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Submission on the Draft Firearms Control Amendment Bill

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1. Introduction

The Children's Institute welcomed the introduction of the Firearms Control Act and would like to express its **support** for the Act and all other efforts to reduce the proliferation and abuse of firearms in South Africa.

The Firearms Control Act was introduced as a measure to curb South Africa's escalating problem of gun violence. South Africa has one of the highest rates of gun-related violence in the world. Between 1994 and 2004 over 100,000 people were killed because of gun-related violence; that is an average of over 27 people every day. Gun-related violence is a major public health concern and strict gun control should be a leading priority. The current Act should be strengthened not diluted.

2. Gun violence and children

South Africa has one of the highest firearm related homicide rates in the world, second only to Columbia. The Medical Research Council's (MRC) National Injury Mortality Surveillance System showed that over half of the 11,254 homicides in 2001 were inflicted by firearms. Firearms overshadowed all other external causes of death accounting for 28% of all cases.

MRC data shows that children do not escape the violence: "Firearms were the major cause of death among children aged 10-14 years and accounted for 48.3% of all homicides in this age group."¹ Police figures indicate that firearms

¹ Medical Research Council (2002) National Injury Mortality Surveillance System (NIMSS); Cape Town: MRC.

are increasingly being used in murders; according to SAPS 1,128 children were murdered in South Africa in 2004/2005.²

The problem is widespread and affects urban and rural communities alike: The average annual incidence of violent and /or traumatic death in Transkei was 165/100 000 between 1993 and 2004. Firearms injuries in this region account for 29% of all traumatic deaths, and are the leading cause of homicide (this peaked in 2001 at 42% and has fallen steadily since).³

A study into childhood injury and mortality in the Cape Town Area during 1999 and 2000 showed that in homicide cases “firearms are most often the mechanism for death in all age categories for those less than 20 years, even for the 0-4 year olds.”⁴ Young children are often the victim of stray bullets, they are caught in the crossfire or held up as shields. In 2003, the leading cause of death among the 15-24 year olds was violence; 69% of non-natural deaths are due to violence, almost half of which are caused by firearms.⁵ Many children are killed in domestic violence situations. In addition to homicide the use of a firearm is second most common cause of suicide among victims aged 10-19.⁶

3. Counting the economic cost of gun violence in South Africa

Concerns have been raised that SAPS do not have the resources to spend on implementing the new procedures and tightening gun control. The direct medical cost of treatment for firearm injuries in just one hospital, Groote Schuur in Cape Town, was R4 million in 1993. The total cost for all services including investigation was calculated as approximately R30 million.⁷

Financial savings from the treatment of gun-related injuries could be invested in the welfare of the community, the time and resources spent by police investigating gun-related violence could be reduced by investing in gun control.

In 1998, Dr S P Muller, a senior surgeon at a public hospital in Kwa-Zulu Natal wrote a letter of concern to the Sunday Times.

“... We treat about 90 gunshot victims a month in our hospital. About 60% of these victims have to be hospitalised, often requiring operations, expensive medication, intensive care, and aftercare,...About 15 of the 90 die from their

² SAPS (2005) Annual Report, p61.

³ Meel, B. L. ‘Firearms Fatalities in the Transkei region of South Africa, 1993 – 2004’ in *South African Medical Journal*, December 2005, Vol. 95, no. 12, pp963-967

⁴ Marais, S, & Prinsloo, M; (2001) ‘Childhood injury mortality in the Cape Town metropolitan area, 1999/2000’ MRC-UNISA, Crime, Violence and Injury Lead Programme, published in *Urban Health and Development Bulletin*, 4 (2), p14

⁵ Prinsloo, M; Matzopoulos, R. & Laubscher, R. (2005) A Profile of Fatal Injuries in Cape Town January 2001 – December 2003, Fatal Injuries & Safety Promotion Monograph Series, 42; Cape Town: MRC-UNISA, Crime, Violence and Injury Lead Programme

⁶ Medical Research Council (2002) National Injury Mortality Surveillance System (NIMSS); Cape Town: MRC.

⁷ Van der Spuy, J.W. South African Trauma Data: Some Perspectives for Planning. *Trauma and Emergency Medicine*, 13 pp7-10

*injuries. **Gunshot injuries and other forms of trauma drain some 60% of the hospital budget allocated to patient care, leaving helplessly insufficient funds for caring for the victims of non-violent diseases.***

“A further 90-100 victims of violence do not reach the hospital but go straight to the local mortuary...about 80% have died of gunshot wounds.” (1/11/98).

4. Support for stricter gun control

A survey undertaken by the Human Sciences Research Council showed that 84% of South Africans want stricter gun control.

5. Recommendations

The Children’s Institute **supports** the following provisions in the draft Firearms Control Amendment Bill:

- All gun owners must have competency certificates and these must be regularly renewed.
- The law would be extended to cover firearm “brokers”.
- “Replica” muzzle loaders and silencers will be prohibited.
- Limits will be placed on collectors: they will have to disable prohibited firearms; have far fewer rounds of ammunition and only store and display collection items; not use them.

To afford protection to children and to give effect to the right of all persons to be free from violence from both private and public sources, the Children’s Institute **opposes** the following changes to the Act as provided for in the draft Firearms Control Amendment Bill:

- Removal of the requirement for firearm licences to be accompanied by a full set of finger prints.
- The removal of the system of licence renewals.
- Existing gun owners would be allowed to keep “excess” firearms – above the limit now set in the Firearms Control Act.
- Competency certificate renewals could be approved without the police conducting proper background checks. (The new law must apply to the 2.5 million people who already hold firearm licences; they must be subject to the same background checks as applicants for a new licence).
- The meaning of “fit and proper” would be unnecessarily narrowed.
- The police and courts would have discretion over how long declarations of unfitness would last. The Children’s Institute believes that declarations of unfitness should last in perpetuity, but should be open to review after five years, when the person can be given the opportunity to prove that they have taken steps to rehabilitate themselves and can demonstrate that they are now fit to possess a firearm.

The Children’s Institute would like the draft Firearms Control Amendment Bill to **strengthen the strict gun control** provisions in the FCA by adding to the law:

- The age limit for obtaining a firearm licence should be lifted from 21 to 25.

- Before gaining permission to open outlets in a particular area, gun dealers should be required to go through a process of public consultation similar to that required of liquor stores.
- Any person who is the subject of a Final Protection Order should be excluded from obtaining a competency certificate.
- An application should be suspended when the applicant is the subject of an Interim Protection Order.

Protection Orders are only issued after an act of domestic violence has taken place.⁸ The issuance of a protection order shows that the Respondent is inclined to violence, and is therefore not competent to own a firearm.

Anyone who is the subject of a Protection Order should have their gun removed automatically. Currently, Magistrates have discretion as to whether to consider removing a firearm when they issue a protection order. Therefore, unless the offence complained of in relation to the protection order involves the use of a firearm the Complainant will be required to bring to the Court's attention the existence of a firearm in order for it to be removed.

6. Conclusion

The Children's Institute would like to wish you well in your deliberations on the draft Amendment Bill and thank you for reading our submission.

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⁸ An Interim Protection Order can be obtained if there is prima facie evidence that an act of domestic violence has been committed. A Final Protection Order may only be issued if a Court finds on a balance of probabilities that the Respondent has committed or is committing an act of domestic violence.