

***GUN VIOLENCE
THROUGH A
HUMAN RIGHTS
LENS***



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“The right to live free from violence, discrimination, and fear has been superseded by a sense of entitlement to own a practically unlimited array of deadly weapons, without sufficient regulations on their acquisition, possession, and use...Where a foreseeable consequence of a failure to exercise adequate control over the civilian possession and use of arms is continued or increased violence, then states might be held liable for this failure under international human rights law.”

— Amnesty International USA 2018 report, **In the Line of Fire: Human Rights and the U.S. Gun Violence Crisis**

“Given the potential harm and devastating impact of the misuse of firearms on the enjoyment of human rights, public policies with respect to civilian access to firearms should be reviewed and formulated through a human rights lens.”

— The Office of the United Nations High Commissioner for Human Rights in its 2016 report to the Human Rights Council

FUNDAMENTAL HUMAN RIGHTS THREATENED BY GUN VIOLENCE¹

RIGHT TO LIFE: Codified in the Universal Declaration of Human Rights (UDHR), Article 6 of the International Covenant on Civil and Political Rights (ICCPR), and regional human rights conventions, the right to life is the most fundamental human right. States are obligated to both protect and work proactively to prevent interference with the right to life. “These obligations apply to the prevention of violations by state agents – for example military and law enforcement officials – as well as abuses by private actors. The right to life, in the sense of the right to live with dignity, could be seen as itself extending beyond civil and political rights into the realm of economic, social and cultural rights.”²

Every day, all across the U.S., gun violence interferes with the right to life. By refusing to enact and enforce reasonable and meaningful firearm regulations, the U.S. is failing to comply with its obligation to protect and promote the right to life.

RIGHT TO SECURITY OF PERSON: The right to security of person is set out in the UDHR and in Article 9 of the ICCPR. The UN Human Rights Committee, which monitors states’ compliance with the ICCPR, has explained that a state’s duty includes “safeguards for the protection of liberty and security of person from violations by the state,” but “also explicitly underlines that the right to personal security places an obligation on states to protect individuals from foreseeable threats to life or bodily integrity from private actors.”³ To this end, the UN Human Rights Committee has stated that states should also “protect their populations...against the risks posed by excessive availability of firearms.”⁴

For those living in the U.S., the existence of persistent gun violence undermines the right to security of person. The U.S. has an obligation to do more: “Adopting and enforcing minimum standards for the regulation of firearms to prevent them from being used by individuals to abuse human rights is an important step toward fulfilling that obligation.”⁵

THE IMPACT OF GUN VIOLENCE ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Generally, patterns of persistent firearm violence both inhibit access to basic services, such as health and education, and contribute to deprivation in violence-ridden communities, further degrading health and education services over time. The right to health and education are well-established human rights and must be protected.

RIGHT TO HEALTH AND MENTAL HEALTH: Codified in Article 25 of the UDHR and Article 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), everyone has a right to the enjoyment of the highest attainable standard of physical and mental health. However, the reality of everyday firearm violence causes long-term health problems for victims and also for those in regularly affected communities throughout the U.S. “Lack of day-to-day security can have profound psychological impacts, particularly for those who have witnessed shootings, and for the friends and family members of victims. Gunshot survivors can suffer severe and chronic physical and psychological effects, and victims and their families often lack access to adequate psychological support and physical rehabilitation.”⁶

RIGHT TO EDUCATION: The right to education is Article 13 of the ICESCR. In fact, “everyone has the right to education and it is indispensable in realizing other human rights. [Yet,] firearm violence, and threats of violence, can disrupt the functioning of schools and make trips to and from school dangerous.”⁷ Local governments must ensure accessible education in a safe environment for all children, especially where school attendance is compulsory. Guns and schools are not compatible and, together, can lead to student withdrawal and insecurity.

Incidents of gun violence in and around schools all over the U.S. have become commonplace. Every day, children in the U.S. are faced with threats of gun violence on their way to school, lockdown drills at schools, and all too often actual shootings in their schools, all which interfere with their ability to both learn and be safe. The right to education cannot be protected without proactive measures to reduce and prevent gun violence in and around schools.

HOW GUN VIOLENCE IMPACTS THE HUMAN RIGHTS OF SPECIFIC GROUPS

RIGHTS TO EQUAL PROTECTION UNDER LAW AND FREEDOM FROM DISCRIMINATION: As specified in Article 2 of the ICESCR and in the International Convention on the Elimination of All Forms of Racial Discrimination, everyone, without distinction as to race, colour, or national or ethnic origin, has a right to equality before the law, especially when exercising other fundamental human and civil rights. The disproportionate impact of gun violence on communities of color in the U.S. has been raised as a human rights issue by both the UN Human Rights Committee and by the Committee on the

Elimination of Racial Discrimination.⁸ The U.S. must do more: “The state has a duty to actively prioritize marginalized communities who face the biggest obstacles to realizing the full spectrum of their rights. When a state fails to act with sufficient due diligence in preventing or responding to gun violence, this can violate an individual’s right to equality before the law.”⁹

There is no question that black and brown Americans are disproportionately impacted by gun violence in the U.S. and that it is a human rights failure. There is not one single solution, but at a minimum, one means to reduce firearms violence is to establish a system of laws which properly regulates access to firearms and which provides social and health services to support those impacted by gun violence.

RIGHTS OF CHILDREN: In recognition of the UDHR’s specification that childhood is entitled to special care and assistance, the U.N. Convention on the Rights of the Child declared that every child has the inherent right to life, and that states “shall ensure to the maximum extent possible the survival and development of the child.” In addition, children also have a right to enjoy the highest attainable standard of health.¹⁰ The burden of firearm violence is borne by children all around the U.S., and particularly by children of color. Children in the U.S. are victims and witnesses to firearm violence in their homes, schools, and communities. It is imperative that the U.S. take action to protect their lives and enable a standard of living adequate for the child’s physical, mental, spiritual, moral, and social development.

RIGHTS OF WOMEN: The Committee on the Elimination of Discrimination against Women has recognized that gender-based violence against women is a form of discrimination.¹¹ In 2006, the UN Human Rights Council noted: “the State has particularly acute obligations when it comes to protecting the rights of vulnerable groups, including victims of domestic violence, who are most at risk from misuse of a gun in

the home. The presence of a gun in the home can easily turn domestic violence into domestic homicide.” This is proven true in the U.S. on daily basis; in fact, women in the U.S. are 16 times more likely to be murdered with a firearm than women in other high income countries.¹²

The failure to enact and enforce firearm regulations has, and continue to, place women in the U.S. in danger. The U.S. has an affirmative obligation to do more to protect the rights of women.

BRADY'S WORK

STRENGTHENING GUN LAWS: Brady's policy agenda broadly addresses the relevant human rights at issue by calling for stronger federal firearms laws, greater enforcement of existing laws, legal accountability for the gun industry, and more funding for research on the causes of and solutions to the gun violence epidemic. In addition, Brady opposes lax laws that encourage prolific gun carrying in public, which promise to deprive all community members of our basic human rights to live free and secure.

Strengthening gun laws protects and promotes the **right to life**, first and foremost, among other rights.

COMBATING CRIME GUNS INITIATIVE:

Brady's Combating Crime Guns Initiative aims to reduce ease of access to firearms by those who would misuse them by holding gun dealers accountable when lax, reckless, negligent, or criminal business practices lead to gun crime. To do so, we work with local law enforcement agencies in a joint effort to reduce gun crime and, subsequently, to improve neighborhood safety and allow families to grow and thrive; prevent life-altering gun injuries and deaths; and ensure legal accountability is equitable – extending beyond the gun users to the gun profiteers who arm them.

Combating Crime Guns promotes the **right to security** and the **right to health and mental health**, among other rights.

END FAMILY FIRE: In recognition of the risks to the right to life and health posed by unsecure gun storage in the home, the End Family Fire program raises public awareness of the issue of “family fire” – a shooting involving an improperly stored or misused gun found in the home, which results in death or injury. The program creates a dialogue around responsible gun ownership and safe storage as solutions to prevent family fire. Access to improperly stored firearms in the home, coupled with risk factors such as the presence of children or teens, domestic violence, stress, or drug or alcohol abuse, results too frequently in preventable gun injuries and deaths. Secure storage can prevent such incidents while also increasing public safety by preventing firearms from being stolen and misused outside the home.

End Family Fire promotes the **rights of children**, the **rights of women**, and the **right to education**, among other rights.

REPRESENTING VICTIMS: Brady's legal team represents gun victims in court to 1. ensure they recover compensation for the damages they have suffered, and 2. hold accountable those who have acted irresponsibly and caused harm. These legal cases are filed strategically to set precedents that will allow other victims to recover and to encourage the gun industry to reform its practices. By giving a voice to those who have had their human rights deprived by private actors, Brady puts pressure on the government to better regulate those bad actors.

Representing victims promotes **rights to equal protection under law and freedom from discrimination**, among other rights.

WORKS CITED

1. The rights examined here are enumerated in the three documents that make up the International Bill of Human Rights: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.
2. Amnesty International, *In the Line of Fire*.
3. Ibid.
4. Ibid., Citing UN Human Rights Committee, General Comment No. 35: Article 9 (Liberty and Security of Person, CCPR/C/GC/35, 16 December 2014, Paragraph 9).
5. Ibid
6. Ibid
7. Ibid
8. Ibid
9. Ibid
10. U.N. Convention on the Rights of the Child, Articles 6 & 24.
11. Amnesty International, *In the Line of Fire*.
12. "Violent Death Rates: The US Compared with Other High-income OECD Countries, 2010," *American Journal of Medicine* 129, no. 3 (2016).