



## FIREARMS CONTROL BRIEFING

### STRONG GUN LAWS SAVE LIVES; POOR ENFORCEMENT KILLS, DISABLES AND COSTS

#### INTRODUCTION

As South Africa prepares for next week's budget speech, this first briefing of 2017 summarises the price of gun violence. It highlights that while strong gun laws save lives, poor enforcement not only kills, it disables and costs individuals, families and society as a whole. By tracking how the gains in lives saved from gun violence have been reversed since 2011 through poor enforcement of the Firearms Control Act (FCA), and highlighting resultant costs, this Briefing aims to put gun violence prevention firmly on the agenda for action in 2017; urging government to fully enforce the FCA, strengthen the law by bringing the Firearms Control Amendment Bill to Parliament in 2017, and holding a national firearms amnesty to reduce gun violence and save lives.

#### STRONG GUN LAWS SAVE LIVES

International research confirms that strong gun laws save lives.<sup>1</sup> South Africa's experience corroborates this, with two studies published in international, peer reviewed journals quantifying the number of lives saved as a result of the FCA (2000):

- A total of 4,585 lives were saved from gun violence across five South African cities (Cape Town, Durban, Johannesburg, Port Elizabeth and Pretoria) between 2001 and 2005.<sup>2</sup>
- The number of women shot and killed halved between 1999 and 2009, from 32% to 17%, slightly improving South Africa's overall femicide rate: Four women were killed every day by their intimate partner in 1999, in 2009 this decreased to three intimate partner murders a day.<sup>3</sup>

Not only do strong gun laws save lives, they also reduce the risk of people being shot and permanently disabled. Data on traumatic spinal cord injuries (see Graph 1 below) show that in the years before the FCA was implemented, South Africa's traumatic spinal cord injury profile was that of a country at war – with more people disabled from a gunshot than a motor vehicle accident; but that after the FCA was passed, motor vehicle accidents became the leading cause of traumatic spinal cord injury (TSCI).

#### ENFORCEMENT IS KEY

In 2011 evidence that the FCA was not being properly enforced began surfacing, this includes:

- **Fraud and corruption in the management of guns in government's care;** the impact of this is best demonstrated by Christiaan Prinsloo, the former Gauteng police colonel who was sentenced to 18 years imprisonment in mid-2016 for selling confiscated and surrendered guns to Western Cape gangsters.<sup>4</sup> December 2016 court papers filed as part of the state's case against two alleged accomplices of Prinsloo – Irshaad Laher (a businessman) and Alan Raves (a firearms dealer) – reveal that 89 children killed on the Cape Flats between February 2010 and December 2015 were shot with firearms stolen by Prinsloo.<sup>5</sup>

<sup>1</sup> Santaello-Tenorio, Julian. et al. 2016. What do we know about the association between firearm legislation and firearm-related injuries? *Epidemiologic Reviews Journal*. Vol. 8, pp. 140–157. Oxford University Press.

<sup>2</sup> Matzopoulos, Richard. et al. 2015. Injury-related mortality in South Africa: a retrospective descriptive study of postmortem investigations. *Bull World Health Organization*. Vol. 93, pp. 303–313. Available online at [dx.doi.org/10.2471/BLT.14.145771](https://doi.org/10.2471/BLT.14.145771).

<sup>3</sup> Abrahams Naeemah. et al. 2013. Intimate partner femicide in South Africa in 1999 and 2009. *PLoS Med*. Vol. 10, Issue 4. Available online at [e1001412.doi:10.1371/journal.pmed.1001412](https://doi.org/10.1371/journal.pmed.1001412).

<sup>4</sup> Mzants, Siyavuya. 2016. Former top cop jailed for illegal gun trade. *Cape Times*, 22 June. Available online at [www.iol.co.za/news/crime-courts/former-top-cop-jailed-for-illegal-gun-trade-2037112](http://www.iol.co.za/news/crime-courts/former-top-cop-jailed-for-illegal-gun-trade-2037112) (accessed 8 February 2017).

<sup>5</sup> de Wee, Maygene. 2016. 89 children killed with weapons stolen by ex-police colonel. *Netwerk24*, 21 December. Available online at <http://m.news24.com/news24/SouthAfrica/News/89-children-killed-with-weapons-stolen-by-ex-police-colonel-20161221> (accessed 8 February 2017).



- **Corruption in the gun licensing process**, whereby people who are not “fit and proper” under the FCA have been granted gun licences by police officials; the most high-profile case saw the Head of the Central Firearms Registry being dismissed in 2014 for her involvement in firearm licence fraud.<sup>6</sup>
- **Risk that due process in enforcing the FCA was not followed**; in November 2010, the then Minister of Police admitted that the Central Firearms Registry was “dysfunctional” and promised to turn it into a functional unit; emphasising the need to deal with a backlog of licence and permit applications.<sup>7</sup> This resulted in over 1 million applications being processed in 9 months.<sup>8</sup>

## POOR ENFORCEMENT KILLS

**Since 2011 the number of people shot and killed in South Africa started rising; currently, between 16 and 18 people are shot and killed every day**

While the most recent annual crime statistics show an increase in violent crime for the fourth consecutive year, since 2000 the South African Police Service (SAPS) has not made public the weapon used to commit everyday acts of violence, including murder, attempted murder and rape.<sup>9</sup> Fortunately, other data sources, including data from StatsSA<sup>10</sup> and the Department of Health<sup>11</sup> provide information on the weapon used in murders. Although these data are significantly less accurate than mortuary studies,<sup>12</sup> they confirm a rise in gun-related deaths; showing that between 16 and 18 people are shot and killed every day in South Africa.<sup>13</sup>

## POOR ENFORCEMENT CAUSES DISABILITY

**Guns were the leading cause of traumatic spinal cord injury in Cape Town in 2014 (which) “is surprising since South Africa is a country not at war.”<sup>14</sup>**

A comprehensive global study on gun violence and disability estimates that for every person shot and killed as many as six victims will survive, often with severe disabilities.<sup>15</sup> Using South Africa’s gun-related death rate of between 16 and 18 people a day, we can estimate that between 96 and 108 people survive an incident of gun violence daily in South Africa.

<sup>6</sup> Serrao, Angelique. 2014. Top cop axed over gun saga. *The Star*, 7 April. Available online at [www.iol.co.za/news/crime-courts/top-cop-axed-over-gun-saga-1672115#.VZUSCkYtg2E](http://www.iol.co.za/news/crime-courts/top-cop-axed-over-gun-saga-1672115#.VZUSCkYtg2E) (accessed 8 February 2017).

<sup>7</sup> Mthethwa, Nathi. 2010. *Challenges affecting the SAPS firearms application and licensing processes*. Remarks by the Minister of Police to the National Press Club, Sheraton Hotel, Pretoria, 2 November. Available online at [www.defenceweb.co.za/index.php?option=com\\_content&view=article&id=10372](http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=10372) (accessed 8 February 2017).

<sup>8</sup> The South African Police Service 2011/2012 Annual Report notes that the backlog relating to 1,048,341 firearm applications (for firearm licences, renewals and competences) was finalised at the end of August 2011 i.e. the Central Firearms Registry processed over 1 million applications in 9 months. Source: South African Police Service 2011-2012 Annual Report available at [www.saps.gov.za](http://www.saps.gov.za).

<sup>9</sup> SAPS’ latest national crime statistics (1 April 2015 to 31 March 2016) show that South Africa has seen an increase in the most serious categories of violent contact crime for the fourth consecutive year: Murder: 18,673 murders were recorded, an increase of 4.9% from 2014-15; Attempted murder: 18,127, an increase of 3.4%; Robbery with aggravating circumstances: 132,327, an increase of 2.7%. Source: South African Police Service Crime Statistics: April 2015 - March 2016. Available online at [www.saps.gov.za/services/crimestats.php](http://www.saps.gov.za/services/crimestats.php) (accessed 29 January 2017).

<sup>10</sup> Matzopoulos, Richard et al. 2016. Where have all the gun deaths gone? *South African Medical Journal*. Volume 106, Issue 6, pp. 589-591.

<sup>11</sup> Motsoaledi, Aaron. 2015. Written reply by the Minister of Health. *Internal question paper no. 37-2015*: National Assembly of South Africa, 4 September.

<sup>12</sup> Using postmortem reports, Matzopoulos et al found more than three times as many deaths from homicide and road-traffic injury than had been recorded by vital registration (which StatsSA bases its reports on) for 2009. Source: Matzopoulos, Richard. et al. 2015. Injury-related mortality in South Africa: a retrospective descriptive study of postmortem investigations. *Bull World Health Organization*. Volume 93, pp. 303-313. Available online at [dx.doi.org/10.2471/BLT.14.145771](http://dx.doi.org/10.2471/BLT.14.145771).

<sup>13</sup> This estimate is confirmed by a 2015-16 murder study commissioned by SAPS, which shows that guns are a significant contributor, accounting for just over 32% of murders over the last year, or 16 deaths a day. Source: SANews.gov.za: South African Government News Agency. 2016. SA’s murder rate up by 4.9%. 2 September, available online at [www.sanews.gov.za/south-africa/sas-murder-rate-49](http://www.sanews.gov.za/south-africa/sas-murder-rate-49) (accessed 3 September 2016).

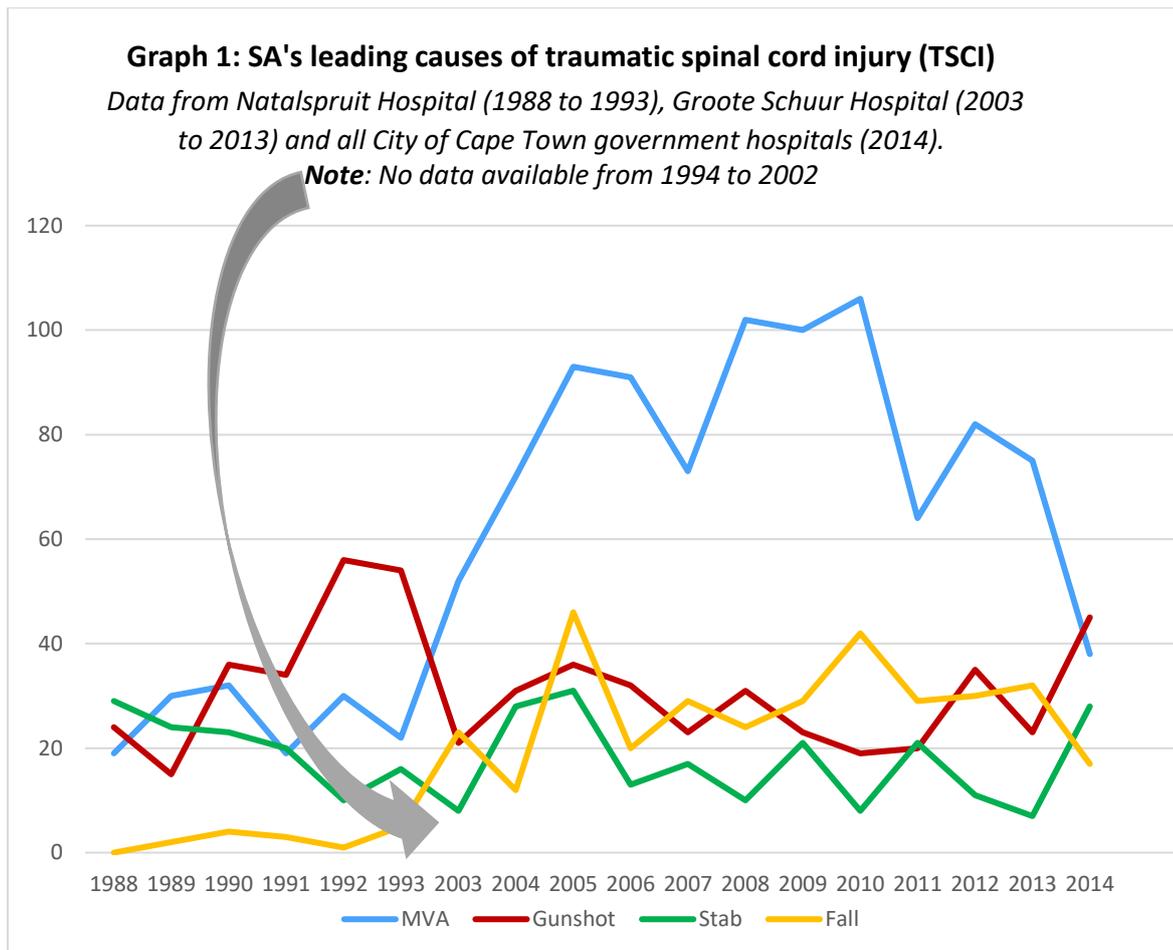
<sup>14</sup> Joseph, Conran. 2016. *Traumatic spinal cord injury in South Africa and Sweden: Epidemiologic features and functioning*. Thesis for doctoral degree, Department of Neurobiology, Care Sciences and Society, Division Of Physiotherapy, Karolinska Institutet, Stockholm, Sweden. Available online at [https://openarchive.ki.se/xmlui/bitstream/handle/10616/45096/Thesis\\_Conran\\_Joseph.pdf?sequence=1&isAllowed=y](https://openarchive.ki.se/xmlui/bitstream/handle/10616/45096/Thesis_Conran_Joseph.pdf?sequence=1&isAllowed=y) (accessed 1 February 2017), p. 33.

<sup>15</sup> Cate Buchanan (Editor). 2013. *Gun Violence, Disability and Recovery*. Surviving Gun Violence Project.



According to Census 2011, 1.2 million people (3.3% of South Africa’s population) between 7 and 65 years have a severe disability.<sup>16</sup> Severe disabilities are closely associated with spinal cord injury (SCI). According to a World Health Organization (WHO) global study on SCI, trauma, specifically motor vehicle accidents, is the leading cause of SCI worldwide, followed by falls and violence. However, the report notes, “Some country-specific data – notably from countries affected by war – show much higher rates, such as Afghanistan, which reports 60% of all cases of TSCI (traumatic spinal cord injury) being related to violence. The percentage of violence-related TSCI cases is also high in Brazil at 42%, Turkey at 25%, and South Africa at 21%.<sup>17</sup>

While South Africa does not keep a database of spinal cord injuries,<sup>18</sup> localised research undertaken over the years shows a changing pattern in the causes of TSCI.



<sup>16</sup> National Department of Social Development. 2015. *Elements of the Financial and Economic Costs of Disability to Households in South Africa: A Pilot Study*. Pretoria. Available online at [www.unicef.org/southafrica/resources\\_18272.html](http://www.unicef.org/southafrica/resources_18272.html) (accessed 3 December 2016).

<sup>17</sup> Bickenbach, Jerome (Editor). 2013. *International Perspectives on Spinal Cord Injury*. World Health Organization. Available online at [www.who.int/disabilities/policies/spinal\\_cord\\_injury/en/](http://www.who.int/disabilities/policies/spinal_cord_injury/en/) (accessed 1 February 2017), p. 20.

<sup>18</sup> Joseph, Conran. Et al. 2015. Incidence and aetiology of traumatic spinal cord injury in Cape Town, South Africa: a prospective, population-based study. *Spinal Cord*, Vol. 53, pp. 692–696. Available online at [doi:10.1038/sc.2015.51](https://doi.org/10.1038/sc.2015.51).



As illustrated in Graph 1:

- Between 1990 and 1993 gun shots were the leading cause of TSCI [data from Natalspuit Hospital<sup>19</sup>].
- While we don't have data from 1994 to 2002, from 2003 motor vehicle accidents overtook gunshots, becoming the leading cause of TSCI [data from Groote Schuur Hospital<sup>20</sup>]. South Africa's Firearms Control Act was implemented in a phased approach from 2000, being fully implemented in 2004.<sup>21</sup>
- From 2005 the number of gunshot TSCI cases started dropping unevenly until 2011, when numbers started rising [data from Groote Schuur Hospital<sup>22</sup>]. This increase coincides with evidence of poor enforcement of the Firearms Control Act.
- In 2014 gunshots became the leading cause of TSCI, overtaking motor vehicle accidents [data from all City of Cape Town government hospitals<sup>23</sup>]. Commenting on this, the researchers note the "need for preventative initiatives when recognising the devastating consequences of firearm use."<sup>24</sup>

## POOR ENFORCEMENT COSTS

***Gunshot injuries are more complicated to treat than stab or blunt injuries, so raising treatment costs***

### THE COST OF GUN VIOLENCE

The impact of gun violence is complicated, having physical, social, psychological and financial costs; it causes pain and suffering for those who survive a shooting, as well as for the family and friends of those killed or injured. But it is not only those who are shot and their loved ones who pay; we all pay to cover the costs resulting from gun violence.

While calculating the 'soft' or indirect costs of gun violence (which include wages lost by victims/survivors and perpetrators due to a death or injury; costs to employers; and the cost of pain, suffering, and fear) is extremely difficult, estimating 'hard' costs is easier. 'Hard' or direct costs include expenses arising from emergency transport, in-hospital medical treatment and post-hospital rehabilitation, mental health care, policing and legal services and imprisonment. Although no national studies have calculated the full direct costs of gun violence in South Africa, two hospital-based studies have calculated the **medical cost** to treat gunshot injuries, which is more expensive than treating injuries from blunt or stab trauma:<sup>25</sup> According to these studies:

- R6 billion (4% of South Africa's National Health Budget) was spent in 2014 to treat 20,000 patients with serious abdominal gunshot injuries at state hospitals nationally.<sup>26</sup>
- R11.6 million was spent treating patients with gunshot injuries at one hospital in 2014.<sup>27</sup>

<sup>19</sup> Hart, Cathy and Williams, Evan. 1994. Epidemiology of spinal cord injuries: a reflection of changes in South African society. *Paraplegia*. Vol 32, pp. 709-714.

<sup>20</sup> Sothmann, Johan. et al 2015. Epidemiology of acute spinal cord injuries in the Groote Schuur Hospital Acute Spinal Cord Injury Unit, Cape Town, South Africa, over the past 11 years. *South African Medical Journal*. Vol 105, Issue 10, pp. 835-839. Available online at [DOI:10.7196/SAMJnew.8072](https://doi.org/10.7196/SAMJnew.8072).

<sup>21</sup> Matzopoulos, Richard et al. 2016. Where have all the gun deaths gone? *South African Medical Journal*. Vol 106, Issue 6, pp. 589-591.

<sup>22</sup> Sothmann, Johan. et al 2015. Epidemiology of acute spinal cord injuries in the Groote Schuur Hospital Acute Spinal Cord Injury Unit, Cape Town, South Africa, over the past 11 years. *South African Medical Journal*. Vol 105, Issue 10, pp. 835-839. Available online at [DOI:10.7196/SAMJnew.8072](https://doi.org/10.7196/SAMJnew.8072).

<sup>23</sup> Joseph, Conran. 2015. Incidence and aetiology of traumatic spinal cord injury in Cape Town, South Africa: a prospective, population-based study. *Spinal Cord*, Vol. 53, pp. 692-696. Available online [doi:10.1038/sc.2015.51](https://doi.org/10.1038/sc.2015.51).

<sup>24</sup> Ibid, p. 695.

<sup>25</sup> Norberg, Johannes. et al. 2009. The costs of a bullet – inpatient costs of firearm injuries in South Africa. *South African Medical Journal*, Volume 99, Issue 6, pp. 442-444.

<sup>26</sup> The figure of R6 billion is a significant under-estimate as the costs of emergency transport, fees of surgeons and allied health professionals and rehabilitation were not included. Source: van As, Sebastian. 2014. Gun violence: What it costs the body, and our country. *Daily Maverick*, 20 March. Available online at <https://www.dailymaverick.co.za/article/2014-03-19-gun-violence-what-it-costs-the-body-and-our-country/#.WJHVNX8dbz0> (accessed 1 February 2017), citing Allard, Denis. et al. 2005. The cost of treating serious abdominal firearm-related injuries in South Africa. *South African Medical Journal*, Volume 95, Issue 8, pp. 591-594.

<sup>27</sup> The original study calculated the cost to treat all patients with firearm-related injuries admitted to Tygerberg Hospital in Cape Town for 12 hours or more (to exclude minor injuries and those for whom care was futile) in a 3 month period in 2006. Source: Norberg, Johannes. et al. 2009. The costs of a bullet – inpatient costs of firearm injuries in South Africa. *South African Medical Journal*, Volume 99, Issue 6, pp. 442-444. Inflating 2006 costs at 5% per annum, shows that in 2014 the total cost to treat patients with gunshot injuries admitted for more than 12 hours to just one hospital amounted to R11.6 million.



## THE COST OF DISABILITY

According to the WHO's *World Report on Disability*, studies in developing countries consistently show that people living with a disability are more economically vulnerable than people without; having lower educational attainments, lower employment rates and higher rates of poverty.<sup>28</sup>

As with gun violence, disability also has direct and indirect costs.<sup>29</sup> There are two categories of direct 'hard' costs. The first are the extra costs of living with a disability paid by the person with a disability and/or their family and include additional health care services, assistive devices, costlier transport options, special diets, or personal assistance. The second category involves government spending to support people with disabilities, and includes health and rehabilitation services, labour market programmes, vocational education and training, disability benefits, provision of assistive devices, subsidized access to transport, various support services (such as home-based carers and sign language interpreters) as well as administrative overheads. In addition, there are wide-ranging and substantial indirect costs; an important indirect cost of disability is related to lost labour productivity and associated loss of taxes. Losses increase when family members leave employment or reduce the number of hours worked to care for a family member with a disability.

Research in South Africa confirms the WHO's finding that people living with disabilities, particularly severe disabilities, are more economically vulnerable than people without:

- People with disabilities are less likely to have ever gone to school or to have completed secondary school; the gap is even greater for people with severe disabilities, who have only 6.6 years of schooling compared to those without disabilities who have, on average, 9.7 years of schooling.<sup>30</sup>
- Living in a household with a person with a disability is associated with a large decrease in the likelihood of being employed (28.6%, compared to 43.6% of those where no household member has a disability); this is especially pronounced for households where people have severe disabilities. Furthermore, when a household member has a disability, individuals are much more likely to be economically inactive, as caring for a household member with a disability negatively impacts on the employment status of other adults in the household.<sup>31</sup>
- Households with people with severe disabilities earn significantly less than households without severely disabled members; these households depend considerably more on social grants, which help "to close the income gap between people with and without disabilities."<sup>32</sup> While the Minister of Finance is expected to announce an increase in social grants when he makes his budget speech next week, in 2016-17, 1.1 million recipients received a monthly R1,500 disability grant; amounting to R19,8 billion that year.<sup>33</sup>

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<sup>28</sup> World Health Organization. 2011. *World report on disability*. Geneva. Available online at [www.who.int/disabilities/world\\_report/2011/report/en/](http://www.who.int/disabilities/world_report/2011/report/en/) (accessed 3 December 2016).

<sup>29</sup> Ibid

<sup>30</sup> National Department of Social Development. 2015. *Elements of the Financial and Economic Costs of Disability to Households in South Africa: A Pilot Study*. Pretoria. Available online at [www.unicef.org/southafrica/resources\\_18272.html](http://www.unicef.org/southafrica/resources_18272.html) (accessed 3 December 2016)

<sup>31</sup> Ibid.

<sup>32</sup> Graham, Lauren. et al. 2014. *Poverty and Disability in South Africa: Research Report*. The Centre for Social Development in Africa, University of Johannesburg. Available online at [www.uj.ac.za/faculties/humanities/csda/Documents/Poverty\\_Disability%20Report%20FINAL%20July%202014%20Web.pdf](http://www.uj.ac.za/faculties/humanities/csda/Documents/Poverty_Disability%20Report%20FINAL%20July%202014%20Web.pdf). (accessed 3 December 2016), p. 39.

<sup>33</sup> Ferreira, Louise 2016. FACTSHEET: *Social grants in South Africa – separating myth from reality*. Africa Check. Available online at <https://africacheck.org/factsheets/separating-myth-from-reality-a-guide-to-social-grants-in-south-africa/> (accessed 8 February 217).



## RECOMMENDATIONS

***Gun violence can only happen when there's a gun; the fewer guns there are, the less the risk of death or injury, including permanent disability***

Gun-related death and disability – and associated direct and indirect costs – is demonstrably associated with the availability of guns. A study mapping traumatic spinal cord injuries globally notes that, “Violence-related TSCI occurs in regions of conflict or high availability of weapons... High rates of gunshot injuries are present in the USA and Brazil and the world’s highest proportion in the country of South Africa.”<sup>34</sup>

The WHO identifies strong gun laws as a key intervention strategy to reduce the risk of disability across the world.<sup>35</sup> However, as shown in this Briefing, strong gun laws can – and do – save lives, but only if they are enforced; poor enforcement kills, injures, permanently disables and costs individuals, families, communities and South Africa as a whole. As such, we call on government to:

- **Enforce the Firearms Control Act**, this includes:
  - Immediate implementation of measures to stop firearms leaking from SAPS stores, as was the case with ex-SAPS colonel Christiaan Prinsloo.
  - The urgent setting down of a 2009 High Court interim interdict which exempts gun owners with licences under the 1969 Arms and Ammunition Act from having to apply for licences under the FCA.<sup>36</sup>
- **Bring the Firearms Control Amendment Bill to Parliament in 2017**. Delaying amendments based on proven interventions to reduce gun violence, such as greater restrictions on handguns, means that lives are being lost.
- **Hold a national no questions asked firearms amnesty and gun destruction**, to ensure that firearms are taken off our streets and out of our homes permanently.
- **Disaggregate crime statistics**, providing detailed information on guns used in murders (detailing type, legal status and source) in SAPS’ quarterly and annual reports on national crime statistics will help government and civil society monitor the impact of changes in gun control policy and enforcement thereof, highlighting successes and challenges and identifying areas requiring urgent intervention.

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<sup>34</sup> Lee, Bon. et al. 2014. The global map for traumatic spinal cord injury epidemiology: update 2011, global incidence rate. *Spinal Cord*, Vol 52, pp. 110–116, p 114.

<sup>35</sup> Bickenbach, Jerome (Editor). 2013. *International Perspectives on Spinal Cord Injury*. World Health Organization. Available online at [www.who.int/disabilities/policies/spinal\\_cord\\_injury/en/](http://www.who.int/disabilities/policies/spinal_cord_injury/en/) (accessed 1 February 2017).

<sup>36</sup> In 2009 Judge Bill Prinsloo granted a court order in the North Gauteng High Court to the SA Hunters and Game Conservation Association under which firearm licences obtained under the 1969 Arms and Ammunition Act remain valid pending the final outcome of the Association's application to have certain sections of the FCA declared unconstitutional. Seven years later the interim order (under which more than one million firearm owners have not yet re-applied for licences under the FCA) has still not been set down for a hearing as the Minister of Police has not filed an answer, thereby preventing full implementation of the Act.