



STAND YOUR GROUND LAWS

INTRODUCTION

Stand-Your-Ground laws raise serious concerns about the protection of the most fundamental human rights: *the right to live* and *the right not to be subjected to discrimination on any grounds*. These laws have expanded the self-defense principles of the castle doctrine to situations and areas outside the curtilage of a home. They also expand the principle of self-defense to a lesser justification standard than that of justifiable homicide. Under such laws in Florida, Georgia and other states, a private citizen is allowed to use deadly force against a perceived imminent threat of death or bodily harm in any place where he or she has a right to be, without an obligation to retreat.

HUMAN RIGHTS IMPLICATIONS

It is a fundamental rule of international human rights law that no one may be arbitrarily deprived of his or her life. Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), for instance, provides as follows:

“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

In general, the use of lethal force is lawful only if, at the time of its use, it is "strictly unavoidable" in order to meet an "imminent threat of death" in self-defense or defense of others. The definition of 'imminence' in international law is highly limited - an offensive act already in motion. While these standards were developed for law enforcement officials, Amnesty International believes that they provide useful guidance for the state in determining what force is acceptable from private individuals who are in effect taking the law into their own hands.

Everyone has the right to self-defense, but mounting evidence suggests that stand-your-ground laws may encourage the use of deadly force in situations where this is not warranted, for example where such force is not used as a last resort. The ultimate result of this could be *more* rather than less violence.

RESEARCH & DATA ON RACIAL IMPLICATIONS AND ASSOCIATED VIOLENCE

Texas A&M University found in 2012 that homicide rates increase by 7-9 per cent in 23 states with stand-your-ground laws as compared to states without such laws, leading to anywhere from 500 to 700 more homicides every year. A 2012 study by the National Bureau of Economic Research also found an increase in firearms-related homicides in states which had introduced similar bills.

A 2016 study published in the Journal of the American Medical Association found that when compared to the period 1999-2005, before the Stand Your Ground law was enacted in Florida, and the period 2006-2016 after the law was passed, there was a 24.4% increase in homicides overall and a 32% increase in firearm-related homicides specifically. A 2017 follow up study by the same researchers found a 75% increase in justified homicides (or the lawful use of lethal force) in Florida during the same time periods.

Furthermore, researchers are finding data suggesting that stand-your-ground laws may legitimize racial bias in the criminal justice systems of the states where they are enacted. For instance, according to a study of criminal justice data from 23 states with stand-your-ground laws, white homicide defendants with black victims were more likely to have their homicides ruled justified than black defendants whose victims were white. In fact, data indicates that an African American asserting a Stand Your Ground defense where a white person is killed has double the chances of being convicted as opposed to if the victim was black. Moreover, the American Bar Association's 2014 National Task Force found that the application of Stand Your Ground laws is "unpredictable, uneven, and results in racial disparities." The Task Force found evidence that self-defense related homicides, particularly interracial homicides, spiked in the 33 states that had Stand Your Ground laws at the time.

International human rights bodies have already raised the issue of Stand Your Ground laws with the U.S. government. In its September 2014 concluding observations on the USA's compliance with ICERD, the UN Committee on the Elimination of Racial Discrimination noted:

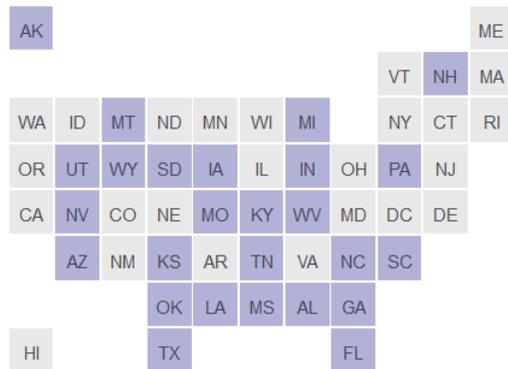
“The Committee is concerned at...the proliferation of ‘Stand Your Ground’ laws, which are used to circumvent the limits of legitimate self-defense, in violation of the State party’s duty to protect life and have a disproportionate and discriminatory impact on members of racial and ethnic minorities.”

The Committee urged the U.S. government to “take effective legislative and policy measures to fulfill its obligation to protect the right to life and to reduce gun violence, including by...reviewing the Stand Your Ground laws to remove far-reaching immunity and ensure strict adherence to the principles of necessity and proportionality when deadly force is used for self-defense.”

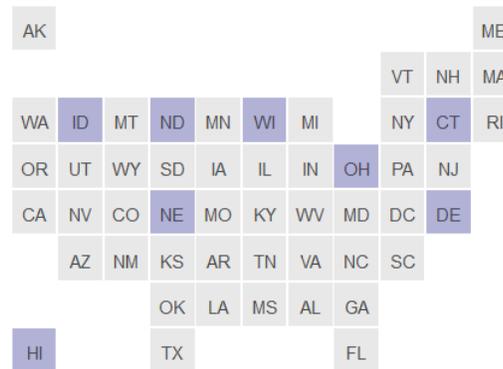
The right to be free from discrimination is a universally recognized human right. It is enshrined in multiple human rights instruments including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, and the International Convention on the Elimination of All forms of Racial Discrimination, which together ensure the individual's right to be free from discrimination on the basis of: sex, race, color, language, religion, political or other opinion, nationality, social background and association with a national minority, age, economic position, marital, birth or any other kind of status.

STATES WITH STAND YOUR GROUND LAWS AND EXPANSION OF CASTLE DOCTRINE

Stand-Your-Ground



Castle Doctrine Expanded



State implementation data valid as of January 1, 2020.

The Effects of Stand Your Ground Laws, RAND research report (April 22, 2020), <https://www.rand.org/research/gun-policy/analysis/stand-your-ground.html>

RECOMMENDATIONS

- Amnesty International believes that the Attorney General should **lead a comprehensive nationwide study, examining all states where stand-your-ground laws are in place to determine the following: whether the laws have led to an increase in gun homicides; whether the laws and the broadening of the concept of self-defense violate the right to life; and whether they violate the right to be free from discrimination.** The Department of Justice should publicly disclose the findings of its study and ensure that any recommendations made are with a view to bringing current legislation into compliance with international human rights law and standards.
- Amnesty International **calls on state legislatures to repeal stand-your-ground laws on the basis that these laws may violate the right to life and the right to be free from discrimination** and run afoul of international standards on the use of lethal force. Early data already demonstrates that stand-your-ground laws may violate not only the right to life but also the right to be free from discrimination. Given the mounting evidence that these laws may violate such basic human rights, in breach of the United States' obligations under international law, Amnesty International believes all stand-your-ground laws should be repealed.

FOR MORE INFORMATION, PLEASE CONTACT:

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