

**IN THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
ORGANIZATION OF AMERICAN STATES**

**WASHINGTON, D.C. USA**

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**PETITIONER'S OBSERVATIONS ON THE MERITS IN CASE NO. 15.836**

**JOAQUIN OLIVER & FAMILY**

—v.—

**THE UNITED STATES OF AMERICA**

**Presented by**

**Global Action on Gun Violence (GAGV) and the George Washington University  
Law School Civil and Human Rights Law Clinic**

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**March 2026**

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## **I. INTRODUCTION**

1. Petitioners' observations on the merits are respectfully submitted by Global Action on Gun Violence and the Civil and Human Rights Clinic at the George Washington University Law School on behalf of 17-year-old Joaquin Oliver, deceased, and his parents, Patricia and Manuel ("Manny") Oliver, both citizens of the United States. Joaquin Oliver was shot and killed on February 14th, 2018, in the gun massacre at Marjorie Stoneman Douglas High School in Parkland, Florida ("Parkland Gun Massacre"). He was 17 years old at the time of his death.

2. By failing to diligently protect Petitioners' human rights, prevent their abuse by firearms industry actors that enable endemic gun violence, and provide adequate and effective remedies for the harms caused, the United States has failed and continues to fail to meet its obligations under international and Inter-American human rights law. Specifically, the United States violated Petitioner Joaquin Oliver's right to life (Article I); judicial protection (Article XVIII); special protection for minors (Article VII); a family and protection thereof (Article VI); education (Article XII); assembly and association (Articles XXI and XXII); health (Article XI); equality before the law (Article II); civil rights (Article XVII); and to give domestic legal effect to the aforementioned American Declaration Protections.

3. In addition, the United States violated the rights of Joaquin's parents, Patricia and Manny Oliver, under the American Declaration; specifically, their rights to personal security (Article I); judicial protection and petition (Articles XVIII and XXIV); a family and protection thereof (Article VI); health (Article XI); equality before the law (Article II); civil rights (Article XVII); and to give domestic legal effect to the aforementioned American Declaration protections.

4. The State did not meet its due diligence duties to prevent the foreseeable human rights harms at issue in this case and to provide Petitioners (and other victims of gun violence) access to adequate and effective remedies, including against complicit gun industry actors, while absolving itself of all responsibility for its failure to do so. The following Sections II-VI *infra* will set out: first, the facts as relevant to the claims herein; second, the admissibility of this petition; third, the consistency of the Second Amendment with the United States' obligations under the American Declaration; fourth, Petitioners' expanded observations on the merits of the case; and fifth, Petitioners' prayer for relief.

5. The Inter-American Court in its Advisory Opinion on the Responsibility of States with Respect to Human Rights and Illicit Firearms Trafficking (OC-30/25) of December 3, 2025, makes clear not only that States must ensure that firearms manufacturer like Smith & Wesson engage in corporate due diligence to prevent human rights abuses like those at issue in this case, but also that States must provide for remedies for victims against such industry actors for the human rights harms caused by their misconduct. As Sections II-VI *infra* will show, it is imperative that this Commission urge the State to provide full redress not only for Joaquin Oliver and to his parents, Patricia and Manny, for Joaquin's tragic and wholly preventable death in the Parkland Gun Massacre, but also to provide remedies against complicit corporate actors from the firearm industry for the thousands of other victims of preventable gun violence in the United States. Only by taking such action can the Commission help to create the conditions so urgently needed in the U.S. to

reduce the risk of gun massacres like the one in Parkland, not least by holding complicit private actors accountable.

## II. FACTS AND BACKGROUND

6. Petitioners re-allege and incorporate by reference all facts as set forth in Part III of the Petition filed on November 9, 2023.<sup>1</sup> For the convenience of the Commissioners, we now provide a summary of material facts concerning (A) the Parkland Gun Massacre, (B) the background and context of the Parkland Gun Massacre, (C) Smith & Wesson’s negligent if not reckless business practices, and (D) the regulatory regime governing the manufacture, sale, and possession of firearms in the United States.

### A. *The Parkland Gun Massacre*<sup>2</sup>

7. Joaquin Oliver, known affectionately as “Guac” by his family and friends, was a bright, passionate, and artistic young man whose life was tragically cut short by entirely preventable gun violence. Joaquin was a student at Marjory Stoneman Douglas High School in Parkland, Florida with his entire future before him. On Valentine’s Day, February 14, 2018, he anticipated he would see his girlfriend and professed soulmate, Victoria Gonzalez, at school, and looked forward to another day of excelling in his creative writing class and authentically expressing himself through his love for writing. Instead, Joaquin walked into school that morning and did not walk back out.<sup>3</sup>

8. That day, Joaquin Oliver—along with 14 other students and three staff members of Marjorie Stoneman High School—was shot and killed when a severely disturbed 19-year-old former student of the high school (“shooter”) in possession of a Smith & Wesson MP-15 AR-15-style semi-automatic rifle entered the school and opened fire at everyone in his line of sight in one of the deadliest school massacres in U.S. history. The shooter possessed a long history of documented incidents of prior violent acts and statements. Under any reasonable firearms regulation, as virtually every other country on the planet has implemented, that history would have disentitled the shooter from buying or possessing a firearm. But because of the deficient regulatory regimes of the United States and Florida, and the deficient practices of some U.S. gun dealers and manufacturers, he was sold several firearms, including the firearm used in the Parkland Gun Massacre. Following the massacre, Joaquin and his parents, Patricia and Manny Oliver, were denied access to justice for the tragic loss they suffered when a combination of U.S. federal law—the Protection of Lawful Commerce in Arms Act (“PLCAA”)—and Florida state law—Florida Statute § 790.331—effectively barred them from filing suit against Smith & Wesson for its reckless sales, marketing, and design practices that enabled the Parkland Massacre and the death of their only son.<sup>4</sup>

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<sup>1</sup> See *Oliver v. United States*, P-2258-23, Inter-Am. Comm’n H.R., Nov. 9, 2023 [hereinafter “Petition”][Annex A]

<sup>2</sup> The facts in ¶¶ 7-8 are drawn from the Petition at ¶¶ 21-62.

<sup>3</sup> See Petition at ¶ 21.

<sup>4</sup> See Petition at ¶¶ 22, 24-61.

## ***B. Background and Context of the Parkland Gun Massacre<sup>5</sup>***

**9.** The Parkland Gun Massacre is but one manifestation of the ongoing firearm violence epidemic in the United States. Firearm deaths as well as gun-related injuries in the United States have risen sharply over the past decade. Among the 27 highest-income countries in the world, the United States has the highest gun ownership and gun death rate—averaging almost two mass shootings a day—and far more lax gun regulations.<sup>6</sup> In any other comparable country, the Parkland shooter likely could not have obtained a firearm with his history of dangerousness; in the U.S., he could easily obtain all the firearms he desired, including military-style assault rifles. While other countries, such as the United Kingdom, New Zealand, and Australia, promptly enacted laws after a single mass shooting to prevent more massacres, the U.S. has failed to take any action after a litany of mass shootings—reportedly over 3,700 mass shootings from 2014 to 2026 alone.<sup>7</sup> A few examples in the past 20 years include shootings at:

- 9.1. Las Vegas, Nevada music festival, 2017: 58 killed, 867 injured;
- 9.2. Orlando, Florida Pulse nightclub, 2016: 49 killed, 58 injured;
- 9.3. Blacksburg, Virginia, Virginia Tech University, 2007: 32 killed, 23 injured;
- 9.4. Newtown, Connecticut, Sandy Hook Elementary School, 2012: 27 killed, 2 injured;
- 9.5. Sutherland Springs, Texas church, 2017: 26 killed, 22 injured;
- 9.6. El Paso, Texas, Walmart, 2019: 23 killed, 23 injured;
- 9.7. San Bernardino, California, 2015, community center: 14 killed, 24 injured;
- 9.8. Uvalde, Texas, Robb Elementary School, 2022: 21 killed, 15 injured;
- 9.9. Lewiston, Maine, bowling alley, 2023: 18 killed, 13 injured;
- 9.10. Fort Hood, Texas, military base, 2009: 14 killed, 32 injured.

**10.** The United States has repeatedly failed to take preventative measures to stem firearm violence, despite domestic and international pressure—which includes repeated calls by this Honorable Commission—to do so.<sup>8</sup> The State has actively enabled negligent if not reckless marketing practices by firearm manufacturers like Smith & Wesson, who have marketed assault rifles and directed gun ads at vulnerable youth and criminal elements such as the Parkland Shooter.<sup>9</sup> The State has enabled firearm industry complicity in the gun violence epidemic by refusing to adopt effective preventative measures, such as the Assault Weapons Ban (AWB), which it allowed to lapse in 2004, and by refusing to enact any consumer safety protections that would impose reasonable constraints on gun manufacturers like Smith & Wesson. All of these factors contributed to the Parkland Gun Massacre taking place.

## ***C. Smith & Wesson's Negligent And Reckless Firearm Business Practices<sup>10</sup>***

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<sup>5</sup> The facts in ¶ 9 are drawn from the Petition at ¶¶ 63-91.

<sup>6</sup> See Petition at ¶ 80.

<sup>7</sup> See, e.g., Gun Violence Archive database, defining mass shooting as 4 or more shot, excluding the shooter, accessible at <https://www.gunviolencearchive.org/mass-shooting>.

<sup>8</sup> See Petition at ¶¶ 83-86.

<sup>9</sup> *Id.* at ¶¶ 90-92.

<sup>10</sup> The facts in ¶¶ 10-12 are drawn from the Petition at ¶¶ 92-107.

**11.** Smith & Wesson designed and marketed its MP-15 semi-automatic assault rifle used by the shooter in the Parkland Gun Massacre without regard to foreseeable consequences of its actions. Despite the documented fact that assault rifles are the preferred weapon of shooters in many gun massacres, and Smith & Wesson assault rifles were used in mass shootings before Parkland to kill 12 and injure 70 in a movie theater in Aurora, Colorado, to kill 14 and injure 24 in a community center in San Bernardino, California, and were used after Parkland in mass shootings in a synagogue in Poway, California and a parade in Highland Park, Illinois, Smith & Wesson broadly and indiscriminately marketed military-style assault rifles to the general public.<sup>11</sup> It's marketing targeted the exact demographic of the majority of gun massacre perpetrators—young men—despite evidence of their predominant role in promulgating gun violence.<sup>12</sup> This included publishing advertisements associating its M&P (“Military & Police”) brand name with the U.S. military, featuring individuals carrying them who appear to be active U.S. military service members in uniform, and connecting the possession of such rifles with warfare.<sup>13</sup> Smith & Wesson’s marketing also resembles first-person-shooter video games popular among young males, and their advertisements promise consumers that by using these rifles they will “Experience More Adrenaline” and encourage them to “Kick Brass.”<sup>14</sup> Smith & Wesson thus marketed military-style weapons to disaffected young males in ways that glorified violence, making it likely if not inevitable that they would be used that way.

**12.** In addition to the reckless marketing practices described, and in the absence of any government-mandated consumer protection safeguards for the firearm industry, Smith & Wesson incorporated design features into their assault weapons to make them more lethal, a major factor in these guns becoming the weapon of choice for mass shooters.<sup>15</sup> These designs allowed shooters to “spray” bullets over a wide arc, facilitating indiscriminate and widespread death and injury. Other such features include detachable ammunition magazines, a rear pistol grip, a forward grip or barrel shroud, and the capacity for modification to allow for automatic fire.<sup>16</sup>

**13.** Moreover, since 2000, Smith & Wesson has continued marketing and selling its firearms recklessly despite expressly acknowledging that its conduct enables rampant gun violence. In 2000, Smith & Wesson settled dozen of lawsuits brought by the United States and multiple cities and agreed to enact some safeguards in the design, production, sales, and marketing of its firearms—including assault rifles—to prevent gun deaths and injuries.<sup>17</sup> Smith & Wesson agreed not to market guns in ways appealing to juveniles or criminals and to prohibit its authorized dealers and distributors from selling high-capacity magazines holding over 10 rounds of ammunition. Regrettably, Smith & Wesson reneged on its commitments in the settlement agreement in March

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<sup>11</sup> See, e.g., *Pls. ’ Second Am. Compl., Goldstein v. Smith & Wesson Brands, Inc.*, No. 22 LA 00000487, at 3, 32 (Ill. Cir. Ct. Lake County, Jul. 2, 2024) (arguing that Smith & Wesson’s deceptive and unlawful marketing practices targeting “impulsive young men with military complexes” appealed to and enabled the teenage shooter to “transform [his] genocidal fantasies into lethal realities” in the 2019 Chabad of Poway synagogue shooting).

<sup>12</sup> See Petition at ¶¶ 92-94.

<sup>13</sup> *Id.*

<sup>14</sup> See *id.* at ¶¶ 92-96; see also Smith & Wesson, M&P Rifle Experience Commercial (Feb. 13, 2015), <https://www.youtube.com/watch?v=TsqhpE1H5I8>. Compare with Call of Duty, Official Call of Duty: WWII Insider – Loadouts (Jan. 3, 2018), [https://www.youtube.com/watch?v=s\\_G67\\_YRWVo&has\\_verified=1](https://www.youtube.com/watch?v=s_G67_YRWVo&has_verified=1).

<sup>15</sup> See Petition at ¶¶ 96-98.

<sup>16</sup> See *id.*

<sup>17</sup> *Id.* at ¶¶ 104-106, n. 195.

2000.<sup>18</sup> Since then, it has refused to implement any such safety measures, and has doubled down on dangerous practices.<sup>19</sup> Furthermore, the U.S. never took any action against Smith & Wesson for its refusal to implement the commitments assumed, further feeding the legal impunity that it and other gun manufacturers have enjoyed since the 2005 enactment of PLCAA.<sup>20</sup>

***D. U.S. Regulatory Regime Regarding the Manufacture, Sale, and Possession of Firearms in 2018 and Today***<sup>21</sup>

**14.** Despite rising gun death totals and frequent mass shootings in every venue imaginable, from churches to elementary schools, the U.S. in 2018 and thereafter has insisted on maintaining, if not further weakening, its legal regime for firearm regulation. The U.S. regulatory regime consists of a baseline of federal law requirements, which can be augmented—or not—by state law that is not inconsistent with the Second Amendment.<sup>22</sup>

**15.** Federal rules on the sale and purchase of firearms are the legal baseline in the U.S. that have been and remain inadequate. Firearms purchasers are not required to be licensed, firearms are not registered, and sales are completed after a minimal background check—usually taking mere minutes—which only checks if the prospective purchaser falls into a few narrow prohibited categories. For example, persons with lengthy indicators of violence, like the Parkland shooter, are generally not prohibited unless they are a convicted felon or fall into the narrow “mental defective” or another category. Prohibitions on the sale of guns to would-be purchasers with mental illness or incapacity are limited to only those people who have been involuntarily committed to a mental institution.<sup>23</sup> Under the 1968 Gun Control Act (“GCA”),<sup>24</sup> federal law only considers a person “adjudicated as a mental defective” if a court, board, or other lawful authority has determined as such,<sup>25</sup> defines a person as “committed to a mental institution” only if such an authority has formally committed the individual, and does not include people admitted to a mental institution voluntarily or for observation.<sup>26</sup> Thus, individuals with diagnoses or histories of mental illness that put them at significant risk of endangering themselves or others are not prohibited from obtaining or owning firearms, unless they have been involuntarily committed.

**16.** Also on the federal level, the Brady Handgun Violence Prevention Act of 1993 (“BHVA”) prohibits anyone from knowingly selling or otherwise providing firearms or ammunition to people who fall into the mental incapacity category of the GCA if the provider knows or has reasonable cause to believe they are ineligible,<sup>27</sup> requires licensed dealers to conduct background checks on would-be gun purchasers to determine if they fall into a prohibited category, and establishes a

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<sup>18</sup> Office of the Press Secretary, The White House, *Clinton Administration Reaches Historic Agreement with Smith & Wesson* (Mar. 17, 2000), accessible at [https://clintonwhitehouse4.archives.gov/WH/New/html/20000317\\_2.html](https://clintonwhitehouse4.archives.gov/WH/New/html/20000317_2.html).

<sup>19</sup> Michael Luo & Mike McIntire, *Gun Makers Saw No Role in Curbing Improper Sales*, NEW YORK TIMES (May 27, 2013), <https://www.nytimes.com/2013/05/28/us/gun-makers-shun-responsibility-for-sales-suits-show.html>.

<sup>20</sup> See Petition at ¶¶ 104-105.

<sup>21</sup> The facts in ¶¶ 13-20 are drawn from the Petition at ¶¶ 108-180.

<sup>22</sup> See Petition at ¶¶ 110-151.

<sup>23</sup> *Id.* at ¶¶ 121-123.

<sup>24</sup> Gun Control Act of 1968, 18 U.S.C. § 921.

<sup>25</sup> 27 CFR § 478.11(a).

<sup>26</sup> *Id.*

<sup>27</sup> 18 U.S.C. § 922(d)(4).

criminal background check system maintained by the FBI.<sup>28</sup> However, while the FBI’s National Instant Criminal Background Check System (“NICS”) Improvement Act incentivizes states to provide information identifying such persons to federal or state agencies that perform background checks, federal law does not require it; participation is merely voluntary.<sup>29</sup>

**17.** There is also no federal requirement that firearms owners be licensed, trained, or have a legitimate reason to buy one firearm—or 100.<sup>30</sup> The effectiveness of even minimal federal protections in place like basic background checks are undermined, for example, by allowing unlicensed firearm sellers to sell to whomever, whenever, without any oversight or checks.<sup>31</sup> The requirements to begin and maintain a licensed firearms business are minimal, and dealers rarely lose their licenses, even after they repeatedly sell crime guns or violate firearms laws.<sup>32</sup> In the United States, the implementation and enforcement of legislative measures on firearm purchases and ownership are negligible, especially when considered alongside the measures implemented by other highly-developed countries.<sup>33</sup>

**18.** While the U.S. federal system allows states to implement stronger regulations, not all states choose to augment federal gun regulations with their own. Some seek to go even further in their permissiveness, such the state of Florida. Florida is called “The Gunshine State” for good reason. It was the first state to enact legislation legally depriving law enforcement of the authority to prevent dangerous people from carrying concealed handguns in public; it also allowed authorities to issue concealed carry permits to people who met only a minimal set of criteria, with no opportunity for law enforcement to investigate whether the person posed a danger.<sup>34</sup> Moreover, after public reporting showed crimes committed by persons allowed to conceal carry firearms, Florida enacted another law that specially exempted concealed weapon data from public disclosure.<sup>35</sup>

**19.** In 2018, at the time of the Parkland Gun Massacre, gun laws in the U.S. and Florida were as they are today. Not only did U.S. and Florida law only require minimal background checks before gun sales, but several states including Florida either refused or failed to report all necessary records to the FBI’s NCIS database, seriously undermining the system’s effectiveness.<sup>36</sup> The

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<sup>28</sup> 107 Stat. 1536 (1993), amending 18 U.S.C. § 922.

<sup>29</sup> See 28 C.F.R. § 25.4. The NICS Improvement Act awards grants to states to improve their record-keeping systems and automate the reporting of criminal and mental-health records to the National Instant Check Reporting System that is checked before gun sales. See NICS Improvement Amendment Act of 2007, 121 Stat. 2559 (2008); see generally Mental Health Records in NICS Focus Group, *Reporting Mental Health Records to the NICS Index* (Jul. 2015), accessible at [https://www.search.org/files/pdf/Reporting\\_Mental\\_Health\\_Records\\_NICS\\_Index.pdf](https://www.search.org/files/pdf/Reporting_Mental_Health_Records_NICS_Index.pdf).

<sup>30</sup> Petition at ¶¶ 120, 173.

<sup>31</sup> *Id.* at ¶¶ 120, 173.

<sup>32</sup> *Id.* at ¶¶ 117-118.

<sup>33</sup> *Id.* at ¶¶ 169-180.

<sup>34</sup> George Volsky, *Guns in Florida: This Week It Becomes a Lot Easier to Bear Arms Legally*, NEW YORK TIMES, (Sep. 27, 1987), <https://www.nytimes.com/1987/09/27/us/guns-in-florida-this-week-it-becomes-a-lot-easier-to-bear-arms-legally.html>.

<sup>35</sup> Fla. Dep’t of Agric. & Consumer Servs., *Public Records Exemption for Concealed Weapons* (last visited Mar. 10, 2026), accessible at <https://www.fdacs.gov/Consumer-Resources/Concealed-Weapon-License/Public-Records-Exemption-for-Concealed-Weapons>.

<sup>36</sup> See U.S. Dep’t of Justice, NICS Participation Map (2023), <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/nics/about-nics>; Nick Penzenstadler, *Gun violence policy is focusing on mental health but*

background checks conducted were abbreviated, which resulted in most guns being transferred to buyers within minutes of purchase, typically while the buyer waited in-store.<sup>37</sup> Federal law also allowed licensed gun dealers to transfer a firearm to a purchaser after three business days if the background check was still pending, and the purchaser who had not passed or failed it; as a result some gun dealers would proceed with sales to people who are later determined to be prohibited from buying guns. Some dealers would also sell guns despite indicators of dangerousness or signs the purchaser appeared to pose a grave risk to himself or others.<sup>38</sup> Moreover, short of arrest for actual or suspected criminal activity, there was no mechanism or process at the federal level to remove guns from owners subsequently revealed to be dangerous or otherwise unfit to possess or use firearms, unless they fell under a prohibited federal category or similar state law.<sup>39</sup>

**20.** After the massacre at the Pulse nightclub in Orlando, Florida in 2016 that killed 49 people and wounded 53 more, Florida rejected efforts to strengthen gun laws, including a proposed ban on assault weapons<sup>40</sup>—or even a licensing requirement for such weapons. In 2018, Florida gun laws permitted 18-year-olds to legally purchase long guns and semi-automatic assault rifles like the Smith & Wesson’ MP-15 used by the Parkland shooter from federal firearms licensees, matching the federal floor set in the GCA.<sup>41</sup> Furthermore, federal and Florida law lacked “red flag” laws authorizing authorities to seize guns from certain individuals who posed a risk to themselves or others, and lacked a three-day waiting period on rifle or shotgun purchases from licensed dealers.<sup>42</sup> In sum, given the failure of the U.S. and Florida to implement any measures to prevent a repetition of the Pulse Nightclub Gun Massacre, it was not a surprise that the Parkland Gun Massacre took place only two years later.

**21.** Immediately following the Parkland Gun Massacre, Florida legislators rejected the appeal of Parkland survivors, victims’ families, and others to adopt a comprehensive package of gun

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*federal records still lack some states*, USA TODAY (Jun. 16, 2022), <https://www.usatoday.com/story/news/investigations/2022/06/16/gun-checks-mental-health-records-can-still-blindspot/7582379001/>; Glenn Thrush & Serge F. Kovaleski, *Loopholes and Missing Data: The Gaps in the Gun Background Check System*, NEW YORK TIMES (Jun. 19, 2022), <https://www.nytimes.com/2022/06/19/us/gun-background-checks.html>.

<sup>37</sup> NICS reviewers are required to make an immediate determination in 90 percent of cases according to Department of Justice guidelines. In 2021, the immediate determination rate was approximately 80 percent. See U.S. Dep’t of Justice, National Instant Criminal Background Check System (NICS) Operations (2013), <https://archives.fbi.gov/archives/about-us/cjis/nics/reports/2013-operations-report>; U.S. Dep’t of Justice, 2020-2021 NICS Operations Report (2022), <https://www.fbi.gov/file-repository/nics-2020-2021-operations-report.pdf/view>.

<sup>38</sup> See, e.g., *Delana v. CED Sales*, 486 S.W.3d 316 (Mo. 2016), in which a gun dealer was told by a prospective gun buyer’s mother that the buyer was mentally ill and a danger to herself and others; the dealer sold the buyer a gun regardless, which they then used to kill their father. The dealer was never sanctioned by state or federal authorities, or charged with a crime, though a court held that they could be held civilly liable to the victim’s family.

<sup>39</sup> Extreme risk protection (or “red flag”) laws can provide some procedures to remove guns in certain circumstances. They are now the law in some states, but not federal law. See Everytown for Gun Safety, Extreme Risk Laws, <https://www.everytown.org/solutions/extreme-risk-laws/>.

<sup>40</sup> Jake Stofan, *Criminology experts claim latest mass shooting won’t affect Florida gun laws*, WCTV (Oct. 3, 2017) <https://www.wctv.com/content/news/Las-Vegas-mass-shooting-incites-new-calls-for-gun-control-449324153.html>.

<sup>41</sup> Florida Gun Laws, Giffords Law Center, <https://giffords.org/lawcenter/gun-laws/states/florida/>; Gun Control Act of 1968, 18 U.S.C. § 921(b)(1) et seq (2022) (prohibiting federal firearms licensees from transferring a long gun (i.e., rifle or shotgun) or ammunition to anyone under 18 years of age, and from transferring a handgun or ammunition suitable for a handgun to anyone under 21 years of age).

<sup>42</sup> Florida Gun Laws, Giffords Law Center, <https://giffords.org/lawcenter/gun-laws/states/florida/>.

control legislation, including an assault weapons ban.<sup>43</sup> Instead, they enacted a much weaker set of measures to supplement the existing deficient legislative regime; this included raising the minimum purchasing age from 18 to 21, requiring a three-day waiting period on gun purchases from dealers, and closing a loophole allowing individuals to purchase guns if a background check had not been completed after three days.<sup>44</sup> However, the Florida state legislature subsequently repealed several of those additional protections, minimal as they were, and continues taking steps to loosen rather than strengthen state gun laws. In 2023, for example, Florida eliminated the requirement to always have a permit when carrying concealed handguns in public.<sup>45</sup> Florida's governor and legislators have also recently attacked the enactment increasing the minimum gun purchasing age from 18 to 21, aiming to restore the legal age of purchase to 18.<sup>46</sup>

### **III. ADMISSIBILITY**

**22.** Petitioners re-allege and incorporate by reference all claims with respect to admissibility from Part V of the Petition (attached as Annex A). For the convenience of the Commissioners, a summary is set out below.

**23.** The Petition is admissible. Petitioners are excused from exhausting domestic remedies pursuant Article 31(2)(a) and (b) of the Rules of Procedure of the Inter-American Commission (“ROP”) because Petitioners have been denied due process and access to remedies, respectively, by respondent State. Any attempt by Petitioners to exhaust domestic remedies, such as they are, would have been futile because there are no adequate and/or effective remedies afforded to victims of gun violence for redress against either (A) firearm industry actors like Smith & Wesson for the negligent if not reckless conduct that makes gun companies complicit in massacres like the one at Parkland; or (B) the United States for its failure to adequately regulate and monitor the firearms industry.<sup>47</sup> At the same time, existing legal controls on firearm manufacturers were not and are not sufficient to prevent the corporate misconduct that enables gun violence and abetted foreseeable gun massacres like the one at Parkland in 2018, much less hold complicit corporate actors accountable for the harms caused.<sup>48</sup>

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<sup>43</sup> For example, Florida legislators rejected an assault rifle ban. See Avery Anapol, *Florida lawmakers reject motion to consider bill that would ban assault rifles*, THE HILL (Feb. 20, 2018, 4:12 PM), <https://thehill.com/homenews/state-watch/374724-florida-lawmakers-reject-motion-to-consider-bill-that-would-ban-assault/>.

<sup>44</sup> See Petition at ¶ 160.

<sup>45</sup> James Call, *Gov. Ron DeSantis quietly signs permitless carry bill within hours of it landing on his desk*, TALLAHASSEE DEMOCRAT (Apr. 3, 2023), <https://www.tallahassee.com/story/news/politics/2023/04/03/guns-and-florida-gov-desantis-signs-permitless-carry-bill-into-law/70076001007/>.

<sup>46</sup> *Appeals court upholds Florida's 21-year age requirement to buy guns*, NBC NEWS (Mar. 9, 2023), <https://www.nbcnews.com/politics/politics-news/court-upholds-floridas-21-year-age-requirement-buying-guns-rcna74288>.

<sup>47</sup> See Petition at ¶¶ 201-222

<sup>48</sup> *Id.*

24. Furthermore, in accordance with ROP Article 32(2), this Petition is timely filed because it was submitted within a reasonable time since February 14, 2018, the date of the Parkland Gun Massacre in which Joaquin Oliver was killed.<sup>49</sup> The Petition was filed on November 9, 2023.

25. Finally, there are no other international proceedings ongoing or previously brought that would duplicate the current action pursuant ROP Article 33.

#### IV. THE AMERICAN DECLARATION ON THE RIGHTS AND DUTIES OF MAN AND THE SECOND AMENDMENT OF THE U.S. CONSTITUTION

26. Although Petitioners' claims and requested remedies with respect to the United States' violations of its obligations under the American Declaration would prevail even if they were inconsistent with the U.S. Constitution's Second Amendment, the claims and remedies are consistent with current judicial interpretations of the Second Amendment.

27. The Second Amendment of the U.S. Constitution provides that, "[a] well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."<sup>50</sup> In recent years, U.S. courts have greatly expanded the scope of the Second Amendment. For its first two centuries, it was construed to relate to participation in the "well-regulated militia" to which the amendment refers.<sup>51</sup> That changed in *District of Columbia v. Heller* (2008), when the U.S. Supreme Court held for the first time that the Second Amendment provides "law-abiding, responsible citizens" with the right to a handgun in the home for self-defense.<sup>52</sup> Two years later, the Supreme Court in *McDonald v. City of Chicago* held that the Second Amendment was incorporated and applicable to state laws.<sup>53</sup>

28. In *NYSRA v. Bruen* (2022), the Supreme Court held that the Second Amendment protects an individual's right to carry a handgun for self-defense outside the home, consequently striking down a century-old New York state statute that regulated the carrying of firearms in public spaces, and further declaring that any gun laws that do not have sufficient historical precedent are unconstitutional.<sup>54</sup> In the years since *Bruen*, several other legislative efforts to regulate the possession and use of firearms have been struck down by U.S. courts.<sup>55</sup> Yet recently, in *United States v. Rahimi*, the Supreme Court upheld a federal statute that prohibits persons subject to a

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<sup>49</sup> See Petition at ¶ 223.

<sup>50</sup> U.S. Const. amend. II.

<sup>51</sup> *U.S. v. Miller*, 307 U.S. 174, 178 (1939) ("With obvious purpose to assure the continuation and render possible the effectiveness of such forces [state militia], the declaration and guarantee of the Second Amendment were made. It must be interpreted and applied with that end in view.").

<sup>52</sup> *District of Columbia v. Heller*, 554 U.S. 570 (2008) (emphasis added).

<sup>53</sup> See *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010).

<sup>54</sup> *N.Y. State Rifle & Pistol Assoc., Inc. v. Bruen*, 142 S.Ct. 2111 (2022).

<sup>55</sup> See e.g., *Range v. Attorney General United States of America*, 69 F.4th 96 (3rd Cir. 2023) (18 U.S.C. § 922(g)(1) is unconstitutional); *United States v. Price*, 2022 WL 6968457 (S.D. W.Va. Oct. 12, 2022) (§ 922(k) is unconstitutional); *United States v. Stambaugh*, 2022 WL 16936043 (W.D. Okla. Nov. 14, 2022) (§922(n) is unconstitutional).

domestic violence restraining order from possessing a firearm,<sup>56</sup> and *Heller* itself states that the right to bear arms is not absolute. For this reason, along with those presented in the sections to follow, none of the reasonable gun control measures sought by Petitioners as relief in this case are contrary to prevailing U.S. jurisprudence.

**29.** Petitioners' claims do not conflict with the U.S. Supreme Court's interpretation of the Second Amendment. Section A of this Part outlines why their allegations of violations of the American Declaration do not contradict or otherwise conflict with Second Amendment jurisprudence. Section B explains why said jurisprudence is not a bar to the relief requested.

***A. Petitioners' Claims of Human Rights Violations are Consistent with the Second Amendment of the U.S. Constitution***

**30.** Petitioners' claims of violations of the American Declaration are consistent with the United States' current judicial interpretation of the Second Amendment. While *Heller*, *McDonald*, and *Bruen* held that “*law-abiding, responsible citizens*” have a right to own a firearm for self-defense inside and outside the home,<sup>57</sup> which must be respected by state regulation.<sup>58</sup> Regardless of whether Petitioners agree or disagree with this interpretation of the Second Amendment, it is neither under scrutiny nor challenged by the claims presented in this case, which focus squarely on the State's failure to protect Petitioners and provide effective redress within the prevailing legal parameters of U.S. law.

**31.** The substantive violations of Inter-American human rights law alleged in Part V, *infra*, stem from the State's failure at both the federal and state level to adequately regulate, and effectively monitor, the negligent if not reckless conduct of firearm industry actors which enable criminal and irresponsible persons to obtain firearms to commit murder and other crimes. These allegations in no way affect, much less prevent, “*law-abiding, responsible citizens*” from owning or possessing firearms for self-defense, nor restrict their right to carry them outside the home. Rather, they argue that the State failed to prevent foreseeable harm and safeguard Petitioners' human rights by failing to adequately protect against such harm resulting from the deleterious business practices of gun companies like Smith & Wesson, ultimately leading to preventable gun massacres like the one in Parkland by citizens who are neither “*law-abiding*” nor “*responsible*.”

**32.** In sum, it is not the Second Amendment that is at issue here, but rather the U.S.'s failure to fulfill its due diligence obligations with respect to Petitioners, which it could have done in a manner consistent with Second Amendment jurisprudence, but chose not to.

***B. Petitioners' Prayer for Relief is Consistent with the Second Amendment***

**33.** As *Rahimi* showed, the Second Amendment is not absolute: it does not prohibit commonsense regulation of firearms by federal or state governments. According to the U.S. Supreme Court, firearm regulation restricting a “*law-abiding, responsible citizen[’s]*” right to carry a firearm is unconstitutional when it lacks a sufficient historical precedent.<sup>59</sup> This interpretation of

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<sup>56</sup> *United States v. Rahimi*, 144 S.Ct. 1889, 1902-03 (2024).

<sup>57</sup> *District of Columbia v. Heller*, 554 U.S. 570 (2008) (emphasis added).

<sup>58</sup> *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010).

<sup>59</sup> *N.Y. State Rifle & Pistol Assoc., Inc. v. Bruen*, 142 S.Ct. 2111 (2022).

the Second Amendment bars neither the reasonable reinforcement of existing safety regulations regarding firearm production, sales or ownership; nor the enforcement of any such regulations in relation to gun manufacturers, sellers or buyers.

**34.** Petitioners' prayer for relief in Part VI *infra* urges the adoption of gun violence prevention measures that fall within the recognized parameters of permissible Second Amendment restrictions. These include the following: (1) repeal or otherwise amend PLCAA to allow for greater accountability; (2) expand the prohibited category of would-be gun purchasers with mental illness or incapacity to reflect modern understandings of mental health and risk-assessment; (3) enact a federal ban or heightened licensing and/or age restrictions on civilian ownership of military style assault weapons; (4) require or incentivize states to submit data regarding the prohibited purchaser categories to the FBI's NICS database, especially on mental incapacity and criminal activity; (5) authorize the removal of guns from owners where "red flags" indicate the person is a danger to themselves or others; (6) mandate consumer protection and design safety standards for firearms, especially assault rifles, to make them less lethal; and (7) require purchasers to obtain a license or permit to buy or possess a firearm based on a meaningful review process and reasonable safety standards.

**35.** As is the case regarding the claims alleged in Part V, none of the remedies in Petitioners prayer for relief conflict with the right of "law-abiding, responsible citizens" to purchase or possess a firearm in accordance with current Second Amendment jurisprudence. At the same time, it must be noted that if subsequent judicial interpretation were to render Petitioners' claims or requested remedies inconsistent with the Second Amendment as presently interpreted by the Supreme Court, such claims are still consonant with international human rights law, which controls in this proceeding, and would thus still prevail.<sup>60</sup>

## **V. PETITIONERS' EXPANDED OBSERVATIONS ON THE MERITS**

**36.** This Part is comprised of two Sections. Section A outlines the United States' due diligence obligations under international and Inter-American human rights law, with an emphasis on that duty's scope regarding private actors as recently articulated by the Inter-American Court of Human Rights. Section B sets out Petitioners allegations of specific violations by the State of human rights under the American Declaration. These allegations are organized by groupings of related articles, as follows: right to life (Article I); judicial protection and petition (Articles XVIII and XXIV); special protection for minors, rights to a family and protection thereof, education, assembly, and association (Articles VII, VI, XII, XXI, and XXII); health (Article XI); and equality before the law and civil rights (Articles II and XVII). Part VI concludes with a prayer for relief.

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<sup>60</sup> This Commission has stated that the full effectiveness of the Inter-American system of human rights requires "that domestic authorities incorporate and duly apply the inter-American standards...[a duty which] derives, *inter alia*, from the preamble to the American Declaration, Article 2 of the American Convention, as well as Articles 26 and 27 of the Vienna Convention on the Law of Treaties and the fundamental principles of the OAS Charter." Inter-American Commission on Human Rights, Compendium on the Obligation of States to adapt their Domestic Legislation to the Inter-American Standards of Human Rights: approved by the Inter-American Commission on Human Rights on January 25, 2021 (OAS. Official records; OEA/Ser.L/V/II), at ¶ 3 (emphasis added).

### ***A. The State's Due Diligence Obligations in the Inter-American System***

**37.** The Inter-American Court of Human Rights recently affirmed that due diligence is not only a bedrock principle of regional human rights law, but also that this duty's application to corporate actors and their hazardous activities is central to its remit. In its Advisory Opinion on the Responsibility of States with Respect to Human Rights and Illicit Firearms Trafficking (OC-30/25) of December 3, 2025, the Inter-American Court affirmed that:

[...] States should adopt measures to ensure that companies have: (a) appropriate policies for the protection of human rights; (b) human rights due diligence processes for the identification, prevention and correction of human rights violations [...]; and c) processes that allow the company to redress human rights violations that occur due to the activities it carries out, especially when they affect people who [...] belong to vulnerable groups. The Court [further] considered that, in this framework of action, States must encourage companies to incorporate good corporate governance practices with a stakeholder approach, which involve actions aimed at guiding business activity towards compliance with standards and human rights, including and promoting the participation and commitment of all related stakeholders. and reparation for affected persons.<sup>61</sup>

**38.** In so declaring, the Inter-American Court expressly applied the regional due diligence framework to States and their regulation of the firearm industry. For instance, in a seminal case from 2021, the Court confirmed Honduras' international responsibility for failing to monitor unlawful private business practices in the deep diving lobster fishing industry, which resulted in serious human rights abuses, and for not enforcing its domestic laws regulating the operations of company actors in that sector.<sup>62</sup> In mapping the applicable due diligence obligations, the Court established that Honduras (like all States) had a duty to "establish regulations requiring companies to implement actions aimed at ensuring respect for human rights [. . .] especially in relation to hazardous activities."<sup>63</sup> It emphasized that governments were also required to "implement inspection [and] oversight measures" to ensure the effective enforcement of those regulations.<sup>64</sup> This duty to monitor and enforce regulatory frameworks is another cornerstone of the State's due diligence obligations in the Inter-American system.

**39.** With respect to the right to life and other fundamental human rights, due diligence acts as a "benchmark" for determining when an OAS Member State is obligated "to prevent and respond

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<sup>61</sup> Inter-Am. Ct. H.R., Advisory Opinion on the Responsibility of States with Respect to Human Rights and Illicit Firearms Trafficking (OC-30/25) of December 3, 2025, at ¶ 50, accessible at [https://corteidh.or.cr/docs/opiniones/seriea\\_30\\_es.pdf](https://corteidh.or.cr/docs/opiniones/seriea_30_es.pdf) [hereinafter Inter-Am. Ct. Firearms Advisory Opinion].

<sup>62</sup> *Case of the Miskito Divers (Lemoh Morris et. al.) v. Honduras*, Judgment, Inter-Am. Ct. H.R., Series C No. 432, at ¶ 162 (Aug. 31, 2021) (finding that Miskito petitioners had died and been disabled in the course of carrying out dangerous diving activities for the lobster fishing companies due to the negligent conduct of those business and the Honduran State's failures to monitor and enforce the workplace safety regulations it had in place to protect the deep divers from preventable harm such as that resulting from decompression disease).

<sup>63</sup> *Id.* at ¶ 48.

<sup>64</sup> *Id.* at ¶ 58.

to the acts or omissions of private actors.”<sup>65</sup> In this regard, even prior to its most recent Advisory Opinion quoted above, the Inter-American Court of Human Rights had found that inherent in the protection of this right is the State’s duty to adopt “the necessary measures to create an adequate regulatory framework that deters any threat to [said] right to life.”<sup>66</sup> The Commission has affirmed that this duty “encompasses the organization of the entire state structure—including the State’s legislative framework, public policies, law enforcement machinery and judicial system—to adequately and effectively prevent and respond to [private actor] problems.”<sup>67</sup> Crucially, this obligation arises whenever a State is “aware of a situation of real and imminent danger for a specific individual or group of individuals and has reasonable possibilities of preventing or avoiding that danger.”<sup>68</sup>

**40.** It is well settled that the due diligence principle is an integral feature of Inter-American human rights law under the American Declaration as well as the American Convention.<sup>69</sup> In this and other respects, jurisprudence developed under the American Convention framework applies to and guides the interpretation of corresponding American Declaration norms.<sup>70</sup> This is true with respect to the right to life, which under American Declaration Article I, like American Convention Article 4, “extends to the obligations a State [has] to prevent and respond to the [injurious] actions of non-state actors and private person.”<sup>71</sup> It is also true of the right to access remedies for human rights abuses under American Declaration Article XVIII and American Convention Article 25, which are understood to encompass “the right of every individual to go to a tribunal when any of his or her rights have been violated; to obtain a judicial investigation conducted by a competent, impartial and independent tribunal that establishes whether or not a violation has taken place; and the corresponding right to obtain reparations for the harm suffered.”<sup>72</sup>

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<sup>65</sup> See *Lenahan v. United States*, Case 12.626, Inter-Am. Comm’n H.R., Report No. 80/11 (Jul. 21, 2011), at ¶ 125 [hereinafter “*Lenahan v. U.S.*”]

<sup>66</sup> *Case of Artavia Murillo et al. (In Vitro Fertilization) v. Costa Rica*, Preliminary Objections, Merits, Reparations and Costs. Judgment, Inter-Am. Cr. H.R., Series C No. 257, para. 172 (Nov. 28, 2012) (emphasis added).

<sup>67</sup> *Lenahan v. U.S.*, at ¶ 125.

<sup>68</sup> *Luna López v. Honduras*, Merits, Reparations, and Costs, Judgement, Inter-Am. Cr. H.R., Series C, (Oct. 10, 2013), at ¶ 123; *Pueblo Bello Massacre v. Colombia*, Merits, Reparations, and Costs, Judgment, Inter-Am. Cr. H.R., Series C (Jan. 31, 2006), at ¶ 123.

<sup>69</sup> See *Lenahan v. U.S.*, at ¶¶ 122-125. The Commission describes the due diligence principle as “crucial in defining the circumstances under which a State may be obligated to prevent and respond to the acts or omissions of private actors.” *Id.* at ¶ 125.

<sup>70</sup> Inter-Am. Comm’n H.R., Special Rapporteurship on Economic, Social, Cultural and Environmental Rights, *Thematic Report on Business and Human Rights: Inter American standards*, OEA/Ser.L/V/II (Nov. 2019), at ¶ 54 [hereinafter “OAS Thematic Report on Business and Human Rights”]. The American Declaration on the Rights and Duties of Man is a source of legal obligation for member States of the Organization of American States, including those that are not parties to the American Convention on Human Rights, such as the United States. Inter-American Court H.R. Advisory Opinion OC-10/89, *Interpretation of the American Declaration on the Rights and Duties of Man Within the Framework of Article 64 of the American Convention on Human Rights*, Series A No. 10 (Jul. 14, 1989), at ¶¶ 35-45; Inter-Am. Comm’n H.R., *Towards the Closure of Guantanamo*, OEA/Ser.L/V/II. Doc. 20/15 (Jun. 3, 2015), at ¶¶ 16-23.

<sup>71</sup> *Lenahan v. U.S.*, at ¶ 128. Indeed, the interpretation of many rights in the American Declaration, including the rights to life and access to justice, is guided by the jurisprudence of the Inter-American Court and Commission on Human Rights in applying the American Convention. See also Inter-Am. Comm’n H.R. Report No. 40/04, Case 12.053, *Maya Indigenous Communities of the Toledo District (Belize)* (Oct. 12, 2004), at ¶ 87 [hereinafter “*Maya Indigenous Communities*”].

<sup>72</sup> *Id.* at ¶ 172.

41. The Inter-American Commission has further recognized that in cases involving private actor violence, specifically in relation to American Declaration Article 1's right to life, the "evolving standards [under international law] related to the due diligence principle are relevant to interpret the scope and reach of the State's legal obligations[.]"<sup>73</sup> In the Inter-American system, then, cases of violence "perpetrated by private actors require an integrated analysis [under international norms] of the State's legal obligations under the American Declaration *to act with due diligence to prevent, investigate, sanction and offer remedies.*"<sup>74</sup> International law in this context refers not only to the American Convention and other pertinent OAS instruments, but also to the corresponding human rights norms developed by the United Nations.<sup>75</sup>

42. Finally, in its Report on Citizen Security and Human Rights, this Commission acknowledged that all OAS Member States are bound to protect the rights to life and personal security of persons within their jurisdiction from the human rights abuses committed by private parties, including companies.<sup>76</sup> A State thus violates its due diligence obligations when it "fails to adopt effective measures of protection against the actions of [such] private parties who threaten or violate the right to life of persons subject to its jurisdiction,"<sup>77</sup> and/or fails to "establish [a] legal and regulatory framework in which private [companies] can carry out their activities and operations according to the industry and type of particular risk to human rights[.]"<sup>78</sup> Adequate measures include "effective plans and programs whose objective is to stop the spread of violence and crime;"<sup>79</sup> provisions obliging companies to identify risks and potential abuses, as well as to ensure that they implement the necessary corrective measures;<sup>80</sup> and "the adoption of domestic legislation and relevant policies for the protection of human rights in the context of the [particular] business activity in question."<sup>81</sup>

### ***B. The United States Violated Petitioners' Human Rights Under the American Declaration***

43. By failing to diligently protect the human rights of gun violence victims and their families, prevent firearms industry abuses that enable such violence, and provide adequate and effective remedies to the victims, the State has failed to meet its due diligence obligations under regional human rights law and the American Declaration. In this respect, the U.S. violated Petitioner Joaquin Oliver's right to life (Article I); judicial protection (Article XVIII); special protection for minors (Article VII); a family and protection thereof (Article VI); health (Article XI); education (Article XII); assembly and association (Articles XXI and XXII); equality before the law (Article II); and civil rights (Article XVII); as well as to give domestic legal effect to the aforementioned American Declaration Protections.

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<sup>73</sup> *Lenahan v. U.S.*, at ¶ 130.

<sup>74</sup> *Id.* (emphasis added).

<sup>75</sup> OAS Thematic Report on Business and Human Rights, at ¶ 54.

<sup>76</sup> See Inter-Am. Comm'n H.R., *Report on Citizen Security and Human Rights*, OEA/Ser.L/V/II. Doc. 59 (Dec. 2009) at Parts V.A (Right to Life). & V.B (Security of Person)[hereinafter "OAS Report on Citizen Security and Human Rights"]

<sup>77</sup> See *id.* at ¶ 107.

<sup>78</sup> OAS Thematic Report on Business and Human Rights, at ¶ 192.

<sup>79</sup> See OAS Report on Citizen Security and Human Rights, at ¶ 109.

<sup>80</sup> OAS Thematic Report on Business and Human Rights, at ¶ 89.

<sup>81</sup> *Id.* at ¶ 106.

44. Furthermore, the State has violated the rights of Joaquin’s parents, Patricia and Manny Oliver, under the American Declaration, to personal security (Article I); judicial protection and petition (Articles XVIII and XXIV); a family and protection thereof (Article VI); health (Article XI); assembly and association (Articles XXI and XXII); equality before the law (Article II); and civil rights (Article XVII); as well as to give domestic legal effect to the aforementioned American Declaration protections.

1. Right to Life, Liberty, and Personal Security (Article I) and Domestic Legal Effects

45. Article I of the American Declaration provides that “[e]very human being has the right to life, liberty and [personal] security.” The right to life and personal security in the American Declaration, like in Articles 4 and 5 of the American Convention, “extends to the obligations a State [has] *to prevent and respond* to the [injurious] actions of non-state actors and private persons.”<sup>82</sup> In this same vein, this Commission has recognized that States must “adopt measures to give [domestic] legal effect to the rights contained in the American Declaration.”<sup>83</sup> This means that States must adopt affirmative measures to guarantee that all persons under the State’s jurisdiction can “exercise and enjoy” the rights in the American Declaration free from impingement by State or private actors,<sup>84</sup> especially with respect to the right to life and personal security.

46. As noted, the Inter-American Court has observed that OAS Member States are also obliged to enact protective measures “to ensure that business enterprises have: (a) appropriate policies for the protection of human rights; (b) due diligence processes for the identification, prevention and correction of human rights violations [...]; and (c) processes that allow businesses to remedy human rights violations that result from their activities.”<sup>85</sup> Examples of effective preventive and protective measures applied to businesses generally in this context include requiring human rights impact assessments, as well as corporate due diligence laws that obligate businesses to monitor all aspects of their own operations for potential human rights abuses.<sup>86</sup>

a) *The United States violated Joaquin Oliver’s right to life, liberty, personal security and domestic legal effects*

47. The United States violated Joaquin Oliver’s right to life, liberty, personal security, and failed to give domestic legal effect to these rights by creating an inadequate and ineffective regulatory regime to prevent and respond to gun violence, which resulted in Joaquin’s death during the Parkland Gun Massacre.

48. The U.S. legal regime in 2018 that regulated the manufacture and sale of firearms, and their possession by civilians, was inadequate and ineffective to prevent the Parkland Gun Massacre. As explained in Section II.D *supra*, federal and state law leading up to that date did not impose requirements that firearms purchasers or owners be licensed, obtain a permit, have training, or

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<sup>82</sup> *Lenahan v. U.S.*, at ¶ 142. *See also* American Declaration of the Rights and Duties of Man, Art. I.

<sup>83</sup> *Lenahan v. U.S.*, at ¶ 118, (citing IACHR, Report N° 40/04, Case 12.053, *Maya Indigenous Communities*), at ¶ 162; IACHR Report N° 67/06, Case 12.476, Oscar Elias Bicer et al. (Cuba), October 21, 2006, at ¶¶ 227-231.

<sup>84</sup> *Lenahan v. U.S.*, at ¶ 118.

<sup>85</sup> *Case of the Miskito Divers (Lemoth Morris et. al.) v. Honduras*, Judgment, Inter-Am. Ct. H.R., Series C No. 432, (Aug. 31, 2021), at ¶ 47 [hereinafter “Miskito Divers Case”]; *see* Inter-Am. Ct. Firearms Advisory Opinion], ¶ 50.

<sup>86</sup> OAS Thematic Report on Business and Human Rights, at ¶ 92; *see also* Miskito Divers Case, at ¶ 58.

even a lawful reason to buy or own a firearm.<sup>87</sup> Furthermore, in Florida in the late 2010s, 18-year-olds were permitted to purchase assault rifles like the one used by the shooter in the Parkland Gun Massacre.<sup>88</sup> At the same time, U.S. law in effect in the 2010s did not require that a purchaser or owner be investigated or interviewed to determine whether they were mentally ill or pose a danger in any way. Would-be purchasers seeking to obtain a firearm would only be barred if they were “persons adjudicated as ‘mental defective’ or [had] been committed to a mental institution at 16 years or older,”<sup>89</sup> which is too high a bar.<sup>90</sup>

**49.** As a result, the 19-year-old Parkland shooter who killed Joaquin Oliver was legally able to purchase and possess an MP-15 Smith & Wesson assault rifle even though he had an extensive and documented history of dangerousness and mental illness from as early as three years old. Between 2002 and 2018 alone, there were 69 documented incidents where he threatened someone, engaged in violence, talked about guns or other weapons, or otherwise displayed aggressive behavior.<sup>91</sup> Concerning patterns of behavior included threatening and physically assaulting multiple individuals, expressing hatred toward specific groups of people and animals, bringing weapons to school, and explicitly stating his intent to commit a school shooting or otherwise kill people en masse both online and in front of others.<sup>92</sup> The school administration, Palm Beach Sheriff’s Office, and the FBI were all aware of the shooter’s violent tendencies, but did not take any meaningful affirmative action that would have prevented the Parkland Gun Massacre.<sup>93</sup> Notably, Florida authorities were not even required to report the shooter’s violent history because participation in the FBI’s NICS database is voluntary for states. And the laws of Florida and the U.S. were so weak that none of the Parkland shooter’s disturbing behavior disallowed him from buying or possessing a firearm, including a semi-automatic assault rifle.

**50.** In short, it was the lack of an adequate and effective regulatory regime—reasonable age restrictions, licensing requirements, adequate and enforceable “red flag” laws, effective background checks, and mechanisms to remove guns from dangerous or otherwise unfit possessors—that allowed the Parkland shooter to purchase, keep, and ultimately use his legally obtained MP-15 Smith & Wesson assault rifle to commit the gun massacre. Thus, the State is responsible for violating Joaquin Oliver’s right to life, liberty, and personal security under Article I of the American Declaration.

*b) The United States violated Patricia and Manny Oliver’s right to personal security*

**51.** The United States violated Patricia and Manny Oliver’s right to personal security and failed to give domestic legal effect to this right by failing to prevent the Parkland Gun Massacre and provide full redress for the negligent and abusive actions of gun manufacturer Smith & Wesson, which led to the killing of their son Joaquin Oliver at school.

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<sup>87</sup> See Section II.D ¶¶ 14-16.

<sup>88</sup> Gun Control Act of 1968, 18 U.S.C. § 921 et seq (2022).

<sup>89</sup> See 8 U.S.C. § 922.

<sup>90</sup> See Section II.D ¶ 14.

<sup>91</sup> See Petition at ¶ 25.

<sup>92</sup> *Id.* at ¶¶ 25-33.

<sup>93</sup> See Petition at ¶¶ 25-34.

**52.** International human rights law has enshrined the principle that the immediate family members of direct victims are recognized as victims themselves if they suffer harm—physical, mental, emotional, or economic—resulting from violations against their loved ones.<sup>94</sup> The Commission and the Inter-American Court have similarly developed a corpus juris relating to the rights of victims’ relatives under Article I of the American Declaration, and have established that the personal security and moral integrity of immediate family members are automatically violated when a loved one is a victim of human rights violations.<sup>95</sup> The Inter-American Court has held that “it can be presumed that the parents have suffered morally as a result of the cruel death of their offspring, for it is essentially human for all persons to feel pain at the torment of their child.”<sup>96</sup> The Court later reinforced this position in *Blake v. Guatemala*, in which it held that the circumstances of the forced disappearance of the victims in that case “generate[d] suffering and anguish, in addition to a sense of insecurity, frustration and impotence [among the next of kin] in the face of the public authorities’ failure to investigate.”<sup>97</sup>

**53.** Consequently, the United States’ concurrent failures to prevent the Parkland Gun Massacre that killed their son, and to provide adequate remedies against all complicit parties, constitute a violation of Patricia and Manny Oliver’s rights to personal security as the parents and surviving family members of Joaquin Oliver. Moreover, the United States violated its duty to give domestic legal effect to Patricia and Manny Oliver’s right to personal security due to the broad legal protections it gives to gun companies like Smith & Wesson, shielding them from accountability.

**54.** Patricia and Manny Oliver sacrificed everything to move to the United States 25 years ago, believing that this was the best way to give their child a great future with meaningful opportunities. Now, the same country they hoped would provide a better future for Joaquin is the country that took him away from them.<sup>98</sup>

**55.** More than eight years after the loss of their only son, Patricia and Manny Oliver continue to suffer mentally and physically every day. The loss of Joaquin is “a reality that affects [Patricia] in every single way.” She describes the mental anguish she endures as “constant,” and that her grief—pain of a loss that cannot be adequately defined by words—and need to “pretend to have

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<sup>94</sup> See Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, G.A. Res. 60/147, U.N. Doc. A/RES/60/147 (Dec. 16, 2005).

<sup>95</sup> See *Blake v. Guatemala* (1998) (holding that the “mental and moral integrity” of the family is a right itself); *Case of the “Street Children” (Villagran Morales et al.) v. Guatemala*, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 63, at ¶¶ 174-175 (Nov. 19, 1999) (finding that the mothers of the victims were subjected to “profound suffering” because of the State’s actions and omissions, and concluding that “the survivors of the victims’ families have suffered because of the circumstances of [their] deaths.”)[hereinafter “*Blake v. Guatemala*”]; *Mapiripán Massacre v. Colombia*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 134 (Sep. 15, 2005) (finding that the suffering caused to the next of kin of victims of human rights violations is a direct violation of their own right to personal integrity).

<sup>96</sup> *Aloeboetoe et al. v. Suriname*, Reparations (Art. 63(1) American Convention on Human Rights), Judgment of September 10, 1993. Series C No. 15, at ¶ 76; *Garrido and Baigorria v. Argentina*, Reparations (Art. 63(1) American Convention on Human Rights), Judgment of August 27, 1998. Series C No. 39, at ¶ 62.

<sup>97</sup> *Blake v. Guatemala*, at ¶ 4.

<sup>98</sup> Interview with Manny and Patricia Oliver (Mar. 9, 2026).

the situation under control” has manifested physically. Patricia now has a stent in her heart, which she requires because of the stress and grief that have become part of her daily life.<sup>99</sup>

**56.** Every time Manny closes his eyes, he sees his son. Every night he takes medication so he can get a few hours of sleep whenever possible. As part of his changed daily routine, he stops by Joaquin’s room—now empty—several times a day, thinking of his son, kissing his photos, and praying for him. Manny can no longer visit places he once visited with his son without the constant reminder that he will never be able to see them with Joaquin again. Everywhere he travels, he is reminded of an absence that can never be filled, and wishes that his son could experience the world with him.<sup>100</sup>

**57.** These mental and physical harms that Patricia and Manny Oliver continue to face as a result of the loss of their son in consequence of the State’s failure to meet its due diligence obligations are violations of their right to personal security under Article I. As the Commission has made clear, when a parent loses their child “it can be presumed [they] have suffered morally . . . to feel pain at the torment of their child.”<sup>101</sup> Patricia and Manny’s continued torment for the killing of their son is a constant and detrimental mental and physical harm that they are now forced to endure, thereby violating their Article I rights.

**58.** Petitioners’ Patricia and Manny Oliver’s pain from losing Joaquin has been and continues to be compounded by the denial of justice that has accompanied it. As the Commission stated in *Blake v. Guatemala*, Article I violations also encompass “circumstances generat[ing] suffering and anguish . . . and a sense of insecurity, frustration, and impotence [among next of kin] in the face of the public authorities’ failure to investigate.”<sup>102</sup> Patricia and Manny had plans to retire and enjoy a life watching their son Joaquin grow into the wonderful man they knew he would become. Yet at the hands of injustice by the State’s “lax gun laws” and its failure to investigate negligent if not reckless business practices by private actors like Smith & Wesson,<sup>103</sup> this future was taken from them. No parent should ever have to bury their child. Patricia and Manny Oliver should not be denied accountability and justice from the State for the tragic killing of their only son Joaquin, or from the complicit private actor who knowingly enabling the gun violence that led to the Parkland Gun Massacre.

## 2. Right to Judicial Protection (Article XVIII) and Petition (Article XXIV)

**59.** The United States violated Petitioners’ right to judicial protection and petition under the American Declaration by barring them from accessing adequate and effective judicial remedies in both federal and Florida state courts for Smith & Wesson’s negligent if not reckless business practices, which contributed to Joaquin Oliver’s death in the Parkland Gun Massacre, establishing their complicity. In addition, there are no remedies against the State for its failure to adequately regulate the dangerous business activities of gun manufacturers, in particular Smith & Wesson,

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<sup>99</sup> Interview with Patricia and Manny Oliver (Mar. 9, 2026).

<sup>100</sup> Interview with Patricia and Manny Oliver (Mar. 9, 2026).

<sup>101</sup> See *supra* note 95.

<sup>102</sup> See *supra* note 96.

<sup>103</sup> Interview with Patricia and Manny Oliver (Mar. 9, 2026).

further denying Petitioners due process.

60. American Declaration Article XVIII provides that “[e]very person may resort to the courts to ensure respect for his legal rights . . . [to] protect [an individual] from acts of authority that, to his prejudice, violate any fundamental constitutional rights.”<sup>104</sup> This Commission has stated that Article XVIII “[p]rescribes a fundamental role for the courts of a State in ensuring and protecting these basic rights, which role must be effective,”<sup>105</sup> and that “when a state fails to provide an adequate and effective remedy to a violation of a fundamental right under the American Declaration, that deficiency creates an independent violation of the right to judicial protection under Article XVIII[.]”<sup>106</sup>

61. Similarly, American Declaration Article XXIV provides that “[e]very person has the right to submit respectful petitions to any competent authority. . . .”<sup>107</sup> Both this Commission and the Inter-American Court have maintained that Article XXIV is closely related to Article XVIII in that both are “fundamental for judicial determination of the facts and circumstances surrounding the violation of a basic human right,”<sup>108</sup> leading this Commission to define an adequate and effective remedy as one “effective in practice . . . that can produce the result for which it was designed, has a useful effect, and is not illusory.”<sup>109</sup> That is, the remedy must be more than “a procedural formality.”<sup>110</sup> The Inter-American Court has established that a failure to properly investigate and respond to a non-state actor’s abuse constitutes a human rights violation by the State.<sup>111</sup>

62. This Commission has further observed that the duty to investigate and punish means that “States must take appropriate measures to ensure that the [persons] affected by [the ] human rights abuses or violations produced . . . may access effective mechanisms for redress, *which includes accountability of the businesses and the determination of their criminal, civil, or administrative responsibility*” for those violations.<sup>112</sup> In other words, OAS Member States dealing with private-actor and corporate abuses are bound to deploy their “normative, supervisory, preventive, investigative, and punitive powers, as well as sustained political will on the matter, [to achieve] the effective protection of human rights,” not least by establishing appropriate remedies.<sup>113</sup> Such remedies must be both adequate and effective to discharge the State’s duty in this regard.<sup>114</sup> Indeed, the Commission has insisted that:

(. . .) it is not the formal existence of such remedies that demonstrates due diligence, but rather that they are available and effective. Therefore, when the State apparatus leaves human rights violations unpunished and the victim’s full enjoyment of human rights is not

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<sup>104</sup> American Declaration on the Rights and Duties of Man, (1948), Art. XVIII.

<sup>105</sup> *Wayne Smith, Hugo Armendatriz, et al., v. United States of America*, IACHR Rep. No 81/10 Case 12.562, at ¶ 62.

<sup>106</sup> *Id.*

<sup>107</sup> American Declaration, Art. XXIV.

<sup>108</sup> *Jose Isabel Salas Golindo and others v. United States of America*, IACHR Rep No. 121/18 Case 10.573, at ¶ 437.

<sup>109</sup> *Yoani Sanchez v. Cuba*, IACHR Rep No. 297/21, at ¶¶ 209-211.

<sup>110</sup> *Lenahan v. U.S.*, at ¶ 181.

<sup>111</sup> *Gonzalez et al. (“Cottonfield”) v. Mexico*, Preliminary Objections, Merits, Reparations, and Costs. Judgment of Nov. 16, 2009. Inter-Am. Ct. H.R. Series C No. 205, at ¶ 291.

<sup>112</sup> OAS Thematic Report on Business and Human Rights, at ¶ 121 (emphasis added).

<sup>113</sup> *Id.* at ¶ 195.

<sup>114</sup> *Velásquez Rodríguez v. Honduras*, Merits, Judgment, Inter-Am. Ct. H.R., Series C No.4, (Jul. 29, 1988), at ¶ 174.

promptly restored, the State fails to comply with its positive duties under international human rights law. *The same principle applies when a State allows private persons to act freely and with impunity to the detriment of the rights recognized in the governing instruments of the inter-American system.*<sup>115</sup>

The State's due diligence obligations reflected in Articles XVIII and XXIV require that Petitioners have access to judicial and other remedies for corporate abuses of human rights that are adequate and effective. No such remedies exist.

a) *Analysis of Corresponding Violations of Petitioners Rights*

**63.** The United States' legal regime, policies, and practices effectively bestow broad legal immunity on firearm industry actors, denying Patricia and Manny Oliver access to adequate and effective remedies with respect to Smith & Wesson and the United States itself in violation of the American Declaration.

**64.** Petitioners Patricia and Manny Oliver were effectively blocked by a combination of federal and state legal obstacles from accessing existing remedies against Smith & Wesson, rendering them illusory. At the federal level, while U.S. law provides that victims of corporate negligence can generally bring civil actions to hold negligent businesses accountable, PLCAA requires dismissal of, and prohibits the filing of, certain otherwise-permissible lawsuits brought against gun manufacturers, sellers, and importers of firearms, ammunition, or component parts of a firearm or ammunition.<sup>116</sup> Federal courts have interpreted PLCAA in most cases to shield negligent gun manufacturers from liability to victims for death or injury caused by their negligent or reckless misconduct.<sup>117</sup> Although a few exceptions to this immunity are stipulated in the statute, none are available to Petitioners.<sup>118</sup> Thus, were Patricia and Manny to bring an action against Smith & Wesson in federal court seeking to hold it accountable for its negligent if not reckless business practices, which contributed to the death of Joaquin, the suit would be dismissed.

**65.** The U.S. legal regime further limits the Petitioners' ability to access meaningful judicial remedies with respect to Smith & Wesson at the state level. As referenced in Section II.D *supra*, Florida is infamous for laws that protect firearm manufacturers, including those that prevent victims from bringing action against private actors because the firearms they manufacture are inherently dangerous or were used unlawfully.<sup>119</sup> Taken together, these provisions shield gun manufacturers like Smith & Wesson from any legal liability for death or injury that result from an individual's illegal discharge of the weapons they create.

**66.** Such measures expand and reinforce the immunities afforded gun manufacturers by federal law through PLCAA. In particular, the fee shifting statute (Florida Statute § 790.331(6)) that holds

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<sup>115</sup> *Lenahan v. U.S.*, at ¶ 173 (emphasis added).

<sup>116</sup> See 18 U.S.C. SS. 921 et seq. See also Petition at ¶¶ 141-142.

<sup>117</sup> See, e.g., *Ileto v. Glock, Inc.*, 565 F.3d 1126 (9th Cir. 2009); *Adames v. Sheahan*, 233 Ill. 2d 276, 909 N.E.2d 742 (Ill. 2009); *Est. of Kim ex rel. Alexander v. Coxe*, 295 P.3d 380 (Alaska 2013); *City of New York v. Beretta U.S.A. Corp.*, 401 F. Supp. 2d 244 (E.D.N.Y. 2005).; and *Smith & Wesson Brands, Inc. v. Estados Unidos Mexicanos*, 605 U.S. \_\_\_\_ (2025).

<sup>118</sup> See 18 U.S.C. SS. 921; see also Petition at ¶¶ 141-142.

<sup>119</sup> See *supra* Section II.D ¶¶ 17-20.

unsuccessful litigants responsible for paying all costs of the litigation, including opposing parties' attorney's fees, raises the financial risk of filing suit against firearms manufacturers like Smith & Wesson to a level untenable for most private citizens like Patricia and Manny Oliver.<sup>120</sup> The U.S. legal regime thus not only categorically prohibits certain actions against firearms manufacturers, it also punishes bringing them by shifting litigation costs to the plaintiffs. PLCAA's immunity for negligent gun manufacturers, and Florida's fee-shifting statute, are contrary to the legal principles of free access to the courts that are generally applied in the U.S. for any other negligent business and any other victims.

**67.** The federal and state protections described operate in tandem to erect insurmountable legal obstacles to bringing suit against firearm manufacturers like Smith & Wesson in U.S. courts for their negligent if not reckless business practices resulting in harm. For example, when other victims of the Parkland Gun Massacre sought clarification of the laws' application in Florida state court, their request for a declaratory judgment was refused.<sup>121</sup> As a result, Petitioners have access to neither adequate nor effective remedies for the harm caused to them by the corporate malfeasance of Smith & Wesson, a frank denial of their due process rights under the American Declaration.

**68.** Finally, Petitioners have no means to challenge either (a) the State's noncompliance with its due diligence duty to effectively regulate private actors like Smith & Wesson to prevent foreseeable harm arising from their misconduct, or (b) the State's failure to provide victims of corporate malfeasance impacting their human rights with access to adequate and effective remedies. Taken together, the foregoing deliberate and systematic omissions on the part of the United States establish clear violations of Petitioners' rights under Articles XVIII and XXIV under the American Declaration.

3. Right to Special Protection for Minors (Article XVII), Family (Article VI), Education (Article XII), and Assembly and Association (Articles XXI and XXII)

**69.** The United States did not implement much less effectuate the special protections owed to minors and the family in violation of Articles XVII and XVI, respectively, of the American Declaration; nor did it respect Petitioner Joaquin Oliver's rights to education, assembly, and association in contravention of Articles XII, XXI, and XXII.

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<sup>120</sup> Indeed, parents of a victim of the Aurora, Colorado movie theater mass shooting were forced into bankruptcy pursuant to analogous laws in Colorado. See *Phillips v. Lucky Gunner, LLC*, 84 F. Supp. 3d 1216 (D. Colo. 2015). These "loser pays" provisions are highly unusual in the United States, which generally applies the "American Rule" which requires parties to pay only their own costs. See *Arcambel v. Wiseman*, 3 U.S. (3 Dall.) 306 (1796) (holding that a prevailing party could not recover his attorney's fees as part of the damages awarded to him in the judgement because the "general practice of the United States is in opposition to it").

<sup>121</sup> Filing of Petitioners, *Frederic Gutenberg et al. v. Smith & Wesson Corp et. al*, Case No. 18-12475(26) (17th Judicial Circuit Florida, May 23, 2018), accessible at [https://www.browardclerk.org/Web2/WebForms/Document.aspx?CaseID=MTAwNjcxMTc%3dTl1quCMnso%3d&CaseNumber=CACE18012475&FragmentID=MzI0MjExODA%3daQh5DxphpTg%3d&DtFile=05/23/2018&DocName=Complaint+\(eFiled\)&PgCnt=13&UserName=&UserType=ANONYMOUS](https://www.browardclerk.org/Web2/WebForms/Document.aspx?CaseID=MTAwNjcxMTc%3dTl1quCMnso%3d&CaseNumber=CACE18012475&FragmentID=MzI0MjExODA%3daQh5DxphpTg%3d&DtFile=05/23/2018&DocName=Complaint+(eFiled)&PgCnt=13&UserName=&UserType=ANONYMOUS).

70. The special protection of minors is a central feature of the American Declaration, which states that “...all children have the right to special protection, care and aid.”<sup>122</sup> This Commission and the Court have further affirmed that children and minors “have the same rights as all human beings (...) and also special rights derived from their condition, and these are accompanied by specific duties of the family, society, and the State.”<sup>123</sup> The Commission has further established that States, including the United States, are obligated to adopt measures necessary to prevent and confront the structural causes of violence against children and minors, including gun violence.<sup>124</sup>

71. In this same vein, Article VI of the American Declaration provides the right of every person “to establish a family, the basic element of society, and to receive protection therefore.”<sup>125</sup> This is an indication that international human rights law recognizes the family as the nucleus for the protection of children and adolescents, as well as recognizing the right of children to live with their families. With respect to the family, the Inter-American Court has established that “. . . the State is under the obligation not only to decide and directly implement measures to protect children, but also to favor, in the broadest manner, development and strengthening of the family nucleus.” In this regard, “[r]ecognition of the family as a natural and fundamental component of society, with the right to protection by society and the State,” is a fundamental principle of International Human Rights Law.<sup>126</sup>

72. Similarly, Article XII of the American Declaration provides the right to education for every person. It states that this is a “right to an education that will prepare [every person] to attain a decent life, to raise his standard of living, and to be a useful member of society.”<sup>127</sup> Furthermore, the right to education “includes the right to equality of opportunity in every case, in accordance with natural talents, merit and the desire to utilize the resources that the state or the community is in a position to provide.”<sup>128</sup> This Commission has interpreted the right to education to guarantee

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<sup>122</sup> American Declaration, Art. VII.

<sup>123</sup> Inter-Am. Ct. H.R., *Juridical Condition and Human Rights of the Child* (advisory), at ¶¶ 54, 55, 60. A State’s obligation to protect children and minors also extends to protecting their right to make decisions on aspects affecting their lives and the exercise of their rights. See IACHR, *the Right of Girls and Boys to a Family*, OEA/Ser.L/V/II., Doc. 54/13, October 17, 2013, at 235. The Commission has stressed that every individual’s opportunity to lead their life as they wish and to make their own choices regarding their actions are aspects inherent to personal liberty and the inalienable dignity of every person. See *id.* Freedom to develop a “life plan” is critically important to children who are in the early foundational phase of determining how their life will play out over time. *Id.* In this regard, according to the Inter-American Court, the concept of a life plan “. . . is akin to the concept of personal fulfillment, which in turn is based on the options that an individual may have for leading his life and achieving the goal that he sets for himself.” *Id.*

<sup>124</sup> IACHR, *The Right of Girls and Boys to a Family*, OEA/Ser.L/V/II., Doc. 54/13, October 17, 2013, p. 235. Further, other international instruments contain complementary and more specific regulations contextualizing the meaning of Article VII and other provisions that provide for the protection of children and minors. For example, the U.N. Convention on the Rights of the Child, the American Declaration, the American Convention on Human Rights, and the International Convention on Civil and Political Rights (ICCPR), among others, confer a fundamental role to families and the State in guaranteeing the care, well-being and protection of children.

<sup>125</sup> American Declaration, Art. VI.

<sup>126</sup> Inter-Am. Ct. H.R., *Juridical Condition and Human Rights of the Child*. Advisory Opinion OC-17/02 of August 28, 2002. Series A No. 17, ¶ 66; Inter-Am. Ct. H.R., *Chitay Nech et al. v. Guatemala*. Preliminary Objections, Merits, Reparations, and Costs, Judgment of May 25, 2010, Series C No. 212, at ¶ 156; Inter-Am. Ct. H.R., *Gelman v. Uruguay*, Merits and Reparations, Judgment of February 24, 2011, Series C No. 221, at ¶ 125.

<sup>127</sup> American Declaration, Art. XII.

<sup>128</sup> *Id.*

all children and adolescents “the right to grow and develop on an equal basis with others” and access to education “in the conditions necessary to ensure their full intellectual development.”<sup>129</sup>

**73.** Finally, Article XXI of the American Declaration establishes a person’s right to “assemble peaceably with others in a formal public meeting or an informal gathering, in connection with matters of common interest of any nature.” Article XXII of the American Declaration provides for a person’s related “right to associate with others to promote, exercise and protect his legitimate interests of a political, economic, religious, social, cultural, professional, labor union or other nature.”<sup>130</sup> The right of assembly “is not just the State’s obligation to refrain from interfering in the exercise of that right, but also its obligation to adopt, in certain circumstances, positive measures to guarantee it.”<sup>131</sup>

*a) Analysis of Corresponding Violations of Petitioners Rights*

**74.** The United States failed in its special duties to children and minors under Article VII of the American Declaration when it did not prevent the foreseeable death of Joaquin Oliver alongside his classmates. Indeed, the State failed to protect Joaquin and his classmates against both the structural causes of the gun violence crisis that disproportionately affects minors in the U.S. and the extensively evidenced threat posed by the Parkland shooter specifically. Children and adolescents in the United States were singularly at risk of mass shooting either at or near their school in 2018, a type of assault by firearm that garners vast media attention.<sup>132</sup> Between 2009 and 2018, there were nearly 57 times as many school shootings in the U.S. as in any other advanced economy.<sup>133</sup>

**75.** The foregoing demonstrates that, at the time of the Parkland Gun Massacre, the State had knowledge of significant patterns of gun violence targeting children and minors in schools generally but failed to respond appropriately. It also had specific information about the Parkland shooter that it failed to act upon. From 2002 to 2018, the Parkland shooter was the subject of 69 documented incidents involving threats, aggression, weapons, or violent behavior.<sup>134</sup> Prior to the Parkland Gun Massacre, the shooter had 21 contacts with law enforcement both at the local and federal levels.<sup>135</sup> Yet in the months and years leading up to massacre on February 14, 2018, the State took no steps to enact safeguards that could have prevented the shooter from accessing the firearms he used to take Joaquin Oliver’s life.

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<sup>129</sup> *Yean and Bosico Girls v. The Dominican Republic*, Preliminary Objections, Merits, Reparations and Costs, Inter Am. Ct. H.R. (ser. C) No. 130, at ¶185 (Sep. 8, 2005).

<sup>130</sup> American Declaration, Arts. XXI-XXII.

<sup>131</sup> OAS Report on Citizen Security and Human Rights, at ¶ 192 (citing IACHR, Annual Report 2007, Chapter IV, at ¶ 259).

<sup>132</sup> GAGV-GW Law Report: Human Rights Impact of Firearm Violence on Children and Communities of Color, at 11 (Dec. 19, 2024) (citing Olga Pierce, et al., *Just Outside the School Gate, America’s Gun Violence Epidemic Surrounds its Students*, THE TRACE (Jun. 18, 2024), <https://www.thetrace.org/2024/06/shootings-near-k-12-schools-us-data-map/>).

<sup>133</sup> *Id.*; see Chip Grabow & Lisa Rose, *The US has had 57 times as many school shootings as the other major industrialized nations combined*, CNN (May 21, 2018), <https://www.cnn.com/2018/05/21/us/school-shooting-us-versus-world-trnd/index.html>.

<sup>134</sup> See Petition at ¶ 25.

<sup>135</sup> *Id.*

76. Consequently, despite the notorious epidemic of gun violence affecting young people nationally in the 2010s, the State failed to exercise due diligence to enact and enforce an adequate and effective gun control regime that could have prevented the Parkland Gun Massacre and Joaquin Oliver’s death. As a result, the State also breached its duty to protect the Petitioners’ right to family. In its failure to protect the Olivers, the State deprived Joaquin and his parents Patricia and Manny their right to grow together as a nuclear family.

77. The U.S. further violated Petitioner Joaquin Oliver’s right to education by failing to adequately protect him and the other students killed in the 2018 Parkland Gun Massacre despite having ample opportunities to do so. Endemic gun violence in the United States in the years leading up to the tragedy meant that the safety of minors at school like Joaquin were “constantly threatened by gun violence” and that “[t]he failure to protect children [at school] impact[ed] their ability to receive an education” under these circumstances.<sup>136</sup> Yet the State allowed gun manufacturers like Smith & Wesson to legally sell a military-grade assault rifles to unstable individuals.<sup>137</sup> The Parkland shooter, a 19-year-old former student, was able to legally obtain an MP-15 despite having a significant history of violence and who expressed on numerous occasions his intent to commit a school shooting, that local law enforcement and the FBI were aware of.<sup>138</sup> Unlawfully deprived of his life and personal security, Joaquin Oliver was denied his right to receive an education that would have “prepare[d] him to attain a decent life, to raise his standard of living, and to be a useful member of society.”<sup>139</sup>

78. In addition, the State violated Petitioner Joaquin Oliver’s rights of assembly and association by failing to protect his life and personal security, and by failing to hold the complicit gun company liable for his death while he was peacefully assembled at school. Joaquin arrived at Marjory Stoneman Douglas High School on February 14, 2018, expecting to spend the day as he usually did, congregating with his classmates and close friends, and continuing to excel in his creative writing class as he pursued the education to which he, and all children, are entitled.<sup>140</sup> Instead, his classroom was rendered a crime scene.

79. In sum, the United States did not afford Joaquin Oliver the special protection owed to him as a minor or ensure his right to education as a result of its failure to enact safeguards and take other appropriate action in furtherance of its due diligence duty to prevent foreseeable gun violence, including the Parkland Gun Massacre. These same omissions resulted in violations of Joaquin’s rights to assembly and association, as well as to his and his parents’ right to have the family nucleus protected.

#### 4. Right to Health (Article XI)

80. The United States failed to respect and ensure Petitioners’ right to health under the American Declaration and regional human rights law by failing to take well-recognized, necessary

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<sup>136</sup> Leila Sadat & Madaline M. George, Gun Violence and Human Rights, 60 WASH. U. J. L. & POL’Y 1, 72-73 (2019) (internal citations omitted).

<sup>137</sup> See Petition at ¶ 34.

<sup>138</sup> *Id.* at ¶¶ 24-35.

<sup>139</sup> American Declaration, Art. XII.

<sup>140</sup> 11 Eagle Eye News Staff, *In Memoriam*, ISSUU, [https://issuu.com/melissafalkowski4/docs/memorial\\_donate/s/69187](https://issuu.com/melissafalkowski4/docs/memorial_donate/s/69187). See also Petition at ¶ 21.

actions to prevent gun violence of the kind that resulted in Joaquin Oliver's death. Article XI of the American Declaration states that "[e]very person has the right to the preservation of [their] health through sanitary and social measures relating to food, clothing, housing and medical care, to the extent permitted by public and community resources."<sup>141</sup> The American Declaration describes this right as "the preservation of health and to well-being."<sup>142</sup>

**81.** The IACHR has made clear that "the right to health means the right of all persons to enjoy the highest attainable standard of physical, mental and social wellbeing."<sup>143</sup> The right to health extends beyond sanitary measures and medical care: "in the opinion of the IACHR, States must take measures with respect not only to the provision of adequate medical goods and services, but also to the physical and psychosocial environments that condition the individual's enjoyment of the right to physical and mental health."<sup>144</sup>

**82.** The Inter-American Commission and other regional human rights bodies understand the right to health as closely related to other human rights, as well as a broad range of societal factors, recognizing that the "enjoyment of the right to health [...] depends on social factors, namely the circumstances in which people are born, grow up, work, live, and age, *including the broader set of forces and systems that influence the conditions of their daily lives*."<sup>145</sup> The Commission has also drawn from the jurisprudence of the U.N. Committee on Economic, Social and Cultural Rights ("ESCR") to interpret the right to health.<sup>146</sup> In doing so, the Commission noted that, "...the right to health is closely related to and dependent upon the realization of other human rights" and extends "to the underlying determinants of health."<sup>147</sup> While the right to health "should be

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<sup>141</sup> American Declaration, Art. XI.

<sup>142</sup> *Id.*

<sup>143</sup> IACHR, Resolution 1/2020, *Pandemic and Human Rights in the Americas* (Apr. 10, 2020) at 5, accessible at <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.oas.org/en/iachr/decisions/pdf/Resolution-1-20-en.pdf>. See also *Cuscul Pivaral et al v. Guatemala*, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (Ser. C) No. 359, at ¶ 105 (Aug. 23, 2018).

("understanding health not only as the absence of disease or illness, but also as a state of complete physical, mental and social well-being, derived from a lifestyle that allows the individual to achieve an overall balance").

<sup>144</sup> IACHR, Special Rapporteurship on Economic, Social, Cultural and Environmental Rights, *Compendium on Economic, Social, Cultural and Environmental Rights: Inter-American Standards*, OEA/Ser.L/V/II. Doc. 465 (Dec. 31, 2021) at 122 (referring to *T.B. and S.H. (Case 13.095) v. Jamaica*, OEA/Ser.L/V/II.173 Doc. 419, at ¶ 111 (Dec. 31, 2020) [hereinafter "OAS Compendium on Economic, Social, Cultural and Environmental Rights"]).

<sup>145</sup> IACHR, *On the International Day for the Elimination of Racial Discrimination, the IACHR and the OSRESCER Call on States to Guarantee People of African Descent's Right to Health with an Intersectional and Intercultural Approach*, Press Release, March 19, 2021, accessible at [https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media\\_scenter/PReleases/2021/066.asp](https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_scenter/PReleases/2021/066.asp) (emphasis added). See also *Cuscul Pivaral et al v. Guatemala*, at ¶ 99 (finding that the implicit right to health as derived from the OAS Charter requires states to cultivate "[c]onditions that offer the opportunity for a healthful, productive, and full life") (quoting the Charter of the Organisation of American States, Apr. 30, 1948, art. 34(1)) [hereinafter "*Cuscul Pivaral et al v. Guatemala*"].

<sup>146</sup> IACHR, *Access to Information on Reproductive Health from a Human Rights Perspective*, OEA/Ser.L/V/II. Doc. 61 (Nov. 22, 2011) at ¶¶ 5, 34 (Original: Spanish), accessible at <chromeextension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.oas.org/en/iachr/women/docs/pdf/womenaccessionformationreproductivehealth.pdf>.

<sup>147</sup> *Id.*

understood as *a right in itself*,”<sup>148</sup> the Commission has consistently linked it “to the content of other human rights such as the *right to life and personal safety*.”<sup>149</sup>

**83.** The Commission has found that guaranteeing the right to health requires States to provide “means of *preventing and responding to violence*, and ensuring effective social protections.”<sup>150</sup> Reaffirming the connection between violence and the right to health, the Commission has also found that “the different manifestations of the phenomenon of violence,” including armed violence, may violate the rights of children “to physical and mental health.”<sup>151</sup> “[T]he IACHR has established that children and adolescents suffer in their own particular way the consequences of violent social settings and a wide range of rights are violated in such settings, including the rights to life, physical integrity, [and] health.”<sup>152</sup> Finally, the Commission has made clear the right to health means the enjoyment of physical, mental and social well-being, and depends upon state protection of other human rights, such as the right to life and personal safety.<sup>153</sup>

*a) Analysis of Corresponding Violations of Petitioners’ Rights*

**84.** The United States failed to respect and protect Joaquin Oliver’s right to health, in addition to that of his parents Patricia and Manny, by failing to take adequate measures to enforce or expand existing gun regulations. In abdicating its responsibility to effectively regulate firearms and address the national gun violence crisis, the United States robbed Joaquin Oliver of his “enjoy[ment] of the highest attainable standard of physical, mental and social wellbeing” guaranteed by The American Declaration.<sup>154</sup>

**85.** Petitioners re-allege and incorporate by reference all facts as put forth in *Petitioners’ Letter Brief Amending Petition 2258-23* submitted to this Honorable Commission in October 2024 (attached as Annex B).<sup>155</sup> Joaquin’s physical health and well-being was violated when he was killed, at school, by the shooter with a legally obtained Smith & Wesson semi-automatic assault rifle. The United States was aware of the gun violence crisis—deemed a “public health crisis” by

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<sup>148</sup> OAS Compendium on Economic, Social, Cultural and Environmental Rights, at 134 (referring to *Report on Trans and Gender Diverse People and their Economic, Social, Cultural and Environmental Rights*, OEA/Ser.L/V/II Doc. 239 (Aug. 7, 2020), at ¶ 321 (emphasis added).

<sup>149</sup> See, e.g., Resolution 1/2020, at 8, ¶ 4 (emphasis added). See also *Cuscul Pivaral et al v. Guatemala*, at ¶ 105 (“the Court has recognized that health is a fundamental human right essential for the adequate exercise of the other human rights”).

<sup>150</sup> Resolution 1/2020, at 8, ¶ 4 (emphasis added).

<sup>151</sup> IACHR, Introduction & Questionnaire (2014), <https://www.oas.org/es/cidh/infancia/docs/pdf/2014-cuestionarioen.pdf>.

<sup>152</sup> IACHR, *Northern Central America: Organized Crime and the Rights of Children, Adolescents and Young People*, OEA/Ser.L/V/II Doc. 51/23 (Feb. 16, 2023) at ¶ 109.

<sup>153</sup> The Petition and this brief describe U.S. violations of petitioners’ right to life and personal safety (Article 1). See Petition at ¶¶ 226–229; see *supra* Part V.B.1.

<sup>154</sup> IACHR, Resolution 1/2020, *Pandemic and Human Rights in the Americas* (April 10, 2020) at 5, available at <chrome-extension://efaidnbmninnibpcjpcglclefindmkaj/https://www.oas.org/en/iachr/decisions/pdf/Resolution-1-20-en.pdf>.

<sup>155</sup> *Petitioners’ Letter Brief Amending Petition 2258-23 Manuel and Patricia Oliver, on Behalf of Themselves and Their Son Joaquin Oliver v. The United States of America*, Inter-Am. Comm’n H.R., Oct. 25, 2024.

the U.S. Surgeon General<sup>156</sup>—yet failed to enact adequate measures to protect communities and prevent it in violation of his right to health.<sup>157</sup>

**86.** The State likewise violated Petitioners Patricia and Manny Oliver’s right to health under the American Declaration by failing to adequately prevent or respond to endemic gun violence of the kind that killed their son Joaquin in the Parkland Gun Massacre. The U.S. Surgeon General’s 2024 Advisory Report on Firearm Violence highlighted the ways in which firearm violence significantly impacts the families of victims: for instance, “mothers [of school shooting victims] exhibited a 3.6-fold increase [in psychiatric disorders], and fathers exhibited a 5.3 fold increase compared to families who did not experience firearm fatalities.”<sup>158</sup>

**87.** Patricia and Manny Oliver’s social and mental well-being was violated when their 17-year-old son was taken from them in an act of gun violence—one, tragically, not unfamiliar to the U.S. public. Nor did the U.S. provide Patricia and Manny Oliver adequate and effective judicial remedies to fully redress the corresponding human rights violations by the State, further compounding their suffering. The Olivers continue to suffer mentally and physically from stress and grief every day, and are constantly reminded of the loss of Joaquin when they pass by his room or close their eyes.<sup>159</sup> Manny Oliver has resorted to taking medication every night in the hope he can get a few hours of sleep, and Patricia Oliver has a stent in her heart as a result of the constant stress and grief she endures.<sup>160</sup> Thus, the U.S. also failed to adequately protect and ensure Patricia and Manny Oliver’s right to “enjoy the highest attainable standard of physical, mental, and social wellbeing.”<sup>161</sup>

**88.** The United States failed to exercise due diligence in preventing the crisis of firearm violence that took the life of Joaquin Oliver in violation of his right to health and continues to violate his parents’ right to health as they live with the social and mental consequences of losing their 17-year-old son to an act of preventable gun violence in the absence of adequate and effective remedies to fully redress the human rights violations they suffered as a result of the Parkland Gun Massacre.

## 5. Right to Equality Before the Law (Article II) and Civil Rights (Article XVII)

**89.** The United States violated Petitioners’ right to equality before the law and civil rights by not providing them with the same remedies provided to other victims of civil wrongful death suits against private corporate entities in other industries. Article II of the American Declaration establishes the right of all persons to equality under the law by guaranteeing them “the rights and duties established in [the] Declaration, without distinction as to race, sex, language, creed *or any other factor*.”<sup>162</sup> As this Commission has recognized, the principle of non-discrimination is a

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<sup>156</sup> See Off. of the Surgeon Gen., U.S. Dep’t of Health & Hum. Servs., *The U.S. Surgeon General’s Advisory on Firearm Violence: A Public Health Crisis in America*, at 2 (2024), <https://www.hhs.gov/sites/default/files/firearm-violence-advisory.pdf>.

<sup>157</sup> See Petitioners’ Letter Brief Amending Petition 2258-23 [Annex B].

<sup>158</sup> *Id.* at 16 (“as compared to families who did not experience firearm fatalities”).

<sup>159</sup> *Supra* Section V.B.1.b. ¶¶ 55-56.

<sup>160</sup> *Id.*

<sup>161</sup> See *supra* Section V.B.1.b. ¶¶ 51-53.

<sup>162</sup> American Declaration, Art. II (emphasis added).

significant right that “permeates the guarantee of all other rights and freedoms under domestic and international law.”<sup>163</sup>

**90.** The Inter-American system considers non-discrimination, equality before the law, and equal protection of the law for all people intertwined and foundational.<sup>164</sup> In addition, Article XVII enshrines the right of “[e]very person . . . to be recognized everywhere as a person having rights and obligations, *and to enjoy the basic civil rights.*”<sup>165</sup> This right recognizes that every human is entitled to rights purely based on their humanity.<sup>166</sup> Like equality and non-discrimination, juridical personality is a foundation for the enjoyment of other rights; when an individual is not recognized by virtue of their humanity, States or other individuals have license to violate their other rights.<sup>167</sup> Consequently, States are obligated to adopt policy, legislative, and other necessary measures to guarantee the effective enjoyment of Article II rights in addition to equal protection under the law.

*a) Analysis of Corresponding Violations of Petitioners’ Rights*

**91.** The U.S. violated Petitioners’ right to equal protection of the law and their right to enjoy basic civil rights as enumerated under Inter-American law by denying them remedies provided to other victims in negligence and wrongful death claims against complicit private and corporate actors. As stated in Sections V(2)(a)(i)-(ii) *supra* of this Petition, federal law embodied by PLCAA immunizes gun companies from civil liability for their reckless and abusive business practices, while Florida Statute § 790.331 operates to prevent gun companies from being the legally proximate cause of any harm or death caused by unlawful gun use. The State’s legal regime thereby affords firearm industry actors like Smith & Wesson *de jure* immunity from legal liability and consumer protections, a privilege no other industry enjoys.<sup>168</sup> This scenario runs counter to the basic guarantees of equality, non-discrimination, and civil rights enshrined *inter alia* in American Declaration Articles II, XVIII and XXIV. State guaranteed immunity—and thus impunity—for firearm industry abuses of human rights denies Petitioners and other victims of gun violence the access to justice that is afforded to other claimants in civil wrongful death suits against similarly situated industries, such as the automobile or tobacco industries.<sup>169</sup>

**92.** Petitioners are entitled to equal protection under the law and basic civil rights. The U.S. has denied Petitioners and other similarly situated victims of the access to judicial protection as well as adequate and effective remedies against firearm companies, which are otherwise available to other victims of negligent if not reckless business practices. This disparate treatment of

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<sup>163</sup> *Maya Indigenous Communities* at ¶ 163.

<sup>164</sup> *Id.* at ¶ 164.

<sup>165</sup> American Declaration, Art. XVII (emphasis added).

<sup>166</sup> *Undocumented Workers v. United States of America*, Case 12.834, at ¶ 94, Inter-Am. Comm’n H.R., Report No. 50/16 (Nov. 30, 2016).

<sup>167</sup> *Id.*

<sup>168</sup> *See supra* Section V.B.2.a. ¶¶ 64-67.

<sup>169</sup> *See Larsen v. General Motors Corp.*, 391 F.2d 495 (8th Cir. 1968) (holding that an automobile manufacturer was liable for its negligent construction of an automobile when the automobile’s alleged defect did not cause the accident in question and the law imposed no duty of care on the manufacturer because it had a duty of care to design the product reasonably safely); *Giannini v. Ford Motor Co.*, 616 F. Supp. 2d 219, 221 (D. Conn. 2007) (stating that an automobile manufacturer’s liability as the proximate cause of injury extends to injuries a claimant would suffer in the absence of a defect when its design makes it likely to caused enhanced injury during normal use).

Petitioners and gun violence victims generally amounts to discrimination in violation of the American Declaration.

## **VI. PRAYER FOR RELIEF**

**93.** Based on the foregoing, Petitioners respectfully urge the Honorable Commission to:

- 1) Proceed to admit this Petition fully and forthwith, in accordance with Articles 27-32 and 51-52 of the Inter-American Commission's Rules of Procedure, for the reasons set out above in paragraphs 21-24;
- 2) Declare that, for the reasons stated herein, the United States of America has violated Petitioner Joaquin Oliver's human rights under the American Declaration to life (Article I); judicial protection (Article XVIII); special protection for minors (Article VII); a family and protection thereof (Article VI); health (Article XI); education (Article XII); assembly and association (Articles XXI and XXII); equality before the law (Article II); and civil rights (Article XVII);
- 3) Declare that, for the reasons stated herein, the United States of America has violated Petitioners Patricia and Manny Oliver's human rights under the American Declaration to personal security (Article I); judicial protection and petition (Articles XVIII and XXIV); a family and protection thereof (Article VI); health (Article XI); equality before the law (Article II); and civil rights (Article XVII);
- 4) Urge the State to repeal PLCAA or, in the alternative, to amend it to allow for the same standards of liability to apply to firearm industry actors that engage in negligent or reckless conduct as apply to similar business entities in other industries engaged in hazardous activity;
- 5) Urge the State to enact reasonable consumer protections for firearms with respect to their design, manufacture, sale, possession and use, such as:
  - a. requiring firearms dealers to use reasonable measures to screen prospective purchasers for indicators of dangerousness and deny sales to such persons;
  - b. requiring firearms manufacturers and distributors to only sell firearms through dealers who use the reasonable measures noted in (i);
  - c. prohibiting firearms manufacturers, distributors, and dealers from marketing and promoting firearms, especially assault weapons, in ways that attract and encourage use by people at risk of engaging in gun massacres, such as impressionable young men;
- 6) Urge the State to enact reasonable gun control measures at the federal level, thus ensuring that minimal safeguards in the U.S. regulatory regime are near or at the level of international best practices, including the following measures:

- a. expand the prohibited category of would-be gun purchasers with mental illness or incapacity to reflect modern understandings of mental health and risk-assessment;
  - b. enact a federal ban on military style assault weapons, or require a law enforcement-issued license to obtain an assault weapon, or fix the age of legal purchase of assault rifles under federal law at 21 years old;
  - c. require or incentivize states to submit data regarding the prohibited purchaser categories to the FBI's NICS database, especially on mental incapacity and criminal activity;
  - d. authorize the removal of guns from owners where "red flags" indicate the person is a danger to themselves or others;
  - e. mandate consumer protection and design safety standards for firearms to make them less lethal;
  - f. require purchasers to obtain a license or permit to buy or possess a firearm, with reasonable standards to vet persons who present risk factors of danger such as those possessed by the Parkland shooter;
- 7) Urge the State to comply with its due diligence obligations by adopting other preventive and protective measures for application to the firearm industry, such as corporate due diligence laws in line with the U.N. Guiding Principles on Business and Human Rights, which would require companies *inter alia* to engage in human rights impact assessments and monitor all aspects of their own operations for potential human rights abuses;
- 8) Provide other such remedies as this Commission considers adequate and effective to redress the violations alleged in this petition.

Respectfully submitted,



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