

FACT SHEET:

GUN VIOLENCE – A HUMAN RIGHTS FRAMEWORK



BACKGROUND

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 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. They are not luxuries that can be met only when practicalities allow.

Amnesty International has analyzed international human rights laws and standards and developed a clear set of criteria for the U.S. and other countries to meet their obligations to protect the various human rights implicated in the context of gun violence.

Persistent gun violence in the United States is denying people their civil and political rights including their right to live, the right to security of person, and the right 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.

The United States has either signed or ratified several international human rights conventions that guarantee human rights impacted by gun violence and firearm-related injuries and deaths, including:

- the International Covenant on Civil and Political Rights (ICCPR),
- the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD),
- the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW),
- the Convention on the Rights of the Child (CRC), and
- the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The U.S. government, therefore, has a legal obligation to respect, protect and fulfill the human rights set out



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- ➔ Restricting access to firearms especially by those most at risk of misusing them; and
- ➔ Taking effective steps to put in place and implement violence reduction or protection measures where firearms misuse persists.

in these treaties and to exercise due diligence by taking measures to combat actual or foreseeable threats to these rights.

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The United States should establish robust systems for the regulation of the possession and use of firearms and ammunition to prevent them from being used by private actors to abuse human rights. These systems should include measures to address: licensing, registration, restriction of certain weapon types, security of stocks, research and public policy development.

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The failure to establish a comprehensive, meaningful and working system of firearm regulations is a breach of the United States' obligations under international human rights law. The consequences of this breach are both obvious and catastrophic, but they are not irreversible. The United States should act proactively to promote and protect human rights by implementing a system of laws which work adequately to restrict access to firearms to those most at risk of abusing them and by taking effective steps to put in place and implement violence reduction or protection measures where gun violence persists.

HUMAN RIGHTS IMPLICATED BY GUN VIOLENCE

THE RIGHT TO LIVE AND SECURITY OF PERSON

As human rights belong to all of us, the United States and other countries have the obligation to protect our right to live and right to security of person. 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; it also applies 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, be they individuals or marginalized communities.

THE RIGHT TO BE FREE FROM DISCRIMINATION

The disparate impact of gun violence on communities of color in the United States raises serious concerns about the protection of human rights including the right to freedom from discrimination and to equal protection of the law. The U.S. government ratified the ICCPR and the ICERD, which explicitly protect these rights. It therefore has a legal obligation to respect, protect and fulfill these human rights.

The UN Working Group of Experts on People of African Descent has expressed concern over the lack of regulation of firearms in the U.S. and its impact on black communities. The UN Human Rights Committee and the Committee on the Elimination of All Forms of Racial Discrimination both expressed concern at the increasing numbers of gun-related deaths and injuries in the United States and the disparate impact on racial and ethnic minorities. Both committees noted that the U.S. government's failure to curb gun violence constitutes a violation of the right to non-discrimination under international law.

THE RIGHT TO HEALTH AND EDUCATION

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

For people living in communities with high levels of gun violence, the physical and emotional toll of the trauma from shootings is long-lasting. Gunshot survivors can suffer severe and chronic physical and psychological effects, and victims and their families often lack access to adequate psychological support and 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 also disrupt the functioning of schools and make trips to and from school dangerous. Endemic firearm violence and associated insecurity can have a particularly serious impact on children and adolescents, including by disrupting school attendance and retention,



damaging the learning environment and reducing the efficacy of teaching.

WHAT HUMAN RIGHTS LAW REQUIRES

In our recent report, *In the Line of Fire: Human Rights and the U.S. Gun Violence Crisis*, Amnesty International identified the 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 LIVE AND SECURITY OF PERSON GENERALLY

The United States must 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 the public, 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.



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.

PREVENTING/REDUCING SUICIDES AND UNINTENTIONAL DEATHS

The government must restrict access to guns 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 in 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 administrative 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 reduction 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.

HUMAN RIGHTS ARE UNIVERSAL

In sum, all human beings should have basic human rights, including the right to live, the right to security of person, and the right to be free from discrimination – no matter who you are or where you are in the world – those rights must be respected. It is morally wrong when people’s human rights are violated. The U.S. has a legal and moral obligation to protect the various human rights implicated by gun violence.