



Media Statement: Welcome Draft Firearms Control Amendment Bill

Provisions aligns SA with legal obligations and global norms, is based on scientific evidence that reduced access to guns reduces gun violence, and added clarity facilitates enforcement

26 May 2021: Gun violence in South Africa has reached epidemic proportions: Nationally, guns have overtaken knives as the weapon most used in murders¹, while in Gauteng more people are shot and killed than die in traffic accidents².

Within this context, Gun Free South Africa welcomes the Draft Firearms Control Amendment Bill. We commend government for boldly acting to address rising gun violence, which sees 23 people shot and killed every day in South Africa.

In particular we support:

1. The alignment of the Firearms Control Act with global norms which do not recognise self-defence as a reason for gun ownership, as well as SA's legal obligations. These include a 2018 ruling by the Constitutional Court that gun ownership is not a right but a privilege governed by law³ as well as various protocols, most notably the global Firearms Protocol⁴ and the SADC Firearms Protocol⁵.
2. The reliance on evidence that reducing access to firearms reduces gun violence: Published South African research has linked lives saved, including the lives of women and children, to stricter gun control⁶. Global scientific research shows that a gun in the home most endangers household members by increasing the risk of murder, suicide and death or injury from an unintentional shooting⁷. Moreover, guns in the home are targeted by robbers, with a comprehensive study in South Africa confirming that civilian gun owners are the biggest source of lost and stolen guns⁸. In this regard proposed amendments strengthen firearm tracking and tracing to reduce the risk of loss and theft, while a proposed amendment will reduce the risk of gun-related domestic violence by ensuring that if a gun owner or gun licence applicant has an interim protection order issued against them that ownership or the application process is immediately suspended until the matter is resolved.
3. The sharpening of provisions in the Act to facilitate its enforcement. This includes identifying the roles and responsibilities of the state, in particular the police. For instance there are much stricter provisions for securing firearms and requirements to report firearm losses and thefts. In addition procedures and timelines have been clarified to reduce ambiguity and help firearm owners and businesses comply with the law.

Gun Free South Africa recognises that all of us living in SA are grappling with ways to protect ourselves, our family, friends, colleagues and wider community from violent crime. The best way to do this is to use available evidence to make the most informed decision. The available evidence shows that reducing access to firearms helps make our homes, communities and country safer.

Ends

Additional information

Self-defence as a reason for gun ownership

The majority of countries in the world 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.⁹

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

While the right to defend yourself is a universally recognised right, there is no universal right to own a gun for self-defence: 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.”¹¹

A gun for self-defence arms criminals and increases the risk of being shot

Research internationally and in South Africa shows that while having a gun may make someone feel safer, it doesn’t make them safer:

1. Guns are highly prized and are targeted by criminals who cannot acquire them legally.
 - Police annual reports consistently show that the majority of guns that are reported as lost or stolen were lost by or stolen from civilians. Of the 8,680 guns reported stolen or lost in 2019/20 (an average of 24 a day) 8,007 (92% or 22 a day) were owned by civilians and 673 were police owned.¹²
 - South African research undertaken in two Johannesburg police precincts shows you are four times more likely to have your gun stolen from you than to use it in self-defence when being attacked.¹³
2. Guns are very rarely used in self-defence against a criminal attack.¹⁴ This is because criminals choose the time and place of attack very carefully, making sure their victim is vulnerable and outnumbered to increase the success of a crime. The most recent comprehensive research from the USA (SA does not have studies like this) based on national FBI and crime survey data, shows that guns that have been bought for protection are 32 times more likely to criminally murder others than to kill in self-defence.¹⁵
3. Someone with a gun is 4 to 5 times more likely to be shot at, and thus shot, if they have a gun in their possession when attacked by armed criminals.
 - South African research undertaken in two Johannesburg police precincts shows you are four times more likely to be shot at if you use your gun in self-defence.¹⁶

- International research from Philadelphia in the USA not only supports this finding, but shows that you are 4 to 5 times more likely to be shot (not just shot at) if you have a gun in your possession when attacked, compared to someone not carrying a firearm at the time.¹⁷
4. A gun in the home puts the gun owner and their family at risk of death and injury. International 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 including a spouse, a friend or acquaintance, than to successfully protect against an intruder.¹⁸ This includes intimate-femicide (the killing of a female intimate partner by a male), femicide-suicide (where the male perpetrator kills himself after killing his female intimate partner) and family murder-suicide, as well as suicide and accidental injury and death.
 5. Gun owners 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.¹⁹ 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.²⁰

¹ South African Police Service national annual crime statistics:

- South African Police Service. 2019. Crime Statistics: Crime situation in Republic of South Africa (12) months (April to March 2018-19). Presentation to Portfolio Committee on Police, 12 September. (Online). Available at <https://pmg.org.za/committee-meeting/28873/> (accessed 28 March 2020).
- South African Police Services. 2020. Crime situation in Republic of South Africa: Twelve (12) months (April to March 2019-20). Presentation to the Portfolio Committee of Police, 31 July. (Online). Available at www.saps.gov.za/services/april_to_march_2019_20_presentation.pdf (accessed 3 August 2020).

² Gauteng Department of Health. 2019. Gunshot wounds and stabbings top the list of causes of death in Gauteng. Media statement, 5 November: Reports that for 2018/2019 financial year, “state mortuaries recorded 2416 gunshot deaths followed by motor vehicle accidents and stabbings at 1695 and 1295 respectively.”

³ Froneman, Johan (Judge). 2018. Judgement of the Constitutional Court of South Africa, Case CCT 177/17 in the matter between the Minister of Safety and Security (Applicant), South African Hunters and Game Conservation Association (Respondent), Fidelity Security Services (PTY) Limited (First Amicus), and Gun Free South Africa (NPO) (Second Amicus), 7 June. (Online). Available at www.saflii.org/za/cases/ZACC/2018/14.pdf (accessed 12 June 2018).

⁴ United Nations Office on Drugs and Crime. Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. (Online). Available at www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html (accessed 9 May 2021).

⁵ Southern African Development Community. 2001. Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region (SADC Firearms Protocol). (Online). Available at [www.sadc.int/documents-publications/show/Protocol%20on%20the%20Control%20of%20Firearms,%20Ammunition%20and%20Other%20Materials%20\(2001\)](http://www.sadc.int/documents-publications/show/Protocol%20on%20the%20Control%20of%20Firearms,%20Ammunition%20and%20Other%20Materials%20(2001)) (accessed 21 February 2019).

⁶ See:

- The “strength, timing, and consistency of the decline in (the number of people shot and killed in five South African cities between 2001 and 2005) suggest that stricter gun control through the FCA accounted for a significant decrease in homicide overall, and firearm homicide in particular”. Source: Matzopoulos, Richard, Mary Lou Thompson, and Jonathan Myers. 2014. Firearm and Nonfirearm Homicide in 5 South African Cities: A Retrospective Population-Based study. *American Journal of Public Health*, Vol. 104, No. 3, pp. 455-460, p. 459.
- “There was a very substantial difference in the rate of (women that were shot and killed between 1999 and 2009). The decrease is most likely explained by gun control legislation (Firearms Control Act) ...with provisions for safer firearm use and ownership amongst its key features”. Source: Abrahams, Naeemah, Shanaaz Mathews, Lorna Martin, Carl Lombard, and Rachel Jewkes. 2013. Intimate Partner Femicide in South Africa in 1999 and 2009. *PLOS Medicine*, Vol. 10, No. 4, pp. 1-8, p. 3.
- “Our study shows a decline in total firearm injuries in children from 2001 (to 2010 in the Western Cape) ...demonstrating that strengthening firearm legislation can reduce firearm-related injury”. Source: Campbell, Nathan, G. Colville, Y. van der Heyde, and A.B. van As. 2013. Firearm injuries to children in Cape Town, South Africa: Impact of the 2004 Firearms Control Act. *South African Journal of Surgery*, Vol. 51, No. 3, pp. 92-96, p. 95.

⁷ See:

- van Kesteren, John. 2014. Revisiting the gun ownership and violence link. *British Journal of Criminology*, Vol. 54, pp. 53-72, p. 69.
- 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, which summarises the scientific literature on the health risks and benefits of having a gun in the home for the gun owner and his/her family, concluding that, “The evidence is overwhelming for the fact that a gun in the home is a risk factor....”

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- ⁸ Mthembu-Salter, Gregory and Lamb, Guy. 2006. *The Meaning of Loss: Firearms Diversion in South Africa*. Small Arms Survey 2006: Unfinished Business. Cambridge University Press. p. 198.
- ⁹ Parker, Sarah. 2011. Chapter 9: Balancing Act: Regulation of Civilian Firearm Possession. *States of Security*, Small Arms Survey 2011. Cambridge: Small Arms Survey.
- ¹⁰ 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.
- ¹¹ 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.
- ¹² South African Police Service 2019-20 Annual Report, available online at www.saps.gov.za (accessed 13 March 2021).
- ¹³ Altbeker, Antony. 1999. *Guns and Public Safety: Gun crime in Alexandra and Bramley*. Johannesburg: GFSA.
- ¹⁴ Hemenway, David, and Sara Solnick. 2015. The epidemiology of self-defense gun use: Evidence from the National Crime Victimization Surveys 2007–2011. *Preventive Medicine*, Vol. 79, pp. 22-27: This USA study shows that self-defence gun use occurs in fewer than 1% of contact crimes.
- ¹⁵ Violence Policy Center. 2015. [Firearm Justifiable Homicides and Non-Fatal Self-Defense Gun Use: An Analysis of Federal Bureau of Investigation and National Crime Victimization Survey Data](#).
- ¹⁶ Altbeker, Antony. 1999. *Guns and Public Safety: Gun crime in Alexandra and Bramley*. Johannesburg: GFSA.
- ¹⁷ 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..
- ¹⁸ 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, which summarises the scientific literature on the health risks and benefits of having a gun in the home for the gun owner and his/her family, concluding that, “The evidence is overwhelming for the fact that a gun in the home is a risk factor....”
- ¹⁹ van Kesteren, John. 2014. Revisiting the gun ownership and violence link. *British Journal of Criminology*, Vol. 54, pp. 53-72.
- ²⁰ Ibid.