



## **FIREARMS CONTROL BRIEFING**

### **PROTECTING CHILDREN FROM ARMED VIOLENCE**

#### **INTRODUCTION**

In February 2010, three-year-old Leshay Arnold was killed by a stray bullet in Delft on the Cape Flats. The reason Leshay's murder made headlines is that it was the first death to be linked to a nationwide gun smuggling syndicate in which a police officer, allegedly working with a gun dealer and a businessman, sold guns handed in to the police by members of the public for destruction to gangsters on the Cape Flats (see Box 1 on page 3 for details and references). The corrupt police officer, Christiaan Prinsloo, has admitted he stole 2,400 guns. To date ballistic tests have linked just some of these stolen guns to the shooting of 261 children (aged 18 or younger) on the Cape Flats, of which 89, including Leshay, were killed.

That so many children were shot and killed or injured by corruption is tragic at so many levels; including that shootings like this are preventable. Within the context of Child Protection Week (29 May to 4 June) and Youth Month (June), this Briefing first looks at the growing risk of armed violence for children within an urban context before unpacking three key interventions to protect children, and the broader community, from armed violence.

#### **THE CONTEXT: FACTORS CONTRIBUTING TO ARMED VIOLENCE**

A recently published United Nations Special Report, *Protecting children affected by armed violence in the community*, identifies key factors that risk overall community safety, including the safety of children.<sup>1</sup> According to the Report, easy access to guns, abuse of alcohol and drugs, and unplanned urbanisation all increase children's vulnerability to armed violence. The impact of each of these is discussed below within South Africa's context.

##### **1. EASY ACCESS TO GUNS**

The ready availability of guns has serious consequences for children on both ends of the barrel. A gun in the hands of a child or adolescent can easily transform a game, a moment of curiosity, an argument, or a property-related crime (e.g. a robbery) into a murder. It allows children to become killers; and the shooting of anyone is a traumatic calamity for the shooter as well as for the victim and family.

Because guns allow for killing and injuring from a distance, the ready availability of guns in urban areas is a significant contributor to the deadliness of violence in populated spaces.

Research in South Africa shows that guns are a leading cause of death for children across the country.<sup>2</sup> The most recent data on child deaths, which is based on mortuary research undertaken at Salt River Mortuary in the Western Cape and Phoenix Mortuary in KwaZulu Natal in 2014, show that gunshots have overtaken stab wounds as the primary cause of murder for children aged 15 to 17 years, though this figure starts rising from the age of 10 years.<sup>3</sup>

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<sup>1</sup> Unless otherwise stated, information in this Briefing is sourced from: United Nations. 2016. *Protecting children affected by armed violence in the community*. Office of the Special Representative of the Secretary-General on Violence against Children: New York.

<sup>2</sup> Mathews, Shanaaz. et al. 2013. The epidemiology of child homicides in South Africa. *Bulletin of the World Health Organization*. Volume 91, pp. 562-568. Available online at doi: <http://dx.doi.org/10.2471/BLT.12.117036>.

<sup>3</sup> Mathews, Shanaaz and Martin, Lorna. 2016. Developing an understanding of fatal child abuse and neglect: Results from the South African child death review pilot study. *South African Medical Journal*. Volume 106, Issue 12, pp. 1160-1163. Available online at doi:10.7196/SAMJ.2016.v106i12.12130.



As shown in Table 1, the researchers note that:

- Over 75% of children under the age of 5 years died following child abuse and neglect, with the former typically involving abandonment, blunt force and strangulation.
- In contrast, older children are most often killed in non-abuse interpersonal conflicts; the leading cause of murder is guns, which account for 49.2% of all non-abuse related murders, followed by stab injuries at 44.3% and blunt force injuries at 6.6%.

Category	Child-abuse related murder (n=48)	Neglect-related deaths (n=33)	Non-abuse-related murder (n=61)	Total (N=142)
<b>Age (years), %</b>				
<1	60.4	60.1	0.0	34.5
1 - 4	10.4	27.7	1.6	10.6
5 - 9	4.2	9.1	0.0	3.5
10 - 14	12.5	3.0	14.8	11.3
15 - 17	12.5	0.0	83.6	40.1
<b>Cause of death (n)</b>				
Blunt force	14.6	0.0	6.6	7.8
Burns	2.1	6.1	0.0	2.1
Abandonment/concealment	37.5	0.0	0.0	12.7
Diarrhoeal disease	0.0	9.1	0.0	2.1
Drowning	4.2	3.0	0.0	2.1
Lower-respiratory tract infection	0.0	39.4	0.0	9.6
Malnutrition	0.0	6.1	0.0	1.4
Multiple injuries	10.4	0.0	0.0	3.5
Poisoning	4.2	0.0	0.0	1.4
Road traffic accident	0.0	6.1	0.0	1.4
Septicaemia/infection	0.0	9.1	0.0	2.1
Gunshot	4.2	0.0	49.2	22.5
Stab	8.3	0.0	44.3	21.8
Strangulation/asphyxiation	14.6	0.0	0.0	4.93
Train accident	0.0	3.0	0.0	0.7
Undetermined	0.0	18.2	0.0	4.2

Globally, research shows that children are disproportionately affected by stray bullets fired into the air or at missed targets. Research in South Africa confirms this to be true for children 12 years and younger. As shown in Table 2, the largest proportion (36.25%) of children under the age of 12 that were shot and admitted to the Red Cross Children's Hospital between 1991 and 2010 were injured in crossfire.<sup>4</sup>

Circumstances of injury	1991 – 2000		2001 – 2010	
	Number	Percent	Number	Percent
Crossfire	75	33.8%	63	38.7%
Shot by adult (intentional)	3	1.4%	13	8.2%
Shot by child (intentional)	12	5.4%	4	2.5%
Shot by gangsters (intentional)	13	5.9%	8	4.9%
Playing with gun	13	5.9%	3	1.9%
Accidental	24	10.8%	20	12.3%
Unspecified	82	36.9%	52	31.9%
<b>Total</b>	<b>222</b>	<b>100%</b>	<b>163</b>	<b>100%</b>

<sup>4</sup> Campbell, N. et al. 2013. Firearm injuries to children in Cape Town, South Africa: Impact of the 2004 Firearms Control Act. *South African Journal of Surgery*. Volume 51, Issue 3, pp. 92-96. Available online: doi:10.7196/SAJS.1220.



In unpacking why children are at risk of being shot, the UN Report points to the intersection between unplanned urbanisation and gun availability, noting that the “slums of the big cities” are “ideal spaces” for the illegal trade in guns and ammunition.<sup>5</sup> Two factors in particular contribute to this:

- The system of gun control in place: When gun laws are weak or poorly enforced, the legal trade in guns fuels the illegal trade because legally bought guns can more easily leak into the hands of unauthorised users.
- The nature of guns: Being durable, guns are highly prized because one gun can be used for many crimes.

The chain of events that resulted in three-year-old Leshay Arnold being killed in 2010 by a stray bullet tragically illustrates how significantly these factors contribute to armed violence – see Box 1.

### **Box 1: The Prinsloo Case<sup>6</sup>**

In 2011 various incidents of fraud and corruption in the management of guns in government’s care began surfacing. The most publicised of these involves Christiaan Prinsloo, the former Gauteng police colonel who was sentenced to 18 years imprisonment in mid-2016 for selling guns that were confiscated by or surrendered to the police for destruction to Western Cape gangsters.

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:

- 888 of the guns stolen by Prinsloo were forensically linked to 1,066 murders in the Western Cape between February 2010 and 31 May 2016.
- 261 children between the ages of 1 and 18 years old were shot between February 2010 and December 2015 with guns stolen by Prinsloo, 89 of whom were killed, including 3-year old Leshay Arnold.
- Of the 2,400 guns that Prinsloo admitted to stealing as part of his plea bargain with the state, more than 1,100 are still missing.

## **2. HARMFUL CONSUMPTION OF ALCOHOL AND DRUGS**

International research shows that alcohol use often precedes aggressive behaviour, and that harmful drinking is associated with being both a perpetrator and a victim of violence. Violence associated with drugs tends to be linked to the production and sale of drugs and interventions by the state to fight drug trafficking syndicates.

Problems are aggravated when drugs, alcohol and violence become part of the ritual culture of youth gangs, which is of particular importance in the Western Cape, where gangsterism has a long history.<sup>7</sup> Research shows that arguments among gang members routinely arise after consuming alcohol and that members drink before fights to boost their confidence and afterwards to strengthen bonds within the gang. Furthermore, alcohol and violence are also commonly used in gang initiation rites.

<sup>5</sup> UN. 2016. *Protecting children affected by armed violence in the community*, p12.

<sup>6</sup> See: 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) and de Wee, Maygene. 2016. 89 children killed with weapons stolen by ex-police colonel. *Netwerk24*, 21 December. Available online at [www.news24.com/SouthAfrica/News/89-children-killed-with-weapons-stolen-by-ex-police-colonel-20161221](http://www.news24.com/SouthAfrica/News/89-children-killed-with-weapons-stolen-by-ex-police-colonel-20161221) (accessed 6 June 2017).

<sup>7</sup> Kinnes, Irvin. 2014. Gangs, Drugs and Policing the Cape Flats. *Acta Criminologica: Southern African Journal of Criminology*. Special Edition No. 2: Research and Application in Criminology and Criminal Justice, pp. 14-26.



### 3. UNCONTROLLED URBAN GROWTH

The world is becoming increasingly urbanised; while half of the world's population currently lives in cities, this figure is expected to rise to 75% by 2050, with projections for South Africa predicted to exceed this figure: South Africa's urban population is growing larger and younger, two-thirds of South African youth already live in urban areas, while 71% of South Africa's population will live in urban areas by 2030, increasing to nearly 80% by 2050.<sup>8</sup>

Urbanisation poses particular problems when it's uncontrolled, as in South Africa, "Uncontrolled urbanization and the explosion of informal slums created by migration from poor rural areas to the cities present serious challenges for governments."<sup>9</sup> One of these challenges is the close correlation between high levels of urbanisation and high levels of violence.<sup>10</sup>

The risks of rapid urbanisation are exacerbated in areas characterised by a lack of educational and social facilities and low standards of housing with high poverty and unemployment rates, "Cities with high levels of economic inequality and endemic poverty are often affected by insecurity, political tension and instability, leading to increased fear and violence (which) creates a fertile environment for illegal markets."<sup>11</sup>

Participating in illicit markets (including drugs, guns, counterfeit goods and vehicles) is in turn often seen by marginalised young people as an opportunity for earning an income and as a way of gaining 'respect' and recognition. Participation often includes risky behaviours such as alcohol and drug consumption as well as the use and display of weapons, so increasing the risk of violence.

### PROTECTING CHILDREN FROM ARMED VIOLENCE IN THE COMMUNITY

There are a number of interventions aimed at protecting children from armed violence and building safe environments that have been shown to work in different countries across the world. In addition to proven interventions that encourage positive parenting, support survivors of violence and which teach life-skills, including conflict resolution, there are three crucial interventions that have been shown to protect children from armed violence.

#### 1. REDUCE THE AVAILABILITY OF GUNS

A key intervention is taking action to reduce the ready availability of guns, which requires both national and international control, disarmament efforts as well as public awareness campaigns.

#### *National gun laws*

A comprehensive coherent legal framework is essential to reduce gun availability and prevent armed violence. Legislation should prevent children and unauthorised or irresponsible users from having access to guns, and prevent the build-up of arsenals. South Africa's Firearms Control Act (2000) ticks all of the UN's boxes of a comprehensive gun law, in that it:

- Sets high standards and conditions for permission to acquire, possess or use guns.
- Limits the number and types of guns permitted for different categories of users.
- Makes authorised owners accountable for their guns.

<sup>8</sup> Department of Cooperative Governance and Traditional Affairs. 2016. Integrated Urban Development Framework. Available online at [www.cogta.gov.za/cgta\\_2016/wp-content/uploads/2016/06/The-Integrated-Urban-Development-FrameworkIUDF.pdf](http://www.cogta.gov.za/cgta_2016/wp-content/uploads/2016/06/The-Integrated-Urban-Development-FrameworkIUDF.pdf) (accessed 6 June 2017).

<sup>9</sup> UN. 2016. *Protecting children affected by armed violence in the community*, p13.

<sup>10</sup> Krisch, Maria. et al. 2015. *Global Strategies to Reduce Violence by 50% in 30 Years: Findings from the WHO and University of Cambridge Global Violence Reduction Conference 2014*. Cambridge: University of Cambridge.

<sup>11</sup> UN. 2016. *Protecting children affected by armed violence in the community*, p13.



- Facilitates the removal of guns from people who fall short of the required standard of responsibility.
- Allows for schools and other public places to be designated as spaces in which guns are not allowed.

Where South Africa fails in enforcing the law, which, as the UN succinctly notes, is key: “The most successful gun laws rely on a robust system of licensing owners, registration of weapons and **strong enforcement**.”<sup>12</sup>

As tragically illustrated by the shooting to death of Leshay Arnold and 88 other children, and the injury following shooting incidents to 178 others – many of whom are permanently disabled, while strict gun laws save lives, poor enforcement kills.

### ***International arms control***

The UN Report identifies international arms control instruments as critical to reducing the availability of guns and preventing armed violence. South Africa is a signatory to three legally binding international gun control instruments, two are global (the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition [called the Firearms Protocol]<sup>13</sup> and the Arms Trade Treaty [ATT]<sup>14</sup>) and the third is regional (the Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community [SADC Protocol]<sup>15</sup>). All require that South Africa take action to enforce binding requirements aimed at effective weapons control.

### ***Disarmament efforts***

Campaigns such as amnesties and gun buy-backs are recognised globally as being very effective at removing guns from communities, especially when they coincide with amendments to national gun laws.<sup>16</sup> However, and as the Prinsloo case tragically illustrates, if guns that have been handed in or recovered are not destroyed they will find their way back into communities, where they will cause death and injury, fear and suffering.

### ***Public awareness campaigns***

Awareness raising campaigns are very important to alert the public to changes in policy or practice, such as changes to the law or gun collection and destruction programmes. While awareness campaigns and social mobilisation do not in themselves reduce violence; they can influence compliance and change people’s attitudes to gun possession and use.

## **2. LIMIT ACCESS TO ALCOHOL**

As South Africa considers tightening control over alcohol as articulated in the Draft Liquor Amendment Bill,<sup>17</sup> the UN notes that measures to reduce the availability and harmful use of alcohol are essential for protecting the rights of children and reducing armed violence in the community. Such measures also serve to implement Sustainable Development Goal 3.5: Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol.

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<sup>12</sup> UN. 2016. *Protecting children affected by armed violence in the community*, p35.

<sup>13</sup> See [www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html](http://www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html) for more information on the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (the Firearms Protocol) (accessed 6 June 2017).

<sup>14</sup> United Nations Arms Trade Treaty (ATT) is available at <https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/.../English7.pdf> (accessed 20 August 2016).

<sup>15</sup> The Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC Protocol) is available at [www.poa-iss.org/RegionalOrganizations/SADC/Instruments/SADC%20Protocol.pdf](http://www.poa-iss.org/RegionalOrganizations/SADC/Instruments/SADC%20Protocol.pdf) (accessed 25 August 2016).

<sup>16</sup> For more information on amnesties in South Africa see: Firearms Control Briefing 3 of 2017: Firearms amnesties: Ten factors for success. 8 March 2017. Gun Free South Africa.

<sup>17</sup> Department of Cooperative Governance and Traditional Affairs. 2016. Integrated Urban Development Framework. Available online at [www.cogta.gov.za/cgta\\_2016/wp-content/uploads/2016/06/The-Intergrated-Urban-Development-FrameworkIUDF.pdf](http://www.cogta.gov.za/cgta_2016/wp-content/uploads/2016/06/The-Intergrated-Urban-Development-FrameworkIUDF.pdf) (accessed 6 June 2017).



Interventions which have proven effective in reducing alcohol consumption include taxation and pricing policies, minimum age limits, restrictions on hours and venues where alcohol is sold, and restrictions on alcohol advertising. As with gun legislation, adequate legal enforcement is critical for these measures to be effective.

### 3. PLAN AND IMPLEMENT URBAN UPGRADES

Since rapid and unplanned urban growth is an important driver of armed violence, Sustainable Development Goal 11 addresses the need for safe and affordable housing, transport and basic services, upgrading slums, urban planning and management, and resilience to climate change and natural disasters.

Local government is a key player in planning and implementing urban upgrades that can help reduce violence by reducing opportunity for crime, providing safety infrastructure for hot spots (e.g. street lighting, surveillance technology), and improving the interaction between residents.

South Africa's Integrated Urban Development Framework, (IUDF) which was approved by Cabinet for implementation in 2016, recognises this. It sees safety, particularly in public spaces, as an essential ingredient for the creation of liveable and prosperous towns and cities: "A lack of safety in urban areas directly affects the socioeconomic development prospects, not only of cities and their inhabitants, but also of the entire country and its population."<sup>18</sup> While everyone has a role to play in implementing the IUDF, a dedicated and developmental local government plays an essential role, supported by the rest of government and an active citizenry.

## CONCLUSION

This briefing traces how poor enforcement of a world class gun law meant that 2,400 guns handed into the police for destruction could be stolen and sold to gangsters in the Western Cape by a corrupt police official allegedly working with a respected businessman and gun dealer. The ultimate tragedy is that the resultant death of 1,100 people (including 89 children) and death and injury to thousands more could have been avoided – if the law had been enforced.

As yet, the full impact of Prinsloo's and his accomplices' actions have not been uncovered; how many more murders, attempted murders and other crimes are linked to the guns that have been recovered, how many more crimes will be committed with the guns not yet recovered? And who else was involved?

While we may never know the true extent and impact of corruption within South Africa's gun control regime, as SAPS itself has noted in response to Prinsloo's actions, "The South African Police Service is duty bound to ensure that any loopholes which allowed the theft of the firearms in its custody (are) plugged as soon and as effectively as possible."<sup>19</sup> In this same report SAPS identifies these loopholes and remedial action. It also warns that if SAPS fails to take action to: i) ensure "that the stolen firearms still in the hands of criminals (are) retrieved as soon (sic) as possible" and ii) "prevent a recurrence of the corruption and crimes that were committed", "(t)he scope of...possible litigation is enormous."<sup>20</sup>

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<sup>18</sup>Ibid, p33.

<sup>19</sup> Quote on page 4 of a booklet "Back to Basics – Towards a Safer Tomorrow" written by the South African Police Service's Legal Services, submitted as item JV13 in a Founding Affidavit in the Labour Court of South Africa, Cape Town in the matter between the Police and Prisons Civil Rights Union (POPCRU): First Applicant, Peter Anthony Jacobs: Second Applicant, and Jeremy Alan Vearey: Third Applicant; and the Minister of Police: First Respondent, the Acting National Commissioner of Police: Second Respondent, the Provincial Commissioner of Police: Third Respondent, the Deputy National Commissioner: Human Resource Management: General Ngwenya: Fourth Respondent, Major General Mzandile L Tiyo: Fifth Respondent, Major General Sumisani Patrick Mbotho: Sixth Respondent, and the South African Police Service: Seventh Respondent, Case number 768/16.

<sup>20</sup> Ibid p7.