



United States of America

Center for American Progress (CAP) Submission to the
United Nations Human Rights Council
Universal Periodic Review
36th Session of the UPR Working Group, October 2019

Eugenio Weigend (*point of contact*)
Associate Director
Gun Violence Prevention
Center for American Progress
1333 H Street NW
Washington, DC 20005
eweigend@americanprogress.org

The Center for American Progress is an independent nonpartisan policy institute that is dedicated to improving the lives of all Americans, through bold, progressive ideas, as well as strong leadership and concerted action.

GUN VIOLENCE IN THE UNITED STATES

Gun violence in the United States (U.S.) is a crisis that threatens rights enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights: Gun violence in the U.S. assaults people's fundamental rights to life, liberty, and security. On average 36,000 people in the U.S. are killed with guns every year in suicides, homicides, and unintentional shootings and tens of thousands more are grievously injured by gunshots. When compared to peer nations, the crisis within the U.S. is evident: The rate of gun homicides in the U.S. is 25 times higher than other high-income nations.¹ Individuals in the U.S. live in an environment with a significantly greater risk of gun violence than their international peers. The heightened risks of gun violence within the U.S. calls into question whether the U.S. government is meeting its obligations to adequately protect the human rights of all people within the nation, which includes creating a safe environment free from violence.

Mass shootings in the U.S. garner significant media attention and have the impact of terrorizing communities around the country. According to Gun Violence Archive, 1,980 mass shootings took place in the U.S. from January 2014 through September 2019, meaning a mass shooting occurs every 25 hours.² While most mass shootings occur within homes, often as deadly manifestations of domestic violence, mass shootings have also occurred in public spaces like schools, colleges, movie theaters, malls, concerts, night clubs, workplaces, and places of worship. The pervasive nature of gun violence exposed by these instances of mass violence highlights clear attacks on the rights to life, liberty and security within the U.S.

However, mass shootings only represent a small fraction of the gun homicides. According to the Centers for Disease Control (CDC), there were more than 64,000 gun homicides in the United States from 2013 through 2018, meaning that a person is murdered with a gun every 41 minutes.³ While overwhelming in numbers, gun homicides in the U.S. are not a universally shared experience of violence.

Communities of color are disproportionately impacted by gun homicides due to a combination of factors that include the prevalence of guns, socio-economic factors like poverty, unemployment, educational opportunities, and the police-community relationship. Approximately 57 percent of the United States' gun homicide victims are Black.⁴ And young Black males are even more at risk, presenting a rate of gun homicide victimization of 76 gun-homicides per every 100,000 people, a rate that is almost 22 times higher than their white peers.⁵

While young Black males are most acutely impacted by gun homicides, young Americans in general are at heightened risk of being shot to death. A report from the Center for American Progress found that while young people ages 15 to 29 made up 2.2 percent of all deaths in the country, they represented half of all gun homicides in 2016.⁶ Similarly, a 2018 study concluded that young Americans ages 15 to 19 are 82 times more likely to die from gun homicides when compared to peer nations.⁷

Within domestic disputes, women in the U.S. are at heightened risk of experiencing gun violence. A firearm in a household with domestic violence raises the risk that a woman will be murdered by 500 percent.⁸ Data from the FBI indicates that close to 50 percent of reported homicides of women from 2007 through 2016 were perpetrated by an intimate partner.⁹ Out of those, 55 percent were perpetrated with a gun.¹⁰ This means that one in every four murdered women were shot to death by an intimate partner.

Further aggravating the insecure environment within the U.S created by the prevalence of gun violence is the issue of unintentional shootings. Unintentional fatal shootings occur within the U.S. with staggering frequency. According to data from the CDC, 486 people were unintentionally killed with a gun during 2017.¹¹ With a person unintentionally killed with a gun every 18 hours, the United States has a rate of unintentional firearm deaths 6.2 times higher than its peer nations.¹²

Compounding the risks associated with gun violence in the U.S. is the reality that not all acts of gun violence result in death. Every year in the U.S., thousands are injured in shootings. Brady United Against Gun Violence has estimated that close to 210 individuals are injured by a gun daily.¹³ Guns are also used as a method of intimidation. A 2016 study found that close to 4.5 million women in the United States had been threatened with a gun by an abusive partner.¹⁴ These incidents often involve permanent physical and psychological damage, directly infringing on individual rights to high standards of physical and mental well-being.

Furthermore, when recognizing the human rights crisis created by the gun violence problem within the U.S., it is necessary to grapple with the fact that the consequences of gun violence within the U.S. are not confined to the nation's borders. Weak gun laws that fuel much of the violence within the U.S. also create an ideal environment for gun trafficking that is abused by violent actors outside the U.S. Guns sourced from the U.S. are fueling violence abroad, directly contributing to major human rights violations. A report from the Center for American Progress showed that, from 2014 through 2016, more than 50,000 U.S. firearms were recovered in crimes in 15 countries in North America, Central America, and the Caribbean.¹⁵ These guns are frequently used by criminal organizations to commit homicides, kidnappings, extortions and robberies.

While high levels of gun ownership in the United States play an important role in this crisis, to reduce the problems of gun violence and trafficking, weak gun laws must be addressed. The Center for American Progress recommends that the U.S. government begin to address this human rights crisis by enacting the following policies:

1) Ban Assault Weapons and High Capacity Magazines

Assault weapons are semi-automatic firearms that can accept a detachable magazine and have an additional military-style feature. High capacity magazines are ammunition-feeding devices that can accept more than 10 rounds. There are currently no federal prohibitions and very few state prohibitions on the commercial sale of these weapons, making them easily

accessible on the civilian market. Consequently, both assault weapons and high capacity magazines are often used to commit gun crimes.

When used in mass shootings, they significantly increase levels of lethality and injury; Everytown for Gun Safety found that 155 percent more people are shot and 47 percent more are killed during a mass shooting if offenders use assault weapons or high-capacity magazines.¹⁶ These military-grade weapons are also used to commit other gun crimes. Data from a 2018 study found that these weapons are used in up to 36 percent of all crimes where a gun is involved.¹⁷ Similarly, assault weapons are often used against police officers in the line of duty. Studies show that one in five law enforcement officers killed in the line of duty are murdered with an assault weapon.¹⁸

While unfettered access to these weapons is clearly responsible for a significant portion of the crisis within the U.S., the lack of stringent regulation of assault weapons within the U.S. is also responsible for gun violence and human rights abuses in other nations. Data shows that the U.S. is a source country for assault weapons used to commit acts of violence in neighboring countries. A 2013 study found that after the U.S. Assault Weapons Ban expired in 2004, gun homicide rates rose in those Mexican municipalities bordering states within the U.S. that did not have any state-level restrictions on assault weapons.¹⁹

The heightened lethality of shootings perpetrated with assault weapons and high-capacity magazines within the U.S. and beyond cannot be understated. These weapons are used to commit unconscionable acts of violence, leaving communities devastated. In order to protect the rights to life, liberty, and security, the U.S. needs to issue strict laws that ban the sale of assault weapons and high capacity magazines.

2) Require Background Checks for All Gun Sales

Certain individuals are prohibited from possessing or purchasing firearms under U.S. federal law. However, there are significant gaps in the enforcement of that law. Currently, only federally licensed gun dealers are required to conduct a background check before completing a gun transfer. Private sales and transfers completed from non-licensed sellers have no requirement to conduct a background check before completing the transaction. While some states have enacted laws to close this gap in federal law, 33 states have no such requirement.²⁰ Therefore, in the majority of states within the U.S., persons who are legally prohibited from purchasing a gun can acquire one at a gun show or online from a private seller without any restrictions. While the exact number of guns transferred without background checks cannot be known, the scale of problem is significant, with a 2017 study finding that close to 50 percent of gun owners who had acquired their most recent gun through a private purchase did not undergo a background check.²¹

Implementing background checks on all gun sales is an important step in addressing the gun violence crisis in the U.S. Studies show that background checks work. After Connecticut passed a law that required individuals to obtain a permit that included a background check

before purchasing a handgun, gun homicides fell 40 percent. In contrast, when Missouri repealed a similar measure, eliminating the mandate for a background check before buying a handgun, gun homicides increased by 25 percent.²²

It is paramount that the United States mandate background checks on all gun sales and transfers in order to protect the rights of life, liberty, and security.

3) Support Local Violence Prevention and Intervention Programs

Gun homicides committed in the U.S. tend to be concentrated in a small number of urban communities and the victims and perpetrators of this form of gun violence tend to be a small and distinct group. There are a number of evidence-based programs designed to engage and empower community stakeholders to disrupt cyclical violence and prevent future harm.

These programs have proven to successfully reduce gun violence. For example, from 2011 through 2016, Project Longevity was implemented in three cities in the state of Connecticut; those cities saw a fall in gun homicides by more than 50 percent.²³ As a result of local violence intervention programs, the city of Richmond, California, saw a 71 percent reduction in gun violence from 2007 through 2016.²⁴

Investment in local community interventions are effective means to reduce gun violence. Policymakers in the U.S. need to increase funding and support for these programs to ensure people's rights are protected.

4) Disarm Domestic Abusers

While U.S. federal law currently prohibits persons convicted of misdemeanor domestic violence crimes or persons subject to a domestic violence restraining order from owning a gun, gaps remain that leave victims of domestic violence vulnerable to gun violence. Federal law does not prohibit individuals convicted of misdemeanor stalking against an intimate partner or individuals subject to a temporary domestic violence restraining order from possessing guns. These distinctions are not merely a matter of semantics. Stalking is often a precursor to acts of violence while the period immediately following the issuance of a temporary restraining order can be the most vulnerable time for women suffering from abusive relationships.

Moreover, individuals that are convicted of domestic abuse or subject to a restraining order for abuses against a dating partner²⁵ may still purchase and possess a gun, despite the overwhelming evidence indicating that abusive dating relationships can be extremely dangerous for women. In fact, in 2015, 51 percent of intimate partner homicides of women were perpetrated by a dating partner.²⁶

U.S. policymakers must prohibit all domestic abusers from buying and possessing firearms to protect the human rights of those victimized by abusive partners.

5) Make Extreme Risk Protection Orders Available in Every State

Individuals that pose a risk to themselves or to others usually exhibit warning signs. While these signs are often identified by close relatives and other members of the community, often there is no effective mechanism to prevent individuals at risk from using their guns to hurt themselves or others.

Extreme Risk Protection Laws allow family members or law enforcement officers to petition a court to temporarily remove an individual's access to guns if the court deems that person has shown significant signs of being a risk to themselves or to others.²⁷

Evidence indicates that, when properly implemented, this measure could prevent mass shootings and gun suicides. A 2019 analysis showed that a mass shooting was prevented in 21 cases where Extreme Risk Protection Orders were used in California.²⁸ Similarly, just months after Maryland implemented its Extreme Risk Protection Law, at least four individuals that threatened schools were disarmed.²⁹

These laws provide an intervention that could help reduce gun violence, protecting the rights to life, liberty and security for individuals in communities across the U.S.

Overall, there is no single solution to end the gun violence crisis within the U.S. Nonetheless, these policy actions are an important starting point to close major gaps within the existing legal framework around guns. Furthermore, it is important to highlight that these recommendations are broadly supported by the majority of the U.S. population. These policies do not infringe on any of the rights enshrined in the United States' Constitution nor do they stand in opposition with the rights protected by the UN Charter. Rather, they will protect the rights of people in the U.S., keeping them safe from the scourge of gun violence.

¹ Grinshteyn, E. and Hemenway, D. (2016). Violent Death Rates: The US Compared with Other High-income OECD Countries, 2010. *The American Journal of Medicine*, 129 (3), 266-273.

² Center for American Progress analysis of Gun Violence Archive, available at <https://www.gunviolencearchive.org/>. Mass shootings are defined as instances where four or more people are injured or killed with a gun, not including the perpetrator.

³ Center for American Progress analysis of Centers for Disease Control and Prevention, "Injury Prevention & Control: Data & Statistics (WISQARS): Fatal Injury Data," available at <http://www.cdc.gov/injury/wisqars/fatal.html> (last accessed June 2019).

⁴ Center for American Progress analysis of Centers for Disease Control and Prevention, "Injury Prevention & Control: Data & Statistics (WISQARS): Fatal Injury Data."

⁵ Ibid.

⁶ Chelsea Parsons et al, "America's Youth Under Fire," Center for American Progress, available at <https://www.americanprogress.org/issues/guns-crime/reports/2018/05/04/450343/americas-youth-fire/>.

⁷ Ashish P. Thakrar et al, "Child Mortality in the US and 19 OECD Comparator Nations: A 50 Year Time-Trend Analysis," *Health Affairs* Vol 37. No.1. Available at <https://www.healthaffairs.org/doi/10.1377/hlthaff.2017.0767>.

⁸ J.C. Campbell and others, "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," *American Journal of Public Health* 93 (7) (2003): 1089–97.

⁹ Center for American Progress analysis of Inter-University Consortium for Political and Social Research, "Uniform Crime Reporting (UCR) Program Data: Supplementary Homicide Reports, 1976-2016," available at

<https://doi.org/10.3886/E100699V5>. The authors only included cases with one victim and one aggressor. In the FBI's Supplementary Homicide Reports, "Intimate partners" include boyfriends, girlfriends, husbands, wives, ex-wives, ex-husbands, common-law wives, common-law husbands, and same-sex couples.

¹⁰ Ibid.

¹¹ Center for American Progress analysis of Centers for Disease Control and Prevention, "Injury Prevention & Control: Data & Statistics (WISQARS): Fatal Injury Data."

¹² Grinshteyn, E. and Hemenway, D. (2016). Violent Death Rates: The US Compared with Other High-income OECD Countries, 2010. *The American Journal of Medicine*, 129 (3), 266-273.

¹³ Brady United Against Gun Violence, "Key Gun Violence Statistics," available at <https://www.bradyunited.org/key-statistics>.

¹⁴ Maura Ewing, "An Estimated 4.5 Million Women Have Been Bullied with Guns by Abusive Partners," *The Trace*, October 5, 2016, available at <https://www.thetrace.org/2016/10/nonfatal-gun-use-domestic-violence/>.

¹⁵ Chelsea Parsons and Eugenio Weigend, "Beyond Our Borders: How Weak U.S. Gun Laws Contribute to Violent Crime Abroad," Center for American Progress, available at <https://www.americanprogress.org/issues/guns-crime/reports/2018/02/02/445659/beyond-our-borders/>.

¹⁶ Everytown for Gun Safety, "Analysis of Recent Mass Shootings" (2015), available at <https://everytownresearch.org/documents/2015/04/analysis-of-recent-mass-shootings.pdf/>.

¹⁷ Christopher Koper, "Criminal Use of Assault Weapons and High-Capacity Semiautomatic Firearms: an Updated Examination of Local and National Sources." *Journal of Urban Health* Vol. 95, Issue 3. Available at <https://link.springer.com/article/10.1007/s11524-017-0205-7>.

¹⁸ Violence Policy Center, "Assault Weapons," available at <http://vpc.org/regulating-the-gun-industry/assault-weapons/>.

¹⁹ Dube, A., Dube, O., and Garcia Ponce, O. (2013). Cross-Border Spillover: U.S. Gun Laws and Violence in Mexico. *American Political Science Review*, 107(3), 397-417. Retrieved from http://odube.net/papers/Cross_border_spillover.pdf.

²⁰ Giffords Law Center to Prevent Gun Violence, "Universal Background Checks," available at <https://lawcenter.giffords.org/gun-laws/policy-areas/background-checks/universal-background-checks/#state>.

²¹ Matthew Miller, Lisa Hepburn and Deborah Azrael, "Firearm Acquisition Without Background Checks: Results of a National Survey," *Annals of Internal Medicine*. Available at <https://annals.org/aim/fullarticle/2595892/firearm-acquisition-without-background-checks-results-national-survey>.

²² Kara E. Rudolph and others, "Association Between Connecticut's Permit-to-Purchase Handgun Law and Homicides," *American Journal of Public Health* 105 (8) (2015): 49–54, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4504296/>; Daniel Webster, Cassandra Kercher Crifasi, and Jon S. Vernick, "Erratum to: Effects of the Repeal of Missouri's Handgun Purchaser Licensing Law on Homicides," *Journal of Urban Health: Bulletin of the New York Academy of Medicine* 91 (3) (2014): 598–601, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4074329/>.

²³ PICO National Network, Community Justice Reform Coalition, and Giffords Law Center to Prevent Gun Violence, "Investing in Intervention: The Critical Role of State-Level Support in Breaking the Cycle of Urban Gun Violence" (2017), available at <http://lawcenter.giffords.org/wp-content/uploads/2017/12/Investing-in-Intervention-12.18.17.pdf>.

²⁴ City of Richmond Office of Neighborhood Safety, "2016 Highlights" (2016), available at <https://www.ci.richmond.ca.us/DocumentCenter/View/41749>.

²⁵ Federal law includes current spouse, former spouse, co-parent of a child, or current or former live-in intimate partner. However, it does not include other forms of dating partners.

²⁶ Center for American Progress, "Disarm All Domestic Abusers," available at <https://www.americanprogress.org/issues/guns-crime/reports/2018/03/22/448298/disarm-domestic-abusers/>.

²⁷ Giffords Law Center to Prevent Gun Violence, "Extreme Risk Protection Orders," available at <https://lawcenter.giffords.org/gun-laws/policy-areas/who-can-have-a-gun/extreme-risk-protection-orders/>.

²⁸ Garen J. Wintemute et al, "Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series," *Annals of Internal Medicine*, available at <https://annals.org/aim/fullarticle/2748711/extreme-risk-protection-orders-intended-prevent-mass-shootings-case-series>.

²⁹ Giffords Law Center to Prevent Gun Violence, "Extreme Risk Protection Orders," available at <https://lawcenter.giffords.org/gun-laws/policy-areas/who-can-have-a-gun/extreme-risk-protection-orders/>.