

Firearms Control Briefing

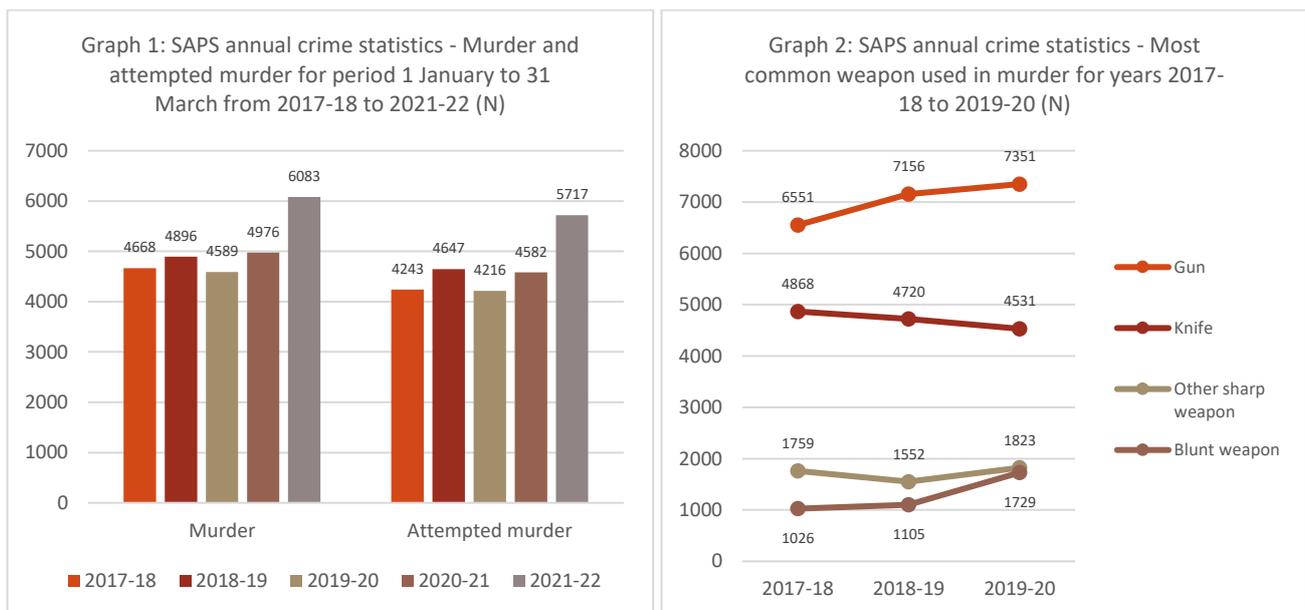
Gun control, self-defence and public safety

Introduction

Crime statistics for January to March 2022 confirm that violent crime in South Africa continues to rise. In this context of high levels of crime, a weak criminal justice system, proposed amendments to tighten gun controls (including banning guns for self-defence), as well as forceful marketing by the firearms industry that guns are effective for self-defence, we can expect gun sales to increase. This briefing summarises available research on the impact of firearms for self-defence on public safety. First though, it looks at what the latest crime statistics show.

Crime in SA

Graph 1 summarises national crime statistics for murder and attempted murder for 1 January to 31 March over five years.¹ As shown, both of these crimes (which represent the most extreme forms of violent crime) have risen in the past five years.² While SAPS, disappointingly, has not provided information on the weapon used in crimes since 2020-21, annual statistics for the financial years 2017-18 to 2019-20 show that these crimes most often involve firearms; Graph 2 charts the most common weapon used to commit murder for these three years.³



Guns and self-defence

Gun dealers in South Africa have reported an increase in the demand for firearms and ammunition, particularly following the July 2021 unrest.⁴ South Africa's experience is not unique: Data from the USA show that gun

¹ South African Police Service. 2022. Police recorded crime statistics fourth quarter of 2021/2022 financial year, January to March 2022.(Online). Available at www.saps.gov.za/services/crimestats.php (accessed 14 June 2022).

² To note that Covid-19 lockdown restrictions impacted on crime rates in South Africa, see Krieglner, Anine. 2021. Crime statistics show South Africa's lockdown 'crime holiday' is over. The Conversation, 30 August. (Online). Available at <https://theconversation.com/crime-statistics-show-south-africas-lockdown-crime-holiday-is-over-166785> (accessed 13 June 2022).

³ South African Police Service. Presentations on annual crime statistics for the financial years 2017-18, 2018-19 and 2019-20. Source: www.pmg.org.za and www.saps.gov.za.

⁴ See:

sales for 2020 and 2021 broke all previous records as millions of guns were bought for protection in response to socio-economic devastation wrought by the Covid-19 pandemic and protests linked to the presidential election.⁵

Research in the USA has already linked pandemic gun sales to an increase in gun-related deaths in that country,⁶ further confirming that gun availability increases gun violence (see discussion under *Country risk* on page 5 below for more information). This section summarises key research from South Africa and globally on the effectiveness of guns for self-defence.

South Africa

Quantitative research undertaken in two Johannesburg police precincts shows that an armed victim of crime is 4 times more likely to be *shot at* if they use their gun in self-defence.⁷ While this study dates back to 1999, no further research has been done in South Africa to refute it and its findings are confirmed by global research (see *International research* on page 4 below).

In a second study, 30 perpetrators convicted and incarcerated for aggravated robbery were interviewed.⁸ It found that in 97% of cases perpetrators used firearms (preferring handguns as they are easy to conceal before and after the robbery) and threatened violence when entering a home to overcome resistance. It notes that most serious injuries and fatalities in residential robberies occur during the initial phase and are often linked to attempts by victims to resist attackers, with all perpetrators in the study reporting that they would rather shoot a person than expose themselves to risk of injury during a house robbery.

The findings of this qualitative study are amplified in a new study undertaken by the University of the Witwatersrand, University of Cape Town and Medical Research Council which looks at robbery-related murders in South Africa.⁹ The study analysed 68,801 robberies in which force was used that were reported to the police between 2003 and 2014 to identify the risk factors that escalate robbery into murder. It shows that while robbery-homicide is relatively rare, the increased risk of being killed in a robbery can be linked to victims who are older white men and to the likelihood that victims are armed and resist attack. See Box 1 on the following page for a summary of this study.

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- Khumalo, Fred. 2021. One man's meat is another's poison. City Press, 12 August. (Online). Available at www.news24.com/citypress/columnists/fredkhumalo/close-up-one-mans-meat-is-anothers-poison-20210812 (accessed 8 June 2022).
 - Neves, Jarryd. 2021. Following riots and unrest, demand for guns and ammo in SA has spiked. BizNews, 25 August. (Online). Available at www.biznews.com/undictated/2021/08/25/guns-ammo-demand-spike (accessed 30 August 2021).

⁵ Walsh, Joe. 2022. U.S. Bought Almost 20 Million Guns Last Year — Second-Highest Year On Record. Forbes, 5 January. (Online). Available at www.forbes.com/sites/joewalsh/2022/01/05/us-bought-almost-20-million-guns-last-year---second-highest-year-on-record/?sh=324a1b7713bb (accessed 8 June 2022).

⁶ Barton, Champe. 2021. New Data Suggests a Connection Between Pandemic Gun Sales and Increased Violence. The Trace, 8 December. (Online). available at www.thetrace.org/2021/12/atf-time-to-crime-gun-data-shooting-pandemic/ (accessed 8 June 2022).

⁷ Altbeker, Antony. 1999. Guns and Public Safety: Gun crime in Alexandra and Bramley. Johannesburg: GFSA. To note: The gun lobby repeatedly deflects this point by claiming that Africa Check has debunked this claim. In fact, the claim Africa Check researched was that you are *4 times more likely to have your gun used against you* than be able to use it successfully in self-defence. The claim was made by Gun Safe Cities in 2019, and Africa Check found – correctly – that there is no evidence to support the claim – see <https://africacheck.org/fact-checks/reports/no-research-backs-widely-shared-statistic-about-gun-ownership-risk-south-africa> (accessed 21 June 2021).

⁸ Zinn, Rudolph. 2016. Home Invasion - Robbers Disclose What You Should Know. Cape Town: Tafelberg.

⁹ Bowman, Brett, Sherianne Kramer, Sulaiman Salau, and Richard Matzopoulos. 2022. Trends, Correlates, and Contexts of Robbery-Homicide in South Africa. *Journal of Homicide Studies*, January, pp. 1-25.

Box 1: Risk of being killed in a robbery linked to victim's demographics and likelihood of being armed and resisting attack

Published this year in an international, peer reviewed journal, the study, which was undertaken by the University of the Witwatersrand, University of Cape Town and South African Medical Research Council,¹⁰ analysed 68,801 robberies reported to the police between 2003 and 2014 to identify risk factors leading to a victim being murdered. Using multivariate analysis it found that:

Robbery-related murder is relatively rare: A total of 1,811,943 robberies were reported to the police between 2003 and 2014. In 96.2% of these robberies (n = 1,743,142), the perpetrators threatened to use force but didn't carry out this threat. Of the remaining 68,801 robberies involving force, the perpetrators used force in 3.6% of cases (n = 65,656), and murdered a single victim in 0.2% of cases (n = 3,145). Overall, single-victim homicides were recorded in 4.6% of the 68,801 robberies in which force was used by the perpetrators during the 12-year period, which is comparable to global studies.

Risk is highest in business and house robberies: The odds for a victim being killed were highest during business and house robberies respectively, followed by carjackings and robbery in a public place.

Risk is highest in the early hours of a weekday: Victims were 13% more likely to be killed during robberies that occurred during the week, and were at greatest risk between 4 and 8am in the morning.¹¹

The presence of a firearm increases risk: Both the presence of a perpetrator's firearm and the presence (and taking) of a victim's firearm significantly increased the odds of the victim being murdered.

Risk increases when the victim's gun is stolen: Theft of a victim's firearm was more frequently associated with robbery cases where the victim was killed.

Victims who are older, white and male are most at risk:

- Males were 3.3 times more likely to die than females.
- Victims aged 45 and above were three times more likely to die during robberies than those younger than 25 years of age.
- White victims had 41% higher odds of being killed than black victims: That white victims have a "significantly increased risk of fatal outcomes" is "particularly unusual" as it is black South Africans that have been found to be most at risk for almost all forms of fatal and nonfatal violence.¹² As part of their synthesis, the researchers argue that "white men may be perceived as especially potentially threatening to the successful execution of a robbery and thus escalate the risk for homicide in already highly volatile situations."¹³ They note that this finding echoes the international finding that "firearms are the most common weapon used in homicides of older male adults in their homes, and that this risk is linked to older adults commonly owning firearms for self-defence, and in turn, situational access to firearms."¹⁴

While the study adds valuable information to our understanding of robbery-related murders, the researchers note various limitations and how these were mitigated for or impacted on the study:

1. Under-reporting: The study mitigated against notorious under-reporting of robberies by focusing on robberies involving actual force, which are more likely to be reported to the police.
2. Data old: Uses data from 2003 to 2014.
3. Data excluded: Cash-in-transit heists, bank robberies and truck hijackings were excluded due to the small number of cases. Cases with missing or inconsistent information on victim demographics were excluded to preserve sample independence. Cases with multiple victims were excluded to preserve independence of samples required for statistical analysis; the researchers note that the proportion of robbery-homicides in South Africa would increase if multiple victims killed in a single robbery were included. Due to the high percentage (77%) of missing information on perpetrators, no analysis of perpetrator-level data was possible e.g. to assess whether the number of perpetrators impacts on the risk of robbery-homicide. This is relevant as previous studies have reported contradictory findings in relation to the involvement of lone versus multiple perpetrators.
4. Data not provided: Although available, the following information was not provided to the researchers:

- Direct data on whether a victim was armed or tried to defend themselves with a firearm during a robbery. As such, the study used firearms reported as being stolen as a proxy (based on the assumption that any firearm reported as missing was owned by the robbery victim). As such, cases where the victim was armed and killed, but their firearm was not reported as having been stolen were not included as there was no direct way of establishing the presence of that firearm.
- Dataset of murders with co-occurring robberies. To increase the validity of the study's findings, the researchers requested access to a comparator dataset of all murder events containing co-occurring robberies from 2003 to 2014. This was not made available, and in the absence of a comparable dataset the findings of this study should be approached with caution.

Despite these limitations, the researchers note that their study contributes more granular detail to our understanding of robbery-homicide, which will stimulate further research into the contextual factors that escalate violence during robberies.

International

Research in the USA shows that a victim of crime is 4 to 5 times more likely to be *shot* (not just *shot at* as South African research has shown) if they have a gun in their possession when attacked, compared to someone not carrying a firearm at the time.¹⁵

Gun owners also have a higher risk of being violently victimised than non gun owners: A meta-analysis of research from 26 countries shows that even after known risk factors for victimisation (such as age, gender, income, educational level, frequency of going out, living with a partner and size of the town of residence) are controlled for, owning a handgun remains a risk factor for victimisation by contact crimes.¹⁶ A possible explanation is that carrying a gun results in an 'illusion of invincibility', which leads to risk-taking or provocative behaviour which in turn increases the risk of victimisation.¹⁷

In summary, published peer reviewed research shows that firearms are not effective for self-defence.

Your gun escalates the situation. And unless you're able to dominate that situation tactically through specialised training, forget about it, it is not even an argument. You will get killed because your target has the greater advantage of surprise over you. They already control you through the pointing of a firearm.

Former SAPS Major-General Jeremy Vearey responding to the argument that "I need a gun to defend myself from the gun."¹⁸

¹⁰ Ibid.

¹¹ Unlike SA's homicide profile, where people are more likely to be killed late at night or in the early morning over a weekend.

¹² Bowman, Brett, Sherianne Kramer, Sulaiman Salau, and Richard Matzopoulos. 2022. Trends, Correlates, and Contexts of Robbery-Homicide in South Africa. *Journal of Homicide Studies*, January, pp. 1-25, p. 16.

¹³ Ibid., p. 17.

¹⁴ Ibid., p. 17.

¹⁵ Branas, Charles, Therese Richmond, Dennis Culhane, Thomas Ten Have, and Douglas Wiebe. 2009. Investigating the Link Between Gun Possession and Gun Assault. *American Journal of Public Health*, Vol. 99, No. 11, pp. 2034-2040.

¹⁶ van Kesteren, John. 2014. Revisiting the gun ownership and violence link. *British Journal of Criminology*, Vol. 54, pp. 53-72.

¹⁷ Ibid.

¹⁸ Vearey, Jeremy. 2022. Interview with Erena van der Spuy. Safety is a human right for all. Video developed by GFSa for Human Rights Day. (Online). Available at www.facebook.com/Gunfreemzansi/videos/695563804818698 (accessed 10 June 2022).

Guns and public safety

Not only is a firearm ineffective for self-defence, it also puts the lives of others in danger. This section summarises what global and South African research shows about the risks of a gun to a household and to the country at large.

Household risk

Global research shows that a gun in the home is more likely to be used to commit murder, suicide or to threaten and intimidate someone known to the shooter e.g. a family member, a friend or an acquaintance, than to successfully protect against an intruder.¹⁹

A new study from the US that assessed the “second-hand risk” of a gun in the home found that people in that home were at greater risk of being killed.²⁰ People who do not own guns but who live with handgun owners were more than twice as likely be murdered compared to those living in gun-free homes. When the gun owner was a spouse or partner, the risk increased to seven times, with the vast majority of victims in these intimate partner shootings – 84% in all – being women.

In addition to the research referenced above, the risk of a gun in the home to intimate partners is well documented globally.²¹ Research undertaken in South Africa confirms this risk, showing that women are most in danger of being killed at home by an intimate partner²² with a legal gun.²³

Country risk

A gun not only increases danger for people in a household, it also increases risk for the wider community and country at large; the findings of key and new research is summarised below.

As already noted, the US is currently experiencing a spike in gun deaths which has been linked to Covid-19 pandemic gun buying, further proof that gun availability increases gun violence. Published, peer reviewed global research consistently shows claims that ‘guns make a country safer’ are not backed by evidence.²⁴ A study, which analysed data on gun ownership, crime and mental illness burden rates from 27 countries – including South Africa – found that number of guns per capita per country was a strong and independent

¹⁹ See:

- United Nations. 2019. Understanding homicide: typologies, demographic factors, mechanisms and contributors. Global Study on Homicide. Vienna: UNODC.
- Santaella-Tenorio, Julian, Magdalena Cerdá, Andrés Villaveces, and Sandro Galea. 2016. What do we know about the association between firearm legislation and firearm-related injuries? *Epidemiologic Reviews*, Vol. 38, pp. 140–157.
- van Kesteren, John. 2014. Revisiting the Gun Ownership and Violence Link: A Multilevel Analysis of Victimization Survey Data. *British Journal of Criminology*. Vol. 54, pp. 53-72.
- Anglemyer, Andrew, Tara Horvath, and George Rutherford. 2014. The Accessibility of Firearms and Risk for Suicide and Homicide Victimization Among Household Members A Systematic Review and Meta-analysis. *Annals of Internal Medicine*, Vol. 160, pp. 101-110.
- Shaw, Margaret. 2013. *Too Close to Home – Guns and Intimate Partner Violence*. Small Arms Survey 2013: Everyday Dangers. Cambridge: Cambridge University Press.
- Hemenway, David. 2011. Risks and Benefits of a Gun in the Home. *American Journal of Lifestyle Medicine*. Vol. 5, pp. 502-511.

²⁰ Studdert, David, Yifan Zhang, Erin Holsinger, Lea Prince, Alexander Holsinger, Jonathan Rodden, Garen Wintemute, and Matthew Miller. 2022. Homicide Deaths Among Adult Cohabitants of Handgun Owners in California, 2004 to 2016: A Cohort Study. *Annals of Internal Medicine*, 5 April, pp. 1-9.

²¹ Women’s vulnerability to a gun in the home confirmed by international research, a number of sources are cited in Shaw, Margaret. 2013. *Too Close to Home – Guns and Intimate Partner Violence*. Small Arms Survey 2013: Everyday Dangers. Cambridge: Cambridge University Press.

²² Abrahams, Naeemah, Rachel Jewkes, and Shanaaz Mathews. 2010. Guns and Gender-based Violence in South Africa. *South African Medical Journal*, Vol. 100, No. 9, pp. 586–588.

²³ Mathews, Shanaaz, Naeemah Abrahams, Rachel Jewkes, Lorna Martin, Carl Lombard, and Lisa Vetten. 2008. Intimate femicide-suicide in South Africa: a cross-sectional study. *Bulletin of the World Health Organization*, Vol. 86, No. 7, pp. 552-558.

²⁴ See:

- Santaella-Tenorio, Julian, Magdalena Cerdá, Andrés Villaveces, and Sandro Galea. 2016. What do we know about the association between firearm legislation and firearm-related injuries? *Epidemiologic Reviews*, Vol. 38, pp. 140–157.
- van Kesteren, John. 2014. Revisiting the Gun Ownership and Violence Link: A Multilevel Analysis of Victimization Survey Data. *British Journal of Criminology*. Vol. 54, pp. 53-72.

predictor of firearm-related death in a given country, whereas the predictive power of the mental illness burden was of borderline significance.²⁵ The researchers conclude that, “Regardless of exact cause and effect... the current study debunks the widely quoted hypothesis that guns make a nation safer.”²⁶

A further, and significant risk of legally owned firearms is that they are a cache for criminals who cannot acquire them legally. The risk that a gun bought for self-defence is lost or stolen and arms a criminal is illustrated in South Africa:

- Using the most recent information available, research undertaken by the Global Initiative Against Transnational Organized Crime shows that legal firearms held by civilians and the state are the biggest source of illegal firearms in South Africa.²⁷
- Police reports consistently show that most guns that are reported as lost or stolen were lost by or stolen from civilians (on average, for every 1 gun lost/stolen by the police, civilians lose 7 guns through loss or theft).²⁸
- South African research undertaken in two Johannesburg police precincts shows you are 4 times more likely to have your gun stolen from you than to use it in self-defence when being attacked.²⁹
- South African research on robbery-homicides shows that firearms are more frequently stolen in and associated with robbery cases where the victim is killed.³⁰

Gun control, self-defence and public safety

In 2021 the Civilian Secretariat for Police Service published a draft amendment to the Firearms Control Act (2000).³¹ One of the most controversial amendments is clause 15, which proposes repealing section 13: Firearms for self-defence and section 14: Restricted firearms for self-defence in the Act.

While the global and South African evidence cited above overwhelmingly supports this amendment, showing that guns are not effective for self-defence and that a gun in the home increases risk to the household and country at large, clause 15 also aligns South Africa’s gun law with global norms:

Owning a gun for self-defence is not a universal right

Although the right to defend oneself against a physical threat is a universally recognised principle in all legal systems, provided that the threat is ‘immediate’ and the response is ‘necessary’ and ‘proportionate’, there is no universally recognised right to possess a firearm for self-defence. A report by the UN Special Rapporteur on Human Rights on the principle of self-defence under human rights law concludes that, though the principle of self-defence has an important place in international human rights law, “it does not provide an independent, legal supervening right to small arms possession, nor does it ameliorate the duty of States to use due diligence in regulating civilian possession.”³²

²⁵ Bangalore, Sripal, and Franz Messerli. 2013. Gun ownership and firearm-related deaths. *American Journal of Medicine*, Vol. 126, pp 873-876.

²⁶ *Ibid.* p 873.

²⁷ Irish-Qhobosheane, Jenni. 2021. How to silence the guns? Southern Africa’s illegal firearms markets. Geneva: The Global Initiative Against Transnational Organized Crime.

²⁸ South African Police Service Annual Reports from 2000/01 to 2020/21, hard copies and available online at www.saps.gov.za.

²⁹ Altbeker, Antony. 1999. *Guns and Public Safety: Gun crime in Alexandra and Bramley*. Johannesburg: GFSA.

³⁰ Bowman, Brett, Sherianne Kramer, Sulaiman Salau, and Richard Matzopoulos. 2022. Trends, Correlates, and Contexts of Robbery-Homicide in South Africa. *Journal of Homicide Studies*, January, pp. 1-25.

³¹ Draft Firearms Control Amendment Bill. 2021. (Online). Available at www.gov.za/documents/firearms-control-amendment-bill-draft (accessed 10 June 2022).

³² UNHRC (United Nations Human Rights Council). 2006. Prevention of Human Rights Violations Committed with Small Arms and Light Weapons: Final Report Submitted by Barbara Frey, Special Rapporteur, in Accordance with Sub-Commission Resolution 2002/25. A/HRC/Sub.1/58/27 of 27 July, para. 19.

Majority of countries do not recognise self-defence as a reason for gun ownership
 A review of 42 jurisdictions (28 countries, including South Africa, and 14 sub-national entities) around the world shows that the majority (62%) do not recognise self-defence as a reason for gun ownership.³³

Some countries, such as Australia, New Zealand and the United Kingdom, explicitly prohibit owning a firearm for self-defence; others, such as Botswana, Canada, Germany and Japan make no provision for self-defensive gun ownership. These seven countries have some of the lowest levels of gun violence in the world, as shown in Table 1.

Legal status of gun ownership for self-defence	Explicitly prohibited			No provision made				Recognised
Country	Australia	New Zealand	United Kingdom	Botswana	Canada	Germany	Japan	South Africa
Number of gun-related homicides	42	8	23	51	156	57	4	8,300
Gun-related homicide rate per 100,000 population	0.18	0.18	0.04	2.98	0.45	0.05	0	14.5

Conclusion

Public health professionals recently described gun violence in South Africa as an epidemic, they wrote in a Sunday Times opinion piece:³⁵

“The time has come to change our approach and treat gun violence for what it now is – a public health epidemic. Just as we acted with urgency to reduce the (Covid-19) pandemic in our communities through a range of upstream interventions, so we must act to stop gun violence.

The data shows us what will and won’t work. Recent data shows that hard lockdowns during the pandemic, which limited freedom of movement and alcohol, and increased policing by the SA Police Service and defence force had virtually no impact on the number of people injured and killed by guns (though there was a significant decline in the number of stab and

blunt-force related injuries in this time, confirming that these interventions will have limited impact in reducing gun violence.

In contrast, global data shows that reducing the availability of guns reduces gun violence. Data from SA supports this. Peer reviewed research has repeatedly shown that the Firearms Control Act (2000) saved thousands of lives between 2000 and 2010 while in 2011 gun violence started rising due to lax gun controls and increased gun availability.

The solution to gun violence is to go upstream and limit the number of guns in our communities.”

We call on government to prioritise public safety as it amends the Firearms Control Act. The data are clear: Fewer guns means less gun violence, with guns for self-defence increasing the risk to the owner, their family and the country at large. Amending the Act to ban guns for self-defence would be a significant and proactive step to improving public safety in South Africa.

³³ Parker, Sarah. 2011. Chapter 9: Balancing Act: Regulation of Civilian Firearm Possession. States of Security, Small Arms Survey 2011. Cambridge: Small Arms Survey.

³⁴ Data sourced from Gun Policy: Find Gun Policy Facts see www.gunpolicy.org; data for South Africa sourced from South African Police Service 2017/18 annual crime statistics, available online at www.saps.gov.za.

³⁵ Hodkinson, Peter, Sithombo Maqungo, Itumeleng Molefe, Pradeep Navsaria, and Megan Prinsloo. 2022. The burden of gun violence on SA’s health system. Sunday Times, 5 June.