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THE U.S. GUN VIOLENCE CRISIS

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The Whitney R. Harris World Law Institute at Washington University School of Law in St. Louis seeks to contribute to the betterment of global society. It does this through a combination of education and research to increase global knowledge and understanding, promote the rule of law, and address problems that require international cooperation and international solutions.

The Institute for Public Health harnesses the strengths of Washington University in St. Louis to address the complex health issues and health disparities facing the St. Louis region and the world.

Contact Person: Leila Nadya Sadat

Email: HarrisInstitute@wustl.edu

Phone: +1.314.935.7988

Harris Institute: <https://law.wustl.edu/faculty-and-research/whitney-r-harris-world-law-institute/>

Institute for Public Health: <https://publichealth.wustl.edu/>

THE U.S. GUN VIOLENCE CRISIS

1. The Whitney R. Harris World Law Institute at Washington University School of Law and Washington University's Institute for Public Health welcome the opportunity to submit information to the U.N. Human Rights Council Universal Periodic Review Working Group in relation to the third Universal Periodic Review (UPR) of the United States of America. The Harris Institute was founded in 2000 and has been conducting research on gun violence in the United States and human rights law since fall 2017.¹ The Institute for Public Health was founded in 2008 and since 2015 has operated the Gun Violence Initiative to develop actionable measures that can lead to a reduction of premature deaths and injuries.

SUMMARY

2. U.S. gun violence has reached crisis proportions. In 2017, 173,668 individuals in the United States were shot; 39,773 died.² Every day, an average of nearly 109 people died from guns, and another 366 suffered non-fatal firearm injuries. This is a complex problem that includes homicides, suicides, accidental deaths, and frequent mass and school shootings. Youth, women, and individuals of color are disproportionately affected. This violence creates negative psychological stress and mental harm, including post-traumatic stress disorder (PTSD) and depression, for direct³ and indirect⁴ victims, has destructive developmental consequences for children,⁵ and has fostered a general climate of fear that interferes with the enjoyment of fundamental human rights.
3. While the percentage of the U.S. population owning guns has decreased in recent years, the number of civilian firearms in the United States has grown. The United States has an estimated 120:100 ratio of guns to people. Americans own nearly 46% of the world's civilian-owned guns, but comprise only 4.3% of its population.⁶ The presence of a gun in the home greatly increases the risk of death by suicide,⁷ homicide,⁸ and accidental death.⁹ Based on 2015 data, the United States has, per 100,000 persons, nearly twelve times as many gun deaths as Australia, eleven times as many as Germany, eight times as many as Israel, and twenty times as many as Spain.¹⁰
4. This submission concludes with seven recommendations for the United States government to reduce gun violence and the human rights abuses associated with it. These recommendations are generally supported by Americans. For example, 80% of Americans support prohibiting gun ownership for ten years if a person is convicted of violating a domestic violence restraining order, nearly 89% support requiring a background check system for all gun sales, and 67% support requiring owners to lock their guns up in the home when not in use.¹¹

LEGAL FRAMEWORK

5. The U.S. gun violence crisis interferes with the enjoyment of fundamental human rights contained in customary international law and in treaties signed and/or ratified by the United States. These rights include the right to life, the right to security of person, the right to be free from torture and ill-treatment, the right to health, the right to an education, the right to freedom of association and peaceful assembly, the right to freedom of expression, opinion, and belief, the right to freedom of religion, the right to freedom from discrimination on the basis of race or sex, the right to a standard of living adequate for health and well-being, and the right to participate in the cultural life of the community. It also interferes with the special protection afforded to children under international law.

6. The U.S. government is obliged to protect its population. ICCPR Article 2.2 calls on States Parties “to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant” and Article 2 of the Convention against Torture obligates States Parties to take “effective legislative, administrative, judicial or other measures” to prevent torture and ill-treatment. Likewise, Article 2.2 of the International Convention on the Elimination of All Forms of Racial Discrimination calls on States Parties to adopt “special and concrete measures” to ensure that vulnerable racial groups and individuals have “the full and equal enjoyment of human rights and fundamental freedoms.”
7. Although more than 98% of U.S. shootings are carried out by private actors, the U.S. government may still be held responsible for the harm and human rights violations which follow. A State’s responsibility to prevent harm caused by private actors has been repeatedly referenced by the Inter-American Commission on Human Rights,¹² the Human Rights Committee,¹³ the Committee on the Elimination of Racial Discrimination,¹⁴ the Committee against Torture,¹⁵ and human rights courts.¹⁶
8. A State’s responsibility is engaged when the State *knows or ought to know* that a person is at risk or that violations have occurred and it fails to take reasonable measures to prevent or suppress the violations.¹⁷ As the Human Rights Committee has explained, the State’s obligation to protect is especially engaged when faced with “patterns of violence against categories of victims such as . . . violence against women . . .”¹⁸ States also have a special responsibility to prevent abuses “in all contexts of custody or control, for example, in . . . schools. . . .”¹⁹
9. The Human Rights Committee has called upon States Parties to “take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity. These general conditions may include high levels of . . . gun violence.”²⁰ It has further said that States should “reduce the proliferation of potentially lethal weapons to unauthorized individuals”²¹ and “protect their populations . . . against the risks posed by excessive availability of firearms.”²²

RELEVANT UPR RECOMMENDATIONS

10. During the first cycle in 2010, States recommended that the United States “[h]alt immediately the unjustified arms race,”ⁱⁱⁱ which the United States did not support, and “effectively combat violence against women and gun violence,”ⁱⁱⁱ which the United States supported.
11. In the second cycle in 2015, five directly related recommendations were made. The United States supported three without reservation: (1) to “[r]atify the Arms Trade Treaty,”ⁱⁱⁱ (2) to “eliminate gun violence;”^{iv} and to (3) “[t]ake necessary measures to reduce gun violence.”^v It also supported, in part, two others: (1) “adopt legislation expanding the verification of personal backgrounds for all acquisitions of firearms;”^{vi} and (2) “consider the adoption of legislation to enhance the verification of the records for all fire arms transfers and the revision of the laws that stipulate self-defence without limitations.”^{vii} None of these recommendations have been implemented.

i Recommendation 141, from Nicaragua.

ii Recommendation 167, from the Islamic Republic of Iran.

iii Recommendation 62, from Trinidad and Tobago.

iv Recommendation 231, from Azerbaijan.

v Recommendation 232, from Iceland. The U.S. government responded that it “strongly support[s] expanding the number of firearms transfers that are subject to background checks but with limited, common-sense exceptions.”

vi Recommendation 230, from Ecuador.

vii Recommendation 233, from Peru.

12. Additional recommendations were made during the second UPR on issues intersecting with gun violence, including 34 on racial discrimination,^{viii} 20 on police violence,^{ix} two on the right to an adequate education,^x one on domestic violence,^{xi} and one calling on the United States to tackle issues of public safety.^{xii}

DEVELOPMENTS SINCE THE LAST UPR

13. In 2016, Donald J. Trump became the 45th president of the United States. He is deeply connected to the National Rifle Association (NRA) – a lobbying group that strictly opposes gun control – and has delivered a speech at its national conference five years in a row.
14. The NRA spent more than \$55 million in the 2016 federal elections²³ and over the past two years has spent a record \$9.6 million lobbying lawmakers and federal agencies.²⁴
15. In February 2017, President Trump signed H.J. Res. 40 into law, repealing the Implementation of the NICS Improvement Amendments Act of 2007, which required more stringent background checks for gun purchases by people with severe mental illness.
16. In December 2017, a “Concealed Carry Reciprocity Act,”²⁵ passed the House of Representatives. It would require concealed carry permits issued in one state to be honored by all states, forcing even those states and cities with stronger laws or which have banned concealed carry to honor permits from states with weak or non-existent laws.
17. The February 2018 Parkland shooting prompted some state legislatures and municipalities to adopt gun control measures. In the 17 months since that shooting, over 110 gun safety bills have been adopted in 32 states and the District of Columbia,²⁶ including laws designed to keep guns out of the hands of domestic abusers in thirteen states and extreme risk laws (also known as red flag bills) in twelve states and D.C., which allow courts to issue extreme risk protection orders (ERPO) temporarily preventing individuals who exhibit signs that they pose a danger to themselves or others from accessing firearms.
18. Perhaps as a response to Parkland, in March 2018, President Trump signed Pub.L.115-141, known as the ‘Fix NICS Act,’ which penalizes government agencies for not reporting criminal convictions to the National Instant Criminal Background Check System (NICS).
19. Likewise, in December 2018 the U.S. Justice Department issued a new rule applying existing prohibitions against fully automatic weapons to bump stocks,²⁷ effectively banning these devices.
20. However, President Trump’s primary suggestion to address mass school shootings has been to increase armed guards at schools and to arm teachers.²⁸ In August 2018, Secretary of Education Betsy DeVos suggested that schools could use federal education funds for firearms, reversing a longstanding federal practice.²⁹
21. In February 2019, new rules³⁰ from the Trump Administration went into effect,³¹ easing export regulations for U.S. gun manufactures. This could enable criminal organizations, human rights abusers, and other dangerous persons to more easily acquire U.S. guns, particularly in Latin America, the Caribbean, and Mexico.³²

^{viii} Recommendations: 90-95, 118-121, 123-125, 130-131, 133-137, 139-152.

^{ix} Recommendations: 73-74, 121, 127-130, 137-138, 140-148, 151-152.

^x Recommendation 309, from Cuba, and Recommendation 319, from Armenia.

^{xi} Recommendation 255, from Israel.

^{xii} Recommendation 124, from Serbia.

22. In February 2019, the House of Representatives passed two gun control measures. The Bipartisan Background Checks Act of 2019³³ would help close the private-sale background check loophole (*see* para. 26 below). The Enhanced Background Checks Act of 2019³⁴ would give the FBI more time to conduct background checks, as opposed to the current process which automatically allows a firearm sale to proceed if the check is not completed within three days. The Senate has refused to call a vote on these bills. If they pass, President Trump has signaled his intention to veto them.³⁵
23. In April 2019, President Trump “un-signed” the U.N. Arms Trade Treaty (ATT) and said the United States “will never ratify” it.³⁶

AN OVERVIEW OF U.S. FIREARM LAWS

Constitutional Law

24. For over 200 years, the Second Amendment of the U.S. Constitution³⁷ was not interpreted to grant an individual right to gun ownership. In 2008, a deeply divided U.S. Supreme Court, in *District of Columbia v. Heller*, held that “the Second Amendment conferred an individual right to keep and bear arms,” and that this right “is not unlimited.” Courts have generally read *Heller* narrowly. A study of more than 1,150 challenges to gun control laws in the decade after *Heller* found that the laws – including assault weapons bans, mandatory background checks, safe storage requirements, and waiting periods – were upheld as constitutional over 90% of the time.³⁸

Federal Law

25. The federal government has demonstrated an unwillingness to adopt reasonable measures to prevent gun violence that have been effective in other countries and in certain states with strong gun control laws.³⁹ Current laws are ineffective and, in some cases, hinder constructive action on the problem.
26. The last major federal gun control legislation was adopted over twenty years ago and the current regulatory framework is riddled with loopholes:
 - The **Brady Handgun Violence Prevention Act**,⁴⁰ adopted in 1993, mandates background checks for some firearm purchases, but does not apply to gun sales occurring through private sellers, which account for 40% of all sales;⁴¹
 - For sales requiring a background check, 18 U.S.C. § 922(t)(1) provides that if the check is not completed in three days, the sale can automatically proceed;
 - The **Domestic Violence Offender Gun Ban of 1996** (the **Lautenberg Amendment**) prohibits some individuals who have been convicted of a “misdemeanor crime of domestic violence” from buying firearms, but does *not* apply to dating partners who are not married, have not lived together, or who do not share a child, or to abusers who victimize family other than an intimate partner or child, such as a parent or sibling. It also does not require convicted abusers to forfeit guns already in their possession; and
 - In 2004, Congress allowed the **1994 Federal Assault Weapons Ban**⁴² to expire, making it possible for private citizens to purchase assault-style rifles and high-capacity magazines.
27. Other measures have relaxed regulation of the firearm industry, created roadblocks for the agencies tasked with enforcement, and blocked research on gun violence prevention:⁴³
 - Individuals who *occasionally* sell guns are outside the oversight of a regulatory body under the **Gun Control Act of 1968**;⁴⁴

- The **Firearms Owners' Protection Act of 1986**⁴⁵ prevents the federal government from maintaining a centralized database of gun dealer records and limits how many inspections the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) can conduct of a dealer's premises without a warrant;
- Congress passed the **Protection of Lawful Commerce in Arms Act**⁴⁶ in 2005, which protects the gun industry from liability in most tort actions, giving the industry a level of protection from civil liability afforded to no other industry;
- Beginning in 2003, Congress has attached the **Tiahrt Amendments**⁴⁷ to the annual U.S. Department of Justice appropriations bill. These Amendments prohibit gun trace data from being admissible as evidence in civil lawsuits against gun sellers or manufacturers (including in proceedings to revoke a corrupt dealer's license). The Tiahrt Amendments also prohibit the release of firearms trace data, including to cities and states, researchers, and litigants, prohibit the ATF from requiring firearms dealers to submit their inventories to law enforcement, and require the FBI to destroy records of approved gun purchasers within 24 hours;
- The **Consumer Product Safety Act**⁴⁸ makes guns one of the only U.S. manufactured consumer products not subject to federal health and safety regulations; and
- In 1996, Congress pushed through language in an annual appropriations bill that prohibited funds allocated for "injury prevention and control" at the Centers for Disease Control (CDC) to be used "to advocate or promote gun control."⁴⁹ In 2011, the prohibition was extended to include the National Institutes of Health (NIH). Known as the **Dickey Amendment**, this has led to a virtual ban on federally-funded research related to firearms and gun violence – decreasing annual CDC funding for gun violence research by 96%.⁵⁰

State Law

28. Some states have attempted to fill gaps in the federal regulatory scheme:
- Eleven states and the District of Columbia mandate comprehensive universal background checks for all sales and transfers of all classes of firearms at the point of sale;⁵¹
 - Thirteen states and the District of Columbia have some form of licensing or permitting requirement to purchase or own firearms – although half of these regulations apply only to handgun purchases;⁵²
 - Seventeen states and the District of Columbia now have bills allowing for extreme risk protection orders⁵³ (and proposals are pending in at least twenty other states);⁵⁴
 - Seven states and the District of Columbia have adopted assault weapons bans and nine states have laws banning high-capacity ammunition magazines;⁵⁵ and
 - Four states have laws requiring firearms to be stored with a locking device in some situations.⁵⁶ Three of these laws were adopted or strengthened in the past five years.⁵⁷
29. However, other states have moved in the opposite direction. Of the roughly 600 state gun laws enacted in the six years after the 2012 Sandy Hook Elementary School shooting, almost two-thirds loosened restrictions on gun ownership:⁵⁸
- Twelve states allow the permit-less concealed carry of loaded firearms in public spaces with no required training,⁵⁹ and five of those states adopted such laws within the last three years;⁶⁰

- At least five states have legislation allowing the carrying of concealed guns in any public area of state and municipal buildings, including at public universities,⁶¹ and
 - Eight states have laws either expressly allowing the concealed carry of firearms into K-12 schools or have no law prohibiting it.⁶²
30. The efforts that one state or city make are easily circumvented⁶³ if an individual can travel to a location with less restrictive laws.⁶⁴ These disparities highlight the need for federal action.

Mass Shootings

31. An average of one mass shooting occurs daily.⁶⁵ Mass shootings take place with alarming frequency in U.S. neighborhoods, schools, places of worship, offices, theaters, and restaurants, and at concerts and political gatherings. This violates the right to life and security of person, and interferes with the right to practice one's religion, to association and assembly, to expression and opinion, and to participate in the cultural life of the community, and have a demonstrated psychological effect on survivors and related communities⁶⁶ that may amount to ill-treatment.
32. More than 80% of the weapons used in mass shootings have been legally purchased⁶⁷ and nearly half of the shooters exhibit warning signs before the attack.⁶⁸ Yet there is no federal law allowing for **extreme risk protection orders** to temporarily remove firearms or prohibit gun purchases from an individual who poses a threat, and **universal background checks** are not required for all gun purchases, even though research shows that this could reduce firearm-related violence.⁶⁹
33. After Congress allowed the **Federal Assault Weapons Ban**⁷⁰ to expire in 2004, AR-15 style assault rifles similar to those previously banned have been used in many mass shootings, and have generally been purchased legally.⁷¹ When “**high-capacity magazines** – or assault weapons likely equipped with them” are used in a mass shooting, 155% more people are shot and 47% more people die.⁷²

International Human Rights Recommendations:

34. In 2016, the U.N. High Commissioner for Human Rights stated that:
- It is hard to find a rational justification that explains the ease with which people can buy firearms, including assault rifles, in spite of prior criminal backgrounds, drug use, histories of domestic violence and mental illness, or direct contact with extremists – both domestic and foreign. . . . How many more mass killings of school-children, of co-workers, of African-American churchgoers . . . will it take before the United States adopts robust gun regulation?⁷³

Gun Violence against Women

35. Women in the United States are *twenty-one times* more likely to be killed with a gun than in other high-income countries,⁷⁴ usually as a result of domestic violence. More than half of intimate partner homicides are committed with a gun. Women are five times more likely to be killed if their abuser owns a firearm and the use of a gun during a domestic violence assault makes death twelve times more likely.⁷⁵ A woman is fatally shot by a former or current romantic partner every sixteen hours in the United States.⁷⁶ Nearly 75% of domestic shooting death victims are the current wives or girlfriends of the shooters.⁷⁷ This violates the right of women to equal enjoyment of their human rights, including the right to life and security of person.
36. Gaps in the **Lautenberg Amendment** allow many convicted abusers and stalkers to legally purchase and/or possess firearms. Furthermore, no federal law requires states or local governments

to establish a procedure for the **surrender of firearms by convicted abusers**. Often, even people who *are* legally prohibited from gun ownership due to domestic violence convictions are permitted to purchase firearms as a result of poor oversight and weak enforcement,⁷⁸ or can circumvent prohibitions by buying in the private market without having to undergo a background check under **the Brady Act**.

International Human Rights Recommendations:

37. In the first cycle, it was recommended that the United States “effectively combat violence against women and gun violence”^{xiii} and in the second cycle there was a recommendation related to tackling domestic violence.^{xiv} The United States supported both recommendations.
38. In 2011, the U.N. Special Rapporteur on Violence against Women, its Causes and Consequences, advised U.S. states to have “clear gun removal policies in domestic violence cases.”⁷⁹ In 2014, the U.N. Human Rights Committee expressed concern at “the disparate impact of gun violence on ... women” and recommended “strict enforcement” of the Lautenberg Amendment.⁸⁰ In 2016, the U.N. Working Group on the Issue of Discrimination Against Women in Law and in Practice criticized the loopholes in the Lautenberg Amendment⁸¹ and recommended that the United States “[a]mend[] gun control laws to effectively protect women against gun violence.”⁸² Also in 2016, the U.N. Working Group of Experts on People of African Descent stated that it was “disturbed at the persistent fatal consequences for women of the lack of gun control, particularly in cases of domestic violence.”⁸³

Children and Gun Violence

39. Children are uniquely affected by U.S. gun violence, in violation of the special protections afforded to them by international law. Ninety-one percent of global firearm deaths among children aged 0-14 occur in the United States. Firearm injuries are the *second* leading cause of death among children and adolescents (aged 1-19)⁸⁴ and accidental firearm deaths are one of the top seven causes of unintentional deaths for children aged 1-14.⁸⁵ Although unintentional firearm deaths account for less than 2% of all U.S. firearm deaths, they account for 26% among children and adolescents.⁸⁶ An estimated 3 million children witness gun violence annually.⁸⁷
40. About one-third of U.S. households with children have a gun. In nearly half, the guns are not stored safely.⁸⁸ Children often know where the guns are and many handle them without their parents’ knowledge.⁸⁹ Most unintentional child firearm deaths occur at home when children are playing with a gun or confuse it as a toy.⁹⁰ Child firearm suicide rates increased 60% from 2007-2014 and about 75% of adolescent firearm suicides involved a parent’s gun.⁹¹
41. There are no federal laws mandating the use of **safe storage** in households with children, nor are there federal guidelines on the manufacture of these products. Safe storage helps prevent child suicides, accidental firearm deaths, and the use of a parent or caregiver’s gun against others.⁹² **Age limits**, particularly those restricting gun possession to the age of 21,⁹³ have been shown to decrease firearm suicides and unintentional firearm deaths,⁹⁴ yet federal law allows individuals to possess handguns at 18 and places no limitations on the age at which one can possess a long-gun, such as a rifle.⁹⁵

^{xiii} Recommendation 167, from the Islamic Republic of Iran.

^{xiv} Recommendation 255, from Israel.

International Human Rights Recommendations:

42. In 2014, the Human Rights Committee expressed concern at “the disparate impact of gun violence on ... children.” The Committee on the Rights of the Child has also urged States “to take all necessary measures to ensure that children [do] not have access to small arms.”⁹⁶

School Shootings

43. School shootings, particularly in public, state-run schools, have become a common occurrence and victimize a population that is often young and legally required to attend school. This violates the right to education and the consequences may amount to ill-treatment. There is an average of one school shooting per week in which someone is hurt or killed (not including the shooter).⁹⁷ Fifty-seven percent of U.S. teenagers fear a school shooting⁹⁸ and in the 2018-19 academic year, more than 4.1 million U.S. children experienced at least one school lockdown; “on a typical day . . . at least 16 campuses locked down, nine related to gun violence or the threat of it.”⁹⁹ *Mass* school shootings have also become increasingly common.¹⁰⁰
44. The median age of school shooters is sixteen¹⁰¹ (too young to buy a firearm in any state) and research shows that in most school shootings, the gun used was taken from the shooter’s home or that of a relative.¹⁰² Yet **safe firearm storage** in homes with children is not federally mandated, is only required in four states, and there are rarely **legal consequences for the owner of the gun** used in the attack.
45. The proposals typically advanced following school shootings do little to diminish their negative psychological effects and instead often exacerbate them.¹⁰³ Increasing numbers of students are required to take part in **active shooter drills**, which are implemented with varying degrees of realism. Students often do not know whether they are experiencing a drill or a real active shooter. One CBS News report describes a particularly disturbing drill:

Police are invited into schools to act as ‘perpetrators’ wearing black face masks, shooting off blanks that simulate gunshots, stalking students and ‘shooting’ them with air guns to create victims with fake blood. To make the situation as real, and chaotic, as possible, they’re accompanied by emergency teams.¹⁰⁴

These drills inflict fear and trauma on an already vulnerable population¹⁰⁵ and, like increasing the number of armed individuals on school grounds, have not been shown to be effective.¹⁰⁶

International Human Rights Recommendations:

46. Two recommendations made in the second cycle related to the right to an adequate education.^{xv}
47. The U.N. Special Rapporteur on the Right to Education¹⁰⁷ and the U.N. Special Rapporteur on Racism Violence¹⁰⁸ have expressed concern about violence in U.S. schools. In 2016, the Working Group of Experts on People of African Descent recommended that “[p]olicing in schools should be abolished,”¹⁰⁹ citing the harmful consequences that accompany such practices,¹¹⁰ which are often pushed as a response to school shootings.

Suicides

48. About 35% of global firearm suicide deaths in 2016 occurred in the United States.¹¹¹ Suicide is the tenth leading cause of U.S. deaths¹¹² and child firearm suicide rates have drastically increased in

^{xv} Recommendations: 309, 319.

recent years.¹¹³ Most suicides in the United States occur with a gun.¹¹⁴ The availability of a firearm is a crucial factor in whether a suicide will be attempted¹¹⁵ and whether it will be fatal – 82.5% of attempted suicides with firearms result in death.¹¹⁶

49. Despite this, there is no federally mandated **waiting period** for gun purchases. Instead, suicidal persons have almost immediate access to the deadliest method available. There is also no federal legislation permitting **extreme risk protection orders**, which have proved successful at preventing suicides,¹¹⁷ or **safe storage laws**, which could prevent individuals, particularly children, from accessing someone else’s gun for a suicide attempt.

International Human Rights Recommendations:

50. The European Court of Human Rights,¹¹⁸ the Inter-American Commission on Human Rights,¹¹⁹ and the Human Rights Committee¹²⁰ have held that a State’s obligation to protect extends to the prevention of suicide.

Police Violence

51. Nearly 1,000 people are killed by police officers annually and over 90% of these deaths are by firearms.¹²¹ Individuals 29 years old or younger and people of Black, Hispanic, and Native American backgrounds are disproportionately killed by police.¹²² Black men, in particular, face a 1 in 1,000 chance of being killed by a police officer in their lifetime.¹²³ Most police shootings are found to be justified as a lawful use of force by the criminal justice system and charges are rarely brought against the officers involved.

International Human Rights Recommendations:

52. Five recommendations on the use of force by law enforcement officials and the need for accountability were made in the first UPR cycle.^{xvi} These were followed by 20 recommendations in the second cycle underlining the impact of police violence on minorities and calling for additional training.^{xvii}
53. Article 3 of the Code of Conduct for Law Enforcement Officers provides that “[l]aw enforcement officials may use force only when strictly necessary” and the commentary adds that “the use of firearms is considered an extreme measure.”¹²⁴
54. The Human Rights Committee,¹²⁵ the Working Group of Experts on People of African Descent,¹²⁶ and the U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions¹²⁷ have recommended that the U.S. government ensure compliance with international standards on the use of force. The Committee against Torture has called for excess use of force by U.S. law enforcement officials to be “independently, promptly and thoroughly investigated” and for perpetrators to be “prosecuted and appropriately punished.”¹²⁸ The issue of U.S. police violence has also been highlighted by the Working Group on Arbitrary Detention,¹²⁹ the Special Rapporteur on Racism,¹³⁰ the Special Rapporteur on Migrants,¹³¹ and the Committee on the Elimination of Racial Discrimination.¹³²

The Racially Discriminatory Nature of Gun Violence

55. Communities of color, and especially black Americans, are disproportionately affected by U.S. gun violence, violating the right to be free from discrimination on account of race. Although

^{xvi} Recommendations: 105, 144, 150-151, 209.

^{xvii} Recommendations: 73-74, 121, 127-130, 137-138, 140-148, 151-152.

compromising only 14% of the U.S. population, black Americans represent 56.7% of U.S. gun homicide victims.¹³³ The disparity is particularly prevalent in urban areas¹³⁴ and for black males.¹³⁵

56. African American youth are also disproportionately victimized. Black children are nearly *ten times* more likely,¹³⁶ the young black population aged 15-29 is *eighteen times* more likely,¹³⁷ and young black women are *six times* more likely to become gun homicide victims¹³⁸ than their white peers. Likewise, black students make up only 16.6% of the school population but experience school shootings at twice that rate.¹³⁹
57. **“Stand Your Ground” laws** play a role in how U.S. communities of color experience gun violence and have serious implications on the right to life and security, as well as the right to remedy and redress. These laws expand the common law “castle doctrine” to allow a person to use deadly force for self-defense in areas where they are lawfully permitted to be, including public spaces, regardless of whether the other person is armed.¹⁴⁰ Until 2005, only two states had these laws; today, they are in force in 28 states and appear to be fueling an increase in firearm homicide rates.¹⁴¹ Race is a significant factor in whether an attack is deemed to be legally justified.¹⁴²

International Human Rights Recommendations:

58. In the first cycle, several relevant recommendations were made, including three on the need to review discriminatory laws and practices,^{xviii} three to the excessive use of force by law enforcement officials against individuals of color,^{xix} and one on racial inequities in education.^{xx}
59. In the second cycle, 34 recommendations addressed racial discrimination,^{xxi} including on the need for accountability for racially motivated violence and to reform discriminatory aspects of the criminal justice system, and on the discriminatory nature of police violence.
60. In 2014, the Committee on the Elimination of Racial Discrimination and the Human Rights Committee expressed concern “at the high number of gun-related deaths and injuries which disproportionately affect members of racial and ethnic minorities, particularly African Americans.”¹⁴³ In 2016, the Working Group of Experts on People of African Descent stated that the United States was “not acting with due diligence to protect the rights of African Americans, as evidenced by the lack of gun control and the stand-your-ground laws[...].”¹⁴⁴ Likewise, the Committee on the Elimination of Racial Discrimination has described Stand Your Ground laws as a way to “circumvent the limits of legitimate self-defence, in violation of the State Party’s duty to protect life”¹⁴⁵ and the Human Rights Committee called on the United States to “[r]eview the Stand Your Ground laws to remove far-reaching immunity and ensure strict adherence to the principles of necessity and proportionality when using deadly force in self-defence.”¹⁴⁶

Federal Laws Impede Gun Violence Research

61. Guns are one of the only sources of death in the United States for which the fatality rate has not decreased in recent years and gunshots are one of the only traumatic injuries for which fatality rates have *increased*.¹⁴⁷ Mortality rates from firearm violence have increased since the 1950s, yet few regulations or research studies have focused on firearms, largely as a consequence of the **Dickey Amendment** and its effect on the research of federal agencies such as the CDC and NIH.¹⁴⁸ More research could lead to a better understanding of what interventions are likely to work in specific

xviii Recommendations: 64, 96, 106.

xix Recommendations: 105, 151, 209.

xx Recommendation: 67.

xxi Recommendations: 90-95, 118-121, 123-125, 130-131, 133-137, 139-152.

environments¹⁴⁹ and could lead to innovations in firearm technology to decrease the risk of gun ownership.¹⁵⁰

RECOMMENDATIONS:

62. The United States government should:
- i. Adopt federal legislation requiring a license for the possession of all firearms and a permit for each firearm purchase. Licensing should require a background check, including mental health history, and safety training, and be renewed regularly. Permits should be limited in duration and valid for the purchase of only one firearm;
 - ii. Adopt federal legislation to reduce gun violence, including an assault weapons ban and limits on magazine capacity; a mandatory waiting period for firearm purchases; safe storage requirements; laws enabling judges to issue extreme risk protection orders; and raise the minimum age of purchase for all firearms to 21 years old;
 - iii. Close gaps in current legislation by passing the Enhanced Background Checks Act of 2019 to remove the loophole which allows a sale to be completed if the background check is not completed in three days; passing the Bipartisan Background Checks Act of 2019, which would close the private gun transaction loophole; and amending the Lautenberg Amendment to prohibit all domestic abusers and stalkers from buying and possessing guns and require the forfeiture of firearms currently in their possession once convicted;
 - iv. Fully fund agencies that oversee the firearm industry, enforce the laws, and conduct research and remove restrictions on these agencies and special protection for the firearm industry. This should include repealing the Dickey Amendment, the Tiahrt Amendments, and the Protection of Lawful Commerce in Arms Act, revising the Firearms Owners' Protection Act of 1986 to allow the ATF to conduct regular compliance checks of gun dealers and to create a searchable database of gun sales, and making firearms subject to federal health and safety regulations;
 - v. Tackle the use of fatal force by law enforcement officials by requiring de-escalation, bias, and crisis intervention training,¹⁵¹ mandating the independent investigation of all officer involved shootings, such as with Independent Citizens Review Boards, and ensuring accountability for the unlawful use of force by police officers. Adopt revised guidelines on when officers are allowed to use lethal force and demand compliance with international standards on the use of force;
 - vi. Tackle biases in the criminal justice system and enforcement of the law that provide impunity for the killing of individuals of color, including by prohibiting stand your ground laws, which allow private citizens to deprive others of life and disproportionately harm African Americans; and
 - vii. Support evidence-based interventions, including Group Violence Intervention (GVI),¹⁵² hospital-based violence intervention programs,¹⁵³ school-based interventions,¹⁵⁴ violence interruption models such as Cure Violence,¹⁵⁵ and collective efficacy through community mobilization, outreach, and norms change.¹⁵⁶

¹ Much of the research upon which this submission is based can be found in the Harris Institute's other publications on this topic. See Leila Nadya Sadat & Madaline M. George, [The U.S. Gun Violence Crisis: Human Rights Perspectives and Remedies](#), WASH. U. IN ST. LOUIS LEGAL STUDIES RESEARCH PAPER NO. 19-01-11 (18 Jan. 2019); Leila Nadya Sadat & Madaline M. George, [Gun Violence & Human Rights](#), 60 WASH. U. J.L. & POL'Y 1 (2019). See also [Written Statement of the Harris Institute for the Hearing on "Regulation of Gun Sales and Social Violence in the United States,"](#) Inter-American Commission on Human Rights, 167th Extraordinary Period of Sessions (27 Feb. 2018); Whitney R. Harris World Law Institute, [The U.S. Gun Violence Crisis as a Violation of U.S. Obligations Under The ICCPR](#), Submission to the U.N. Human Rights Committee ahead of the 125th Session (14 Jan. 2019).

² Ctrs. for Disease Control & Prevention (CDC), Wide-ranging Online Data for Epidemiologic Research (WONDER) [hereinafter CDC WONDER], [Underlying Cause of Death, Results: Firearm Deaths by Intent \(1999-2017\)](#).

³ C. Reese et al., [Screening for Traumatic Stress Among Survivors of Urban Trauma](#), 73 J. TRAUMA ACUTE CARE SURG. 462 (2012).

⁴ This is especially true for mass shootings. Sarah R. Lowe & Sandro Galea, [The Mental Health Consequences of Mass Shootings](#), 18 TRAUMA, VIOLENCE & ABUSE 62 (2017); James M. Shultz et al., [Multiple Vantage Points on the Mental Health Effects of Mass Shootings](#), 16 CURRENT PSYCHIATRY REP. 469 (2014); Amanda M. Vicary & R. Chris Fraley, [Student Reactions to the Shootings at Virginia Tech and Northern Illinois University: Does Sharing Grief and Support Over the Internet Affect Recovery?](#) 35 PERSONALITY & SOC. PSYCHOL. BULL. 1555, 1559 (2010); Joseph R. Bardeen et al., [Emotion Regulation Difficulty as a Prospective Predictor of Posttraumatic Stress Symptoms Following a Mass Shooting](#), 27 J. ANXIETY DISORDERS 188 (2013).

⁵ David Finkelhor et al., [Prevalence of Childhood Exposure to Violence, Crime, and Abuse: Results from the National Survey of Children's Exposure to Violence](#), 169 JAMA PEDIATRICS 746, 751 (2015); DAVID FINKELHOR ET AL., OFF. OF JUVENILE JUSTICE & DELINQUENCY PREVENTION, NCJ 227744, [CHILDREN'S EXPOSURE TO VIOLENCE: A COMPREHENSIVE NATIONAL SURVEY 2](#) (2009); Charles McCoy et al., [Children's Cognitive Performance and Selective Attention Following Recent Community Violence](#), 56 J. HEALTH SOC. BEHAV. 19 (2015); Catherine C. McDonald & Therese R. Richmond, [The Relationship Between Community Violence Exposure and Mental Health Symptoms in Urban Adolescents](#), 15 J. PSYCHIATRIC & MENTAL HEALTH NURSING 833 (2008); Richard Spano, Craid Rivera & John M. Bolland, [Are Chronic Exposure To Violence and Chronic Violent Behavior Closely Related Developmental Processes During Adolescence?](#) 37 CRIM. JUSTICE & BEHAVIOR 1160, 1175 (2010).

⁶ Aaron Karp, [Estimating Global Civilian-held Firearm Numbers – Annex: 2017 Civilian Firearms Holdings Data by Country/Territory](#), SMALL ARMS SURVEY (2018).

⁷ The presence of a gun in the home increases an individual's risk of death by suicide. Douglas J. Wiebe, [Homicide and Suicide Risks Associated With Guns in the Home: A National Case-Control Study](#), 41 ANNALS OF EMERGENCY MED. 771, 780 (2003); Matthew Miller et al., [Firearm Availability and Suicide, Homicide, and Unintentional Firearm Deaths Among Women](#), 79 J. URBAN HEALTH 26 (2002); Michael Siegel & Emily F. Rothman, [Firearm Ownership and Suicide Rates Among US Men and Women, 1981–2013](#), 106 AM. J. PUBLIC HEALTH 1316, 1317 (2016); Andrew Anglemeyer, Tara Horvath & George Rutherford, [The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members: A Systematic Review and Meta-analysis](#), 160 ANNALS INTERNAL MED. 101 (2014) ("Access to firearms is associated with risk for completed suicide and being the victim of homicide."); Garen J. Wintemute et al., [Mortality Among Recent Purchasers of Handguns](#), 341 NEW ENG. J. MED. 1583, 1583 (1999). See also Renee M. Johnson et al., [Who Are the Owners of Firearms Used in Adolescent Suicides?](#), 40 SUICIDE & LIFE THREATENING BEHAV. 609, 610 (2010). Suicide rates tend to increase in correlation to gun ownership rates. M. Miller & David Hemenway, [Guns and Suicide in the United States](#), 359 N. ENGL. J. MED. 672 (2008); Justin Thomas Briggs & Alexander Tabarrok, [Firearms and Suicides in US States](#), 37 INT'L REV. OF LAW & ECO. 180 (2014).

⁸ Lisa M. Hepburn & David Hemenway, [Firearm Availability and Homicide: A Review of the Literature](#), 9 AGGRESSION & VIOLENT BEHAV. 417 (2004); Arthur L. Kellermann et al., [Gun Ownership as a Risk Factor for Homicide in the Home](#), 329 NEW ENG. J. MED. 1084, 1088-89 (1993); 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 (2003); Wiebe, *supra* note 7; Miller et al., *supra* note 7; Anglemeyer, *supra* note 7. See also Susan B. Sorenson & Douglas J. Wiebe, [Weapons in the Lives of Battered Women](#), 94 AM. J. PUBLIC HEALTH 1412 (2004) ("Firearms, especially handguns, are more common in the homes of battered women than in households in the general population.").

⁹ Douglas J. Wiebe, [Firearms in US Homes as a Risk Factor for Unintentional Gunshot Fatality](#), 35 ACCIDENT ANALYSIS & PREVENTION 711, 713 (2003).

¹⁰ Based on data from SYDNEY SCH. OF PUB. HEALTH: GUNPOLICY.ORG, www.gunpolicy.org.

¹¹ Colleen L. Barry et al., [*After Newtown – Public Opinion on Gun Policy and Mental Illness*](#), 368 NEW ENG. J. MED. 1077, 1080-81 (2013). See also KIM PARKER ET AL., PEW RESEARCH CTR., [AMERICA’S COMPLEX RELATIONSHIP WITH GUNS](#) (2017).

¹² Jessica Lenahan (Gonzalez) et al. v. United States, Case 12.626, Inter-Am. Comm’n H.R., Report No. 80/11, OEA/Ser.L/V/II, doc. 69 rev., ¶ 128 (2011) (the State has an obligation to “prevent and respond to the actions of non-state actors and private persons”).

¹³ Human Rights Comm., General Comment No. 31: Nature of the General Legal Obligation on States Parties to the Covenant, ¶ 8, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004) (States must protect “not just against violations . . . by its agents, but also against acts committed by private persons or entities”).

¹⁴ *E.g.*, L.K. v. Netherlands, Communication No. 4/1991, U.N. Doc. CERD/C/42/D/4/1991 (1993); A. YilmazDogan v. Netherlands, Communication No. 1/1984, U.N. Doc. CERD/C/36/D/1/1984 (1987).

¹⁵ *E.g.*, Hajrizi Dzemajl et al. v. Yugoslavia, Complaint No. 161/2000, Comm. Against Torture, ¶ 9.6, U.N. Doc. CAT/C/29/D/161/2000 (2 Dec. 2000). See Comm. against Torture, Observations of the Committee against Torture on the revision of the United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR), ¶ 6, U.N. Doc. CAT/C/51/4 (16 Dec. 2013) (the obligation to prevent applies in “contexts where the failure of the State to intervene encourages and enhances the danger of privately inflicted harm”).

¹⁶ *E.g.* Velásquez-Rodríguez v. Honduras, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 4, ¶ 172 (29 July 1988) (“[a]n illegal act which violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person . . .) can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required”); González et al. (Campo Algodonero) v. Mexico, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 205, ¶ 181 (16 Nov. 2009).

¹⁷ *E.g.*, Comm. Against Torture, General Comment No. 2, Implementation of art. 2 by States Parties, ¶ 18, U.N. Doc. CAT/C/GC/2 (24 Jan. 2008). (“where State authorities or others acting in official capacity or under colour of law, know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed *by non-State officials or private actors* and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors . . . the State bears responsibility”).

¹⁸ Human Rights Comm., General Comment No. 35: Article 9 (Liberty and security of person), ¶ 9, U.N. Doc. CCPR/C/GC/35 (16 Dec. 2014).

¹⁹ Comm. against Torture, General Comment No. 2, *supra* note 17, ¶ 15.

²⁰ Human Rights Comm., General Comment No. 36: on article 6 of the International Covenant on Civil and Political Rights, on the right to life, ¶ 26, U.N. Doc. CCPR/C/GC/36 (2018).

²¹ *Id.* ¶ 21.

²² Human Rights Comm., General Comment No. 35, *supra* note 18, ¶ 9.

²³ Nick Wing, [NRA Spending Approached Half a Billion Dollars in 2016](#), HUFFPOST (16 Nov. 2017).

²⁴ Bill Allison, [NRA Spent Record Amount Lobbying Congress, With Little to Show](#), BLOOMBERG NEWS (5 Feb. 2019).

²⁵ Concealed Carry Reciprocity Act of 2017, H.R. 38, 115th Cong. (1st Sess. 2017).

²⁶ [Pressure Leads to Progress](#), GIFFORDS LAW CTR. TO PREVENT GUN VIOLENCE (last visited 23 Sept. 2019).

²⁷ 83 FR 66514 (2018).

²⁸ See, e.g., Philip Rucker, [White House Vows to Help Arm Teachers and Backs off Raising Age for Buying Guns](#), WASH. POST (12 Mar. 2018).

²⁹ Erica L. Green, [Betsy DeVos Eyes Federal Education Grants to Put Guns in Schools](#), N.Y. TIMES (23 Aug. 2018).

³⁰ U.S. DEP’T COMMERCE, BUREAU OF INDUSTRY & SECURITY, [Control of Firearms, Guns, Ammunition and Related Articles the President Determines No Longer Warrant Control under the United States Munitions List \(USML\)](#) (14 May 2018). Under these

rules, gun-makers no longer need licenses from the Department of State to sell certain weapons abroad, including semi-automatic assault weapons.

³¹ Nicholas Fandos, [Trump Administration Eases Regulations on Gun Exports, Raising Concerns](#), N.Y. TIMES (31 Jan. 2019).

³² [Arms Transfer Initiative Would Help U.S. Gun Industry Market its Militarized Firearms Globally](#), VIOLENCE POLICY CTR. (15 May 2018)

³³ Bipartisan Background Checks Act of 2019, H.R. 8, 116th Cong. (1st Sess. 2019).

³⁴ Enhanced Background Checks Act of 2019, H.R. 1112, 116th Cong. (1st Sess. 2019).

³⁵ See Braktkton Booker & Martin Kaste, [House Passes Second Gun Background Check Bill In As Many Days](#), NPR (28 Feb. 2019).

³⁶ David Brown, [Trump says U.S. 'will never ratify' arms trade treaty](#), POLITICO (26 Apr. 2019).

³⁷ The Second Amendment of the Constitution states that 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.”

³⁸ GIFFORDS LAW CTR. TO PREVENT GUN VIOLENCE, [POST-HELLER LITIGATION SUMMARY 2](#) (2017).

³⁹ See generally REDUCING GUN VIOLENCE IN AMERICA: INFORMING POLICY WITH EVIDENCE AND ANALYSIS (Daniel W. Webster & Jon S. Vernick eds., 2013); Julian Santaella-Tenorio et al., [What Do We Know About the Association Between Firearm Legislation and Firearm-Related Injuries?](#), 38 EPIDEMIOLOGIC REVIEWS 140 (2016).

⁴⁰ 18 U.S.C. §§ 921-924, 925A; 42 U.S.C. § 3759 (2012).

⁴¹ PHILIP J. COOK & JENS LUDWIG, U.S. DEP'T. OF JUST., NCJ 165476, [GUNS IN AMERICA: NATIONAL SURVEY ON PRIVATE OWNERSHIP AND USE OF FIREARMS](#) 6-7 (1997).

⁴² Violent Crime Control & Law Enforcement Act of 1994, Pub. L. No 103-322, § 110102, 108 Stat.1796 (1994).

⁴³ Agencies tasked with enforcing gun laws are also handicapped by limited funding, poor support, and a lack of cooperation. See, e.g., Louis Beckett, [Gun Laws that Cost Millions had Little Effect Because They Weren't Enforced](#), THE GUARDIAN (13 Oct. 2017). This has contributed to the poor enforcement of gun control laws. For example, the shooter in Emanuel AME Church shooting in Charleston, South Carolina purchased the pistol used despite a misdemeanor for drug possession which should have barred him and the Sutherland Springs church shooter passed two federal background checks despite a prior assault conviction and a bad conduct Air Force discharge. See Larry Buchanan et al., [How They Got Their Guns](#), N.Y. TIMES (16 Feb. 2018).

⁴⁴ 18 U.S.C. § 921 (2018).

⁴⁵ Firearms Owners' Protection Act of 1986, 18 U.S.C. § 921 (1986).

⁴⁶ 15 U.S.C. §§ 7901-7903 (2018).

⁴⁷ Consolidated Appropriations Act 2010, Pub. L. No. 111-117, 123 Stat. 3128-3129 (2009).

⁴⁸ 15 U.S.C. § 2052(a)(5)(E) (2012).

⁴⁹ Omnibus Consolidated Appropriations Act (Dicky Amendment), Pub. L. No. 104-208, 110 Stat. 3009, 3009-244 (1997).

⁵⁰ See EVERYTOWN FOR GUN SAFETY, [ACCESS DENIED: HOW THE GUN LOBBY IS DEPRIVING POLICE, POLICY MAKERS, AND THE PUBLIC OF THE DATA WE NEED TO PREVENT GUN VIOLENCE](#) (2013).

⁵¹ [Universal Background Checks](#), GIFFORDS LAW CTR. TO PREVENT GUN VIOLENCE.

⁵² [Licensing](#), GIFFORDS LAW CTR. TO PREVENT GUN VIOLENCE.

⁵³ [Extreme Risk Protection Orders](#), GIFFORDS LAW CTR. TO PREVENT GUN VIOLENCE.

⁵⁴ See GIFFORDS LAW CTR. TO PREVENT GUN VIOLENCE, [GUN LAW TRENDWATCH](#) (Feb. 2019).

⁵⁵ [Assault Weapons](#), GIFFORDS LAW CTR. TO PREVENT GUN VIOLENCE; [High Capacity Magazines](#), GIFFORDS LAW CTR. TO PREVENT GUN VIOLENCE.

⁵⁶ Massachusetts has had a requirement for some time that *all* firearms be stored with a locking device when they are not in use or when the firearm is not carried “by or under the control of the owner or other lawfully authorized user.” MASS. GEN. LAWS ANN. ch. 140, § 131L (West, Westlaw through Chapter 108 of the 2018 2nd Ann. Sess.). The Massachusetts Supreme Judicial Court upheld the law’s constitutionality in 2010. *Commonwealth v. Runyan*, 922 N.E.2d 794 (Mass. 2010).

⁵⁷ The three states to have passed safe storage laws in the past three years are California, Connecticut, and New York. California’s law requires all gun owners to keep their firearm in a locked container or secured with a locking device if they live with someone prohibited under California state or federal law from owning a firearm. CAL. PENAL CODE § 25135 (West, Westlaw through Ch. 13 of 2018 Reg. Sess.). Connecticut’s law applies only to *loaded* firearms. CONN. GEN. STAT. ANN. § 29-37i (West, Westlaw through enactments of Pub. Acts enrolled and approved by the Governor on or before June 6, 2018 and effective on or before June 6, 2018). New York’s law requires gun owners to keep their firearm locked if they live with a convicted felon, domestic abuser, or a person with a federally prohibitive mental health history. N.Y. PENAL LAW § 265.45 (McKinney, Westlaw through L.2018, Chs. 1 to 72).

⁵⁸ Matt Vasilogambros, [NRA Has Backed Most State Gun Laws Passed since Sandy Hook](#), PBS (2 Mar. 2018). *See also* Michael Luca et al., [The Impact of Mass Shootings on Gun Policy](#) 3 (Harvard Bus. Sch., Working Paper No. 16-126, 2016) (from 1989-2014, mass shootings led to a 75% increase in laws that *loosen* gun restrictions in states with Republican-controlled legislatures, and had no statistically significant effect on laws enacted in states with Democrat-controlled legislatures).

⁵⁹ Maine, Mississippi, Missouri, North Dakota, and West Virginia.

⁶⁰ *See* [Concealed Carry](#), GIFFORDS LAW CTR. TO PREVENT GUN VIOLENCE.

⁶¹ Arkansas, Georgia, Idaho, Kansas, and Texas.

⁶² [Guns in School](#), GIFFORDS LAW CTR. TO PREVENT GUN VIOLENCE.

⁶³ *See generally* Tessa Collins et al., [State Firearm Laws and Interstate Transfer of Guns in the USA, 2006-2016](#), 95 J. URB. HEALTH 332 (2018).

⁶⁴ For example, Chicago has significantly tightened its gun laws in response to high rates of gun violence and crime, but nearly 60% of guns recovered in the city that were used or suspected of being used in a crime can be traced to out-of-state gun dealers. Shelby Bremer, [Majority of Guns Used in Chicago Crimes Come From Outside Illinois: Report](#), NBC NEWS (30 Oct. 2017).

⁶⁵ As of 1 October 2019, there had been 2,241 mass shootings – defined as the shooting of “four or more people, excluding the shooter...at the same general time and location” – killing at least 2,494 people and wounding another 9,494 since the December 2012 Sandy Hook Elementary School shooting. *See* German Lopez et al., [After Sandy Hook We Said Never Again. And Then We Let 2,241 Mass Shootings Happen](#), Vox (last visited 1 Oct. 2019).

⁶⁶ *See* sources cited *supra* note 4.

⁶⁷ Elizabeth Chuck, [More than 80 Percent of Guns Used in Mass Shooting Obtained Legally](#), NBC NEWS (5 Dec. 2015).

⁶⁸ An analysis of mass shootings from 2009-2016 found that at least 42% of the shooters exhibited warning signs before the attack. EVERYTOWN FOR GUN SAFETY, [MASS SHOOTINGS IN THE UNITED STATES: 2009-2016](#) 2 (2017).

⁶⁹ Comprehensive, universal background checks have been linked to decreases in firearm homicides, fewer women shot to death by intimate partners, fewer police officers killed on duty, fewer mass shootings, and reduced suicide rates. *See* Michael D. Anestis et al., [Suicide Rates and State Laws Regulating Access and Exposure to Handguns](#), 105 AM. J. PUB. HEALTH 105, e1, e3 (2015); EVERYTOWN FOR GUN SAFETY, [BACKGROUND CHECKS REDUCE GUN VIOLENCE AND SAVE LIVES](#) (2017); EVERYTOWN FOR GUN SAFETY, [New Research: States with Background Checks Experience Fewer Mass Shootings](#) (12 Nov. 2015); Kara E. Rudolph, [Association between Connecticut’s Permit-to-Purchase Handgun Law and Homicides](#), 105 AM. J. PUB. HEALTH 49, 49, 51 (2015); Daniel W. Webster et al., [Effects of the Repeal of Missouri’s Handgun Purchaser Licensing Law on Homicides](#), 91 J. URB. HEALTH 293, 294 (2014). *See also* Cassandra K. Crifasi, [Effects of Changes in Permit-to-Purchase Handgun Laws in Connecticut and Missouri on Suicide Rates](#), 79 PREVENTATIVE MED. 43 (2015).

⁷⁰ Violent Crime Control & Law Enforcement Act of 1994, Pub. L. No 103-322, § 110102, 108 Stat.1796 (1994).

⁷¹ This includes the 2012 Sandy Hook shooting, the 2012 Aurora, Colorado movie theater shooting, the 2015 San Bernardino, California attack, the 2016 Pulse nightclub shooting in Orlando, Florida, the 2017 Las Vegas music festival

shooting, the 2017 Sutherland Springs, Texas church shooting, the 2018 Parkland school shooting, and the 2018 Pittsburgh synagogue shooting. In all but two, the shooter purchased his weapons legally.

⁷² EVERYTOWN FOR GUN SAFETY, [ANALYSIS OF RECENT MASS SHOOTINGS](#) (2015).

⁷³ [In Wake of Mass Shooting, U.N. Rights Chief Urges US to Consider Robust Gun Control](#), U.N. NEWS (14 June 2016).

⁷⁴ Erin Grinshteyn & David Hemenway, [Violent Death Rates in the US Compared to Those of the other High-Income Countries, 2015](#), 123 PREVENTATIVE MED. 20 (2019).

⁷⁵ Linda E. Saltzman et al., [Weapon Involvement and Injury Outcomes in Family and Intimate Assaults](#), 267 JAMA 3043 (1992).

⁷⁶ Meghan Hoyer, [An Analysis of FBI Supplemental Homicide Data, Domestic shooting homicides \(2006-2014\)](#), ASSOCIATED PRESS (2016).

⁷⁷ *Id.*

⁷⁸ See Sheryl Gay Stolberg, [Domestic Abusers Are Barred From Gun Ownership, but Often Escape the Law](#), N.Y. TIMES (6 Nov. 2017).

⁷⁹ Human Rights Council, Report of Ms. Rashida Manjoo (Special Rapporteur on Violence against Women, its Causes and Consequences), ¶ 115.A(g), U.N. Doc. A/HRC/17/26/Add.5 (6 June 2011). She further wrote that “Gun dealers should be penalized for illegally selling guns and also for failure to report stolen guns which are subsequently used to commit crimes.”

⁸⁰ Human Rights Comm., Concluding observations on the fourth periodic report of the United States of America, U.N. Doc. CCPR/C/USA/CO/4, ¶ 10 (23 Apr. 2014) [hereinafter Human Rights Comm., Concluding Observations 2014].

⁸¹ Human Rights Council, Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to the United States of America, ¶ 27, U.N. Doc. A/HRC/32/44/Add.2 (4 Aug. 2015).

⁸² Human Rights Council, Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to the United States of America, ¶ 90(o), U.N. Doc. A/HRC/32/44/Add.2 (4 Aug. 2016).

⁸³ Human Rights Council, Report of the Working Group of Experts on People of African Descent on its mission to the United States of America, ¶ 57, U.N. Doc. A/HRC/33/61/Add.2 (18 Aug. 2016).

⁸⁴ Rebecca M. Cunningham, Maureen A. Walton & Patrick M. Carter, [The Major Causes of Death in Children and Adolescents in the United States](#), 329 N. ENG. J. MED. 2468 (2018).

⁸⁵ CTRS. FOR DISEASE CONTROL & PREVENTION (CDC), WEB-BASED INQUIRY STATISTICS QUERY AND REPORTING SYSTEM (WISQARS), [10 Leading Causes of Unintentional Injury Deaths – 2016](#).

⁸⁶ Cunningham et al., *supra* note 84.

⁸⁷ A survey of childhood exposure to violence estimates that 4% of children were exposed to a shooting in the year previous to the study. Using the total childhood population (ages 0-17) of the United States in 2015 (~73.6 million), this equates to roughly 2.944 million children. David Finkelhor et al., [Prevalence of Childhood Exposure to Violence, Crime, and Abuse: Results from the National Survey of Children’s Exposure to Violence](#), 169 [J]AMA PEDIATRICS 746, 751 (2015).

⁸⁸ Cassandra K. Crifasi et al., [Storage Practices of US Gun Owners in 2016](#), 108 AM. J. PUB. HEALTH 532, 532 (2018).

⁸⁹ Frances Baxley & Matthew Miller, [Parental Misperceptions about Children and Firearms](#), 160 ARCHIVES PEDIATRICS & ADOLESCENT MED. 542 (2006).

⁹⁰ *Id.*; Johnson et al., *supra* note 7.

⁹¹ Katherine Fowler et al., [Childhood Firearm Injuries in the United States](#), 140 AM. ACAD. PEDIATRICS 1 (2017).

⁹² David C. Grossman et al., [Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries](#), 293 [J]AMA 707 (2005); U.S. GEN. ACCT. OFF., GAO/PEMD-91-9, [ACCIDENTAL SHOOTINGS: MANY DEATHS AND INJURIES CAUSED BY FIREARMS COULD BE PREVENTED](#) 17 (1991).

⁹³ Daniel W. Webster et al., [Association Between Youth-focused Firearm Laws and Youth Suicides](#), 292 [J]AMA 594 (2004).

⁹⁴ *Id.*; Mark Gius, [The Impact of Minimum Age and Child Access Prevention Laws on Firearm-related Youth Suicides and Unintentional Deaths](#), 52 SOCIAL SCI. J. 168 (2015).

⁹⁵ 18 U.S.C. § 922(x)(2), (5). See also [Minimum Age to Purchase & Possess](#), GIFFORDS LAW CTR. TO PREVENT GUN VIOLENCE.

⁹⁶ Comm. on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 8 of The Optional Protocol to the Convention on The Rights of the Child on the Involvement of Children in Armed Conflicts – Concluding Observations: Bangladesh, ¶ 24, U.N. Doc. CRC/C/OPAC/BGD/CO/1 (17 Mar. 2006).

⁹⁷ See [Gunfire on School Grounds in the United States](#), EVERYTOWN FOR GUN SAFETY (a comprehensive analysis of school shootings since 2013). See also [School Shooting Database](#), WASH. POST (last updated 8 May 2019) (finding that more than 228,000 children at 234 schools (excluding colleges and universities) have experienced gun violence on their campus since the Columbine shooting in 1999. This database defines gun violence at school as an “act of gunfire at a primary or secondary school during school hours” and excludes “[s]hootings at after-hours events, accidental discharges that caused no injuries to anyone other than the person handling the gun, and suicides that occurred privately or posed no threat to other children” as well as “[g]unfire at colleges and universities”).

⁹⁸ Nikki Graf, [A Majority of U.S. Teens Fear a Shooting Could Happen at Their School, and Most Parents Share Their Concern](#), PEW RESEARCH CTR. (18 Apr. 2018).

⁹⁹ John Woodrow Coz & Stephen Rich, [What if someone was shooting?](#), WASH. POST (28 Dec. 2018).

¹⁰⁰ See Antonis Katsiyannis et al., *Historical Examination of United States Intentional Mass School Shootings in the 20th and 21st Centuries: Implications for Students, Schools, and Society*, 27 J. CHILD & FAM. STUD. 2562 (2018).

¹⁰¹ Washington Post School Shooting Database, *supra* note 97.

¹⁰² U.S. SECRET SERV. & U.S. DEPT OF EDUC., [THE FINAL REPORT & FINDINGS OF THE SAFE SCHOOL INITIATIVE – IMPLICATIONS FOR THE PREVENTION OF SCHOOL ATTACKS IN THE UNITED STATES](#) 27 (2004).

¹⁰³ See generally RESPONDING TO SCHOOL VIOLENCE: CONFRONTING THE COLUMBINE EFFECT (Glenn W. Muschert et al., eds., 2014); Philip T.K. Daniel, *Violence and the Public Schools: Student Rights Have Been Weighed in the Balance and Found Wanting*, 27 J. L. & EDUC. 573 (1998).

¹⁰⁴ Ed Leefeldt, [Are Active Shooter Drills Too Scary for Schoolchildren?](#), CBS NEWS (30 Nov. 2017); [Alaska High School Simulates Gunfire in Active Shooter Drills](#), CNN (12 Mar. 2018) (during an active shooter drill at a high school in Anchorage, Alaska, a police officer shot blanks in the hallways to create the sound of real gunfire); Erika Christakis, [Active-Shooter Drills Are Tragically Misguided](#), THE ATLANTIC (Mar. 2019).

¹⁰⁵ As one researcher explains: “The more prepared we are, the more heightened our sense of risk. And one potential effect we haven’t considered is how these kinds of preparedness activities affect kids psychologically and could increase a sense of feeling at risk. They really expand the ways in which we feel increasingly under siege.” James Hamblin, [What Are Active-Shooter Drills Doing to Kids? The Psychological Effects of Realistic Simulations Could Be Dangerous](#), THE ATLANTIC (28 Feb. 2018) (quoting Colleen Derkatch, an associate professor at Ryerson University in Toronto).

¹⁰⁶ Santa Fe High School had active shooter drills and armed police officers on campus, yet a student was able to bring a firearm into a school building and shoot 23 people in his roughly 25-minute rampage. See Holly Yan, [Santa Fe High School had Armed Cops and Active Shooter Drills. Yet 10 People Died](#), CNN (22 May 2018). Parkland had completed a schoolwide upgrade to their emergency plans and trained students for an active shooter a month before it became home to the deadliest U.S. high school shooting in history. See This American Life, [Episode 659: Before the Next One](#), Transcript (12 Oct. 2018). Similarly, Columbine had an armed guard on school grounds and Virginia Tech had a full campus police force.

¹⁰⁷ Human Rights Council, Report submitted by Katarina Tomaševski (Special Rapporteur on the right to education): Mission to the United States of America 24 Sept. – 10 Oct. 2001, ¶ 62, U.N. Doc. E/CN.4/2002/60/Add.1 (17 Jan. 2002).

¹⁰⁸ U.N. Econ. & Soc. Council, Commission on Human Rights, Report submitted by Mr. Maurice Glélé-Ahanhanzo (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) on his mission to the United States from 9 to 22 October 1994, ¶ 46, U.N. Doc. E/CN.4/1995/78/Add.1 (15 Jan. 1995).

¹⁰⁹ Human Rights Council, Report of the Working Group of Experts on People of African Descent on its mission to the United States of America, ¶ 101, U.N. Doc. A/HRC/33/61/Add.2 (18 Aug. 2016).

¹¹⁰ See [PROTECT CHILDREN, NOT GUNS, THE TRUTH ABOUT GUNS](#), CHILD.'S DEF. FUND (2018) (the presence of armed police at school can have negative consequences, including the criminalization of children – especially Black and Latino children – at increasingly younger ages).

¹¹¹ Frederick P. Rivara, David M. Studdert & Garen J. Wintemute, [Firearm-Related Mortality: A Global Public Health Problem](#), 320 [J]AMA 764 (2018); Mohsen Naghavi et al., [Global Mortality From Firearms, 1990-2016](#), 320 [J]AMA 792 (2018). In 2010, the firearm suicide rate was eight times higher in the United States than in other high-income countries. Erin Grinshteyn & David Hemenway, [Violent Death Rates: The US Compared with Other High-income OECD Countries, 2010](#), 129 AM. J. MED. 266 (2016).

¹¹² CTRS. FOR DISEASE CONTROL & PREVENTION (CDC), WEB-BASED INQUIRY STATISTICS QUERY AND REPORTING SYSTEM (WISQARS), [10 Leading Causes of Death by Age Group, United States - 2017](#).

¹¹³ Fowler, *supra* note 91.

¹¹⁴ See Madeline Drexler, [Guns & Suicide: The Hidden Toll](#), HARV. SCH. PUB. HEALTH MAGAZINE (2013).

¹¹⁵ See sources cited *supra* 7.

¹¹⁶ This is compared to a lethality rate of 1.5% for drug/poison ingestion, 61.4% for suffocation/hanging, and 34.5% for jumping. Rebecca S. Spicer & Ted R. Miller, [Suicide Acts in 8 States: Incidence and Case Fatality Rates by Demographics and Method](#), 90 AM. J. PUB. HEALTH 1885, 1888 (2000).

¹¹⁷ Aaron J. Kivisto & Peter Lee Phalen, [Effects of Risk-Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981-2015](#), 69 PSYCHIATRIC SERVICES 855 (2018); Jeffrey W. Swanson et al., [Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides?](#), 80 LAW & CONTEMPORARY PROBLEMS 179 (2017).

¹¹⁸ *E.g.*, *Renolde v. France*, Application No. 5608/05, 24 Eur. Ct. H.R. (2008) (holding that French authorities violated the right to life of a prisoner by not preventing his suicide when there was a clear indication that he was endangered).

¹¹⁹ *E.g.*, Press Release: [LACHR Takes Case Involving Ecuador to the Inter-American Court of Human Rights](#), OAS (13 Feb. 2019) (reporting that the Court found the Ecuadorian State responsible for violations to the right to life resulting from the suicide of a teenage girl who was sexually abused by leadership at her school).

¹²⁰ *E.g.*, *Guillermo Ignacio Dermis Barbato et al. v. Uruguay*, Communication No. 84/1981, U.N. Doc. CCPR/C/OP/2 (1990). The Human Rights Committee has also stated that “States should take adequate measures . . . to prevent suicides.” Human Rights Comm., General Comment No. 36, *supra* note 20, ¶ 9.

¹²¹ See [Fatal Force](#), WASH. POST (last updated 31 Mar. 2019).

¹²² Frank Edwards, Hedwig Lee & Michael Esposito, [Risk of being killed by police use of force in the United States by age, race-ethnicity, and sex](#), 116 PNAS 16793 (2019). See also [The Counted](#), THE GUARDIAN.

¹²³ Edwards et al., *supra* note 122.

¹²⁴ G.A. Res. 34/169, annex, Code of Conduct for Law Enforcement Officials, at 186 (17 Dec. 1979). See also *Montero-Aranguren et al. (Detention Center of Catia) v. Venezuela, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (Ser. C), ¶ 68 (5 July 2006)* (“The use of firearms and lethal force against people by law enforcement officers -which must be generally forbidden- is only justified in even more extraordinary cases. The exceptional circumstances under which firearms and lethal force may be used shall be determined by the law and restrictively construed, so that they are used to the minimum extent possible in all cases, but never exceeding that use “absolutely necessary” in relation to the force or threat to be repealed. When excessive force is used, any deprivation of life is arbitrary.” Internal citations omitted).

¹²⁵ The Human Rights Committee expressed concern at the “high number of fatal shootings by certain police forces” and called on the United States to “[s]tep up its efforts to prevent the excessive use of force by law enforcement officers by ensuring compliance with the 1990 Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.” Human Rights Comm., Concluding Observations 2014, *supra* note 80, ¶ 11.

¹²⁶ Human Rights Council, Report of the Working Group of Experts on People of African Descent on its mission to the United States of America, ¶¶ 68, 70, 100, U.N. Doc. A/HRC/33/61/Add.2 (18 Aug. 2016).

¹²⁷ Econ. & Social Council, Commission on Human Rights, Report of Mr. Bacre Waly Ndiaye (Special Rapporteur on extrajudicial, summary or arbitrary executions) – Mission to the United States of America, ¶ 130, E/CN.4/1998/68/Add.3 (22 Jan. 1998).

¹²⁸ Comm. against Torture, Concluding Observations on the Second Report of the United States of America, ¶ 37, U.N. Doc. CAT/C/USA/CO/2 (25 July 2006).

¹²⁹ Human Rights Council, Report of the Working Group on Arbitrary Detention on its visit to the United States of America, ¶ 59, U.N. Doc. A/HRC/36/37/Add.2 (17 July 2017).

¹³⁰ Human Rights Council, Report of Doudou Diène (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance): Mission to the United States of America, ¶ 48, U.N. Doc. A/HRC/11/36/Add.3 (28 Apr. 2009); U.N. Econ. & Soc. Council, Commission on Human Rights, Report of Mr. Maurice Glélé-Ahanhanzo (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance): on his mission to the United States, ¶ 65, U.N. Doc. E/CN.4/1995/78/Add.1 (16 Jan. 1995).

¹³¹ U.N. Econ. & Soc. Council, Commission on Human Rights, Report submitted by Ms. Gabriela Rodríguez Pizarro (Special Rapporteur on the Human rights of Migrants): Mission to the border between Mexico and the United States of America, ¶¶ 27-29, 42, 54, U.N. Doc. E/CN.4/2003/85/Add.3 (30 Oct. 2002).

¹³² In 2001 the Committee on the Elimination of Racial Discrimination recommended that the U.S. government “take immediate and effective measures to ensure the appropriate training of the police force with a view to combating prejudices which may lead to racial discrimination and ultimately to a violation of the right to security of person.” Comm. on the Elimination of Racial Discrimination, Concluding Observations of the Combined First, Second and Third Reports of the United States of America, ¶ 15, U.N. Doc. CERD/C/59/Misc.17/Rev.3 (2001). *See also* Comm. on the Elimination of Racial Discrimination, Concluding observations on the combined seventh to ninth periodic reports of the United States of America, U.N. Doc. CERD/C/USA/CO/7-9, ¶ 8 (25 Sept. 2014) [hereinafter Comm. on the Elimination of Racial Discrimination, Concluding Observations 2014].

¹³³ Michael Siegel, [POV: Gun Control. Another Place Where Race Matters](#), BU TODAY (17 June 2016).

¹³⁴ In urban areas, Black Americans are 8 times more likely to be killed by firearms than their white counterparts. *See* Molly Pahn et al., [Gun Violence in the US Kills More Black People and Urban Dwellers](#), THE CONVERSATION (8 Nov. 2017) (using data from 2015).

¹³⁵ Black males are about 14 times more likely than non-Hispanic white men to be killed with a firearm in the United States. CDC WONDER, *supra* note 2, *About underlying cause of death, 1999-2016* (Dec. 2017). *See also* Corinne A. Riddell et al., [Comparison of Rates in Firearm and Nonfirearm Homicide and Suicide in Black and White Non-Hispanic Men, by U.S. State](#), 168 ANNALS INTERNAL MED. 712 (2018). Black individuals are also more likely to know someone who has been shot or threatened with a gun, or to have been threatened with a gun themselves. KIM PARKER ET AL., PEW RESEARCH CTR., [AMERICA’S COMPLEX RELATIONSHIP WITH GUNS](#) (2017).

¹³⁶ Fowler, *supra* note 91, at 4.

¹³⁷ Chelsea Parsons et al., [America’s Youth Under Fire](#), CTR. FOR AMERICAN PROGRESS (4 May 2018) (using CDC data from 2007-2016).

¹³⁸ *Id.*

¹³⁹ [Washington Post School Shooting Database](#), *supra* note 97.

¹⁴⁰ The “castle doctrine” stipulates that a person does not have a duty to retreat when he is attacked in his own home and has a right to use lethal force against intruders. *See generally*, American Bar Association, [National Task Force on Stand Your Ground Laws – Report and Recommendations](#) (Sept. 2015).

¹⁴¹ A 2017 study showed that Florida’s SYG law was associated with a 32% increase in firearm homicide and states with Stand Your Ground laws witnessed a 53% average increase in the justifiable homicide rate after the law’s passage, compared to a 5% decline over the same period in states which did not enact the law. David K. Humphreys et al., [Evaluating the Impact of Florida’s “Stand Your Ground” Self-Defense Law on Homicide and Suicide by Firearm: an Interrupted Time Series Study](#), 177 JAMA INTERN MED. 44 (2017). NATIONAL URBAN LEAGUE, MAYORS AGAINST ILLEGAL GUNS & VOTEVETS.ORG, [SHOOT FIRST: ‘STAND YOUR GROUND’ LAWS AND THEIR EFFECT ON VIOLENCE CRIME AND THE CRIMINAL JUSTICE SYSTEM](#) (2013).

¹⁴² Race is a significant factor in whether a defendant charged with a homicide has a successful Stand Your Ground defense: studies have found that a killing is 281% more likely to be found justified under a Stand Your Ground law when the attacker is white and the victim is black. JOHN ROMAN, [RACE, JUSTIFIABLE HOMICIDE, AND STAND YOUR GROUND LAWS: ANALYSIS OF FBI SUPPLEMENTARY HOMICIDE REPORT DATA](#), URBAN INST. 9 (2013). Defendants in Stand Your Ground cases are also twice as likely to be convicted if the victim is white as opposed to if the victim is black or Latino. See Nicole Ackermann et al., [Race, Law, and Health: Examination of 'Stand Your Ground' and Defendant Convictions in Florida](#), 142 SOC. SCI. & MED. 194, 194 (2015); Valerie Purdie-Vaughns & David R. Williams, [Stand-Your-Ground is Losing Ground for Racial Minorities' Health](#), 147 SOCIAL SCI. & MED. 341 (2015).

¹⁴³ Comm. on the Elimination of Racial Discrimination, Concluding Observations 2014, *supra* note 132, ¶ 16; Human Rights Comm., Concluding Observations 2014, *supra* note 80, ¶ 10(b) (concluding that U.S. gun violence has a “disparate impact” on minority group).

¹⁴⁴ Report of the Working Group of Experts on People of African Descent on its mission to the United States of America, ¶ 72, U.N. Doc. A/HRC/33/61/Add.2 (18 Aug. 2016).

¹⁴⁵ Comm. On the Elimination of Racial Discrimination, Concluding Observations 2014, *supra* note 132, ¶ 16.

¹⁴⁶ Human Rights Comm., Concluding Observations 2014, *supra* note 80, ¶ 10(b).

¹⁴⁷ See Savaia et al., [Fatality and Severity of Firearm Injuries in a Denver Trauma Center, 2000-2013](#), 315 JAMA 2465 (2016); Garen J. Wintemute, [The Epidemiology of Firearm Violence in the 21st Century United States](#), 36 ANN. REV. PUB. HEALTH 5 (2015).

¹⁴⁸ Allen Rostron, [The Dickey Amendment on Federal Funding for Research on Gun Violence: A Legal Dissection](#), 108 AM. J. PUB. HEALTH 865 (2018).

¹⁴⁹ See Santaella-Tenorio et al., *supra* note 39 (“High quality research on the association between the implementation or repeal of firearm legislation (rather than the evaluation of existing laws) and firearm injuries would lead to a better understanding of what interventions are likely to work given local contexts.” *Id.* 140).

¹⁵⁰ Such innovations could include, for example, integrated personalization technology or loaded chamber indicators.

¹⁵¹ See Michael T. Compton et al., [A Comprehensive Review of Extant Research on Crisis Intervention Team \(CIT\) Programs](#), 36 J. AM. ACADEMY PSYCHIATRY & L. 47 (2008).

¹⁵² See NATIONAL NETWORK FOR SAFE COMMUNITIES, [Group Violence Intervention: An Implementation Guide](#) (2016) (Gun Violence Intervention “relies on direct communication with violent groups by a partnership of law enforcement, social service providers, and community figures. Together the partnership delivers a unified antiviolence message, explains that violence will bring law enforcement attention to entire groups, offers services and alternatives to group members, and articulates community norms against violence.” *Id.* at 7).

¹⁵³ See Catherine Juillard et al., [A Decade of Hospital-Based Violence Intervention: Benefits and Shortcomings](#), 81 J. TRAUMA & ACUTE CARE SURGERY 1156 (2016).

¹⁵⁴ Saba W. Masho et al., [Spatial Analysis of the Impact of a School-Level Youth Violence Prevention Program on Violent Crime Incidents in the Community](#), 20 PREVENTION SCIENCE 521 (2019) (“Our findings suggest that the school-level intervention was associated with a significant reduction in community-level youth violence. Public health professionals, program planners, and policy-makers should be aware of the potential community-wide benefit of school-level interventions.” *Id.* at 521).

¹⁵⁵ Jeffrey A. Butts et al., [Cure Violence: A Public Health Model to Reduce Gun Violence](#), 36 ANNUAL REV. PUB. HEALTH 39 (Cure Violence “offers something to communities that other well-known violence reduction models cannot: It is potentially very cost-efficient, and it places less demand on the political and administrative resources of law enforcement and the larger criminal justice system. For this reason alone, the model deserves additional investment and investigation.”).

¹⁵⁶ See Mary L. Ohmer et al., [Preventing violence in disadvantaged communities: Strategies for building collective efficacy and improving community health](#), 36 J. HUMAN BEHAVIOR IN THE SOCIAL ENVIRONMENT 608 (2016) (“research suggests that communities can prevent violence and negative health outcomes by developing collective efficacy, which happens when neighbors share norms and values, trust one another, and are willing to intervene to address problems.”).