



Firearms Control Briefing Firearms Amnesties: The Brazil Example

INTRODUCTION

After the previous Minister of Police (Minister Nhleko) briefed Cabinet in early March 2017 of his intention to declare a six-month national firearms amnesty under the Firearms Control Act (FCA), a series of presentations were made to the Portfolio Committee on Police on the matter on 15 March. It was clear that the proposed starting date of 1 April would not be feasible given that Parliament would not have time to make a decision in order for the Minister to declare an amnesty by notice in the *Gazette*.

The call for a firearms amnesty remains on the agenda and hopefully it will be approved during the second session of Parliament.

In GFSA's presentation to the Portfolio Committee on 15 March, Brazil was identified as one of the countries that had been successful in removing hundreds of thousands of guns from circulation through a national buyback programme.¹ This Briefing discusses the key factors that contributed to the success of the Brazilian firearms amnesty and explores lessons learned that could assist South Africa in making sure that the way in which the 2017 firearms amnesty is conducted has the best possible chance of contributing to safety in communities by successfully removing guns.

BRAZIL: GUNS & GUN VIOLENCE FACTS²

Brazil's gun death rates are similar to that of a country at war: every day 116 people are shot and killed.³ Brazil has one of the highest rates of gun-related deaths in the world at 21.19/100,000 population⁴ (in 2016 SA's gun death rate was approximately 11.3/100,000); in 2012 over 42,000 (42,416) people were shot and killed, of which nearly 95 per cent were homicides, with the balance including suicides and unintentional injuries.⁵ The risk of being shot and killed in Brazil is almost three times higher (2.6) than in the rest of the world, with nearly 60 per cent of the victims being young people between 15 and 29 years old.⁶ It is estimated that civilians own approximately 18 million firearms, with more than half of them being illicit.⁷

As in South Africa, Brazilian NGOs and research institutes have played an important role in exposing some of the myths of guns and gun violence, notably examining which guns are used in crime and where they come from. Contrary to popular belief —that most of the weapons in Brazil are foreign made, and that the majority of homicides are carried out with large calibre semi-automatic assault weapons — research undertaken by Viva Rio⁸ in collaboration with the Small Arms Survey showed that 70 per cent of all guns confiscated by the police were small-calibre handguns domestically

¹ Although the terms firearms amnesty and buyback programme are used interchangeably in the briefing, a buyback programme is one form that a national firearms amnesty can take.

² This Briefing draws on Dreyfus et al. 2008. *Small Arms in Rio de Janeiro. The Guns, the Buyback, and the Victims*. Special Report. Small Arms Survey. Geneva.

³ Map of Violence. 2015. UNESCO. http://unesco.org/new/en/brasil/brasilia/about-this-office/single-view/news/map_of_violence_examines_deaths_by_firearms_in_brazil_from_1980_to_2012/#.

⁴ United Nations Office on Drugs and Crime. 2013. *Global Study on Homicide. Trends, Context, Data*. UNODC. Vienna. pg.28.

⁵ Map of Violence. 2015. UNESCO. http://unesco.org/new/en/brasil/brasilia/about-this-office/single-view/news/map_of_violence_examines_deaths_by_firearms_in_brazil_from_1980_to_2012/#.

⁶ Dreyfus et al. 2008. *Small Arms in Rio de Janeiro. The Guns, the Buyback, and the Victims*. Special Report. Small Arms Survey. Geneva. pg.39.

⁷ <http://www.gunpolicy.org/firearms/region/brazil>.

⁸ Viva Rio is a national NGO in Brazil committed to building a peaceful and a just society.



manufactured by Rossi and Taurus.⁹ Furthermore, the research showed that more than half of the confiscated weapons had originally been legally purchased and entered into the illicit market through various means, including loss and theft from legal owners.

BRAZIL'S GUN LAW: DISARMAMENT STATUTE 2003.

The history of gun control in Brazil shares some similarities to that of South Africa but there are also some important differences. These will be briefly explored in this section of the Briefing.

After almost ten years of campaigning by civil society organisations, the Brazilian National Congress passed the Disarmament Statute in December 2003 (Act no. 10826).¹⁰ One of the main goals of the new law was to establish an effective firearms control regime; and secondly to reduce the stocks of weapons in circulation, estimated at the time at between 15-17 million, of which 90 per cent were in the hands of civilians.¹¹ A national poll in 2003 showed that 85% of Brazilians supported the Statute.¹²

Like South Africa, the Brazilian Constitution does not guarantee the right to own weapons. Rather, the view is that the decision to want or get a gun involves all sectors of society and should not be decided as an individual issue. The view by some policy makers is that in democratic societies, 'having a gun, a tool made to commit a violent act, is not a person's right, but a concession made to that person by the state.'¹³

Similar to the Firearms Control Act, the Disarmament Statute is in line with international good practice and includes measures that enhance control over the circulation, trade, and use of firearms including restricting access to weapon type and number of weapons any one person can own.

The Statute also introduced the following measures:

- Increased the minimum age from 21 to 25 years;
- Established a mandatory psychological and firearm proficiency test which includes technical ability to handle the firearm and ability to safely store the gun;
- Prohibited the public carrying of guns by civilians, punishable with imprisonment;
- Established a national firearms database under the authority of the Federal Police;
- Adopted severe penalties for the illegal possession of firearms including imprisonment; and
- Provided for the unique marking of all ammunition including that used by public security forces.

As with the FCA, the Statute makes provision for a national buyback programme for the voluntary collection of firearms coupled with an amnesty for the registration of unregistered weapons.

REDUCING GUN VIOLENCE IN BRAZIL

As in many other countries across the world, including South Africa, the introduction of stronger gun laws in Brazil led to a reduction in gun deaths.

⁹ Brazil has the sixth largest small arms industry in the world: Rossi and Taurus are two of the largest domestic arms manufacturers in Brazil.

¹⁰ Dreyfus et al. 2008. *Small Arms in Rio de Janeiro. The Guns, the Buyback, and the Victims*. Special Report. Small Arms Survey. Geneva. pg.25.

¹¹ Ibid.

¹² Ibid.

¹³ Bandeira, Antonio and Josephine Bourgois. 2016. *Firearms. Protection or Risk?* Parliamentary Forum on Small Arms and Light Weapons. Rio de Janeiro. pg.11. Preface: Daisy Tourne, Congresswoman, Montevideo.



In a nationwide study conducted by the Brazilian Ministries of Health and Justice, the number of gun-related deaths decreased by 18 per cent over a three year period from 2003 to 2006: from 39,325 to 34, 648 deaths.¹⁴ Furthermore the rate of firearm deaths decreased from 22.4/100, 000 population in 2003 to 18/100,000 in 2006.¹⁵ Of note is the finding that in those states where a larger number of guns were handed in during the buyback campaign of 2004/05, there was a greater reduction in gun deaths. Furthermore, the study also found that the ban on the civilian carrying of firearms contributed to the overall reduction in gun deaths over this three year period by lowering the number of deaths in interpersonal violence such as ‘bar brawls and traffic altercations.’¹⁶

This trend in the reduction of gun deaths across Brazil has continued over the last decade in most parts of the country, with a 2015 study reporting that restricted gun ownership in Brazil saved 160, 000 lives between 2004 and 2012.¹⁷ For example, in large urban centres such as Rio de Janeiro and Sao Paulo, there was a reported drop in gun deaths by over 50 per cent during this period.

However, paradoxically, the total number of gun deaths started to increase in 2012 rising to a high of 42, 416 gun deaths in that year; most of this increase is accounted for by a dramatic increase in gun-related death in a specific region of the country, namely, the northern and north eastern states such as Alagoas.¹⁸ One of the factors that explain the increase in these sub-regions has to do with the drug trade. However, in most of the rest of the country gun deaths have continued to decline, making it clear that the gun legislation has had a positive impact.

There appear to be similar trends in South Africa’s gun homicide profile, with Cape Town far outstripping other cities in the country, most of which have shown a reduction in gun deaths over the last 15 years. These varying gun homicide patterns at national and sub-national level are important to analyse so as to provide insight and guidance for violence prevention strategies; this will be a topic for exploration in a future GFSa briefing.

2004/2005 BRAZIL FIREARMS AMNESTY

The weapons buyback programme was held over an 18 month period from 15 July 2004 to 23 October 2005. Initially, during the first six months of the campaign, civil society played a technical advisory role to government. However, after having collected more than 250, 000 weapons in the first few months, it was evident that the take up was larger than anticipated and civil society organisations including the churches and the trade unions became increasingly involved, acting as collection points. “This was a decisive addition to the campaign,” says Antonio Bandeira of Viva Rio, “because people who do not trust the police do not want to give their guns to them.”¹⁹

A total of 460, 000 firearms were surrendered during this 18 month period: all of these weapons were publicly destroyed after several months. As with the 2005 firearms amnesty in South Africa, the Brazilian amnesty also provided an opportunity for those gun owners who did not want to register their guns under the new law, to dispose of them safely and legally.²⁰

¹⁴ Dreyfus et al. 2008. Small Arms in Rio de Janeiro. *The Guns, the Buyback, and the Victims*. Special Report. Small Arms Survey. Geneva.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Map of Violence. 2015. UNESCO. http://unesco.org/new/en/brasil/abou-this-office/single-view/news/map_of_violence_examines_deaths_by_firearms_in_brazil_from_1980_to_2012/#.

¹⁸ Ibid.

¹⁹ Bandeira, Antonio and Josephine Bourgois. 2016. *Firearms. Protection or Risk?* Parliamentary Forum on Small Arms and Light Weapons. Rio de Janeiro.

²⁰ Interview with Melina Risso. December 2015. Ex-Director of Sou da Paz, an NGO based in Sao Paulo, Brazil.



Some of the distinguishing features of the Brazilian firearms amnesty campaign included cash compensation and a highly sophisticated and intense communications campaign by both government and civil society organisations, with significant cooperation with major media houses such as *O Globo*.

This Briefing identifies the key elements of the buyback programme that contributed to its success.

SEVEN FACTORS FOR SUCCESS

#1 No questions asked: this meant that no identifying information of the person handing in the gun was recorded; and there were no charges or prosecutions for illegal possession. However, anyone handing in a weapon could choose to identify themselves if they so wished. The only personal data that was recorded for research purposes, included gender and age. For example, it was found that the biggest category of people handing in weapons was over the age of 60 years.²¹ It also showed that men were by far the most likely to hand in weapon(s) (just over 60%), with women totalling about 25 per cent of the respondents. The weapon type was recorded.

#2 Civil society partnerships: this was a hallmark of the buyback campaign in Brazil. About 600 churches and many NGOs served as collection stations and this encouraged people who might not have handed their weapon(s) to the police to come forward. One of the primary NGOs that worked very closely with government in holding the campaign, Viva Rio, collected about 15,000 firearms at their premises in Rio de Janeiro.

#3 Disabling firearms at moment of handover: the preliminary disabling of the gun at the moment of hand-in helped assure the person handing over the weapon(s) that it had been destroyed and could no longer be reactivated for use. This was important given the low levels of trust in the police. It also gave the churches and NGOs some measure of security as they often served as collection points in high risk areas such as favelas (urban slums). In most instances hammers were used to disable the weapon: they proved to be cheap, easily transportable, and an effective way of disabling the weapon.

#4 Comprehensive media and communications campaign: the Brazilians developed some of the most sophisticated media savvy campaigns ever seen, including making use of popular media such as soapies (for which Brazil is famous- *telenovelas*). Research showed that the number of people arriving at hand-in points increased markedly on the day after campaign spots were broadcast on TV and radio.

#5 Targeting women: specific messaging was targeted at women, encouraging them to bring in the weapons hidden in their homes or persuading their sons/brothers/spouses to surrender their guns. Women are also most often the victims of domestic homicide and this is one incentive that encouraged women to surrender the weapons in their homes. Within a week of the start of the buyback campaign, 7000 weapons had been surrendered nationally. A woman in Sao Paulo handed in almost 1,300 firearms; guns that had belonged to her late father who had been a collector and included muskets and mortar shells.²² The use of popular media was particularly targeted at women.

#6 Compensation: there are different forms of compensation including donated goods as in the 'trading of weapons for other goods' approach in which the gun is traded for anything from food

²¹ Dreyfus et al. 2008. *Small Arms in Rio de Janeiro. The Guns, the Buyback, and the Victims*. Special Report. Small Arms Survey. Geneva. pg.43.

²² BBC news. 2004. Brazil gun amnesty nets huge haul. 24 July 2004; <http://news.bbc.co.uk/2/hi/americas/3922177.stm>



vouchers, to sporting events tickets, and even agricultural and construction materials.²³ One of the most common forms of payment is in cash. In Brazil, the sum given for the exchange of the weapon was low enough not to create a parallel market, but high enough to motivate people to hand-in the gun. Payment varied between USD30-USD100 per gun depending on the quality and type of gun surrendered, with payment made through a deposit into a bank account.

#7 Public destruction: In June 2001, prior to the holding of the 2004/05 firearms amnesty, Viva Rio, working closely with the Federal Police and the State of Rio de Janeiro Security Office, staged the single largest public gun destruction ever carried out in the world in a single day: 100,000 stockpiled weapons were laid out on the beach front road (fronting famous beaches such as Ipanema and Copacabana), steam rolled, and then later melted down. This assisted in creating a climate of trust with the police and demonstrated to the public that it is possible to remove and destroy lethal weapons, taking them out of circulation forever. It also provided a compelling reason for strengthening the gun law which came into effect in 2003. Building on the public destructions of 2001, most of the weapons surrendered were publicly destroyed.

WHAT DID NOT WORK?

Although large numbers of people participated in the buyback programme, there was a poor response from the youth; this is true in almost all countries in which amnesties have been conducted. One way this was addressed in Brazil was targeting adults, focusing on the risk to the family of keeping a gun in the home. However, research is needed to try and understand why young people are unreceptive to disarmament efforts, especially in countries with high levels of youth related gun violence, as in South Africa.

Despite efforts by the participating NGOs to encourage government to record the hand-in of ammunition, there was no compensation for ammunition as well as no recording or monitoring of the hand-in of ammunition.

CONCLUSION

One of the most significant findings in the Dreyfus study is that voluntary firearms collection campaigns reduce armed violence, Brazil being a case in point. However, the study is also very clear that these firearms amnesties or **voluntary collection campaigns must not be implemented in isolation**; they must be combined with other preventative measures.

In Brazil as in other countries such as Australia in which firearms amnesties have been very effective in removing hundreds of thousands of guns off the streets, the most effective preventative measure is the strengthening of domestic gun laws.

South Africa has a tremendous opportunity in 2017 to do just this: to strengthen the country's gun laws including improving enforcement of the law, and to conduct a massive no questions asked firearms amnesty across the country.

²³ Bandeira, Antonio and Josephine Bourgois. 2016. *Firearms. Protection or Risk?* Parliamentary Forum on Small Arms and Light Weapons. Rio de Janeiro.