



**UNITED NATIONS ASSOCIATION
OF THE UNITED STATES OF AMERICA**

UN Universal Periodic Review

Joint Stakeholder Report:

United States of America

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Contacts:

Marco Fabian Sanchez, Youth Engagement and Advocacy Coordinator, United Nations Association of the USA, msanchez@unfoundation.org

Ryan Kaminski, Human Rights Policy Advisor, United Nations Foundation, rkaminski@unfoundation.org

Kruti Patel, Logistics Manager, March for Our Lives, Kruti.Patel@marchforourlives.com

1750 Pennsylvania Ave. NW Suite 300 Washington, D.C. 20006

Tel +1 202-372-9056

United Nations Association of the USA (UNA-USA), a program of the UN Foundation, is a membership organization dedicated to informing, inspiring and mobilizing the American people to support the ideals and vital work of the United Nations. For more than 70 years, UNA-USA has worked to accomplish its mission through its national network of chapters, youth engagement, advocacy efforts, education programs and public events. Independent from the U.S. Government, UNA-USA and its sister organization, the Better World Campaign, represent the single largest network of advocates and supporters of the United Nations in the world. For more information, please visit <https://unausa.org/>.

March for Our Lives is a grassroots advocacy organization that harnesses the power of young people across the United States to fight for sensible gun violence prevention policies that save lives. After the Marjory Stoneman Douglass High School shooting on February 14, 2018, in Parkland, Florida, students organized the largest single day of protest against gun violence in history. Millions more Americans across the United States came together to protest in solidarity. Today, March for Our Lives is dedicated to holding elected officials accountable to ensure that sensible gun laws are enacted in the United States. For more information, please visit <https://marchforourlives.com/>.

A. INTRODUCTION: *Combating Gun Violence in America*

(A1) With the objective of providing constructive primary-source input for the Universal Periodic Review of the U.S. in May 2020, the UN Association of the United States of America (UNA-USA and March for Our Lives submit this joint stakeholder report with a focus on ending gun violence in the U.S. To compile this report, our organizations relied on the inputs of American grassroots advocates that engage with the work of the UN, as well as first-hand expertise on this topic. Specifically, this report addresses three core issues:

- Raising legal standards of gun and ammunition ownership;
- Providing access to mental and behavioral health services; and
- Addressing the intersection of racial profiling and gun violence.

(A2) UNA-USA, a program of the UN Foundation, is a membership organization dedicated to informing, inspiring and mobilizing the American people to support the ideals and vital work of the United Nations. For more than 70 years, UNA-USA has worked to accomplish its mission through its national network of chapters, youth engagement, advocacy efforts, education programs and public events. Independent from the U.S. Government, UNA-USA and its sister organization, the Better World Campaign, represent the single largest network of advocates and supporters of the United Nations in the world. UNA-USA is proud to have had Eleanor Roosevelt, a leader in drafting the Universal Declaration of Human Rights, among its earliest leaders and human rights champions. UNA-USA advances principled U.S. engagement on universal human rights within local communities and college campuses; the UN Human Rights Council; the broader UN human rights system; U.S. Department of State; and the U.S. Congress. UNA-USA was also an official partner of the 2018 OHCHR “Stand Up for Human Rights” campaign.

(A3) March for Our Lives is a grassroots advocacy organization that harnesses the power of young people across the United States to fight for sensible gun violence prevention policies that save lives. After the Marjory Stoneman Douglass High School shooting on **February 14, 2018, in Parkland, Florida**, students organized the largest single day of protest against gun violence in history. Millions more Americans across the United States came together to protest in solidarity. Today, March for Our Lives is dedicated to holding elected officials accountable to ensure that sensible gun laws are enacted in the United States.

B. METHODOLOGY

(B1) This joint stakeholder report was compiled through a national consultation process that took place among the two organizations in August 2019. The consultation featured dozens of participants contributing via an online communications platform. Participants were asked to share their firsthand experiences on the domestic U.S. human rights record pertaining to gun violence and to offer constructive ideas, suggestions and recommendations as to how the U.S. can combat gun violence. Participants included a diverse group of American and non-American college and high school students, community leaders, nonprofit leaders, human rights advocates, public sector retirees, and legal professionals. A rapporteur was present to record, consolidate, and synthesize output from the meeting. To compile this report, the two organizations identified prominent trends, recommendations, and other content worth noting from the consultation. The findings, conclusions, and recommendations therein are submitted with the goal of constructively advancing human rights in the U.S.

C. LEGAL FRAMEWORK

(C1) The gun violence crisis in America, which manifests itself in the form of widespread mass shootings, urban violence, domestic violence, excessive force by police, and youth gun violence is a human rights issue because it represents the failure of a State to protect the unalienable rights to life and security of



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person to which all people are entitled under international and U.S. domestic law as well as accepted international norms.

(C2) Relevant international human rights laws which serve as the basis for this unalienable right to life are the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). The UDHR states that "Everyone has the right to life, liberty, and security of person." These rights are again affirmed in the ICCPR which claims that the State must protect the right to life and that no person shall be arbitrarily deprived of his life. The U.S. is a state party to the ICCPR.

(C3) Additional international laws exist which uphold the right to life and afford special protections in the preservation of this right in reference to specific vulnerable populations. This includes the Convention on the Elimination of All Forms of Racial Discrimination, which the U.S. has ratified.

(C4) This universal right to life is also guaranteed in the U.S. Declaration of Independence and the Fourteenth Amendment to the U.S. Constitution.

(C5) The UN Human Rights Council in 2015 adopted Resolution 29/10, "Human rights and the regulation of civilian acquisition, possession and use of firearms." This resolution "Calls once more upon all States to do their utmost to take appropriate legislative, administrative and other measures...in order to ensure that the civilian acquisition, possession and use of firearms are effectively regulated with the aim of enhancing the protection of human rights, the right to life and security of person, of all." This resolution was adopted by a recorded vote of 41 to 0, with six abstentions. The U.S. abstained from the vote.

D. STANDARDS FOR GUN AND AMMUNITION OWNERSHIP

(D1) The Second Amendment of the U.S. Constitution reads: "*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.*" For much of America's history, such language has created considerable debate regarding the Second Amendment's intended scope. In addition, the increase in gun violence activity in the U.S. has intensified pressure among everyday Americans and lawmakers to address the legal and moral compromise of gun ownership.ⁱ

(D2) In accordance with the Second Amendment, the U.S. has a well-documented history of attempting to tackle gun violence through legal action. The Public Safety and Recreational Firearms Use Protection Act was a subsection of the Violent Crime Control and Law Enforcement Act of 1994 that included a prohibition on the manufacture of "assault-style weapons" for civilian use. Additionally, restrictions were imposed on the sales of certain ammunition magazines that were defined as "large capacity". Ultimately, the federal ban expired 10 years later, and renewal was not considered.ⁱⁱ

(D3) Stricter standards for gun ownership are needed. Currently, there is no pre-existing national licensing and registry system that promotes responsible gun ownership. As a result, certain states in the U.S. still allow the sales of assault-style weapons and high-capacity magazines.

- (3.1) An **Assault-style weapon** is firearm that fires a round every time the trigger is pulled, and can accept a detachable magazine and have another military-style feature such as a pistol grip, a folding stock, or a threaded barrel. ⁱⁱⁱ
- (3.2) A **high-capacity magazine** is a device that feeds ammunition into a firearm that holds more than 10 rounds of ammunition. A gun fitted with a high-capacity magazine can fire a higher number of bullets before needing to be reloaded. ^{iv}

(D4) For example, there have been several instances in which gun violence perpetrators have legally purchased “assault-style” weapons and high capacity magazines to initiate a mass shooting in a public space. The following are examples of instances that have occurred in the past three years:

- (4.1) On **June 12, 2019**, a gunman opened fire in one of the largest LGBTI nightclubs in Orlando, Florida, Pulse Night Club, killing 49 people and wounding another 53. The gunman legally purchased a Sig Sauer MCX semi-automatic rifle and a Glock 17 semi-automatic pistol in order to carry out his attack.
- (4.2) On **February 14, 2018**, a gunman entered Marjory Stoneman Douglas High School in Parkland, Florida, opened fire and killed 17 people within four minutes. This became known as the deadliest shooting at a high school in U.S. history. The gunman legally purchased an AR-15 semi-automatic rifle to commit this act of violence.
- (4.3) On **October 1, 2017**, a gunman opened fire during the Route 91 Harvest Music Festival in Las Vegas, Nevada, putting a crowd of more than 22,000 concertgoers at risk. In the end, the gunman killed 58 people and injured nearly 700. Today, this incident is known as the deadliest mass shooting in modern American history. Investigators found that the gunman possessed more than 30 firearms, including AR-15 semi-automatic rifles, all of which were legally purchased.

(D5) In addition to the lack gun ownership standards, there are also loose restrictions on ammunition sales in the U.S. ^v Today, most ammunition can be bought online or in person with no oversight. Ammunition background checks and other common-sense policies regulating the sale and transfer of ammunition are important ways to keep life-threatening power away from those who threaten the safety of others.

- (5.1) On **July 20, 2012**, a mass shooting at a movie theater in Aurora, Colorado, left 12 people dead and 58 injured. While the shooter purchased the firearms at local gun stores, the ammunition cache was ordered from online retailers over the course of several months prior to the shooting.

(D7) A dangerous gap in federal gun laws lets several people buy guns without passing a background check. For example, under current law, unlicensed sellers—people who sell guns online, at gun shows, or anywhere else without a federal dealer’s license—can transfer firearms without having to run a background check.

(D8) Today, around 80 percent of all firearms are obtained through transfers from unlicensed sellers, and 96 percent of inmates convicted of gun offenses obtain their firearm from an unlicensed seller.

Recommendations to the U.S.:

- Ban all forms of “assault-style” weapons and high-capacity magazines;
- Require ammunition dealers to be licensed and to maintain accurate sales records; and
- Require comprehensive background checks for private and gun show sales.



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E. MENTAL AND BEHAVIORAL HEALTH APPROACH

(E3) Today, fewer than one-third of adults and half of children with a diagnosed mental illness receive mental health services in a given year. Moreover, there are no federally funded programs that address the intersectional dimensions of gun violence and mental and behavioral health. Overall, we must reject rhetoric that victimizes people with mental health conditions, especially those who are homeless or incarcerated in jails and prisons.^{vi}

(E1) Despite the fact that 95-97 percent of gun violence is not carried out by a perpetrator with a diagnosed mental illness, the involvement of people with acute mental illnesses in recent incidents of mass gun violence has become a significant issue in American society.^{vii}

(E2) Evidence-based preventive and therapeutic services that supports victims of mental illness and gun violence are needed. Today, there is a lack of public policies and resources that help to foster access to preventive and therapeutic services that can both prevent and reduce the act of gun violence.

(E4) The public's reaction to gun violence is leading to the stigmatization of people recovering from mental illnesses, and retraumatizing communities that have been victims of gun violence. Solutions to gun violence associated with mental illness lie in improving access to treatment. While mental illness typically does not cause violence, acts of violence do typically cause mental illness.^{viii}

Recommendations to the U.S.:

- Fund programs that focus on early identification, early intervention and evidence-based mental health treatments;
- Invest in mental and behavioral health services and programs for all communities that are struggling with the aftermath of gun violence; and
- Eliminate offensive and outdated wording currently in the National Instant Criminal Check System that specifically targets individuals "adjudicated as being mentally defective."

F. RISE OF RACIAL PROFILING AND GUN VIOLENCE

(F1) Despite the frequency of gun violence in the U.S., this issue is not widely approached as a social problem. Currently, African Americans comprise **14 percent** of the U.S. population, but account for **59 percent** of gun homicide victims. In addition, gun violence on school grounds disproportionately affects students of color, occurring most often at schools with high enrollments of minority students. Today, almost 3,000 children are shot and killed every year in the U.S., however black children are 10 times more likely to be killed from gun violence than white children.^{ix}

(F2) For the Latinx community in the U.S., the homicide victimization rate is nearly twice as high as the murder rate for white victims. Additionally, homicide is the second leading cause of death for Hispanics ages 15 to 24. Moreover, more than two-thirds of Hispanic murder victims are killed with guns in the U.S.^x

(F3) The following examples provide evidence that systemic racism further contributes to disparities in firearm homicides while realizing that legal and policy solutions fail to address these dissimilarities.

- (3.1) On the evening of **June 17, 2015**, a gunman opened fired and killed nine people at Emanuel African Methodist Episcopal Church in downtown Charleston, South Carolina. It was the largest mass shooting in a place of worship in 24 years. In his manifesto, the gunman outlined racial slurs and stated that the act violence was motivated by hatred of “non-white communities.”
- (3.2) On **August 3, 2019**, a mass shooting occurred at a Walmart store in El Paso, Texas. A gunman shot and killed 22 people and injured 24 others. Police believe that the gunman published an anti-immigrant manifesto shortly before the attack, citing inspiration from the Christchurch mosque shootings in New Zealand and white supremacy.

Recommendations for the U.S.:

- Establish a Racial Diversity Commission that investigates instances of racial profiling and raises cases to the Federal Bureau of Investigation;
- Require law enforcement officials to complete an unconscious bias training that addresses the multidimensional approach to racial profiling; and
- Implement a nation-wide policy that clearly defines and outlaws racial profiling.
- Expand resources and subsidies for community-based educational and skill-building programming with a focus on African American and Latinx youth.



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Endnotes

ⁱ 18 U.S.C. § 922(v)(1). All references to sections of the Violent Crime Control and Law Enforcement Act of 1994, codified at 18 U.S.C. § 921 et seq., are to the sections as they appeared on September 12, 2004.

ⁱⁱ Charles DiMaggio et al., “Changes in US Mass Shooting Deaths Associated with the 1994–2004 Federal Assault Weapons Ban: Analysis of Open–source Data,” *Journal of Trauma and Acute Care Surgery* 86, no. 1 (2019): 11–19.

ⁱⁱⁱ The Militarization of the US Civilian Firearms Market,” Violence Policy Center, June 2011, <http://www.vpc.org/studies/militarization.pdf>; Christopher S. Koper, Daniel J. Woods, and Jeffrey A. Roth, “An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994–2003,” National Institute of Justice, US Department of Justice, June 2004.

^{iv} Martha Bellisle, “High-Capacity Magazines Get New Scrutiny as Congress Returns,” ABC News, September 2, 2019, <https://abcn.ws/2lHd7uE>.

^v Matthew Miller, Lisa Hepburn & Deborah Azrael, “Firearm Acquisition Without Background Checks,” *Annals of Internal Medicine* 166, no. 4 (2017): 233–239.

^{vi} Krug E.G., Powell, K.E. & Dahlberg, L.L.. “Firearm Related Deaths in the United States and 35 Other High and Upper Middle Income Countries,” *International Journal of Epidemiology*, 27(2), 214-221(1998); Milton, T., “Violence in a Violent Society,” *Journal of Public Health Policy* 19(3):289-302 (1998). WHO, *World Report on Violence and Health* (Geneva 2002).

http://www.who.int/violence_injury_prevention/violence/world_report/en/full_en.pdf.

^{vii} Vars, Frederick, “Willingness of Mentally Ill Individuals to Sign Up for a Novel Proposal to Prevent Firearm Suicide” *Suicide and Life Threatening Behavior* (August, 2017) https://www.ncbi.nlm.nih.gov/pubmed/27704597/?ncbi_mmode=std

^{viii} Judge David L. Bazelon Center for Mental Health Law, *The Relationship between the Availability of Psychiatric Hospital Beds, Murders Involving Firearms, and Incarceration Rates*, Issued January 15, 2013. http://www.bazelon.org/portals/0/Archives/Statements%20&%20Releases/Relationship%20Between%20Psychiatric%20Hospital%20Beds%20and%20Firearm%20Murder1.15.13.pdf?utm_source=1.15.13+new+analysis+PR&utm_campaign=1.15.13new+analysis+PR&utm_medium=email

^{ix} Bailey, A., Hannays-King, C., Clarke, J., Lester, E., & Velasco, D. (2013). Black mothers’ cognitive process of finding meaning and building resilience after loss of a child to gun violence. *British Journal of Social Work*, 43(2), 336–354.

^x Facts on U.S. Latinos, Antonio Flores, Gustavo López, and Jynnah Radford, Pew Research Center, *Hispanic Trends*, September 18, 2017 (<http://www.pewhispanic.org/2017/09/18/facts-on-u-s-latinos-current-data/>). Data obtained from Table 44A - Trend, “Hispanic population, by state: 1980-2015” with additional calculations by the Violence Policy Center.