

# **ARMES À FEU : QUEL IMPACT SUR LA SÉCURITÉ ET LA SANTÉ PUBLIQUES?**

**Guy Asselin, Wendy Cukier, Etienne de Périer, Etienne Krug,  
Alain Lescrenier, Gill Marshall-Andrews,**

© Groupe de recherche et d'information  
sur la paix et la sécurité (GRIP)  
rue Van Hoorde, 33  
B-1030 Bruxelles  
Tél.: (32.2) 241.84.20  
Fax: (32.2) 245.19.33  
E-mail: [admi@grip.org](mailto:admi@grip.org)  
Website: [www.grip.org](http://www.grip.org)

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## Introduction

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Au cours de ces dernières années, plusieurs « faits divers » sensationnels liés à la détention d'armes à feu par des civils ont défrayé la chronique : Etats-Unis, Grande-Bretagne, Canada, Australie, France, Suisse... Le sujet est ainsi devenu d'une actualité brûlante, débouchant dans une série de pays sur des initiatives visant à mieux réglementer et à contrôler la détention d'armes.

Les armes à feu constituent un problème global en matière de santé publique. Elles représentent un facteur important de mortalité : selon une étude des Nations unies, *International Study on Firearm Regulation*, 30 pays ont répertorié plus de 200.000 décès par an (homicides, accidents et suicides). Aux Etats-Unis, 71% des homicides et 61% des suicides sont liés aux armes à feu.

Si la tendance se confirme, les décès liés aux armes à feu seront la première cause de mort violente dans le monde dès 2003. Plusieurs études tendent à démontrer que la disponibilité des armes à feu influence de manière importante les taux de mortalité par homicide, suicide ou accident. En Europe, la grande majorité des décès par arme à feu sont des suicides. Dans de nombreux cas, la présence d'une arme à feu à un moment critique est déterminante : ces décès pourraient donc être évités.

Outre les répercussions psychosociales des traumatismes par arme à feu, le coût médical est énorme. Les soins apportés aux lésions par armes à feu sont deux fois plus onéreux que ceux concernant les autres types de blessures. Il existe actuellement très peu d'études chiffrées à jour sur le taux réel de possession d'armes par les citoyens.

Les mesures de contrôle des armes présentent un éventail des plus larges, qui va du renforcement

des conditions d'acquisition au principe de « tolérance zéro », en passant par l'interdiction de certains types d'armement ou l'imposition de systèmes technologiques de sécurité (ex. les *smart guns*). En Belgique, un projet de loi tend à renforcer les conditions d'accès aux armes à feu pour les civils.

Si le contexte propre à chaque pays doit être pris en compte, ainsi que les retombées des mesures adoptées, il est en même temps souhaitable d'harmoniser, ou tout au moins de rendre cohérentes les initiatives prises dans chaque pays au niveau européen et au niveau international. A cette fin, les efforts pour aboutir à l'adoption de réglementations, telles que le Protocole des Nations unies contre la fabrication et le trafic d'armes à feu, devraient permettre de renforcer la cohésion et la coordination des Etats.

Les textes qui suivent sont les Actes de la Conférence intitulée « La disponibilité des armes à feu : quel impact sur la sécurité et la santé publique ? », qui s'est tenue à Bruxelles le 31 mai 2001.

La confrontation des experts issus de plusieurs secteurs concernés par la problématique (qu'il s'agisse du domaine politique – national et européen –, judiciaire, médical, ou policier) a débouché sur un débat animé et prometteur : de telles rencontres se doivent d'être rééditées.

Je tiens ici encore à remercier les différents intervenants pour leur participation, ainsi que les ministères de la Justice et de la Santé publique pour leur soutien actif.

Sophie Nolet,  
Chargée de recherche au GRIP.

## Le contrôle des armes à feu Mythes et réalités au Canada

Guy Asselin\*

### Introduction

L'adoption de la *Loi sur les armes à feu* au Canada a fait couler beaucoup d'encre et soulevé certaines inquiétudes chez les citoyens. En effet, plusieurs mythes entourent le contrôle des armes à feu. Certains prétendent que les armes à feu sont des objets inoffensifs lorsqu'elles sont possédées légalement et utilisées par des citoyens honnêtes alors que d'autres croient que le contrôle est inutile puisqu'il vise peu les criminels.

Nous tenterons, lors de ce bref exposé, à l'aide d'exemples, de statistiques et d'une revue de la littérature provenant majoritairement du Canada, de faire la lumière sur les réalités souvent occultées par ces mythes. Nous espérons ainsi vous sensibiliser à l'importance du contrôle des armes à feu.

### **1<sup>er</sup> mythe : Les armes à feu ne présentent pas de réel danger pour la sécurité publique**

Au Canada, les décès imputables aux armes à feu représentent la deuxième cause de décès accidentels, la première étant les accidents de la route. Un tel constat illustre jusqu'à quel point les armes à feu peuvent représenter un danger. De plus, en examinant le prorata du nombre d'armes à feu en fonction de la population et celui du nombre de véhicules sur la route<sup>1</sup>, force nous est de constater que les armes à feu sont beaucoup plus mortelles que les véhicules routiers.

Si de l'avis de certains, les décès et blessures attribuables aux armes à feu ne constituent pas un problème grave comparativement à d'autres causes de décès comme par exemple le cancer, les professionnels de la santé publique préfèrent établir des priorités d'intervention en se basant non seulement sur le taux de décès, mais aussi sur la mesure dans laquelle ces décès auraient pu être évités<sup>2</sup>.

### Décès par armes à feu

Au Canada, le taux annuel de décès par balle est de l'ordre de 5,5 pour 100.000 habitants. Afin d'illustrer ces propos, examinons quelques statistiques. Au Canada, de 1987 à 1997, les statistiques révèlent que 32% de tous les homicides ont été commis au moyen d'une arme à feu et que la moyenne annuelle de décès imputables aux armes à feu est d'environ 1.400. De ces 1.400 décès, 80% découlent de suicides, 15% d'homicides et 5% d'accidents<sup>3</sup>. Aux États-Unis, le taux annuel de décès par balle est de 14,2 pour 100.000 habitants; 80% de tous les homicides sont commis avec des armes à feu.

### Types d'armes à feu utilisées lors de décès par balle

Maintenant, considérant le type d'armes à feu, les Canadiens ont tendance à croire que les armes de poing tels les pistolets et revolvers sont celles le plus souvent utilisées, que ce soit pour commettre des suicides ou des homicides. Bien que cela se vérifie aux États-Unis, où 80% des homicides sont commis avec des armes de poing, au Canada, les études réalisées nous démontrent tout à fait le contraire. Par exemple, dans 76 % des homicides découlant d'un drame conjugal, des armes d'épaule, c'est-à-dire les fusils de chasse ou les carabines, ont été utilisées.

Dans le cas de morts accidentelles dues aux armes à feu, 90 % des armes identifiées sont des armes d'épaule<sup>4</sup>. De plus, on a constaté que 52 % des armes à feu récupérées par la police à l'issue de la perpétration d'infractions criminelles étaient des armes d'épaule.

En ce qui concerne les suicides et les tentatives de suicide, 82 % des armes à feu récupérées sont également des armes d'épaule<sup>5</sup>. Enfin, certaines

\* Contrôleur des armes à feu, Sûreté du Québec.

1. Statistiques Canada, Cause de décès (Catalogue 84-208).

2. McKeown D (Medical Officer of Health, Toronto) Affidavit to the Alberta Court of Appeal for hearing and consideration of the questions set out in Order in Council 461/196 respecting the Firearms Act Sc 1995, 17 avril 1997.

3. Statistiques Canada, Cause de décès (Catalogue 84-208).

4. Statistics Canada « Mortality – Summary list of causes » 1992, mars 1995 (cat. 84-209).

études<sup>6</sup> soulignent le fait qu'au Canada et au Québec, dans la majorité des cas, les suicides avec armes à feu ont lieu avec des armes de chasse et non avec des armes de poing.

Une étude ministérielle sur le coût des blessures causées par les armes à feu en Alberta révèle que 66 % des blessures causées par les armes à feu exigeant des soins d'urgence l'avaient été par des armes d'épaule<sup>7</sup>. Ces données démontrent clairement qu'il ne faut pas sous-estimer la dangerosité des armes d'épaule.

### Suicides par armes à feu

Certains croient qu'il n'existe pas de relation entre suicide et arme à feu, ou que s'il existe une relation, celle-ci est faible. Pour ces derniers, le contrôle des armes à feu ne serait pas un moyen efficace d'intervention dans le but de réduire le nombre de suicides. Une courte revue de la littérature permet rapidement de comprendre que la réalité est toute autre.

#### Quelle est l'ampleur des suicides par armes à feu ?

Au Canada, bon an mal an, les suicides représentent près de 80 % des décès par balle<sup>8</sup>. Bien que le nombre de décès par balle soit en régression constante depuis 1991, cette proportion reste toujours la même à travers les années, soit de 80 %. En 1997, au Canada, 815 personnes se sont donné la mort avec une arme à feu<sup>9</sup>. Annuellement, au Québec, environ 300 personnes se suicident avec une arme à feu.

Par rapport à l'ensemble des suicides, la proportion de suicides par balle demeure assez constante. Ainsi, au Québec, de 1989 à 1996, le quart des suicides a été réalisé avec une arme à feu.

#### Contexte entourant les suicides par balle

Il est généralement reconnu que la plupart des suicidaires sont âgés de 14 à 25 ans. Ils se suicident principalement pour les deux raisons suivantes : suite à un échec scolaire ou encore suite à une peine amoureuse.

En ce qui a trait au suicide avec armes à feu, le portrait tracé par plusieurs études est légèrement différent :

- Les personnes souffrant de dépression due à des traumatismes ponctuels et temporaires sont plus portées à se suicider avec des armes à feu, comparativement aux personnes souffrant de dépression chronique, lesquelles utilisent plutôt des médicaments<sup>10</sup>.
- Des études de cas ont montré que les armes à feu utilisées pour commettre un suicide sont en général aisément accessibles ; en effet, la victime possède une arme à feu ou l'emprunte. Il est rare que l'on se procure des armes à feu expressément pour se donner la mort.
- Des études sur le suicide chez les jeunes révèlent que de nombreuses tentatives de suicide et de nombreux suicides peuvent être interprétés comme des gestes impulsifs<sup>11</sup>.
- Fait à noter, près de 90 % des gens qui font une tentative de suicide ne récidivent jamais.

Ce qui caractérise vraiment le suicide par arme à feu réside dans le fait que ce moyen ne pardonne généralement pas. En effet, le taux de réussite des suicides est plus élevé avec les armes à feu qu'avec des médicaments ou un objet coupant. Le taux de létalité est aussi élevé que 92% avec les armes à feu, alors qu'il est de 35% avec des médicaments

5. *Proactive information services inc.* (février 1997). L'utilisation des armes à feu dans les affaires d'homicides, de vols qualifiés et de suicides sur lesquelles le Service de police de Winnipeg a fait enquête (1995). Ministère de la Justice du Canada, Centre canadien des armes à feu (WD1997-1f).

6. Moyer et Carrington, 1992, *La disponibilité des armes à feu et les suicides commis au moyen d'une arme à feu*, Ministère de la Justice du Canada, Bouchard, L.M., Chapdelaine, A., Mireault, G., Maurice P. «Les suicides dans la région de Québec et Chaudière-Appalaches: une approche multifactorielle pour prévenir les suicides», *Maladies chroniques au Canada*, Novembre-décembre 1991, 12:6, pp. 108-113.

7. Chapdelaine, A. et Pierre M. (novembre 1996), «Firearms Injury Prevention and Gun Control in Canada», *Journal de l'Association médicale canadienne*, 155, n° 9, p. 1285-1289.

8. Statistiques Canada, Cause de décès (Catalogue 84-208).

9. Statistiques Canada, Cause de décès (Catalogue 84-208).

10. Moyer S., Carrington P.J. «Gun Availability and Firearm Suicide», Department of Justice, mars 1992. (Brent D.A. et Al., «Alcohol, Firearms, and suicide Among Youth», *Journal of the American Medical Association*, Vol. 257, n°24, 26 juin 1987). (Moyer S., Carrington P.J., «Gun Availability and Firearm Suicide», Technical Report, Ministère de la Justice canadien, Sous-direction de la recherche et du développement, Secteur des politiques et programmes ministériels, juillet 1992 (non publié).

11. Chapdelaine et Al. 1991; Hawton, 1986; Poteet, 1987; Tonkin, 1984; Greuling et DeBlassie Hawton, 1986 cité dans Gabor 1994.

et tombe à 10% avec un objet coupant<sup>12</sup>. De plus, dans un foyer où l'on trouve une arme à feu, les risques de suicide sont cinq (5) fois plus élevés que la normale; ces risques augmentent si l'arme à feu est entreposée chargée<sup>13</sup>.

Comme le taux de réussite est extrêmement élevé et que le suicide par arme à feu est souvent le résultat d'une impulsion, une stratégie possible d'intervention est de limiter l'accès aux armes à feu aux personnes en crise, dans le but de prolonger le plus possible le délai entre l'idée de suicide et le passage à l'acte. Par exemple, la réglementation canadienne sur l'entreposage sécuritaire des armes à feu prévoit que :

- les armes à feu doivent être entreposées dans un meuble verrouillé ;
- la détente doit être munie d'un mécanisme verrouillé ;
- et les munitions ne doivent pas se trouver à proximité ou si elles le sont, elles doivent être entreposées dans un contenant verrouillé<sup>14</sup>.

Ainsi, un individu en état de crise qui doit chercher la clé du meuble ainsi que celle du mécanisme de verrouillage sécuritaire de l'arme et finalement se procurer des munitions afin de charger l'arme est plus susceptible de « reprendre ses esprits » avant de passer à l'acte que celui qui possède une arme chargée à proximité. Cela soulève une autre question : si l'arme à feu n'est pas disponible, la personne suicidaire aurait-elle tendance à vouloir utiliser un autre moyen pour se donner la mort ?

Bien que les résultats de certaines études laissent croire qu'une arme à feu peut parfois être remplacée par un autre moyen létal, d'autres sont à l'effet inverse c'est-à-dire :

- La disponibilité des armes à feu semble influencer sur la fréquence de leur utilisation lors d'une tentative de suicide : « Les analyses ont révélé des corrélations positives entre la disponibilité d'armes à feu et les taux de suicides commis au moyen d'une arme à feu, et aucun signe de déplacement vers d'autres méthodes. Cela laisse croire que la disponibilité moins grande des armes à feu peut entraîner une réduction des taux de suicide en général »<sup>15</sup>.
- Les résultats confirment l'hypothèse selon laquelle l'accès facile aux armes à feu augmente le risque de suicide à la maison. Le risque est

plus grand dans les maisons où il y a une arme de poing et dans celles où des armes à feu ne sont pas gardées sous verrou ni déchargées avant d'être rangées<sup>16</sup>.

- Les États-Unis arrivent en tête des pays industrialisés pour ce qui est du taux de suicides et d'homicides par balle et de possession d'armes à feu. Les auteurs concluent qu'en diminuant la disponibilité globale des armes à feu, on pourrait réduire le risque de blessures et de décès par balle<sup>17</sup>.

### Impact de la réglementation de l'entreposage sécuritaire sur le taux de suicide

Comme la disponibilité des armes à feu et les méthodes d'entreposage semblent avoir un impact sur la probabilité qu'une arme à feu soit utilisée dans le cadre d'un suicide, est-ce qu'une réglementation sur l'entreposage sécuritaire aurait un impact significatif sur le nombre de suicide ? Les résultats de recherches semblent démontrer que le taux de suicides par balle aurait effectivement diminué au Canada suite à l'adoption de la loi de 1977.

Ainsi, Lester et Leenaars ont étudié des données sur les taux de suicides et de suicides par balle sur une période de huit (8) ans ayant précédé et suivi l'adoption de la loi de 1977 sur les armes à feu afin d'évaluer dans quelle mesure la loi a eu un impact sur le nombre de suicides. Ces auteurs ont constaté une importante tendance à la baisse dans les taux de suicides par balle au Canada et dans la

12. Card, J.J. « Lethality of Suicidal Methods », *Omega* 5: 37-45, 1974.

13. Kellerman et al « Suicide in the house in relation to gun ownership », *New England Journal of medicine*, vol. 327 n° 7 13 août 1992.

14. *Règlement sur l'entreposage, l'exposition, le transport et le maniement des armes à feu par des particuliers*, (1998) 132 Gaz. Can. II, 1250, art. 5 (1) c).

15. Carrington, P. J. et Sharon Moyer (1994), « Gun Availability and Suicide in Canada : Testing the Displacement Hypothesis », *Studies on Crime and Crime Prevention*, 3 168-178.

16. Kellermann, Arthur L., Fredereck P. Rivara, Grant Somes, Donald T. Reay, Jerry Francisco, Joyce Gillentine Banton, Janice Prodzinski, Corinne Fligner et Bela Hackman (août 1992), « Suicide in the Home in Relation to Gun Ownership », *The New England Journal of Medicine*, 327, n° 7, p. 467-472.

17. Kaplan, Mark S. et Olga Geling (1998), « Firearms Suicides and Homicides in the United States : Regional Variations and Patterns of Gun Ownership », *Social Science and Medicine*, 46, n°9, p. 1227-1233.



proportion de suicides par balle comparativement à l'ensemble des suicides et cela, après l'adoption de cette loi<sup>18</sup>.

### **2<sup>ème</sup> mythe : Le contrôle des armes à feu vise uniquement les honnêtes citoyens**

La deuxième croyance, laquelle est très enracinée auprès de la population, repose sur la supposition suivante : le contrôle des armes à feu n'a pas d'impact sur les comportements criminels et la criminalité en général.

#### **Incidents et possession légale des armes à feu**

Environ 85 % de tous les incidents impliquant des armes à feu (suicides, homicides, accidents, autres) surviennent avec des armes à feu possédées légalement. Il est donc faux de croire que la majorité des incidents impliquant des armes à feu sont le fait de criminels notoires.

Par exemple, en Nouvelle-Zélande, l'étude de Alpers et Morgan a démontré que la plupart des victimes d'homicides ont été tuées par une personne autorisée à posséder des armes à feu. Parmi toutes les victimes, 57 % ont été tuées au cours d'une dispute familiale au moyen d'une arme à feu possédée légalement. Quant aux auteurs des homicides, 82 % n'avaient aucun antécédent psychiatrique. Selon les auteurs, ces résultats contredisent l'hypothèse selon laquelle les efforts visant à réduire la violence commise au moyen d'armes à feu ne devraient s'adresser qu'aux criminels et aux personnes souffrant de maladie mentale, plutôt qu'aux propriétaires d'armes à feu respectueux de la loi<sup>19</sup>. En outre, suite à l'analyse de certains événements, Gardiner, Norton et Alpers concluent que « les stratégies de prévention doivent viser la propriété légale et illégale d'armes à feu »<sup>20</sup>.

Comme c'est souvent le cas lors de suicides avec armes à feu, les agressions commises par des parents et amis avec des armes à feu sont aussi le résultat d'un geste impulsif à la suite de disputes violentes plutôt que d'actes prémédités. Les données de l'enquête sur l'homicide montrent qu'en 1997, la police a pu établir qu'il existait un lien entre la victime et l'accusé dans 65 % des cas d'homicide par balle (125)<sup>21</sup>.

Dans de telles circonstances, l'accès à des armes meurtrières représente un facteur important du dénouement de l'incident. En conséquence, le fait de limiter l'accès des agresseurs potentiels aux armes à feu et de réduire la puissance meurtrière des armes à feu par une nouvelle conception technique sont des stratégies de prévention potentiellement efficaces<sup>22</sup>. À titre d'exemple, aux États-Unis, le quart des crimes impliquant une arme à feu sont commis en Floride, au Texas, en Georgie et au Mississippi, soit quatre (4) États aux lois permissives en matière d'armes à feu.

#### **Responsabilisation des propriétaires d'armes à feu**

Au Québec, la plupart des hospitalisations dues aux armes à feu résultent d'une décharge accidentelle. Outre les incidents survenus lors d'une excursion de chasse, la majorité des accidents ont lieu à la maison et impliquent des personnes âgées de moins de dix-huit (18) ans. L'entreposage négligent et l'accessibilité aux armes constitue une cause majeure dans ces incidents.

Dans une étude produite par le ministère de la Justice du Canada, un lien a été établi entre les taux de possession d'armes à feu et de décès par arme à feu dans les provinces canadiennes, aux États-Unis, en Angleterre et en Australie. Cette étude démontre que la différence entre les taux de décès s'explique par l'accès aux armes à feu à ces

18. Lester et Leenaars, 1993, « Suicide Rates in Canada Before and After Tightening Firearms control laws », *Psychological Reports*, 92, p. 791-810.

19. Alpers, Philip et Barbara Morgan (1995), « Firearm Homicide in New Zealand: Victims, Perpetrators and their Weapons – 1992-1994 », présenté à la National Conference of the Public Health Association of New Zealand, Knox College, Dunedin, 28 juin 1995.

20. Gardiner, James Robyn Norton et Philip Alpers (1996), « Nonfatal Firearm Misuse: Licence Status of Perpetrators and Legality of the Firearms », *Australian and New Zealand Journal of Public Health*, 20, n° 5, p.479-452.

21. Statistique Canada : enquête sur les homicides. Données fournies par le programme des services policiers, Centre canadien de la statistique juridique (tableaux inédits). Demande de données sur les homicides par balles résolus dans les cas où la police connaît la relation entre la victime et l'accusé, 1997.

22. Saltzman, Linda E., James A. Mercy, Patrick W. O'Carroll, mark L. Rosenberg et Philip H. Rhodes (juin 1992), « Weapon Involvement and Injury Outcomes in Family and Intimate Assaults », *Journal of the American Medical Association*, 267, n° 22, p. 3043-3047.

endroits. Beaucoup d'indices laissent croire que les décès par balle non intentionnels ou les suicides sont souvent liés à un accès facile à des armes à feu mal entreposées et non protégées.

Dans un tel contexte, il importe de responsabiliser les propriétaires d'armes à feu en ce qui a trait à l'entreposage sécuritaire de leurs armes à feu. Par analogie, les propriétaires d'un véhicule s'assurent de bien verrouiller la portière en quittant leur véhicule. De plus, rares sont ceux qui non seulement ne verrouillent pas leur portière mais laissent de surcroît leur clé dans le démarreur. Socialement, un tel comportement est considéré comme étant inacceptable en raison de l'irresponsabilité du propriétaire et de l'invitation manifeste aux malfaiteurs. Comment se fait-il que de telles précautions ne sont pas automatiquement adoptées pour une arme à feu ? Pourtant, les incidents et les suicides qui surviennent année après année en raison de la proximité d'une arme à feu mal entreposée, militent en faveur de la responsabilisation des propriétaires d'armes à feu notamment au regard de l'entreposage. Il y a donc un effort de sensibilisation à entreprendre afin de modifier la mentalité des propriétaires d'armes à feu. À cet effet, les médecins pourraient être mis à contribution d'une part, pour sensibiliser la population aux blessures qui peuvent être infligées par les armes à feu et, d'autre part, pour exercer des pressions afin de renforcer la législation et promouvoir des concepts techniques rendant les armes à feu inutilisables par des enfants comme les dispositifs de verrouillage sécuritaire.

Il ne faut certes pas nier l'importance de l'entreposage sécuritaire des armes à feu car plusieurs études soulignent que l'entreposage non sécuritaire d'armes à feu par des propriétaires qui les possèdent légalement constitue une problématique prédominante au niveau de la santé publique. Certains auteurs concluent que l'entreposage non sécuritaire des armes à feu et les vols qui en découlent sont exacerbés par l'absence d'application de la loi par les forces de l'ordre et par l'insuffisance de l'engagement de l'État à élaborer des politiques d'éducation sur les armes à feu.

Reprenons maintenant l'analogie initiale d'une arme à feu avec une automobile. Le propriétaire d'une automobile ne prête pas sa voiture au premier venu. À tout le moins cette personne devra posséder un permis de conduire. Pourquoi en se-

rait-il autrement avec le prêt d'une arme à feu ? Ainsi, au Canada, tout comme le permis de conduire, le permis d'armes à feu atteste la compétence de son titulaire à l'utilisation ou au maniement de l'arme à feu.

## Conclusion

En somme, nous pouvons constater que les réalités qui entourent le contrôle des armes à feu sont souvent masquées par les mythes véhiculés par certains groupes de pression. En effet, bien que certains soient d'avis que les armes à feu sont inoffensives, les statistiques sur le nombre de décès par balle lors de ces décès prouvent le contraire. Ainsi, au Canada, chaque année environ 1 400 personnes décèdent à la suite de blessures par balle et de ce nombre, 80 % sont des suicides.

À l'opposé de ce qui est véhiculé dans la population, la plupart des décès par balle découlent de l'utilisation d'armes d'épaule et surviennent à la suite d'un geste impulsif. Certaines études permettent de penser qu'une accessibilité réduite aux armes à feu peut diminuer le nombre de décès par balle.

Par ailleurs, plusieurs croient que le contrôle des armes à feu est inutile puisque seuls les honnêtes citoyens s'y conforment. Cependant, comme nous l'avons démontré dans cet exposé, 85 % de tous les incidents impliquant des armes à feu surviennent avec des armes à feu possédées légalement. Encore une fois, il ressort que les agressions commises avec des armes à feu envers soi-même ou contre autrui, résultent d'un geste impulsif plutôt que d'un acte prémédité.

L'idée reçue selon laquelle les criminels sont responsables de tous les incidents impliquant les armes à feu s'avère erronée. L'analyse des incidents et décès par balle démontre que ceux-ci sont souvent liés à un accès facile aux armes à feu, d'où l'importance de responsabiliser les propriétaires d'armes à feu à l'entreposage sécuritaire.

Ainsi, la *Loi sur les armes à feu* qui est actuellement en vigueur au Canada compte de nombreuses mesures de prévention des incidents dramatiques avec des armes à feu : cours de formation en maniement sécuritaire des armes à feu, normes d'entreposage et de transport sécuritaire, ordonnance préventive d'interdiction de possession d'armes à feu.

## Small Arms and Global Health

Etienne Krug\*

WHO Contribution to the UN Conference on Illicit Trade in Small Arms and Light Weapons July 9–20, 2001

### Introduction

The term «small arms and light weapons» is often taken to mean all types of firearms, from handguns to shot guns and assault rifles. More specifically, however, the term refers to «any weapon that can be carried or transported and managed by a single person» and as such also includes hand grenades, land mines and even small surface to air missile launchers.

In the past few years, firearms-related death and injury have been called everything from a «scourge»<sup>1</sup> to an «epidemic»<sup>2</sup>, a «disease»<sup>3</sup> and a «preventable global health problem»<sup>4</sup>. The biological analogies are not accidental or far-fetched<sup>5</sup>. Among people aged 15–44 years, interpersonal violence and suicide rank third and fourth, respectively among the world's leading causes of ill-health and premature mortality, while war-related injuries rank sixth<sup>6</sup>. A large proportion of these occur through the use of firearms.

### A public health response

Violence is not simply a social ill or a social justice problem. It is an important health problem – and one that is largely preventable. Public health approaches have much to contribute to solving it.

Although the public health implications of violence have been known — if not fully understood or measured — for many years, they only received global recognition in 1996, when the Forty-ninth World Health Assembly adopted Resolution 49.25<sup>7</sup>. The Resolution declared violence a global public health problem, emphasizing in particular :

- the serious immediate and future long-term implications for health and psychological and social development that violence represents for individuals, families, communities and countries;

- the growing consequences of violence for health care services everywhere and its detrimental effect on scarce health care resources for countries and communities.

In this paper, WHO has two aims: firstly, to broaden the definition of the problem beyond the realm of legal, industrial, strategic or tactical considerations by demonstrating its public health importance; and secondly, to introduce to this discussion the public health community's longstanding emphasis on scientific methodologies and prevention. In doing so, it brings into the arena a large body of scientific work which has been carried out over the past few decades on small arms and violence by a variety of public health institutions, nongovernmental organizations (NGOs) and individual researchers operating at local, national and international levels.

### 1. Death and injury : the numbers

Global data on the impact of small arms on the health of individuals are far from complete. What

\* Ce texte est extrait du Rapport *Small Arms and Global Health*, World Health Organization 2000. Avec l'aimable autorisation d'Etienne Krug, Directeur du Département de la prévention des traumatismes et de la Violence, Organisation Mondiale de la Santé.

1. Boutwell J, Klare M (eds), *Lethal commerce: the global trade in small arms and light weapons*, Cambridge, American Academy of Sciences, 1995.

2. *Arms availability and the situation of civilians in armed conflict*, Geneva, International Committee of the Red Cross, 1999 (available on the Internet at <http://www.icrc.org/irceng.nsf>).

3. Colletta N, Kostner M. « Reforming development cooperation: from reconstruction to prevention », *Forum: war, money and survival*, Geneva, International Committee of the Red Cross, 2000.

4. Center for Disease Control and Prevention, « Rates of homicide, suicide, and firearm-related death among children in 26 industrialized countries », *Morbidity and Mortality Weekly Report*, 7 February 1997, **46** (5) : 101–105.

5. Murray CL, Lopez AD (eds), *The global burden of disease : a comprehensive assessment of mortality and disability from diseases, injuries and risk factors in 1990 and projected to 2020*, vol. 1, Boston, Harvard School of Public Health, 1996.

6. « Prevention of violence: a public health policy », Forty-ninth World Health Assembly, Geneva, 20–25 May 1996. Resolutions and decisions, annexes, Geneva, World Health Organization, 1996: 24–25 (unpublished document WHA 49/1996/REC/1).

7. Constitution of the World Health Organization 22 July 1946, New York, Date and Place 22 July 1946, New York. In force generally 7 April 1948.

data are available, however, suggest that hundreds of thousands of people are killed each year by these weapons. Millions more survive their injuries but are left with permanent physical disabilities and mental health problems.

Often, victims of small arms injuries need expensive, time-consuming surgery, followed by weeks and even months of hospital treatment and rehabilitation. In many countries, this is a serious drain on the resources of poor people and already-impooverished health systems. The situation is even more desperate for victims in «gun-rich, resource-poor» areas, where few have ready access to adequate health services.

It is clear that the scale of small arms death and injury, and their concomitant impact on societies, is huge. Moreover, this issue is part of an even larger, and much older, public health problem – that of violence itself.

### **The burden of violent death**

According to information extrapolated from WHO's World Health Report database, in 1998 an estimated 2.3 million people worldwide died as a result of violence. In global terms, and once adjusted for age, this translates to an overall rate of 38.4 deaths per 100 000 people. Approximately 42% of these 2.3 million deaths were suicides, 32% were homicides, and 26% were war-related. In fact, among persons aged 15–44 years, the categories of interpersonal violence, self-inflicted injuries and war injuries all ranked in the top ten leading causes of death worldwide.

### **How many violent deaths are due to small arms ?**

Owing to the lack of reliable global data, it is not yet known how many of the estimated 2.3 million violent deaths worldwide involve small arms. Best estimates indicate that at least several hundred thousand people are killed each year as a result of gun-inflicted homicides, suicides and armed conflict. Of the latter, a large proportion of those killed are believed to be non-combatants, many of which are children and youths.

More reliable data are, however, available for 52 high- and middle-income countries that report information on firearm-related deaths to the WHO. These countries have a combined population of just

over 1400 million. Using these data it has been estimated that more than 115 000 people died from firearm injuries in a one-year period in the mid-1990s (see Table 1). As none of the countries included in this survey was engaged in civil conflict, these estimates exclude deaths due to armed conflict.

### **How many are injured ?**

For every fatal injury due to small arms, there are many more that result in non-fatal injuries. Current data do not permit exact calculations of the number of people who suffer non-fatal injuries due to violence, but there is every likelihood that it runs into the millions. In the United States, for example, it has been calculated that for every person shot and killed with a firearm, three others are treated for non-fatal firearm injuries<sup>8</sup>. In developing countries this ratio is likely to be smaller because of the lack of proper medical care; in the absence of adequate medical care, a greater proportion of those injured will most probably die as a result of their injuries.

### **What types of deaths ?**

Using the same 52-country mortality dataset referred to above, researchers have been able to break down the total number of deaths due to firearms by both sex and manner of death. Out of the total of just over 115 000 firearm-related deaths, approximately 79 000 (or 69%) were homicides. Suicide accounted for almost 29 000 deaths, with undetermined causes and accidents accounting for the remaining 5000 and 3000 deaths, respectively (see Table 1). These overall figures mask pronounced differences between countries; in countries such as the United States and Canada, suicides accounted for the majority of deaths, whereas in countries such as Brazil, Mexico, Colombia and Albania, the majority of deaths were due to homicide.

Figures 1 and 2 show the results of a further analysis of this dataset, placing firearms in the context of all methods used in homicides and suicides, respectively. Firearms were implicated in about two-thirds of all homicides, and cutting (i.e.

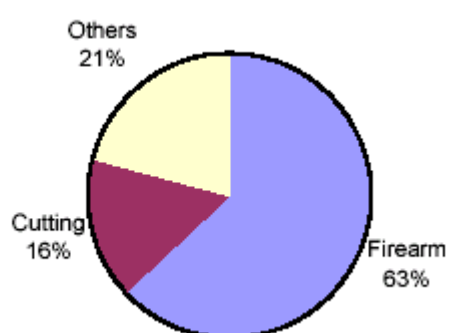
8. Annett J.L., Mercy J.A., Gibson DR, Ryan G.W., «National estimates of nonfatal firearm-related injuries. Beyond the tip of the iceberg », *JAMA*, 1995, **273**(22):1749–1754.

**Table 1. Firearm deaths in a one-year period in 52 countries<sup>a</sup>, mid-1990s**

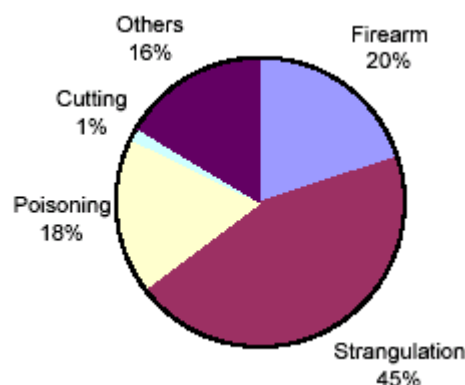
Manner of death	Males	Females	Both sexes
Homicides	72 216	7 104	79 320
Suicides	25 359	3 180	28 539
Undetermined	4 466	538	5 004
Accidental	2 452	278	2 730
Total	104 493	11 100	115 593

a. Countries which contributed data for one year in the early-to-mid 1990s (but not always the same year), were Albania, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Colombia, Croatia, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Hong Kong Special Administrative Region of China, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Lithuania, Luxembourg, Macau, the Former Yugoslav Republic of Macedonia, Malta, Mauritius, Mexico, Mongolia, the Netherlands, New Zealand, Norway, the Philippines, Portugal, the Republic of Moldova, the Republic of Korea, Romania, Singapore, Slovakia, Slovenia, Spain, Sweden, Thailand, the United States, the United Kingdom and Uruguay.

Source : WHO World Health Report database

**Figure 1. Proportion of homicide by methods in both sexes for one year period in 52 countries, (N 125,853)**

Source : WHO Mortality Database, 2000.

**Figure 2. Proportion of suicides by methods in both sexes for one year period in 52 countries, (N 142,434)**

Source : WHO Mortality Database, 2000.

with knives and other sharp objects) in 16%. In contrast, firearms accounted for only one-fifth of all suicides, just ahead of poisoning. According to these data, strangulation i.e. (hanging) was the most frequently used method of suicide.

## 2. Who dies ? Who is injured ?

There are wide variations in firearm-related death rates between world regions and between individual countries. According to reports received by the WHO, Japan recorded a homicide rate by firearms of less than 0.1 per 100 000 persons in 1997. In the same year, a firearm homicide rate of

40 per 100 000 persons was reported in Brazil, and a rate of 50 per 100 000 persons in Colombia.

### The rich and poor die differently

Rates of violent death vary according to country income levels. Generally speaking, violent death rates, and also firearm-related death rates, are higher in the lower-income nations. According to WHO's global burden of disease data for 1998, the rate of violent death in low- and middle-income countries (42.2 per 100 000 persons) is more than double that in high-income countries (17.3 per 100 000 persons).

The proportion of violent deaths that are due to homicide or suicide also appears to vary according to country income levels. In high-income countries, suicide using firearms tends to be more frequent than homicides, whereas in low-to-middle income countries, gun-related homicides are generally more frequent than suicides.

Figure 3 illustrates the relationships between the percentage of firearm-related deaths and manner of death and income level. Brazil and the United States are shown separately because the large number of events that occur in these two countries would otherwise obscure the relationship between manner of death and income in the other countries of their respective groups. These data clearly show that the proportion of homicides is much higher among the low-income countries compared with those with higher incomes.

### Firearms deaths in cities

Although there are considerable differences in firearm-related death rates between world regions and individual countries, in most cases firearm injuries affect predominantly the urban population. This is borne out by several studies, including one from South Africa where an investigation on firearm use and distribution found that the majority of events occurred in suburban areas or city streets <sup>9</sup>. There are, however, substantial variations in firearm use between cities, as the following examples demonstrate :

- The city of Hong Kong reported a homicide rate due to firearms of less than 0.01 per 100 000 person-years for 1997 (WHO World Health Report database).

- The city of Cape Town in South Africa reported a firearm homicide rate of 40.4 per 100 000 person-years for 1999 <sup>10</sup>.

- The city of Cali, Colombia reported firearm homicide rates of 105 per 100 000 person-years for 1997 <sup>11</sup>.

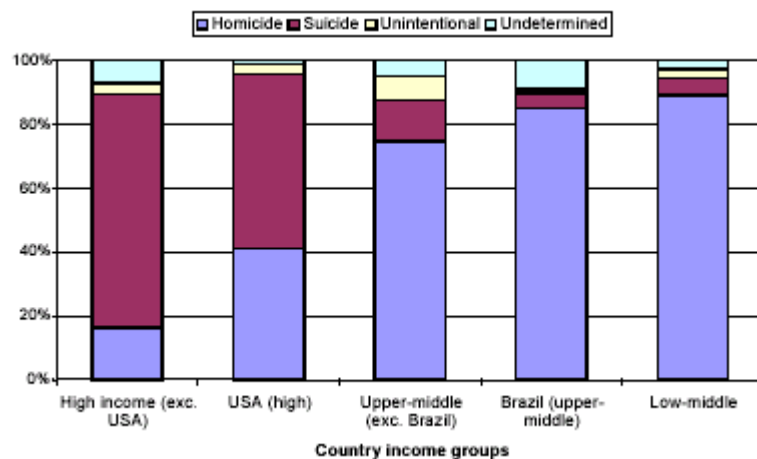
While small arms include a wide variety of weapons, certain types are more frequently involved in injuries and fatalities than others. Handguns are the predominant weapon of choice for committing homicides and suicides. Data suggest that over 60% of urban shootings are committed with handguns.

9. Chetty R. *Firearm use and distribution in South Africa*, Pretoria, National Crime Prevention Center, 2000, 67pp.

10. Prinsloo M., Matzopoulos R., Bopape J., « Firearm fatalities in the Cape Metropolitan area in 1999 », *Trauma Review*, 2000, 8: 5-7.

11. Centro de Referencia Nacional sobre Violencia, *Forensis, datos para la vida. Herramienta para la interpretación, intervención y prevención del hecho violento en Colombia*, Bogotá, DC, Instituto de Medicina Legal y Ciencias Forenses, 1999, 200pp.

**Figure 3. Proportion of Firearm-related Deaths by Country Income Group and Manner of Death**



Source : WHO Mortality Database, 2000.

### Which age groups and gender are most affected ?

Like many other health problems, violence is not distributed evenly among sex or age groups.

According to WHO data, in 1998 there were approximately 736 000 homicides due to all methods of death, including firearms. Males accounted for nearly 80% of all homicide victims. The highest rates of death due to homicide amongst males and females were for those aged between 15–44 years. In a few countries, however, high rates of death due to homicide have been observed in females aged between 0–4 years; in some cases death rates in this age group equal or even exceed that of the older age groups.

With the exception of the youngest age group (i.e. 0–14 years), male homicide rates were approximately 3 to 6 times higher than female homicide rates across each of the various age groups. The high rates of male homicide in the 15–44 age group are driven largely by high rates of youth interpersonal violence among males.

Worldwide, suicide claimed the lives of nearly 1 million people in 1998. Approximately 60% of all suicides occurred among males, and over half (53%) of all suicides occurred among persons (male and female) between the ages of 15–44 years. Suicide rates, however, are generally higher among males than females. This is especially true of the older age groups; worldwide, male suicide rates among those aged 60 years or over were

almost twice as high as female suicide rates in this age group.

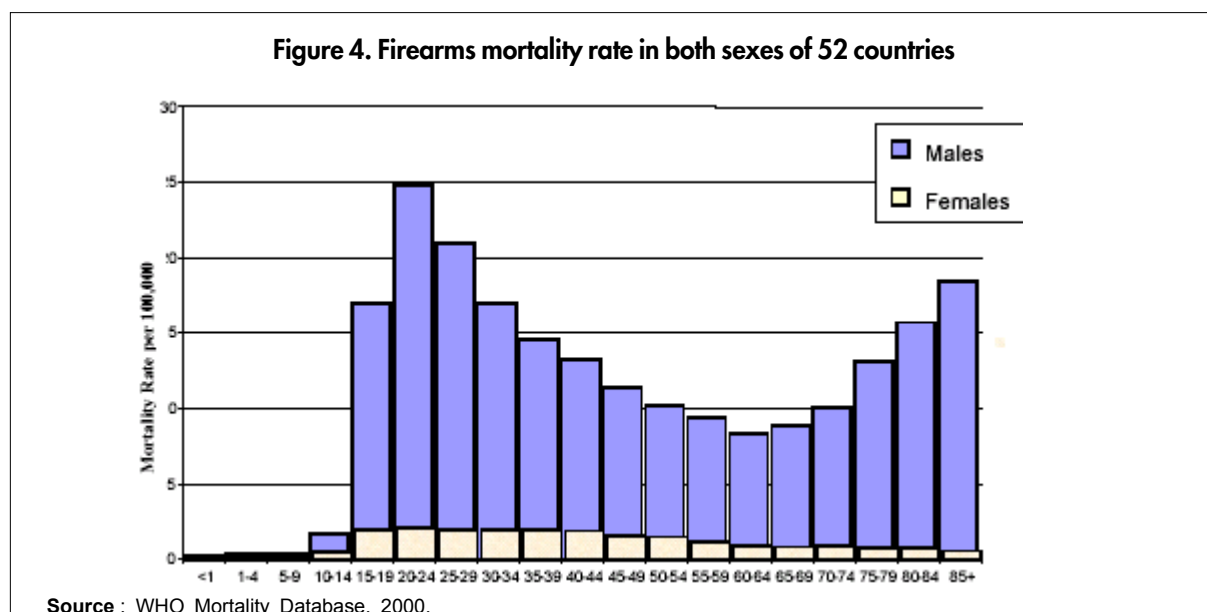
While less data are available about the role of small arms in violent deaths (homicides and suicides, in particular), it has been established that fatal and non-fatal small-arm injuries are concentrated in particular subgroups of the population. For countries for which information is available, data indicate that :

- Over 80% of small arm deaths occur in males.
- 75% of all male homicides are carried out with a firearm.
- 61% of all female homicides are carried out with a firearm.
- 30% of all male suicides are perpetrated with a firearm.
- 13% of all female suicides are perpetrated with a firearm.

Figure 4 shows the distribution of firearm-related death rates according to age and sex in 48 countries for one year during the 1990s. The first peak largely reflects homicide among younger men, while the second reflects suicide among older men.

### Youth and firearms : driving the epidemic

Youth violence, particularly among males, has been described as a global tragedy — and in health terms, as an epidemic within an epidemic. Adolescents and young adults are the primary victims and



perpetrators of violence in almost every region of the world.

A further analysis of WHO mortality data examined changes in youth homicide rates at the regional level over the period, 1985–1995. The following trends were identified:

- **High-income Americas.** Firearm-related homicides in 10–24 year olds increased from around 65% of all youth homicides in 1985 to over 85% in 1993, and then decreased slightly to around 80% in 1995.

- **Low- to middle-income Americas.** In 20–24 year old males, homicide rates increased from just over 60 in 1987 to around 90 per 100 000 persons for the years 1991–1994. Rates in 15–19 year old males followed a similar pattern of increase. The proportion of homicides in which firearms were involved increased from just over 50% in 1985 to 64% in 1995.

- **High-income Europe.** Homicide rates for males aged 20–24 years were relatively low compared with other areas of the world, and quite stable, varying between a 1986 low of 2.0 and a 1992 high of 2.8 per 100 000 persons. Across most years, firearms accounted for less than half of all homicides.

- **Low- to middle-income Europe.** Youth homicide showed a rapid increase in rates following the late 1980s collapse of communism. This coincided with a rise in the proportion of homicides involving firearms.

- **High-income Western Pacific.** As for high-income Europe, the trends for both males and females were distinguished by consistently low rates. The proportion of firearm-related deaths was just under 15% in 1995.

This study thus showed that firearms are the most commonly used weapon for committing homicide in high violence countries and during years of increased violence.

### 3. Longer-term health consequences

Small arms injuries can have a variety of physical consequences, including long-term or even permanent disability. However, the health consequences of small arms go beyond the physical effects of an injury, particularly when it is remembered that the definition of health is «a state of complete physical,

mental, and social well-being and not merely the absence of disease or infirmity». The capacity for working can be destroyed, placing a major burden on families and wider social support systems. When the affected individuals are poor, the costs and tensions resulting from changed economic circumstances can lead to the disintegration of the family or the generation of more violence within it.

#### Long-term disability

Of the non-fatal consequences small arms, spinal cord injuries, traumatic brain injuries and amputations are usually among the most disabling, often leading to permanent disability in many individuals. Several studies have explored the consequences of traumatic brain injuries in children; others have examined the devastating impact of firearm-related injuries among youth victims.

Firearms have been reported to be one of the most common causes of brain injury in the United States<sup>12</sup>. Similarly, in Brazil, a study conducted in seven state capitals found that over a quarter of all spinal cord injuries were caused by firearms<sup>13</sup>, and a study in Soweto, South Africa reported a high prevalence of spinal cord injuries due to shootings<sup>14</sup>.

Other studies have estimated the average length of a hospital stay for patients with firearm injuries. A Finnish study reported an average of 13 hospitalization days for mild to moderate firearm injuries<sup>15</sup>, while a study based in the city of Los Angeles, USA calculated an average of 10 hospitalization days for the same type of injuries<sup>16</sup>. According to a separate US study, 96% of patients had the costs of their care covered by the government, because they had no primary insurance coverage. This latter study further concluded that, relative to other weapons such as knives, firearms

12. Sosin D.M., Nelson D.E., Sacks J.J., « Head injury deaths: the enormity of firearms », *JAMA*, 1992, **268**(6): 791.

13. da Paz A.C., Beraldo P.S., Almeida M.C., Neves E.G., Alves C.M., Khan P., « Traumatic injury to the spinal cord: prevalence in Brazilian hospitals », *Paraplegia*, 1992, **30**(9):636–640.

14. Cock J., « Hidden consequences of state violence: spinal cord injuries in Soweto, South Africa », *Soc Sci Med*, 1989, **29**(10):1147–1155.

15. Bostman O., Marttinen E., Makitie I., Tikka S. « Firearm injuries in Finland 1985–1989 », *Ann Chir Gynaecol*, 1993, **82**(1):47–49.

16. Nelson C.L., Puskarich C.L., Marks A. « Gunshot wounds. Incidence, cost, and concepts of prevention », *Clin Orthop*, 1987, **222**:114–121.



tend to be associated with greater long-term physical consequences. Primary prevention of firearm injuries, especially those caused by firearms, was thus proposed as the most effective cost-control measure <sup>17</sup>.

### Mental health

Whereas there are numerous studies that refer to suicide as a consequence of mental health problems, to date, few studies have linked the development of specific mental health consequences to small arms injuries. Nevertheless, studies focusing on the consequences of violence more generally, have suggested that mental health conditions (such as increased depression and symptoms of stress) increase in populations where violence is predominant. Family relationships and interpersonal relationships at school, at work or in the community are all affected.

### Social consequences

The consequences of violence perpetrated with small arms go beyond the individual physical or psychological effects. The threat of attack or violence alters social relationships in communities, and changes social behaviours as people are forced to adapt to increased risks as part of their daily lives. This leads, in some cases, to further arming of the population. In the case of armed conflict, additional consequences may include major problems such as the displacement of entire communities, famine, disruption of immunization programmes and the development of epidemics such as cholera. Little research has been done on quantifying such linkages, but there is little doubt that such associations exist.

## 4. Risk factors

One of the important contributions of the public health approach to the study of violence and its impacts is the scientific analysis of risk factors. A variety of such factors have been identified as being associated with firearms-related violence, and with violence more generally.

Risk factors that influence injuries due to small arms can be separated into four general categories <sup>18</sup>:

- factors that influence the use of small arms over other possible choices of weapon
- factors that influence interpersonal violence
- factors that influence self-directed violence (i.e. suicide)
- factors that influence collective violence.

These categories are not mutually exclusive, and in fact, most incidents of violent firearm use result from a complex mix of these factors.

### Factors that influence the use of small arms

Factors that appear to influence the use of small arms include the availability of these weapons, the social norms concerning the acceptability of using them and the types of small arms that people choose to use.

Firearm availability varies greatly among nations. For example, in Japan less than 1% of households possess a firearm while surveys have shown that up to 48% of US households possess at least one firearm. The easy availability of firearms has been associated with higher firearm mortality rates. It has been shown that the presence of a gun in the home is associated with a higher risk of becoming a victim of suicide or homicide <sup>19-20</sup>.

If firearms are available, social norms may dictate whether or not the weapons are actually used. In other words, in some societies it may be more socially acceptable to use firearms than in others, and this factor may explain why in some societies guns are available but are used less than in others.

Relative to other weapons, firearms tend to be the more lethal (see Figure 5). Their effectiveness in achieving an outcome is thus an additional factor that might influence the choice of weapon. Given

17. Ordog GJ, Wasserberger J, Ackroyd G. Hospital costs of firearm injuries. *J Trauma*, 1995, **38**(2) : 291-298.

18. Krug EG, Powell KE, and Dahlberg LL. Firearms-related deaths in the United States and 35 other high- and upper-middle-income countries. *Int. Journal of Epidemiology*, 1998, **27** : 214-221.

19. Kellermann AL, Rivara FP, Somes G, Reay DT, Francisco J, Banton JG. Suicide in the home in relation to gun ownership. *N Engl J Med*, 1992, **327**(7) : 467-472.

20. Kellermann AL, Rivara FP, Rushforth NB, Banton JG, Reay DT, Francisco JT. Gun ownership as a risk factor for homicide in the home. *New Eng J Med*, 1993, **329**(15) : 1084-1091.

that some models of firearm are more likely to be lethal than others, the types of firearm available may also have a bearing on the health consequences. For instance, a US study showed that the proportion of patients admitted for treatment of gunshot wounds who had more than one entrance wound rose from 25% in the early 1980s to 45% by 1990. This upwards trend was accompanied by an increase in hospital mortality. A factor that may have contributed to this change in pattern is the shift away from the use of revolvers in favour of high-calibre pistols <sup>21</sup>.

### Factors that influence interpersonal violence

Firearm mortality rates can also be influenced by the underlying social factors that contribute to interpersonal violence. No single factor explains why some individuals behave violently toward others or why violence is more prevalent in some communities and not others.

Violence can be explained as the product of factors at several levels of influence : the individual level, the level of proximal relationships, the community context and the larger societal factors. Individual level factors which increase violence include impulsivity, low educational attainment and alcohol abuse. Other factors, such as media exposure to violence, may also contribute to interpersonal violence. Factors related to relationships with peers or family members include

for example, peer pressure; this is a particularly important risk factor in the case of youth interpersonal violence.

Factors related to the community context include low community cohesion and deterioration of infrastructure. Larger societal factors include income and gender inequality and social acceptance of violence. The traffic of illicit drugs is an additional factor that has been shown to drive epidemics of violence. Examples include the outbreaks of violence associated with crack cocaine that were observed in the United States between 1980 and 1990.

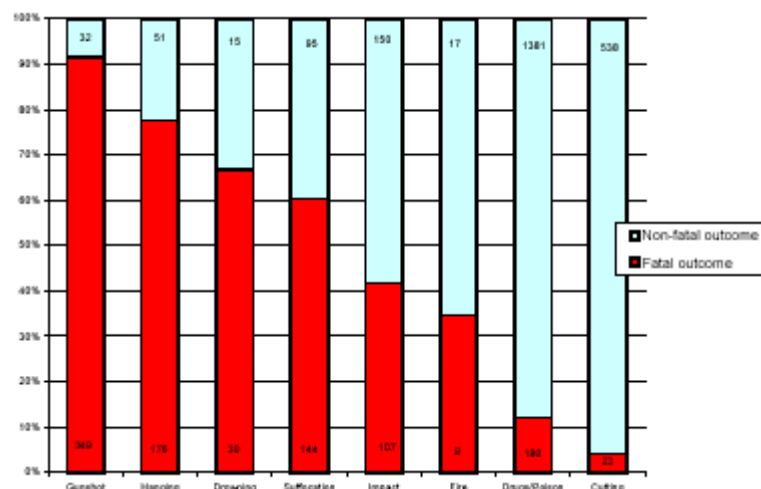
### Factors that influence suicidal behaviour

Factors that may influence suicide rates include economic instability, unemployment, breakdown of the family group structure, intergenerational pressures and competition, secularization, and substance use and misuse. Predisposing factors can include special dates or events, emotional losses, impaired health status, economic loss, depression and low self esteem. The most important predisposing factors are mental health and depression.

21. Wintemute GJ. The relationship between firearm design and firearm violence. Handguns in the 1990s. *JAMA*, 1996, 275(22): 1749-1753.

22. Card JJ Lethality of suicidal methods and suicide risk: two distinct concepts. *Omega*, 1974, 15(1).

**Figure 5. Outcome of Suicide Incidents by Method Used, Allegheny County Pennsylvania, USA, 1966-70\***



\*Source : (22)

### Factors that influence collective violence

Armed conflict, by definition, puts human life at risk. Here again, however, it is important to understand that risk factors such as firearms availability have an influence on who dies or who is injured. For instance, experience suggests that the presence of cheap and plentiful small arms and light weapons can prolong combat, and encourage governments and extra-governmental groups to risk military «adventures» rather than peaceful resolution of differences. Similarly, cheap prices on the black market make it easier for guns to be acquired by those who intend to use them against others.

A 1998 study by the International Committee of the Red Cross (ICRC) serves to illustrate the role of arms availability as a risk factor in conflict situations (2). The study identified three ominous trends:

- A growing number of civilian deaths and injuries in modern conflicts. These can, and often do, reach 60 to 80% of total casualties, and often include a high proportion of women and children. Contributing to this trend is the involvement of untrained and undisciplined young men equipped with rapid-fire automatic weapons. Knowing nothing of the Geneva Conventions on human rights, there is an increasing tendency for these fighters to either specifically target civilians or fire indiscriminately into crowds.

- International relief operations are being suspended more frequently because the aid workers themselves have become targets of attack. This results in further pain and deprivation for people injured in, or by, the fighting.

- The proliferation of weapons seems to encourage a culture of violence, particularly among young ex-combatants who have known little else besides war. For many of them, as indicated most recently in studies from El Salvador and Guatemala, their handgun or automatic weapon is both a status symbol and their entry into a criminal way of life.

In many post-conflict situations, large numbers of people (including ex-combatants, but also many civilians) remain in possession of firearms, often automatic weapons such as assault rifles. In one study of weapons injuries after a period of conflict, the continued availability of weapons was associated with increased mortality and a level of weapon-

related injuries only marginally less than that observed during conflict <sup>23</sup>.

### 5. Calculating the cost

Given the wide-scale prevalence of injuries caused by small arms, the total cost of treatment is enormous. The burden of these costs falls on all parts of society, from individuals and communities to national health systems.

Health economics have long been used to estimate the direct economic impacts of various threats to health, whether it be tobacco, acquired immunodeficiency syndrome (AIDS), motor vehicle injuries or bullets. Some studies of this type have focused on tallying the economic burden for public institutions (e.g. to hospitals, clinics and policing institutions), while others have considered the indirect costs, such as the value of lost life in terms of earning power.

#### Costs to individuals and families

For individuals and their families, the costs associated with small arms injuries may include treatment, medication, physiotherapy and counselling. The actual financial outlay and the social consequences for the family depend on the status of their country's health systems, and on the economic resources of the individual or family. Additionally, there are the costs associated with lost time from work to consider for both the victim and for the victim's family.

#### Costs to health systems

Some of the most comprehensive work on estimating the direct financial costs of firearm-related injuries to health systems has been done in the United States and Canada. In Canada, the costs of firearm mortality and morbidity have been estimated to exceed the equivalent of US\$ 4700 million per year. This aggregate figure includes an estimated US\$ 54 million in medical and police costs and an estimated US\$ 1100 million in lost

23. Meddings D.R., « Weapons injuries during war and after periods of conflict: retrospective analysis », *British Medical Journal*, 1997, **315**: 1417-1420.

work opportunities. The consequences of gunshot wounds thus costs each Canadian the equivalent of US\$ 170 per year<sup>24</sup>.

A similar study conducted in the United States has suggested that in 1992 the provision of medical care for premature disability and death, firearms injuries, and fatalities cost the health system approximately US\$ 126 000 million<sup>25</sup>. A follow-up study suggested that these costs were closer to US\$ 100 000 million per year in the late 1990s<sup>26</sup>. This latter study reported a mean medical cost per injury of about US\$ 17 000. It was also estimated that over 80% of the economic costs of treatment and care were borne by US taxpayers.

Although less research is available from developing countries, the indications are similar. In Colombia, public spending on security and criminal justice amounted to 5% of the country's gross domestic product (GDP). In Brazil, approximately 10% of annual GDP is consumed by treating victims of violence and increased policing. In Colombia, the figure rises to 25%. In both countries over 60% of all violent events are committed with firearms<sup>27</sup>.

Studies conducted at a more localized level have provided additional information about likely costs to health systems. A 1997 study put the cost of treating nearly 1000 patients with severe firearm injuries in one South African hospital at 3.8 million Rand (US\$ 1 million) per annum<sup>28</sup>. Costs to hospitals and clinics in parts of Central America are reported to be similarly high<sup>29</sup>.

### Costs to the wider community

It is very difficult to calculate the costs of long-term, often permanent, psychological trauma and social marginalization caused by small arms injuries. Nonetheless, these indirect effects on community health, while not captured in the statistics, may be inferred from the diminished quality of life among individuals.

Apart from the burden to families and health care systems, the costs associated with small arms injuries affect the well-being and productivity of societies; the potential range of such secondary effects is huge. For example, dealing with the injuries resulting from armed violence has a draining effect on basic health care and diverts much needed resources from other health and social

services. Armed violence may also jeopardise the quality of blood supplies; given that emergency health systems are not often in a position to perform thorough AIDS testing, tragic side effects, including increased risk of HIV infection, may result.

### 6. Roles for the public health sector

Violence has traditionally been seen as the domain of law enforcement or criminal justice systems. For this reason, societies have primarily responded to the problem of violence with strategies of repression or containment. The role of the health sector has generally been limited to treatment and disability prevention – or in other words to «damage control».

Today, however, it is increasingly clear that the health sector has an important role to play in the prevention, treatment and reduction of the impact of violence, including that resulting from the use of small arms.

#### Providing care

The health sector's traditional and most immediate responsibility is the provision of care and support for victims and their families. Victims often need emergency treatment techniques, orthopaedic and plastic surgery, as well as more long-term treatment for their injuries such as physical rehabilitation and social reintegration. This progress must continue.

24. Miller T.R., « Costs associated with gunshot wounds in Canada in 1991 », *Canadian Medical Association Journal*, 1995, **153**(9): 1261–1268.

25. Miller T.R., Cohen M., « Costs of gunshot and cut/stab wounds in the United States, with some Canadian comparisons », *Accid Anal Prev*, 1997, **29**(3): 329–341.

26. Cook P., Ludwig J., *Guns in America: National Survey on Private Ownership and Use of Firearms*, Washington, DC, US Department of Justice, 1997 (National Institute of Justice Research Brief).

27. *Small arms survey, 2001: Profiling the problem*, Oxford, Graduate Institute of International Studies, 2001, 28, WHO Mortality Database, Geneva, Switzerland, World Health Organization, 2000.

28. Peden M., van der Spuy J., « The cost of treating firearm victims », *Trauma Review*, 1998, **6**: 4–5.

29. Godnick B., *Small Arms in Central America*. Background, paper prepared for the Small Arms Survey 2001, 2000. Unpublished document.

Unfortunately, in many countries where small arms proliferation is high, health care resources are low. In some cases, the surfeit of small arms contributes indirectly to economic decline and a reduction in the resources available for health care. In others, human and material resources for hospital and surgical care or rehabilitation are lacking. A major role for the international public health community, and for wealthier nations in general, is to bolster health systems in the neediest regions.

### Surveillance

Effective policy formulation and correct decision-making require information. Many different types of information and analysis activities involving small arms, their users and their victims must be undertaken if progress is to be made in reducing their impact. The importance of such activities has already been proven : recent efforts by the medical community (notably through humanitarian NGOs, research institutions and international agencies) to recast the problem as a «measurable» public health issue have greatly contributed to sensitising international public opinion and bringing about practical changes to legislation and government practices. This type of work has also revealed regional, ethnic and gender differences in the incidence, prevalence and magnitude of small arms injuries which have helped to establish risk factors and design more effective preventive measures.

#### *Surveillance : data collection at point of treatment*

Most firearm injuries are of such severity that the victim must seek emergency medical care. It is at this point of treatment that the «who, what, when, where and how» of the incident can be recorded, and — through sustained registration over time — the area-specific profile of injuries due to small arms can be established. This process is known as epidemiological surveillance, and it is the front line of the public health response to small arms injuries.

This is also an area where the benefits of data collection through the health services can be seen most vividly. Although statistics collected by police forces and law enforcement agencies are valuable for describing and analysing violence in societies, they do not always capture the complete picture. Recent studies have shown that a significant number

of violent incidents that receive a medical response are not reported to the police. In the USA, for example, 46% of victims who sought emergency treatment did not make a report to the police<sup>30</sup>. In South Africa, a household survey showed that between 50 and 80% of victims of violence received medical treatment without reporting the incident to the police<sup>31</sup>. In the UK, around one half to three quarters of the victims of violence treated in hospital emergency rooms did not report to the police<sup>32</sup>. On the other hand, however, police activities can help to identify the source of the weapon involved in an event, while mortuaries or Medical Examiner's Offices can provide valuable assistance in tracing bullets to specific weapons.

Clearly, the data collection activities of both the public health and law enforcement systems complement each other. Furthermore, as the above examples illustrate, there is much to be gained from using multisectoral approaches to tackle the overall problem of violence.

### *Risk factors analysis*

As described earlier in this paper, a variety of behavioural and environmental factors affect different populations' risk of falling victim to firearms. Even in times of war, when an entire population might reasonably be assumed to be at equal risk of being hurt by a hand grenade, land mine or machine gun bullet, some sectors of the population and certain groups of individuals will be more likely to sustain injuries due to a particular type of small arm than others. The science of identifying the factors driving such differences is known as risk factor research. A risk factor approach is useful for targeting preventive actions for specific population groups, thereby optimizing frequently limited resources.

30. Houry D., Feldhaus K.M., Nyquist S.R., Abbott J., Pons P.T., « Emergency department documentation in cases of intentional assault », *Annals of Emergency Medicine*, 1999, **34**: 715–719.

31. Kruger J., Butchart A., Seedat M., Gilchrist A., « A public health approach to violence prevention in South Africa », van Eeden R., Wentzel M. (eds), *The dynamics of aggression and violence in South Africa*, Pretoria, Human Sciences Research Council, 1998 : 399–424.

32. Shepherd J.P., Shapland M., Scully C., « Recording of violent offences by the police : an accident and emergency department perspective », *Medical Science and Law*, 1989, **29**: 251–257.

### Evaluation

The public health sector's capacity to scientifically evaluate available information provides a more systematic and better informed standpoint from which to improve policy and prevention programming regarding small arms prevention and control. This is especially important given the emotionally and ideologically charged debates about issues such as gun ownership and curbing the arms trade.

### Policy and programme design

Another role of the health sector is to participate in the design, implementation and evaluation of interventions to prevent interpersonal, self-inflicted and gun violence in general. (Prevention is discussed at greater length in the next chapter.) Equally important is the participation in health promotion activities, in school health and in general advocacy.

### Advocacy

Political commitment at global, national and local levels is necessary if effective responses are to be developed. At each of these levels, decision-makers must understand that it is possible to reduce the risk of violence, to increase societies' responsiveness to it, and to minimize its costs and impacts.

In the same way as it does for physically communicable diseases such as HIV/AIDS, tuberculosis or malaria, the health sector is in a strong position to focus increased attention on this «socially communicable» health issue. It should provide decision-makers with information on the human and financial costs of firearms-related injuries and demonstrate that, in certain countries and age groups, small arms are a leading cause of death. This information can then be linked to demands for more effective measures to counteract the public health danger.

In many places, the poor are at greatest risk. This may be one of the reasons for the limited response to violence as a public health and public policy issue in the past. This neglect requires redress through vigorous advocacy at many levels.

## 7. Prevention : public health par excellence

The public health approach is characterized by its emphasis on prevention. Rather than simply accepting or reacting to violence, it proceeds from the strong conviction that violent behaviour and its consequences can be prevented.

The wide variation in firearm death rates between nations and within nations over time suggests that violence is the product of complex, yet modifiable social and environmental factors. Public health both challenges and seeks to empower people, communities and nation states to see violence as a problem that can be understood and solved<sup>33</sup>.

### Prevention strategies for specific groups

In dealing with certain types of violence, particularly among youths who are known to be high-risk for both violent perpetration and victimisation in almost every part of the world, prevention strategies must clearly specify the developmental stage of their target group. Prevention approaches for this age group can be carried out at an early stage (i.e. in child development programmes before adolescence), at the age when they are making the transition to adulthood, and also through programmes directed at young adults, such as those aimed at mitigating the negative effects of low employment opportunities for those living in poor neighbourhoods.

### Multiple component prevention programmes

Prevention can also be achieved at a wider, community level. At this level municipal government can play a significant role in organising a comprehensive response to the problems of crime and violence.

33. Mercy J.A., Rosenberg M.L., Powell K.E., Broome C.V., Roper W.L. «Public health policy for preventing violence», *Health Affairs*, 1993, 12(4): 7-29.

The DESEPAZ programme in Cali, Colombia provides a useful model of what can be achieved<sup>34</sup>. As an initial step, the Municipal Security Council gathered government officials on a weekly basis to study the epidemiology of violence in selected neighbourhoods of the city and to develop plans of action. Appropriate actions in the areas of epidemiological analysis, social communication, institutional strengthening of the legal sector, community mobilization and infrastructure development were then taken based on the information provided by the surveillance system and the community-based consultation process. These included restrictions on the sale of alcohol and the banning of permits to carry hand guns on weekends and other special occasions. It was subsequently noted that public opinion moved from a passive attitude towards violence to an active demand for more prevention and that the homicide rate declined from 124 per 100 000 persons in 1994 to 86 per 100 000 persons in 1997, a 30% reduction in a period of three years.

### Tackling the underlying social causes

Another level at which prevention must be undertaken is at the level of entire societies — ideally, in view of the increasing influence of globalisation — through regional and international action. Important interventions should be multisectoral and include :

- Controlling and limiting the international arms trade. Efforts to do so through the United Nations should be supported. Within countries, efforts to reduce the promotion and use and availability of firearms should be encouraged, with increased industry regulation to prevent criminals accessing weapons and to protect children from the ill-effects of firearms availability.

- Developing more effective means of tackling the global drugs trade.

- Reducing poverty and, in particular, inequalities within societies. The increasing gaps between the haves and have-nots within countries, in part a reflection of pressures consequent upon globalization, need to be addressed and calls for a more humane globalization should be supported.

- Controlling the glorification and commodification of violence, especially through the media.

- Promoting a culture of tolerance and dealing with conflict on a non-violent basis.

- Promoting gender equity.

- Human rights education.

- Programmes to improve systems of governance.

### Documenting effective practices

Documenting «best practice» can be undertaken at international, national and local levels. In all societies and at all levels, some responses to violence have been developed and implemented. These may be at individual, family or system level. Identifying these responses and identifying those that have made a positive impact, is valuable for all others seeking to determine how best to respond.

Bringing together available experience is an extremely valuable part of advocacy, for it assures decision-makers that not only *can* something be done, but something *is* being done even if there is still much more that *could* be done.

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34. Villaveces A., Cummings P., Espitia V.E., Koepsell T.D., McKnight B., Kellermann A.L., « Effect of a ban on carrying firearms on homicide rates in 2 Colombian cities », *JAMA*, 2000, **283**(9): 1205–1209.

## National Firearms Regulations and the Canadian Example

Wendy Cukier\*

This paper will provide an overview of the effects of firearms in the Canadian context and how Canada's firearms legislation has helped tackle the problem of firearms misuse. The following topics will be covered: the problem with firearms and their effects; sources of firearms, legal and illegal; licensing and registration in Canada, and how they prevent misuse and diversion; and a comparison of the Canadian and US contexts in relation to firearms legislation, rates of ownership and health effects.

### The Problem With Firearms

In most societies, it is recognized that firearms serve legitimate purposes (e.g. law enforcement, hunting, etc.) and consequently, an outright ban is not feasible in most contexts. Nonetheless, firearms present large risks including crime, suicide, homicide and unintentional injury among others. Responsible firearms regulation is required to manage, and therefore reduce the risk. An estimated three million people have been killed with small arms in conflict over the past 10 years—about 300,000 per year.<sup>16</sup> Handguns, rifles, shotguns, mortars, and other small arms have been a significant cause of both civilian deaths (conservatively estimated by the ICRC at more than 35%) and combatant deaths.<sup>1-2</sup> When weapons remain in circulation following a conflict, death and injury rates remain high as interpersonal violence replaces violence among warring factions.

Another 200,000 people are killed each year with firearms in murder, suicide, and «accidents», often in countries that are, at least nominally, at peace. Many of these deaths are preventable. For every death, there are additional injuries requiring hospitalization. In Brazil, for example, there are almost 10 times as many reported firearm injuries as fatalities, while in Canada and Finland the reported mortality and injury rates are roughly equivalent.<sup>4</sup> Where other factors remain constant, the level of firearms death tends to vary

with levels of firearms ownership in high income and industrialized countries (see Figure 1)

Despite the data limitations, a number of studies have explored the relationship between the availability of firearms (measured in many different ways) and firearm death rates.<sup>3</sup> Even considering the complex effects of social, economic, political, cultural, and other factors, a number of researchers have maintained that there is sufficient evidence to conclude that rates of firearms death and injury are linked to access to firearms.<sup>4-5</sup> In one of the largest studies, based on a standardized survey of victimization in 54 countries, gun ownership was significantly related to both the level of robberies and the level of sexual assaults. There was also evidence that high levels of gun ownership, for example in the US, the former Yugoslavia, South Africa, and several Latin American countries, are strongly related to higher levels of violence generally.<sup>6</sup>

### Vulnerable Populations

The costs among vulnerable populations are particularly high in both industrialized and developing contexts. Women are seldom users of firearms but are often victims both in the context of war and in domestic violence. Guns figure prominently in the cycle of violence against women and children

\*Professor of Justice Studies, Ryerson University President, Coalition for Gun Control.

1. International Committee of the Red Cross, *Arms availability and the situation of civilians in armed conflict*, Geneva, ICRC, 1999.

2. Meddings D., « Protecting children from armed conflict. Are most casualties non-combatants? », *BMJ* 1998, 317:1249.

3. Gabor T., *The impact of the availability of firearms on violent crime, suicide, and accidental death*, Department of Justice Canada, 1994.

4. *Ibid.*

5. Kellerman A.L., Lee R.K., Mercey J.A., Banton J., « The epidemiologic basis for the prevention of firearms injuries », *Ann Rev Public Health* 1991, 12:17-40.

6. van Dijk J.J.M., « Criminal victimisation and victim empowerment in an international perspective », Amsterdam: Ninth International Symposium on Victimology, August 25-29, 1997.



whether in Canada, Australia, or South Africa.<sup>7-8-</sup>  
<sup>9</sup> The patterns of weapons use in domestic violence are remarkably consistent across many cultures. For example, studies in Canada and Australia have shown that firearms play a significant role in the cycle of violence. Studies across cultures reveal examples of men shooting pets and threatening to shoot their children during the course of disputes. Readily available firearms are the weapon of choice when men kill their partners. In Canada, for example, on average, 30% of women killed by their husbands are shot. In the US, New Zealand, and Brazil respectively, 55%, 40%, and 46% of domestic homicides involve firearms. Consistent with other international studies, research in South Africa suggests that more women are shot at home in domestic violence situations than are shot by strangers on the streets or by intruders. In many developed countries, firearms are a leading cause of mortality among children and youth<sup>10</sup> (see Figure 2) and these groups represent a large percentage of the victims of conflict, both as combatants and as casualties. A number of studies have revealed that the poor are most likely to become victims of violence.<sup>11</sup>

### **Firearm Violence Impedes Development and Health**

Economic harm is among the secondary effects of firearm violence. The economic costs of violence in Latin America, including costs of policing as well as the value of life lost, consume an estimated 14% of GDP. In Brazil, 10% of GDP is consumed by violence, and in Colombia the figure rises to 25%.<sup>12</sup> Firearms figure prominently, accounting for more than 70% of homicides in Colombia and 88% of homicides in Brazil.<sup>13</sup> Even in developed countries, the economic costs of violence are staggering. In Canada, the costs of firearms death and injury (including murder, suicide, and unintentional injuries) have been estimated at \$6.6 billion per year. Violence has been identified as a major impediment to the provision of basic health care; moreover, it diverts resources from other health and social services. Treating firearms injuries absorbs considerable emergency room resources.<sup>14</sup> Arms-fueled violence also creates problems with blood availability and supply. Emergency responses to

large scale violence often do not accommodate careful testing for HIV and result in additional problems. Violence and the prevalence of weapons also create psychological stress that fuels other health problems and creates insecurity. Finally, the proliferation of weapons and the production of those weapons and ammunition have been linked to a wide range of environmental and health impacts.<sup>15</sup>

### **Firearms and the Global Culture of Violence**

The «culture of violence» is both a cause and an effect of small arms and light weapons availability. A culture of arms possession, created and normalized during the militarization of societies, can contribute to individuals resorting to a gun as their first instrument for resolving problems. The cycle of violence is difficult to break: fear leads to arming, which breeds violence, which leads to insecurity, which leads to further arming.

Firearms undermine long term efforts to build a civil society, whether in war zones or inner cities. Much of the demand for guns, particularly military weapons and handguns that serve little practical purpose, may be exacerbated by violent movies and television programs that tend to link heroism with guns and violence. The sug-

7. Robertson M., Donaldson M., *No place like home. Family murder: the child victims*, Sheffield, UK, Centre for the Study of Violence and Reconciliation, 1997.

8. Kellermann A.L., Mercy J., « Men, women, and murder: gender specific differences in rates of fatal violence and victimization », *Journal of Trauma*, 1992;33:1-5.

9. Ryan E., « Gun violence against women: South African women speak », Johannesburg, Gun Free South Africa, 1998.

10. Centers for Disease Control and Prevention. « Rates of homicide, suicide and firearm related death among children -26 industrialized countries », *CDC Weekly Report* 1997, 46,5.

11. Shaw M., Louwn A., *South Africa's urban poor : major victims of crime*, Geneva, UN Centre for Human Settlement, March 1998.

12. Ryerson Polytechnic University, *Workshop on International Small Arms/Firearms Injury Surveillance and Research*, Toronto, June 18, 1998.

13. United Nations, *International Study on Firearms Regulation*, Vienna, UN, 1997.

14. Miller T., Cohen M., « Costs of gunshot and cut stab wounds in the United States with some Canadian comparisons », *Accident Analysis and Prevention* 1997;29:329-341.

15. Chantale M., « Lead-Free Munitions Gaining Ground in Army Field Tests », *Pollution Engineering Online*, Federal Facilities, March 1, 1999.

gestion that there is a link between values and gun violence was made prophetically by the Rev. Dr. Martin Luther King, Jr., in November 1963:

*By our readiness to allow arms to be purchased at will and fired at whim; by allowing our movies and television screens to teach our children that the hero is one who masters the art of shooting and the technique of killing...we have created an atmosphere in which violence and hatred have become popular pastimes.*<sup>16</sup>

### Sources of Firearms

The shape of the firearms problem varies from context to context in terms of the types of weapons which are misused and the nature of the problem. In Columbia, for example, homicide is the main problem. In Canada, it is suicide. While in Canada, 50% of handguns illegally imported from US, 85% of the handguns recovered in Mexico are illegally imported from the US.

There is a wide range of ways in which legal guns are diverted to illegal markets. There is limited empirical evidence but the anecdotal evidence reveals a complex and multifaceted problem. One thing is abundantly clear. It is a serious mistake to believe that the principal problem is associated with military weapons or state-owned weapons. Empirical evidence makes it impossible to disregard issues related to non-military weapons or domestic firearms legislation. There are many more small arms in the hands of civilians than states—a substantial proportion of small arms recovered in crime in the Americas are handguns not military weapons (e.g. Brazil: 85% guns recovered are domestically made handguns). A comprehensive approach is essential.

There has been very little work done at a conceptual level to examine the ways in which firearms are acquired or the interactions of international licit and illicit markets. Comparisons have been made between illicit drug and firearm markets largely because their users intersect and they may share distribution networks at the local and international levels.<sup>17</sup> These links have been documented by a number of researchers and law enforcement agencies.<sup>18</sup> Narcotics trafficking generates a demand for illegal arms both directly and indirectly by developing an infrastructure which is also used

for gun trafficking. This international infrastructure, particularly the distribution and money laundering components, can also be used to support the illicit gun trade.

The relaxation of border controls and the growing scale of transitional organized crime are also believed to have contributed to the expansion of the problem on a global basis.<sup>19</sup> Added to this is the globalization of finance, which enables money used in illicit firearms deals to be deposited without question.<sup>20</sup> Globalization of supply and criminal infrastructure has been the subject of much discussion.<sup>21</sup> With globalization of crime, it is suggested that there is a need for globalization of crime prevention strategies and, in particular, the need for harmonization and information sharing.<sup>22</sup>

The networks, which are used to distribute illicit drugs, stolen goods and other illegal products, are often the same ones used to distribute illegal guns. Often guns are traded for drugs and many of the same people who are involved in the illegal drug trade are also involved in the trade of illicit firearms.

16. King M.L., November 1963, cited in: *Violence Prevention Task Force. Firearm violence in America: an annotated bibliography*, Eastern Association for the Surgery of Trauma, 1994.

17. M.I. Klare, M. and D.A. Andersen. « Scourge of Guns: The Diffusion of Small Arms and Light Weapons in Latin America », Washington DC, Arms Sales Monitoring Project, Federation of American Scientists, August 1996.

18. Daniel Garcia-Peria Jaramillo, *Linkages between Drugs and Illicit Arms Trafficking: Issues of Current Concern to Colombia*, 1998 the drugs/gun link has also been identified as a major problem in South Africa. See Ryan. T. *Drugs, Violence and Governability in the Future South Africa*, Crime and Policing Policy Project, Institute for Security Studies, Institute for Security Studies, Occasional Paper n° 22, 1997.

19. See for example Ruth Jamieson, Nigel South and Ian Taylor, *Economic Liberalisation and Cross-Border Crime: the North American Free Trade Area and Canada's Border with the US*, London, Institute for Social Research of the University of Salford, 1997 and Christina Eigel, « Internal Security in an Open Market: The European Union Addresses the Need for Community Gun Control », *Boston College International & Comparative Law Review XVIII*, no. 2: 1995.

20. P. Williams. *Drugs and Guns*, *Bulletin of the Atomic Scientists*, January 1999.

21. P. Williams, « Transitional Organized Crime and International Security: A Global Assessment, Society Under Siege, Crime Violence and Illegal Weapons », Halfway House, ISS, 1998. R. T. Naylor, « Loose Cannons: Covert Commerce and Underground finance in the modern Arms Black Market », *Crime Law and Social Change*, 22, 1995.

22. W. Cukier, « Marking Tracing and Tracking: the Role of information in controlling the misuse of firearms », *American Society of Criminology*, Toronto, November, 1999.

Such links are well known and include shared transit routes, the use of weapons for protection by drug traffickers and financing gunrunning through the drug trade. The link between drugs, guns and illicit activities such as credit card fraud has been made in other contexts as well.<sup>23</sup>

At the same time, there are significant differences. Drugs are generally illegal from the point of production to the point of consumption. In contrast, most firearms are manufactured legally, but become illegal by virtue of the conditions of their possession or misuse. The problem with guns is compounded as well by the fact that they are not consumed but are durable and are therefore resold and reused.<sup>24</sup> In addition, the firearms markets have a dual structure - they include substantial legal government and consumer markets as well as illicit markets. The existence of legitimate purposes for firearms in most societies makes dealing with the problem of misuse particularly difficult and is the reason why regulation is the principal approach. While other factors are important and the interplay between laws and values are complex, the level of firearm death tends to vary with levels of firearms ownership in high income and industrialized countries.<sup>25</sup> The fact that legal firearms are misused and that legal firearms «leak» to illegal markets through various channels is the principal fact underlying efforts to apply regulations to legal use.<sup>26</sup>

The most extensive empirical research available on illicit firearm markets comes from the United States.<sup>27</sup> Given that the same mechanisms used to supply these markets also feed international markets, these conceptual frameworks are relevant. In the United States, there is evidence to suggest that leakage from legal to illegal markets is the principal source of firearms in criminal activity. Cook proposes that the distinction between licit and illicit gun sales is a function of the status of the buyer (entitled or proscribed), the status of the seller (licensed or unlicensed), the status of the weapon (legal or illegal model; legally acquired or stolen) and the details of the transaction (formal or informal).

The primary and secondary markets are closely linked, as buyers will choose based on the price and other aspects of the transaction. The primary market is attractive to buyers who want the latest models or warranties, but regulations (fees, waiting periods etc.) raise the effective price of primary markets and may either reduce some demand and

shift demand to secondary markets. However, as demand for firearms in secondary markets increases, so do prices and this will, in turn, presumably, reduce casual demand. Subsequently, given that secondary markets are fuelled from primary markets through straw purchases, for example, the greater the difficulty associated with getting firearms legally, the higher the secondary market price will be. This is confirmed by empirical evidence regarding the street prices of firearms. Where firearms are strictly regulated (for example, in New York), the street prices for firearms are higher than in other markets. Consequently, dealers make profits buying in unregulated markets (such as Virginia) and selling in regulated markets such as New York City.<sup>28</sup>

Thus, the principal problem with illicit firearms occurs when legally possessed firearms are diverted to illegal markets or used illegally. In addition, firearms tend to flow from unregulated markets to regulated markets on an international as well as a national basis. Diversion occurs through a variety of mechanisms but generally the evidence suggests that illegal firearms fall into three broad categories:

- legally held firearms that are misused by their lawful owner;
- illegally manufactured and distributed firearms;
- legally firearms that are diverted to the illegal market.

Firearms are diverted through a variety of means:

- Illegally manufactured and retrieved firearms
- Illegal sales by legal dealers

23. See for example, Canadian Association of Chiefs of Police, Annual Meeting 1999.

24. W. Cukier, *op. cit.*, 1998a.

25. W. Cukier, Firearm Regulation: « Canada in the International Context », *Chronic Diseases in Canada*, April, 1998b and M. Killias, « International correlations between gun ownership and rates of homicide and suicide », *Can Med Ass Journal* 1993; 148(10):1721-1725.

26. R.T. Naylor, « The Rise of the Modern Arms Black Market and the Fall of Supply Side Controls », Virginia Gamba ed., *Society under Siege: Crime, Violence and Illegal Weapons*, Cape Town, ISS, 1997 and R.T. Naylor, « Loose Cannons: Covert Commerce and Underground Finance in the Modern Arms Black Market », *Crime, Law & Social Change* 22, 1995.

27. Philip J. Cook, Stephanie Molliconi and Thomas B. Cole. Regulating Gun Markets. *The Journal of Criminal Law and Criminology* 86, no. 1: 59-91, 1995.

28. Cook, Philip and James Leitzel, « Perversity, Futility and Jeopardy: An Economic Analysis of the Attack on Gun Control », *Law and Contemporary Problems*, 59 (1) 1996.

- Resale
- Theft
- Diversion from state sources
- Illegal importation—concealment and false declarations

### **Interventions**

Clearly, the problem of illicit firearms trafficking is complex and there are no simple solutions to complex problems. A comprehensive approach to preventing crime, in general, and illicit trafficking, in particular, must arise from a careful analysis of the nature of the problem and include measures which address the root causes of crime - the factors which create the demand for illicit firearms. These measures include social development approaches to crime prevention and strategies aimed at preventing the “culture of violence.”<sup>29</sup> In addition, scholars maintain that until there are fundamental structural changes in weapons industries and cultural values, measures to reduce the misuse and illicit trade in firearms will be limited.<sup>30</sup>

### **Overview of Firearms Licensing and Registration in Canada**

Licensing and registration is not a Canadian idea. In fact, Canada’s 1995 Firearms Act brings into line with most other industrialized countries that have licensing and registration in place. (See Figure 3)

### **Overview of the Canadian context**

Percentage of Households with Firearms: 26%  
 – There are significant differences in the rate of firearms ownership in Canada. In Ontario, roughly 14% of households own firearms. In the Yukon, 76% own firearms.

Estimated Number of Firearms: A study commissioned by the Department of Justice estimates the number of firearm owners in Canada at 2.46 million. According to polling information, there is an estimated 7 million firearms in the country.

Types of Firearms: Approximately 5 million rifles and shotguns; 2 million handguns and other restricted weapons (military assault rifles)

Purposes of Lawful Firearms Ownership: Firearms ownership in Canada has a long standing

tradition. Aboriginal peoples have constitutional rights to hunt. Hunting, pest control, target shooting and collecting are well established in Canada. Arming for self protection is constrained - in order to carry a handgun for self protection individuals must either require it for their livelihood (police, security etc.) or be able to prove their life is in danger and that police can not protect them.

#### Firearms regulations

The Firearms Act (1995) includes the following measures:

- registration of all firearms by 2003 and a national information system
- strict license screening for all gun owners who possess firearms (renewable every 5 years) by 2001 and continuous eligibility checks
- a ban on semi-automatic military assault weapons and short-barreled handguns
- controls on the sale of ammunition
- stricter penalties for firearms misuse
- controls on import, export and tracking of guns

Handguns have been strictly controlled since the 1930s.

Prohibited Firearms: Fully automatic military assault weapons, semi-automatics which can be converted to automatics, along with a few other selected models not suitable for hunting or target shooting, short-barreled handguns, sawed-off shotguns and large capacity magazines. In most cases, the previous owners of these weapons were grandfathered when the prohibitions went into effect, in lieu of financial compensation.

Licensing Requirements: Under the *Firearms Act*, as of January 1, 2001, all firearm owners require a license to possess or acquire a firearm (renewable every five years). Standard safety checks are performed to ensure that the individual does not pose a risk to public safety. Under current regulations, spouses and previous spouses with whom the applicant has lived within the last two years are also notified of the individuals’ application. If someone with a license becomes violent or commits a crime that would make them illegible to

29. W. Cukier, *op. cit.*, 1998a.

30. R.T., Naylor, « The Rise of the Modern Arms Black Market and the Fall of Supply Side Controls », Virginia Gamba ed., *Society under Siege: Crime, Violence and Illegal Weapons*, Cape Town, ISS, 1997.

own firearms, the Chief Firearms Officer is able to revoke the license.

**Registration Requirements:** Under the new *Firearms Act*, all firearms will be registered (by the year 2003). New firearms will be registered at their point of sale and imported firearms will be registered at their point of entry. Every registration certificate will have a firearms identification number (FIN).

**Storage Requirements:** Firearms must be stored unloaded, with the ammunition separate. For handguns and other restricted weapons, the firearms must be stored unloaded in a locked container and made inoperable (trigger lock), with the ammunition stored separately.

**Training Requirements:** All license applicants must take the Canadian Firearms Safety Course and/or pass the test for the course, or show by some other approved means that they know about firearms laws and safety practices.

**Penalties:**

- Mandatory 4 year sentence for serious offences with a firearm
- Mandatory 1 year sentence for possession of a stolen weapon
- Criminal sanctions for non-compliance with license or registration but first-time offence is punishable by summary conviction with up to a \$2000.00 fine and 6 months in jail. However, law enforcement has discretionary powers in enforcing the law, depending on the motive.

**Infrastructure and Implementation Issues:** With the implementation of the new firearms legislation, instant background checks are conducted on the buyer and seller, as well as gun tracing checks on every gun sale or transfer in the country. The databases link to several police information databases that are used as «screens» for background checks and gun tracing checks, including the new CFRO database where violent incidents are recorded daily by police forces. As soon as a new violent incident is logged, the system searches license holders in the database for a match and alerts authorities if this new development. Registration is viewed as an important source of information to assist in policing investigations. It is also core to the implementation of community policing. The Canadian Firearms Registry On-Line (CFRO), as this system is known, receives an average of 1 600 queries per day. Under the old

system, the R.C.M.P. received an average of 7,000 inquiries each month to the Restricted Weapons Registry via the Canadian Police Information Computer (CPIC). That represents almost one half of all the inquiries made.

Increasingly, orders prohibiting ownership of firearms are being introduced as part of sentencing provisions for a wide range of violent and other offences. In order to enforce a prohibition order, police need to know what rifles and shotguns are present. In a typical year, 17,500 orders were issued in Canada prohibiting individuals from owning guns. But without information about who owns what guns, these are very difficult to enforce. In many cases, the police must rely on the individual subject of the prohibition order to provide information about the guns owned and surrender them voluntarily.

### **Canada/US Comparison**

A comparison of firearm ownership rates, as well as homicide, suicide, and crime rates illustrates the differences in firearm-related problems in the respective countries. The United States has significantly higher rates of firearms ownership, with relatively relaxed regulations concerning firearms ownership. The United States also has very high levels of firearm-related crime. Comparatively, Canada has much lower rates of ownership, stricter laws governing firearms, and lower rates of firearms misuse. Additionally, handguns are much more widely available and figure much more prominently in all types of crime. (See Figure 4) (See tables below: Sources: Centre for Justice Statistics; FBI Uniform Crime Reporting Data, Bureau of Justice Statistics, Statistics Canada Homicide Survey)

The purpose of licensing and registration is:

- To ensure vigorous screening of gun owners so that those who pose a threat to themselves or others do not have easy access to guns.
- To assist in police investigation by allowing weapons to be traced back to their owners.
- To assist police in taking preventative measures, such as enforcing the 63,552 prohibition orders currently on the books in Canada, and removing guns from domestic violence situations.

	<b>Year</b>	<b>Canada</b>	<b>US</b>	<b>US/CAN</b>
<b>Population</b>	1998	30.2 m	270 m	8.9x
<b>Number of All Firearms</b>	1998	7.4 m	222 m	30x
<b>Number of Handguns</b>	1998	1.2 m	76 M	63.3x
		(restricted firearms)		
<b>Guns per capita</b>	1997	.25	.82	3.3x

		<b>Canada</b>	<b>US</b>	<b>US/Can</b>
<b>Firearms Death (Rate per 100,000)*</b>				
<b>Accidental deaths with Firearms</b>	1998	0.2	0.3	1.5x
<b>Suicides with Firearms</b>	1998	3.4	6.4	1.9x
<b>Total Firearms Deaths</b>	1998	4.3	11.4	2.7x

<b>Crime Statistics (Rate per 100,000)</b>		<b>Canada</b>	<b>US</b>	<b>US/Can</b>
<b>Murders with Firearms</b>	1998	0.5	4.4	9x
<b>Murders without Guns</b>	1998	1.3	2.3	1.8x
<b>Murders with Handguns</b>	1998	0.23	3.3	14.5x
<b>Robberies with Guns</b>	1998	18	63	3.5x
<b>Robberies without Guns</b>	1998	78	102	1.3x

		<b>Canada</b>	<b>US</b>	<b>Can/US</b>
<b>Overall Homicide rate per 100,000</b>	1998	1.83	6.62	3.6x
<b>% of homicides with firearms</b>	1998	27.3%	66%	2.4x
<b>% of firearm homicides with handguns</b>	1998	46%	75%	1.6x

- To increase compliance with safe storage regulations in order to reduce theft.
- To promote accountability and responsibility among firearms-owners.

Although more research is needed, there is a great deal of evidence that licensing and registration in Canada has made a significant contribution toward a safer society.

## The case of United Kingdom

Gill Marshall-Andrews\*

It is my belief that, as human beings, we face two fundamental challenges - ecological sustainability and the creation of safe societies. If we fail in either of these, we either wipe ourselves out or we consign ourselves to living the impoverished, fearful lives that the philosopher Hobbes described as «nasty, brutish and short».

We are here today to consider the second of these great tasks - the creation of a safe society. For without safety there is no long term prosperity or justice. It is the task of government to keep us safe from each other and if this means depriving some people of some of their rights then that is the price we pay for membership of a civilised society.

Governments will make different decisions about who should be deprived of which rights. So it is that in the UK we have deprived people of the right to own a handgun whilst in the US such a law is unthinkable. Which is the more 'civilised' is a matter of opinion. But what is not disputed is that they have massively more gun deaths than we do.

### ***So much for the rationale for gun control!***

My task today is to try and give you some idea of what has happened in Britain in relation to gun control, over the last five years in particular, and of the lessons we have learned as we campaigned for reform of our gun laws.

I speak as a member of The Gun Control Network which was set up in 1996 following the Dunblane tragedy. We are a small organisation dedicated to the progressive tightening of gun laws in the UK. We are the only gun control group in the country.

In the United Kingdom we have, in the last 11 years, suffered two dreadful massacres which separately and together have shaken the nation's consciousness. In 1987 16 people were killed and 15 injured by a previously law-abiding man who ran amok in the peaceful market town of Hungerford. Then in Dunblane in 1996 16 children and their teacher were killed and a further 12 children and 3 teachers were injured by a man who had spent his

adult life working with young people and who, in his own words, loved guns. Both were fully licensed gun owners under the existing legislation.

After Hungerford many changes to the law were proposed but few were enacted. Some semi-automatic weapons were banned but, significantly, nothing was done about handguns. We will never know if the tragedy of Dunblane could have been avoided if handguns had been banned nine years earlier. The overwhelming sense of public grief and outrage, fuelled by the media, the highly effective «Snowdrop petition» and the establishment of the Gun Control Network, prompted the Conservative government of the day to introduce a ban on large calibre handguns in February 1997. The New Labour administration that came into power in May 1997 kept its promise and a ban on all handguns was completed later that year.

One very significant aspect of the campaign in Britain after Dunblane was the almost unanimous support of the media for a clear, simple, ambitious demand – a complete ban on handguns. Our slogan was «BITE THE BULLET - BAN THE HANDGUN». Newspapers conducted lengthy campaigns, TV coverage took the form of phone-ins, surveys, discussion programmes, and interviews. The press associations invariably took our stories, all major media outlets covered our press conferences, politicians from all parties supported us, advertising agencies and public relations companies worked for us on a pro-bono basis and the issue was thus kept alive.

In all of this the participation of the families of the victims was crucial. They became icons. Their dignity and their grief spoke to millions of parents up and down the country, and it still does. The fact that our organisation contained families of victims from both major tragedies, Hungerford and Dunblane, was a source of enormous strength and credibility. The public listens with respect and sympathy to victims and the pro-gun lobby found this particularly hard to counter.

From the beginning, the shooting lobby was at a disadvantage despite its huge wealth and its association with the «establishment». The fight was portrayed as a «David and Goliath» battle. We had no money but we represented the views of ordinary

\* Gun Control Network.

people, families, non-shooters, the vast majority. The gun lobby was perceived as rich, powerful, selfish and out of touch with the general public. Shooting, particularly handgun shooting, was seen as an inappropriate sport in a civilised society. The shooting organisations could not agree on a common strategy and they resisted all suggestion of legislative reform. They were fearful of the «thin end of the wedge» argument whereby a ban on handguns would be followed by a ban on all other types of guns. They sought to emphasise that the problem was mainly with illegally held weapons, but this was a hard argument for them because both our recent tragedies were committed using legally owned guns.

Many commentators around the world have suggested that the British experience is unique and could not be repeated elsewhere. I doubt that. Although we have always had some of the tightest gun laws in the world, it is worth noting that pistol shooting was the fastest-growing sport in the country at the time of Dunblane and that there was evidence of a particular growth in gun clubs offering «practical shooting» or «combat shooting» activities. We could legitimately point to the spectre of the American style gun culture in which over 30,000 people are killed by gunfire every year and say to the public that we must make sure we do not go down the American road.

The reform of our domestic gun laws is significant not only because it has meant that around 200,000 handguns were handed in and destroyed but because it sends a clear message about what kind of civil society we want to live in. A statement has been made, a position taken, that guns, particularly handguns, are dangerous and unnecessary and we will all be safer if there are fewer of them.

This statement seems to most people self-evidently true, but the war of statistics rages around this simple proposition. Shooters in America will draw on figures which purport to prove that you are safer if you have a gun than if you don't. Their counterparts in UK argue that there is no clear statistical evidence of a connection between gun violence and gun availability. Common sense dictates otherwise. Statistics can be turned to any purpose and we must trust our instincts. Perhaps we have something to learn from a 19<sup>th</sup> Century

Englishman called Andrew Lang who said of an opponent «he uses statistics as a drunken man uses a lamp post – for support rather than illumination».

We do however live in an information age and must fight our corner on the statistics front.

The gun lobby has been getting very excited about the UK's January 2001 crime statistics. It is being suggested that because violent crime is on the increase in the UK, the handgun ban introduced in 1997 isn't working.

This is simply false.

The following facts should help to put the record straight.

1. The overall rise in crimes of violence in 2000 was 16% and the rise in robbery 26% so it is true that we seem to be becoming a more violent society generally. This is a matter of great concern to us all. There is evidence that the biggest growth is in street muggings frequently related to the theft of mobile phones.

2. Guns were used relatively rarely in violent crime ie in only 4.7% of robberies in 1999 and 8% of homicides, so the problem is to a very large extent one of non-firearms crime.

3. Handgun homicide figures are very low and since 1980 have fluctuated from 7 in 1988, through to 35 in 1993 and a previous high of 39 in 1997. So 42 gun murders in 1999 does not represent a statistically significant increase.

4. There is evidence of growth in the use of imitation guns in crime but no figures can be put on this. It is likely however that some of the handgun crime is attributable to imitations.

Much recent research has highlighted the fact that the UK does not have a particularly low rate of violent crime but it does have a low rate of gun crime. We argue that this is because of our tight gun laws and because we do not have an armed police force. It is believed by the vast majority of British citizens that any relaxation of gun controls or the routine arming of the police would lead to an increase in the use of guns in crime. For these reasons such developments will be fiercely resisted.

Following the handgun ban in 1997 the press and general public felt that the issue of gun control was «done and dusted». There was talk of the UK having achieved the «gold standard» in gun laws



and of there being nothing more to do. Three years on, however, we are campaigning again on two issues – age limits and imitations.

On the issue of age limits the UK has complicated laws which make it legal for children as young as 8 to learn to shoot in gun clubs and on private land. Boy scouts can shoot and even their junior branch, the Cubs. We are urging the government to bring in a minimum age limit of 18 but so far they show little sign of wishing to do so. We had hoped that some such measure might be included in the Labour manifesto for the current general election but it is not. Neither have they included anything about controlling imitation guns which is the other aspect of our campaign.

The growth in the market for imitation guns has been remarkable. The major manufacturers – Colt, Smith & Wesson etc – have clearly suffered from the handgun ban and have moved into the imitation market where there are no restrictions. Recent research suggests that the market in «look-alikes» has grown by 50% in the last two years. This concerns the police greatly and adds to the sense of fear and insecurity in inner city areas.

So far, I have talked only about our experience of changing the gun laws in the UK. But that is only one aspect of the attempt to control the proliferation of weapons. We know that gun control is not just about legislative change nor is it in the end an internal matter. Countries must work together to reduce the legal and illegal traffick in guns if we are all to be safer.

Others here today are much better equipped to summarise the international progress on this issue. All I would add is that the gun trade thrives on secrecy and it is particularly important to remove that secrecy and to publicise what is going on. It is easy for us in the UK to be complacent about our tight gun laws and our low gun crime but we are major contributors to the global gun trade and this shadowy world needs illuminating. And in this respect the media has a big part to play. In the UK it was the media that investigated the recent transfers of guns to Sierra Leone and the Phillipines apparently in direct contravention of New Labour's «ethical» foreign policy. And it was the media that exposed the Arms to Iraq scandal as well as the enormous arms sales to Saudi Arabia. Like many colleagues around the world we are working to ensure greater transparency and accountability at national and international level.

I will end by re-iterating the 4 basic tenets of the Gun Control Network:

First – Gun violence in any country or community is directly related to the availability of legal and illegal guns.

Second – Gun ownership is a privilege and not a right.

Third – A gun culture will grow and threaten public safety in any society unless positive measures are taken by governments to limit it

Fourth – Gun control will be most effective where countries work together.

## Le projet de loi belge

Alain Lescrenier\*

Le projet de loi du gouvernement belge s'inscrit dans la philosophie de la directive des Communautés européennes de 1991 et des travaux de la Conférence internationale des Nations unies sur le commerce illicite d'armes en vue d'inscrire la Belgique dès à présent dans un processus visant à prévenir, combattre et éradiquer le commerce illicite des armes sous tous ses aspects.

Dans ce contexte, deux lignes directrices sont suivies. D'une part assurer la traçabilité totale de toutes les armes qui entrent dans le pays, même celles destinées à la réexportation, et d'autre part la sécurisation du marché des armes.

La traçabilité sera assurée par le Banc d'épreuves de Liège et le Registre central des armes. Toutes les armes fabriquées ou importées seront soumises au Banc d'épreuves et y seront enregistrées dans la banque de données du RCA. Si des armes importées ne portent pas de numéro d'identification, le Banc d'épreuves procédera à la numérotation de l'arme. Il est évident qu'un sort identique sera réservé aux pièces détachées essentielles pour le fonctionnement d'une arme.

La sécurisation du marché des armes sera améliorée par différentes mesures.

Toute la problématique de la délivrance des autorisations est centralisée dans les mains des gouverneurs de province. Un service du Ministre de la justice, le Service fédéral des armes, sera créé pour assurer le contrôle des gouverneurs, et l'organisation de nouveaux examens d'aptitude pour les armuriers.

Les conditions pour être armurier sont revues et renforcées. Les intermédiaires en armes qui ne sont actuellement soumis à aucune obligation, en ce compris les transporteurs, devront dorénavant être agréés comme armuriers.

La classification des armes est totalement revue : les catégories d'armes de défense, d'armes de guerre et d'armes de chasse et de sport sont supprimées. Toutes les armes à feu seront soumises à un régime d'autorisation. Le principe est que certaines armes ne sont jamais accessibles au public. Ces armes seront réservées aux forces de

l'ordre et sont souvent spécifiquement conçues à cette fin. Pour les autres armes, les demandeurs d'autorisations de détention devront justifier les motifs pour lesquels ils se proposent d'acquérir une arme donnée.

Toutes les autres armes sont interdites sauf autorisation. Vaut autorisation pour l'achat d'une arme de chasse uniquement le permis de chasse. En ce qui concerne la chasse toujours, la définition de l'arme de chasse est revue et adaptée aux pratiques d'autres pays. Les chasseurs qui arrêtent leurs activités peuvent conserver l'arme sans toutefois encore pouvoir acquérir des munitions pour celle-ci.

Vaudra autorisation pour l'achat d'une arme de sport (la liste en sera établie dans un arrêté ministériel) la licence de tireur sportif délivrée en vertu du statut du tireur sportif que les communautés sont en train de créer.

Dans tous les autres cas une autorisation est requise. Cette autorisation doit être délivrée par le gouverneur du lieu de résidence, après avis conforme des services de police. Le requérant devra satisfaire à des épreuves et à des exigences. Il devra être majeur, ne pas avoir été condamné, les cohabitants devront marquer leur accord, il devra remettre un certificat médical attestant qu'il est apte à manipuler une arme, faire la preuve qu'il sait manipuler l'arme pour laquelle il demande une autorisation, et présenter un examen théorique. Il devra également veiller à répondre à des exigences de sécurité qui sont définies dans l'Arrêté d'application. Il devra également justifier d'un motif légitime tel que défini par le Roi dans un arrêté délibéré en Conseil des ministres.

Le but est de lutter contre la prolifération des armes puissantes très fréquemment utilisées dans les faits de grande criminalité. A titre indicatif, au 1<sup>er</sup> juillet 2000, les armes semi-automatiques représentaient environ plus de 2,5% de toutes les armes enregistrées.

La police fédérale se chargera essentiellement du contrôle des armuriers. Il est prévu que les registres des armuriers seront informatisés et tenus au sein du RCA qui pourra exploiter ceux-ci (ce qui n'est pas le cas actuellement).

\* Attaché au Ministère belge de la Justice.

Les armes importées ou fabriquées en Belgique seront encodées directement par le Banc d'épreuves au RCA.

La vente d'armes sur les marchés ou les bourses publiques sera interdite. Il en sera de même en ce qui concerne Internet.

Les armes saisies et confisquées par décision des autorités judiciaires, qui sont actuellement remises au receveur des domaines et revendues à vil prix, et moyennant une intervention financière du ministère de la Justice, devront être détruites pour éviter de réalimenter le commerce (parfois clandestin).

La notion de dépôt d'armes est abandonnée et remplacée par la notion de stock d'armes. Cette notion plus vaste permet d'englober la problématique de l'amateur d'armes qui en possède plus d'une et d'imposer des mesures de sécurité renforcées, même pour les particuliers. En outre, il faut justifier d'un motif légitime pour détenir plusieurs armes. Ces motifs seront précisés dans un arrêté royal délibéré en Conseil des ministres.

Les peines sont revues et augmentées. Il est prévu que le minimum de la peine est porté à 1 an pour les infractions commises par les armuriers et les intermédiaires agréés et dans tous les cas lorsque le délit est commis à l'égard d'un mineur. Ce minimum est requis pour pouvoir décerner un mandat d'arrêt.

Il est créé un Service fédéral des armes. Outre les missions énumérées ci-dessus, le Service se chargera également de la concertation avec le secteur. Des représentants des Ministres de l'Intérieur et des Affaires économiques seront associés aux tâches de ce service.

### **Mesures de régularisation**

Il est prévu une mesure d'amnistie pour les détenteurs d'armes de défense et de guerre qui n'ont pas encore déclaré celles-ci.

En ce qui concerne les armes qui étaient en vente libre et qui deviennent aujourd'hui soumises à autorisation, si l'intéressé est un chasseur ou un tireur sportif, l'arme sera automatiquement enregistrée à son nom, sinon une autorisation lui sera délivrée à condition qu'il soit majeur et qu'il n'ait pas encouru de condamnations.

Il est également prévu que les personnes en possession d'armes (prohibées ou non) qui souhaitent s'en débarrasser peuvent le faire anonymement et gratuitement.

Bientôt, un deuxième projet de loi sera rédigé, créant une banque de données balistiques. Afin de l'alimenter, toute arme fabriquée ou importée en Belgique devra être soumise à une épreuve balistique au Banc d'épreuves lors de sa présentation pour l'épreuve de qualité existante.

## **Le Protocole de Vienne contre la fabrication et le trafic illicite des armes à feu**

Etienne de Périer\*

Le Protocole des Nations Unies sur le trafic illicite d'armes et de munitions propose un dispositif visant à améliorer la coopération des Etats et l'effectivité des contrôles des mouvements internationaux des armes à feu et des munitions. Le Protocole n'a pas pour objet de réglementer la détention, ou la possession des armes. Cela est renvoyé aux droits nationaux. L'intention des négociateurs a été d'établir une norme internationale, la plus élevée possible, et d'éviter que les obligations du protocole ne puissent être contournées d'une façon ou d'une autre par des dispositions nationales qui seraient « laxistes » au vu des objectifs poursuivis.

Ainsi si l'on s'attache à la définition donnée par le Protocole de ce qu'est une arme à feu. On notera que pour ce qui est des armes de collection, celles-ci ne peuvent couvrir des armes fabriquées après 1899. A contrario un Etat partie pourrait avoir une législation plus restrictive. Pour ce qui est des armes désactivées, là encore l'option ouverte par le protocole vise à garantir un minimum de contrôle. Celles-ci doivent être considérées, soit comme des armes à feu à part entière, soit comme des armes ayant suivi un processus de neutralisation dont les éléments sont décrits dans le protocole.

Entrons dans le détail du dispositif du protocole.

Il s'agit :

- du renforcement du contrôle des exportations et importations, via notamment l'instauration de licences d'importation/d'exportation/de transit,
- de l'obligation de marquage des armes, et la mise en place d'une coopération administrative et d'un échange d'informations entre les Etats parties,
- de l'obligation de conservation des documents liés à la fabrication et au commerce des armes sans laquelle cette coopération est impossible,
- enfin des dispositions plus spécifiques, relative au rôle des intermédiaires dans les marchés d'armes, et relative à la désactivation des armes.

### **1. Les mesures de contrôle de la circulation des armes et munitions**

- les parties établiront un régime de licence d'exportation, d'importation et de transit international applicable aux mouvements d'armes, de leurs composants, et des munitions. Ce régime se fonde sur une double autorisation, du pays de destination et du pays d'origine.
- L'Etat d'exportation doit vérifier que les autorités de l'Etat d'importation ont délivré une licence d'importation autorisant le transfert avant de délivrer une autorisation d'exportation. A cela s'ajoute une information préalable d'éventuels pays de transit qui doivent être en mesure d'indiquer par écrit qu'ils n'ont pas d'objection à ce transit.
- Les documents accompagnant les lots, y compris l'autorisation d'exportation, doivent indiquer un certain nombre d'informations qui visent à faire connaître aux autorités de contrôle la nature du chargement, sa route et sa destination.
- Ces dispositions ont pour objet de garantir le contrôle du commerce international des armes, et de permettre la coopération internationale en assurant une certaine transparence des flux.
- les Etats s'assurent de la sécurité des armes lors de leur fabrication, importation/exportation ou transit, dans la mesure où, fréquemment, c'est lors de ces transferts (transit, entreposage...) que des armes sont détournées de leur destination initiale.
- Pour que les contrôles sur la circulation des armes soient plus efficaces, et entre autres les contrôles aux frontières (ce qui pour l'Union signifie clairement les contrôles aux frontières extérieures), le Protocole appelle au renforcement de la coopération policière et douanière transfrontalière.

### **2. Les mesures contribuant à l'identification et au traçage des armes à feu**

#### **- Le marquage**

Le principe général qui a guidé la négociation a été d'introduire des dispositions garantissant que

\* Commission européenne, Justice et Affaires Intérieures.

toutes les armes puissent être individuellement identifiables et traçables.

Le Protocole prévoit deux types de marquage qui sont essentiels pour cela. L'un apposé lors de la fabrication de l'arme, l'autre apposé lors de chaque importation et propre à identifier le pays d'importation, l'année d'importation, et, si nécessaire, à compléter le marquage de fabrication.

Le marquage dit de fabrication doit être unique à chaque arme à feu, et indiquer le nom du fabricant, le pays ou le lieu de fabrication, et un numéro de série, ou, alternative âprement négociée, un code unique pouvant combiner un code alpha-numérique et des symboles géométriques simples.

Si le marquage dit « de fabrication » ne pouvait être considéré comme unique, un marquage « substitutif », assurant que l'arme est bien marquée de manière à être individuellement identifiable, devrait être apposé lors de l'importation de l'arme en plus du marquage dit « d'importation ». Il s'agit là d'un filet de sécurité extrêmement important et qui a fait l'objet de négociations difficiles.

Enfin le même article prévoit que des armes déstockées d'un stock gouvernemental devront avoir été marquées selon les mêmes principes.

#### **- La conservation des données**

Toutes les informations relatives aux marquages et aux transactions internationales, et d'une manière générale toutes les données qui sont nécessaires pour tracer et identifier les armes illicitement fabriquées ou commercées, doivent être conservées pour une durée d'au moins dix ans.

Ce sont les Etats parties qui sont responsables du respect de cette obligation, les Etats étant les seuls destinataires possibles des obligations créées par un Protocole international, mais celle-ci dans la pratique peut peser sur les différents acteurs concernés, fabricants, vendeurs aussi bien qu'autorités douanières et toutes administrations responsables du contrôle des armes à feu.

#### **- La coopération et l'échange d'informations**

Deux articles du protocole traitent de l'échange d'informations et de la coopération. Rappelons ici

que le protocole doit être lu en liaison avec la Convention UN sur le crime organisé qui est en grande mesure une convention sur l'assistance mutuelle.

En ce qui concerne le traçage, un paragraphe mérite une attention particulière (12.4), qui vise l'obligation de répondre rapidement aux demandes d'assistance dans le cadre du traçage d'armes.

### **3. Le courtage**

Les Etats parties considéreront la mise en place d'un régime d'encadrement de l'activité de courtage, et offrent pour cela un éventail d'options possibles ; enregistrement, licence, ou simple mesure de transparence dans le cadre des procédures d'exportation ou d'importation.

### **4. La désactivation des armes**

Selon le protocole, une arme désactivée doit être considérée soit comme une arme, et alors être soumise à la réglementation sur les armes, soit avoir été désactivée de telle manière qu'elle ne puisse être réactivée.

Ainsi le Protocole indique-t-il les principes généraux devant guider les modalités de désactivation d'une arme, afin que celle-ci soit (1) permanente, (2) vérifiée et certifiée comme telle, et (3) vérifiable, par un certificat ou une marque.

### **Conclusion**

- La négociation du Protocole a alimenté la réflexion d'autres instances ou groupe de travail sur le thème du trafic d'armes, code de conduite de l'OSCE en 2000, conférence des Nations Unies à New York en juillet prochain.
- Le Protocole est un texte de consensus mais a une vraie portée juridique, contrairement à des recommandations de nature plus politiques telles que celles qui résulteront de la conférence de juillet.
- Le Protocole pose les objectifs, laissant aux Etats parties le soin de définir les modalités d'application.





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**Adresse:** rue Van Hoorde, 33  
B -1030 Bruxelles  
TEL: (32.2) 241.84.20  
FAX: (32.2) 245.19.33  
E.Mail: [admi@grip.org](mailto:admi@grip.org)  
Website: <http://www.grip.org>

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**Directeur:** Bernard Adam

**Coordination:** Bernard Adam,  
Luc Mampaey, Caroline Pailhe,  
Marc Schmitz

**Recherche:** Bernard Adam,  
Georges Berghezan, Luc Mampaey,  
Félix Nkundabagenzi,  
Sophie Nolet, Caroline Pailhe,  
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