional and local legislation designed to improve lives around the world. Human rights obligations can be seen as standards for governments, through which governments or state officials must respect, protect and fulfil the rights of those within their jurisdictions and also abroad. Human rights obligations are not luxuries that can be met only when practicalities allow.

In the U.S., persistent gun violence is denying people their civil and political rights including their right to life, to security of person and to be free from discrimination. Gun violence also undermines the enjoyment of economic, social and cultural rights, including the right to health and the right to education.

## LIFE AND PERSONAL SECURITY

The government has the obligation to protect our right to life and right to personal security – rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which the U.S. signed and ratified.

The U.S. government has an obligation of "due diligence" to protect these rights – it must take effective measures to address actual or foreseeable threats to our lives, including the threat of gun violence. The government's obligation to protect us goes beyond actions by government actors – to the threats posed by private individuals and the wider community.

The government must address discriminatory violence, gender-based violence and the use of guns in suicides and unintentional deaths. The government must also act with due diligence to prevent, punish, investigate and redress harm caused by private individuals and should pay particular attention to those most at risk, particularly individuals and marginalized communities.

## HEALTH AND EDUCATION

Gun violence is happening in communities that suffer from a lack of access to public services and ineffective and abusive policing. Gun violence in many communities prevents us from enjoying our full range of human rights – including our rights to health and education.

For people living in communities with high levels of gun violence, the physical and emotional toll of the trauma from shootings is long-lasting. Gun violence can also cause long-term health problems: psychological impacts for people who've witnessed shootings, and friends and family. Gunshot survivors can suffer severe and chronic physical and psychological effects, sometimes without psychological support or physical rehabilitation. Limitations in health care due to lack of insurance coverage, closure of healthcare facilities or reductions in funding to direct service and social service providers have impacted the ability of individuals to seek treatment. Gun violence can make the trip to school dangerous, damage the learning environment, and reduce the efficacy of teaching.



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## INTERNATIONAL HUMAN RIGHTS TREATIES

Protecting human rights and ending gun violence is a U.S. legal obligation.

The U.S. government has either signed or ratified several international human rights conventions that guarantee human rights impacted by gun violence and firearm-related deaths, including:

- *International Covenant on Civil and Political Rights*
- *International Convention on the Elimination of All Forms of Racial Discrimination*
- *Convention on the Elimination of All Forms of Discrimination Against Women*
- *Convention on the Rights of the Child*
- *International Covenant on Economic, Social and Cultural Rights*

The U.S. government therefore has a legal obligation to respect, protect and fulfill the human rights set out in these treaties and to exercise due diligence by taking measures to combat actual or foreseeable threats to these rights, including the right to life.

## WHAT HUMAN RIGHTS LAW REQUIRES

In our recent report, [Human Rights In the Line of Fire](#), Amnesty International highlighted two major and related responsibilities of the government: It must restrict access to guns for people most at risk of misusing them; and, in situations of persistent gun violence, it must take effective steps to reduce the violence and protect people.

Here are some key minimum steps that all governments, including the U.S. government, must take in order to comply with their human rights obligations:



### **ENSURING THE RIGHT TO LIFE AND SECURITY OF PERSON GENERALLY**

Enforce minimum standards for the regulation of guns – to prevent them from being used by private individuals to abuse human rights. These measures include:

- Prohibit guns without a license, and don't authorize a license unless specific criteria are met, including training; a credible justification for possession; a minimum age requirement; the absence of known risk factors for misuse; and a time limit;
- Register guns, including any sale or transfer of them;
- Prohibit non-military use of any guns or ammunition that represent a high level of risk to public safety and likely to cause excessive or unintended injury;
- Make it a criminal offense to have an unlicensed gun;
- Require gun owners and dealers to secure their guns; and
- Fund research on the patterns of gun violence, to inform evidence-based policies to reduce violence.

Amnesty International activists are also working to hold law enforcement officers accountable for human rights abuses in policing, and pressing for federal reforms; see our [resources](#) on police use of deadly force.

### **CONTEXT OF DOMESTIC VIOLENCE**

The government needs to explicitly link laws, policies and practices on domestic violence with those on access to guns. In cases where there is a history of actual or threatened violence this includes prohibiting access to guns, suspending gun licenses, and removing guns.

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**PREVENTING/REDUCING SUICIDES AND UNINTENTIONAL DEATHS**

The government must restrict access to gun by those at risk of self-harm and take other measures to reduce the risk of unintentional deaths, including through:

- Rigorous background checks;
- Waiting periods for buying guns and ammunition;
- Safe storage (e.g. keeping firearms unloaded and under lock and key, or offsite);
- Investing research on gun safety mechanisms; and
- Public education to raise awareness about the dangers of guns in the home.

**REDUCING COMMUNITY LEVEL GUN VIOLENCE**

When implementing violence prevention measures for communities impacted by persistent gun violence, the government must:

- Implement legislation and take administration measures to prohibit the possession of guns and ammunition by private actors who represent a risk to public safety and protect those at most risk of being victims of firearm violence;
- Support effective human rights-compliant and accountable law enforcement agencies to prevent illegal acts – reducing people's perceived need to resort to guns to protect themselves;
- Adopt evidence-based violence reduction

programs, involving active partnership with community leaders, law enforcement, and local authorities – with sustained and adequate funding.

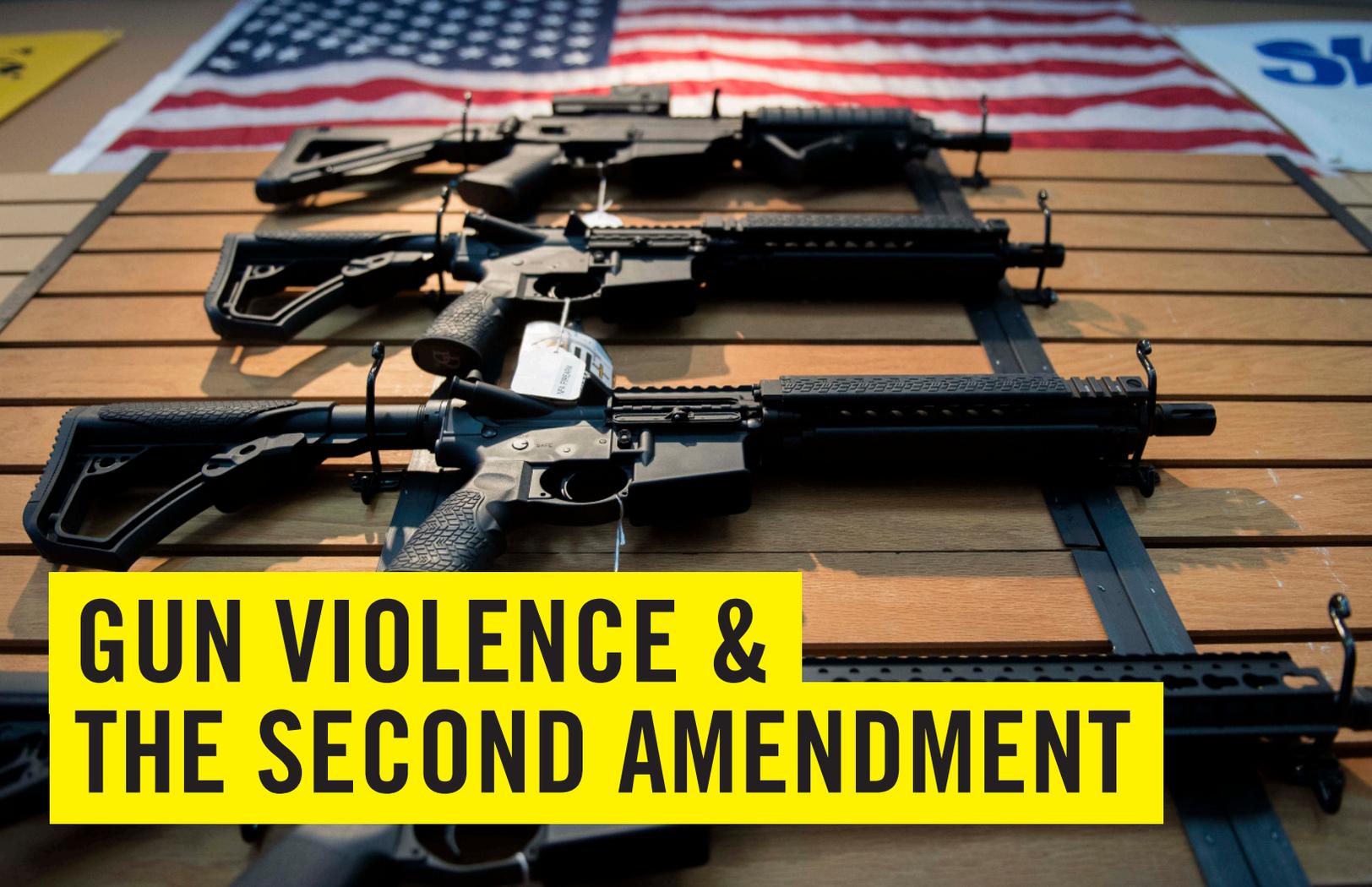
- Ensure full non-discriminatory access to economic, social and cultural rights, including health care, education, employment, housing and water; and
- Address the physical and psychological impact of gun violence through targeted health care provisions.

**RESPONSIBILITY OF GUN MANUFACTURERS, DISTRIBUTORS, AND DEALERS**

All companies have a responsibility to respect human rights. Companies manufacturing firearms and ammunition should adopt measures to minimize the risk that their products are used for human rights abuses. Such measures could include:

- Working proactively with relevant authorities to ensure the implementation of firearms regulations aimed at violence reductions and prevention;
- Refraining from lobbying for relaxation of firearms regulation, or against initiatives which would reduce firearm violence;
- Taking a proactive role in jurisdictions with poorly implemented regulation of firearms; and
- Refraining from marketing/promoting products in such a way that might encourage misuse of firearms.





# GUN VIOLENCE & THE SECOND AMENDMENT

***"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."***

– U.S. Constitution, Second Amendment

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There's fierce debate in the U.S. about the intended meaning of the Second Amendment. Although for nearly 70 years the Supreme Court interpreted the Second Amendment as only restricting Congress from taking away a state government's right to self-defense rather than an individual right to possess a gun, that changed in a landmark 2008 case,

*District of Columbia v. Heller*. For the first time, the Supreme Court reversed course and said that the Second Amendment protects an individual's possession of a gun – unconnected to service in a militia for defense of the state. However, it is not an unlimited right, and reasonable limitations can be placed on it.

Some politicians and organizations have seized on the court's decision in *Heller* to justify their opposition to gun violence prevention measures, but that is misguided. Other than complete bans on guns, serious gun violence prevention measures are likely to be judged constitutional by U.S. courts. As a result, despite more than 1,200 Second Amendment challenges to laws since *Heller* was decided, courts have upheld the vast majority of these laws.



# WHAT AMNESTY INTERNATIONAL IS CALLING FOR

## MEASURES FOR CONGRESS, STATE LEGISLATURES & CITY GOVERNMENTS TO TAKE

### *LOST AND STOLEN GUNS*

We need laws requiring that all lost and stolen firearms be immediately reported to local law enforcement officials; and laws requiring gun dealers to lock and store the weapons on their premises and to adopt adequate safety measures and precautions.

### *STAND YOUR GROUND*

All state legislatures should repeal Stand Your Ground Laws.

### *EXTREME RISK LAWS*

State legislatures should consider passing legislation to implement protection orders providing for the temporary removal of access to guns for individuals who may present a risk of harm to themselves or others – implemented in a manner consistent with international human rights protections.

### *EVIDENCE-BASED COMMUNITY-INVOLVED VIOLENCE REDUCTION AND PREVENTION PROGRAMS:*

They should receive sustained funding and support from Congress and local governments. State and local authorities should consider programs to interrupt violence (trained mediators) and offer alternatives, community-based policing, comprehensive youth-centered treatment and job placement opportunities.

## **ADDITIONAL MEASURES FOR CONGRESS, STATE LEGISLATURES & CITY GOVERNMENTS TO TAKE**

### ***ADEQUATE RESOURCES FOR COMMUNITIES:***

The government should address specific issues where gun violence is impeding access to basic services, such as by the disruption of functioning of schools, the partitioning of neighborhoods by armed criminal gangs limiting access to health services, or the intimidation of staff charged with providing services. Resources/programs should address the physical and psychological health impacts of firearm violence through targeted healthcare response; and prioritize the allocation of public resources to basic services and infrastructure in communities where high levels of gun violence impact service provision.

### ***BACKGROUND CHECKS:***

Background checks should be required for all gun purchases and transfers, prior to carrying out any sale or transfer.

### ***GUN LICENSES:***

Gun licenses should be required through legislation mandating that firearms may only be obtained for purchase or transfer with a valid firearms license. A license should not be authorized unless the following minimum conditions are met: a credible justification for possession; minimum age requirement; and the absence of known risk factors for misuse.

### ***GUN REGISTRATION:***

We need a central national gun registry that is digitized and searchable.

### ***CERTAIN WEAPONS AND AMMUNITION:***

Congress should ban the sale, transfer, and possession of semi-automatic assault weapons, large capacity magazines, bump stocks, and other dangerous devices; in the absence of that, all state legislatures should repeal laws shielding firearm manufacturers and dealers from liability.

### ***MANUFACTURER LIABILITY:***

All state legislatures should repeal laws shielding firearm manufacturers and dealers from liability.

### ***RESEARCH:***

Congress should acknowledge that gun violence is a public health crisis and fund evidence-based research on the causes and effects of gun violence, and gun violence prevention.

### ***SAFE STORAGE:***

Congress should pass legislation requiring the safe and secure storage of all guns and ammunition, and state legislatures should pass stringent and comprehensive safe storage and Child Access Prevention laws.

### ***DOMESTIC VIOLENCE:***

Congress should close all loopholes in federal law and state legislatures should pass and implement laws establishing a clear process for the immediate surrender by and removal of firearms from prohibited abusers.

For further detailed recommendations, please see Amnesty International's report, [\*Human Rights in the Line of Fire\*](#).





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