

Technical Document  
Firearms Control Task Group

**DRAFT**

**A REVIEW OF FIREARM STATISTICS AND REGULATIONS  
IN SELECTED COUNTRIES**

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## EXECUTIVE SUMMARY

### Introduction

This study was conducted by the Research and Statistics Section at the request of the Firearms Control Task Group, Department of Justice Canada. The primary objective of the research was to provide a brief overview of firearm statistics and regulation in seven selected countries. Information was collected between January and April, 1995.

This review presents statistics on suicide, homicide, accidents, injuries and firearms ownership. There are inconsistencies in the years in which data were available from the various sources, however, every effort was made to provide the most recent figures, rates and if possible an average figure for the years prior to the most recent data.

The section on legislation has been divided into the "Regulation of Firearms" and the "Regulation of Firearm Owners". The review provided is a brief summary of the firearms control legislation in each country and it was not intended to be an exhaustive review of all aspects of firearms legislation.

The final section, "Recent Developments", discusses recent legislative amendments, specific firearms incidents which lead to subsequent controls, evaluations of firearms legislation, or other notable developments.

A variety of qualitative methodologies were also used in this study including an analysis of documents obtained through key contacts, review of departmental files and on-line computer searches, telephone discussions and interviews.

The Department of Justice library conducted CDROM on-line searches of LegalTrac, Dialog, and Lexis Nexis. In addition, a search of the University of Ottawa holdings was conducted on the in-house computer system. The terms searched were consistent across the searches. The subjects included firearms, homicide, suicide, accidents, statistics, law, legislation, regulations, and controls.

Personal communications were also an important part of the research. Embassy staff, Government officials, and academics were contacted. In an effort to verify the contents of this report, contact persons were requested to review the sections pertaining to their country, however, due to limited time, confirmation was not received in all cases. This document will be revised and updated as additional information is received.

The following tables provide a brief summary of the research findings. Readers are encouraged to review the full report and to consult bibliographic sources for more complete information.

## Findings

Table 1.1 Rate and Number of Suicide, Homicide, Accident and Firearm Ownership in Select Countries<sup>1</sup>

Country	Suicide Rate/100,000 (N)	Suicide with Firearm Rate/100,000 (N)	Homicide Rate/100,000 (N)	Homicide with Firearm Rate/100,000 (N)	Accidents with Firearms (N)	Firearms Ownership Rate/100,000 (N)
Canada	12.8 (3,709)	3.6 (1,048)	2.2 (630)	0.67 (193)	63	24,138 (7 m.)
Australia	11.6 (2,081)	2.5 (435)	1.8 (326)	0.36 (64)	18	19,444 (3.5 m.)
New Zealand	14.5 (493)	2.5 (86)	2.6 (90)	0.49 (18)	4	29,412 (1 m.)
Japan	19.3 (23,742)	0.14 (175)	1.2 (1,500)	0.06 (74)	57	414 (517,675)
Switzerland	20.4 (1,416)	5.8 (407)	1.5 (105)	1.4 <sup>2</sup> (96)	84 <sup>3</sup>	42,857 (3 m.)
Britain	8.6 (4,284)	0.4 (191)	1.3 (675)	0.14 (74)	8	3,307 (1.7 m.)
France	20 (11,403)	4.9 (2,793)	4.94 <sup>4</sup> (2,818)	2.32 <sup>5</sup> (1,324)	unavailable	22.6% of households
United States	12 (30,810)	7.1 (18,526)	9.3 (24,273)	6.4 (16,704)	1,441	85,385 (222 m.)

<sup>1</sup>Most recent statistics have been provided when available, averages over several years have been used in some cases, dates and sources vary. Refer to the relevant country sections for a more detailed explanation for each.

<sup>2</sup>Includes attempted and completed murder.

<sup>3</sup>Number of firearm injuries; data on accidents were not available.

<sup>4</sup>Includes attempted and completed murder.

<sup>5</sup>Includes attempted and completed murder.

## Table 1.2 Legislative Controls

Country	Level of Legislative Authority	Regulations of Firearms				Regulations of Firearm Owners				
		Registration of Handguns	Registration of Long Guns	Prohibited	Ammunition Control	Age Restriction	Criminal Check	Safety Training	References	Duration of Licence
Canada	Federal	yes	proposed	<ul style="list-style-type: none"> <li>•military and para-military</li> <li>•some handguns (proposed)<sup>6</sup></li> <li>•CFA's</li> </ul>	proposed	yes	yes	yes	yes	5 years
Australia	State/territorial, some federal	all states and territories	5 jurisdictions	varies by jurisdiction	7 jurisdictions	all jurisdictions (ages vary from 15 to 18)	varies by jurisdiction	varies by jurisdiction	varies by jurisdiction	varies by jurisdiction (1 year - lifetime)
New Zealand	Central	yes	no	no	yes	yes	no	yes	yes	10 years
Japan	Central	handguns are prohibited	yes	<ul style="list-style-type: none"> <li>•handguns</li> <li>•automatics</li> <li>•silencers</li> </ul>	yes	yes	yes	yes	yes	3 years
Switzerland	Canton, some federal <sup>7</sup>	no	no	no	yes	yes	varies by canton	varies by canton	varies by canton	varies by canton

<sup>6</sup>.25 and .32 calibre handguns and handguns with barrel length of 4.14" or less.

<sup>7</sup>A Federal Law on Weapons is being drafted and is expected to become legally effective by 1997.

Table 1.2 Legislative Controls Continued

Country	Level of Legislative Authority	Regulation of Firearms				Regulation of Firearm Owners				
		Registration of Handguns	Registration of Long Guns	Prohibited	Ammunition Control	Age Restriction	Criminal Check	Safety Training	References	Duration of Licence
Britain	Federal	yes (recorded by the 43 police forces - no national system)	yes (recorded by the 43 police forces - no national system)	<ul style="list-style-type: none"> <li>•machine guns</li> <li>•most self-loading and pump-action long guns</li> <li>•disguised firearms</li> <li>•weapons that discharge noxious substances</li> </ul>	yes	yes	yes	no specific requirement	no	5 years
France	Central	yes	yes <sup>8</sup>	automatics	yes	yes	yes	no specific requirement	yes	5 years
United States	State, some federal	some states	some states	some states	varies by state	varies by state	all states for handguns	varies by state	varies by state	varies by state

<sup>8</sup>With the exception of single-shot shotguns.

## 1.0 AUSTRALIA

### 1.1 Statistics<sup>9</sup>

Australia covers an area of 7,686 sq. km. with a population of 18,000,000.

#### 1.1.1 Suicide

In 1993 there were 2081 suicide deaths, which was generally consistent with the average for the preceding ten years. The rate of suicide ranged from a low of 10.99 per 100,000 in 1984 to a high of 13.68 per 100,000 in 1991.

The total suicides caused by firearms in 1993 was 435, which is somewhat lower than the average of 510 for the years 1983 to 1993. The gender breakdown consistently reveals extremely high numbers of suicides for males verses females. For example, in 1993, 17 females committed suicide, compared to 418 males. The rate per 100,000 population who committed suicide with firearms ranged from a high of 3.52 in 1987 to a low of 2.46 in 1993.

#### 1.1.2 Homicide

In 1993 there were 326 homicides, which is consistent with the average of 330 over the previous ten years. The rate per 100,000 population ranged between 1.83 in 1992 and 2.39 in 1988.

There were 64 firearm homicides in 1993, which is low compared to 94, the average between 1983 and 1993, similar to the trend in firearm suicide data. In 1993 there were 42 male victims of homicide and 22 female victims. The rate per 100,000 ranged from a high of 0.78 in 1984 to a low of 0.36 in 1993.

#### 1.1.3 Accidents

There were 4497 accidents causing death in 1993. The death rate per 100,000 population as a result of accidents ranged from a high of 35.62 in 1983 to a low of 25.50 in 1993.

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<sup>9</sup>The following suicide, homicide and accident statistics were extracted from Mukherjee, S.K. & Dagger, D., Australian Institute of Criminology, 1994.



The total accidental deaths caused by firearms in 1993 was 18, which is low compared to the average of 28 over the previous ten years. Accidental deaths by firearms took 16 males lives and 2 females. The rate per 100,000 population ranged from a high of 0.26 in 1983 to a low of 0.10 in 1993.

#### **1.1.4 Firearm Ownership**

Various approximations have been identified in the literature reviewed. According to the findings of the International Crime Survey (1989) about one household in five contains a gun. The National Committee on Violence (1990) estimated that there were approximately 3.5 million firearms in Australia.

### **1.2 Legislation**

Responsibility for firearms control resides within the jurisdiction of the six States and two Territories. The authority of the central government, the Commonwealth, is limited to controls under the Customs (Prohibited Imports) Regulations under the Customs Act.

In response to three highly publicised massacres in 1987, the Australian Prime Minister convened a Gun Control Summit to review the need for a national uniform gun control strategy. Although the summit did not achieve consensus on such a strategy, the Australian Prime Minister and State and Territory governments agreed to the establishment of the National Committee on Violence (NCV) (Chappell, 1992: 5).

The NCV operated under a broad ranging mandate which included studying violence in Australia; examining the causes of this violence; and recommending strategies for combating this problem (NCV 1989 in Chappell, 1992: 5).

Established in October 1988, the NCV published the findings of their research, hearings and conference in a 1990 report entitled "Violence Directions for Australia" (Chappell, 1992: 5). The Committee recommended that State and Territorial governments undertake the following action:

- prohibition of all automatic long guns and certain types of ammunition;
- restriction of semi-automatic long guns to individuals' specific need;
- restriction of sales of ammunition by licensed gun shops only, to licensed individuals only, for personal use of a specific firearm;
- all firearms should be registered in a computerized national firearms registry;
- ownership or possession of a firearm should be restricted to those possessing a valid licence. The requirement for obtaining a licence should include stipulations in existing legislation together with the following: applicant must

be over the age of 18; fit and proper persons with good reason for a licence; pass a background check; and, demonstrate training, competence and safety consciousness to the licensing authority. Hand gun licences should be restricted to authorized security personnel and members of pistol clubs, with weapons stored on the premises;

- security, mandatory measures to be introduced for the safe-keeping of all weapons in an inoperable condition, both by individual and businesses, with appropriate penalties for non-compliance;
- mandatory seizure of all weapons in the hands of a licensed owner who gives reason to believe that the person is no longer fit and proper;
- all sales of firearms, including second-hand sales should be made through licensed gun dealers, and changes in registered owners to be notified;
- a permanent amnesty for the surrender of unauthorised firearms (Warner, 1993: 72).
- the use of a firearm in the commission of an offence should be considered an aggravating circumstance and reflected as such in sentencing (Australian Institute of Criminology, 1990: 178).

Many of the States and Territories implemented new firearms legislation following the recommendations. New South Wales formulated new firearms legislation which came into effect in 1992, Queensland introduced a new Weapons Act in 1990, Tasmania introduced the Guns Act 1991, and the Northern Territory implemented a Firearms Bill in 1993. Notwithstanding the forgoing legislative amendments, there remain many differences between the jurisdictions.

### 1.2.1 Regulation on Firearms

The Commonwealth has used its authority by implementing new customs restrictions on prohibited firearms. Since 1991, amendments have been made to the Customs (Prohibited Imports) Regulations to achieve a better balance between control of the most dangerous firearms and legitimate requirements for possession thereof. The Regulations require Ministerial approval for importation of otherwise prohibited firearms under the definition of official purposes, and included in this exemption are foreign competitors participating in firearms competitions.

Registration of all firearms is required in five of the eight jurisdictions while handgun registration is required in all the states and territories. New South Wales, Queensland and Tasmania are resistant to universal firearms registration (Herlihy, J., February 21, 1995).

A "permit to purchase" is not required in all jurisdictions. All businesses and private sellers of firearms are obligated to ensure that purchasers are appropriately licensed; only one jurisdiction has bans in force on the sale, the resale, and possession of

firearms which are prohibited imports under the Customs (Prohibited Imports) Regulations - while some do not have bans but restrictions, and three jurisdictions have neither.

Although there has not been a uniform ban on all semi-automatic firearms certain dangerous weapons are designated prohibited, restricted or require special authority to purchase in some jurisdictions.

### **1.2.2 Regulation of Firearm Owners**

All States and Territories have some form of firearms licensing system, although the requirements for obtaining a license vary. Proof of identity is required in 5 of the 8 jurisdictions. The 'cooling off' period between application and issuance of a license ranges from none to 28 days. All jurisdictions require at least two of the three provisions regarding the issuance of licenses on the basis of qualification, training, and character check. An endorsement of license with description of the category of firearms for which the holder is licensed is required in all jurisdictions with the exception of two of which stipulate exemptions. The period for which licenses are issued varies considerably between jurisdictions and within the jurisdiction depending upon the class of firearm. Some jurisdictions require a photograph on all firearms licences while others do only for certain classes of firearms.

All jurisdictions have circumstances in which firearm licences are suspended, their issue of renewal prohibited, and provisions made for the seizure of firearms. All jurisdictions have categories of "genuine reason" for requiring a firearm licence, although the requirement varies by state and territory.

Legislative requirements regarding safe storage of firearms is nearly universal, although the requirements are more strict in some jurisdictions than others (Herlihy, 1993: 26).

Steps have been taken by all jurisdictions to ensure that adverse firearms histories and current domestic violence orders are recorded on the currently approved Police Reference System.

Violent crimes committed with firearms carry severe penalties under existing state and territory law (Australian Institute of Criminology, 1990: 177).

## **1.3 Recent Developments**

Prior to the introduction of the 1991 Guns Act, Tasmania had the least restrictive firearms control measures in Australia. According to Warner (1993), the Criminology

Research Council will be funded to conduct an evaluation of Tasmania's 1991 Guns Act. The study is expected to include among other things a review of data on deaths from suicide, accidents and overall violence in the community for a period prior to and after the commencement of the legislative amendments.

Victoria is also conducting a review of firearms legislation in that State.

## **2.0 NEW ZEALAND**

### **2.1 Statistics**

New Zealand covers an area of 268,680 sq. km. and has a population of 3,400,000.

#### **2.1.1 Suicide**

In 1992 there were 493 suicides. On average there were 468 suicides committed between 1988 and 1992 (New Zealand Ministry of Health, 1992).

In 1992 there were 86 deaths from suicide and self-inflicted injury by firearms and explosives, a ratio of 2.5 per 100,000 population. The average number of suicides committed between 1988 to 1992 was 79 (New Zealand Ministry of Health).

#### **2.1.2 Homicide**

There were 90 homicides reported to the New Zealand police in 1993, a rate of 2.6 per 100,000 population. This reflects the average for the previous ten years (Davidson, W., 1995).

In New Zealand firearms homicide constitute 20 percent of all homicides and the total firearms homicide rate is 0.49 per 100,000 population (Davidson, W., 1994).

#### **2.1.3 Accidents**

In 1993 the police recorded 4 accidental deaths caused by firearms, which is below the average of 6.2 recorded between 1988 to 1993 (Davidson, W., January 26, 1995).

#### **2.1.4 Firearm Ownership**

As of June 1992, there were approximately 365,000 firearms licence holders and as many as one million firearms in New Zealand. These figures indicate that more than 10 percent of the total population, or 15 percent of the age-eligible population (those over 16 years of age), have a licence and possess on average three firearms each (Norton, R. 1993: 464).

## 2.2 Legislation

### 2.2.1 Regulation on Firearms

In 1845 New Zealand introduced the Arms Importation Ordinance, the first legislation controlling the sale of firearms. Following that was the Arms Act of 1860 and 1880. In 1920 new firearms laws were implemented which created a broad level of regulation over the ownership of most firearms and universal firearms registration. In 1930, the registration of shotguns was repealed.

In the late 1960s the New Zealand police undertook a comprehensive evaluation of the firearms registration system and concluded that the system had substantial limitations. This led to a lengthy debate between the police, Government and the shooting community regarding how the firearms legislation could be amended. In 1983, a decision was made to terminate the registration system (Bernard, 1994).

The function of the Arms Act, 1983 was to "promote the safe use of firearms", "permit persons who have lawful possession of firearms to do so with a minimum of inconvenience", provide Police with sufficient powers to deal immediately with persons who are armed or to be believed to be armed and who are a danger to themselves and others", and "provide the Courts with sufficient penalties to deal effectively with those who offend against the provision of the Act" (Davidson, March 28, 1995).

Licenses for handguns of all types (i.e., including semi-automatic handguns) are available for members of an incorporated, police-approved club or for collectors. Most clubs require a person to shoot regularly for six months before they issue the recommendation to the police that the person receive permission to procure a handgun. Handgun licensees may buy additional guns at retail or informally, after receiving a permit to procure. They must, however, register with the police a description of the firearm and the serial number (Arms Regulations, enacted May 14, 1984).

Permits to carry (i.e., endorsement on the firearm licence) are required to carry a handgun and/or restricted weapons outside the property surrounding one's dwelling. These carry-permits allow only the transport of the handgun to an approved club, gunsmith, or licenses dealer. No one may carry a loaded firearm, or even a loaded magazine, in a vehicle.

Military style semi-automatic firearms can legally be owned and used, provided a special licence is obtained and special conditions are adhered to.

As stipulated in the Arms Act, the governor-general, by Order in Council, has the authority to declare any firearm, or even an air gun, to be a restricted weapon.

There are certain items that are designated "restricted weapons" such as stun guns, tazers, mace, self-defence sprays, firearms specifically named (Mini UZI, submachine guns, etc.), and those controlled by Statute and Police procedures including all shotguns with barrel lengths less than 508 mm (20 inches), all rifles, carbines or shotguns less than 762 mm (30 inches in length), and all firearms with folding, sliding, telescoping and other retractable stocks (Davidson, January 26, 1995). These firearms and weapons are limited to persons who possess "C endorsements" (see below for further explanation).

There are restrictions on replica firearms which are defined as exact working copy of the original firearm and capable of firing live ammunition, e.g. the UBERTI range of black powder and centre fire replicas of pistols from the 19th century. All replica firearms, whether replicas of antiques or otherwise are firearms for the purposes of section 2 Arms Act 1983, and an Import permit is required (Davidson, William, January 26, 1995).

A firearms license is required to legally purchase ammunition.

### **2.2.2 Regulation of Firearm Owners**

A firearms license is required by anyone who owns or uses a firearm with the exception of individuals under immediate supervision of a licence holder. The minimum age for a licence holder is 16. There are different types of licences. An "A licence" (general firearms licence) allows the holder to have and use sporting type shotguns and rifles without recording them against the person's licence. An endorsement is required if the holder wants to become a collector or is a member of a shooting club and wishes to own a handgun. The second type of licence is a "D licence" (dealers licence). Endorsements are required to own or possess certain designated firearms. A "B endorsement" is required to own or possess handguns and/or restricted firearms (i.e., the licensee must be a member of an incorporated pistol club) and to carry the pistol under certain conditions. A "C endorsement" allows the possessor to have handguns and/or restricted weapons, however, this endorsement is limited to bona fide collectors, a person to whom the firearm has special significance (heirloom/memento), director or curator of a bona fide museum, and employees of theatrical groups or film making organizations, these firearms may not be fired, are subject to strict storage security and are registered with the police. Finally, "E endorsements" are required for owners of military style semi-automatic rifles and shotguns (New Zealand Police, 1994: 15-16).

The Police Arms Officers are the official licensing officers. Firearms license applicants are required to take safety training courses and pass a written test. The training course is generally taken from the New Zealand Mountain Safety Council operated on behalf of the police (New Zealand Police, 1994: 14). The applicant must be over the age of 16, pass a safety test, qualify as being "fit and proper", provide a photo, proof of identity, and provide at least two references (more if applying for endorsements). Once granted the license, these persons could buy unlimited numbers of rifles and shotguns for the rest of their lives; none of the gun purchases needed to be registered. A firearm licence is valid for ten years.

Licensees are required to take "reasonable steps", as itemized in the Arms Regulations, to reduce the risk of firearms misuse and theft by storing firearms and ammunition separately or ensuring firearms cannot be fired. The security requirements for owners of pistols, military style semi-automatics, and collectors are more stringent than for other licensees (New Zealand Police, nd: 6).

The police may revoke the license of any person they no longer consider "fit and proper" or if the licensee does not take reasonable steps to secure firearms.

### 2.3 Recent Developments

In November 1990 New Zealand experienced its most tragic massacre when a gunman went on a rampage in Aramoana with a semi-automatic firearm and killed thirteen people. This led to demands for more stringent firearm control laws, and the police promised to review the entire Arms Act.

The Arms Amendment Act took effect November 1992, and the Arms Regulations became law in December. The highlights of the legislation include: persons in possession of military style semi-automatic firearms require a special "E type" licence and must comply with special conditions; the lifetime firearms licence was repealed and a ten year renewal requirement was implemented; all firearms licenses are to be issued with a photo of the holder; new safety and security requirements were introduced; if there is an order or grounds for a non-molestation or non-violence order under the Domestic Protection Act firearms will be seized and a licence will not be issued to anyone who has such an order against them; certificate fees were increased<sup>10</sup>; it became an offence to sell or supply ammunition to someone who does not have a licence; and, it became an offence to sell firearms or ammunition by mail order without a written order signed by the purchaser and endorsed by the police (New Zealand Police, Firearms Laws, nd.).

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<sup>10</sup>The basic "A" licence for existing licence holders is \$65; an "A" licence for new applicants (training course and test required) is \$75; and a licence and endorsements "A" licence plus one or more or the endorsements is \$200. All fees are payable once every ten years.



### **3.0 JAPAN**

#### **3.1 Statistics**

The total area of Japan is approximately 378,000 sq. km. with a population of 125,000,000.

##### **3.1.1 Suicide**

In 1988, there were 23,742 suicide deaths, a rate of 19.3 per 100,000 (Government of Japan, 1989). This is consistent with the previous five year average of 24,384 and rate of 20.6 per 100,000 population. Japan's firearm suicide rate is one-fiftieth of that found in the United States (Kopel, 1992: 43). Based on that, the rate of firearms suicide in 1988 is 0.14 per 100,000 population.

##### **3.1.2 Homicide**

The official homicide rate in Japan in 1988 was 1.2 homicide cases per 100,000 population (Kopel, 1992: 22). In 1991, firearms were involved in 74 homicides, a rate of 0.06 per 100,000 in Japan (Schreiber, 1993a: 13). In 1992, handguns were used in 33 homicides (Herbert, 1994).

##### **3.1.3 Accidents**

In 1991, there were 57 fatal accidents from mishandling or misuse of firearms (Government of Japan, 1993: 87).

##### **3.1.4 Firearm Ownership**

In 1991, police data indicate that there were 517,675 licensed firearms; 91.6 percent of the total or 474,252 were for rifle and shotgun licenses (Government of Japan, 1993: 87). Only 37,996 new rifle and shotgun licenses were issued that year, and 44,950 licenses were either not renewed or were revoked (Schreiber, 1993c: 25).

## 3.2 Legislation

### 3.2.1 Regulations on Firearms

Japan has the most restrictive firearms controls in the world. These regulations are consistent with social control generally in the country. "In Japan, it is generally accepted that strict gun control has worked well to prevent crimes using firearms and to guarantee a high degree of social stability," said Takaji Kunimatsu, Commissioner General of the National Police Agency, at a recent international gun control conference in Tokyo (Radin, 1995).

Gun control in Japan is governed by the 1958 Firearms and Swords Control Law, the Enforcement Order of the Cabinet, and the Enforcement Regulation of the Prime Minister's Office. These laws and regulations, under the jurisdiction of the National Police Agency, are designed primarily to control possession of firearms. The manufacture and sale of firearms is regulated by the Minister of International Trade and Industry under the Weapons Manufacture Law, the Enforcement Order of Cabinet, and the Enforcement Regulation of the Ministry of International Trade and Industry (Cho, 1994: 119).

The 1958 Firearms and Sword Control Law generally prohibits the possession of firearms (i.e., handguns, rifles, machine guns, shot guns, air guns) and firearms parts (i.e., barrels, magazines, trigger mechanisms) "due to necessity of preventing danger." However, the legislation stipulates "certain limited cases in which possession is permitted for certain activities" (Schreiber, 1993b: 19).

The possession of firearms and firearms parts are strictly limited to public officials who are required to possess firearms to perform their official duties or who are engaged in the testing and study of firearms, legally licensed hunters, target shooters, athletes who compete in national or international games, manufacturers, licensed dealers, antique gun collectors, and those who are designated as legal custodians of firearms by Cabinet order. The importation of firearms and parts is limited to public officials and athletes.

Since the promulgation of the 1958 Act, it has been revised thirteen times in an effort to tighten its provisions and increase penalties.

All automatic firearms and silencer devices are prohibited. There are restrictions on rifles and shotguns which limit the magazine capacity, the bore and the barrel length (Yamada, 1995; Schreiber, 1993b: 19).

Firearm owners can only purchase ammunition for the specific firearms which are certified (Yamada, 1995).

There are specific regulation on how guns, gunpowder, and ammunition must be handled in transit. In addition, firearms may only be discharged in places where their use is specifically permitted, and they can only be fired during the day (Schreiber, 1993b: 19).

Firearms (except non-working models or antiques) must be concealed from view and stored in a "standard facility", usually a heavy steel locker. The gun(s) in the locker must be fastened to the interior by a chain, which is generally run through the trigger guard. Guns must be stored unloaded and partially disassembled. Ammunition must be stored in a separate locker.

The Public Safety Commission has broad powers in determining permission to possess firearms and revocation of permits (Schreiber, 1993b: 19).

Imitation guns are regulated. They must be made of soft metal or plastic (i.e., so they cannot be modified to fire real bullets), and must not be black. (Schreiber, M., 1993d: 23; Yamada, 1995).

### **3.2.2 Regulation on Firearm Owners**

Possession of firearms is strictly regulated by procedures prescribed by the Enforcement Regulation of the Prime Minister's Office (Yamada, 1995). The Public Safety Commission requires potential gun owners to attend lectures, successfully complete written and practical range tests, provide a medical certificate, and consent to a background check (Yamada, 1995).

Further, under Article 5, the requirements for permission to possess firearms stipulate that a person must be 18 years of age (20 years of age for possession of a hunting gun); mentally competent; have a fixed address; not had a previous gun permit revoked within the last five years; not been sentenced to a fine or a more severe punishment within the last year; not be suspected of committing violent acts or other illegal acts habitually or posing a threat to life or property of other persons, or to the public peace (Yamada, 1995).

A firearm permit once issued by the Public Safety Commission is valid for three months from the date of issuing (Yamada, 1995).

Licenses must be renewed every three years, with another all-day safety lecture and examination at police headquarters. If during an annual inspection it is deemed that the gun is not being used for the purpose for which it was purchased, the license will be revoked and the gun confiscated (Schreiber, 1993e: 21).

Any person who carries or transports a gun must carry with him the permit and registration, which are subject to inspection to police upon request (Yamada, 1995).

Any alien who possesses a gun and intends to stop in Japan must surrender his gun to the chief of the police station having jurisdiction over the port of entry. The gun is to remain in the temporary custody of the police station until the alien departs Japan or obtains permission to use the gun in an international game (Cho, 1994: 120-127).

If there is an accident, or if, as a result of careless storage, the gun is stolen and used to commit a crime, the firearm owner can face penalties almost as severe as those facing the offender (Schreiber, 1993e: 22).

Crimes committed with firearms have implications for sentencing (Yamada, 1995). In 1965, the law was amended to increase punishment of offenders and place tighter controls on the importation of firearms.

### 3.3 Recent Developments

In an effort to further curb crime committed by terrorist groups using handguns smuggled into Japan from foreign countries, a 1991 revision of the law created new crimes of intent, such as the crime of preparing or attempting to smuggle handguns.

In June 1993, the law was amended to provide heavier penalties for the illegal possession, import, and manufacture of handguns and to prohibit the transfer of handguns and their parts. The penalties for the illegal import and manufacture were increased to a maximum punishment of penal servitude for life and at minimum a five years penal servitude and a substantial fine (Cho, 1994: 119).

Recently there has been a sharp rise in the seizure of guns from Japanese citizens (i.e., nongang members). In 1992, 26.1 percent of the 1,450 handguns police confiscated were taken from ordinary citizens, compared to only 7.6 percent of the previous year's 1,032 seizures (Schreiber, 1993a: 22).

In the span of one month in 1994, three highly publicised firearms incidents fuelled the concern over increased firearms related crime in Japan. Firearms were used in a bank robbery, a kidnapping resulted in suicide, and a doctor was shot in a train station.

In response, the Prime Minister called a Cabinet meeting to discuss the recent rise in firearm related crime and measures to reduce firearms smuggling. In turn, the Tokyo Metropolitan Police Department announced a new division to serve as a

clearinghouse for information on firearms, and the Finance Minister set up a task force to curtail the flow of firearms across the borders (Smillie: 1994).

On March 29, 1995, Japan's Nation Police Agency chief, Takaji Kunitatsu, was shot outside of his home (Ottawa Citizen, March 30, 1995: A6). This shooting in conjunction with two recent mass murders involving nerve gas have prompted the police to patrol areas of Tokyo in riot gear.

## **4.0 SWITZERLAND**

### **4.1 Statistics**

Switzerland has a population of approximately 7 million and a population density of 163 inhabitants per square kilometre.

The Swiss militia system, developed during the 19th century, has played a significant role in shaping citizens attitudes toward firearms. Switzerland is a nation in arms although the right to bear arms is not specifically guaranteed in the Constitution (Palmer, 1994: 184).

According to recent arms reduction (implemented since January 1, 1995), the militia has been reduced to 400,000 men. At the age of 20 able-bodied men are conscripted into the Army where they serve until age 42. After basic training, each soldier receives a military firearm and ammunition to keep at home in order to facilitate rapid mobilization of the armed forces. The ammunition is received in a sealed box which may be opened only in a warlike emergency. The box and the seal on it is checked during every service (i.e., at least once annually)(Killias, April 3, 1995). The ammunition for the most common Swiss army rifle is not available at shops, however, the ammunition for the more recent army rifle (1990) and the Swiss army pistol are available for sale on presentation of the military document (i.e., "livret de service").

#### **4.1.1 Suicide**

In 1993 there were 1,416 suicides committed at a rate of 20.4 per 100,000 population (Office fédéral de la statistique). There were 407 suicides involving firearms, a rate of 5.8 (Office fédéral de la statistique).

#### **4.1.2 Homicide**

Between 1986 and 1989 there were 1.2 homicides committed per 100,000 population, 0.4 per 1000,000 involved a firearm (Killias, M., 1993: 293).

Of the 175 homicides (completed and attempted) recorded by the police in 1993, 105 were completed, a rate of 1.5 per 100,000 population. There were 96 firearm homicides (completed and attempted) or 1.4 per 100,000 population (Begin, P., 1994: 3).

#### 4.1.3 Injuries

In 1993, there were 84 firearms injuries recorded by the police (Bureau central suisse de police, 1993: 2).

#### 4.1.4 Firearm Ownership

Twenty-seven percent of the population possess firearms, 60 percent of which are military weapons (Killias, M., January 18, 1995). In 1989, it was estimated that the percentage of households owning rifles and shotguns was 17 percent, and 12.2 percent owned handguns (Killias, M., 1993: 292).

The estimates of the number of firearms in Switzerland range from 3 million to 12 million (Hess, February 1, 1995).

### 4.2 Legislation

In the area of firearms control, the authority of the federal government to legislate appears to be subject to national referendums. While the cantons have the primarily legislative jurisdiction over firearm control, the federal government, as a result of a constitutional amendment approved by referendum in 1938 and implemented in the War Material Law of 1972, has jurisdiction over military firearms (including fully automatic and semi-automatic firearms), and other "war materiel". The law stipulates that the federal government must approve any manufacture, purchase, or sale of war weapons (Palmer, E., 1994: 185).

The possession of firearms deemed to be suitable for private ownership and use is governed solely by cantonal laws<sup>11</sup>. While regulations concerning gun control are not uniform among cantons, an inter-cantonal agreement has been designed to establish minimal firearms control laws while providing cantons with the freedom to implement more restrictive laws.

The 1969 Concordat, which restricts the trade of handguns has become effective in all cantons and half-cantons with the exception of one. It requires that all dealers be licensed and sell handguns only to licensed individuals, and prohibits the sale of fully-automatic firearms, firearms disguised as other objects, and switchblade knives (Palmer, 1994: 185).

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<sup>11</sup>The "canton" is the basic swiss governmental unit and each large Swiss city appears to be a separate canton (Bartlett, 1994:2).

#### **4.2.1 Regulations on Firearms**

The Concordat requires subscribing cantons to regulate the trade of firearms, through the licensing of dealers. As a result, the Concordat indirectly regulates the private possession and use of firearms, although cantons enforce the laws differently (Bartlett, 1994: 5).

Not all cantons require that sales between private individuals be recorded. Only about five of the 26 cantons or half-cantons regulate gun sales from one individual to another, and in the rest of the cantons such sales are completely uncontrolled.

None of the cantons have placed significant restrictions on the purchase or possession of long guns. All cantons require a license to purchase firearms and other weapons (i.e., those that use gas or other noxious substances) from a dealer. However, handguns can be purchased from an individual without such a license. There are no restrictions on the possession or carrying of many types of firearms in many of the cantons. The carrying of handguns is restricted in over half of the cantons. There is a significant variation in the laws and the practices concerning handgun carry permits. Where permit procedures exist, the criteria and the uniformity with which they are applied may vary (Bartlett, 1994: 9). However, the restrictions on fully automatic firearms are somewhat more stringent (Palmer, 1994: 188).

Licenses are issued by the canton but they are valid in any subscribing canton. Permits expire after three months, or when they are submitted to a dealer, as required, at the time of purchase. Most cantons require a separate licence for each individual purchase, therefore permits are generally valid for the purchase of a single handgun or other restricted weapon (Bartlett, 1994: 6).

The Concordat does not control the sale of handguns and equally restricted items between private individuals. However, to varying degrees some cantons have attempted to regulate sales of handguns by private individuals by requiring that only those who qualify for a weapons acquisition license may possess weapons or police notification (Bartlett, 1994: 8).

According to the Regulation on War Materiel, the acquisition of automatic firearms is limited to collectors. However, requirements for granting of collector's permits vary considerably among the cantons.

#### **4.2.2 Regulations on Firearm Owners**

The Concordat specifies the following persons as ineligible for a licence: those less than 18 years of age; mentally incompetent persons; persons forbidden by the criminal code of the canton; habitual drunkards, or those who are prohibited by court



order from entering a pub; those who are bound by a court order to keep the peace; persons convicted of a criminal offence of a violent or dangerous character; those who have been repeatedly imprisoned for other offences; persons deprived of their civil rights by court order; and finally, those persons for whom there is reason to suspect that they might harm themselves or others (Bartlett, 1994: 6).

The Concordat prohibits the sale of ammunition to anyone under 18 years of age. There are approximately three thousand shooting ranges in Switzerland and the vast majority of ammunition is sold there. Ammunition purchased at the range is intended to be used at the range (Killias, January 18, 1995). Control on the sale of ammunition is limited to non-military, non-hunting ammunition more powerful than .22 calibre which is apparently registered by dealers (Bartlett, 1994: 8).

The Concordat does not require laws preventing individuals from possessing or carrying firearms. Dealers may only sell handguns to licensed individuals, but this is not extended to private transactions which remain below the level of commercial scale. Similarly, the Concordat puts fully-automatic weapons into a very restricted class in terms of sales by commercial dealers, however, it does not mandate any restrictions on their private possession or use (Bartlett, 1994: 7).

#### 4.3 Recent Developments

Switzerland has recently suffered several sensational mass murders with guns. In 1992, a man killed six people in their homes, in 1991, a businessman killed five family members and himself, and in 1990, a jeweller murdered five people and then shot himself.

Concern about crime in Switzerland, and outside pressure on the Swiss to toughen their gun control laws appears to have resulted in a change in Swiss attitudes toward firearms control. There is now a general willingness to add to federal jurisdiction and thus lessen cantonal control, and to limit individual liberties to some extent.

The gun control debate led to a constitutional referendum by the Swiss citizenry in the Fall of 1993. The referendum passed with a margin of 86 percent which is more than any constitutional amendment since 1945. The outcome of this vote allows the development of a federal gun control law that will extend to the private acquisition, possession and use of firearms generally in Switzerland. An 18 member commission was appointed in March 1994 to prepare a Federal Law on Weapons to replace the Concordat. The new law might not become legally effective before 1997 (Killias, April 3, 1995). It will have to be passed by both houses of the federal legislature, and then enacted by the people in a referendum.

It is expected that the new federal law will impose the handgun permit system of the Concordat on a national basis, and will close some of what are regarded as loopholes in the existing system. Semi-automatic rifles might also be made subject to a similar permit system, and permits may be required nationally to carry a firearm. More restrictions may also be placed on purchases of guns by non-resident foreigners.

In the meantime, some of the cantons have apparently tightened their own gun control laws and federal regulation has restricted the sale of firearms to foreigners (Palmer, 1994: 186).

## **5.0 BRITAIN**

### **5.1 Statistics**

The total area of the country is 244,820 sq. km. and the population approximately is 51,400,000.

Generally the British police are not armed. Only 2,500 officers are trained to carry firearms and resort to their use only in exceptional circumstances (Shroff, 1994: 79). The Government policy governing the deployment of these officers states that "firearms are to be fired by police officers as a last resort when conventional methods have been tried and failed, or must, from the nature of the circumstances obtaining, be unlikely to succeed if tried" (Shroff: 1994:86). Although the philosophy of unarmed police has been a symbol of a liberal democracy, an incident in October 1993 involving the shooting of a police officer has brought the issue of police armament to the foreground.

#### **5.1.1 Suicide**

Between 1983 and 1986 there were an average of 4,284 suicide fatalities, a rate of 8.6 per 100,000 population. During the same period there were 191 suicides involving firearms, a rate of 0.38 per 100,000 population (Killias, 1993: 293).

#### **5.1.2 Homicide**

In 1993, 675 homicides were recorded by the police, a rate of 1 per 100,000 population, and 74 of these involved firearms, a rate of 0.14 per 100,000 population (Home Office, 1993: 73).

The average number of homicides between 1983 and 1993 was 651, a rate of 1.3 per 100,000 population (Home Office, 1993: 76).

The average number of homicides recorded by the police in which firearms were reported to have been used for 1983 to 1993 is 55 (Home Office, 1993: 65).

#### **5.1.3 Accidents**

In 1992 there were 8 accidental deaths caused by firearms (Office of Population, Censuses and Surveys, 1992: 32).

#### 5.1.4 Injuries

There were 2,293 firearms injuries reported to the police in 1993, 74 of which were fatal. The average number of offences recorded by the police in which firearms were reported to have caused injury from 1983 to 1993 is 2,306 and the average number of fatalities is 55 (Home Office, 1994: 68).

#### 5.1.5 Firearm Ownership

At the end of 1993, it was estimated that there were 1.7 million legally held firearms in Britain (i.e., 376,100 firearms and 1.32 million shotguns)<sup>12</sup> (Home Office, 1994: 3 & 5).

### 5.2 Legislation

The aim of firearms controls in Great Britain is to ensure that private citizens possess firearms only if they have good reason to do so, and can be expected to use them safely and within the law (Gilbert, S., 1995)

The principal method by which the Government achieves this aim is licensing by the police. The licensing system was established by the Firearms Act 1920 whereby firearms certificates are required for the lawful possession of all firearms, with the exception of shotguns. In 1936 additional controls were introduced to allow conditions to be attached to certificates and further restrict dangerous weapons. Further amendments were presented in the 1960s in response to growing concern about crime involving firearms and to restrict the use of air guns and shotguns (Shroff, 1994: 80).

Firearm controls are governed by the Firearms Act, 1968, ch. 27; the Firearms Act, 1982, ch. 31; and the Firearms (Amendment) Act, 1988, ch.45, the Firearms Acts (Amendment) Regulations, 1992 which contains the requirements of the European Council directive, and the Firearms (Amendment) Act, 1994. Other regulatory provisions include the 1989 Firearms Rules and the 1992 Firearms (Amendment) Regulations (Shroff, 1994: 80).

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<sup>12</sup>This estimate is based on data provided by the firearms officers in the 43 police forces in England and Wales.

### 5.2.1 Regulation of Firearms

The firearms legislation places specified firearms and ammunition considered to be particularly dangerous in a prohibited category which cannot be possessed, purchased, acquired, manufactured, sold or transferred without the authority of the Secretary of State. The Secretary of State has absolute discretion to refuse his authority and there is no appeal against the decision, except by judicial review. Prohibited firearms include machine guns, and most self-loading and pump-action rifles and shotguns, disguised firearms and weapons which discharge noxious substances (i.e., includes CS, MACE and 'electric stun guns'). Prohibited ammunition includes any ammunition which contains noxious substances, armour piercing or expanding ammunition and other military ammunition including missiles, rockets and bombs. Permission is not granted to private individuals except in the most exceptional cases (Gilbert, April 19, 1995).

The Firearms (Amendment) Act 1988 included a power allowing the Secretary of State to issue regulations adding to the category any firearm which was not for sale in substantial numbers before 1988 and which appears to be: specifically dangerous; wholly or partly composed of material that cannot be detected by metal detectors; any ammunition which is not presently specified but appears to be specifically dangerous (Shroff, 1994, 82).

It is only possible to purchase ammunition if you have a firearm or shotgun certificate. The only ammunition you can purchase is for the type of weapon covered by the certificate (Gilbert, 1995).

Firearm dealers are regulated and anyone who manufactures, sells, transfers or repairs firearms or ammunition must be registered as a firearms dealer (Bartlett, 1990: 10). In addition, the dealer is required to maintain records of all transactions (Bartlett, 1990: 13).

### 5.2.2 Regulation of Firearm Owners

Great Britain operates a system whereby the individual is licensed to possess, or acquire firearms and each firearm possessed or acquired is notified to the police, who keep a record. There are two distinct certificates. A long barrelled shotgun which is incapable of firing more than three shots without manual reloading may be held on a shotgun certificate. All other firearms (except low-powered air guns) must be held on a firearm certificate. Ammunition is also subject to certificate control (Gilbert, April 19, 1995).

The law does not define what is and what is not a good reason. But guidance is offered to the police which suggests that sporting, recreational and professional (e.g.,

vermin control) uses may be acceptable. The same guidance recommends that certificates should not be issued to those who want firearms for personal protection (Gilbert, April 19, 1995).

When issuing a firearm or shotgun certificate, the Chief Police Officer must be satisfied that the applicant has a good reason to have a gun, and that he can have it without endangering public safety or peace. The good reason requirement is more stringent for firearms certificates than for shot guns certificates. To get a firearms certificate, an applicant must satisfy the police that he has a good reason<sup>13</sup>, while the police must be satisfied that an applicant does not have a good reason before refusing to issue a shotgun certificate on this ground<sup>14</sup> (Shroff, 1994: 84, Gilbert, April 19, 1995). Criminal background check are conducted on all applicants and counter signatures by designated persons (i.e., someone with good standing in the community) are required (Gilbert, March 28, 1995). Firearm and shotgun certificates list the number, type and serial number of each firearm and/or shotgun and any conditions. Both types of certificates are valid for five years (Gilbert, January 24, 1995).

In 1989 the 43 police forces in England and Wales started recording the number of firearms and shotgun certificates on a computerized system (Home Office, 1994: 19). There is no national registry (Gilbert, March 28, 1995).

The police can revoke a certificate. To do that, they must be satisfied that the holder is unfit to be trusted with the firearm(s) or shot gun(s) which it covers. Police decisions about the non-issue or revocation of certificates are subject to appeal.

There are exceptions to the need for a certificate. For instance members of a rifle or pistol club approved by the Secretary of State do not need one to shoot as a member of the club. There are other exceptions for, e.g., foreign visitors (there is a visitors permit scheme), museums, auctioneers, antique guns, and most air weapons (i.e., less powerful types) (Gilbert, January 24, 1995).

There are no age restrictions on shotgun certificate issue, however, the age requirement to obtain a firearm certificate is 14 years (Gilbert, April 19, 1995). It is an offence for a person under the age of 14 to have with him an air weapon or air weapon ammunition, unless under adult supervision or at a club or shooting gallery. Finally, it is an offence for a person under the age of 17 to have an air weapon with him in a public place unless it is securely covered, or at a club or shooting gallery (Gilbert, January, 24, 1995).

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<sup>13</sup>The applicant must demonstrate "good reason" (e.g., proving membership at a certified shooting club).

<sup>14</sup>The applicant is not required to demonstrate a "good reason" (i.e., sport, recreation, pest and vermin control, etc.); the onus is on the police.

Persons sentenced to any form of custody for a period of three years or more are prohibited from possessing firearms for life. Those sentenced for a period more than three months but less than three years are prohibited from possessing firearms for five years (Home Office, 1994: 18).

The most serious offences, possession of a firearm or imitation firearm with intent to endanger life and use of a firearm or imitation firearm to resist arrest, are punishable by a maximum term of life imprisonment. Carrying a firearm or imitation firearm while committing or with intent to commit an indictable offence carries a maximum penalty of life imprisonment (Bartlett, 1990: 15, Gilbert, April 19, 1995).

Possessing an imitation firearm, with intent to cause someone to fear that unlawful violence will be used against them or some other person, is an offence punishable by up to ten years imprisonment (Gilbert, January 24, 1995).

### 5.3 Recent Developments

In 1992, new Regulations were enacted to implement the European Weapons Directive (harmonising controls within the European Community)<sup>15</sup>.

The 1991 European Communities Weapons Directive<sup>16</sup> required each European Community state to amend its firearms legislation. In the UK these changes were made by means of the Firearms Acts (Amendment) Regulations 1992. The regulation made provision for police to issue two new documents to British residents: the European Firearms Pass (EFP) and the Article 7 Authority.

The EFP is a firearms passport issued to European Community residents travelling to shoot in another EC state. The issuance of the EFP is contingent upon the applicant possessing a valid firearm or shot gun certificate.

Article 7 of the Weapons Directive requires any shooter in the EC wishing to purchase firearms of certain types outside the country of residence to have the prior authority of their own country. The issue of these authorities is at the discretion of

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<sup>15</sup>This Directive was adopted to facilitate the smooth transfer of firearms between Member States. It requires Member States to adhere with specific procedures including identification of the firearms purchaser, seller, and details on the firearm to be transferred. The controlling commission in each Member State must be notified of any firearms transfer across State lines.

<sup>16</sup>The Directive became effective January 1, 1993. Article 17 contained therein, required that "within five years of the date of the transposition of this Directive into national law, the Commission shall submit a report to the European Parliament and to the Council on the situation resulting from the application of this Directive, accompanied, if appropriate, by proposals.

the Chief Police Officer. Again the applicant must possess a valid firearm or shot gun certificate to bring the firearm into the UK.

The police began to issue both of the new documents in January 1993 and by the end of that year, 2,480 EFP's were issued to certificate holders and 175 applications for Article 7 were granted (Home Office, 1994: 8).

The Firearms Consultative Committee (FCC) was established under provision of the 1988 Act and mandated to review the legislative provisions and make recommendations for improvement and where necessary propose legislative amendments.



## 6.0 FRANCE

### 6.1 Statistics

France has a population of approximately 57,000,000.

#### 6.1.1 Suicide

The total number of suicides committed in France in 1990 was 11,403 which was similar to the average of 11,583 between 1980 and 1990<sup>17</sup> (Ministère de l'intérieur et de l'aménagement du territoire, 1993).

Between 1983 and 1986 there were an average of 22.3 suicides committed per 100,000 population. A rate of 4.9 per 100,000 involved firearms (Killias, 1993: 293).

#### 6.1.2 Homicide

In 1993 there were 2,818 homicides (completed and attempted) recorded, a rate of 4.94 per 100,000 population and 1,324 firearm homicides (completed and attempted), a rate of 2.32 (Ministère de la justice, Étude et documentation, Crimes et délits contre les personnes, Chapitre, C, 1993).

#### 6.1.3 Accidents

There was no data available at the national level.

#### 6.1.4 Firearm Ownership

In 1989, 22.6 percent of households had firearms (Killias, 1993: 292).

### 6.2 Legislation

Regulations concerning the possession, carrying, and trade in firearms is based on the Decree Law of 1939 and the four decrees of application the same year. The provisions were modified by the 1973 Decree, which constitutes the basic regulation on gun control. Since then, only minor changes and additions have been made by Decrees (Ahmedouamar, 1994: 63).

The Decree Law of 1939 divides war materiels, firearms and ammunition into eight categories as follows:

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<sup>17</sup> Data were not available for 1989.

### War Materiel

- 1st category - Firearms and their ammunition conceived or destined for land, naval, or air war (e.g., weapons used for military purposes).
- 2nd category - Materiel destined for transportation or use in combat with firearms (e.g., ship, airplane, etc).
- 3rd category - Materiel used for protection against poisonous gas (e.g., gas masks)

### Arms and ammunition not considered war materiel

- 4th category - Firearms and ammunition used for defense (e.g., revolver, pistol except those which fire ammunition of the 1st category).
- 5th category - Arms and ammunition used for hunting (e.g., rifle, shotgun used for hunting only).
- 6th category - Weapons used as sidearms (e.g., dagger, bayonet, sword, tranquillizer gun, etc).
- 7th category - Arms and ammunition used for target practice by shooting galleries and as dress uniform arms (e.g., starter pistol, signal pistol, etc.).
- 8th category - Arms and ammunition of historical value, as well as weapons included in collections of such arms (e.g., pre 1870 weapons that cannot fire 1st and 4th category ammunition).

## **6.2.1 Regulation of Firearms**

All automatic firearms are prohibited, however, military, police and money transporters are permitted to carry such firearms. The carrying of firearms in category 1 (land, naval and air war weapons), category 4 (primarily revolvers with 12 and 8 mm barrels and pistols with 7.65 and 6.35 mm barrels) and category 6 (weapons used as sidearms including daggers, bayonets, etc) is prohibited.

With the exception of single shot shotguns, weapons in category 5 and 7 require registration by the dealer. The registration includes the identity, residence and date of birth of the purchaser.

## **6.2.2 Regulation of Firearm Owners**

A firearm certificate is required to possess a weapon or ammunition in category 1 and 4. The certificate, which is valid for a five year period, is issued following a police background check and the authorization for the issuance of certificates resides with each France Departmental Commissaire de la République.<sup>18</sup> The applicant must substantiate the reason for his or her application. Although a firearms training course is recommended it is not mandatory.

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<sup>18</sup>There are over 100 departments in France.

There is a waiting period of 4 to 6 weeks for firearms in category 1 and 4, while there is none for firearms in category 5 and 7. Persons applying for a second acquisition certificate for firearms in category 1 and 4 must have a secure place for his or her firearm outside their place of residence.

Persons under the age of 16 cannot acquire or possess a firearm. For persons between the age of 16 and 18 parental authorization is required to acquire or possess a firearm in category 5 or 7. To acquire or possess firearms in category 1 and 4, persons between 16 and 18, require parental authorization and approval of the shooting club.

Carrying a firearm in category 1, 4 or 6 outside the residence is prohibited and punishable by imprisonment for a period of two to five years.

### **6.3 Recent Developments**

Very few changes have been made in firearms regulation in the past five years, however, legislative changes are expected to become effective in the next year to accommodate the European Community requirements (Ministère de l'intérieur, Sous-direction des libertés publiques et de la police administrative, Bureau "Détention d'armes", April 19, 1995).

## **7.0 UNITED STATES**

### **7.1 Statistics**

The United States covers a total area of 9,372,610 sq. km. with a population of 260,000,000.

Traditionally federal crime control policies have been limited in scope. The federal government has regulatory authority over interstate affairs to prohibit activities which contribute to criminal activity. States and local governments have had primary responsibility for criminal justice activities, while the federal government has supported these efforts through national leadership, financial and technical assistance, research, and information (DeFrances & Smith, 1994:70).

#### **7.1.1 Suicide**

The total number of suicides committed in the United States in 1991 was 30,810, firearms suicides accounted for 18,526 (U.S. National Centre for Health Statistics, 1994: 100).

In 1991 the suicide rates per 100,000 population was 12, the firearm suicide rate was 7.1 (U.S. National Centre for Health Statistics, 1994: 100).

#### **7.1.2 Homicide**

In 1992 there were 9.3 homicides per 100,000 population, the average recorded between 1987 and 1992 was 9.0. Firearm homicides were committed at a rate of 6.4 per 100,000 population in 1992, which is higher than the average of 5.6 for the years 1987 to 1992 (Hung, Kwing, 1994: table 1)

Homicide rates increased by 13 percent between 1987 and 1992 (i.e., 2.4 percent per year). Firearms homicide rates increased by 30 percent (5.4 percent per year) (Hung, Kwing, 1994).

### 7.1.3 Accidents

In 1991 there were 1,441 deaths due to firearm accidents at a rate of 0.6 per 100,000 population (U.S. National Centre for Health Statistics, 1994: 100).

### 7.1.4 Firearm Ownership

According to data from the Bureau of Alcohol, Tobacco & Firearms, there were 222 million firearms in the possession of citizens in the U.S. at the beginning of 1994. 76 million of the firearms in circulation are handguns.

## 7.2 Legislation

### Federal Legislation

Gun control legislation in the United States was first enacted in 1837. Since then, the federal government has initiated three significant pieces of gun control legislation; the Gun Control Act of 1968, the Brady Handgun Violence Prevention Act of 1993, and the Violent Crime Control and Law Enforcement Act of 1994. Enforcement of federal firearms laws is the responsibility of the Bureau of Alcohol, Tobacco, and Firearms.

The key elements of the Gun Control Act included:

- a ban on interstate shipments to or from people who did not possess Federal licenses as dealers, manufacturers, importers, or collectors;
- only persons with firearms licenses could engage in any firearms business transactions, especially between less restrictive and more restrictive states;
- prohibition on firearms ownership for persons under the age of 18 for shotguns and rifles and under 21 for handguns, persons with a criminal record; mentally disturbed or drug abusers, illegal aliens, and persons dishonourably discharged from the Armed Forces;
- prohibition on the importation of firearms not "particularly suitable for ... sporting purposes" (Wright, et al., 1983: 247).

Several new federal legislative efforts have been introduced to the Congress over the last few decades, however, none had been enacted with the exception of the Brady Handgun Violence Prevention Act (commonly known as the "Brady Bill") and the Violent Crime Control and Law Enforcement Act (commonly referred to as the "Crime Bill").

On November 30, 1993, the Gun Control Act of 1968 was amended by the introduction of the Brady Law which provides in part for a national waiting period of five days before a licensed importer, manufacturer, or dealer may lawfully transfer a handgun to a nonlicensed individual and for the establishment of a national instant criminal background check system. Anyone wanting to purchase a handgun is required to wait five days for a background check to be conducted by designated state law enforcement officials. The legislation allows for States with approved alternative background check systems an exemption from the waiting period. Twenty-six states have alternative systems as defined in the law which qualifying their background systems as alternatives to the five-day waiting period requirement (Department of Treasury, 1994: xi).

The Violent Crime Control and Law Enforcement Act of 1994, covers a wide range of law enforcement measures, some of which affect Federal firearms licensees. The provisions of the legislation affect federal firearms licensees as follows: restrictions on manufacture, transfer, and possession of certain semi-automatic firearms; ban large capacity ammunition feeding devices; expand the definition of armour piercing ammunition; requirement to report any theft or loss of firearms; responses to request for gun trace information; expansion of the list of persons subject to restraining orders; federal firearms licenses (i.e. dealers) and registration to require a photograph and fingerprints; compliance with state and local law as a condition of license; extension of the period allowed for the AFT to process firearms license applications; and redemption of a pawned handgun (Department of the Treasury, 1994).

### State Legislation

Most state firearms control regulations are limited to controlling handgun acquisition, transfer, and possession, and on defining the place and manner of legally carrying a handgun.

While some states have no regulations on handguns beyond those contained in the federal Gun Control Act, others enact more stringent regulations. Many states authorize municipalities to implement more stringent gun control legislation beyond that legislated by the state, whereas other states specifically prohibit local legislatures from enacting gun controls.

Eleven states and the District of Columbia require some level of registration of firearms. The District of Columbia and Hawaii require registration of all firearms while Maryland, Michigan, Mississippi, New Hampshire, New York, North Carolina, Oregon, Pennsylvania, South Carolina and Washington require registration of handguns (Handgun Control Inc., 1995: 2).

### **7.2.1 Regulation of Firearms**

Some states have bans on assault weapons, however, the vast majority do not.

Licensing requirements and fees vary among states. Some require a license to purchase all firearms, others limit the license requirement to purchases of handguns, and many states have no licensing requirements to purchase firearms.

The state regulations on provisions for place and manner of carrying handguns are the most numerous and varied of all the firearms controls. These varied carrying regulations can be considered under two broad areas: those prohibiting the carrying of handguns on or about the person with exceptions and, those requiring that people wanting to carry handguns be licensed by state or local authorities (Wright, et al., 1983: 268).

### **7.2.2 Regulation of Firearm Owners**

The state laws stipulate persons prohibited from possession of firearms. With the exception of Vermont, which does not appear to have laws on prohibited persons, all states prohibit certain persons from possessing firearms. Prohibition criteria vary across the states, however, age requirements are identified by Alabama, Alaska, Arizona, California, Connecticut, Delaware, District of Columbia, Georgia, Massachusetts, Mississippi ranging from under 15 in Massachusetts to persons under 21 in Georgia.

The common prohibitions include: felons, mentally ill persons, violent criminals and drug/alcohol abusers. Some states prohibit illegal aliens from possessing firearms and others prohibit persons with restraining orders.

Firearms licensing varies from jurisdiction to jurisdiction. The license may contain a picture ID and other identifying data. The licence may be generally applicable to all handguns or firearms or may be limited to a specific gun. Licenses may be issued for life (subject to revocation) or for a limited period. The licensing requirements also vary. Some states require potential firearms owners to pass a firearms safety test or course and the length of time required to obtain a license also varies.

Many states have provisions for sentence enhancements for people convicted of carrying or using a firearm during the commission of an offence. Some states have a mandatory minimum term for such offenders (Wright et al, 1983: 269).

The "Crime Bill" stipulates that anyone convicted of using a prohibited weapon in the commission of a crime of violence or drug trafficking are subject to an additional ten year prison term.

### **7.3 Recent Developments**

There has been a recent movement toward permitting citizens to carry concealed weapons. In February 1995, legislatures in Virginia, Arkansas and Utah passed legislation which makes it easier for citizens to obtain permits to carry handguns. Some other states are considering similar legislative amendments (Ottawa Citizen, March 6, 1995: 1).



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