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***The United States' Deficient Regulation of Firearms Enables Gun Violence, Fuels
Transnational Gun Trafficking, and Disproportionately Impacts Children, Adolescents,
and Racial Minorities***

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*GAGV is the only organization working with countries and people around the world to
reduce the global harm from guns by using litigation and human rights strategies to reform
reckless gun industry practices.*

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*Founded in 2004, the GW Law School Civil and Human Rights Law Clinic engages actively
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Under the direction of Professor Arturo J Carrillo, the Clinic partners with civil society
organizations in the United States and abroad to press for the protection of human rights in a
variety of contexts, including before the United Nations.*

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INTRODUCTION

1. The U.S. stands out globally because its failure to comprehensively regulate and enforce meaningful limits on the production, sale, and ownership of firearms has produced an epidemic of gun violence within its own borders and beyond—one of the most damaging human rights and public safety crises in the world today. Weak regulation of guns in the U.S. combined with limits on enforcement capabilities enables illegal gun trafficking that facilitates transnational criminal organizations, political instability, tens of thousands of deaths and injuries, and perpetuates domestic harms that disproportionately impact already-vulnerable communities. The Americas experience over 60% of global gun deaths, most of the world's highest gun violence rates, and are home to some of the most destructive and well-armed criminal organizations largely because of U.S. gun policy.¹ This submission describes the proliferation of illegal transboundary gun trafficking from the U.S., the deficiencies in the domestic regulatory regime that drive gun violence domestically and transnationally, and the disproportionate impact of gun violence on children and adolescents as well as racial and ethnic minorities within the U.S.
2. While the U.S. has failed to adopt necessary gun safety legislation, the few laws that have been enacted are now at risk because of recent U.S. Supreme Court jurisprudence on the Second Amendment to the U.S. Constitution. In *NYSRPA v. Bruen* (2022), the Court made it significantly more difficult to sustain firearms laws by establishing a new legal test for gun laws.² The *Bruen* test renders a firearm regulation constitutional only if it aligns with historical gun laws in the U.S.,³ regardless of the law's public safety justification and efficacy, a requirement the Court and lower courts have since applied inconsistently.⁴
3. The Court's uneven application of *Bruen* has made it harder for legislatures to adequately and comprehensively regulate gun ownership and sales, which, combined with varying political attitudes about guns in different states, results in a patchwork of deficient regulations.⁵ Diverging laws lead to diverging results: states with stronger gun laws experience far less firearm violence than states with weak laws.⁶ Notable exceptions are states with strong gun laws that border states with more permissive ones.⁷
4. Weak U.S. gun policy has largely been a consequence of a political system in which the gun industry wields disproportionate influence, such that even gun safety legislation favored by most Americans has not been enacted.⁸ Recent executive branch actions risk further rolling back existing gun control laws. For example, E.O. 14206 directs federal agencies to review and adjust any new or existing firearm regulations to ensure they do not infringe on Second Amendment rights.⁹ Gun control advocates are deeply concerned about the potential impact of E.O. 14206 on the already-inadequate regulatory landscape.¹⁰
5. The previous UPR cycle resulted in several recommendations that address the inadequate regulation of the U.S. firearm industry and the epidemic of gun violence in the U.S. which included adopting an effective and comprehensive regulatory regime to regulate buyers, sellers, and manufacturers of firearms, paying particular attention to the disproportionate impact on racial and ethnic minorities; and repealing laws that provide the gun industry protection from civil liability, among others.¹¹ This submission seeks to revisit these ongoing issues and highlight two more: transnational gun trafficking and the disparate impact of gun violence on youth, and racial and ethnic minorities in the U.S.

I. TRANSBOUNDARY FIREARM TRAFFICKING & ASSOCIATED GUN VIOLENCE

6. The U.S.’s failure to regulate distribution of firearms within its own borders has also led to an alarming increase in the number of firearms trafficked to other countries. Data shows that a staggering number of guns originally manufactured and distributed in the U.S. end up in neighboring countries, often in the hands of transnational criminal organizations.¹² This section highlights how the U.S. regulatory regime enables transboundary firearm trafficking and its human rights impacts.

A. Regulatory Deficiencies Cause Illegal Transboundary Firearm Trafficking

7. A deficient regulatory system and weak enforcement regime enables illegal trafficking of firearms from the U.S., most notably to Mexico, with dire human rights consequences. The U.S. allows the domestic firearms industry to make, sell, and distribute guns to civilian markets in ways that supply the criminal market; contribute to and cause gun deaths, injuries, and crimes; fuel transnational crime; and infringe on fundamental human rights, such as the right to life.¹³ As an extreme outlier among nations, the U.S. makes firearms—including military assault weapons—readily available to practically anyone through a lax system that only minimally regulates “legal” purchases, grossly under regulates licensed manufacturers, distributors, and dealers that supply firearms, and allows a thriving, unregulated “private sale” gun market to flourish.¹⁴ As a result, people cross borders to obtain firearms in the U.S., where local laws make it easy to buy the quantities and types of firearms that are unavailable or restricted in their home country.¹⁵

i. Insufficient Limits on Gun Purchases

8. As discussed in greater detail *infra*, under federal law and in most U.S. states, there is no requirement to obtain a license before purchasing a firearm; there is no registration of firearms; no background checks into the mental health of the gun buyer are required;¹⁶ purchasers do not need to communicate a “genuine reason” to obtain a firearm; there is no training or familiarity with firearms required to purchase or possess a gun; there are no limits on how many firearms a person can purchase or possess; and there are no restrictions on obtaining assault weapons—unlike the law in the vast majority of countries in the Americas.¹⁷ As explained below, federal law and most states generally allow guns to be sold by unlicensed sellers without even the minimum background check required of licensed dealers under federal law.
9. Since enacting the Gun Control Act of 1968 (“GCA”), the U.S. Congress has required anyone “engaged in the business of selling firearms” to obtain a federal firearms license (“FFL”).¹⁸ FFL holders may only transfer firearms to people who submit to a criminal background check.¹⁹ However, this requirement did not apply to sales by unlicensed individuals who are not sufficiently “engaged in the business” because they only occasionally sell guns.²⁰ This gap, commonly referred to as the “gun show loophole,” facilitated a large, unregulated market where, for decades, private sellers could offer firearms at gun shows, through online ads, or on the streets—often with no background checks, records, or questions asked.²¹ “From 2017 to 2021 alone, ATF identified that unlicensed sellers were the source of 68,000 illegally trafficked firearms.”²² The Bipartisan Safer Communities Act of 2022 (“BSCA”) clarified that those “engaged in the business” of selling firearms includes all persons selling firearms with the underlying intent “to predominately earn a profit.”²³ That is, anyone selling guns with the intent of financial gain. Now, more sellers—an estimated 20,000—are required to obtain a FFL

and conduct background checks, including entire categories of sellers that were excluded before this reform was enacted.²⁴ However, the Department of Justice's ("DOJ") rule implementing this expanded definition is subject to reversal by the current administration,²⁵ and if reversed could once again undermine the GCA's licensing provisions, contributing to widespread criminal activity involving the sale, purchase, possession, and trafficking of firearms across and out of the U.S.²⁶

ii. Availability of Military-Style Firearms to Transnational Criminal Organizations

10. Federal law permits the sale of military-style assault rifles and magazines capable of holding 15, 30, 75, or more rounds of ammunition to anyone over 18 who does not fall into a prohibited category, such as a convicted felon.²⁷ In 1994, Congress enacted the Federal Assault Weapons Ban, prohibiting the manufacture, sale, and possession of certain military-style assault weapons and high-capacity ammunition magazines.²⁸ However, the law contained a ten-year sunset provision, causing it to expire in September 2004.²⁹ It has not been renewed. Moreover, under the GCA, licensed dealers can sell unlimited numbers of AR-15s, AK-47s, and other assault rifles, as well as .50 sniper rifles that can shoot down helicopters, which are favored by transnational criminal organizations like drug cartels, along with unlimited ammunition to buyers as young as 18 years old.³⁰ While some U.S. states like California, New York, and Illinois do prohibit assault weapons, traffickers can obtain them from more permissive states, such as Florida, Arizona, and Texas.³¹

iii. Enforcement Failures

11. Gun dealers facilitate the downstream distribution and diversion of firearms to criminal actors through well-known, high-risk business practices and methods, such as selling to obvious straw purchasers and engaging in large volume sales.³² Progress has been made: the BSCA clarified that persons who resell guns for profit must have FFLs³³ and established the first federal laws explicitly outlawing straw purchases and arms trafficking, resulting in more than 500 defendants being charged under these new provisions and the removal of "hundreds of firearms off the streets in the process."³⁴ But despite recent progress, the gun industry continues to evade accountability for these documented, deleterious business practices due to their protection from civil liability granted by the Protection of Lawful Commerce in Arms Act ("PLCAA")³⁵ and ineffective and limited enforcement by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and similar state agencies, which enforce gun control laws.³⁶
12. When ATF investigations do reveal legal violations or red flags for trafficking, dealers are rarely shut down, even when found to have violated federal gun laws.³⁷ ATF has allowed licensed dealers to retain their FFLs despite having evidence of blatantly illegal conduct by the holder of the FFL.³⁸ Further, in some cases, even after a gun dealer's license *is* revoked, they are permitted to continue selling their remaining inventory.³⁹ In other cases, relatives are allowed to obtain a FFL of their own to operate the same business.⁴⁰

B. Human Rights Impacts of Illegally Trafficked Guns

13. The proliferation of illegally trafficked firearms from the U.S., particularly in the hands of transnational criminal organizations, has produced an epidemic of gun violence in the Western Hemisphere with dire human rights impacts. More than half of the world's gun-

related deaths occur in Brazil, the U.S., Venezuela, and Mexico.⁴¹ When Colombia and Guatemala are included, these six countries account for over 60% of global firearm deaths, despite comprising less than 10% of the world's population.⁴² The concentration of gun violence in this region is not coincidental. A 2018 study found that while the U.S. represents only 4% of the global population, it accounts for 40% of the world's civilian-owned guns.⁴³ The nations with the highest rates of firearm-related deaths are all within the ambit of the U.S., the world's leading producer and supplier of civilian firearms.⁴⁴ Bordering the U.S., Mexico provides a particularly alarming example of the relationship between U.S. trafficked firearms and transnational harms.

i. Strengthening Transnational Criminal Organizations

14. The overwhelming majority of crime guns recovered in countries throughout the Americas, notably Haiti (73%) and the Bahamas (85%), were trafficked from the U.S. But nowhere are the human rights impacts of illegally trafficked firearms from the U.S. more evident than in Mexico. The precise volume of firearms that illegally crosses from the U.S. to Mexico is difficult to determine with certainty, but credible estimates suggest 200,000 to over half a million annually.⁴⁵ The seizure of arms shipments is also telling. A 2024 study published by the Small Arms Survey found that “[m]ost of the rifles bound for Latin America were intended for Mexico, where they are in high demand among drug cartels.”⁴⁶
15. Guns are the lifeblood of transnational criminal organizations that enable drug trafficking, human trafficking, and all other manner of criminal activity.⁴⁷ Mexico boasts some of the strictest gun laws in the world, making it nearly impossible for criminals to acquire firearms legally.⁴⁸ The country's only gun store is operated by the Mexican army, and every firearm purchased must be registered with the federal government.⁴⁹ Additionally, Mexican law prohibits most private citizens from owning rifles that fire bullets larger than .30 caliber.⁵⁰ Despite these strict regulations, hundreds of thousands of unregistered firearms flood the country, including high-caliber weapons capable of piercing body armor and disabling vehicles.⁵¹ These military-style assault rifles are “the weapons of choice” for Mexican cartels, transnational criminal organizations whose conduct is so egregious that the U.S. State Department recently designated them as foreign terrorist organizations.⁵² The U.S. is the leading source of guns linked to crime and recovered in Mexico.⁵³ More than 68% of firearms recovered in Mexico and submitted for tracing in 2023 came from the U.S.⁵⁴

ii. Firearm-Related Injury and Death

16. Indeed, the widespread availability of U.S. firearms illegally trafficked into Mexico has contributed to an alarming increase in firearm-related injury and death in the country. Because a majority of these firearms end up in the hands of cartels, which are notoriously “hyper-violent”⁵⁵ and, not surprisingly, responsible for most of Mexico's elevated number of homicides every year,⁵⁶ “[a]n American made gun is more likely to be used in a murder in Mexico than at home.”⁵⁷ Since 2018, homicides in Mexico have hovered well above 40,000 per year; in 2022, they almost reached 43,000.⁵⁸ Though not all are killed by firearms, approximately 80% of those homicides are gun-crimes.⁵⁹ The share of homicides in Mexico involving a firearm grew from 16% in 1997 to 66% in 2017.⁶⁰ A 2018 study indicated that 70% of gun crimes involved American-bought firearms.⁶¹ Taken together, those statistics suggest that at least half of Mexico's homicide victims in 2018—tens of thousands of victims—were killed by a gun manufactured in the U.S.⁶²

17. Moreover, each year hundreds of thousands of people disappear in Mexico as a result of criminal violence; currently, there are more than 120,000 missing people in the country.⁶³ Gun violence often precedes disappearances and often, when families do find the bodies of their disappeared loved ones, those bodies have evidence of gunshot wounds.⁶⁴ Firearm-related crime affects not only the victims but also produces social instability and negatively impacts regional welfare.⁶⁵ The proliferation of illegally trafficked firearms has also resulted in massive displacement of Mexican citizens. From 2008 to 2023, violence perpetrated by cartels forcibly displaced nearly 392,000 people.⁶⁶ In 2023, the United Nations Refugee Agency (UNHCR) reported that 96% of internal displacements in Mexico occurred as a result of violence perpetrated by armed criminal groups.⁶⁷ Indeed, at the end of 2023, Mexico had the second highest number of internally displaced people in the Americas due to conflict and armed violence.⁶⁸ The human rights implications are wide-spread: displaced people are forced to abandon their homes, jobs, schools, and communities and experience limited access to housing, employment, and education in destination communities.⁶⁹
18. The human rights impacts from transboundary firearm trafficking are avoidable. Firearm trafficking is directly related to the inadequate regulation of firearms in the U.S. This inadequacy begins with the federal government's deficient regulation of the gun industry, from firearm manufacturing to firearm purchases.

II. DEFICIENCIES IN THE U.S.'S REGULATION OF THE FIREARM INDUSTRY

19. The U.S.' firearm regulatory scheme remains severely deficient. These deficiencies include: (i) insufficient regulation of firearm buyers and sellers; (ii) inadequate regulation of gun manufacturers, such as exemption from both consumer protection laws and civil liability; and (iii) limited or non-enforcement of the already inadequate gun control laws.

A. Deficiencies in the Regulation of Buyers and Sellers of Firearms

20. The U.S. regulatory regime fails to adequately regulate who may purchase firearms, includes inadequate licensing requirements, lacks universal background checks, and evinces many other regulatory failures.

i. Deficiencies in Firearm Ownership and Sale Prohibitions

21. The GCA prohibits specific classes of persons from purchasing or possessing firearms.⁷⁰ The BSCA expanded certain GCA prohibitions, such as broadening possession prohibitions for convicted perpetrators of domestic violence to include current or recent dating partners.⁷¹ However, the GCA prohibitions have dangerous limitations. For example, the GCA does not prohibit people with a record of violent behavior, including convicted misdemeanants, unless they have been convicted of a felony or a domestic violence misdemeanor; and while it prohibits "persons adjudicated to have a 'mental defect' or committed to a mental institution at 16 or older" from owning or purchasing firearms, this category is narrowly defined and overlooks persons who voluntarily commit themselves to a mental institution.⁷² Additionally, states are not required to provide information identifying persons "adjudicated as mentally defective" to the agencies that conduct background checks.⁷³

ii. Deficiencies in Licensing Requirements

22. Prior to the commencement of the fourth UPR cycle, the UN High Commissioner for Human Rights specifically requested that the U.S. conduct “periodic review of licenses.”⁷⁴ The State has failed to do so. In fact, the GCA does not require a firearm owner to register the firearm or obtain a license or permit to carry or use the firearm.⁷⁵ It also permits unlicensed persons to sell firearms, only requiring those sufficiently “engaged in the business of selling firearms” to obtain an FFL.⁷⁶ The BSCA partially addressed the problem of unregulated private gun dealers by clarifying that persons who sell firearms with the underlying intent to “earn a profit” are “engaged in the business” of firearms, and so must obtain an FFL, as discussed *supra*.⁷⁷ Although the DOJ issued a regulation giving effect to this new definition, this regulation is subject to change with the current administration, which might, once again, limit the definition of “engaged in the business of selling firearms” and re-entrench the gun show loophole.⁷⁸

iii. Deficiencies in Background Check Requirements

23. In a 2021 letter to the U.S., the UN High Commissioner for Human Rights emphasized the need to “expand background check systems for private firearm transfers.”⁷⁹ Additionally, the Human Rights Committee (“ICCPR”) and CERD committee have both repeatedly recommended legislation strengthening background checks for all gun sales, especially private transfers.⁸⁰ The U.S. has made little progress towards these recommendations in the past five years.
24. The 1993 Brady Handgun Violence Prevention Act (“Brady Act”) requires only *licensed* dealers to conduct background checks on firearm buyers to determine if they fall into one of the categories of Prohibited Persons under the GCA.⁸¹ Unlicensed “private” sellers, not formally “engaged in the business of selling firearms,” are still permitted to sell firearms without performing background checks.⁸² Additionally, the background checks that the Brady Act does require are cursory and limited in scope.⁸³ While most background checks today are instant, some take days.⁸⁴ Yet, under U.S. law, if no disqualifying records have been found within three days the firearm sale can proceed.⁸⁵ This means a sale can proceed even if, later, a completed background check reveals the buyer was prohibited from obtaining a firearm in the first place.⁸⁶
25. In 2022, the BSCA began requiring “enhanced” background checks for persons under 21 years old, mandating the party running the background check to review additional consultations with local law enforcement and mental health authorities outside of the standard database used.⁸⁷ Since its implementation, this provision of the “BSCA has stopped 800 sales of firearms to individuals under age 21 who are prohibited from purchasing firearms.”⁸⁸ This is a start, but persons under 21 are still allowed to purchase assault rifles, and they are not the only class of people who should require “enhanced” background checks, nor should only dealers who are licensed be required to run background checks on prospective buyers of firearms.

iv. Other Regulatory Deficiencies

26. Alongside deficiencies in prohibitions on firearm ownership, licensing requirements, and background check requirements, the U.S. continues to inadequately regulate buyers and sellers of firearms in other key ways. For example, there is no limit to the number of firearms an individual can purchase.⁸⁹ There are also no training, investigation, assessment, or storage requirements to purchase a firearm, just minimal background checks, which can be easily bypassed in the situations described *supra*.⁹⁰ Similarly, there is no waiting period required by federal law to purchase a firearm.⁹¹ While there was

initially a five-day waiting period under the Brady Act, Congress allowed that provision to expire.⁹²

27. While the BSCA began addressing some regulatory deficiencies, it does not: (i) require background checks or recordkeeping for all firearms sales; (ii) prohibit or restrict assault weapon sales; (iii) require licensing or registration for firearms or their owners; (iv) impose greater regulation or standards on the gun industry; or (v) remove or limit special protections for the gun industry already in place, such as those in PLCAA, the Consumer Product Safety Act (“CPSA”), and the Tiahrt amendments discussed *infra*.⁹³ Additionally, execution of the BSCA is subject to change with the current administration, as noted *supra*.⁹⁴

B. Deficiencies in the Regulation of The Gun Industry

28. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance identified “the significant commercial interest of the firearms industry” as a contributing factor driving gun violence.⁹⁵ Yet U.S. gun manufacturers benefit from their exclusion from consumer product safety laws and protection from civil liability. The CPSA, which governs product safety regulations, explicitly excludes firearms from coverage under safety regulations.⁹⁶ This exclusion has far-reaching consequences, such as otherwise preventable accidental shootings.⁹⁷ In 2005, Congress enacted PLCAA⁹⁸ which requires the dismissal, and prohibits the filing, of certain lawsuits brought against specified manufacturers, sellers, and importers of “qualified products”⁹⁹. Some courts have held that PLCAA provides broad protection from civil liability to federally licensed manufacturers, dealers, and importers who negligently sell or make guns.¹⁰⁰ The firearm industry is the only industry with such protections. PLCAA has few exceptions that allow limited civil lawsuits to proceed.¹⁰¹ For example, the “predicate exception” permits a lawsuit where the defendant knowingly violated a statute¹⁰². But even this exception provides manufactures security because victims must first prove the manufacturer committed a prior statutory offense to claim the exemption.¹⁰³ The ICCPR Committee has recommended that the U.S. repeal gun industry immunity¹⁰⁴ and previous UPR reports recommended effective civil remedies.¹⁰⁵ These recommendations remain unimplemented.
29. Further, federal law does not impose any standards for safe sales practices by firearms manufacturers, distributors, or dealers.¹⁰⁶ As a result, while most gun dealers choose to sell guns safely, a small percentage of dealers actively supply the criminal gun market by repeatedly selling guns to obvious traffickers and straw buyers. The U.S. knew this more than twenty years ago, when an ATF report showed that roughly 90% of dealers sell no crime guns in a year, while about 5% of dealers sell close to 90% of all crime guns and about 1% of dealers sell close to 60% of all crime guns.¹⁰⁷
30. History shows that this does not need to be the case. For example, in 2000, the DOJ reached a settlement agreement with gun manufacturers that required the manufacturers to only sell through dealers who implement safe sales practices and do not supply inordinate numbers of crime guns.¹⁰⁸ But, due to major pushback, manufacturers never signed and continue to sell guns through dealers even if those dealers repeatedly supply the criminal market, and/or violate U.S. law, so long as said dealers retain a FFL.¹⁰⁹

C. Deficiencies in the Enforcement of the Regulatory Scheme

31. The deficient regulatory scheme is compounded by weak enforcement. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is the primary enforcer of gun laws.¹¹⁰ However, Congress has consistently underfunded the ATF and enacted policies that have otherwise hindered ATF's enforcement capabilities.¹¹¹
32. Indeed, Congress has passed legislation that undermines the ATF's enforcement capabilities, even when properly funded and staffed. The Firearm Owners Protection Act prohibits ATF from conducting more than one unannounced inspection of a given dealer each year without a warrant.¹¹² Congress also "barred [ATF] from using computerized records" to carry out firearm traces, which means that when ATF receives digital documents, they are forced to un-digitize them.¹¹³
33. Additionally, under the influence of sustained and coercive lobbying from the National Rifle Association, Congress has passed numerous other legislative acts called "riders" designed to further undermine the ATF's effectiveness.¹¹⁴ The Tiahrt Amendments, passed as "riders," prohibit the ATF from releasing information in its firearms trace database to anyone but law enforcement, and renders any legally released data inadmissible in civil suits.¹¹⁵ The CERD Committee's recommendations in 2022 included repealing the Tiahrt Amendments to increase transparency,¹¹⁶ but the U.S. has not done so.
34. This regulatory scheme restricts ATF's capacity to enforce the GCA, the BSCA, the Brady Act, and other gun control laws. It also hinders the public's ability to hold gun manufacturers civilly and criminally liable by withholding the information necessary to ensure gun industry compliance with existing regulations. Compared to the gun policy norms set forth in the International Small Arms Control Standard (ISACS), as well as the norms found amongst the 35 OAS countries and G10 countries, the U.S. is a clear outlier.¹¹⁷ The inadequate regulation described above not only enables transboundary firearms trafficking but also leads to disproportionate harm to children and racial minorities domestically.

III. THE DISPROPORTIONATE IMPACT OF GUN VIOLENCE IN THE UNITED STATES ON CHILDREN, ADOLESCENTS, AND RACIAL MINORITIES

35. The increasing number of children, adolescents, and racial minorities dying from firearm-related injuries and the reverberating mental health impacts on society make firearm violence an "urgent public health crisis" in the U.S.¹¹⁸ These disparities are compounded by the ease with which persons are able to obtain guns and the increase in the number of firearms, both of which are due to lack of regulation discussed above. This section will focus on the disproportionate impact of gun violence in the U.S. on youth and racial, ethnic minorities. It will highlight some leading causes alongside the profound mental health effects that follow. This section will also address some progress made under the prior administration and highlight the setbacks and funding cuts of the current administration, illustrating the urgent need to develop comprehensive solutions to these issues.

A. Disproportionate Effects on Children and Adolescents Generally

36. Firearm violence is now the leading cause of death for youth in the U.S.¹¹⁹ The primary forms of gun violence impacting youth include (i) accidental shootings, (ii) suicides, and (iii) assaults including homicides. Youth not only face elevated risks of fatal and non-fatal shootings, but also long-term psychological, social, and educational consequences.

i. Accidental Shootings

37. Children are often the victims of accidental shootings, which typically result from the presence of a firearm in the household and unsafe firearm storage.¹²⁰ Research estimates that approximately 4.6 million children in the U.S. live in a home with a loaded and unsecured firearm,¹²¹ and nearly 64% of accidental firearm deaths occur within the victim's home, with the firearm involved typically belonging to a parent or relative.¹²² Accidental shootings could be effectively prevented through strong Child Access Prevention (CAP) laws, which require that firearms in households with children or teens be kept unloaded and locked when unattended.¹²³ However, these laws vary substantially by state.

Accidental shootings in the U.S. also result from a lack of safety features on guns themselves. Yet, there has been reluctance to implement stronger laws regulating the design of guns.¹²⁴ For example, because guns are not regulated under CPSA, discussed *supra*, firearms are not required to contain standard safety features like magazine disconnect safeties, loaded chamber indicators, internal locks, and biometric controls.¹²⁵ As a result, children can more easily discharge unattended firearms, resulting in numerous preventable accidental shootings.¹²⁶

ii. Suicide by Firearms

38. Suicides by firearm make up over half of firearm fatalities overall, and a substantial share of firearm-related fatalities among youth, accounting for 43% of youth suicides in 2022.¹²⁷ Suicide ranks as the third leading cause of death for Americans aged 10-24.¹²⁸ Between 2011 and 2020, the rates of firearm suicide skyrocketed among Black, Asian, Latino, and Native American youth (persons aged 10-24), increasing 115%, 168%, 128%, and 86% respectively.¹²⁹ Much like the rate of deaths resulting from accidental shootings, the rate of firearm suicide fatalities is exacerbated by the widespread access to firearms in the home and their unparalleled lethality.¹³⁰

iii. Gun Homicides

39. Homicides represent 63% of gun-related deaths among children and adolescents in the U.S.¹³¹ Children are often the victims of firearm violence within their own homes as the result of domestic violence disputes.¹³² Racial disparities are also stark here. Homicides represent 86% of firearm deaths among Black youth aged 1-19, and 76% for Hispanic youth.¹³³ Black and Latino youth are three to seven times more likely to be victims of gun homicide than their white counterparts.¹³⁴

iv. School Shootings

40. In 2024 there were at least 83 school shootings, of which at least 54 took place on primary or high school grounds.¹³⁵ This resulted in the death of at least 36 people and over 109 injured.¹³⁶ On average, 57 shootings occur at or within 500 yards of a school each day in the U.S.¹³⁷ The consequences of this violence extend beyond the immediate physical harm: students exposed to school shootings often experience “declines in health and well-being, engage in more risky behaviors, and have worse education and labor market outcomes as young adults” in the long term.¹³⁸ Statistics show that 51% of 14-17 year-olds in the U.S. worry about school shootings.¹³⁹ In response, DOJ, under the

previous administration, announced that it would award over \$150 million of BSCA funding for school safety programs.¹⁴⁰

v. Mental Health Consequences for Victims and Communities

41. The psychological toll of firearm violence on youth and the wider communities is profound and enduring. Survivors of firearm violence often grapple with both short and long-term physical and mental health challenges and concerns.¹⁴¹ Families of youth who die due to gun violence exhibit a dramatic increase in psychiatric disorders,¹⁴² and studies show that children are nearly 50% more likely to visit the emergency room for mental health concerns within 30 days of a shooting in their community.¹⁴³ These burdens are compounded for Black youth, who are less likely than their white peers to receive adequate psychological health treatment due to systemic barriers such as limited access to care and insufficient culturally-competent resources.¹⁴⁴

B. Disproportionate Effects on Racial and Ethnic Minorities

42. Racial and ethnic minorities in the U.S., particularly African Americans and Latinos, suffer disproportionately high rates of firearm violence.¹⁴⁵ Previous UPR reports have highlighted the disparate impact of firearm violence on minority communities, reflected in UPR recommendations noted above.¹⁴⁶ These recommendations remain ignored by the U.S.

i. Homicides and Police Shootings

43. Communities of color, particularly African American communities, experience disproportionately high rates of firearm assaults and homicides.¹⁴⁷ In 2022, African Americans continued to face the highest age-adjusted firearm homicide rates across all age groups.¹⁴⁸
44. Another troubling factor is the high incidence of police shootings among non-Hispanic Black individuals. Non-Hispanic Black individuals were victims of 29% of non-fatal shootings by police and 26% of fatal shootings by police between 2015 and 2020, despite constituting roughly 13.7% of the total population of the U.S.¹⁴⁹ The phenomena of police shootings leads to lasting psychological trauma and distrust within affected communities.

ii. Mental Health Consequences for Victims and Communities

45. Finally, the negative mental health consequences from firearm violence are even more severe for racial minorities. While a majority of U.S. adults—79%—report experiencing stress from the possibility of a mass shooting, this anxiety is magnified within marginalized groups.¹⁵⁰ Disproportionately inadequate mental health treatment amplifies the psychological harm that individuals and minority communities experience following a shooting.¹⁵¹

iii. Intersectional Inequities

46. Socioeconomically disadvantaged communities of color are at an even greater risk of experiencing gun violence, a phenomenon commonly referred to as the “zip code issue.”¹⁵² Black and Latino youth often reside in socioeconomically disadvantaged areas, which are exposed to an increased risk of firearm violence.¹⁵³ Youth living in high-poverty areas show a 62-80% likelihood of having been exposed to firearm homicides

within the past year.¹⁵⁴ This risk extends to rural African American communities, where firearm deaths have quadrupled among youth since 2013, with a generally corresponding increase in homicides.¹⁵⁵ When rural communities experience firearm violence, they lack equitable access to healthcare and hospitals.¹⁵⁶ The lack of nearby healthcare services and the close-knit social networks of small rural towns compound this traumatic impact, as the entire community struggles to cope with limited resources and personal connections to the victims or family of the victims.¹⁵⁷

C. U.S Government Policy Starting In 2025

47. Under the previous administration, the BSCA allocated increased funding to address gun violence. However, the current administration's reluctance to maintain these financial commitments jeopardizes continuation of vital programs. Thirteen million dollars in bipartisan funding for suicide prevention hotlines, assistance for victims of gun violence, and school safety initiatives is currently suspended.¹⁵⁸ Similarly, the new administration has indicated it will not enforce current firearm regulations until a full, restrictive review of gun control laws is completed.¹⁵⁹
48. Executive actions under the current administration also curtailed gun violence research at the National Institutes of Health and restricted key public health communications from and within the Centers for Disease Control and Prevention.¹⁶⁰ The new administration has shut down the White House Office of Gun Violence Prevention.¹⁶¹ These measures threaten to dismantle the little progress that has been made in reducing gun violence and undermine federal efforts, the work of state and local communities, and the work of advocacy groups committed to protecting vulnerable groups from the escalating epidemic of gun violence.

IV. RECOMMENDATIONS

49. The U.S. continues to forsake its due diligence obligations under the ICCPR with respect to firearms through its deficient regulatory regime, lack of enforcement of existing gun laws, and failure to adequately address its role in transnational gun trafficking.
50. We ask the UN High Commissioner's Office, in addition to highlighting the U.S.'s failure to meaningfully address the issues previously raised, to include in its Stakeholder Report two updated recommendations addressing (1) rampant trafficking of firearms and (2) the disproportionate impact that gun violence has on youth and racial and ethnic minorities.
51. We also encourage other Member States to raise these issues with the U.S. and encourage it to comply with its international obligations by adopting measures that combat arms trafficking, adequately regulate the gun industry, and address the disparate impact of gun violence on youth as well as racial and ethnic minorities.

¹ See *infra* ¶ 13.

² See *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (holding a New York state law requiring individuals to demonstrate a special need for self-defense beyond that of the ordinary public to obtain a license to carry a concealed handgun in public unconstitutional because the restriction was inconsistent with America's historical tradition of firearms regulation).

³ Indeed, the law at issue in *Bruen* was a regulation from 1911. See *id.* at 11.

⁴ See generally *United States v. Rahimi*, 602 U.S. 680 (2024). Compare *National Rifle Association v. Bondi*, 72 F.4th 1346 (11th Cir. 2023) with *Lara v. Commissioner Pennsylvania State Police*, 125 F.4th 428 (3rd Cir. 2025) (coming to opposite conclusions about whether 18-to-20-year-olds have Second Amendment protections).

⁵ See Global Action on Gun Violence (GAGV) and the George Washington University Law School Civil and

Human Rights Law Clinic, *The Human Rights Crisis of Firearm Violence in the United States, Report Submitted to the Inter-American Commission on Human Rights for the Hearing on the Human Rights Impacts of Gun Violence in the United States During the 191st Period of Sessions*, Inter-Am. Comm. H.R. (Nov. 21, 2024), at 30-31 [hereinafter *Report Submitted to the IACHR*].

⁶ See EVERYTOWN RESEARCH & POLICY, *Gun Safety Policies Save Lives* (Jan. 15, 2025), <https://everytownresearch.org/rankings/>.

⁷ The District of Columbia (“D.C.”), for example, has enacted relatively strong gun laws but still suffers from rampant firearm violence, at least in part due to weaker gun laws in neighboring states, like Virginia, where the majority of guns used in crimes committed in D.C. were obtained. Some state regulatory regimes fail to meet even the low standards created by federal gun laws. Florida stands out as a particularly egregious example. Florida’s regulatory regime includes a “Stand Your Ground” law (Florida Law 776.012) and legislation that ensures gun manufacturers and sellers can never be held liable for a firearm injury by rendering the unlawful use of a firearm the only proximate cause of a firearm injury. The Committee on the Elimination of Racial Discrimination (“CERD”) has repeatedly expressed concern over “Stand Your Ground” laws, recommended review of these laws to ensure they adhere to the principles of necessity and proportionality and requested that in the upcoming review the State provide information on its review of such laws. See *Report Submitted to the IACHR supra*, note 5. Fla. Stat. §§ 790.331 (2023). See U.N. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, *List of Themes in Relation to the Combined Tenth to Twelfth Reports of the United States of America* at 2 (June 24, 2022), available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&CountryID=187; U.N. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, *Concluding Observations On The Combined Tenth To Twelfth Reports of the United States of America* at 4 (Sept. 21, 2022), <https://docs.un.org/en/CERD/C/USA/CO/10-12>.

⁸ For example, almost 90% of Americans support requiring background checks for all gun sales, but that is not the law. See QUINNIPIAC UNIVERSITY POLL, *Majority Support Stricter Gun Laws, Quinnipiac University National Poll Finds; Stark Divides on Views of Police and Voting Issues* (Apr. 15, 2021), <https://poll.qu.edu/Poll-Release?releaseid=3809>.

⁹ E.O. 14206, “Protecting Second Amendment Rights”, 90 FR 9503 (2025).

¹⁰ See Vernellia Randall, RACIAL JUSTICE ANALYSIS: EXECUTIVE ORDER 14206 – PROTECTING SECOND AMENDMENT RIGHTS RACE, RACISM AND THE LAW (Feb. 15, 2025), <https://racism.org/trump-admin/12482-executive-order-14206> (last visited Apr 5, 2025).

¹¹ See U.N. Human Rights Council, *Report of the Working Group on the Universal Periodic Review United States of America* at 17 (Dec. 15, 2020), <https://docs.un.org/en/A/HRC/46/15>. and U.N. Human Rights Council, *UPR of the United States of America Thematic list of recommendations* at 79-80, available at <https://www.ohchr.org/en/hr-bodies/upr/us-index>.

¹² See generally Global Action on Gun Violence (GAGV) and the George Washington University Law School Civil and Human Rights Law Clinic, *Joint Submission of Observations on Request for Advisory Opinion by the State of Mexico Regarding the Activities of Private Companies Engaged in the Firearms Industry and Their Effects on Human Rights*, Inter-Am. Ct. H.R. (Aug. 21, 2023) at 3-4 [hereinafter *Joint Submission*].

¹³ See *id.* at 2.

¹⁴ *Id.* at 3.

¹⁵ See *id.* at 4.

¹⁶ With the exception of a minimal check of certain official findings and involuntary commitments to mental institutions as discussed in ¶¶ 23-25.

¹⁷ See *Joint Submission, supra* note 12, at 5.

¹⁸ 18 U.S.C. § 922.

¹⁹ *Id.*

²⁰ See BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, *Do I Need A License to Buy and Sell Firearms?*, [https://www.atf.gov/file/100871/download#:~:text=The%20Federal%20Gun%20Control%20Act,Firearms%20and%20Explosives%20\(ATF\)](https://www.atf.gov/file/100871/download#:~:text=The%20Federal%20Gun%20Control%20Act,Firearms%20and%20Explosives%20(ATF)) (last visited March 21, 2025).

²¹ See *Joint Submission, supra* note 12, at 12.

²² WHITE HOUSE OFF. OF GUN VIOLENCE PREVENTION, A REPORT ON THE IMPLEMENTATION OF THE BIPARTISAN SAFER COMMUNITIES ACT at 6 (June 25, 2024) <https://tinyurl.com/WH-report-BSCA>.

²³ Pub. L. No. 117-159, 136 Stat. 1313 (2022) at § 12002.

²⁴ *Id.* See WHITE HOUSE OFF. OF GUN VIOLENCE PREVENTION at 6.

²⁵ See AMERICAN BAR ASSOCIATION, *Executive Orders*, (Nov. 2021), <https://tinyurl.com/ABA-execdorders>. See also *Report Submitted to the IACHR supra* note 5 at 14-15.

²⁶ See *Joint Submission, supra* note 12, at 12. See generally AMERICAN BAR ASSOCIATION.

²⁷ *Joint Submission*, *supra* note 12, at 10.

²⁸ Violent Crime Control and Law Enforcement Act of 1994, 108 Stat. 1796 (1994).

²⁹ See *Joint Submission*, *supra* note 12, at 10.

³⁰ *Id.* at 12.

³¹ Currently, ten U.S. states have enacted laws that generally ban the sale, manufacture and transfer of assault weapons, though they are legal in the remaining 40 states. See Shawna Chen, *States with Law Restricting Assault Weapons*, AXIOS (April 28, 2023), <https://www.axios.com/2023/01/12/assault-weapons-ban-states-illinois>.

³² See Kaya van der Horst & León Castellanos-Jankiewicz, *Ensuring Access to Courts for Gun Victims: The Case for Repealing PLCAA*, JUST SECURITY (2022), <https://www.justsecurity.org/82922/ensuring-access-to-courts-for-gunvictims-the-case-for-repealing-plcaa/> (last visited Aug 3, 2023).

³³ As discussed *supra* in ¶ 9.

³⁴ WHITE HOUSE OFF. OF GUN VIOLENCE PREVENTION at 2, 5.

³⁵ 15 U.S.C. §§ 7901–7903. See EVERYTOWN FOR GUN SAFETY, *Repeal Gun Industry Immunity*, <https://www.everytown.org/solutions/industry-reform/> (last visited Aug. 12, 2023).

³⁶ See *Joint Submission*, *supra* note 12, at 12.

³⁷ Documents obtained by the Brady Center to Prevent Gun Violence demonstrate how even in the rare cases when ATF inspects arms dealers, finds serious violations of law, and recommends that their FFLs be revoked, ATF often ultimately does not even initiate proceedings to attempt to revoke the FFL, and allows the dealer to remain in business, selling guns. See Brian Freskos, Dabie Nass, Alain Stephens, *After Repeated ATF Warnings, Gun Dealers Can Count on the Agency to Back Off; Sometimes Firearms Flow to Criminals*, USA TODAY (May 26, 2021), <https://www.usatoday.com/in-depth/news/investigations/2021/05/26/gun-dealers-let-off-hook-when-atf-inspections-find-violations/7210266002/>. See also, BRADY UNITED, *Explore Gun Store Inspection Reports, Gun Store Transparency Project*, <https://gunstoretransparency.org/?table-page=1> (last visited Nov. 11, 2022).

³⁸ See *id.*

³⁹ See *Joint Submission*, *supra* note 12, at 18.

⁴⁰ See *id.*

⁴¹ See Meghan Werbick, Imran Bari, Nino Paichadze, Adnan A. Hyder, *Firearm Violence: A Neglected “Global Health” Issue*, *Globalization and Health*, 17:120 (2021), <https://globalizationandhealth.biomedcentral.com/articles/10.1186/s12992-021-00771-8>. See also Laura Santhanam, *There’s a New Global Ranking of Gun Deaths. Here’s Where the U.S. Stands*, *HEALTH* (Aug. 28, 2018), <https://www.pbs.org/newshour/health/theres-a-new-global-ranking-of-gun-deaths-hereswhere-the-u-s-stands>.

⁴² See *id.*

⁴³ *Small Arms Survey*, accessible at [https://www.smallarmssurvey.org/sites/default/files/resources/SAS](https://www.smallarmssurvey.org/sites/default/files/resources/SAS%20Infographics-global-firearms-holdings.pdf) Infographics-global-firearms-holdings.pdf (last visited March 21, 2025).

⁴⁴ See *Joint Submission*, *supra* note 12, at 3.

⁴⁵ See Ieva Jusionyte, *Exit Wounds: How America’s Guns Fuel Violence Across the Border* at 8 (2024).

⁴⁶ Matt Schroeder, *Small Arms Survey, Trends in Trafficking: Comparing US-Based Firearms Trafficking to the Caribbean and Latin America 2* (2024), <https://www.smallarmssurvey.org/sites/default/files/resources/SASSituation-Update-2024-Caribbean-Trafficking-EN.pdf>.

⁴⁷ See *Joint Submission*, *supra* note 12, at 2.

⁴⁸ Brief for Amici Curiae Mexican Activists, Scholars, and Victims, *Petition for Writ of Certiorari, Smith & Wesson et. al. v. EE.UU. Mexicanos*, No. 23-1141 at 2 (U.S. Apr. 18, 2024).

⁴⁹ See *Armas de fuego: Preguntas frecuentes de armas de fuego* [Firearms: Frequently Asked Questions About Firearms], SEDENA (Feb. 1, 2024) (Mex.), <https://www.gob.mx/sedena/acciones-y-programas/armas-de-fuego-19734>.

⁵⁰ See Ley Federal de Armas de Fuego y Explosivos [LEAFE] [Federal Firearms and Explosives Law], tit. 2, cap. 1, arts. 9-10, Diario Oficial de la Federación [DOF] 11-1-1972, últimas reformas DOF 7-6-2024 (Mex.).

⁵¹ See Steve Fisher & Roque Ruiz, *The American Guns that Mexican Cartels Covet: A Visual Guide*, *Wall St. J.* (Oct. 5, 2024), <https://www.wsj.com/us-news/law/mexican-drug-cartels-guns-muggling-us-4ce9b298>; e.g., Press Release, U.S. Dep’t of Just., *Five Arrested in South Texas for Allegedly Trafficking Military Grade Firearms to Mexican Drug Cartel* (Mar. 26, 2024), <https://www.justice.gov/opa/pr/five-arrested-south-texas-allegedlytrafficking-military-grade-firearms-mexican-drug-cartel>.

⁵² See Marco Rubio, *TERRORIST DESIGNATIONS OF INTERNATIONAL CARTELS* U.S. DEPARTMENT OF STATE (2025), <https://www.state.gov/terrorist-designations-of-international-cartels/> (last visited Apr 5, 2025).

⁵³ Brief for Amici Curiae Mexican, *supra* note 48 at 3-4.

⁵⁴ RESOURCE CENTER BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (2024), <https://www.atf.gov/resource-center/firearms-trace-data-mexico2018-2023> (last updated Oct. 18, 2024).

⁵⁵ Deborah Bonello, “Narcas” Offers A Rare Glimpse of the Women in Drug Gangs, THE ECONOMIST (July 13,

2023), <https://www.economist.com/culture/2023/07/13/narcas-offers-a-rare-glimpse-of-the-women-in-drug-gangs>.

⁵⁶ See *Several Violent Episodes in Mexico Suggest a Worrying Trend*, THE ECONOMIST (Sept. 1, 2022), <https://www.economist.com/the-americas/2022/09/01/several-violent-episodes-in-mexico-suggest-a-worrying-trend>.

⁵⁷ *Guns from the United States are flooding Latin America*, THE ECONOMIST (May 23, 2019), <https://www.economist.com/the-americas/2019/05/23/guns-from-the-united-states-are-flooding-latin-america> (last visited Aug 20, 2023).

⁵⁸ Statista Research Department, *Number of homicides in Mexico from 2015-2022*, Statista, July 17, 2023, <https://www.statista.com/statistics/959787/mexico-numberhomicides/#:~:text=Mexico%3A%20number%20of%20homicides%202015%2D2022&text=The%20nu> mber%20of %20homicides%20in, around%2044%2C000%20victims%20per%20year (last visited Aug 20, 2023).

⁵⁹ For example, in 2017, there were just over 41,000 homicides. See *id.*

⁶⁰ See *id.*

⁶¹ See *Guns from the United States*, *supra* note 57.

⁶² See *Joint Submission*, *supra* note 12, at 48.

⁶³ *Estadística del Registro Nacional de Personas Desaparecidas y No Localizadas (RNPNDNO)* [Statistics of the National Registry of Missing and Not Located Persons (RNPNDNO)], Comisión Nacional de Búsqueda (Mex.), <https://versionpublicarnpdno.segob.gob.mx/Dashboard/Index> (last visited Jan. 16, 2025).

⁶⁴ Brief for Amici Curiae Mexican, *supra* note 48, at 11-12.

⁶⁵ See Carlos A. Pérez Ricart et al., *Guns in Latin America: Key Challenges from the Most Violent Region on Earth*, in *Gun Trafficking and Violence* 93, 95 (David Pérez Esparza et al. eds., 2021).

⁶⁶ See *Country Profile: Mexico*, Internal Displacement Monitoring Ctr., <https://www.internal-displacement.org/countries/mexico/> (last visited Jan. 16, 2025).

⁶⁷ Alto Comisionado de las Naciones Unidas para los Refugiados, *Desplazamiento interno en México, enero – junio 2023* [Internal Displacement in Mexico, January – June 2023], at 4, <https://www.acnur.org/mx/sites/es-mx/files/2024-02/Bolet%C3%ADn%20Desplazamiento%20Interno%20-%20Primer%20Semestre%202023%20-%20%20ACNUR%201.pdf>.

⁶⁸ Internal Displacement Monitoring Ctr., *Global Report on Internal Displacement 2024*, at 81, <https://api.internaldisplacement.org/sites/default/files/publications/documents/IDMCGRID-2024-Global-Report-on-Internal-Displacement.pdf>.

⁶⁹ Brief for Amici Curiae Mexican, *supra* note 48, at 9.

⁷⁰ See 18 U.S.C. § 922. See also *Joint Submission*, *supra* note 12, at 12-13.

⁷¹ See Pub. L. 117-159, 136 Stat. 1324 (2022). See also *Joint Submission*, *supra* note 12, at 14.

⁷² See *Joint Submission*, *supra* note 12, at 16.

⁷³ See 28 C.F.R. § 25.4. See *Joint Submission*, *supra* note 12, at 16.

⁷⁴ U.N. OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, *Letter to the United States Foreign Minister* at 1, (May 17, 2021), <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session36/US/HCLetter-USA.pdf>.

⁷⁵ See *Joint Submission*, *supra* note 12, at 15.

⁷⁶ See 18 U.S.C. § 922. See also *Joint Submission*, *supra* note 12, at 11-12.

⁷⁷ Pub. L. No. 117-159, 136 Stat. 1313 (2022) at § 12002. WHITE HOUSE OFF. OF GUN VIOLENCE PREVENTION at 6.

⁷⁸ See generally AMERICAN BAR ASSOCIATION, *Executive Orders. Report Submitted to the IACHR*, *supra* note 5, at 14-15.

⁷⁹ U.N. OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, *Letter to the United States Foreign Minister* at 1.

⁸⁰ See U.N. HUMAN RIGHTS COMMITTEE, *Concluding observations on the fourth periodic report of the United States of America*, 5, (April 23, 2014), <https://docs.un.org/en/CCPR/C/USA/CO/4>. U.N. HUMAN RIGHTS COMMITTEE, *Concluding observations on the fifth periodic report of the United States of America*, 9, (Dec. 7, 2023), <https://docs.un.org/en/CCPR/C/USA/CO/5>. U.N. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, *Concluding observations on the combined tenth to twelfth reports of the United States of America* at 4 <https://docs.un.org/en/CERD/C/USA/CO/10-12>.

⁸¹ 107 Stat. 1536 (1993), amending 18 U.S.C. § 922. See *Joint Submission*, *supra* note 12, at 15.

⁸² BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, *Do I Need a License to Buy and Sell Firearms?*, <https://www.atf.gov/file/100871/download#:~:text=A%20person%20who%20willfully%20engages,up%20to%20%24250%2C000%2C%20or%20both> (last visited March 26, 2023). *Joint Submission*, *supra* note 12, at 15;

Report Submitted to the IACHR, *supra* note 5, at 13-14.

⁸³ BRADY UNITED, *Brady Background Checks*, <https://www.bradyunited.org/resources/issues/brady-background-checks> (last visited Feb. 15, 2025).

⁸⁴ See U.S. DEPARTMENT OF JUSTICE, *National Instant Criminal Background Check System (NICS) Operations*, (2013), <https://archives.fbi.gov/archives/about-us/cjis/nics/reports/2013-operations-report> (last visited Aug 9, 2023). See also U.S. DEPARTMENT OF JUSTICE, *2020-2021 NICS Operations Report*, (2022), <https://www.fbi.gov/file-repository/nics-2020-2021-operations-report.pdf/view> (last visited Aug 9, 2023); and FEDERAL BUREAU OF INVESTIGATION, *See How We Can Help You: Firearms Checks (NICS)*, <https://www.fbi.gov/how-we-can-help-you/need-an-fbi-service-or-more-information/nics> (last visited Nov. 29, 2022); See also *Joint Submission*, *supra* note 12, at 15.

⁸⁵ *Joint Submission*, *supra* note 12, at 15.

⁸⁶ 18 U.S.C. § 922(t)(1). See also *Joint Submission*, *supra* note 12, at 15. *Report Submitted to the IACHR*, *supra* note 5, at 17.

⁸⁷ Pub. L. 117-159, 136 Stat. 1323 (2022). See *Joint Submission*, *supra* note 12, at 15. See also *Report Submitted to the IACHR*, *supra* note 5, at 17.

⁸⁸ WHITE HOUSE OFF. OF GUN VIOLENCE PREVENTION, A REPORT ON THE IMPLEMENTATION OF THE BIPARTISAN SAFER COMMUNITIES ACT at 9, (June 25, 2024), <https://tinyurl.com/WH-report-BSCA>.

⁸⁹ See *Joint Submission*, *supra* note 12, at 17.

⁹⁰ See *Joint Submission*, *supra* note 12, at 12. See also *Report Submitted to the IACHR*, *supra* note 5, at 15.

⁹¹ California, Colorado, Washington D.C., Florida, Hawaii, Illinois, Maine, New Mexico, Rhode Island, Vermont, and Washington have varying waiting periods for firearm purchases, while Minnesota, New Jersey, and Maryland have waiting periods for specific types of firearms. See GIFFORDS, *Waiting Periods*, accessible at <https://giffords.org/lawcenter/gun-laws/policy-areas/gun-sales/waiting-periods/> (Last visited March 26, 2025).

⁹² 107 Stat. 1536 (1993), amending 18 U.S.C. § 922. See *Joint Submission*, *supra* note 12, at 15. See also *Report Submitted to the IACHR*, *supra* note 5, at 17.

⁹³ See *Report Submitted to the IACHR*, *supra* note 5, at 14. Pub. L. No. 117-159, 136 Stat. 1313 (2022). See also *Joint Submission*, *supra* note 12, at 16.

⁹⁴ See generally AMERICAN BAR ASSOCIATION, *Executive Orders*. See also *Report Submitted to the IACHR*, *supra* note 5, at 14-15.

⁹⁵ U.N. GENERAL ASSEMBLY HUMAN RIGHTS COUNCIL, *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, 10, (May 16, 2024), <https://docs.un.org/en/A/HRC/56/68/Add.1>.

⁹⁶ 15 U.S.C. §§ 2051–2089. See *Report Submitted to the IACHR*, *supra* note 5, at 20.

⁹⁷ Discussed *infra*, section III(A)(i).

⁹⁸ 15 U.S.C. §§ 7901–7903.

⁹⁹ Defined by the statute as “firearms, ammunition, or component parts of a firearm or ammunition”. *Id.*

¹⁰⁰ See *Joint Submission*, *supra* note 12, at 19-20. See also *Report Submitted to the IACHR*, *supra* note 5, at 19.

¹⁰¹ 15 U.S.C. § 7903(5)(A). See *Report Submitted to the IACHR*, *supra* note 5, at 19.

¹⁰² 15 U.S.C. §§ 7901–7903.

¹⁰³ 15 U.S.C. § 7903(5)(A)(iii). See *Report Submitted to the IACHR*, *supra* note 5, at 19.

¹⁰⁴ INTERNATIONAL COVENANT ON CIVIL AND HUMAN RIGHTS, *Concluding observations on the fifth periodic report of the United States of America*, 9, (Dec. 7, 2023), <http://docs.un.org/en/CCPR/C/USA/CO/5>.

¹⁰⁵ See U.N. HUMAN RIGHTS COMMITTEE, *Concluding observations on the fourth periodic report of the United States of America* at 5. See also U.N. HUMAN RIGHTS COMMITTEE, *Concluding observations on the fifth periodic report of the United States of America* at 9.

¹⁰⁶ *Joint Submission*, *supra* note 12, at 16.

¹⁰⁷ Complaint, *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc.*, No. 1:21-cv-11269, ¶ 119 (D. Mass. Aug. 4, 2021).

¹⁰⁸ *Smith & Wesson Agreement*, Mar. 17, 2000, accessible at <https://www.justice.gov/archive/opd/AppendixD.html#Appendix%20D>. (Also accessible in the Annex).

¹⁰⁹ See *id.*

¹¹⁰ See generally BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, *Firearms Compliance Inspections*,

<https://www.atf.gov/firearms/compliance-inspections> (last visited Nov 29, 2022) (reporting 3,277 inspections in 2020 for over 53,000 dealers). See also *Joint Submission*, *supra* note 12, at 18.

¹¹¹ See BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, *Firearms Commerce in the United States: Annual Statistical Update 2014*, <https://www.atf.gov/resource-center/docs/undefined/firearmscommerceannualstatisticalreport2014pdfdownload> (last visited Dec. 17, 2022) (reporting 7% of dealers were inspected by ATF). See also *Report Submitted to the IACHR*, *supra* note 5, at 27. and Jesse Paul, *Colorado Law Makes It Very Difficult and Financially Perilous to Sue the Gun Industry. That’s Likely to Change*, COLORADO SUN, Feb. 21, 2023, <https://coloradosun.com/2023/02/21/gun-lawsuits-colorado-law-change/>.

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- ¹¹² 100 Stat. 449 (1986). *See Joint Submission*, *supra* note 12, at 18.
- ¹¹³ Pub. L. No. 112-55, 125 Stat. 552, 609-610 (2011). *See* Winnie Stachelberg, Arkadi Gerney & Chelsea Parsons, *Blindfolded, and with One Hand Tied Behind the Back*, (2013), <https://www.americanprogress.org/article/blindfolded-and-with-one-hand-tied-behind-the-back/> (last visited Aug 1, 2023). *See also Report Submitted to the IACHR*, *supra* note 5, at 28. and *Joint Submission*, *supra* note 12, at 19.
- ¹¹⁴ *See Report Submitted to the IACHR*, *supra* note 5, at 28.
- ¹¹⁵ GIFFORDS, *Tiahrt Amendment Fact Sheet*, <https://giffords.org/lawcenter/gun-laws/policy-areas/other-laws-policies/tiahrt-amendments/> (last accessed Mar. 18, 2025).
- ¹¹⁶ U.N. COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION, *Concluding observations on the combined tenth to twelfth reports of the United States of America*, 4, (Sept. 21, 2022), <https://docs.un.org/en/CERD/C/USA/CO/10-12>.
- ¹¹⁷ *See Joint Submission*, *supra* note 12, at 28.
- ¹¹⁸ THE U.S. SURGEON GENERAL, ADVISORY ON FIREARM VIOLENCE: A PUBLIC HEALTH CRISIS IN AMERICA, 32 (2024) (Accessible in Annex) [Hereinafter as *Surgeon General's report*].
- ¹¹⁹ For the purposes of this discussion and the data contained in the U.S. Surgeon General's 2024 Advisory on Firearm Violence, "youth" includes children and teens through age nineteen. *Id.* at 3.
- ¹²⁰ Global Action on Gun Violence (GAGV) and the George Washington University Law School Civil and Human Rights Law Clinic, *The Human Rights Impact of Firearm Violence on Children and Communities of Color in the United States: Supplemental report submitted to the Inter-American Commission on Human Rights as an addendum to the general report titled "The Human Rights Crisis of Firearm Violence in the United States" which was submitted in advance of the thematic hearing held during the 191st Period of Sessions at 5* [hereinafter *Supplemental Report*].
- ¹²¹ Matthew Miller & Deborah Azrael, *Firearm Storage in US Households with Children: Findings From the 2021 National Firearm Survey*, JAMA NETWORK OPEN, 5 (Feb. 2022), https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2789269#google_vignette.
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